



San Diego County SHERIFF'S DEPARTMENT

NOTICE OF PROPOSED DISCIPLINARY ACTION

TO: William D. Gore		DATE: 6-10-15	
It is recommended that the following disciplinary action be administered to the below named employee:			
EMPLOYEE'S NAME:	Lieutenant Jason Roland	TITLE:	Detentions Lieutenant
DEPARTMENT POLICY AND / OR PROCEDURE SECTION(S) VIOLATED:	2.4 Unbecoming Conduct		
	2.30 Failure to Meet Standards		
	2.41 Departmental Reports		
RECOMMENDED DISCIPLINE:	Suspension without pay for a total of two days		
SECOND LEVEL SUPERVISOR:	Commander Mike Hernandez	DATE:	6-10-15
LIST PRIOR FORMAL DISCIPLINE WITHIN LAST FIVE YEARS WITH DATE			
I have been advised of the above charges and recommended discipline:			
EMPLOYEE'S SIGNATURE:	<i>[Signature]</i>	DATE:	6-10-15
2 nd LEVEL SUPERVISOR SIGNATURE:	<i>[Signature]</i>	DATE:	6-10-15
3 rd LEVEL SUPERVISOR SIGNATURE:	<i>[Signature]</i>	DATE:	6-16-15
COMMENTS:			
REVIEWED BY INTERNAL AFFAIRS:	<i>[Signature]</i> TINA TERESA, SERGEANT	DATE:	6/18/15
4 th LEVEL SUPERVISOR SIGNATURE:	-----	DATE:	
COMMENTS:			
ADDITIONAL REVIEW:	-----	DATE:	
ADDITIONAL REVIEW:	Ed Prendergast, Undersheriff <i>[Signature]</i>	DATE:	8/3/15
ADDITIONAL REVIEW:	William D. Gore, Sheriff <i>[Signature]</i>	DATE:	8/3/15
INTERNAL AFFAIRS SECTION			
<input type="checkbox"/> WRITTEN REPRIMAND BY:		DATE:	
<input checked="" type="checkbox"/> NOTICE OF INTENT AND CHARGES:	<i>[Signature]</i>	DATE:	7/23/15
<input checked="" type="checkbox"/> ORDER SERVED:	Sgt. Det Jill Farris	DATE:	08-05-2015
<input checked="" type="checkbox"/> CIVIL SERVICE NOTIFIED:	M. Alvarez - Admin Sec I	DATE:	08-06-2015
<input checked="" type="checkbox"/> PAYROLL NOTIFIED:	M. Alvarez - Admin Sec I	DATE:	08-06-2-15
FINAL ACTION TAKEN:	TWO (2) DAY SUSPENSION	DATE:	08-03-2015

RELEASED FROM
I.A. FILES
TO: *[Signature]*



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

July 31, 2015

Jason L. Roland
[REDACTED]
[REDACTED]

Dear Lieutenant – Detentions Roland:

ORDER OF SUSPENSION AND CHARGES, CASE #2015-013.1

I hereby order that you be suspended from your position as a Lieutenant – Detentions (Class #5767) in the Sheriff's Department and the Classified Service of the County of San Diego for a period equivalent to two (2) working days, (17 hours) for each and all of the following causes:

CAUSE I

You are guilty of Conduct Unbecoming an Officer as set forth under Section 7.2(m) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.4 – Unbecoming Conduct**, in that: On September 29, 2013, you ordered Deputy Jeff Burns to omit your name from a crime report. As a result, the crime report was submitted incorrectly, leaving the Department susceptible to unnecessary civil liability. You conducted yourself in a manner that brought discredit upon you as an employee of the Sheriff's Department.

CAUSE II

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: On September 29, 2013, you failed to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department by ordering Deputy Jeff Burns to omit your name from a crime report.

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 2.41 – Departmental Reports**, in that On September 29, 2013, you knowingly caused to be entered inaccurate, false, and improper information, and omitted pertinent information from a crime report by ordering Deputy Jeff Burns to omit your name from a crime report.

Keeping the Peace Since 1850



Order of Suspension and Charges IA Case # 2015-013.1
Lieutenant – Detentions Jason Roland #5237
July 31, 2015

CAUSE IV

You are guilty of acts which 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 that set forth under Cause I through III above.

This discipline will be imposed on 9/4/15 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

WDG:ao





San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

June 17, 2015

Jason L. Roland



Dear Lieutenant – Detentions Roland:

NOTICE OF INTENT OF SUSPENSION AND CHARGES, CASE #2015-013.1

Please take notice that it is my intention to recommend to the Sheriff that you be suspended from your position as a as a Lieutenant – Detentions (Class #5767) in the Sheriff's Department and the Classified Service of the County of San Diego for a period equivalent to two (2) working days, (17 hours) for each and all of the following causes:

CAUSE I

You are guilty of Conduct Unbecoming an Officer as set forth under Section 7.2(m) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.4 – Unbecoming Conduct**, in that: On September 29, 2013, you ordered Deputy Jeff Burns to omit your name from a crime report. As a result, the crime report was submitted incorrectly, leaving the Department susceptible to unnecessary civil liability. You conducted yourself in a manner that brought discredit upon you as an employee of the Sheriff's Department.

CAUSE II

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RELEASED FROM
I.A. FILES
TO _____

Notice of Intent of Suspension and Charges IA Case # 2015-013.1
Lieutenant – Detentions Jason Roland #5237
June 17, 2015

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 2.41 – Departmental Reports**, in that On September 29, 2013, you knowingly caused to be entered inaccurate, false, and improper information, and omitted pertinent information from a crime report by ordering Deputy Jeff Burns to omit your name from a crime report.

CAUSE IV

You are guilty of acts which 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 that set forth under Cause I through III 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 7/30/15, 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 your response is unsatisfactory, an Order of Suspension and Charges will be served upon you and the discipline initiated.



Notice of Intent of Suspension and Charges IA Case # 2015-013.1
Lieutenant – Detentions Jason Roland #5237
June 17, 2015

Sincerely,

WILLIAM D. GORE, SHERIFF



Rich Miller, Assistant Sheriff
Detention Services Bureau

WDG:RM:ao



FROM THE OFFICE OF

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**

- NOTICE REGARDING RESTRAINING ORDER DATED**

of which a true copy is attached hereto, by delivering a copy thereof to

JASON ROLAND personally at GEORGE BAILEY on JULY 23, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23 day of JULY, 2015, at SAN DIEGO, California.

[Signature]
Signature of person making personal service

ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 23 day of JULY, 2015.

SIGNED [Signature]

Released from I.A.
Files
To: [Signature]

FROM THE OFFICE OF

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**

- NOTICE REGARDING RESTRAINING ORDER DATED**

of which a true copy is attached hereto, by delivering a copy thereof to

JASON ROLAND personally at GEORGE BAILEY on
AUGUST 5, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

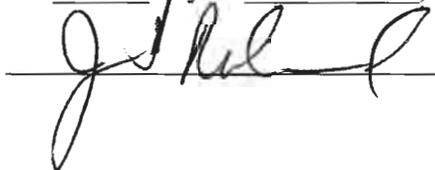
Executed this 5 day of AUGUST, 2015, at SAN DIEGO, California.


Signature of person making personal service

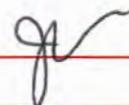
ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 5 day of AUGUST, 2015.

SIGNED 

IA Case# 2015-013.1

Released from I.A.
Files
To: 



RECEIPT OF MATERIALS

EMPLOYEE: Jason Roland [REDACTED] /5237
IA# 2015-013.1

DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Order or Suspension and Charges to Jason Roland dated 07/31/15	8/5/15 JR	8/5/15 [Signature]
Declaration/Acknowledgement of Personal Service		

M.S.
8/3/2015



RECEIPT OF MATERIALS

EMPLOYEE: Jason Roland [REDACTED] /5237
IA# 2015-013.1

DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Notice of Proposed Disciplinary Action to Jason Rollland dated 06/10/2015	<i>[Signature]</i> 7-23-15	<i>[Signature]</i> 7/23/15
Notice of Intent of Suspension and Charges to Jason Roland dated 06/17/2015		
Discipline Recommendation & Rationale to Sheriff William Gore from Commander Michael Hernandez dated 06/04/2015		
Investigative Reports by Sergeant A. Ortiz dated 05/14/2015 and attachments		
Two (2) CD-R		
Skelly Conference Letter to Jason Roland		
Order Not to Disclose Materials to Jason Roland		
Declaration/Acknowledgement of Personal Service		



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

June 4, 2015

TO: William D. Gore, Sheriff
FROM: Michael Hernandez, Commander
Detention Services Bureau
VIA: Chain of Command

Recommendation for Discipline Action – I.A. Case #2015-013.1

Accused: Jason Roland, Lieutenant – Detentions

On May 15, 2015, I was directed to evaluate the attached Internal Affairs Investigation, and to make any necessary disciplinary recommendations. I have since reviewed the entire case, including the attached documents.

I concur with Sergeant Arthur Ortiz' findings and conclusions referencing violations of San Diego County Sheriff's Department Policy and Procedures sections:

- 2.4 - Unbecoming Conduct,
- 2.30 - Failure to Meet Standards,
- 2.41 - Departmental Reports

Recommendations:

I recommend Lt. Jason Roland receive discipline in the form of a suspension equivalent to (2) days.

Rationale:

In the Internal Affairs investigation there is no dispute Lieutenant Roland was involved in a hygiene inspection at the George Bailey Detention Facility on September 29, 2013. There is also no dispute he located a razor blade concealed in a book in a House Four housing module.



According to the Internal Affairs investigation, following the discovery of the concealed razor blade Lt. Roland requested deputy assistance. Deputy Jeff Burns and Deputy Christopher Marshall responded to his request. Lt. Roland did not inform the deputies of his discovery, but instead directed Deputy Burns to search a specific closed book which was located on a top bunk. When Deputy Burns opened the book he located a razor blade which was embedded in the pages.

Lt. Roland then ordered Deputy Burns to omit his name from the required crime report. Deputy Marshall reported he was present when this conversation occurred and heard Lt. Roland tell Deputy Burns to omit his name.

Lt. Roland reported he could not recall the search, the discovery of the razor blade or ordering any deputy to omit his name from a crime report. He did state as a "hands on" lieutenant it would not be unlike him to participate in a module search and if he discovered contraband to direct a deputy to, "handle it."

The investigation identified Lt. Roland had wrongly ordered Deputy Jeff Burns to omit his name from a crime report after he (Roland) discovered a concealed razor blade.

The investigation sustains violation of the following San Diego Sheriff's Policy and Procedures sections:

- 2.4 - Unbecoming Conduct,
- 2.30 - Failure to Meet Standards,
- 2.41 - Departmental Reports

On June 4, 2015, at approximately 1440 hours, I met with Lt. Jason Roland. Prior to our meeting I informed Lt. Roland of his right to an employee representative, which he declined. Lt. Roland was allowed to review the complete and entire investigation, including all attachments.

After reviewing the investigative material, Lt. Roland spoke on his behalf. Lt. Roland said he could not recall this specific incident because of the elapsed time (1 ½ years), but is certain he did not, nor has he ever, given an order for a deputy to falsify a crime report. Lt. Roland explained at times supervisors can say things that can be misinterpreted by employees. He said the phrasing or the delivery of the order can sometimes be misunderstood, and the intent of the order mistaken by the employee.

He believes in this case he must have said something that caused both deputies to believe he did not want his name mentioned in the crime report. He wishes they would have brought their concern to his attention earlier, because it was never his intent to have his name omitted. He believes in this case the two deputies heard his order but did not understand his meaning.

Lt. Roland also explained it has been his practice as a team lieutenant to participate in all laundry exchanges and hygiene inspections. In his opinion, hygiene inspections not only offered a time to identify cleanliness and maintenance issues, but provided an opportunity to search for contraband.



He said as a lieutenant participant it was not his role to search the modules in the same fashion as the deputies, i.e., hands and knees searching under bunks, but instead to search for items that could be found in plain sight. It has been his practice should he discover contraband, to call upon a deputy to complete the required report.

Lt. Roland said because he is an active participant with his team this was not the only razor blade he has discovered. He recalled his team once discovered 13 concealed razor blades during a module search. He said there was a time the facility was discovering so many razor blades during module searches, they actually had to create a magnetic device which detected whether razorblades were being manipulated.

Lt. Roland is remorseful over this incident.

After hearing the information and statement offered during the meeting with Lt. Roland, I failed to find any information that would mitigate the Internal Affairs investigative findings.

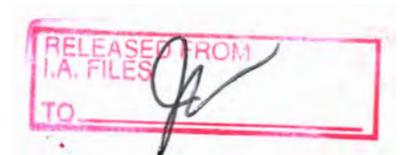
By his own admission, Lt. Roland said he must have said something which led the two deputies to believe he wanted them to omit his name from a crime report after he discovered the concealed razor blade. Although he believes the deputies must have misinterpreted his order, he cannot recall this event, and both deputies formed the same opinion the order from Lt. Roland was to omit his name.

The manner in which the order was conveyed to the two deputies is irrelevant and was not considered in my recommendation. As supervisors it is *our* responsibility to assure employees understand our orders completely and are not be subject to interpretation.

Department policy requires reports submitted by employees to be truthful and complete. In this case, the report submitted by Deputy Burns was truthful as it accurately depicted a razor blade was found concealed in a book during a module search. The report was incomplete however, because it failed to report the razor blade was first discovered by Lt. Roland.

I find the submitted investigation along with the written documents clearly establish the outlined violations of San Diego County Sheriff's Department Policy and Procedures.

In mitigation, by all accounts Lt. Roland is an active participant in module searches, laundry and hygiene inspections as he reported. Searches of this type have a tendency to be unpredictable, dangerous and can often lead to explosive confrontations between inmates and staff. The presence of a supervisor can often minimize conflict and contribute to an orderly process. Most searches are delegated as a sergeant responsibility and do not call upon a lieutenant to be present. Lt. Roland's willingness to proactively participate in these searches demonstrates his commitment to the safety and security of the facility.

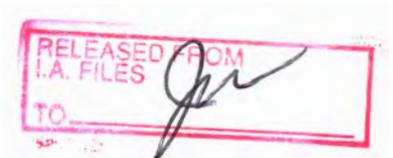


[REDACTED]

I believe the level of proposed discipline is justified, appropriate and should be affirmed.



Michael Hernandez, Commander
Detention Services Bureau



R. Miller
Rich Miller, Assistant Sheriff
Detentions Services Bureau

Approve () Disapprove

Date: 6-9-15

COMMENTS: _____

Ed J. Prendergast
Ed J. Prendergast, Undersheriff

Approve () Disapprove

Date: 8/3/15

COMMENTS: _____

William D. Gore
William D. Gore, Sheriff

Approve () Disapprove

Date: 8/3/15

COMMENTS: _____



From the Office of

INTERNAL AFFAIRS – CONFIDENTIAL

Skelly Conference Letter

IA# 2015-013.1

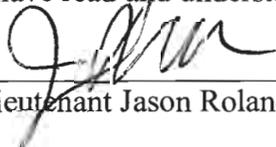
As indicated on the “Notice of Intent” to discipline, which you are receiving, disciplinary action against you is being considered. If you wish to invoke your right to a pre-disciplinary due process hearing on this matter (*Skelly Conference*), you must make the request within five (5) regular business 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.

