From the desk of:

Lieutenant Jeffrey Duckworth
Internal Affairs Unit
(858) 974-2075

January 15, 2016

Re: Internal Affairs Case 2015-170.1

Internal Affairs Sergeant Ken Jones sustained policy violations by Deputy Stephen Winsor. The sustained findings were as follows:

Section 2.3 – Violation of Rules, as it relates to Section 8.2 – Discharge of Firearms
Section 2.30 – Failure to Meet Standards
Section 2.40 Abuse of Process/withholding Evidence
Section 2.6 Conformance to Laws, as it relates to California Penal Code Section 148 (a)(1)
Section 2.46 – Truthfulness (X2)
Section 2.4 - Unbecoming Conduct

On or about December 10, 2015, Deputy Winsor's commanding officer, Lieutenant Steven Wicklander, received the completed Internal Affairs file to review and make a disciplinary recommendation. Shortly thereafter, Deputy Winsor informed Lieutenant Wicklander that he would retire on January 15, 2016. Considering the discipline recommendation would be termination based upon the facts of the case, Lieutenant Wicklander returned the Internal Affairs case file to Internal Affairs for safekeeping pending Deputy Winsor's retirement. Deputy Winsor arrived at the personnel office on January 14, 2016, and completed his retirement package and ended his employment with the department. Deputy Winsor was not afforded the privilege to receive a retired badge and CCW rights.

Sincerely,

Jeffrey S. Duckworth, Lieutenant
Internal Affairs Unit

SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT

Internal Affairs

CASE NUMBER: 2015-170.1

ACCUSED EMPLOYEE: Deputy Stephen Winsor

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Kenneth Jones, Sergeant

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

William D. Gore, Sheriff

2015-170.1

COMPLAINT FORM

PLEASE PRINT OR TYPE

COMPLAINANT'S NAME		DATE OF BIRTH	HOME PHONE
Department Originated			
COMPLAINANT'S ADDRESS	**CITY** / **ZIP CODE**		**BUSINESS PHONE**
LOCATION OF INCIDENT	**CITY**	**DATE AND TIME OF INCIDENT**	

NAME(S) OF SHERIFF'S PERSONNEL
Stephen Winsor, ARJIS 3102

BRIEF NARRATIVE OF COMPLAINT
Unreported discharge of firearm in violation of a city ordinance.

CONTINUED ON ADDITIONAL SHEETS ☐

148.6 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:** 9/25/15

INTERNAL AFFAIRS USE ONLY

EMPLOYEE RECEIVING COMPLAINT: Internal Affairs **DATE & TIME:**

RECEIVED IN I.A. BY:

☐ IN PERSON
☐ U.S. MAIL
☐ MESSENGER MAIL
☒ OTHER:

NATURE OF COMPLAINT: Conformance to Laws

ASSIGN TO: IA - Sergeant K. Jones (DSB - SBDF)

I.A CASE # 2015-170.1

THE SHERIFF'S CORPORATE DIRECTORY SEARCH RESULT

(Active Employees)

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

Enter Partial Names:

Last: [ ] First: [ ] Go Advanced Search

Printer Friendly

GENERAL INFORMATION (To update this information, click on the employee name)	
Name: Winsor, Stephen T	
Title: DEP SHERIFF - DETENTIONS/CTSVC	
NT User ID: swinsosh	
PeopleSoft ID: 027772	
ARJIS Number: SH3102	
Desk Phone: (619) 691-4815	
Cell Phone:	
Pager No.:	
Home Phone:	
Confidential Phone:	
Other:	
Radio Unit:	
Sheriff's Email: Stephen.Winsor@sdsheriff.org	
Other Email:	
Responsibility:	

LOCATION INFORMATION	
CURRENT WORK LOCATION	**HR (PeopleSoft) ASSIGNED LOCATION**
Dept. Name: So Bay Detention Facility	Dept. Name: So Bay Detention Facility
Mail Stop: S152 Show Driving Directions	Mail Drop: S152
Location: South Bay Detention Facility	Location: South Bay Reg Ctr SBRC
Address: 500 Third Avenue	Address: 500 Third Ave
: Chula Vista CA 91910-5646	: Chula Vista CA 919105646
Telephone: (619) 691-4815	Telephone: 619/691-4810
Fax:	

Sheriff's Home | Corporate Directory

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

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

October 1, 2015

IA# 2015-170.1

IA Assigned Case

TO: John Ingrassia, Commander-Detentions

RE: **Deputy-Detentions/Ctsvc Stephen Winsor #3102**
South Bay Detention Facility (S152)

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

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

Thank you.

Christine Harvel, Lieutenant
Internal Affairs Unit

CH:mpa

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

Date: **October 1, 2015**

Complainant: **SDSO**

Date of Incident: **Unknown**

Location of Incident: **San Diego**

Allegation: **Conformance to Laws**

Case No: **2015-170.1**

TO **Deputy-Detentions/Ctsvc Stephen Winsor #3102**
South Bay Detention Facility (S152)

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

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

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

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

If you have any questions, please feel free to contact the Internal Affairs unit at (858) 974-2065. Do not attempt to contact the complainant regarding the allegations, as this could result in future complaints. "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."

Christine Harvel, Lieutenant
Internal Affairs Unit

CH:mpa

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2015-170.1 DATE: December 1, 2015

COMPLAINANT: SDSD INVESTIGATOR: Sergeant K. Jones

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

Deputy Stephen Winsor allegedly discharged his personal handgun negligently while inside his residence, and failed to notify this Department's Communications Center, and the San Diego Police Department (SDPD) who was the agency of jurisdiction. Furthermore, Deputy Winsor allegedly did not conduct an adequate welfare check on his neighbors after the discharge. Lastly, it is alleged Deputy Winsor delayed the investigation conducted by the SDPD, and was untruthful during his Internal Affairs interview.

ANALYSIS AND CONCLUSIONS

As to the allegation Deputy Stephen Winsor discharged his personal handgun negligently while inside his residence, and failed to make the appropriate notifications.

It is undisputed Deputy Winsor was responsible for discharging his personally owned firearm negligently while inside his residence. The discharge occurred on September 13, 2015, while Deputy Winsor was lubricating his Springfield Armory XD .40 caliber handgun. Deputy Winsor admitted he was responsible for the negligent discharge. This incident occurred while he was off duty.

The following initials represent the following individuals:

KJ: Sergeant Ken Jones (Investigator)

SW: Deputy Stephen Winsor (Accused Employee)

KJ: *And were you responsible for that discharge?*

SW: *Yes.*

KJ: *Can you tell me when it occurred?*

SW: *Ah, September 13th, at approximately 1800 hours.*

According to Deputy Winsor, the discharge occurred just after he was finished lubricating the firearm. He inserted a loaded magazine into the weapon while the slide was locked in the rear position. When the magazine was inserted, the slide automatically went forward without any assistance or manipulation from him. This caused a round to be loaded into the chamber, and the handgun discharged unexpectedly. Deputy Winsor told me he never placed his finger on the trigger.

It is also undisputed Deputy Winsor did not notify this Department's Communication Center, or the SDPD upon his negligent discharge. When asked why he did not make these two notifications, Deputy Winsor stated he did not know he was required to do so. Deputy Winsor later admitted he wished he knew our department's policies and procedures better.

When evaluating Deputy Winsor's negligent discharge and his failure to make the necessary notifications, this allegation was easy to conclude. Deputy Winsor admitted during his Internal Affairs interview he was responsible for the discharge, and was unaware of the required notifications. Procedure Section 8.2 – Discharge of Firearms, states these procedures apply to all members of the Sheriff's Department, both on duty and off duty. Deputies shall exercise the utmost care in their handling and use of firearms.

Deputies shall notify the Communications Center of any discharges of firearms as soon as reasonably practical, regardless of whether the discharge was unintended. If the shooting is confirmed to be an unintended discharge, the Communications Center will notify the involved deputy's immediate supervisor, the affected captain or station/facility commander, and the Weapons Training Unit Sergeant or on-call deputy. In all cases, the deputy involved shall immediately notify the agency of jurisdiction.

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.*"

The following Sheriff's Department Policy sections would be applicable to the allegations above:

2.3 Violation of Rules

Employees shall not commit or omit any acts which constitute a violation of any of the rules, regulations, directives, orders or policies of this Department, whether stated in these Rules of Conduct or elsewhere. Employees shall be responsible for their own acts, and they shall not shift to others the burden, or responsibility, for executing or failing to execute a lawful order or duty.

As it relates to:

8.2 Discharge of Firearms

- *The procedures contained in this section apply to all members of the Department, both on duty and off duty discharges of firearms.*
- *Deputies and authorized professional staff members shall notify the Communications Center of any discharges of firearms as soon as is reasonably practical, regardless of whether the discharge was unintended.*
- *If the shooting is confirmed to be an unintended discharge, the Communications Center will notify the involved deputy's immediate supervisor, the affected captain or station/facility commander and the Weapons Training Unit Sergeant or on-call deputy.*

All Cases

The deputy involved shall immediately notify the agency of jurisdiction.

The deputy involved will be responsible for seeing that the Communications Center is advised of the incident, as soon as possible.

The SDPD made the Sheriff's Department aware of Deputy Winsor's negligent discharge after they concluded their investigation on September 24, 2015. This was approximately 11 days after the incident. Deputy Winsor explained the extended delay was due to his lack of knowledge about this department's policies and procedures. Deputy Winsor had a similar answer as to why he did not notify the SDPD who was the agency of jurisdiction. Based upon these circumstances, a sustained finding for the above section is warranted.

As to the allegation Deputy Winsor did not conduct adequate welfare checks on his neighbors after the discharge occurred.

Deputy Winsor's discharge happened inside his upstairs guest bathroom. The bullet went through his shower wall and into his neighbor's [redacted] bedroom at [redacted]. Upon penetrating [redacted] bedroom, the bullet struck a picture frame, traveled through a computer desk, and came to rest on the bedroom floor. [redacted] located the bullet on September 16, 2015, and did not recognize the projectile initially due to his

unfamiliarity with firearms. He subsequently placed the bullet on his nightstand and went about his day.

Deputy Winsor never contacted [redacted] or any other person living in the adjacent residence immediately after the negligent discharge. [redacted] located the bullet approximately three days after it had been fired. During this investigation, I learned Deputy Winsor never knew [redacted] lived next door to him. In fact, [redacted] had been living next door to Deputy Winsor for approximately two years.

On September 24, 2015, [redacted] began to use his computer and noticed the damage from the projectile. Based upon the damage and the object he previously located, [redacted] determined someone had fired a bullet into his bedroom. [redacted] called the SDPD for a report 11 days after the discharge.

I interviewed [redacted] during this investigation. [redacted] is [redacted] roommate, and has lived next door to Deputy Winsor for approximately 15 years. I determined that [redacted] and [redacted] were not home at the time Deputy Winsor discharged his weapon.

According to Deputy Winsor, after he discharged his weapon, he immediately went next door to check [redacted] welfare. Deputy Winsor rang [redacted] doorbell and knocked on [redacted] door. No one responded. Deputy Winsor checked where [redacted] usually parked his vehicle and observed it was not there. He subsequently went to the rear of [redacted] residence and noticed all the lights were off. Deputy Winsor entered the backyard and knocked on a window in case [redacted] happened to be in his kitchen. Deputy Winsor did not receive an answer.

Deputy Winsor believed [redacted] lived alone and he assumed no one was home when the discharge happened. Deputy Winsor did not have [redacted] cellular phone number so he could not call him. Deputy Winsor stated [redacted], might have known [redacted] number due to her being a member of the homeowner's association, but he did not know for sure. I determined Deputy Winsor could not have known for certain that no one was home next door at the time of his discharge.

When I asked if he checked [redacted] welfare more than once, Deputy Winsor told me no. Deputy Winsor told me his schedule and [redacted] schedule conflicted and they never met with each other. Every time Deputy Winsor arrived at home, he never observed [redacted] vehicle parked in its usual space.

KJ: *So you didn't see him and you figured he's okay?*

SW: *Well, I didn't see him and I figured that, you know, he wasn't at home at the time.*

Additionally, Deputy Winsor did not check the welfare of the occupants who lived next to [redacted] and [redacted] at [redacted]. Deputy Winsor's townhome complex

consists of three units which are linked by connecting walls. The velocity of a .40 caliber bullet can easily cause it to travel through multiple layers of drywall. When asked why he did not check on the occupants at [redacted], Deputy Winsor replied:

SW: (*Audible exhale and pause*) *Didn't think of it. Didn't ah, didn't think that it would've gone that far.*

This poses a serious concern when evaluating Deputy Winsor's actions in regards to conducting a welfare check on his neighbors. It is undeniable and common knowledge that firearms are deadly weapons. The .40 caliber bullet had enough velocity to travel through a wall, picture frame, and computer desk before coming to rest on [redacted] bedroom floor.

If discharged at a more elevated angle, it is possible this projectile could have traveled through multiple layers of drywall, and penetrated two units. Deputy Winsor never attempted to contact the neighbors next to [redacted] and [redacted]. For all intents and purposes, his neighbors at [redacted] could have been severely wounded or dead. The potential for human injury or death is evident.

Negligent discharges are unfortunate and extremely dangerous incidents. In the event one occurs, the responsible party has the obligation to ensure the safety and welfare of those around him/her. In essence, Deputy Winsor failed to confirm no one was home or injured when he checked [redacted] welfare. Deputy Winsor said he knocked on [redacted] front door and rear window with negative results. He noticed [redacted] lights were off and his vehicle was not parked in its usual location. With that in mind, Deputy Winsor determined no one was home at the time of his discharge.

Given the gravity of the situation, Deputy Winsor had the moral obligation to do more. It would not be unreasonable to believe [redacted] simply parked his vehicle in a different location, or it was being repaired or borrowed at that time. Deputy Winsor should have thought about all the different circumstances at that time when it came to ensuring [redacted] was not dead or injured. It would also be reasonable to assume [redacted] did not answer the door because he was injured inside as a result of being shot.

This same reasoning can be applied to [redacted] as well. Deputy Winsor never knew [redacted] lived next door to him. It is by luck alone that [redacted] was not inside his bedroom at the time of the discharge. [redacted] could have been severely injured, and based on Deputy Winsor's inadequate response, he would not have known.

If Deputy Winsor took responsibility for his discharge immediately and contacted the SDPD, this situation most definitely would have necessitated a forced entry inside [redacted] and [redacted] residence. Upon entering the residence and knowing the circumstances beforehand, the projectile and the damage it caused would have been discovered. This would have ensured no one inside [redacted] residence was injured. It would also have confirmed no one living at [redacted] was injured as well.

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

> **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.*

Failure to meet standards as a deputy sheriff can be applied to both on duty and off duty concurrently. A negligent discharge into someone's residence most definitely deserves police attention to ensure no one is injured. Deputy Winsor should have given top priority to the safety and welfare of any potential victims downrange. Unfortunately, Deputy Winsor's belief that no one was home based on his observations was irresponsible and demonstrated a serious lack of accountability.

As to the allegation Deputy Winsor delayed the SDPD during their investigation regarding his negligent discharge.

After reviewing the SDPD reports, and conducting three interviews with SDPD personnel, there is most certainly a preponderance of evidence to indicate Deputy Winsor delayed the SDPD with their investigation.

Officer Lindsay Barajas was dispatched to this call and contacted [redacted]. After inspecting the bullet and the damage it caused, she determined the shot must have been fired from Deputy Winsor's residence. Officer Barajas asked [redacted] if he knew his next door neighbor very well, and if he owned any firearms. [redacted] told Officer Barajas he did not know Deputy Winsor, but believed he worked for the California Highway Patrol (CHP).

Officer Barajas conducted a firearms check via her dispatcher for Deputy Winsor's address. She learned Deputy Winsor had one firearm registered per his address. When I interviewed Officer Barajas, she remembered the firearm being a handgun but could not recall the make or caliber.

With this knowledge, Officer Barajas assumed the handgun was Deputy Winsor's department-issued firearm. She went next door and first made contact with Deputy

Winsor's wife, [redacted]. Officer Barajas asked [redacted] if her husband worked for any law enforcement agency. [redacted] told Officer Barajas her husband worked for the Sheriff's Department.

Deputy Winsor was home at that time and made contact with Officer Barajas. She asked Deputy Winsor if he carried his firearm home with him after work, and explained she was there to investigate a gunshot. Deputy Winsor stated he leaves his firearm at work most of the time and did not bring it home. Deputy Winsor said the only time he would bring his department-issued firearm home would be to clean it, which was not very often. Deputy Winsor told Officer Barajas when he cleans his department-issued firearm he cleans it outside because his wife did not like the smell of the cleaning products. Deputy Winsor was not forthcoming with Officer Barajas that he had six other weapons inside his residence which were his personal firearms.

Officer Barajas asked Deputy Winsor if there were any shots fired from his residence on September 16, 2015. That was when [redacted] first located the bullet on his bedroom floor. Deputy Winsor told her no. Deputy Winsor lied to Officer Barajas, and denied ever having a negligent discharge inside his residence.

Officer Barajas asked if she could go upstairs and check his interior walls for any holes. Deputy Winsor consented and took her upstairs. She proceeded to check the guest bedroom and a closet but could not locate any evidence of a gunshot. Officer Barajas checked the guest bathroom but did not inspect its interior as thoroughly as she did with the other locations. Deputy Winsor continued to deny having a negligent discharge, and allowed Officer Barajas to investigate a matter for which he already had knowledge.

Deputy Winsor left his residence to attend a dentist appointment. According to Deputy Winsor, he contacted Officer Barajas a second time while she was sitting inside her patrol vehicle. This meeting occurred just prior to Deputy Winsor leaving for his appointment. Officer Barajas showed Deputy Winsor the bullet, and explained that was the object his neighbors found inside their residence. Deputy Winsor told me he was not thinking about his negligent discharge at that moment, and the projectile did not look like a bullet to him.

During her Internal Affairs interview, I asked Officer Barajas if Deputy Winsor's untruthfulness interfered with her investigation. Officer Barajas said absolutely. Officer Barajas stated if Deputy Winsor just admitted to his discharge immediately, that would have prevented her from spending a considerable amount of time trying to locate the bullet hole. Officer Barajas estimated she spent approximately four hours investigating this incident. She went back to Deputy Winsor's townhome approximately three separate times in her attempt to locate the bullet hole.

Later on the same day, SDPD Detective Sergeant Don Williams and Lieutenant Valentin contacted Deputy Winsor. Sergeant Williams asked Deputy Winsor if he discharged a firearm inside his residence. Deputy Winsor told him no. Again, Deputy Winsor lied to

the SDPD and did not acknowledge his negligent discharge. Sergeant Williams requested consent to check Deputy Winsor's residence for any evidence of a gunshot.

Deputy Winsor led Sergeant Williams upstairs so he could check the guest bedroom first. Sergeant Williams checked the bedroom's interior and could not locate any evidence of a gunshot. Deputy Winsor did not tell Sergeant Williams or Lieutenant Valentin about his discharge, and he allowed Sergeant Williams to waste his time in the guest bedroom. Deputy Winsor even assisted Sergeant Williams with moving some furniture in the guest bedroom so the wall could be checked more thoroughly.

One of the detectives positioned inside [redacted] bedroom used a probe to tap on the adjacent wall through the bullet hole. The noise of that tapping was clearly coming from Deputy Winsor's guest bathroom. When Lieutenant Valentin asked Deputy Winsor if he had a discharge inside the bathroom, Deputy Winsor finally admitted to it. Sergeant Williams was also present during Deputy Winsor's confession.

Sergeant Williams and Lieutenant Valentin were on scene for approximately one and a half hours during their investigation. This included their time spent at [redacted] residence, as well as Deputy Winsor's townhome. Sergeant Williams said he spoke to Deputy Winsor for approximately 10-15 minutes before his confession.

When asked if Deputy Winsor's untruthfulness delayed or interfered with his investigation, Sergeant Williams told me yes. Sergeant Williams said the patrol officers on scene spent several hours on their preliminary investigation, which additionally required his follow-up response. Sergeant Maryn from the Sheriff's Division of Inspectional Services (DIS) responded to the scene as well. In total, Sergeant Williams said the investigation took approximately six hours of everyone's time.

I interviewed Lieutenant Ray Valentin from the SDPD. When asked if Deputy Winsor's untruthfulness delayed or interfered with their investigation, Lieutenant Valentin told me yes. He proceeded to tell me Deputy Winsor could have shown Officer Barajas the bullet hole and told her what transpired when she conducted her preliminary investigation. When Sergeant Williams asked Deputy Winsor if he had a discharge inside of his residence, he could have easily told him yes. Lieutenant Valentin told me the whole process took a lot longer by conducting these investigations to *"get to the truth."*

When reviewing the written reports and testimony by Officer Barajas, Sergeant Williams, and Lieutenant Valentin, there is a preponderance of evidence to establish that Deputy Winsor was untruthful with his verbal accounts to them. Deputy Winsor attempted to conceal his discharge until the very last minute. It was not until the bullet hole was about to be discovered by the tapping on the other side of the wall did he confess to his discharge.

The following Sheriff's Department Policy sections would be applicable to the allegations above:

2.40 Abuse of Process/withholding Evidence

Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold evidence or information, or make false accusations of a criminal or traffic charge.

2.6 Conformance to Laws

Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

The acts of employees giving rise to an indictment, information or complaint, filed against an employee, or a conviction for violating any law, including a conviction following a plea of nolo contendere, may be cause for disciplinary action, temporary or permanent reassignment (excluding minor traffic).

Employees shall immediately inform their immediate supervisor of any and all circumstances where non-conformance to laws has been, or may be, alleged by any law enforcement agency. The supervisor receiving such notification shall immediately notify Internal Affairs.

As it relates to:

148. (a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

There is a substantial amount of evidence that indicates Deputy Winsor attempted to conceal, falsify, and withhold evidence and information during his contacts with the SDPD. Deputy Winsor attempted to conceal the bullet hole in his bathroom by using a caulking material. Apparently, he did such an exceptional job with this repair that he had to point directly to it while Lieutenant Valentin and Sergeant Williams were inside the bathroom with him. He additionally falsified his statements and withheld the truth when the SDPD asked him directly if he was responsible for a discharge inside his residence.

Due to these circumstances, Officer Barajas remained on scene and investigated this incident at length when it was entirely needless to do so. This absolutely delayed her investigation when her services could have been applied elsewhere on her beat. Furthermore, Sergeant Williams and Lieutenant Valentin responded to the scene to conduct their own investigative follow-up. If Deputy Winsor initially told the truth to Officer Barajas, their response would have been preventable. This added to the SDPD

allocating their detectives and supervisors for an investigation that could have been completed with considerably less time and resources if Deputy Winsor did not lie. Deputy Winsor's untruthfulness and his attempt to conceal his culpability delayed the SDPD's investigation.

It is alleged Deputy Winsor was untruthful during his Internal Affairs interview regarding his contact with SDPD Officer Lindsay Barajas.

There is a substantial amount of evidence to advocate Deputy Winsor was untruthful during his Internal Affairs interview. This fact can be corroborated by reading the written reports, and by reviewing the various interviews with Officer Barajas, Sergeant Williams, and Lieutenant Valentin. Both Officer Barajas and Sergeant Williams wrote reports and were interviewed about this incident. Lieutenant Valentin did not write a report about what occurred, however I interviewed him regarding this investigation.

Since it is alleged Deputy Winsor was untruthful when I questioned him about what transpired during two separate contacts with the SDPD, the allegations of untruthfulness will be examined for each incident.

During his Internal Affairs interview, Deputy Winsor recalled being contacted by a female officer who was later identified as Lindsay Barajas. I asked Deputy Winsor if Officer Barajas informed him why she was there to speak to him. Deputy Winsor said she told him something fell off of his neighbor's wall or ceiling. Officer Barajas wanted to enter his residence to check the interior. Deputy Winsor told me Officer Barajas was, *"rather vague about it."*

According to Deputy Winsor, Officer Barajas gave no indication she was investigating a gunshot, or that she desired to examine his townhome for a bullet hole. Deputy Winsor stated she never asked him if he was responsible for a discharge, and nothing was mentioned about firearms whatsoever.

Deputy Winsor's statement during his Internal Affairs interview is vastly different than what Officer Barajas documented in her report. It is also different than what Officer Barajas testified to during her Internal Affairs interview. Officer Barajas documented in her report she contacted Deputy Winsor and asked him if there were any shots fired from his residence on September 16, 2015. Deputy Winsor told her no. She then asked if she could go upstairs to inspect the bedroom walls to ensure there were no holes. Deputy Winsor consented, and took her upstairs so she could check the walls.

KJ: *She didn't ask you if you had shot off a firearm in your home at all?*

SW: *Not that I recall. No.*

When I interviewed Officer Barajas, she was very explicit she asked Deputy Winsor if he discharged a weapon inside his residence. Officer Barajas told me she asked Deputy Winsor if he had an A.D. (Accidental Discharge). Deputy Winsor told her no.

I asked Deputy Winsor if Officer Barajas questioned him about where he kept his department-issued firearm. Deputy Winsor told me not that he could recall. Deputy Winsor did not remember Officer Barajas asking that question.

Officer Barajas specifically documented in her report she asked Deputy Winsor if he owned any firearms. Deputy Winsor told her he did, but they were kept at work. When I interviewed Officer Barajas, she stated she had a very specific conversation about his department-issued firearm. Deputy Winsor told Officer Barajas he kept it at work most of the time, and would only bring it home to clean it. Additionally, Deputy Winsor told her he would clean his department-issued firearm outside on his back patio because his wife did not like the smell of the cleaning products.

KJ: *But according to you she didn't ask you about anything whether personal firearms or your duty firearms right? Nothing about firearms whatsoever?*

SW: *Not to my recollection. No. Not at all.*

Deputy Winsor's explanation on what occurred is difficult to comprehend. Deputy Winsor told me Officer Barajas never asked him anything about firearms during their contact.

KJ: *She simply said something fell off of your neighbor's wall or ceiling and can we come over and check your house?*

SW: *Right.*

Deputy Winsor said he did not know why Officer Barajas was at his residence. He was not thinking about his negligent discharge when she contacted him, and he was running late for an appointment. Deputy Winsor told me again, Officer Barajas only mentioned something falling off his neighbor's wall.

KJ: *Did she say what it was?*

SW: *No she didn't. Not, not, not at that point in time. That I recall.*

Deputy Winsor's explanation as to why Officer Barajas wanted to talk to him, and her reason for requesting entry into his residence is unconvincing. It is unreasonable to believe Officer Barajas lied to Deputy Winsor about what she was investigating next door, and then lied about her interactions with him in her written report. Deputy Winsor's excuse that Officer Barajas wanted to enter his residence to check the interior because something fell off his neighbor's wall is contrived. Officer Barajas stated she made it very

clear she was investigating a gunshot, and believed it came from Deputy Winsor's residence. She also made it very apparent she wanted to inspect Deputy Winsor's walls for a bullet hole.

Officer Barajas' report and testimony is convincingly more realistic. This especially becomes more evident when reviewing Sergeant Williams' report, and the testimony of Lieutenant Valentin. Sergeant Williams and Lieutenant Valentin both have similar accounts regarding their contact with Deputy Winsor that are particularly similar to Officer Barajas' testimony.

Officer Barajas affirmed Deputy Winsor said he kept his department-issued firearm at work except when he brought it home to clean it. Deputy Winsor mentioned he cleaned his firearm outside on the back patio because his wife did not like the smell of the cleaning products. Yet, Deputy Winsor told me nothing was mentioned about firearms whatsoever when he spoke to Officer Barajas. If that was true, it is baffling how Officer Barajas knew about his wife's disdain for gun cleaning products, or why he had to clean his firearm outside on the back patio. More importantly, Deputy Winsor told me the same thing concerning his wife's dislike of the cleaning products. This validates what Officer Barajas said, and indicates Deputy Winsor was untruthful when I interviewed him.

KJ: *So you didn't lie to Officer Barajas at all right?*

SW: *No. Not to my knowledge.*

KJ: *Okay. Let's move on.*

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

> **2.46 Truthfulness**
>
> *When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.*

Deceitful answers about his negligent discharge to the SDPD cannot warrant a sustained finding for truthfulness. Officer Barajas is not the Sheriff, a Sheriff's designee, nor a Sheriff's supervisor. However, based upon the listed examples above regarding his Internal Affairs interview, I determined Deputy Winsor was not truthful when he answered my questions.

It is alleged Deputy Winsor was untruthful during his Internal Affairs interview with regards to his contact with SDPD Sergeant Don Williams and Lieutenant Ray Valentin.

Sergeant Williams and Lieutenant Valentin both contacted Deputy Winsor on September 24, 2015. This was on the same day Officer Barajas conducted her preliminary investigation, and after she left the scene. They contacted Deputy Winsor to conduct an investigative follow-up pertaining to the gunshot. Prior to Sergeant Williams responding to investigate, Officer Barajas told Sergeant Williams she believed the gunshot came from Deputy Winsor's residence, but he denied having a negligent discharge and she could not locate a bullet hole inside his residence.

Deputy Winsor recalled being contacted by Sergeant Williams and Lieutenant Valentin. The following is an excerpt from my interview with Deputy Winsor:

KJ: *Did they mention anything about a gunshot? 'We want to see if there was a round fired off in your house.'*

SW: *No.*

KJ: *Still no?*

SW: *Still no. No.*

KJ: *Really?*

Later during the accused interview, the following question was presented to Deputy Winsor again and his response remained consistent:

KJ: *Alright. So the, the Detective Sergeant never asked you upon contacting you, I'm here to inspect your house again to see if there was a gunshot? He never said anything like that?*

SW: *Not that I recall. Not that I recall.*

As documented above, Deputy Winsor again denied the SDPD informed him they were investigating a gunshot inside his residence. Once more, this is in direct contrast with Sergeant Williams' written report. Sergeant Williams documented in his report, and specified during his Internal Affairs interview, that he definitely asked Deputy Winsor if he fired a weapon inside his residence. Deputy Winsor told him no.

During his Internal Affairs interview, Lieutenant Valentin corroborated Sergeant Williams when he described the interactions with Deputy Winsor. Lieutenant Valentin was present when Sergeant Williams asked Deputy Winsor if he discharged a firearm inside his residence. Deputy Winsor told Sergeant Williams he did not.

RV will represent SDPD Lieutenant Ray Valentin for this report.

KJ: *Did you make it abundantly clear to our deputy that you were there to see if he had fired off a gunshot in his house?*

RV: *Yes. Ah, Sergeant Don Williams did at the door.*

When I asked Lieutenant Valentin if he was positive Deputy Winsor denied having a negligent discharge, Lieutenant Valentin stated:

KJ: *And you specifically remember him saying no.*

RV: *Yes.*

Furthermore, when Sergeant Williams examined Deputy Winsor's guest bedroom for a bullet hole, he told Deputy Winsor the bedroom did not match up when compared to the bullet's exit point next door. Deputy Winsor told Sergeant Williams, *"I don't know what to tell you."* Deputy Winsor continued to deny he had a negligent discharge. This not only substantiates Deputy Winsor's untruthfulness concerning his contact with Sergeant Williams, but it also strongly implies he was untruthful about his contact with Officer Barajas.

I asked Deputy Winsor to explain to me exactly what happened. I had him begin with a knock on his door and being contacted by the sergeant and lieutenant. Deputy Winsor said the sergeant wanted to go upstairs because his partner was next door and was going to be tapping on the wall. The sergeant wanted to try to narrow down this *"thing, whatever."*

KJ: *They didn't tell you what the thing was? At the time, they didn't tell you what this thing was?*

SW: *No. I do not recall them actually telling me at that time.*

KJ: *That they were checking for a gunshot inside of your home. They didn't tell you that?*

SW: *Well, no. My wife told me that.*

Deputy Winsor stated he told his wife, [redacted], about his negligent discharge after he arrived home from his dental appointment. Officer Barajas had already left the scene of the investigation. [redacted] stated the SDPD were coming over again with some detectives, and they were investigating a gunshot that went through the wall. At this moment, everything *"clicked,"* and Deputy Winsor realized the SDPD were investigating his discharge.

Deputy Winsor told me when the sergeant and lieutenant entered his residence, the sergeant explained he had a partner next door and they wanted to check the walls.

