INTERNAL AFFAIRS - CONFIDENTIAL

Octob	er 1	6, 2	014
-------	------	------	-----

TO:

Larry Nesbit, Captain

Vista Station (N141)

FROM:

Christine Harvel, Lieutenant

Internal Affairs Unit (O41)

INTERNAL AFFAIRS CASE # 2014-041.1

Please review this investigation and check where appropriate. When all action is completed, please return directly to the Internal Affairs Unit. <u>DO NOT FORWARD THROUGH THE CHAIN OF COMMAND</u>. This will be done by the Internal Affairs Unit. If you have any questions, please call (858) 974-2065.

Γ	I concur with the Internal Affairs conclusions. No further formal action is recommended.
	I concur with the Internal Affairs conclusions. Discipline recommendation attached.
Γ	I disagree with the Internal Affairs findings. See attached report.
- F	A procedural change is being written and an approved copy will be sent to Internal Affairs.
Signe	Date 03.2015

RELEASED FROM

I.V. I. (T.)

RELEASED FROM I.A. FILES

RELEASED FROM

I.A. FILES

ro<u>/ / / / ω</u>



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs

CASE NUMBER: 2014-041.1

ACCUSED EMPLOYEES: Peggy Dray, Deputy Sheriff

David Cortez, Deputy Sheriff

COMPLAINANT: SDSD

Kenneth Jones, Sergeant **INVESTIGATOR:**

TABLE OF CONTENTS

- A. Complaint Form and Attachments
- B. Synopsis, Analysis, Conclusions, and Findings by Sergeant Jones
- C. Witness List and Investigation by Sergeant Jones
- D. Traffic Accident Collision Investigation by Sergeant Aitken (Thompson)
- E. Collision Photographs
- F. Deputy Reports from Deputies Cortez, Martinez, and Kodadek
- G. Vista Daily Deployment for April 1, 2014
- H. Daily Trainee Evaluation by Deputy Peggy Dray
- I. CAD Query regarding Deputy Malson's Traffic Collision Investigation
- J. CAD Queries for

CONFIDENTIAL

RELEASED FROM

RELEASED FROM

RELEASED FROM

1.A. FILES 😁



Diego County Sheriff's Departmen Post Office Box 939062 San Diego, California 92193-9062



William D. Gore, Sheriff

COMPLAINT FORM

PLEASE PRINT OR TYPE			
COMPLAINANT'S NAME	DATE OF BIRTH	HOME PHONE	
SDSO			
COMPLAINANT'S ADDRESS CI	TY ZIP CODE	BUSINESS PHONE	
LOCATION OF INCIDENT CITY	DATE AND TIME OF INCI	DENT	
Progress and La Mirada, Vista	04/02/2014 approx 0415		
NAME(S) OF SHERIFF'S PERSONNEL	 1 .		
Deputy Peggy Dray #6409 / Peputy David Cort	tez #9739 / ***** ;		
BRIEF NARRATIVE OF COMPLAINT		-	
On 04-02-2014 at approximately 0415 hours Deputy Da	vid Cortez was involved in an ac	cident in a marked vehicle. An	
accident investigation was completed and Deputy Repor	ts were written by FTO Deputy I	Dray and Deputy Cortez.	
On 04-15-2014 Deputy Cortez contacted Sergeant Eglin	and informed her the accident m	ay not have occurred the way it was	
reported.	·	····	
1			
		CONTINUED ON ADDITIONAL SHEETS	
148.6 P.C. ADVISORY STATEMENT: YOU HAVE THE RIGIT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGIT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE. I have read and understand the above statement.			
SIGNATURE OF COMPLAINANT:		DATE:	
INTERNAL AFFAIRS USE ONLY			
	Γ	Received in	
EMPLOYEE RECEIVING COMPLAINT: Internal A	ffairs DATE&TME	neriff's Internal Affairs	
	1	o internal Allans	
RECEIVED IN I.A. BY:		APR 1 5 2014	
FI TU PERSON	-	102011	
□ U.S. MAIL NATURE OF COMPLAIN	T: Conduct Unbecoming		
	L		
MESSENGER MAIL ASSIGN TO: Sergean	t K. Jones	1.A CASE#	
RELEASED FROM	RELEASED FROM	2014-041.1	
I.A. I.S.	I.A. FILES	RELEASED FROM	
	14731 /="}-)/ (\	I.A. FILES	
IA-1 (Rev. 7/09) TO	TO (14)	TO To sold	

FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

April 23, 2014 IA# 2014-041.1

TO: Commander Myers

Patrol

RE: Deputy Peggy Dray #6409

Deputy David Cortez #9739

Vista Station (N141)

The attached complaint has been assigned to Sergeant K. Jones of the Internal Affairs Unit for investigation. You will be informed of the results upon completion of the investigation.

Should you wish to be briefed at any time, please feel free to call me at (858) 974-2065.

Thank you.

Christine Harvel, Lieutenant

Internal Affairs Unit

CH:pgi

RELEASED FROM

I.A. FILES

TO

RELEASED FROM

I.A. FILES

TO

RELEASED FROM

1.77. L

FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

Date:

April 23, 2014

Complainant:

SDSO

Date of Incident:

04/02/2014

Location of Incident: Vista

Allegation:

Conduct Unbecoming

Case No:

2014-041.1

TO: Deputy Peggy Dray #6409 /

Vista Station (N141)

This is to inform you that the Internal Affairs Unit has received a complaint regarding your conduct. The investigation of this complaint will be handled by SERGEANT K. JONES of the INTERNAL AFFAIRS UNIT. The investigator will contact you to arrange an interview.

As a sworn member of this department, you should be aware of your rights contained in Government Code Sections 3300-3311 (Peace Officer's Bill of Rights) or contact an employee representative or attorney for advice.

The Department Policy and Procedure Manual also details your responsibilities during the investigation. Your attention is specifically directed to Sections 2.15 Insubordination; 2.38 Intervention: 2.41 Departmental Reports, and 2.46 Truthfulness.

You are hereby ordered not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel.

If you have any questions, please feel free to contact the Internal Affairs unit at (858) 974-2065.

Do not attempt to contact the complainant regarding the allegations, as this could result in future complaints.

Christine Harvel, Lieutenant

Internal Affairs Unit

CH:pgl

RELEASED FROM

RELEASED FROM

RELEASED FROM

I.A. FILES

FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

Date:

April 23, 2014

Complainant:

SDSO

Date of Incident:

04/02/2014

Location of Incident: Vista

Allegation:

Conduct Unbecoming

Case No:

2014-041.1

Deputy David Cortez #9739 / TO:

Vista Station (N141)

This is to inform you that the Internal Affairs Unit has received a complaint regarding your conduct. The investigation of this complaint will be handled by SERGEANT K. JONES of the INTERNAL AFFAIRS UNIT. The investigator will contact you to arrange an interview.

As a sworn member of this department, you should be aware of your rights contained in Government Code Sections 3300-3311 (Peace Officer's Bill of Rights) or contact an employee representative or attorney for advice.

The Department Policy and Procedure Manual also details your responsibilities during the investigation. Your attention is specifically directed to Sections 2.15 Insubordination; 2.38 Intervention; 2.41 Departmental Reports, and 2.46 Truthfulness.

You are hereby ordered not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel.

If you have any questions, please feel free to contact the Internal Affairs unit at (858) 974-2065.

Do not attempt to contact the complainant regarding the allegations, as this could result in future complaints.

Christine Harvel, Lieutenant Internal Affairs Unit

RELEASED FROM

RELEASED FROM

I.A. FILES

CH:pgl

THE SHERIFF'S CORPORATE DIRECTORY SEARCH RESULT

(Active Employees)

* Home Phone number and Confidential phone number are viewable just by you and Comm Center Supervisors

Enter Partial Names:		
Last: galla	First: Go	Printer Friendly
Advanced Search		Finite Fritiary
GENERAL INFORMATION	(To update this information, click on the employe	ee name)
Name: Dray, Pegg	jy	
Title: DEP SHER	₹IFF	4
NT User ID: pdrayxSH		
PeopleSoft ID:		
ARJIS Number: SH6409		
Desk Phone: (760) 940-	4473	
Cell Phone:		
Pager No.:		
Home Phone:		<u> </u>
Confidential		
Phone:		
Other:		
Radio Unit:		
Sheriff's Email: Peggy Dra	y@sdsheriff org	
Other Email:		
Responsibility: Vista GET		

LOCATION INFORMATION			
CURRENT WORK LOCATION	HR (PeopleSoft) ASSIGNED LOCATION		
Dept. Name: Vista Patrol Station Mail Stop: Directions Location: Vista Townsite Office Address: 340 Townsite Drive : Vista CA 92083-6627 Telephone: (760) 940-4473 Fax: (760) 630-9366	Dept. Name: Vista Patrol Station Mail Drop: N141 Location: NCRC Vista Sheriff Stn & Deten Address: 325 S Melrose Ave : Vista CA 92081 Telephone: 760/940-4551		

Sheriff's Home | Corporate Directory

The information contained within these pages is intended for employees of the San Diego's Sheriff San ELEASED FROM

RELEASED FROM I.A. FILES

I.A. FILES

4/23/2014

THE SHERIFF'S CORPORATE DIRECTORY SEARCH RESULT

(Active Employees)

* Home Phone number and Confidential phone number are viewable just by you and Comm Center Supervisors

Enter Partial Names: Go First: Last: Printer Friendly Advanced Search GENERAL INFORMATION (To update this information, click on the employee name) Name: Cortez, David Title: DEP SHERIFF NT User ID: DCORTESH PeopleSoft ID: ARJIS Number: SH9739 Desk Phone: (760) 940-4551 Cell Phone: Pager No.: Home Phone: Confidential Phone: Other: Radio Unit: Sheriff's Email: David Cortez@sdsheriff org IN TRAINING AT THE VISTA PATROL Responsibility: STATION

LOCATION INFORMATION			
CURRENT WORK LOCATION	HR (PeopleSoft) ASSIGNED LOCATION		
Dept. Name: Vista Patrol Station Mail Stop: N141 Show Driving Directions Location: Vista Patrol Station Address: 325 S. Melrose Drive Suite 210 : Vista CA 92081-6696 Telephone: (760) 940-4551 Fax:	Dept. Name: Vista Patrol Station Mail Drop: N141 Location: NCRC Vista Sheriff Stn & Deten Address: 325 S Melrose Ave : Vista CA 92081 Telephone: 760/940-4551		

Sheriff's Home |Corporate Directory

RELEASED FROM

The information contained within these pages is intended for employees of the San Diego's Sheriff staff

RELEASED FROM

To BUD

RELEASED FROM

T.A. FILES

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2014-041.1 D

DATE: September 30, 2014

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Sergeant K. Jones

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

Deputies Dray and Cortez are alleged to have been untruthful during an accident investigation and allegedly submitted inaccurate reports.

ANALYSIS AND CONCLUSIONS

It is alleged Deputy Peggy Dray was untruthful about meeting after the accident to discuss leaving out the pursuit training from her report. It is also alleged Deputy Dray met to discuss whether or not to disclose the pursuit training to the sergeant.

There are several instances of untruthfulness which need to be examined for Deputy Dray during this incident. It is undisputed Deputy Dray participated in pursuit training with her trainee, Deputy David Cortez, and a vehicle accident occurred while conducting this training. What is in dispute is whether or not Deputies Dray, Cortez, congregated afterwards to concoct an explanation of the accident and omit the pursuit training from their reports. This decision was to safeguard everyone involved from any discipline for participating in the unauthorized pursuit training.

The following is from Deputy Dray's Internal Affairs interview:

KJ: Um, I'm going to ask you again what you guys talked about. Did you guys meet and determine to leave out the fact after you, or, right before you call the supervisor you're going to leave out the fact about the pursuit training?

PD: No.
RELFASED FROM

1.7

T

RELEASED FROM I.A. FILES TO______

RELEASED FROM I.A. FILES

I.A. FILES - TO____/

KJ: No?

PD: No.

MB: That was never discussed?

PD: The only time that was discussed was at the station, between Deputy Cortez and I. He asked me if I, if he should include that in his D/R, and I said I didn't think it was a factor in the accident but it was up to him.

KJ: Okay, so let me get this straight Peggy. The car crashes against the curb line.

PD: Yes.

KJ: Everyone's gathered around the scene. You four, I mean you, Cortez,

PD: Yes.

KJ: And you're telling me nothing was discussed about, hey, we probably shouldn't be doing pursuit training because it might get us in a little bit of, a bind here. Why don't we all agree that we should leave out that we were doing pursuit training. You're telling me none of that was discussed?

PD: No. Not while I was there.

KJ: Okay.

Deputy Dray told me she was never involved in a meeting at the accident scene to discuss leaving out the pursuit training before notifying their sergeant. This was confirmed more than once during her Internal Affairs interview.

Deputy Cortez had a different account of what occurred after the collision took place. The following is what Deputy Cortez said during his Internal Affairs interview.

shouldn't include the pursuit part of what we were doing in your report or in telling the sergeant.' (Deputy Cortez continues) Um, and then at that point I didn't say anything, um, just 'cause (unintelligible) I, I felt more like, kinda confused at a little bit, of, okay, um, but then once Deputy Dray like, kinda nodded her head and said okay. Then I'm like okay (unintelligible) I guess, that's what we're gonna go with, um, then at that point, um, Deputy Dray called the sergeant. She's on the phone with him for a little bit and then she hung up and said that the sergeant was on his way. Um, so when, when, that's when we

RELEASED FROM

RELEASED FROM

I.A. FILES OF D

RELEASED FROM I.A. FILES TO 1/2

RELEASED FROM

I.A. FILES

Internal Affairs Case #2014-041.1 Synopsis, Analysis, Conclusions, and Findings September 30, 2014

had just talked about, okay, we'll just, you know, just say what you did, ah, just make sure you don't put anything about the, the pursuit training taking place.

	make sure you don't put anything about the, the pursuit tra	ining taking place.
KJ:	Okay, so it was a group decision between, that you know Dray and	of, yourself, Deputy
DC:	Yes.	
KJ:	To leave out the pursuit training in your reports, is that spe	cifically mentioned?
DC:	Yes.	
KJ:	Okay, and as a collective group everyone agreed?	
DC:	Yes.	
ا کا	Cortez specifically remembered meeting after the accident They discussed omitting the pursuit training from the or not to let their sergeant know about the training. Deputy initially made this suggestion when they first met at the accident	e written reports, and Cortez stated
KJ:	Okay, and Deputy Dray, she agreed with him?	
DC:	Yes. She nodded her head and said yeah.	
-	also remembered meeting at the accident scene a explained to Deputies Dray and Cortez hot training was a factor in the collision. Since training was a factor, he did not believe the sergeant need told me the following during his Internal Affairs in	ow he did not feel the did not feel the led to know about it.
KJ:	Yeah, let me back up. So you suggested leaving out the pursuit training before the sergeant was notified?	
	Yes.	RELEASELITION
KJ:	Because you're going to have to tell the sergeant	I.A. FO.
	Yes, right.	
KJ:	going to say hey, leave that out.	RELEASED FROM
	Correct.	TO (YU)
KJ:	Did Dray agree with that?	

Yes.
Deputy Dray agreed with his assessment to omit the fact they were conducting pursuit training, and this decision was made before she notified their sergeant. Deputy Dray also agreed with assessment that the pursuit training should be omitted from the written reports.
KJ: Did you suggest to Deputies Dray and Cortez they should omlt the pursuit training from their reports?
Ah, in the manner that I just told you, yes. I, I didn't think it was relevant
was also present at the accident scene. Deputies and Dray met and had a discussion; however, was primarily looking at the damaged vehicle and did not pay attention to what they were saying. did not have any knowledge about purposely omitting the pursuit training.
The following Sheriff's Department Policy section would be applicable to the allegation
above: 2.46 Truthfulness
When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.
The burden of proof for an administrative case is "preponderance of evidence" which is defined as "such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth."
Although did not have any knowledge about what was discussed, Deputies Cortez and explicitly remembered meeting at the accident scene to confer about leaving out the pursuit training. Both Deputies Cortez and specifically remembered Deputy Dray being present for this conversation and agreeing to omit the training. Deputy Dray adamantly denied this during her Internal Affairs interview, and stated the only time she discussed documenting the pursuit training was when she was alone with Deputy Cortez while at the Vista Patrol Station.
RELEASED FROM

RELEASED FROM
I.A. FILE8
TO_____

RELEASED FROM I.A. FILES

It is alleged Deputy Dray was untruthful with Sergeant Lopez when she gave a verbal account about the accident upon his arrival.

It is undisputed Sergeant Lopez was notified about the vehicle accident and responded to the scene. What is in dispute is if Deputy Dray was truthful with her verbal account as to what occurred. Sergeant Lopez arrived at the scene and asked Deputies Dray and Cortez what happened. Sergeant Lopez did not ask them individually but rather collectively while they were at their vehicle. According to Sergeant Lopez, Deputy Dray was the one who verbally responded with an explanation.

KJ: So according to you, when you asked what happened it was Deputy Dray who primarily gave you a statement?

DL: Yes.

KJ: And just go ahead in your own words, just tell me what she told you.

DL: She told me that they had come to the stop sign on Progress, um, (unintelligible) vehicle facing northbound, um, they went to go make a right hand turn and then as they went to make a right hand turn, the, ah, trainee accelerated, um, too hard for the weather conditions obviously the road being wet, um, from the rain, um, the back end of the vehicle started fishtailing, um, and, the vehicle eventually came to rest against the curb line. It basically started in the, you know the fishtail started the vehicle into a one eighty spin.

KJ: Alright, and when she described that, do you remember anything of, specifically about her saying we stopped at the stop slgn, we were stopped and then proceeded to go through the intersection?

DL: She said they stopped, I, I, I specifically remember because she said they accelerated. You know they stopped and then, I, I, she said that the acceleration is basically what, what I, you know, from what I understood caused the, the spin.

Sergeant Lopez specifically remembered Deputy Dray telling him they were stopped at the intersection of Progress Street and La Mirada Drive. After stopping, Deputy Dray told him Deputy Cortez accelerated too fast and lost control of their vehicle. During her Internal Affairs interview, Deputy Dray stated they did not stop at the intersection because they were trying to catch up to who had already cleared it. Deputy Dray said Deputy Cortez drove through the intersection at approximately 25mph, and then stated she did not know exactly how fast they were traveling. RELEASED FROM

KJ: Did Sergeant Lopez ask you what happened once he's on scene? I.A. FILES

PD: Ah, I think he asked me on the phone.

RELEASED FROM I.A. FILES

RELEASED FROM

TO___//

KJ: Okay. You don't remember if he asked you when he got to the scene?

PD: Um, I don't remember if he asked me again.

KJ: Okay. Did you tell him what happened once he was on scene?

PD: I told him about the accident. I did not tell him that we were doing pursuit training.

KJ: Did you tell him that you were stopped at the Intersection?

PD: No.

Deputy Dray confirmed she did not tell Sergeant Lopez they were stopped at the stop sign which directly contradicts Sergeant Lopez's recollection.

KJ: Did you give an account to him, a verbal account to him about the accident, how it occurred?

PD: I'm sure I did.

KJ: Can you remember what you told him?

PD: Um, not verbatim, I...

KJ: Just what can you remember?

PD: If I, I don't, really remember for sure, but I'm thinking it was just he took the turn and lost control and slid into the curb.

KJ: Okay (Pause). And you didn't mention anything about the pursuit training that occurred before the accident?

PD: No.

KJ: Okay. Do you feel that you were being truthful with Sergeant Lopez about the incident?

PD: Um, at that time I did because I was just thinking, how did this happen? Um, but now I feel like I left something out that I should have said.

Deputy Dray additionally did not mention to Sergeant Lopez they were conducting pursuit training at the time of the accident. The following question was asked during Sergeant Lopez's Internal Affairs interview.

RELEASED FROM

I.A. FILES

RELEASED FROM

RELEASED FROM I.A. FILES

KJ: Was there any mention of conducting pursuit training when the collision occurred?

DL: No.

Deputy Dray admitted during her Internal Affairs interview that she did not tell Sergeant Lopez about the pursuit training, and in hindsight, did not believe she was truthful with him.

KJ: Um, I mean, that's a pretty substantial portion of the accident, is the pursuit training. It's probably a large contributor to how the accident happened, and you just forgot to tell him, didn't want to tell him, weren't thinking about it, tell me?

PD: I didn't think that, that was the cause of the accident.

KJ: What do you think was the cause of the accident?

PD: Um, either he overcorrected or went, I don't know...

KJ: Let me throw this out there, do you think speed was a contributor to the accident?

PD: It's possible because of the rain.

During her Internal Affairs interview, Deputy Dray read section 2.46 – Truthfulness, aloud for the record.

KJ: What do you think about that now?

PD: I don't think I was truthful.

The following Sheriff's Department Policy section would be applicable to the allegation above:

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.

In retrospect, Deputy Dray admitted she was untruthful with Sergeant Lopez with her verbal account about the accident. Deputy Dray stated at that time, she did not believe the pursuit training was a factor in the collision. Deputy Dray said she never told Sergeant Lopez they stopped at the intersection. Sergeant Lopez recalled Deputy Dray as the one who gave him the primary account of what occurred, and remembered her specifically telling him they were stopped at the stop sign.

RELICATION FROM

RELEASED FROM

I.A. FILES

RELEASED FROM
I.A. FILES
TO

It is this investigator's belief that if Deputy Dray had told Sergeant Lopez they did not stop at the intersection, Sergeant Lopez would have asked why. This would have led to Deputy Dray having to explain her participation in the pursuit training.

It is undisputed the pursuit training was a significant factor concerning the vehicle collision. As a training officer and considering her experience, Deputy Dray should have made this simple determination and given an accurate account about what transpired.

It is alleged Deputy Dray was untruthful in her written report about the vehicle accident.

It is undisputed Deputy Dray wrote a Deputy's Report about the vehicle accident. What is in dispute is if Deputy Dray was truthful in her written report about what happened. Deputy Dray wrote a Deputy's Report about the accident, signed the report as to its truthfulness, and submitted the report to a supervisor. Deputy Dray wrote:

We were patrolling the area after responding to an alarm call.

In actuality, Deputies Dray, Cortez, and and were in the area conducting a pursuit training exercise. This exercise resumed after they cleared an alarm call. There was no mention of conducting this pursuit training in her report. Deputy Dray stated the following during her Internal Affairs interview:

KJ: So why did you leave that out?

PD: Um, that's a good question. I, I don't know. I wish I hadn't. I, I was concentrating on the accident and the cause of the accident because the sergeant said it was for the accident report. So, I don't know. It was stupid of me. I think and can I elaborate?

KJ: Sure. This is your, your interview, Peggy.

PD: When we got back to the station Deputy Cortez asked me, should we say the part when we were about to write our, um, DRs, about the pursuit training, and I said, I don't think it's, I don't think it's the cause of the accident. I'm not gonna write it but you can write what you want. And then I showed, I don't know if I showed him the hard paper copy or if I left mine open so he could read it.

KJ: So you had already completed yours before he started on his?

PD: Yeah, and, because I always did that for reports and give him a copy of a report that I had written so he would know how to kinda word it and start it and stuff like that.

RELEASED FROM

RELEASED FROM I.A. FILES ()

RELEASED FROM I.A. FILES Deputy Dray went on to say during her interview that when recalling the cause of the accident, she omitted pertinent information from her report. Based on their alleged meeting and discussion at the accident scene to debate exactly this, the omitted pursuit training was deliberate.

The following Sheriff's Department Policy section would be applicable to the allegation

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge, All written and verbal reports shall be truthful and complete.

Deputy Cortez stated it was very clear to him to purposely exclude this information when he and Deputies Dray and all met at the accident scene. Deputy Cortez also stated he was never told by Deputy Dray to write what he wanted, which is what she said during her Internal Affairs interview.

With the pursuit training being such a significant factor in the collision, it would be expected of an experienced deputy to document its existence during an accident investigation. Deputy Dray's report was misleading due to the omitted information, and strongly corroborates she deliberately wrote an inaccurate report. The meeting at the accident scene to discuss what to include, which was confirmed by Deputies Cortez and and subsequently denied by Deputy Dray, also substantiates the information was omitted on purpose.

It is alleged Deputy Dray gave an untruthful statement to Sergeant Aitken (Thompson) and Deputy Malson while they were conducting the accident investigation.

It is undisputed Deputy Dray provided her verbal account about the accident to Sergeant Aitken (Thompson) and Deputy Malson. What is in dispute is if Deputy Dray's statement was truthful and complete. It should be noted Sergeant Aiken has since changed his last name to Thompson. For the purposes of this investigation, the name Aitken will remain as this was correct at the time of the incident and for his interview.

Deputy Malson was temporarily assigned to the traffic division during this period and tasked with completing the accident investigation. Sergeant Aitken had also been directed to complete the accident investigation to determine if the collision was chargeable.

Deputy Dray was called and placed on the speakerphone so Deputy Malson and Sergeant Aitken could both document her statement. According to Deputy Malson, Deputy Dray told them she came to a complete stop at the intersection of Progress Street and La Mirada Drive prior to the accident. During his Internal Affairs interview, Sergeant

RELEASED FROM

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

Aitken could not recall if Deputy Dray told him she had stopped, and it was not specifically documented in his report.

Deputy Malson stated the following during his Internal Affairs interview:

KJ: Did Deputy Dray tell you specifically they stopped at the stop sign at Progress and La Mirada?

JM: Yes.

Deputy Malson also documented Deputy Dray's statement in his traffic collision report that they were stopped at the intersection of Progress Street and La Mirada Drive.

Deputy Dray did not mention anything about conducting pursuit training when the accident occurred. This was confirmed with both Deputy Malson and Sergeant Aitken during their Internal Affairs interviews.

Deputy Malson:

KJ: At any time did Deputy Cortez or Deputy Dray mention that they were doing, or they were involved in a pursuit training exercise just before the accident occurred?

JM: No, nothing of that nature was mentioned.

Sergeant Aitken:

KJ: When you interviewed the deputies, did anyone teli you they were participating in a pursuit training exercise at the time of the collision?

SA: No.

The following Sheriff's Department Policy section would be applicable to the allegation above:

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.

Although Sergeant Aitken could not recall and did not document Deputy Dray stating she had stopped at the intersection, Deputy Malson did recall her statement and said he documented it accurately. Deputy Dray adamantly denied telling Deputy Malson they were stopped prior to the accident. Deputy Dray believed Deputy Malson's report was inaccurate. Deputy Dray stated the following during her Internal Affairs interview:

RELEASED FROM

TO 25

RELEASED FROM
I.A. FILES
TO

RELEASED FROM I.A. FILES

KJ: That's incorrect you're telling me?

PD: Yes.

KJ: And more importantly, you didn't tell Deputy Malson that, that happened. That

he stopped?

PD: No.

KJ: You didn't?

PD: No.

Despite the fact Deputy Dray disagreed with the accuracy of Deputy Malson's report, Sergeant Lopez affirmed Deputy Dray told him the exact same thing. Sergeant Lopez specifically remembered Deputy Dray telling him they came to a stop at the intersection.

It is undisputed Deputy Dray did not tell Deputy Malson nor Sergeant Aitken about the pursuit training when they interviewed her about the accident.

It is alleged Deputy Dray did not write an accurate report with regards to Deputy Cortez's daily trainee evaluation.

It is undisputed Deputy Dray completed a daily trainee evaluation for Deputy Cortez after the accident occurred. What is in dispute is if this evaluation was accurate and contained information reasonably expected to be included.

Upon review of Deputy Dray's evaluation for Deputy Cortez during his shift, she did not make any mention of the pursuit training, accident, or any reports documenting the collision. It is reasonably expected a trainee's involvement in a vehicle collision should be documented in their evaluation. The same can be said for the trainee's participation in any type of training exercise or written reports about events of significance.

Under Report Writing/NetRMS, Deputy Dray did not mention Deputy Cortez's documentation of the accident.

Under Driving, Deputy Dray did not mention Deputy Cortez was involved in a vehicle collision, however, Deputy Dray wrote Deputy Cortez obeyed the rules of the road and drove with confidence. She went on to write they will always follow the rules of the road and comply with the California Vehicle Code.

Under Training, Deputy Dray wrote None.

This evaluation was both signed and dated by Deputies Dray and Cortez (04/02/14).

RELEACED FROM

RELEASED FROM I.A. FILES

RELEASED FRO I.A. FILES

The following Sheriff's Department Policy section would be applicable to the allegation above:

2.41 Departmental Reports

Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete; no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, nor omit pertinent information reasonably expected to be included.

It is incumbent upon a training officer to submit accurate daily evaluations about their trainees. This is imperative to determine the trainee's progress during their phase training and to evaluate their performance. During Deputy Dray's Internal Affairs interview, she admitted her evaluation for Deputy Cortez was neither complete nor accurate; however, she did not believe it violated section 2.41 – Departmental Reports.

Deputy Dray stated if this were the case, she would be in violation of section 2.41 for most of her evaluations because she did not document everything Deputy Cortez did every day.

Deputy Dray stated she was not trying to withhold the fact Deputy Cortez was involved in a vehicle accident, but she did not want to "wreck his last eval."

Evaluations regarding Department employees must be accurate and complete, without any personal feelings or biases. Deputy Dray's excuse she did not want to wreck Deputy Cortez's last evaluation is flawed. Trainee evaluations require accuracy so the Department can properly train and address any deficiencies with its deputies. This is essential to provide the highest quality public safety service, and to retain highly competent employees.

It is alleged Deputy David Cortez was untruthful in his written report about the vehicle accident.

It is undisputed Deputy Cortez wrote a Deputy's Report documenting his involvement in a vehicle collision. In dispute is if Deputy Cortez was truthful in his written report about what occurred. During his Internal Affairs interview, Deputy Cortez stated he and Deputies Dray and all met at the accident scene to discuss what happened. A decision was made to notify their sergeant but wanted all of them to be on the "same page" before the notification was made.

The decision was made to omit the pursuit training from the written reports and when telling the sergeant what happened. Deputy Cortez stated did not take part in this conversation.

RELEASED FROM I.A. FILES

RELEASED FROM

RELEASED FROM

I.A. FILES TO Deputy Cortez subsequently submitted his report which was approved by his training officer, Deputy Dray. In his report, Deputy Cortez made a conscious decision to omit the pursuit training. According to Deputy Cortez, it was very clear to him to leave the pursuit training out of his report based upon their meeting at the accident scene. Deputy Cortez admitted this in his Internal Affairs interview.

The following Sheriff's Department Policy section would be applicable to the allegation above:

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.

When obtaining the facts in this investigation, it is undisputed that Deputy Cortez deliberately omitted pertinent information from his report. Deputy Cortez said he met with Deputies Dray and at the scene and they formulated this decision from the start. Deputy Cortez stated he should have avoided this situation from the beginning by simply telling the whole story. Deputy Cortez said he felt "pressured" to write what his training officer wanted him to, but he should have relied on his instinct and disclosed everything.

It should be noted however that Deputy Cortez was a first phase trainee at the time of this incident. First phase trainees generally do not have a vast amount of knowledge about the required expertise and character so early on in their career. This is why a trainee is assigned a training officer who is supposed to display and educate the trainee on these essential qualities. A first phase trainee is often very impressionable and receptive to their training officers.

Additionally, Deputy Cortez later told his second phase training officer about the entire incident and why he omitted the pursuit training from his report. Deputy Cortez wrote a second Deputy's Report documenting his recollection of how the incident truly developed. Deputy Cortez was remorseful for his actions.

It is alleged Deputy Cortez was untruthful when giving his verbal account about the accident to Deputy Malson and Scrgeant Aitken (Thompson).

It is undisputed that Deputy Cortez gave a statement to Deputy Malson who was conducting an accident investigation. What is in dispute is whether or not Deputy Cortez's statement was truthful. Deputy Cortez did not tell Deputy Malson about the pursuit training because he believed he was still supposed to tell the same story as what was discussed at the accident scene. Deputy Cortez decided to explain the accident the same way as it was documented on his report. Deputy Cortez told me the following during his Internal Affairs interview:

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

RELEASED FROM

I.A. FILES

KJ: Is it safe to say you're just going to stick to the same story?

DC: Um, yeah, I guess that's a very good way of putting it.

Deputy Malson also told me the following about the pursuit training:

KJ: At any time did Deputy Cortez or Deputy Dray mention that they were doing, or they were involved in a pursuit training exercise just before the accident occurred?

JM: No, nothing of that nature was mentioned.

Deputy Malson recalled asking Deputy Cortez if he stopped at the intersection of Progress Street and La Mirada Drive. Deputy Malson told me the following:

KJ: Did Deputy Cortez tell you specifically he stopped at the stop sign at Progress and La Mirada?

JM: Yes.

Deputy Cortez could not recall if he told Deputy Malson this or not. Deputy Cortez did state during his Internal Affairs interview he slowed down as he approached the intersection and then accelerated through it. Deputy Cortez did not come to a complete stop while at the intersection.

Even though Deputy Cortez does not recall being interviewed by Sergeant Aitken, this does not negate the fact that he withheld the pursuit training from a traffic investigator who was conducting an investigation. Deputy Cortez admitted to being untruthful with Deputy Malson during the traffic investigation. Sergeant Aitken also recalled interviewing Deputy Cortez about the traffic accident and obtaining his statement.

KJ: When you interviewed the deputies, did anyone tell you they were participating in a pursuit training exercise at the time of the collision?

SA: No.

Sergeant Aitken also stated:

KJ: Okay. And at no time, any time after, you took their statements and were working on your investigation or completed your Investigation, did Deputy Cortez or Dray, or any other deputies at all come to you with any Information about conducting a pursuit training exercise?

SA: Nope. Nope. Neither one of them came up to me afterwards and sald anything about that.

RELEASED FROM

RELEASED FROM
I.A. FILES

RELEASED FROM

The following Sheriff's Department Policy section would be applicable to the allegation above:

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.

It is undisputed Deputy Cortez knowingly gave a false account of the accident to Deputy Malson and Sergeant Aitken. Deputy Cortez admitted this during his Internal Affairs interview. Deputy Cortez knew the pursuit training was a significant factor in the collision and he failed to stop at the stop sign controlling the intersection.

It should be included that in Deputy Cortez's mind, when he gave his statement to Deputy Malson, he believed he was supposed to explain the accident in the same manner as what was documented in his report. Although he did not meet with Deputies Dray and about what to say to Deputy Malson, Deputy Cortez believed he was supposed to tell the same story that was discussed at the accident scene.

It is alleged Deputy Cortez was untruthful with Lieutenant Scott Miller when they met to discuss his accident.

It is undisputed that Deputy Cortez met with Lieutenant Miller during a pre-disciplinary hearing regarding his accident. When Lieutenant Miller asked Deputy Cortez what happened, Deputy Cortez essentially gave the same account as what he wrote in his Deputy's Report. What is in dispute is whether or not Deputy Cortez was truthful in his verbal account with Lieutenant Miller.

Lieutenant Miller stated Deputy Cortez made no mention of the pursuit training. Deputy Cortez mentioned Deputy Dray as being present during this incident because she was the passenger in his vehicle. Other than Deputy Dray, there were no other deputies mentioned during this meeting. Lieutenant Miller was later informed by one of his sergeants that Deputy Cortez felt bad because he did not tell the whole truth about what occurred.

The following Sheriff's Department Policy section would be applicable to the allegation above:

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.

RELEASED FROM

RELEASED FROM

RELEASED FROM

I.A. FILES

It is undisputed Deputy Cortez failed to tell Lieutenant Miller about the pursuit training that took place before his accident. Deputy Cortez admitted this during his Internal Affairs interview.

As this portion of the investigation was evaluated, it should be mentioned that before Deputy Cortez met with Lieutenant Miller, he spoke to Deputy Dray. Deputy Cortez spoke to Deputy Dray to advise her about his upcoming meeting with the lieutenant and to clarify if he was supposed to omit the pursuit training. Deputy Cortez told me he was asking for her guidance because she had been his training officer. Deputy Cortez stated the following:

KJ: And what did she tell you?

DC: She said yes, just stick with the report. Um, it will be fine, just stay with what the report says. (Unintelligible)... At that point I was like okay.

KJ: And how did this make you feel when she told you to do that?

DC: Um, well, like I said, I think I said earlier, it, I mean it's, I, I was uncomfortable, um, but I still felt like that's what I was being told to do.

Deputy Cortez went on to say:

KJ: Now when she told you to stick with what's on the report, is that right, was that essentially what she told you?

DC: Yes, sir.

KJ: Do you feel like she was giving you an order at this time, as a training officer?

DC: Um, I believe she's, yeah, I guess that's safe to say. I was going to say that she's, I was asking for her guidance on this situation since the incident happened as her, with my training officer and so I was asking for her guidance of, is this, what (Unintelligible) we're supposed to be saying or do, ah, saying occurred and she said yes, stick with it so, yes.

Deputy Dray also recalled this conversation, however, her recollection differs from what Deputy Cortez said. Deputy Dray told me the following:

KJ: Prior to Deputy Cortez meeting with Lieutenant Miller, did he send you a text message asking for you to call him?

PD: Yes.

KJ: What did he want to talk to you about?

RELEASED FROM

Tr P

RELEASED FROM I.A. FILES RELEASED FROM I.A. FILES TO

PD: Ah, he, it was the day before his interview with Lieutenant Miller. Um, I was off work and I was out with a friend and he asked, he said, 'my interview is tomorrow are we sticking with the same statement?' And I was like, I was, sort of surprised and I said, just tell him the truth, just tell him what happened. And he said, 'okay, so nothing's changed?' And I said, No. So, I don't, it was really short, but it was very weird.

KJ: And what do you think he meant by that?

PD: Well, now I think he meant, about the, leaving out the (laughing) pursuit training.

Deputy Dray thought this question was strange and she did not know why Deputy Cortez would ask that.

KJ: Did you ever mention to him, just stick with what was on the Deputy's Report?

PD: No.

KJ: Did you ever say that to him?

PD: No.

As stated before, a first phase trainee does not have a vast amount of knowledge about their position so early in their career. The trainee is most often very impressionable and is expected to perform their duties under advisement from their training officer. Deputy Cortez subsequently wrote a second Deputy's Report, memorializing his recollection of how the incident truly evolved and what occurred. This was done on his own account.

It is undisputed planned, discussed, and participated in this vehicle pursuit training exercise. The training was conducted after it had been raining which rendered the roadways wet. The business park location was chosen due to its low vehicle and pedestrian traffic during nighttime hours. This training was also supposed to concentrate on radio procedures and not the driving aspects involved in pursuits.

Pursuits are dangerous and cause a great deal of stress to all those involved. Additional training in this area, although commendable, needs to be conducted on a closed course and not on public streets. Additional authorizations, training proposals, instructors, and safety officers are necessary for this type of training to be conducted in a safe manner. Although vehicle and pedestrian traffic in the business park area is often very low during nighttime hours, there is still the chance for vehicle and pedestrian traffic to be present.

RELEASED FROM

RELEASED FROM
I.A. FILES
TO_____

RELEASED FROM I.A. FILES It is also undisputed a vehicle accident occurred while conducting this training, and the pursuit training was a significant factor in this collision. While it was explained the deputies were supposed to drive normally and obey the rules of the road, this apparently did not happen. While attempting to catch up to Deputy Cortez failed to stop at a stop sign, accelerated through the intersection and lost control of his vehicle. This allowed the Department to be responsible for any unforeseen and unnecessary liability.

What is in dispute is whether or not planning and participation in this training exercise was unauthorized and violated this Department's policies and procedures.

The following Sheriff's Department Policy section would be applicable to the allegation above:



While conducting this investigation, numerous witnesses were interviewed. It had been mentioned that regular supervisor, Sergeant Nicholas Maryn, gave his prior approval for this training. Although Sergeant Maryn was not working on this particular morning, apparently this training had been discussed previously and Sergeant Maryn gave his approval.

During Sergeant Maryn's Internal Affairs interview, he stated the deputies were free to conduct training on their own when they believed it was necessary for the trainee to become more proficient. Sergeant Maryn stated he could not specifically recall Deputies Dray, or saking for his permission about conducting this pursuit training, however, it could have occurred.

Sergeant Maryn also stated that based upon these deputies' work performance and ability, if they had asked for his approval, he would have told them to go ahead and conduct the pursuit training.

RELEASED FROM

I.A

I.A. FILES

RELEASED FROM

RELEASED FROM I.A. FILES

Even though Sergeant Maryn could not recall if his approval was sought, he told this investigator it could have happened. More importantly, if this did occur, he would have told them to conduct the training. Despite the fact decision to plan and conduct this training was questionable at best, it does not negate the possibility he had his supervisor's approval prior to the training taking place. Based upon this, the above allegation cannot be sustained. It is undisputed participated in this pursuit training exercise. admitted this during his Internal Affairs interview. acted as the chase car or suspect during this exercise. apparently drove away from Deputies Cortez and Dray and began to distance himself from them. As Deputy Cortez was trying to catch up to , he ran a stop sign and lost control of his vehicle. This subsequently led to Deputy Cortez striking the curb line. What is in dispute is whether this pursuit training was unauthorized. Pursuits are always a possibility in law enforcement and are extremely dangerous. Additional training in this skill set is worthy but should be conducted in a safe environment as to limit the chances of property damage, injury, and liability. This incident is evidence that a poor decision was made to participate in this training and the environment was not favorable. During his Internal Affairs interview, stated he did not believe they were doing anything wrong because his regular supervisor, Sergeant Nicholas Maryn, gave his approval when the training was discussed. Sergeant Maryn saying the training, "Sounds good" and he "trusted us to do it."

RELEASED FROM
LA. FILES
TO

RELEASED FROM
I.A. FILES
TO

RELEASED FROM I.A. FILES

TO_

also mentioned the pursuit training was for radio procedures instead of the driving maneuvers encountered during a pursuit.

As mentioned above, Sergeant Maryn was interviewed and did not specifically recall this conversation, however, he stated it could have happened. Sergeant Maryn also stated that based upon these deputies' work performance and ability, if they had asked for his approval, he would have told them to go ahead and conduct the pursuit training. Sergeant Maryn told me the following during his Internal Affairs interview:

KJ: Ah, being even more specific, did and an and you know who he is right?

NM: Correct.

KJ: Did he ever discuss this type of training with you at any time about radio procedures, pursuit training, anything like that? Did he ever mention anything about that to you?

NM: He may have, I, I don't recall a specific in... incident.

KJ: Okay. So maybe, you just don't recall?

NM: Yes.

Even though Sergeant Maryn could not recall if his approval was sought, he told this investigator it could have happened. More importantly, if this did occur, he would have told them to conduct the training. Despite the fact decision to participate in this training was unfortunate, it does not negate the possibility he had his supervisor's approval prior to the training taking place. Based upon this, the above allegation cannot be sustained.

RELEASED FROM

RELEASED FROM
I.A. FILES
TO 300

I.A. FILES

FINDINGS

This complaint against Deputy Peggy Dray for being untruthful about meeting after the accident to discuss leaving out the pursuit training in her written report, and when notifying her sergeant, as it relates to Sheriff's Policy and Procedures, Section:

2.46 Truthfulness

is SUSTAINED

This complaint against Deputy Peggy Dray for being untruthful in her verbal account to Sergeant Dustin Lopez about the accident, as it relates to Sheriff's Policy and Procedures, Section:

2.46 Truthfulness

is SUSTAINED

This complaint against Deputy Peggy Dray for being untruthful in her written report about the accident, as it relates to Sheriff's Policy and Procedures, Section:

2.46 Truthfulness

is SUSTAINED

This complaint against Deputy Peggy Dray for being untruthful when giving her verbal account about the accident to Sergeant Aitken (Thompson) and Deputy Malson, as it relates to Sheriff's Policy and Procedures, Section:

2.46 Truthfulness

is SUSTAINED

This complaint against Deputy Peggy Dray for not writing an accurate report regarding Deputy Cortez's daily trainee evaluation, as it relates to Sheriff's Policy and Procedures, Section:

2.41 Departmental Reports

is SUSTAINED

RELEASED FROM

1.A.1

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

I.A. FILES

FINDINGS

This complaint against Deputy David Cortez for being untruthful in his written report about the accident, as it relates to Sheriff's Policy and Procedures, Section:

2.46 Truthfulness

is SUSTAINED

This complaint against Deputy David Cortez for being untruthful in his verbal account about the accident to Sergeant Aitken (Thompson) and Deputy Malson, as it relates to Sheriff's Policy and Procedures, Section:

2.46 Truthfulness

is SUSTAINED

This complaint against Deputy David Cortez for being untruthful with Lieutenant Scott Miller when they discussed the accident, as it relates to Sheriff's Policy and Procedures, Section:

2.46 Truthfulness

is SUSTAINED

RELEASED FROM

RELEASED FROM
I.A. FILES
TO

RELEASED FROM I.A. FILES

FINDINGS

FROM TO

RELEASED FROM
I.A. FILES

TO_

RELEASED FROM

I.A. FILES

FINDINGS

Submitted by: 42406, S6T. 10/15/14 K.W. Jones, Sergeant Date

Approved by: 10/15/294

Christine Harvel, Lieutenant Date

KJ:kwj

RELEASED FROM

I.A. FILES

RELEASED FROM I.A. FILES

> RELEASED FROM I.A. FILES

WITNESS LIST

INTERNAL AFFAIRS CASE #2014-041.1

NAME	ADDRESS	TELEPHONE
Shawn Aitken (Thompson) Sergeant	325 S. Melrose Drive # 210 Vista, CA 92081	
Dustin Lopez Sergeant	175 N. El Camino Real Encinitas, CA 92024	
Deborah Eglin Sergeant	325 S. Melrose Drive # 210 Vista, CA 92081	
Tyler Eikermann Deputy	325 S. Melrose Drive # 210 Vista, CA 92081	
Joseph Kodadek Deputy	325 S. Melrose Drive # 210 Vista, CA 92081	
Jason Malson Deputy	325 S. Melrose Drive # 210 Vista, CA 92081	
Alexander Martinez Deputy	325 S. Melrose Drive # 210 Vista, CA 92081	
Scott Miller Lieutenant	2907 Washington St Julian, CA 92036	
Dave Perkins Sergeant	9335 Hazard Way # 100 San Diego, CA 92123	
Nicholas Maryn Sergeant	325 S. Melrose Drive # 210 Vista, CA 92081	

RELEASED FROM I.A. FILES TO

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

LO

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2014-041.1

DATE: April 29, 2014

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Sergeant K. Jones

INVESTIGATION

On April 24, 2014, Lieutenant Harvel assigned this complaint to me for investigation. I reviewed the complaint form and accompanying documents. All of the interviews in this investigation were digitally recorded and will be maintained with the Internal Affairs file. The following are in essence synopses of the interviews. For exact and complete details of the interviews, please refer to the recordings.

The allegation is on April 2, 2014, Deputy David Cortez and Deputy Peggy Dray were involved in a vehicle collision. Their initial reporting of the accident was later determined to be inaccurate, and it was learned the collision occurred while conducting a vehicle pursuit training exercise. This pursuit training was not mentioned in their initial reports documenting the accident, nor was it mentioned when they were interviewed by several supervisors and a traffic investigator.

were also alleged to be involved in this pursuit training exercise, which at the time, was believed to be unauthorized due to its risky and unpredictable nature.

It was originally documented on April 2, 2014, at approximately 0415 hours, Deputy Cortez was with his Field Training Officer, Deputy Dray. Deputy Cortez was operating a marked Sheriff's patrol vehicle within the City of Vista. Deputy Dray was the passenger in the marked vehicle.

Deputy Cortez and Deputy Dray proceeded to the intersection of Progress Street and La Mirada Drive. It was raining at the time of this incident and the roadway surface was wet. Deputy Cortez stopped at the stop sign controlling the intersection and proceeded to turn onto La Mirada Drive. As Deputy Cortez was accelerating, he lost control of the vehicle which began to slide to the left. The vehicle made a 180 degree rotation. The rear driver's side wheel struck the south curb-line on La Mirada Drive and came to rest.

RELEASED FROM

RELEASED FROM I.A. FILES TO

RELEASED FROM I.A. FILES TO______ Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

The vehicle (#20205) sustained moderate damage to the rear driver's side wheel, a disfigured tire, and possible rear vehicle assembly damage. Both Deputy Cortez and Deputy Dray were wearing their seatbelts and were not injured.

Sergeant Dustin Lopez #2441 was notified of the collision and responded to the scene. Sergeant Lopez observed the damage to the vehicle and instructed Deputy Cortez and Deputy Dray to drive the vehicle back to the Vista Patrol Station. Deputy Cortez and Deputy Dray both documented the collision using the San Diego Regional Deputy's Report narrative. Deputy Malson #0029 completed the traffic collision report, Case Number 14116650.

On April 15, 2014, Deputy Cortez contacted Sergeant Deborah Eglin # 1192. Deputy Cortez informed Sergeant Eglin the accident did not occur the way it was previously reported. Deputy Cortez was instructed to write another Deputy's Report documenting the collision how it actually occurred.

When I received this complaint for investigation, the second Deputy's Report by Deputy Cortez was not attached. I did not have any new information regarding what Deputy Cortez wrote. I reviewed the Traffic Accident Collision Investigation authored by Sergeant Shawn Aitken. The following documents were attached to this investigation and were reviewed:

Confidential County of San Diego Vehicle Incident Report (CD 2)
Supervisor's Accident Investigation (RM3)
Deputy's Reports by Deputy Cortez and Deputy Dray
Traffic Collision Report by Deputy Jason Malson
CAD Print out reference E1553197 (Vehicle Service)
CAD Print out reference E1553439 (1182D Department Vehicle Accident)

Sergeant Aitken found this collision preventable and subsequently chargeable.

On April 29, 2014, at approximately 1000 hours, I met with Sergeant Deborah Eglin at the Vista Patrol Station for a scheduled interview. The interview was conducted in a conference room at the station. Prior to the interview, Sergeant Eglin had the opportunity to review the four sections of the Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports, and Truthfulness. Sergeant Eglin understood the Rules of Conduct and did not have any problems following these procedures. Sergeant Eglin was aware of this recording. A synopsis of the interview is below.

STATEMENT OF WITNESS: SERGEANT DEBORAH EGLIN

Sergeant Eglin has been employed by the Sheriff's Department since January 2000 and is currently assigned to the Vista Station as a patrol sergeant. I asked Sergeant Eglin how she was made aware of the traffic collision which occurred on April 2, 2014. Sergeant

RELEASED FROM

RELEASED FROM
I.A. FILES

RELEASED FROM I.A. FILES

TO____

Eglin told me Deputy Cortez approached her and said he had omitted some information about a traffic collision he was involved in.

I asked Sergeant Eglin if she knew all the parties involved in the collision. Sergeant Eglin stated she did, and listed Deputies Cortez, Martinez, Kodadek, Dray, and Sergeant Eglin also remembered being involved as he was mentioned in Deputy Cortez's report. Apparently, was acting as the suspect during a pursuit training exercise prior to the vehicle collision.

During this incident, Deputy Cortez was in his first phase training and Deputy Dray was his field training officer. Sergeant Eglin did not know how long Deputy Dray has been a training officer, but believes she is relatively new to this position. Sergeant Eglin did not believe Deputy Dray has been assigned a new trainee since Deputy Cortez completed his first phase of training with her.

Deputy Cortez, at the time of this interview, has been assigned a new field training officer for his second phase of training. Deputy Martinez was now supervising Deputy Cortez for his second phase training curriculum. Sergeant Eglin advised me the training files for Deputy Cortez could be made available for review.

I confirmed Deputy Cortez initiated the contact with Sergeant Eglin regarding what actually occurred during the traffic collision. I asked Sergeant Eglin to explain to me what happened. Sergeant Eglin told me Deputy Cortez previously met with Lieutenant Miller to discuss his vehicle collision. After this meeting, Deputy Cortez felt "really bad" and thought about it the entire night. The following morning Deputy Cortez met with Deputy Martinez and told him he had not been "completely truthful about the circumstances related to the collision."

Deputy Martinez advised Deputy Cortez to contact Sergeant Eglin and to tell her what happened. Deputy Cortez told Sergeant Eglin they were conducting "pursuit training" on the night of the accident. During the course of this pursuit training, Deputy Cortez lost control of his vehicle while turning a corner and was involved in a collision. After the collision took place, Deputy Cortez, Deputy Dray, and Deputy convened to discuss the incident.

told Deputy Cortez they should not include the details about the pursuit training in the vehicle collision report. According to Sergeant Eglin, the following is in essence what told Deputy Cortez.

Deborah Eglin: Don't lie. I'm not telling you to lie, but, we shouldn't include the information that they were doing the pursuit training in the report.

And the report should just read that they were responding to a call and that was when the vehicle, or that was when the collision occurred.

RELEASED FROM

TA AI

RELEASED FROM
I.A. FILES
TO

RELEASED FROM I.A. FILES

TO___

Deputy Cortez stated Deputy Dray initially wanted to tell the sergeant what happened. After Deputy Dray and discussed the incident further, the decision was made to tell the responding sergeant the collision occurred while responding to a call.

Sergeant Eglin told me Deputy Cortez either called or sent a text message to Deputy Dray prior to his meeting with the lieutenant. Deputy Cortez expressed concern about omitting the pursuit training on the report. Deputy Dray told Deputy Cortez to "stick with what was in the report."

I asked Sergeant Eglin if she was aware that a vehicle collision report had been previously completed. Sergeant Eglin was aware of the collision, but did not know the details about it. Sergeant Eglin instructed Deputy Cortez to write a Deputy's Report about the new details and admonished him not to talk about the incident. Sergeant Eglin received three Deputy's Reports about this incident. The documentation was from Deputy Cortez, Deputy Martinez, and Deputy Kodadek. Deputy Martinez and Deputy Kodadek both wrote their reports documenting what was said to them by Deputy Cortez when he approached them. Sergeant Eglin gave these three reports to Lieutenant Miller.

I asked Sergeant Eglin who was involved in the pursuit training and what their roles were. The following is a list of the deputies and their roles during the training.

Deputy Cortez (Driver) and Deputy Dray (Passenger) - Pursued the suspect

- Acted as a dispatcher and provided communications
- Acted as the suspect

Sergeant Eglin told me she has a background in training with the Sheriff's Department due to her previous assignment with the In-Service Training Unit. Sergeant Eglin held this position for approximately five years. Sergeant Eglin was not involved in the direct training or supervision of recruits at the academy with regards to driving or vehicle pursuits. She did give me a brief overview on how recruits are trained for vehicle pursuits which entails a combination of classroom direction and "hands on" driving at Qualcomm Stadium.

Sergeant Eglin told me she did not know if the Vista Station regularly conducts pursuit training at the station level. The only training at the station level she was aware of was the SB 719 training video on pursuits. I asked if it was normal for deputies at the station to initiate their own pursuit training. Sergeant Eglin did not know and told me that was one of the things that crossed her mind. She did not know if it was normal for training officers to conduct this type of training or if there was anything saying they could not.

Sergeant Eglin told me recruits in the academy are taught to write accurate reports and are given instructions on the importance of being truthful. She said recruits are taught about the honor that comes with the badge and being untruthful or unprofessional often

RELEASED FROM

A FILE I.A. FIL

RELEASED FROM

I.A. FILES

RELEASED FROM I.A. FILES

TO

tarnishes that image. Sergeant Eglin said this is taught on the first day and continued throughout the academy.

I asked Sergeant Eglin if there was anyone else I should talk to concerning this investigation. She advised me to talk to Sergeant Perkins regarding the training at the Vista Station due to his position as the training sergeant.

Sergeant Eglin did not have anything further to add and the interview was concluded with an order not to disclose at approximately 1020 hours.

