FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

April 12, 2018

TO: D. Brown, Captain
San Marcos Station (N145)

FROM: Christina Bavencoff, Lieutenant
Internal Affairs Unit (O41)

INTERNAL AFFAIRS CASE # 2017-0143.1

Please review this investigation and check where appropriate. When all action is completed, please return directly to the Internal Affairs Unit. DO NOT FORWARD THROUGH THE CHAIN OF COMMAND. This will be done by the Internal Affairs Unit. If you have any questions, please call (b)(5)(B)

☐ I concur with the Internal Affairs conclusions. **No further formal action is recommended.**

☒ I concur with the Internal Affairs conclusions. **Discipline recommendation attached.**

☐ I disagree with the Internal Affairs findings. **See attached report.**

☐ A procedural change is being written and an approved copy will be sent to Internal Affairs.

Signed _____ Date 12-21-18

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TO

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs

CASE NUMBER: 2017-0143.1

ACCUSED EMPLOYEE: Deputy Richard Fischer #3003

COMPLAINANT: SDSD and (b)(5)(B)

INVESTIGATOR: Sergeant Amber Baggs #2720

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E. (b)(5)(B) Documents: CAD #E2975692, AVL for November 24, 2015, Arrest Report (Case #15160818) written by Fischer, (b)(5)(B) Letter and her portion of County Claim, Recorded telephone call between (b)(5)(B) and her boyfriend

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G. (b)(5)(B) Documents: CAD #E3189564, AVL for February 29, 2016, Recorded Primary/Inquiry Radio Traffic from Fischer's Pedestrian Stop on February 29, 2016

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J. (b)(5)(B) Documents: CAD #E3744257, AVL for November 4, 2016, Arrest Report (Case #16156645) written by Deputy Rossall, Call Log for cell phone # (b)(5)(B)

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N. (b)(5)(B) Documents: CAD #E4141900, Arrest Report (Case #17124483) for (b)(5)(B) being placed on a 72-hour, AVL for May 9, 2017

O. (b)(5)(B) Documents: AVL for June 19, 2017, Fischer's Daily Training Evaluations, (b)(5)(B) text messages

P. (b)(5)(B) Documents: CAD #E4368817, AVL for August 19, 2017, Quality Control questionnaires

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R. (b)(5)(B) Documents: CAD #E4476451, AVL from October 6, 2017, Photos of (b)(5)(B) calendar, County Claim for (b)(5)(B)

S. Documents for lost cell phone: E-mail from (b)(5)(B), Report of Lost Equipment, and Crime Report (Case #17160674) written by Fischer

T. District Attorney's charging document, Crime Report (Case #17158719) written by Detective Pena

U. Fischer's Administrative Assignment documents

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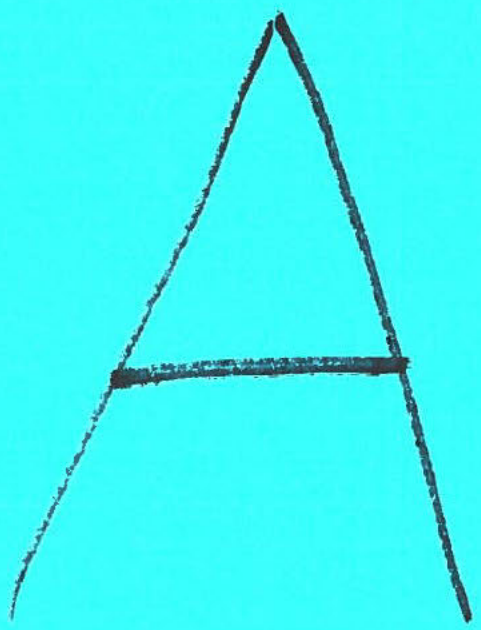

San Diego County Sheriff's Department
Post Office Box 939062
San Diego, California 92193-9062

William D. Gore, Sheriff

2017-0143 (.1)

COMPLAINT FORM

PLEASE PRINT OR TYPE

COMPLAINANT'S NAME	DATE OF BIRTH	HOME PHONE
SDSO		
COMPLAINANT'S ADDRESS / **CITY** / **ZIP CODE**		**BUSINESS PHONE**
LOCATION OF INCIDENT / **CITY**	**DATE AND TIME OF INCIDENT**	
(b)(5)(B)	08-20-2017	

NAME(S) OF SHERIFF'S PERSONNEL
Deputy Richard Fischer #3003

BRIEF NARRATIVE OF COMPLAINT
(b)(5)(B) reported that Deputy Richard Fischer #3003 returned to her residence after a closed call and acted inappropriately.

CONTINUED ON ADDITIONAL SHEETS ☐

1. DO YOU BELIEVE YOU WERE STOPPED, ARRESTED, SEARCHED, OR DETAINED BY LAW ENFORCEMENT DUE, AT LEAST IN PART, TO RACIAL OR IDENTITY PROFILING (E.G. BECAUSE OF YOUR RACE, COLOR, NATIONALITY, NATIONAL ORIGIN, GENDER, AGE, RELIGION, GENDER EXPRESSION, SEXUAL ORIENTATION, MENTAL OR PHYSICAL DISABILITY)? ☐ YES ☐ NO
2. IF YES, PLEASE EXPLAIN WHAT SPECIFIC PROFILING YOU BELIEVE OCCURRED AND THE BASIS FOR YOUR BELIEF:

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 CIVILIANS' 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. CIVILIANS 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:** 8/14/2017

Received in Sheriff's Internal Affairs
OCT 26 2017

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: Unbecoming Conduct

ASSIGN TO: IA - Sgt. Baggs
(Patrol - San Marcos)

I.A CASE # 2017-0143 (.1)

IA-1 (Rev. 12/16)

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TO_____

Bavencoff, Christina

From: White, Justin
Sent: Thursday, October 26, 2017 3:24 PM
To: Bavencoff, Christina
Subject: FW: 08/20/17 Cad E4369508..complaint

-----Original Message-----
From: Spach, John
Sent: Wednesday, October 25, 2017 12:18 AM
To: White, Justin
Subject: 08/20/17 Cad E4369508..complaint

Lt

Here is the information you requested.

Brought to my attention by Deputy Dujenski who was at the location on an unrelated call and was familiar with the RP. Saw she was emotional and asked her what was wrong. RP informed him she felt a Deputy over stepped his " boundaries" and she felt he inappropriately "made moves towards her in the past " and it was unprofessional for him to do this. Estimated the incident occurred on 08/20 Cad E4369508

made several attempts to contact her via phone and left messages. She called back the next day and requested to meet in person.

RP (b)(5)(B) : (b)(5)(B) (managers office/residence near pool) Phone (b)(5)(B)

RP stated Deputies were dispatched to her residence to conduct a report of 11-45 that was turned into a welfare check. RP stated two deputies arrived and talked to her about a song she had sent to her father. The smaller Deputy (Galvan) conducted his investigation and determined she was not suicidal . The other Deputy(Fischer) just stood in the back and didn't' say anything.

The two deputies left and after what she felt was several minutes and estimated at about 0500 Deputy Fischer knocked on her door. He requested to use her bathroom and she let him in to use her bathroom. He came out of the bathroom and asked if he could hug her, she said yes, but felt that it was "unprofessional" due to the time length of the hug. She stated it felt like several seconds. Deputy Fisher told her she was "cute" and asked if he could hug her again. She allowed him to hug her but did not feel comfortable. He asked to hug her again and she told him she was uncomfortable with him being there alone and asked him to leave. He left. RP stated she was shaken up by the incident and does not want others to be "preyed" on by this deputy. She feels this behavior is unprofessional and does not want him anywhere near her or her daughter.

When asked if the deputy made any further advances or contact since the incident, she stated there has been no other tact made by the deputy. She was visibly upset and emotional.

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91P3C

91P7C

E4369508 WELCK - WELFARE CHECK [4]

Created
08/20/2017 04:39:01
Agency
SHERIFF
Dispatch Group
SMCD
Beat
356

Disposition
OK- CHECKS OK

Call Taker

Employee CAD ID
(b)(5)(B) (/CADQuery/Employee/Details/1(b)(5)(B)
Terminal
ph12

Reporting Party

Source
ANI/ALI
Caller Name
(b)(5)(B) - BROTHER
Caller Phone
(b)(5)(B)
Caller Address
LAKESIDE

Case Numbers

None

Cross Referenced Events

None

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WPH2 [redacted] ==CHP XFER== +++++++++INFO 10-5 RP'S FATHER+++++++++ 10 MINS AGO....RECEIVED PHONE CALL FROM RP'S FATHER STATING RP'S SISTER IS POSS 1145.... FATHER RECEIVED A TEXT FROM SISTER SOMETIME IN THE NIGHT....TEXT WAS IN REF TO A SONG THAT HAD TO DO WITH SUICIDE...SONG IS MURDER IN THE CITY BY ABBET BROTHERS.... SISTER SPECIFICALLY TOLD THEIR FATHER TO LISTEN TO THE LAST LINE OF THE SONG THAT REF 1145.... SISTER IS DIAGNOSED WITH BIPOLAR....UNK IF CURRENT ON MEDS...NO HX OF HBD/115/WPNS.... NO HX OF 1145 IDEATIONS/ATTEMPTS.... LIVES ALONE...NO PETS.... SISTER'S PHONE # IS [redacted].SISTER IS NOT ANSWERING RP'S CALLS....

08/20/2017 04:39:01
if01
[redacted] (/CADQuery/Employee/Details/1[redacted]
** PER search completed at 08/20/17 04:39:01 ** VEH search completed at 08/20/17 04:39:01

08/20/2017 04:39:02
if01
[redacted] (/CADQuery/Employee/Details/1[redacted]
** LOI search completed at 08/20/17 04:39:02

08/20/2017 04:39:53
ph12
[redacted] (/CADQuery/Employee/Details/1[redacted]
NO MEANS MENTIONED...

08/20/2017 04:40:50
ph12
[redacted] (/CADQuery/Employee/Details/1[redacted]
RP REQ 1021 WITH DISPO IF POSS...NFD

08/20/2017 04:40:56
nrr
[redacted] (/CADQuery/Employee/Details/1[redacted]
BC

08/20/2017 04:40:57
nrr
[redacted] (/CADQuery/Employee/Details/1[redacted]
..

08/20/2017 04:49:08
nrr
[redacted] (/CADQuery/Employee/Details/1[redacted]
WAOET .

08/20/2017 04:51:26
vtad
[redacted] (/CADQuery/Employee/Details/1[redacted]
91P3C -- UL ON [redacted]..NO ANSWER....CB RP TO CONFIRM THE UNIT NUMBER

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vtad
(b)(5)(B) (/CADQuery/Employee/Details/1 (b)(5)(B)
91P3C -- 51 ON SUBJ UF ON 1145 CHG TO WELCK

08/20/2017 05:02:52
vtad
(b)(5)(B) (/CADQuery/Employee/Details/1 (b)(5)(B)
** Event Type changed from 1145 to WELCK at: 08/20/17 05:02:52 ** >>>> by: (b)(5)(B) on terminal: vtad ** Event Priority changed from 2 to 4 at: 08/20/17 05:02:52 ** >>>> by: (b)(5)(B) on terminal: vtad

08/20/2017 05:05:51
$91P3C
(b)(5)(B) (/CADQuery/Employee/Details/1 (b)(5)(B)
CONT THE SUBJ. SHE DID NOT MEET CRITERIA FOR 5150. HOME APPEARED CLEAN. SUBJ STATED SHE JUST WANTED TO SHARE THE SONG WITH HER DAD. NO IDEAS OF SUICIDE. SUBJ TAKES HER BIPOLAR MEDS EVERY DAY.

Related Events 17 Person 1 Vehicle 1 CLETS

© 2017 - Data Services Division - About (/CADQuery/Home/About) - (b)(5)(B)

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FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

October 27, 2017

IA CASE#: 2017-0143
(.1)

TO: Dave Moss, Commander

RE: Deputy Richard Fischer #3003
San Marcos Station (N145)

The attached complaint has been assigned to Sergeant Amber Baggs 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 (b)(5)(B).