I asked what they were checking for. Deputy Winsor said they wanted to conduct some testing. I asked what they were testing for. Deputy Winsor said for whatever came through the wall. According to Deputy Winsor, the sergeant was running the investigation and he could not get a *"word in edgewise."* When the sergeant went upstairs, Deputy Winsor *"cornered"* the lieutenant and told him he had an *"accidental discharge."*

This statement by Deputy Winsor is also untrue. Deputy Winsor told this investigator he *"cornered"* Lieutenant Valentin after he led Sergeant Williams upstairs so his walls could be examined. Deputy Winsor then volunteered he had a negligent discharge to Lieutenant Valentin while they were standing on the upstairs landing.

According to Sergeant Williams, Deputy Winsor admitted to his negligent discharge after it was about to be discovered inside the upstairs bathroom. Sergeant Williams stated one of his detectives next door placed a probe into the bullet hole and began tapping on the adjacent wall. The tapping was heard to be coming from Deputy Winsor's bathroom. Sergeant Williams began to walk over to the bathroom when Deputy Winsor admitted to his discharge.

Sergeant Williams' statement was verified by Lieutenant Valentin who was with Deputy Winsor at that time. Lieutenant Valentin was positioned at the top of the stairs near the guest bathroom. This bathroom is located between the guest bedroom and the master bedroom. Lieutenant Valentin stated Deputy Winsor was standing with him at this point. Lieutenant Valentin could hear Sergeant Williams instructing his detective to tap on the wall. As the detective began to tap on the wall, Lieutenant Valentin could hear the tapping was coming from the guest bathroom. He stated the tapping was *"very clear"* inside the bathroom.

Lieutenant Valentin walked inside the bathroom and leaned his head near the bathtub or shower area. He could clearly hear the tapping was coming from the adjacent wall.

KJ: *So it sounds like, or it's becoming more apparent that the A.D. happened inside the bathroom?*

RV: *That is correct.*

Lieutenant Valentin checked for a bullet hole on the shower wall and did not observe one. Since the tapping was obviously coming from the opposite side of the shower wall, he believed the gunshot occurred in the bathroom. Lieutenant Valentin turned and faced Deputy Winsor, and noticed he looked a little *"worried."* Lieutenant Valentin asked Deputy Winsor if he had an accidental discharge inside the bathroom, and if he failed to say so. He told Deputy Winsor that was why they were called accidental discharges because they were accidents.

At this time, Sergeant Williams was *"just coming around the corner"* when Deputy Winsor admitted to causing the discharge inside the bathroom. I confirmed Lieutenant Valentin made a full entry inside the bathroom when he asked Deputy Winsor if he was responsible for the discharge. Lieutenant Valentin said that was correct and Deputy Winsor was standing inside the bathroom with him.

KJ: *So he did not volunteer that information to you, you had to ask him straight out? Is that right?*

RV: *That is correct.*

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

2.46 Truthfulness

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

Based upon the statements by Sergeant Williams and Lieutenant Valentin, there is a preponderance of evidence to substantiate Deputy Winsor for a second sustained finding for truthfulness. Deputy Winsor gave the impression during his Internal Affairs interview that no one from the SDPD advised him they were investigating a negligent discharge. He also alluded to cooperating with the investigation, and subsequently admitted to his discharge upon his own volition. Unfortunately, it has been established these recollections were fabricated.

It is being alleged Deputy Winsor demonstrated unbecoming conduct when he dealt with the SDPD.

It is undisputed Deputy Winsor's behavior brought disrepute upon this department with another law enforcement agency. Officer Barajas, Sergeant Williams, and Lieutenant Valentin all recognized and commented on Deputy Winsor's dishonesty. Deputy Winsor's deception took valuable SDPD resources away from their intended responsibilities of safeguarding their community.

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

Additionally, Deputy Winsor's conduct discredited this department and embarrassed him and our profession. When evaluating this incident in its entirety, there is a vast amount of evidence to suggest his conduct did not reflect most favorably on this department.

FINDINGS

This complaint against Deputy Stephen Winsor is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **Section 2.3 – Violation of Rules**, as it relates to Section 8.2 – Discharge of Firearms, in that: Deputy Winsor admitted to having a negligent discharge on September 13, 2015, at approximately 1800 hours. The discharge occurred off duty and while inside his residence at [redacted], in San Diego. He failed to notify the Sheriff's Communications Center after the discharge, and also failed to notify the SDPD who was the agency of jurisdiction. The Sheriff's Department did not hear about his discharge until approximately 11 days later, and only after an extensive investigation was completed by the SDPD.

This complaint against Deputy Stephen Winsor is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **Section 2.30 – Failure to Meet Standards**, in that: After his negligent discharge, Deputy Winsor failed to conduct a complete and thorough welfare check on his neighbors. Deputy Winsor was only aware of one neighbor [redacted] who lived directly next to him where the bullet ultimately came to rest. Deputy Winsor was completely unaware [redacted] also lived next door and the bullet entered his bedroom. He knocked on the front door and rear window with no answer. He checked [redacted] regular parking spot and observed his vehicle was not there. Due to these circumstances, Deputy Winsor assumed no one was home and failed to check further. Deputy Winsor never attempted to contact his neighbors who lived in the end unit at [redacted]. Moreover, Deputy Winsor never entered [redacted] and [redacted] residence to ensure they were not shot.

This complaint against Deputy Stephen Winsor is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **Section 2.40 Abuse of Process/withholding Evidence**, in that: After his negligent discharge, Deputy Winsor attempted to conceal, falsify, and withhold evidence and information during his contacts with the SDPD. Deputy Winsor attempted to conceal the bullet hole in his bathroom using a caulking material. Apparently, he did such an exceptional job with this repair that he had to point directly to it while Lieutenant Valentin and Sergeant Williams were inside the bathroom with him. Officer Barajas conducted the preliminary investigation and did not observe the bullet hole inside his bathroom. Deputy Winsor made no attempt to inform Officer Barajas about his discharge, and allowed her to bypass the repaired bullet hole. He intentionally falsified his statements and withheld the truth when the SDPD asked him directly if he was responsible for a discharge inside his residence.

This complaint against Deputy Stephen Winsor is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **Section 2.6 Conformance to Laws**, as it relates to California Penal Code Section 148 (a)(1), in that: On September 24, 2015, Deputy Winsor was contacted by SDPD Officer Lindsay Barajas. This was 11 days after his discharge. When Officer Barajas asked if Deputy Winsor was responsible for discharging a firearm, Deputy Winsor told her no. She proceeded to investigate this incident for approximately four hours and never located the bullet hole. Officer Barajas left the scene to complete her report. SDPD Detective Sergeant Don Williams and Lieutenant Ray Valentin proceeded to the scene to conduct an investigative follow-up. When they asked Deputy Winsor if he was responsible for discharging a firearm inside his residence, Deputy Winsor continued his denial. They proceeded upstairs to inspect the interior walls for a gunshot. Just before they were about to locate the bullet hole inside Deputy Winsor's bathroom, he admitted to the discharge. Sergeant Williams, several detectives, and Lieutenant Valentin were on scene for approximately one and a half hours. Due to Deputy Winsor's untruthfulness and his attempt to conceal his culpability, the SDPD were tasked with an extensive investigation that occupied their personnel. If Deputy Winsor simply told Officer Barajas the truth initially, these multiple investigations could have been prevented. The end result was the SDPD had resources that were taken away from their intended responsibilities of safeguarding their community.

This complaint against Deputy Stephen Winsor is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **Section 2.46 – Truthfulness**, in that: Deputy Winsor was not truthful during his Internal Affairs interview with regards to his contact with Officer Barajas. Deputy Winsor told this investigator Officer Barajas never asked him if he discharged a firearm inside his residence. Officer Barajas' report and statement during her Internal Affairs interview suggests otherwise. Deputy Winsor also stated to this investigator Officer Barajas never asked him any questions with regards to firearms whatsoever. Once again, Officer Barajas' report and her statement are completely different. Officer Barajas distinctly recalled asking Deputy Winsor if he had an accidental discharge, and if he brought his department-issued firearm home with him. Deputy Winsor denied discharging a firearm, and told her he kept his department-issued firearm at work. To further corroborate Officer Barajas' testimony, she obtained very specific information with regards to where Deputy Winsor cleaned his firearm in the event he brought it home. Deputy Winsor told Officer Barajas he cleaned his department-issued firearm outside on the back patio because his wife did not like the smell of the cleaning products. I confirmed during my interview with Deputy Winsor that was correct. If no conversation took place about firearms as Deputy Winsor explained, it is unknown how Officer Barajas obtained such specific information. Unfortunately, these circumstances indicate Deputy Winsor was untruthful during his Internal Affairs interview.

This complaint against Deputy Stephen Winsor is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **Section 2.46 – Truthfulness**, in that: Deputy Winsor was not truthful during his Internal Affairs interview with regards to his contact with SDPD Sergeant Don Williams and Lieutenant Valentin. Deputy Winsor stated he was never asked by Sergeant Williams if he was responsible for a negligent discharge. Deputy Winsor also stated he was never advised by Sergeant Williams and Lieutenant Valentin they were investigating a gunshot. According to Deputy Winsor, Sergeant Williams and Lieutenant Valentin were there to investigate that *"thing."* Both Sergeant Williams and Lieutenant Valentin stated in their interviews Deputy Winsor understood they were there to investigate a gunshot, and he repeatedly denied it. Furthermore, Deputy Winsor stated during his Internal Affairs interview he voluntarily told Lieutenant Valentin about his negligent discharge while they were on the upstairs landing. According to Sergeant Williams and Lieutenant Valentin, Deputy Winsor admitted to his discharge just before they were about to locate the bullet hole inside his bathroom. Deputy Winsor's admission was not voluntary, and was a result of being questioned by the lieutenant. This again illustrates Deputy Winsor was untruthful during his interview.

This complaint against Deputy Stephen Winsor is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **Section 2.4 - Unbecoming Conduct**, in that: Deputy Winsor's behavior brought disrepute upon this department with another law enforcement agency. Officer Barajas, Sergeant Williams, and Lieutenant Valentin all recognized and commented on Deputy Winsor's dishonesty. Deputy Winsor's deception took valuable SDPD resources away from their intended responsibilities of safeguarding their community. Additionally, Deputy Winsor's conduct discredited this department and embarrassed him and our profession. When evaluating this incident in its entirety, there is a vast amount of evidence to suggest his conduct did not reflect most favorably on this department. Due to his conduct, and Internal Affairs investigation had to be initiated which impaired the operation and efficiency of this department.

Submitted by: K Jones #2406, SGT. 12/1/15
Kenneth Jones, Sergeant Date

Approved by: Jeffrey S. Duckworth 12-3-15
Jeffrey S. Duckworth, Lieutenant Date

JSD:kj

WITNESS LIST

INTERNAL AFFAIRS CASE #2015-170.1

NAME	ADDRESS	TELEPHONE
[redacted] Witness	[redacted]	[redacted]
[redacted] Witness	[redacted]	[redacted]
Lindsay Barajas SDPD Officer	4310 Landis Street San Diego, CA 92105	[redacted]
Don Williams SDPD Sergeant	4310 Landis Street San Diego, CA 92105	[redacted]
Ray Valentin SDPD Lieutenant	4310 Landis Street San Diego, CA 92105	[redacted]

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2015-170.1 DATE: November 16, 2015

COMPLAINANT: S.D.S.D. INVESTIGATOR: Sergeant K. Jones

INVESTIGATION

On September 28, 2015, Lieutenant Harvel assigned this complaint to me for investigation. I reviewed the complaint form and accompanying documents. All of the interviews in this investigation were digitally recorded and will be maintained with the Internal Affairs file. Interviews of witnesses and the accused are synopses unless otherwise noted by quotations or italics. For exact and complete details of the interviews, please refer to the recordings.

The following is a summation of what occurred prior to interviewing Deputy Winsor. I discovered the information below by reviewing various San Diego Police Department (SDPD) reports, and conducting witness interviews. It should be noted, the SDPD reports list Deputy Winsor's address as [redacted]. This is incorrect. The correct address for Deputy Winsor is [redacted].

The allegation is that Deputy Stephen Winsor had a negligent discharge with his privately owned Springfield Armory XD .40 caliber handgun. This incident occurred on or around September 16, 2015, while he was inside of his residence at [redacted] in San Diego. Deputy Winsor's residence is a townhome with two adjoining neighbors to his west. This townhome complex shares common walls between the units. The expended bullet went through Deputy Winsor's bathroom wall, and exited inside of his adjoining neighbor's bedroom at [redacted]. The bullet exited his neighbor's bedroom wall, continued through a picture frame and a computer desk, and came to a rest on the bedroom floor.

Deputy Winsor's neighbor, [redacted], found the intact bullet on his bedroom floor on September 16, 2015. [redacted] did not immediately recognize this piece of metal was a bullet due to his unfamiliarity with firearms and ammunition. [redacted] subsequently placed the bullet on his nightstand and did not initially observe the exit point on his bedroom wall. [redacted] did not immediately discover the damaged picture frame or the hole on his computer desk due to the computer monitor blocking the destruction, and the various papers scattered about the desktop.

On September 24, 2015, [redacted] decided to clean his computer desk and noticed some broken pieces of glass on top of it. Upon further inspection, [redacted] saw the bullet's exit point on his wall and the damage which was done to his picture frame and computer desk. [redacted] realized the piece of metal he discovered the previous week must have been a bullet which had been fired into his bedroom. After realizing what had occurred, [redacted] called the SDPD on September 24, 2015 to file a report with them.

SDPD Officer Lindsay Barajas arrived on scene and contacted [redacted]. After obtaining his statement and inspecting the bullet hole, she determined the expended bullet must have come from the adjoining townhome owned by Deputy Winsor. Officer Barajas went next door and contacted Deputy Winsor. After explaining the circumstances to Deputy Winsor, he denied having a negligent discharge or being involved in any disorders which might require discharging a firearm. Officer Barajas obtained consent from Deputy Winsor to enter his residence. Officer Barajas inspected the upstairs and downstairs of Deputy Winsor's townhome three separate times, and she could not locate a bullet hole. Deputy Winsor continued to deny he had a negligent discharge.

Officer Barajas left the scene and began to complete her report which was for 246 PC – Shooting at an Inhabited Dwelling (Felony). Officer Barajas' report was documented as CN 15041481. SDPD Detective Sergeant Don Williams and several of his detectives arrived on scene for their investigation after Officer Barajas left. SDPD Lieutenant Ray Valentin responded to the scene as well. Sergeant Williams contacted Deputy Winsor who continued his denial as to having a negligent discharge. Deputy Winsor also denied being involved in any domestic incidents which involved firing a weapon.

After further investigation and discussing the incident with Deputy Winsor, he admitted to negligently firing his personal handgun while cleaning it in his upstairs bathroom. The SDPD investigated this incident for approximately five hours before Deputy Winsor admitted to firing his weapon.

SDPD detectives later determined Deputy Winsor patched the bullet hole in an attempt to conceal the damage inside his bathroom. Sergeant Williams and Lieutenant Valentin located the bullet hole, and photographs of the repair work were taken. Upon reviewing the photographs, it appears the bullet struck just above the right side of the shower's soap counter. Deputy Winsor admitted to Sergeant Williams he repaired the bullet hole. When Sergeant Williams understood this was a negligent discharge, he cancelled the criminal case and wrote a report explaining what happened. Sergeant Williams' follow-up investigation was attached to Officer Barajas' crime report. Sergeant Williams determined this incident was not criminal in nature and would be better handled administratively.

On September 24, 2015, at approximately 1500 hours, the Sheriff's Division of Inspectional Services (DIS) was contacted and responded to the scene. Sheriff's Sergeant Nicholas Maryn

contacted Deputy Winsor to check his welfare. After a brief visit, Sergeant Maryn left the scene and made the appropriate notifications. I confirmed with Sergeant Maryn that he did not obtain a statement from Deputy Winsor. Sergeant Maryn's sole purpose was to check the welfare of Deputy Winsor and to ensure no one was injured. Sergeant Maryn confirmed no one was injured from Deputy Winsor's negligent discharge.

I have attached the SDPD's crime report and investigative follow-up to this investigation. I also attached the various photographs the SDPD took while they were on scene. After reviewing these reports and photographs, I contacted [redacted] who was the reporting party for this incident. [redacted] agreed to be interviewed as a witness in my investigation.

On October 14, 2015, at approximately 1111 hours, I interviewed [redacted] inside his residence at [redacted] in San Diego. I recorded our discussion using a digital voice recorder. [redacted] was aware of my recording. The following is a synopsis of my interview. For exact details, please refer to the attached recording.

STATEMENT OF WITNESS/REPORTING PARTY: [redacted]

[redacted] currently resides at [redacted] along with his roommate, [redacted]. Their residence is a two bedroom townhome with adjoining neighbors on both sides. [redacted] and [redacted] are the only occupants in this residence. [redacted] has been living at this residence for approximately two years. I asked [redacted] if he contacted the SDPD on September 24, 2015. [redacted] told me yes. I subsequently asked [redacted] to tell me about what happened.

[redacted] stated he found a piece of metal on his bedroom floor on September 16, 2015. At that time, he did not know what the piece of metal was and never thought it was a bullet. [redacted] placed the bullet on his nightstand and did not observe the damage to his wall or computer desk. Approximately eight days later on September 24, 2015, [redacted] began to use his computer and noticed a picture frame on his computer desk had been damaged. He observed some broken glass from the picture frame and began to move various papers off his desk. Upon further inspection, [redacted] noticed some drywall powder on his desk and moved it away from the bedroom wall.

When [redacted] moved his computer desk, he observed the bullet hole on his wall and also discovered the computer desk had a hole on its desktop. When [redacted] observed this damage, he realized the piece of metal he previously found was a bullet which must have been fired into his bedroom. [redacted] then called the SDPD to report what happened. I showed [redacted] a series of photographs which had been taken by the SDPD during their investigation. [redacted] told me the photographs were accurate as to what his bedroom looked like after discovering the damage.

The SDPD arrived and began to conduct their investigation. They went next door to Deputy Winsor's residence to inquire about what happened. They went inside Deputy Winsor's

townhome and spoke to his wife. [redacted] did not believe Deputy Winsor was home when the SDPD initially went to his residence. This was later determined to be false. [redacted] told me the SDPD could not locate a bullet hole inside Deputy Winsor's townhome. The SDPD officer thought about different theories how this could have happened because she could not locate a bullet hole inside Deputy Winsor's residence. The bullet hole inside [redacted] bedroom clearly indicated the round was fired from Deputy Winsor's townhome. [redacted] told me the SDPD were on scene for approximately 3-4 hours investigating what occurred.

[redacted] had to leave for work and later received a phone call from the SDPD. The SDPD wanted to respond again to his residence with some detectives. [redacted] and his roommate were not at home but they left their back door open. [redacted] gave the SDPD consent to enter his townhome via the back door so they could continue their investigation. [redacted] did not know what transpired while he was away. I confirmed the SDPD officer who initially responded to take a report went back and forth between the two residences several times. [redacted] did not know if the SDPD ever contacted Deputy Winsor in person, and was only aware they spoke to his wife.

I asked [redacted] if he had ever met Deputy Stephen Winsor before. [redacted] told me no. [redacted] has lived next door to Deputy Winsor for two years and has never met him. At the time of this interview, Deputy Winsor has not contacted [redacted] to talk about what happened or check if he was injured by the negligent discharge. [redacted] stated he has not been contacted by Deputy Winsor's wife either. This concluded my interview with [redacted]. Our interview was concluded at approximately 1123 hours with a request not to disclose anything about this investigation with anyone.

INVESTIGATION: (Continued)

Immediately following [redacted] interview, I spoke with his roommate, [redacted]. The interview took place inside their residence and began at approximately 1125 hours. I recorded my interview with [redacted] using a digital voice recorder. [redacted] was aware of the recording. The following is a synopsis of my interview with [redacted]. For exact details, please refer to the attached recording.

STATEMENT OF WITNESS: [redacted]

[redacted] resides at [redacted] and has lived there for approximately 15 years. He resides at this address with his roommate, [redacted]. I asked [redacted] if he could tell me what happened, and requested he start around the time [redacted] found the bullet on his bedroom floor. [redacted] knew nothing about [redacted] finding the bullet on September 16, 2015. [redacted] was contacted by [redacted] on September 24, 2015, after [redacted] discovered the damage to his bedroom wall and computer desk.

[redacted] was in his bedroom when [redacted] knocked on the door and asked him to look at what he found. [redacted] walked into [redacted] bedroom and noticed the computer desk was pulled away from the wall. He looked behind the computer desk and noticed what appeared to be a gunshot exiting the drywall. [redacted] told him the bullet went through the desk and he found it on the floor.

[redacted] called the SDPD for a report and they responded to their residence. [redacted] was home when the SDPD arrived. He stated the officer went back and forth between his residence and Deputy Winsor's townhome trying to figure out what happened. The SDPD investigated the incident for almost four hours.

I asked [redacted] if he was ever contacted by Deputy Winsor. [redacted] was contacted by Deputy Winsor on September 25, 2015; one day after the SDPD investigated the negligent discharge. Deputy Winsor went over to their residence between 0830-0900 hours to tell them what happened. [redacted] was not at home so Deputy Winsor spoke with [redacted] about the incident. Deputy Winsor apologized for the negligent discharge and admitted to firing his weapon. Deputy Winsor said it was his mistake and he would pay whatever damage he caused. [redacted] described Deputy Winsor's demeanor as being *"stressed out."* [redacted] did not know Deputy Winsor fired his weapon until he came over and admitted to doing it. [redacted] had no idea Deputy Winsor was involved because the SDPD previously told him they checked Deputy Winsor's residence for a gunshot with negative results.

I asked [redacted] if Deputy Winsor described how the gunshot went off. Deputy Winsor apparently told [redacted] he was cleaning his handgun in the bathroom when it fired towards the bathtub. I asked if Deputy Winsor ever contacted him to check if anyone had been injured around September 16, 2015. [redacted] told me no.

According to [redacted], Deputy Winsor said he went to their residence just after the negligent discharge to check their welfare, but no one was home. Deputy Winsor then checked the water pressure valves near the street to ensure the pipes were undamaged. The water pressure appeared to be normal. The next morning, Deputy Winsor attempted to contact [redacted] again but no one answered the door. Deputy Winsor noticed [redacted] vehicle was not parked at the complex so he presumed [redacted] was not at home. Deputy Winsor checked the water pressure again which appeared to be functioning normally. Due to these circumstances, Deputy Winsor assumed no one was injured and the bullet remained lodged inside the wall somewhere.

I asked [redacted] if he ever spoke to Deputy Winsor's wife, [redacted], about what transpired. [redacted] told me yes. When the SDPD left after taking the initial report, he went next door to apologize to [redacted]. [redacted] wanted to apologize for the inconvenience because the police were there longer than he anticipated. He invited [redacted] over to his townhome to show her the damage. When [redacted] observed the destruction, she immediately became distraught and appeared to be stunned at what happened. [redacted] said [redacted] reaction gave

him the impression she had no knowledge about the negligent discharge prior to showing her the damage.

[redacted] stated he has lived next door to Stephen and [redacted] for approximately 15 years and they have been good neighbors. He was thankful no one was hurt and this concluded our interview. The interview was concluded at approximately 1135 hours with a request not disclose any information.

INVESTIGATION: (Continued)

I later contacted SDPD Detective Sergeant Don Williams and requested an interview. Sergeant Williams agreed to speak to me as a witness in my investigation. On October 15, 2015, at approximately 1405 hours, I met with Sergeant Williams for an interview. I recorded our interview using a digital voice recorder. Sergeant Williams was aware of my recording. The interview took place at 4310 Landis Street in San Diego (SDPD Mid-City Division). The following is a synopsis of our discussion. For exact details, please refer to the attached recording.

STATEMENT OF WITNESS: SDPD DETECTIVE SERGEANT DON WILLIAMS

Sergeant Williams has been employed by the SDPD for approximately 19 years. Prior to his employment with the SDPD, he served with the Carlsbad Police Department for approximately eight years. He is currently assigned to supervise the various detectives at the Mid-City Division. He has held this assignment for approximately four years.

Sergeant Williams responded to [redacted] on September 24, 2015. He responded due to receiving a call from an officer who previously investigated a shooting at this residence. The officer was identified as Officer Lindsay Barajas. Officer Barajas explained she responded to [redacted] and contacted the reporting party, [redacted]. [redacted] escorted her upstairs to his bedroom and showed her the bullet hole through his wall and the subsequent damage. Officer Barajas determined the gunshot must have come from the adjoining townhome where Deputy Winsor resided.

Officer Barajas went next door and contacted Deputy Winsor and his wife, [redacted] Both Deputy Winsor and [redacted] told Officer Barajas they had no knowledge about a gunshot and did not know what she was talking about. Officer Barajas gained consent from Deputy Winsor to enter his residence and check for a bullet hole or any relevant evidence. She examined the interior of the townhome and could not locate any gunshot evidence on the walls.

Sergeant Williams told me Officer Barajas asked Deputy Winsor if he stored any firearms inside his residence. Deputy Winsor told her he did not, and he kept his firearm at work. Sergeant Williams could not be sure, but believed [redacted] also confirmed Deputy Winsor kept his firearms

at work. Officer Barajas further explained to Sergeant Williams that she checked all of the walls inside Deputy Winsor's townhome and could not locate an entry point from a gunshot. Sergeant Williams asked her if there could be any other trajectories that could explain how this happened. Officer Barajas told him no.

Sergeant Williams stated since this case would have to be investigated by one of his personnel anyway, he decided to respond with his detectives to find out what happened. Sergeant Williams, two of his detectives, and Lieutenant Valentin, all responded and contacted [redacted] (Victim/Reporting Party). Upon inspecting the bullet hole and damage inside [redacted] bedroom, Sergeant Williams immediately determined the round must have been discharged from the adjoining townhome owned by Deputy Winsor. Sergeant Williams additionally inserted a *"probe"* into the bullet hole which further indicated the bullet came from Deputy Winsor's townhome.

Sergeant Williams instructed his two detectives to photograph [redacted] bedroom and he went next door to contact Deputy Winsor. Sergeant Williams asked Deputy Winsor if he fired his weapon, or if there could have been any circumstances that caused a gunshot inside his residence. Deputy Winsor told him no. Sergeant Williams asked Deputy Winsor if he could inspect the interior of his townhome for evidence. Deputy Winsor agreed, and led Sergeant Williams upstairs to a bedroom towards the left side of the hallway.

Sergeant Williams knew this could not be the bedroom where the gunshot occurred because from inspecting [redacted] room next door, the two bedrooms did not match up. Sergeant Williams told Deputy Winsor the layout did not match and this was the wrong bedroom. Deputy Winsor stated, *"I don't know what to tell you."* Deputy Winsor continued to deny he was responsible for the negligent discharge. Sergeant Williams called one of his detectives who was still next door, and asked him to place the probe into the hole and tap on the adjacent wall.

Sergeant Williams vaguely heard the tapping and it was clear to him the probe was striking a wall located off to his right. Sergeant Williams told his detective to continue tapping the wall and he began to walk towards the sound. The sound of the tapping became louder as Sergeant Williams approached the bathroom. Just before Sergeant Williams was going to enter the bathroom, Deputy Winsor said, *"Okay, I had an accidental discharge."* Sergeant Williams asked him where it happened. Deputy Winsor walked into the bathroom and pointed to a soap dish that was connected to his bathtub.

Sergeant Williams noticed Deputy Winsor patched the gunshot hole due to the discoloration. Deputy Winsor went on to say he went to a Home Depot to get the materials used for the patch. Sergeant Williams asked him why he did not report the negligent discharge when it happened. Deputy Winsor stated he did not believe the bullet went through the wall entirely so, *"No harm, no foul."* I showed Sergeant Williams three photographs taken of the bathroom and the bullet

hole. Sergeant Williams stated his detective took those photographs which accurately depicted the scene upon his arrival.

I asked if Deputy Winsor mentioned anything about checking on his neighbors to see if they had been injured. Sergeant Williams told me no. Sergeant Williams agreed that Deputy Winsor essentially lied to him during his investigation. I asked if Deputy Winsor's untruthfulness interfered with or delayed his investigation. Sergeant Williams told me yes. He stated the patrol officers were at the scene for several hours, and his response and follow-up took approximately one and a half hours. Additionally, Sergeant Maryn from Sheriff's DIS responded to the scene to conduct his business. Sergeant Williams said Deputy Winsor wasted six hours of everyone's time.

Sergeant Williams cancelled the case the next day because a negligent discharge was not considered a criminal matter. I asked Sergeant Williams how long he spoke with Deputy Winsor before he admitted to the negligent discharge. Sergeant Williams stated he spoke with Deputy Winsor for 10-15 minutes before his admission. Sergeant Williams believed Deputy Winsor was dishonest from the beginning because the situation was not making any sense. He did not know exactly why Deputy Winsor escorted him to the first bedroom. Apparently, Deputy Winsor was very cooperative with Sergeant Williams upon inspecting this room, and even moved the couch away from the wall so the bedroom could be checked.

Deputy Winsor eventually told Sergeant Williams he was cleaning his handgun and it discharged when he attempted to load the firearm. Sergeant Williams did not ask Deputy Winsor very many questions about the cause of the negligent discharge. His main concern dealt with Deputy Winsor's responsibility, and not how it happened.

Deputy Winsor took Sergeant Williams downstairs and showed him the handgun in question. Deputy Winsor stored the handgun inside a case next to a piece of furniture. Deputy Winsor said the handgun (Springfield Armory .40 caliber) was his personal firearm and was not issued by the Sheriff's Department. Deputy Winsor stated he did not have any other firearms stored inside his residence.

I asked Sergeant Williams if Deputy Winsor indicated exactly when the negligent discharged happened. Deputy Winsor did not give an exact date, however, he said it happened approximately one week prior to being contacted by the SDPD. Deputy Winsor told Sergeant Williams he never notified anyone about his negligent discharge. Sergeant Williams said [redacted] had very little to say and appeared to be scared about what was transpiring. Sergeant Williams did not inquire as to what role [redacted] had in this incident because he knew this investigation was going to be an internal matter with the Sheriff's Department. Sergeant Williams told me it appeared [redacted] knew Deputy Winsor had a negligent discharge at some point.

Sergeant Williams felt bad about the entire incident and told Deputy Winsor he could not make this go away. I asked if Deputy Winsor requested they drop their investigation as if it never happened. Sergeant Williams told me Deputy Winsor never asked for that favor. Sergeant Williams explained he did not have to worry about a criminal case being filed, but he needed to notify his Department and explain what happened. Sergeant Williams told me he hated to see Deputy Winsor hang himself over something so senseless.

This concluded my interview with SDPD Sergeant Don Williams. The interview was concluded at approximately 1426 hours with a request not to disclose any information.

INVESTIGATION: (Continued)

On October 15, 2015, at approximately 1437 hours, I interviewed Officer Barajas regarding her involvement in this incident. The interview took place in the same conference room at the SDPD Mid-City Division where I interviewed Sergeant Williams. I recorded my interview with Officer Barajas using a digital voice recorder. Officer Barajas was aware of my recording. The following is a synopsis of my interview. For exact details, please refer to the attached recording.

STATEMENT OF WITNESS: OFFICER LINDSAY BARAJAS

Officer Barajas has been employed with the SDPD for approximately four years. She is currently assigned to conduct the various patrol duties in her jurisdiction. Officer Barajas responded to [redacted] on September 24, 2015. She received a call for service regarding a shooting at a dwelling, and responded to that address to conduct her investigation.

Officer Barajas contacted [redacted] who was the reporting party. [redacted] told her he found a piece of metal on his bedroom floor approximately one week ago. When he found this object, he could not determine what it was and nothing appeared to be out of place. [redacted] held onto this object not knowing it was a bullet that had been fired into his bedroom. Approximately one week later on September 24, 2015, [redacted] was cleaning his computer desk and noticed a hole in the wall and some drywall powder on the desktop. When [redacted] observed this damage, he realized the piece of metal he found must have been a bullet that was fired into his bedroom.

Officer Barajas asked [redacted] if he knew his next door neighbor very well, and if he owned any firearms. [redacted] did not know Deputy Winsor but believed he worked for the California Highway Patrol (CHP). Officer Barajas conducted a firearms check via her dispatcher for Deputy Winsor's address. She learned Deputy Winsor had one firearm registered per his address. Officer Barajas remembered the firearm being a handgun but could not recall the make or caliber.