INVESTIGATION: (Continued)

After interviewing Sergeant Eglin, I met with Lieutenant Scott Miller in his office. Lieutenant Miller provided me with the three Deputy's Reports from Deputy Cortez, Deputy Martinez, and Deputy Kodadek. I also met with Lieutenant David Gilmore who provided me with the Vista Patrol Station Daily Deployment for April 1, 2014.

I subsequently obtained another copy of the deployment and a copy of Deputy Cortez's Daily Trainee Evaluation Report for April 1, 2014. These documents were provided by Sergeant Eglin.

I first reviewed the deployment dated Tuesday, April 1, 2014. The deployment appears correct with the following personnel.

31P13C - Cortez # 9739 (TRNEE)

31P9C - Dray #6409 FTO

I reviewed Deputy Cortez's Daily Trainee Evaluation Report dated April 1, 2014. This report was prepared by Deputy Dray in which she signed and dated the bottom of the document (4/2/14). Deputy Cortez also signed and dated the bottom of the document (4/2/14).

I specifically reviewed the narrative sections under Report Writing/NetRMS, Driving, and Training. The following sections were documented on Deputy Cortez's training evaluation.

RELEASED FROM

I.A. FILES

RELEASED FROM

I.A. FILES

REPORT WRITING/NetRMS:

Deputy Cortez took a 647(f) PC arrest report. He also had the DUI bicycle report to correct and submit from his previous shift.

Deputy Cortez completed the requested corrections and submitted the DUI bicycle report.

Deputy Cortez completed the 647(f) PC arrest report in a timely manner. There were only a couple of minor changes needed for the narrative portion of the report. The NetRMS portion of the report was without error.

I did not observe any documentation with regards to writing a Deputy's Report for their vehicle collision.

DRIVING:

Deputy Cortez drove the entire shift. Deputy Cortez obeyed the rules of the road and wore his seatbelt. Deputy Cortez appeared to drive with confidence. I explained to Deputy Cortez we will always follow the rules of the road and comply with the California Vehicle Code.

I did not observe any documentation with regards to their vehicle collision.

TRAINING:

None.

I did not observe any documentation with regards to pursuit training.

I reviewed the second Deputy's Report submitted by Deputy Cortez. The report documented the omitted information during the vehicle collision. The report was completed on April 19, 2014, and approved by Sergeant Eglin. The following is a synopsis of what Deputy Cortez wrote. For the exact documentation, please refer to the attached Deputy's Report authored by Deputy Cortez (Attachment F).

Deputy Cortez documented the collision occurred on April 2, 2014, at approximately 0415 hours. The location was listed as the intersection of Progress Street and La Mirada Drive, in the City of Vista. Deputies Cortez and Dray arrived to the commercial area of Vista to meet with other deputies to conduct pursuit training. This location was selected due to the low traffic flow for that time of the morning.

Deputy Cortez was informed by Deputies Dray and that he would be pursuing acted as the dispatcher during the exercise. Deputy

RELEASED FROM

RELEASED FROM

I.A. FILES

RELEASED FROM

Dray was the passenger in Cortez's vehicle. During this pursuit training, the deputies used the CARS radio channel to communicate.

Deputies Cortez and Dray were traveling on Progress Street in pursuit of As they approached the intersection of Progress Street and La Mirada Drive. turned right onto La Mirada Drive. Deputies Cortez and Dray continued in pursuit and also made this turn. As Deputy Cortez was accelerating through the turn onto La Mirada Drive, his vehicle lost traction and began to spin. The vehicle struck the south curb-line on La Mirada Drive. Deputies Cortez, Dray, and all convened at Deputy Cortez's vehicle to inspect the damage. Deputy Dray advised they should notify the sergeant. requested that before the sergeant was notified, they should all agree not to include the information about the pursuit training prior to the collision. Deputy Dray told Deputy Cortez they should not have been participating in pursuit training while it was raining. proceeded to tell Deputy Cortez not to include the details of the pursuit training in his report. Deputy Dray agreed with this decision. Deputy Cortez wrote he did not believe participated in this discussion. Deputy Dray called the duty sergeant and discussed the collision. Deputy Dray did not advise the sergeant about the pursuit training. Sergeant Lopez responded to the scene and inspected the damaged vehicle. Sergeant Lopez told Deputies Cortez and Dray to drive the vehicle back to the station and to complete a Deputy's Report about the incident.

Deputy Cortez completed his report which was reviewed by Deputy Dray prior to submitting it to the sergeant. On April 13, 2014, Deputy Cortez was notified he would be meeting with Lieutenant Miller the following day to discuss the collision. Deputy Cortez sent Deputy Dray a text message requesting she call him. Deputies Cortez and Dray spoke prior to Deputy Cortez's meeting with Lieutenant Miller. Deputy Dray told Deputy Cortez to stick with what was on the Deputy's Report.

On April 14, 2014, at approximately 1200 hours, Deputy Cortez met with Lieutenant Miller. Deputy Cortez documented he told Lieutenant Miller only what was on the Deputy's Report. Deputy Cortez believed the facts about the collision were accurate, however he felt uncomfortable not telling Lieutenant Miller all the details.

On April 15, 2014, Deputy Cortez spoke with Deputy Martinez who was now assigned as his new training officer. Deputy Cortez told Deputy Martinez he did not include the information about the pursuit training. Deputy Martinez instructed Deputy Cortez to contact Sergeant Eglin and to include all the details regarding the collision. Deputy Cortez contacted Sergeant Eglin on April 15, 2014. Deputy Cortez told Sergeant Eglin he did not include the details about the pursuit training when he met with Lieutenant Miller. Sergeant Eglin directed Deputy Cortez to write a Deputy's Report.

RELEASED FROM

 1.0^{-1}

T

RELEASED FROM

I.A. FILES

•

RELEASED FROM

I.A. FILES

I reviewed the Deputy's Report authored by Deputy Martinez. The report does not have any headers or footers on the document and appears to have been written using Microsoft Word. The document was not signed by Deputy Martinez. The following is a synopsis of Deputy Martinez's report as I received it. For the exact documentation, please refer to the attached report (Attachment F).

Deputy Martinez wrote on April 16, 2014, at approximately 0800 hours, he along with Deputy Cortez responded to a family disturbance call. Deputy Kodadek was also present during this call for service. After clearing the family disturbance call, Deputy Cortez spoke to Deputies Martinez and Kodadek about an accident that occurred during his first phase training. Deputy Cortez was described as feeling "distraught" about the accident and was not completely "truthful" when he met with Lieutenant Miller.

Deputy Cortez told Deputy Martinez he was conducting "pursuit training" when the was the vehicle he was pursuing while was acting as a dispatcher. While Deputy Cortez was pursuing he struck a curb rendering his vehicle inoperable.

After the collision occurred, all the parties convened and decided to say the accident was caused by Deputy Cortez accelerating through a turn too fast which led his vehicle to strike a curb. After learning about these events, Deputy Martinez informed Deputy Cortez if he had been untruthful, he should notify their current patrol sergeant. Deputy Cortez later contacted Sergeant Eglin about his vehicle collision.

It should be noted this Deputy's Report authored by Deputy Martinez was not signed by him nor was it approved by a supervisor. It appears the document was written on a blank Microsoft Word template with the above described information. Also, at the bottom of the document the title RELATED REPORTS appears with Arrest Report below it. It is unknown at the time of this investigation what this exactly means. This will need to be clarified during a witness interview with Deputy Martinez. It will also need to be clarified whether Deputy Martinez authored this report due to the lack of his signature.

After reviewing Deputy Martinez's report, I reviewed the Deputy's Report authored by Deputy Kodadek. This report was similar to Deputy Martinez's in that it appeared to be written on a blank Microsoft Word document and was absent his signature. This will need to be clarified with Deputy Kodadek later during his witness interview. The following is a synopsis of Deputy Kodadek's report documenting his observations. For the exact documentation, please refer to the attached report (Attachment F).

Deputy Kodadek wrote on April 15, 2014, at approximately 0800 hours, he spoke with Deputy Cortez who wanted his advice concerning a vehicle collision he was involved in. Deputy Cortez told him and Deputy Martinez he was feeling "stressed" about his accident. Deputy Cortez told Deputy Kodadek he was not completely "honest" about this collision and it happened while they were conducting "pursuit training." Deputy Cortez was told not to lie about the collision, but to omit the fact they were conducting

RELEASED FROM

RELEASED FROM I.A. FILES TO

pursuit training during the incident. Deputy Kodadek's report does not mention who specifically told Deputy Cortez this.

Deputy Cortez told Deputy Kodadek he already completed a Deputy's Report documenting the vehicle collision and withheld certain information and facts pertaining to the accident. Deputy Cortez mentioned Deputies and being present during the incident. This concluded Deputy Kodadek's documentation of the events he witnessed.

I reviewed the Department's AVL (Automated Vehicle Location) information for the date of April 2, 2014. The following units are shown to be at the intersection of Progress Street and La Mirada Drive at about the time of the collision, 0415 hours.

- At the location from 0422 - 0442 hours.

31P9C (Deputies Dray and Cortez) - At the location from 0425 - 0445 hours.

- At the location from 0421 - 0441 hours.

On May 7, 2014, at approximately 1714 hours, I met with Sergeant Dustin Lopez at the Encinitas Patrol Station. The purpose of this meeting was to conduct a witness interview. Sergeant Lopez was the first supervisor on scene after being notified of the vehicle collision. I recorded the interview using a digital voice recorder. Sergeant Lopez was aware of the recording and had no objections.

Before the interview took place, Sergeant Lopez was given the four sections of the Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports, and Truthfulness. Sergeant Lopez did not have any problems following these procedures. The following is a synopsis of my interview with Sergeant Lopez. For complete details, please refer to the audio recording.

STATEMENT OF WITNESS: SERGEANT DUSTIN LOPEZ

Sergeant Lopez has been employed with the San Diego County Sheriff's Department for approximately 20 1/2 years. He is currently assigned to the Encinitas Patrol Station as a patrol sergeant. Sergeant Lopez was working on April 2, 2014 as the C Shift patrol sergeant in the City of Vista. The beginning of the shift was clear and cold with a light sprinkle of rain towards the end of the shift, which made the roadway surface wet.

Sergeant Lopez was notified of a vehicle collision involving a marked Sheriff's unit on April 2, 2014, at approximately 0415 hours. He received a cell phone call from Deputy Peggy Dray in which she stated her trainee lost control of their vehicle in the rain and hit a curb. Deputy Dray described the vehicle as having a dented rim and was not sure if this

BEI E AULD I LOM

I AP

needed to be documented as a traffic collision. Sergeant Lopez told her not to move the vehicle and he would be en route to assess the damage and instruct them on what to do.

The collision occurred near the intersection of Progress Street and La Mirada Drive. This intersection was controlled by a stop sign. Sergeant Lopez arrived to the location and observed Deputies Dray and Rivera on scene. Sergeant Lopez told me Deputy Rivera was the trainee and the driver of the vehicle. There were other deputies at the scene. approximately two or three others, however, Sergeant Lopez could not remember who they were.

It should be noted Sergeant Lopez mentioned Deputy Rivera as the trainee and driver of the vehicle. This is incorrect. The trainee and driver of the vehicle was Deputy Cortez. This appeared to be a simple name mistake due to Sergeant Lopez not being familiar with the deputy's name. This was corrected on record and the interview continued.

Sergeant Lopez asked Deputies Dray and Cortez what happened. He did not ask them individually but rather collectively due to them being together at the vehicle. Deputy Dray was the one who responded with an explanation. Deputy Cortez agreed with Deputy Dray and said, "Yeah, that's what happened, or kinda, you know, nodded his head like yeah, yeah that's what happened."

I asked Sergeant Lopez if the other two deputies who were present gave an account of what occurred. Sergeant Lopez told me no. I asked if they wrote any reports that he was aware of. Sergeant Lopez told me no, not to his knowledge. To his belief, the other deputies did not see what happened and were in the area responding to a radio call. The deputies might have seen the vehicle resting there and believed something was wrong.

One of these deputies took a position west of the accident to conduct traffic control so another vehicle would not collide with Deputy Cortez's unit. Sergeant Lopez personally observed this deputy conducting traffic control. He also remembered another deputy taking up a position east of the collision on La Mirada Drive but did not know exactly what this deputy was doing at the time. This deputy was approximately 10 - 15 yards east from the point of impact (Deputy Cortez's vehicle). The deputy was standing next to his patrol unit.

Throughout this interview these initials will represent the following individuals.

KJ: Ken Jones (Investigator)

DL: Dustin Lopez (Witness)

The following is an attempt to accurately document this portion of the interview:

So according to you, when you asked what happened it was Deputy Dray who KJ: primarily gave you a statement?

BELEASED FROM

RELEASED FROM I.A. FILES

DL: Yes.

KJ: And just go ahead in your own words, just tell me what she told you.

DL: She told me that they had come to the stop sign on Progress, um, (unintelligible) vehicle facing northbound, um, they went to go make a right hand turn and then as they went to make a right hand turn, the, ah, trainee accelerated, um, too hard for the weather conditions obviously the road being wet, um from the rain, um the back end of the vehicle started fishtailing, um, and, the vehicle eventually came to rest against the curb line. It basically started in the, you know the fishtail started the vehicle into a one eighty spin.

KJ: Alright, and when she described that, do you remember anything of, specifically about her saying we stopped at the stop sign, we were stopped and then proceeded to go through the intersection?

DL: She said they stopped, I, I, I specifically remember because she said they accelerated. You know they stopped and then, I, I, she said that the acceleration is basically what, what I, you know, from what I understood caused the, the spin.

KJ: Okay. Did Cortez, did he give you a statement of what happened?

DL: Ah, he, 'cause I interviewed them collectively when I was standing there not knowing that, this was gonna come to this level but I, I when I, he just kinda agreed with what she was saying like, yeah, that's what happened.

KJ: Okay, verbally? Nodding of the head?

DL: Yeah, just verbally like nodding the head. You know, he was a third day trainee, and it's a little embarrassed kinda even you know, taken back to even speak.

KJ: Okay, and the other two deputies that were present they didn't say anything?

DL: No.

KJ: Okay. Did they hear your questions about, hey what happened? Did they hear that?

DL: I was checking the, the rim, I, so I don't remember. As I was speaking to Dray I was checking the damage to the vehicle to see if it was actually, you know if there was actually damage on the vehicle. Um, so I don't remember if they overheard. I think the deputy that was probably east of where we were speaking probably overheard the conversation.

RELEASED FROM

I.A. FILES

TO)

RELEASED FROM

TO

RELEASED FROM I.A. FILES TO_____ KJ: Was there any mention of conducting pursuit training when the collision occurred?

DL: No.

KJ: Did you give the deputies any instructions or orders when you arrived to their location?

DL: Yes.

KJ: And what were those?

DL: Um, once I saw what the vehicle damage was, um, I basically I told them that, um, I was gonna write it as, ah, damage to a County vehicle. Ah, currently however it could turn into a traffic collision I didn't know until we spoke to the lieutenant, of what you know level he wanted this to arise to. Um, I told them to photograph the vehicle in place and I told them to both write, ah, Deputy's Reports.

KJ: And that would be Deputy Dray and Deputy Cortez?

DL: Yeap.

KJ: Did you observe any damage to the patrol vehicle?

DL: Yes.

KJ: And what did you observe?

DL: Ah, it had a, ah, bent rim. It was scored by the, ah, curb line of the, ah...

KJ: Was the damage consistent with what was described to you?

DL: Yes.

I asked Sergeant Lopez if was. Sergeant Lopez initially told me no, however he was no longer working in Vista and did not know all their names. He did not know who was at the time of this interview.

I asked if was present at the vehicle collision and if Sergeant Lopez knew him. Sergeant Lopez knew who was, but could not remember if he was present at the collision location. At the time of the collision, Sergeant Lopez was focused on the vehicle and the damage it sustained.

BELEASED FROM

357

RELEASED FROM

RELEASED FROM

10

According to Sergeant Lopez, to the best of his knowledge, and and were not witnesses to the collision. Sergeant Lopez did not talk to anyone at the scene other than Deputies Dray and Cortez.

KJ: Did you complete any reports regarding the vehicle collision?

DL: Yes.

KJ: And what were those?

DL: I, completed the, ah, County Vehicle Damage Report. (Unintelligible), basically County, ah, Damage Report.

KJ: Any others or is that it?

DL: Ah, that's it.

KJ: Okay, and on that report, so you completed the narrative section and the, the section that starts the report above the narrative. Did Cortez sign that document?

DL: Yes.

KJ: Did you witness him sign that document?

DL: Yes.

KJ: So, just in your opinion if he signs that document, he is agreeing with what you wrote in the accident description?

DL: Um, I specifically remember when I, I had him come into my office, I said I need you to read this, and he read it and then I said I need your signature right there.

KJ: Any, any conversation that this is not accurate or, hey, it should read this or that?

DL: No.

KJ: So in your opinion he agreed with what you wrote and he signed it?

DL: Correct.

Sergeant Lopez worked a full shift from April 1, 2014 to April 2, 2014.

KJ: At any time during your shift, were you made aware of any pursuit training being conducted by the deputies you were supervising?

RELEASED FROM

RELEASED FROM

I.A. TO

RELEASED FROM

DL: No. My, my understanding of what was going on at the time of this collision is there was an audible alarm, I believe on La Mirada or Progress, um, that they had responded to, that was my belief as that's why they were in that area.

I asked Sergeant Lopez if there was anyone else I should talk to about this investigation. Sergeant Lopez told me Sergeant Aitken relieved him when his shift was complete and was briefed on the collision. Sergeant Aitken spoke to the lieutenant later during the day and was told to conduct a vehicle collision investigation.

The interview was concluded at approximately 1731 hours with an order not to disclose.

<u>INVESTIGATION</u>: (Continued)

On May 20, 2014, at approximately 1305 hours, Sergeant Gonzalez and I met with Sergeant David Perkins at the Vista Patrol Station. The purpose of this meeting was to conduct an interview. The interview was recorded using a digital voice recorder. Sergeant Perkins was aware of the recording and did not object. Before the interview took place, Sergeant Perkins was given the four sections of the Rules of Conduct as it related to Insubordination, Intervention, Departmental Reports, and Truthfulness. Sergeant Perkins understood these sections and agreed to follow these procedures. Below is a synopsis of our interview. For complete details, please refer to the audio recording.

<u>STATEMENT OF WITNESS: SERGEANT DAVID PERKINS</u>

Sergeant David Perkins has been employed with the San Diego County Sheriff's Department for approximately seven years. He is currently assigned to the Vista Patrol Station as the administrative sergeant. These duties consist of maintaining the station, vehicle maintenance, ordering supplies, supervising community service officers and volunteers, overseeing the field officer training program, and the various duties as the acting training sergeant. Sergeant Perkins has held this assignment since March of 2013.

Sergeant Perkins was not sure if he was working on April 2, 2014, and believed he may have been off during that week. I asked if he had been made aware of a traffic collision that occurred on April 2, 2014 within the City of Vista. Sergeant Perkins told me yes, and believed one of the other sergeants or Lieutenant Miller told him about the collision.

Sergeant Perkins was told Deputy Cortez was the driver of the vehicle and Deputy Dray was the passenger. The marked unit involved in the collision was # 20205. Sergeant Perkins did not observe the damage to the vehicle. The vehicle was taken to the San Marcos Garage for repairs, however Sergeant Perkins could not remember if he requested this. According to the station's vehicle board, unit # 20205 was repaired and back in service. He did not know the extent of the damage after the vehicle was repaired.

RELEASED FROM I.A. FILES /

TO

Throughout this interview the following initials will represent the following individuals.

KJ: Ken Jones (Investigator)

DP: David Perkins (Witness)

The following is an attempt to accurately document this portion of the interview:

KJ: On April 2, 2014, or since you think you might have been off, at any time, so at any time, were you ever made aware of any pursuit training being conducted by any deputies at the Vista Patrol Station?

DP: No.

KJ: Does the Vista Patrol Station conduct pursuit training for their deputies?

DP: Um, in general, no. Um, however I, I actually teach at the FTO school. I teach scenario development and one of the blocks is scenario development, um, during that one of the things briefly touched upon is Mach Pursuits, however, what I teach is that, if that's something that you're gonna do, that, A – a training plan needs to be developed, needs to be, it needs to be given and signed off by a supervisor. B – it's something that's not involving high speeds and, ah, it's something that needs multiple resources such as, um, you know shutting down streets, shutting down parking lots, in a, area that's not a lot of vehicle traffic.

KJ: So like a, a very controlled area?

DP: Right. A controlled area, a training plan, run through the training sergeant. So, something that's planned ahead of time, correct.

Deputies are to submit a training plan which needs to be signed off by a supervisor for any kind of scenario training. An exception to this would be if the deputies were conducting an "impromptu" training exercise, per se "hot stop training" in the station's parking lot. If a scenario like this were to take place, the patrol sergeant would need to be notified as well as the communications center in case someone called in and inquired what was going on.

According to Sergeant Perkins, there have not been any pursuit training exercises at the Vista Patrol Station since his assignment as the administrative sergeant. I confirmed a question I had about a trainee's evaluation and the date in which it is documented. When a deputy in training works a C Shift schedule, his evaluation is documented on the date he begins his shift. The evaluation is not documented on the following date when his shift is over. An example of this would be if a deputy in training begins his shift on April 1, 2014 at 1800 hours, and completes his shift on April 2, 2014 at 0630 hours. The evaluation would be dated April 1, 2014.

ELLINCE LEON

RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES TO_______

I asked Sergeant Perkins if there were any other witnesses who could assist with my investigation. I was told Sergeant Aitken and Sergeant Lopez may have some information regarding the incident. Sergeant Perkins stated he did not verify this but was told might have been involved in the pursuit training as well as The interview was concluded at 1315 hours with an order not to disclose.

INVESTIGATION: (Continued)

On May 20, 2014, at approximately 1429 hours, I interviewed Deputy Jason Malson at the Vista Patrol Station. Deputy Malson was assigned to complete the traffic collision report involving Deputies Cortez and Dray. The interview was recorded using a digital voice recorder. Before the interview took place, Deputy Malson was given the four sections of the Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports, and Truthfulness. Deputy Malson understood these sections and agreed to follow these procedures. Deputy Malson was also given his traffic collision report to refresh his memory of the incident. Below is a synopsis of our interview. For complete details, please refer to the attached recording.

STATEMENT OF WITNESS: DEPUTY JASON MALSON

Deputy Malson has been employed with the San Diego County Sheriff's Department since February 2012. He is currently assigned to the Vista Patrol Station and has been so since August 2012. Deputy Malson currently works patrol however he was temporarily assigned as a traffic investigator for six months.

Deputy Malson was working as a traffic investigator on April 2, 2014. He was approached by Sergeant Aitken and asked to take a report about a collision that occurred earlier in the morning. The accident location was near the intersection of Progress Street and La Mirada Drive. Deputy Cortez was driving the vehicle and Deputy Dray was the passenger.

Deputy Malson conducted interviews for his investigation and spoke to both Deputies Cortez and Dray. Deputy Dray was interviewed over the telephone the same day as the collision. Deputy Cortez was interviewed in person a day or two after the incident. These interviews were not recorded.

Sergeant Aitken and Deputy Malson were together when they obtained Deputy Dray's statement. This was conducted over the telephone which was placed on speaker mode so they both could hear what she was saying. Deputy Dray summarized what occurred which was documented by Sergeant Aitken and Deputy Malson.

Deputy Cortez told Deputy Malson he was leaving a radio call and was driving towards the intersection of Progress Street and La Mirada Drive. He stopped at the intersection and began to accelerate east on La Mirada Drive. The vehicle lost traction due to the wet road surface and began to spin in a clockwise motion. Deputy Cortez attempted to

RELEASED FROM

I.A. Fil. 1

TO

RELEASED FROM

I.A. FILES

RELEASED FROM

1.7. FILE

correct the spin but was unsuccessful. When the vehicle hit the curb, Deputy Cortez got out of the vehicle to inspect the damage.

Deputy Dray gave basically the same account as to how the accident occurred. She told Deputy Malson they were leaving a radio call or leaving the area when Deputy Cortez stopped at the intersection. When Deputy Cortez began to accelerate, the vehicle lost traction due to the wet surface. The vehicle completed a 180 degree spin and struck the curb line. They observed the rear wheel was bent so they called a supervisor to advise him what happened.

Deputy Malson took pictures of vehicle # 20205 to document the damage for his investigation.

Throughout this interview the following initials will represent the following individuals.

KJ: Ken Jones (Investigator)

JM: Jason Malson (Witness)

The following is an attempt to accurately document this portion of the interview:

KJ: At any time did Deputy Cortez or Deputy Dray mention that they were doing, or they were involved in a pursuit training exercise just before the accident occurred?

JM: No, nothing of that nature was mentioned.

KJ: Did Deputy Cortez tell you specifically he stopped at the stop sign at Progress and La Mirada?

JM: Yes.

KJ: Did Deputy Dray tell you specifically they stopped at the stop sign at Progress and La Mirada?

JM: Yes.

۲ſ

Deputy Malson went on to tell me he observed the damage to the vehicle and it appeared consistent with the statements given by Deputies Cortez and Dray. I asked if there was anyone else I should interview who could assist with my investigation. Deputy Malson told me he heard a rumor that Deputies Cortez and Dray were conducting pursuit training and there might be other people involved. Deputy Cortez told his new training officer, Deputy Alex Martinez, about the pursuit training and was instructed to inform the lieutenant about what actually occurred.

RELEACED FROM

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

TO___

Deputy Malson said the statements on his report from Deputies Cortez and Dray were exactly what they told him. Deputy Malson did not take any notes when he collected their statements. Deputy Malson previously read their Deputy's Reports and wanted to confirm with them these reports were accurate. When Deputies Cortez and Dray gave their statements to Deputy Malson, they essentially gave the same statements which were documented on their reports.

The interview was concluded at approximately 1441 hours with an order not to disclose.

INVESTIGATION: (Continued)

On May 23, 2014, at approximately 1629 hours, I met Sergeant Shawn Aitken for an interview at the Vista Patrol Station. The interview was recorded using a digital voice recorder. Before the interview took place, Sergeant Aitken was given the four sections of the Rules of Conduct as it related to Insubordination, Intervention, Departmental Reports, and Truthfulness. Sergeant Aitken understood these sections and agreed to follow these procedures. Sergeant Aitken was also given a copy of his traffic accident collision investigation he authored to refresh his memory if needed. Below is a synopsis of our interview. For complete details, please refer to the attached recording. It should be noted Sergeant Aiken has since changed his last name to Thompson. For the purposes of this investigation, the name Aitken will remain as this was correct at the time of the incident and for the interview.

STATEMENT OF WITNESS: SERGEANT SHAWN AITKEN (THOMPSON)

Sergeant Aitken has been employed with the San Diego County Sheriff's Department for approximately 16 years. He is currently assigned to the Vista Patrol Station as a patrol sergeant. Sergeant Aitken has held this position since January 2014.

Sergeant Aitken was working as the A Shift supervisor on April 2, 2014. When he arrived to work that morning, Sergeant Lopez informed him of a collision that occurred. Sergeant Aitken listed Deputy Cortez and Deputy Dray as being involved in this accident. He was assigned to conduct the accident investigation and began to collect and complete the required forms. Sergeant Aitken contacted Deputy Malson and instructed him to complete an accident report. This report was later attached to Sergeant Aitken's investigation.

Sergeant Aitken obtained statements from Deputies Cortez and Dray which were brief in nature. These interviews were not recorded.

Throughout this interview the following initials will represent the following individuals.

KJ: Ken Jones (Investigator)

SA: Shawn Aitken (Witness)

RELEAGED FROM

7

1

RELEASED FROM
I.A. FILES

TO_____

RELEASED FROM I.A. FILES

TO

The following is an attempt to accurately document this portion of the interview:

KJ: What did Deputy Cortez tell you?

SA: Ah, like I wrote in there off the top of my head, without, without reading, ah, it's been a few months but, believe, ah, Cortez (unintelligible) simply stated he was at the stop sign at the intersection, um, the intersection of La Mirada (thinking) Drive and...

KJ: If you want to look at your report that's okay.

SA: Okay. Progress Street and La, La Mirada Drive. Um, he was going northbound on, ah, I'm not sure (unintelligible) facing, okay. Okay, he's going northbound on Progress Street, what he had told me, (unintelligible) he was driving the patrol vehicle, Deputy Dray was in the passenger's seat. He was going northbound on Progress Street, at a stop sign, as he accelerated through the intersection, ah, to turn right, or eastbound on La Mirada, ah, the car ended up making a, lost traction made a 180 degree turn, over a 180 degree turn, um, ended up coming to a rest at the curb line after hitting the curb, facing westbound on La Mirada Drive. That, that's what he told me.

(Sergeant Aitken's phone rings)

SA: Sorry about that.

KJ: It's okay.

SA: Real simple, actually.

KJ: And what did Deputy Dray tell you?

SA: Essentially the same thing. Um, that they're, they're almost identical statements. She was in the passenger's seat, ah, Deputy Cortez was driving, he was at the stop sign at the intersection, he went to go negotiate a right hand turn at the intersection, accelerated because (unintelligible) a second ago it had been raining, the surface street ah, was, was wet according to both of them. Um, as he accelerated through the intersection making a right hand turn on La Mirada Drive, the car lost traction, spun around, um, ended up hitting the, the left rear, ah, tire against the curb line, on La Mirada Drive.

Sergeant Aitken could not remember if Deputies Cortez and Dray told him they stopped at the stop sign at the intersection of Progress Street and La Mirada Drive. He remembered Deputies Cortez and Dray saying they were at the intersection but could not specifically recall either of them saying they were stopped. Sergeant Aitken did not take any handwritten notes when he obtained their statements.

RELEASED FROM

I.A. FILES

RELEASED FROM
I.A. FILES
TO

I asked Sergeant Aitken to review his report where he obtained the statements from Deputies Cortez and Dray. Sergeant Aitken reviewed Deputy Cortez's statement which documented him stopping at the intersection. Deputy Dray's statement did not document them coming to a complete stop at the intersection.

KJ: When you interviewed the deputies, did anyone tell you they were participating In a pursuit training exercise at the time of the collision?

SA: No.

KJ: What were your findings after conducting your investigation?

SA: Um, my findings were that it was a, (unintelligible) ah, what do you call it, I just want to get the terminology correct here, ah, chargeable offense. Is that, is that correct?

KJ: For traffic, yeah.

SA: Yeah, a chargeable offense for, for the, ah, for the incident.

KJ: Okay, and we're talking about Deputy Cortez?

SA: Correct.

KJ: Okay. And at no time, any time after, you took their statements and were working on your investigation or completed your investigation, did Deputy Cortez or Dray, or any other deputies at all come to you with any information about conducting a pursuit training exercise?

SA: Nope. Nope. Neither one of them came up to me afterwards and sald anything about that.

KJ: What about any other deputy?

SA: No. I, I later, ah, heard a, a rumor, ah, probably several weeks later, that there was more to the story, that, that's all that was told to me. Um, nothing else was told to me after that.

RELEASED FROM

KJ: Alright.

KJ: Did you observe the damage to the marked unit?

SA: I did not.

RELEASED FROM

I.A. FILES

RELEASED FROM

I.A. FILES

Sergeant Aitken did not know the extent of the damage after the vehicle was taken to the garage for repairs. I confirmed with Sergeant Aitken his report was accurate and asked if there was anyone else that I should talk to. He could not think of anyone else for me to interview. Sergeant Aitken did not have anything to add, and the interview was concluded at approximately 1640 hours with an order not to disclose.

<u>INVESTIGATION</u>; (Continued)

On June 3, 2014, at approximately 1937 hours, I met with Deputy Alexander Martinez for an interview. The interview was conducted at the Vista Patrol Station and was recorded using a digital voice recorder. Before the interview took place, Deputy Martinez was provided the four sections of the Rules of Conduct as it related to Insubordination, Intervention, Departmental Reports, and Truthfulness. Deputy Martinez understood these sections and agreed to follow these procedures. I allowed Deputy Martinez to view a Deputy's Report he authored to refresh his memory if needed. Below is a synopsis of our interview. For complete details, please refer to the attached recording.

STATEMENT OF WITNESS: DEPUTY ALEXANDER MARTINEZ

Deputy Martinez has been employed with the San Diego County Sheriff's Department for approximately six years. He is currently assigned to the Vista Patrol Station and has been at this assignment for approximately two years.

Deputy Martinez was working at the Vista Patrol Station on April 15, 2014. He is a training officer and assigned to the west beat along with Deputy Cortez who was his trainee for that shift. Deputy Cortez was in his second phase of training at this time.

During their shift, Deputy Martinez and Deputy Cortez received a radio call of a girl who did not want to go to school. While handling this call for service, Deputy Kodadek arrived to assist them. After handling the radio call, Deputy Martinez was apprised of Deputy Cortez's traffic collision which occurred on April 2, 2014.

Throughout this interview the following initials will represent the following individuals.

KJ: Ken Jones (Investigator)

AM: Alexander Martinez (Witness)

The following is an attempt to accurately document this portion of the interview:

KJ: And how were you made aware of this collision?

AM: As I was walking back to the vehicle, um, Deputy Kodadek was speaking to Deputy Cortez about an incident that occurred while Deputy Cortez was on first phase.

BELEVIED TON

J.A. F. \(\) TO \$ __

RELEASED FROM I.A. FILES RELEASED FROM !
I.A. FILES
TO______

KJ: And that's how you were made aware of what was going on?

AM: Yes.

KJ: Did Deputy Cortez approach you, or Kodadek, or both at the same time, or what?

AM: I believe Deputy Kodadek, ah, spoke to Deputy Cortez, about the incident.

KJ: Okay. They brought you into the conversation?

AM: Yes.

KJ: Okay. Do you know who was involved in the collision?

AM: All I know is that Deputy Cortez's first phase training, or training officer was, ah, Deputy Peggy Dray and that they were doing the pursuit training and, and were also there.

KJ: Do you know what their roles were?

AM: Deputy Cortez told me that they were doing pursuit training and, ah, was the chase car, he was being chased after and then, was acting as the dispatch.

KJ: Okay, so was the suspect...

AM: Yes...

KJ: ...and was basically Station M?

AM: Yes.

I asked Deputy Martinez to tell me exactly what Deputy Cortez told him when he entered the conversation. Deputy Martinez knew Cortez had a meeting with Lieutenant Miller the previous day. Deputy Cortez stated he was not "totally truthful" during the interview and he was conducting "pursuit training" when he was involved in the accident.

After the accident occurred, everyone got together and told him to say he took a turn too fast and not to mention the pursuit training which took place.

KJ: Did he mention to you who told him to say that?

AM: No, he just simply stated that people discussed it. I didn't ask him who was discussing it.

RELEASTS TOM

RELEASED FROM
LA. FILES

RELEASED FROM I.A. FILES TO____/_/___

Deputy Martinez wrote a Deputy's Report about what Deputy Cortez told him. Deputy Martinez and I went over some typos on his report, however it was learned they were just mistakes which did not have any significance or bearing on this investigation. These mistakes were simply typos regarding the date on his report and a line at the conclusion which had Arrest Report written. Deputy Martinez confirmed the narrative on his report was accurate.

What was Deputy Cortez's demeanor, when he told you this?

AM: He was very distraught about it, um, I know I spoke to him and when he told me that he wasn't totally truthful, he was very, just ashamed and distraught, and didn't know why he did It.

From what Deputy Martinez understood, Deputy Cortez felt he was not completely truthful because he did not mention the pursuit training when he was involved in the accident. Deputy Martinez did not question him any further and told him to contact a supervisor if he was untruthful. Deputy Kodadek was listed as a possible witness and was present with Deputy Martinez when they learned this information. Deputy Martinez did not have anything further to add and the interview was concluded at approximately 1945 hours with an order not to disclose.

INVESTIGATION: (Continued)

On June 3, 2014, at approximately 1950 hours, I interviewed Deputy Joseph Kodadek at the Vista Patrol Station. The interview was recorded using a digital voice recorder. Before the interview took place, Deputy Kodadek was provided the four sections of the Rules of Conduct as it related to Insubordination, Intervention, Departmental Reports, and Truthfulness. Deputy Kodadek understood these sections and agreed to follow these procedures. I allowed Deputy Kodadek to review his Deputy's Report to refresh his memory of the incident. Below is a synopsis of our interview. For exact details, please refer to the audio recording.

STATEMENT OF WITNESS; DEPUTY JOSEPH KODADEK

Deputy Kodadek has been employed with the San Diego County Sheriff's Department for approximately three years. He is currently assigned to the Vista Patrol Station and has been so for approximately one and a half years. Deputy Kodadek was working at the Vista Patrol Station on April 15, 2014. He was working routine patrol within the City of Vista for that shift. Deputy Kodadek was approached during his shift by Deputy Cortez who was feeling stressed about his traffic collision.

Throughout this interview the following initials will represent the following individuals.

KJ: Ken Jones (Investigator)

RELEAST TROM

RELEASED FROM

RELEASED FROM

JK: Joseph Kodadek (Witness)

The following is an attempt to accurately document this portion of the interview:

KJ: Did you come into contact with Deputy Cortez and Deputy Martinez during your shift?

JK: I did.

KJ: Under what circumstances?

JK: Ah, Deputy Cortez approached me stating he was, ah, having feelings of stress regarding a traffic collision that he was involved in while he was on phase one.

KJ: Is that how you were made, ah, aware of the traffic collision that occurred on April 2nd, 2014 within the City of Vista?

JK: It is.

KJ: Do you know who was involved in the collision?

JK: Deputy Cortez advised me that he was the driver, in the, as far as the collision goes he was driving the vehicle.

KJ: Okay. And just tell me exactly what Deputy Cortez told you, when he approached you.

JK: Deputy Cortez basically said he, was having feelings of stress and was having difficulty sleeping due to um, not ah, giving full truth and testimony as far as, ah, his traffic report was concerned. Ah, he told me that while he was conducting, he was actually conducting, ah, pursuit training, ah, with his T.O. who was riding the passenger seat (inaudible) Deputy Dray. Um, and he then, ah, while they were doing pursuit training he got into a collision, I think he said he hit like a curb or something like that, I'm not too sure on exactly what he collided with.

KJ: Did Deputy Cortez tell you he was told to leave out the fact that they were conducting pursuit training?

JK: Yeah, the best of my recollection he said that, ah, he was advised, um, that his other partners that day were not telling him to lie, but they were essentially advising him to, um, on how to write his report and what, what to leave out and you know, leaving out basically the fact that they were conducting pursuit training.

KJ: Did Deputy Cortez say who told him this?

RELEASED FROM

TO J

RELEASED FROM

ro 3

(Sigh) I really don't have a good recollection on, on, ah, exactly who he said told him, ah, on how to write the report but, I know present that day was, um, Deputy, his T.O. Deputy Dray, um, and he said and were also, um, present as well. So, out of those three I don't know exactly which individual told him how or what to write.

KJ: Do you know what their roles were during this exercise?

JK: I do.

KJ: And what were they?

JK: Ah, Deputy Cortez was, ah, the driver for the vehicle along with his, ah, T.O in the vehicle with him, ah, they were conducting pursuit training, um, for possible like, say training just for like 10851 vehicle and, um, was the, ah, crook vehicle was the, um, vehicle they were kinda pursuing...

KJ: ...uh-huh...

...and he was driving that, the lead car, and then was acting as, um, as radio dispatch, ah, for the, for the training.

Deputy Martinez was present along with Deputy Kodadek when Cortez explained this. I gave Deputy Kodadek a copy of his Deputy's Report to review. Deputy Kodadek told me he authored this report and it was accurate. Deputy Kodadek emailed his report to Sergeant Eglin and Lieutenant Miller once it was completed.

Deputy Cortez was stressed and emotional when he explained what actually occurred during his collision. Deputy Cortez knew what he did was wrong and believed he was not completely truthful. Deputy Kodadek said Cortez was visibly upset about what happened and he could see how remorseful he was. Deputy Kodadek advised Cortez to contact Sergeant Eglin and tell her what happened during his collision.

Deputy Kodadek did not have anything further to add and the interview was completed at approximately 2000 hours with an order not to disclose.

<u>INVESTIGATION:</u> (Continued)

On July 2, 2014, at approximately 1433 hours, I interviewed Lieutenant Scott Miller at the Vista Patrol Station. The interview was recorded using a digital voice recorder. Before the interview began, Lieutenant Miller was provided the four sections of the Rules of Conduct as it related to Insubordination, Intervention, Departmental Reports, and

RELEASED FROM

RELEASED FROM

1.A. FILES

Truthfulness. Lieutenant Miller understood these sections and agreed to follow these procedures. Below is a synopsis of our interview. For exact details, please refer to the audio recording.

STATEMENT OF WITNESS: LIEUTENANT SCOTT MILLER

Lieutenant Miller has been employed with the San Diego County Sheriff's Department for approximately 31 years and is currently the patrol lieutenant for the Vista Patrol Station. Lieutenant Miller has been at this assignment for approximately 18 months.

Lieutenant Miller recalled meeting with Deputy Cortez about his vehicle collision. This was a pre-disciplinary meeting and the accident investigation was reviewed. When asked what happened, Deputy Cortez stated he was at the intersection of Progress Street and La Mirada Drive. While at the stop sign, Deputy Cortez made a right hand turn and the vehicle began to lose traction in the rain. The vehicle spun all the way around and his left rear tire struck the curb. This caused damage to the vehicle's left rear tire and rim, and possibly the axle. The vehicle has since been repaired by the garage.

I asked Lieutenant Miller if Deputy Cortez's description of the event was the same as what was written on his Deputy's Report. Lieutenant Miller told me it was. Deputy Cortez did not mention anything about conducting pursuit training during this predisciplinary meeting. Deputy Cortez mentioned Deputy Dray being present during this incident because she was the passenger in his vehicle. Other than Deputy Dray, there were no other deputies mentioned during this meeting.

Lieutenant Miller was later informed by one of his sergeants that Deputy Cortez felt bad because he did not give a truthful account of the accident. Lieutenant Miller learned Deputy Cortez told his new training officer, Deputy Martinez, about the pursuit training. Deputy Cortez also told Deputy Kodadek what happened. Lieutenant Miller instructed Deputies Martinez and Kodadek to write Deputy's Reports about what they were told. Licutenant Miller stated he heard Deputies and might have been involved in the pursuit training exercise. The interview was concluded at approximately 1439 hours with an order not to disclose.

INVESTIGATION: (Continued)

On August 5, 2014, at approximately 1420 hours, I met with Deputy Peggy Dray for her Internal Affairs interview. The interview took place within a private conference room at the John F. Duffy Administrative Center. I recorded my interview with Deputy Dray using a digital voice recorder. Deputy Dray was aware of the recording. Deputy Dray was represented by her attorney, Amy Gordon. Also present during the interview was Sergeant Blevins who is assigned to Sheriff's Internal Affairs, and Riley Harris who was assigned to Amy Gordon's law firm as an intern.

RELEASED FROM

RELEASED FROM

I.A. FILES

Before the interview began, Deputy Dray was given the opportunity to review the four sections of the Rules of Conduct as they relate to Insubordination, Intervention, Departmental Reports, and Truthfulness. Deputy Dray understood these sections and did not have any problems following these procedures. Deputy Dray was also given a copy of the complaint for her review.

I admonished Deputy Dray per Lybarger which included both the Miranda and the Garrity Admonishments. When I read Deputy Dray the Miranda Admonishment, she understood her rights and was not willing to speak with me. After reading Deputy Dray the Garrity Admonishment, Deputy Dray was ordered to answer my questions fully and truthfully. The following is a synopsis of my interview with Deputy Dray. For complete details, please refer to the attached recording.

STATEMENT OF ACCUSED EMPLOYEE: DEPUTY PEGGY DRAY

Deputy Peggy Dray has been employed with the San Diego County Sheriff's Department for approximately four years. She is currently assigned to patrol duties at the Vista Patrol Station. Deputy Dray has been a field training officer (FTO) for approximately six months. Her duties and responsibilities include handling calls for service and training new recruits during their phase training. Deputy Dray was previously assigned to the Vista Detention Facility where she worked for approximately 10 months before transferring to the Vista Patrol Station.

Deputy Dray was working on April 1, 2014, within the City of Vista. I provided Deputy Dray a copy of the daily deployment (Attachment G) for this date which was confirmed to be correct. Deputy Dray was assigned to work C shift from 1800 hours on April 1, 2014, to 0630 hours on April 2, 2014. Deputy Dray was assigned a trainee for this shift who was identified as Deputy David Cortez. Deputy Cortez was on his last day of his first phase of training.

Deputy Dray recalled a traffic accident she was involved in which occurred on April 2, 2014. Deputy Dray reviewed the accident investigation (Attachment D) and stated the accident occurred near the intersection of La Mirada Drive and Progress Street. It had been raining and the road surface was wet at the time of the incident. Deputy Cortez was operating the vehicle at the time of the collision and Deputy Dray was the passenger. Deputy Dray was given the opportunity to review several photographs of the incident (Attachment E) and confirmed the vehicle involved was # 20205.

I asked Deputy Dray to tell me what happened during this incident. Deputy Dray proceeded to tell me it was Deputy Cortez's last day on first phase and it had been slow due to the rain. They were asked by a couple of partners if they wanted to do some "pursuit radio training" and later met with Deputies and for the exercise.

RELEASED FROM

was to be the suspect during the training and was going to act as a dispatcher. It was decided to conduct this training on the south portion of the beat due to the low traffic volume in the area. Deputy Dray believed the training commenced around 0300 hours. Deputy Cortez began to pursue and called the pursuit on the radio as if Deputy Dray was not in the car. was acting as the dispatcher during this time. Deputy Dray told me they all used the car to car channel on their radios to communicate with each other.

While they were conducting this training, several alarm calls were dispatched and they all went to handle these calls for service. The training resumed when the calls were cleared. Sergeant Blevins asked Deputy Dray who specifically thought of this training. Deputy Dray could not recall who specifically thought of the pursuit training, but told us it was not her. This pursuit training was not specifically for Deputy Cortez, but meant for all the deputies to participate in and take turns during the exercise.

I asked Deputy Dray if she remembered approaching the intersection of Progress Street and La Mirada Drive while they were conducting this training. Deputy Dray told me yes.

Throughout this interview the following initials will represent the following individuals:

KJ: Ken Jones (Investigator)

PD: Peggy Dray (Accused Employee)

MB: Michael Blevins (Internal Affairs Sergeant)

The following is an attempt to accurately document the interview:

KJ: Did you guys stop at that intersection?

PD: No.

Deputy Dray stated when she and Deputy Cortez approached the intersection of Progress Street and La Mirada Drive, had already made a right hand turn onto La Mirada and was distancing himself from them. Deputy Cortez slowed down when he approached this intersection but did not stop at the stop sign. Deputy Cortez reduced his speed and continued to make a right hand turn onto La Mirada in pursuit of

I asked Deputy Dray if this pursuit training was a part of the FTO program. Deputy Dray said no. I asked if Deputy Dray has participated in this type of training before with her trainees. Deputy Dray told me no. Deputy Dray has never attended any training to supervise this type of exercise and is not an Emergency Vehicle Operator Course (EVOC) instructor. Deputy Dray is now aware this type of training should be conducted on a closed course, with training proposals and safety officers due to the high

MCTT TOM

RELEASED FROM

I.A. FILES

TO

probability of accidents. Deputy Dray did not believe this was necessary at the time of the incident because they were supposed to work on the radio procedures and not to concentrate on driving fast and catching the suspect.

Deputy Dray said a pursuit did occur and they were driving around and attempting to catch Deputy Dray thought this type of training would be valuable because when a deputy is involved in an actual pursuit, it is important to have some experience with the radio and how to operate the map on the computer to see where you were going. Deputy Dray again said it was not her idea and she was approached by either or Deputy Dray about participating in this training. Deputy Dray could not remember which deputy it was originally.

KJ: Now did you tell Deputy Cortez he was going to participate in this training?

PD: I asked him if he wanted to, or if he would rather go look for bad guys, or...

KJ: ...Okay, so you left it up to him?

PD: Yeah.

Deputy Dray could not recall what Deputy Cortez said, but she felt he must have wanted to participate. She would not have made him do it if he wanted to do something else instead.

KJ: And normally as a training officer, do you expect your trainees to do what you tell them?

PD: Yes, unless they think it's unsafe.

KJ: And in this case, you left it up to him? You left this decision up to him?

PD: Yes.

Deputy Dray, at the time of this incident, did not believe the training was about speed and it was going to be safe.

KJ: Did you notify a supervisor before this pursuit training took place?

PD: No.

Deputy Dray stated they do not notify a sergeant about everything they do. It was an overtime sergeant working that shift. Her regular supervisor was Sergeant Maryn and Deputy Dray believed if she asked Sergeant Maryn about the pursuit training, he would have told them to be careful and would have allowed it.

RELEASED FROM

RELEASED FROM

I.A. FILES

RELEASED FROM

I.A. FILES

TO___

After the accident occurred, Deputies Dray, Cortez, and gathered around the patrol vehicle to observe the damage. At first, they thought the vehicle just had a damaged wheel, but Deputy Dray observed the vehicle might have sustained a broken axle. They had to wait for the sergeant to arrive to the scene, so they joked with Deputy Cortez about how much trouble he was in. Deputy Dray did not believe Deputies and witnessed the accident.

KJ: Um, I'm going to ask you again what you guys talked about. Did you guys meet and determine to leave out the fact after you, or, right before you call the supervisor you're going to leave out the fact about the pursuit training?

PD: No.

KJ: No?

PD: No.

MB: That was never discussed?

PD: The only time that was discussed was at the station, between Deputy Cortez and I. He asked me if I, if he should include that in his DR, and I said I didn't think it was a factor in the accident but it was up to him.

KJ: Okay so let me get this straight Peggy. The car crashes against the curb line.

PD: Yes.

KJ: Everyone's gathered around the scene. You four, I mean you, Cortez,

PD: Yes.

KJ: And you're telling me nothing was discussed about, hey, we probably shouldn't be doing pursuit training because it might get us in a little bit of, a bind here. Why don't we all agree that we should leave out that we were doing pursuit training. You're telling me none of that was discussed?

PD: No. Not while I was there.

KJ: Okay.

I asked if any decisions were made at the scene of the accident. Deputy Dray told me Deputy Cortez initially wanted to drive the vehicle away after the accident but she told him they needed to inspect the vehicle. A decision was made to notify the sergeant about

RELEASED FROM

TV PY

I.A. FILES

RELEASED FROM I.A. FILES

TO

the accident. After Deputy Dray notified the sergeant, Deputies and remained on scene. I asked Deputy Dray how she notified the sergeant. Deputy Dray called Sergeant Lopez on the phone and explained what just happened.

Deputy Dray told Sergeant Lopez about the damaged wheel but later determined the axle might have been damaged as well. When Sergeant Lopez arrived at the scene, Deputy Dray believed Deputies and remained at the location, but she could not recall this exactly.

KJ: Did Sergeant Lopez ask you what happened once he's on scene?

PD: Ah, I think he asked me on the phone.

KJ: Okay. You don't remember if he asked you when he got to the scene?

PD: Um, I don't remember if he asked me again.

KJ: Okay. Did you tell him what happened once he was on scene?

PD: I told him about the accident. I did not tell him that we were doing pursuit training.

KJ: Did you tell him that you were stopped at the intersection?

PD: No.

Deputy Dray confirmed she did not tell Sergeant Lopez they were stopped at the intersection of La Mirada Drive and Progress Street just before the accident occurred.

KJ: Did you give an account to him, a verbal account to him about the accident, how it occurred?

PD: I'm sure I did.

KJ: Can you remember what you told him?

PD: Um, not verbatim. I...

KJ: Just what can you remember?

PD: If I, I don't, really remember for sure, but I'm thinking it was just he took the turn and lost control and slid into the curb.

KJ: Okay (Pause). And you didn't mention anything about the pursuit training that occurred before the accident?

RELEASED FROM

I.A FI

RELEASED FROM

I.A. FILES

RELEASED FROM

I.A. FILES

PD: No.

KJ: Okay. Do you feel that you were being truthful with Sergeant Lopez about the incident?

PD: Um, at that time I did because I was just thinking, how did this happen? Um, but now I feel like I left something out that I should have said.

I asked Deputy Dray to tell me about her mindset at the time of the accident. Deputy Dray told me she felt bad for Deputy Cortez because she did not want him to go through an investigation for the accident. Deputy Dray was in "shock a little bit" and did not know how this happened. Deputy Dray estimated they were traveling approximately 25mph when Deputy Cortez lost control of the vehicle while making the right hand turn. She then stated she did not know how fast they were going and it could have been slower.

KJ: Um, I mean, that's a pretty substantial portion of the accident, is the pursuit training. It's probably a large contributor to how the accident happened, and you just forgot to tell him, didn't want to tell him, weren't thinking about it, tell me?

PD: I didn't think that, that was the cause of the accident.

KJ: What do you think was the cause of the accident?

PD: Um, either he overcorrected or went, I don't know...

KJ: Let me throw this out there, do you think speed was a contributor to the accident?

PD: It's possible because of the rain.

I asked Deputy Dray when she looks back on the incident now, if she believed she was in violation of Rule of Conduct section 2.46 – Truthfulness. Deputy Dray read section 2.46 out loud for the record.

KJ: What do you think about that now?

PD: I don't think I was truthful.

I asked if Sergeant Lopez had a conversation with Deputy Cortez about the accident. Deputy Dray did not know if they had a conversation, and she could not recall if Sergeant Lopez asked Deputy Cortez what happened. Deputy Dray could not recall if Sergeant Lopez asked Deputies and what happened after the incident took place.

RELEASED FROM I.A. P. F. TO____

RELEASED FROM
I.A. FILES

Deputy Dray wrote a Deputy's Report regarding the accident. I asked Deputy Dray if her report was accurate. Deputy Dray stated it was, except for omitting the pursuit training. During this portion of the interview, I directed Deputy Dray back in time to when she was at the station and was writing her Deputy's Report after the accident occurred.

KJ: So why did you leave that out?

PD: Um, that's a good question. I, I don't know. I wish I hadn't, I, I was concentrating on the accident and the cause of the accident because the sergeant said it was for the accident report. So, I don't know. It was stupid of me, I think and can I elaborate?

KJ: Sure. This is your, your interview, Peggy.

PD: When we got back to the station, Deputy Cortez asked me, should we say the part when we were about to write our, um, DRs, about the pursuit training, and I said, I don't think it's, I don't think it's the cause of the accident. I'm not gonna write it but you can write what you want. And then I showed, I don't know if I showed him the hard paper copy or if I left mine open so he could read it.

So you had already completed yours before he started on his? KJ:

PD: Yeah, and, because I always did that for reports and give him a copy of a report that I had written so he would know how to kinda word it and start it and stuff like that.

Deputy Dray told Deputy Cortez he could write what he wanted on his Deputy's Report. Sergeant Blevins asked if Deputy Cortez was following her direction as a training officer. Deputy Dray said it was possible. Deputy Dray confirmed again that she told Deputy Cortez he could write what he wanted, indicating he could include the pursuit training in his Deputy's Report if he thought it was necessary.

I had Deputy Dray review section 2.41 - Departmental Reports again. Deputy Dray read the section out loud for the record. I asked Deputy Dray if she was in violation of this section upon reviewing her Deputy's Report. Deputy Dray stated yes, and believed she left out pertinent information now.

I asked Deputy Dray if she read Deputy Cortez's Deputy's Report after the accident happened. Deputy Dray stated she might have left work before it was completed, however, she probably reviewed it before she left. Deputy Dray was "pretty sure" she read it. I asked if Deputy Cortez's report was accurate. Deputy Dray said yes, except for leaving out the pursuit training.