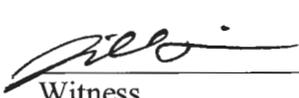
Your Skelly rights are:

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.



Lieutenant Jason Roland

 7/23/15

Witness Date

Released from I.A. Files:

To: 

From the Office of

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.

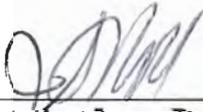
Any unauthorized release of information contained in these documents compromises the confidentiality of your personnel file, and may impede the Department's ability to protect your confidentiality in future discovery motions. This could subject you and the County to unnecessary liability and criticism, 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.

Do not attempt to contact the complainant regarding the allegations, as this could result in future complaints. "Retaliation is prohibited by state and federal law. We advise you to refrain from doing anything that may be construed as retaliation against the complainant or any witness involved in this investigation."

I have received a copy of this order.



Lieutenant Jason Roland

IA# 2015-013.1

Released from I.A. Files:

To:



FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

August 6, 2015

IA# 2015-013.1

TO: Civil Service Commission
FROM: Christine Harvel, Lieutenant
Internal Affairs Unit (O41)

ORDER OF SUSPENSION AND CHARGES – Jason Roland

The Order of Suspension and Charges dated July 31, 2015, filed against Jason Roland has been received by the Civil Service Commission on: _____
Date

Commission 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.



Christine Harvel, Lieutenant
Internal Affairs Unit
(858) 974-2065

Attachment



THE OFFICE OF
INTERNAL AFFAIRS
CONFIDENTIAL



August 6, 2015

IA# 2015-013.1

TO: James Madsen, Captain
George Bailey Detention Facility (S354)

FROM: Christine Harvel, Lieutenant
Internal Affairs Unit (O41)

DISCIPLINE OF LIEUTENANT JASON ROLAND [REDACTED]/5237

Lieutenant Jason Roland has been **suspended** for a period of two (2) working days (17 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 September 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: Rich Miller, Assistant Sheriff
Mike Hernandez, Commander
Anthony Ray, Captain
Sosha Thomas, SDHRO

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs Unit



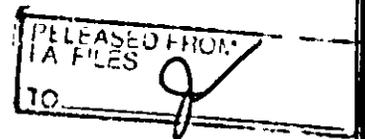
INTERNAL AFFAIRS CASE #2015-013.1

ACCUSED EMPLOYEE: Jason Roland, Lieutenant - Detentions

COMPLAINANT: SDSO

INVESTIGATOR: Sergeant Arthur Ortiz

CONFIDENTIAL



FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

May 14, 2015

TO: Mike Hernandez, Commander
Detention Services Bureau (Area 3)

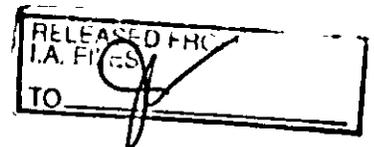
FROM: Christine Harvel, Lieutenant
Internal Affairs Unit (O41)

INTERNAL AFFAIRS CASE # 2015-013.1

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

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

Signed M. Hernandez Date 6-8-15
Mike Hernandez, Commander





SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

(Internal Affairs Unit)

CASE NUMBER: 2015-013.1

ACCUSED EMPLOYEE: Jason Roland, Lieutenant - Detentions

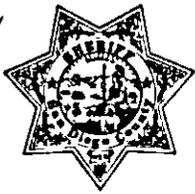
COMPLAINANT: SDSO

INVESTIGATOR: Sergeant A. Ortiz

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- A. Complaint Form and Attachments
- B. Synopsis, Analysis, Conclusions, and Findings by Sergeant A. Ortiz
- C. Witness List and Investigation by Sgt. A. Ortiz
- D. NetRMS Crime/Incident Report 13150052
- E. GBDF Team Three Shift Deployment dated September 29, 2013

TO: 



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



William D. Gore, Sheriff

COMPLAINT FORM

2015-013.1

PLEASE PRINT OR TYPE

COMPLAINANT'S NAME Department Originated		DATE OF BIRTH	HOME PHONE
COMPLAINANT'S ADDRESS		CITY	ZIP CODE
LOCATION OF INCIDENT GBDF		CITY	DATE AND TIME OF INCIDENT
NAME(S) OF SHERIFF'S PERSONNEL Lt. Jason Roland			
BRIEF NARRATIVE OF COMPLAINT It is alleged Lt. Jason Roland instructed a deputy under his command to omit information on a crime report.			
Refer to Case# 13150052			
			CONTINUED ON ADDITIONAL SHEETS <input type="checkbox"/>

149.6 P.C. ADVISORY STATEMENT: YOU HAVE THE RIGHT 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 RIGHT 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

EMPLOYEE RECEIVING COMPLAINT: Internal Affairs

Received in Internal Affairs FEB 04 2015

RECEIVED IN I.A. BY:

- IN PERSON
- U.S. MAIL
- MESSENGER MAIL
- OTHER: email .

NATURE OF COMPLAINT: Conduct Unbecoming
 ASSIGN TO: Sergeant-Detentions A. Ortiz

I.A. CASE #
2015-013.1

RELEASED FROM
I.A. FILES

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

February 12, 2015

IA# 2015-013.1

NOTICE OF INVESTIGATION ASSIGNMENT TO INTERNAL AFFAIRS INVESTIGATOR

TO: Commander Hernandez
Detention Services Bureau – Area 3

FROM: Christine Harvel, Lieutenant
Internal Affairs Unit (O41)

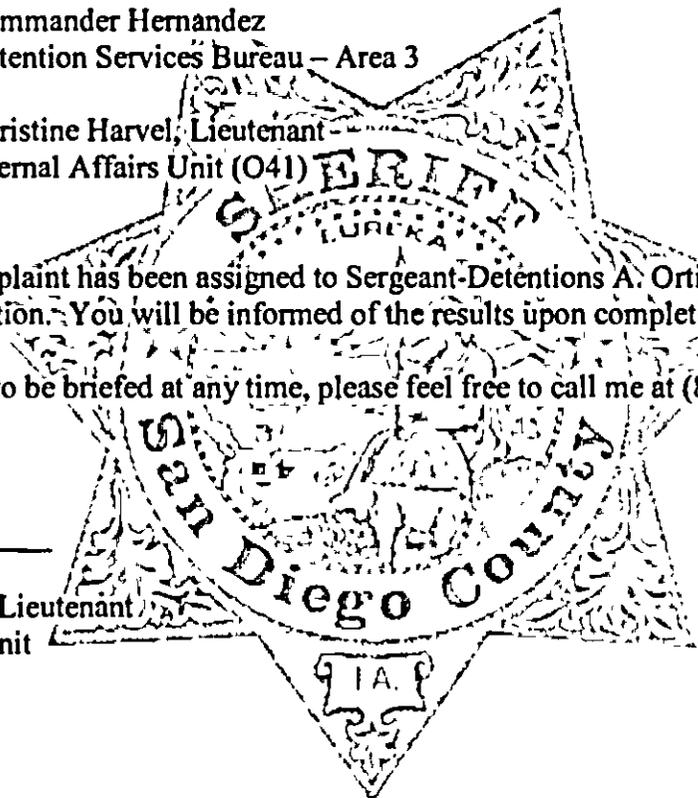
The attached complaint has been assigned to Sergeant-Detentions A. Ortiz of the Internal Affairs Unit for investigation. You will be informed of the results upon completion of the investigation.

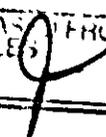
Should you wish to be briefed at any time, please feel free to call me at (858) 974-2065.

Thank you.


Christine Harvel, Lieutenant
Internal Affairs Unit

CH:pgl



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TO: 

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

Date: February 10, 2015
Complainant: SDSO
Date of Incident: 09-29-2013
Location of Incident: GBDF
Allegation: **Conduct Unbecoming**
Case No: 2015-013.1

TO: Lieutenant-Detentions Jason Roland #5237
George F. Bailey Detention Facility (S354)

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-DETENTIONS A. ORTIZ 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



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2015 – 013.1

DATE: May 14, 2015

COMPLAINANT: SDSO

INVESTIGATOR: Sergeant A. Ortiz

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

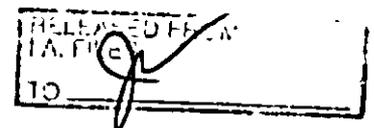
On September 29, 2013, Deputy Jeff Burns completed a NetRMS report stating HE discovered a razor blade on an inmate's bunk at the George Bailey Detention Facility. The complaint against the inmate was filed, with a Preliminary Hearing date of January 6, 2015. Prior to the court hearing, Deputy Burns stated to the Deputy District Attorney he was ordered by his Watch Commander, Lt. Jason Roland, to omit his name from the NetRMS report.

Deputy Burns stated he was in a separate housing cell when he was called to another cell by Lt. Roland. He was directed by Lt. Roland to search a specific book located on the top bunk of that cell, which resulted in Deputy Burns finding the razor blade. During the course of finding the razor blade, Lt. Roland ordered Deputy Burns not to mention his name in the report.

ANALYSIS AND CONCLUSIONS

This allegation was first discovered during the Preliminary Hearing on January 6, 2015. Deputy Burns stated during two interviews he brought the report's discrepancy to the Deputy District Attorney's attention before the court proceedings. He stated Lt. Roland was present during in the inmate cell when the razor blade was found. Lt. Roland questioned Deputy Burns about how he was going to proceed after finding the razor blade. After being told by Deputy Burns a crime report was going to be completed, Lt. Roland ordered Deputy Burns to omit his name from the report.

One of a Detentions Lieutenant's many responsibilities as a Watch Commander is to manage and oversee the performance of a team of sergeants and deputies. As such, a Watch Commander must ensure all evidence and crime report procedures are adhered to by everyone, including themselves. Failure to achieve these legal and department standards could lead to liability concerns.



As to the allegation Lt. Jason Roland ordered Deputy Jeff Burns to omit his name from a NetRMS report.

Deputy Burns stated during his interviews he found it odd Lt. Roland did not want his name listed in the crime report.

AO: *When Lt. Roland told you, "Hey, make sure you search THAT book," did it, did any hairs perk up? Did you feel uncomfortable? Did you feel anything like, "Hmm, why would he do that"?*

JB: *Yeah, when he asked me to do that, I thought it was a little strange.*

AO: *Did you, uh, and you never said, "Why that book?" Did you ever question him at all?*

JB: *I did not.*

AO: *Because?*

JB: *I, I...*

AO: *Following orders?*

JB: *I suppose I just didn't really think of it. Uh, acting on it, like kind of questioning him, I just kind of did what he told me, yeah, just following orders.*

During his Detentions Investigation Unit interview, Deputy Burns stated he could not recall a supervisor ever telling him to omit their name from reports. He also believed Lt. Roland's motivation for wanting his name omitted was to not have to appear in court. Last, Deputy Burns stated he recalled the incident clearly because he completed the crime report.

During his Internal Affairs interview, Deputy Marshall stated he was present when Lt. Roland told Deputy Burns to search a specific book.

AO: *So, Lt. Roland, did you see him talk to Deputy Burns about searching a certain, specific book?*

CM: *Yes.*

AO: *Do you know what book it was?*

CM: *I can't remember the title of book.*

AO: *Do you remember what specifically Lt. Roland told Deputy Burns?*



CM: *Um, I believe he told him to open the book and see if there was something inside the book. I believe that's what it was at the time?*

Deputy Marshall believed it was odd for Lt. Roland to tell Deputy Burns to search a specific book. He also recalled hearing Lt. Roland order Deputy Burns to omit Lt. Roland's name from the crime report.

AO: *Okay, Do you recall Lt. Roland telling Deputy Burns "Don't put my name in the report?"*

CM: *Yes, yes I do.*

AO: *Okay, do you know what the context was of that conversation, or why he told him that?*

CM: *Um, not exactly. I kind of remember, um, Lt. just telling Burns, that, you know it's like, um, "When you do the report just don't mention my name in it" or something to that effect, "Don't my name in the report", or something like that.*

AO: *And that seemed weird?*

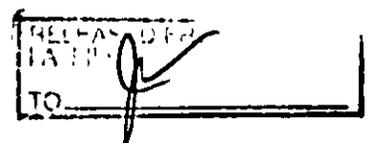
CM: *Yeah, well being the supervisor, you know, I guess I could kind of understand at the time, you know, it's kind of, they don't really, you don't get involved in those areas, you know, it's more on the deputies on the floor.*

During both interviews, Lt. Roland was adamant he had no recollection of the hygiene inspection on September 29, 2013. However, he acknowledged he was there after seeing photographs attached to the crime report, stating *"That's me."* The photographs show Lt. Roland's hands holding an open book.

Lt. Roland stated during his Detentions Investigation Unit interview, it would not be unusual for him to *"flip through the book"* and find contraband, then call a deputy and have them search the book. He stated he normally enters the modules and conducts cursory searches in the cells, but does not complete formal searches. He admitted during that interview it was possible he found the razor blade and had Deputy Burns search the book where it was located. However, he did not remember telling Deputy Burns to not include his name in the report.

During his Internal Affairs interview, Lt. Roland stated, *"I mean, I may have said something like that, but it would have been in jest. I would never have ordered someone to omit me or that fact from a report. If he would come to me, and I know he's got a year on, but if he would have come to me and said, "Hey, um, do you mind if I take your statement, or do you mind do that" I wouldn't have hesitated."* He acknowledged with two deputies maintaining they heard him tell Deputy Burns to omit his name, *"They obviously heard me say something that alluded to that."*

Lt. Roland stated he had previously found contraband while conducting cursory looks in the cells. He had never previously written crime reports, instead having deputies write the crime report.



AO: *So, before I go into the next question, when you tell a deputy to write your report, "hey I found this razor blade; make sure you write a crime report", do you tell them, "make sure you list me as a witness?"*

JR: *I have never said that.*

AO: *Would you hope they did?*

JR: *Um, yeah, if relevant. I honestly didn't think it was that big of a deal, you know, and that's where some learning comes in here in this case. Typically, yeah, I'll call them and say "hey you might want to look under the bunk" or "look here" and they find something. I don't know, I just...*

AO: *But if you find something, have you ever told them "I'm a witness; make sure I'm in the report?"*

JR: *I have not said that.*

Lt. Roland stated he has never directed a deputy to omit his name from a crime report.

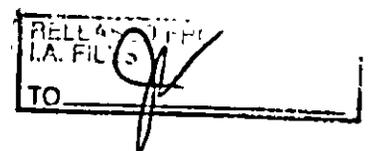
BN: *Conversely, do you typically tell them "don't include me in the report"?*

JR: *I don't, I don't say that either. Art knows me; you don't know me that well. I typically get pretty light-hearted with the deputies, and maybe sometimes to a fault, I'll acknowledge that. It's all in an effort to have a good rapport, a good working relationship, and you know, I do try to maintain that supervisory separation. But at the same time, I try to be light-hearted and joke around to some degree, and I could see myself saying something like what has been brought up in this case, but not as an order. The direct phrase, "don't put me in the report", I can't see myself every saying that. Saying something light-hearted as "yeah I didn't want to write a report, I don't want to go to court" or something like that, something that has been brought up in the DIU interview. I could see myself joking about something like that.*

The following San Diego Sheriff's Department Policy sections would be applicable to the allegation listed above:

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; 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.