Officer Barajas inspected the bullet which had not expanded or *"mushroomed"* after it exited the wall and struck [redacted] desk. She furthermore had [redacted] show her the damage the bullet

caused inside of his bedroom. Officer Barajas went next door and contacted Deputy Winsor's wife, [redacted]. Officer Barajas asked [redacted] if her husband worked for any law enforcement agency. [redacted] stated her husband worked for the Sheriff's Department. Deputy Winsor walked downstairs and contacted Officer Barajas at the front door. Officer Barajas explained why she was there, and asked Deputy Winsor if he carried his firearm home with him after work. Deputy Winsor told her no, and he leaves it at work most of the time.

Deputy Winsor said the only time he brings his department-issued firearm home would be to clean it, which was not very often. When he cleans this weapon, he does it outside on the back patio because his wife does not like the smell of the cleaning products. Deputy Winsor did not tell Officer Barajas about his personally owned Springfield .40 caliber handgun. Officer Barajas asked if she could enter his residence to inspect the interior walls for a gunshot. Deputy Winsor granted this request, and led her upstairs to check the bedrooms.

Officer Barajas checked the guest bedroom first which was wallpapered. She checked this wall knowing it would have to be an exact match if it had been patched. She did not locate any holes or patch work on the bedroom wall. She also checked a closet that shared a common wall with [redacted] bedroom with negative results. Officer Barajas looked inside the upstairs bathroom but did not observe any damage. Officer Barajas told me she looked inside the bathroom but did not inspect its interior as thoroughly as the guest bedroom. Officer Barajas said for some reason, she was primarily focused on the guest bedroom.

At this point in her investigation, Officer Barajas asked Deputy Winsor if he had an accidental discharge. Deputy Winsor told her no. Deputy Winsor then had to leave his residence due to a dentist appointment, so she subsequently went back over to [redacted] townhome. Officer Barajas called her patrol sergeant and asked if she should take a report without listing a suspect. Officer Barajas told me both Deputy Winsor and his wife were very cooperative, however, they appeared to be less than forthcoming. Officer Barajas knew from inspecting the bullet hole on [redacted] wall that it had to have come from Deputy Winsor's residence.

Two patrol sergeants responded and met with Officer Barajas at the scene. They confirmed the piece of metal was indeed a bullet, and told her to complete her report with no suspect listed on the face sheet. Officer Barajas went back over to Deputy Winsor's residence and inspected the guest bedroom again. Deputy Winsor was not at home and she was granted access this second time by [redacted]. Officer Barajas wanted to determine exactly which wall the bullet came from. Officer Barajas had her patrol sergeant remain in [redacted] bedroom while she knocked on the guest bedroom's wall. As Officer Barajas was knocking on the wall, her patrol sergeant advised her she could not hear any noise.

Officer Barajas assumed the gunshot did not occur inside the guest bedroom so she conducted another sweep upstairs. She did not observe any damage. Officer Barajas did not know why, but she did not knock on the bathroom wall as she previously did in the guest bedroom. Officer

Barajas left Deputy Winsor's residence and went next door again. While at [redacted] residence, Officer Barajas took several photographs of the scene and obtained a case number. She was still unsatisfied about not being able to locate the bullet hole next door, so she went back for a third time. Officer Barajas contacted [redacted] again and asked to inspect the downstairs this time. [redacted] agreed and allowed Officer Barajas inside.

Officer Barajas examined the downstairs and rear patio with negative results for a bullet hole. [redacted] never told Officer Barajas about Deputy Winsor's personal weapon. Officer Barajas realized she checked Deputy Winsor's townhome three separate times so she decided to leave the scene and write her report. She drove to her substation and began to document her preliminary investigation. She spoke to Sergeant Williams who agreed the piece of metal she collected was a bullet. He told her the bullet was a .40 caliber round and he responded to the scene with several detectives. Officer Barajas remained at the substation to finish her report while the detectives conducted their investigation.

Sergeant Williams later called Officer Barajas and told her Deputy Winsor confessed to having a negligent discharge and they located where it occurred. It was decided Officer Barajas would document her report exactly how it transpired, and the detectives would attach their follow-up as to what happened on their end.

I asked Officer Barajas if she had any contact with Deputy Winsor after he initially left for his dentist appointment. Officer Barajas told me Deputy Winsor approached her while she was inside her patrol car just prior to leaving for his dentist appointment. Deputy Winsor wanted to tell her his wife would be home in the event she needed to go back inside their residence or speak with her. I asked what Deputy Winsor's demeanor was when she first contacted him. Officer Barajas told me Deputy Winsor had a surprised and worried look on his face. Deputy Winsor was very cooperative and played the *"dumb game"* very well according to Officer Barajas.

Officer Barajas stated she obviously trusted Deputy Winsor with what he told her because they shared the same profession. I asked about the weapons inquiry Officer Barajas received from her dispatcher. Officer Barajas misunderstood this weapon to be Deputy Winsor's duty firearm he was issued from the Sheriff's Department. When she asked him if he had any firearms, Deputy Winsor said he kept his department-issued handgun at work. Officer Barajas did not inquire about his personal firearms and assumed the weapon her dispatcher located was his duty handgun. Furthermore, Deputy Winsor never volunteered he personally owned a Springfield Armory .40 caliber handgun.

I asked if Deputy Winsor's untruthfulness interfered with her investigation. Officer Barajas responded by saying absolutely. If Deputy Winsor admitted to having a negligent discharge, she would have understood instead of spending a significant amount of time trying to locate the

bullet hole. This concluded my interview with Officer Lindsay Barajas. The interview was concluded at approximately 1510 hours with a request not to disclose any information.

INVESTIGATION: (Continued)

On November 9, 2015, at approximately 0841 hours, I interviewed Deputy Stephen Winsor. The interview took place inside a private conference room within the office of Internal Affairs. I recorded our conversation using a digital voice recorder. Deputy Winsor was aware of the recording. Deputy Winsor was represented by his attorney, Bradley Fields. Also present for the interview was Sergeant Patrick Shannon who is assigned to Internal Affairs.

Before the interview began, Deputy Winsor was allowed to review the four sections of the Rules of Conduct as they pertained to Insubordination, Intervention, Departmental Reports, and Truthfulness. Deputy Winsor understood his obligation to adhere to these sections.

Deputy Winsor was advised per the complete Lybarger Admonition. Upon being advised of his Miranda rights, Deputy Winsor answered *"yes"* to understanding his rights, and *"no"* to be willing to speak with me. Deputy Winsor was admonished per Garrity and did not have any questions. He was ordered to answer my questions fully and truthfully.

Before the interview began, Deputy Winsor was allowed to review the complaint form and several documents from the Sheriff's Policy and Procedure manual pertaining to Section 8.2 – Discharging of Firearms. Below is a synopsis of our conversation. For exact details, please refer to the attached recording.

STATEMENT OF ACCUSED EMPLOYEE: DEPUTY STEPHEN WINSOR

Deputy Stephen Winsor has been employed with the San Diego County Sheriff's Department for approximately 13 years. He is currently a Detentions/Court Services Deputy Sheriff assigned to the South Bay Detention Facility. He has not held any other assignments since being hired by the Sheriff's Department.

Deputy Winsor's current address is [redacted] in San Diego. He has lived there for approximately 25 years. Deputy Winsor lives with his wife, [redacted], at this residence. They do not have any children together. I asked Deputy Winsor if he owned any firearms other than his department-issued Glock. Deputy Winsor told me yes. He currently owns four handguns, one shotgun, and one Mini-14 rifle. Two of Deputy Winsor's handguns are Springfield Armory XDs that are .40 caliber models. The other two handguns are revolvers.

Deputy Winsor stores his shotgun and rifle in a locked case inside a walk-in closet. The handguns are kept inside his bedroom, with one being stored downstairs. His department-issued Glock is kept inside a gun locker at the South Bay Detention Facility. This gun locker is located

within the facility's vehicle sally port. Deputy Winsor told me he stores his department-issued firearm inside this gun locker *"all the time."*

I proceeded to show Deputy Winsor an Automated Firearms System (AFS) form documenting the various firearms registered in his name. There were six firearms registered to Deputy Winsor according to this document. After his review, it was determined the last firearm, a Glock 27 .40 caliber, was no longer owned by Deputy Winsor. The shotgun and Mini-14 were not listed on the AFS report. There also appeared to be a duplicate firearm listed on the report which was for his Ruger .357 Magnum. It was however determined that Deputy Winsor owned more than one personal firearm.

I told Deputy Winsor it was alleged he had a negligent discharge inside of his residence, and asked him openly if that occurred. Deputy Winsor told me yes.

Throughout this report, the following initials will represent the following individuals.

KJ: Ken Jones (Investigator)

PS: Patrick Shannon (Internal Affairs Sergeant)

SW: Stephen Winsor (Accused Employee)

KJ: *And were you responsible for that discharge?*

SW: *Yes.*

KJ: *Can you tell me when it occurred?*

SW: *Ah, September 13th, at approximately 1800 hours.*

Deputy Winsor told me the negligent discharge occurred in a second bathroom located upstairs. His wife was outside in the backyard when it happened, and to the best of his knowledge, she did not hear the gunshot. Deputy Winsor said he and his wife were not involved in a domestic violence incident when the discharge occurred. I asked if he advised his wife about the negligent discharge. Deputy Winsor told me not at that time. He told his wife about it on September 24, 2015, after the SDPD began their investigation.

I asked Deputy Winsor to tell me about how the negligent discharge happened in as much detail as possible. Deputy Winsor stated he was getting some things together for work and at the last minute, decided to *"oil"* his XD tactical .40 caliber handgun. This weapon was primarily used by Deputy Winsor for target shooting. He unloaded the firearm and proceeded to take it apart and

lubricate it. He was inside his upstairs bathroom at that time, and when he inserted the magazine back into the firearm, its slide went forward and the handgun discharged.

I asked Deputy Winsor if he was going to take this firearm to work with him. He told me no. It was a last minute decision to lubricate the weapon. The weapon fired while he was inside the bathroom and the bullet entered near the shower's soap dish. Deputy Winsor patched the damage to the wall the following day which was around, September 14, 2015.

I inquired if Deputy Winsor advised his wife about the discharge after patching the bullet hole. Deputy Winsor told me no. When asked why not, Deputy Winsor stated he was embarrassed and did not want to concern her. He already had the materials for the repair work and did not go to the Home Depot to purchase them. A tub and tile sealant was used by Deputy Winsor to repair the damage to his shower's wall.

I asked Deputy Winsor if he proceeded to check his neighbor's welfare after the negligent discharge. Deputy Winsor told me he did, and went next door immediately after the incident. He rang [redacted] door bell and knocked on the door but no one answered. He proceeded around the back where [redacted] usually parks his vehicle and observed it was gone. Deputy Winsor then went to the rear of [redacted] townhome and noticed all the lights were off. He entered [redacted] backyard and knocked on a window just in case [redacted] was in the kitchen. He did not receive an answer.

Deputy Winsor told me since [redacted] lived alone and his vehicle was not there, he figured no one was home. He also knew [redacted] worked odd hours for his employment. I told Deputy Winsor that [redacted] had a roommate and his name was [redacted]. I went on to explain that the bullet which was discharged entered [redacted] bedroom. Deputy Winsor did not know [redacted] lived next door to him. Deputy Winsor did not have [redacted] cellphone number so he did not attempt to call him. I asked Deputy Winsor if his wife, [redacted] had [redacted] cellular phone number. He said she might have due to being on the homeowner's association, but he did not know. I established with Deputy Winsor he did not know for certain that no one was home next door at the time of the discharge.

I asked if he could have done anything more to confirm no one was injured as a result of his negligent discharge. Attorney Bradley Fields wanted to confirm if that question was meant for specifically at the time of the discharge, or regarding what Deputy Winsor understands now. I said it could be applied to both situations, but directed the questions as to what Deputy Winsor knows now. Deputy Winsor answered the question by saying he did not have [redacted] cellphone number and was not sure his wife did either.

I asked if he checked [redacted] welfare more than once. Deputy Winsor did not. Deputy Winsor told me their schedules conflicted and they never met. Every time Deputy Winsor arrived at home, he never observed [redacted] vehicle parked in its usual space.

KJ: *So you didn't see him and you figured he's okay?*

SW: *Well, I didn't see him and I figured that, you know, he wasn't at home at the time.*

Since [redacted] townhome was positioned in the middle of two neighboring units, one of which was Deputy Winsor's residence, I asked if he checked the welfare of the residents on the opposite side of [redacted] townhome. I asked this question due to believing the velocity of a .40 caliber bullet could cause it to travel through multiple layers of drywall. Deputy Winsor told me he did not check on their welfare.

KJ: *Any reason why you didn't check on them?*

SW: *(Audible exhale and pause) Didn't think of it. Didn't ah, didn't think that it would've gone that far.*

I asked Deputy Winsor if he notified our Communications Center about the discharge. He replied no. When asked why not, Deputy Winsor stated he was not aware at that time he needed to do that. I asked if he notified the SDPD who was the agency of jurisdiction. Deputy Winsor told me no. When asked why not again, he stated similarly he was unaware he had to notify them.

I inquired if he recalled being contacted by an Officer Barajas from the SDPD. Deputy Winsor did not recall what her name was, but did recall being contacted initially by a female officer. This was approximately 11 days after his negligent discharge. I asked if Deputy Winsor ever observed [redacted] within those 11 days. Deputy Winsor told me no. I questioned if Deputy Winsor knew whether or not [redacted] was alive. Deputy Winsor said he recalled his wife mentioning something about seeing [redacted] or his vehicle within those 11 days. Deputy Winsor did not have any personal contact with [redacted] within that timeframe.

I began to question Deputy Winsor about his initial contact with Officer Barajas. This contact was made on September 24, 2015, when the SDPD began their investigation. Officer Barajas knocked on Deputy Winsor's front door and was met by [redacted]. Deputy Winsor was upstairs at that time. [redacted] went upstairs to get Deputy Winsor and advised him the SDPD wanted to speak to him. Deputy Winsor did not advise his wife about the negligent discharge when she contacted him.

I asked if Officer Barajas told him why she wanted to speak to him. Deputy Winsor told me, *"more or less."* According to Deputy Winsor, Officer Barajas told him there was a complaint next door about something that fell off their wall or ceiling, and she was *"rather vague about it."* Officer Barajas asked if she could check his residence. Since this made no sense to me, I asked the question a second time. Deputy Winsor said he was advised by Officer Barajas that his next

door neighbor had something fall off his wall or ceiling, and she just wanted to check his (Deputy Winsor's) residence.

I asked if Officer Barajas made any mention about finding a bullet next door or anything to do with its exit point. Deputy Winsor told me no. Deputy Winsor repeatedly told me she did not comment about that at all. I asked if he was positive about that. Deputy Winsor told me yes. I asked if Officer Barajas mentioned anything about a gunshot, and from what the SDPD could tell, it came from his residence. I also asked if Officer Barajas requested his permission to check his interior walls for any evidence of that. Deputy Winsor told me Officer Barajas made no mention of that to him whatsoever.

Deputy Winsor told Officer Barajas he was running late for a dentist appointment and agreed to escort her upstairs. He asked Officer Barajas what she needed to see. Officer Barajas told him she just needed to look at the walls. He took her into a spare bedroom and moved some items around for her so she could examine the wall. Officer Barajas proceeded to look inside his upstairs bathroom and moved along to his master bathroom and walk-in closet. Deputy Winsor moved some items around for her again so she could inspect the interior walls.

Officer Barajas did not find anything and left his residence. Deputy Winsor asked her if there was anything else he could do. Officer Barajas told him no.

KJ: *She didn't ask you about any firearms?*

SW: *Ah, no. Not that I recall.*

I asked if Officer Barajas questioned him about keeping his department-issued firearm at work or at his residence. Deputy Winsor told me not that he could recall. Deputy Winsor did not remember Officer Barajas asking that question.

KJ: *She didn't ask you if you had shot off a firearm in your home at all?*

SW: *Not that I recall. No.*

KJ: *She simply said something fell off of your neighbor's wall or ceiling and can we come over and check your house?*

SW: *Right.*

Deputy Winsor said he did not know why Officer Barajas was at his residence. He was not thinking about his negligent discharge when she contacted him, and he was running late for an appointment. Deputy Winsor told me again, Officer Barajas only mentioned something falling off his neighbor's wall.

KJ: *Did she say what it was?*

SW: *No she didn't. Not, not, not at that point in time. That I recall.*

Deputy Winsor went on to say when he left for his dentist appointment, he observed Officer Barajas sitting inside her patrol vehicle. He approached her and asked if there was anything else he could do. Officer Barajas told him no. Officer Barajas told Deputy Winsor she did not think she would even write a report on the matter and she already called her supervisor. Officer Barajas reached into her pocket and pulled out what *"they"* found. Deputy Winsor now knows this object was the bullet he previously discharged, but was unaware of that when he spoke to her. Deputy Winsor told me the object did not look like a bullet and Officer Barajas told him, *"I don't know what to make of it."* Deputy Winsor left because he was running late for his appointment.

Sergeant Shannon asked Deputy Winsor if he correlated Officer Barajas inquiring about his walls, and the fact he was responsible for an A.D. (Accidental Discharge). Deputy Winsor said he knew it sounded *"odd,"* but he did not make that association between the two at that time. At this point in our discussion, I stopped the interview so I could retrieve Officer Barajas' report for further questioning. The interview was paused at approximately 0907 hours.

We went back on the record at approximately 0917 hours. Before I began the recording again, Deputy Winsor and Bradley Fields were allowed to review Officer Barajas' report. I asked if Officer Barajas' report was inaccurate. Deputy Winsor told me the portion of his statement about owning any firearms was not correct. He said that question was never asked by Officer Barajas. If she did ask him that question, he would have told her he had personal firearms at his residence, and kept his department-issued firearm at work.

KJ: *But according to you she didn't ask you about anything whether personal firearms or your duty firearms right? Nothing about firearms whatsoever?*

SW: *Not to my recollection. No. Not at all.*

Deputy Winsor confirmed yet again, that Officer Barajas never asked him any questions about shooting a firearm inside of his residence. Deputy Winsor told me Officer Barajas said something fell or came through his neighbor's townhome and she wanted to check his residence. I asked Deputy Winsor if he inquired exactly what fell or came through his neighbor's residence. Deputy Winsor said no. He described himself as being dressed in his *"boxers and t-shirt"* when she first contacted him, and he had to leave for a dental appointment. Officer Barajas told him it would only take *"two minutes"* so he allowed her inside.

Since there was such a contrast as to Officer Barajas' report compared to what Deputy Winsor explained, I questioned him one last time whether Officer Barajas ever asked him about

discharging a firearm inside his residence. Deputy Winsor replied, *"Not to my recollection. No."* Deputy Winsor said the only time a bullet was brought up was when Officer Barajas showed it to him while she was inside her patrol car. Even then, Deputy Winsor did not recognize that object as being a bullet.

Sergeant Shannon asked Deputy Winsor to describe the object Officer Barajas showed him. Deputy Winsor said it was brass, had a conical top, and a flat bottom.

KJ: *Like a bullet?*

SW: *Kinda like a bullet.*

Deputy Winsor proceeded to explain the object did not look like a bullet in his opinion. He was not thinking about his negligent discharge that occurred 11 days prior when Officer Barajas showed him this object. I went over his negligent discharge again for clarity. I asked Deputy Winsor if he remembered pulling the trigger. Deputy Winsor told me he did not pull the trigger at all. The weapon's slide was locked to the rear when Deputy Winsor inserted a magazine. He did not have his finger on the trigger. When the magazine locked into place inside the weapon, the slide released and the firearm discharged. Deputy Winsor did not activate the slide himself. The slide went forward automatically when the magazine was inserted into the weapon.

I asked if he commonly lubricates or cleans his firearms inside the bathroom. Deputy Winsor told me no, and it was because he was in a *"rush."* He happened to be near the bathroom and did not want to take the time to go outside. Deputy Winsor almost always cleans his weapons outside in his backyard because his wife does not like the smell of the cleaning products, and he does not like making a mess inside.

KJ: *So you didn't lie to Officer Barajas at all right?*

SW: *No. Not to my knowledge.*

KJ: *Okay. Let's move on.*

I asked if Officer Barajas knew that he was employed by the Sheriff's Department or any law enforcement agency. Deputy Winsor said he imagined she did when Bradley Fields interjected for this question. Bradley Fields did not want Deputy Winsor guessing when giving his answer. I asked Deputy Winsor if he and Officer Barajas had a discussion about his employment. Deputy Winsor told me no, not to his knowledge.

I asked Deputy Winsor to tell me about his entire contact with Officer Barajas in as much detail as possible. When Deputy Winsor was contacted by Officer Barajas, she told him his neighbor had a *"situation"* or *"issue"* with something falling *"out"* of his wall or ceiling. Officer Barajas

was there to check on it when Deputy Winsor explained he was running late for a dental appointment. Officer Barajas wanted to check *"upstairs"* and said it would only take a couple of minutes. Deputy Winsor consented to her entry.

He took her upstairs and escorted her throughout his residence. Officer Barajas did not know what to determine from the situation and told him she would contact her supervisor. He contacted her again shortly before leaving for his appointment when she showed him the object (discharged bullet). She told Deputy Winsor that was the object his neighbor found on his *"rug."* She additionally told Deputy Winsor it did not look like a *"bullet"* and she did not know exactly what it was. Deputy Winsor asked if there was anything else he could do and left for his dental appointment. Sergeant Shannon asked whether Officer Barajas looked high or low on the walls and if any furniture had to be moved. Deputy Winsor said he moved furniture for her and as far as he was aware of, she was inspecting the entire wall.

Deputy Winsor said Officer Barajas walked inside the guest bathroom where the negligent discharge occurred. She looked at the bathtub, however, he did not know if she *"inspected"* everything because he was standing behind her. She then moved to the master bathroom and the walk-in closet. He moved some items so she could see and inspect the wall.

Sergeant Shannon asked if he associated his negligent discharge when Officer Barajas showed him the piece of metal and said it did not look like a bullet. Deputy Winsor told him no. When Deputy Winsor arrived back home from his appointment, he did not observe any marked SDPD units on scene. Deputy Winsor estimated he returned home approximately one hour and 45 minutes after leaving.

He recalled being contacted by a sergeant with the SDPD on the same day as his contact with Officer Barajas. He did not recall the sergeant's name, but knew he was a sergeant with their agency. This man, later identified as Sergeant Don Williams, identified himself and was also with a SDPD Lieutenant (Lt. Valentin).

KJ: *Did they mention anything about a gunshot? 'We want to see if there was a round fired off in your house.'*

SW: *No.*

KJ: *Still no?*

SW: *Still no. No.*

KJ: *Really?*

Deputy Winsor told me when the sergeant and lieutenant entered his residence, the sergeant explained he had a partner next door and they wanted to check the walls. I asked what they were checking for. Deputy Winsor said they wanted to conduct some testing. I asked what they were testing for. Deputy Winsor said for whatever came through the wall. According to Deputy Winsor, the sergeant was running the investigation and he could not get a *"word in edgewise."* When the sergeant went upstairs, Deputy Winsor *"cornered"* the lieutenant and told him he had an *"accidental discharge."*

I asked Deputy Winsor to explain to me exactly what happened. I had him begin with a knock on his door and being contacted by the sergeant and lieutenant. Deputy Winsor said the sergeant wanted to go upstairs because his partner was next door and was going to be tapping on the wall. The sergeant wanted to try and narrow down this *"thing, whatever."*

KJ: *They didn't tell you what the thing was? At the time, they didn't tell you what this thing was?*

SW: *No. I do not recall them actually telling me at that time.*

KJ: *That they were checking for a gunshot inside of your home. They didn't tell you that?*

SW: *Well, no. My wife told me that.*

Deputy Winsor continued to say when he arrived back at home after his dental appointment, he spoke with his wife who told him Officer Barajas and her supervisor came back over after he left. [redacted] took them around the residence and cooperated with them. [redacted] also told Deputy Winsor some detectives were going to come over and they should be arriving within a couple of minutes. I asked how his wife knew the SDPD were sending over several detectives. Deputy Winsor stated the officers told his wife about their response when he was gone.

[redacted] told him the detectives were coming over to look for a gunshot that went through the wall. At that point everything *"clicked"* and he told [redacted] about his negligent discharge. He told [redacted] the discharge occurred a number of days ago and he would *"deal"* with it. Several minutes later, Deputy Winsor was contacted by Sergeant Williams and Lieutenant Valentin from the SDPD.

I asked Deputy Winsor if he notified Sergeant Williams and Lieutenant Valentin about his negligent discharge when they introduced themselves. Deputy Winsor told me no. Deputy Winsor told me the sergeant and lieutenant did all of the talking when they first met each other. Deputy Winsor said he was going to interrupt, but he did what the sergeant asked and escorted them both upstairs.

When they reached the upstairs to Deputy Winsor's townhome, Sergeant Williams walked into the master bedroom while Deputy Winsor remained with Lieutenant Valentin on the landing. I confirmed with Deputy Winsor that Sergeant Williams went inside the master bedroom first, and not the guest bedroom. When Sergeant Williams walked inside the master bedroom and was out of sight, Deputy Winsor turned to Lieutenant Valentin and told him he had an *"accidental discharge."* He proceeded to tell Lieutenant Valentin the discharge occurred 11 days ago.

Upon confessing to the negligent discharge, Lieutenant Valentin called to Sergeant Williams to meet them at the landing. Sergeant Williams and Lieutenant Valentin asked Deputy Winsor to show them where the discharge occurred. Deputy Winsor took them to the bathroom. After observing where the gunshot occurred, they asked Deputy Winsor to show them the weapon that discharged. Deputy Winsor took Sergeant Williams and Lieutenant Valentin back downstairs where he stored his Springfield Armory .40 caliber handgun.

KJ: *Alright. So the, the Detective Sergeant never asked you upon contacting you, I'm here to inspect your house again to see if there was a gunshot? He never said anything like that?*

SW: *Not that I recall. Not that I recall.*

Deputy Winsor again said he offered his confession about the negligent discharge to Lieutenant Valentin once Sergeant Williams left the landing to inspect the master bedroom. Deputy Winsor said Sergeant Williams and Lieutenant Valentin were at his residence approximately 2-3 minutes before he confessed to the lieutenant. I asked if Sergeant Williams was in *"earshot"* when he told Lieutenant Valentin about the discharge. Deputy Winsor said Sergeant Williams was *"out of sight."*

At this time, I told Deputy Winsor his story was different as to what Sergeant Williams wrote in his report. I explained essentially what Sergeant Williams wrote in his report and to what he testified to during my interview with him. After explaining these details, Deputy Winsor told me Sergeant Williams did not go into the guest bedroom at all, and nothing was mentioned to him about inspecting his interior walls for a gunshot. Deputy Winsor said he could not remember moving any furniture for Sergeant Williams so the wall could be inspected more thoroughly. Deputy Winsor said he moved some furniture for Officer Barajas, but not for Sergeant Williams.

I paused the interview to retrieve Sergeant Williams' report so Deputy Winsor and Bradley Fields could review it. The interview was paused at approximately 0945 hours, and I allowed Deputy Winsor and Bradley Fields to review Sergeant Williams' investigation. The interview began again at approximately 0953 hours.

I asked Deputy Winsor if he reviewed Sergeant Williams' report. Deputy Winsor told me yes. Deputy Winsor said he read where Sergeant Williams' wrote they advised him they wanted to investigate a bullet hole. Deputy Winsor told me he has no recollection of that ever being

mentioned. Deputy Winsor stated when he told the lieutenant about the discharge while they were on the landing; Sergeant Williams was out of sight in the master bedroom.

I asked how Sergeant Williams ultimately found out where the discharge occurred. Deputy Winsor said when he told Lieutenant Valentin about the discharge, they were standing on the landing near the top of the stairs. Sergeant Williams was inside the master bedroom. Lieutenant Valentin called for Sergeant Williams to respond to their location on the landing. When Sergeant Williams arrived, Lieutenant Valentin told him what Deputy Winsor confessed to. Deputy Winsor proceeded to take them into the bathroom and showed them the bullet hole which had already been patched.

I asked if Sergeant Williams' report was inaccurate as it pertained to Deputy Winsor initially denying a discharge occurred. Deputy Winsor answered by saying he has no recollection about being asked if he fired a bullet while inside his residence. Deputy Winsor said he did not lie to Sergeant Williams and was completely truthful with him.

After showing Sergeant Williams the bullet hole, he took him downstairs to retrieve the weapon which was used during the incident. The weapon was inside a drawer and secured in a paddle style holster. Sergeant Williams obtained the weapon and rendered it safe. Deputy Winsor spoke to Lieutenant Valentin and told him how the discharge occurred. Sergeant Williams told Deputy Winsor this incident would not be considered a criminal matter.

Deputy Winsor said he spent the majority of his time speaking with Lieutenant Valentin when they responded to his residence. I asked Deputy Winsor if he said, *"No harm, no foul"* when he spoke to Sergeant Williams about the negligent discharge. Deputy Winsor said he might have, but could not recall.

KJ: *Um, so you didn't delay their investigation whatsoever?*

SW: *I don't believe I did.*

I asked Deputy Winsor if he ever contacted his neighbors, [redacted] or [redacted]. Deputy Winsor told me yes, and he believed he spoke with [redacted] the following day after the SDPD concluded their investigation. Deputy Winsor apologized to [redacted] and was taken up to [redacted] bedroom to inspect the damage. Deputy Winsor told [redacted] he would pay for all the repairs and replace anything that was damaged. [redacted] told Deputy Winsor there was no need for that.

Deputy Winsor was contacted by Sergeant Maryn who is assigned to the Sheriff's Division of Inspectional Services (DIS). Sergeant Maryn contacted Deputy Winsor on September 24, 2015, after the SDPD completed their investigation. Sergeant Maryn just wanted to confirm with Deputy Winsor that no one was injured from the negligent discharge.

I asked Deputy Winsor if his actions reflected favorably upon our department. Deputy Winsor told me no. Deputy Winsor wished he understood the department's policies and procedures better. He also wished he made the initial contact and did not allow so much time to pass after the discharge. I asked if there was anything he would have done differently upon looking back at his situation now. Deputy Winsor told me he would have made contact with our department immediately. Deputy Winsor did not understand at that time, he had to contact our department upon a negligent discharge off-duty.

I asked Deputy Winsor if there was anything he wanted to say on his own behalf that he wanted the reader of my report to know. Deputy Winsor said he wished he had done things differently, but there was absolutely no attempt to deceive, lie, or otherwise impede any investigation. He answered all questions to the best of his ability at that time and to his understanding.

This concluded my interview with Deputy Stephen Winsor. The interview was concluded at approximately 1009 hours with an order not to disclose or retaliate in any fashion with those associated with this investigation.

INVESTIGATION: (Continued)

After interviewing Deputy Winsor about his negligent discharge, this investigator now had to examine if Deputy Winsor was truthful during his Internal Affairs interview. After reviewing the reports written by Officer Barajas and Sergeant Williams, and after their subsequent interviews, there appeared to be strong contrasts between what the SDPD recalled, and what Deputy Winsor recollected.

Due to these contrasts, I believed it was necessary to now interview SDPD Lieutenant Ray Valentin. Lieutenant Valentin was present with Sergeant Williams when the detective unit responded to investigate the scene. More importantly, Lieutenant Valentin was present and contacted Deputy Winsor along with Sergeant Williams. I believed Lieutenant Valentin could provide me with the corroborating testimony as to what Sergeant Williams and Officer Barajas observed and documented during the incident. With this in mind, I also understood Lieutenant Valentin's testimony could also corroborate Deputy Winsor's statements made during his Internal Affairs interview.

On November 12, 2015, at approximately 1044 hours, I interviewed SDPD Lieutenant Ray Valentin. The interview took place at the SDPD Mid-City Division, located at 4310 Landis Street in San Diego. I recorded my interview with Lieutenant Valentin using a digital voice recorder. Lieutenant Valentin was aware of the recording. The following is a summary of our discussion. For exact details, please refer to the attached recording.

STATEMENT OF WITNESS: SDPD LIEUTENANT RAY VALENTIN

Lieutenant Ray Valentin has been employed with the SDPD for approximately 28 years. He is currently assigned as the Patrol Lieutenant at the Mid-City Division. He has held this assignment for approximately 15 months.

KJ: *And did you respond to* [redacted] *on September 24, 2015?*

RV: *Yes I did.*

I asked Lieutenant Valentin why he responded to this address. Lieutenant Valentin told me Detective Sergeant Don Williams came into his office, and advised him a patrol officer had responded to that address regarding a discharged firearm. Sergeant Williams additionally advised Lieutenant Valentin the address where the discharge occurred was occupied by a deputy with the San Diego County Sheriff's Department. Sergeant Williams asked Lieutenant Valentin to accompany him so they could conduct a follow-up investigation.