RELEACED FROM

RELEASED FROM

I.A. FILES

I asked Deputy Dray if she recalled telling Deputy Cortez his report looked good and he could turn it in. Deputy Dray said she could not remember telling him that but it "probably happened." Deputy Dray stated she now knows she did not follow our Department's policy but at that time, she honestly did not believe the pursuit training was a factor in the collision. Due to not believing the pursuit training was a factor in the collision, Deputy Dray believed she was truthful and Deputy Cortez's report was accurate.

I asked Deputy Dray if she was ever contacted by Deputy Malson and Sergeant Aitken (Thompson) regarding the accident investigation. Deputy Dray said she was contacted by Deputy Malson, but could not remember the sergeant. She was contacted by both of them on the speakerphone. Deputy Dray remembered speaking with Deputy Malson for the entire conversation but was unsure if the sergeant remained on the line with them.

The purpose of this interview was to obtain her statement for their accident investigation. Deputy Malson at this time was assigned to traffic duties which include accident investigations. I had Deputy Dray review her statement which was documented on Deputy Malson's accident investigation. I asked Deputy Dray if her statement documented her saying they were stopped at the stop sign which controlled the intersection. Deputy Dray told me no. It was learned soon after she was looking at Sergeant Aitken's report and not Deputy Malson's investigation. I produced Deputy Malson's report and asked Deputy Dray if her statement was accurate.

Deputy Dray told me her statement was not accurate because Deputy Malson wrote she and Deputy Cortez were stopped at the intersection. Deputy Dray told me she was not untruthful with Deputy Malson and this was his error. I also had Deputy Dray review Deputy Cortez's statement which was documented by Deputy Malson. Deputy Malson wrote in his report that Deputy Cortez told him they were stopped at the stop sign which controlled Progress Street and La Mirada Drive.

Deputy Dray believed Deputy Malson wrote the "stopping part" in his report to document both their statements. This was his error and she did not know why he would document that.

KJ: That's incorrect you're telling me?

PD: Yes.

PD:

KJ: And more importantly, you didn't tell Deputy Malson that, that happened. That he stopped?

No.

KJ: You didn't?

RELEASED FROM

RELEASED FROM I.A. FILES

PD: No.

Deputy Dray also believed Deputy Malson's report was not accurate when he wrote that Deputy Cortez called Sergeant Lopez about the accident. Deputy Dray remembered calling Sergeant Lopez twice after the accident happened. Deputy Dray stated it was possible Deputy Cortez called Sergeant Lopez and then handed her the phone. Deputy Dray told me it was also possible both of them called the supervisor after the accident occurred.

KJ: Prior to Deputy Cortez meeting with Lieutenant Miller, did he send you a text message asking for you to call him?

PD: Yes.

KJ: What did he want to talk to you about?

PD: Ah, he, it was the day before his interview with Lieutenant Miller. Um, I was off work and I was out with a friend and he asked, he said, 'my interview is tomorrow are we sticking with the same statement?' And I was like, I was, sort of surprised and I said, just tell him the truth, just tell him what happened. And he said, 'okay, so nothing's changed?' And I said, no. So, I don't, it was really short, but it was very weird.

KJ: And what do you think he meant by that?

PD: Well now I think he meant, about the, leaving out the (laughing) pursuit training.

Deputy Dray thought this question was strange and she did not know why Deputy Cortez would ask that.

KJ: Did you ever mention to him, just stick with what was on the Deputy's Report?

PD: No.

KJ: Did you ever say that to him?

PD: No.

Deputy Dray did not think Deputies and wrote any reports about the accident. She did not believe they were ever questioned by any supervisors. Deputy Dray told me she did not meet with anyone to discuss leaving out the pursuit training.

Deputy Dray heard "rumors" about Deputy Cortez changing his story and contacting a sergeant about it. Deputy Dray told me she still to this day, did not know what

RELEASED FROM

RELEASED FROM
I.A. FILES

RELEASED FROM I.A. FILES TO__________

Deputy Cortez said when he changed his story. Deputy Dray and her partners began to "speculate" what Deputy Cortez said. Deputy Dray said they went to talk to Lieutenant Miller about the incident and were told it was going to be investigated by Internal Affairs. Lieutenant Miller told them not to discuss the incident with anyone.

I asked Deputy Dray if she would have done anything different upon looking back at this incident. Deputy Dray stated she would have told the sergeant about the pursuit training immediately and would not have participated in it to begin with. I asked Deputy Dray if she was a positive role model to Deputy Cortez when looking back at this incident. Deputy Dray told me yes, up until this incident occurred.

KJ: Now as a training officer are you required to complete daily evaluations on your trainee?

PD: Yes.

I showed Deputy Dray a copy of her evaluation for Deputy Cortez. This particular evaluation was for the shift when the accident occurred. I asked Deputy Dray to review what she wrote for "Report Writing" in Deputy Cortez's evaluation. There was nothing about Deputy Cortez's report regarding the accident. Deputy Dray agreed. I asked Deputy Dray to review what she wrote for "Driving" in Deputy Cortez's evaluation. There was nothing about the accident in Deputy Cortez's evaluation. Deputy Dray agreed with this. I asked her to review "Training" in his evaluation. There was nothing about the pursuit training in his evaluation. Deputy Dray agreed.

Deputy Dray agreed this was not an accurate evaluation for Deputy Cortez. I asked why she did not list his Deputy's Report in his evaluation. Deputy Dray said she would not list every single report or call they would go on and would pick a few to document.

I asked Deputy Dray why she did not document the accident in Deputy Cortez's evaluation. Deputy Dray said she was not trying to hide the fact that he was involved in an accident, but she did not want to "wreck his last eval."

I asked Deputy Dray why she did not mention the pursuit training in Deputy Cortez's evaluation. She told me the evaluations she completed were often cut and paste templates and she overlooked the last three categories.

I asked Deputy Dray if she was in violation of section 2.41- Departmental Reports. Deputy Dray did not believe she was in violation and told me if that was the case, she would be in violation of this section for most of her evaluations because she did not document everything Deputy Cortez did every day.

I explained to Deputy Dray, pointing out in section 2.41, that reports are to be truthful and complete. I told Deputy Dray that I was not suggesting she was untruthful in Deputy Cortez's evaluation, but asked if it was complete. Deputy Dray told me no.

RELECTION M

RELEASED FROM
I.A. FILES
TO_______

I asked if there was anyone else that I should interview that may assist with my investigation. Deputy Dray stated she heard "rumors" that they "coerced" Deputy Cortez into not talking about the pursuit training. Deputy Dray requested I speak to Deputies about this and they never pressured Deputy Cortez into saying anything while she was present. Deputy Dray said she walked away a couple of times while she was on the phone and she did not feel they would do such a thing.

I asked Deputy Dray one more time and explained I wanted to be very clear about this question and how important it was in my investigation. I asked Deputy Dray if she ever had a conversation about leaving the pursuit training out of the accident investigation. Deputy Dray stated, "No, not while I was standing there." Deputy Dray also confirmed again that she never told Sergeant Lopez or Deputy Malson that they stopped at the stop sign.

I asked Deputy Dray if she had anything to say on her own behalf that she wanted the reader of my investigation to know. Deputy Dray felt as if I was insinuating that she told Sergeant Lopez and Deputy Malson they were stopped at the stop sign just prior to the accident. I explained to Deputy Dray that I was not there for the incident and I could only go by what other witnesses told me. Deputy Dray believed Deputy Malson's report was inaccurate and she never told anyone they were stopped at the intersection.

Deputy Dray also added that Deputy Cortez told her the pursuit exercise was "really awesome training" and he learned a lot. Deputy Dray told me this type of training was important and would be beneficial if a better location was chosen. She said pursuits are "high intensity" and some deputies freeze-up and do not know what to say.

Deputy Dray's attorney, Amy Gordon, asked several questions prior to the interview concluding. Amy Gordon asked why she called the sergeant after the accident happened. Deputy Dray said she called because they had just been involved in an accident and the sergeant needed to know. Amy Gordon asked why she did not just hide the fact they had been involved in an accident. Deputy Dray told her she did not do that because it would have been dishonest. Deputy Dray believed she was honest and truthful when she called the sergeant and when he arrived on scene. Deputy Dray also believed she was honest and truthful with Deputy Malson and during her Internal Affairs interview.

I asked Deputy Dray if she still felt the pursuit training was not a factor in the collision. Deputy Dray told me no. Deputy Dray stated after talking with her attorney and an investigator, she realized the speed and the pursuit training was a factor. Deputy Dray now believed documenting the pursuit training in her reports and when notifying a supervisor was important. The interview was concluded at approximately 1539 hours with an order not to disclose.

RELEASED FROM

INVESTIGATION: (Continued)

On August 12, 2014, at approximately 1949 hours, I met with Deputy David Cortez for his Internal Affairs interview. The interview took place inside a private conference room located within the office of Internal Affairs. I recorded the interview using a digital voice recorder. Deputy Cortez was aware of the recording. Deputy Cortez was represented by his attorney, Fern Steiner. Also present during the interview was Sergeant Blevins who is assigned to Sheriff's Internal Affairs.

Before the interview began, I provided Deputy Cortez with the four sections of the Rules of Conduct as they related to Insubordination, Intervention, Departmental Reports, and Truthfulness. Deputy Cortez understood these sections and did not have any issues following these procedures.

I admonished Deputy Cortez per Lybarger which included both the Miranda and the Garrity Admonishments. When I read Deputy Cortez the Miranda Admonishment, he understood his rights and was not willing to speak with me. After reading Deputy Cortez the Garrity Admonishment, Deputy Cortez was ordered to answer my questions fully and truthfully. The following is a synopsis of my interview with Deputy Cortez. For complete details, please refer to the attached recording.

INTERVIEW_OF_ACCUSED EMPLOYEE: DEPUTY DAVID CORTEZ

Deputy Cortez has been employed with the San Diego County Sheriff's Department since 2011 as a Detentions Deputy Sheriff. He recently reclassified to law enforcement and graduated from the academy in February 2014. Deputy Cortez is currently assigned to the Fallbrook Substation where he is undergoing an extended second phase of training.

Deputy Cortez was working at the Vista Patrol Station as a first phase trainee on April 2, 2014. His training officer at this time was Deputy Peggy Dray. On April 2, 2014, Deputy Cortez was involved in a vehicle accident within the City of Vista. The accident occurred at approximately 0415 hours near the intersection of Progress Street and La Mirada Drive. At the time of the accident, it had just finished raining and the road conditions were wet. Deputy Cortez was driving the vehicle and Deputy Dray was in the passenger's seat.

I asked Deputy Cortez to explain to me what happened. Deputy Cortez told me his participation in a pursuit training exercise had been discussed at the beginning of the shift and throughout the week. At around 0200 hours, Deputies Cortez, Dray, and all met at a 7-Eleven to discuss the training. They decided to begin the training at approximately 0300 hours in the business park area of Vista. This location was picked due to its low vehicle traffic. was going to act as the dispatcher and their radio transmissions were communicated via the car to car channel. The training consisted of a simulated pursuit with Deputy Cortez broadcasting his direction of travel, speed, and road conditions.

RELEASED FROM

RELEASED FROM I.A. FILES

TO__

BELL.

A second burglary alarm was dispatched so they postponed the training exercise to respond to the call. After the alarm call was cleared, the pursuit training resumed. Deputy Cortez began to pursue who was role playing as the suspect at this time. The made a right hand turn with Deputy Cortez in pursuit. When Deputy Cortez turned right, he accelerated and lost control of his patrol vehicle.
Deputy Cortez completed a 180 degree turn and his vehicle struck the curb line. Once his vehicle stopped along the curb line, he exited his patrol car while the pursuit while acting as dispatch, also responded to Deputy Cortez's location.
Throughout this interview the following initials will represent the following individuals.
KJ: Ken Jones (Investigator)
DC: David Cortez (Accused Employee)
MB: Michael Blevins (Internal Affairs Sergeant)
The following is an attempt to accurately document this portion of the interview:
KJ: Did you ever stop at the stop sign at Progress Street and La Mirada?
DC: I don't believe I came to a complete stop. Um, I, I slowed down and then accelerated through it so
I asked if stopped at the stop sign. Deputy Cortez did not know if stopped or not due to the distance between them when Deputy Cortez arrived to the intersection. The stopped or not due to the distance between them when Deputy Cortez arrived at Progress Street and La Mirada Drive.
This was the first time Deputy Cortez had participated in this type of training while on shift. Deputy Cortez did not believe this type of training was wrong at the time because it had been discussed with his training officer previously and the vehicle traffic was low in the area. Deputy Cortez stated he was not ordered to conduct this type of training by Deputy Dray. Deputy Dray mentioned to him they were going to participate when the rain stopped and if they had time. Deputy Cortez agreed with this decision.
Deputy Cortez did not recall ever being given the option of either participating in the pursuit training or driving around to look for criminals. Deputy Cortez did not refuse to participate in the pursuit training and never expressed any reservations about it. I asked Deputy Cortez to tell me who participated in the pursuit training that night. Deputy Cortez said acted as the suspect, was the dispatcher, and he was driving with Deputy Dray in the passenger seat.

RELEASED COOM

RELEASED FROM
I.A. FILES
TO

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

After the accident happened, Deputy Cortez noticed the vehicle's rear wheel had been bent and the axle was not aligned properly. I asked if a supervisor had been notified about the training before it took place. Deputy Cortez said he did not notify a supervisor and did not know if Deputy Dray did or did not. He did not know if Deputies notified a supervisor before the training began.

KJ: Now after the accident occurred, did you gather around with any of the deputies to discuss what just happened?

DC: Yes.

I asked Deputy Cortez to tell me about what was discussed. Deputy Cortez said he and Deputies Dray and were all standing next to his vehicle. was at the scene but Deputy Cortez could not recall very much about what he was doing because he was concentrating on the conversation between Deputies and Dray. Deputy Dray said they needed to call a sergeant to advise him about the accident. agreed, but said they should all be on the "same page" before she called the supervisor.

said they should not have done the pursuit training because of the rain. looked at Deputy Cortez but was also addressing Deputy Dray when he said the pursuit training should not be included. Below is what Deputy Cortez recalled regarding that conversation.

DC: told him) 'I'm not saying you should lie, but you probably shouldn't include the pursuit part of what we were doing in your report or in telling the sergeant.' (Deputy Cortez continues) Um, and then at that point I didn't say anything, um, just 'cause (unintelligible) I, I felt more like, kinda confused at a little bit, of, okay, um, but then once Deputy Dray like, kinda nodded her head and said okay. Then I'm like okay (unintelligible) I guess, that's what we're gonna go with, um, then at that point, um, Deputy Dray called the sergeant. She's on the phone with him for a little bit and then she hung up and said that the sergeant was on his way. Um, so when, when, that's when we had just talked about, okay, we'll just, you know, just say what you did, ah, just make sure you don't put anything about the, the pursuit training taking place.

KJ: Okay, so it was a group decision between, that you know of, yourself, Deputy Dray and Section 1

DC: Yes.

KJ: To leave out the pursuit training in your reports, is that specifically mentioned?

DC: Yes.

RELEASED FROM

TO

RELEASED FROM I.A. FILES

RELEASED FROM

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

KJ: Okay, and as a collective group everyone agreed?

DC: Yes.

Deputy Cortez stated on their way back to the station, he had a very brief conversation with Deputy Dray about what they were going to document. Deputy Dray told Deputy Cortez to say they were driving back from the last radio call they just handled and as they were making the right hand turn, he accelerated and lost traction. Since Deputy Cortez had never written a Deputy's Report about an accident before, he needed some guidance on what to include in his report.

KJ: And And Additional And the participate in any of these discussions?

DC: I don't recall him ever saying anything.

KJ: Okay.

DC: Um, but, um, so and to my knowledge no, he didn't.

Deputy Cortez did not know why would suggest leaving the pursuit training out of the reports. Suggested this in the beginning and Deputy Cortez was more concerned with his involvement in a vehicle accident.

KJ: Okay, and Deputy Dray, she agreed with him?

DC: Yes. She nodded her head and said yeah.

KJ: Now do you feel like you were, may have been given an order by your training officer to write your Deputy's Report and leave that part out of it?

DC: Looking as an overall, yes sir. Um, I spoke with her as far as what I would be putting in the report to confirm with her, um, I also showed it, showed the report to her before I submitted it to the sergeant, saying, okay is this, is this all the details I'm supposed to be putting in this report, and she said yeah, and then that's when I submitted it.

Deputy Cortez stated he never called the sergeant to notify him about the accident because his training officer did. I asked if he overheard Deputy Dray's conversation with the sergeant when she called him. Deputy Cortez told me he did not. Deputy Cortez told me an overtime sergeant was working that evening and believed it was Sergeant Lopez.

Deputy Cortez did not recall telling Sergeant Lopez he had stopped at the intersection before making the right hand turn.

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES TO

RELEASED FROM I.A. FILES

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

KJ: When Sergeant Lopez asked you what happened, were you truthful with him? DC: I was truthful with what I, um, was discussed, um, as far as the incident itself. KJ: Um, I'm not following that. DC: Um, as far as the, how the traffic accident occurred. So I was truthful with that incident. KJ: About hitting a curb? DC: Yes Sir. KJ: Okay. Do, do you think leaving out the fact you were conducting pursuit training, do you think that's being untruthful? DC: Um, now looking at it sir, yes. Um, I, I, I felt like that's what I was supposed to do because I was being told and that's what, that's my training officer, but, um, which is more, he's more of a, um, I guess a leader to the, to the group or, because of my training officer and saying, okay yeah, so we need to make sure we have this, this is what happened, this is, you know just make sure you keep this out, it was like okay, I, I guess this, it was more about reassuring from them, um, that's answers your question? KJ: Yeah, okay. When Sergeant Lopez arrived to the scene, Deputies | and | present. Deputy Cortez could not recall if Sergeant Lopez asked Deputies what happened. As soon as Deputy Cortez began driving his vehicle away, he noticed the back end of the vehicle was shifting. Due to the damage, he did not know if the vehicle could be driven back to the station safely. Deputies Cortez and Dray ended

I asked Deputy Cortez if he believed the pursuit training was a factor in the accident. Deputy Cortez said yes. I asked Deputy Cortez to read Rule of Conduct section 2.41-Departmental Reports for the record. After reading this section, I asked if he believed his report was in violation of Departmental Reports. Deputy Cortez told me yes, and the full account of the incident should have been documented.

While Deputies Cortez and Dray were at the station, they began to write their reports about the accident. Deputy Cortez did not recall if Deputy Dray specifically told him to omit the pursuit training, however, he asked her several times if his report was worded correctly. Deputy Dray acknowledged this and later checked his report and turned it in to the sergeant before they left. RELEASED FROM

RELEASED FROM

up driving the vehicle back to the station with

followed behind them.

RELEASED FROM

in front of them, while

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

I asked if Deputy Dray left the decision up to him to either include the pursuit training in his report or to omit it. Deputy Cortez stated he never had this conversation with Deputy Dray. According to Deputy Cortez, it was very clear to him to leave the pursuit training out of his report based upon their meeting at the accident scene.

Deputy Cortez was later interviewed by Deputy Malson who was a traffic investigator at the Vista Patrol Station. Deputy Cortez did not recall being interviewed by Sergeant Aitken (Thompson). Deputy Cortez told Deputy Malson about the accident and his vehicle hitting the curb line. Deputy Cortez could not remember if he told Deputy Malson about stopping at the intersection before he lost control of the vehicle.

Deputy Cortez did not tell Deputy Malson about the pursuit training because he believed he was still supposed to tell the same story as what was discussed at the accident scene. Deputy Cortez did not have a conversation with Deputies Dray or before his interview with Deputy Malson. In Deputy Cortez's mind, he was going to explain the accident the same way as what was written in his Deputy's Report.

KJ: Is it safe to say you're just going to stick to the same story?

DC: Um, yeah I guess that's a very good way of putting it.

Deputy Cortez admitted he was not truthful with Deputy Malson when he failed to mention the pursuit training during his interview.

I asked Deputy Cortez if he sent Deputy Dray a text message requesting to talk to her before his interview with Lieutenant Miller. Deputy Cortez told me yes. Deputy Cortez knew Lieutenant Miller was going to ask him about the accident. Deputy Cortez wanted to clarify with Deputy Dray that he was supposed to leave out the fact they were conducting pursuit training when the accident occurred.

KJ: And what did she tell you?

DC: She said yes, just stick with the report. Um, it will be fine, just stay with what the report says. (Unintelligible)... At that point I was like okay.

KJ: And how did this make you feel when she told you to do that?

DC: Um, well, like I said, I think I said earlier, it, I mean it's, I, I was uncomfortable, um, but I still felt like that's what I was being told to do.

KJ: Okay. You said you were uncomfortable.

DC: Yes, sir.

KJ: Can you tell me why you were uncomfortable?

RELEASED FROM
I.A. FILES

RELEASED FROM
I.A. FILES
TO

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

DC: Um, it wasn't too clear to me at that point but, I still felt, I, I didn't see a reason why the pursuit training had to be left out. Um, so, it just, in my, I mean that was how I assume that I felt like, (Unintelligible) I wasn't understanding I guess completely why it was being left out.

I asked Deputy Cortez if he felt like the pursuit training was a significant factor in the collision. Deputy Cortez told me yes, and believed he was leaving out a part of the story. Deputy Cortez said if the pursuit training had not occurred, he would not have been driving so aggressively. He would have stopped at the stop sign and obeyed the rules of the road.

KJ: Now when she told you to stick with what's on the report, is that right, was that essentially what she told you?

DC: Yes, sir.

KJ: Do you feel like she was glving you an order at this time, as a training officer?

DC: Um, I believe she's, yeah, I guess that's safe to say. I was going to say that she's, I was asking for her guidance on this situation since the incident happened as her, with my training officer and so I was asking for her guidance of, is this, what (Unintelligible) we're supposed to be saying or do, ah, saying occurred and she said yes, stick with it so, yes.

MB: Did you express to her your concerns and you're feeling uncomfortable about not telling the whole story?

DC: Um, I called her and I remember saying, um, I'm meeting with Lieutenant Miller tomorrow, or Sergeant Eglin told me I'm meeting with Lieutenant Miller tomorrow, I just want to make sure, I mean, am I still saying what was on the report, and kinda, I was kinda fumbling around with my words because I'm like, am I, is this still supposed to be, like what I'm supposed to say and at that point she's like yeah, don't worry about it, just stick with the report. Ah, (Unintelligible) this will be fine, something down those lines.

Deputy Cortez did not specifically express his distress with Deputy Dray over the phone, but believed she knew due to him fumbling his words and his tone. Deputy Cortez eventually met with Lieutenant Miller to discuss his accident. Lieutenant Miller told him he was going to receive either a written or verbal counseling for the incident. I asked why he did not tell Lieutenant Miller about the pursuit training at this time. Deputy Cortez did not tell Lieutenant Miller about the pursuit training because of the conversation he had with Deputy Dray and being told to stick with what was on the report.

RELEASED FROM

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

TO_

Internal Affairs Investigation I.A. Case #2014-041,1 April 29, 2014

As far as Deputy Cortez knew, Deputies and did not write any reports about the collision and were not questioned by a supervisor. Deputy Cortez later spoke to his second phase training officer about the accident, Deputy Martinez. Deputy Kodadek was also present during this conversation. Deputy Cortez was feeling remorseful for not telling the entire story about the collision and confided this to Deputy Martinez.

Deputy Martinez told him he should have documented the entire incident and there was no reason not to. Deputy Martinez told Deputy Cortez he needed to talk to Sergeant Eglin about what actually happened. Deputies Cortez and Martinez returned to the patrol station and contacted Sergeant Eglin. Sergeant Eglin told Deputy Cortez to write a Deputy's Report about the entire incident and she would find out what avenues to take later. Deputy Cortez stated he felt uncomfortable after speaking with Lieutenant Miller and wished he had told him the entire story.

I asked Deputy Cortez if there was anything he would like to say on his own behalf that he wanted the reader of my report to know. Deputy Cortez told me he now understands he should have avoided the situation by telling the whole story initially. Deputy Cortez stated although he felt "pressured" to write what his training officer and other deputies wanted him to, he should have relied on his instinct and disclosed everything.

Deputy Cortez apologized for his actions and stated up until this incident, Deputies Dray and were very beneficial to his training and he learned a lot from them. Deputy Cortez said he did not wish them any harm from this situation but he needed to explain exactly what occurred. The interview concluded at approximately 2038 hours with an order not to disclose.

INVESTIGATION: (Continued)

his Internal Affairs int	at approximately 0840 ho erview. The interview to	ook place inside a priv	vate conference room
located within the offi	ce of Internal Affairs. I r	ecorded the interview	using a digital voice
recorder.	was aware of	the recording.	was
represented by his at	ttorney, Amy Gordon.	Also present during	g the interview was
-	is assigned to Sheriff's in internship at Amy Gor	-	Riley Harris who is
Before the interview	began, I provided	with the	four sections of the
Rules of Conduct as the	hey related to Insubordin	ation, Intervention, D	epartmental Reports,
and Truthfulness.	underste	ood these sections as	nd did not have any

RELEASED FROM

issues following these procedures.

RELEASED FROM

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

I admonished per Lybarger which included both the Miranda and the Garrity Admonishments. When I read the Miranda Admonishment, bunderstood his rights and was not willing to speak with me. After reading the Garrity Admonishment, was ordered to answer many questions fully and truthfully. The following is a synopsis of my interview with For complete details, please refer to the attached recording.	e
STATEMENT OF ACCUSED EMPLOYEE:	
	Ī
was working on April 2, 2014.	
Throughout this interview the following initials will represent the following individuals.	
KJ: Ken Jones (Investigator)	
MB: Michael Blevins (Internal Affairs Sergeant)	
The following is an attempt to accurately document this portion of the interview:	
KJ: During your shift, did you ever have a conversation with anyone about conducting pursuit training that night?	ut
Yes.	
stated he talked to Deputies Dray, Cortez, and about the pursuit training exercise. The conversation took place at a 7-Eleven on Business Part Drive, at approximately 0300 hours. The training was to concentrate on the radio trafficulty portion of pursuits, and not the driving aspects which are involved.	k
told me it was Deputy Cortez's last day on phase training and it was slow that night. Deputy Cortez was finishing his first phase of training. Rather that having the trainee do nothing, suggested they work on pursu procedures. They began the pursuit training in the business park area at approximate 0330 hours. This particular location was chosen due to its low volume of traffic Everyone was told to drive safely as they normally would and they switched to a car to car radio channel for the training.	in it ly c.

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

RELEASED FROM

along v	told me the following personnel participated in the pwith their corresponding roles:	oursuit training	
- Depu -	ties Dray and Cortez (Law Enforcement) (Suspect) (Dispatcher)		
covere	they were conducting the pursuit training, several alarm calls were who subsequently responded to them. Deputies Dr. deputies on these calls and upon their completion, r. n to continue the pursuit training.	ay and Cortez	
KJ:	So you were involved in a pursuit training scenario on April 2, 201-	4?	
	Yes.		
КЈ:	And just explain what the weather and road conditions were like.		
	Ah, road was wet. Ah, I don't think it was raining at the time be earlier that night. Um, the road (Unintelligible) was still wet. Ah,		
the de	to explain to me, in his own words, exactly we said he setup the training with the intention of word ures and not the driving aspects of a pursuit. As the training exerciples parked in a nearby parking lot and acted as if he was the puties began to drive out of the range of the car to car channel, it to their location and "shadow behind them."	rking on radio cise proceeded, c dispatcher. If	
several driving	training continued, observed the deputies drive politimes but he did not observe anything dangerous. Deputy Cog during this time, was calling the pursuit and updating his specificated Deputy Cortez estimated his speed between 35-40 MPH speed limit for the area.	rtez, who was eeds.	
approa heard interse	simately 30 minutes into the training, Deputies Dray, Cortez, iched the intersection of La Mirada Drive and Progress Street. Description and observed Deputies Dray and Cortez standing outside their was also on scene. Said Deputy Corte westbound in the eastbound lanes.	went to the patrol vehicle.	
KJ:	Did you witness the accident?	RELEASED I.A. FILES	FROM
	No. RELEASED FROM	TO_	>

Internal Affairs Investigation I.A. Case #2014-041,1 April 29, 2014

April 2	39, 2014
arrive 1	stated he did not know exactly where he was when the accident ed, however, he was not far away because it took him approximately one minute to to the scene. Upon his arrival, observed Deputy Cortez's vehicle lamaged rear axle which was pushed over more to one side.
KJ:	Now after the accident, was there a conversation about how the pursuit training should not have occurred due to the rain?
	No. I don't recall talking about whether or not we should have had the training in the rain. Ah, in my mind when I set it up it was all for, radio, not driving.
focus of would focus.	explained when he setup the training, he assigned everyone their roles ought he told everyone to follow the rules of the road and to watch their speeds. stated maybe he did not communicate this clearly but in his mind, the of the training was to practice radio procedures. have conducted pursuit training on the wet roads where driving was the primary remembered saying several times, "Don't get into a TC." did not believe, at that time, they were doing anything wrong and did they had to cover anything up.
KJ:	You never suggested to leave out the pursuit training before the sergeant was notified?
	I did, at one point. (Clears throat) Ah, and Dray were looking at the car. It was me and Cortez, they were also looking at the car, I was back by my

I did, at one point. (Clears throat) Ah, and and Dray were looking at the car. It was me and Cortez, they were also looking at the car, I was back by my car. Ah, Cortez was freaking out. (Unintelligible) you know he's a trainee, just got in a TC and we're hassling him a little bit. You know, he's a trainee had never got in a TC, (Unintelligible) give him a little bit of grief for it. Ah, and he's freaking out his mind's all over the place, um, and is just going on and on about, 'What should I say? What should I say?' And I was just like, 'Dude, just get your shit together, get your statement, and tell it to the sergeant.' And he's like, 'What about the training?' What about the training?' then asked) 'So what happened?' (Deputy Cortez replied) 'So alright. I went to the stop sign, I stopped, I gunned it too hard going around the corner.'

KJ: Did he say he stopped at that stop sign?

From what I remember. If he said he hadn't stopped it would have changed my response. Ah, in my mind, I, I did say, 'Hey don't worry about the training.' I, I didn't think it was relevant to the TC. Because, (sigh) if, if, I don't recall him expressly saying, 'I stopped at the stop sign, and then I went forward.' But whatever his statement was it, made me think enough that, okay, if you're just talking, if I was in a TC, and kinda put myself in the same spot. If I was in a TC, and I was either, you know, on a car to car channel talking to my partners or I was on the radio keying up, doing whatever just in the course of normal business,

RELEASED FROM

RRELEASED FROM

I.A. FILES TO____ RELEASED FROM

Internal Affairs Investigation I.A. Case #2014-041.1 . April 29, 2014

and I stopped at a stop sign, gunned it, and flew around the corner too hard because the roads were wet, and hit a curb. I would have gone, ah, the reason for the accident isn't I was talking on the radio, the reason for the accident is I gunned it too hard going around this corner. I didn't think the training was, I, I did tell him, I'm, 'Don't worry about the training, I don't think it matters.' Um, it's because I didn't think it at the time, I didn't think it was relevant to the, ah, accident. Since then I've realized, (laughs) that was a bad decision, on my part.

KJ: Um. hum.

said he now recognized this was a bad decision. He based this from asking what other, more experienced deputies thought, and from attending and completing the training officer's school. told me he should have instructed Deputy Cortez to "put it all out there" and to allow the sergeant to make a decision.

KJ: So, you did suggest to Cortez to leave out the pursuit training in his report?

Ah, I never, I didn't know it was gonna go to a report, at that time. Ah...

KJ: He has to write a Deputy's Report because he crashed a car.

...(Unintelligible) I didn't know the extent of the, I, I know you normally, when you crash a car but we didn't know the extent of the damage or whether the sergeant was going to come on, so I didn't know if it was gonna go written or not at that time, but I did say, 'Hey when the sergeant gets here, I wouldn't...'

KJ: Yeah, let me back up. So you suggested leaving out the pursuit training before the sergeant was notified?

: Yes.

KJ: Because you're going to have to tell the sergeant...

Yes, right.

KJ: ...going to say hey, leave that out.

Correct.

KJ: Did Dray agree with that?

: Yes.

RELEASED FROM

TO D

RELEASED FROM LA FILES

RELEASED FROM I.A. FILES

RELEASED FROM

I.A. FILES

Internal Affairs Investigation I.A. Case #2014-041,1 April 29, 2014

stated Deputy Dray was present at this specific time when he was telling Deputy Cortez to exclude they were conducting pursuit training before the sergeant was notified. Some told me Deputy Dray was "kind of freaked out" because Deputy Cortez was her trainee and it was her vehicle. Deputy Dray was also worried due to the sergeant who was working (Sergeant Lopez) was not her normal supervisor. Said he could not be absolutely certain if Deputy Dray heard what he was saying, however, she was present during this conversation which was lengthy. Deputy Dray did not disagree with him, and he assumed she heard everything that was discussed.			
KJ: Did you suggest to Deputies Dray and Cortez they should omit the pursuit training from their reports?			
Ah, in the manner that I just told you, yes. I, I didn't think it was relevant			
proceeded to say he believed Deputy Cortez stopped at the stop sign and the training was not a "big deal." In his mind, the training was not relevant to the traffic collision. In the training exercise was to concentrate on the radio procedures. In the stated if he had done things differently and told everyone to "throw it out there," he believed they would have "gone with it." stated, "It is what it is at this point."			
I asked if he said something to the effect of, "I'm not telling you to lie, but you should say you took a corner too fast and you should not mention the pursuit training." told me he never said that during the incident. He stated Deputy Cortez must have construed his comments in that fashion. Told me he's been in law enforcement for eight and a half years and was not willing to throw his career away over a lie. Said he would never tell anyone to lie about anything.			
I told the point of my question was to find out if they all got together and made the decision not to tell the sergeant about the pursuit training before the notification.			
I, I did say at the time yeah, I, I wouldn't worry about the pursuit training. I, I did, I wouldn't worry about telling the sergeant.			
told me they were not sitting around developing a story to get out of trouble. admitted they did discuss leaving out the pursuit training but that was due to him not believing it was relevant to the traffic collision. Deputy Dray agreed with decision. decision. confirmed he did not hear Deputy Dray say anything. told us Deputy Dray was present for			

RELEASED FROM

I.A. FILES

CED FROM

RELEASED FROM

RELEASED FROM ,

I.A. FILES

with his decision based upon her compliance.			
	did not know if heard their conversation. When the Lopez arrived to the accident scene, Deputies and Eikermann were all present. It is stated as they were ing the accident and waiting for the sergeant to arrive, Deputy Eikermann drove		
which d	told me Deputy Eikermann was present when they were discussing direction to go with Deputy Cortez's statement.		
KJ:	He was there when you guys discussed about the pursuit training?		
	Not the training, he rolled by after the TC.		
Lopez	confirmed Deputy Eikermann was present when they were talking what should be included in Deputy Cortez's report. Upon his arrival, Sergeant did not ask any questions about the accident.		
KJ:	Didn't mention to him anything about pursuit training when he arrived?		
	No.		
KJ:	And why not?		
	Ah, in my mind, I, I wasn't the one that got in a TC, so I wasn't the one giving the statement.		
As far a			
was lea	did not write any reports about the vehicle at. When Deputies Cortez and Dray were taking the vehicle back to the station, it arned the vehicle was not handling right and appeared to be wobbling due to the ed axle. Temained behind Deputies Cortez and Dray to ensure rived to the station safely.		

RELEASED FROM

I.A. FILES

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

closed stated	told me this was told me this was told me this. I asked if he was awa course, with training proposals, he was not aware of any policied nothing to do with driving technology.	instructors, safety officers, etc. es, but his intention was for radio	conducted on a
KJ:	Did you guys notify a sergeant l	before conducting this pursuit tra	ining?
: :	No.		
KJ:	And why not?		
	I didn't think it was necessary.		
mistak much	if there was a ted the reader of my report to kee. He did not tell Deputy Cortex to jeopardize it over something timately 0922 hours with an order	z to lie about anything and liked ng so small. The interview w	realized he made a his profession too
INVE	STIGATION: (Continued)		
his Int located record represe Serges	ernal Affairs interview. The interview of Internal Affairs interview. The interview of Internal Affairs interview of Internal Affairs at Internal Affairs an internal Affairs at Internal Affairs an internal Affairs at Internal Affairs an Internal Affairs at Internal	erview took place inside a private fairs. I recorded the interview us ware of the recording. Deputerion Also present during the heriff's Internal Affairs, and Rile	ing a digital voice ty was he interview was
Rules and T	e the interview began, I provide of Conduct as they related to Instruthfulness.	subordination, Intervention, Dep	
Garrity	y Admonishments. When I read atood his rights and was not willing the Garrity Admonishment ons fully and truthfully. The following the contractions of the contraction	ng to speak with me. After readi	Admonishment, he ng
	RELEACED EPOM	RELEASED FROM.	RELEASED FROM

A. FILES

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

STATEMENT OF ACCUSED EMPLOYEE: DEPUTY

RELEASED FROM

	Shift which began on April 1, 20 ximately 0630 hours.	on April 2, 2014. 14 at 1800 hours, and ended on	was working April 2, 2014 at
Thro	ighout this interview the following	initials will represent the following	ing individuals.
KJ: 1	Cen Jones (Investigator)		
	(Accused Employe	ce)	
мв:	Michael Blevins (Internal Affairs	Sergeant)	
The f	ollowing is an attempt to accurately	y document this portion of the int	erview:
KJ:	And during your shift, did you conducting pursuit training that		th anyone about
	Yes.		
KJ:	And who did you talk to?		
: :	Deputy Programme		
KJ:	Anyone else?		
=:	Deputy Dray eventually,		
this	told me he had been to conducting pursuit training with training personally with Deputy mentioned this pursuit training ngs, and Sergeant Nick Maryn was	their partners. Dray until the night of the ing was brought up several times of	
radio drive Depu while with	stated they asked Serve told them, "Sounds good." procedures during a pursuit. The in a safe manner. ty Cortez with the proper radio constantly moving. the training and "trusted us to do ng proposal or training summary p	told us this training was mentioned transmissions, and how to transmissions said Sergeant Maryn did not tit."	s to focus on the s of the road and ant to familiarize smit his location
	RELEASED FROM	RELEASED FROM	RELEASED FROM

RELEASED FROM

I.A. FILES

I.A. FILES

TO

RELEASED FROM

parking periodi	said he was the suspect during the pursuit training. His intention was speed away from Deputy Cortez but he wanted to confuse him by cutting through g lots and driving behind buildings. stated it had been raining ically and the roads were wet. training and what their roles were.
Deputi	(Suspect) es Dray and Cortez (Law Enforcement) (Dispatch)
or seco	stated Deputy Cortez was a trainee but was unsure if he was in his first and phase of training. Deputy Dray was Deputy Cortez's training officer during ne.
handled point d As he Cortez his read to drive	to tell me about what happened during the training exercise. As egan to conduct the training, several alarm calls were dispatched in the area. They detend the alarm calls and continued with the training. Stated at one during the training, he gained "some distance" between himself and Deputy Cortez. approached La Mirada Drive, stopped and waited for Deputy to catch up. The proceeded down La Mirada Drive and looked into rview mirror. In the proceeded down La Mirada Drive and looked into did not see Deputy Cortez's vehicle and continued e away. When looked again, he observed Deputy Cortez's tail indicating he must have lost control of the vehicle and spun around.
facing	remembered hearing, "Hold on a second." turned around and back to the accident location. observed Deputy Cortez's vehicle the wrong way and resting against the curb. did not witness y Cortez losing control of his vehicle and hitting the curb.
KJ:	Now after the accident occurred, was there a conversation about how the pursuit training should not have been conducted because of the rain?
:	No.
KJ:	Nothing like that took place?
	Nope.
After to	he accident happened, Deputies , Dray, Cortez, and were at the
KJ:	Did anyone ever suggest leaving out the pursuit training before a sergeant was notified?
	RELEASED FROM I.A. FILES TO O RELEASED FROM I.A. FILES TO O

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

	No.	
KJ:	No conversation about that?	
. :	No.	
KJ:	Did anyone ever suggest to Deputies Dray and Cortez they sh pursuit training from their reports?	ould omit the
	Not that I know,	
was go crashed	told me he discussed the accident with Deputy Corte Deputy Cortez looked "scared out of his mind" and was worried bing to say. did not know if Deputy Cortez stopped at the did the pursuit training was never mentioned between them. Deputy if he should mention the pursuit training or not.	about what he ust say how he intersection or
Dray g was loc	described Deputy Dray as nervous while at the scene at Sergeant Maryn was working that night. According to goes to goes to goes a lot for advice on making decisions. So loking at the vehicle most of the time and was not a part of any discussions about the accident.	, Deputy
to their	sation; however, he was looking at the damaged vehicle and did no reconversation. did say a decision was made to cattify him about the incident.	t pay attention
Deputi	es Dray and about the accident and then left the area shows told me Deputy Eikermann arrived to the scene after the anot remember exactly when or if it was before or after Sergeant Log followed Deputies Dray and Cortez back to the station e to their vehicle's rear axle.	rtly afterwards. accident but he pez responded.
KJ:	Did Sergeant Lopez ask you any questions about the incident?	RELEASED FROM
	Nope.	I.A. FILES
KJ:	Did you mention anything to Sergeant Lopez about the incident?	,
	Nope.	RELEASED FROM

A. FILES

RELEASED FROM
I.A. FILES
TO

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

	to him upon his arrival and v	t Lopez about the pursuit training be vas never asked any questions aboug g at Deputy Cortez's vehicle and the arrived.	ut the incident.
KJ:	Did anyone else tell Sergeant	Lopez about the pursuit training that	you know of?
	I don't know.		
Lopez enougi After		if he overheard the converse said he did not write any reports about the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports and the converse said he did not write any reports	e was not close at the accident.
KJ:	Did you discuss the accident w	ith anyone after it was over?	
	Ah, the next day. In briefing partners but not, nothing that	g, I might have said something to a recall specifically.	a couple of my
check "stress	y Cortez was writing his report to see how he was doing. ed out" so he just left him all	told me Deputy Cor	wanted to tez still looked poke to several
with S		irst time he had participated in this t ngs could go wrong, but he discuss e a problem with it.	
KJ:	So if I interview Sergeant M pursuit training?	aryn he's going to recall that com	versation about
	Should, best of my knowledge.		
KJ:	And say that I approved, that they go ahead and do that?		
	I couldn't tell ya, that's gonna	be on him.	
	told me he was noti	training. He did not know of anyor	at the 7-Eleven
	BELLET FROM .	RELEASED FROM	RELEASED FROM I.A. FILES

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

KJ: Is there anything you would like to say on your own behalf that you like the reader of my report to know?

Nope.

The interview was concluded at approximately 1128 hours with an order not to disclose.

INVESTIGATION: (Continued)

On August 27, 2014, at approximately 1143 hours, I interviewed Sergeant Nicholas Maryn at the Vista Patrol Station. I recorded the interview using a digital voice recorder. Sergeant Maryn was aware of the recording and did not have any objections. Prior to the interview, Sergeant Maryn was provided the four sections of the Rules of Conduct as they pertain to Insubordination, Intervention, Departmental Reports, and Truthfulness. Sergeant Maryn understood these sections and did not have any issues following these procedures. Below is a summary of our interview. For complete details, please refer to the attached recording.

STATEMENT OF WITNESS: SERGEANT NICHOLAS MARYN

Sergeant Maryn has been employed with the San Diego County Sheriff's Department for approximately 25 years. He is currently assigned as the Administrative Sergeant for the Vista Patrol Station and has been at this assignment for approximately seven weeks. Sergeant Maryn was on vacation on April 2, 2014, and was not at work. Prior to being assigned as the Administrative Sergeant, Sergeant Maryn regularly supervised Team Four which was the team of deputies who were working on April 2, 2014. Deputies Dray, Cortez, were all assigned to Team Four for that shift.

Sergeant Maryn regularly supervised these deputies from January 2013 to July 2014. Sergeant Maryn stated none of these deputies approached him about conducting pursuit training during this time; however, they were free to conduct training as they deem necessary. Sergeant Maryn said they would discuss training as a team but that was mostly when mandated Department training was assigned. The deputies would however be allowed to conduct training on their own when they believed it was necessary for the trainee to become more proficient.

I asked more specifically if Deputies Dray, procedures, or had ever approached him about conducting pursuit training to work on radio procedures. Sergeant Maryn could not recall if that took place but said it could have. Sergeant Maryn knew Deputy Cortez was having a difficult time in many aspects of his training during this period.

Throughout this interview the following initials will represent the following individuals.

RELEASED FRO

RELEASED FROM

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

KJ: Ken Jones (Investigator)

NM: Nicholas Maryn (Witness)

The following is an attempt to accurately document this portion of the interview:

KJ: Ah, being even more specific, did and and you know who he is

right?

NM: Correct.

KJ: Did he ever discuss this type of training with you at any time about radio procedures, pursuit training, anything like that? Did he ever mention anything

about that to you?

NM: He may have, I, I don't recall a specific in... incident.

KJ: Okay. So maybe, you just don't recall?

NM: Yes.

I asked Sergeant Maryn if these deputies asked for his permission to conduct this type of training, what would he have told them. Sergeant Maryn stated based upon his knowledge of their work performance and ability, he would have told them to go ahead and conduct the training.

I asked Sergeant Maryn if there was anything he wanted to add or if there was something I forgot to ask him. He proceeded to tell me that Deputies Dray, and were three of the top deputies on his team. Sergeant Maryn stated these deputies had always shown good judgment in the past and did an excellent job while he was their supervisor. Based upon these observations, he had no reason to question their decisions regarding this incident. This concluded my interview with Sergeant Maryn. The interview was concluded at approximately 1149 hours with an order not to disclose.

INVESTIGATION: (Continued)

On September 2, 2014, at approximately 1941 hours, I met with Deputy Tyler Eikermann for an interview. The interview took place at the Vista Patrol Station. I recorded the interview using a digital voice recorder. Deputy Eikermann was aware of the recording and did not have any objections. Before the interview began, Deputy Eikermann was provided the four sections of the Rules of Conduct as they pertain to Insubordination, Intervention, Departmental Reports, and Truthfulness. Deputy Eikermann understood these sections and did not have any problems following these procedures. Below is a summary of our interview. For complete details, please refer to the attached recording.

RELEASED FROM

TO__

STATEMENT OF WITNESS: DEPUTY TYLER EIKERMANN

Deputy Eikermann has been employed with the San Diego County Sheriff's Department for approximately seven years. He is currently assigned to the Vista Patrol Station for patrol duties. Deputy Eikermann has been assigned to the Vista Patrol Station for approximately one year.

Deputy Eikermann was working in the City of Vista on April 2, 2014. Eikermann recalled a collision involving a Sheriff's patrol vehicle near the intersection of Progress Street and La Mirada Drive. After Deputy Eikermann cleared a radio call, he looked at his mobile data computer and observed three to four units near the business park area. He decided to drive over to their location to see what was going on.

Upon his arrival, Deputy Eikermann noticed a marked unit which had a flat tire. Deputy Eikermann told me Deputies Dray and Cortez were involved in the collision. Deputy and Eikermann also said Deputies were on scene when he arrived. Deputy Eikermann exited his patrol vehicle and someone told him, "You probably don't want to be here right now." Deputy Eikermann believed told him that but he could not be absolutely certain.

Deputy Eikermann learned Deputy Cortez just crashed his vehicle. As he was walking back to his vehicle to leave, Sergeant Lopez arrived to the accident scene. Deputy Eikermann remained at the scene until Deputies Dray and Cortez began to drive their vehicle back to the station. Deputy Eikermann assisted in following Deputies Dray and Cortez back to the Vista Patrol Station.

I asked Deputy Eikermann if the deputies were discussing anything when he arrived on scene. Deputy Eikermann told me they probably were but he did not know what they were talking about. Deputy Eikermann stated he could hear all of the deputies on the car to car radio participating in the training exercise. He believed when Sergeant Lopez arrived on scene, he was already aware of the pursuit training and the subsequent crash.

Deputy Eikermann told me about the moment he learned there was a possible cover-up. Deputy Eikermann returned to the station to write a report. Deputy Cortez was nearby and writing his report about the accident. He heard Sergeant Lopez ask Deputy Cortez to give him the event number from the call he was coming back from when he crashed. Deputy Eikermann said this was when it "hit" him because he did not think they were coming back from a call or going to a call when the accident happened.

Deputy Eikermann already knew the crash was from the pursuit training exercise because he was previously listening to them. He did not know why the sergeant would ask for an event number from a call. When Deputy Eikermann heard this, he then believed "something was up."

RELEATE: I.A. FILE TO_

RELEASED FROM I.A. FILES

Internal Affairs Investigation I.A. Case #2014-041.1 April 29, 2014

Deputy Eikermann did not inquire further into the matter because he was not sure what Deputy Cortez told Sergeant Lopez previously. Deputy Eikermann said it was possible Deputy Cortez told the sergeant they were conducting pursuit training after clearing the radio call. I asked if Deputy Eikermann heard anything discussed about the pursuit training when he was on scene at the accident location. Deputy Eikermann told me he did not.

Deputy Eikermann stated he later talked to Deputy Cortez about the incident but could not remember the exact date. Deputy Eikermann had heard from someone else that Deputy Cortez was not truthful about what happened so Deputy Eikermann asked how he was doing. Deputy Cortez appeared to be stressed about what happened and he did not know what to do. Deputy Cortez said Deputies Dray and were trying to make this go away and it was not relevant. Deputy Eikermann told Deputy Cortez he needed to tell the truth and lying was definitely one thing that could get him fired.

Deputy Cortez told him he spoke to Deputy Dray during their days off so they could get their stories straight. Deputy Eikermann said he did not agree with this because it was wrong for a training officer to try and convince someone to lie about anything. Deputy Eikermann wanted Deputy Cortez to tell the truth before a significant amount of time went by and it was too late.

I asked Deputy Eikermann if Sergeant Maryn was his regular supervisor. Deputy Eikermann said he was, and Sergeant Maryn was his regular supervisor for approximately four months. I asked if they ever discussed conducting pursuit training with Sergeant Maryn. Deputy Eikermann told me they discussed this type of training when they were "out and about" amongst themselves (Deputies), which stemmed from a poor pursuit by one of their partners. Deputy Eikermann did not believe Sergeant Maryn was present when they discussed setting up this type of training.

Deputy Eikermann told me he did not speak with Deputies Dray, about the incident after it happened. Deputy Eikermann believed these deputies wanted to keep the accident quiet and wait for everything to be "smoothed out," I asked if this type of training had been conducted in the past while out in the field. As far as Deputy Eikermann knew, this type of training had never been conducted before.

> RELEASED FROM I.A. FILES
> TO I.A. FILES
> TO 1

RELEASED FROM

RELEASED FROM

I asked Deputy Eikermann if there was anything he wanted to add or if there was something I forgot to ask him. Deputy Eikermann wanted to say he believed Deputy Cortez was put in a position where he was told to cover the accident up when he really did not want to. He thought Deputy Cortez was pressured into making this decision based upon being a new deputy and on training. This concluded my interview with Deputy Eikermann. The interview was concluded at approximately 2004 hours with an order not to disclose.

Submitted by: 4406, 567. 1915/14 K.W. Jones, Sergeant Date

Approved by:

WG: kwi

RELEASED FROM

RELEAS

RELEASED FROM

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Vista Patrol Station



TRAFFIC ACCIDENT COLLISION INVESTIGATION

EMPLOYEE: Deputy Sheriff D. Cortez #9739

INVESTIGATOR: Sheriff's Sergeant S. Aitken #2632

COMPUDE MIAL

RELEASED FROM
LA FILES
TO

RELEASED FROM
I.A. FILES
TO

RELEASED FROM I.A. FILES



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Vista Station

Traffic Collision Investigation

EMPLOYEE:

Deputy Sheriff D. Cortez #9739

INVESTIGATOR:

Sheriff's Sergeant S. Aitken #2632

TABLE OF CONTENTS

- A. Synopsis, Analysis and Conclusions and Findings by Sergeant S. Aitken
- B. Witness List and Investigation by Sergeant S. Aitken
- C. Supervisors Accident Investigation (RM3) by Sergeant S. Aitken, April 2, 2014
- D. Confidential Accident Report (CD2) by Sergeant D. Lopez, dated April 2, 2014

RELEASED For

E. Deputy's Report by Deputy Cortez #9739, dated April 2, 2014

F. Deputy's Report by Deputy Dray #6409, dated April 2, 2014

G. Traffic Collision Report #14116650 by Deputy J. Malson #0029

H. CAD Printout

I. Photographs of vehicle and damage

RELEASED FROM

RELEASED FROM

TO_

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

San Angeles Station

CONFIDENTIAL

INVESTIGATOR: S. Aitken, Sergeant DATE: April 6, 2014

NON-INJURY TRAFFIC COLLISION INVOLVING DEPUTY D. CORTEZ # 9739

SYNOPSIS, ANALYSIS, CONCLUSIONS AND FINDINGS

SYNOPSIS

On April 2, 2014, Deputy D. Cortez was operating a marked patrol vehicle, facing northbound on Progress Street, resting at the stop sign located at the intersection of Progress Street and La Mirada Drive. The intersection is located within the City of Vista. Deputy P. Dray was sitting in the passenger seat. Both Deputy D. Cortez and Deputy P. Dray were wearing their seatbelts.

As Deputy D. Cortez proceeded through the intersection, he made a right hand turn onto La Mirada Drive. The rear tires of the vehicle lost traction, causing the vehicle to slide around 180 degrees, and striking the south curb-line of La Mirada. The vehicle came to a rest, facing westbound on La Mirada Drive, approximately thirty feet east of Progress Street.

The patrol car had moderate damage to the left rear tire and wheel. There were no injured parties in the collision.

ANALYSIS AND CONCLUSIONS

All the facts in this collision were investigated.

Deputy D. Cortez acknowledges he was driving Sheriff's marked patrol vehicle #20205 on the morning of the incident. He was traveling northbound on Progress Street, making a right hand turn onto La Mirada Drive when the accident occurred. Deputy D. Cortez accelerated, causing the rear tires of the vehicle to lose traction from the roadway. The car slid 180 degrees in a clockwise motion ultimately striking the south curb-line of La Mirada Drive.

RELEASED FROM

RELEASED FROM

RELEASED FROM

Collision Investigation: Deputy D. Cortez #9739 April 2, 2014

The collision with the curb caused moderate damage to the left rear tire and wheel. There is possible damage to the rear vehicle assembly. The vehicle is getting evaluated at this time for any further damage by San Marcos County Garage personnel.

Sergeant D. Lopez responded to the scene and observed the damage. The damage to the vehicle was consistent with what Deputy Cortez said occurred and in the manner in which he described.

According to Vista Traffic Deputy J. Malson's (#0029) collision report, Deputy D. Cortez caused the collision by driving unsafe speeds for the road conditions as it relates to 22350 of the California Vehicle Code. By accelerating too quickly and losing traction, Deputy D. Cortez had no time to react to the vehicles response in time to prevent the collision with the curb-line.

After reviewing the statement of Deputy D. Cortez and the Traffic Collision Report (14116650) prepared by Deputy Malson, I concluded this collision could have been avoided if Deputy D. Cortez did not accelerate as fast as he did. Rather, Deputy D. Cortez should have made the right hand turn at a slower speed.