Thank you,

Christina Bavencoff, Lieutenant
Internal Affairs Unit

CB:mpa

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FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

Date: **October 27, 2017**
Complainant: **SDSO**
Date of Incident: **August 20, 2017**
Location of Incident: (b)(5)(B)
Allegation: **Unbecoming Conduct**
Case No: **2017-0143**

TO: **Deputy Richard Fischer #3003**
San Marcos Station (N145)

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 AMBER BAGGS 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 (b)(5)(B) 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 refrain from doing anything that may be construed as retaliation against the complainant or any witness involved in this investigation.*

Christina Bavencoff, Lieutenant
Internal Affairs Unit

CB:mpa

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San Diego County Sheriff's Department

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

William D. Gore, Sheriff

November 21, 2017

(b)(5)(B)
[redacted]

Dear (b)(5)(B) [redacted]:

This letter is to acknowledge receipt of the complaint regarding a member of this department.

This case has been assigned for investigation and you will be contacted by the investigator in the near future.

Should you desire to check the status of the investigation of your complaint, you may do so by contacting the Internal Affairs Unit at (b)(5)(B) [redacted].

At the conclusion of the investigation you will be notified of the disposition.

Pursuant to Penal Code Section 832.7, a copy of your complaint containing your original statement is enclosed. If this does not accurately represent your statement, please notify this office immediately.

Sincerely,

WILLIAM D. GORE, SHERIFF

Christina Bavencoff, Lieutenant
Internal Affairs Unit

WDG:CB:mpa

Keeping the Peace Since 1850

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TO

Received
Sheriff's Internal Affairs
NOV 20 2017

11/14/17

To whom it may concern,

I am writing in regards to allegations against Officer Fischer. I also would like to file a complaint against him due to my arrest on November 24, 2015 in which Officer Fischer was the arresting officer. I never reported the incident due to the intimidation and fear I felt knowing that it was my word against his and due to the actions by Officer Fischer, that I believe were intimidating, after my release from jail. In the early morning of 11/24/15 I was arrested by Officer Fischer and one other deputy (whose name was not included in my police report and Officer Fischer stated at my hearing not to remember) which resulted in an illegal search and seizure, impoundment of my vehicle, my unlawful arrest, and sexual advances and inappropriate conduct by Officer Fischer. While I was being put under arrest he searched me (which I consented) very thoroughly although a female officer was not present, which I didn't object because I'm aware that it's a necessary safety precaution in the arrest process. When we arrived to the Lakeside substation he helped me out of the car and said he needed to search me again for my safety, but this search was much more inappropriate and lasted much longer. He put his hands in my sweatshirt still on top of my t-shirt and slowly ran them down my back, he took his pointer and middle finger and put them into the waistband of my sweatpants and ran them all the way around my waist. I asked him, if it's necessary to search me again and I asked if a female was supposed to be present, he assured me he was following procedure according to the law. He took me inside the holding room and the other officer was present, he has my cell phone in his hand, and started to look through it. I have nothing to hide so I didn't say anything until he made a comment along the lines of me taking lots of "selfies" which I realized he was going through my photos. I told him there is no reason he needs to look at them and he laughed and said why do u have nudies on here?? He then said he was joking and put it down. We were in the room for quite some time then he had me follow him out to the car for transport to jail. He once again said he needed to search my one last time before

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we get to jail, this time I was much more reluctant. He did the search quickly but was pushing a little harder with his hands. I sat in the police car and he leaned in and began to put my seat belt on but then he paused close to my face and said I hope I'm not making you uncomfortable and I said no and he then said ok good and sorry if I accidently cop a feel it's an accident. He got in his seat and said it was a shame we didn't mean on different circumstances. He drove to Las Colinas and went the road leading to the old entrance of the jail which was very dark and had fences blocking any entry. He then made a comment while chuckling and asked if I was scared yet, I said no kind of confused, and he said well that's good I'm in too big of a hurry tonight to get to know you better anyways. We arrived in front of the jail and he came to get my seat belt off and while removing the strap he ran his hand across my breast while smirking. I have told many people about this incident including my boyfriend, some family members, friends, and my public defender, who informed me that it's a very difficult thing to prove accusations against a sworn officer. After my release I was fighting my charge due to 4th amendment law and Officer Fischer made it a point to let his presence be known around my house. He would drive by very slow and shine his light toward my home and on one occasion he pulled his cruiser next to me at a stop light on the corner of wintergardens and woodside ave in lakeside, and he revved the engine of his car multiple times, when the light turned green he raced passed me flickering his brake lights. At my disposition the judge ruled my arrest lawful although I had much evidence showing otherwise which just proved my worries of not Being able to go against him due to the simple fact he is an officer and should be able to be trusted and his statements be truthful which in his case is not the situation. Please contact me if further information is needed. Thank you.

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

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(b)(5)(B)

SAN DIEGO CA 920

15 NOV 2017 PM 3 L



SAN DIEGO SHERIFFS Dept.
Internal Affairs Unit
PO Box 939062
San Diego CA 92193

92193-906262

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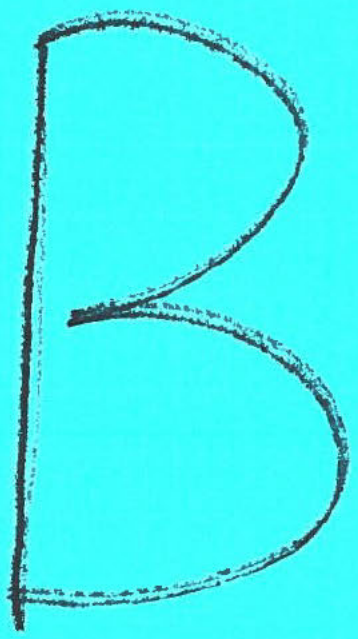

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2017-0143.1 DATE: April 11, 2018

COMPLAINANT: S.D.S.D. INVESTIGATOR: Sergeant A. Baggs

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

It is alleged that between July 2015, and October 2017, while on duty and in uniform, Deputy Richard Fischer had repeated inappropriate verbal and/or physical contact with 15 women.

(Note: This investigation pertains to the initial 15 women interviewed. Later reported incidents are not addressed in this investigation).

ANALYSIS AND CONCLUSIONS

The following San Diego County Sheriff's Policy and Procedures are potentially applicable to the allegations:

2.4 UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log:

... It is imperative that Deputies complete their Daily Patrol Logs in a timely, ***thorough, and accurate manner about their shift activities.*** *The following employees are* ***required*** *to complete a Daily Patrol Log for their shifts: Patrol Deputies and Sergeants...Units equipped with MDCs are required to use their*

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MDCs to document their daily activities...Completing the "Action Taken or Disposition" Section of the MDC Log - This is the comments section of the MDC log. Deputies must enter all pertinent information regarding actions taken while at the scene of a call or observed activity. ***This information should include, but not be limited to, the person(s) contacted, where contacted and why.*** *This is especially necessary to those instances where no report, citation, or field interview card (FIC) is written...*

2.39 PROCESSING PROPERTY

Property which has been discovered, gathered or received in connection with Departmental responsibilities will be processed in accordance with established Departmental procedures. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property found or obtained in connection with the performance of their duties, except in accordance with Department procedures.

2.3 VIOLATION OF RULES as it relates to 6.28- Reporting Missing, Damaged, or Stolen County Property

When employees discover that an item of County property assigned to him/her is missing, damaged or stolen, the employee shall promptly submit a Form SO5, "Report of Missing, Stolen or Damaged Supply Item(s)" to the division/station/facility commander for review, action and/or recommendation. This form is sent to the Personnel Division to process for replacement of item(s). In those cases of carelessness, negligence or violations of existing policies, the employee at fault may be required to pay for the reissued equipment...

2.30 FAILURE TO MEET STANDARDS

Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor.

2.6 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

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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.

As it relates to 149 of the California Penal Code

Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars, or by imprisonment in a county jail not exceeding one year, or pursuant to subdivision (h) of Section 1170, or by both that fine and imprisonment.

As it relates to 236 of the California Penal Code

False imprisonment is the unlawful violation of the personal liberty of another.

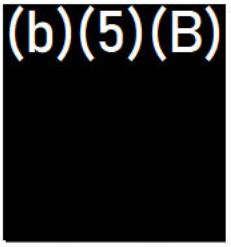
As it relates to 243.4(d) of the California Penal Code

Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars.

The burden of proof for an administrative case is *preponderance of the evidence*, which is defined as *such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth.*

It is alleged Deputy Fischer inappropriately touched (b)(5)(B) (#1) during two law enforcement contacts.

#1- (b)(5)(B)



It is undisputed that Fischer contacted (b)(5)(B) several times between July of 2015, and November 2015. What is disputed is whether Fischer inappropriately touched (b)(5)(B) during two of those contacts.

According to (b)(5)(B) on July 20, 2015, she was riding her bike to her storage shed and was stopped by Fischer. Fischer searched her backpack and found a mixture of Valium and Tylenol

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with Codeine pills. (b)(5)(B) further explained how she had a prescription for the medication and Fischer allowed her to retrieve the prescription from her storage shed because they were basically standing in front of her storage unit. (b)(5)(B) felt Fischer was flirting with her because he complimented her on being in good shape for her age. After Fischer saw the prescription order, he told (b)(5)(B) "You're off the hook now, can I have a hug?" As Fischer hugged (b)(5)(B) he squeezed her tightly and grabbed her buttocks with both of his hands. After the hug, Fischer told (b)(5)(B) "Now you owe me one."

(b)(5)(B) said Fischer had additional law enforcement contacts with her after that incident, where he did not touch her inappropriately. However, when Fischer contacted (b)(5)(B) the last time, in September 2015, he was again inappropriate with her. (b)(5)(B) said she had been waiting for her boyfriend at the 7-Eleven, located at 11610 Riverside Drive in Lakeside when Fischer contacted her. He again searched her, but did not find anything illegal on her. He offered to give (b)(5)(B) a ride home to (b)(5)(B) which was about one block away. As Fischer buckled her in the backseat of the patrol car, (b)(5)(B) alleged that Fischer ran his hand past her waistline and touched her crotch. She further explained when they arrived to her house, Fischer unbuckled her and ran his arm across her breasts and said, "I hope your boyfriend doesn't mind."

When Fischer was questioned about (b)(5)(B) he remembered contacting (b)(5)(B) and her boyfriend when he worked in Lakeside. Fischer described them as being "super cool and cooperative." Fischer also said he would "cut them breaks a lot" and admitted he might have said nice things to (b)(5)(B) when he contacted her. When Fischer was asked if he ever touched (b)(5)(B) inappropriately, he responded, "I don't recall any inappropriate touching with her..." When Fischer was asked if it was possible he ever hugged (b)(5)(B) during the times he contacted her, his response was, "**I guess it's always possible**, but I don't remember hugging her at all."

CAD and AVL records support (b)(5)(B) account of her contacts with Fischer. On July 20, 2015, at 1213 hours, Fischer made a pedestrian stop. He cleared the stop about 40 minutes later at 1253 hours. I confirmed Fischer conducted a record's check on (b)(5)(B) during the time of the stop, by reviewing the recorded radio traffic. Fischer cleared the call as a "Field Interview," yet he did not enter any of (b)(5)(B) information into the call. Fischer did not issue (b)(5)(B) a citation, nor did he ever enter a Field Interview into NetRMS for her. Fischer contacted (b)(5)(B) again on September 20, 2015, September 28, 2015, and November 11, 2015. In two of those follow up contacts, Fischer arrested (b)(5)(B) both times for possession of a methamphetamine pipe.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log

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In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer had inappropriate contact with (b)(5)(B) and failed to appropriately document his law enforcement contact with her.

Although (b)(5)(B) was unable to recount the specific dates when Fischer stopped her, she did appear to have a clear recollection of her physical contact with him. (b)(5)(B) discussed several incidents when she was contacted by Fischer, yet only described two of the contacts as being inappropriate. (b)(5)(B) did not appear to dramatize the details or overstate the facts and was very specific in her recollection. (b)(5)(B) even remembered feeling Fischer's "stiff" vest as he hugged her and specifically described Fischer as using both of his hands when he grabbed her buttocks.