I asked if he was briefed about what Officer Barajas observed at the scene and what she discovered. Lieutenant Valentin told me yes. He learned Officer Barajas responded to a call where the reporting party [redacted] located a hole on one of his bedroom walls. [redacted] also located a *"projectile"* on the floor which had struck a computer monitor during its trajectory. [redacted] subsequently called the SDPD so an investigation could be initiated.

Lieutenant Valentin was also briefed that Officer Barajas went to Deputy Winsor's townhome due to believing the discharge occurred at his residence. She was taken upstairs where she thought the discharge occurred, but did not locate a bullet hole. Lieutenant Valentin and Sergeant Williams then responded to the scene.

Upon their arrival, Lieutenant Valentin and Sergeant Williams entered [redacted] bedroom and observed the damage. Lieutenant Valentin also observed the projectile that was recovered.

KJ: *Look like a bullet to you?*

RV: *Absolutely.*

Lieutenant Valentin and Sergeant Williams walked next door to contact Deputy Winsor. Sergeant Williams instructed two of his detectives to remain at [redacted] residence before they contacted Deputy Winsor. Sergeant Williams wanted his two detectives to tap on the wall where the bullet exited so they could determine the location of the discharge at Deputy Winsor's residence. I confirmed it was only Lieutenant Valentin and Sergeant Williams who initially contacted Deputy Winsor to conduct the follow-up investigation.

Sergeant Williams knocked on Deputy Winsor's door and they made contact with him. Lieutenant Valentin was dressed in his full SDPD patrol uniform and stood behind Sergeant Williams. Sergeant Williams told Deputy Winsor why they were contacting him. Sergeant Williams told Deputy Winsor a projectile was located next door, and they believed it was discharged from his residence. I stopped Lieutenant Valentin at that point during our interview because it was very important to clarify his statement.

KJ: *Did you make it abundantly clear to our deputy that you were there to see if he had fired off a gunshot in his house?*

RV: *Yes. Ah, Sergeant Don Williams did at the door.*

I confirmed with Lieutenant Valentin he positively heard Sergeant Williams state their purpose for contacting Deputy Winsor. It was explained to Deputy Winsor they wanted to check his interior walls for a gunshot because they found a bullet next door along with its exit point. Lieutenant Valentin told me he could not recall the exact words, but recalled precisely what the message was. Again, Lieutenant Valentin confirmed he heard Sergeant Williams tell Deputy Winsor they were there to conduct a follow-up investigation. Sergeant Williams said it was obvious someone fired a weapon inside his house (Deputy Winsor's) because the bullet went through the wall and ended up next door.

I asked if Sergeant Williams explained to Deputy Winsor anything more about what he wanted to do. Lieutenant Valentin said Sergeant Williams told Deputy Winsor they wanted to go upstairs to check the bedrooms so they could locate where the weapon had been discharged from. Deputy Winsor agreed and escorted them both upstairs.

Lieutenant Valentin told me Sergeant Williams asked Deputy Winsor if there was a weapon discharged inside his residence. Deputy Winsor told him no.

KJ: *And you specifically remember him saying no.*

RV: *Yes.*

Deputy Winsor escorted them upstairs and pointed to a bedroom located on the left. Lieutenant Valentin said Deputy Winsor immediately pointed to the bedroom on the left, thinking that was the bedroom they wanted to look inside. Sergeant Williams walked inside the bedroom. Lieutenant Valentin recalled some furniture that had been moved but could not remember if it was Deputy Winsor or Sergeant Williams who moved it. I asked if that bedroom was the guest bedroom. Lieutenant Valentin told me yes. I confirmed the first bedroom Sergeant Williams inspected was indeed the guest bedroom.

Sergeant Williams inspected one of the walls inside the guest bedroom and did not observe a bullet hole. Sergeant Williams called one of his detectives next door and asked him to begin tapping on the wall where the bullet exited. Sergeant Williams did not hear the tapping while he was inside the guest bedroom. Sergeant Williams then went to the master bedroom and the master bedroom closet.

I asked if Deputy Winsor said anything about his negligent discharge at that point in their investigation. Lieutenant Valentin told me no.

KJ: *He's still playing the game like, I don't know what's going on. I didn't have, I didn't shoot a round off?*

RV: *Correct. To be honest with you he wasn't saying anything at all. He was just standing there.*

Lieutenant Valentin was positioned at the top of the stairs near the guest bathroom. This bathroom is located between the guest bedroom and the master bedroom. Lieutenant Valentin stated Deputy Winsor was standing with him at this point. Lieutenant Valentin could hear Sergeant Williams instructing his detective to tap on the wall. As the detective began to tap on the wall, Lieutenant Valentin could hear the tapping was coming from the guest bathroom. He stated the tapping was *"very clear"* inside the bathroom.

Lieutenant Valentin walked inside the bathroom and leaned his head near the bathtub or shower area. He could clearly hear the tapping was coming from the adjacent wall.

KJ: *So it sounds like, or it's becoming more apparent that the A.D. happened inside the bathroom?*

RV: *That is correct.*

Lieutenant Valentin checked for a bullet hole on the shower wall and did not observe one. Since the tapping was obviously coming from the opposite side of the shower wall, he believed the gunshot occurred in the bathroom. Lieutenant Valentin turned and faced Deputy Winsor, and noticed he looked a little *"worried."* Lieutenant Valentin asked Deputy Winsor if he had an accidental discharge inside the bathroom, and if he failed to say so. He told Deputy Winsor that was why they were called accidental discharges because they were accidents.

At this time, Sergeant Williams was *"just coming around the corner"* when Deputy Winsor admitted to causing the discharge inside the bathroom. I confirmed Lieutenant Valentin made a full entry inside the bathroom when he asked Deputy Winsor if he was responsible for the discharge. Lieutenant Valentin said that was correct, and Deputy Winsor was standing inside the bathroom as well.

KJ: *So he did not volunteer that information to you, you had to ask him straight out? Is that right?*

RV: *That is correct.*

Lieutenant Valentin said Sergeant Williams was already walking towards the bathroom when Deputy Winsor confessed to the negligent discharge. Sergeant Williams heard Deputy Winsor's admission. Deputy Winsor told them he was oiling his weapon when it discharged inside the bathroom. Deputy Winsor pointed to the hole on the shower wall. Lieutenant Valentin still could not see the bullet hole so Deputy Winsor leaned forward and pointed to it. Lieutenant Valentin then observed the bullet hole which had been covered by some sort of caulking material. Deputy Winsor apparently did such a good job patching the bullet hole that Lieutenant Valentin could not see it until Deputy Winsor pointed it out to him.

Sergeant Williams determined they gathered a sufficient amount of facts upstairs, so they proceeded back downstairs to continue their investigation. Lieutenant Valentin said he *"stood aside"* and spoke to [redacted] while Sergeant Williams dealt with Deputy Winsor. Sergeant Williams asked which firearm was used during the negligent discharge. Deputy Winsor said it was his Springfield Armory XD .40 caliber, and retrieved the weapon for Sergeant Williams.

I asked what the weapon was stored in when Deputy Winsor retrieved it. Lieutenant Valentin said he recalled the weapon was kept in a small *"wooden box."* Sergeant Williams unloaded the firearm and asked if it contained the same ammunition used during the discharge. Deputy Winsor told Sergeant Williams the bullets were the same. Photographs were taken of the firearm and it was left with Deputy Winsor.

I asked about [redacted] demeanor during their contact. Lieutenant Valentin told me she remained very quiet and seemed like a nice lady. [redacted] did mention that Deputy Winsor was *"nervous,"* but Lieutenant Valentin could not recall if she confirmed he had a negligent discharge. I asked Lieutenant Valentin if Deputy Winsor revealed when the discharge occurred. According to Lieutenant Valentin, Deputy Winsor told Sergeant Williams it happened approximately 10 days earlier.

I asked Lieutenant Valentin if Deputy Winsor lied to them upon first making contact. Lieutenant Valentin told me when Sergeant Williams asked Deputy Winsor if he had an accidental discharge, Deputy Winsor told him no. Lieutenant Valentin stated Deputy Winsor lied to Sergeant Williams when asked that question. When Lieutenant Valentin asked Deputy Winsor if he had a discharge while they were standing in the bathroom, he told him the truth. Lieutenant Valentin said Deputy Winsor had a *"come to Jesus moment."*

KJ: *Do you think his untruthfulness interfered or delayed your investigation?*

RV: *Yes.*

Lieutenant Valentin said Deputy Winsor could have shown Officer Barajas the bullet hole and told her what happened when she began her preliminary investigation. When he and Sergeant Williams asked Deputy Winsor if he had a discharge, he could have easily told them yes and showed them the damage. The whole process took a lot longer by conducting these investigations to *"get to the truth."*

I confirmed with Lieutenant Valentin that Sergeant Williams went inside the guest bedroom first to examine its interior. Sergeant Williams did not go into the master bedroom first like Deputy Winsor told me during his Internal Affairs interview.

Lieutenant Valentin stated he and Sergeant Williams were inside Deputy Winsor's townhome for approximately 10 minutes before Deputy Winsor confessed to the discharge. I explained Deputy Winsor had told me that he primarily spoke to him (Lieutenant Valentin), and did not have very much interaction with Sergeant Williams. Lieutenant Valentin told me that was incorrect. Lieutenant Valentin stated the only conversation he had with Deputy Winsor was when he asked him about having an accidental discharge while they were inside the bathroom. Sergeant Williams initially contacted Deputy Winsor upon their arrival, and dealt with him after his confession.

I also explained Deputy Winsor described Sergeant Williams as taking over the investigation, and Deputy Winsor said he could not get a *"word in edgewise."* I asked if that was an accurate description as to how Sergeant Williams conducted himself. Lieutenant Valentin told me that was not accurate. It was very apparent to Lieutenant Valentin that Sergeant Williams explained they were there to investigate a gunshot, and Deputy Winsor had ample time to tell them about his discharge when asked about it.

Lieutenant Valentin wanted to say Deputy Winsor seemed like a nice gentleman and it was unfortunate he did not come forward with the information. If he had come forward, it would have been a lot easier for everyone involved. This concluded my interview with Lieutenant Valentin. The interview was concluded at approximately 1107 hours with a request not to disclose.

INVESTIGATION: (Continued)

Upon reviewing the various photographs taken by Officer Barajas and the detectives at the Mid-City Division, I did not locate any photographs of the actual bullet that was discharged. On November 16, 2015, I called and spoke to Sergeant Williams to inquire if any photographs of the

projectile had been taken. Sergeant Williams confirmed with Officer Barajas she impounded the bullet, but did not photograph it.

Sergeant Williams told me he would request one of his detectives to pull the projectile from evidence and photograph it. I subsequently received 10 photographs of the projectile approximately one hour after speaking with Sergeant Williams. Upon my review, the object certainly looks like a bullet that had struck something but did not expand or mushroom.

The object is undeniably a bullet projectile based upon my training and experience with firearms. It is also reasonable to assume Deputy Winsor should have recognized this object as a bullet based upon his statement that he target shoots, and his personal ownership of multiple firearms. Deputy Winsor's personal weapons include several handguns, a shotgun, and a rifle. Deputy Winsor also has 13 years of experience with this department which includes his academy training and firearms qualifications. This experience further corroborates his knowledge about firearms and the ammunition expended by them. The photographs of the discharged bullet are attached to my investigation for the reader to evaluate.

On December 2, 2015, at approximately 1433 hours, I called Sergeant Don Williams at his office to clarify a sentence he wrote in his report. I recorded this clarification using a digital voice recorder. Sergeant Williams was aware of the recording. On the first page, last paragraph, Sergeant Williams wrote that Deputy Winsor took him to the bathroom, and pointed to the negligent discharge that was just above the soap dish in the bathtub. That sentence read as if Deputy Winsor escorted Sergeant Williams to the bathroom to show him the area of the gunshot.

STATEMENT OF WITNESS: SDPD DETECTIVE SERGEANT DON WILLIAMS:

I explained to Sergeant Williams it was my understanding he was inspecting the master bedroom for the gunshot while Lieutenant Valentin was with Deputy Winsor near the bathroom. When a detective next door used a probe to tap on Deputy Winsor's wall so the gunshot could be located, the sound was obviously coming from Deputy Winsor's bathroom. Lieutenant Valentin heard the tapping noise coming from inside the bathroom, and called out to Sergeant Williams to advise him of the location. When Sergeant Williams arrived to the threshold of the bathroom, he heard Deputy Winsor confess to being responsible for the negligent discharge.

Sergeant Williams confirmed my understanding of the events was correct. Sergeant Williams told me his sentence should have read Deputy Winsor took him to the ***"bathroom tub"*** to show him the area of the gunshot. Deputy Winsor had to point to the bullet hole precisely because he had already repaired the damage, making the gunshot difficult to see. Upon close inspection, Sergeant Williams located the gunshot and said it was a ***"brighter white color"*** than the tub actually was. Sergeant Williams stated his sentence was simply missing the word *tub*. Deputy Winsor was not with Sergeant Williams while he was inside the master bedroom inspecting the walls, and did not escort him over to the bathroom.

This concluded my follow-up interview with SDPD Detective Sergeant Don Williams. The interview concluded at approximately 1436 hours.

Submitted by: #2406, SGT. 12/3/15
K.W. Jones, Sergeant Date

Approved by: 12-7-15
Jeffrey S. Duckworth, Lieutenant Date

JSD:kwj

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

INCIDENT NUMBER	PAGE	CASE NUMBER
15090048298	1 of 7	15041481

CRIME REPORT

BEAT	RELATED RPT #S	DATE	DAY OF WEEK	TIME
613		09/16/2015 - 09/16/2015	Wednesday - Wednesday	08:00 - 18:00

CODE SECTION AND DESCRIPTION
PC / 246 F / SHOOT AT INHABITED DWELLING/VEHICLE/ETC

LOCATION OF INCIDENT (OR ADDRESS) [redacted] CITY: SAN DIEGO

VICTIM / WITNESS

V/W	RP/PC	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)
W	PC	06	[redacted]

RESIDENCE ADDRESS [redacted] | CITY: SAN DIEGO | STATE: CA | ZIP: 92104

RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT		V/W ASSIST
W	M	[redacted]					OTHER	STRNG	N

CONTACT [redacted]

ID [redacted]

STATUS	EMPLOYER (RANK IF MILITARY)	BUSINESS ADDRESS	CITY	STATE	ZIP
EMP	[redacted]				

ADDITIONAL INFORMATION

VICTIM / WITNESS

V/W	RP/PC	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)
W		06	Winsor, Stephen

RESIDENCE ADDRESS [redacted] | CITY: SAN DIEGO | STATE: CA | ZIP: 92104

RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT		V/W ASSIST
W	M	[redacted]					OTHER	STRNG	N

CONTACT [redacted]

ID [redacted]

STATUS	EMPLOYER (RANK IF MILITARY)	BUSINESS ADDRESS	CITY	STATE	ZIP
EMP	SD Sheriff Dept Deputy				

ADDITIONAL INFORMATION
Seeing glasses

VICTIM / WITNESS

V/W	RP/PC	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)
W		06	[redacted]

RESIDENCE ADDRESS [redacted] | CITY: SAN DIEGO | STATE: CA | ZIP: 92104

RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT		V/W ASSIST
[redacted]		[redacted]					OTHER	STRNG	N

CONTACT [redacted]

STATUS	EMPLOYER (RANK IF MILITARY)	BUSINESS ADDRESS	CITY	STATE	ZIP
UNEMP					

ADDITIONAL INFORMATION

REPORTING OFFICER	I.D. #	DIVISION	AGENCY	DATE OF REPORT	TIME
LINDSAY BARAJAS	6869	MC1	SDPD	9/24/2015	13:34

CONTINUED FROM	SAN DIEGO REGIONAL CRIME/INCIDENT REPORT	PAGE	INCIDENT NUMBER / CASE NUMBER
CRIME REPORT		2 of 7	15090048298 / 15041481

M.O. INFORMATION

TOTAL # OF WITNESSES AT CRIME	PLACE OF ATTACK	SURROUNDING AREA
3	1. Structure	1. Residential

[W]	SPECIFY	HOW USED
	GUN	SHOOT

TYPE OF STRUCTURE
RESIDENTIAL
2. DUPLEX/TOWNHOUSE

TARGET(S)
3. Bedroom

POINT OF ENTRY
0. N/A

SECURITY USED
0. N/A

TYPE LOCK ATTACKED
0. N/A

SUSPECT ACTIONS
13. Fired Weapon

VICTIM INJURED	EXTENT OF TREATMENT	SIC
		No

SUSPECT(S)

ARRESTED	SUSPECT NAME (LAST, FIRST MIDDLE)	NICKNAME/AKA
N	Suspect, Suspect1	

RACE	SEX	AGE	DOB	HEIGHT	WEIGHT	BUILD	HAIR COLOR	EYE COLOR
				-	-	-		

SUSPECT'S ADDRESS	CITY	STATE	ZIP

ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I E GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS ETC.

SUSPECT'S CLOTHING

HAIR LENGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE

EVIDENCE

EVIDENCE OBTAINED	TAG NUMBERS
5. PHOTOS	

See Evidence Collection Section for Details	WITNESS CHECK

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS $	STRUCT LOSS $	ABANDONED

REPORTING OFFICER	I.D. #	DIVISION	AGENCY	DATE OF REPORT	TIME
LINDSAY BARAJAS	6869	MC1	SDPD	9/24/2015	13:34

EVIDENCE COLLECTION

Officer's Investigation

I conducted the following attempts to locate, collect, and preserve evidence from the crime scence at

[redacted] SAN DIEGO CA 92104

LATENT PRINTS.

I made attempts to lift latent prints: N

If NO, explain.

OTHER PHYSICAL EVIDENCE

I made attempts to locate other physical evidence at the scene Y

I recovered evidence listed in the spaces below (Include photographs also):

Item Description	By Whom
CD OF PHOTOGRAPHS	BARAJAS,LINDSAY 6869
How Marked	Disposition
SEE BARCODE	IMPOUNDED
Location Found	Tag Number
EAST BEDROOM WALL	

Item Description	By Whom
BULLET FRAGMENT	BARAJAS,LINDSAY 6869
How Marked	Disposition
SEE BARCODE	IMPOUNDED
Location Found	Tag Number
BEDROOM	

SYNOPSIS:

An unknown person fired one shot through the east facing wall of [redacted] bedroom on 09/16/2015 between 0600-1800 hours. There were no witnesses to the crime at the time of the incident and no one was injured.

ORIGIN:

On 09-24-2015 at 1025 hours, I was dispatched to a radio call regarding a bullet hole found in the reporting party's bedroom at the location listed above.

INVESTIGATION:

Upon my arrival I spoke with [redacted], see his statement below.

After I spoke with [redacted], he walked me upstairs to the second floor of the townhome. [redacted] bedroom was the first door to the right and faced the front courtyard of the residence. [redacted] bedroom also shared the east facing wall for his residence (west facing wall for [redacted]). The room that shared the wall was either a guest bedroom or bathroom to [redacted].

Once inside the room, [redacted] handed me the bullet fragment he found lying on his bedroom floor after he came home from work on 09/16/2015. The bullet fragment was a copper color with striations at the top that looked similar to ammunition I use for my duty firearm.

[redacted] stated he did not see the bullet hole until 09/24/2015 because his computer monitor was covering it. When [redacted] discovered the hole he called police.

[redacted] pointed to his computer desk and showed me where the hole was. I saw a hole in the east facing wall about ½" in diameter with drywall about 2" thick. The bullet traveled through the drywall as well as the wall panel of the computer desk, a picture frame that was leaned up against the wall panel to the desk then ricocheted off the desktop onto the floor.

I used a zip tie to measure the depth of the wall where the hole was. There was a 10" space between the drywall and the partition that separated [redacted] residence from the adjacent unit [redacted].

I took photographs of the damage to the wall, computer desk and the front of the residence.

I walked over to speak with the resident at [redacted] and spoke with [redacted] and Stephen Winsor, see their statements below.

I asked S. Winsor if I could look at the walls inside to see if there were any holes or damage to the wall he shared his neighbor and he said, "Yes." S. Winsor said he was getting ready for a dentist appointment so he had to leave soon. I informed him I would only be a few minutes.

S. Winsor walked me upstairs and I checked the inside walls of [redacted] a total of three times to make sure I did not overlook any spots on any part of the walls in every room that shared the wall on both the first floor and the second floor of the residence. I also walked outside to the back patio and checked the stucco for any damage or holes and was unable to find any. The front of the residence also checked negative for any holes to the building.

I provided [redacted] with a case number and a Marsy card.

impounded the bullet and CD into the property room at the Mid City substation, see barcodes #10534919 and 10534920.

BACKGROUND:

None.

STATEMENTS:

Statement of [redacted] (Victim/Witness/Reporting Party):

[redacted] essentially told me on 09/16/15 at 0400 hours, he was sitting at his computer desk online before he left to work at 0600 hours. [redacted] stated there were no shots fired through his wall during that time. [redacted] said when he returned home from work at 1800 hours, he found what looked like a bullet round in the middle of his bedroom floor. [redacted] said he did not know where it came from and did not see the bullet hole behind his desktop monitor and set the bullet aside.

On 09/24/2015 at 0600 hours, [redacted] said he saw the bullet hole in the wall panel to his computer desk and noticed the drywall all over his desk. [redacted] moved his computer desk and saw the hole in the wall behind his desk. [redacted] said he then realized the bullet he found on 09/16/15 came through the wall and most likely from his neighbor's residence at [redacted] [redacted] said he did not talk to his neighbor about it and called police. [redacted] stated no one was home during the hours the incident occurred and no one was injured.

Statement of Stephen Winsor (Witness):

I asked S. Winsor if he owned any firearms and he said he does but they are kept at work, not at his residence. I asked S. Winsor if there were any shots fired from the residence on 09/16/15 between 0600-1800 hours and he said, "No." I asked Winsor if he could show me the rooms upstairs so I could take a look at the walls and make sure there were no holes and he said, "Yes." S. Winsor walked me upstairs and showed me his guest bedroom, bathroom and master closet. All the listed rooms I looked at shared the same wall the bullet went through. I searched for any holes, re-painted surfaces and patch work done to the dry wall and was unable to find anything. There was no evidence in S. Winsor's residence located.

Statement of [redacted] (Witness):

I asked [redacted] if there were any shots heard on 09/16/15 between 0600-1800 hours and she said, "No." I asked [redacted] if her husband owned any firearms and she said, "Yes." I asked [redacted] if he cleans his firearms regularly and she said he does although he does not clean them in the house because of the smell. [redacted] walked me to the back patio area of the residence and said S. Winsor cleans his firearm outside next to the shed.

EVIDENCE:

I collected one fired .40 caliber round from [redacted] bedroom and took multiple photographs of the bullet hole and damage to [redacted] east facing wall. I impounded the bullet and a CD containing the photographs into the property room at the Mid City substation, see barcodes 10534919 and 10534920.

INJURIES:

None.

PROPERTY DAMAGE:

The drywall was damaged due to a bullet hole to the east facing bedroom wall of [redacted]. The corner of [redacted] computer had a small scuff but no extensive damage to it and the computer desk had a hole to the back panel as well as on the top of the desk where the bullet ricochet off of before landing on the floor.

FOLLOW-UP:

None.

RELATED REPORTS:

None.

Approved By: A/Sgt. D. McClain #6013

Marsy's Card Has Been Issued

SAN DIEGO POLICE DEPARTMENT

INVESTIGATOR'S REPORT

DATE (occur.): 09-16-15

TIME (occur.): 0600-1800 hours

LOCATION: [redacted], San Diego

SUBJECT: 246 PC – Shooting at an inhabited dwelling

INVESTIGATION:

On 09-24-15 SDPD officers responded to [redacted] to investigate a shooting at inhabited dwelling. The R/P, [redacted] reported a bullet hole in his wall and a 40 Cal bullet was located in his bedroom. Officers conducted the initial investigation (for details see attached crime report).

While on scene, Officers called me and explained the situation to him. Officers also explained that the bullet appeared to have come from the adjourning apartment at [redacted]. The resident at [redacted] was identified as SDSO Deputy Sherriff, Stephen Windsor. Officers questioned Windsor and he denied any knowledge of a gunshot coming from his house. Based on this, myself and Lt Ray Valentin responded to the scene.

Upon my arrival, I viewed the bullet which was a fully intact 40 Cal hollow point bullet that did not mushroom as it went through the drywall. I viewed the hole and it was apparent to me that it had to have come from inside [redacted]. I had Detectives Laco #5864 Tafoya #6101 photograph the scene while Lt. Valentin and I went to [redacted].

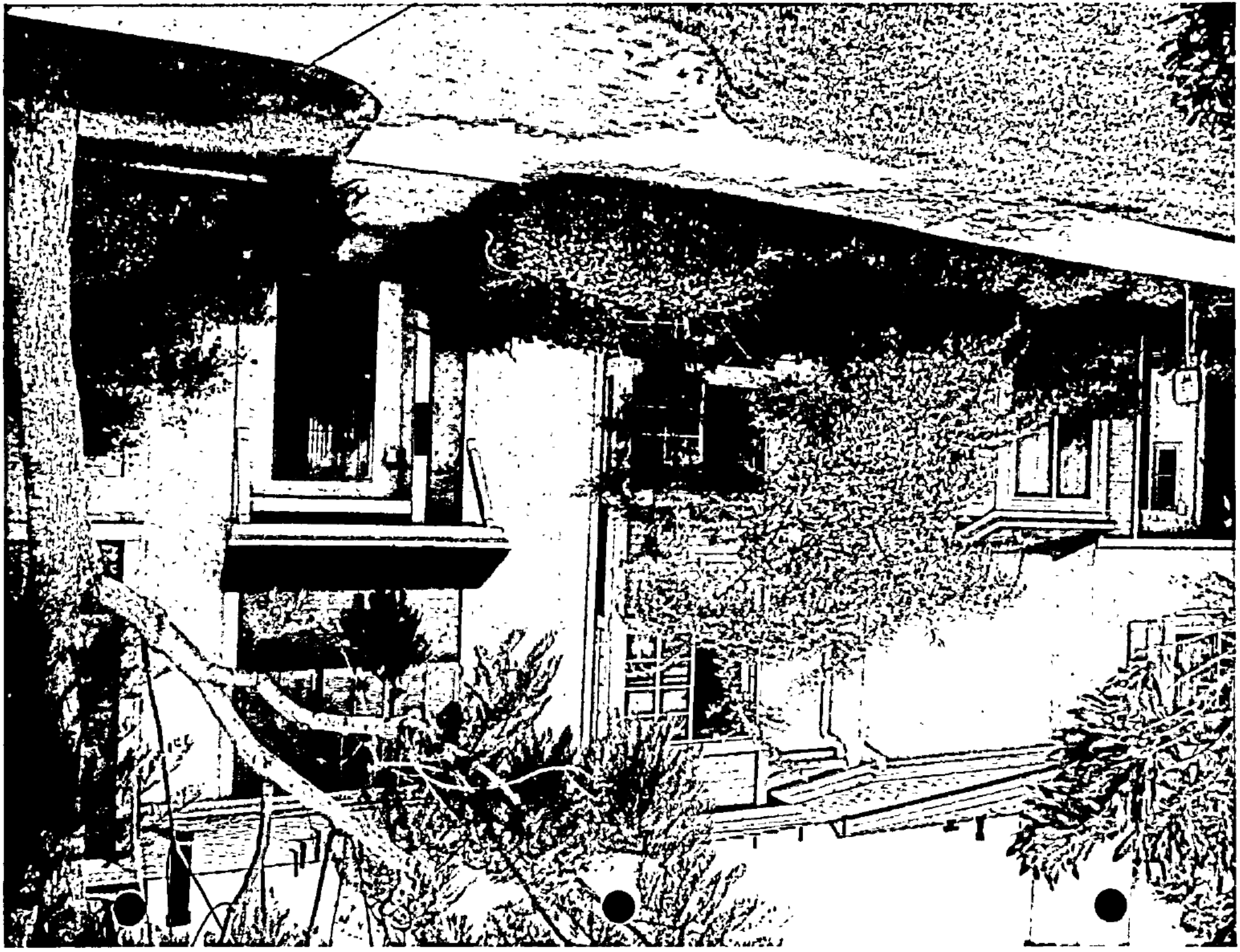
I knocked on the door and Stephen Windsor answered. I explained to him why we were there and asked him if we could come in and talked to him. Windsor said we could come inside.

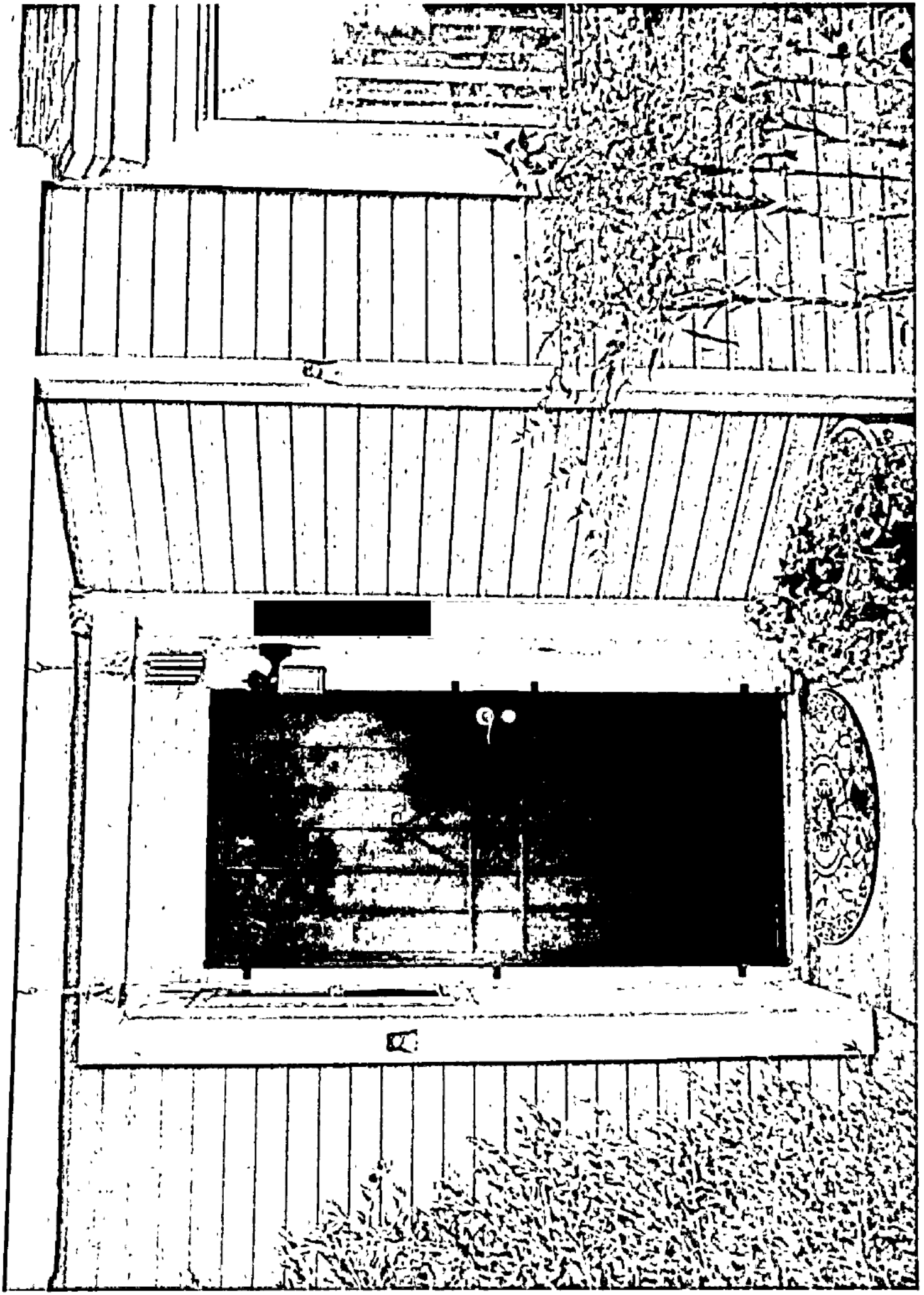
Windsor initially denied any knowledge of a handgun being fired inside his residence. However, after further discussion, Windsor admitted he had an accidental discharge inside of his upstairs bathroom. Windsor then took me to the bathroom and pointed to an area just above the soap dish in the bath tub. He had attempted to repair the hole. However, when looking closely you could see where the bullet entered. Windsor then walked me downstairs and showed me a loaded Springfield Amory .40 Cal XD Tactical. The serial number is [redacted]. Windsor told me it was the weapon he had the accidental discharge with. Windsor explained to me he had just oiled his weapon and was loading it. As he released the slide, the weapon fired. Windsor said he did not believe the bullet went through the wall so he said he figured "No harm, no fowl."