Based upon the statements of Deputy D. Cortez and Deputy P. Dray and the evidence gathered during the investigation, it is undisputed that the patrol vehicle struck the curbline due to the fact that Deputy D. Cortez accelerated too quickly. The patrol car driven by Deputy D. Cortez was or has been used daily prior to the accident. There have been no reported instances of mechanical malfunctions to this vehicle.

Sheriff's Policy and Procedure Section 2.35 Operation of Vehicles says in part:

"Employees shall operate official vehicles in a careful and prudent manner, and shall obey all laws of the state and all Departmental orders pertaining to such operation. Employees shall set a proper example of other persons by their operation of official vehicles. Loss or suspension of an employee's driver's license shall be reported to the Department Immediately and may be cause for reassignment, suspension, or termination. When employees drive any vehicle requiring other than a regular driver's license (Class C) they shall possess the required class endorsement."

RELEASED FROM
I.A. FILES

RELEASED FROM I.A. FILES

April 2, 2014

FINDINGS:

This accident involving Deputy D. Cortez #9739, as it relates to the San Diego County Sheriff's Department Policy and Procedure Sections,

• 2.35 Operation of Vehicles

was preventable by Deputy Cortez and is CHARGEABLE.

Submitted by:

S. Aitken, Sergeant

Approved by:

Vista Patrol Station

RELEASED FROM

I.A. FILES

RELEASED FROM

I.A. FILL 3

TO

RELEASED FROM

WITNESS LIST

CASE NUMBER 14116650

NAME	ADDRESS	TELEPHONE
Cortez, David		
Deputy Sheriff		
Dray, Peggy		
Deputy Sheriff		

RELEASED FROM I.A. FILES TO

I.A. FILE
TO_

RELEASED FROM I.A. FILES

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Vista Patrol Station

INVESTIGATION REPORT

CONFIDENTIAL

INVESTIGATOR: Shawn Aitken, Sergeant DATE: April 02, 2014

TRAFFIC COLLISION INVOLVING DEPUTY D. CORTEZ # 9739

On April 02, 2014, I was assigned this investigation. I reviewed several documents associated with this incident including the 'Confidential' Incident Report (CD-2, completed by Sgt. D. Lopez), two Deputy's Reports (completed by Deputy Cortez #9739 and Deputy Dray#6409) and photographs of the county vehicle involved. Those documents are included in the "Table of Contents" and are attached. The following are "in essence" synopses of the interviews.

On April 2, 2014, I arrived to work at 0500 hours and was briefed by Sergeant D. Lopez about how Deputy Cortez was recently in at a traffic accident. The accident occurred at approximately 0430 hours.

Sergeant Lopez informed me that Deputy Cortez was operating a patrol vehicle, facing northbound on Progress Street, resting at the stop sign located at the intersection of Progress Street and La Mirada Drive. The intersection is located within the City of Vista. Deputy Dray was sitting in the passenger seat. Both Deputy Cortez and Deputy Dray were wearing their seatbelts.

As Deputy Cortez proceeded through the intersection, he made a right hand turn onto La Mirada Drive. The rear of the vehicle lost traction, causing the vehicle to slide around 180 degrees, and striking the south curb-line of La Mirada. The vehicle came to a rest, facing westbound on La Mirada, approximately thirty feet east of Progress Street.

The patrol car had moderate damage to the left rear tire and wheel. There were no injured parties in the collision.

Both Deputy D. Cortez and Deputy P. Dray each completed a Deputy's Report (See Attachment E and F, dated 04-02-14) before the end of their shift. Sergeant Lopez completed a Confidential Vehicle Accident Report (form #CD-2) (See Attachment D, dated 04-02-14). I completed the Supervisor's Accident Investigation Report (form #RM3) (See Attachment C, dated 04-02-14). I reviewed the CAD Unit History Report for 31P9C (See Attachment H, dated 04-02-14).

RELEASED FROM

RELEASED FROM

RELEASED FROM

Collision Investigation: Deputy D. Cortez #9739

April 2, 2014

I talked to Traffic Investigator J. Malson and took his statement.

STATEMENT OF ACCIDENT INVESTIGATOR DEPUTY J. MALSON #0029

On April 3, 2014, I spoke with Deputy Malson regarding the collision involving Deputy Cortez's patrol car. Deputy Malson said the statement from Deputy Cortez was consistent with the damage to the left rear tire and wheel damage of the patrol vehicle.

Deputy Malson interviewed Deputy Cortez who said in his statement he accelerated through the intersection of Progress Street while turning right, onto La Mirada Drive. As Deputy Cortez accelerated, the rear of his vehicle spun around after the rear tires lost traction from the wet roadway. Deputy Cortez told Deputy Malson that the car came to a rest on the south curb line of La Mirada. Deputy Malson determined Deputy Cortez's rapid acceleration on the wet roadway was the primary factor causing the collision.

I later called Deputy Cortez and asked him what had happened.

STATEMENT OF DEPUTY D. CORTEZ

Deputy D. Cortez stated he and his Training Officer, Deputy P. Dray, had just cleared an alarm call that was nearby. He was driving his marked vehicle while Deputy Dray was in the passenger seat. Both of them had on seatbelts. Deputy Cortez was driving. Deputy Cortez also mentioned it was raining and the roads were wet.

Deputy Cortez was driving northbound on Progress Street and came to a stop at the stop sign that controlled the intersection of Progress Street and La Mirada Drive. Deputy Cortez then stated he accelerated into the intersection while making a right hand turn, to go eastbound onto La Mirada Drive. Once the vehicle was at about 45 degrees into his turn, the rear tires lost traction. The entire car started to spin in a clockwise motion. Deputy Cortez had no control of the vehicle at this point.

The vehicle continued to spin until the left side of the car slammed against the south curb-line of La Mirada. He was going about 15 miles per hour at the time of the incident. Deputy Cortez then exited the vehicle, noticed the damage to the tire and wheel, and then called Sergeant Lopez to report the collision.

Sergeant Lopez arrived on scene, directed photographs to be taken and instructed Deputy Cortez to submit a Deputy's Report.

Deputy Cortez then drove the vehicle to the station. He noticed the rear of the vehicle was shimmering and making noise. Deputy Cortez later submitted his Deputy's Report then went home for the weekend.

Deputy Cortez did not sustain any injuries during the incident.

RELEASED FROM

I.A. Fil.

RELEASED FROM
I.A. FILES
TO

RELEASED FROM

I called Deputy Dray and asked her what had happened.

STATEMENT OF DEPUTY P. DRAY #6409:

Deputy Dray told me that Deputy Cortez and she had just cleared an alarm call just prior to the incident. It was raining outside and the road was wet. Deputy Cortez turned right onto La Mirada from Progress Street when the car spun out. The car then hit the curb and came to a rest. She and Deputy Cortez exited the vehicle, saw the damage and notified Sergeant Lopez. Deputy Cortez was going about five miles an hour when the incident occurred.

Sergeant Lopez arrived and assessed the damage. He instructed her to take photographs and submit a Deputy's Report. She did so.

While riding back to the station, she noticed the patrol vehicle was wobbly and making noises.

She did not have any injuries as a result of the accident.

On 04-02-14, traffic Investigator Deputy Malson #0029 was notified of the incident. He later began a collision investigation (See Attachment G). The photographs taken by Deputies Dray and Cortez were also included in this report (See Attachment I).

RELEASED FROM

RELEASED FROM
I.A. FILES
TO

Submitted by:

Aitken, Sergeant Date

RELEASED FROM

I.A. FILES

TO_

Collision Investigation: Deputy D. Cortez #9739 April 2, 2014

4-14-14	
[Approve []	Disapprove
Date <u>04-14-14</u>	_
[] Approve []	Disapprove
Date	_
	
	
	[/Approve [] Date <u>04-/4-/-/</u> [] Approve []

SUPERVISOR'S ACCIDENT INVESTIGATION REPORT

	RTMENT & DIVISION	WIDOK O ACCIDEN	NAME OF PERSON FILLING OUT REP							
	Patrol Station		Sergeant S. Aitken #2632							
	tion of accident firada Drive / Progress Stree	t , Vista	DATE OF OCCURRENCE 04-02-2014	04:30		2-2014				
	PERSONAL I	NJURY HE SHOW	. n igene (= 1, n = 1 p PR	OPERTY	DAMAGE					
INJUR	ED'S NAME		PROPERTY DAMAGED							
Non		Rear passenger wheel a		<u> </u>						
occu	PATION	INJURED PART OF BODY	ESTIMATED COSTS Unknown		ACTUAL COSTS (LEA	AVE BLANK)				
NATU	RE OF INJURY		NATURE OF DAMAGE (IF NONE, PLEA	ASE STATE)						
			Bent wheel, disfigured tire		le rear veh. a:	ssembly damage.				
OBJE	CT/EQUIPMENT/SUBSTANCE INFLICTING IN.	JURY	OBJECT/EQUIPMENT/SUBSTANCE IN							
			South curbline of La Mira							
PERS	ON WITH MOST CONTROL OF OBJECT/EQUI	PMENT/SUBSTANCE	PERSON WITH MOST CONTROL OF C Deputy D. Cortez #9739		IPMENT/SUBSTANCE					
 	DESCRIBE CLEARLY HOW THE ACCID	DENT OCCURRED								
ESCRIPTI	On 04-02-14, at about 0430 hours, Deputy D. Cortez and Deputy Dray were in a patrol vehicle at the intersection of Progress St. and La Mirada Dr. Deputy Cortez was driving when he accelerated through the intersection and turned right onto La Mirada Dr. When Deputy Cortez accelerated away from the stop sign, the vehicle lost traction on the wet roadway and spun 180 degrees in a clockwise motion. The vehicle struck the south curb line of La Mirada Dr. The vehicle suffered a bent rear driver's side wheel, disfigured tire, and possible rear vehicle assembly damage. The vehicle was later towed by Allied Gardens Towing to the San Marcos County garage for further inspection.									
ပ္သ	•									
l šš	Deputy D. Cortez (Drive	er) -								
ITNESSES	Deputy P. Dray (Passe	nger) -								
ANALYSIS	Unsafe speeds for the I	·		ons may	y have beei	n a factor.				
	LOSS SEVERITY				URRENCE RATE CCASIONAL	E				
	<u> </u>	IIOUS LE IMINOR	L FREQUENT		CCASIONAL					
PREVENTION	WHAT ACTION HAS OR WILL BE TAKEN TO PREVENT RECCURENCE? PLACE AN X BY ITEMS COMPLETED Verbal Instruction is appropriate to prevent future occurrences.									
	GNATURE OF IMMEDIATE SUPERVISOR DATE SIGNATURE OF DEPARTMENT HEAD OF DESIGNEE DATE O4-02-14									

RM3 (revised 05/08)

RELEASED FROM I.A. FILES RELEASED FROM I.A. FILES ALL ACCIDENTS MUST BE INVESTIGATED BY POLICE AND/OR CALIFORNIA HIGHWAY PATROL.

CONFIDENTIAL

COUNTY OF SAN DIEGO

VEHICLE INCIDENT REPORT

EVIDENC _ CODE \$ 1040 MAKES CERTAIN RECORDS PRIVILEGED FROM PUBLIC DISCLOSURE. THIS FORM IS INTENDED TO PROVIDE INFORMATION NECESSARY FOR THE USE OF THE OFFICE OF COUNTY COUNSEL IN POTENTIAL LITIGATION DEFENSE. YOUR ANSWERS WILL BE HELD STRICTLY CONFIDENTIAL. WHEN COMPLETED FORWARD TO PUBLIC LIABILITY-CLAIMS DIVISION. M.S. A-12

REPORT ALL INJURY MATTERS IMMEDIATELY
TO: PUBLIC LIABILITY - CLAIMS DIVISION (619)531-4899

	COUNTY DEPARTMENT AND DIVISION				TELEPHONE DA		DATE OF INCIDE	DATE OF INCIDENT TIME		TIME OF ACCIDENT/INCIDENT		
	Sheriff// Vista Pati	rol Station			760-940-4551		04-02-14 04		0430			
	NAME OF COUNTY DRIVER				ADDRESS	ADDRESS			TELEPHONE			
44	David Cortez				325 S. Melrose	Dr. #20	00. Vista. Ca.	1	760-940-4551			
℧ ∣	DRIVER S LICENSE NO			LICENSE TYPE	LICENSE EXPIRATION DATE JOB CLASSIFICATION				DATE OF BIRTH			
포 :	DRIVER'S LICENSE NO			ECENSE 11PE	CENSE EXPIRATION D			<u> </u>	TE OF BIRTH			
VEHICLE							eputy Sheriff					
	IF COUNTY DRIVER WAS IN	JURED, DESCRI	BE BRIEFL	Y (FILE FORM DWC-1	- EMPLOYEE'S CLAIM FOR W	ORKERS	COMPENSATION)					
Шű												
Ē	COUNTY VEHICLE NO	VEHICLE MAR			YEAR		YTYPE					
161	20205	Ford Cro	wn Vid	toria	2008	4DI	R				l	
EMPLOYEE'S	COUNTY VEHICLE? (Y/N)	Υ		DESCRIBE DAMAGE	E (BE SPECIFIC)							
 												
ⅲ											1	
OR	Bent vehicle rim, (possible rea	ar axle									
							,					
COUNTY	PASSENGER	ADDRES		_	TELER	HONE	INJURY (FI	LE FORM DWC	-1)			
I≱	Peggy Dray 325 S. Melrose Dr.				#200, Vista, Ca.	760	-940-4551					
	PASSENGER		ADDRES	SS		TELEF	PHONE	INJURY (FI	LE FORM DWC	-1)	\neg	
ပြ			Ι.					1			- 1	
	PASSENGER ADDRESS				TELER	PHONE	INJURY (FI	LE FORM DWC	-1)			
									_	,		
			<u> </u>			_1		!				
	NAME OF DRIVER		AGE	ADDRESS			TELEPHONE		DRIVER \$ LICE	NSE NO		
۔ ا												
ARTY	REGISTERED OWNER			ADDRESS			TELEPHONE		VEHICLE LICE	NSE NO		
] ₹							1					
	NAME OF INSURANCE CAR	DE CARRIER VEHICLE MAKE					BODY TYPE		YEAR			
								ļ			:	
ΙŦ	DRIVER INJURY	VEHICLE DAMAG	E - DESCRIBE									
PROPERTY												
ĮΜ̈	INJURED PASSENGER OR	PEDESTRIAN	AGE	ADDRESS		TELER	2HONE	INJURY		PASS		
6			1						P			
I ∰	INJURED PASSENGER OR	DEDESTOIAN	AGE	IGE ADDRESS			TELEPHONE					
	MOORED PASSENGEN ON	LDESITION	1	ADDRESS			1000			PASS		
ΙĦ			1.55	1000500		1 75.55				PED	무	
Ι¥∶	INJURED PÄŠŠENGER ORI		AGE	ADDRESS			PHONE	INJURY		PASS		
逆	NON-VEHICLE DAMAGE -	RELEAC	to c	bou	DELEAGER	مصط	<u> </u>			PED		
1	NON-VEHICLE DAMAGE - C	DESCRIBE: LOCA	ATION 1	NOM	ILLELINGEL	LUC	MVI JIPEL	E40==	_			
ΙΨ	ı	.A. FIKE	Ş		RELEASED	و د ج	LA	CMS0 .	ノーコーは	f		
OTHER VEHICLE,		[C\~	7		- TO	<u>۲۰ ۴</u>	<u> </u>	- [[]				
0	OWNER			ADDRESS	,,,	(() TO	7	ELEPHONE			
				<u> </u>		-						
	NAME		ADDRE	SS	Ţ.	ELEPHONE	PASS		MON AT TIME	OF INCID	ENT	
S									\mathcal{O}			
WITNESS							PED	100				
IÈ∣	NAME		ADDRE	55	[1	ELEPHONE	PASS	; <u> </u>	ATION AT TIME	OF INCID	ENI	
≩			1				PED					
<u> </u>							T political literature	ENGLISH OF	710 4 711 0 1 6	NO.		
	LOCATION OF ACCIDENT/II		L				SDSO		STIGATING ACC	IDENT		
≥	Progess St. @ La	Miraga Dr	ive									
DESCRIPTION	DESCRIBE HOW ACCIDENT	MUCIDENT OCCU	JARED - L	JSE ADDITIONAL PAPE	R IF NEEDED, DRAW AND IN	CLUDE DI	AGRAM IF IT WILL HE	LP YOU EXP	LAIN CIRCUMS	TANCES		
⊑	On 04-02-14, at a	pproximate	ely 043	u nours, Depu	ty Sheriff David Co	rez (i i	rainee), and r	ııs ı rainii	ng Onicer	, Debr	πy	
፳	Sheriff Peggy Dra	y were clea	aring a	radio call in th	e general area. It v	vas rair	ning at the tim	ie the ca	ili was clea	ared.		
၂ ႘	Cortez, who was	operating th	he vehi	icle, stopped a	t the stop sign loca	ted at l	Progess St. @	🕽 La Mira	ada Drive.	Wher	1	
뭐	Cortez accelerate	d away from	m the s	stop sign, the v	ehicle lost traction	on the	wet roadway	and spu	in in a 180	degre	ee	
الما	angle towards the	e nassenne	er side	The vehicle e	ventually struck the	south	curb line of L	a Mirada	Drive, Th	ne věh	icle	
	suffered a bent re	ar driver's	side rin	n and nossible	hent axie				2. 71			
	Sulfered & Delit re	ai ulivei S	JIU O III	n and possible	DOIR WAIG							
ACC	l 🔪											
₹	COUNTY ORIVER'S SIGNAT	URE		,, , , , , , , , , , , , , , , , , , ,	DIVISION OR DEPARTMENT	HEAD S SI	GNATURE		DATE -	12 = 1	v	
			,						104-6	12-1	7	
ı	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ 										•	

SAN DIEGO REGIONAL DEPUTY'S REPORT

			NAKKATIVE	Page 1 01 1					
CONTINUED	□ARR/JCR	☐MISC, CITE				CASE NU			
	CRIME	⊠OTHER				1141	16650		
		NE INCIDENT ONLY)	 ·	MONTH	DAY	YEAR	DAY OF WEEK	TIME	
Deputy's Rep	ort			04	02	14	Wed	0430	
LOCATION OF INCID	ENT		CITY				BEAT		
2801 La Mira	da Drive		Vista						
PERSON(S) INVOLVE	ED VICTIM		SUSPECT (IF NAMED)						
Cortez, David	1								
			1						

ORIGIN:

On 4/2/14, at approximately 0430 hours, Deputy P. Dray and I were leaving from covering a partner for a Business alarm call, CAD #E1553179.

INVESTIGATION:

On 4/2/14, at approximately 0415 hours, Deputy P. Dray #6409 and I were leaving a call that we had just covered a fellow deputy. I was in the driver's seat wearing my seatbelt of patrol vehicle #20205. We were driving northbound on Progress Street. We approached 2801 La Mirada Drive. There was no traffic around and it was raining. As I went through the intersection and made a right turn onto La Mirada, I did not notice the vehicle lose traction. The vehicle made a one hundred and eighty degree turn and came to a complete stop after hitting the south most curb of La Mirada Drive with the driver's rear tire. Deputy Dray and I exited the vehicle and notified Sergeant Lopez of the incident.

RELEASED FROM

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES. TO___

REPORTING OFFICER ARJIS	DIVISION	A APPROVER 2013 DATE OF	MONTH	DAY	YEAR	TIME
D. Cortez 9739	VPS	S. A. The ST REPORT	04	02	14	0530

SAN DIEGO REGIONAL DEPUTY'S REPORT

			NAKKATIVE,				Page 1 of 1				
CONTINUED	□ARR/JCR	MISC. CITE					CASE NU				
FROM:	CRIME	⊠ OTHER					141	16650	1		
		INE INCIDENT ONLY)		•	MONTH	DAY	YEAR	DAY OF WEEK	TIME		
Deputy's Re	*				04	02	10	Friday	1721		
LOCATION OF INC			•	CITY	•		*	BEAT			
La Mirada D	rive and Prog	gress Street		Vista				317			
PERSON(S) INVOL	VED VICTIM		-72	SUSPECT (IF NAM	AËD)			-	7		

On 4-2-14, at about 0430 hours, I was riding in the front passenger seat of patrol vehicle #20205. I was wearing my seat belt. My first phase trainee, D. Cortez (#9739) was driving. We were patrolling the area after responding to an alarm call. It was raining outside and we were driving northbound on Progress Street. There was no traffic on the road. As Deputy Cortez made a right hand turn onto La Mirada Drive the vehicle lost traction due to the wet conditions. The back end of the vehicle started to slide to our left and Deputy Cortez attempted to correct the slide, however the vehicle continued to spin out of control. The vehicle turned a complete 180 degrees. The back driver's side tire struck the curb on the south side of La Mirada Drive, about 30 feet east of Progress Street.

The vehicle stopped against the curb. Deputy Cortez pulled forward and away from the curb to check on the condition of the tire. We immediately noticed that the tire's rim appeared to be slightly bent and the tire itself was disfigured. The tire did not lose air pressure.

I contacted our patrol sergeant, Sergeant Lopez, and advised him of the incident. Sergeant Lopez came to the scene and inspected the tire. He told us to take photographs of the tire and return to the station. As we started to drive the vehicle back to the station we noticed the vehicle was wobbling and there was a squeeking noise coming from the back end of the vehicle. We pulled over again and observed that the passenger's side rear tire protruded further outside of the wheel well the driver's side. I notified Sergeant Lopez of the situation. We were able to drive the car back to the station.

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

I.A. FILE: 170M

REPORTING OFFICER	ARJIS #	DIVISION	APPROVER 7/77	MONTH	DAY	YEAR	TIME
		1.455	UNIE OF				
TP. Drav (-> 1>>> 1	6409	l VPS	S ALTHOUGH COS REPORT	ι 04.	02	14	l 0527 l
		<u> </u>	71711 NEW 351	•		1.7	0321
AD HE OF DEVI 12:07			* "				

Page 1 of

$\neg \nabla$	_ C	# 125 (Nev 7-03)												Page 1 of 6
SPECIAL	CONDITIONS	8	MANNED	HET E RUN HILLOWY	CITY					JUDIC	AL DISTRICT	LOX	AL REPORT N	UMBE R
			0		Vista					Norti	h County			
On-Duty	y Emergen	cy Vehicle	HAMER HAME	HET & PLAN MINISTERNOR	COUNTY		REPO	DATEC	DISTRICT		BEAT	1	41166	50
			0		San Die	go					312			
	LISION OCC								XXXXXX		TIME (2400)	NCIC #		ICER ID
	Mirada								/2014		04:15	CA0370		10029
Ĕ W	POST WEO	RMATION							OF WEEK		TOW AWAY	PHOTOGRA	PHED BY	NONE
<u>≴</u> L_								We	dnesday		TAES X NO			
ŏ 🗆	AT INTER	SECTION WITH									STATE HWY REL	\$H0029 -	MALSON,	JASON
	OR 90 F	eet East of F	Progress S	treet							TES X NO			
PARTY	DAIVEAS	LICENSE MUMBER		STATE	CLASS	AIR BAG	SAFETY E	QUIP	VEH, YEAR	MAKE/COLOR		LICENSE NO	MBER	STATE
1				CA		M	G		2008	Ford Cro Black/Wh	wn Victoria nite	1308248	3	CA
DRIVER	NAME (LA	ST, FIRST MODULE	SUFFOO							1				
X	Cortes	t, David -On	Duty Emer	gency Vehi	cle				OWNER'S NAM	AE			BAME A	S DRIVER
PEDES	STREET A									ty Of San D	iego			
	325 S	Meirose Dr 2	10						OWNER'S ADD	RESS	<u> </u>		SAME A	SORIVER
PARKED	CITY/STA	TE/ZIP							5555 Over	and Ave #10	14 , San Diego, C	A 92123		
	Vista.	CA 92081							DISPOSITION	OF VEHICLE ON	ORDERS OF	OFFICER	DRIVER	OTHER
BICYCLIST	SE X	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDAY	- RA	CE	Driven Away	,			X	
	М	1					l H		PRIOR MECHA	NICAL DEFECTS	NONE APP	ARENT	X REFER TO	MARRATIVE
OTHER	HOME PH	ONE	MOBILE PHOI	¥€	BUSINESS PH	ONE			VEHICLE IDEN	ITIFICATION NUM	^{BEA} 2FAHP71V	98X17737	5	
				- 1	760 940-4	1551			Vehicle Type	Describe Vehic	le Damage		SHADE IN DA	MAGED AREA
	INSURAN	CE CARRIER			POLICY MUMB	ER			48	unk	NONE X MINO	ค	1	100
	Seif In									MOD [MAJOR ROLL	-OVER	A.	1 Ille
	DIR OF TE	WAEL	ON STREET OR	HIGHWAY			SPEEDL	MIT	CA DOT				₩=	
	East	- 1	La Mirada	Drive			45		CAL-T TCP/PS	IC MCMX			-0	•

RELEASED FROM I.A. FILES TO

RELEASED FROM
I.A. FILES
TO______

PREPARER'S NAME	DISPATCHE	•		REVIEWER'S NAME	DATE REVIEWED
SH0029 - MALSON, JASON	X YES	□ ₩0	□ MA	SH1293 - WIGAND, JOEL	4/8/2014 11:50:53 AM

	1))
Pa	90	1	al

DATÉ REVIEWED

4/8/2014 11:50:53 AM

DATE OF COLLISION (MAL)	DOWYYY	TIME (24)	00j	CA03700	000			1	OFFICERIA				48EA	5650	-
70247	OWNERS N	1			WNER'S A	ÓDRF	SS		V. 19923					-	INOTIFIED
PERTY															YES NO
DAMAGE	DESCRIPTION	ON OF DA	MAĞE												
SEATING (POSITION		OCCUPANTS		SAFET			ENT EPLOY	FN	М//	BICYCLE - HE) ME	,]		ATTENTION CODES PHONE HANDHELD
(A) 1- DRI	VFR		A - NONE IN VEHICLE B - UNKNOWN		M - /		V3 N		PLOYED	DAN V-1	VER PASSE	NGE		B-CELL	PHONE HANDSFREE TRONIC EQUIPMENT
2 TO 6	- PASSENGER		C - LAP BELT USED D - LAP BELT NOT USED			OT R		IRED			YES Y-YES			D - RADI	O/CD
	A OCC TAK		E - SHOULDER HARNESS U F - SHOULDER HARNESS N			D RES		NNT E USEC	,		CTED FROM VE	HICL	E	F - EATIL	NG _
9 - POS	SITION UNKNO	OWN	G - LAP/SHOULDER HARNE H - LAP/SHOULDER HARNE	SS USED	A - t	N VEH	CLE	NOT		1-1	FULLY EJECTER		, I	H - ANIM	
7			J - PASSIVE RESTRAINT US K - PASSIVE RESTRAINT NO	ED	T II	N VEH	IICLE		OPER US		INKNOWN			J-READ K-OTHE	ING
BRIII	I MINI PANT		ITEMS MARKED BELOW FOL							INED IN TH	E NARRATIVE				
PRIMARY COLLIST NUMBER (P)	OF PARTY AT	FAULT	TRAFFIC CONTRO			1 2				L INFORMA		1 2	1 3	<u> </u>	VEMENT PRECEDING
1 A VC SECTION VIOL 22350		X NO	B CONTROLS NOT FUN	CTIONING*		11	0	CELL	PHONE	MATERIALS HANDHELD	IN USE		#	B PROC	EEDING STRAIGHT
B OTHER IMPROPE			X D NO CONTROLS PRES	ENT/FACTO	B*	x =		CELL	PHONE	HANDSFRE NOT IN USE		×	土	D MAKIN	FF ROAD IG RIGHT TURN
C OTHER THAN DR	IVEH*		TYPE OF CO	LISION		++	F	75 F	MOTOR	RELATED	мво	廿	#	F MAKIN	IQ LEFT TURN
<u> </u>			B SIDE SWIPE C REAR END			- -	H	!	TRAILER	COMBO		出	+		ING / STOPPING
WEATHER (MAI	RK 1 TO 2 ITE	MS)	D BROADSIDE			+-	_ ;					出	1	I PASŞI J CHAN	NG OTHER VEHICLE BING LANES
B CLOUDY X C RAINING			F OVERTURNED G VEHICLE / PEDESTRI	AN		+	, K	-				oxdapprox		L ENTE	NG MANEUVER
D SNOWING E FOG / VISIBILITY	FT		H OTHER*			\prod	N					1-	-		N UNSAFE TURNING
F OTHER*			MOTOR VEHICLE IN	VOLVED WIT	Ή		- 0	2				H	+	O PARK	ED
LIGH LA DAYLIGHT	ITING		B PEDESTRIAN	CLE			\pm	OT	HER ASS	OCIATED F	ACTOR(S)	\blacksquare		O TRAVI	ELING WRONG WAY
B DUSK - DAWN X C DARK - STREET	HGHTS		D MOTOR VEHICLE ON	OTHER ROAL	DWAY	1 2	_		(MARI	K 1 TO 2 /TE		П	#		
D DARK - NO STREET	ET LIGHTS		F TRAIN G BICYCLE			- -		1		VIOLATED.	NO	H	Ŧ		
ELINCTIONING*	Y SURFACE		H ANIMAL							VIOLATED.	NO	1,	2 3		SOBRIETY - DRUG PHYSICAL
X emer			X I FIXED OBJECT.			\Box	0				l NO		+		MARK 1 TO 2 ITEMS) IOT BEEN DRINKING
C SNOWY - ICY D SLIPPERY (MUDD	Y OILY FTC		J OTHER OBJECT			#	. [6	MISIC	N OBSCI	UREMENT"		-	‡	B HBD -	UNDER INFLUENCE
ROADWAY (ONDITION(S)		PEDESTRIAN'S	ACTIONS		\dashv	G	STOP	& GO T		MP		+	D HBD -	IMPAIRMENT UNKNOWN
B LOOSE MATERIA	П*	AV*	B CROSSING IN CROSS	VOLVED		##	\Box 1	L PRE	/IOUS CO	DLUSION WITH ROAD		-	+	F IMPAI	RMENT - PHYSICAL*
D CONTRUCTION O	N ROADWAY	·	AT INTERSECTION		, <u> </u>	- -					CITED YES	H		TH NOT	PPLICABLE PY/FATIGUED*
F FLOODED			AT INTERSECTION			#		UNIN	VOLVED	VEHICLE			#	- BLEE	TIME OF C.
G OTHER*	NOITIONS		E IN ROAD - INCLUDES			× _	N	NON	E APPARI				- -	#=	
	NOTTONS_		G APPROACHING/LEA	VING SCHOO	L BUS	<u> </u>		I	NIAI IL			<u> </u>	Τ	Ŀ	
\$KETCH										The are	ea of impac	t wa	s lo	ocated 9	O feet east of the
										east cu	irb line of P ne of La Mir	rog	res:	s Street	and at the south
											百白	ĘΛ	C	ra ra	ROM
		-			Ņ										ROM
					Λ						<u> </u>	ፈ	٠	,	
	ን		人	•	4						IQ.	\gt		P	···
	5	<u> </u>		_	\$							•		,	
			1								חרי -		_		_
			/ */~~	*							RELE	45	۲Į	J FR	MC
			<u>~~</u> /	1	7						I.A. FI	LE	S		•
			~ *	#LEAS	SED F	R	٥M	1			TO		/_	1_′	3 .
			<u>م</u> 7. ا	4. FILE	S 🔊	,	۰،۰ سر	`	1			(70	
			To		~(<i>)</i>	\P	λ.)							
			•	-		ير	_								
										l					

REVIEWER'S NAME

SH1293 - WIGAND, JOEL

□ MA

DISPATCHED

SH0029 - MALSON, JASON

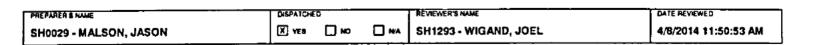
X YES NO

6/2/20	OLLISION (MM.	ÓDAY	(v)	TIME (2400)		···	NCIC #			OFFICER SHOO2		·		имвея 14116650	·		
	T	l			EXTENT OF M	UNAL LY, OHE	<u> </u>	T	MJUF	RED WAS ITX	" ONE)		1				T
ONCT	PARSENGER ONLY	AGE	8EX	FATAL INJURY	BEVERE INJURY	OTHER VISIBLE	COMPLAINT DF PAIN	DRIVER	PASS	PEO	BICYCLIST	OTHER	NUMBER		BAG	BAFETY	EJECTED
-	X		F										1	3	М	G	0
	Dray /		/ 32	S Melrose	Dr 210, \	/ista, CA 9	2081					_		760 9	×€ 10-4551		EXT
INJURED	CHLY) TRANSP	ORTED	BY					TAKEN TO									
DESCRIBE	INJURIES				_												
														_			
															VICTIM OF	VIOLENT CR	ME NOTIFIED

RELEASED FROM I.A. FILES

RELEASED FROM
I.A. FILES
TO

RELEASED FROM I.A. FILES



SH0029 - MALSON, JASON

4/8/2014 11:50:53 AM

DATE OF COLLISION (MIN/DO/YYY) 4/2/2014	TIME (2400) D4:15	HCIC # CA0370000	SH0029		14116650	
CV TUNTY/JUDICIAL DISTRICT				BEAT	·	CITATION NUMBER
San Diego / North Co	ounty			312		STATE HIGHWAY RELATED
La Mirada Drive						□YES ☑ NO
INVESTIGATION N	IARRATIVE					
FACTS						
NOTIFICATION:						
San Diego County occurred at about 0	58 hours, I was notified by Sheriff's Department vehi 0415 hours, near the inters ances were obtained from	cle, unit number 20205 t section of La Mirada Driv	hat occurred s	everal hou	ırs prior.	The Incident
SCENE:						
curb line of La Mira the incident with pro surface was wet. The at the Vista Patrol S	incident was the eastbound Drive, approximately Soperly operating street lighter was no other traffic Station. The rear driver's de wheel was pushed inwant deflated.	90 feet east of the interse hts present. It was raining present at the time of the side rim of V-1 was bent	ection of Progre ng at the time of e incident. I lat . The rim had	ess Street of the incider er inspect concrete	. It was d dent and the ted sheriff debris in t	ark at the time of he roadway 's vehicle #20205 he area of impact.
he. Both the north La Mirada Drive is properly marked ar	a two lane, east/west road ic. The eastbound travel in and south curb edges of paved asphalt. The road and all roadway signs were VC. The posted speed lin	lanes are separated from La Mirada Drive are a re way surface appeared to properly posted. The su	n the westbour aised concrete be in good rep	d travel ta curb edge pair. All re	nes by so e. The roa adway m	olid double yellow adway surface of arkings were
Street must stop ar and one lane of tra curb edges. The re repair. All roadway	a two lane, north/south roand yield the right away to evel for southbound traffic. Dadway surface of Progress markings were properly iness district as defined by	drivers on La Mirada Driv Both the east and west ss Street is paved aspha marked and all roadway	ve. There is or curb edges of it. The roadwa signs were pro	ne lane of Progress ay surface operly pos	travel for Street are appeared ted. The	northbound traffic, e raised concrete d to be in good
PARTIES:			A	ELEAS	ED FRO	DM .
Party #1 (David Co	ntez)		1 T(A. FILES	2	
	ied with a valid California ured in the collision.	Driver's License #		RELE	ASED F	ROM
Passenger Dray (P	eggy Dray)			I.A. FI	•	12
Passenger Dra Passenger Dra	ly was identified with a va ly was not injured in the c	lid California Driver's Lic ollision.	ense #	T O	<u> </u>	~ ~
	ord Crown Victoria)				EASED	
1 was a black an FAHP71V98X177	d white 2008 Ford Crown 375. V-1 sustained mode	Victoria bearing Californerate damage to rear driv	nia Exempt lice ver's side whee	ense plate el rimi.O	#150824	9; VIN #
PHYSICAL EVIDE	NCE:					
PREPARER & NAME	DISPATCHE	D REVIEWER'S	NAME		T	DATE REVIEWED

The rear driver's side wheel rim of V-1 was bent. The rim had concrete debris in the area of impact. The rear driver's side wheel was pushed inward and the rear passenger's side tire was protruding outward. At the scene, I observed crape marks on the south curb of La Mirada Drive about 90 feet east of Progress Street.

STATEMENTS:

STATEMENT OF P-1 (David Cortez):

P-1 stated that he traveled north on Progress Street to the intersection of La Mirada Drive. After stopping at the stop sign, P-1 began turning onto La Mirada Drive. P-1 accelerated at a normal rate. As he was about half way through the turn, P-1 realized that V-1 had lost traction and the back end was sliding left. P-1 attempted to correct the spinout; however he could not. V-1 made a 180 degree rotation. The back driver's side wheel collided with the south curb of La Mirada Drive. The vehicle then came to a stop. P-1 pulled away from the curb and subsequently inspected V-1 and noticed that the rim was bent. P-1 notified Sergeant Lopez of the incident. As P-1 traveled back to the Vista Patrol Station, he noticed that the rear wheels were wobbling. P-1 was wearing his seat belt during the incident and was not injured in the collision.

STATEMENT OF PASSENGER DRAY (Peggy Dray):

Passenger Dray told me that she was sitting in the front passenger's seat of the V-1. P-1 approached the intersection of Progress Street and La Mirada Drive. After stopping at the intersection, P-1 made a right turn onto east bound La Mirada Drive. As P-1 turned, V-1 lost traction due to the rain. The back end of V-1 began sliding left. P-1 attempted to correct the spin, however he could not. V-1 rotated 180 degrees. The back driver's side wheel struck the south curb of La Mirada Drive.

After striking the curb, P-1 pulled away from the side of the road so he could inspect the vehicle. Passenger Dray noticed that the back driver's side wheel was bent and the tire was disfigured. Vista Patrol Sergeant Lopez was notified of the incident. As P-1 traveled back to the station, Passenger Dray noticed that the rear wheels were wobbling and squeaking. Passenger Dray then noticed that the rear passenger's side tire was protruding further out from the wheel well than the river's side. Passenger Dray was wearing her seat belt during the incident and was not injured in the collision.

OPINIONS AND CONCLUSIONS

SUMMARY:

P-1 was traveling north on Progress Street in sheriff's vehicle #20205. He approached the intersection of La Mirada Drive and came to a stop. P-1 then began turning right onto east bound La Mirada Drive. While turning V-1, the vehicle lost traction due to rain and wet conditions of the roadway. The back end of V-1 began sliding left. P-1 attempted to correct the spinout, however he was unable to. V-1 subsequently rotated 180 degrees. The rear driver's side wheel of V-1 collided with the south curb of La Mirada Drive, causing the rim to be bent. The impact also caused the rear driver's side wheel to be pushed inward and the rear passenger's side tire to be pushed outward. After the collision, Vista Patrol Sergeant Lopez was notified of the incident. Photographs of the incident were taken and the vehicle was driven back to the station. V-1 was later towed to the San Marcos Garage for service. Both parties were wearing their seatbelts at the time of the collision. Neither party was injured as a result of the collision.

INJURIES:	HELEASED FROM	C DELEACED EDOLA	I.A. FILES
None.	I.A. FILES	RELEASED FROM I.A. FILES	TO /
AREA OF IMPACT:		то /	
	In	and out him of Dragross Street	

The area of impact was located 90 feet east of the east curb line of Progress Street and at the south curb line of La Mirada Drive.

CAUSE:

The cause of this collision was a violation of 22350 CVC - Unsafe Speed on the part of P-1.

22350 CVC - Unsafe Speed:

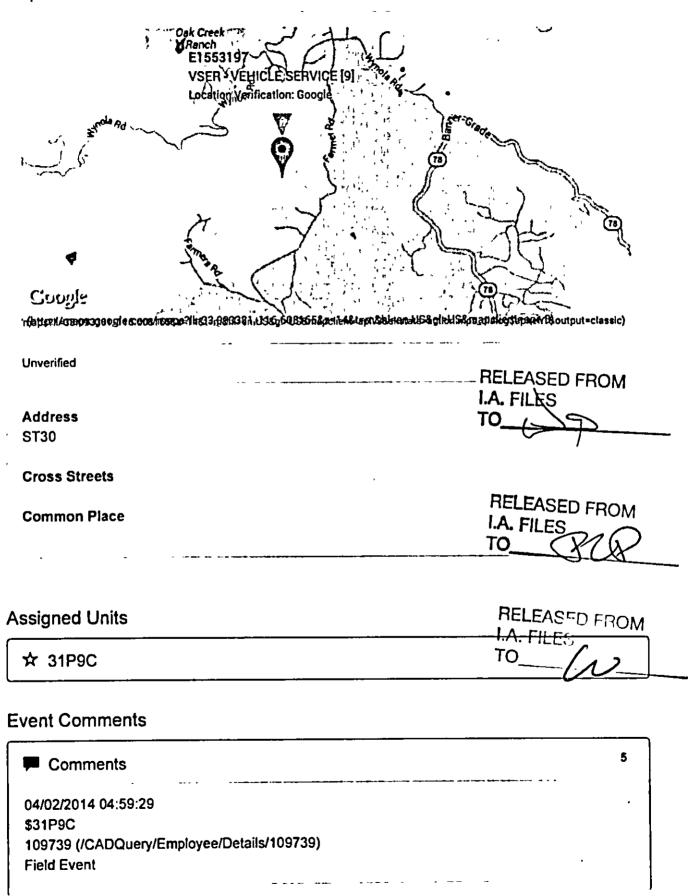
PRÉPARER & NAME	DISPATCHE	D		REVIEWER'S NAME	DATE REVIEWED
SH0029 - MALSON, JASON	X YES	□ ₩0	□ ₩A	SH1293 - WIGAND, JOEL	4/8/2014 11:50:53 AM

No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers e safety of persons or property. **RECOMMENDATIONS:** None. RELEASED FROM I.A. FILES RELEASED FROM I.A. FILES **RELEASED FROM** I.A. FILES

E1553197 VSER - VEHICLE SERVICE [9]

SHERIFF Dispatch Group VTAD Beat Disposition REI Call Taker Employee CAD ID 109739 (/CADQuery/Employee/Details/109739) Terminal \$31P9C Reporting Party REI I.A. F	
SHERIFF Dispatch Group VTAD Beat Disposition REI Call Taker Employee CAD ID 109739 (/CADQuery/Employee/Details/109739) Terminal \$31P9C Reporting Party Reporting Party Caller Name Caller Phone Caller Address Case Numbers	
SHERIFF Dispatch Group VTAD Beat Disposition REI Call Taker Employee CAD ID 109739 (/CADQuery/Employee/Details/109739) Terminal \$31P9C Reporting Party REI I.A. TO_	
SHERIFF Dispatch Group VTAD Beat Disposition REI I.A. F TO_ REI Call Taker I.A. TO_ Employee CAD ID 109739 (/CADQuery/Employee/Details/109739) Terminal	EASED FROM FILES
SHERIFF Dispatch Group VTAD Beat	LEASED FROM FILES
Created 04/02/2014 04:59:29 Agency	EASED FROM FILES

Map



04/02/2014 04:59:30

if01

109739 (/CADQuery/Employee/Details/109739)

** LOI search completed at 04/02/14 04:59:30

04/02/2014 10:12:49

ms01

107981 (/CADQuery/Employee/Details/107981)

** Cross Referenced to Event # E1553710 at: 04/02/14 10:12:49 ** >>> by: REBECCA L.

STRAHM on terminal: ms01

04/02/2014 10:13:30

ms01

107981 (/CADQuery/Employee/Details/107981)

** Cross Reference Cancelled to Event # E1553710 at: 04/02/14 10:13:30 ** >>>> by: REBECCA

L. STRAHM on terminal: ms01

04/02/2014 10:14:05

ms01

107981 (/CADQuery/Employee/Details/107981)

** Cross Referenced to Event # E1553439 at: 04/02/14 10:14:05 ** >>> by: REBECCA L.

STRAHM on terminal: ms01

Related Events 0 Person 0

A Vehicle 0

CLETS

© 2014 - Data Services Division - About (/CADQuery/Home/About) - Siavash Namazi

RELEASED FROM

I.A. FILES

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

E1553439 1182D - DEPT VEH ACCIDENT - NON INJURY [5]

Created

04/02/2014 07:58:45

Agency

SHERIFF

Dispatch Group

VTAD

Beat

Disposition

Call Taker

Employee CAD ID

100029 (/CADQuery/Employee/Details/100029)

Terminal

\$31T1A

Reporting Party

Source

DEPUTY

Caller Name

: Caller Phone

Caller Address

RELEASED FROM

I.A. FILES

RELEASED FROM

I.A. FILES

RELEASED FROM
I.A. FILES

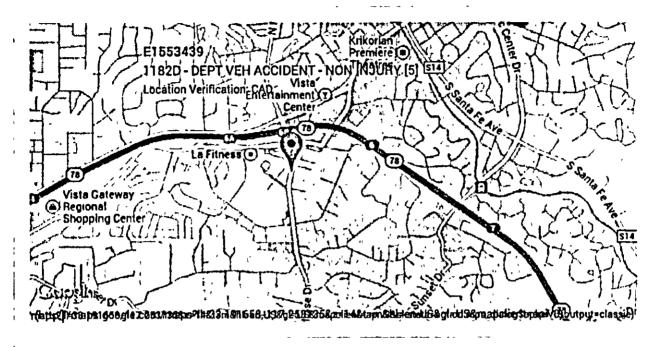
Case Numbers

a c14116650

Cross Referenced Events

≥4 E1553197

Map



Verified 33.1916582105106 -117.253735187093

Address
325 S MELROSE DR VIST

Cross Streets
HACIENDA DR & COUNTY COMPLEX

Common Place
@VISTA STATION

RELEASED FROM
I.A. FILES

RELEASED FROM
I.A. FILES
TO____

Assigned Units

☆ 31T1A

RELEASED FROM I.A. FILES

Event Comments

Comments

19

04/02/2014 07:58:45 \$31T1A 100029 (/CADQuery/Employee/Details/100029) Field Event 04/02/2014 07:58:46 if01 100029 (/CADQuery/Employee/Details/100029) ** LOI search completed at 04/02/14 07:58:46 04/02/2014 08:00:51 vtad 109442 (/CADQuery/Employee/Details/109442) Preempt:CAD AUTOMATIC PREEMPT 04/02/2014 08:00:52 vtad 109442 (/CADQuery/Employee/Details/109442) ** Event held for 1 minutes and unit 31T1A 04/02/2014 08:02:50 vtad 109442 (/CADQuery/Employee/Details/109442) PER UNIT PEND THIS CALL. RELEASED FROM I.A. FILES 04/02/2014 08:08:42 ms01 107981 (/CADQuery/Employee/Details/107981) **CC SUPV 10-4** -RELEASED FROM I.A. FILES 04/02/2014 08:46:18 vtad 109442 (/CADQuery/Employee/Details/109442) IS AN OPEN INVESTIGATION AND UNIT IS NOT INVOLVED IN THIS .. RELEASED FROM 04/02/2014 09:32:37 I.A. FILES ifO1 107739 (/CADQuery/Employee/Details/107739) ** VEH search completed at 04/02/14 09:32:37 04/02/2014 09:32:38 nrr 107739 (/CADQuery/Employee/Details/107739) 31T1A -- 1308248

04/02/2014 09:32:48]
nrr	
107739 (/CADQuery/Employee/Details/107739)	ļ
· · · · · · · · · · · · · · · · · · ·	
NO READ BACK/ ATTACH	
	•
04/02/2014 09:44:21	
vtad	
109442 (/CADQuery/Employee/Details/109442)	
	20 ** >>>> but MILLIE I
** Case number c14116650 has been assigned to event E155343	39 >>>> by. WILLIE J.
FARMER on terminal: vtad	
الله الله الله الله الله الله الله الله	
04/02/2014 10:10:58	
ms01	
107981 (/CADQuery/Employee/Details/107981)	
VEH VS CURB VEH# 20205	
a production of the second sec	
04/02/2014 10:11:19	
ms01	
107981 (/CADQuery/Employee/Details/107981)	i
30PSA 10-4	
30P3A 10-4	
04/02/2014 10:14:05	
ms01	
107981 (/CADQuery/Employee/Details/107981)	
** Cross Referenced to Event # E1553197 at: 04/02/14 10:14:05	** >>>> by: REBECCA L.
STRAHM on terminal: ms01	,
STORING OF COMMENT TO STATE OF THE STATE OF	
0.400,0004.4.0.4.4.4	
04/02/2014 10:14:14	
vtad	
109442 (/CADQuery/Employee/Details/109442)	
Preempt:CAD AUTOMATIC PREEMPT ** Event held for 1 minute	es and unit 31T1A
A STATE OF THE PARTY OF THE PAR	
04/02/2014 10:14:51	RELEASED FROM
vtad	I.A. FILES
	TO V
109442 (/CADQuery/Employee/Details/109442)	10-
BRK TO ASST THE FD	'
	RELEASED FROM
04/02/2014 10:35:01	I.A. FILES
vtad	
109442 (/CADQuery/Employee/Details/109442)	TO(37.5)
** Event held for 999 minutes and unit 31T1A)
EAGUS LIGHT TOL 222 UNINTES WILD MINE 2.1.1 LV	RELEASED FROM
	I.A. FILES
04/02/2014 11:08:27	
vtad	TO
109442 (/CADQuery/Employee/Details/109442)	
	,

Preempt:CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A

04/02/2014 11:08:47

vtad

109442 (/CADQuery/Employee/Details/109442)

BRK FOR SUSP ..