During his statement, Fischer said he was unable to remember if he had ever hugged (b)(5)(B) but he denied touching her inappropriately. Fischer admitted to hugging several women when he was on duty, but claimed he could not specifically remember if he ever hugged (b)(5)(B) In contrast, when 21 other deputies were asked about hugging members of the public, they were able to recall if they ever hugged a member of the public because it was a rare, if ever, occurrence for them. Fischer however had hugged so many people during the course of his duties that he was unable to remember if he ever hugged (b)(5)(B) Fischer agreed it was "possible" that he did in fact hug (b)(5)(B) during his contact with her.

Fischer has shown a clear pattern of hugging and complimenting many of the women he has contacted while on duty. He admitted he might have "said nice things" to (b)(5)(B) and that it was possible he hugged her. Even though there is not a preponderance of evidence to prove that he touched her buttocks, breasts, or crotch, there were a number of women that came forward with very similar accounts of their contacts with Fischer. This lends support to (b)(5)(B) claims.

Each of the times Fischer hugged a female citizen, it was done when he was alone with them. Of the 21 deputies interviewed, not one of them had ever seen Fischer hug a member of the public. This means Fischer was hugging and likely touching women inappropriately when his actions could not be witnessed by his peers. Since Fischer had demonstrated a pattern of privately hugging women he contacted, it is likely he also hugged (b)(5)(B) Fischer's conduct and behavior was unprofessional and inappropriate. Fischer's actions did not reflect favorably on the Department and brought disrepute to both himself and the Department.

Fischer broadcasted the July 20th pedestrian stop via the radio and the incident was created in CAD. However, he never documented who he was actually contacting, nor did he enter any notes in the call. There was no mention of (b)(5)(B) name anywhere in CAD, nor did he ever enter a Field Interview into NetRMS as he indicated in his CAD disposition. Fischer spent 40 minutes with (b)(5)(B) during the first contact, yet failed to document the details of his contact with her. Deputies are trained and required to document all of their law enforcement actions during their shift. This creates protections for both the deputy and the citizens they serve.

It is alleged Deputy Fischer inappropriately touched (b)(5)(B) (#2), after he arrested her on November 24, 2015.

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#2 (b)(5)(B)

It is undisputed that Fischer arrested (b)(5)(B) on November 24, 2015, for possession of methamphetamine. What is disputed is whether Fischer touched (b)(5)(B) breasts, touched her pubic area, or made inappropriate comments to her during that arrest.

According to (b)(5)(B) she was driving in El Cajon on November 24, 2015, to pick up her boyfriend, (b)(5)(B). At about 0200 hours, Fischer stopped her because her license plate light was inoperable. Fischer asked her to step out of her vehicle and he searched her car. Fischer found methamphetamine inside her vehicle and arrested her for possession. Fischer then searched (b)(5)(B) and had her sit in the back of his patrol car. Fischer drove (b)(5)(B) to the Lakeside Substation and searched her a second time. (b)(5)(B) described the search as being inappropriate and alleged that as Fischer searched her waistband, he passed his fingers over her pubic hairline. (b)(5)(B) said she was not wearing underwear and the pants she wore that evening were baggy and sat low of her hips.

After Fischer prepared (b)(5)(B) paperwork, he walked (b)(5)(B) back to his patrol car. (b)(5)(B) said Fischer searched her for a third time and described his hands as being "harder" than before. As Fischer secured (b)(5)(B) seatbelt, he told her it would be an accident if he "copped a feel" and said it was a shame they did not meet under different circumstances. When they got to the booking facility, (b)(5)(B) said Fischer ran his hand across her breasts as he unbuckled her seatbelt. (b)(5)(B) did not believe Fischer's actions were an accident and called her boyfriend, (b)(5)(B), to tell him what happened when she was in the holding cell at jail intake.

When Fischer was questioned about (b)(5)(B) he remembered contacting her during a traffic stop and pulling her over in the 7-Eleven parking lot. As he approached (b)(5)(B) car, he saw she had baggies of methamphetamine and remembered arresting her for possession. Fischer said he "assumed" he searched (b)(5)(B) incident to arrest, but denied touching her pubic area as he searched her. When Fischer was asked if he touched (b)(5)(B) breasts as he was securing her seatbelt he responded, "**If I touched her breasts while seat belting her in, it was completely by accident.** But I try to make it a point to not get that close to them. **So it's not for sexual gratification...**" Fischer also denied asking (b)(5)(B) if she was ready to be "felt up by a cop," and said (b)(5)(B) was lying to her boyfriend when she told him that on the phone.

CAD and AVL records confirm that Fischer did transport (b)(5)(B) to the Lakeside Substation prior to taking her to LCDRF for booking. After (b)(5)(B) was taken to LCDRF, she was placed in a holding cell during the booking process and allowed to make free phone calls. Those phone calls were recorded and are still accessible to date. (b)(5)(B) did in fact call her boyfriend, (b)(5)(B) (b)(5)(B) the night she was arrested. During the recorded phone call, (b)(5)(B) told (b)(5)(B) about her arrest and how Fischer asked her if she was ready to be "felt up by a cop."

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The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer had inappropriate contact with (b)(5)(B) after he arrested her.

After (b)(5)(B) was arrested and waiting in the holding cell, she called her boyfriend from the recorded phone line and told him about Fischer saying "some weirdo shit" and how he also asked (b)(5)(B) if she was ready to be "felt up" by a cop. (b)(5)(B) was mainly venting to her boyfriend about her arrest, but still told him what Fischer had said to her. It is unknown if the "weirdo shit" Fischer said to (b)(5)(B) was referring to when he said it would be an accident if he "copped a feel" or when he told (b)(5)(B) it was a shame they did not meet under different circumstances. However, the conversation supports (b)(5)(B) claim that Fischer said inappropriate things to her.

Additionally, it is unknown if Fischer's questioning of whether (b)(5)(B) was ready to be "felt up" was referring to the touching of (b)(5)(B) pubic area or her breasts; but nonetheless, the phone call supports (b)(5)(B) claim that she was inappropriately touched by Fischer at some point during their contact. During (b)(5)(B) phone call, she sounded truthful when she spoke to her boyfriend. (b)(5)(B) did not appear to have any motive to make up false allegations against Fischer in 2015, during her phone call. She had no idea or knowledge that Fischer would become the subject of sexual assault allegations two years later. Fischer's only response to the recorded phone call was that (b)(5)(B) was lying to her boyfriend.

Furthermore, during Fischer's interview, he never denied touching (b)(5)(B) breasts. Instead, he claimed it would have been an "accident" if he had touched them and said it would not have been for "sexual gratification." As stated earlier, Fischer's pattern of making inappropriate statements and inappropriately touching many of the women he contacted during the course of his duties, lends additional support to (b)(5)(B) allegations.

It is alleged Deputy Fischer inappropriately touched (b)(5)(B) (#3), after he arrested her on January 3, 2016 and did not provide her medical care when she had high blood pressure.

#3 (b)(5)(B)

It is undisputed that Fischer arrested (b)(5)(B) on January 3, 2016, for possession of a controlled substance. It is also undisputed that (b)(5)(B) was medically rejected from LCDRF during the booking process due to her high blood pressure and was released on Julian Avenue instead of receiving medical care. What is disputed is whether Fischer touched (b)(5)(B) breasts numerous

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times as he buckled and unbuckled her seatbelt, or if he hugged her at the conclusion of his contact with her.

According to (b)(5)(B) on January 3, 2016, she and her husband were stopped by deputies after they drove away from the Vine Liquor and Gas in Lakeside. During the stop, Fischer searched their vehicle and found (b)(5)(B) two Vicodin pills in a plastic bag. Fischer arrested (b)(5)(B) for possession of a controlled substance and placed her in the back of his patrol car. (b)(5)(B) alleged that as Fischer secured her seatbelt, he rubbed his forearm on her right breast and told her, **"I hope your husband doesn't mind."** Fischer drove (b)(5)(B) to the Lakeside Substation for processing. According to (b)(5)(B) Fischer again brushed his forearm up and down on her breast as he unbuckled her.

After processing (b)(5)(B) paperwork, Fischer had (b)(5)(B) sit in the back seat of his patrol car. For the third time, he brushed his forearm up and down across her breast as he buckled her. (b)(5)(B) said when they arrived to LCDRF and Fischer unbuckled her, he did not touch her breasts that time. However, (b)(5)(B) was medically rejected from the jail for high blood pressure and Fischer had to again buckle her seatbelt. (b)(5)(B) said Fischer brushed his forearm against her breast before they drove away from the jail.

(b)(5)(B) explained how Fischer dropped her off at the same place he arrested her and said he was going to issue her a citation. As Fischer unbuckled her seatbelt, he brushed his forearm several times across her breasts. (b)(5)(B) said she did not feel like Fischer touching her breasts was an accident because it happened so many times. When (b)(5)(B) was outside of the patrol car, she said Fischer asked her for a hug and she agreed. Fischer gave (b)(5)(B) a "big bear hug" and rubbed her back. (b)(5)(B) ran home and told her husband and children what had occurred.

When Fischer was questioned about (b)(5)(B) he remembered stopping (b)(5)(B) because their vehicle matched the description of someone selling methamphetamine. Fischer ended up arresting (b)(5)(B) for some pills. Fischer remembered putting (b)(5)(B) in the back of his patrol car. When Fischer was asked if the palm of his hand or forearm touched (b)(5)(B) breast as he buckled her, Fischer said,

> *I mean **it's possible I could have brushed up against her unintentionally as I buckled her in or unbuckled her**. But not in like a sexual manner or anything. It would just be an accident. Okay as I'm doing that. I try to be cautious of that, but sometimes they move or whatever the case may be...**I can't recall for sure if I accidentally touched, rubbed against, not rubbed, unintentionally touched her breast with my arm as I buckled her in. But I can say I didn't purposely for sexual gratification brush up against her.***

After Fischer took (b)(5)(B) to LCDRF, he remembered she was medically rejected for high blood pressure, so he took her back to the area where he had arrested her. When Fischer was asked if he hugged (b)(5)(B) before releasing her, he responded, "...**I can almost guarantee** I did not." Fischer was asked if he was "certain" that he did not hug (b)(5)(B) and he responded, "I'm **fairly certain,** yes."

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CAD, AVL, and Fischer's Arrest Report all confirm that after Fischer arrested (b)(5)(B) he transported her to the Lakeside Substation, and then to LCDRF for booking. During the booking process, (b)(5)(B) was rejected due to high blood pressure. Instead of taking (b)(5)(B) to get medical care, Fischer drove her back near the location where he had arrested her, issued her a citation and released her at 9 o'clock at night on Julian Avenue. Additionally, Detective Pena created a video simulation, depicting a deputy buckling and unbuckling a female in the back seat of a patrol car. The simulation was recorded from various different angles and demonstrated how deputies would not accidentally touch their arrestee's breasts if they were properly seat belting them.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.30 FAILURE TO MEET STANDARDS

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer had inappropriate contact with (b)(5)(B) and failed to properly perform his job duties when he released (b)(5)(B) on the street.

During her interview, it was evident that (b)(5)(B) had a clear recollection of the details when she was arrested by Fischer and even disclosed to her husband and children what had occurred. When (b)(5)(B) husband and children were interviewed, they also confirmed what (b)(5)(B) had told them happened with Fischer. The statement she told her family was consistent with her interview. (b)(5)(B) was very specific regarding what Fischer said to her (*I hope your husband doesn't mind*) as well as the details when Fischer touched her breasts as he buckled her or unbuckled her in his patrol car. (b)(5)(B) was able to describe each of the five times that Fischer touched her breasts with his forearm and/or palm of his hand and she specifically remembered the one time that Fischer did not touch her breast, which was when they had arrived at LCDRF. (b)(5)(B) recollection of events was clear and she even physically demonstrated how Fischer had inappropriately touched her. Additionally, (b)(5)(B) appeared to have a clear recollection of the details when she was released after Fischer issued her a citation and even admitted that she agreed to the hug.