2.41 DEPARTMENTAL REPORTS

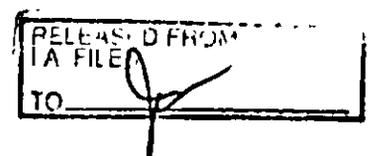
Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete; no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, nor omit pertinent information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

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.*"

Upon the conclusion of my investigation, I found Lt. Roland made a comment to Deputy Burns that led Deputy Burns to believe he was to omit Lt. Roland's name from the crime report. Deputies Burns and Marshall did not physically see Lt. Roland find the razor blade in the inmate's cell. However, both deputies found it odd that he would direct Deputy Burns to search a specific book.

Deputies Burns and Marshall were certain they heard Lt. Roland make a statement to omit his name. Even if made in jest, the two deputies believed the statement to be significant enough to follow through on the order.

I found Lt. Roland to be honest in his belief he *would never have ordered someone to omit* him from any report. However, lightheartedly telling deputies he did not want to write a crime report because "*I don't want to write one. I don't want to go to court,*" leaves him open to giving unclear direction to his subordinates. There is also the potential for this Department to be exposed to unnecessary civil liability because of his communication methods.



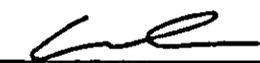
FINDINGS

This complaint against Lt. Jason Roland is **SUSTAINED** as it relates to Sheriff's Policy and Procedures **Section 2.4 – Unbecoming Conduct** in that: On September 29, 2013, Lt. Jason Roland ordered Deputy Jeff Burns to omit his name from a crime report. As a result, the crime report was submitted incorrectly, leaving the Department susceptible to unnecessary civil liability and reflects discredit upon him as a member of this Department.

This complaint against Lt. Jason Roland is **SUSTAINED** as it relates to Sheriff's Policy and Procedures **Section 2.30 – Failure to Meet Standards** in that: On September 29, 2013, Lt. Jason Roland failed to perform his duties and assume the responsibilities of his position by ordering Deputy Jeff Burns to omit his name from a crime report. He failed to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department by ordering the omission of his name from a crime report.

This complaint against Lt. Jason Roland is **SUSTAINED** as it relates to Sheriff's Policy and Procedures **2.41 – Departmental Reports** in that: On September 29, 2013, Lt. Jason Roland knowingly caused to be entered inaccurate, false, and improper information, and omitted pertinent information from a crime report by ordering Deputy Jeff Burns to omit his name from a crime report.

Submitted by:  05-14-15
Arthur Ortiz, Sergeant Date

Approved by:  5/14/2015
Christine Harvel, Lieutenant Date

CH:ao



WITNESS LIST

Case #2015-013.1

NAME	ADDRESS	TELEPHONE
Jeff Burns Deputy	325 S. Melrose Drive, Ste. 200 Vista CA 92081 – 6696	[REDACTED]
Christopher Marshall Deputy	446 Alta Road, Ste. 5300 San Diego CA 92158 – 0002	[REDACTED]

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2015-013.1

DATE: May 14, 2015

COMPLAINANT: SDSO

INVESTIGATOR: Sergeant A. Ortiz

INVESTIGATION

On February 12, 2015, Lieutenant Harvel assigned this complaint to me for investigation. I received the complaint form and accompanying documents (Attachment A) as part of the investigation. This complaint was department generated. The complaint alleges "*Lieutenant Jason Roland instructed a deputy under his command to omit information on a crime report.*" As part of my investigation, I printed and reviewed a copy of NetRMS Case Number 13150052 authored by Deputy Jeff Burns #1264, dated September 29, 2013 (Attachment D). I also printed a copy of the George Bailey Detention Facility (GBDF) Team Three deployment for September 29, 2013 (Attachment E).

The NetRMS case described a razor blade found at GBDF on September 29, 2013, during a hygiene inspection in one of the inmate housing modules. Deputy Burns detailed how he discovered the razor blade in an inmate housing cell, along with the steps taken afterwards. A follow-up report, NetRMS Case Number 13150052.2, is authored by Deputy Ernesto Banuelos of the Detentions Investigations Unit. The report is dated October 17, 2013.

The San Diego County District Attorney's Office filed a court case against the inmate, with the case going to Preliminary Hearing on January 6, 2015. Prior to the court hearing, Deputy Burns stated to the Deputy District Attorney he was ordered by Lt. Roland to omit his (Lt. Roland) name from the NetRMS report. Deputy Burns stated he was in a separate housing cell when he was called to another cell by Lt. Roland. He was directed by Lt. Roland to search a specific book located on the top bunk of that cell, which resulted in Deputy Burns finding the razor blade.

Lt. Roland asked Deputy Burns what he was going to do with the razor blade, to which Deputy Burns responded he was going to write a crime report. Lt. Roland ordered Deputy Burns not to mention his name in the report. Deputy Burns did not actually see Lt. Roland find the razor blade. The Deputy District Attorney directed the Detentions Investigations Unit to conduct follow-up interviews with Deputy Burns and Lt. Roland to determine who actually found the razor blade.



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

Prior to conducting my interviews, I listened to the follow-up interviews with Lt. Roland and Deputy Burns, in order to gauge other follow-up questions. Lt. Roland was interviewed by Detentions Investigations Unit detectives on January 14, 2015. During the interview, Lt. Roland did not recall the incident. However, when shown photographs of a man's hand holding the book which Deputy Burns found the razor blade, he stated, "*That's me.*"

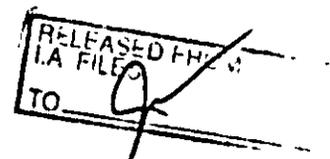
He stated it was possible he found the razor blade during the inspection; however, he had no recollection of finding the razor blade. He stated he normally enters inmate housing modules during inspections to walk through cells and do a cursory search, to "*kinda pick through things.*" However, he does not complete a thorough search, and the cell would not be considered as completed until the deputies search it. He stated if deputies find contraband and he is in the housing module, he normally enters the cell to see what was found. Lt. Roland did not recall telling Deputy Burns to omit his name from the report, nor has he ever done that previously.

Deputy Burns stated during his follow-up interview with the Detentions Investigations Unit he was searching a separate cell when he heard Lt. Roland ask someone to search a cell that he was standing in. Deputy Burns responded to the cell and joined Lt. Roland as they entered the cell together. Lt. Roland instructed Deputy Burns to look inside a specific book, where he located the razor blade. When Lt. Roland asked him what he was going to do with the razor blade, Deputy Burns stated he was going to complete a crime report. Lt. Roland told Deputy Burns to omit his name from the report. Lt. Roland assisted Deputy Burns with photographing the razor blade by holding different articles while the photographs were taken.

Deputy Burns stated he could not recall a supervisor ever telling him to omit their names from reports. He also believed Lt. Roland's motivation for wanting his name omitted was to not have to appear in court. Last, Deputy Burns stated he recalled the incident clearly because he completed the crime report.

All of the interviews conducted in this investigation were digitally recorded and will be maintained with the Internal Affairs case file. The following statements are in essence synopses of the interviews. For exact and complete details of the interviews, please refer to the recordings.

Prior to questioning, all interviewed employees had an opportunity to review the San Diego County Sheriff's Department Rules of Conduct as they pertain to Insubordination (2.15), Intervention (2.38), Departmental Reports (2.41) and Truthfulness (2.46). All affirmed their understanding of each rule and their obligation to adhere to them.



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

STATEMENT OF WITNESS – DEPUTY JEFF BURNS

On April 22, 2015, at 0512 hours, I interviewed Deputy Jeff Burns. The interview was held in the Security Sergeant's Office at the Vista Detention Facility. The interview was recorded and there were no other persons present. A synopsis of this interview follows.

Prior to this interview I asked Deputy Burns to review the four Rules of Conduct applicable to Internal Affairs investigations: Insubordination, Intervention, Department Reports and Truthfulness. Deputy Burns understood the rules and was willing to follow procedures.

Deputy Burns has been employed with the San Diego County Sheriff's Department for approximately three years. He is currently assigned to the Vista Detention Facility since September 2014. He was assigned to Team Three at the George Bailey Detention Facility on September 29, 2013.

We began to discuss the complaint as written. He recalled working that day in House Four during a hygiene inspection. He stated the follow-up interview with the Detentions Investigations Unit was truthful.

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

AO: Art Ortiz (Investigator)

JB: Jeff Burns (Witness)

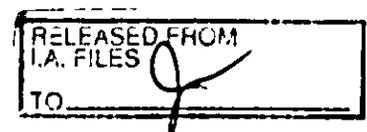
The following is an attempt to accurately document this portion of the interview:

AO: *You stated during the interview that there were two other deputies that actively participated in that hygiene inspection, you and two other deputies, and I know you named them. Um, did either of those deputies ever join you when you searched the cell in which you found the razor blades?*

JB: *Deputy Marshall (Christopher Marshall) was present when I was searching the cell.*

AO: *Was he present when you found the razor blade?*

JB: *I believe he was.*



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Investigation
May 14, 2015

Deputy Burns could not recall if Deputy Marshall was present when Lt. Roland told him to search the book. However, Deputy Marshall told him during the preliminary court proceedings that he was present when the razor blade was found.

We began to discuss Lt. Roland's motivation for not wanting his name being in the crime report.

AO: *When Lt. Roland told you, "Hey, make sure you search THAT book," did it, did any hairs perk up? Did you feel uncomfortable? Did you feel anything like, "Hmm, why would he do that"?*

JB: *Yeah, when he asked me to do that, I thought it was a little strange.*

AO: *Did you, uh, and you never said, "Why that book?" Did you ever question him at all?*

JB: *I did not.*

AO: *Because?*

JB: *I, I...*

AO: *Following orders?*

JB: *I suppose I just didn't really think of it. Uh, acting on it, like kind of questioning him, I just kind of did what he told me, yeah, just following orders.*

Deputy Burns stated he did not mention Lt. Roland's order to his (Burns) supervisor when the crime report was submitted or at any other time. The first mention of the order was at the preliminary court proceedings.

He stated he believed he had a good working relationship with Lt. Roland, stating, *"I mean I thought when I was there we would talk and joke, he was friendly, and just a good lieutenant and everyone was normal."*

At the conclusion of the interview, I ordered Deputy Burns not to discuss the interview I had with him or with anyone else. Doing so could subject him to discipline, up to and including termination. Deputy Burns said he understood. The interview was concluded at 0524 hours.



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

STATEMENT OF WITNESS – DEPUTY CHRISTOPHER MARSHALL

On April 22, 2015, at 0708 hours, I interviewed Deputy Christopher Marshall in the Administrative Conference Room located at the George Bailey Detention Facility. The interview was recorded and there were no other persons present. A synopsis of this interview follows.

Prior to this interview I asked Deputy Marshall to review the four Rules of Conduct applicable to Internal Affairs investigations: Insubordination, Intervention, Department Reports and Truthfulness. Deputy Marshall understood the rules and was willing to follow procedures.

Deputy Marshall has been employed with the San Diego County Sheriff's Department for approximately seven years. He is currently assigned to Team Three at the George Bailey Detention Facility, and recalled working on September 29, 2013.

We discussed the complaint as alleged. Deputy Marshall recalled working that day in House Four during a hygiene inspection. He stated Lt. Roland was the Watch Commander that day and was present in the housing module.

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

AO: Art Ortiz (Investigator)

CM: Christopher Marshall (Witness)

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

AO: *Did you see him (Lt. Roland) go into Cell 121 by himself?*

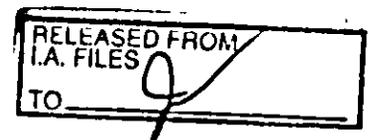
CM: *No, I did not. I was inspecting one of the other cells. I did not come out until he called Deputy Burns.*

AO: *So, when Deputy Burns went in, you didn't go at that time, you went a little bit later?*

CM: *Just a little bit after.*

AO: *So, Lt. Roland, did you see him talk to Deputy Burns about searching a certain, specific book?*

CM: *Yes.*



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

AO: *Do you know what book it was?*

CM: *I can't remember the title of book.*

AO: *Do you remember what specifically Lt. Roland told Deputy Burns?*

CM: *Um, I believe he told him to open the book and see if there was something inside the book. I believe that's what it was at the time?*

AO: *Do you know why he asked him that? Do you know why Lt. Roland asked Deputy Burns that?*

CM: *Not specifically, no.*

Deputy Marshall stated he believed the order to search a specific book to be out of the ordinary because it was a hygiene inspection, rather than a more invasive unscheduled inmate cell search. Hygiene inspections are conducted for cleanliness and sanitation, while inmate cell search purposes include preventing violence or controlling contraband.

AO: *So this was unusual that he said, "Hey search", and he said "That book."*

CM: *Yeah.*

AO: *Did you ever hear Lt. Roland ask Deputy Burns what he was going to do with that razor blade?*

CM: *No, I don't recall.*

AO: *Did you ever hear him say "Hey what are you going to do, are you going to write a crime report?"*

CM: *I can't remember if he specifically asked that question.*

AO: *Did you hear Deputy Burns tell Lt. Roland "I'm going to write a crime report?"*

CM: *Uh, (unintelligible) it's standard procedure to find something...*

AO: *Did you hear Deputy Burns tell Lt. Roland?*

CM: *Uh, honestly I can't say for sure. I can't recall exactly.*



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

AO: *Okay, Do you recall Lt. Roland telling Deputy Burns "Don't put my name in the report?"*

CM: *Yes, yes I do.*

AO: *Okay, do you know what the context was of that conversation, or why he told him that?*

CM: *Um, not exactly. I kind of remember, um, Lt. just telling Burns, that, you know it's like, um, "When you do the report just don't mention my name in it" or something to that effect, "Don't my name in the report", or something like that.*

AO: *And that seemed weird?*

CM: *Yeah, well being the supervisor, you know, I guess I could kind of understand at the time, you know, it's kind of, they don't really, you don't get involved in those areas, you know, it's more on the deputies on the floor.*

AO: *But if you're a finder of evidence, it's your responsibility to put your name in, right?*

CM: *Yes.*

I clarified what Deputy Marshall was doing at the time he heard Lt. Roland direct Deputy Burns to omit his name from the crime report. Deputy Marshall confirmed he was present in the cell, but was not actively searching the cell. Deputy Marshall also established he was at the preliminary court hearing but did not discuss the case with the Deputy District Attorney. He also confirmed no one else was in the cell at the time.

At the conclusion of the interview, I ordered Deputy Marshall not to discuss the interview I had with him or with anyone else. Doing so could subject him to discipline, up to and including termination. He said he understood. The interview was concluded at 0720 hours.