Q Related Events 26

Person 0

A Vehicle 1

O CLETS

© 2014 - Data Services Division - About (/CADQuery/Home/About) - Siavash Namazi

RELEASED FROM

I.A. FILES

TO

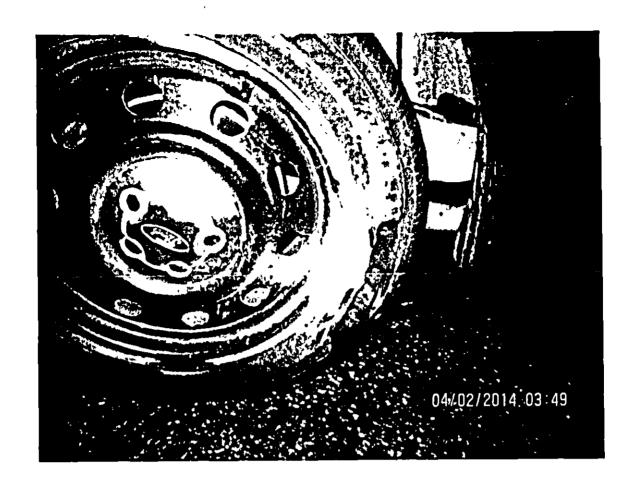
RELEASED FROM

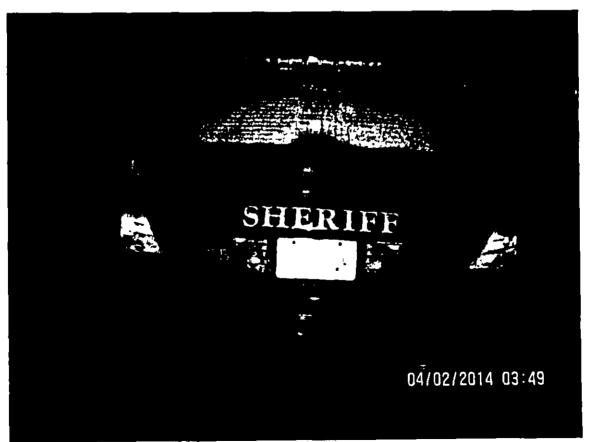
I.A. FILES

TO_

RELEASED ROM

TO

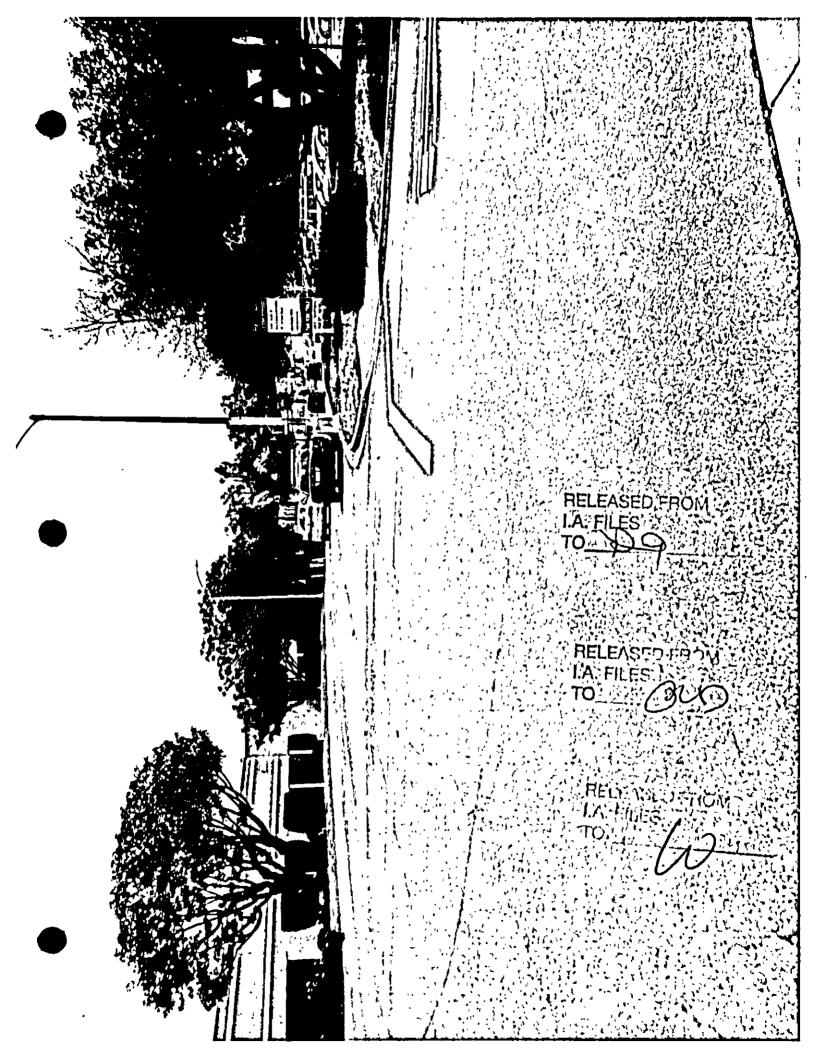




RELEASED FROM
I.A. FILES
TO

RELEASED FROM I.A. FILES TO

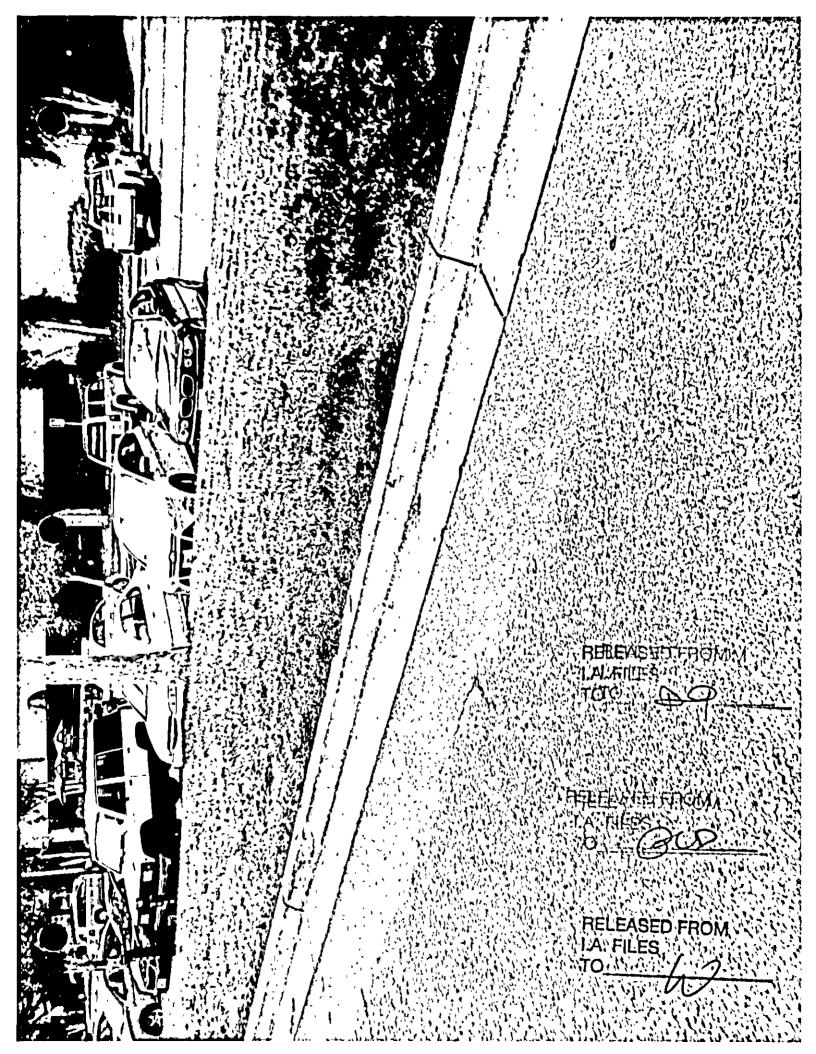
RELEASED FROM I.A. FILES TO 112



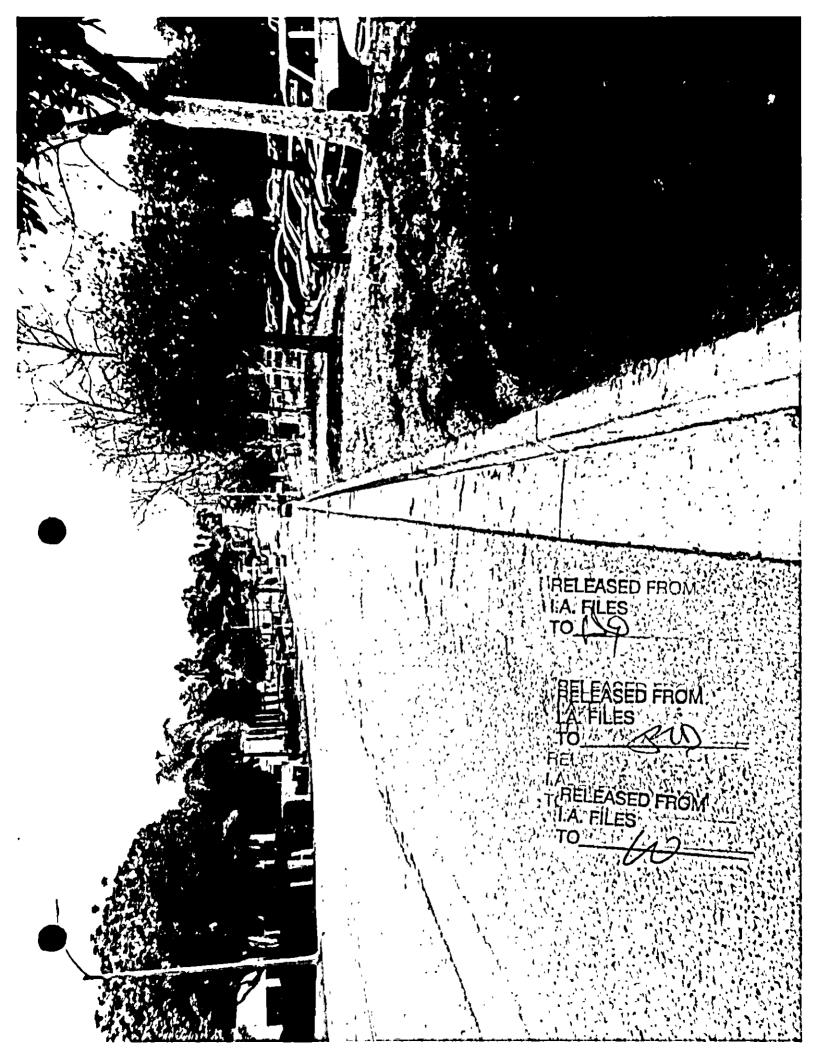
OOR COOR DOB JA

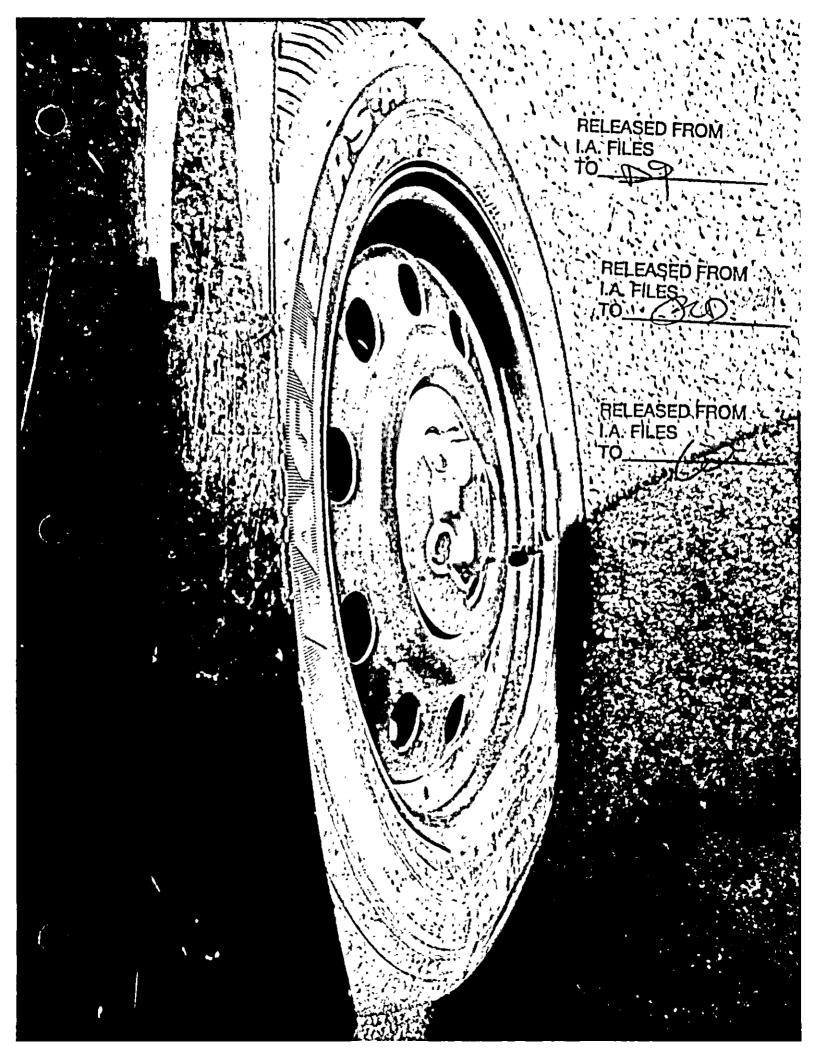
RELECCED FROM
I.A. FOR OPEN TO ______

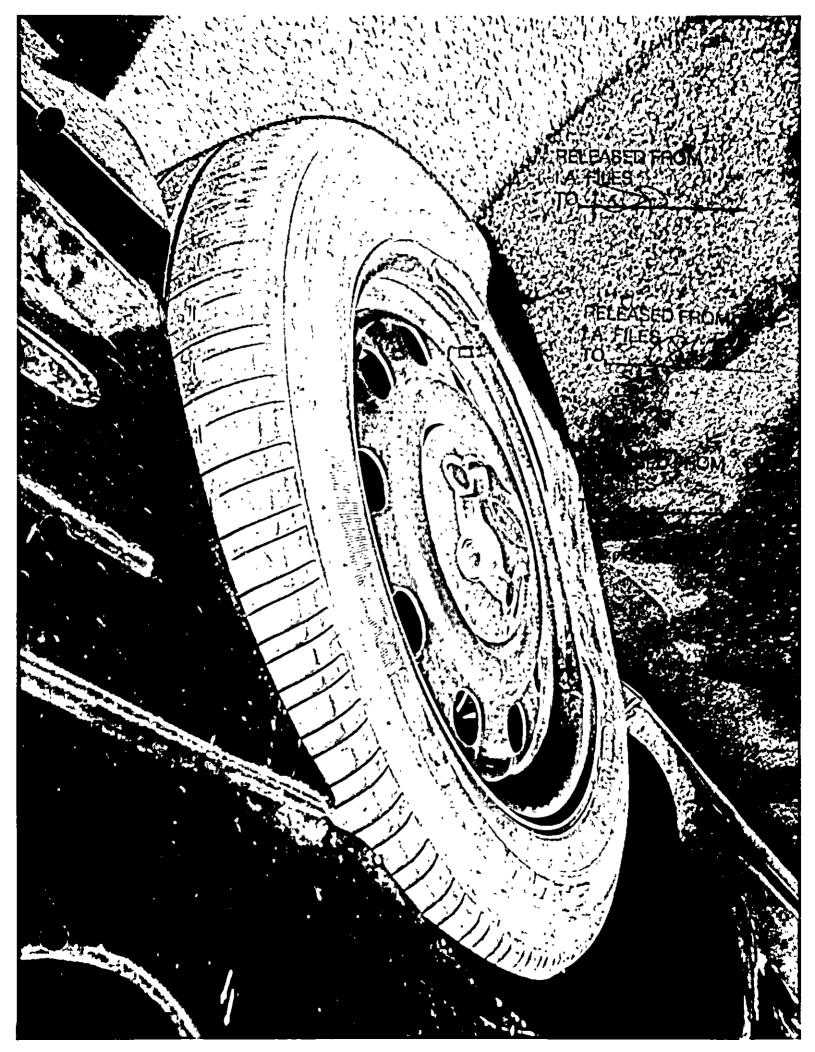
RELEASED FROM I.A. FILES TO /

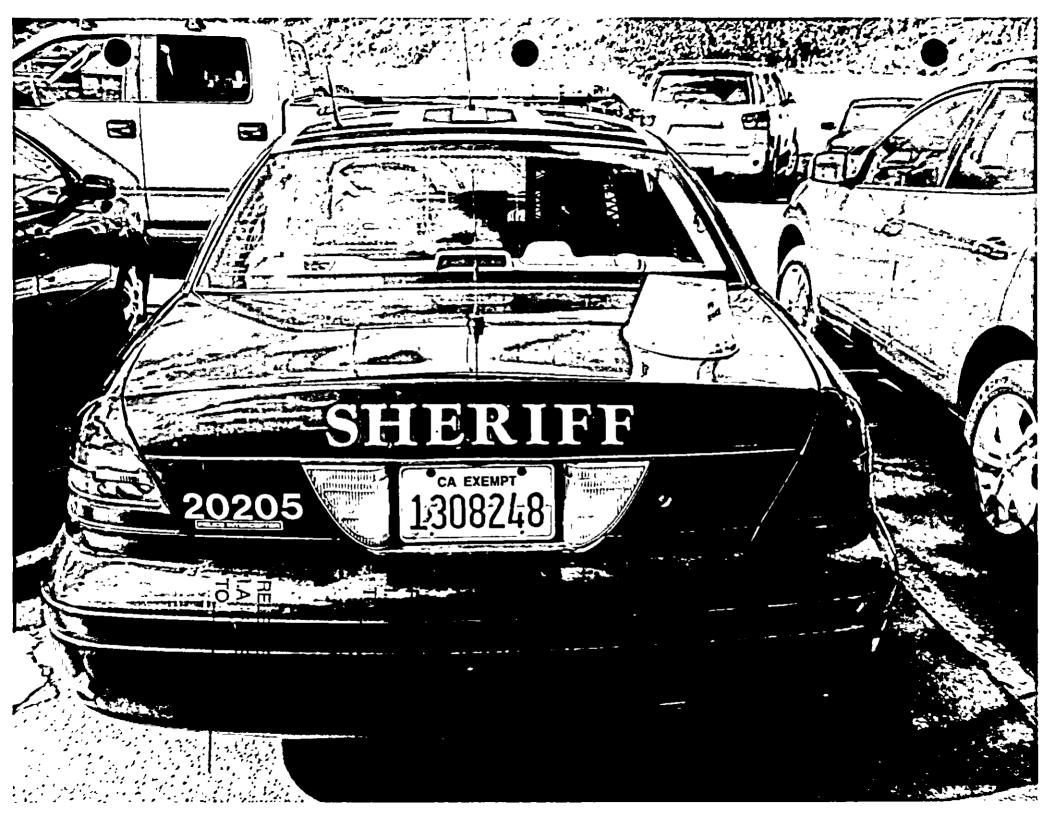


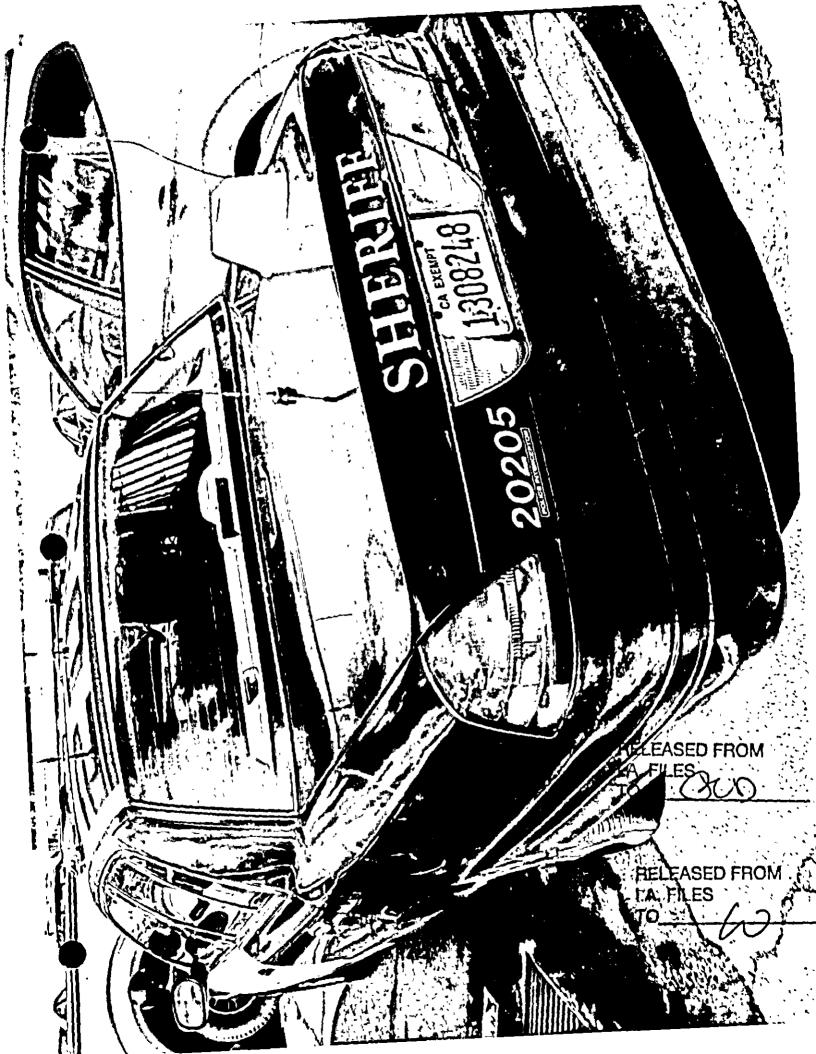












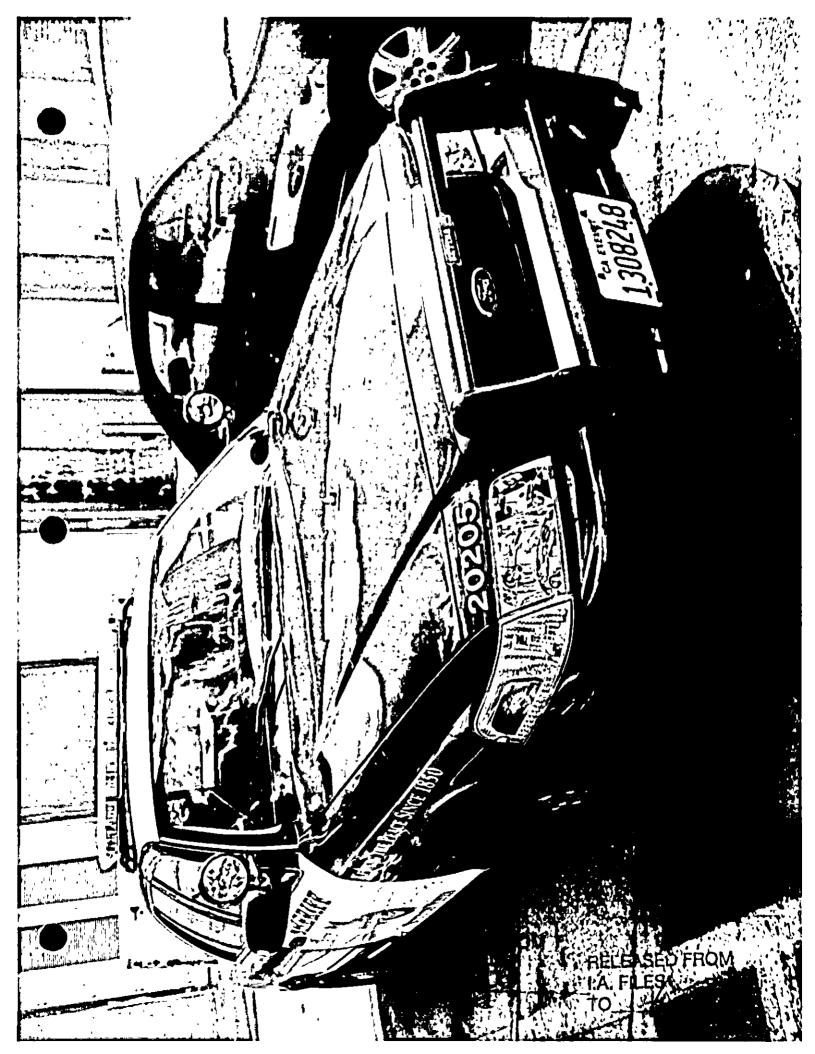


RELEASED FROM I.A. FILES TO

BELEASEDIFROM

CA EXEMPT CA EXEMPT

A COL





SAN DIEGO REGIONAL DEPUTY'S REPORT

	NAF	RATIVE					e 1 of 1
CONTINUED DARRIJCR DMISC. C					CASE NUI		
FROM: CRIME SOTHER CODE SECTION AND DESCRIPTION FOR INCIDENT OF	NLY3		HTMOM	DAY	YEAR	DAY OF WEEK	TIME
Deputy's Report			04	02	14	Wed	0415
Progress Street & La Mirada Drive		Vista				BEAT 317	
PERSONISI INVOLVED VICT M		SUSPECT (IF NAMED)			– –	317	
ODION							
ORIGIN: On 4/2/14, at approximately 0415 ho	ours, Deputy P. Dray a	nd I were involved in a	traffic c	ollisior	, CAD	¥E1553439.	•
through the CAHS radio channel. We burglary alarm in the commercial but Progress Street pursuing Deputy turn on this street. As I made the rig and the vehicle did a 180 degree turn in the curb, we all exited the vehicle inspect the damage. The puty Dray advised that we should agree not to include the fact Deputy Informed me that not to include the information about knowledge, Deputy Inf	rehicle pursult training is could begin training, we as informed by deputies spatch. Deputy Dray was thile I was pursuing Depaired. We approached the training in was according to the Sergeant. Deputies and the Sergeant Deputies and the consistency of participate in the consistency of the vehicle back to the eted a Deputy's Report	the business parkwa were dispatched to a pray and the state of the passenger in my buty the call, we resured La Mirada Drive, and elerating through the to when my driver's read and the my driver's read and the call advised suit training at the time to have been doing pure port. Deputy Dray agreement to be a details about the pure his way to our location as station and write a De-	ay of Vis commer that I wo y vehicle re dispat ned the d I follow turn. The r rim hit eputy Di d that be e of the suit train reed wit y then ca suit train n. Serge eputy's I	ta becarcial build be at the solution of the s	ause it is inglary a pursuin vere core o a second training in by ma of the verb dime at alling the pursuin Depute to the pursuin Serge /hen Depute on what on	s a low-traff clarm in the a g Deputy mmunicating ond comme g. I was on cking a right chicle lost tra of the streamy vehicle e Sergeant try Dray agr a rain. He to eputy Dray agr pected the ot had happe	hand action, et. After to we reed ld me by tiffed ent off
On 4/13/14, I was notified that I wou work that day I texted Deputy Dray with the Lieutenant the next morning the Deputy's Report.	uld be meeting the follo asking her to call me. D	eputy Dray called me	, and I to	old her	that I w	rould be me	eting
On 4/14/14, at approximately 1200 written on the Deputy's Report. Alth felt uncomfortable not including all t include the fact that we were pursui Eglin regarding the situation and include	ough the facts I reporte he details. On 4/15/14, t training at the time of	d to Lieutenant Miller I confided in my Train the collision. Deputy N	about th ilng Offic Martinez	ne actu cer De	al collis puty Ma	ion were ac rtinez that l	curate, didn't
On 4/15/14, I met with Sergeant Eg had met with Lieutenant Miller. Serg RELEASED FRO	geant Eglin directed me	had not included the f to write a Deputy's R	act that eport.	we we	re pursi	uit training v	vhen I
	J141					D FROM	Ī
I.A. FILES	RELE	ASED FROM				D LHOW	
TO D	I.A. F				FILEŞ		
•	TO	てない		TO_	/-,	1-7	
REPORTING OFFICER ARJIS	DIVISION I	APPROVER I	NATE OF T	MONTH	DAY	YEAR	TIME
D. Cortez 9739	VPS 1	1	DATE OF REPORT.	04	19		0530
ARUS 9C REV 12/07							

On 04-16-2014, at about 0800 hours, Deputles Cortez, Kodadek and I responded to a 415 family. After the radio call, Deputy Kodadek spoke to Deputy Cortez about an accident that occurred during Deputy Cortez' Phase 1 training.

DEPUTY'S OBSERVATIONS AND ACTIONS:

Deputy Cortez informed me that he was distraught about what had occurred at his accident. Deputy Cortez informed me that he had his interview with Lieutenant Miller the previous day and was not completely truthful.

Deputy Cortez informed me that he was conducting "pursuit training" when the accident occurred.

Deputy was the vehicle he was chasing and Deputy was acting as dispatch. While chasing the cortex hit a curb with his vehicle. The vehicle was inoperable after the accident.

Deputy Cortez Informed me that after the accident, all subjects involved came together and decided that they would say, While Deputy Cortez was driving he took a turn to hard, slid and hit the curb.

I informed Deputy Cortez that he is the only person that knows what happened, what was written and discussed about the accident. I informed Deputy Cortez that If he was untruthful, or needs to address something about the accident to notify our sergeant. Deputy Cortez later notified Sergeant Eglin about the accident.

RELATED REPORTS:

Arrest Report

RELEASED FROM

RELEASED FROM

RELEASED FROM

I.A. FILES

ORGIN:

On 4-15-14, at about 0800 hours, I spoke with Deputy Cortez (9739) after he asked for my advice about a traffic collision he was involved in while on Phase 1.

DEPUTIES OBSERVATIONS AND ACTIONS:

On the above date and time, Deputy Cortez told Deputy Martinez (7302) and I he was feeling "stressed" about the traffic collision he was involved in. Deputy Cortez continued by telling me he was not completely honest about the collision; and it actually happened during a "pursuit training" on his last day of phase one. Deputy Cortez essentially said, "I was told to say I took the corner to fast, and not to mention the pursuit training, but we're not telling you to lie."

Deputy Cortez told me he completed a Deputies Report documenting the crash, and told me he withheld certain information and facts about the traffic collision.

Deputy Cortez finally told me he was driving while Deputy Dray was the passenger in the vehicle. Deputy Cortez also stated Deputy and Deputy were present during the incident.

RELEASED FROM I.A. FILES

RELEASED FROM

RELEASED FROM

VISTA PA' LOL STATION DAILY DE, LOYMENT

			Tuesda	y, April	01, 2014	,	
Team 3 Sgt. Eq	glin 0600-1830						
1 1 A SAN	HORE CARREST FLATFORNIAGE					我要可以在我的政治的 (10.75) 本点。	and Bendy (mail) It is to reduce the annual meaning of the second
f diameter	A Complete and the second				References	INTERNAL VIEW	A STATE OF STREET STREET, STRE
30PSA	SGT EGLIN#1192	0500-1730		12 5		WEAR	
31P1A	KODADEK #6530	0600-1830	447	12 5		BY TO THE T	<u> </u>
31P3A	GIBSON #0387	0600-1830		12 5			
31P5A	SKAGGS #6766	0600-1830		12 5			
31P7A	MULI #4778 FTO	0600-1830		12.5			570.000.000.000
31P9A	MARTINEZ #7302	0600-1830	ADJ	12.5	FARIN	ファスクリン	FTO SCHOOL (3/24-28)
31P11A	GUERRERO #0817	0600-1830	TAD	100	EARLY		ITAD TRAFFIC
31P13A	MALSON #0029 CARLOS #7411 K9	0600-1830	IAD	125			3 5 K-9 Maintenance EARLY
30K1A	(CARLUS #/411 R9	0600-1830	1	125		<u> </u>	3 5 K-9 Maintenance EARLY
OVERLAP	1		ABSENCE	# OF	EARLY or		T T
INIT	NAME	HRS	REASON	HRS	LATE	REPLACEMENT	COMMENTS
31P2B	HURD #0688	1400-0230		125			Campeter Int @ 1300 No
31P4B	FERGUSON #0065	1400-0230			EARLY		
31P68	GUY #1022	1400-0230		12 5		-	
31P88	PRESTON #0094 (TRNEE)			125			
30P2B	VACANT	1400-0230		12 5			1
Геат 4 Sgt. M:	aryn 1800-0630						
" 45 + 2	** *	17 \$ 5 (1) 1	em, or o plea ティ) armatha kip ili e, a		, , , , , , , , , , , , , , , , , , ,		ing the man in the second of
30PSC	ISGT, MARYN #2033	1700-0530		125		100=2	İ
31P1C	CAMPBELL #7911	1800-0630		125			
31P3C	EIKERMANN #7049	1800-0630		125			
31P5C		1800-0630		125			
31P7C	MIEDECKE #7065	1800-0630		100	EARLY		· l
31P9C	DRAY #6409 FTO	1800-0630		125			
31P11C		1800-0630		125			KIDE ALONG : KILL M
31P13C		1800-0630		125			
31P15C	BACKOURIS #9484 CPL	1800-0630	TAD	125			₩τυ
30K1C	MINAMI #7085 K9	1800-0630	VAT	125			3 5 K-9 Maintenance EARLY
30P3C	VACANT	1800-0630		100	EARLY		
TRAFFIC		,,	ABSENCE	# OF	EARLY or		7
INIT	NAME	няч	REASON	HRS		REPLACEMENT	COMMENTS
30TS	SGT, WIGAND #1293	0700-1630		95			
BIMIA	ELLISON #2520 CPL	0600-1430	VAT	85			
31M2A	ARMAND #1367 FTO	0600-1430		85			
31M3A	ALLEN #2126	0600-1430		85			
31T1A	VACANT	0600-1630	TAD	105		MALSON #0029	
31T3A	HALSTEAD #2439	0600-1630		off			
31T5A	POWER #5502	0900-1930		10.5			
31T2B	ADLER #5482 CPL	1630-0300		off			
31T4B	STALZER #7548	1630-0300		10.5		WERNER #2560 CPL	
31T6B	WERNER #2560 CPL	1630-0300	<u> </u>	off		ļ	1
31T8B	GOMEZ-CANTU #0535	1630-0300	<u> </u>	10 5	l		<u> </u>
10P30	CHARLES #0749	1400-0030	TTD	110			
	SGT SANDOVAL #2294	1300-2330	 	Defi		DEROM	+
31CS2	IDO I DAINDUYAL PZZ39						

10P30	CHARLES #0749	1400-0030	TTD	110							
31CS2	SGT SANDOVAL #2294	1300-2330		D E9ff		2 77 2	-				_
31C4	ASTORGA #7454	1300-2330		1-1-011	-ASE	PFROM		-1 - 4		EDOL	
31C6	MOYETTE #7136 SRT	1300-2330		I A off	11 50				250	THUM	
31C8	BOISSERANC #7371 CPL	1300-2330		off	, ×	1/0		E11	EC		
31C10	DANZA #5662	1300-2330		1 Ooff	(, v		(.,	Y 1 17	LO	4	
31C12	ORTIZ #5549	1300-2330		off				$D \mathcal{A} L$	7-	5	
31C14		1300-2330		off				_		1	
31C16		1300-2330		off							
31C18		1300-2330		off							

CSO			ABSENCE		EARLY OF	I	
UNIT	NAME	HRS	REASON	HRS	LATE	REPLACEMENT	COMMENTS
31P81	HOWARD #7741 Sun-Wed	0600-1630		100			
J1P82	PEARCE #3354 T-Fn	0600-1630	******	100			
31P83 31P85	BALOGH #7358 T-Fri	0600-1630		100			
31P85	METALLO #4820 T-Fn	0600-1700		100		l	BELEASED FROM
31P87	ABBOTT #3560 M-Th	0800-1830		100		1	TO SED FROM
							A. FILES



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT DAILY TRAINEE EVALUATION

Page 1 of 4

TRAINEE:	FTO:		DAT	E: 2014			
David Cortez (#9739)	P. Dray (#6409)		1 4/1/	2014			
RATING SCALE		PHASE	DAY	IN PE	IASE		
4 - BETTER THAN ACCEPTABLE		1	22				
3 - ACCEPTABLE (AGENCY STANDARDS)		<u> </u>					-
2 - IMPROVEMENT NEEDED							
1 - UNACCEPTABLE							
N/O - NOT OBSERVED							
							,
I. ORIENTATION / PREPARATION			 1	2	3_	4	N/O
1. DEPARTMENT GUIDELINES			┸	X	┝╬╌	-#-	╁┾
2. ENFORCEMENT CODES			}- -	X	┝╬╌	<u> </u>	┞╠
3. RESOURCES/FORMS/EQUIP	MENT		╼┼┼		 -	├- -	1-11-
4. GENERAL APPEARANCE			 - - -			┝╠	┼┼┼
II. BEAT ORIENTATION			╼═┼┾╣╌		┝╍┝┷┥╌	Щ.	╀┼
III. RADIO TRANSMISSION / RECEPTION -		<u> </u>	 - - -		┸	┝╌╠╣╌	╀┼
IV. REPORT WRITING: ACCURACY/ORGAN			 	N N	┝╬╌	<u> </u>	┼┼┤
V. VEHICLE/PEDESTRIAN STOPS (LOW/H	IIGH RISK)			\boxtimes	<u></u>	Щ-	┡
VI. DRIVING (NORMAL/EMERGENCY)	<u> </u>				┝╬╌	<u> </u>	
VII. PUBLIC INTERACTION / VERBAL COMM	MUNICATION / BODY LANGUAGE				<u> </u>	<u> </u>	↓ Ц.
VIII. HANDLING DISPUTES		_		\boxtimes	Щ.	<u> </u>	<u>Ш</u> .
IX. SEARCHES					<u> </u>	Ш.	$\sqcup \sqcup$
X. CRIMES IN PROGRESS						$\sqcup \sqcup$	$\sqcup \sqcup$
PRELIMINARY INVESTIGATIONS				\boxtimes		igsqcut	igspace
EVIDENCE PROCEDURE							\Box
XIII. OFFICER SAFETY				X			\Box
XIV. MENTAL ILLNESS				\boxtimes			
XV. TRAFFIC ENFORCEMENT / INVESTIGAT	TION						
XVI. MISSING PERSONS							
XVII. USE OF FORCE (PRISONER CONTROL	.)			\square			
XVIII. JUVENILES				$\Box\Box$			
XIX. COMMUNITY ORIENTED POLICING / PR	ROBLEM SOLVING						
1. NEIGHBORHOOD POLICING	S/DECISION MAKING AND PROBLEM	SOLVING					\Box
2. INFORMED ON CRIME / TRA	AFFIC / COMMUNITY PROBLEMS						
XX. PATROL PROCEDURES							
XXI. UNDER THE INFLUENCE							$\perp\Box$
MISCELLANEOUS PERFORMANCE TOPICS							_
1. STRENGTH AND AGILITY					\boxtimes		
2. COORDINATION					\square		
3 SELF - INITIATED ACTIVITY				\boxtimes			
4. STRESS CONTROL VERBAL	/SAFETY			\boxtimes			
5. ECONOMY OF TIME							
6. ACCEPTANCE OF CRITICIS	M				\boxtimes		
7. SELF IMAGE / CONFIDENCE				\boxtimes		רו ו	

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

SIGNATURES

TRAINEE 4/2/14 3. Dray

DATE

TRAINING SGT

TO

DATE

PAT-10 (2/08)

SAN DIEGO SHERIFF'S DEPARTMENT PATROL PHASE TRAINING

Trainee:	David Cortez (#9739)	Date:	4/1/2014		
FTO:	P. Dray (#6409)	Phase:	1	Day:	22

TRAINING OBJECTIVES: Today was Deputy Cortez' twenty second day of First Phase training. For the day, we logged on as 31P9C. The objective for the day was to orient Deputy Cortez into working on patrol. A secondary goal was to familiarize Deputy Cortez with taking reports out in the field and completing them in NetRMS in a timely manner. I also wanted to familiarize Deputy Cortez with handing disputes and other radio calls on our beat, assisting our partners, and familiarize him with different tactical considerations during darkness.

PERFORMANCE:

BEAT KNOWLEDGE: Deputy Cortez drove the entire shift. Deputy Cortez needs to be aware of his location at all times.

RADIO OPERATIONS: Deputy Cortez appeared to be comfortable and confident when talking on the radio, however I still need to tell him what to say at times. I believe the greater variety of calls that Deputy Cortez experiences, the less he will need assistance on knowing what to say. Deputy Cortez does not usually have any problem hearing the dispatcher when she calls him.

REPORT WRITING/NetRMS: Deputy Cortez took a 647(f) PC arrest report. He also had the DUI bicycle report to correct and submit from his previous shift.

Deputy Cortez completed the requested corrections and submitted the DUI bicycle report. TO

Deputy Cortez completed the 647(f) PC arrest report in a timely manner. There were only a couple of minor changes needed for the narrative portion of the report. The NetRMS portion of the report was without error.

DRIVING: Deputy Cortez drove the entire shift. Deputy Cortez obeyed the rules of the road and wore his seatbelt. Deputy Cortez appeared to drive with confidence. I explained to Deputy Cortez we will always follow the rules of the road and comply with the California Vehicle Code.

INTERPERSONAL SKILLS: Deputy Cortez appeared to be in good spirits, easy going, and receptive to my teaching. Deputy Cortez showed an aspiration to Improve his skill set. Throughout the shift, Deputy Cortez asked questions and showed a desire to learn and better himself. I do not foresee any problems with Deputy Cortez' attitude or interaction with fellow deputies or the public.

RELEASED FROM

RELEASED FROM

I.A. FILES

I.A. FILES

PRELIMINARY INVESTIGATIONS:

Deputy Cortez responded to a call of an intoxicated male whose pants were down. When we arriver on cone Deputy Cortez located the male behind a building. His pants were no longer down, however the male was extremely intoxicated and when Deputy Cortez helped him to his feet his pants fell down to his ankles. Deputy Cortez requested an ambulance for the male because he could not stand up without assistance. The fire department arrived and determined the male did not need to be transported to the hospital. Deputy Cortez placed him under arrest for 647(f) PC and transported him directly to Vista Detention Facility for booking. Deputy Cortez completed the booking paperwork without any assistance from me.

Deputy Cortez responded to a call of phone threats. Deputy Cortez contacted the reporting party at her apartment. She explained that her father had received the suspicious texts but was not at home, however she had copies of the texts on her phone. The messages were directed to a person named to be the texts of the RP did not know anyone by that name. One of the messages stated that the the sender was watching while she was at work at Neither the RP nor her father works at Deputy Cortez explained that this was probably just a prank, and that

SIGNATURES

PAT-50 (2/08)

DATE

1 PAT-50 (2/08)

DATE

1 PAT-50 (2/08)

SAN DIEGO SHERIFF'S DEPARTMENT PATROL PHASE TRAINING

since they texts were directed at someone else she should not be worried. Deputy Cortez advised the RP not to respond to the texts as this would probably incite the sender to continue his prank. A report was not taken.

Deputy Cortez responded to a landlord/tenant dispute wherein the tenant had recently obtained a temporary restraining order against the landlord. The TRO was not yet in the Sheriff's system, however the RP had a copy and needed the landlord to be served. Deputy Cortez served the landlord with a copy of the TRO and filled out a proof of service form for the tenant to take back to the court. The landlord left the premises and a report was not taken.

DEPUTY SAFETY/CRITICAL INCIDENT: Deputy Cortez practiced good deputy safety throughout the night.

TRAFFIC ENFORCEMENT: Deputy Cortez did not make any traffic stops this shift.

COLLISION INVESTIGATION: Not observed.

BEAT PROFILE/S.A.R.A. PLAN: Deputy Cortez is learning the different beats around Vista. He knows when he is in the east, west, south or county beat. Deputy Cortez has handled calls on every beat in Vista. Deputy Cortez needs to learn the addresses of landmarks such as the fire stations, banks, bars, 7-Elevens, etc. so that he has a reference point for more addresses.

COMMUNITY RELATIONS: Not observed.

COMMUNITY STRUCTURE: Not observed.

PATROL PROCEDURES:

Deputy Cortez had our patrol vehicle loaded and ready before briefing. He checked out a shotgun and a less lethal shotgun from the armory and made them patrol ready using the loading barrel. He checked the vehicle for damage prior to our shift and checked the lights and siren as we were leaving the station for our first call of the day.

Deputy Cortez covered his partners on several calls this evening. We discussed officer safety tactics as noted above in Deputy Safety. He gathered suspect information and witness statements for his partners.

Deputy Cortez responded to a call of a residential alarm wherein the resident did not know the correct code. Deputy Cortez contacted the resident and determined she had forgotten her code. He obtained her contact information and closed the call.

Deputy Cortez and I discussed requesting emergency traffic. We talked about getting the most important information out over the air in an emergency, such as his location and requesting for code cover, if necessary,

Deputy Cortez drove with his windows at least partially down during the entire shift, which allows him to be more aware of his surroundings, as well as to hear if someone is calling out for help.

Deputy Cortez dims his patrol vehicle lights when he enters the patrol station parking lot, as well as when he is approaching other deputies.

Deputy Cortez quietly closes his patrol car door when going to an alarm or other hot call, so as not to alert the suspects of our presence.

RELEASED FROM

I.A. FILES

RELEASED FROM I.A. FILES

RELEASED FROM

I.A. FILES

SIGNATURES TRAINEE

DATE

DATE

TRAINING SGT

DATE

PAT-50 (2/08)

SAN DIEGO SHERIFF'S DEPARTMENT **PATROL PHASE TRAINING**

Deputy Cortez wears his seatbelt during driving, but removes it prior to arriving on a call so that he is able to get out of the vehicle quickly if necessary. He keeps his flashlight in his lap while driving and has it in his hands as soon as he exits his patrol vehicle.

When patrolling he drives slower than the posted speed limit as he scans the area looking for suspicious activity.

EQUIPMENT: Deputy Cortez had all of his assigned equipment for the shift.

TRAINING: None.

RECOMMENDATIONS: Deputy Cortez should continue with phase training.

RELEASED FROM

RELEASED FROM I.A. FILES TO

RELEASED FROM I.A. FILES

SIGNATURES

TRAINEE

DATE

TRAINING SGT

PAT-50 (2/08)



2014

04/02/14

7:58:45 AM

Main Event History

Unit History Pending **Events**

Unit/Active **Events**

Who Where Event Stats

Patro!

New Patrol

EVENT DISPLAY

EVENT# CREATE TYCOD LOCATION **EMPID** TERM PRIMUNIT DISP DGROUP MBEAT DISPO COMMENTS ARRIVE

325 S Wednesday MELROSE April 2,

1182D DR VIST: @VISTA STATION:

@30

100029 \$31T1A 31T1A 04/02/14 04/02/14 11:24:04 3:25:56 AM PM

VTAD

default, RF.

RP INFO

E1553439

CASE NUMBER

DATE/TIME CASE# STATUS EMPLOYEE TERM 04/02/14 9:44:21 AM c14116650 109442 vtad

XREF EVENTS

04/02/14

DATE/TIME EVENT# TYCOD LOCATION DGROUP MBEAT EMPID 04/02/14 4:59:29 AM E1553197 VSER **ST30** VTAD 109739

VEHICLE INFORMATION

COLOR YEAR MAKE MODEL STATE LICENSE LICYEAR CLASS 1308248 PC

UNIT STATUS/EVENT COMMENTS

DATE/TIME UNID STAT TYCOD LOCATION **EMPID1 COMMENTS** Wednesday April 2, 2014 LOI MATCH: #E1545169 Type:FAC Address: 325 S MELROSE DR VIST: @VDF 04/02/14 7:58:45 AM LOI MATCH: #E1546015 Type:INFO Address: 325 S 04/02/14 7:58:45 AM MELROSE DR VIST: @30 04/02/14 LOI MATCH: #E1546279 Type:FAC Address: 325 S MELROSE DR VIST: @VDF 7:58:45 AM

LOI MATCH: #E1552055 Type:WELCK Address: 325 S 7:58:45 AM MELROSE DR VIST: @VISTA COURT LOI MATCH: #E1552746 Type:MOFR Address: 325 S MELROSE DR VIST: @35: @VISTA STATION: @VDF 04/02/14 7:58:45 AM 04/02/14 LOI MATCH: #E1553393 Type:SUSV Address: 325 S 7:58:45 AM MELROSE DR VIST: @ST30 ****SPECIAL SITUATION: [TYPE:] INFO [ADDRESS:]

04/02/14 BRONZE WY [MESSAGE:] Event Number: E370253. NEW 7:58:45 AM GATE CODE ****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] 04/02/14

7:58:45 AM [MESSAGE:] *** 325 S MELROSE DR 04/02/14 1182D RELEASED FROM

7:58:45 AM @30 04/02/14 100029 Field Event 7:58:45 AM

325 S MELROSE DR 04/02/14 31T1A ON 1182D VIST: @VISTA STATION: 7:58:46 AM @30

31T1A DP

04/02/14 ** LOI search completed at 04/02/14 07:58:46 100029 7:58:46 AM 04/02/14 31T1A CO 1182D Preempt:CAD AUTOMATIC PREEMPT

8:00:51 AM 04/02/14 1182D Preempt:CAD AUTOMATIC PREEMPT 31T1A AM 8:00:51 AM 04/02/14

VIST: @VISTA STATION:

109442 Preempt:CAD AUTOMATIC PREEMPT 8:00:51 AM 04/02/14 109442 ** Event held for 1 minutes and unit 31T1A

8:00-32 AMEASED FROM 04/02/14 JIVLOI MATCH: #E1544169 Type: 1130 Address: 510 HACIENDA 8:02:50 AM 04/02/14 8:02:50 AM LOI MATCH: #E1544819 Type:MISP Address: 620 HACIENDA DR VIST

04/02/14 8 02 50 AM		LOI MATCH: #E1545169 Type FAC Address: 325 S MELROSE DR VIST
04/02/14 8 02 50 AM		LOI MATCH: #E1545314 Type SUSP Address: 240 S
04/02/14		MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S
8 02 50 AM 04/02/14		MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S
8 02 50 AM		MELROSE DR VIST
04/02/14 8 02 50 AM		LOI MATCH: #E1546995 Type, 1130W Address; VISTA VILLAGE DR/WB STATE ROUTE 78
04/02/14		LOI MATCH, #E1547797 Type, 459CA Address; 316 S
8 02:50 AM 04/02/14		MELROSE DR VIST 200 LOI MATCH. #E1547816 Type 459CA Address: 440 S
8 02 50 AM		MELROSE DR VIST
04/02/14 8 02 50 AM		LOI MATCH. #E1549724 Type;1130W Address; VISTA VILLAGE DR/WB STATE ROUTE 78
04/02/14 8 02 50 AM		LOI MATCH. #E1550345 Type:1130W Address: VISTA VILLAGE DR/WB STATE ROUTE 78
04/02/14		LOI MATCH, #E1550650 Type.211SA Address: 550
8 02 50 AM 04/02/14	RELEASED FROM	HACIENDA DR VIST 101 LOI MATCH: #E1552055 Type WELCK Address, 325 S
8 02 50 AM	I.A. FILES	MELROSE DR VIST
04/02/14 8 02 50 AM	TO TO	LOI MATCH: #E1552748 Type MOFR Address: 325 S MELROSE DR VIST
04/02/14	10	LOI MATCH: #E1553393 Type.SUSV Address, 325 S
8 02 50 AM 04/02/14		MELROSE DR VIST
8 02.50 AM		109442 PER UNIT PEND THIS CALL.
04/02/14 8 08 42 AM		LOI MATCH, #E1544169 Type, 1130 Address. 510 HACIENDA DR VIST
04/02/14 8 08 42 AM		LOI MATCH, #E1544819 Type MISP Address: 620
04/02/14	RELEASED FROM	HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S
8 08 42 AM 04/02/14	I.A. FILES	MELROSE DR VIST LOI MATCH. #E1545314 Type SUSP Address: 240 S
8 08 42 AM	TO S(X)	MELROSE DR VIST
04/02/14 8 08 42 AM	10	LOI MATCH: #E1546015 Type,INFO Address: 325 S MELROSE DR. VIST
04/02/14		LOI MATCH: #E1546279 Type.FAC Address: 325 S
8 08 42 AM 04/02/14		MELROSE DR VIST LOI MATCH: #E1546995 Type: 1130W Address; VISTA
8 08 42 AM 04/02/14		VILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1547797 Type 459CA Address: 316 S
8 08 42 AM		MELROSE DR VIST 200
04/02/14 8 08 42 AM		LOI MATCH. #E1547816 Type,459CA Address: 440 S MELROSE DR VIST
04/02/14	RELEASED FROM	LOI MATCH: #E1549724 Type, 1130W Address: VISTA
8 08:42 AM 04/02/14	I.A. FILES	VILLAGE DR/WB STATE ROUTE 78 LOI MATCH, #E1550345 Type, 1130W Address; VISTA
8 08 42 AM 04/02/14	TO	VILLAGE DR/WB STATE ROUTE 78
8 08 42 AM		LOI MATCH: #E1550650 Type.211SA Address: 550 HACIENDA DR VIST 101
04/02/14 8 08 42 AM		LOI MATCH: #E1552055 Type, WELCK Address, 325 S MELROSE DR VIST
04/02/14		LOI MATCH, #E1552746 Type MOFR Address: 325 S
8 08 42 AM 04/02/14		MELROSE DR VIST LOI MATCH. #E1553393 Type SUSV Address: 325 S
8 08 42 AM		MELROSE DR VIST
04/02/14 8 08:42 AM		107981 CC SUPV 10-4
04/02/14 8 46 01 AM	325 S MELROSE DR 31T1A DP 1182D VIST: @VISTA STATION @30	
04/02/14	833	LOI MATCH, #E1544169 Type:1130 Address, 510 HACIENDA
8 46·18 AM 04/02/14		DR VIST LOI MATCH, #E1544819 Type MISP Address, 620
8 46 18 AM		HACIENDA DR VIST
04/02/14 8 46:18 AM		LOI MATCH, #E1545169 Type FAC Address: 325 S MELROSE DR VIST
04/02/14		LOI MATCH, #E1545314 Type:SUSP Address: 240 S
8 46:18 AM 04/02/14		MELROSE DR VIST LOI MATCH. #E1546015 Type.INFO Address: 325 S
8:46.18 AM 04/02/14		MELROSE DR VIST LOI MATCH: #E1546279 Type.FAC Address: 325 S
8 46:18 AM		MELROSE DR VIST

04/02/14			LOI MATCH: #E1546995 Type:1130W Address: VISTA
8 46·18 AM			VILLAGE DRWB STATE ROUTE 78
04/02/14 8 46 18 AM			LOI MATCH: #E1547797 Type.459CA Address: 316 S MELROSE DR VIST 200
04/02/14			LOI MATCH: #E1547818 Type.459CA Address: 440 S
8:46:18 AM 04/02/14			MELROSE DR VIST LOI MATCH, #E1549724 Type, 1130W Address; VISTA
8 46 18 AM			VILLAGE DR/WB STATE ROUTE 78
04/02/14 8 46 18 AM			LOI MATCH, #E1550345 Type.1130W Address: VISTA VILLAGE DR/WB STATE ROUTE 78
04/02/14 8 46 18 AM		_	LOI MATCH. #E1550650 Type.211SA Address; 550 HACIENDA DR VIST 101
04/02/14			LOI MATCH. #E1552055 Type.WELCK Address: 325 S
8 46 18 AM 04/02/14			MELROSE DR VIST LOI MATCH: #E1552746 Type MOFR Address: 325 S
8.46:18 AM			MELROSE DR VIST
04/02/14 8:46:18 AM			LOI MATCH: #E1553393 Type SUSV Address: 325 S MELROSE DR VIST
04/02/14		109442	IS AN OPEN INVESTIGATION AND UNIT IS NOT INVOLVED
8 46:18 AM	325 S MELROSE DR	100116	IN THIS
04/02/14 8 48 22 AM	31T1A AK 1182D VIST: @VISTA STATION.		
04/02/14 9 32.37 AM		107739	** VEH search completed at 04/02/14 09 32:37
04/02/14 9:32:38 AM		107739	31T1A 1308248
04/02/14 9 32:39 AM	325 S MELROSE DR 31T1A EC 1182D VIST: @VISTA STATION: @30		31T1A 1308248
04/02/14 9 32 43 AM			CLETS QUERY RECORD: #42196597
04/02/14 9 32 48 AM			LOI MATCH: #E1544169 Type;1130 Address, 510 HACIENDA DR VIST
04/02/14 9 32 48 AM	RELEASED FROM		LOI MATCH, #E1544819 Type MISP Address, 620 HACIENDA DR VIST
04/02/14 9:32 48 AM	T.A. FILES		LOI MATCH: #E1545169 Type FAC Address. 325 S MELROSE DR VIST
04/02/14	TO ()	<u> </u>	LOI MATCH: #E1545314 Type SUSP Address 240 S
9 32:48 AM 04/02/14			MELROSE DR VIST LOI MATCH, #E1546015 Type INFO Address, 325 S
9.32.48 AM			MELROSE DR VIST
04/02/14 9 32 48 AM			LOI MATCH, #E1546279 Type FAC Address: 325 S MELROSE DR VIST
04/02/14	· · · · · · · · · · · · · · · · · · ·	•	LOI MATCH, #E1546995 Type,1130W Address: VISTA
9 32 48 AM 04/02/14	 		VILLAGE DRWB STATE ROUTE 78 LOI MATCH, #E1547797 Type 459CA Address; 316 S
9:32:48 AM	RELEASED FROM		MELROSE DR VIST 200 LOI MATCH: #E1547816 Type 459CA Address: 440.S
04/02/14 9:32:48 AM	I.A. FILES O		MELROSE DR VIST
04/02/14 9:32 48 AM	то (УУ		LOI MATCH, #E1549724 Type:1130W Address: VISTA VILLAGE DR/WB STATE ROUTE 78
04/02/14		-	LOI MATCH. #E1550345 Type:1130W Address: VISTA
9 32 48 AM 04/02/14			VILLAGE DRAWB STATE ROUTE 78 LOI MATCH: #E1550850 Type.211SA Address: 550
9:32:48 AM 04/02/14			HACIENDA DR VIST 101 LOI MATCH: #E1552055 Type WELCK Address: 325 S
9:32:48 AM		.	MELROSE DR VIST
04/02/14 9:32:48 AM	RELEASED FROM		LOI MATCH: #E1552746 Type MOFR Address: 325 S MELROSE DR VIST
04/02/14 9 32.48 AM	I.A. FILES		LOI MATCH, #E 1553393 Type SUSV Address: 325 S MELROSE DR VIST
04/02/14 9 32 48 AM	TO/		LOI MATCH. #E1553605 Type:1130W Address: VISTA VILLAGE DRAWB STATE ROUTE 78
04/02/14		107739	NO READ BACK/ ATTACH
9.32 48 AM 04/02/14			LOI MATCH. #E1544169 Type:1130 Address: 510 HACIENDA
9 44 21 AM 04/02/14			DR VIST LOI MATCH, #E1544819 Type MISP Address: 620
9 44 21 AM			HACIENDA DR VIST
04/02/14 9 44 21 AM			LOI MATCH: #E1545169 Type FAC Address, 325 S MELROSE DR VIST
04/02/14 9 44 21 AM			LOI MATCH. #E1545314 Type SUSP Address: 240 S MELROSE DR VIST
04/02/14			LOI MATCH: #E1548015 Type INFO Address: 325 S