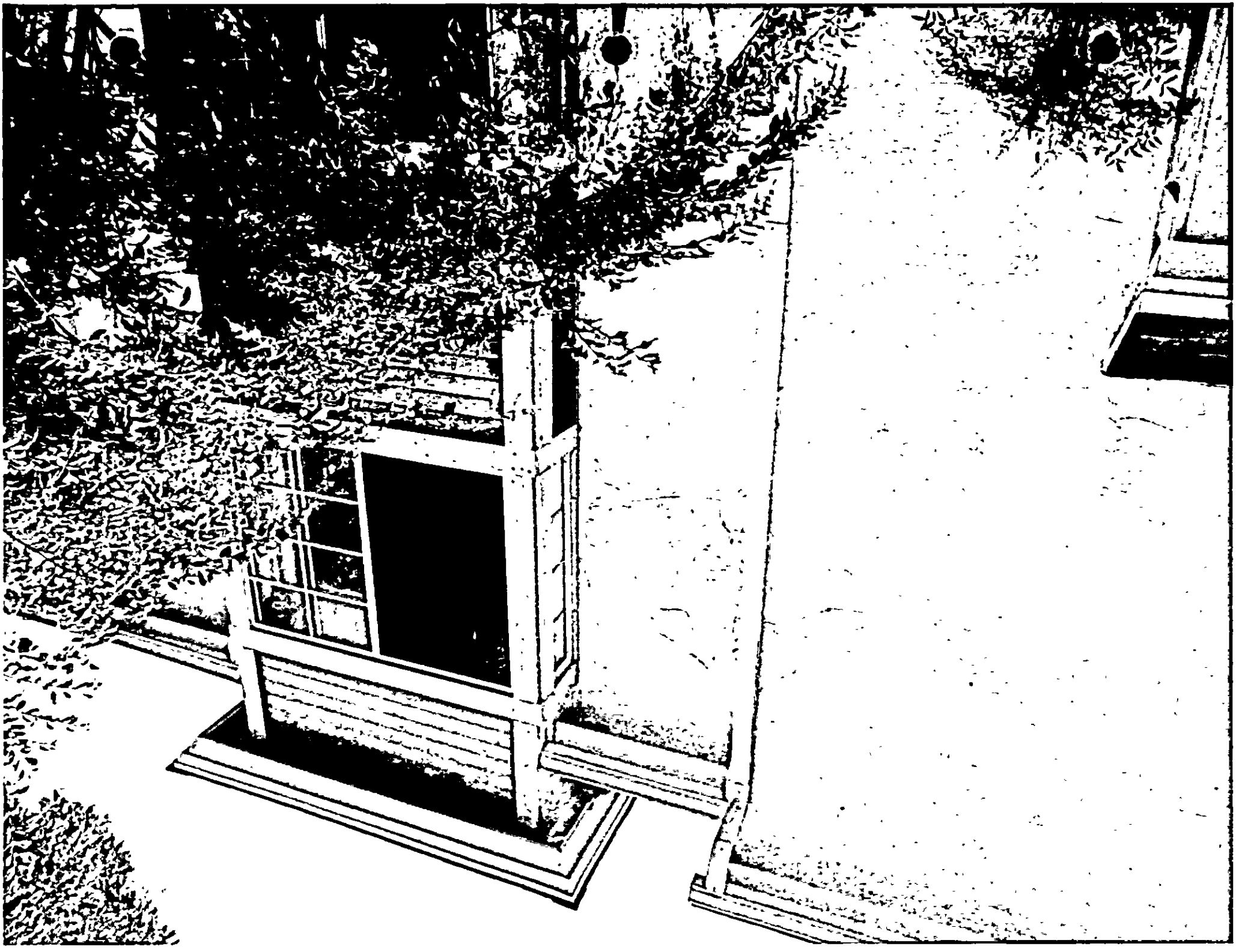
I explained to Windsor that I was going to write the case as a accidental discharge rather than a criminal matter. However, I told him he needed to report the accidental discharge to his department immediately because we would be required to notify the SDSO Internal Affairs Unit. He said he understood.

The SDSO Internal Affairs Unit was called. They responded to the scene and took over the investigation.

Based on the above facts, I am cancelling this case as unfounded and it has been referred to the SDSO Internal Affairs unit for investigation.





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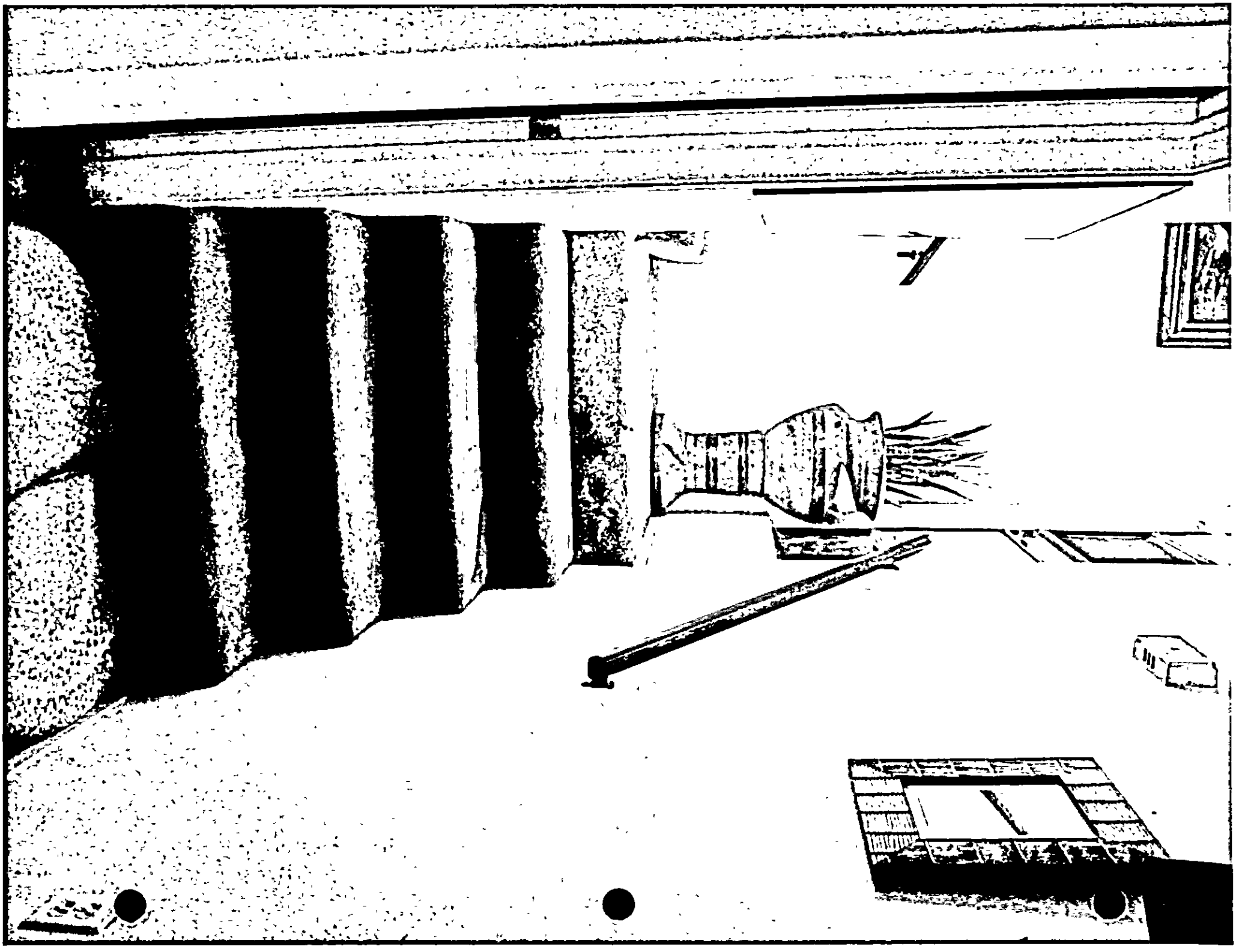

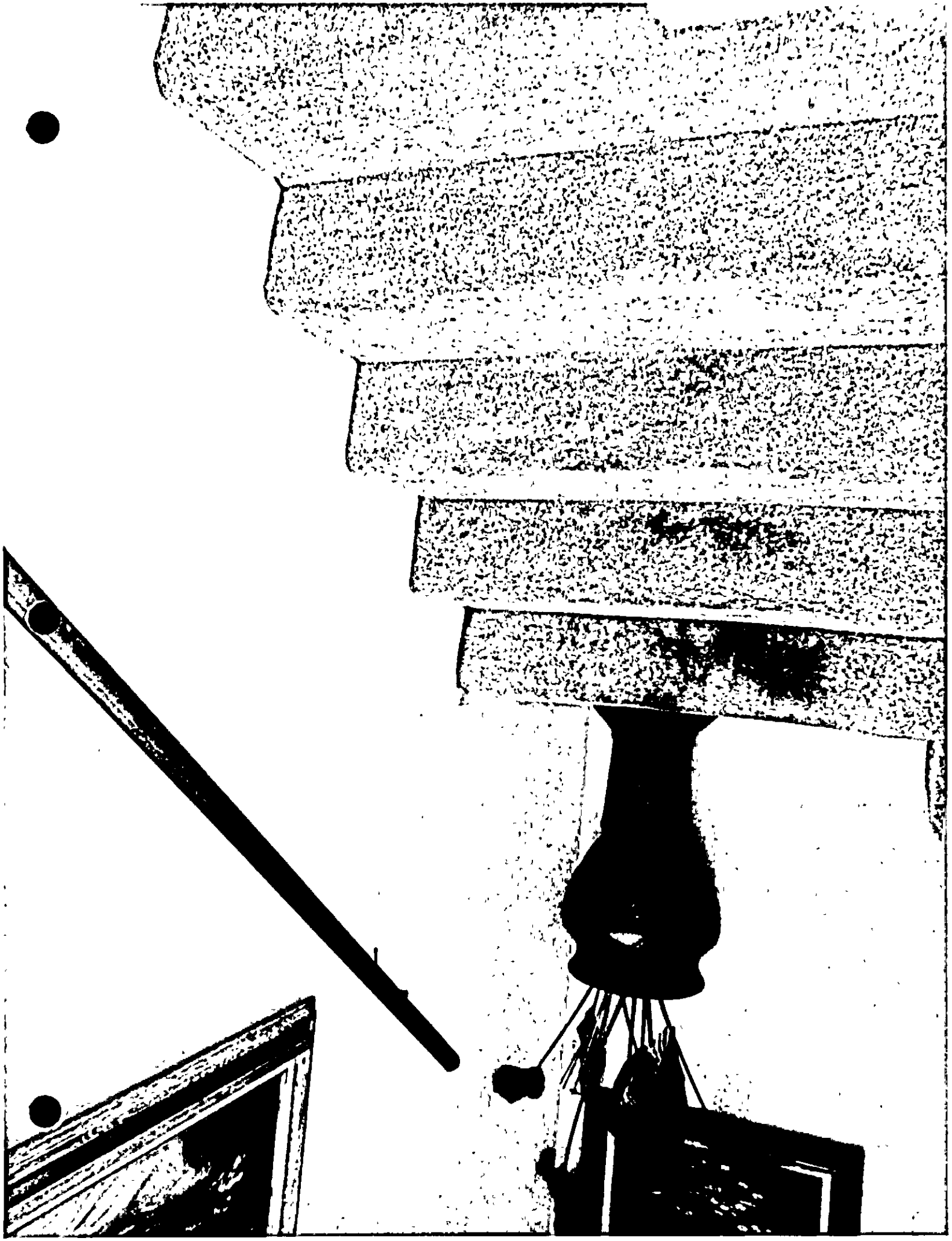

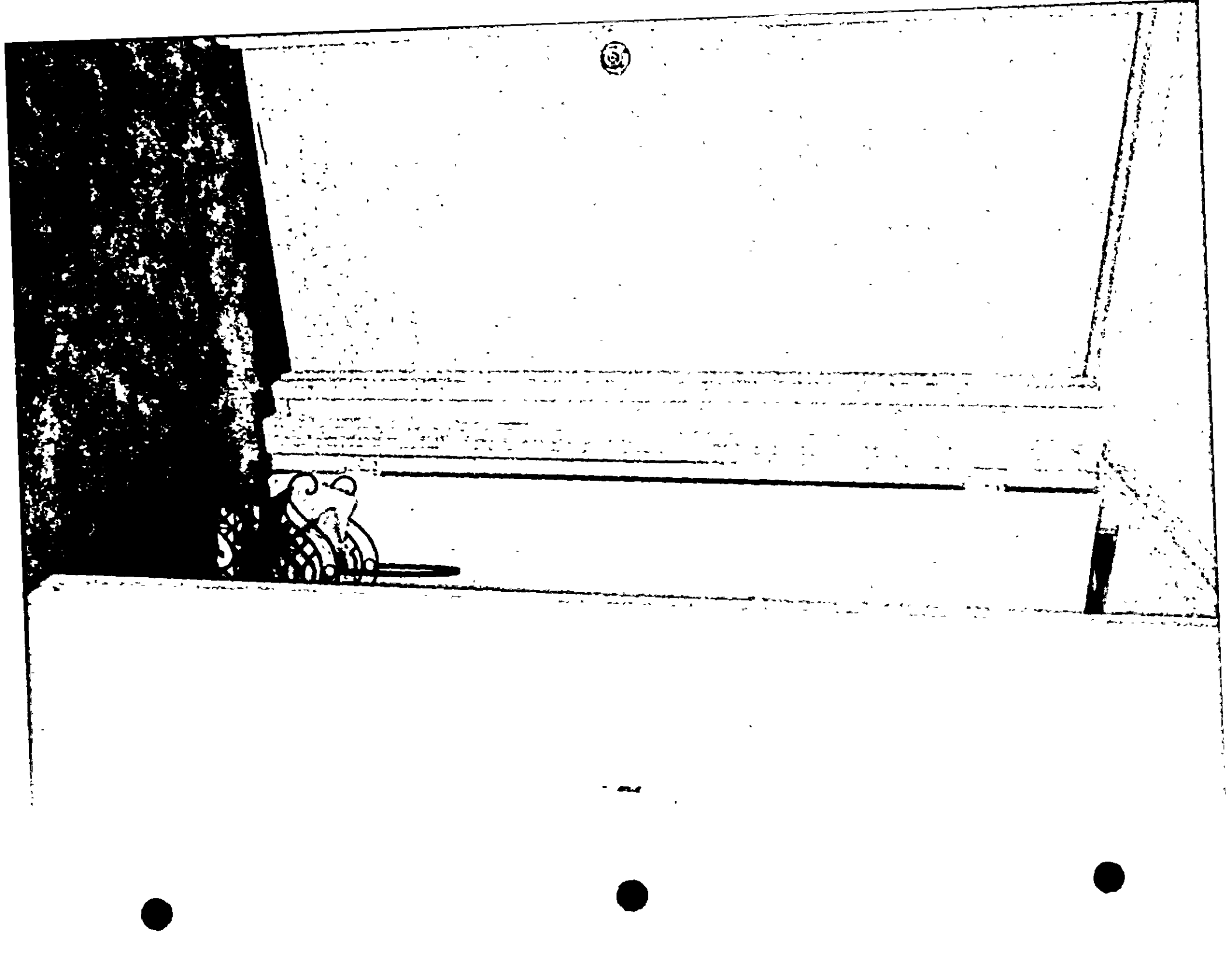

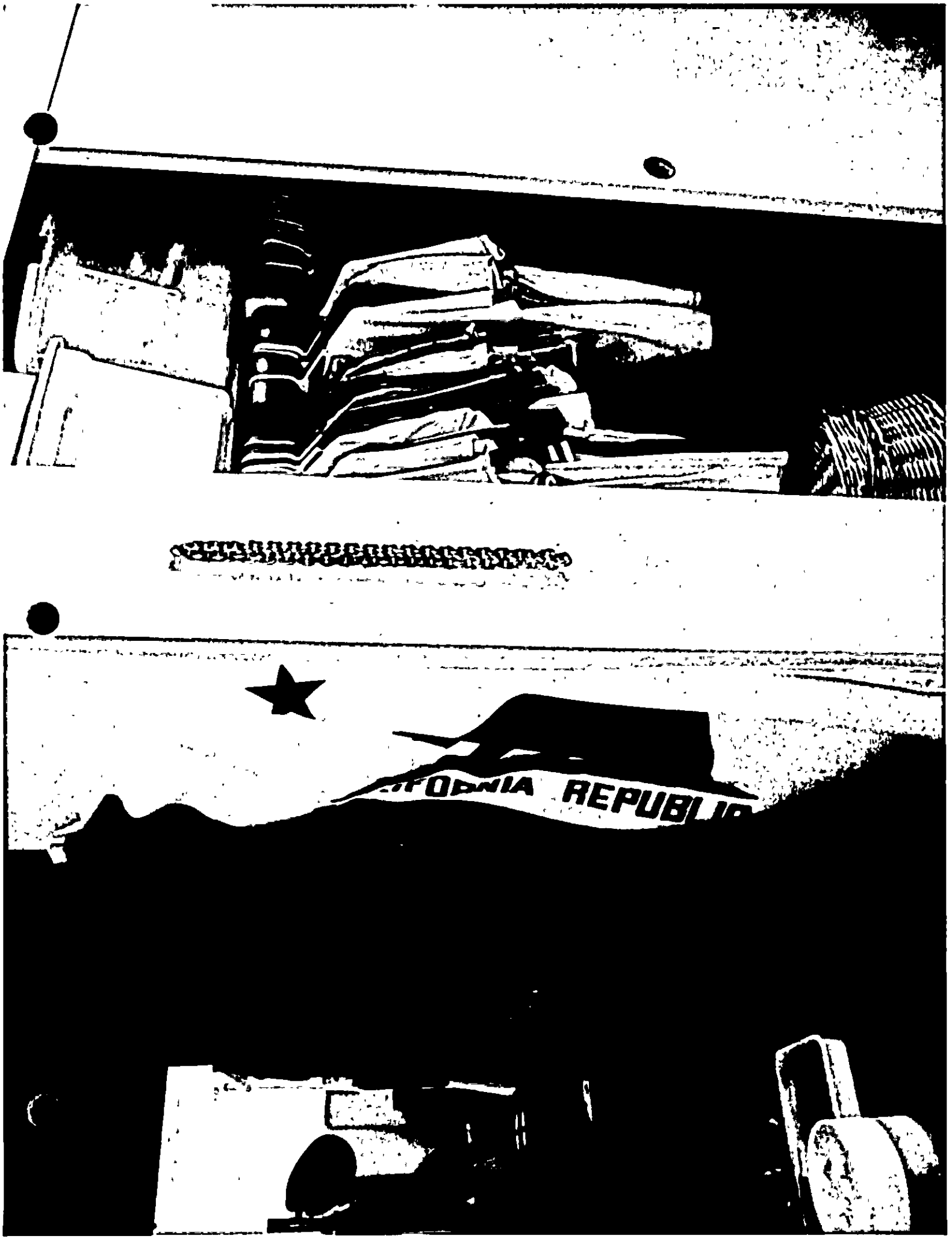
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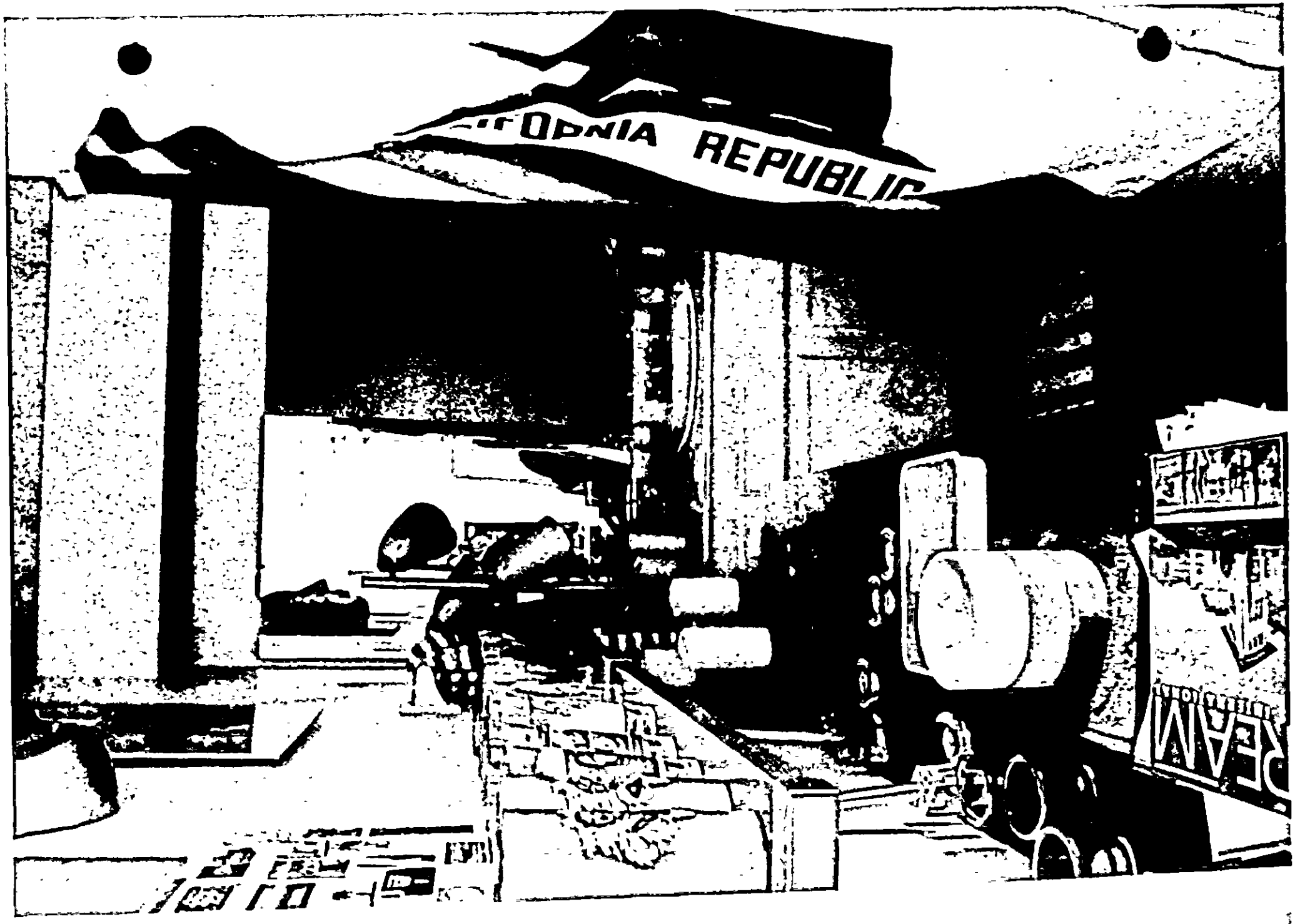
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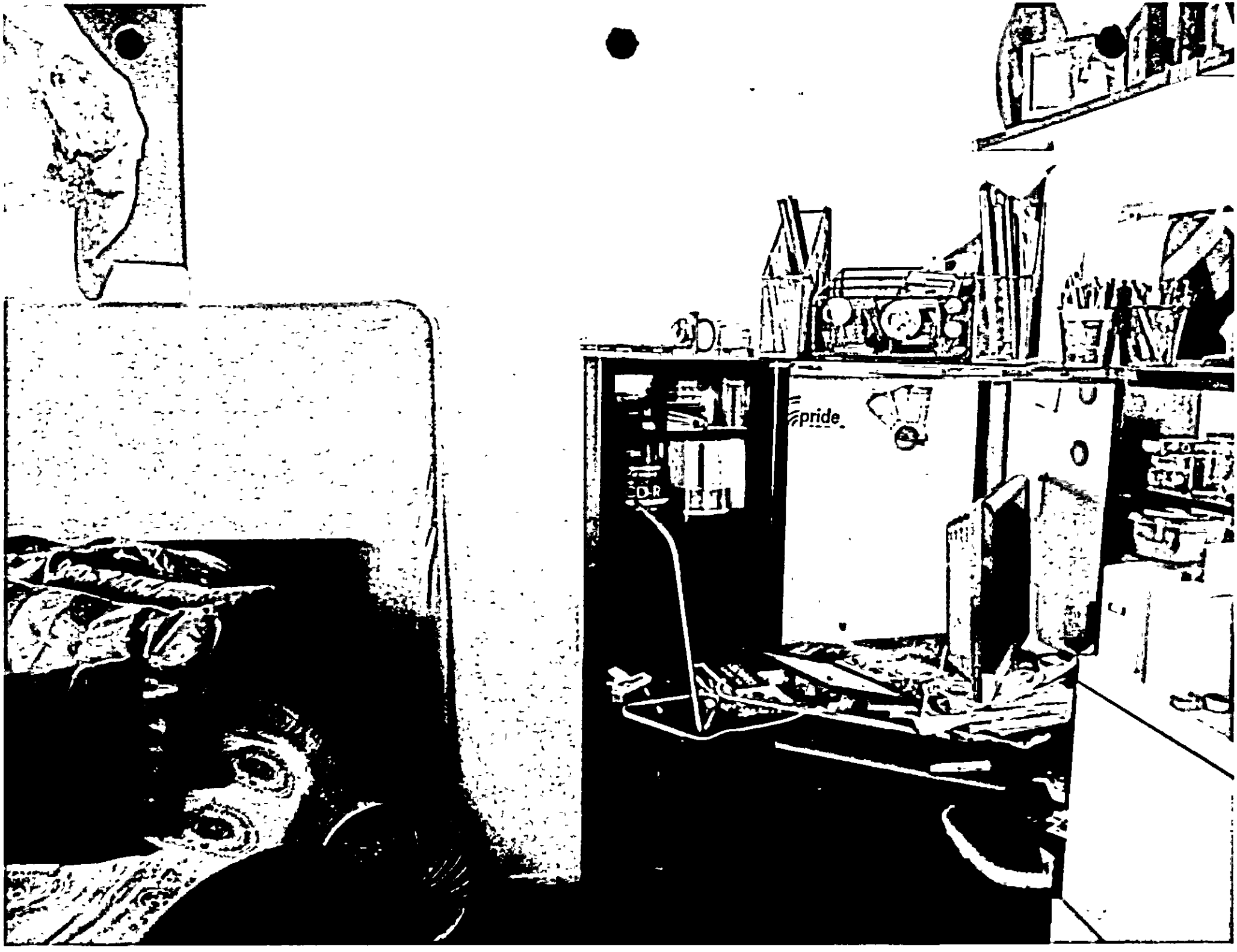
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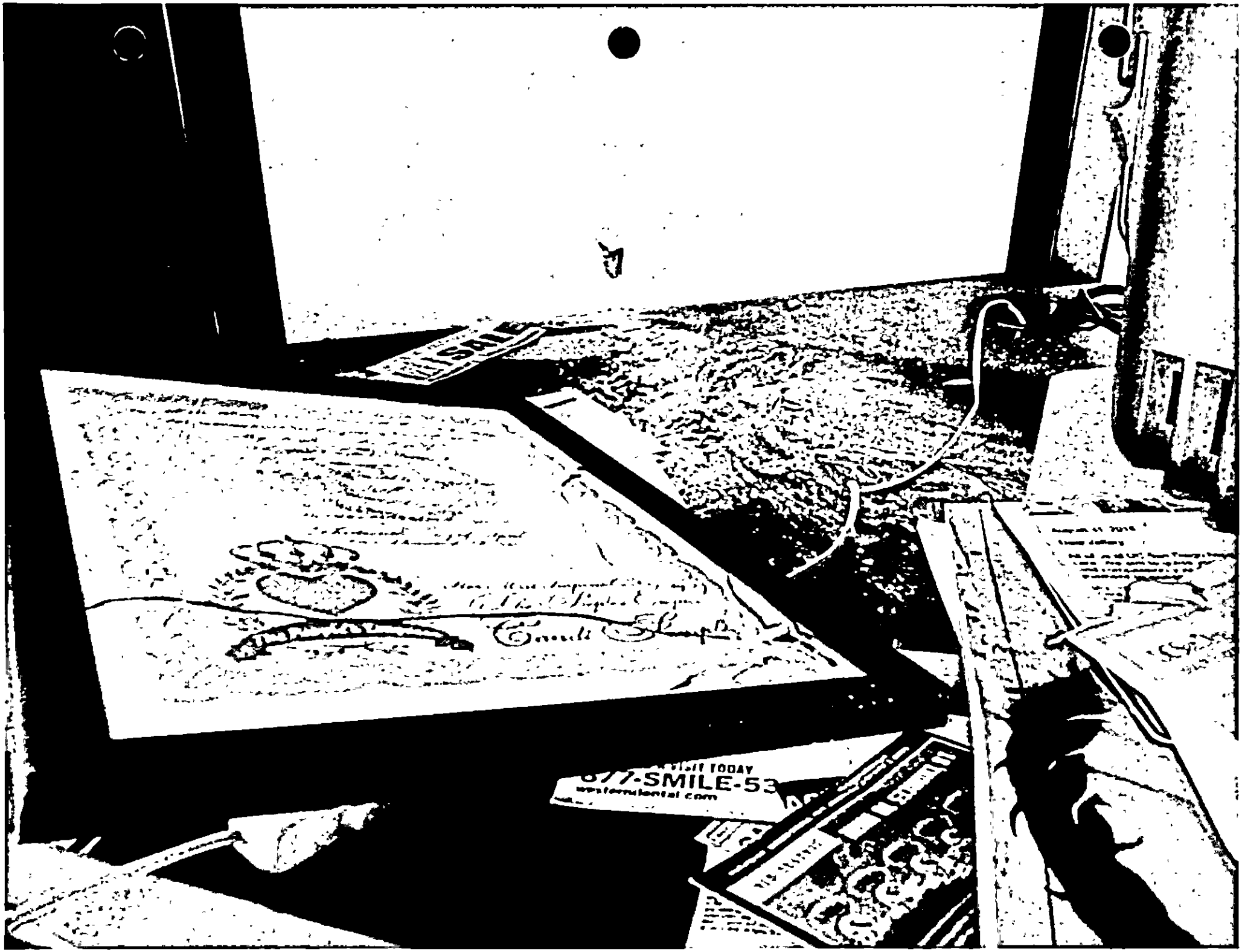
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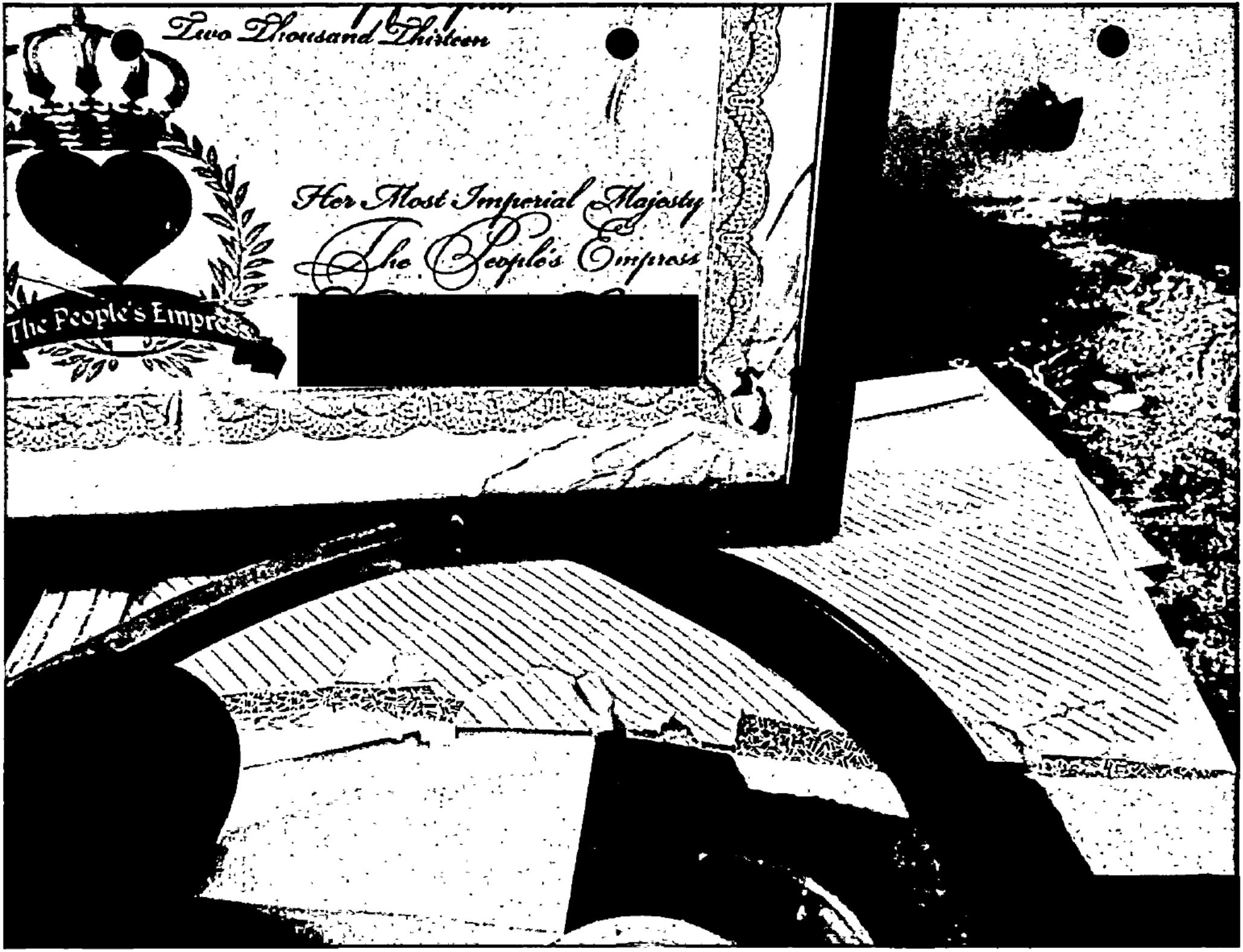
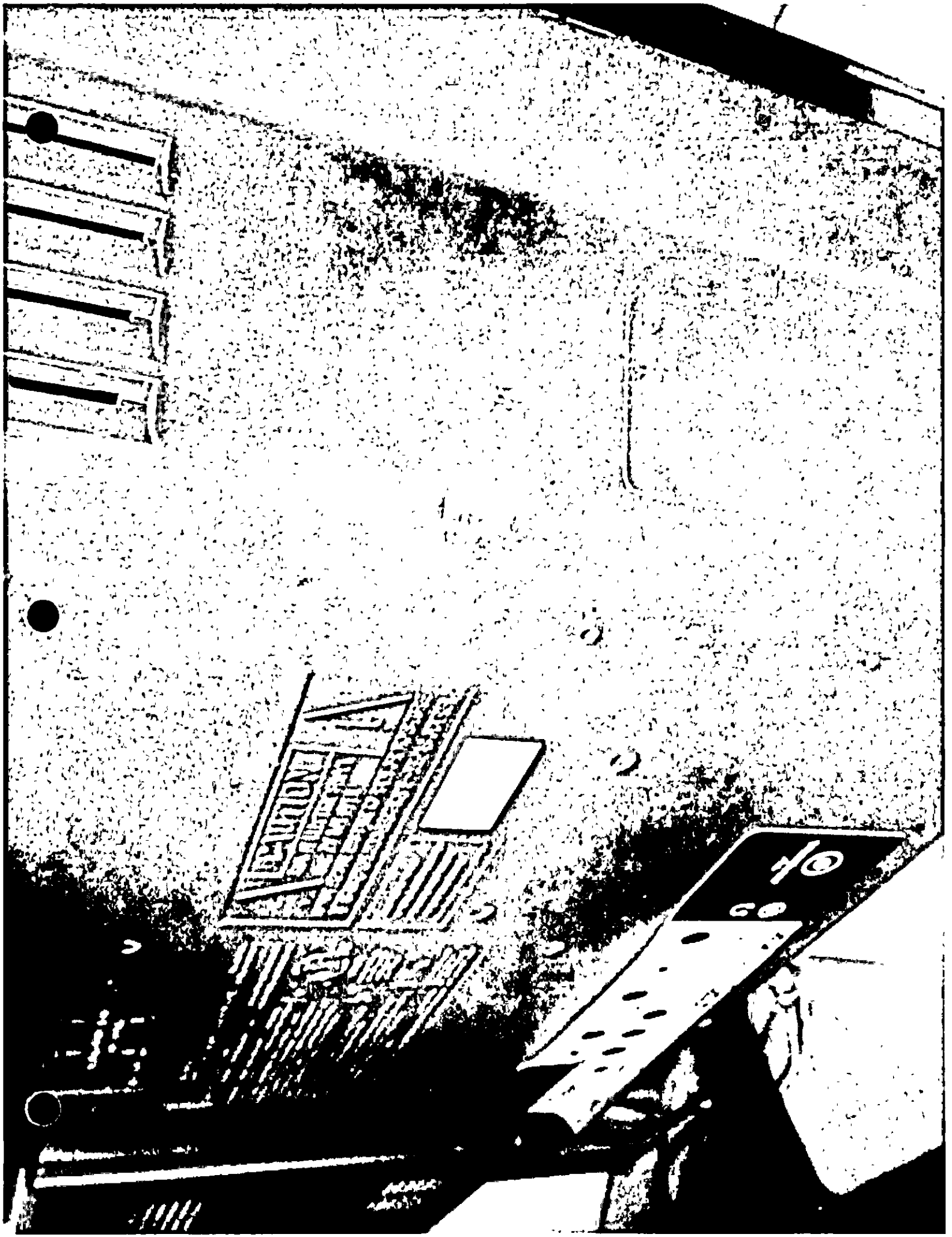