STATEMENT OF ACCUSED – LIEUTENANT JASON ROLAND

On April 22, 2015, at 1459 hours, I interviewed Lieutenant Jason Roland in the Internal Affairs Conference Room located at 9621 Ridgehaven Court, San Diego, California. Present during this interview was Sergeant Brian Nevins from Internal Affairs. Lt. Roland said he understood his right to have a representative present and declined. The interview was recorded and a synopsis of this interview follows.



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

Prior to this interview, I afforded Lt. Roland the opportunity to read and review the complaint form. I also had previously provided him a compact disc in order to listen to his previous interview with the Detentions Investigations Unit.

Lt. Roland was given the opportunity to read the four Rules of Conduct as it relates to Insubordination, Intervention, Department Reports and Truthfulness. He indicated he understood the policies, and would adhere to them. He also understood this interview was being recorded.

I read Lt. Roland the Garrity Warning, from a printed form and ordered him to answer my questions fully and truthfully. Lt. Roland said he understood the admonition, and as a result of the order, I obtained the following statement.

Lt. Roland has been employed with the San Diego Sheriff's Department approximately 25 years and is currently assigned to the George Bailey Detention Facility as the Team Three Watch Commander. He recalled working on September 29, 2013. However, he did not recall a hygiene inspection being conducted.

After synopsising the complaint form and the assigned deputies in House 4 on that date, Lt. Roland stated he had no specific memory of the inspection. However since being interviewed by the Detentions Investigations Unit, *"So that caused me to afterwards put more thought into it and, and, um, so no I don't have any specific recollection of that hygiene inspection. So, although I have thought more about it after the fact. So I'm not sure what questions you have. I'll do my best to answer them."*

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

AO: Art Ortiz (Investigator)

BN: Brian Nevins (Investigator)

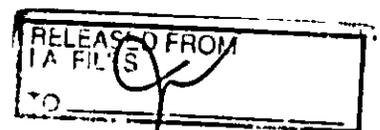
JR: Jason Roland (Accused)

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

AO: *So, after that, you thought more about, did you, after thinking about it, did you recall going in that cell?*

JR: *No, still to this day I don't have specifically recollection of that hygiene inspection that day.*

AO: *You just thought it more, but nothing more came out?*



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Investigation
May 14, 2015

JR: *Right, I mean, um, I've read the report, so obviously reading the report, I know what happened. I don't dispute what happened.*

AO: *Okay, on his report.*

JR: *Right.*

I explained how Deputy Burns articulated the circumstances surrounding the finding of the razor blade to the Deputy District Attorney. I also disclosed Deputy Marshall's recollection of being in the cell as well and hearing Lt. Roland's order to omit his name from the crime report.

I asked Lt. Roland if he knew of any reason the deputies would state he ordered the omission. He explained *"maybe they heard me say something to that effect. You know, like I said, after the interview, and after thinking that maybe my actions blew this case, um, ultimately they didn't, thank God. He was convicted for the razor. But, so I started to question how I do things, and so I put some thought into it."* He went to explain how cell searches were conducted at least once per pay period. He also stated, *"I'm a hands-on Lieutenant, and I can look at the deployment that day and they were working with two deputies on the floor. It's not beneath me to go and help deputies do their job."* He stressed this to mean he would enter cells and do cursory, surface searches in the cell, looking for *"contraband, cleanliness, maintenance issues, and the overall condition."*

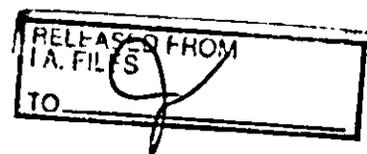
JR: *So, I'll do like a surface look through things. And if I find something, whether it's pruno, or whether it's something in plain sight, or some contraband, I'll typically call a deputy over, "hey I got something right here," you know, "can you handle this?" Um, on that particular day I don't have a recollection, but the question you asked me is why would they say that? I joke around sometimes, more than I should. I feel like I have a good rapport with my deputies, and I might have said, and this is just going off my nature, how I am, it's not how I, my memory of the incident. But, it wouldn't be unusual for me to say something like,*

"Hey so what are going to do with this?"

"Oh I'm gonna write a report."

"Oh good, 'cause I don't want to write one. I don't want to go to court."

I mean, I may have said something like that, but it would have been in jest. I would never have ordered someone to omit me or that fact from a report. If he would come to me, and I know he's got a year on, but if he would come to me and said, "Hey, um, do you mind if I take your statement, or do you mind do that" I wouldn't have hesitated. So I don't know if I answered your question, but I guess that's probably why they would have done it. I



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Investigation
May 14, 2015

mean if you've got two deputies saying that I told them not to put my name in a report, they obviously heard something. They obviously heard me say something that alluded to that.

Lt. Roland continued to say he could not deny the incident because he could not recollect it. He also stated he has personally found contraband before.

AO: *Did you ever find anything personally?*

JR: *That's what I'm saying. I regularly found stuff.*

AO: *So on those times that you regular stuff, did you have them, obviously some report is written, correct?*

JR: *That's right, whether it's an RVR (rule violation report) or a crime report, or...*

AO: *So if there was ever a crime report, would you have been in those reports, as a finder of evidence?*

JR: *Um, I don't know what they wrote. I honestly don't, I don't review the crime reports.*

AO: *Okay, that's a question I'll ask later.*

JR: *Okay.*

AO: *Okay, so you don't recall if you've been in any other crime reports. You've never been subpoenaed?*

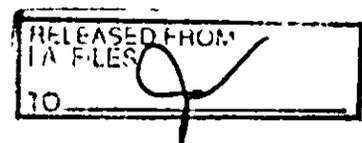
JR: *No I haven't.*

I rehashed Lt. Roland's Watch Commander duties as they relate to inspections and crime reports. He reiterated he normally enters the modules and conducts surface looks in the cells, but does not complete formal searches. He also stated he has previously found contraband when performing surface looks in cells.

AO: *So when you find them, have you personally ever written any type of report when finding contraband?*

JR: *No I have not.*

AO: *And, this is you said you would have a deputy to write it, correct?*



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

JR: *That's right.*

AO: *So, before I go into the next question, when you tell a deputy to write your report, "hey I found this razor blade; make sure you write a crime report", do you tell them, "make sure you list me as a witness?"*

JR: *I have never said that.*

AO: *Would you hope they did?*

JR: *Um, yeah, if relevant. I honestly didn't think it was that big of a deal, you know, and that's where some learning comes in here in this case. Typically, yeah, I'll call them and say "hey you might want to look under the bunk" or "look here" and they find something. I don't know, I just...*

AO: *But if you find something, have you ever told them "I'm a witness; make sure I'm in the report?"*

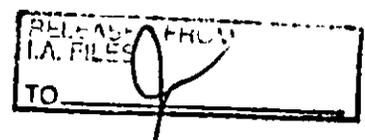
JR: *I have not said that.*

AO: *Okay.*

BN: *Conversely, do you typically tell them "don't include me in the report"?*

JR: *I don't, I don't say that either. Art knows me; you don't know me that well. I typically get pretty light-hearted with the deputies, and maybe sometimes to a fault, I'll acknowledge that. It's all in an effort to have a good rapport, a good working relationship, and you know, I do try to maintain that supervisory separation. But at the same time, I try to be light-hearted and joke around to some degree, and I could see myself saying something like what has been brought up in this case, but not as an order. The direct phrase, "don't put me in the report", I can't see myself ever saying that. Saying something light-hearted as "yeah I didn't want to write a report, I don't want to go to court" or something like that, something that has been brought up in the DIU interview. I could see myself joking about something like that.*

Sgt. Nevins asked Lt. Roland if he believed the two deputies were familiar with his "light-heartedness". He stated Deputy Marshall would be more likely to understand his ways.



Internal Affairs Case #2015-013.1
Investigation
May 14, 2015

I asked Lt. Roland if he normally reviewed any crime reports that are submitted for approval. He stated he only reviews use of force crime reports. The sergeants assigned to his team review other crime reports. He also had no set method of reviewing crime reports to see if he was listed as a witness or finder of evidence.

At the conclusion of the interview, as an agent of the Sheriff, I ordered Lt. Roland not to discuss the interview I had with him or with anyone else. Doing so could subject him to discipline, up to and including termination. He said he understood. The interview was concluded at 1522 hours.

Submitted by: Arthur Ortiz 05-14-15
Arthur Ortiz, Sergeant Date

Approved by: Christine Harvel 5/14/2015
Christine Harvel, Lieutenant Date

CH:ao

RELEASED FROM
17 FILES
TO: J



San Diego County Sheriff's Department Crime/Incident Report

CAD Event No: E1135148

Case No. 13150052

Primary Victim: State of California

Report No. 13150052.1

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GENERAL CASE INFORMATION

Primary Charge 4502 (A) - PC - PRISONER POSS WEAPON (F)		Related Cases
Special Studies		
Location, City, State, ZIP: 446 Alta Rd, Suite 5300, San Diego, CA 92158		Occurred On: 09/29/2013 08:22:00 (Sunday)
Jurisdiction: DETENTION FACILITY - GEORGE F. BAILEY DF	Beat: 029	Call Source: DEPUTY
Means: 07 - Concealed Goods		Motives:

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 4502 (A) - PC - PRISONER POSS WEAPON (F)	Level: F	Against: SO	Completed?: Yes	Counts	Using:
Location Type: 15 - Jail/Prison	Hate/Bias: 88 - None (No Bias)	Domestic Violence: No		Point of Entry	
Criminal Activity: P - Possessing/Concealing	Type Security	Gang Related: No	Entry	Point of Entry	
Weapons/Force: 20 - Knife/Cutting Instrument (Icepick, Ax, Etc.)	Tools	Targets:			

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

Suspect #1



Name:	County Residence	Interpreter Language
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ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:		Res. Country	Place of Birth:	Undocumented:				
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Hair Style:	Hair Length:	Built:	Teeth:	Suspected User				
Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:					

CONTACT INFORMATION:

Type: HP - Home Phone	Number/Address:
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IDENTIFICATION

Type:	Number:	State:
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RELEASED FROM
CIVIL FILES
TO

Reporting Officer: SH1264 - BURNS, JEFF	Division / Organization: George Bailey Detention Facility	Reviewed By: SH3632 - FROISTAD, ERIC
Report Date: 9/29/2013 11:25:00 AM	Detective Assigned: SH2906 - BANUELOS, ERNESTO	Reviewed Date: 10/03/2013 10:24:59



San Diego County Sheriff's Department Crime/Incident Report

CAD Event No: E1135146

Case No 13150052

Primary Victim: State of California

Report No. 13150052.1

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Type CII - CII Number	Number	State	Country
Type BN - Booking Number	Number	State	Country

SCARS, MARKS, TATTOOS, ODORITIES			
Type	Class / Subclass	Description	Image

Attr: **Jail Issue Blues** Suspect Actions

WITNESSES

OTHER ENTITIES

PROPERTY

Property Item #1.000 - Razor Blade

Derivative No. 0	Property Category 3714 - Blade		
Status ES - Evidence (Seized)	Count 1	Value	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAH	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date 09/29/2013		
Owner:	Disposition: GBDF Evidence Locker #4		
Evidence Tag:	Alert(s)		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes			

Property Item #2.000 - CD containing digital images

Derivative No. 0	Property Category 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status ES - Evidence (Seized)	Count 1	Value	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAH	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date 09/29/2013		
Owner:	Disposition: GBDF Evidence Locker #4		
Evidence Tag:	Alert(s)		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes			

REPORT NARRATIVE

SYNOPSIS:

While conducting hygiene inspection in House 4B, [REDACTED] was found to have a razor blade inside a book that belonged to him. I photographed 12 digital images of the razor and the location it was found. All pieces of evidence were placed in the George Bailey Detention Facility (GBDF) Evidence Locker #4. [REDACTED] admitted the book belonged to him and that the book was on his assigned bunk.

ORIGIN:

RELEASED FROM
I.A. FILES
TO [Signature]

Reporting Officer SH1264 - BURNS, JEFF	Division / Organization George Bailey Detention Facility	Reviewed By SH3632 - FROISTAD, ERIC
Report Date 9/29/2013 11:25:00 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 10/03/2013 10:24:59



San Diego County Sheriff's Department
Crime/Incident Report

CAD Event No.: E1135146

Case No. 13150052

Primary Victim: State of California

Report No. 13150052.1

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On 9/29/2013, I was assigned as the House 4C Deputy at the George Bailey Detention Facility (GBDF). At approximately 0822 hours I was conducting hygiene inspection in House 4 Module B.

BACKGROUND:

Inmate [redacted] was arrested by the [redacted] for [redacted] [redacted] has a future court date of [redacted]

INVESTIGATION:

At approximately 0810 hours, Deputy Hernandez (ARJIS 7213), Marshall (ARJIS 7058), and I began to escort inmates out of their cells for hygiene inspection. All inmates were instructed to bring all their clothing with them which includes, jail issued sandals, long white socks, blue pants, white underwear, white t-shirt and blue shirt. All inmates from cells 118 through 133 were secured in the recreation yard.

At approximately 0822 hours, I began hygiene inspection in cell 121. I began the inspection in the top bunk of cell 121. I opened a book titled Shogun located on top of the bunk. While searching the book for contraband I noticed a small piece of yellow paper wrapped up inside the book. I carefully unfolded the piece of paper and found a razor blade inside. I retained the razor, and the book, where the razor was found. I identified [redacted] as the inmate assigned to cell 121 top bunk by the numerous emails, and legal mail on top of the bunk. I also found a magazine order slip inside the book with [redacted] name and the address for GBDF written on it.

At approximately 0830 hours, I photographed 12 digital images of the razor and the location it was found. At approximately 0840 hours, inmates were escorted from the recreation yard of House 4 back into their cells. I stood by the recreation yard gate and informed [redacted] to stay behind until the other inmates returned to B Module. I escorted [redacted] to Processing Holding Cell 104.

At approximately 0850 hours, I performed a strip search inside Holding Cell 104. I instructed [redacted] to have a seat on the bench. I told [redacted] I wanted to ask him a few questions, but if he felt he did not want to answer them I would stop at his request and the questioning would be finished at that time.

STATEMENTS:

Statement of Inmate [redacted] (Suspect):

I asked [redacted] to which cell and bunk he is assigned, [redacted] said, "Cell 121 top bunk." I asked [redacted] if the book Shogun belonged to him, [redacted] said, "Yes." I asked [redacted] if he had anything inside the book that he should not have, [redacted] stated, "I don't know what you're talking about." I explained to [redacted] that I found a razor inside the Shogun book. [redacted] said, "Just charge me for it. If you found it in my stuff just charge me for it." I asked [redacted] where he got the razor from, [redacted] said, "Who gives us razors every day?" I asked [redacted] if he retained the razor that the deputies gave him, [redacted] explained

RELEASED FROM I.A. FILES

Reporting Officer SH1264 - BURNS, JEFF	Division / Organization George Bailey Detention Facility	Reviewed By SH3632 - FROISTAD, ERIC
Report Date 9/29/2013 11:25:00 AM	Detective Assigned SH2908 - BANUELOS, ERNESTO	Reviewed Date 10/03/2013 10:24:59



San Diego County Sheriff's Department
Crime/Incident Report

CAD Event No. E1135146

Case No. 13150052

Primary Victim State of California

Report No. 13150052.1

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that he "would not have the razor if the deputies were doing their job." [REDACTED] continued to say, "It's just a razor, this is what this is all about?" This concluded my interview with [REDACTED]

INVESTIGATION CONTINUED:

At approximately 1130 hours, Deputy Hernandez arrived at Processing Holding Cell 104. Deputy Hernandez instructed [REDACTED] to place his hands inside his waist band, and escorted him to House 4 Module A Cell 108 pending a hearing for a rule violation.