In contrast, Fischer did not have a clear recollection of the incident and had ambiguous responses during his interview. Fischer's responses included: *It's possible, I don't recall, I can almost guarantee, I don't remember exactly, I'm fairly certain,* et cetera. Fischer did not adamantly deny the allegations of touching her breasts; rather he relied on his inability to remember important facts. Fischer gave ambiguous responses when he was asked whether or not he touched (b)(5)(B) breasts as he buckled her. When Fischer was asked if it was possible he touched (b)(5)(B) breast, he admitted that it was possible, but said it would have been accidental and unintentional. However, Detective Pena's video demonstration clearly showed how deputies would not accidentally touch their arrestee's breasts if they were properly seat belting them.

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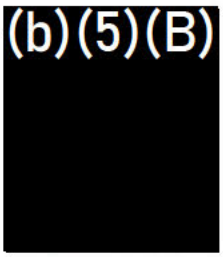
Additionally, when Fischer was asked if he hugged (b)(5)(B) after he released her, he responded, "I can **almost guarantee** I did not." When Fischer was asked how certain he was about that, he responded that he was "**fairly certain**." Fischer's response was unusual. Fischer had just arrested (b)(5)(B) for possession of narcotics, yet he did not have 100% certainty in regards to whether he hugged her or not. It was likely he had hugged so many women that it was no longer a rare occurrence, which most deputies would have recalled.

Fischer has clearly shown a pattern of hugging many of the women he contacted while on duty. During the course of this investigation, many women came forward with similar accounts of their contacts with Fischer. This also lends support and credibility to (b)(5)(B) allegations.

After (b)(5)(B) was medically rejected from LCDRF, due to high blood pressure, Fischer drove her back to the location he arrested her. He released her on the street at 9 o'clock at night, and (b)(5)(B) had to run home. Fischer had two better options; he should have taken (b)(5)(B) to the nearest hospital or he should have released her to the care of her husband. A deputy sheriff has the duty and responsibilities to protect life and ensure those in our custody are properly cared for. Fischer's actions failed to maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department.

It is alleged Deputy Fischer inappropriately spoke to and touched (b)(5)(B) (#4), when he contacted her on February 29, 2016.

#4- (b)(5)(B)



It is undisputed that Fischer contacted (b)(5)(B) on February 29, 2016, when she was parked behind Kelly's Pub. What is disputed is whether Fischer inappropriately spoke to and touched (b)(5)(B) during that contact.

According to (b)(5)(B) during an unknown date in the summer of 2016 between 0800-1000 hours, she was sitting in her van in the parking lot behind Kelly's Pub. Fischer contacted her and asked what she was doing there. (b)(5)(B) explained to Fischer that she was trying to get her van started. Fischer then asked if he could pat her down and she reluctantly agreed. (b)(5)(B) said she felt as though Fischer was "feeling" her body and thought the pat down was inappropriate, although he did not touch her breasts during that initial pat down.

(b)(5)(B) said Fischer searched her van and had her open the rear door. As (b)(5)(B) was opening the rear door, she believed Fischer was standing too close behind her because she felt him breathing on the back of her neck, which made her feel nervous. (b)(5)(B) said Fischer started "hitting" on her by saying, *You're hot...Do you have a boyfriend?...Where's your boyfriend?...Why isn't he here helping you?...You're good looking...You have a good body...*

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After he searched her van, Fischer asked (b)(5)(B) is he could pat her down again. During the second pat down, (b)(5)(B) said Fischer actually "cupped" her right breast over her tank top and "caressed" his hands down the side of her body as if he was a "seamstress." (b)(5)(B) alleged that after the pat down, Fischer told her, that she had a "hot" body and asked her, *Can we hook up later, or where can we meet?...I want to meet you later?* (b)(5)(B) later clarified and said Fischer specifically asked, *Where is there a good place to meet later?* (b)(5)(B) said she gave Fischer a fake telephone number and he left.

Fischer was not questioned about his contact with (b)(5)(B) because she had not yet come forward when I conducted my interview with him.

CAD, AVL, and the recorded radio traffic all support (b)(5)(B) account that she was in fact contacted by Fischer. However she said her contact with Fischer occurred in the Summer of 2016, between 0800-1000, when the contact actually occurred on February 29, 2016, at 1435 hours. Fischer cleared the call at 1455 hours and with a disposition of "OK." Although Fischer was with (b)(5)(B) for about 20 minutes, he did not enter any notes into CAD documenting his contact with (b)(5)(B) nor did he complete a Field Interview on her. In fact, I was only able to confirm Fischer contacted (b)(5)(B) that day after obtaining a copy of the radio traffic from Sheriff's Inquiry for the pedestrian stop, which proved he ran her name via the radio.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14-Deputy's Daily Patrol Log

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer contacted (b)(5)(B) yet failed to appropriately document his law enforcements contact. However, it is unknown if Fischer acted inappropriately during that contact because there is not a preponderance of evidence to prove so.

Fischer broadcasted the pedestrian stop with (b)(5)(B) via the radio and the incident was created in CAD. However, he never documented who he was actually contacting, nor did he enter any notes into the call. There was no mention of (b)(5)(B) name in the notes section, nor did he ever enter a Field Interview into NetRMS. Fischer spent 20 minutes with (b)(5)(B) during the contact, yet failed to document the details of his contact with her. Deputies are trained and required to document all of their law enforcement actions during their shift.

When (b)(5)(B) was interviewed, she was asked several times when she was contacted by Fischer. (b)(5)(B) was certain the contact occurred in the Summer of 2016. Twice she explained that she had been wearing a tank top and skirt because it was so hot outside. However, the only incident in CAD Query showed the contact actually occurred on February 29, 2016, at 1435 hours. The high temperature that day was only 66 degrees. (b)(5)(B) statement was inconsistent with the

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evidence. Additionally, I was unable to question Fischer about his contact with (b)(5)(B) because she had not come forward by the time I interviewed him.

It is alleged Deputy Fischer returned to the home of (b)(5)(B) (#5), after clearing a burglary call at her residence several hours prior, and inappropriately hugged her.

#5 (b)(5)(B)

It is undisputed that Fischer responded to (b)(5)(B) residence on August 6, 2016, for a report of burglary and was a cover deputy. It is also undisputed that Fischer returned to (b)(5)(B) home about four hours after leaving that initial call without notifying Sheriff's Dispatch and hugged (b)(5)(B) at the entrance to her front door. What is disputed is whether Fischer asked to use (b)(5)(B) bathroom and hugged her a second time before leaving.

According to (b)(5)(B) on August 6, 2016, her home was burglarized and Fischer was one of the responding deputies. After the deputies obtained all of the information for the report, they left her residence. Several hours later, (b)(5)(B) heard a knock at her front door. She looked through her peephole and saw it was Fischer. As she opened her front door, Fischer explained how he was checking on (b)(5)(B) to see how she was doing. (b)(5)(B) told Fischer that she was not good and Fischer said, "Looks like you need a hug." Fischer then gave her a "big body contact" hug as they stood at the front door entrance.

(b)(5)(B) explained how Fischer then asked to use her restroom. (b)(5)(B) showed him to the bathroom, but according to (b)(5)(B) Fischer never used the actual toilet because she did not hear anything. When Fischer came out of the bathroom, he told (b)(5)(B) he would be working all night and would be watching her house and neighborhood. (b)(5)(B) said Fischer then reached out and hugged her a second time. (b)(5)(B) became uncomfortable and said she felt "violated and confused" after the hug. Additionally, (b)(5)(B) said she felt as though Fischer was "invading" her personal space and said he made her feel very "uncomfortable."

When Fischer was questioned about (b)(5)(B) he said he remembered going to the call because it was one of the first calls he responded to after becoming a K9 handler. He cleared the house with his canine and described the house as being "ransacked." Fischer described (b)(5)(B) as being "shaken up," so he told (b)(5)(B) that he would come by later to ensure she was safe. Fischer said that (b)(5)(B) agreed and told him that would be "awesome."

Fischer admitted to returning to (b)(5)(B) home a few hours later and said he did not remember if he notified Sheriff's Dispatch. Fischer said when (b)(5)(B) answered the door, she was crying and he tried to reassure her. (b)(5)(B) was still distraught and Fischer asked if there was anything else he could do for her. After Fischer tried to reassure her, he admitted to giving her a hug at the

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entrance to her front door. Fischer said, "**And then I believe I gave her a hug. Same thing. And that was it. I just left.**" Fischer described the hug as a "one-handed hug," but admitted it was possible it could have been a two-handed embrace hug as well. Fischer claimed he could not recall the details of the hug and only remembered there being one hug.

Fischer said he hugged (b)(5)(B) because she had just gone through a traumatic experience. When asked if Fischer hugged (b)(5)(B) during his initial contact with her when the other deputies were present, Fischer said, "I don't believe so." Fischer also did not recall asking to use (b)(5)(B) bathroom, but admitted it was possible he asked to use it.

When asked if the hugging was part of the helping process, Fischer said the following,

> *I feel like it's okay. I don't remember. I don't have a **power issue or anything like that, where I'm doing it for like control or anything. I feel like a hug is okay.** Not anymore, again because this whole totality of everything...so that would be my response. Is at the time did I regret hugging her? No because I felt like helping her and I felt like she appreciated it and my coming back...*

CAD and AVL records support (b)(5)(B) account of what occurred between her and Fischer. Fischer was a cover deputy and responded to (b)(5)(B) home after she was burglarized. He arrived at 1748 hours and left her home at 1806 hours. At about 2154 hours, Fischer returned to (b)(5)(B) residence and never notified Sheriff's Dispatch or created a call on his MDC. Fischer left (b)(5)(B) neighborhood by 2204 hours, so he was in the area for less than 10 minutes.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

> ***2.4 UNBECOMING CONDUCT***
>
> As well as the following:
>
> ***2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14-Deputy's Daily Patrol Log***

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer had inappropriate contact with (b)(5)(B) by returning to her home, hugging her, and failing to appropriately document his law enforcement contact with her.

(b)(5)(B) had a very vivid recollection of the details from her contact with Fischer. She was able to recall what Fischer said, how many times he hugged her, how the hugs actually occurred, how Fischer made her feel, and even remembered not hearing him use the toilet. Additionally, (b)(5)(B) seemed very factual and did not appear to dramatize or overstate the facts regarding how Fischer actually hugged her.

During his statement, Fischer had a poor recollection of his contact with (b)(5)(B) that evening. Fischer did not have any definitive responses when questions were asked about the details of the hug. Instead, Fischer was vague and responded to questions by saying, "I believe" or "I don't

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remember." Fischer said he did not remember asking to use (b)(5)(B) bathroom or hugging her a second time, but admitted it was possible he did. Additionally, when Fischer was asked if he hugged (b)(5)(B) when he initially was at her house for the burglary when the other deputies were present, Fischer responded, "I don't believe so." As stated before, none of Fischer's partners who were interviewed had ever seen Fischer hug a citizen during a radio call. Fischer confirmed this when he said he did not believe he had hugged (b)(5)(B) in front of his partners. However, he admitted to hugging (b)(5)(B) when he was alone with her.

Fischer admitted to returning to (b)(5)(B) home several hours later. He claimed it was to check on (b)(5)(B) yet he never notified anyone when he returned, nor did he ever create a call on his MDC. Fischer has been trained and is required to document his law enforcement activity. Yet he again failed to do so.

It is alleged Deputy Fischer inappropriately hugged (b)(5)(B) (#6), when he responded to her home for a burglary.

#6- (b)(5)(B)

It is undisputed that Fischer responded to (b)(5)(B) residence with two other deputies, after she believed someone was attempting to burglarize her home. What is disputed is whether Fischer asked to use (b)(5)(B) bathroom and inappropriately hugged her.

According to (b)(5)(B) on September 1, 2016, Fischer and two other deputies responded to her home because she heard slamming doors inside of her residence. The deputies conducted an interior security check, asked her a few questions, and then proceeded to walk out the front door. Two of the deputies exited her front door, but Fischer remained and asked if he could use her bathroom. (b)(5)(B) showed Fischer where the restroom was and then showed him to the front door when he was done. (b)(5)(B) said as they walked towards the front door, Fischer approached her and asked, "Do you need a hug?" (b)(5)(B) agreed to the hug. During the hug, (b)(5)(B) said her arms remained at her side, while Fischer's arms affectionately embraced her.