9 44 21 AM			MELROSE DR VIST
04/02/14			LOI MATCH: #E1546279 Type FAC Address, 325 S
9 44 21 AM 04/02/14			MELROSE DR VIST LOI MATCH, #E1546995 Type:1130W Address, VISTA
9 44 21 AM 04/02/14			VILLAGE DRAYB STATE ROUTE 78 LOI MATCH, #E1547797 Type, 459CA Address; 316 S
9 44 21 AM			MELROSE DR VIST 200
04/02/14 9 44:21 AM			LOI MATCH: #E1547816 Type.459CA Address: 440 S MELROSE DR VIST
04/02/14 9 44 21 AM			LOI MATCH: #E1549724 Type, 1130W Address: VISTA VILLAGE DRAWB STATE ROUTE 78
04/02/14			LOI MATCH, #E1550345 Type, 1130W Address, VISTA
9:44:21 AM 04/02/14			VILLAGE DRWB STATE ROUTE 78 LOI MATCH, #E1550650 Type,211SA Address, 550
9 44 21 AM 04/02/14			HACIENDA DR VIST 101
9 44 21 AM			LOI MATCH: #E1552055 Type WELCK Address: 325 S MELROSE DR VIST
04/02/14 9 44 21 AM			LOI MATCH, #E1552746 Type MOFR Address: 325 S MELROSE DR VIST
04/02/14 9 44 21 AM			LOI MATCH: #E1553393 Type SUSV Address: 325 S MELROSE DR VIST
04/02/14 9:44 21 AM			LOI MATCH; #E1553605 Type.1130W Address: VISTA VILLAGE DRWB STATE ROUTE 78
04/02/14 9 44 21 AM		109442	** Case number c14116650 has been assigned to event E1553439
04/02/14 9 44 21 AM		109442	** >>> by: MILLIE J. FARMER on terminal: vtad
04/02/14 10 10 58 AM	· -	107981	VEH VS CURB VEH# 20205
04/02/14 10:11:19 AM		107981	30PSA 10-4
04/02/14 10:14 05 AM		<u>107981</u>	** Cross Referenced to Event # E1553197 at: 04/02/14 10:14 05
04/02/14 10·14 05 AM		107981	** >>> by: REBECCA L. STRAHM on terminal ms01
04/02/14 10:14:14 AM	31T1A CO 1182D		Preempt CAD AUTOMATIC PREEMPT
04/02/14 10:14:14 AM	31T1A AM 1182D		Preempt CAD AUTOMATIC PREEMPT
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM	31T1A AM 1182D	109442	
04/02/14 10:14:14 AM 04/02/14	31TIA AM 1182D RELEASED FROM	109442 109442	Preempt CAD AUTOMATIC PREEMPT
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM 04/02/14 10:14:14 AM 04/02/14	RELEASED FROM		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type,1130 Address: 510 HACIENDA
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM 04/02/14 10:14:14 AM 04/02/14 10:14 51 AM 04/02/14	RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM 04/02/14 10:14:14 AM 04/02/14 10:14 51 AM 04/02/14 10:14 51 AM	RELEASED FROM		Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type,1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH, #E1545169 Type,FAC Address: 325 S
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM 04/02/14 10:14:14 AM 04/02/14 10:14 51 AM 04/02/14 10:14 51 AM 04/02/14 10:14 51 AM	RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type,1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH, #E1545169 Type,FAC Address: 325 S MELROSE DR VIST
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH; #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH. #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH; #E1545314 Type.SUSP Address: 240 S
04/02/14 10:14:14 AM 04/02/14 10 14 14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type,1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH, #E1545169 Type,FAC Address: 325 S MELROSE DR VIST LOI MATCH; #E1545314 Type,SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546079 Type FAC Address: 325 S
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM		Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH. #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type:1130W Address: VISTA
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH. #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type:1130W Address: VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH: #E1546995 Type.459CA Address: 316 S
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type:1130W Address: VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547797 Type.459CA Address: 316 S MELROSE DR VIST 100 MATCH: #E15477816 Type:459CA Address: 440 S
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type:1130W Address: VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547797 Type.459CA Address: 316 S MELROSE DR VIST 1200
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES TO		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: VISTA VILLAGE DR.VMB STATE ROUTE 78 LOI MATCH: #E1547797 Type.459CA Address: 440 S MELROSE DR VIST LOI MATCH: #E1547816 Type:459CA Address: 440 S MELROSE DR.VIST LOI MATCH: #E1547816 Type:459CA Address: VISTA VILLAGE DR.VMB STATE ROUTE 78 LOI MATCH: #E1547974 Type:1130W Address. VISTA VILLAGE DR.VMB STATE ROUTE 78 LOI MATCH: #E1549724 Type:1130W Address. VISTA VILLAGE DR.VMB STATE ROUTE 78
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES TO RELEASED FROM		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type:1130W Address: VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH: #E1547797 Type.459CA Address: 316 S MELROSE DR VIST LOI MATCH: #E1547816 Type:459CA Address: 440 S MELROSE DR VIST LOI MATCH: #E1549724 Type:1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH: #E1549724 Type:1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH: #E1550345 Type.1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH: #E1550345 Type.1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH: #E1550345 Type.1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH: #E1550850 Type:211SA Address. 550
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type:1130W Address: VISTA VILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1547816 Type:459CA Address: 340 S MELROSE DR VIST LOI MATCH: #E1547816 Type:1130W Address: VISTA VILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1549724 Type:1130W Address. VISTA VILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1550345 Type:1130W Address. VISTA VILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1550345 Type:1130W Address. VISTA VILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1550345 Type:211SA Address. 550 HACIENDA DR VIST 101 LOI MATCH: #E1550055 Type:WELCK Address. 325 S
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES TO RELEASED FROM		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH; #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH; #E1546215 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH; #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH; #E1546279 Type FAC Address: VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E1547797 Type.459CA Address: 440 S MELROSE DR VIST LOI MATCH; #E1547816 Type:459CA Address: VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E154724 Type:1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E1550345 Type.1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E1550345 Type.1130W Address. S50 HACIENDA DR VIST LOI MATCH; #E1550345 Type.1130W Address. S50 HACIENDA DR VIST 101 LOI MATCH; #E1550355 Type.WELCK Address. 325 S MELROSE DR VIST LOI MATCH; #E1552746 Type MOFR Address. 325 S MELROSE DR VIST LOI MATCH; #E1552746 Type MOFR Address: 325 S
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: VISTA VILLAGE DR.VMB STATE ROUTE 78 LOI MATCH: #E1547797 Type.459CA Address: 440 S MELROSE DR VIST LOI MATCH: #E1547816 Type:1130W Address: VISTA VILLAGE DR.VMB STATE ROUTE 78 LOI MATCH: #E1547816 Type:1130W Address: VISTA VILLAGE DR.VMB STATE ROUTE 78 LOI MATCH: #E1550345 Type.1130W Address. VISTA VILLAGE DR.VMB STATE ROUTE 78 LOI MATCH: #E1550345 Type.1130W Address. SSO HACIENDA DR VIST 101 LOI MATCH: #E1550650 Type:211SA Address. 550 HACIENDA DR VIST 101 LOI MATCH: #E1552055 Type.WELCK Address. 325 S MELROSE DR VIST LOI MATCH: #E15520746 Type MOFR Address: 325 S MELROSE DR VIST
04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:14 AM 04/02/14 10:14:51 AM	RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES TO RELEASED FROM I.A. FILES		Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type.1130 Address: 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address: 820 HACIENDA DR VIST LOI MATCH, #E1545169 Type.FAC Address: 325 S MELROSE DR VIST LOI MATCH; #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH; #E1546215 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH; #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH; #E1546279 Type FAC Address: VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E1547797 Type.459CA Address: 440 S MELROSE DR VIST LOI MATCH; #E1547816 Type:459CA Address: VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E154724 Type:1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E1550345 Type.1130W Address. VISTA VILLAGE DR.WB STATE ROUTE 78 LOI MATCH; #E1550345 Type.1130W Address. S50 HACIENDA DR VIST LOI MATCH; #E1550345 Type.1130W Address. S50 HACIENDA DR VIST 101 LOI MATCH; #E1550355 Type.WELCK Address. 325 S MELROSE DR VIST LOI MATCH; #E1552746 Type MOFR Address. 325 S MELROSE DR VIST LOI MATCH; #E1552746 Type MOFR Address: 325 S

	04/02/14 10 14 51 AM	•			109442	BRK TO ASST THE FD
•	04/02/14					LOI MATCH: #E1544169 Type,1130 Address; 510 HACIENDA
	10 35 01 AM 04/02/14					DR VIST LOI MATCH, #E1544819 Type MISP Address: 620
	10 35 01-AM 04/02/14					HACIENDA DR VIST LOI MATCH, #E1545169 Type, FAC Address; 325 S
	10 ⁻ 35 01 AM					MELROSE DR VIST
	04/02/14 10 35 01 AM					LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST
	04/02/14 10 35 01 AM					LOI MATCH: #E1546015 Type.INFO Address: 325 S MELROSE DR VIST
•	04/02/14 10 35 01 AM					LOI MATCH, #E1546279 Type FAC Address: 325 S
•	04/02/14	_				MELROSE DR VIST LOI MATCH: #E1546995 Type:1130W Address: VISTA
•	10 35 01 AM 04/02/14					VILLAGE DRAWB STATE ROUTE 78 LOI MATCH, #E1547797 Type 459CA Address, 316 S
	10:35 01 AM 04/02/14	<u>-</u>			<u> </u>	MELROSE DR VIST 200 LOI MATCH, #E1547816 Type 459CA Address: 440 S
	10 35 01 AM 04/02/14	<u> </u>				MELROSE DR VIST
	10 35 01 AM					LOI MATCH: #E1549724 Type:1130W Address: VISTA VILLAGE DRAWB STATE ROUTE 78
	04/02/14 10 35 01 AM					LOI MATCH, #E1550345 Type,1130W Address: VISTA VILLAGE DRWB STATE ROUTE 78
	04/02/14 10 35 01 AM					LOI MATCH: #E1550650 Type:211SA Address: 550 HACIENDA DR VIST 101
•	04/02/14					LOI MATCH, #E1552055 Type, WELCK Address: 325 S
•	10 35 01 AM 04/02/14					MELROSE DR VIST LOI MATCH. #E1552746 Type MOFR Address: 325 S
	10 35 01 AM 04/02/14					MELROSE DR VIST LOI MATCH: #E1553393 Type:SUSV Address: 325 S
	10:35 01 AM 04/02/14					MEUROSE DR VIST LOI MATCH: #E1553605 Type:1130W Address, VISTA
	10 35 01 AM					VILLAGE DRIVED STATE ROUTE 78
	04/02/14 10 35 01 AM				<u>109442</u>	Event held for 999 minutes and unit 31T1A
	04/02/14					
	10.36 08 AM	31T1A DP	<u>1182D</u>	325 S MELROSE D VIST: @VISTA ST/ @30		
•		31T1A DP		VIST: @VISTA ST/	ATION: DR	
	10.36 08 AM 04/02/14			VIST: @VISTA ST/ @30 325 S MELROSE D VIST: @VISTA ST/	ATION: DR	Preempt CAD AUTOMATIC PREEMPT
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM	31T1A AK	1182D	VIST: @VISTA ST/ @30 325 S MELROSE D VIST: @VISTA ST/	ATION: DR	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM	31T1A AK 31T1A CO 31T1A AM	1182D 1182D 1182D	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR	Preempt CAD AUTOMATIC PREEMPT
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14	31T1A AK 31T1A CO 31T1A AM	1182D 1182D 1182D	VIST: @VISTA ST/ @30 325 S MELROSE D VIST: @VISTA ST/	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT
	10.38 08 AM 04/02/14 10.38:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14	31T1A AK 31T1A CO 31T1A AM RELE I.A. F	1182D 1182D 1182D	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type;1130 Address, 510 HACIENDA
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM 04/02/14	31T1A AK 31T1A CO 31T1A AM RELE	1182D 1182D 1182D	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type:1130 Address. 510 HACIENDA DR VIST LOI MATCH. #E1544819 Type MISP Address: 620
	10.38 08 AM 04/02/14 10.38:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM 04/02/14 11 08 47 AM	31T1A AK 31T1A CO 31T1A AM RELE I.A. F	1182D 1182D 1182D	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type:1130 Address: 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	31T1A AK 31T1A CO 31T1A AM RELE I.A. F	1182D 1182D 1182D	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type:1130 Address: 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM 04/02/14 11 08 47 AM 04/02/14 11 08 47 AM	31TIA AK 31TIA CO 31TIA AM RELE I.A. FI	1182D 1182D 1182D ASED	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type;1130 Address; 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address; 620 HACIENDA DR VIST LOI MATCH; #E1545169 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH; #E1545314 Type,SUSP Address; 240 S MELROSE DR VIST
	10.38 08 AM 04/02/14 10.38:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	31TIA AK 31TIA CO 31TIA AM RELE I.A. FI	1182D 1182D 1182D ASED	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH; #E1544169 Type;1130 Address; 510 HACIENDA DR VIST LOI MATCH; #E1544819 Type MISP Address; 620 HACIENDA DR VIST LOI MATCH; #E1545169 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH; #E1545314 Type, SUSP Address; 240 S MELROSE DR VIST LOI MATCH; #E1546015 Type INFO Address; 325 S MELROSE DR VIST LOI MATCH; #E1546015 Type INFO Address; 325 S MELROSE DR VIST
	10.38 08 AM 04/02/14 10.38:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	31TIA AK 31TIA CO 31TIA AM RELE I.A. FI	1182D 1182D 1182D ASED LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type:1130 Address: 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM 04/02/14	31TIA AK 31TIA CO 31TIA AM RELE I.A. FI	1182D 1182D 1182D ASED LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type;1130 Address: 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MiSP Address: 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type,SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type, 1130W Address, VISTA VILLAGE DRWWB STATE ROUTE 78
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	31TIA AK 31TIA CO 31TIA AM RELE I.A. FI	1182D 1182D 1182D ASED LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type;1130 Address: 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MiSP Address: 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type,SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type INFO Address: VISTA
	10.38 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	31T1A AK 21T1A CO 21T1A AM RELE I.A. FI TO I.A. FI TO	1182D 1182D 1182D ASED LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30 FROM	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type;1130 Address; 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address; 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address; 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address; 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type.1130W Address; 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type.1130W Address; 316 S MELROSE DR VIST LOI MATCH: #E1547797 Type.459CA Address; 316 S MELROSE DR VIST 200 LOI MATCH: #E1547816 Type.459CA Address, 440 S
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	RELE I.A. FI TO RELE I.A. FI TO RELE	1182D 1182D 1182D ASED LES LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT ** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type:1130 Address: \$10 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address: 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type.1130W Address: VISTA VILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1547797 Type.459CA Address: 316 S MELROSE DR VIST 200 LOI MATCH: #E1547816 Type.459CA Address. 440 S MELROSE DR VIST
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	31TIA AK 21TIA CO 21TIA AM RELE I.A. FI TO_ RELE I.A. F	1182D 1182D 1182D ASED LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30 FROM	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type;1130 Address; 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address; 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type, SUSP Address; 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address; 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type, 1130W Address, VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547797 Type, 459CA Address; 316 S MELROSE DR VIST LOI MATCH: #E1547816 Type, 459CA Address, 440 S MELROSE DR VIST LOI MATCH: #E1547816 Type, 459CA Address, VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547816 Type, 459CA Address, 440 S MELROSE DR VIST LOI MATCH: #E1547816 Type, 459CA Address, VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547816 Type, 459CA Address, VISTA VILLAGE DRWB STATE ROUTE 78
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	RELE I.A. FI TO RELE I.A. FI TO RELE	1182D 1182D 1182D ASED LES LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30 FROM	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type;1130 Address. 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address: 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type.SUSP Address. 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type.1130W Address. VISTA YILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1547816 Type.459CA Address. 440 S MELROSE DR VIST LOI MATCH: #E1547816 Type.459CA Address. VISTA YILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1549724 Type.1130W Address. VISTA YILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1549724 Type.1130W Address. VISTA YILLAGE DR/WB STATE ROUTE 78 LOI MATCH: #E1549724 Type.1130W Address. VISTA YILLAGE DR/WB STATE ROUTE 78
	10.36 08 AM 04/02/14 10.36:12 AM 04/02/14 11 08 27 AM 04/02/14 11 08 47 AM	31TIA AK 21TIA CO 21TIA AM RELE I.A. FI TO_ RELE I.A. F	1182D 1182D 1182D ASED LES LES	VIST: @VISTA ST/ @30 325 S MELROSE E VIST: @VISTA ST/ @30 FROM	ATION: DR ATION: 109442	Preempt CAD AUTOMATIC PREEMPT Preempt CAD AUTOMATIC PREEMPT *** Event held for 1 minutes and unit 31T1A LOI MATCH: #E1544169 Type;1130 Address; 510 HACIENDA DR VIST LOI MATCH: #E1544819 Type MISP Address; 620 HACIENDA DR VIST LOI MATCH: #E1545169 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH: #E1545314 Type, SUSP Address; 240 S MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address; 325 S MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address; 325 S MELROSE DR VIST LOI MATCH: #E1546995 Type, 1130W Address, VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547797 Type, 459CA Address; 316 S MELROSE DR VIST LOI MATCH: #E1547816 Type, 459CA Address, 440 S MELROSE DR VIST LOI MATCH: #E1547816 Type, 459CA Address, VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547816 Type, 459CA Address, 440 S MELROSE DR VIST LOI MATCH: #E1547816 Type, 459CA Address, VISTA VILLAGE DRWB STATE ROUTE 78 LOI MATCH: #E1547816 Type, 459CA Address, VISTA VILLAGE DRWB STATE ROUTE 78

11 08 47 AM				MELROSE DR VIST
04/02/14 11 08 47 AM		 		LOI MATCH, #E1552746 Type MOFR Address: 325 S
04/02/14				MELROSE DR VIST LOI MATCH. #E1553393 Type SUSV Address: 325 S
_11.08 47 AM _04/02/14				MELROSE DR VIST LOI MATCH, #E1553605 Type, 1130W Address, VISTA
11 08 47 AM	· · · · · · · · · · · · · · · · · · ·			VILLAGE DR/WB STATE ROUTE 78
04/02/14 11:08 47 AM				LOI MATCH, #E1553994 Type.1130W Address, VISTA VILLAGE DR/WB STATE ROUTE 78
04/02/14 11 08 47 AM			109442	BRK FOR SUSP
04/02/14 11:24 04 AM	31T1A DP 1182D	325 S MELROSE DR VIST: @VISTA STATION @30	·	
04/02/14 11.24 06 AM	31T1A AK 1182D	325 S MELROSE DR VIST: @VISTA STATION: @30		
04/02/14 3:25 56 PM	31T1A ON 1182D	325 S MELROSE DR VIST: @VISTA STATION @30		
04/02/14 3:30 51 PM				LOI MATCH: #E1544819 Type MISP Address: 620 HACIENDA DR VIST
04/02/14 3 30 51 PM				LOI MATCH, #E1545169 Type FAC Address: 325 S MELROSE DR VIST
04/02/14	RELEASE	FROM		LOI MATCH: #E1545314 Type.SUSP Address: 240 S
3 30 51 PM 04/02/14	I.A. FILES			MELROSE DR VIST LOI MATCH: #E1546015 Type INFO Address: 325 S
3:30 51 PM 04/02/14	<u> </u>	<i>a</i>		MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address, 325 S
3 30 51 PM	· · · · · · · · · · · · · · · · · · ·			MELROSE DR VIST
04/02/14 3·30 51 PM				LOI MATCH: #E1546995 Type: 1130W Address: VISTA VILLAGE DR/WB STATE ROUTE 78
04/02/14 3 30 51 PM	RELEASE	D FROM	•	LOI MATCH, #E1547797 Type 459CA Address, 316 S MELROSE DR VIST 200
04/02/14	I.A. FILES			LOI MATCH, #E1547816 Type 459CA Address: 440 S
3:30 51 PM 04/02/14	TO /			MELROSE DR VIST LOI MATCH: #E1549724 Type:1130W Address: VISTA
3 30 51 PM				VILLAGE DR/WB STATE ROUTE 78
04/02/14 3 30 51 PM				LOI MATCH: #E1550345 Type.1130W Address: VISTA VILLAGE DRWB STATE ROUTE 78
04/02/14 3 30 51 PM	RELEAS	ED FROM		LOI MATCH: #E1550650 Type 211SA Address. 550 HACIENDA DR VIST 101
04/02/14	I.A. FILE	– . , ,	-	LOI MATCH, #E1552055 Type.WELCK Address: 325 S
3·30 51 PM 04/02/14	TO	<u> </u>		MELROSE DR VIST LOI MATCH, #E1552746 Type, MOFR Address: 325 S
3:30:51 PM 04/02/14		//		MELROSE DR VIST LOI MATCH, #E1553393 Type.SUSV Address; 325 S
3 30'51 PM 04/02/14				MELROSE DR VIST
3 30 51 PM				LOI MATCH. #E1553605 Type. 1130W Address: VISTA VILLAGE DRAWB STATE ROUTE 78
04/02/14 3:30:51 PM				LOI MATCH. #E1553994 Type: 1130W Address: VISTA VILLAGE DRAWB STATE ROUTE 78
04/02/14 3 30 51 PM		325 S MELROSE DR VIST: @30		
04/02/14 3:30 51 PM		325 S MELROSE DR VIST: @30		
04/02/14 3:30 51 PM			107907	31T1A Changed Location to:
04/02/14 3 30 51 PM			107907	325 S MELROSE DR VIST: @30
04/02/14				LOI MATCH: #E1544819 Type MISP Address, 820 HACIENDA DR VIST
3 41.18 PM 04/02/14		· · · · · ·		LOI MATCH: #E1545169 Type FAC Address: 325 S
3 41:18 PM 04/02/14		··-	· · · ·	MELROSE DR VIST LOI MATCH: #E1545314 Type SUSP Address: 240 S
3 41:18 PM 04/02/14	<u> </u>			MELROSE DR VIST LOI MATCH, #E1546015 Type,INFO Address, 325 S
3 41·18 PM 04/02/14				MELROSE DR VIST LOI MATCH: #E1546279 Type FAC Address: 325 S
3 41:18 PM	<u> </u>			MELROSE DR VIST
04/02/14 3:41:18 PM				LOI MATCH. #E1546995 Type:1130W Address: VISTA VILLAGE DRAWB STATE ROUTE 78
04/02/14 3 41:18 PM				LOI MATCH: #E1547797 Type.459CA Address: 316 S MELROSE DR VIST 200
				LOI MATCH, #E1547818 Type 459CA Address: 440 S

3 41:18 PM						MELROSE DR VIST
04/02/14 3 41:18 PM			-			LOI MATCH, #E1549724 Type, 1130W Address; VISTA VILLAGE DRAWB STATE ROUTE 78
04/02/14 3 41 18 PM						LOI MATCH: #E1550345 Type 1130W Address: VISTA VILLAGE DRAWB STATE ROUTE 78
04/02/14 3 41 18 PM	•	•		.		LOI MATCH, #E1550650 Type 211SA Address: 550 HACIENDA DR VIST 101
04/02/14 3 41:18 PM	Ī					LOI MATCH, #E1552055 Type,WELCK Address, 325 S MELROSE DR VIST
04/02/14 3 41:18 PM						LOI MATCH. #E1552746 Type.MOFR Address: 325 S MELROSE DR VIST
04/02/14 3 41 18 PM						LOI MATCH. #E1553393 Type.SUSV Address: 325 S MELROSE DR VIST
04/02/14 3 41·18 PM					<u> </u>	LOI MATCH: #E1553605 Type:1130W Address, VISTA VILLAGE DRAWS STATE ROUTE 78
04/02/14 3 41 18 PM			-			LOI MATCH: #E1553994 Type:1130W Address: VISTA VILLAGE DRAWS STATE ROUTE 78
04/02/14 3 41:18 PM	31T1A	UC	1182D	325 S MELROSE DR VIST: @30		Alarm Timer Extended. 0
04/02/14 3 41 18 PM					107907	Alarm Timer Extended: 0
04/02/14 4:31 21 PM	31T1A	AV	RE			



RELEASED FROM

I.A. FILES

RELEASED FROM I.A. FILES

RELEASED FROM I.A. FILES

CAD	Qı	ery		Main	Event History	Ui Hist			t/Active vents	Who Where	Event Stats	Patrol	New Patrol
EVENT DISP	LAY												
EVENT#	CREAT	E T	YCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENT
	Wedne			2435 LA MIRADA				1					
E1553179	April 2 2014 04/02/ 4:09:5	14	59CA	DR VIST: LA COSTA SILK SCREEN	106825	ph12	31P11C	04/02/14 4:10:57 AM	04/02/14 4:12:52 AM	VTAD	317	FA,	
RP INFO													
UNIT STATU	S/EVE	NT COM	MENTS										
DATE/TIME	2	UNID	STAT	TYCOD	LOCATION	1		EMPID	1 COMME	NTS			
Wednesday 2, 2014	April												
04/02/14 4:0 AM	09:59									CIAL SITUA			E
04/02/14 4:0 AM	09:59							10682	5 ** LOIs	earch comp	leted at 04	4/02/14 04	4:09:59
04/02/14 4:0 AM	09:59							10682	COVER	S NORTH V	NAREHO		
04/02/14 4:1 AM	10:57	31P110	DP	459CA	2435 LA M								
04/02/14 4:	11:01	31P110	ER	459CA	2435 LA M								
04/02/14 4:	11:38	31P5C	DP	459CA	2435 LA M								
04/02/14 4:	11:40	31P5C	ER	459CA	2435 LA M	The state of the s							
04/02/14 4:	12:52	31P5C	ON	459CA	2435 LA M	IIRADA	DR VIST:						
04/02/14 4:	12:52	31P110	ON	459CA	2435 LA M								
04/02/14 4:	14:52	31P5C	AM	459CA									
04/02/14 4:1 AM	14:54									TCH: #E158		e:459CA	Address:
04/02/14 4:1 AM	14:54									TCH: #E15		e:459CA	Address:
04/02/14 4: AM	14:54									TCH: #E158 ADES WY V		e:459CA	Address:
04/02/14 4:1 AM	14:54	31P11C	UC	459CA	2435 LA M				THE STATE OF THE S	arm Timer E	N. 70-143-5)	
04/02/14 4: AM	14:54							10741	2 C4 - Ala	arm Timer E	xtended: ()	
04/02/14 4:1 AM	14:55	31P110	AM	FA									



TeamCAD
Data Services Division
San Diego County Sheriff's Department

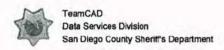
I.A. FILES

RELEASED FROM
I.A. FILES
TO 800



Main **Event** Unit Pending Unit/Active Who **Event** Patrol New History History Events Where Stats Patrol **Events**

DATE/TIME	UNID	STAT	TYCOD	LOCATION	OFFICER	EVENT#	COMMENTS
Wednesday April 2, 2014							
04/02/14 4:11:38 AM	31P5C	DP	459CA	2435 LA MIRADA DR VIST: LA COSTA SILK SCREEN	100018	E1553179	
04/02/14 4:11:40 AM	31P5C	ER	459CA	2435 LA MIRADA DR VIST: LA COSTA SILK SCREEN	100018	E1553179	
04/02/14 4:12:52 AM	31P5C	ON	459CA	2435 LA MIRADA DR VIST: LA COSTA SILK SCREEN	100018	E1553179	4
04/02/14 4:14:52 AM	31P5C	AM	459CA		100018	E1553179	



RELEASED FROM

RELEASED FROM I.A. FILES TO

RELEASED FROM I.A. FILES TO



Main

Event History

Unit History Pending Events Unit/Active Events Who Where Event Stats Patrol

New Patrol

WHO/WHERE

ID NAME

UNIT ID AGENCY RADIO

SHERIFF

TeamCAD

Data Services Division

San Diego County Sheriff's Department

RELEASED FROM

I.A. FILES

RELEASED FROM
I.A. FILES

RELEASED FROM I.A. FILES



Main Event History Unit History Pending Events Unit/Active Events Who Where Event Stats Patrol

New Patrol

DATE/TIME	UNID	STAT	TYCOD	LOCATION	OFFICER	EVENT#	COMMENTS
Wednesday April 2, 2014							
04/02/14 4:10:57 AM	31P11C	DP	459CA	2435 LA MIRADA DR VIST: LA COSTA SILK SCREEN	100021	E1553179	
04/02/14 4:11:01 AM	31P11C	ER	459CA	2435 LA MIRADA DR VIST: LA COSTA SILK SCREEN	100021	E1553179	
04/02/14 4:12:52 AM	31P11C	ON	459CA	2435 LA MIRADA DR VIST: LA COSTA SILK SCREEN	100021	E1553179	
04/02/14 4:14:54 AM	31P11C	UC	459CA	2435 LA MIRADA DR VIST: LA COSTA SILK SCREEN	100021	E1553179	C4 - Alarm Timer Extended: 0
04/02/14 4:14:55 AM	31P11C	AM	FA		100021	E1553179	



TeamCAD
Data Services Division
San Diego County Sheriff's Department

RELEASED FROM I.A. FILES

RELEASED FROM
I.A. FILES
TO

RELEASED FROM
I.A. FILES
TO

Page 1 of 1 Who Where



TeamCAD

Main

Event History

Unit History Pending Events

Unit/Active **Events**

Who Where **Event** Stats

Patrol

New Patrol

WHO/WHERE

ID NAME UNIT ID AGENCY RADIO SHERIFF

Data Services Division San Diego County Sheriff's Department

RELEASED FROM

RELEASED FROM

I.A. FILES

RELEASED FROM I.A. FILES

SAN DIEGO REGIONAL

DEPUTY'S REPORT

			NARRATIVE				Page	e 1 of 1
CONTINUED	□ARR./JCR	MISC. CITE				CASE NI		
FROM:	□ CRIME	⊠ OTHER					14116650	
CODE SECTION A	ND DESCRIPTION (C	NE INCIDENT ONLY)		MONTH	DAY	YEAR	DAY OF WEEK	TIME
Deputy's Re	eport			04	02	14	Wed	0415
LOCATION OF INC	IDENT		CITY				BEAT	
Progress St	reet & La Mir	ada Drive	Vista				317	
PERSON(S) INVOL	VED: VICTIM		SUSPECT (IF NAMED)					
ORIGIN								

On 4/2/14, at approximately 0415 hours, Deputy P. Dray and I were involved in a traffic collision, CAD #E1553439.

INVESTIGATION:

On 4/2/14, at approximately 0415 hours, Deputy P. Dray and I arrived to the commercial area of Vista along with other deputies. The plan was to conduct vehicle pursuit training in the business parkway of Vista because it is a low-traffic area at that time of morning. Before we could begin training, we were dispatched to a commercial burglary alarm in the area. Once we returned from the call, I was informed by deputies Dray and that I would be pursuing Deputy acted as dispatch. Deputy Dray was the passenger in my vehicle. We were communicating through the CARS radio channel. While I was pursuing Deputy we were dispatched to a second commercial burglary alarm in the commercial business area. Upon clearing the call, we resumed the pursuit training. I was on Progress Street pursuing Deputy We approached La Mirada Drive, and I followed him by making a right hand turn on this street. As I made the right hand turn, I was accelerating through the turn. The rear of the vehicle lost traction, and the vehicle did a 180 degree turn. The vehicle stopped when my driver's rear rim hit the south curb of the street. After and I met Deputy Dray and me at my vehicle to I hit the curb, we all exited the vehicles. Deputies inspect the damage. Deputy Dray advised that we should call the Sergeant. Deputy advised that before calling the Sergeant we

should agree not to include the fact that we were doing pursuit training at the time of the collision. Deputy Dray agreed. informed me that we probably should not have been doing pursuit training due to the rain. He told me not to include the information about pursuit training in my report. Deputy Dray agreed with Deputy did not participate in the conversation. Deputy Dray then called the Sergeant and notified knowledge. Deputy him of the situation as it was discussed not including all the details about the pursuit training. When Deputy Dray got off the phone, she notified us that the Sergeant Lopez was on his way to our location. Sergeant Lopez inspected the damaged wheel and told us to drive the vehicle back to the station and write a Deputy's Report on what had happened. Upon arriving at the station, I completed a Deputy's Report on the incident. Deputy Dray reviewed the details written on the report before submitting it to the Sergeant.

On 4/13/14, I was notified that I would be meeting the following day with Lieutenant Miller regarding the incident, After work that day I texted Deputy Dray asking her to call me. Deputy Dray called me, and I told her that I would be meeting with the Lieutenant the next morning concerning the incident. Deputy Dray advised me to stick with what was written on the Deputy's Report.

On 4/14/14, at approximately 1200 hours, I met with Lieutenant Miller regarding the incident. I told him only what was written on the Deputy's Report. Although the facts I reported to Lieutenant Miller about the actual collision were accurate. I felt uncomfortable not including all the details. On 4/15/14, I confided in my Training Officer Deputy Martinez that I didn't include the fact that we were pursuit training at the time of the collision. Deputy Martinez advised me to speak to Sergeant Eglin regarding the situation and include all the details surrounding the collision.

On 4/15/14. I met with Sergeant Eglin and explained that I had not included the fact that we were pursuit training when I had met with Lieutenant Miller. Sergeant Eglin directed me to write a Deputy's Report.

REPORTING OFFICER	ARJIS#	DIVISION	APPROVER	DATE OF	MONTH	DAY	YEAR	TIME
D Cortoz	9739	VPS	8.60UN 1192	REPORT:	04	10	1.1	
D. Cortez	9139	VFS	10.COUN 1172	HEI OIII.	04	19	14	0530

ORIGIN:
On 04-16-2014, at about 0800 hours, Deputies Cortez, Kodadek and I responded to a 415 family. After the radio call, Deputy Kodadek spoke to Deputy Cortez about an accident that occurred during Deputy Cortez' Phase 1 training.
DEPUTY'S OBSERVATIONS AND ACTIONS:
Deputy Cortez informed me that he was distraught about what had occurred at his accident. Deputy Cortez informed me that he had his interview with Lieutenant Miller the previous day and was not completely truthful.
Deputy Cortez informed me that he was conducting "pursuit training" when the accident occurred. Deputy was the vehicle he was chasing and Deputy was acting as dispatch. While chasing Deputy Cortez hit a curb with his vehicle. The vehicle was inoperable after the accident.
Deputy Cortez informed me that after the accident, all subjects involved came together and decided that they would say, While Deputy Cortez was driving he took a turn to hard, slid and hit the curb.
I informed Deputy Cortez that he is the only person that knows what happened, what was written and discussed about the accident. I informed Deputy Cortez that if he was untruthful, or needs to address something about the accident to notify our sergeant. Deputy Cortez later notified Sergeant Eglin about the accident.
RELATED REPORTS:

Arrest Report



San Diego County SHERIFF'S DEPARTMENT

NOTICE OF PROPOSED DISCIPLINARY ACTION

TO: William Gore, Sheriff			DATE: 01	-20-20	115		
It is recommended that the following	g disciplinary action be administere	d to the below na	amed employ	ee:			
EMPLOYEE'S NAME:	Dray, Peggy	TITLE:	Deputy She	eriff			
DEPARTMENT POLICY AND / OR PROCEDURE SECTION(S)	2.46 Truthfulness	2.46 Tru	Truthfulness				
	2.46 Truthfulness	2.46 Tru	Truthfulness				
VIOLATED:	2.41 Department Reports	2.30 Fai	2.30 Failure to meet standards				
RECOMMENDED DISCIPLINE:	Termination						
SECOND LEVEL SUPERVISOR:	Scott G. Black, Lieutenant		DATE: 2/24/15				
LIST DRIOD BELATED	None		-				
LIST PRIOR RELATED OFFENSE(S) WITHIN LAST FIVE							
YEARS WITH DATE & ACTION							
I have been advised of the above c	harges and recommended disciplin	e:					
EMPLOYEE'S SIGNATURE: X	(Jeggy Dray		D	ATE:	2-24	-15	5
2 nd LEVEL SUPERVISOR SIGNAT	URE: XXXX	an	D	ATE:	2/24	114	5
3rd LEVEL SUPERVISOR SIGNATURE: 7 7 COOL			D	DATE: 03-17-15			
COMMENTS:	0) 10 10 10	,			.,,		
REVIEWED BY INTERNAL AFFAIR	RS: C. HAZI	16L-UM#2	MS3 D	ATE:	72-24	1-2	21,
4 th LEVEL SUPERVISOR SIGNAT					ni		
COMMENTS:		110					
ADDITIONAL REVIEW: Mark P.	Elvin, Assistant Sheriff	many P.SO	2_ D	ATE:	F27-	15	
ADDITIONAL REVIEW:	hendernat	The state of the s		ATE:	1	8/	3
ADDITIONAL REVIEW:	Wiam When			ATE:	1.10	1	5
00	INTERNAL AFFAIRS SE	CTION			4//		
☐ WRITTEN REPRIMAND BY:			D	ATE:			
NOTICE OF INTENT AND CHA	ARGES: B. NEVINA		D	ATE:	3/2	6/13	_
ORDER SERVED:	BNEWINS		D	ATE:	6	9	ls
CIVIL SERVICE NOTIFIED:	Peggi Lorenz - Admin Sec I	I	D	ATE:	06-1	7-20	15
PAYROLL NOTIFIED: Peggi	Lorenz - Admin Sec II		D	ATE:	06-17-	-201	5
FINAL ACTION TAKEN: Per Ske			PELEASE	ATEO	M 06-0		_
	The state of the s		TO	R	0		-



County of San Diego

COMMISSIONERS

W. DALE BAILEY President MARK NELSON Vice President A.Y. CASILLAS RUDOLF HRADECKY IRA SHARP CIVIL SERVICE COMMISSION 1600 PACIFIC HIGHWAY, ROOM 458 SAN DIEGO, CALIFORNIA 92101-2437 (619) 531-5751 FAX: (619) 685-2422 www.sandiegocounty.gov/civilservice EXECUTIVE OFFICER
TODD C. ADAMS

September 3, 2015

Amy Gordon, Esq. Bobbitt, Pinckard & Fields 8388 Vickers Street San Diego, CA 92111 Kristen Beatty, Sheriff's Legal Advisor County of San Diego P. O. Box 939602 San Diego, CA 92193

Dear Ms. Gordon and Ms. Beatty:

RE: RULE VII APPEAL OF PEGGY DRAY (2015-031P)

Enclosed is a copy of the Findings, Conclusions and Recommendations of Commissioner Nelson, as well as the Decision that was approved by the Civil Service Commission at its meeting on September 2, 2015. You will note that the Commission has affirmed the Department's Order of Termination.

Please do not hesitate to contact this office should you have any questions regarding the above decision.

Very truly yours,

CIVIL SERVICE COMMISSION
TODD C. ADAMS, Executive Officer

SELINDA HURTADO-MILEER Commission Analyst I

Encs.

cc: William D. Gore, Sheriff

Robert Faigin, Esq., Sheriff's Legal Advisor

Ms. Peggy Dray

SEPTEMBER 2, 2015 ITEM NO. 5

CIVIL SERVICE COMMISSION

COUNTY OF SAN DIEGO

In the Matter of the Appeal of)

Peggy Dray (2015-031P) from an)

Order of Termination and Charges)

from the Sheriff's Department)

FINDINGS, CONCLUSIONS
AND RECOMMENDATIONS

The matter of the appeal of Peggy Dray (2015-031P) (Employee), from a written Order of Termination and Charges terminating her from the class and position of Deputy Sheriff (Class No. 5746) in the Sheriff's Department (Department), was presented to the Civil Service Commission. The Commission appointed Commissioner Mark Nelson to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on July 30, 2015.

The following were present at the hearing: Mark Nelson,
Hearing Officer; Thomas Harron, Esq., assisting the Hearing
Officer as Legal Advisor; Peggy Dray, Appellant, on her own
behalf and as represented by Amy Gordon, Esq.; Kristen Beattie,
Esq., Sheriff's Legal Advisor, assisted by Sergeant Ken Jones,
representing the Appointing Authority.

The official file of the proceedings shows that the Order of Termination and Charges was dated June 9, 2015, signed by William D. Gore, Sheriff, and that the causes of discipline were:

CAUSE I

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, you were a

passenger in a vehicle being driven by Deputy David Cortez. The vehicle was involved in a traffic collision. Following the collision, you participated in a discussion with Deputy Cortez and other deputies, wherein it was decided to purposefully omit the fact that Deputy Cortez was pursuing another deputy in an informal "pursuit training exercise" when the collision occurred. While being interviewed by Internal Affairs regarding this incident on August 5, 2014, you were untruthful when you denied that this discussion took place.

CAUSE II

B

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, you were interviewed by Sergeant Dustin Lopez regarding the traffic collision. During that interview, you were untruthful with Sergeant Lopez when you indicated to him that you and Deputy Cortez were stopped at the intersection of Progress Street and La Mirada Drive prior to the collision, when in fact Deputy Cortez did not stop prior to entering the intersection. Additionally, you were untruthful in your statement to Sergeant Lopez when you failed to provide a complete statement by omitting the fact that you and Deputy Cortez were involved in an informal "pursuit training exercise" when the collision occurred.

CAUSE III

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: After the traffic collision, you completed a Deputy's Report documenting the facts of the collision. You were untruthful in this report when you indicated that you were patrolling the area after responding to an alarm call, when in fact you were conducting an informal "pursuit training exercise." Additionally, your failure to document the informal "pursuit training exercise" further led to your report being untruthful and incomplete.

CAUSE IV

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: After the traffic collision, you were interviewed by Sergeant Aitkin (Thompson) regarding how the traffic collision occurred, in order to complete the traffic collision report. During that interview, you were untruthful with Sergeant Aitken (Thompson) when you indicated to him that you and Deputy Cortez were stopped at the intersection of Progress Street and La Mirada Drive prior to the collision, when in fact Deputy Cortez did not stop prior to entering the intersection. Additionally, you were untruthful in your statement to Sergeant Aitken when you failed provide a

complete statement by omitting the fact that you and Deputy Cortez were involved in an informal "pursuit training exercise" when the collision occurred.

CAUSE V

You are guilty of inefficiency as set forth under Section 7.2(b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.41 — Departmental Reports, in that: When you completed your daily training evaluation for Deputy Cortez, you failed to document that he was involved in a collision, that he participated in an informal "pursuit training exercise," and that he wrote a report about the collision. You did not submit a truthful and complete evaluation and omitted pertinent information reasonably expected to be included.

CAUSE VI

You are guilty of incompetency as set forth under Section 7.2(a) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.30 – Failure to Meet Standards, in that: As Deputy Cortez's training officer, it was your duty to ensure that Deputy Cortez truthfully and accurately completed his report relating to the traffic collision. You failed to meet standards when you failed to ensure that Deputy Cortez accurately completed his report relating to the traffic collision.

CAUSE VII

You are guilty of acts that are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts inimical to the public service is set forth under Causes I through VI above.

Applicable Rules:

- Civil Service Rule 7.2 (d) regarding dishonesty.
- Civil Service Rule 7.2 (b) regarding inefficiency.
- Civil Service Rule 7.2 (a) regarding incompetency.
- Civil Service Rule 7.2 (s) regarding acts incompatible with or inimical to the public service.

TESTIMONY AND EVIDENCE

Undisputed Evidence:

On April 2, 2014, Employee was working the 6 p.m. to 6 a.m. shift in a commercial/industrial section of Vista. She was a Field Training Officer ("FTO"). This was her first time serving in that capacity. Her Trainee previously had his training extended for a number of reasons including poor use of the radio. A week before, Trainee had gone off the radio during a pursuit and only came back on when the suspect ran into his house. Things were slow that night so three deputies used the time to stage a training exercise for a "radio pursuit". One acted as dispatcher, another drove the "chase" car and the Trainee drove the "pursuit" car with Employee as his passenger.

All of the deputies would still respond to calls and they did in fact respond to a false burglar alarm. It was raining off and on that night so the streets were wet around 4 a.m., the time that they were conducting the training.

The "chase" car took a right hand turn from Progress
Street to La Mirada Drive and was out-of-sight for a moment.
The trainee slowed down to approximately 5 mph but then
accelerated into the turn causing the car to spin 180 degrees
on the wet street. His rear tire hit the curb facing the wrong
direction on La Mirada. Employee called the sergeant who came
on to the scene. The damage was thought to be slight at first.
The sergeant said that he would determine how to report the
accident after speaking to Command the next day. While the car
was being driven back to the station, they noticed the rear

tires wobbling and it was determined that the damage was more severe than originally thought.

The Trainee spoke to the deputy who designed the training exercise and he told him to omit any reference to the training exercise in his report. Employee told the Trainee to write whatever he wanted in his report but that she felt the training exercise was irrelevant to the accident and was not going to include it in her report. Trainee and Employee prepared their reports side-by-side. Trainee saw Employee's report before he completed his own. Employee then reviewed Trainee's report. This was their standard practice because the Trainee was having difficulty with report writing.

Employee's report described them as "patrolling the area after responding to an alarm call" just prior to the accident. Trainee's report described them as just having left a call. Neither report mentioned the training exercise.

Employee reiterated this version to the deputy and sergeant who investigated the accident. Employee gave Trainee a poor performance evaluation for the shift. It contained 26 "Needs Improvement" and 4 "Acceptable".

Subsequently, the Trainee began to feel that he had unfairly taken all the blame for the accident. He felt that it made him appear to be a reckless driver when some of the responsibility lay with the training exercise. He called Employee to tell her of his intent to discuss the incident with the Lieutenant. He told a Lieutenant about the omission of the training exercise. When Employee was interviewed, she continued to omit the training exercise and said that the

accident was the result of Trainee accelerating too quickly through the turn. It was only in her Internal Affairs interview that Employee revealed the fact that a training exercise was being conducted at the time of the accident.

Disputed Evidence:

. 6

The Department contended that this was an unauthorized training exercise and that the deputies were conducting a high-speed pursuit with sirens and lights under dangerous conditions on rain-soaked public streets. Based primarily on the Trainee's testimony, the Department maintained that the three deputies and the Trainee conspired at the scene of the accident to cover-up the training exercise because they thought that they would get in trouble. Employee was alleged to have used her position as a Training Officer to unduly influence Trainee to go along with the conspiracy. It also contended that Employee was dishonest when she stated that Trainee came to a stop at the intersection prior to accelerating and spinning out.

The Department requires authorization for high-speed pursuit training and it is carried out in areas inaccessible to the public.

Trainee testified that he was driving between 20 and 40 mph in areas with a 25 mph speed limit during the exercise and applied the brakes to slow the car down to 5 mph when he entered the intersection. He stated that he then accelerated and spun out.

The sergeant who responded at the scene and the Deputy who investigated the accident both testified that Employee had told

them that the car had stopped at the intersection prior to accelerating and spinning out.

Employee testified that this was a "slow-speed" pursuit. The point of the training wasn't to catch the pursuit car but rather to help Trainee with his use of the radio. The participants were all complying with the speed limits and the rules of the road. She claimed that she never said that they had come to a complete stop at the intersection. She contended that she believed that the training exercise was irrelevant to the accident. She felt that it was entirely caused by the Trainee accelerating too fast in the turn on a wet street. It was only in the Internal Affairs interview that with hindsight she agreed that she should have included the fact of the training exercise in her report.

The other 2 deputies who participated in the training both supported her story that it was a "slow-speed" pursuit aimed at radio use. Her sergeant didn't remember if he had specifically authorized the exercise but said that he would have done so if asked and felt that it was okay for his deputies to do this on their own without his authorization.

FINDINGS OF FACT

The captain, who served as the hearing officer at the Skelly hearing, found that the parts of Causes II and IV, dealing with truthfulness based on Employee's statements regarding whether Trainee came to a full stop at the intersection, were unsubstantiated. She found that the Department's witnesses' testimony was inconsistent and based on interpretation rather than facts. This conclusion was approved

by the entire chain of command up to and including the Sheriff. We adopt the Skelly officer's conclusion.

2

3

4

5

6

7

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

The central issue is whether Employee violated Department policy by omitting the fact of the training exercise from her report and subsequent statement to the investigator and the Lieutenant. She described their activity as "patrolling the area after responding to an alarm call". It's true that they were patrolling the area and that they had responded to an alarm call. Their plan was to respond to calls and conduct the training in between calls. But there were not many calls that night and their primary activity was conducting the radio training. The Department's policy on truthfulness requires that reports not only be truthful but complete. Employee's report may have been truthful but it was not complete. If "patrolling the area" was somehow relevant to the report, the fact of the training exercise was much more relevant. At a minimum, it might help to explain why Trainee felt the need to accelerate when he entered the intersection. He had momentarily lost sight of the "pursuit" car and may have been hurrying to regain visual contact. This may have been totally unnecessary given the "slow-speed" nature of the exercise but that doesn't make it irrelevant.

Even though Employee told Trainee to write whatever he wanted in his report, given the nature of the FTO/Trainee relationship, it was unlikely that he would report it when Employee did not and told him it was irrelevant.

The evidence did not show a "conspiracy" at the scene of the accident. The testimony was that another deputy spoke to the Trainee about the report but that Employee was walking back and forth between inspecting the car and speaking to the sergeant and it was not proven that she heard any of the conversation. The evidence also did not show a "high-speed" pursuit. Only the Trainee testified that it was and he gave a range of speed between 20 and 40 mph. That is vague and could put him anywhere between 5 mph below the speed limit and 15 mph above the speed limit. Three of the four deputies testified that it was "low-speed" and this is corroborated by the purpose of the exercise, which was to improve use of the radio, not pursuit practices.

DISCUSSION OF CAUSES

Cause I: The evidence does not support a violation of Civil Service Rule 7.2(d). It is not proven that Employee heard the conversation at the scene of the accident between the Trainee and the other Deputy who advised him to omit the training exercise from his report.

Cause II: The evidence does not support a violation of Civil Service Rule 7.2(d). The evidence showed that Employee's conversation with Sergeant Lopez focused on the damage to the vehicle and the physical dynamics of the accident rather than on the activities leading up to the accident. We concur with the Skelly officer's conclusion that the Department's allegation of untruthfulness regarding Employee's statements about whether the Trainee came to a full stop was unsubstantiated.

Cause III. The evidence does support a violation of Civil Service Rule 7.2(d) to the extent that Sheriff Policy 2.46 goes

beyond truthfulness and requires complete reports of incidents.

Employee's report was incomplete for omitting the radio

training exercise that was in progress at the time of the

accident.

Cause IV: The evidence does support a violation of Civil Service Rule 7.2(d) to the extent that Sheriff's Policy 2.46 goes beyond truthfulness and incorporates a requirement for complete reports. Employee's report to Sergeant Aitken was incomplete in that it omitted discussion of the radio training in progress at the time of the accident. However, we concur with the Skelly officer's conclusion that the Department's allegation of untruthfulness regarding Employee's statements about whether the Trainee came to a full stop was unsubstantiated.

Cause V: The evidence does not support a violation of Civil Service Rule 7.2(b). This matter doesn't have anything to do with efficiency. It focuses on competency and judgment.

Cause VI: The evidence supports a violation of Civil
Service Rule 7.2(a). Employee demonstrated a lack of
competence when she concluded that a radio training exercise
taking place at the time of an accident was irrelevant and
should not be included in her report or her Trainee's report.

Cause VII: The evidence does support a violation of Civil Service Rule 7.2(s). The poor judgment displayed in concluding that a training exercise in progress is irrelevant to an accident and the omission of any reference to it in subsequent reports is incompatible to public service.

CONCLUSIONS

А

The Department has not proven Cause I. It is not clear that Employee took part in any conversation at the scene of the accident.

The Department has not proven Cause II. The conversation with Sergeant Lopez at the scene was limited to the damage to the car.

The Department has proven Cause III. Employee failed to submit a complete report.

The Department has proven part of Cause IV. The Employee failed to make a complete report to Sergeant Aitken.

The Department has not proven Cause V. There was no evidence of inefficiency.

The Department has proven Cause VI. Employee was incompetent in failing to report the radio training exercise.

The Department has proven Cause VII. Employee's misjudgment and omissions are incompatible with the public service.

LEVEL OF DISCIPLINE

Employee has only been a deputy for 3% years and has no prior discipline but she had numerous chances to correct the mistake she made and still clung to her incomplete report. She could have raised the issue with Sergeant Lopez at the scene. She could have included the radio training in her report and/or instructed her Trainee to include it in his. She could have disclosed it to Sergeant Aitken. She could have told the Lieutenant when she learned that her Trainee was going to speak to him. A Training Officer has a "trustee" relationship with

her trainee and this creates a higher level of responsibility to provide complete disclosure. Given all of the chances Employee had to get it right, it is inexcusable for Employee to have failed to file a complete report. Therefore, the Department's decision to terminate is reasonable. RECOMMENDATIONS Based on the findings and conclusions set forth above, I hereby recommend the following decision: 1.

That the Department's Order of Termination be affirmed;

That the proposed decision shall become effective 2. upon the date of approval by the Civil Service Commission.

Dated: September 2, 2015

MARK NELSON

Hearing Officer

S:\Civi1\CASE FILES\2015\Rule VII\Dray, Peggy\Reports\Dray.VII.BOILER.doc

-12-

26 27

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

24

25

28

CIVIL SERVICE COMMISSION

COUNTY OF SAN DIEGO

In the Matter of the Appeal of)

Peggy Dray (2015-031P)

from an Order of Termination)
and Charges from the Sheriff's)

DECISION

Department

The matter of the appeal of Peggy Dray (2015-031P), (Employee), from a written Order of Termination and Charges terminating her from the class and position of Deputy Sheriff (Class No. 5746) in the Sheriff's Department (Department), was presented to the Civil Service Commission. The Commission appointed Commissioner Mark Nelson to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on July 30, 2015.

The Hearing Officer has reported back to the Commission his Findings and Recommendations; and a Proposed Decision, a copy of which is attached hereto and incorporated herein, and the Commission hereby adopts and approves the Findings and Recommendations; and Proposed Decision that the Hearing Officer has submitted.

ACCORDINGLY, IT IS ORDERED:

- 1. That the Department's Order of Termination be affirmed; and
- 2. That the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

requesting it.

4. Upon approval of this Decision, a copy thereof, together with the Findings and Recommendations and Proposed Decision incorporated by reference, be served on the parties and their representatives.

the Commission may return the exhibit(s) to the party

NOTICE

The time within which judicial review of this decision must be sought is governed by the Code of Civil Procedure Section 1094.6, which has been made applicable in the County of San Diego by Civil Service Rule VII, Section 7.13(f). Any petition or other papers seeking judicial review must be filed in the appropriate court not later than the ninetieth (90th) day following the date on which this decision becomes final. However, if within ten (10) days after this decision becomes final, a request for the record of the proceedings is filed,

the time within which such petition may be filed in court is extended to not later than the thirtieth (30th) day following the date on which the record is personally delivered or mailed to the party, or his attorney of record. A written request for the preparation of the record of proceedings shall be filed with the Executive Officer of the Civil Service Commission of San Diego County, 1600 Pacific Highway, San Diego, California 92101. A deposit sufficient to cover the estimated cost of preparation of such record shall be filed with the written request for the record of the proceedings.

Approved by the Civil Service Commission on the 2nd day of September, 2015.

AYES: BAILEY, CASILLAS, HRADECKY, SHARP

15 NOES: NONE

16 ABSENT: NELSON

17 ABSTENTIONS: NONE

In the Matter of the Appeal of (2015-031P) from an Order of (Termination and Charges from the Sheriff's Department (Department
PROOF OF SERVICE BY MAIL

(CCP 1013a(3) & 2015.5(b))

I, Selinda Hurtado-Miller, declare that: I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the mailing occurs; and my business address is: 1600 Pacific Highway, Room 458, San Diego, California.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

I caused to be served the following document: Findings, Conclusions, and Recommendations of Commissioner Nelson, as well as the Decision of the Civil Service Commission in the above-referenced matter along with a copy of this certificate of mailing/proof of service, by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

Ms. Peggy Dray

Amy Gordon, Esq. Bobbitt, Pinckard and Fields 8388 Vickers Street San Diego, CA 92111 William D. Gore, Sheriff County of San Diego P. O. Box 939602 San Diego, CA 92193

Kristen Beatty, Sheriff's Legal Advisor County of San Diego P. O. Box 939602 San Diego, CA 92193

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service, this same day, at my business address shown above, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: September 3, 2015

SELINDA HURTADO-MILLER Commission Analyst I

FROM THE OFFICE OF

June 17, 2015

INTERNAL AFFAIRS - CONFIDENTIAL

IA# 2014	-041.1
TO:	Civil Service Commission

FROM: Christine Harv

Christine Harvel, Lieutenant Internal Affairs Unit

ORDER OF TERMINATION AND CHARGES - Deputy Peggy Dray

	Date
Comr	mission Response:
11	The above individual HAS appealed the Order of Termination and Charges.
1.1	The above individual HAS NOT appealed the Order of Termination and Charges.

Thank you.

TIMA TEJEDA, SERGEANT FOR

Christine Harvel, Lieutenant Internal Affairs Unit (858) 974-2065

Attachment



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

June 9, 2015

Peggy Dray

Dear Deputy Dray:

ORDER OF TERMINATION AND CHARGES, IA CASE #2014-041.1

I hereby order that you be terminated from your position as a Deputy Sheriff (Class #5746) in the Sheriff's Department and the Classified Service of the County of San Diego for each and all of the following causes:

CAUSE I

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, you were a passenger in a vehicle being driven by Deputy David Cortez. The vehicle was involved in a traffic collision. Following the collision, you participated in a discussion with Deputy Cortez and other deputies, wherein it was decided to purposefully omit the fact that Deputy Cortez was pursuing another deputy in an informal "pursuit training exercise" when the collision occurred. While being interviewed by Internal Affairs regarding this incident on August 5, 2014, you were untruthful when you denied that this discussion took place.