Two Thousand Thirteen
Her Most Imperial Majesty
The People's Empress
The People's Empress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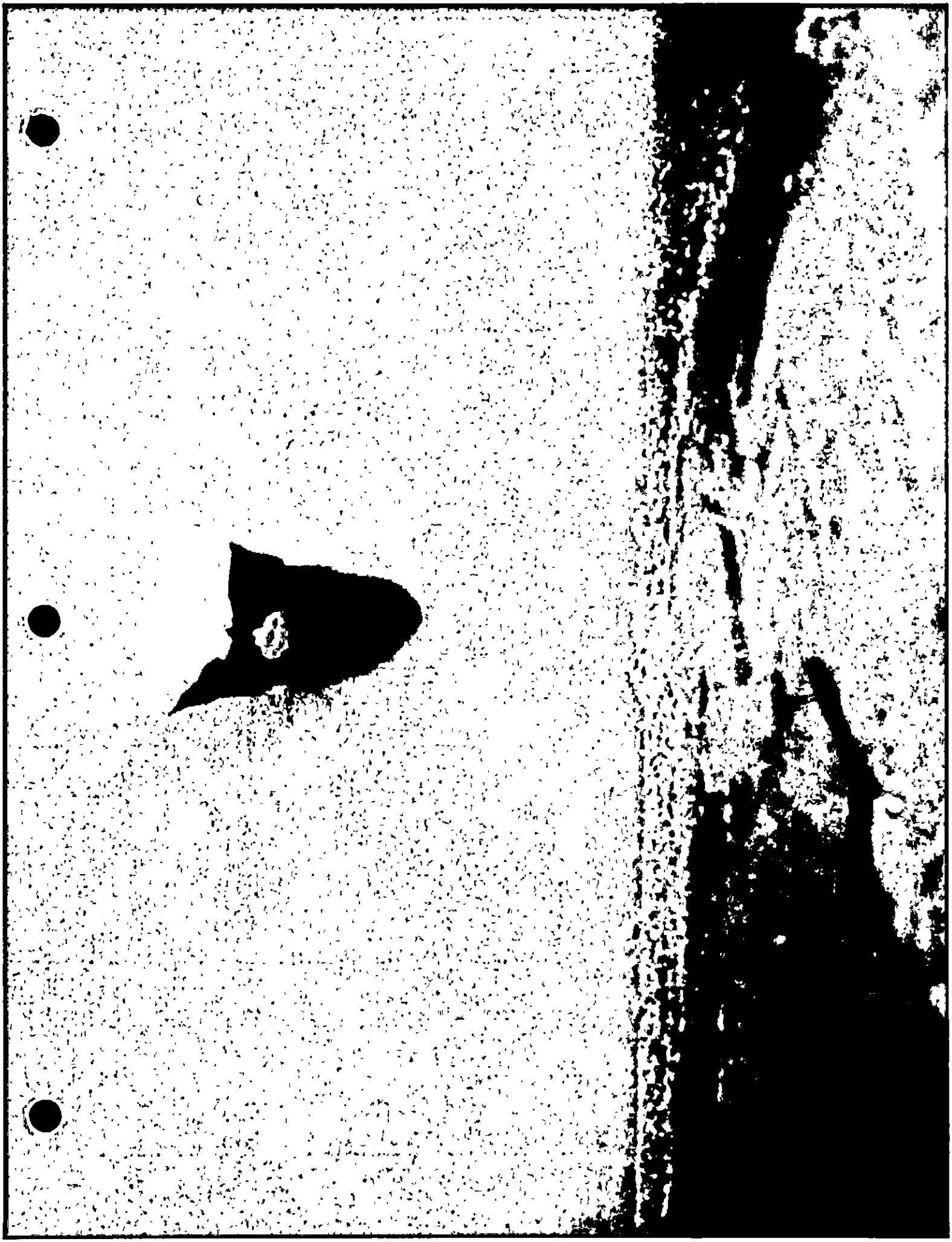

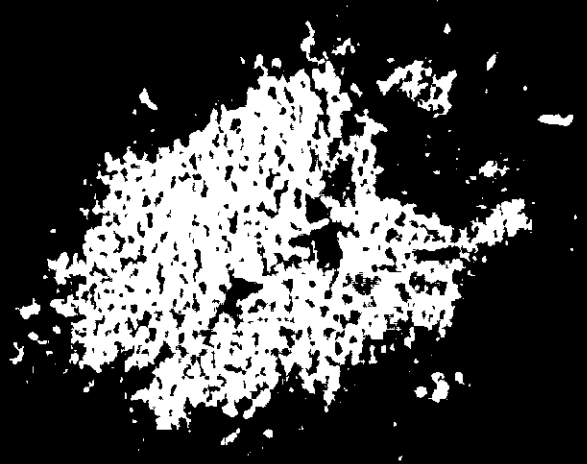

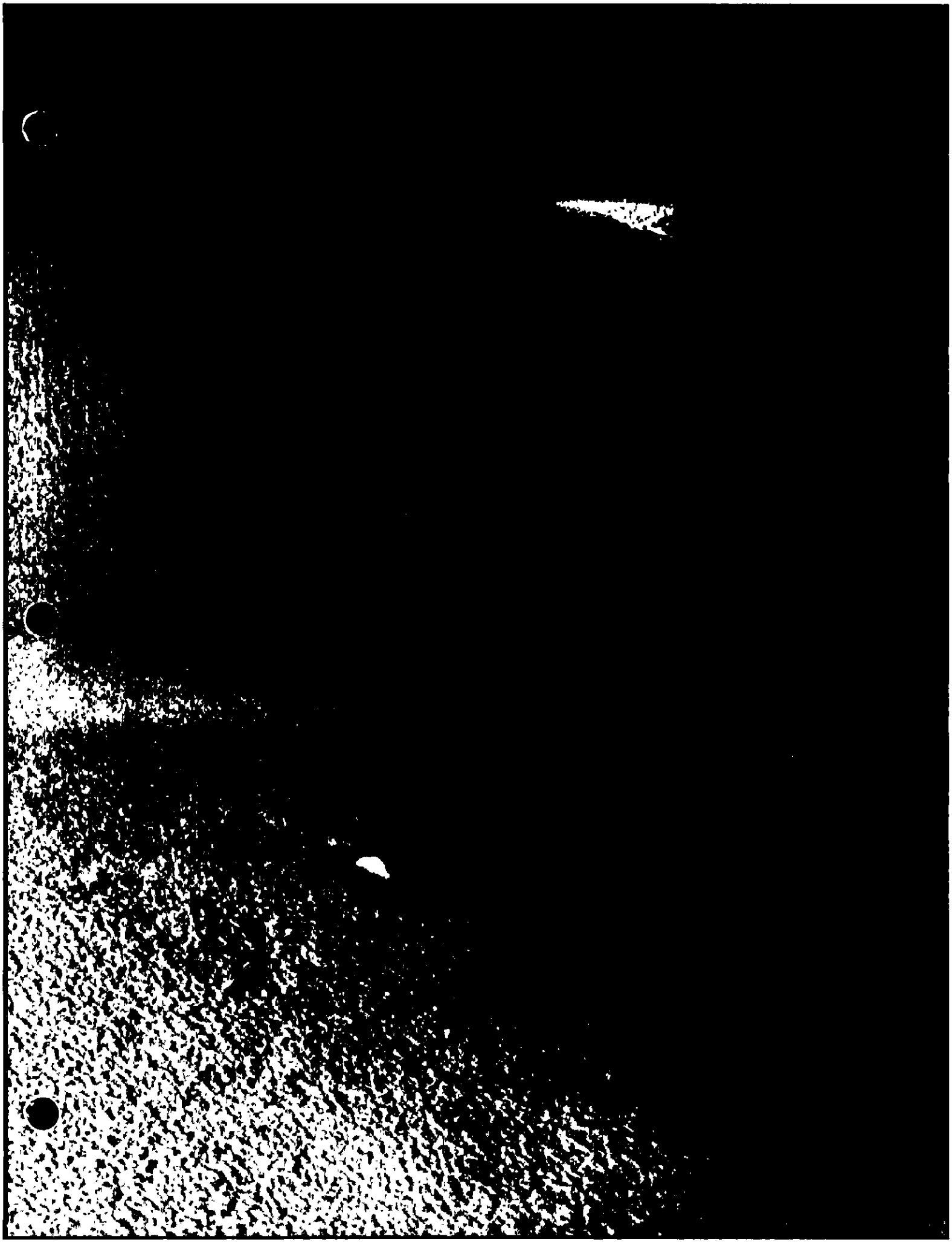

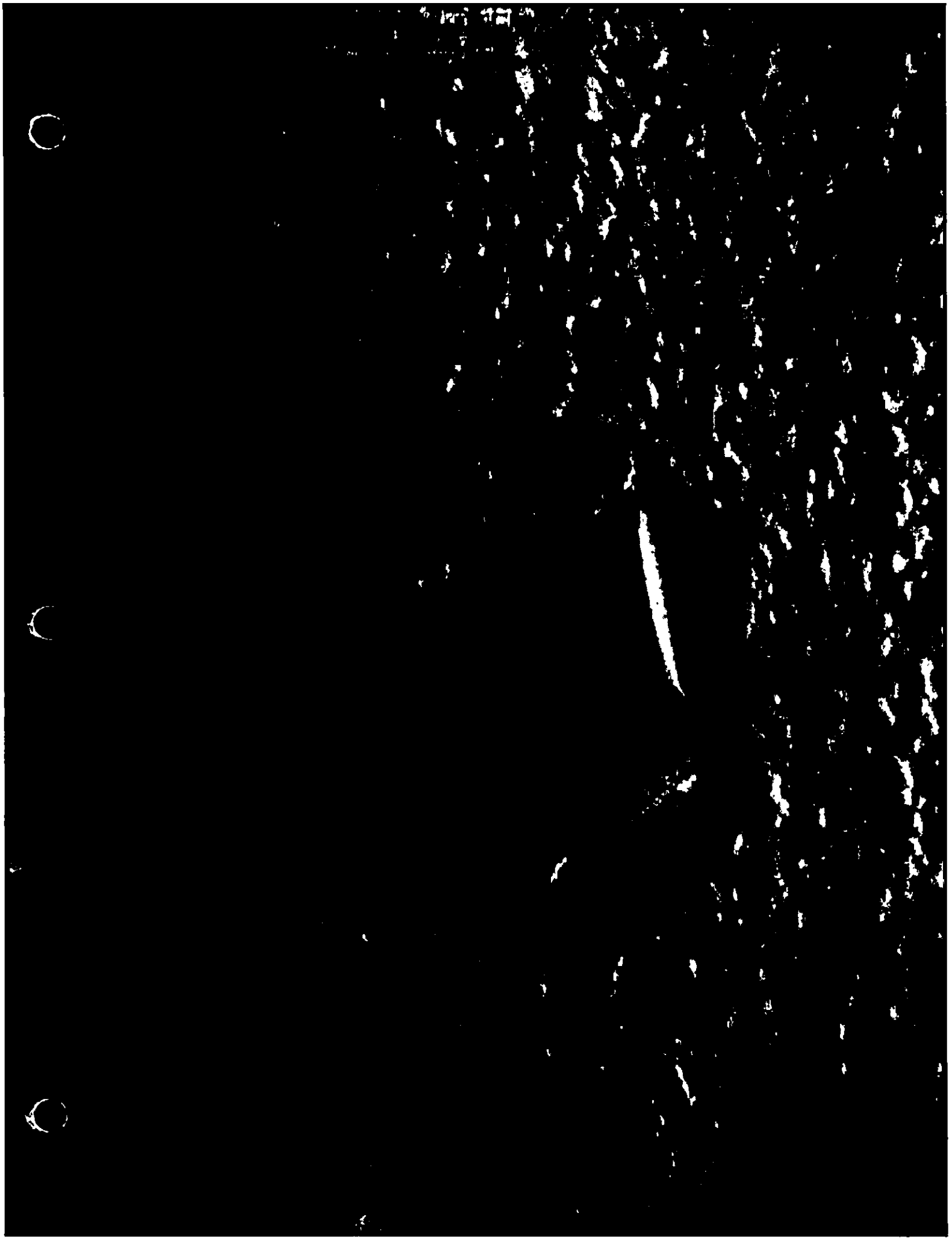

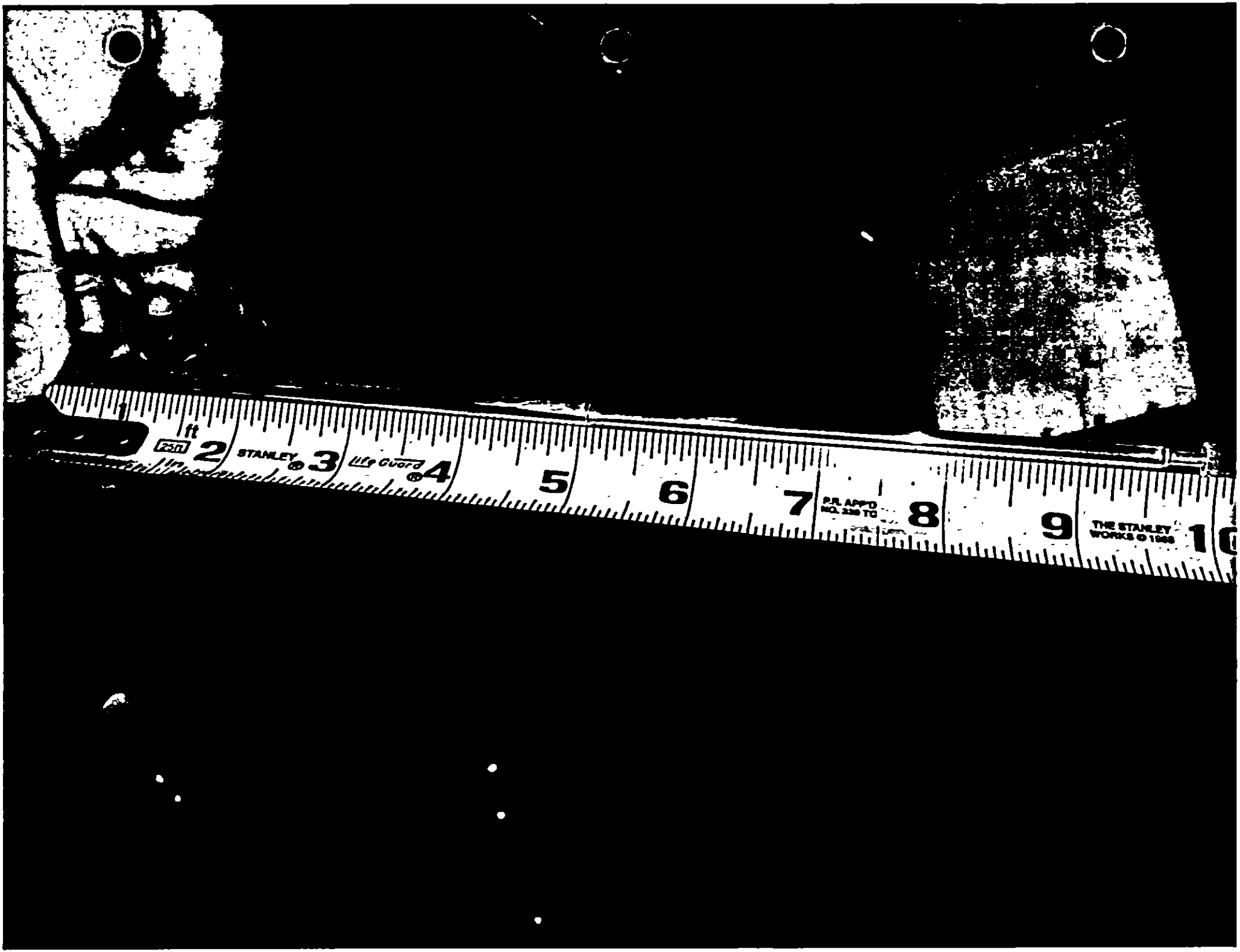
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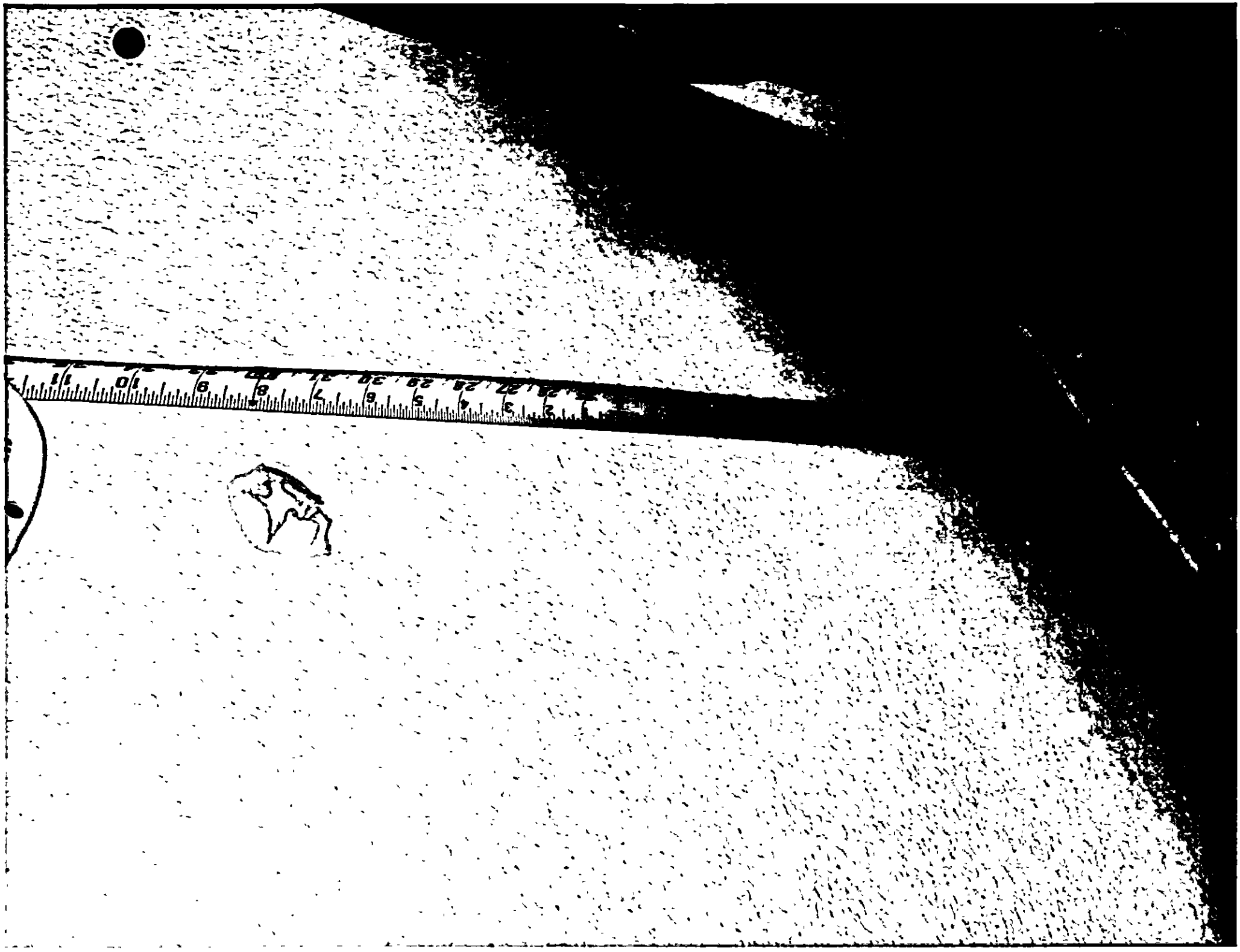
THE STANLEY WORKS © 1988



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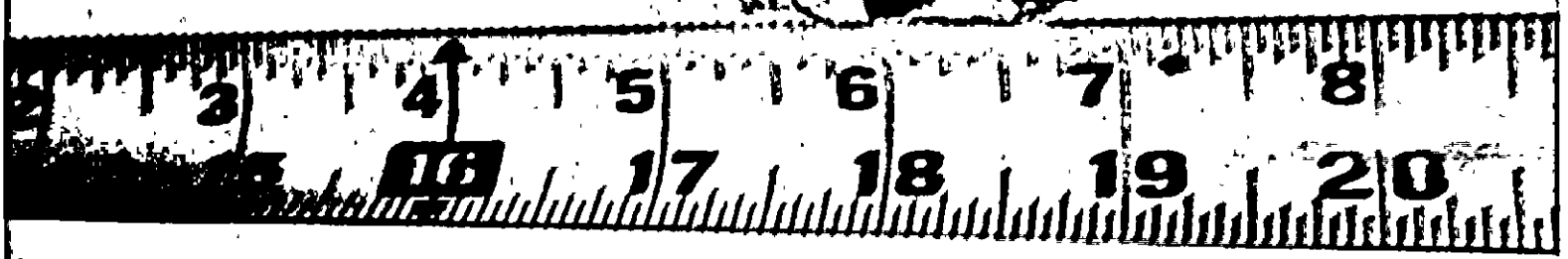
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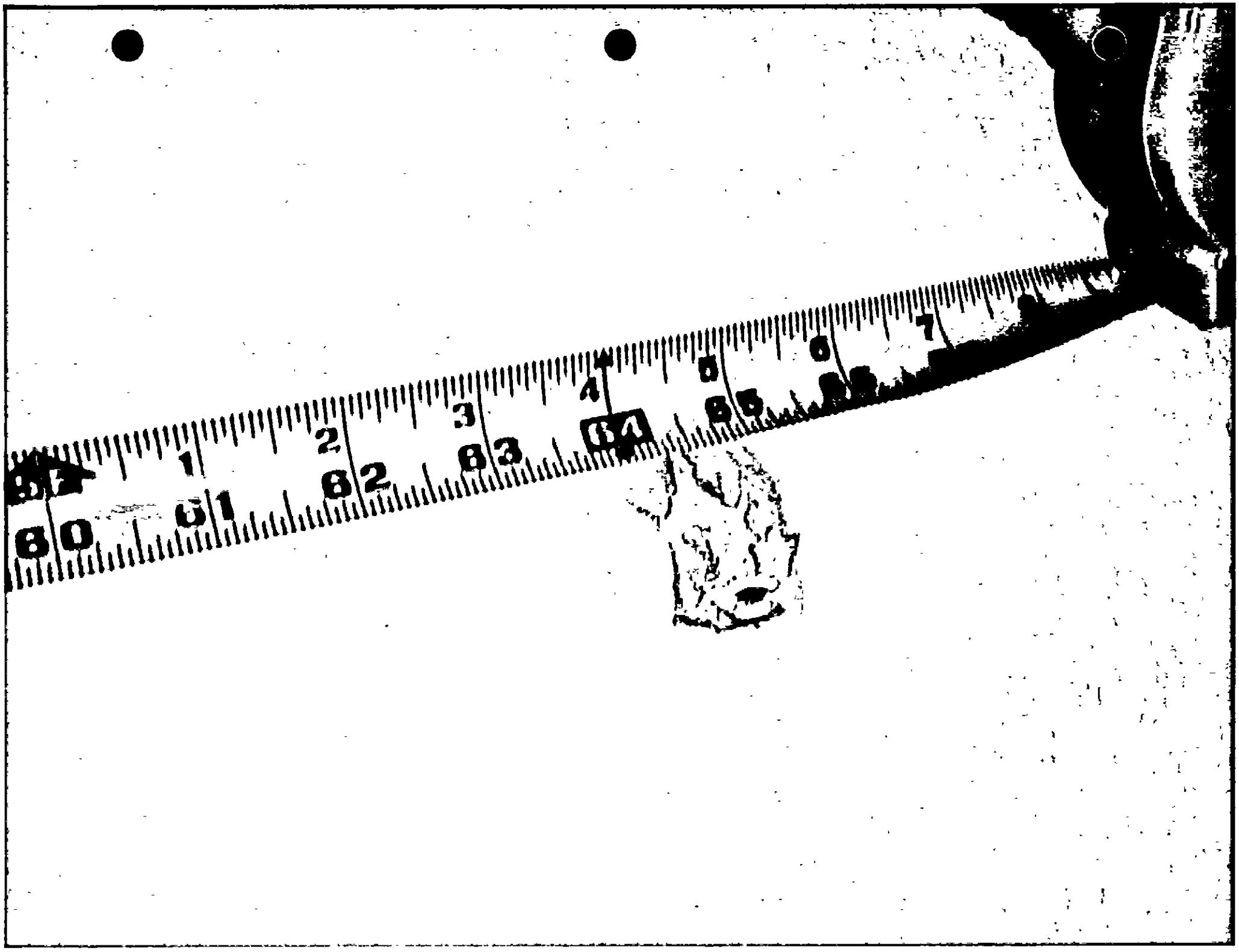