Fischer was not questioned about his contact with (b)(5)(B) because she had not yet come forward when I conducted my interview with him.

CAD and AVL records do not support (b)(5)(B) account of her contact with Fischer. The records actually show that Fischer and the other two deputies (Correa and Ritt) all arrived at (b)(5)(B) home at about 0018 hours. They searched her property and cleared the call by 0025 hours. According to AVL, Fischer did not return to (b)(5)(B) residence during the remainder of his patrol shift, nor did he stay behind without his partners.

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The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

In weighing the preliminary facts of this case, there is not a preponderance of evidence to suggest Fischer remained at (b)(5)(B) property after his partners left or hugged (b)(5)(B) during his contact with her.

Although Fischer has clearly shown a pattern of hugging many of the women he contacted during the course of duties, CAD and AVL did not show any significant gaps in time to where Fischer would have had time to use the bathroom and then hug (b)(5)(B) However, without questioning Fischer about his contact with (b)(5)(B) I cannot "unfound" this allegation due to his proclivity of hugging female citizens.

It is alleged Deputy Fischer returned to the home of (b)(5)(B) (#7), after clearing a domestic violence call at her residence, and inappropriately hugged her.

#7- (b)(5)(B)

It is undisputed that Fischer responded to (b)(5)(B) residence on November 4, 2016, for a domestic violence investigation and was a cover deputy. What is disputed is whether Fischer later returned to (b)(5)(B) home after clearing from the initial call and inappropriately hugged her twice.

According to (b)(5)(B) on November 4, 2016, she had been the victim of domestic violence by her husband and she called 9-1-1 for help. Fischer and several other deputies arrived at her home a short time later. Two deputies went inside her home, while Fischer stayed outside with (b)(5)(B) A short time later, her son (b)(5)(B) arrived and stood outside with them.

As they stayed outside, Fischer asked for (b)(5)(B) personal information, which she believed was for the police report. Fischer then complimented (b)(5)(B) and said she looked young for her age. (b)(5)(B) said the deputies brought her husband outside in handcuffs and she realized he was going to jail. The deputies then walked (b)(5)(B) and (b)(5)(B) back into her house, she was provided information for an emergency restraining order, and all of the deputies left her home.

(b)(5)(B) explained how approximately 10 minutes later, her doorbell rang and she saw it was Fischer. She allowed Fischer inside and he asked if there was somewhere they could talk privately. (b)(5)(B) and Fischer walked from the front door into the living room. While standing there, Fischer told (b)(5)(B) "Come here, I want to give you a hug." (b)(5)(B) thought it was odd, but she let Fischer hug her. (b)(5)(B) described Fischer as rubbing his

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hands up and down her back. She did not feel the hug was a friendly hug, but felt as though Fischer was "interested" in her. (b)(5)(B) pulled away and completely disengaged from Fischer. He responded to this and said, "I am not done hugging you yet." She told him "okay" and Fischer continued to hug her for an unusually long time.

(b)(5)(B) said her phone started ringing while they were hugging. She explained to Fischer that her children were calling to check on her so she needed to answer the phone. (b)(5)(B) "disengaged" from the hug and walked Fischer to the front door.

After Fischer left, (b)(5)(B) received a call from a blocked number, which she usually did not receive, so she did not answer it. Several minutes passed and she received a second blocked call, which she actually answered. The person on the phone said, "It's Ricky, in your neighborhood checking in on you." (b)(5)(B) felt Fischer wanted to come back to her house, but she told him that she was not available. About an hour after the second call, she received a third incoming call from a blocked number. (b)(5)(B) did not answer the phone because she believed it was Fischer calling her again.

When Fischer was questioned about (b)(5)(B) he remembered responding to her residence for a domestic violence call and remembered being on scene for a while. Fischer stayed outside with (b)(5)(B) as the other deputies conducted their investigation. Fischer said (b)(5)(B) was "fed up" with her husband, but also seemed distraught over the situation. Fischer thought he was one of the last deputies to remain on scene. Fischer said he did not recall a lot of details from the call, but actually remembered (b)(5)(B) son (b)(5)(B) more than anything. (b)(5)(B) had seen Fischer's USMC tattoo so they both talked about the military.

When Fischer was asked if he remembered returning to (b)(5)(B) house about 20 minutes after he had cleared the initial call, Fischer responded, "I don't remember returning to her house." Fischer was again asked if he had left (b)(5)(B) house and then later returned. Fischer responded, "I don't remember leaving and coming back. No." After Fischer was told that AVL showed his vehicle had returned to (b)(5)(B) home, he was directly asked, "Why would you be back there?" Fischer responded, "If I did do that, then it would just be to check on the welfare of both of them. Again we were on scene initially for a while. We gained good rapport with both of them, the son and her. So it would have been to check up on them to make sure everything is good." Fischer said he did not remember asking (b)(5)(B) if there was somewhere they could talk privately, but said if he had asked her that, it would have been to prevent the conversation from being in front of (b)(5)(B)

Fischer was directly asked if he gave (b)(5)(B) a hug during his contact with her. Fischer responded, "I believe I did give her the same type of hug…" Fischer did not believe he asked (b)(5)(B) for permission to hug her, but said she hugged him back. His reason for hugging was for comfort. He also wanted her to know that he was there for her. Fischer further explained the hug as being only one-handed on her shoulder and said it was the type someone would give a hurting friend. Fischer agreed that (b)(5)(B) was not his friend, but felt he had gained good "rapport" with her.

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Regarding the telephone call made to (b)(5)(B) Fischer said he did not remember calling her. He further explained if he had called her, then it would have been to check on her. When Fischer was again asked if he had called (b)(5)(B) Fischer responded, "Well again, I could have done that. I mean, yeah just to check up on her." Fischer was asked, "That's a behavior that's possible for you to do? Is to call a DV victim when you're not primary, to check up on her?" Fischer responded, "If I felt like they were being, if they were having a rough time, then more of the compassion inside, Yes."

CAD, AVL, the Arrest Report from that day, and (b)(5)(B) phone records all support her account of the contact she had with Fischer. Fischer was a cover deputy and responded to assist with a radio call regarding domestic violence on November 4, 2016. (b)(5)(B) used her cell phone (b)(5)(B) and called 9-1-1 at 2127 hours to report a violent incident with her husband. (b)(5)(B) told Sheriff's Dispatch that she had locked herself inside of her bathroom. Fischer arrived at 2139 hours and stood by with (b)(5)(B) outside. (b)(5)(B) husband was arrested for misdemeanor domestic violence and Fischer and all other deputies left (b)(5)(B) home, which was around 2230 hours.

About 20 minutes after leaving her house, at approximately 2251 hours, Fischer returned to (b)(5)(B) home. (b)(5)(B) cell phone log (b)(5)(B) she received an incoming call from a blocked number at 2252 hours. Her call log also confirmed she did not regularly receive calls from "blocked numbers." In fact, her call log showed Fischer's blocked call as being the only one she received during her billing cycle.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14-Deputy's Daily Patrol Log

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer had inappropriate contact with (b)(5)(B) by returning to her home, hugging her, and failing to appropriately document his law enforcement contact with her.

(b)(5)(B) had a clear recollection of the details from her contact with Fischer. She was able to recall her conversation with him as they waited outside. She even recalled that Fischer had left her residence and then returned 20 minutes later, which was confirmed through AVL. She was also able to remember how many times Fischer hugged her and how the hugs actually occurred. (b)(5)(B) said the first hug was "unusually long" and described Fischer as rubbing his hands up and down her back. Additionally, (b)(5)(B) seemed very factual when she provided her statement and did not appear to dramatize or overstate the facts regarding how Fischer hugged her and what he said to her (How she looked young for her age).

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During his statement, Fischer had a poor recollection of his contact with (b)(5)(B) and actually said he remembered her son (b)(5)(B) more than her. Fischer claimed he did not even remember returning to (b)(5)(B) house, but eventually agreed that he did. Fischer admitted to hugging (b)(5)(B) but claimed it was only a one-handed hug. Fischer appeared to minimize his actions and did not have any definitive responses when he was asked questions about the details of the hug. Instead, Fischer was vague and repeatedly responded to questions by saying, "I don't remember."

Fischer agreed that he later returned to (b)(5)(B) house. He claimed it was to check on the welfare of (b)(5)(B) and (b)(5)(B) Fischer's claim of checking on "their" welfare was inconsistent with his statement. Fischer already said that (b)(5)(B) was "level-headed" and it was only (b)(5)(B) who had appeared distraught. (b)(5)(B) husband had already been arrested so he was no longer a threat to her, and "level-headed" (b)(5)(B) was with (b)(5)(B) therefore there would be no need to check "their" welfare. Fischer had no legitimate reason to return to (b)(5)(B) home, who was a domestic violence victim. When Fischer went back to (b)(5)(B) home, he never notified anyone about his return visit, nor did he ever create a call on his MDC. Fischer has been trained and is required to document his law enforcement activity. Yet he again failed to do so.

It is alleged Deputy Fischer inappropriately spoke to and hugged (b)(5)(B) (#8), after he responded to her residence for a 9-1-1 call.

#8- (b)(5)(B)

It is undisputed that Fischer responded to (b)(5)(B) home after she accidentally dialed 9-1-1. What is disputed is whether Fischer hugged and made inappropriate statements to her.

According to (b)(5)(B) on November 26, 2016, Fischer responded to (b)(5)(B) home after her phone accidentally redialed 9-1-1. She had called for help earlier in the day when her mother had suffered a stroke and accidentally pressed redial as she was cleaning up around the house. (b)(5)(B) said Fischer showed up two minutes later and rang her doorbell.

(b)(5)(B) told Fischer how she accidentally redialed 9-1-1 and Fischer asked if he could come inside to check on her welfare. (b)(5)(B) allowed Fischer inside and she told him about her father passing away two days prior and her mother having a stroke earlier in the day. When she finished telling him the story, Fischer told her, *You need a hug* and (b)(5)(B) agreed. (b)(5)(B) said she was okay with hugging Fischer, but felt the hug was long and more than a "brotherly" hug. After they stopped hugging, Fischer told (b)(5)(B) *You seem so young to be going through all this* and then asked her age. After (b)(5)(B) told him that she was 63 years old, Fischer responded, *If you don't mind me telling you, you are beautiful and hot.* (b)(5)(B) became very uncomfortable and felt it was disrespectful to call her "hot."

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(b)(5)(B) said Fischer hugged her a second time as well. She described that hug as being more prolonged and said she felt Fischer's hand go down the small of her back and touched the top of her buttocks. (b)(5)(B) started to walk towards the front door with Fischer. As they moved closer to the front door, Fischer asked (b)(5)(B) *Can I give you a kiss?* (b)(5)(B) responded, "No. No thank you." As they got to the front door, it appeared Fischer leaned in to kiss her, but she was able to keep the door between them. Fischer said, *Aww,* and then said, *If you need me, don't hesitate to call, I'll be around.* (b)(5)(B) closed the door, became emotional and began to cry again.

When Fischer was questioned about (b)(5)(B) he was shown her photograph, the CAD Query for the call, and her address through the satellite view of Google Maps, but he was unable to remember responding to the call or ever having contact with (b)(5)(B)

CAD and AVL records support (b)(5)(B) account of her contact with Fischer. Fischer responded to (b)(5)(B) home after she accidentally dialed 9-1-1 on November 26, 2016. It was his first radio call of the day. He arrived at about 1724 hours and left about 14 minutes later, at 1738 hours. Fischer claimed he had no recollection of the radio call or (b)(5)(B) whatsoever. Fischer was the only deputy who responded to (b)(5)(B) home and cleared the call with the following disposition:

"RP SAID HER MOM HAD A STROKE EARLIER TODAY AND THE PHONE ACCIDENTALLY REDIALED. SHE ASSURED EVERYTHING WAS FINE. I LOOKED AROUND THE APARTMENT AND EVERYTHING SEEMED IN PLACE."