EVIDENCE:

I secured the razor and a CD containing 12 digital images of the razor and the location it was found into GBDF Evidence Locker #4.

INJURIES:

None.

PROPERTY DAMAGE:

None.

FOLLOW-UP:

To be determined by the Detentions Investigation Unit (DIU).

RELATED REPORTS:

None.

RELEASED FROM
I.A. FILES
TO: [Signature]

Reporting Officer SH1264 - BURNS, JEFF	Division / Organization George Bailey Detention Facility	Reviewed By SH3632 - FROISTAD, ERIC
Report Date 9/29/2013 11:25:00 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 10/03/2013 10:24:59



San Diego County Sheriff's Department Follow-Up Report

CAD Event No. **E1135146**

Case No. **13150052**

Primary Victim: **State of California**

Report No. **13150052.2**

GENERAL CASE INFORMATION

Primary Charge: 4502 (A) - PC - PRISONER POSS WEAPON (F)		Related Cases	
Special Studies		Occurred On	
Location, City, State, ZIP: 448 Alta Rd, Suite 5300, San Diego, CA 92158		09/29/2013 08:22:00 (Sunday)	
Jurisdiction: DETENTION FACILITY - GEORGE F. BAILEY DF	Beat: 029	Call Source: DEPUTY	(and Between)
Means: 07 - Concealed Goods		Motive:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 4502 (A) - PC - PRISONER POSS WEAPON (F)	Level: F	Against: SO	Completed? Yes	Counts	Using:
Location Type: 15 - Jail/Prison	Hate/Bias: 88 - None (No Bias)			Domestic Violence No	
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:	Point of Entry	
Weapons/Force: 20 - Knife/Cutting Instrument (Icepick, Ax, Etc.)	Tools:	Targets:			

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input checked="" type="checkbox"/> Law Enforcement Officer		
Witness Type Code: <input type="checkbox"/> 01-Arresting Officer <input type="checkbox"/> 06-Other Lay Witness <input type="checkbox"/> 07-Narc Chemist <input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other		
Name: BYRNE, T	Person Code: L - Law Enforcement Officer	County Residence:

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix
Home Address, City, State, ZIP		Res. Country	Place of Birth	Undocumented
Race	Sex	Date of Birth / Age	Height	Weight
			Hair Color	Eye Color
			Facial Hair:	Complexion
Employment Status: E - Employed	Occupation/Grade: DETECTIVE	Employer/School: DIU	Employer Address, City, State, ZIP: P.o. Box 939062, San Diego, CA 92193	

CONTACT INFORMATION

Type: WP - Work Phone	Number/Address: 858 565-3500
---------------------------------	--

IDENTIFICATION

Type: SH - Sheriff ID	Number: 1316	State:	Country:
Injury:		Extent of Treatment:	

RELEASED FROM
I.A. FILES
TO:

Reporting Officer: SH2906 - BANUELOS, ERNESTO	Division / Organization: Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By: SH7018 - SHERMAN, MARK
Report Date: 10/17/2013 7:15:16 AM	Detective Assigned: SH2906 - BANUELOS, ERNESTO	Reviewed Date: 10/17/2013 08:40:26



**San Diego County Sheriff's Department
Follow-Up Report**

CAD Event No: E1135146

Case No. 13150052

Primary Victim: State of California

Report No. 13150052.2

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OTHER ENTITIES

PROPERTY

Property Item #3.000 - CD CONTAINING RECORDED STATEMENT OF SUSPECT

Derivative No. 0	Property Category 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative	
Status ES - Evidence (Seized)	Count 1	Value
Manufacturer	Model	
Serial No.	Model Year	OAH
Color	Caliber	
Body Style	Recovered/ Seized Date 10/17/2013	
Owner	Disposition: IMPOUNDED INTO SDCJ	
Evidence Tag	Alert(s)	
Drug Type	Drug Quantity	
Search Warrant		
Notes		

REPORT NARRATIVE

Synopsis:

On 09/29/13, while conducting a hygiene inspection in House 4 Module 4B a razor blade was found in cell #121. The item was located in a book titled "Shogun" next to personal items and documents belonging to inmate [REDACTED] (BN [REDACTED]). In the preliminary interview, [REDACTED] admitted the bunk and the book in which the item was found belonged to him.

This case is being submitted to the District Attorney's Office for review and issuance.

Background:

[REDACTED] was brought into custody on [REDACTED] by the [REDACTED] and is currently in custody for the following charges: [REDACTED]. He is scheduled to appear in court on [REDACTED].

The following is a list of incidents he has been involved in while in our custody:

[REDACTED] received a rule violation for:

#102 - Inmates shall obey staff instructions.

#110 - Inmates shall not give false information to a staff member.

#304 - Inmates shall possess only one razor and shall not alter razors in any way.

#701- Interfering with Jail Operations.



Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By SH7018 - SHERMAN, MARK
Report Date 10/17/2013 7:15:16 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 10/17/2013 08:40:28



San Diego County Sheriff's Department Follow-Up Report

CAD Event No. E1135146

Case No. 13150052

Primary Victim: State of California

Report No. 13150052.2

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Investigation:

On 10/03/13, I received this case for follow-up. I have read the reports submitted by Deputy Burns (1264) and reviewed the photographs that have been attached to this case. The following is a synopsis of the primary deputy's investigation:

At approximately 0810, Deputy Hernandez (7213), Marshall (7058) and Deputy Burns escorted inmates assigned to the bottom tier in module 4B out of the module and into the House 4 Recreation yard. While conducting hygiene inspection in cell #121, Deputy Burns begins his inspection on the top bunk. As he is inspecting the top bunk, he notices and searches several documents and emails addressed to inmate [REDACTED]. As he continues to search through items on the bunk, he decides to search through a book titled "Shogun."

As Deputy Burns flips through the book, he notices a small folded up piece of yellow paper inside the book. As he carefully unwraps the yellow paper, he notices and discovers a razor blade. Believing there may be additional contraband located in the book, Deputy Burns continues to search the book and finds magazine order slips inside the book belonging and addressed to [REDACTED]. After the hygiene inspections are completed, Deputy Burns retains and removes both the razor and the book from the cell and module.

At approximately 0820 hours Deputy Burns takes approximately 12 digital photographs of the razor blade and the book.

At approximately 0840 hours, Deputy Marshall, Deputy Hernandez and Deputy Burns escort the inmates from the Recreation Yard back to module 4B. While the inmates were exiting the recreation yard, Deputy Burns tells inmate [REDACTED] to face the wall and escorts him to Processing Cell #104.

At approximately 0850 hours, inmate [REDACTED] was strip search and interviewed. The following is a synopsis of the statement obtained by the primary deputy. Please refer to the initial report for the full statement:

Statement of [REDACTED] (Suspect):

Deputy Burns notified [REDACTED] he found a razor blade inside of his cell #121. Deputy Burns further explains to [REDACTED] that the razor blade was found on the top bunk and inside a book titled "Shogun." When Deputy Burns told [REDACTED] where the item was found, he said, "Just charge me for it. If you found it in my stuff just charge me for it." Deputy Burns asked [REDACTED] where he obtained the razor from. [REDACTED] said, "Who gives us razors every day." Deputy Burns asked [REDACTED] if he retained the razor during razor exchange. [REDACTED] told Deputy Burns he would not have the razor if deputies were doing their job.

Investigation (Continued):



Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By SH7018 - SHERMAN, MARK
Report Date 10/17/2013 7:15:16 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 10/17/2013 08:40:26



San Diego County Sheriff's Department Follow-Up Report

CAD Event No. E1135146

Case No. 13150052

Primary Victim: State of California

Report No. 13150052.2

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This concluded Deputy Burns interview.

On 10/14/2013, I attempted to obtain a statement from [REDACTED]. As [REDACTED] was being escorted to the Multi-purpose Room in House 4, he sees both Detective Byrne (1316) and I. Immediately inmate [REDACTED] says, "I have nothing to say to you guys." Detective Byrne asks how you can have nothing to say to us, if you don't know what we are going to talk to you about. [REDACTED] says, "I don't want to hear, what you guys have to tell me." Detective Byrne tells [REDACTED] to wait so we can have a deputy escort him back.

Investigation (Continued):

This concluded my interview with [REDACTED]

During the primary deputy investigation [REDACTED] admitted the top bunk in cell #121 belonged to him. He also admitted the book titled "Shogun" was his. [REDACTED] stated to Deputy Burns that since he found the razor blade in his belongings, he should be charged with the crime.

I conducted a Jail Information Management System (JIMS) housing inquiry for [REDACTED]. As I reviewed his housing inquiry for this incarceration, I noticed he was placed into cell #121 on 08/23/2013. [REDACTED] was removed from the cell on day of this incident.

After reviewing the preliminary investigating deputy's report and all associated evidence, statements, and follow-up, I believe this case meets the basic elements for the crime of 4502 (A) PC, possession of a weapon while in custody. Inmate [REDACTED] has not been booked on this charge and is not currently in custody for this offense. This case is being submitted to the District Attorney's Office for review and issuance.

Related reports:

Incident #134026640

Evidence:

3. CD recording of suspects statement.

Case Disposition:

This is being Submitted the District Attorney's Office for review and issuance.

RELEASED FROM
I.A. FILE
TO: [Signature]

Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By SH7018 - SHERMAN, MARK
Report Date 10/17/2013 7:15:16 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 10/17/2013 08:40:28



San Diego County Sheriff's Department Follow-Up Report

CAD Event No. E1135146

Case No. 13150052

Primary Victim: State of California

Report No. 13150052.3

GENERAL CASE INFORMATION

Primary Charge: 4502 (A) - PC - PRISONER POSS WEAPON (F)			
Special Studies:		Related Cases:	
Location, City, State, ZIP: 446 Alta Rd, Suite 5300, San Diego, CA 92158		Occurred On: 09/29/2013 08:22:00 (Sunday)	
Jurisdiction: DETENTION FACILITY - GEORGE F. BAILEY DF	Beat: 029	Cell Source: DEPUTY	(and Between):
Means: 07 - Concealed Goods	Motives:		

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 4502 (A) - PC - PRISONER POSS WEAPON (F)		Level: F	Against: SO	Completed? Yes	Counts:	Using:
Location Type: 15 - Jail/Prison		Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:	Point of Entry:		
Weapons/Force: 20 - Knife/Cutting Instrument (Icepick, Ax, Etc.)	Tools:	Targets:				

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

PROPERTY

Property Item #4.000 - Interview of Lt Roland and Dep Burns			
Derivative No. 0	Property Category 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 02/02/2015		
Owner:	Disposition: Impounded into Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

RELEASED FROM
I.A. FILE
TO:

Reporting Officer: SH1316 - BYRNE, THOMAS	Division / Organization: Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By: SH2117 - CADY, JAMES
Report Date: 2/2/2015 4:11:57 PM	Detective Assigned: SH2908 - BANUELOS, ERNESTO	Reviewed Date: 02/03/2015 10:10:17



San Diego County Sheriff's Department Follow-Up Report

CAD Event No: E1135148

Case No. 13150052

Primary Victim: State of California

Report No. 13150052.3

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Property Item #5.000 - CDCR Reports

Derivative No. 0	Property Category 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status ES - Evidence (Seized)	Count 1	Value	
Manufacturer	Model		
Serial No.	Model Year	QAN.	
Color	Caliber		
Body Style	Recovered/ Seized Date	02/02/2015	
Owner	Disposition:	Impounded into Evidence	
Evidence Tag	Alert(s).		
Drug Type	Drug Quantity		
Search Warrant			
Notes			

REPORT NARRATIVE

See Attached DR

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I.A FILES
TO _____

Reporting Officer SH1318 - BYRNE, THOMAS	Division / Organization Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By SH2117 - CADY, JAMES
Report Date 2/2/2015 4:11:57 PM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 02/03/2015 10:10:17



San Diego County Sheriff's Department Officer Report

CAD Event No

Case No. 13150052

Report No. 38593

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GENERAL CASE INFORMATION

Special Studies		Related Cases	
Location, City, State, ZIP Gbdj,		Occurred On: 9/29/2013 9:00:00 AM (Sunday)	
Jurisdiction: DETENTION FACILITY - GEORGE F. BAILEY DF	Beat 029	Call Source (and Between)	

INDIVIDUAL/S

REPORT NARRATIVE

SUMMARY:

On 9/29/2013 during a hygiene inspection Deputy Burns #1264 located razor blade in the property of Inmate [REDACTED] BN# [REDACTED]. The case was submitted to the District Attorney's Office for prosecution of P.C. 4502, Prisoner in Possession of a Weapon.

On 1/6/15 the case, [REDACTED], went to Prelim. Just prior to the prelim Deputy Burns clarified that he omitted Sheriff's Lieutenant Roland #5237 from his report. After the prelim I was directed by Deputy District Attorney Reizen to clarify Lt. Roland's role if any in the possible location of the weapon found in Inmate [REDACTED] cell. DDA Reizen also requested additional follow up on [REDACTED] criminal activity by both Detective Banuelos and I while [REDACTED] was in Sheriff's custody. Below is the follow as requested by DDA Reizen.

ORIGIN:

On 01/06/2015, at approximately 0900, I was standing in front of Department 37 of the San Diego Superior Court speaking with DDA Reizen, Deputy Burns and my partner Det. Banuelos #2906. DDA Reizen was going over his strategy as to the [REDACTED] Prelim.

INVESTIGATION:

DDA Reizen was telling us our order of testimony when Deputy Burns told us that he was ordered by Lt. Roland to omit him from his report. DDA Reizen asked Deputy Burns to clarify his statement. Deputy Burns essentially told DDA Reizen that he was in another cell conducting a hygiene inspection when he was called into Inmate [REDACTED] cell by Lt. Roland. He was then directed by Lt. Roland to look into a book located on the top bunk of cell 121. When he looked in the book he found a razor blade and a magazine subscription belonging to Inmate [REDACTED].

Once the razor blade was located in the book Lt. Roland asked Deputy Burns what was he going to do. Deputy Burns responded by saying he was going to write a report. Deputy Burns then told us Lt. Roland "ordered" him not to mention his name in the report. DDA Reizen clarified if he actually saw Lt. Roland find the razor blade or if Lt. Roland told him he found the razor blade. Deputy Burns told us he did not see Lt. Roland find the razor blade nor did Lt. Roland tell him he found the razor blade. Deputy Burns told us he was speculating Lt. Roland found the razor blade since he was directed by Lt. Roland to search the book on [REDACTED] bunk when he first entered the cell.