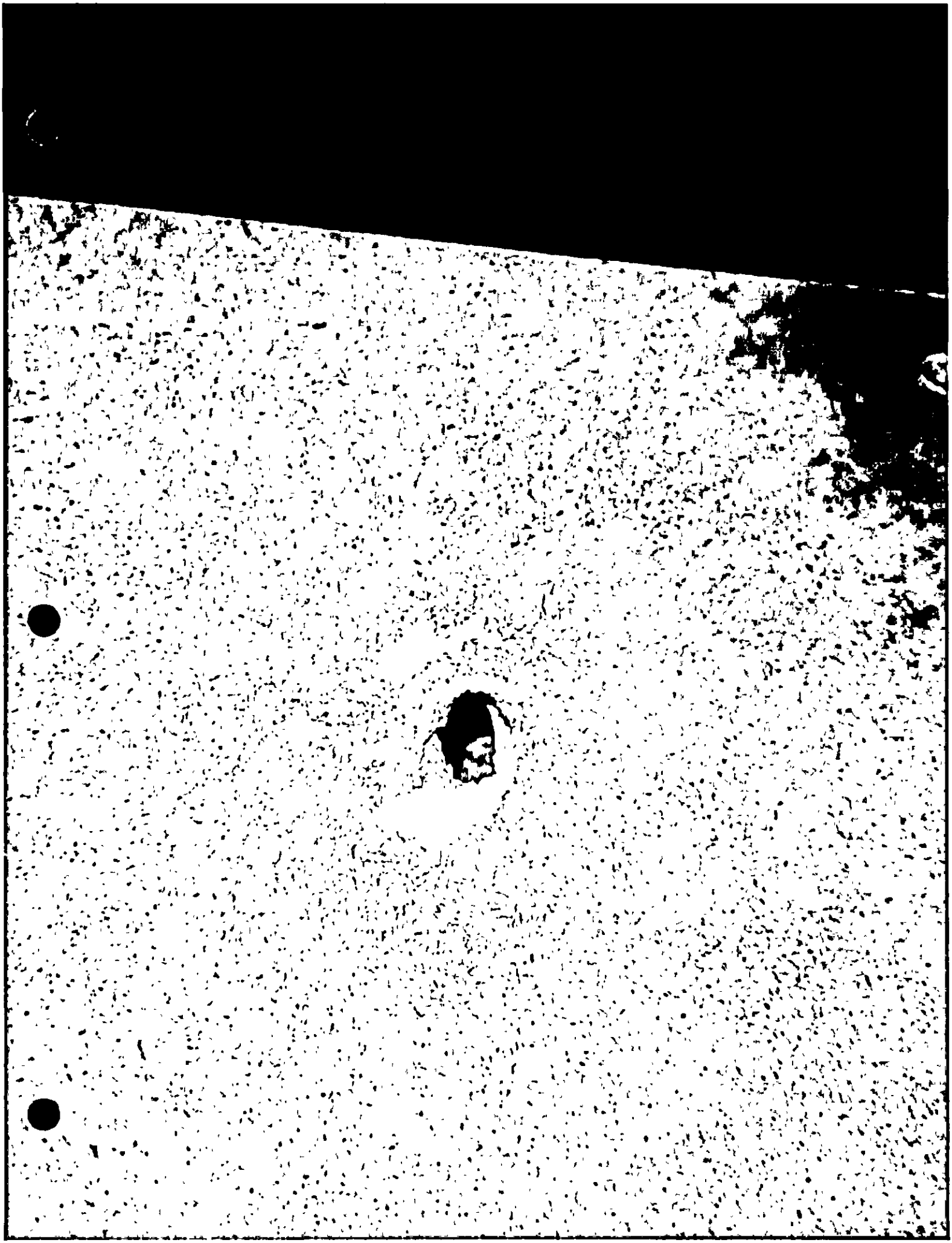

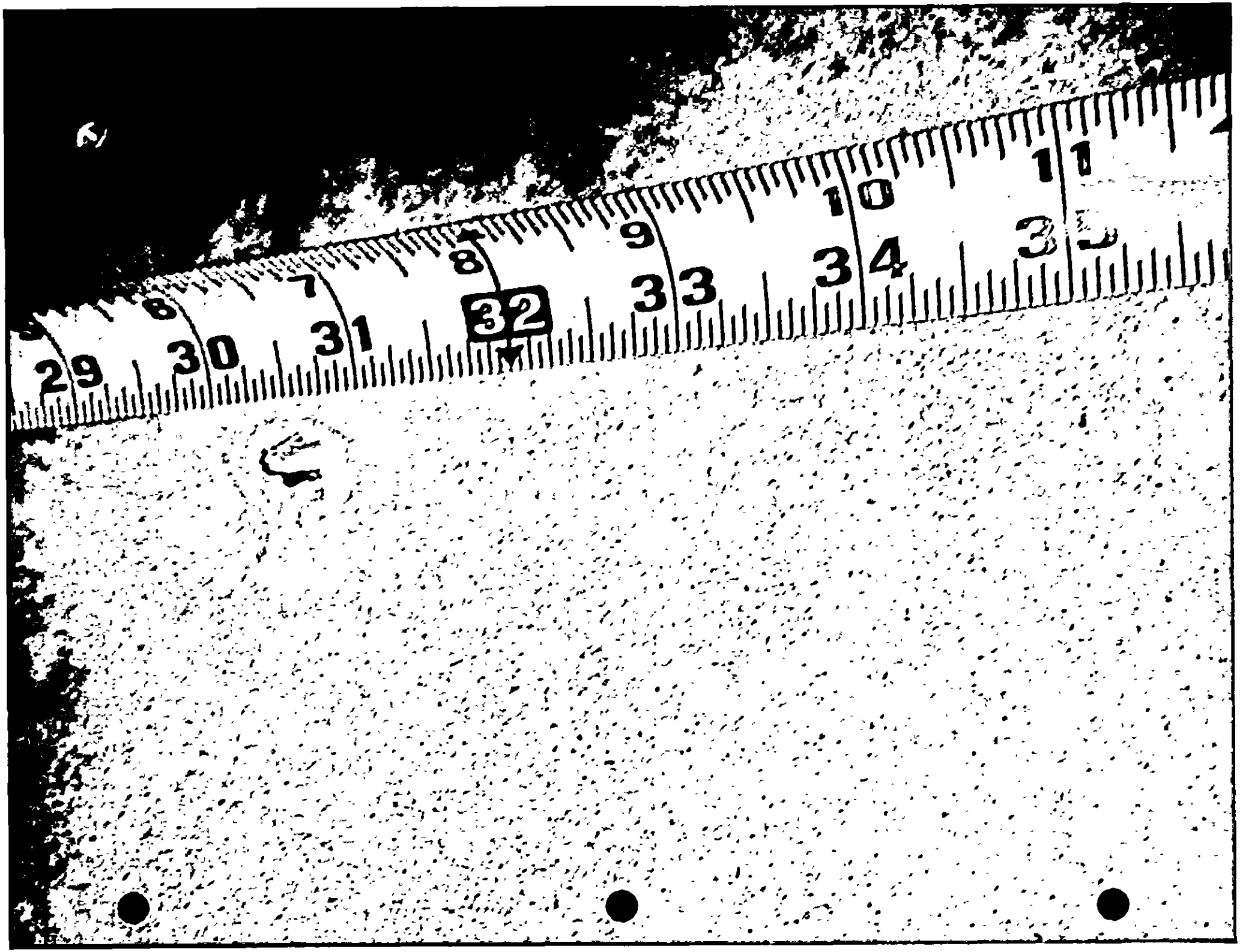
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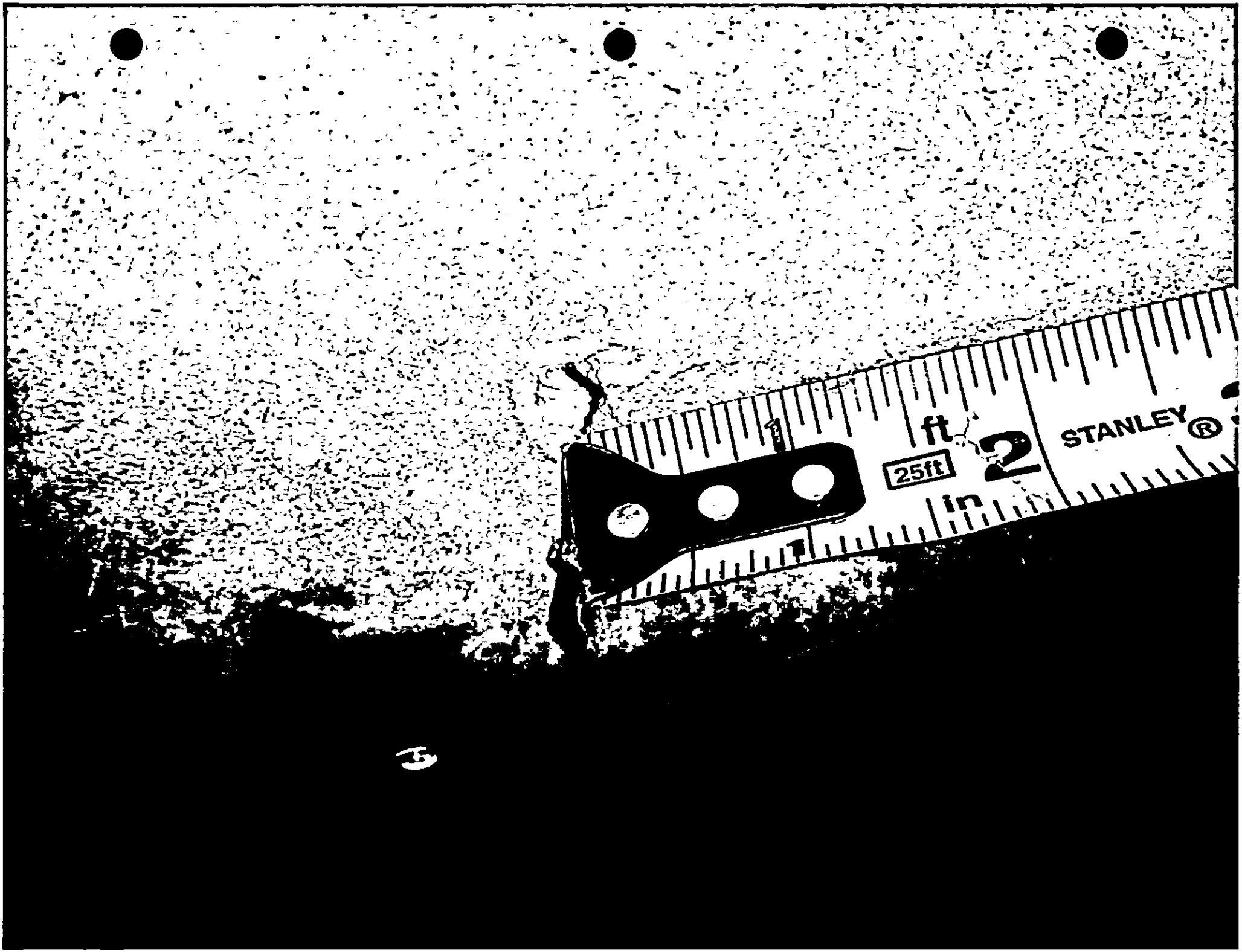
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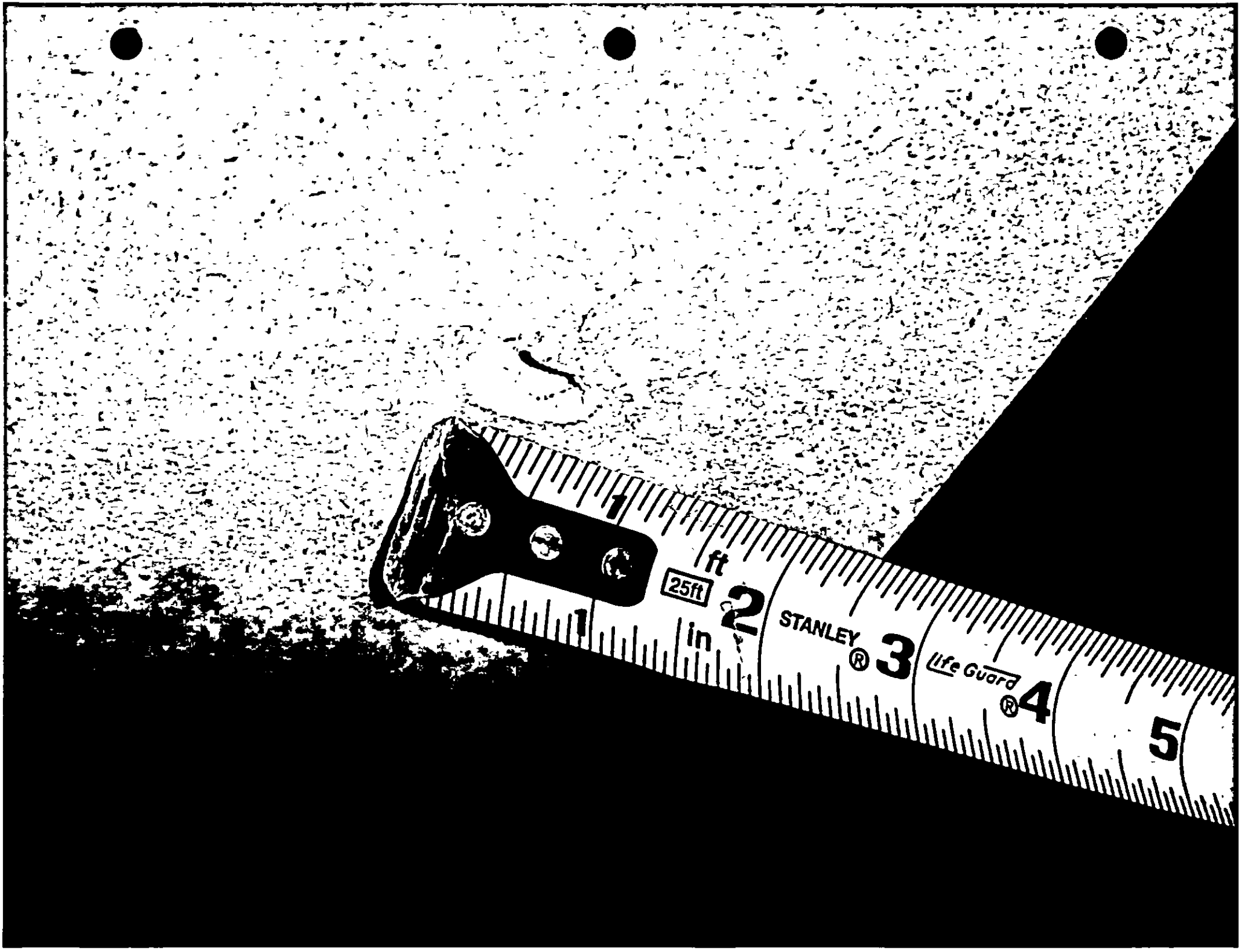
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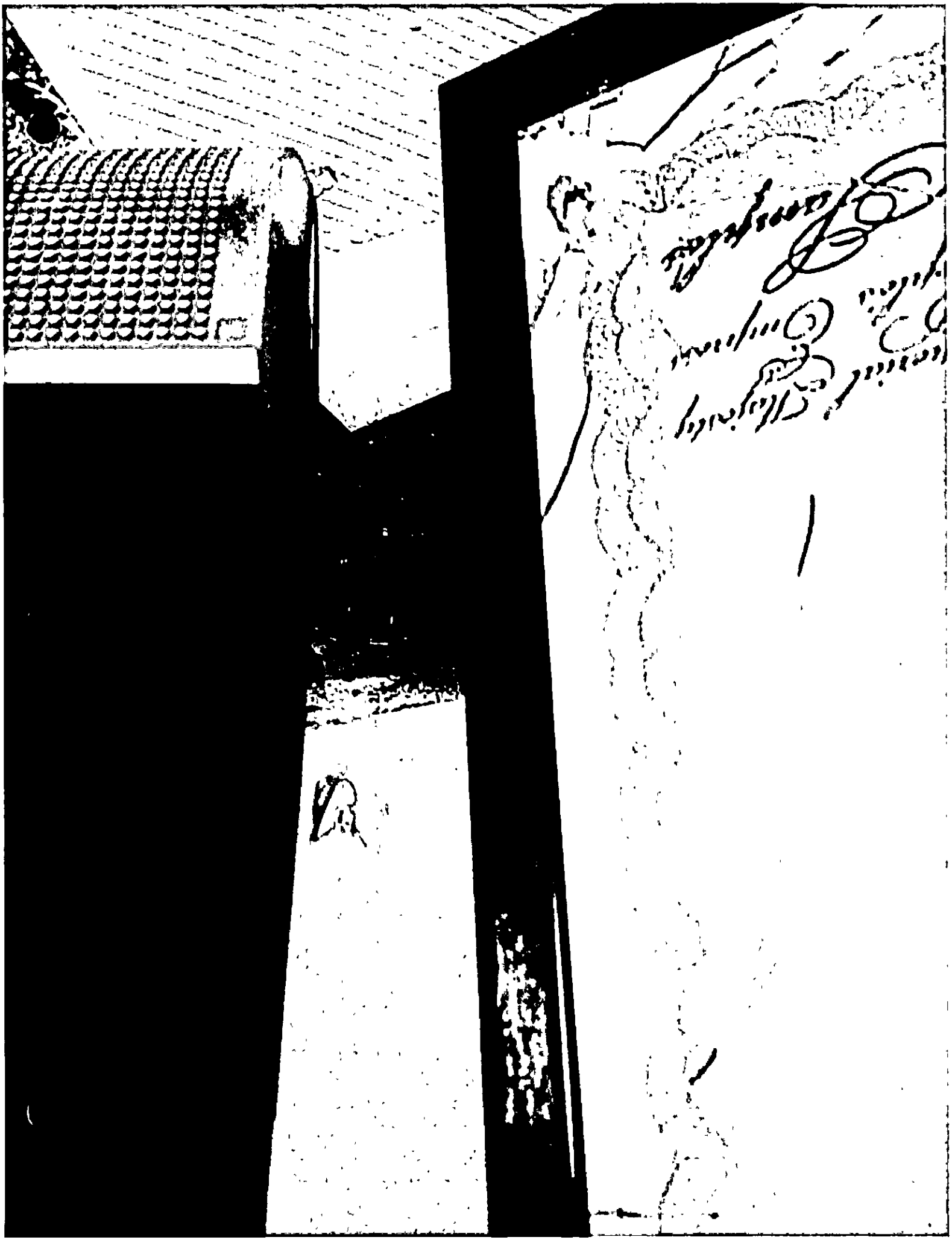

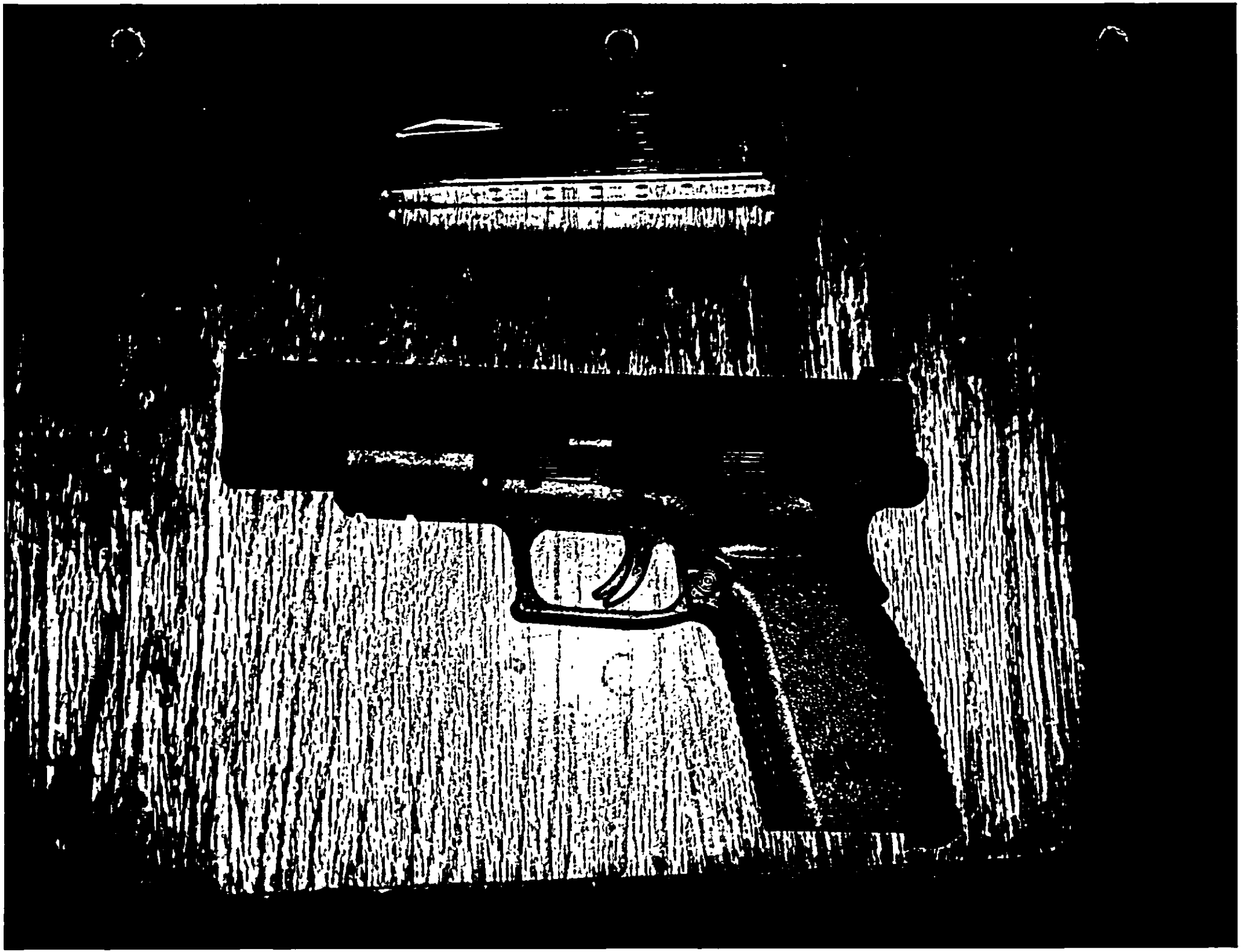

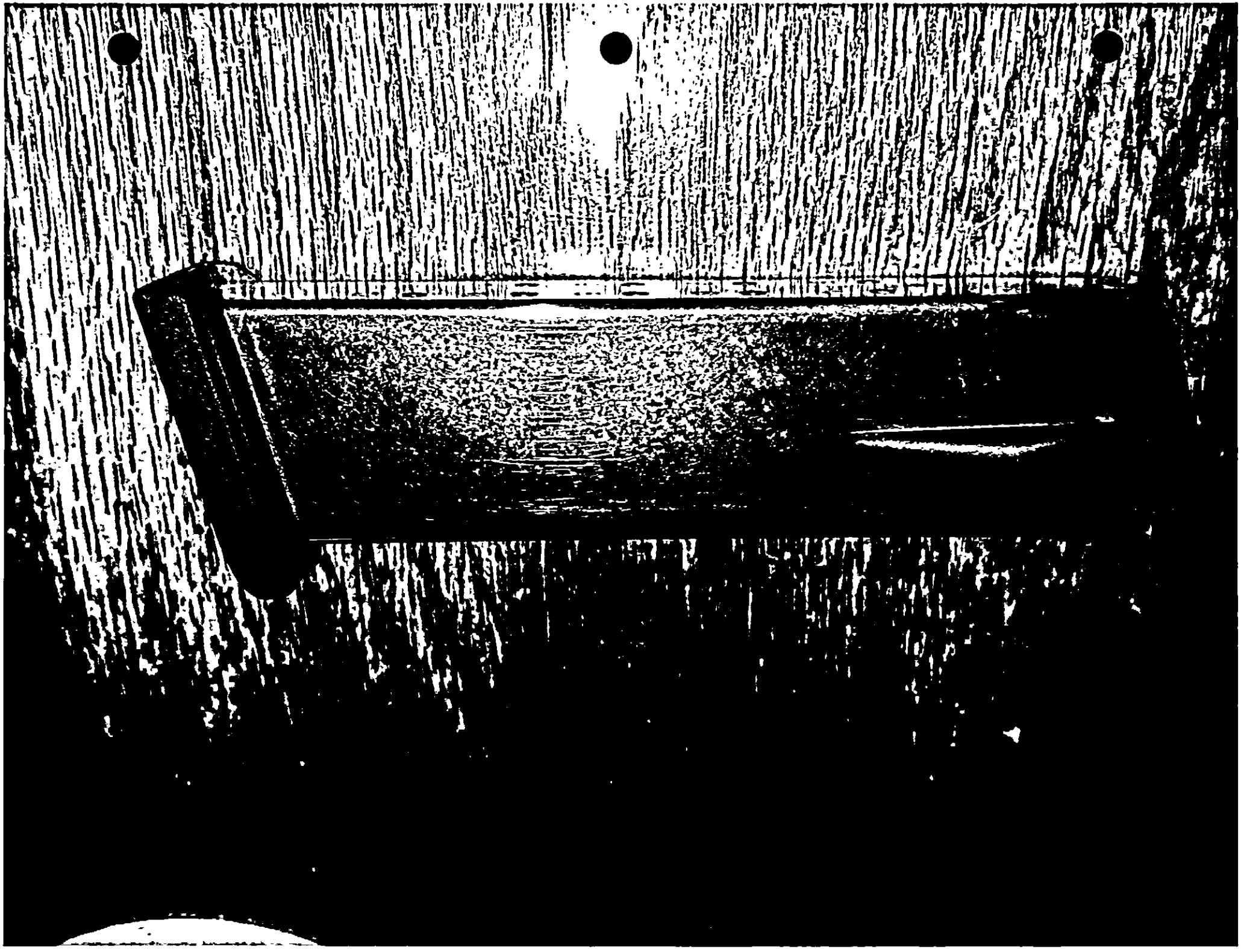


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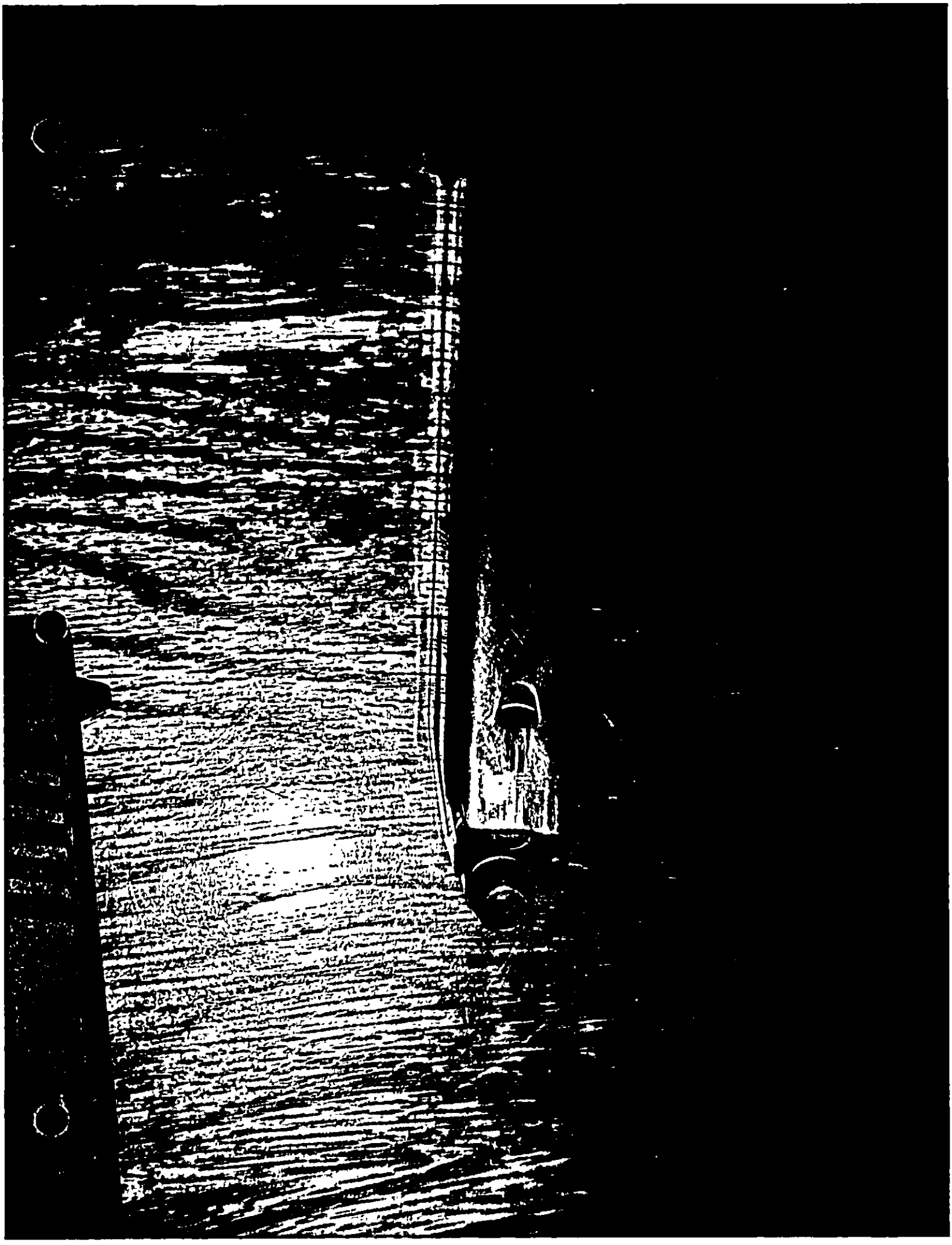