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.30 FAILURE TO MEET STANDARDS

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer inappropriately hugged (b)(5)(B) made inappropriate comments to her, and was unable to recall any details of the law enforcement contact he had with her.

Although her interaction with Fischer had occurred about one year prior, (b)(5)(B) still had a vivid recollection of the contact because it occurred during a critical time in her life. (b)(5)(B) was able to recall how Fischer hugged her and what he said to her. (b)(5)(B) did not appear to dramatize the details or overstate the facts and was very specific in her recollection. In fact, (b)(5)(B) physically demonstrated where she was standing in her apartment in relation to Fischer, where each of the hugs occurred, and demonstrated how they walked to the front door. In contrast, Fischer claimed he did not remember the incident whatsoever.

(b)(5)(B) alleged that Fischer offered her two hugs during the time he was inside her home, which she agreed to. According to (b)(5)(B) Fischer's hands went low enough and reached the top of her buttocks. He also told (b)(5)(B) she was "beautiful and hot" and asked her for a kiss. (b)(5)(B) did not allow Fischer to kiss her. This was a rare incident for (b)(5)(B) and she recalled the event in great

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detail. (b)(5)(B) was even able to remember the last thing Fischer told her as he exited the front door. As Fischer was leaving, he told (b)(5)(B) "If you need me, don't hesitate to call. I'll be around."

Fischer claimed to have no recollection whatsoever of the radio call with (b)(5)(B) even after he was shown (b)(5)(B) photograph, the CAD for the radio call, and a satellite view of her complex on Google Maps. Although Fischer wrote a detailed disposition, he claimed to have zero recollection of the radio call.

Even after looking at several photos of (b)(5)(B) and reviewing CAD, he still claimed he did not remember the radio call, although he was primary on the call. I utilized Google Maps and showed Fischer the Satellite view of (b)(5)(B) residence, and Fischer claimed he still did not recall the incident. Fischer is a sworn peace officer who has testified in a court of law on numerous occasions. Fischer's actions and inability to remember his response to the radio call, demonstrates how Fischer did not meet the standards of his job position as a Deputy Sheriff. He failed to maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department.

It is alleged Deputy Fischer hugged and inappropriately touched (b)(5)(B) (#9) on a number of occasions, when he visited her on duty.

#9-(b)(5)(B)



It is undisputed that Fischer frequently visited (b)(5)(B) when he was assigned to the Lakeside Substation and last saw her on April 19, 2017. It is also undisputed that Fischer hugged (b)(5)(B) during those visits. What is disputed is whether Fischer touched (b)(5)(B) bare breasts or exposed his penis during one of their social visits.

According to (b)(5)(B) she first met Fischer when deputies were looking for (b)(5)(B) who was hiding in one of the garages in the back of her complex. (b)(5)(B) said Fischer hugged her three times that first night she met him. (b)(5)(B) described those hugs as "extremely hard" and "hurting" her chest. (Note: It is unknown what date this occurred, but Fischer was assigned to the Lakeside Substation on July 10, 2015).

(b)(5)(B) said she has known Fischer for about three years and he has come to visit her about 8-10 times. Every time Fischer would visit with (b)(5)(B) he would give her a hug. She described those hugs as "dry humping" and said Fischer would move his hands around her back, and they would travel down to her butt. She knew Fischer should not be touching her butt. (b)(5)(B) also said there were times when she was wearing a nighty or a tube top without her bra on. Fischer would pull

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the tube top down and rub her bare breasts. Sometimes Fischer would put his hand up her nighty and touch her butt.

(b)(5)(B) said about a year ago, in the Spring of 2016, Fischer was at her home visiting with her when he unzipped his pants and pulled out his semi-erect penis. (b)(5)(B) was embarrassed when she saw it and told him to "put it away." She described Fischer's penis as being "kind of thin" and said he had it exposed for about four seconds. Fischer put his penis away, gave her a hug, and left her home. (b)(5)(B) admitted she thought Fischer was good-looking and said she felt flattered by him; although (b)(5)(B) knew what Fischer was doing to her was wrong. (b)(5)(B) knew that Fischer's actions were inappropriate. She also felt because he was a law enforcement officer, that she had no choice.

(b)(5)(B) said the last time Fischer came to visit her was in April or May of 2017. Fischer stopped by in the morning, but he was not wearing his uniform like he had in the past. (b)(5)(B) said Fischer simply asked how she was doing and then asked for a hug. He was there less than five minutes. (b)(5)(B) explained how most of Fischer's visits usually only lasted less than five minutes and he typically came to her house around 0100 hours.

When Fischer was questioned about (b)(5)(B) he admitted to visiting (b)(5)(B) several times. He said he would just stop by to say hello to her. When asked if "several" meant three times or 10 times, Fischer said, "Over the course of a couple years, yeah maybe 10." Fischer said (b)(5)(B) lived across the street from the Lakeside Substation and he would park his patrol car in the front or back of her complex.

When asked if Fischer told anyone that he was going to (b)(5)(B) complex, Fischer said, "No I don't believe so," but thought he logged some of the contacts as extra patrols on his MDC. Crime Analyst (b)(5)(B) conducted a CAD History search for the "extra patrols" Fischer claimed he thought he had logged. (b)(5)(B) learned that Fischer only logged one "extra patrol" for (b)(5)(B) complex on December 15, 2015. After Fischer left Lakeside and was reassigned to the San Marcos Station, he was unable to remember if he ever went to visit (b)(5)(B) again.

Fischer talked about his relationship with (b)(5)(B) and said he "befriended" her and thought she was "nice." He admitted to hugging (b)(5)(B) during those visits and described them as being "one-handed" hugs. Fischer said,

> *Those hugs, um, same thing. Just like they've always been, just one-handed. Just the usual type of hugs. A couple seconds maybe. She'd always be the one to like compliment me. Like oh, why are you so attractive, stuff like that.*

Fischer admitted that (b)(5)(B) would give him compliments and tell him that he was attractive. Fischer felt flattered by (b)(5)(B) and admitted he would give (b)(5)(B) compliments as well. Fischer denied any type of sexual touching between them and said their only physical contact was hugging.

CAD, AVL, and NetRMS reports support (b)(5)(B) account of her contacts with Fischer. Fischer was assigned to the Lakeside Substation on July 10, 2015, so he likely would have met (b)(5)(B)

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sometime that year. Although (b)(5)(B) did not recall the specific dates of when Fischer would visit her, she did remember the last time she saw him was in April or May of 2017 and said he was not wearing a uniform. Fischer was reassigned to the San Marcos Station on April 15, 2016 and no longer worked in Lakeside in April or May of 2017.

Lieutenant Stubkjaer confirmed Fischer did assist the Lakeside Substation with a K9 demonstration on the morning of April 19, 2017, although he was no longer assigned to her command. Photographs of Fischer from that day showed he was wearing green BDU type pants, his leather gear, and a black fitted shirt with his outer green vest. (b)(5)(B) said Fischer was not in uniform the last time she saw him. Fischer easily could have been "out of uniform" once he removed his gun belt and outer green vest following the K9 demonstration. AVL showed Fischer's vehicle did in fact move from the Lakeside Substation to (b)(5)(B) complex at about 1200 hours that day. It is unknown the total length of time he was present at her complex, due to the gaps between the GPS pings. However, Fischer's patrol vehicle being present at the complex corroborates (b)(5)(B) statement.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer frequently visited (b)(5)(B) when he was on duty and would inappropriately hug her.

During Fischer's interview, he admitted to visiting with (b)(5)(B) 10 times and would hug her during those visits. He also admitted to giving her compliments and feeling flattered when she would call him "attractive." Fischer's behavior of continually going to visit a female citizen he met during a radio call is very unsettling. The fact that Fischer would hug (b)(5)(B) during those visits, after she was flirting with him, is concerning. Fischer is a deputy sheriff and his relationship with (b)(5)(B) was extremely inappropriate and brought discredit to himself and the Sheriff's Department. Even (b)(5)(B) knew that Fischer should not have been going to visit her or hug her; however she said she felt obligated to let him because he was a deputy.

Fischer denied any sexual touching between him and (b)(5)(B) However, (b)(5)(B) alleged there were times when Fischer had touched her bare breasts, although she did not specify how many times that occurred. (b)(5)(B) also alleged that Fischer actually exposed his penis to her on one occasion. Even though there is not a preponderance of evidence to prove that he touched her breasts or exposed his penis, Fischer clearly has proclivity towards inappropriate behavior with women. As stated earlier, Fischer has shown a clear pattern of hugging and complimenting many of the women he has contacted while on duty. This lends support to (b)(5)(B) claims.

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During his interview, Fischer said he thought he logged his contacts with (b)(5)(B) as Extra Patrols. Yet, it was confirmed he had in fact only logged one Extra Patrol on December 15, 2015. The other times he went to visit and hug (b)(5)(B) were not logged in CAD. Deputies are required to log their patrol activities and Fischer failed to do so. Instead he went to visit with (b)(5)(B) secretly and never told any of his partners about his relationship or friendship with (b)(5)(B)

It is alleged Deputy Fischer inappropriately hugged (b)(5)(B) (#10), after he unlawfully stopped her and then followed her home.

#10 (b)(5)(B)



It is undisputed that Fischer stopped (b)(5)(B) a second time without notifying Sheriff's Dispatch and then followed (b)(5)(B) to her residence, again failing to notify dispatch. What is disputed is Fischer's explanation and his actions with her.

According to (b)(5)(B) on May 3, 2017, she was driving home from the grocery store and Fischer stopped her because her vehicle's taillight was not working. There was a female deputy on the traffic stop as well. Fischer asked (b)(5)(B) for her driver's license and asked where she lived. (b)(5)(B) explained that her license had an old address on it and was about to expire. (b)(5)(B) told Fischer that her new license was in the mail and would have her current address on it. Fischer returned (b)(5)(B) driver's license to her and told her to get her taillight fixed. He did not issue her a citation.

(b)(5)(B) said she was driving back home when she heard sirens and realized she was being pulled over again. When (b)(5)(B) pulled over, she saw it was Fischer approaching her car again. Fischer asked her, *Do you live here?* (b)(5)(B) told him, *No, you turned your lights on, and I pulled over.* Fischer commented, *I just wanted to make sure you got home safely.* Fischer asked her if he could follow her home, to make sure she got home safely. (b)(5)(B) thought it was kind of Fischer and said, *Sure,* as she thanked him.

When they both got to (b)(5)(B) house, Fischer approached (b)(5)(B) and asked her for a hug. (b)(5)(B) said the hug was not lingering, nor did Fischer grope her. (b)(5)(B) did not think Fischer was gross or disrespectful and she explained how she personally hugged people all of the time. As they walked together towards her property, Fischer asked (b)(5)(B) if she lived alone. She told him that she lived in the granny flat and her landlord lived in the main house. According to (b)(5)(B) Fischer asked her additional questions such as: *Are you single?* Or *Have you ever been married?* When (b)(5)(B) told him that she had not been, Fischer responded, *I can't believe it, you are so attractive, funny and nice.* (b)(5)(B) thought Fischer was a *handsome guy* and she had not been *hit on* for a long time and the interaction made her feel good.

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(b)(5)(B) further said, once Fischer and she approached the entrance to her property, her landlord opened the door and asked them what was going on. (b)(5)(B) explained to him that Fischer was nice enough to follow her home to make sure she got home safely, after he pulled her over for a fix it ticket. Fischer started walking back to his patrol car and (b)(5)(B) put her grocery bags inside her home. (b)(5)(B) was only inside her home for about 45 seconds. When she came out to her car to get the rest of her grocery bags, she saw Fischer was still there and he approached her. (b)(5)(B) did not know what to say, so she offered her cell phone number to him. Fischer wrote down her number and they shook hands and said good-bye. (b)(5)(B) never heard from Fischer again.

When Fischer was questioned about (b)(5)(B) he explained how he stopped her outside of CoCo's Restaurant for an inoperable taillight. Fischer also said there was another female deputy with him. Fischer said (b)(5)(B) expressed to him how she was not feeling well and said she was close to home. Fischer said he gave her warning and did not issue her a citation.