Once the preliminary exam was concluded DDA Reizen directed Detective Banuelos and I to conduct a follow up in this case and take follow up statements from Lt. Roland and Deputy Burns in an effort to clarify who actually found the razor blade. DDA Reizen also requested any and all similar write-ups of [REDACTED] while in Sheriff's Custody.

On 1/7/15 Detective Banuelos told me while researching [REDACTED] Inmate history in the JIMS data base he noted that on 5/12/11 during a jail classification interview by Classification Deputy Luis Rios, [REDACTED] told Deputy Rios he was placed in Administrative Segregation Unit (ASU) for being in possession of a weapon while in prison at Chuckawalla State Prison.

I.A. FILES

TO [Signature]

Reporting Officer SH1316 - BYRNE, THOMAS	Division / Organization DIU / JPMU - Jail Population Management Unit	Reviewed By SH2117 - CADY, JAMES
Report Date 2/3/2015 7:41:14 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 2/3/2015 10:10:26 AM



San Diego County Sheriff's Department Officer Report

CAD Event No

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On 1/7/15, I called Chuckawalla State Prison and spoke with CDCR (California Department of Corrections and Rehabilitation) STG (Security Threat Group) Officer Espinoza regarding Inmate [REDACTED] weapon case. Officer Espinoza put me in contact with the Investigative Service Unit (ISU) Court Liaison Officer Borboa. I explained to Officer Borboa my request and he provided me with two incidents that placed Inmate [REDACTED] in ASU on [REDACTED]. These documents are both handwritten and typed. One of the documents contains a scanned copy of a Polaroid photograph of a weapon that [REDACTED] was found to be in possession of while housed in [REDACTED]

Incident 1: On [REDACTED] at the [REDACTED] in San Diego California, CDCR Inmates [REDACTED] This incident was handled as an "in house" CDCR discipline issue and Inmates [REDACTED] and [REDACTED] were found guilty of battering Inmate [REDACTED]

Incident 2: On [REDACTED] Inmate [REDACTED] was housed at [REDACTED] California. His CDCR # was [REDACTED], the same as in 2002. On this date during a locker inspection [REDACTED] was found to be in possession of a weapon. It was a four inch piece of metal with a cloth handle and a pointed end. The weapon was concealed on the bottom of the locker by a magnet attached to the handle of the weapon. This case was forwarded to the [REDACTED] County District Attorney's Office but was not issued. This incident was handled as an "in house" CDCR discipline issue and Inmate [REDACTED] was found guilty of possession of a weapon while in prison. He served approximately 10 months in the Security Housing Unit (SHU). Per CDCR Inmate [REDACTED] was identified as being part of [REDACTED]. I attached the CDCR documents to this follow up since it refers to [REDACTED] participation in "Prison Politics" as well as his sophistication in possessing a weapon while incarcerated.

On 1/14/2015 at approximately 1705 hours, Detective Banuelos and I went to the George Bailey Detention Facility to speak with Lt. Rolland. The interview was recorded with Lt. Rolland's knowledge. Below is a synopsis of the interview. For complete details of the interview refer to the digital recording.

STATEMENTS:

INTERVIEW OF LIEUTENANT JASON ROLLAND (Witness):

Lt. Rolland essentially stated the following to us; he could not remember Inmate [REDACTED] even after I had him view [REDACTED] current booking photo [REDACTED]. The booking photo was taken on [REDACTED]. I provided Lt. Rolland with a copy of an Inmate Status Report (ISR) dated [REDACTED]. Lt. Rolland read the ISR and still could not remember Inmate Jacobo or the incident regarding the razor blade found in his cell.

Detective Banuelos attempted to refresh Lt. Rolland's memory by stating the razor was found during a "hygiene inspection". This prompted Lt. Rolland to check his calendar on his cell phone. I informed Lt. Rolland that there were photos accompanying the crime case. In one of the photos taken, there are a man's hands holding the front cover of a paperback book and the hands appear to be his. Lt. Rolland then asked me if the photo is showing his watch. I responded by saying, that as I am looking at his hands right now the watch in the photo looks like the "fancy watch" he is currently wearing. Lt. Rolland asks to see the photo. I tell him it is attached to the case and Lt. Rolland then proceeds to log onto the Sheriff's Department RMS system to view the photos attached to Sheriff's case #13150052.

When the case is opened, I directed Lt. Rolland's attention to photo number DSCN1988.JPG. This photo depicts the left and right hands of a male who is wearing a tan shirt and green pants. The hands are holding a book open and just inside of the book's cover there is a magazine subscription to Low Rider Magazine. The subscription applicant is [REDACTED]. After the name are the numbers [REDACTED], which is [REDACTED] current booking number. Below the name at the address line is the address to the George Bailey Detention Facility, 446 Alta Rd. Ste 5300 San Diego Ca. 92158 and the email address of [REDACTED]. All of this handwriting is done in pencil. On the left hand of the man holding the book open is a gold wedding band on the ring finger and the watch is a metal diver's style watch. Upon viewing the photo Lt. Rolland states, "That's me".

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Reporting Officer SH1316 - BYRNE, THOMAS	Division / Organization DIU / JPMU - Jail Population Management Unit	Reviewed By SH2117 - CADY, JAMES
Report Date 2/3/2015 7:41:14 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 2/3/2015 10:10:26 AM



San Diego County Sheriff's Department Officer Report

CAD Event No

Case No 13150052

Report No. 38593

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I informed Lt. Roland that Deputy Burns neglected to mention him in his report. I told Lt. Roland that Deputy Burns told us prior to court he believed that Lt. Roland was with him when he found the shank but Deputy Burns believed that Lt. Roland found the shank before Deputy Burns searched the book. I asked Lt. Roland if this refreshed his recollection of the events. He told me that it was "possible" that he may have found the shank. He did not have a recollection of the events. He went on to say that if contraband is located by a deputy during a hygiene inspection he will enter the cell to see what was found. He continued by saying that it is not unusual for him to enter a cell and "kinda of pick through things", he is just "looking" and not doing a "deep search". According to Lt. Roland when he does this the cell is not considered to have been searched and the deputies doing the hygiene inspections will search the cell after he has left.

He told us that he could not remember this case specifically but it would not be unusual for him to "flip through the book and found it" and then call a deputy into the cell to search the book. I then asked Lt. Roland if he told Deputy Burns not to put his name in the report. Lt. Roland told us he did not remember saying that to Deputy Burns. I asked Lt. Roland if he has told other deputies that worked for him not to put his name in a report and he told us no. Lt. Roland told us he was not going to write the crime report he was going to have a deputy write the crime report.

I asked Lt. Roland if it was possible that he could have found the shank and if he did would he have directed Deputy Burns to the book where the shank was located? Lt. Roland told me that was possible but he did not have any recollection of the incident. Lt. Roland concluded by saying he has been a sworn member of the Sheriff's Department for nearly 25 years. He has conducted thousands of cell searches / hygiene inspections. During these searches he has found over 100 items during these searches. He has never testified in court. Lt. Roland did not remember telling Deputy Burns not to put his name in the report. This essentially concluded our interview with Lt. Roland.

INVESTIGATION CONTINUED:

On 1/23/14, Sgt. Cady #2117 and I went to the Vista Detention Facility and spoke with Deputy Burns. The interview was recorded with Deputy Burns' knowledge. Below is a synopsis of the interview. For complete details of the interview refer to the digital recording.

INTERVIEW OF DEPUTY JEFF BURNS (Witness):

Deputy Burns essentially stated the following to us; he started with his role during the hygiene inspection on 9/29/13. I asked deputy Burns to describe a "hygiene inspection" to me. Deputy Burns told me deputies announce to the inmates they are going to conduct a "hygiene inspection of their cells prior to the inspection taking place. The inspections generally occur on Sundays. All of the inmates are removed from their cells and are placed into the adjacent recreation yard to the housing unit / module.

The deputies search for extra clothing and contraband and remove these items from the inmate's cells. Deputy Burns told us he had been a Sheriff's Detentions Deputy for about one year prior to this incident. He had conducted approximately 52 hygiene inspections prior to this incident. Deputy Burns told me two other deputies excluding the deputy in the control tower actually searched. He told us Deputies Hernandez and Marshall assisted him with the search.

Deputy Burns was unsure of the exact cell he was in prior to searching inmate [REDACTED] cell but he stated he was in the cell just to the left of [REDACTED] cell prior to answering the call from Lt. Roland to search cell #121. Deputy Burns told us it was a common practice of Lt. Roland to come on to the floor during hygiene inspections. When Lt. Roland asked someone to search cell 121, Deputy Burns answered up since he was the deputy closest to Lt. Roland.

Deputy Burns first saw Lt. Roland standing just outside of cell 121. Deputy Burns entered cell 121 with Lt. Roland following him. Once inside the cell Lt. Roland instructed Deputy Burns to look inside the book on the top bunk. Deputy Burns remembered the title of the book as being "Shogun". Deputy Burns followed Lt. Roland's instructions and opened the book. He first located a yellow piece of paper and found the razor inside of the paper. Once Deputy Burns found the razor blade, Lt. Roland stated something to the effect what was Deputy Burns going to do. Deputy Burns responded by saying he was going to write a crime report for Inmate in Possession of a Weapon, P.C. 4502. He then remembers Lt. Roland instructing him to

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Reporting Officer SH1316 - BYRNE, THOMAS	Division / Organization DIU / JPMU - Jail Population Management Unit	Reviewed By SH2117 - CADY, JAMES
Report Date 2/3/2015 7:41:14 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 2/3/2015 10:10:26 AM



San Diego County Sheriff's Department Officer Report

CAD Event No.

Case No. 13150052

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leave him (Lt. Roland) out of the report. I asked Deputy Burns if he had ever heard a supervisor ask him to omit their name from a report and he told me he had not.

Deputy Burns told us he documented the location and appearance of the cell and razor blade, book etc. by taking several digital photos of the cell and the items in the cell. This was done after the razor blade was found. Deputy Burns told us Lt. Roland was in the cell holding the book open as he snapped photos of the book with the Low Rider Magazine subscription that had [redacted] name and booking number on it. In that photo (DSCN1988.JPG) the book is being held open by a pair of men's hands. I showed this phot to Deputy Burns and he said the hands in the photo were Lt. Roland's. Deputy Burns remembered Lt. Roland holding the book open while he was taking the photos and clearly remembered Lt. Roland's watch and his wedding ring. Deputy Burns told us he does not wear a wedding ring.

Deputy Burns took photos of an email and a legal mail envelope with [redacted] name and booking number on them. He stated these items were on the top bunk of cell 121. Deputy Burns also took a photo of [redacted] and his jail wrist band. Deputy Burns did not know [redacted] prior to his cell search. He told us he did not see Lt. Roland find the razor but thought he may have since he was directed by Lt. Roland to first search the book when he entered the cell.

Sgt. Cady asked if Deputy Burns if they searched the cells or module in a systematic fashion. Deputy Burns stated that depending on staffing, one deputy starts on the left of the lower tier in a module and the other on the right. Since all of the cell doors are opened when the inmates are moved to the recreation yard, they are kept opened until they are inspected or searched. Once that has occurred the door to that cell is closed giving a visual clue to the other deputies the cell has been searched.

Sgt. Cady asked Deputy Burns if cell 120 was skipped because Deputy Burns only mentioned he was either in cell 118 or 119 prior to answering up for Lt. Roland's request for cell 121 to be searched. Deputy Burns remembered he started at the far left hand of the module when the hygiene inspection started. He was unsure of how many cells he searched and could have been in cell 120 prior to searching 121.

Sgt. Cady asked Deputy Burns, when Lt. Roland asked him to look in the book, was it phrased in such away as if he, Deputy Burns, was going to find something in the book or while Deputy Burns was searching the cell don't forget to search the book. Deputy Burns believed Lt. Roland was directing him to search the book because he was going to find something.

Sgt. Cady asked Deputy Burns if it was common place when a sergeant or lieutenant found something they directed a deputy to find the item but leave them out of the report. Deputy Burns stated he was pretty new at the time but he had ever heard a sergeant or lieutenant asked to be left out of a report. Sgt. Cady asked if Lt. Roland's motivation to be left out of the report was because he did not want to go to court or if it was nefarious. Deputy Burns believed Lt. Roland's motivation was strictly because he did not want to go to court.

Sgt. Cady asked why Deputy Burn's remembered this incident so well. Deputy Burns responded by saying if he found something and wrote a report his recollection of the event would be the same since he wrote a report. This essentially ended our interview with Deputy Burns.

EVIDENCE:

I impounded the following items into evidence as part of my follow up investigation:

- 1) DVD with Deputy Burns and Lt. Roland Interviews
- 2) DVD with CDCR Reports

RELATED CASES: CDCR Log No. F1-02-153, CDCR Log No. F10-06-0008

COPIES FROM IA FILES
TO:

Reporting Officer SH1316 - BYRNE, THOMAS	Division / Organization DIU / JPMU - Jail Population Management Unit	Reviewed By SH2117 - CADY, JAMES
Report Date 2/3/2015 7:41:14 AM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 2/3/2015 10:10:26 AM



San Diego County Sheriff's Department Follow-Up Report

CAD Event No.: E1135146

Case No. 13150052

Primary Victim State of California

Report No. 13150052.4

1
Page 1 of 2**GENERAL CASE INFORMATION**

Primary Charge 4502 (A) - PC - PRISONER POSS WEAPON (F)		Special Studies		Related Cases	
Location, City, State, ZIP: 446 Alta Rd, Suite 5300, San Diego, CA 92158				Occurred On: 09/29/2013 08:22:00 (Sunday)	
Jurisdiction: DETENTION FACILITY - GEORGE F. BAILEY DF		Beat: 029	Call Source DEPUTY		
Means: 07 - Concealed Goods		Motives			

VICTIM/S**IBR/UCR OFFENSE/S**

Offense Description: 4502 (A) - PC - PRISONER POSS WEAPON (F)		Level: F	Against: SO	Completed?: Yes	Counts	Using:
Location Type 15 - Jail/Prison		Hate/Bias 88 - None (No Bias)			Domestic Violence No	
Criminal Activity P - Possessing/Concealing	Type Security	Gang Related: No	Entry		Point of Entry	
Weapons/Force 20 - Knife/Cutting Instrument (Icepick, Ax, Etc.)		Tools	Targets			

ARRESTEE/S**SUSPECT/S (Not Yet Arrested)****WITNESSES****Witness #1**

Person Code	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input checked="" type="checkbox"/> Law Enforcement Officer		
Witness Type Code	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Hero Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name: BYRNE, T			Person Code L - Law Enforcement Officer	County Residence:		

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix				
Home Address, City, State, ZIP		Res. Country	Place of Birth	Undocumented:				
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
Employment Status: E - Employed	Occupation/Grade: DETECTIVE	Employer/School: DIU		Employer Address, City, State, ZIP: P.o. Box 939062, San Diego, CA 92193				

CONTACT INFORMATION

Type WP - Work Phone	Number/Address: 858 565-3500
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IDENTIFICATION

Type SH - Sheriff ID	Number 1316	State	Country
Injury		Extent of Treatment	

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Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By SH2117 - CADY, JAMES
Report Date 2/4/2015 2:11:16 PM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 02/05/2015 14:09:31



San Diego County Sheriff's Department Follow-Up Report

CAD Event No: **E1135146**

Case No: **13150052**

Primary Victim: **State of California**

Report No: **13150052.4**

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OTHER ENTITIES

PROPERTY

Property Item #6.000 - DVD containing Inmate Status Reports/RVR's.