CAUSE II

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, you were interviewed by Sergeant Dustin Lopez regarding the traffic collision. During that interview, you were untruthful with Sergeant Lopez when you indicated to him that you and Deputy Cortez were stopped at the intersection of Progress Street and La Mirada Drive prior to the collision, when in fact Deputy Cortez did not stop prior to entering the intersection. Additionally, you were untruthful in your statement to Sergeant Lopez when you failed to provide a complete statement by omitting the fact that you and Deputy Cortez were involved in an informal "pursuit training exercise" when the collision occurred.

CAUSE III

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: After the traffic collision, you completed a Deputy's Report documenting the facts of the collision. You were untruthful in this report when you indicated that you were patrolling the area after responding to an alarm call, when in fact you were conducting an informal "pursuit training exercise." Additionally, your failure to document the informal "pursuit training exercise" further led to your report being untruthful and incomplete.

CAUSE IV

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: After the traffic collision, you were interviewed by Sergeant Aitkin (Thompson) regarding how the traffic collision occurred, in order to complete the traffic collision report. During that interview, you were untruthful with Sergeant Aitken (Thompson) when you indicated to him that you and Deputy Cortez were stopped at the intersection of Progress Street and La Mirada Drive prior to the collision, when in fact Deputy Cortez did not stop prior to entering the intersection. Additionally, you were untruthful in your statement to Sergeant Aitken when you failed provide a complete statement by omitting the fact that you and Deputy Cortez were involved in an informal "pursuit training exercise" when the collision occurred.

CAUSE V

You are guilty of inefficiency as set forth under Section 7.2(b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.41 – Departmental Reports, in that: When you completed your daily training evaluation for Deputy Cortez, you failed to document that he was involved in a collision, that he participated in an informal "pursuit training exercise," and that he wrote a report about the collision. You did not submit a truthful and complete evaluation and omitted pertinent information reasonably expected to be included.

CAUSE VI

You are guilty of incompetency as set forth under Section 7.2(a) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.30 – Failure to Meet Standards, in that: As Deputy Cortez's training officer, it was your duty to ensure that Deputy Cortez truthfully and accurately completed his report relating to the traffic collision. You failed to meet standards when you failed to ensure that Deputy Cortez accurately completed his report relating to the traffic collision.

CAUSE VII

You are guilty of acts that are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts inimical to the public service is set forth under Causes I through VI above.

Your attention is directed to Sections 904.1, 904.2, 909, 909.1, 910.1(k), and 910 (k)(l) of the Charter of the County of San Diego and Rule VII of the Civil Services Rules. If you wish to appeal this order to the Civil Service Commission of the County of San Diego, you must file such an appeal and an answer in writing with the Commission within ten (10) calendar days after this order is presented to you.

Such an appeal and answer must be in writing and delivered to the Civil Service Commission at its offices at 1600 Pacific Highway, Room 458, San Diego, California 92101, within such ten (10) calendar day period. An appeal is not valid unless it is actually received by the Commission within such ten (10) calendar day period. A copy of such appeal and answer shall also be served, either personally or by mail, by the employee on the undersigned within the same ten (10) calendar day period.

Sincerely,

WILLIAM D. GORE, SHERIFF

William hl. Sore

WDG:tt



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

March 4, 2015

Peggy Dray

Dear Deputy Dray:

NOTICE OF INTENT OF TERMINATION AND CHARGES, CASE # 2014-041.1

Please take notice that it is my intention to recommend to the Sheriff that you be terminated from your position as a Deputy Sheriff (Class #5746) in the Sheriff's Department and the Classified Service of the County of San Diego for each and all of the following causes:

CAUSE I

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, you were a passenger in a vehicle being driven by Deputy David Cortez. The vehicle was involved in a traffic collision. Following the collision, you participated in a discussion with Deputy Cortez and other deputies, wherein it was decided to purposefully omit the fact that Deputy Cortez was pursuing another deputy in an informal "pursuit training exercise" when the collision occurred. While being interviewed by Internal Affairs regarding this incident on August 5, 2014, you were untruthful when you denied that this discussion took place.

CAUSE II

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, you were interviewed by Sergeant Dustin Lopez regarding the traffic collision. During that interview, you were untruthful with Sergeant Lopez when you indicated to him that you and Deputy Cortez were stopped at the intersection of Progress Street and La Mirada Drive prior to the collision, when in fact Deputy Cortez did not stop prior to entering the intersection. Additionally, you were untruthful in your statement to Sergeant Lopez when you failed to provide a complete statement by omitting the fact that you and Deputy Cortez were involved in an informal "pursuit training exercise" when the collision occurred.



CAUSE III

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: After the traffic collision, you completed a Deputy's Report documenting the facts of the collision. You were untruthful in this report when you indicated that you were patrolling the area after responding to an alarm call, when in fact you were conducting an informal "pursuit training exercise." Additionally, your failure to document the informal "pursuit training exercise" further led to your report being untruthful and incomplete.

CAUSE IV

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: After the traffic collision, you were interviewed by Sergeant Aitkin (Thompson) regarding how the traffic collision occurred, in order to complete the traffic collision report. During that interview, you were untruthful with Sergeant Aitken (Thompson) when you indicated to him that you and Deputy Cortez were stopped at the intersection of Progress Street and La Mirada Drive prior to the collision, when in fact Deputy Cortez did not stop prior to entering the intersection. Additionally, you were untruthful in your statement to Sergeant Aitken when you failed provide a complete statement by omitting the fact that you and Deputy Cortez were involved in an informal "pursuit training exercise" when the collision occurred.

CAUSE V

You are guilty of inefficiency as set forth under Section 7.2(b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.41 – Departmental Reports, in that: When you completed your daily training evaluation for Deputy Cortez, you failed to document that he was involved in a collision, that he participated in an informal "pursuit training exercise," and that he wrote a report about the collision. You did not submit a truthful and complete evaluation and omitted pertinent information reasonably expected to be included.



CAUSE VI

You are guilty of incompetency as set forth under Section 7.2(a) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.30 - Failure to Meet Standards, in that: As Deputy Cortez's training officer, it was your duty to ensure that Deputy Cortez truthfully and accurately completed his report relating to the traffic collision. You failed to meet standards when you failed to ensure that Deputy Cortez accurately completed his report relating to the traffic collision.

CAUSE VII

You are guilty of acts that are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts inimical to the public service is set forth under Causes I through VI above.

You have **five (5)** regular business days to request a Skelly Conference. You may respond either orally, in writing, or both, regarding the above proposed charges and discipline. Your response will be considered by the Sheriff before final action is initiated. Upon receipt of this notice you will be provided with all documents possessed by this department upon which this proposed action is based. If you have any questions of said documents, please contact the Internal Affairs Unit.

You have until 4:30 p.m. on APRIL 3, 2015 to contact Internal Affairs at (858) 974-2065, if you wish to respond to the above charges and discipline. Internal Affairs will provide you the name of a Skelly Officer, whom you should contact without delay, as the conference must be held within ten (10) days, unless waived by mutual agreement. If there are extenuating circumstances precluding you from staying within this time limit, contact Internal Affairs immediately.



If you fail to respond, or if your response is unsatisfactory, an Order of Termination and Charges will be served upon you and the discipline initiated.

Sincerely,

WILLIAM D. GORE, SHERIFF

Larry Nesbit, Captain

Vista Station

WDG:LN:kwj



INTERNAL AFFAIRS - CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

1.1	CHARGES
[]	NOTICE OF INTENT TO SUSPEND AND CHARGES
ii	NOTICE OF INTENT TO TERMINATE AND CHARGES
i i	NOTICE OF INTENT OF DEMOTION AND CHARGES
11	ORDER OF PAY-STEP REDUCTION AND CHARGES
[]	ORDER OF SUSPENSION AND CHARGES
[X]	ORDER OF TERMINATION AND CHARGES
1.1	ORDER OF DEMOTION AND CHARGES
1 1	NOTICE REGARDING RESTRAINING ORDER DATED
of which a tr	rue copy is attached hereto, by delivering a copy thereof to
PE-444	Orm personally at SA Diego on
I declare une	der penalty of perjury that the foregoing is true and correct.
	is 9t day of June, 2015, at San Ducks, California.
T	verind HILTI
Signature of	person making personal service
	ACKNOWLEDGEMENT OF SERVICE
I do hereby	acknowledge receipt of the above noted document.
Executed thi	is 9 day of June , 2015.
SIGNED_	& Dray
IA# 2014-0	41.1

Released from I.A. Files

INTERNAL AFFAIRS - CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

1.1	NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES
1.1	NOTICE OF INTENT TO SUSPEND AND CHARGES
[X]	NOTICE OF INTENT TO TERMINATE AND CHARGES
n	NOTICE OF INTENT OF DEMOTION AND CHARGES
6.1	ORDER OF PAY-STEP REDUCTION AND CHARGES
11	ORDER OF SUSPENSION AND CHARGES
ii	ORDER OF TERMINATION AND CHARGES
i i	ORDER OF DEMOTION AND CHARGES
1.1	NOTICE REGARDING RESTRAINING ORDER DATED
of which a t	rue copy is attached hereto, by delivering a copy thereof to
Deggy	Dray personally at SAN DIETIO CA on
	21,2015
I declare un	der penalty of perjury that the foregoing is true and correct.
Executed th	is 26h day of marcut, 2015, at Son Deva., California.
Signature	f person making personal service
Signature of	person making personal service
	ACKNOWLEDGEMENT OF SERVICE
I do hereby	acknowledge receipt of the above noted document.
Executed th	is alo day of MARCH, 2015.
SIGNED_	(Dray
IA# 2014-0	
	Released from I.A. Files

To:



RECEIPT OF MATERIALS

EMPLOYEE: Peggy Dray #6409 / IA# 2014-041.1

DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Notice of Proposed Disciplinary Action to Peggy Dray dated 01-20-2015		/
Notice of Intent of Termination and Charges to Peggy Dray dated 03-04-2015	a /	
Discipline Recommendation & Rationale to Sheriff Gore from Lieutenant Black dated 01-20-2015	340	250/
One (1) CD-R of Pre-Discipline Conference	XX	*/
Investigative Reports by Sergeant K. Jones dated 09-30-2015 and attachments	30 /	23.5
One (1) CD-R of interviews	2.	11:/22
Skelly Conference Letter to Peggy Dray		
Order Not to Disclose Materials to Peggy Dray		
Declaration/Acknowledgement of Personal Service		



RECEIPT OF MATERIALS

EMPLOYEE: Peggy Dray #6409 / IA# 2014-041.1

1		ı
1		

DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Order of Termination and Charges to Peggy Dray dated 06-09-2015		
Skelly Conference by Captain Ross dated 05-14-2015	and s	120.5 A 20.5
One (1) CD-R of Skelly Conference	3	Ad air
Declaration/Acknowledgement of Personal Service		7



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

May 14, 2015

TO: William D. Gore, Sheriff

FROM: Lori Ross, Captain

Human Resource Services Bureau

VIA: Chain of Command

SKELLY CONFERENCE – Deputy Sheriff Peggy Dray #6409 I.A. Case # 2014.041.1

SYNOPSIS

On April 2, 2014 Deputy Dray was working patrol in the City of Vista and serving as a training officer to a first phase trainee. Deputy Dray and her trainee, who was driving were participating in pursuit training when they were involved in a solo vehicle collision with the curb.

Following the collision Deputy Dray wrote a deputy's report outlining what occurred. She wrote, "We were patrolling the area after responding to an alarm call" when in fact they were doing pursuit training.

COMMAND RECOMMENDATION

As a result of sustained allegations of Truthfulness, Department Reports and Failure to Meet Standards, Deputy Dray's command has recommended her termination.

CONDUCT OF SKELLY CONFERENCE

By mutual agreement, the Skelly Conference was scheduled for Tuesday, May 5, 2015. It was held in my office within the Human Resources Bureau at Sheriff's Ridgehaven Headquarters at approximately 0915 hours.

Present were Deputy Dray, her attorney Amy Gordon, and myself, as the Hearing Officer.



Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 2 of 12

I digitally recorded the conference and the recording was subsequently downloaded onto a compact disk and submitted with this report.

Deputy Dray acknowledged that she had received and reviewed copies of the following documents:

- Notice of Proposed Disciplinary Action;
- · Notice of Intent to Terminate and Charges; and,
- Investigative reports and any other materials relevant to this matter.

Deputy Dray understood that this conference was her opportunity to respond to the charges and recommended discipline. She had no objections to my serving as the Skelly Conference Officer.

In preparation for this Skelly Conference, I had reviewed the above listed documents and listened to audio recordings of the interviews.

The Skelly Conference was concluded at 1052 hours.

RESPONSE TO CHARGES

Deputy Dray and Ms. Gordon elected to go through the charges individually in an effort to clearly identify their concerns, point out mistakes they felt were made during the investigation and to offer mitigating circumstances. Ms. Gordon asked me to consider what constitutes truthfulness and the difference between a lie, an omission, and mistake and whether there was intent to deceive in this case.

Ms. Gordon said she has been the attorney assigned to this case from the beginning and represented two other deputies who, she said did not have any sustained findings. She does not believe Deputy Dray should be facing termination for similar conduct. She recognizes as a training officer Deputy Dray did have a greater responsibility.

Deputy Dray is a relatively new deputy with three-and-a-half years on the department at the time of the incident and had been in patrol for about 2 years. She was a new training officer; Deputy Cortez was her first trainee.

Deputy Cortez, the trainee, was on week seven of phase one and was struggling in the training program; he had been extended.

After the Internal Affairs Investigation, Ms. Gordon realized the direction this investigation was going. Ms. Gordon had a conversation with Deputy Dray to discuss her options and what a potential outcome could be in a case involving truthfulness. She indicated that if there was a sustained allegation of truthfulness it could likely result in a termination recommendation. Deputy Dray was terrified when she heard this could result in termination because she did not



Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 3 of 12

think it was that serious. Deputy Dray said she contacted her supervisor, Sergeant Maryn, who she considered a friend.

Sergeant Maryn reportedly talked with Lieutenant Scott Miller regarding the conversation Ms. Gordon had with Deputy Dray. Lieutenant Miller called Ms. Gordon. Ms. Gordon described the conversation as inappropriate and unusual. She said Lieutenant Miller was very upset that Ms. Gordon mentioned termination to Deputy Dray; he thought she was getting way ahead of herself. He said he had not even reviewed the case yet. Ms. Gordon said the conversation with Lieutenant Miller indicated that even the command was shocked by the idea that this could result in termination.

Based on the subsequent conversation Deputy Dray had with Sergeant Maryn, after he spoke with Lieutenant Miller, she believed the case was relatively minor. She did not realize the severity of the case and opted to go against her legal counsel and attend the Pre-Disciplinary Hearing with Lieutenant Scott Black without representation. She did so because her attorney was not available at the time Lieutenant Black was available and Deputy Dray wanted to get this case resolved. The lieutenant's conference was very short and Deputy Dray did not respond to the issues.

Ms. Gordon believes Internal Affairs was of the opinion the training was improper which would give the deputies a motive to lie about the incident. Deputies and Dray did not believe there was any issue with conducting the training. She offered that both the regular shift sergeant and the training sergeant both indicated they would not have had a problem with the training and Sergeant Perkins even encouraged it. Sergeant Maryn said the deputies involved were three of his top deputies ability-wise and they had never shown poor judgment.

The radio traffic during the incident was broadcast on the car-to-car frequency and was able to be heard by anyone scanning; the deputies were not trying to hide the fact they were doing the training.

As it relates to CAUSE I, Truthfulness, they offered the following points in mitigation;

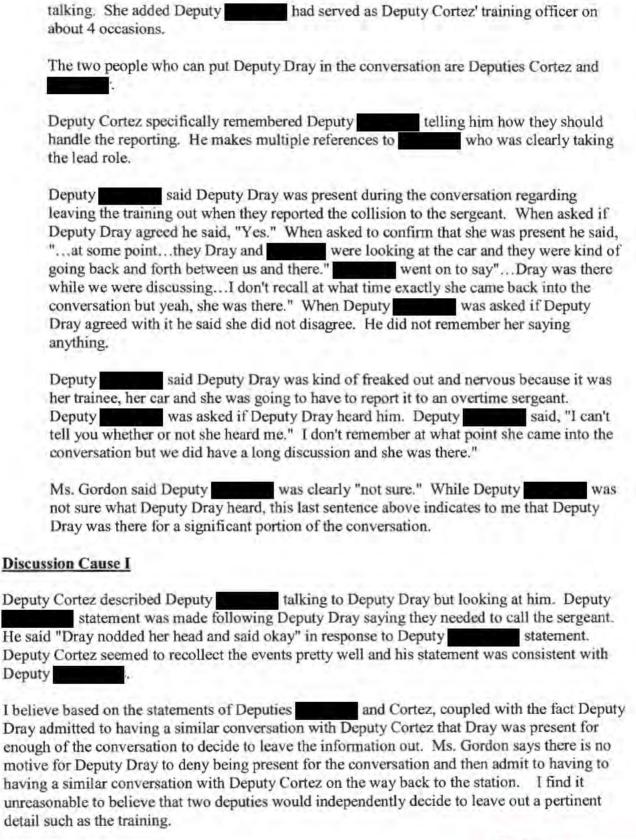
This case involved an allegation that Deputy Dray participated in a discussion with Deputy Cortez and other deputies wherein it was decided to purposefully omit the fact that Deputy Cortez was pursuing another deputy in an informal "pursuit training exercise" when the collision occurred.

Deputy Dray admits she had this conversation with Deputy Cortez but said it was on the way to the station, not at the scene with Deputies Cortez and

Deputy Dray said following the incident they were teasing the trainee. Everyone thought the damage was very minor. However, Deputy Dray said they had hit the curb hard so she had been over checking the damage while Deputy Cortez and Deputy were



Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 4 of 12





As it relates to <u>CAUSE II and VI, Truthfulness</u>, part one they offered the following points in mitigation;

These two allegations relate to untruthful statements Deputy Dray made to Sergeants Lopez and Aitkin regarding whether or not she said she and her trainee stopped at the stop sign. The second part relates to the fact she omitted telling them they were involved in an informal "pursuit training exercise" when the collision occurred.

Deputy Dray denies telling Sergeant Lopez or Sergeant Aitken they stopped at the stop sign. She indicated her conversation with Sergeant Aitken was very brief; it occurred after her shift had ended and she had already gone home and went to sleep.

Attorney Gordon brought up several concerns with Sergeant Lopez' recollection of the events and asked me to re-listen to the recording. I did and I noticed some inconsistencies; they referred me to two particular times on the recording, 1:50 and 4:40. (I listened to those snippets with them present).

Deputy Dray said when she initially reported the incident to Sergeant Lopez she had not noticed the extent of the damage to the vehicle. It appeared the rim was a little bent. Sergeant Lopez was not initially sure if a report would be needed.

Following the Skelly Hearing I listened again to Sergeant Lopez' interview in its entirety. The following supports their claim of inconsistencies;

It is important to note that Sergeant Lopez was working overtime. This was not his regular assignment and he did not know a lot of the deputies involved.

Sergeant Lopez was confused on the trainee's name and he believed it was his third day of training (Deputy Cortez had in fact been on the last day of his extended phase one training).

Sergeant Lopez was confused as to the date of the incident.

Sergeant Lopez could not remember the names of the other deputies on scene.

Sergeant Lopez said Deputy Dray told him ... "they had come to the stop sign on Progress."

When asked if he specifically remembered Deputy Dray saying she stopped at the stop sign he told the investigator, "She said they stopped, I, I, I specifically remember because she said they accelerated. You know they stopped and then, I, I, she said that the acceleration is basically what, what I, you know, from what I understood caused the, the spin."

This statement seems fraught with assumptions and a difference of words; "had come" is different than saying they "stopped". He remembered they "stopped" because they said they accelerated and that is what he understood caused the spin is not the same as saying, "she said they stopped; after they accelerated the vehicle began to spin."



Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 6 of 12

Sergeant Lopez said Deputy Dray told him what occurred. He said Deputy Cortez "just kinda agreed with what she was saying like, yeah, that's what happened. When asked "verbally? Nodding of the head?" Sergeant Lopez said, "Yeah, just verbally like nodding the head." He went on to say "...he was a third day trainee, and it's a little embarrassed kinda even, you know, taken back to even speak."

The question then is did Deputy Cortez respond verbally, did he make a statement or did he merely motion with his body? Based on this statement it is unclear but appears there was no verbal response.

Sergeant Lopez indicated that one of the deputies to the east probably overheard the conversation however, this is an assumption and he previously estimated the deputy to be approximately 10-15 yards away.

Sergeant Lopez completed the County Vehicle Damage report. He said when Deputy Cortez came into his office Lopez said, "I need you to read this, and he read it and then I said I need your signature right there." They did not discuss whether or not it was accurate. There was no mention as to whether or not Deputy Dray read the report and/or weighed in on it.

Sergeant Lopez said it was his "...understanding of what was going on at the time of this collision is there was an audible alarm. I believe on La Mirada or Progress, um, that they had responded to, that was my belief as that's why they were in that area. I know for a fact they had responded to a call there."

The question here becomes did Deputy Dray tell Sergeant Lopez they were patrolling the area or did he come to that conclusion independently?

Deputy Malson completed the traffic investigation. He interviewed Deputy Dray over the phone; Sergeant Aiken was present and they were talking on speaker phone.

Sergeant Aitken did not take notes during the interview and could not remember if Deputy Dray told him they stopped. During the interview Sergeant Aitken reviewed Deputy Cortez and Deputy Dray's statements. Deputy Dray did not document them coming to a stop at the stop sign. He indicated Cortez did. However, based on reading the report that is an interpretation, not actually stated.

Based on Deputy Malson's statement to Internal Affairs and his report he stated both told him they were stopped at the stop sign. He also indicated they were leaving a radio call or leaving the area.

It is important to note Deputy Malson did not take any notes. He had previously read Deputy Dray's Deputy's Report and wanted to confirm it was accurate. The issue here is that neither of the reports written by Deputies Cortez or Dray specifically say they stopped for the stop sign. Deputy Cortez wrote in part, "We approached 2801 La Mirada Drive. There was no traffic around and it was raining. As I went through the intersection..." Deputy Dray wrote in part, "It



Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 7 of 12

was raining outside and we were driving northbound on Progress Street. There was no traffic on the road. As Deputy Cortez made a right hand turn..."

Deputy Dray said she did not remember Deputy Malson or Sergeant Aitken asking if they stopped. If they had asked she would have told them they did not. She does not recall having an opportunity to review the report but if she did she would have pointed out that he did not stop and would have had them correct the report.

Discussion Cause II and IV, part one of each

These two charges should be reduced to two separate incidents of truthfulness. The first being did Deputy Dray say they stopped. She denies telling Sergeants Lopez and Aitken they stopped at the stop sign. Sergeant Lopez said she did and Sergeant Aitken does not recall Deputy Dray saying they stopped. Deputy Malson said they said they stopped and even included that in his report.

Based on the written report and the technical wording of Deputy Malson's and Sergeants Lopez and Aitken's statements, coupled with the inconsistencies in Sergeant Lopez' statement, I believe this is a matter of interpretation. To this point I don't think there is a preponderance of evidence to sustain on this particular issue.

As it relates to <u>CAUSE II and VI, Truthfulness</u>, part two they offered the following points in mitigation;

The second part of the charge alleges Deputy Dray was untruthful in her statements to Sergeants Lopez and Aitken based on the omission she was involved in the "pursuit training exercise" when the collision occurred.

Deputy Dray did not feel the pursuit training was relevant to the collision so she did not tell the sergeants about it or include it in her report.

Discussion Cause II and IV, (Part Two of Each)

The Department Procedure on Truthfulness specifically states, "When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete."

Deputy Dray wrote a Deputy's Report and she failed to include the fact she was involved in pursuit training, but rather wrote, "We were patrolling the area after responding to an alarm call." Based on her statement to Internal Affairs, a pursuit did occur and they were driving around trying to catch up to another deputy at the time of the collision.

Deputy Dray states she told the trainee she was not going to include the pursuit training in her report because she did not think it was relevant. If that is the case then the statement above

Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 8 of 12

regarding patrolling the area after responding to an alarm call is not relevant either. The difference between the pursuit training and the comment about patrolling the area is one of the statements is factual; it is not the statement that is contained in Deputy Dray's report.

Furthermore, as the training officer she was responsible for reviewing the trainees written report for accuracy and completeness. He wrote, "Deputy Dray and I were leaving from covering a partner for a business alarm call." Deputy Dray had written her report first and allowed him to use it as a reference and then allowed his report to be submitted.

As it relates to CAUSE III, Truthfulness, they offered the following points in mitigation;

This charge relates to Deputy Dray being untruthful in her written report.

Ms. Gordon said this charge is related to Deputy Dray's Report. She talked about intent; Deputy Dray was clear from the beginning she did not think the informal radio training had any bearing on the collision. When Deputy Dray was asked why she left it out she did not really have a reason. Ms. Gordon said, "Call it carelessness, call it the end of her shift and her wanting to get out of there, there was no reason to leave it out but it wasn't done with the intention to try to hide the fact that that happened because again she did not think that it was improper for them to do what they had done."

Deputy Dray said it was more carelessness on her part because it did say they were doing routine patrol. She said it was a "copy and paste" type morning, it was around 0500 hours and she still had to write the trainees evaluation and it was their Friday and his last day of training. She said she was careless and should have started the report from scratch. She added that they were still patrolling while doing the training. She did not and would not leave the training out because she thought anyone would benefit from her doing so. She did not think the training was the reason for the accident. She said her personality is not to be deceitful.

Discussion Cause III

See the discussion for Cause II and IV, part 2.

As it relates to CAUSE V, inefficiency, they offered the following points in mitigation;

This charge relates to a failure to properly complete a training evaluation for the trainee. Pertinent information that was reasonably expected was not included.

Ms. Gordon addressed the information that was not included; she agreed that Deputy Dray failed to document the collision. She said it was not her intent to hide the fact the

trainee had been involved in a collision; everyone knew he had been involved in a collision.

Deputy Dray did not include the pursuit training in the evaluation. Deputy Dray was of the belief the only training that was required in the training section was that which occurred outside the normal routine patrol type functions, something outside of the station. Deputy Dray did not feel the training was improper and she had no reason to leave it out of the evaluation.

Deputy Dray did not articulate the trainee wrote a report for being involved in a collision. Again, this was not because she was trying to hide the fact.

Despite the lack of information, the evaluation was not sent back for correction. The reason for a sergeant's review is to catch mistakes and ensure accuracy. I asked if Sergeant Perkins, the training sergeant, knew about the accident and Deputy Dray said she believed so, he was also the administrative sergeant and would be responsible for making sure the car gets fixed.

Deputy Dray took responsibility for submitting a substandard evaluation. She said it was the end of the shift and she was trying to get reports and evaluations done. When asked about her failure to document the deficiencies in the trainee's driving ability she said driving was not one of the areas in which the trainee was struggling. She admits she should have included it in her evaluation.

Deputy Dray said she was not trying to hide the collision, everyone knew the trainee had crashed the car. Deputy Dray and her attorney pointed out this was her first trainee and the reports were reviewed by the sergeant and were not rejected. Sergeant Perkins was not only the training sergeant but also the administrative sergeant and had knowledge of the collision.

As it relates to CAUSE VI, inefficiency, they offered the following points in mitigation;

This charge involves a Failure to Meet Standards because Deputy Dray failed to ensure that her trainee's report was truthful and accurate.

As previously stated Deputy D it was very similar to hers. Int sure Deputy Cortez put the trai	ernal Affairs is sa	ying that Depu	ty Dray should have made
found guilty of incompetency.			
			Ms. Gordon said
that you could take the position report has more of a duty to en			
Deputy Dray and Deputy	both did no	believe the in	formation was relevant.



Deputy Dray told the trainee she did not think it was relevant and she was not going to include it in her report. She told him to put what he thought was important.

As it relates to <u>CAUSE VII</u>, <u>Incompatible with and/or Inimical to the Public Service</u>, they offered the following points in mitigation;

As it relates to Cause VII Ms. Gordon indicated this is more of a catch-all type section. Ms. Gordon offered that Deputy Dray has been open during the Internal Affairs investigation and she was being open with me today. She said Deputy Dray in no way had intent to deceive. They asked that Cause VII be overturned.

Additionally, Ms. Gordon said they are most concerned about the untruthfulness allegations and would like them to be changed to Not Sustained.

In closing Ms. Gordon said, Deputy Dray was an inexperienced deputy who had been entrusted to be a training officer despite having minimal experience. She served one year in detentions and had only been in patrol for about two and a half years. She was not yet skilled. Because she was selected as a training officer after such a short time it shows the department trusted her.

As an inexperienced deputy she relied on the sergeant and lieutenant to guide her during this investigation and they minimized the incident. Because of this she did not believe it was a big deal and attended the pre-disciplinary hearing without a legal representative. Ms. Gordon offered there was no intent to deceive; leaving things out are mistakes. She admitted Deputy Dray was careless. She said you can chalk it up to a new employee with growing pains. Ms. Gordon said Deputy Dray is the only one facing termination in this case. She said Deputy Dray should not be the "scapegoat." This investigation boils down to a traffic collision.

Deputy Dray added that if someone did not know her and read the report she would understand how bad it looks. She said when she read the report she was angry because it did not happen the way it reads. Deputy Dray said she started this job late and it means the world to her. She said she appreciates the time I took to listen to the recordings. She said if I had a chance to talk to some of her old sergeants they would tell me she is not a bad person. She said this was just a misreading of what happened and she is really sorry.

Ms. Gordon said they are asking me to overturn the termination. They would accept anything short of the termination. Deputy Dray would move on and be the rising star that she clearly was before this happened.



Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 11 of 12

CONCLUSIONS

This is Deputy Dray's first sustained Internal Affairs complaint and the findings are significant. This is an unfortunate case for everyone involved. It involves deputy sheriffs attempting to make good use of their time by doing additional training as time permitted. Unfortunately a collision occurred during the training and rather than honestly report what they were doing, Deputy Dray and another influential deputy advised the trainee to leave the information regarding the pursuit training out of his report to the supervisor and Deputy Dray did the same.

I believe Deputy Dray intentionally left the information regarding the pursuit out of the report because she agreed with another, more senior deputy when he said they probably should not have been doing the pursuit training in rain. As a new training officer I believe she panicked and rationalized that it was not relevant to the collision therefore it need not be reported.

As a deputy sheriff we cannot pick and choose when it is appropriate to be truthful.

I believe the mitigation offered as to whether or not Deputy Dray told Sergeants Lopez and Aitken and Deputy Malson they stopped at the stop sign were adequate to result in a not sustained finding for that portion of charges two and four. Nothing else presented at this hearing mitigated the other findings, revealed any bias, nor provided any reason to believe that the discipline recommended by Deputy Dray's command is inappropriate.

I do believe Deputy Dray was miss-led by her supervisor/command however I don't believe her rights were violated. Deputy Dray had an attorney who explained the potential consequences of a sustained finding for truthfulness. This occurred prior to the pre-disciplinary hearing. The choice to attend without representation was hers alone.

RECOMMENDATION

I concur with the previous recommendation, that Deputy Dray be terminated from employment with the San Diego Sheriff's Department.

Lori Ross, Captain

Human Resource Services Bureau

RELEASED FROM
TO
TO

Skelly Conference Report – IA Case #2014-041.1 May 14, 2015 Page 12 of 12

ENDORSEMENTS	
Dave Myers, Commander Law Enforcement Services Bureau	Date: 5-22-15
Comments	
mark P. Clar	(Approve () Disapprove
Mark P. Elvin, Assistant Sheriff	
Law Enforcement Services Bureau	Date: 5-27-15
Comments	
Ed Prendergast, Undersheriff	Date: 5/28/15
Comments	
William hl Sou	(Attacava () Divamenta
William D. Gore, Sheriff	Date: 6/9/15
Comments	



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

Date: January 20, 2015

TO: William Gore, Sheriff

FROM: Scott G. Black, Lieutenant

Vista Patrol Station

VIA: Chain of Command

Disciplinary Recommendation and Rationale for Deputy Sheriff Peggy Dray – RE: Internal Affairs Case: 2014-041.1

RECOMMENDATION

I have read the investigation and listened to the recorded interviews prepared by Sergeant Ken Jones. Sergeant Jones found Deputy Dray in violation of Department Policy and Procedure sections:

- 2.46 Truthfulness
- 2.46 Truthfulness
- 2.46 Truthfulness
- 2.46 Truthfulness
- 2.41 Department Reports
- 2.30 Failure to Meet Standards

I concur with Sergeant Jones' conclusions and findings. In addition, I conclude that Deputy Dray violated 2.30, Failure to Meet Standards. Based on the nature of the conduct, and after weighing the factors in aggravation and mitigation, I recommend the appropriate discipline for Deputy Dray is Termination.



RATIONALE

Sergeant Jones' investigation was thorough and fair and there is a preponderance of evidence to believe the alleged misconduct occurred. In reviewing the investigation and recordings, I have found no evidence of bias or ill will by Sergeant Jones or any of the witnesses in this investigation. Deputy Dray's misconduct was independent of any verbal or written order by a Department supervisor.

On November 10, 2014, at about 1600 hours, I met Deputy Dray in my office at the Vista Patrol Station. I advised her that she had the right to have an employee representative or legal counsel with her at the meeting. She waived that right. Before making my disciplinary recommendation, I provided Deputy Dray a copy of the investigation to review. The meeting with Deputy Dray was digitally recorded. Before the meeting was recorded I informed Deputy Dray that the meeting would be recorded and she did not express disagreement with the meeting being recorded.

The facts in this case are not in dispute. On April 2, 2014, Deputy Dray was assigned as a Field Training Officer at the Vista Patrol Station. She was tasked with the training of Deputy David Cortez. At about 0415 hours on April 2, 2014, Deputies Dray, Cortez, and were involved in unauthorized pursuit training. During that training Deputy Cortez was involved in a collision while Deputy Dray was the passenger in the vehicle with him.

After the collision the aforementioned deputies had a discussion as to how the collision occurred. During the investigation of the collision Deputy Dray and Deputy Cortez omitted the information that they were involved in pursuit training when the collision occurred and left that fact out of their official reports.

When questioned by Internal Affairs on August 5, 2014, about the conversation after the collision as to how they would tell the story, Deputy Dray denied the conversation ever occurred. This is in direct conflict of other witness accounts given by Deputy Cortez and Deputy She was also untruthful in her written report stating that the conversation never occurred.

When interviewed by Sergeant Lopez who was conducting the traffic collision investigation, Deputy Dray was not truthful in stating that she a Deputy Cortez stopped at the stop sign at Progress and La Mirada prior to being involved in the collision. She was also untruthful in her account of how the collision occurred; she failed to answer the question to the fullest extent of her knowledge by leaving out the fact that they were involved in pursuit training.

When writing her Deputy's Report about the collision, Deputy Dray was untruthful when she wrote "We were patrolling the area after responding to an alarm call..." when in actuality they were involved in pursuit training. The pursuit training was never mentioned in her report. She



was in violation of "truthfulness" because she failed to report the event to the fullest extent of her knowledge.

When being interviewed via telephone to complete the traffic collision report, Deputy Dray did not mention to Sergeant Aitken (Thompson) or Deputy Malson that they were involved in pursuit training at the time of the collision. She again failed to report the facts to the fullest extent of her knowledge which is in violation of "truthfulness".

In the Daily Trainee Evaluation report prepared by Deputy Dray rating Deputy Cortez for the day, Deputy Dray did not write an accurate and truthful report. She failed to report the facts to the best extent of her knowledge by not mentioning that Deputy Cortez was involved in a collision or that he had been a participant in unauthorized pursuit training.

I further find that Deputy Dray was in violation of Sheriff's Policy and Procedures section 2.30 - Failure to Meet Standards.

2.30 Failure to Meet Standards

Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor. (Reviewed 1-27-2011)

As a training officer, Deputy Dray had the responsibility of providing positive guidance to her trainee, Deputy Cortez. She failed to provide that guidance by not instructing Deputy Cortez to write a complete factual report, and allowing him to turn in a report that did not contain all the facts to the fullest extent of their knowledge. She also in her own written report failed to submit a complete and accurate report by omitting the fact that they were involved in pursuit training when they became involved in a collision.

During the pre-disciplinary meeting with Deputy Dray, she stated that she disagreed with the statements made by Deputy Malson and Sergeant Lopez. She is adamant she never told them that she and Deputy Cortez had stopped at the stop sign at the intersection of Progress and La Mirada. She stated the reason for this is because they did not stop.

She also adamantly denies that she was in a conversation after the collision with anyone in order



to conspire as to how the collision was to be reported. She stated that never happened.

I contacted the Internal Affairs Unit and found Deputy Dray has no record of prior discipline. Deputy Dray has been a deputy sheriff for just under 4 years. Aside from this fact, there are no other facts leading towards mitigation.

In aggravation, a violation of truthfulness cannot be tolerated. Deputies are instructed from the first day of the academy, that always being truthful is of utmost importance. The general public has the right to expect that peace officers will be truthful in their words and writings. A peace officer who is dishonest and lacks credibility loses his or her usefulness to the agency, causes an inherent harm to the public agency and leaves that agency open to liability while it continues to keep a dishonest person employed within.

I believe my recommendation is appropriate and proportionate for the conduct violations which were sustained against Deputy Dray.

Scott G. Black, Lieutenant

Date

Vista Patrol Station

SGB:sgb



	ENDO	RSEM	ENTS:
--	------	------	-------

Date 03-20-15 Larry Nesbit, Captain Comments:	Approve —	Disapprove
Date David Myers, Commander Comments:	Approve	Disapprove
Date Mark Elvin, Assistant Sheriff Comments:	Approve	Disapprove
DateEd Prendergast, Undersheriff Comments:	Approve	Disapprove



Page 6 of 6

Disciplinary Recommendation and Rationale Deputy Sheriff Peggy Dray Internal Affairs Case: 2014-041.1

William Gore, Sheriff	Date	Approve	Disapprove
Comments:			



Lorenz, Peggi

From:

PSHRP-11g@sdcounty.ca.gov

Sent:

Tuesday, June 09, 2015 1:41 PM

To:

Medical, Liaison; Harvel, Christine; Medina, Jennifer - Sheriff; Dangca, Liza; Delozier, Michele; Peters,

Nicholas; Lorenz, Peggi

Subject:

Dept. ID - 39560 Employee - Peggy C Dray

The following employee has terminated/retired:

Name: Peggy C Dray Employee ID:

Employee Record Number: 0 Job Description: Dep Sheriff Effective Date: 06/10/2015

Please retrieve all County owned property from this employee. You have a PeopleSoft Worklist waiting for you.

Code:

IF YOU ARE RECEIVING THIS MESSAGE IN ERROR: please reply to this message with:

- 1) Your Name
- 2) Business Unit
- 3) Who should be receiving this message instead of you.

INTERNAL AFFAIRS - CONFIDENTIAL

Skelly Conference Letter IA# 2014-041.1

As indicated on the "Notice of Intent" to discipline, which you are receiving, disciplinary action against you is being considered. If you wish to invoke your right to a pre-disciplinary due process hearing on this matter (Skelly Conference), you must make the request within five (5) regular business days. The Skelly Conference is a relatively informal hearing, not an adversarial evidentiary trial. The final date to request a hearing is indicated on your "Notice of Intent". Your request should be made by calling the Internal Affairs Unit at (858) 974-2065.

If you do not request the conference within that time, your right to a Skelly Conference will have been waived, and the recommended discipline may be imposed.

Your Skelly rights are:

- To receive a written "Notice of Intent" to discipline, that may be served upon you, either in person or by mail. That notice will include the level of proposed discipline, the charges, and a brief explanation of the reason for the discipline.
- To receive a copy of the materials upon which the proposed discipline
 is based, including reports, tape/digital recordings, photographs, etc.
 Any item certified as confidential and withheld from you by the
 department cannot be used as a basis for discipline.
- To have sufficient time to review the supporting materials so that your response can be prepared.
- To respond orally, in writing, or both to the proposed discipline and charges.
- 5. To a hearing officer who is not in your chain of command.
- 6. To have a representative or attorney present at the hearing.
- To receive copies of all materials prepared as a result of the Skelly Conference.
- To receive a new Skelly Conference for any new charges or increased discipline, which arise from the Skelly Conference.

I have read and understand my Skelly rights.

Peggy Dray

BINEVIM 3/26/15
Witness Date

Released from I.A. Files:

To: /

INTERNAL AFFAIRS - CONFIDENTIAL

ORDER NOT TO DISCLOSE MATERIALS

Pursuant to Department Policy, materials are being furnished to you upon which your proposed discipline is based. These materials are reproductions and are a part of the confidential employee personnel records of the San Diego Sheriff's Department. Dissemination of this information is restricted to a need and a right to know.

You are ordered not to disclose, release, or copy these materials to or for anyone, other than your attorney and/or association representative, without the written authorization of the Internal Affairs Lieutenant. Materials include all written documentation, tape recordings, and videotapes.

Any unauthorized release of information contained in these documents compromises the confidentiality of your personnel file, and may impede the Department's ability to protect your confidentiality in future discovery motions. This could subject you and the County to unnecessary liability and criticism, to which the Department may be required to defend in a public forum.

You are strongly encouraged to destroy or return these materials when they no longer serve a useful purpose. Should you desire to review material related to your discipline at a later time, you may make arrangements with the Internal Affairs Unit.

Failure to abide by this order could result in a charge of insubordination, and subject you to disciplinary action up to and including termination.

I have received a copy of this order.

Peggy Dray

IA# 2014-041.1

Released from I.A. Files:

To:



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

April 3, 2015

Law Offices of Bobbitt, Pinckard & Fields 8388 Vickers Street San Diego, CA 92111

Re:

Deputy Peggy Dray

IA# 2014-041.1

Dear Ms. Gordon:

Your discovery request was received in the Internal Affairs Unit on April 03, 2015.

With regard to your discovery request in the matter of Deputy Peggy Dray, Deputy Peggy Dray was provided copies of all materials upon which the proposed action is based, including copies of all audio recordings.

A copy of Sheriff's Policy and Procedure, Section 2 (Rules of Conduct) is enclosed, containing the policy sections charged in this case.

Sincerely,

WILLIAM D. GORE, SHERIFF

Sergeant Ken Jones for

Christine Harvel, Lieutenant

Internal Affairs Unit

WDG:CH:mpa

BOBBITT PINCKARD & FIELDS

A Professional Corporation 8388 Vickers Street San Diego, California 92111

RICHARD L. PINCKARD **BRADLEY M. FIELDS** ROBERT W. KRAUSE

CHARLES B. WALKER AMY R. GORDON

EVERETT L. BOBBITT (1946 - 2007)

Telephone (858) 467-1199 Facsimile (858) 467-1285 www.coplaw.org

CARI SNIDER Legal Administrator cari@coplaw.org

FAX TRANSMISSION

Date:

April 3, 2015

To:

SDSO/IA

From:

Cari Snider, Legal Administrator

Re:

Deputy Peggy Dray - Request for Skelly Conference

FAX No. Sending to: (858) 974-2077

FAX No. Sending from: (858) 467-1285

Total number of sheets **including** this page: 3

COMMENTS:

	Original being mailed via U.S. Mail
X	Original NOT being mailed
	Please confirm receipt by calling (858) 467-1199.

WARNING

The information contained in this facsimile message is confidential information (and may be a privileged attorney-client communication) intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

BOBBITT PINCKARD & FIELDS

A Professional Corporation 8388 Vickers Street San Diego, California 92111-2109

RICHARD L. PINCKARD BRADLEY M. FIELDS ROBERT W. KRAUSE

CHARLES B. WALKER AMY R. GORDON

EVERETT L. BOBBITT (1946-2007)

Telephone (858) 467-1199 FACSIMILE (858) 467-1285 WWW.COPLAW.ORG

> CARL SNIDER LEGAL ADMINISTRATOR CARI@COPLAW.ORG

(858) 974-2244

Via Facsimile and U.S. Mail

April 3, 2015

William D. Gore, Sheriff San Diego County Sheriff's Department P.O. Box 939062 San Diego, CA 92193-9062

Re:

BPF

Deputy Peggy Dray - Request for Skelly Conference

Dear Sheriff Gore:

Our office represents Deputy Peggy Dray regarding the Notice of Intent of Termination and Charges, recently served on her. Based on the information available to us at this time, on behalf of our client, we deny the allegations on which this action is based and request an opportunity to respond to the allegations. I will serve as Deputy Dray's representative in this matter. Please contact our office regarding the scheduling of this Skelly Conference either by phone or email at Amy@coplaw.org.

Because our client is a peace officer, she is entitled to the protections afforded under Penal Code § 135.5. Accordingly, prior to any disciplinary proceeding, our client is entitled to any relevant information related to the proposed discipline. Relevant information includes evidence that has any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action, or the truthfulness of a witness's testimony or of a declarant's hearsay statement. (See Evidence Code §§ 210, 780 & 1202). Penal Code § 135.51 has expanded the nature of information that must be provided to a public safety officer during any disciplinary proceeding. It is now unlawful to conceal any relevant evidence during the disciplinary process. Concealment would include knowingly not providing any relevant evidence.

I recognize some information may not be relevant to the appointing authority in order to make a decision regarding discipline of a public safety officer would be relevant to our client to disprove the allegations or mitigate the facts or level of discipline. Therefore, I have provided a list of information that we consider relevant to defending our client from the allegations alleged in the Notice of Intent of Termination and Charges. Relevant evidence also includes evidence, which may assist in mitigation of the level of discipline. Please keep in mind the information we are requesting is in addition to that information that must be provided pursuant to Skelly v. State Personnel Board, (1975) 15 Cal. 3d 194.

On behalf of our client, to the extent not already provided, we request the following information:

¹ Penal Code § 135.5 states: "Any person who knowingly alters, tampers with, conceals, or destroys relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer, is guilty of a misdemeanor."

- 1. A current copy of all policies and procedures alleged to have been violated by our client.
- All written reports (as defined by San Diego Police Officers Assn. v. City of San Diego, (2002) 98
 Cal. App. 4th 779) prepared as a result of the allegations against our client.
- 3. All investigator notes.
- 4. A copy of all radio transmissions related to this investigation.
- 5. All written or recorded statements of any potential witness.
- 6. All prior criminal history of any known potential witness related to this investigation.
- 7. All information that could lead to or tends to mitigate the conclusions as set forth in the proposed notice of discipline. Information includes any information known to members of your agency whether in a written form or merely within the knowledge of members of your staff.
- 8. All statements or utterances by our client, oral or written, however recorded or preserved, whether or not signed or acknowledged by our client.
- 9. The names and addresses of any witness who may have knowledge of the events that caused the discipline to be proposed.
- 10. An opportunity to examine all physical evidence obtained in the investigation against our client.
- 11. All laboratory, technician, and other reports concerning the testing and examination of any physical evidence.
- 12. All reports of experts made in conjunction with the case, involving the results of physical or mental examinations, scientific tests, experimental or comparisons which relate to the allegations as set forth in the notice of proposed discipline.
- 13. All photographs, motion pictures, or videotapes taken during the investigation.
- 14. Any exculpatory or mitigating evidence in the possession of your agency.
- 15. Any information relevant to the credibility of any witness.
- 16. Any potential rebuttal evidence in the possession of your agency.
- 17. Any and all relevant evidence known or in the possession of your agency.
- 18. Any recommendations from supervisory or management staff that differ or contradict the current conclusions or recommendation of discipline.
- 19. All performance evaluations for the past ten (10) years.
- 20. Any and all materials reflecting documentation of positive or negative performance maintained in any department files (including Internal Affairs files).
- 21. Any and all notes, minutes and/or materials from any meetings or discussions involving captains or chiefs in the process of determining the level of discipline to be proposed.
- 22. Any and all electronically stored data including email and any other computer generated files.
- 23. Any and all findings of the Citizen's Law Enforcement Review Board relating to this proposed discipline.
- 24. All discoverable information under Penal Code §1054 as required by San Diego Police Officers Association v. City of San Diego, supra, 98 Cal App. 4th 779.

Please treat this request as a continuing request until this matter has been settled or adjudicated. Thank you for your anticipated cooperation.

Sincerely,

Amy R. Gordor

ARG/cls

cc: Internal Affairs (via facsimile)

04/03/15

09:51

BPF

8584671285

p.01

BOBBITT PINCKARD & FIELDS

A Professional Corporation 8388 Vickers Street San Diego, California 92111

RICHARD L. PINCKARD BRADLEY M. FIELDS ROBERT W. KRAUSE

CHARLES B. WALKER AMY R. GORDON

EVERETT L. BOBBITT (1946 - 2007)

Telephone (858) 467-1199 Facsimile (858) 467-1285 www.coplaw.org

CARI SNIDER Legal Administrator cari@coplaw.org

FAX TRANSMISSION

Date:

April 3, 2015

To:

SDSO/IA

From:

Cari Snider, Legal Administrator

Re:

Deputy Peggy Dray - Request for Skelly Conference

FAX No. Sending to: (858) 974-2077

FAX No. Sending from: (858) 467-1285

Total number of sheets including this page: 3

COMMENTS:

	Original being mailed via U.S. Mail
X	Original NOT being mailed
	Please confirm receipt by calling (858) 467-1199

WARNING

The information contained in this facsimile message is confidential information (and may be a privileged attorney-client communication) intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

April 7, 2015

Law Offices of Bobbitt, Pinckard & Fields A Professional Corporation 8388 Vickers Street San Diego, CA 92111

Re:

Deputy Peggy Dray

IA# 2014-041.1

Dear Mr. Pinckard:

Your discovery request was received in the Internal Affairs Unit on April 6, 2015.

With regard to your discovery request in the matter of Deputy Dray, Deputy Dray was provided copies of all materials upon which the proposed action is based, including copies of all audio recordings.

A copy of Sheriff's Policy and Procedure, Section 2 (Rules of Conduct) is enclosed, containing the policy sections charged in this case.

Sincerely,

WILLIAM D. GORE, SHERIFF

Christine Harvel, Lieutenant

Internal Affairs Unit

WDG:CH:pgl

BOBBITT PINCKARD & FIELDS

A Professional Corporation 8388 Vickers Street

RICHARD L. PINCKARD BRADLEY M. FIELDS ROBERT W. KRAUSE

CHARLES B. WALKER AMY R. GORDON

EVERETT L. BOBBITT (1946-2007) San Diego, California 921/1-2109

Telephone (858) 467-1199 Facsimile (858) 467-1285 www.coplaw.org

CARI SNIDER
LEGAL ADMINISTRATOR
CARI@COPLAW.ORG

April 3, 2015

William D. Gore, Sheriff San Diego County Sheriff's Department P.O. Box 939062 San Diego, CA 92193-9062 Via Facsimile and U.S. Mail (858) 974-2244

Re:

Deputy Peggy Dray - Request for Skelly Conference

Dear Sheriff Gore:

Our office represents Deputy Peggy Dray regarding the Notice of Intent of Termination and Charges, recently served on her. Based on the information available to us at this time, on behalf of our client, we deny the allegations on which this action is based and request an opportunity to respond to the allegations. I will serve as Deputy Dray's representative in this matter. Please contact our office regarding the scheduling of this *Skelly* Conference either by phone or email at Amy@coplaw.org.

Because our client is a peace officer, she is entitled to the protections afforded under Penal Code § 135.5. Accordingly, prior to any disciplinary proceeding, our client is entitled to any relevant information related to the proposed discipline. Relevant information includes evidence that has any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action, or the truthfulness of a witness's testimony or of a declarant's hearsay statement. (See Evidence Code §§ 210, 780 & 1202). Penal Code § 135.5¹ has expanded the nature of information that must be provided to a public safety officer during any disciplinary proceeding. It is now unlawful to conceal any relevant evidence during the disciplinary process. Concealment would include knowingly not providing any relevant evidence.

I recognize some information may not be relevant to the appointing authority in order to make a decision regarding discipline of a public safety officer would be relevant to our client to disprove the allegations or mitigate the facts or level of discipline. Therefore, I have provided a list of information that we consider relevant to defending our client from the allegations alleged in the Notice of Intent of Termination and Charges. Relevant evidence also includes evidence, which may assist in mitigation of the level of discipline. Please keep in mind the information we are requesting is in addition to that information that must be provided pursuant to Skelly v. State Personnel Board, (1975) 15 Cal. 3d 194.

On behalf of our client, to the extent not already provided, we request the following information:

Penal Code § 135.5 states: "Any person who knowingly alters, tampers with, **conceals**, or destroys relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer, is guilty of a misdemeanor."

- A current copy of all policies and procedures alleged to have been violated by our client.
- All written reports (as defined by San Diego Police Officers Assn. v. City of San Diego, (2002) 98
 Cal. App. 4th 779) prepared as a result of the allegations against our client.
- 3. All investigator notes.
- 4. A copy of all radio transmissions related to this investigation.
- 5. All written or recorded statements of any potential witness.
- 6. All prior criminal history of any known potential witness related to this investigation.
- All information that could lead to or tends to mitigate the conclusions as set forth in the proposed notice of discipline. Information includes any information known to members of your agency whether in a written form or merely within the knowledge of members of your staff.
- All statements or utterances by our client, oral or written, however recorded or preserved, whether
 or not signed or acknowledged by our client.
- The names and addresses of any witness who may have knowledge of the events that caused the discipline to be proposed.
- 10. An opportunity to examine all physical evidence obtained in the investigation against our client.
- All laboratory, technician, and other reports concerning the testing and examination of any physical evidence.
- 12. All reports of experts made in conjunction with the case, involving the results of physical or mental examinations, scientific tests, experimental or comparisons which relate to the allegations as set forth in the notice of proposed discipline.
- 13. All photographs, motion pictures, or videotapes taken during the investigation.
- Any exculpatory or mitigating evidence in the possession of your agency.
- Any information relevant to the credibility of any witness.
- 16. Any potential rebuttal evidence in the possession of your agency.
- Any and all relevant evidence known or in the possession of your agency.
- 18. Any recommendations from supervisory or management staff that differ or contradict the current conclusions or recommendation of discipline.
- 19. All performance evaluations for the past ten (10) years.
- Any and all materials reflecting documentation of positive or negative performance maintained in any department files (including Internal Affairs files).
- Any and all notes, minutes and/or materials from any meetings or discussions involving captains
 or chiefs in the process of determining the level of discipline to be proposed.
- 22. Any and all electronically stored data including email and any other computer generated files.
- Any and all findings of the Citizen's Law Enforcement Review Board relating to this proposed discipline.
- 24. All discoverable information under Penal Code §1054 as required by San Diego Police Officers Association v. City of San Diego, supra, 98 Cal App. 4th 779.

Please treat this request as a continuing request until this matter has been settled or adjudicated. Thank you for your anticipated cooperation.

Sincerely.