According to Fischer, he accidentally held onto (b)(5)(B) driver's license, so he stopped her a second time to return it to her. Fischer did not remember if he broadcast the second traffic stop over the radio, but remembered using his lights to get her attention. When Fischer returned the ID card to her, (b)(5)(B) told Fischer she was feeling "dizzy" and asked him if he would follow her home. Fischer agreed and followed (b)(5)(B) to her house, but again did not remember broadcasting it over the radio.

Once at her residence, Fischer admitted that he exited his patrol car with the purpose of "making sure she ((b)(5)(B) got in okay." After Fischer confirmed (b)(5)(B) landlord was home to care for her, he left. Fischer denied complimenting (b)(5)(B) on being attractive or obtaining her phone number. Fischer did not remember hugging (b)(5)(B) When asked if it was possible he hugged her, he responded, "I don't remember. **I guess it's always possible**, but I don't remember hugging her."

CAD and AVL records support (b)(5)(B) account of her contact with Fischer. At 2032 hours, Fischer stopped (b)(5)(B) in front of the CoCo's due to an inoperable taillight. He gave her a warning and cleared the stop at 2038 hours. AVL showed Fischer's vehicle drove towards the direction of (b)(5)(B) house at 2039 hours; however, there was again a larger gap between the GPS pings of 10 minutes and one second. It is unknown where Fischer or his vehicle was at during that 10 minute gap. It is possible that Fischer either turned off his computer or placed his MDC in hibernate mode, during that time gap. Fischer did not notify dispatch when he drove to (b)(5)(B) residence, nor did he log the incident on his MDC. Fischer was required to log his patrol activity and failed to do so.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log:

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In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer stopped (b)(5)(B) again without notifying Sheriff's Dispatch and then followed (b)(5)(B) to her residence, where he told her she was attractive and then hugged her.

(b)(5)(B) did not appear to dramatize the details or overstate the facts and was very specific in her recollection. In fact, (b)(5)(B) admitted to feeling flattered by Fischer's compliments when he called her "attractive" and admitted she thought he was handsome as well. She was also fine with receiving a hug from Fischer because she frequently hugged people.

During his interview, Fischer initially said he did not remember hugging (b)(5)(B) When asked specifically if it was possible that he gave (b)(5)(B) a hug, he responded, "I don't remember. **I guess it's always possible,** but I don't remember hugging her." The fact that Fischer was unable to remember hugging (b)(5)(B) and then responded that "it's possible" he did, leads me to believe he did in fact hug her. He had apparently hugged so many citizens, during the course of his duties, that it was no longer a rare or distinct memory. Hugging (b)(5)(B) at her residence, after stopping her for a traffic violation was extremely inappropriate and unprofessional. Fischer's actions failed to maintain our Department's high standards and brought discredit to our organization.

Additionally, Fischer denied complimenting (b)(5)(B) on being attractive or asking for her phone number. However, Fischer has shown a clear pattern of hugging and complimenting many of the women he has contacted while on duty. There were a number of women that came forward with very similar accounts of their contacts with Fischer. This lends support to (b)(5)(B) claims.

It is alleged that Deputy Fischer made inappropriate comments to (b)(5)(B) (#11), while he was on duty.

#11 (b)(5)(B)

It is undisputed that Fischer told (b)(5)(B) that she was attractive, shortly after detaining her for a mental health evaluation. What is disputed is whether Fischer purposely placed his crotch in (b)(5)(B) face or asked (b)(5)(B) if he had been older would she date him.

According to (b)(5)(B), on the day of the traffic stop, she had been arguing with her daughter, so she decided to leave home and spend the night at her friend's house. As she was driving to her friend's house, a deputy stopped her. The deputy said her daughter had called the police and believed (b)(5)(B) wanted to hurt herself. The deputy asked (b)(5)(B) to step out of the car. There were two deputies present, one of which was Fischer.

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(b)(5)(B) said she was detained and told to sit on the curb with her hands behind her back. As she was seated, Fischer was standing about 2-3 feet away from her as she sat. Fischer had his left foot on the curb, which was about a foot and a half away from her body. (b)(5)(B) felt that he was in her personal space and his groin was too close to her face. (b)(5)(B) explained as he looked at her driver's license, he commented, "Wow you just had a birthday. You are pretty. You don't look your age." He then asked her, "If I were older would you date me?" (b)(5)(B) could not believe what he said and felt very intimidated and thought she was in a position with no control.

When Fischer was questioned about (b)(5)(B) he remembered contacting her and asking her to sit on the cub. As she was sitting on the curb, Fischer admitted he was standing with his body canted towards her said his crotch was never closer than two feet from her face. Fischer denied asking her if she would ever date him had he been older. When asked if it was "possible" he asked (b)(5)(B) that, he responded, "I'm probably going to say no. I don't remember asking her that." However when he was asked if he had complimented her on her looks, Fischer said the following,

> ***I believe I did tell her, you're an attractive lady.*** *You'll be okay. Like kind of comforting her that way. It'll be fine. Things will work out for you. Don't worry about it. Nothing inappropriate or anything.*

Additionally, Fischer believed that telling (b)(5)(B) that she was attractive during the course of his duties, was actually appropriate behavior. Fischer said, "To encourage her when she's in a down spot, I thought at that time it was."

CAD and AVL records support (b)(5)(B) account of her contact with Fischer on May 9, 2017. Fischer was dispatched the radio call at 2149 hours and located (b)(5)(B) and her vehicle at 2158 hours. He initiated a traffic stop and stayed with (b)(5)(B) from 2206 hours until about 2250 hours, while his partners checked (b)(5)(B) residence. He was alone with her for almost 45 minutes, while she sat on the curb.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

> ***2.4 UNBECOMING CONDUCT***

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer made inappropriate comments to (b)(5)(B) as she was being detained for a mental health evaluation.

By Fischer's own admission, he commented on (b)(5)(B) physical appearance and told her that she was an "attractive lady." He believed it was appropriate to tell her she was attractive because she was in a "down spot." When other deputies were asked if it was ever appropriate to compliment someone on their physical appearance or tell a female citizen they were "attractive," they gave the following responses:

- *No, because it grays the line.*
- *No. It's inappropriate. No need for it.*

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- *The public holds law enforcement to high standards and the language could be taken negatively.*
- *No. Saying they're attractive in a professional way, I would say no.*
- *It is inappropriate and not normal to compliment female citizens about their physical appearance or call them attractive.*
- *This behavior is unprofessional because you are in uniform and representing the Sheriff's department.*
- *It is inappropriate to give them compliments about their physical appearance because it goes outside the scope of their profession.*
- *That is creepy.*
- *You should not do that. It's unprofessional.*
- *Deputies should not compliment citizens about their physical appearance because it is unprofessional.*
- *It could be considered sexual harassment. Be polite and be professional, but don't cross the line.*
- *I don't think it would professional. That's not what we do. It's not part of our job.*
- *It would not be professional.*
- *Members of the public do not want deputies hitting on them.*
- *That is not why we are there.*
- *We're not supposed to be flirting when on duty.*
- *It is inappropriate and you could offend someone.*

Even though there is not a preponderance of evidence to prove that Fischer purposely had his groin too close to (b)(5)(B) face as she was seated on the curb, or if he asked if she would date him had he been older, there were a number of women who came forward with similar accounts of their contact with Fischer. Fischer has shown a clear pattern of complimenting and inappropriately touching many of the women he contacted during the course of his duties. This again lends support to (b)(5)(B) claims.

It is alleged Deputy Fischer inappropriately touched and spoke to (b)(5)(B) (#12), during his non-broadcasted traffic stop and allowed her to destroy her methamphetamine pipe.

#12-(b)(5)(B)

It is undisputed that Fischer stopped (b)(5)(B) for having an inoperable brake light without notifying Sheriff's Dispatch about the stop. What is disputed is whether Fischer inappropriately touched (b)(5)(B) when he searched her, allowed her to destroy her methamphetamine pipe, and made inappropriate statements to her during that stop.

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According to (b)(5)(B) Fischer stopped her on June 19, 2017, for having a brake light out. She admitted to Fischer that her driver's license was suspended and he asked her to step out of her vehicle. Fischer interlocked (b)(5)(B) hands behind her back and then "gently" held her hands. (b)(5)(B) said that Fischer apologized to her if it felt like he was holding her hands. Fischer told (b)(5)(B) that she was "hot" and had a "nice body." (b)(5)(B) was surprised at Fischer's comments because she was overweight and Fischer was good looking.

Fisher searched her back pockets and fondled her "butt" as he searched each pocket. During the search, he found a methamphetamine pipe in her back right pocket. She said the methamphetamine pipe belonged to her boyfriend. Fischer told (b)(5)(B) she could get rid of the pipe if she wanted. (b)(5)(B) threw it on the ground and stepped on it so it would break. As Fischer searched her front pockets, his hand touched her vaginal area from inside her left pocket. (b)(5)(B) explained how the pair of pants she wore that night had deep pockets. She was not sure if the touching was accidental or on purpose and Fischer did not say anything when the touching occurred. (b)(5)(B) said the traffic stop lasted for about 10 minutes.

Fischer then told (b)(5)(B) to drive to the school up the street and have someone else get her car since her license was suspended. While at the school, Fischer asked (b)(5)(B) if she wanted to "make-out." (b)(5)(B) did not know what to say. Fischer then told her, "You don't have to if you don't want to." Fischer said he had to leave because he had a patrol call. They were at the school for approximately five to seven minutes.

Right after the traffic stop, (b)(5)(B) sent text messages to her sister telling her about what had occurred with Fischer. (b)(5)(B) explained how she told Fischer her driver's license was suspended and how he searched her car and told her to step on the methamphetamine pipe, which she did. (b)(5)(B) also texted her sister about Fischer telling her that she was "hot" and how he apologized for holding her hand. (b)(5)(B) texted her sister a physical description of Fischer and said she thought he was "really cute." Lastly, (b)(5)(B) text messaged her sister about driving to the school up the street and how Fischer asked her if she wanted to "make out."

When Fischer was questioned about (b)(5)(B) he remembered stopping her for her taillight being out. Fischer admitted he used "poor judgement" when he failed to broadcast his traffic stop on (b)(5)(B) Fischer admitted that based on his training, he should have broadcast his location and the license plate when he stopped her. (b)(5)(B) told Fischer about her license being suspended so he had her exit the car and he conducted a "quick pat down" on her. Fischer denied searching (b)(5)(B) and said he only patted her down for weapons. When asked if he searched inside of (b)(5)(B) pockets, Fischer responded, "Honestly I don't remember searching inside her pockets." When asked if it was "possible" his hand entered her pockets, Fischer responded, ***I guess it's possible, yes.***

Fischer then asked (b)(5)(B) if she had anything "crazy" in the car and specifically said the following,

> *I was like hey you got anything crazy in your car? Just let me know and we can work with you.* ***I think she said that she had a meth pipe in the car or something like that. I did a quick look and saw it plain view.*** *I said anything else? Anything*

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> *crazy? She said no. Then I said I'd cut her a break. And I know there's a school up the road.*

When asked what happened to the pipe, Fischer responded,

> ***I don't know if I made her destroy or requested that she step on it.*** *To tell you the truth I don't remember exactly. But usually I would, you know if they did destroy it, they'd take it with them, then that's fine. But I don't remember to be honest.*

When asked for confirmation in regards to what Fischer told (b)(5)(B) to do with the pipe or if the pipe was broken, Fischer responded,

> *What I'm saying is* ***I remember seeing the meth pipe and I don't remember if I, you know, if you accidentally step on it that's okay, you know, that type of thing.*** *But I don't remember exactly how that went.*

Fischer followed (b)(5)(B) to the school up the street so she could call someone to pick her up. Fischer gave her a "break" and did not issue her a citation for anything.

Regarding the allegations that Fischer made inappropriate comments to (b)(5)(B) Fischer disputes the allegations that he apologized to (b)(5)(B) for "holding her hand." He also disputes the allegations that he touched her vaginal area during the search, called her "hot," or asked (b)(5)(B) if she wanted to "make-out." Fischer said (b)(5)(B) was lying when she sent those text messages to her sister that night.