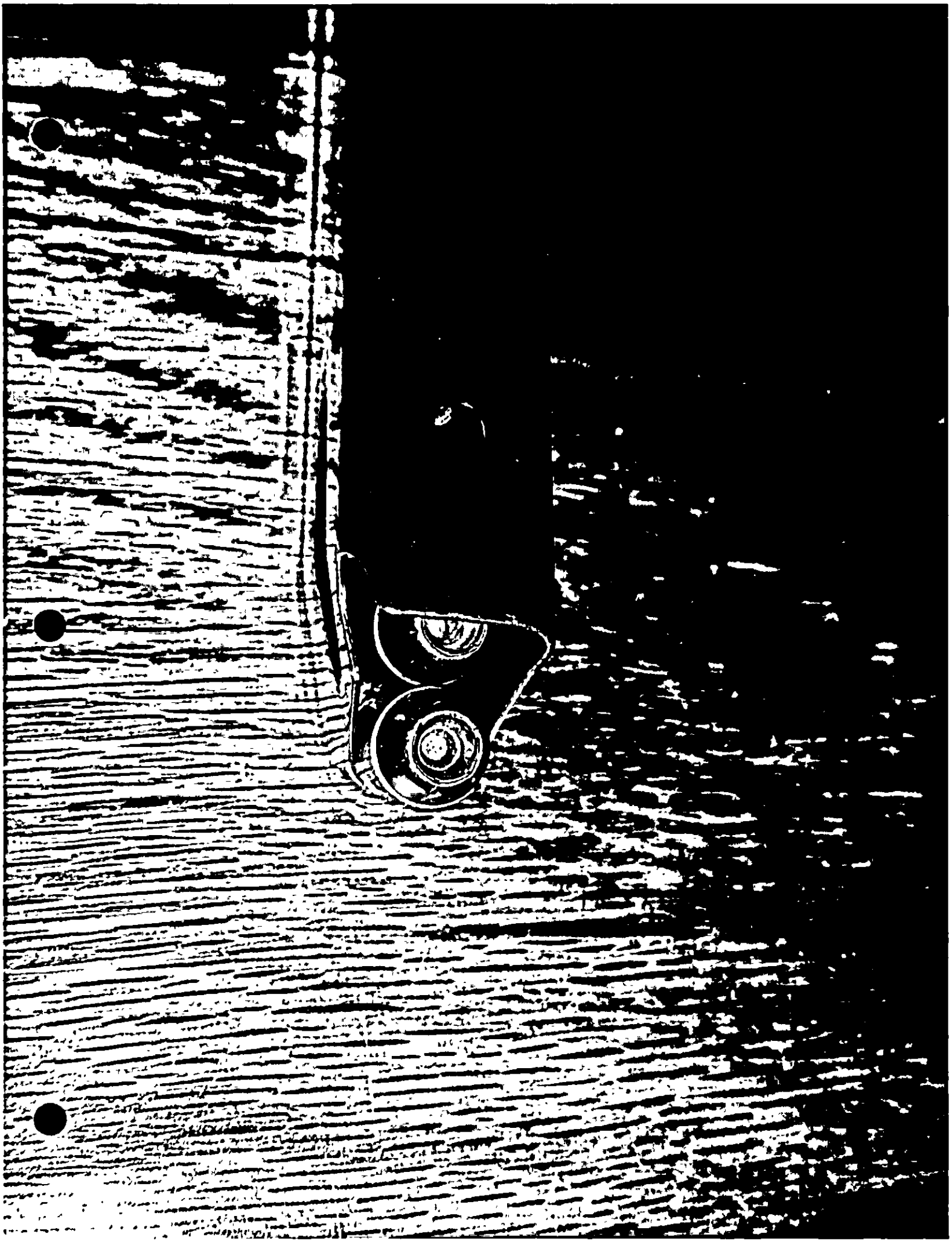

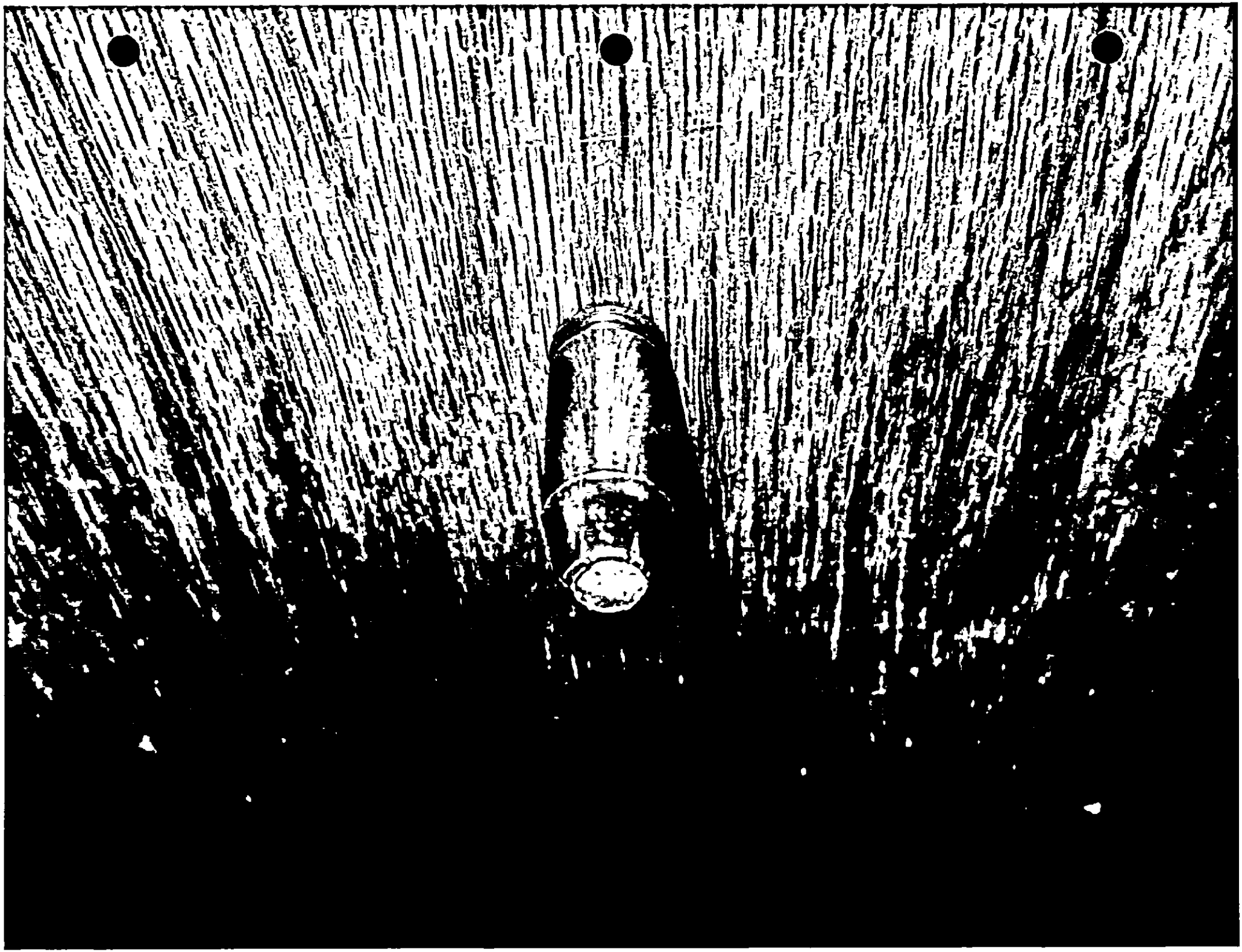

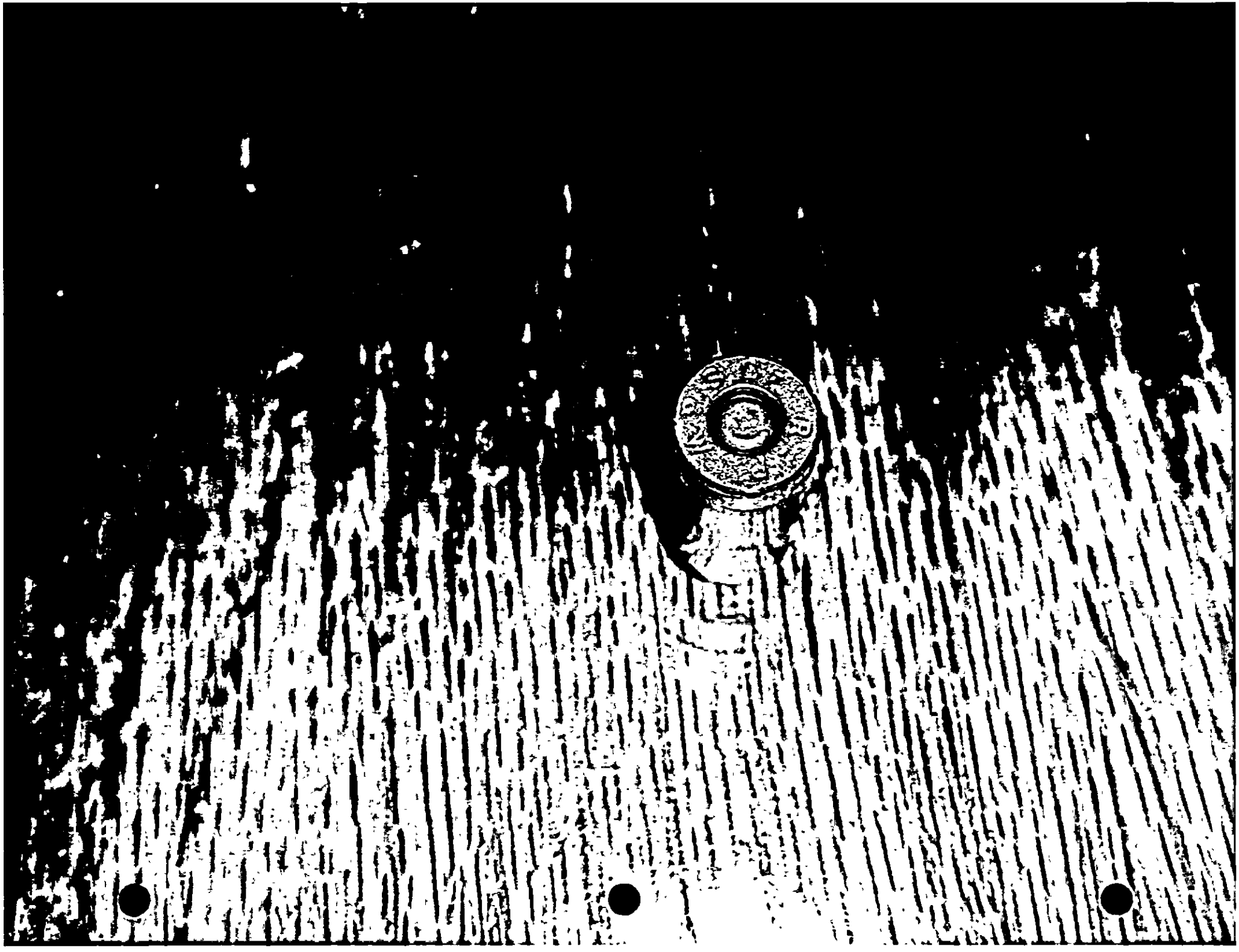

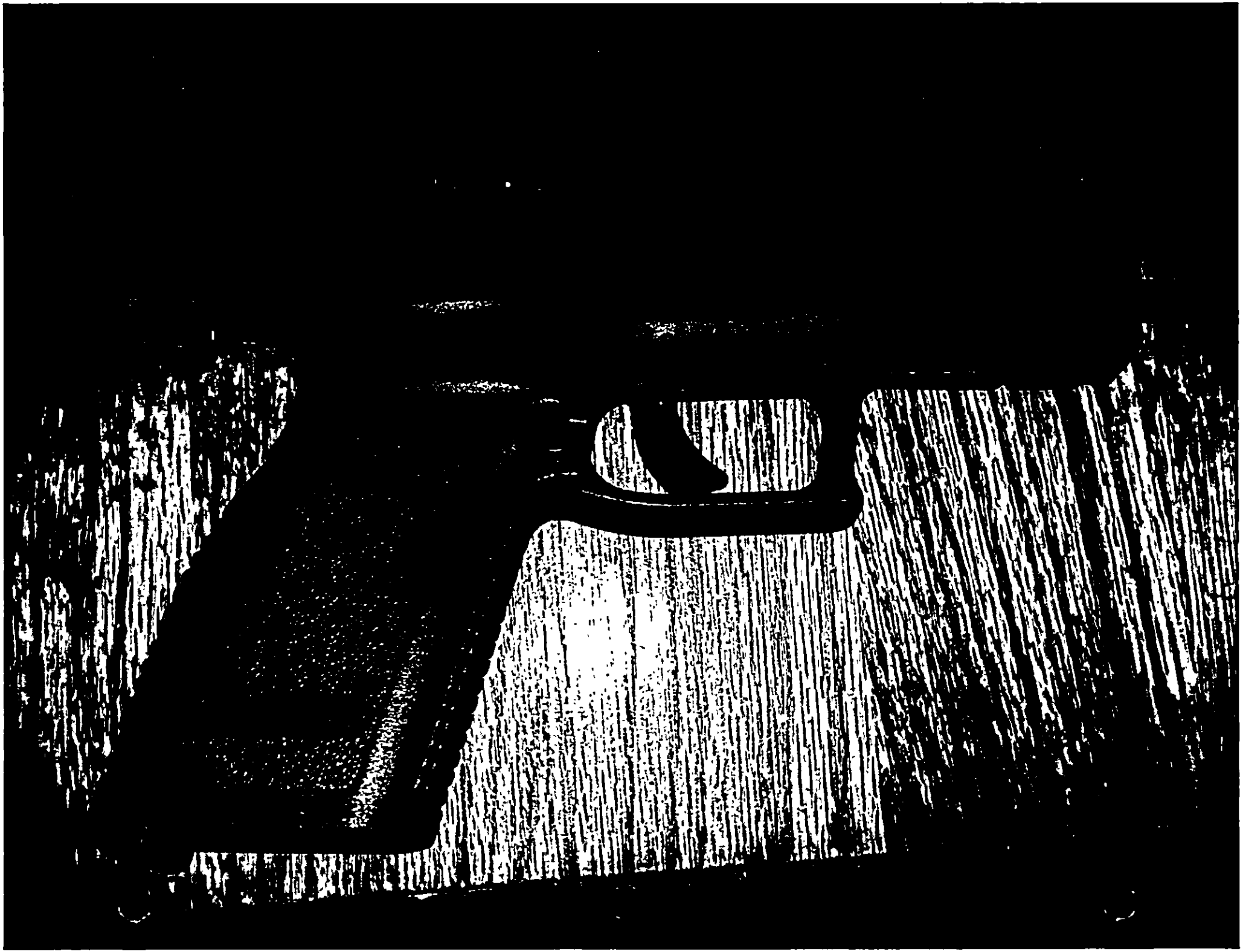

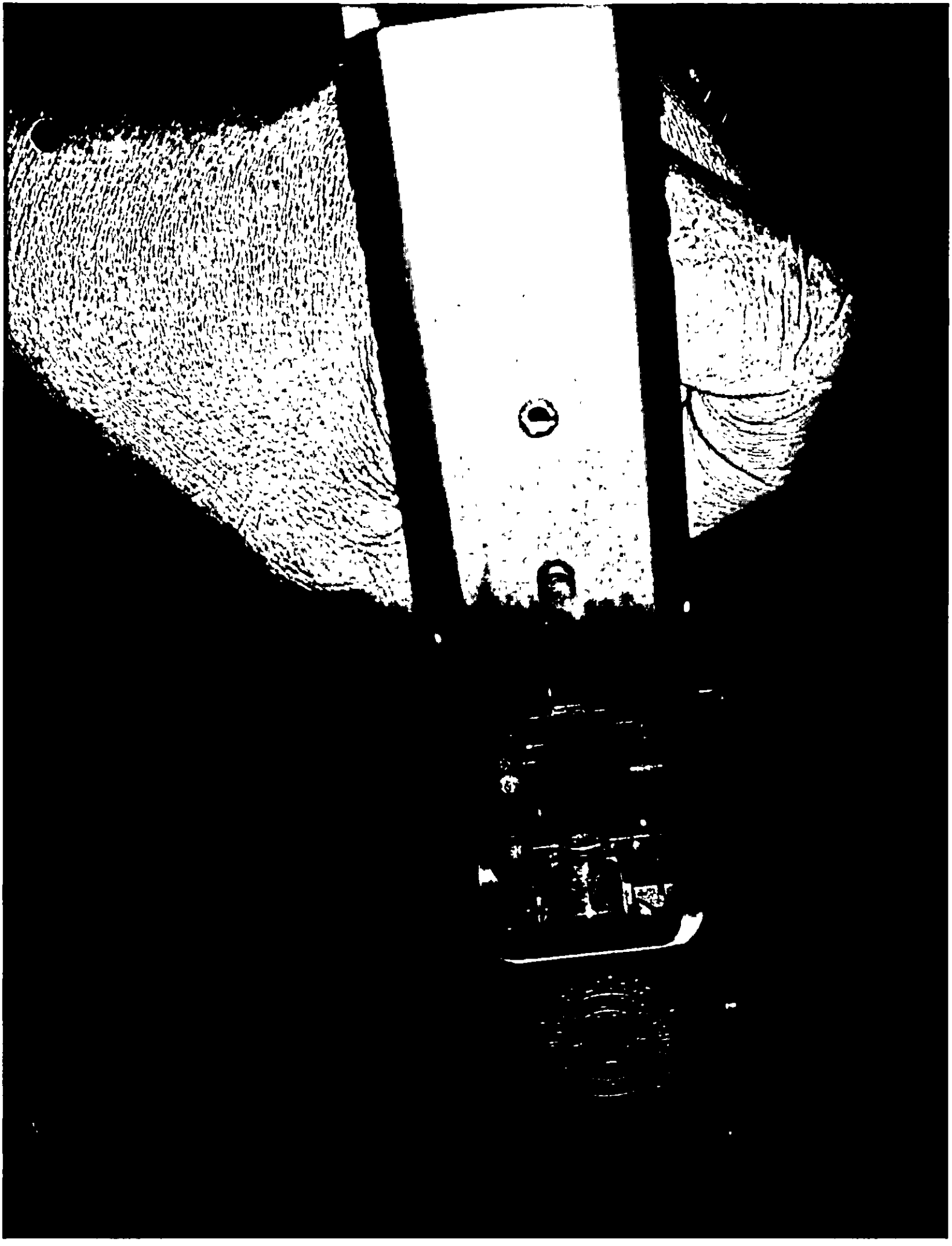

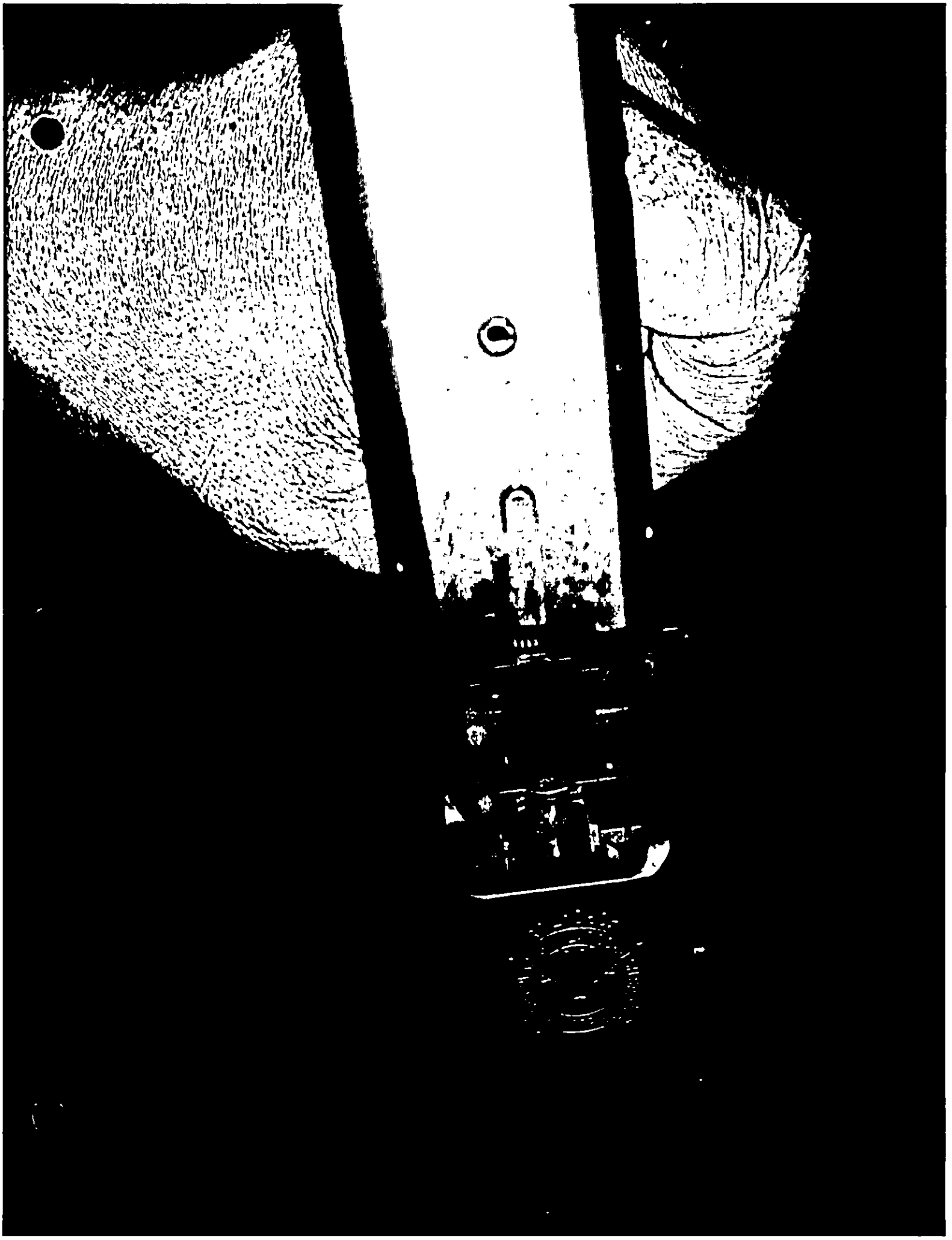

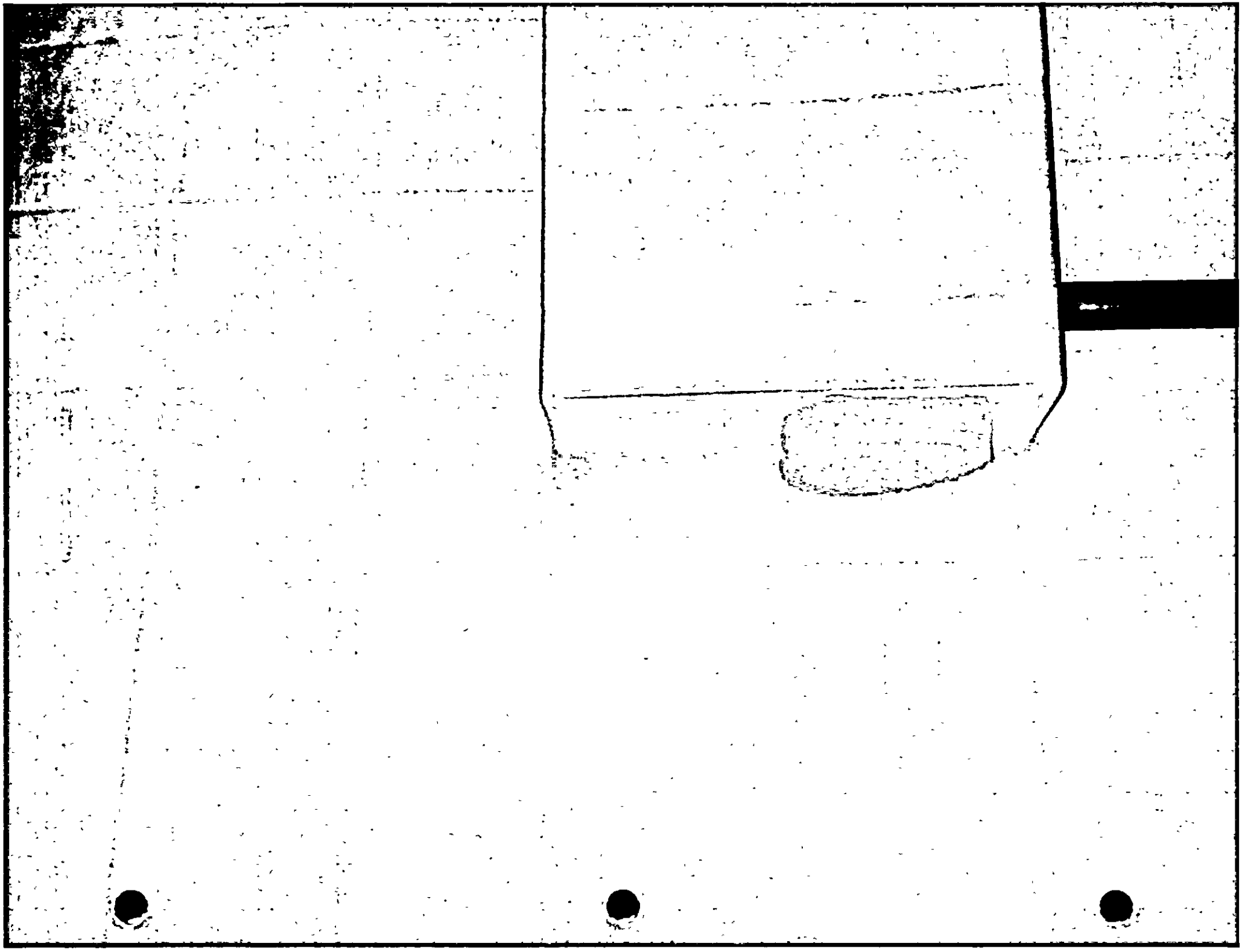

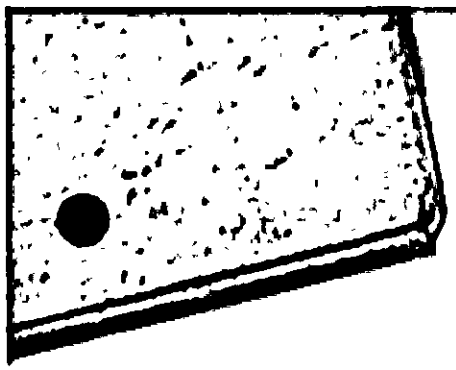

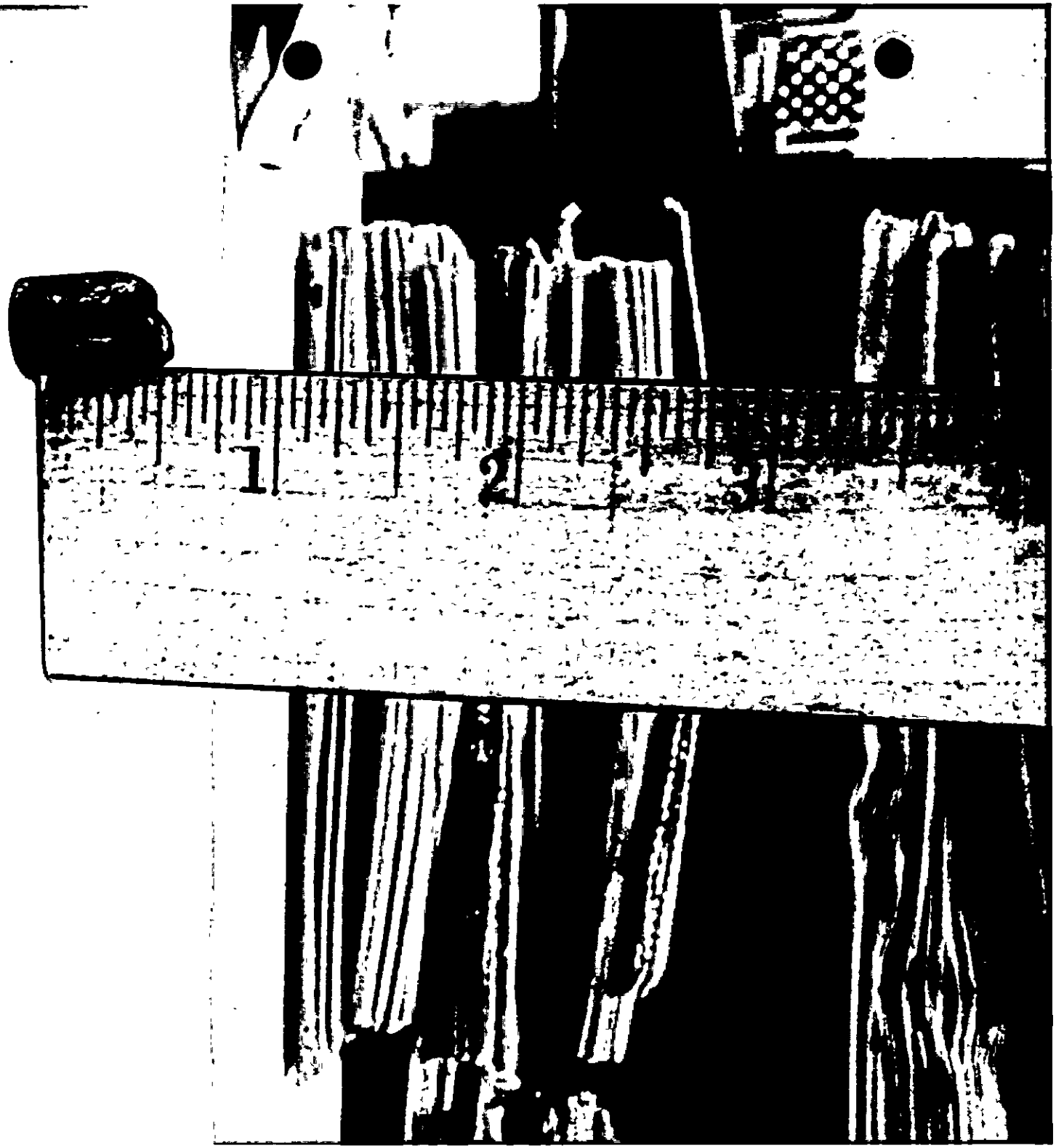
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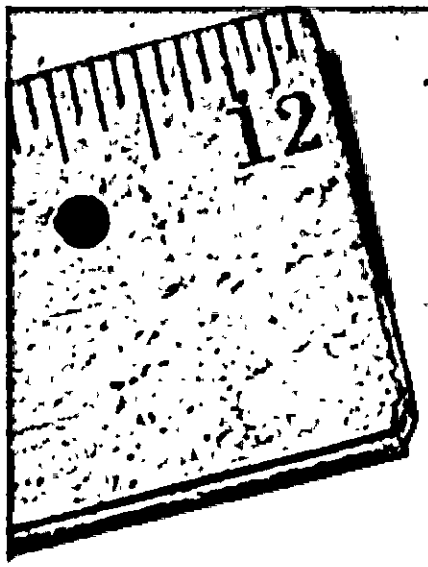
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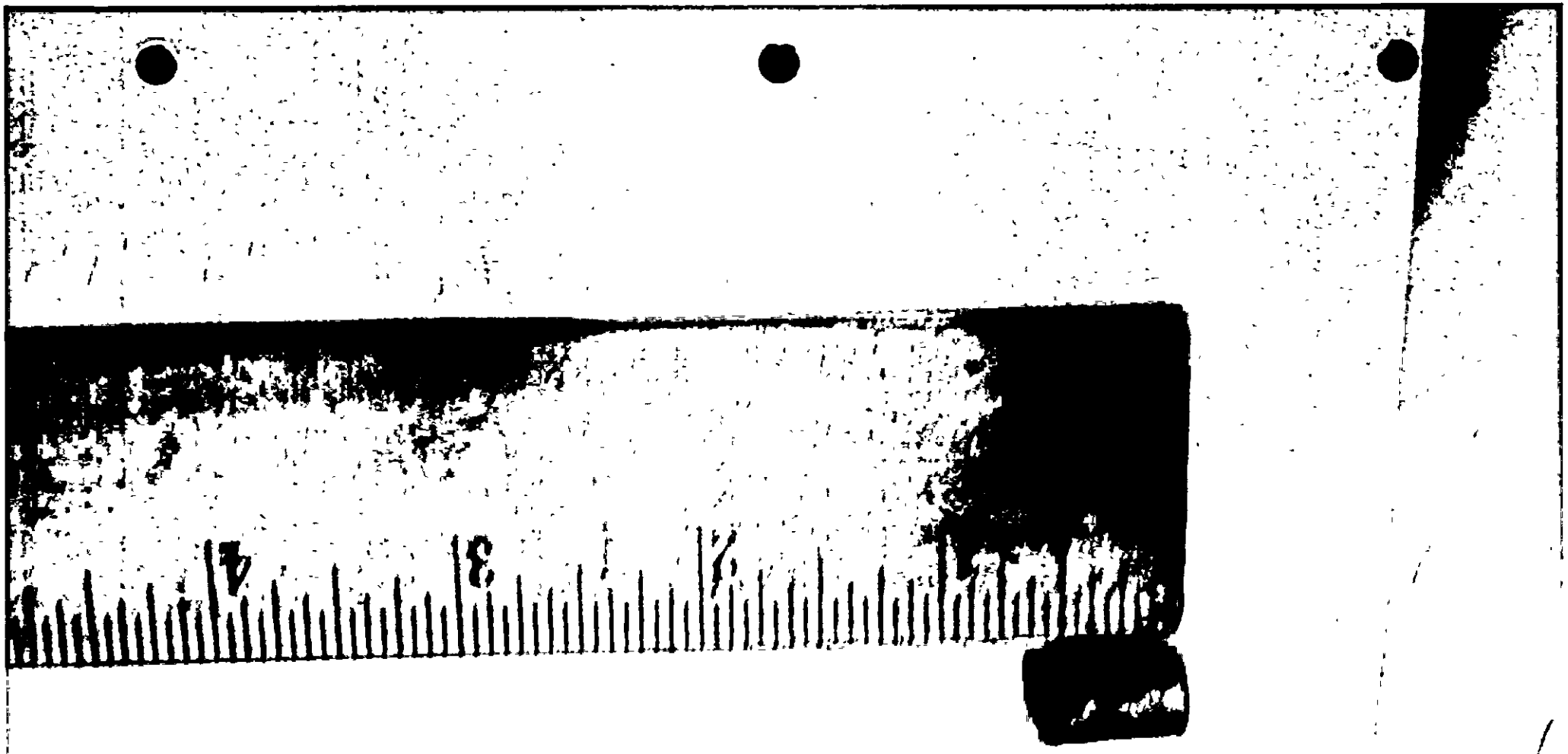

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To : SH2406 @ 100786117
* * * FOR USER 10GS6 * * *
[redacted]
[redacted] RE: [redacted].NAM/WINSOR,STEPHEN.DOB/[redacted]

RESPONSE TO QGH INQUIRY

DATA IN AFS.

* DROS - DEALER SALE
SER[redacted] MAK/[redacted]
TYP/[redacted] MOD/[redacted]
DOT/[redacted] BBL[redacted]
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NAM/WINSOR,STEPHEN [redacted] DOB[redacted] OLN/[redacted]
[redacted]
CTY/SAN DIEGO ST/CA ZIP/[redacted] CCC/3700
ORI/[redacted] - [redacted] OCA/[redacted]
FCN/[redacted]

* DROS - DEALER SALE
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TYP/[redacted] MOD/[redacted]
DOT/[redacted] BBL/[redacted]
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ORI/[redacted] OCA/[redacted]
FCN/[redacted]

* DROS - DEALER SALE
SER[redacted] [redacted]
TYP/[redacted] MOD/[redacted]
DOT/[redacted] BBL/[redacted]
*** PURCHASER INFORMATION ***
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[redacted]
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FCN/[redacted]

* DROS - DEALER SALE
SER[redacted] MAK/[redacted]
TYP/[redacted] MOD/[redacted]
DOT/[redacted] BBL[redacted]
*** PURCHASER INFORMATION ***
NAM/WINSOR,STEPHEN [redacted] DOB[redacted] OLN[redacted]
[redacted]
CTY/SAN DIEGO ST/CA ZIP/[redacted] CCC/[redacted]
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MIS/[redacted]
FCN/[redacted]

* DROS - DEALER SALE
SER[redacted] MAK/[redacted]
TYP/[redacted] MOD/[redacted]
DOT/[redacted] BBL/[redacted]

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 *** PURCHASER INFORMATION ***
NAM/WINSOR,STEPHEN [redacted] DOB[redacted] OLN[redacted]
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TYP/[redacted] [redacted]
DOT/[redacted] BBL/[redacted]
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ORI/[redacted]OCA/[redacted]
FCN/[redacted]

END AFS RESPONSE.
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