Derivative No.: 0	Property Category: 1899 - Misc Papers	
Status: ES - Evidence (Seized)	Count: 1	Value:
Manufacturer:	Model:	
Serial No.:	Model Year:	QAN
Color:	Caliber:	
Body Style:	Recovered/ Seized Date:	02/04/2015
Owner:	Dispositor: Crime Lab	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

Property Item #7.000 - DVD containing Floor count/JIM's Web sheets Mod 4B

Derivative No.: 0	Property Category: 1899 - Misc Papers	
Status: ES - Evidence (Seized)	Count: 1	Value:
Manufacturer:	Model:	
Serial No.:	Model Year:	QAN
Color:	Caliber:	
Body Style:	Recovered/ Seized Date:	02/04/2015
Owner:	Dispositor: Crime Lab	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

REPORT NARRATIVE

See Attached DR.

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Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization Jail Population Management Unit DETENTIONS INVESTIGATIONS UNIT	Reviewed By SH2117 - CADY, JAMES
Report Date 2/4/2015 2:11:16 PM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 02/05/2015 14:09:31



San Diego County Sheriff's Department Officer Report

CAD Event No.

Case No 13150052

Report No. 38643

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GENERAL CASE INFORMATION

Special Studies.		Related Cases.	
Location, City, State, ZIP 446 Alata Rd. Ste 5300, San Diego, CA 92158		Occurred On: 9/29/2013 9:00:00 AM (Sunday)	
Jurisdiction. DETENTION FACILITY - GEORGE F. BAILEY DF	Beat. 029	Call Source (and Between).	

INDIVIDUAL/S**REPORT NARRATIVE****SUMMARY:**

On 9/29/2013 during a hygiene inspection Deputy Burns #1264 located razor blade in the property of Inmate [REDACTED] BN# [REDACTED]. The case was submitted to the District Attorney's Office for prosecution of P.C. 4502, Prisoner in Possession of a Weapon.

On 1/6/15 the case, [REDACTED], went to Prelim. After the preliminary hearing had concluded, DDA Reizen directed me to conduct and document [REDACTED] institutional behavioral history while in the custody of the San Diego Sheriff's Department.

Below is the follow as requested by DDA Reizen.

ORIGIN:

On 01/06/2015, at approximately 1100 hours, I was standing in front of Department 37 of the San Diego Superior Court speaking with DDA Reizen, Deputy Burns and my partner Det. Byrne #1316. Once the preliminary exam had concluded DDA Reizen directed Detective Byrne and I to conduct a follow up in this case and take follow up statements from Lt. Roland and Deputy Burns. DDA Reizen also requested any and all similar Inmate Status Reports and behavioral write-ups of [REDACTED] while in Sheriff's Custody.

INVESTIGATION:

I reviewed [REDACTED] JIMS (Jail Information Management System) history and discovered he has an extensive documentation detailing negative behavior during previous incarcerations that date back to 2007. [REDACTED] has a history of violence towards sworn staff and other inmates. [REDACTED] has numerous Rule Violation Reports (RVR's) and Inmate Status Reports (ISR's) documenting his involvement with tampering with door locks, contraband materials, and disrespecting and threatening staff and assaults on inmates.

While conducting a Jail Information Management System (JIMS) history review on [REDACTED], I discovered the following incident(s) in his history. The following are a synopsis and does not serve as an exact transcript of the RVR written on [REDACTED]. Refer to the initial RVR for complete details.

On 07/09/2007 (1604 hours) - Rule violation Report # [REDACTED]

Inmate [REDACTED] was written-up by Deputy Gonzalez for disrespect to staff, Tamper/remove wristband and Obstruct doors/window/gates. Deputy Gonzalez was conducting a routine security check in House 4 Module C, when he noticed the door to cell #146 was not closed properly. Deputy Gonzalez asked Inmates [REDACTED] and [REDACTED] as to why the door was not secured. In response to Deputy Gonzalez question, Inmate [REDACTED] said, "I don't know? That's your fucking job." While examining the cell door, Deputy Gonzalez discovered several magazine pages affixed to the door which interfered with the door closing properly. Deputy Gonzalez removed the items and told both [REDACTED] and [REDACTED] they will be receiving a Rule Violation Report (RVR) in which Inmate [REDACTED] responded "Who in the fuck are you?" Inmates [REDACTED] and [REDACTED] received two days of disciplinary isolation for their actions and rule violations.

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Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization DIU / JPMU - Jail Population Management Unit	Reviewed By SH2117 - CADY, JAMES
Report Date 2/4/2015 2:17:45 PM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 2/6/2015 2:09:35 PM



San Diego County Sheriff's Department Officer Report

CAD Event No.

Case No. 13150052

Report No. 38643

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On 07/09/2007 (1434 hours) - Rule violation Report # [REDACTED]

On 07/09/2007, Deputy Gonzalez was speaking to Inmates [REDACTED] and [REDACTED] in the House 4 Breezeway. As Deputy Gonzalez spoke to both inmates, Deputy Lams was observing his partner through the closed circuit television monitoring system. As he continued to observe the inmates and Deputy Gonzalez, Deputy Lams turned on the intercom closest to where they were standing so he could hear their conversation. As he began to listen to the conversation between Deputy Gonzalez and Inmates [REDACTED] and [REDACTED], he noticed both inmates began to argue with Deputy Gonzalez. In order to quell the situation, Deputy Gonzalez told both inmates to return to their assigned module. While Inmate [REDACTED] walked past Deputy Gonzalez for no apparent reason, [REDACTED] began to struggle with Deputy Gonzalez. As a result of Inmate [REDACTED] action, reasonable force needed to be utilized in order to gain control of him. Simultaneously, Inmate [REDACTED] charged at deputies. Based on both inmates' actions, Deputies from other housing units were called (via the radio) to assist in the incident. At the conclusion of the incident, inmate [REDACTED] and Inmate [REDACTED] were placed into Administrative Segregation (Adseg) for disciplinary purposes.

05/13/2008 (0730 hours) - Rule violation Report # [REDACTED]

On 05/13/2008, inmate [REDACTED] was written-up in violations of disobeyed staff instructions, Threaten/Assault Staff/Inmate and Interfering with jail operations. On 05/12/08, Inmate [REDACTED] BN [REDACTED] and [REDACTED] were housed in the same module at the South Bay Detention Facility (SBDF). While housed together in module 4A, both inmates were identified as suspects in an assault on victim [REDACTED] BN [REDACTED] (reference case # [REDACTED]). I conducted a search through JIM's utilizing their booking numbers and verified through their inmate history that they were both housed together in the module on that day. In addition, both inmates conducted the assault jointly in an attempt to harm [REDACTED]. At the conclusion of the assigned preliminary Deputy's investigation, both inmates were placed into disciplinary isolation Adseg.

05/12/2011 (1447 hours) - Rule violation Report # [REDACTED]

05/12/2011 while working the Classification Deputy position at the San Diego Central Jail (SDCJ), during the classification interview, inmate [REDACTED] told Deputy Rios while in state prison he was housed in the Administrative Security Unit (ASU)/Security Housing Unit (SHU). [REDACTED] told Deputy Rios he had served his ASU time while in Chuckwalla state prison. Inmate [REDACTED] was asked why he was placed into ASU. [REDACTED] stated he was placed into ASU for possession of a jail made weapon. [REDACTED] stated he was confined to 10 months in ASU. [REDACTED] stated at the time he paroled from prison, it was from ASU (reference Detective Bymes Deputy's Report for complete details on housing status and disciplinary report from CDCR).

03/08/2013 (1436 hours) - Rule violation Report # [REDACTED]

On 03/08/2013, Deputy Binsfield was assigned to House 2 Module C at GBDF. While conducting his duties, Deputy Binsfield went to the House 4 Multi-purpose room to speak with Inmate [REDACTED]. While speaking to [REDACTED] in House 4, [REDACTED] conveyed to Deputy Binsfield that he is a member of [REDACTED] gang. [REDACTED] stated he goes by the monikers [REDACTED] and [REDACTED]. [REDACTED] said he first joined the gang in [REDACTED]. While inspecting Inmate [REDACTED] body for tattoos, Deputy Binsfield discovered a [REDACTED] tattoo on the right side of [REDACTED] neck.

09/29/2013 (1112 hours) - Rule violation Report # [REDACTED]

During a hygiene inspection Deputy Burns #1264 located razor blade in the property of Inmate [REDACTED] BN# [REDACTED]. Inmate [REDACTED] was in violations of false info to staff, Extra/altered/unsecured razor and Interfering with jail operations. Inmate [REDACTED] received a disciplinary term of 10 days in Adseg and a Crime Report was written for the possession of the jail made weapon under penal code 4502 (A) PC.

11/08/2013 (1810 hours) - Rule violation Report # [REDACTED]

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TO [Signature]

Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization DIU / JPMU - Jail Population Management Unit	Reviewed By SH2117 - CADY, JAMES
Report Date 2/4/2015 2:17:45 PM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 2/5/2015 2:09:35 PM



San Diego County Sheriff's Department Officer Report

CAD Event No.

Case No. 13150052

Report No. 38643

3

Page 3 of 4

On 11/08/2013, Deputy Suarez was assigned to House 4. While conducting his duties in House 4, he was approached by several Hispanic Inmates assigned and housed in Module 4B. During his interactions with those inmates, several of them stated Inmate [REDACTED] was causing racial tension between the Hispanic inmates. Deputy Suarez received information that Inmate [REDACTED] had been forcing the Hispanic inmates to become confrontational with the housing deputies, by making them take their time when it was time to lockdown. Many of the inmates claimed [REDACTED] actions caused the Hispanic inmates to divide in half, and also caused several of other issues with other races. In order to avoid issues from arising or persisted, on 11/09/2013 Deputy Suarez transferred Inmate [REDACTED] to SDCJ.

11/22/2013 (1601 hours) - Rule violation Report # [REDACTED]

On 11/22/2013, Deputy Heald was working on the fifth floor at SDCJ. While conducting his duties, Inmate [REDACTED] approached Deputy Heald and told him he was moving inmates around inside of the module. Deputy Heald told [REDACTED], he is not to move any inmates without having permission from the deputies. While explaining his answer to [REDACTED] request, Deputy Heald noticed Inmate [REDACTED] became defensive and told him he did not have to disrespect him like that in front of the other inmates. [REDACTED] continued to tell Deputy Heald that his reasoning for movements is all about politics in here, if you don't have someone putting people where they should be housed, you are going to have problems.

Later on in the day, Deputy Heald was observing Module A on the fifth floor. While observing the module, he saw Inmate [REDACTED] trying to pass a "Kite" (a jail made correspondence letter) through the lower interconnect door of the module. Deputy Heald was able to intercept the Kite and removed it from the module. Deputy Heald looked at the Kite and he discovered in the letter it stated how inmate [REDACTED] was unable to read a previous Kite sent from module B. Inmate [REDACTED] was asking if another Kite could be passed through, so he could read what had been written. In addition, [REDACTED] requested that the Kite state the new names of any new inmates assigned to modules C and D. Deputy Heald asked [REDACTED] who the Kite was intended for. [REDACTED] declined to answer.

Aside of the JIMS incidents previously mentioned, [REDACTED] has a criminal record which includes violent charges of [REDACTED]. In addition to the listed charges, [REDACTED] has previously served [REDACTED] years [REDACTED].

INVESTIGATION CONTINUED:

As part of my investigation, I conducted a Jail Information Management System (JIMS) housing inquiry for [REDACTED]. As I reviewed his housing inquiry for this incarceration, I noticed he was placed into cell #121 on 08/23/2013. Furthermore, I verified Inmate [REDACTED] was housed in module 4B on 09/29/2013. At the time Deputy Burns found the jail made weapon in Inmate [REDACTED] book titled "Shogun", he was assigned to cell #121. During this time, inmate [REDACTED] cell mate was [REDACTED] BN [REDACTED]. I was able to obtain and verify his housing status and cell mate by obtaining a Facility 3 Module 4B Floor Count sheet with the time stamp of 10:53 A.M.

As I reviewed the sheet, I noticed check marks next to the names of the inmates assigned to the housing unit. It is facility policy for housing deputies to conduct a "Hard count" of inmates to assure no inmates are missing or have escaped. Deputies conduct the hard count by printing and utilizing floor sheets for each module. The floor sheets contain the order by facility and housing. The sheets display the housing unit, cell number, bed, name of the inmate, race of the inmate, booking number of the inmate and housing status whether they are in or out. Once they have the sheets printed and in hand they to go to each cell in every module and call the inmate to the cell door window. When the inmate approaches the cell door window the deputy will instruct the inmate to show his wristband which contains a photo of the inmate, the inmate's date of birth and current booking number. After the inmate give his booking number, the deputy looks at the wristband to confirm the photo and booking number belongs to the inmate and verifies the inmate's information on his floor count sheet. Once the information is verified and the deputy is assured he has counted the correct inmate, a check mark is placed next to inmate's name. After each inmate is counted for or substantiated in the module the deputy will sign his initials and mark his arjls number on the bottom of each sheet. On 09/29/2013 the hard count for module 4B was completed Deputy Marshall (7058). Deputy Marshall confirmed Inmate [REDACTED] was housed and assigned to module 4B, cell #121 on the day of the incident.

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Reporting Officer SH2906 - BANUELOS, ERNESTO	Division / Organization DIU / JPMU - Jail Population Management Unit	Reviewed By SH2117 - CADY, JAMES
Report Date 2/4/2015 2:17:45 PM	Detective Assigned SH2906 - BANUELOS, ERNESTO	Reviewed Date 2/5/2015 2:09:35 PM



San Diego County Sheriff's Department Officer Report

CAD Event No

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4

Page 4 of 4

EVIDENCE:

I impounded the following items into evidence as part of my follow up investigation:

- 1) DVD containing Inmate Status Reports/RVR's written on Inmate [REDACTED]
- 2) DVD containing Floor count and JIM's Web sheets for module 4B.