Amy R Gordon

ARG/cls

cc. Internal Affairs (via facsimile)



San Diego County SHERIFF'S DEPARTMENT

NOTICE OF PROPOSED DISCIPLINARY ACTION

TO: William Gore, Sheriff		DATE:	01-20-2015				
It is recommended that the following disciplinary action be administered to the below named employee:							
EMPLOYEE'S NAME: Cortez, David TITLE: Deputy Sheriff							
DEPARTMENT POLICY AND /	2.46 Truthfulness						
OR PROCEDURE SECTION(S)	2.46 Truthfulness	2.46 Truthfulness 2.41 Department R					
VIOLATED:							
RECOMMENDED DISCIPLINE:	Termination						
SECOND LEVEL SUPERVISOR:	Scott G. Black, Lieutenant		DATE: 2124115				
LIST PRIOR RELATED	None						
OFFENSE(S) WITHIN LAST FIVE							
YEARS WITH DATE & ACTION							
I have been advised of the above c	harges and recommended discipline:		, ,				
EMPLOYEE'S SIGNATUREX			DATE: 2/24/15				
2nd LEVEL SUPERVISOR SIGNATI	URE: Lut B Klu		DATE: 2 24/15				
3rd LEVEL SUPERVISOR SIGNATU	JRE: JA Cods.		DATE:03.1215				
COMMENTS:							
REVIEWED BY INTERNAL AFFAIR	RS: C-HARUEL #74	1 <u>5</u> 3 -ur·	DATE: 02-24-205				
4th LEVEL SUPERVISOR SIGNATU	4th LEVEL SUPERVISOR SIGNATURE: David A. Myers, Commander						
COMMENTS: TAGYOR	o wistelly reconnit	effice.					
ADDITIONAL REVIEW: Mark E1	lvin, Assistant Sheriff	P. Glan	DATE: 6:34-15				
ADDITIONAL REVIEW. Ed Pres	ndergast, Undersheriff	released 1	DATE: 8-6-15				
ADDITIONAL REVIEW: William	m D. Gore, Sheriff	Seronl	DATE: 36-15				
	INTERNAL AFFAIRS SECTION						
☐ WRITTEN REPRIMAND BY:			DATE:				
NOTICE OF INTENT AND CHA	ARGES: ARTHUR OK	772	DATE: 3-30-/5				
ORDER SERVED:			DATE:				
CIVIL SERVICE NOTIFIED:	M. Alvarcz - Admin Sec I	•	DATE: 08-04-2015				
PAYROLL NOTIFIED:	M. Alvarez - Admin Sec I`		DATE: 08-04-2015				
	UNDERSHERIFF PRENDERGAST - TWEN	TY (20) HAYEAS	DATE: ED FROM				
	DAY SUSPENSION CO	I.A. FILE	08-03-2015				
IA-2 5/02 (PREVIOUS AS 1/3)	\mathcal{T}^{r}	: <u>10 - +</u>					



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

July 28, 2015

David Cortez



Dear Deputy Cortez:

ORDER OF SUSPENSION AND CHARGES, I.A. CASE # 2014-041.1

I hereby order that you be suspended from your position as a Deputy Sheriff (Class #5746) in the Sheriff's Department and the Classified Service of the County of San Diego for a period equivalent to twenty (20) working days, (170) hours for each and all of the following causes:

CAUSE I

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, at approximately 0415 hours, you participated in a pursuit training exercise and lost control of your vehicle. The vehicle sustained moderate damage as a result of colliding with a curb. You intentionally omitted the pursuit training in your Deputy's Report which detailed the events leading up to and including your collision. Your Deputy's Report was not truthful and did not reflect the events to the best of your knowledge. Additionally, you deliberately failed to notify Sergeant Thompson and Deputy Malson about the pursuit training when they were investigating your accident. Furthermore, you purposely did not notify Lieutenant Miller about the pursuit training during your pre-disciplinary hearing with him regarding your collision. You failed to be truthful and complete in these written and verbal reports.

CAUSE II

You are guilty of acts that are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts inimical to the public service is set forth under Cause I above.



This discipline will be imposed on 8/4/205 unless other arrangements are made within your command.

Your attention is directed to Sections 904.1, 904.2, 909, 909.1, 910.1(k), and 910 (k)(l) of the Charter of the County of San Diego and Rule VII of the Civil Services Rules. If you wish to appeal this order to the Civil Service Commission of the County of San Diego, you must file such an appeal and an answer in writing with the Commission within ten (10) calendar days after this order is presented to you.

Such an appeal and answer must be in writing and delivered to the Civil Service Commission at its offices at 1600 Pacific Highway, Room 458, San Diego, California 92101, within such ten (10) calendar day period. An appeal is not valid unless it is actually received by the Commission within such ten (10) calendar day period. A copy of such appeal and answer shall also be served, either personally or by mail, by the employee on the undersigned within the same ten (10) calendar day period.

Sincerely,

William D. Gore, Sheriff

Minn ht Dore

WDG:kwj

RELEASED FROM
I.A. FILES
TO



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

March 6, 2015



Dear Deputy Cortez:

NOTICE OF INTENT OF TERMINATION AND CHARGES, CASE # 2014-041.1

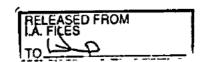
Please take notice that it is my intention to recommend to the Sheriff that you be terminated from your position as a Deputy Sheriff (Class #5746) in the Sheriff's Department and the Classified Service of the County of San Diego for each and all of the following causes:

CAUSE I

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: On April 2, 2014, you were the driver of a vehicle that was involved in a traffic collision. Following the collision, you participated in a discussion with other deputies, wherein it was decided to purposefully omit the fact that you were pursuing another deputy in an informal "pursuit training exercise" when the collision occurred. You submitted a report about the collision where you omitted any mention of the informal "pursuit training exercise." As a result, your report was not truthful or complete.

CAUSE II

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 — Truthfulness, in that: After the traffic collision, you were interviewed by Sergeant Aitkin (Thompson) regarding how the traffic collision occurred, in order to complete the traffic collision report. During that interview, you were untruthful with Sergeant Aitken (Thompson) when you failed to provide a complete statement by omitting the fact that you and Deputy Dray were involved in an informal "pursuit training exercise" when the collision occurred.



CAUSE III

You are guilty of dishonesty as set forth under Section 7.2(d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.46 – Truthfulness, in that: During your pre-disciplinary meeting with Lieutenant Scott Miller, you omitted your participation in an informal "pursuit training exercise" at the time of the collision. Your verbal account about the collision to Lieutenant Miller was incomplete and not to the fullest extent of your knowledge.

CAUSE IV

You are guilty of inefficiency as set forth under Section 7.2(b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.41 — Departmental Reports, in that: When you completed and submitted your Deputy's Report detailing the collision, you omitted the fact that you were participating in an informal "pursuit training exercise" at the time of the traffic collision. The omitted information was reasonably expected to be included in a report describing a traffic collision.

CAUSE V

You are guilty of acts that are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts inimical to the public service is set forth under Causes I through IV above.

You have five (5) regular business days to request a Skelly Conference. You may respond either orally, in writing, or both, regarding the above proposed charges and discipline. Your response will be considered by the Sheriff before final action is initiated. Upon receipt of this notice you will be provided with all documents possessed by this department upon which this proposed action is based. If you have any questions of said documents, please contact the Internal Affairs Unit.

You have until 4:30 p.m. on <u>APRIL 7, ZOI</u> to contact Internal Affairs at (858) 974-2065, if you wish to respond to the above charges and discipline. Internal Affairs will provide you the name of a Skelly Officer, whom you should contact without delay, as the conference must be held within ten (10) days, unless waived by mutual agreement. If there are extenuating circumstances precluding you from staying within this time limit, contact Internal Affairs immediately.

If you fail to respond, or if your response is unsatisfactory, an Order of Termination and Charges will be served upon you and the discipline initiated.

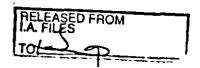
Sincerely,

WILLIAM D. GORE, SHERIFF

Larry Nesbit, Captain

Vista Station

WDG:LN:kwj



INTERNAL AFFAIRS - CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

[] [x] []	NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES NOTICE OF INTENT TO SUSPEND AND CHARGES NOTICE OF INTENT TO TERMINATE AND CHARGES NOTICE OF INTENT OF DEMOTION AND CHARGES ORDER OF PAY-STEP REDUCTION AND CHARGES ORDER OF SUSPENSION AND CHARGES	•
[]	ORDER OF TERMINATION AND CHARGES ORDER OF DEMOTION AND CHARGES	
[]	NOTICE REGARDING RESTRAINING ORDER DATE	D
of which a tru	ue copy is attached hereto, by delivering a copy thereof to	
DAVID .	S. CORTEZ personally at COMMUNICA	now awren
	30,2015	
I declare unde	er penalty of perjury that the foregoing is true and correct	
Executed this	a 30 day of MAROH, 2015, at SAN DIEG.	, California.
Signature of p	person making personal service	
<u> </u>	ACKNOWLEDGEMENT OF SERVICE	
I do hereby a	cknowledge receipt of the above noted document.	
Executed this	30 day of MANCH , 2015.	
SIGNED	130	
IA# 2014-04	11.1	Released from I.A. Files

IA Case# 2014-041.1

INTERNAL AFFAIRS - CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

NOTICE OF INTENT TO SUSPEND AND CHARGES NOTICE OF INTENT TO TERMINATE AND CHARGES NOTICE OF INTENT OF DEMOTION AND CHARGES				
ORDER OF SUSPENSION AND CHARGES ORDER OF TERMINATION AND CHARGES ORDER OF DEMOTION AND CHARGES				
IOTICE REGARDING RESTRAINING ORDER DATED				
copy is attached hereto, by delivering a copy thereof to				
DORTEZ personally at 9621 RIOSEHAVEN or				
3,2015				
penalty of perjury that the foregoing is true and correct.				
day of AUGUST, 2015, at SAU DIEGO, California.				
son making personal service				
ACKNOWLEDGEMENT OF SERVICE				
nowledge receipt of the above noted document.				
day of <u>AUGUST</u> , 2015.				

Released from I.A.

Files



RECEIPT OF MATERIALS

EMPLOYEE: David Cortez #9739 / IA# 2014-041.1

▼	1/3// 2014-041.1	
DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Notice of Proposed Disciplinary Action to David Cortez dated 01-20-2015	130/15/	
Notice of Intent of Termination and Charges to David Cortez dated 03-06-2015	m\	
Discipline Recommendation & Rationale to Sheriff Gore from Lieutenant Black dated 01-20-2015		2,30/17
One (1) CD-R of Pre-Discipline Conference		9/
Investigative Reports by Sergeant K. Jones dated 09-30-2015 and attachments		
One (1) CD-R of interviews	X	1
Skelly Conference Letter to David Cortez		
Order Not to Disclose Materials to David Cortez		
Declaration/Acknowledgement of Personal Service		



RECEIPT OF MATERIALS

EMPLOYEE: David Cortez /9739 IA# 2014-041.1

1	DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL) v.	APPOINTING AUTHORITY (Date & Sign)
X	Order or Suspension and Charges to David Cortez dated 07/28/2015	3415	12/15
X	Discipline Recommendation from Ed Prendergast to Sheriff William D. Gore dated 07/24/2015	. 30	9/3
8	Skelly Conference from Captain H.F. Turner to Sheriff William D. Gore dated 04/27/2015		Lie 21, C
Χ	One (1) CD - Skelly		Zuyk.
X	Declaration/Acknowledgement of Personal Service		<i></i>
	. <u> </u>		



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

Date: January 20, 2015

TO: William Gore, Sheriff

FROM: Scott G. Black, Lieutenant

Vista Patrol Station

VIA: Chain of Command

Disciplinary Recommendation and Rationale for Deputy Sheriff David Cortez – RE: Internal Affairs Case: 2014-041.1

RECOMMENDATION

I have read the investigation and listened to the recorded interviews prepared by Sergeant Ken Jones. Sergeant Jones found Deputy Cortez in violation of Department Policy and Procedure section:

2.46 Truthfulness

2.46 Truthfulness

2.46 Truthfulness

1 concur with Sergeant Jones' conclusions and findings. Based on the nature of the conduct, and after weighing the factors in aggravation and mitigation, I recommend the appropriate discipline for Deputy Cortez is Termination.

RATIONALE

Sergeant Jones' investigation was thorough and fair and there is a preponderance of evidence to believe the alleged misconduct occurred. In reviewing the investigation and recordings, I have found no evidence of bias or ill will by Sergeant Jones or any of the witnesses in this investigation. Deputy Cortez' misconduct was independent of any verbal or written order by a Department supervisor.

On November 24, 2014, at about 1458 hours, I met Deputy Cortez and his legal counsel,

RELEASED FROM
I.A. FILES
TO

Attorney Fern Steiner in my office at the Vista Patrol Station. Before making my disciplinary recommendation, I provided Deputy Cortez and his Attorney, Fern Steiner a copy of the investigation to review. The meeting with Deputy Cortez and Attorney Steiner was digitally recorded. Before the meeting was recorded I informed them that the meeting would be recorded and neither expressed disagreement with the meeting being recorded.

The facts in this case are not in dispute. On April 2, 2014, Deputy Cortez was a Patrol Trainee at the Vista Patrol Station. Deputy Dray was assigned as his Field Training Officer. She was riding as the passenger in the same car with Deputy Cortez. At about 0415 hours on April 2, 2014, Deputies Dray, Cortez, and were involved in unauthorized pursuit training. During that training Deputy Cortez was involved in a collision while Deputy Dray was the passenger in the vehicle with him.

After the collision the aforementioned deputies had a discussion as to how the collision occurred. A decision was made that the fact that they were involved in unauthorized pursuit training when the collision happened would be left out of official reports. During the investigation of the collision Deputy Cortez failed to complete his report containing all the facts that were known to the fullest extent of his knowledge by omitting the information that he was involved in pursuit training when the collision occurred.

When being interviewed via telephone to complete the traffic collision report, Deputy Cortez did not relay all of the facts to the fullest extent of his knowledge. He did not mention to Sergeant Aitken (Thompson) or Deputy Malson that they were involved in pursuit training at the time of the collision.

During a pre-disciplinary meeting and discussion on how the collision occurred with Lieutenant Scott Miller, Deputy Cortez was untruthful by not giving a verbal account of all facts to the fullest extent of his knowledge. He failed to disclose the fact that he was involved in unauthorized pursuit training at the time of his collision.

I contacted the Internal Affairs Unit and found Deputy Cortez has no record of prior discipline. Deputy Cortez had been a Deputy Sheriff Detentions for 2 years before becoming a Law Enforcement Deputy Sheriff in August of 2013. Two facts point toward mitigation. Deputy Cortez has no record of discipline for similar offenses and he has accepted responsibility for his act. Conversely, a deputy is instructed from the first day of the academy, that always being truthful is of utmost importance. The general public has the right to expect that peace officers will be truthful in their words and writings. A peace officer who is dishonest and lacks credibility loses his or her usefulness to the agency, causes an inherent harm to the public agency and leaves that agency open to liability while it continues to keep a dishonest person employed within.

RELEASED FROM

Deputy Cortez had the option of being truthful from the onset of the investigation. He could have expressed that he was involved in pursuit training when he became involved in a collision. On three separate occasions, he was interviewed about the incident and had the opportunity to be truthful about the pursuit training.

In mitigation, Deputy Cortez accepted responsibility and expressed regret for his actions. Deputy Cortez did eventually come forward with the fact that he was involved in the pursuit training and that he was untruthful in his written Deputy's report, his interview with Sergeant Aitken and his meeting with Lieutenant Miller.

In his Internal Affairs interview and his discussion with me, Deputy Cortez stated that as a trainee at the time of the incident, he felt pressured to go along with his training officer and omit the pursuit training in his report and interviews.

In aggravation, prior to becoming a Law Enforcement Deputy Sheriff, Deputy Cortez was A Detentions/ Courts Deputy with the San Diego Sheriff's Department for two years. Through his own admission he was aware of the rules of conduct as laid out in Department Policies and Procedures. He admitted that during his Academy training and during the hiring process he had specifically been instructed on the importance of truthfulness.

As has been seen in various Civil and Criminal cases, retaining a Deputy Sheriff employed as such after a sustained finding of his being untruthful, leaves the Deputy and the Department open to a litany of liability. A peace officer who is dishonest and lacks credibility loses his or her usefulness to the agency and causes an inherent harm to the public agency.

I believe my recommendation is appropriate and proportionate for the conduct to which Deputy Cortez has admitted as it relates to being untruthful.

Scott G. Black, Lieutenant

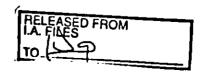
Vista Patrol Station

SGB:sgb

RELEASED FROM I.A. FILES

ENDORSEMENTS:	Date 03./7./5	Approve 🗾	Disapprove
Comments:	-		
David Myers, Commander Comments:	Date	Approve	Disapprove
Mark Elvin, Assistant Sheri Comments:	_ Date	Approve	Disapprove

	Date	Approve	Disapprove
Ed Prendergast, Unde	ersheriff		
Comments:			
William Gore, Sherif	Date	Approve	Disapprove
Comments:			



INTERNAL AFFAIRS - CONFIDENTIAL

ORDER NOT TO DISCLOSE MATERIALS

Pursuant to Department Policy, materials are being furnished to you upon which your proposed discipline is based. These materials are reproductions and are a part of the confidential employee personnel records of the San Diego Sheriff's Department. Dissemination of this information is restricted to a need and a right to know.

You are ordered not to disclose, release, or copy these materials to or for anyone, other than your attorney and/or association representative, without the written authorization of the Internal Affairs Lieutenant. Materials include all written documentation, tape recordings, and videotapes.

Any unauthorized release of information contained in these documents compromises the confidentiality of your personnel file, and may impede the Department's ability to protect your confidentiality in future discovery motions. This could subject you and the County to unnecessary liability and criticism, to which the Department may be required to defend in a public forum.

You are strongly encouraged to destroy or return these materials when they no longer serve a useful purpose. Should you desire to review material related to your discipline at a later time, you may make arrangements with the Internal Affairs Unit.

Failure to abide by this order could result in a charge of insubordination, and subject you to disciplinary action up to and including termination.

I have received a copy of this order.

David Cortez

IA# 2014-041.1

Released from I.A. Files:

حمط _{Lo:}

INTERNAL AFFAIRS - CONFIDENTIAL

Skelly Conference Letter IA# 2014-041.1

As indicated on the "Notice of Intent" to discipline, which you are receiving, disciplinary action against you is being considered. If you wish to invoke your right to a pre-disciplinary due process hearing on this matter (Skelly Conference), you must make the request within five (5) regular business days. The Skelly Conference is a relatively informal hearing, not an adversarial evidentiary trial. The final date to request a hearing is indicated on your "Notice of Intent". Your request should be made by calling the Internal Affairs Unit at (858) 974-2065.

If you do not request the conference within that time, your right to a Skelly Conference will have been waived, and the recommended discipline may be imposed.

Your Skelly rights are:

- 1. To receive a written "Notice of Intent" to discipline, that may be served upon you, either in person or by mail. That notice will include the level of proposed discipline, the charges, and a brief explanation of the reason for the discipline.
- 2. To receive a copy of the materials upon which the proposed discipline is based, including reports, tape/digital recordings, photographs, etc. Any item certified as confidential and withheld from you by the department cannot be used as a basis for discipline.
- 3. To have sufficient time to review the supporting materials so that your response can be prepared.
- 4. To respond orally, in writing, or both to the proposed discipline and charges.
- 5. To a hearing officer who is not in your chain of command.
- 6. To have a representative or attorney present at the hearing.
- 7. To receive copies of all materials prepared as a result of the Skelly Conference.
- 8. To receive a new Skelly Conference for any new charges or increased discipline, which arise from the Skelly Conference.

I have read and understand my Skelly rights.	1.11	
9	atlet	URROH 30, 2015
David Cortez	Witness	Date

Released from I.A. Files:

THE OFFICE OF

INTERNAL AFFAIRS CONFIDENTIAL



August 4, 2015

IA# 2014-041.1

TO: Larry Nesbit, Captain

Vista Patrol Station (N141)

FROM: Christine Harvel, Lieutenant

Internal Affairs Unit (O41)

DISCIPLINE OF DEPUTY DAVID CORTEZ //9739

Deputy David Cortez has been <u>suspended</u> for a period of twenty (20) working days (170 hours), as reflected in the Notice of Proposed Disciplinary Action dated and signed by Sheriff Gore August 3, 2015. Suspension days are computed based on an 8.5 hour day.

Discipline needs to be imposed on August 4, 2015, unless other arrangements have been made in writing prior to the above date.

The station/facility from which the employee has been suspended shall be responsible for entering the suspension in Kronos. The pay code is MLW with a comment of "personal".

Please notify me once the suspension is completed.

Thank you.

Christine Harvel, Lieutenant Internal Affairs Unit

CH:mpa

C: Mark Elvin, Assistant Sheriff David Myers, Commander Anthony Ray, Captain

Sosha Thomas, SDHRO

FROM THE OFFICE OF

Attachment

INTERNAL AFFAIRS - CONFIDENTIAL

August	14, 2015
IA# 20	14-041.1
TO:	Civil Service Commission
FROM	Christine Harvel, Lieutenant Internal Affairs Unit (O41)
ORDE	CR OF SUSPENSION AND CHARGES – David Cortez
	rder of Suspension and Charges dated July 28, 2015, filed against David Cortez has been ed by the Civil Service Commission on:
	Date
Comm	ission Response:
[]	The above individual HAS appealed the Order of Suspension and Charges.
[]	The above individual HAS NOT appealed the Order of Suspension and Charges.
Please	return this form to the Sheriff's Internal Affairs Unit (MS-O41) as soon as possible.
Thank	you.
<u></u>	
Interna	ne Harvel, Lieutenant al Affairs Unit 974-2065



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

To:

William D. Gore, Sheriff

From:

Ed Prendergast, Sheriff

Subject:

RECOMMENDED DISCIPLINE FOR DEPUTY SHERIFF DAVID

CORTEZ I.A. Case # 2014-041.1

Date:

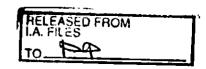
July 24, 2015

BACKGROUND:

The facts of this case are not in dispute and are well documented in the I.A. file. In essence, On April 2, 2014, Deputy Cortez was in the first phase of his field training programming and participating in an unauthorized pursuit training exercise in the City of Vista when he lost control of the patrol car he was driving. The patrol car hit a curb and suffered minor damage. At the direction of Deputy Dray and another senior deputy, Deputy Cortez was advised to leave the fact about the pursuit training out of his verbal and written reports. Deputy Cortez did question these instructions but ultimately he did as instructed and did not mention the pursuit training. Approximately two weeks later Deputy Cortez contacted another deputy at the station and sought advice on whether he should have fully disclosed the facts surrounding his accident. The other deputy suggested he go to the sergeant and fully disclose what happened. Deputy Cortez went to Sergeant Eglin and fully disclosed the facts of the accident. Sergeant Eglin initiated an I.A. investigation- I.A. Case # 2014-041.1

I have fully reviewed the I.A. Case completed by Sergeant Ken Jones, the Disciplinary Recommendation and Rational completed by Lieutenant Scott Black and the Skelly Conference Report completed by Captain Hank Turner. I did not find any evidence of bias or prejudice in the internal affairs findings, in the Disciplinary Recommendation and Rationale or in the Skelly Conference Report. Deputy Cortez and Fern Steiner, his attorney, did not claim any prejudice or bias. The I.A. Case sustained a finding of P&P section 2.46 Truthfulness against Deputy Cortez. The Disciplinary Recommendation from Vista Command recommended termination. The Skelly Report recommended the truthfulness finding be dismissed and found that Deputy Cortez was in violation of P&P sections: 2.35 Operations of Vehicles; 2.4 Unbecoming Conduct and 2.30 Failure to Meet Standards.

On July 23rd 2015, Assistant Sheriff Mark Elvin and I met with Deputy Cortez and Fern Steiner in my office. We did not record the session or ask specific questions about the incident.



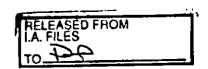
DISCUSSION:

In essence, the pertinent question is what level of discipline is appropriate for a phase one trainee who under the direction of his training officer is not fully honest in disclosing the facts surrounding his original accident but comes forward approximately two weeks later and discloses the truth? In balancing the proposed discipline with the facts of the case a few critical items seem to weigh in favor of Deputy Cortez: Deputy Cortez was a first phase trainee who was following the instructions of his training officer who was his first line supervisor: Deputy Cortez questioned the decision to leave out the pertinent information about the pursuit but was told to do so anyway; Deputy Cortez had nothing to gain by leaving out the information about the pursuit training as he would not bear any responsibility for the unauthorized training; Deputy Cortez did bring this matter to the department's attention and but for his actions the department would not be aware of the truth behind the accident and would not have started the I.A. investigation. Despite these mitigating facts, Deputy Cortez did not tell the truth until approximately two weeks after the accident and discipline must be imposed for his failure to be fully truthful, Based on the totality of the circumstances, I believe a suspension equivalent to twenty (20), eight and one-half hour (8.5), working days would be appropriate to discipline Deputy Cortez and help ensure that this behavior will not reoccur. The discipline is appropriate but is not so severe that it would discourage others who might be involved in similar circumstances from coming forward.

As to the appropriate charges, there is a discrepancy between the I.A findings and the Skelly findings. Although all of the charges are appropriate, it is the Sheriff's Department policy to charge the most pertinent charge. In this case that would be P&P section 2.46 Truthfulness. The facts support this violation; the original I.A. supports this violation. The additional charges from the Skelly are to be dismissed.

RECOMMENDATION:

Deputy Cortez is in violation of P&P section 2.46 Truthfulness. Deputy Cortez should be suspended for the equivalent of twenty (20), eight and one-half hour (8.5), working days.



Respectfully Submitted:

Ed Prendergast, Undersheriff

Approved _____ Disapprove _____

William Gore, Sheriff

Date:

70P



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

April 27, 2015

TO:

William D. Gore, Sheriff

FROM:

H. F. Turner, Captain

Court Services Bureau - Area 1

VIA:

Chain of Command

SKELLY CONFERENCE - DEPUTY DAVID CORTEZ #9739 - #2014-041.1

SYNOPSIS

On April 2, 2014, at approximately 0415 hours, Deputy David Cortez was on duty, in full uniform, driving a marked Sheriff's vehicle in the city of Vista. Deputy Cortez was in his first phase of patrol training and was operating under the supervision of his training officer, Deputy Peggy Dray. Deputy Cortez was involved in a collision in his patrol car, when in the process of making a right hand turn, Deputy Cortez's car spun 180 degrees and slid into a curb because he was driving at a speed unsafe for the conditions. The patrol car sustained moderate damage to the driver side wheel and wheel assembly. No one involved in the incident disclosed they were conducting pursuit training immediately before the collision.

Deputy Dray reported to Sergeant Dustin Lopez #2441, the collision was because of excess speed on a wet roadway which Deputy Cortez agreed with either verbally or by nodding his head. Deputy Dray and Deputy Cortez both completed written reports on the collision. Deputy Malson #0209 completed a traffic collision report, Case Number 14116650.

On April 14, 2014, Deputy Cortez met with Lieutenant Scott Miller #1166 for his predisciplinary hearing. Deputy Cortez did not disclose he was doing pursuit training immediately prior to the collision. While the date of this meeting is not listed in the report it was prior to Deputy Cortez's disclosure.

The next day, on April 15th, 2014, while assigned to another training officer, Deputy Cortez reported to Sergeant Deborah Eglin #1192, he was directed by Deputy Dray to omit the pursuit

TO 10-

Skelly Conference – Deputy Cortez Internal Affairs Case #2014-041.1 Page 2 of 9

training from his report on the collision by and Deputy Dray. Deputy Dray denied directing Deputy Cortez to omit the pursuit training from his report but did not include it in her report as it wasn't the cause of the collision.

COMMAND RECOMMENDATION

The internal affairs investigation concluded Deputy Cortez was untruthful in his written report about the collision, was untruthful in his verbal account to Sergeant Aitken and Deputy Malson and untruthful in his verbal account to Lieutenant Scott Miller. As a result of the sustained findings (2,46 Truthfulness), Deputy Cortez's disciplinary hearing officer recommended his employment with the Sheriff's Department be terminated. After a review by the third level supervisor, Captain Nesbit also recommended Deputy Cortez employment be terminated.

SKELLY CONFERENCE

By mutual agreement, the Skelly Conference was held on April 27, 2015, at 1000 hours, at the San Diego Courthouse. The Skelly Conference was held in the Captain's Conference Room at the San Diego Courthouse. Deputy Cortez was present and represented by his attorney, Fern Steiner, while I served as the hearing officer. I digitally recorded the hearing which I later downloaded onto a compact disk and it is submitted with this report.

Deputy Cortez received copies of all the pertinent and required documents during the investigation including, the notice of disciplinary action, the notice of intent to terminate, the disciplinary recommendation and rationale from Lieutenant Black and Captain Nesbit, the investigative report by Sergeant Jones, the Skelly conference letter, the order not to disclose, the acknowledgement of personal service and discs of the interviews. Deputy Cortez understood the recommended discipline was termination and that he had reviewed the investigation. Deputy Cortez understood the Skelly conference was his opportunity to respond to the charges, the recommended discipline and had no objection to me serving as his Skelly Hearing Officer.

RESPONSE TO CHARGES

On behalf of Deputy Cortez, Attorney Fern Steiner, stated while Deputy Cortez should receive some discipline for his actions in the case, Deputy Cortez should not be terminated. Most of the facts in the case are not in dispute. Deputy Cortez was a first phase patrol trainee at the time of the incident. While he had been a detention deputy for two years, he had just been sent to patrol to be trained on how to be a patrol deputy. Deputy Peggy Dray was his first phase training officer. The other deputy involved in the incident, also served as a replacement training officer when Deputy Dray was not working.

Deputy Cortez was directed to do pursuit training by his training officers. The allegation in the initial investigation was the pursuit training was not done in compliance with department policy and was not authorized. During the investigation, Sgt. Nicholas Maryn stated he did not



Skelly Conference – Deputy Cortez Internal Affairs Case #2014-041.1 Page 3 of 9

remember specifically approving pursuit training in this incident and he was unsure if he had approved it verbally to his deputies prior to the training. Sgt. Maryn had approved similar training on other occasions and would have approved the training. This information led the investigator to conclude the allegation was not sustained as it relates to the pursuit training being improper as it related to

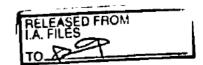
and Deputy Dray stated they did not feel the pursuit training was relevant to the vehicle collision. During a discussion about the collision, and Deputy Dray both stated the information was not pertinent as the cause of the collision was excess speed. Deputy Cortez was a first phase trainee that was directed to not include the information when he wrote his report. The practice for Deputy Cortez as a first phase trainee was for Deputy Dray to write a report and for Deputy Cortez to use it as a template to learn what should be included in an investigation as to the facts, form and style. According to Deputy Dray, she had Deputy Cortez either read her report on the computer or review a written copy before Deputy Cortez wrote his report.

Some of the facts are in dispute, Deputy Dray stated at the Vista Station she told Deputy Cortez she was not including the pursuit training in her report but Deputy Cortez was free to put the information in his report. Deputy Cortez denies this and said he completed his report at the direction and guidance of his training officer. If he had been free to write his report the way he wanted, he would have included the information.

Deputy Cortez felt the pursuit training was relevant and should have been in his report but did what he was directed to do by his training officers. Deputy Cortez still had concerns about the report so he asked his second phase training officer about including the pursuit training in his report which led to the investigation. No one mentioned the pursuit training during the collision investigation nor did they mention it at the pre-disciplinary hearing with Lieutenant Miller. Deputy Cortez said he reached out to Deputy Dray to ask about what he should do at his pre-disciplinary hearing. Deputy Dray stated she told him to tell the truth while Deputy Cortez said she told him to tell him what was in the written reports. If Deputy Cortez had been told to "tell the truth", he would have told Lt. Miller all of the information but he was told to tell him the information in the written reports.

While on his second phase of training, Deputy Cortez was assigned to Deputy Martinez. Deputy Cortez still had doubts about the direction he was given on the collision report and asked his new training officer, Deputy Martinez, if the information about the pursuit training was relevant in the collision investigation. Deputy Martinez thought it was and directed him to speak with Sgt. Eglin, who directed him to write a deputy's report including the information on the pursuit training.

Deputy Cortez understands the need to be truthful and it is the reason behind the entire investigation. Deputy Cortez questioned the exclusion of the pursuit training to his first phase training officers on multiple occasions. When he was assigned a new training officer, he asked them if what he was told was appropriate and when he was told it wasn't he wrote a report to include the information. The pursuit training information only came to light because of Deputy



Skelly Conference – Deputy Cortez Internal Affairs Case #2014-041.1 Page 4 of 9

Cortez. Deputy Cortez is being punished because he had the courage to come forward to question the direction of his training officers. Deputy Cortez understands he should have included the pursuit training information in his initial reports. He also understands he should be punished for not only the collision but for not including the pursuit training information. Deputy Cortez has no prior discipline history as a detention's deputy and as a deputy sheriff. Deputy Cortez now realizes he should have come forward with the additional information to Sgt. Aitken/ Thomas and Deputy Molson or to Lt. Miller when he was asked about the incident.

Fern Steiner also asked what kind of example does it set for the department if the person who questions direction or comes forward with new information receives the same punishment or more severe punishment than the other parties involved in the incident? Everyone in the investigation realizes Deputy Cortez has accepted responsibility for his actions and is remorseful.

Deputy Cortez stated he could have avoided the entire thing if he included the information. Deputy Cortez felt pressure and was directed by and Deputy Dray to not include the pursuit training information in his report. He will never put himself or the department in the position again. Deputy Cortez does not regret coming forward with the information even if he is terminated for coming forward because he realizes it was the right thing to do. He is a man of integrity, who did the right thing, even if it causes him to lose his job. Deputy Cortez does not remember telling Deputy Molson or anyone else that he stopped at the stop sign. He told them he accelerated at the stop sign. He also admitted he rolled through the stop sign without stopping and compared it to what is referred to as a "California Stop."

We concluded the interview at 1013 hours.

DISCUSSION

I reviewed the entire investigation and all of the supporting documentation listed in the report. I also listened to the interviews with the involved parties multiple times. The investigation has three sustained allegations against Deputy Cortez for untruthfulness as it is alleged Deputy Cortez was untruthful in his written report about the collision, was untruthful in his verbal account to Sergeant Aitken and Deputy Malson and untruthful in his verbal account to Lieutenant Scott Miller. There are two main issues related to the untruthfulness in the investigation with the first one being the exclusion of the pursuit training in the initial written report, in the traffic investigation and to Lt. Miller during the pre-disciplinary hearing while the second issue is if Deputy Cortez told people he came to a complete stop at the stop sign immediately before the collision.

As it relates to the exclusion of the pursuit training in the written reports and interviews, there are a number of mitigating and aggravating facts. It is not disputed by anyone that Deputy Cortez did not include the pursuit training information in his initial deputy report. Excluding the pursuit training information from his report did not benefit Deputy Cortez as he was still at fault in the collision and the collision was still chargeable which would result in Deputy Cortez still receiving discipline. The beneficiary of the exclusion of the pursuit training was Deputy Dray, and



Skelly Conference – Deputy Cortez Internal Affairs Case #2014-041.1 Page 5 of 9

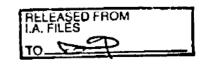
investigator determined the pursuit training was not unauthorized on this occasion but the sergeant had verbally approved the concept during an earlier conversation. Sgt. Nicholas Maryn stated he did not remember specifically approving pursuit training in this incident but could not say he did not approve the training prior to them conducting the training. Sgt. Maryn had approved similar training on other occasions and would have approved the training.

stated during his Internal Affairs investigations interviews he did not feel the pursuit training was relevant.

admitted talking about this with a first phase patrol trainee, Deputy Cortez. During his interview, denied any involvement in the discussion about excluding the pursuit training from Sergeant Lopez and the deputy's reports. Deputy Dray admitted discussing excluding the pursuit training with and Deputy Cortez, a first phase trainee. Deputy Dray denied telling Deputy Cortez to exclude the pursuit training from his report. It is standard practice for a first phase patrol trainee to mirror their training officer's reports. A training officer writes the initial crime report or deputy's report, and then has the trainee read it. The training officer's report is used as a template by the trainee to teach them what needs to be included and what is not relevant, while also teaching the trainee grammar and style. A training officer reviews every single report written by a trainee to determine the accuracy and content of the report. Deputy Dray's statement that she instructed Deputy Cortez to write whatever he wanted in his report does not seem plausible.

A training officer serves as a de facto first line supervisor to a trainee. Training officers write daily evaluations for a trainee and teach them how to be a deputy sheriff. A first phase trainee who routinely questioned the instruction given to them, would be marked down in their evaluation for not only following instructions but for the ability to understand a concept. According to Deputy Cortez's statement, he did question his training officer, along with the other deputies at the scene, to make sure he understood what he was being instructed to do. If the same incident had occurred but instead of a trainee/ training officer relationship the relationship was deputy sheriff/ sergeant; would the outcome be any different if a sergeant instructed a deputy to omit something from a report that was relevant? The San Diego Sheriff's Department is a paramilitary organization that is predicated on following the direction of a superior. Deputy Cortez completed reports with omissions as to the facts in this case but did it at the direction of his de facto supervisor, Deputy Dray. Absent Deputy Dray's influence, Deputy Cortez would have included the information. This opinion is supported by the fact Deputy Cortez did come forward with the information when he was assigned to another training officer.

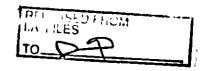
There are some aggravating factors in this case. Deputy Cortez did have the opportunity to tell Sgt. Aitken and Deputy Malson about the pursuit training but told them what he was directed to tell them was relevant. He did omit information from his report. The exclusion of the information did not factor into his culpability in the collision. He was still at fault and the collision was chargeable under both scenarios. This also applies to the conversation with Lt. Miller. He had the opportunity, and should have at that time, to tell Lt. Miller at the pre-disciplinary about the pursuit training information. He did not disclose the information but the very next day he approached his second phase training officer, Deputy Martinez, with the information. This entire



Skelly Conference – Deputy Cortez Internal Affairs Case #2014-041.1 Page 6 of 9

incident does not come to light without Deputy Cortez continuing to question what he was told while he was following the instructions he was given. Do we as an organization put our employees in a position of not questioning a directive or order? The conclusion of the investigation for Deputy Cortez's termination is he followed the instruction he was given, or an order, and we later determine an employee was right to question the order but we go back and terminate them for following the order in the first place? The unintended consequence of this line of thinking is to create that thin blue line of silence that the San Diego Sheriff's Department has spent the last twenty years working to prevent in our organization. The other issue was if the pursuit training was relevant to the collision. The information does not change the fact that Deputy Cortez's collision was chargeable and he was at fault. The parties involved in the pursuit training stated they were not pursuing each other at high speeds and were generally following the rules of the road. The internal affairs investigation contains no information to dispute this other than Deputy Cortez's admission that he did not stop at the stop sign.

The other significant area of concern was if Deputy Cortez was untruthful about stopping at the stop sign. Deputy Cortez did not write in his written report he stopped at the stop sign at the intersection. In reading the report, it is very clear to me the information on the stop sign was left out and omitted. It is also omitted from Deputy Dray's report and is an example of Deputy Cortez's report mirroring Deputy Dray's. Deputy Dray and Deputy Cortez both stated they did not say they stopped at the stop sign to anyone. Sgt. Lopez stated Deputy Dray told him they did stop at the stop sign while Deputy Cortez agreed verbally or by nodding his head. It is understandable that Sgt. Lopez's recollection of, what at the time appeared to be, a minor incident was unclear as he did not remember whether Deputy Cortez nodded his head or said yes to confirm Deputy Dray's statement, Sgt. Lopez did not get a statement from Deputy Cortez but instead relied on him to confirm Deputy Dray's statement, even though, Deputy Cortez was driving the vehicle. Deputy Malson and Sgt. Aitken spoke to Deputy Cortez about the collision. Deputy Malson stated in his interview and wrote in his report that Deputy Cortez stated he stopped at the stop sign. Sgt. Aitken stated in his interview that he did not remember if Deputy Cortez said he stopped at the stop sign and instead stated Deputy Cortez stated he was at the stop sign at the intersection of La Mirada Drive and Progress Drive. Sgt. Aitken did not initially mention in his verbal statement that Deputy Cortez stated he stopped at the intersection until prompted by Sergeant Jones. Sgt. Aitken had to review the traffic collision investigation and read the report where he wrote Deputy Cortez told him he stopped at the stop sign. Sgt. Aitken repeatedly stated in the interview that Deputy Cortez said he was at the stop sign but did not remember if Deputy Cortez said he stopped at the stop sign. Internal Affairs Sergeant Jones asked Sgt. Aitken to review his report and to review the statement of Deputy Cortez, Sgt. Aitken stated he wrote in his report Deputy Cortez said he stopped at the stop sign while Deputy Dray's statement did not say he did. Deputy Molson and Sgt. Aitken conducted a joint interview of Deputy Cortez, Sgt. Aitken's statement in the interview is similar to Lt. Miller's statement and to the written reports. Lieutenant Miller also stated Deputy Cortez said he was at the stop sign and his verbal statement was consistent with his written report. Deputy Cortez did not say in his written report that he stopped at the stop sign. It appears he implied he stopped at the stop sign by saying he was at the stop sign but did not state in his written report he stopped at the stop sign.



Skelly Conference – Deputy Cortez Internal Affairs Case #2014-041.1 Page 7 of 9

To give a synopsis of the stop sign statements, Deputy Malson and Sgt. Lopez both stated Deputy Cortez said he stopped at the stop sign but Sgt. Lopez did not get a statement from Deputy Cortez but instead had him confirm another deputies statement but was unsure whether he confirmed it verbally or by nodding his head. Deputy Dray and Deputy Cortez both stated they did not say they stopped at the stop sign. Lt. Miller and Sgt. Aitken both stated independently Deputy Cortez stated he was at the stop sign but did not remember him specifically saying he stopped at the stop sign. There was no recording of the pre-disciplinary hearing and Lt. Miller said Deputy Cortez's statement was consistent with Deputy Cortez's written report, where he did not mention stopping at the stop sign.

The other issue of note was the department initiated internal affairs complaint had conduct unbecoming listed as the initial charge. The investigation into Deputy Cortez hinges on that issue. Is a first phase trainee that is directed or told to exclude information from a report by his training officer, while having it reinforced by experienced patrol deputies, guilty of conduct unbecoming or of untruthfulness? What Deputy Cortez did was wrong but was it a lie or was it an omission? Is every omission untruthful or do we factor in the relevance of the information, the reason it was omitted or if the omission changes the outcome of an investigation? The pursuit training was relevant but Deputy Cortez was told by his training officer and another deputy it was not relevant. Deputy Cortez clearly omitted the information not to save himself as he was still subject to discipline for the chargeable collision. Deputy Cortez omitted the information because he was told what he should write in his report. The same way a training officer tells a trainee what to put in a battery report, what should be in a rape report, a burglary report and any written report he is directed to write.

CONCLUSIONS

In reviewing the internal affairs investigation by Sergeant Ken Jones, the recommendation and rationale by Lieutenant Black, the addendum by Captain Nesbit, I do not believe there is substantial evidence to support the charge of untruthfulness in this case as it relates to Deputy Cortez.

In the Skelly hearing with Deputy Cortez, his attorney Fern Steiner brought to my attention two key points for consideration. Deputy Cortez was following the direction of his training officer, who the department charged with teaching him how to be a deputy sheriff. Deputy Cortez's verbal statements about the stop sign were consistent with statement written in his deputy's report. The issue that Fern Steiner brought forward of the whistleblower receiving the same or more severe punishment than the other parties involved having a chilling effect on deputies coming forward is not the rationale behind this decision but is a valid concern for our organization.

The fact that Deputy Cortez lest out the pursuit training in his statements and report is not in dispute by anyone. The reason he lest it out is also not in dispute as he was told by his training officer and an experienced deputy that it was not relevant. The relevance of the pursuit training information, as it relates to Deputy Cortez's actions in the collision are not as important as it



Skelly Conference – Deputy Cortez Internal Affairs Case #2014-041.1 Page 8 of 9

pertains to his actions as much as it does to Deputy Dray. Deputy Cortez did what he was told to do and when he still had concerns about it, followed his chain of command by bringing the information to his first line supervisor, his training officer. Deputy Cortez, along with his training officer, immediately notified his sergeant.

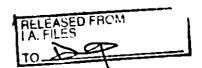
The charge that Deputy Cortez was untruthful about running the stop sign is not supported by the statements in the report by a preponderance of the evidence. Deputy Dray and Deputy Cortez deny saying they stopped at the stop sign. Deputy Malson said they did. Sgt. Lopez said Deputy Dray said they stopped, which Deputy Cortez agreed with but Sgt. Lopez does not remember if it was verbally or by nodding his head. Sgt. Aitken and Lt. Miller both independently stated in their interviews Deputy Cortez said he was at the stop sign but Sgt. Aitken wrote they stopped at the stop sign. This is understandable as whether Deputy Cortez stopped at the stop sign was not a point of contention in the collision investigation as Deputy Cortez was still at fault. It did not become a major point of contention until the traffic investigation turned into an internal affairs investigation for truthfulness. It is my conclusion that Deputy Cortez implied he stopped at the stop sign by saving he was at the stop sign as that is what multiple witnesses confirmed and what is in his written report. Deputy Cortez's report is not clear and accurate. It is likely Deputy Cortez's report mirrors the report of his training officer, who is the person primarily responsible for this incident. While Deputy Cortez was a detention's deputy for two years he had recently graduated from the academy and had only been in patrol for a couple of weeks. Detention's Deputies do not write the volume and variety of reports as a deputy sheriff assigned to patrol. This is why a detention's deputies patrol training is exactly the same length as a deputy sheriff, without detentions experience.

Deputy Cortez is not without blame in this incident. Deputy Cortez had multiple opportunities to come forward with the additional information. Deputy Cortez could have told Deputy Malson, Sgt. Lopez, Sgt. Aitken and Lt. Miller. Deputy Cortez allowed his training officer, along with another deputy, to have undue influence of him and that behavior is a violation of our department's core values.

RECOMMENDATION

In reviewing the internal affairs investigation by Sergeant Ken Jones, the recommendation and rationale by Lieutenant Black, the addendum by Captain Nesbit, and my Skelly hearing with Deputy Cortez, the finding of three counts of untruthfulness are not supported by the aforementioned investigations and attachments.

It is not in dispute that Deputy David Cortez failed to operate a county owned vehicle in the performance of official duties, in a careful and prudent manner. The collision could have been prevented and thus is considered chargeable but was not included in the findings of the investigation. It is my recommendation that there should be a sustained finding for violation of the following section.



2.35 Operations of Vehicles

Employees shall operate all county owned or maintained vehicles, or any vehicle being operated in the performance of their official duties, in a careful and prudent manner, and shall obey all laws of the state and all Departmental orders pertaining to such operation.

Deputy Cortez's actions occurred not because he was untruthful but because he was directed to by his first line supervisor. Even though he was directed to omit the information, by doing this, Deputy Cortez's actions do not meet the high standard we expect for a deputy sheriff. It is my recommendation that there should be a sustained finding for violation of the following sections:

2.4 Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

2.30 Failure to Meet Standards

Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention;

The above policy sections violations are a more accurate description of actions of Deputy Cortez in this incident. I recommend Deputy Cortez be suspended for sixty (60) days for violating the above policies. While Deputy Cortez has no prior disciplinary action as a deputy sheriff or as a detention deputy, the severity of this incident and actions merit the significant discipline. Deputy Cortez and his attorney both agreed Deputy Cortez should be subject to significant discipline for his actions and inaction as it relates to the collision investigation and not disclosing the pursuit training to a supervisor in a timely manner.

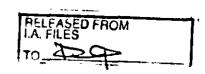
H. F. Turner, Captain

Court Services Bureau, Area 1

RELEASED FROM
I.A. FILES
TO

RELEASED FHOM I.A. FILES TO_______ Deputy David Cortez #9739 Skelly Conference IA#2014-041.1

William D. Gore, Sheriff	Date
Comments	



SWORN (NON-SUPERVISORY) EMPLOYEE PERFORMANCE APPRAISAL REPORT COUNTY OF SAN DIEGO – SHERIFF'S DEPARTMENT

		- IDENTIFYING INF	OR	TAN	ON	CHAIN AVEC IN	FOR SHERIFF'S PE	VO COPIES (FRONT AND
BUS	A 4000				Da	EMPLOYEE ID	BACK), CHECK APPROPRIATE Original – DHR	BOX AND DISTRIBUTE
1==	A4980	San Diego County Sheriff's Depa			vepa	rtment EMPLOYEE NAME	Copy - Employee Copy - Departmen	tal Fée
l 108	5746	JOB TITLE Deputy Sheriff				Cortez, David S.		
REA	SON FOR RATIN							G PERIOD
	\square		Г	7			FROM	то
MID	PROBATION FINA	L PROBATION ANNUAL	SUPPLE	MENTAL		STATE REASON AS SEPARATION, PROMOTION, DEMOTION, TRANSFER SUPPLEMENTARY, ETC	08/08/2014	02/07/2015
SE	CTION B	- ITEMIZED CHEC	K LIS	ST			OVERALL RATIN	IG
FME	PLOYFF'S IMME	DIATE SUPERVISOR		MEETS	-	Yes	meet expectations? No	
SHC	OULD CHECK EA	ACH ITEM IN THE		CTAT			ñ	
HAV	Æ ALL REQUIR	LUMN. RÉPORT MUST ED SIGNATURES BEFORE				4 54500 05 4000 00 400 00	ليا	WEDALL DATING
		CHANGES TO THE REPORT YEE'S SIGNATURE	YES	NO	N/A	A RATING OF "NO" IN ANY COMP REQUIRES ATTACHED WRITTEN I		VERALL RATING
		NG BY THE EMPLOYEE ING THE CHANGES.					COMMENTS	
			M			THE RATINGS IN THIS EMPLOYEE PE	RFORMANCE REPORT	
1.	JOB KNOWLE		\boxtimes]	ANY INCIDENT THAT MAY BE CURREN	ITLY UNDER INVESTIGA	ATION"
2.	JUDGMENT/D	ECISION MAKING	\boxtimes			Please see attached.		:
3.	ENFORCEME	NT TACTICS	\boxtimes					
4.	EMERGENCY	RESPONSE	\boxtimes					
5.	LAW ENFORC	EMENT & IS PROCEDURES	\boxtimes					
6.	PROBLEM SO	LVING	\boxtimes					
7.	SAFETY PRAC	CTICES	\boxtimes					
8.	ADAPTABILIT	Υ	\boxtimes					
9.	DILIGENCE		\boxtimes					
10.	PRISONER CO	ONTROL	\boxtimes			SECTION D I HAVE DISCUSSED THIS REPORT WITH MY	- SIGNATURES SUPERVISOR	
11.	COMMUNICAT	TION	\boxtimes			EMPLOYEE'S SIGNATURE	DATE	13/17/15
12.	WRITTEN EXP	PRESSION		\boxtimes		RACEO BY:		02/11/1-0
13.	EVIDENCE CO	DLLECTION	Ø			CANSO THE	SGT. DATE	63/10/5
14.	COOPERATIO	N	\boxtimes			ARINT NAME STUSCHMANT I	usiy	
15.	ORAL EXPRE	SSION	\boxtimes			REVIEWED BY	Livertenal DATE	3/20/10
16.	INVESTIGATIV	/E SKILLS	\boxtimes			PRINT NAME D. GILLMORE	DE CHICATO DATE	-16.110
17.	COMMUNITY	& CUSTOMER RELATIONS	\boxtimes				S SECTION	ESIGNATED BY MY
		Y & ATTENDANCE				APPOINTING AUTHORITY EMPLOYEE'S		
ADDITIONAL JOB - SPECIFIC COMPETENCIES IF NEEDED				SIGNATURE	DATE			
			Ш		Ш	PRINT NAME		
	<u>.</u>					APPEAL REVIEW COMPLETED		į
						APPEAL OFFICER'S SIGNATURE	- DATE	
						PRINT NAME	I A. FILES	DIFHOM
							170_6	

INSTRUCTIONS FOR COMPLETING PERFORMANCE APPRAISAL REPORT

Instructions: All raters, supervisors, and appeal officers are instructed to review Human Resources Policy and Procedure

0805B, EMPLOYEE PERFORMANCE APPRAISALS - CLASSIFIED SERVICE, before the performance appraisal is conducted. It is necessary for the rater to insure that the employee understands the information

presented in the tables below.

INFORMATION EMPLOYEE NEEDS TO KNOW

<u>Introduction</u>: In order for an employee to participate appropriately in the appraisal process, supervisors should communicate the following:

KEY POINTS	INFORMATION EMPLOYEE NEEDS TO KNOW		
Performance standards	Performance is being measured against standards that were communicated in advance of the actual performance.		
Five days to review	When the completed performance appraisal form is given to the employee, the employee may take up to 5 days to review before signing		
Meaning of signature	The employee's signature does not mean agreement. It merely acknowledges that the supervisor has communicated the appraisal and that the employee has read the appraisal.		
Requesting an appraisal	An employee may request a performance appraisal from the appointing authority under two conditions: - a scheduled appraisal has not been conducted and is overdue (more than 30 days late), or - a previous rating had an overall rating of "below standard."		
Appealing an appraisal	The performance appraisal may be appealed to the appointing authority. The appointing authority sha either: - appoint an unbiased appeal officer within 7 days of the request, or - at the employee's request, provide a list of 3 unbiased appeal officers from which the employee selects one.		

RATER / SUPERVISOR GUIDELINES

Procedure: Use this table to select the appropriate ratings:

RATING	DEFINITION OF RATING	GUIDELINES
Yes	Meets expected performance.	Use when all standards required for successful performance are met.
No*	Needs Improvement	Use when performance standards are not met.

HOW TO COMPLETE PERFORMANCE APPRAISAL FORM

Procedure: The rater / supervisor follow these steps in consultation with the reviewer...

STEP	ACTION		
1	Completes "SECTION A: IDENTIFYING INFORMATION," at the top of form if appraisal is originated by department or employee.		
2	Prepares "SECTION B: ITEMIZED CHECKLIST" and "SECTION C: OVERALL RATING" in draft form.		
3	Immediate supervisor discusses evaluation with reviewer.		
4	Immediate supervisor meets and discusses evaluation with employee		
5	Supervisor considers input from employee.		
6	Supervisor makes appropriate changes if necessary.		
7	Employee has option to review for 5 days if necessary.		
8	Employee and Supervisor sign final evaluation		
9	Reviewer reviews final evaluation and then signs.		
10	If employee signs on Appeals line, Supervisor notifies and submits to Sheriff's Personnel.		
11	Reviewer submits evaluation to Sheriff's Personnel mailstop O-41		
12	Orice submitted to Sheriff's Personnel, a copy will be sent to the employee, a copy to Sheriff's Master File and original signed evaluation to the Department of Human Resources. If reviewer changes rating, go back to step 3 above. If employee appeals rating, go to appeal process identified in Human Resources Policy 0805B.		

^{*}See DHR Policy 0805B regarding Performance-Based Step Advancement procedures.



Evaluation for Deputy David Cortez #9739
Second Six Month Probation

Deputy Cortez was assigned to Cpl. Bentz for the extension of his second phase of training and on Day 44 of the second phase of training Deputy Cortez was recommended for advancement to the third phase of training. There were several areas where improvement was needed as noted in the final evaluation for that phase: report writing, preliminary investigations, evidence procedure, department guidelines and enforcement codes.

Deputy Cortez began his third phase of training with Cpl. Klimek on August 23, 2014. This phase documented an initial need for beat orientation, use of the MDC, report writing and investigations. The Cpl. Noted a steady growth with the application of open communication and timely feedback to Deputy Cortez in the form of regularly administered and documented evaluations. Report writing continued to be an area of needed correction until the last day of third phase. Deputy Cortez was recommended to advance to shadow phase.

Deputy Cortez began shadow phase on September 20, 2014 after approved time off for the birth of his child. On September 29, Cpl. Bentz recommended that based on the performance noted, Deputy Cortez be released from phase training for full duty as a patrol Deputy Sheriff.

Deputy Cortez successfully completed his patrol training in Fallbrook during this probation period. He worked in patrol at the Fallbrook Substation until October 14, 2014.

Deputy Cortez was temporarily assigned to the Sheriff's Communications Center during the remainder of this rating period.

03/17/15

072519