RELATED CASES: None

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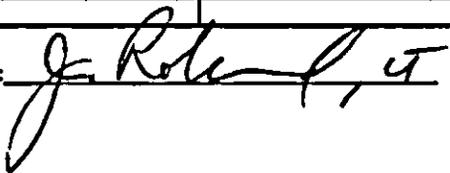
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GBDF DETENTION FACILITY

DAY SHIFT Team 3 Revised 1/8/2013
DAY: SUNDAY (5) Date: 09/29/2013 0600-1830

SECURITY STAFFING 41 **ACTUAL STAFFING** 39
ABSENCE/REASON REPLACEMENT

WATCH COMMANDER	Lt. Roland #5237		
CENTRAL SERGEANT	Sgt. Zucker #5273		
01. CENTRAL CONTROL	Rodriguez, A. #3105		
02. CENTRAL ROVER/PROG	Walling, S. # 0519	CTL 111	(0600-1200)
03. VISIT DEPUTY	Wojciechowski, T. #0064		
04. PERIMETER DEPUTY	Thomas, B. #7079		
PROCESSING SERGEANT	Sgt. Zucker #5273		
05. PROCESSING CONTROL	Luther, C. #6633		
06. PROCESSING ROVER/CRTS	Cimental, J. #0788 (CRT)		
07. PROCESSING SECURITY	Garcia, L. #3066	2.5 LA wrkd	
08. TRANSPORTATION	Neri, M. # 4242		UCSD Rm. 1021 (Aubart)
09. TRANSPORTATION	Melendez, B. #3950		House 2
10. KITCHEN DEPUTY	Yniguez, E. #6929	2.5 EA wrkd	
11. MED/SIM CONTROL	Calloway, C. #3084		
12. MED/SIM ROVER	Rich, S. #7304	2.5 LA wrkd	
13. MED/SIM ROVER	VACANT 3	VAC 107	Hayes, E. #6881 (0930-1830)
NORTH SERGEANT	Sgt. Schroeder #5711		
14. HOUSE 1 CONTROL	Downs, G. #3266 (CPL)	2.5 EA wrkd	
15. HOUSE 1 ROVER	Hernandez, S. #5445		
16. HOUSE 1A	Cain, T. #7498 (DIT)	P2 D12	
17. HOUSE 1B	Willis, F. #0735	2.5 EA wrkd	
18. HOUSE 1C	Rodriguez, J. #7288 (TO)		
19. HOUSE 2 CONTROL	Marshall, J. #4960	2.5 EA	
20. HOUSE 2 ROVER	Abas, M. #3049		
21. HOUSE 2A	VACANT 2	VAC 107	Scott, S. #4179
22. HOUSE 2B	Hoodenpyle, J. #4458		
23. HOUSE 2C	VACANT 5	VAC 107	NO REPLACEMENT
24. HOUSE 3 CONTROL	Brady, D. #7862 (TO)	P1 D12	Bernardino, R. #4997 (DIT)
25. HOUSE 3A	Bernal, A. #7565 (TO)		
26. HOUSE 3B	Rangel, W. #4539		
27. HOUSE 3C	VACANT 1	VAC 107	Cardoza, C. #3223
SOUTH SERGEANT	Sgt. Froistad #3632		
28. HOUSE 4 CONTROL	Hernandez, J. #7213		
29. HOUSE 4A	Marshall, C. #7058		
30. HOUSE 4B	VACANT 4	VAC 107	NO REPLACEMENT
31. HOUSE 4C	Burns, J. #1264		
32. HOUSE 5 CONTROL	Booth, D. #7837 (TO)	P1 D12	Barazo, #3283 (DIT)
33. HOUSE 5A	Knight, S. #7056		
34. HOUSE 5B	Ceballos, C. #7427 (TO)	2.5 LA wrkd	
35. HOUSE 5C	Spencer, B. #3038		
36. HOUSE 6 CONTROL	Rendahl, M. #7325		
37. HOUSE 6A	Jones, De. #9319		
38. HOUSE 6B	Murillo, E. #3729 (TO)		
39. HOUSE 6C	Kouma, J. #7408		
40. NORTHSIDE ROVER	Barrozo, L. #3283 (DIT)	TRN / 522 / AB 109	Savoy, J. #4543
41. SOUTHSIDE ROVER	Bernardino, R. #4997	P TRN / 522 / AB 109	Gonzalez, J. #5534 (Sharp CV)
42. RELIEF DEPUTY	Flores, M. #3091	FHT	
43. RELIEF DEPUTY	Garro, C. #2993	VAT	
44. RELIEF DEPUTY	Nuqui, J. #6762	VAT	
45. RELIEF DEPUTY	Leon, F. #4959	CTL	
46. RELIEF DEPUTY	Dutra, J. #7267	FMLA	

W/C SIGNATURE: 

Deputy Overtime	59
2.5 hours	15
Sergeant Overtime	0
Totals	74

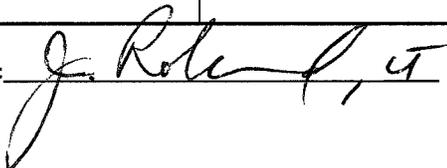
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GBDF DETENTION FACILITY

DAY SHIFT Team 3 Revised 1/6/2013
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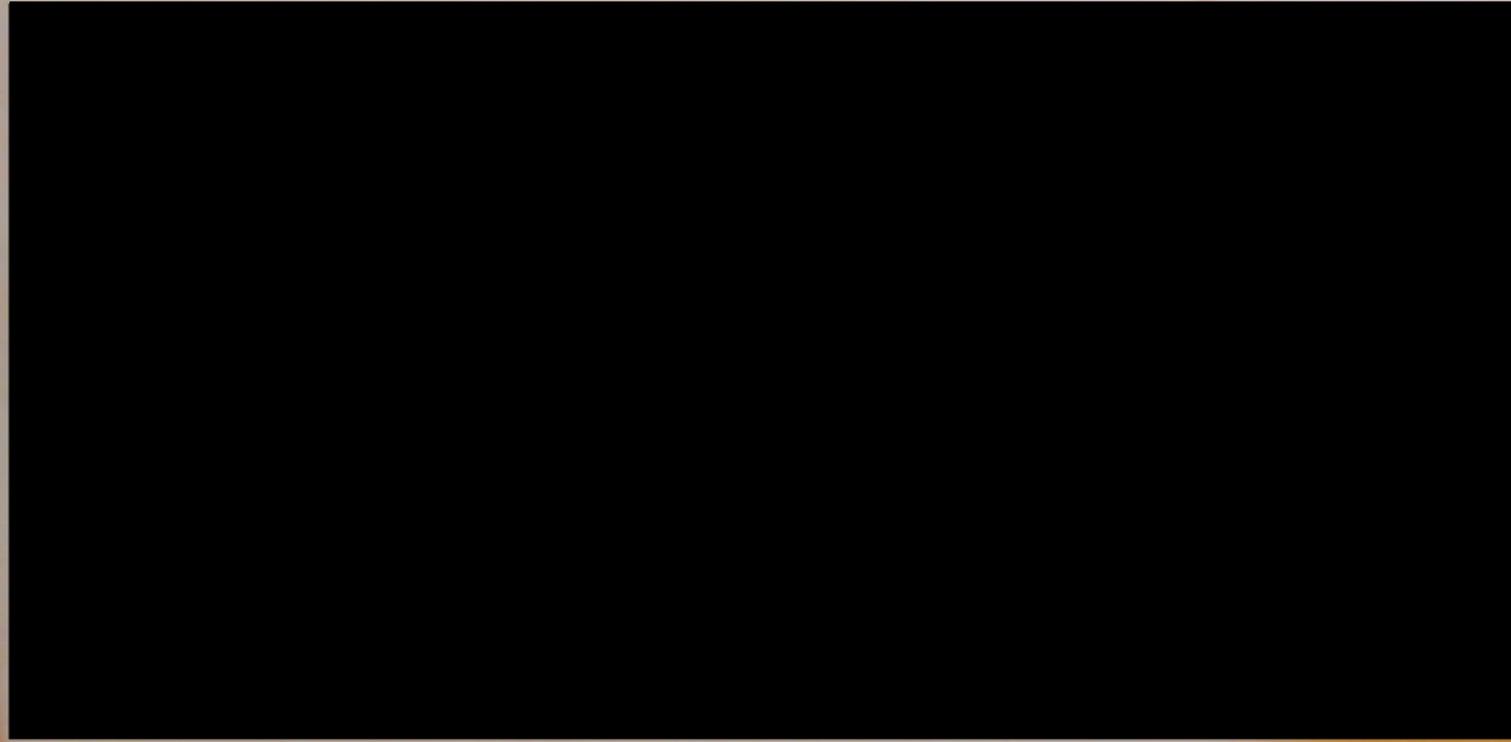
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W/C SIGNATURE: 

Deputy Overtime	59
2.5 hours	15
Sergeant Overtime	0
Totals	74



4B/121



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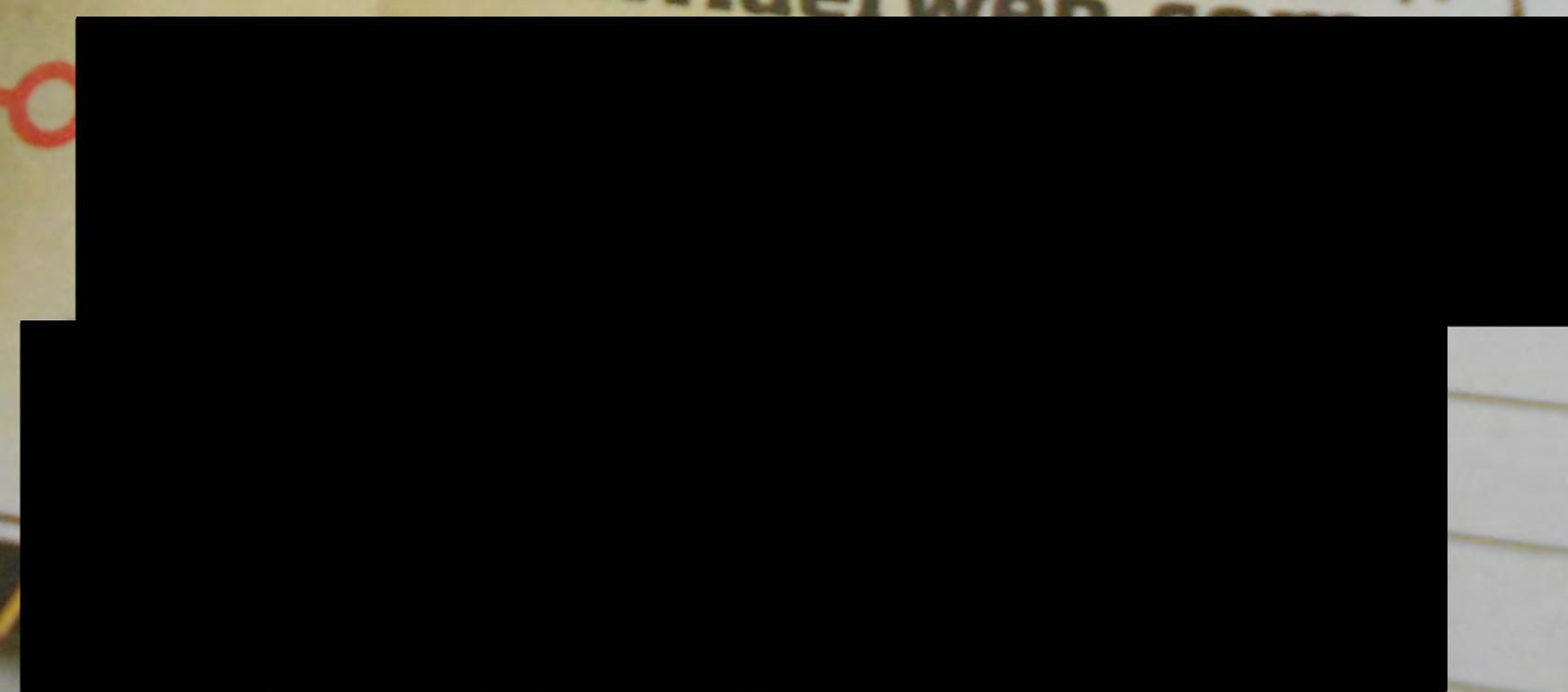


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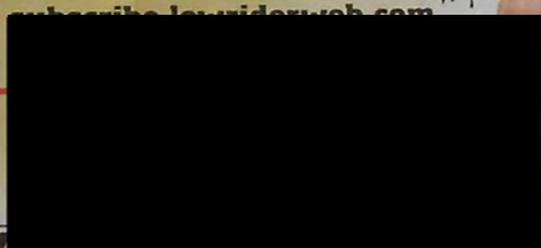
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JAMES CLAVELL

So many battles. None lost. But so many enemies. And now they're gathering together. Sudara will fail. You're the only one who could win with Crimson Sky, perhaps. The Taikō could do it, absolutely. But it would be better not to have to implement Crimson Sky.

CHAPTER 14

For Blackthorne it was a hellish dawn. He was locked in a death battle with a fellow convict. The prize was a cup of gruel. Both men were naked. Whenever a convict was put into this vast, single-storied, wooden cell-block, his clothes were taken away. A clothed man occupied more space and clothes could hide weapons.

The murky and suffocating room was fifty paces long and ten wide and packed with naked, sweating Japanese. Scarcely any light filtered through the boards and beams that made up the walls and low ceiling. Blackthorne could barely stand erect. His skin was blotched and scratched from the man's broken nails and the wood burns from the walls. Finally, he butted his head into the man's face, grabbed his throat and hammered the man's head against the beams until he was senseless. Then he threw the body aside and charged through the sweating mass to the place he had claimed in the corner, and he readied himself for another attack.

At dawn it had been feeding time and the guards began passing the cups of gruel and water through the small opening. This was the first food and water that had been given them since he was put inside at dusk the previous day. The lining up for food and water had been unusually calm. Without discipline no one would eat. Then this ape-like man—unshaven, filthy, lice-ridden—had chopped him over the kidneys and taken his ration while the others waited to see what would happen. But Blackthorne had been in too many seafaring brawls to be beaten with one treacherous blow, so he feigned helplessness, then kicked out viciously and the fight had been joined. Now, in the corner, Blackthorne saw to his amazement that one of the men was offering the cup of gruel and the water that he had presumed lost. He took it and thanked the man.

SHOGUN

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The corners were the choicest areas. A beam ran lengthwise, along the earthen floor, partitioning the room into two sections. In each section were three rows of men, two rows facing each other, their backs to the wall or beam, the other row between them. Only the black took the center row. When the stronger men in the center row intended to stretch their legs they had to do so over those

es, swollen and flyblown, in one of the and dying men nearby seemed to ignore

ne heating gloom. Sun was baking the trine buckets but the stench was terrible ed themselves and the places in which

opened the iron door and names were their comrades and left, but others were occupied again. All the prisoners seemed and tried, as best they could, to live unimmediate neighbors.

began to vomit. He was quickly shoved apsed, half suffocated, under the weight

is eyes and fight to control his terror and anaga! I pray I get the opportunity of day.

t when they had ordered him to strip he r hopelessness, knowing he was beaten, he refused to surrender passively. And then he

There were four such cell blocks. They were on the edge of the city, in a paved compound within high stone walls. Outside the walls was a roped-off area of beaten earth beside the river. Five crosses were erected there. Naked men and one woman had been bound straddled to the crosspieces by their wrists and ankles, and while Blackthorne had walked on the perimeter following his samurai guards, he saw executioners with long lances thrust the lances crisscross into the victims' chests while the crowd jeered. Then the five were cut down and five more put up and samurai came forward and hacked the corpses into pieces with their long swords, laughing all the while. Bloody-gutter-festering-bastards!

General? The Ingeles offended me so I threw the bugger overboard.



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MODULE 4B