CAD and AVL records, along with (b)(5)(B) text messages, all support (b)(5)(B) account of her contact with Fischer. The only portion of her contact that (b)(5)(B) did not text her sister about, was the alleged touching of her vaginal area and buttocks when Fischer searched her pockets. However I did confirm Fischer was on Monte Vista Drive near Cypress Drive for over 20 minutes on June 19, 2017 and stopped (b)(5)(B) for an inoperable tail light. Fischer failed to broadcast the stop over the radio or log the stop on his MDC. Fischer had knowledge that (b)(5)(B) driver's license was suspended, but allowed her to drive to the school. AVL showed that Fischer's vehicle moved in the direction of Monte Vista Elementary School, just as (b)(5)(B) described. I also learned there was documentation that proved Fischer had been trained during his 2nd Phase of training on how to properly conduct a traffic stop by broadcasting the location and the vehicle's license plate over the radio.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log

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As well as the following:

2.39 PROCESSING PROPERTY

As well as the following:

2.30 FAILURE TO MEET STANDARDS

In weighing the preliminary facts of this case, there is a preponderance of the evidence to suggest Fischer had inappropriate contact with (b)(5)(B) during the traffic stop, failed to take enforcement action, and failed to appropriately document his law enforcement actions.

It is undetermined whether or not Fischer touched (b)(5)(B) vaginal area; however it is likely he said inappropriate things to her. (b)(5)(B) was stopped by Fischer on June 19, 2017, and immediately sent text messages to her sister, after her contact with Fischer was concluded. The messages specifically explained what Fischer did and said to (b)(5)(B) The messages said that Fischer had called her "hot" and asked if she wanted to "make out." The messages further explained how Fischer apologized for holding (b)(5)(B) hand. (b)(5)(B) did not appear to have any motive to send false messages to his sister at 0230 in the morning. (b)(5)(B) had no idea or knowledge that Fischer would become the subject of sexual assault allegations four months later. Fischer's actions brought disrepute upon himself and the Sheriff's Department.

Additionally, Fischer initiated a traffic stop and was with (b)(5)(B) for about 20 minutes. Neither Sheriff's Dispatch, nor any of Fischer's partners had knowledge that he was even on a traffic stop. Deputies are required to log their daily patrol activities. This could be done by means of the deputy broadcasting their actions over the radio or by creating a call on their MDC. Fischer had two options in regards to documenting his law enforcement activity, but he chose to do neither. Furthermore, when Fischer learned that (b)(5)(B) was in possession of a methamphetamine pipe, instead of seizing the pipe and issuing (b)(5)(B) a citation, he allowed her to destroy it.

The following actions are undisputed and demonstrated Fischer's failure to meet the standards of his job position as a deputy sheriff:

- Fischer conducted a traffic stop on (b)(5)(B) and failed to notify Sheriff's Dispatch or log the stop via his MDC.
- Fischer was trained to notify dispatch when conducting traffic stops by broadcasting the location and plate information.
- (b)(5)(B) had a suspended driver's license and was told by Fischer to drive to a school, which was up the street, even though her license was suspended.
- Fischer said he conducted a "pat down" search of (b)(5)(B) but then admitted he possibly searched inside of her pockets, which is not how a "pat down" is conducted.
- (b)(5)(B) was in possession of a methamphetamine pipe and Fischer allowed her to destroy the pipe.

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Fischer was trained on how to properly conduct a traffic stop and has demonstrated his ability to do so. Yet Fischer chose to stop (b)(5)(B) and never notified dispatch or log the stop on his MDC. When Fischer discovered that (b)(5)(B) was in possession of a methamphetamine pipe, instead of seizing the pipe and issuing (b)(5)(B) a citation, he allowed her to destroy it. Instead of taking "enforcement" action, Fischer chose to take destructive action, and failed to conform to the work standards of a trained patrol deputy. Additionally, Fischer's actions failed to maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department.

It is alleged Deputy Fischer hugged (b)(5)(B) (#13) two times, when he responded to her home for a fraud investigation.

#13 (b)(5)(B)

It is undisputed that Fischer responded to (b)(5)(B) home for a possible fraud investigation on August 19, 2017 and gave her a hug during the contact. What is disputed is whether Fischer hugged her a second time and told her she was attractive.

According to (b)(5)(B) she called the Sheriff's Department to report the theft of her identity. Fischer later responded to her residence and they spoke about the theft of her identity. Fischer explained that she had already taken the rights steps for documenting the possible theft. (b)(5)(B) said Fischer was very professional and explained different ways to prevent identity theft. As they stood in the kitchen, Fischer asked her, "Can I give you a hug?" (b)(5)(B) felt it was a compassionate gesture, so she stood up and hugged him.

(b)(5)(B) explained how they continued to talk and Fischer asked her if she lived alone. As Fischer looked at (b)(5)(B) driver's license, he complimented her photo and said she was attractive. Fischer gave her the incident number and they started walking towards the front door. As they reached the hallway by the front door, Fischer asked (b)(5)(B) if he could give her another hug. (b)(5)(B) felt she did not need consoling, but she hugged him anyways. (b)(5)(B) thought the request for a second hug was "odd." They finished hugging, and Fischer then walked out. Despite the hugs, (b)(5)(B) thought it was a professional contact.

During his interview, Fischer admitted to giving (b)(5)(B) a hug. He said, "We had some good conversation in there and it was just like a friendly hug." According to Fischer, he hugged her because he wanted her to feel a little more secure and safe. Fischer said he did not recall giving her a second hug, but said it was "possible" he hugged her again.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

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In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer hugged (b)(5)(B) after he responded to her residence for a fraud investigation.

(b)(5)(B) appeared very factual when she explained what happened between her and Fischer. In fact, even though Fischer hugged her, she still described Fischer as being professional. Even though Fischer attempted to minimize the hugging, he still admitted to his actions nonetheless. Fisher responded to (b)(5)(B) home for a possible crime report. He was not responding to a critical incident, such as a death or severe injury to one of (b)(5)(B) family members. (b)(5)(B) did not need consoling and she never asked Fischer to hug her. Fischer hugging (b)(5)(B) was completely unsolicited and inappropriate. Fischer's actions brought discredit upon the Sheriff's Department.

It is alleged Deputy Fischer returned to the residence of (b)(5)(B) (#14), asked to use her bathroom, told her she was "cute," and inappropriately hugged her, while he was on duty.

(b)(5)(B)

It is undisputed that Fischer responded to (b)(5)(B) residence on August 20, 2017, to check on her welfare as a cover deputy, and later returned to her house when he was all alone. It is also undisputed that Fischer did not notify Sheriff's Dispatch he was returning to (b)(5)(B) residence, nor did he create a call on his MDC. It is undisputed that Fischer asked (b)(5)(B) if he could use her bathroom, and hugged her when he was done. What is disputed is whether Fischer told (b)(5)(B) she was "cute," as well as the details of the hugs.

According to (b)(5)(B) on the early morning of August 20, 2017, she was awakened by knocking at her front door. (b)(5)(B) saw there were two deputies at her door: Deputy Galvan and Fischer. Galvan explained to (b)(5)(B) how they were there to check her welfare because her father called the police, after receiving some song lyrics from her. (b)(5)(B) explained how it was a misunderstanding and the deputies left her home.

(b)(5)(B) said she went back to bed and later heard knocking at her door again. (b)(5)(B) woke up, checked the front door, and saw it was Fischer. Fischer was still in full uniform and asked her if he could use her restroom. (b)(5)(B) felt it would be okay for Fischer to come inside to use the bathroom, so she allowed him in. (b)(5)(B) said she was in her sleep attire (tank top and small shorts). (b)(5)(B) waited for Fischer at her bedroom doorway, which was next to the restroom he was using. Fischer walked out of the bathroom and they both stood in the hallway.

After coming out of her bathroom, Fischer told (b)(5)(B) "You are cute." He then asked, "Can I give you a hug?" (b)(5)(B) responded, "Sure." Fischer then asked for a second hug and (b)(5)(B) agreed. (b)(5)(B) described the hugs as being on the cover of a "Harlequin Romance Novel." There

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was no space between the two of them and (b)(5)(B) described the hug as them "merging" together, almost like they were "lovers," but they were not. They exchanged a few words and Fischer asked if he could hug her a third time. (b)(5)(B) told Fischer, "No" and told him, "You have to go." Fischer did not say much and then left her home.

After Fischer left (b)(5)(B) residence, (b)(5)(B) sent a text message to her father, which said,

"You wouldn't believe it but one of the deputies just came back to my house he asked to use my bathroom then told me he thought I was cute and asked me for a hug I can't make this stuff up his name is Rick and..." Her father responded to her text by writing, "That's a long way to go for a date."

When Fischer was questioned about (b)(5)(B) Fischer remembered the radio call being a "5150" call and he responded with Deputy Galvan. Galvan spoke with (b)(5)(B) while Fischer was his cover. (b)(5)(B) had sent her dad song lyrics about killing oneself, but she explained to the deputies that it was just a joke. Galvan asked (b)(5)(B) questions and determined she did not meet the criteria for 5150, so they cleared the call and left.

Fischer said after they left, he could not find his flashlight, so he retraced his steps back to (b)(5)(B) residence. When he got back to (b)(5)(B) house, he realized his flashlight was actually in his seat cushion. Fischer said, "...**It was at that time where I had to use the restroom. It was kind of like one of those emergency types. So I knocked on the door. I saw the light on, so I was like, hey she's probably still awake and then asked to use the restroom. And I used the restroom...once I used the restroom, I was like real grateful. Thank you. I appreciate it. She was nice, saying no problem. We gave each other like a one-handed hug...then I left. And then that was it.**" Fischer said it was "after the fact" when he thought about the 7-Eleven bathroom being across the street.

Fischer said he did not ask (b)(5)(B) if he could hug her, but described it as a "mutual" hug. Fischer further described the hug between them as being a "friendly hug" and was a "half hug". When asked if it was possible his hands moved around (b)(5)(B) back area, Fischer responded, "Maybe as a tap" and then continued saying, "I don't believe that's possible...I don't know how to describe it more. Just like a halfway, one-handed hug, tap type of thing." Fischer said he and (b)(5)(B) only hugged one time that he recalled. Fischer said, "I don't remember more than one hug."

CAD and AVL records, as well as (b)(5)(B) text messages to her father, all support (b)(5)(B) account of her contact with Fischer. Fischer responded to (b)(5)(B) home on August 20, 2017, to check on her welfare as a cover deputy, along with the primary deputy (Galvan). Both deputies arrived at (b)(5)(B) home by 0447 hours according to AVL. At about 0509 hours, Galvan left and exited (b)(5)(B) complex, while Fischer remained in the area. Fischer's vehicle was initially parked near the entrance of the complex, which was actually closer in proximity to the 7-Eleven bathroom.

After Galvan left, AVL showed Fischer drove his patrol vehicle closer to (b)(5)(B) home and parked in front of her residence. AVL showed Fischer cleared the area at about 0516 hours, yet

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had remained in the area an additional seven minutes after Galvan had already left. Fischer went back to (b)(5)(B) home, knocked on her door, and asked to use her bathroom. Fischer claimed he was having an "emergency" and had to go "number two," yet there was a 7-Eleven bathroom directly across the street, which Fischer was aware of. Crime Analyst (b)(5)(B) conducted a search of Fischer's AVL since his assignment to San Marcos and learned Fischer had been in the immediate area of that specific 7-Eleven on 23 occasions.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

As well as the following:

2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log

As well as the following:

2.30 FAILURE TO MEET STANDARDS

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer returned to (b)(5)(B) home without notifying Sheriff's Dispatch, asked to use her bathroom, and then inappropriately hugged her before he left.

Fischer has shown a clear pattern of privately hugging many of the women he contacted, during the course of his duties. (b)(5)(B) described Fischer's hugs as "sensual" and something you would see on the cover of a "Harlequin Romance Novel." (b)(5)(B) said Fischer hugged her twice and even asked for a third hug before she told him he needed to leave. Fischer attempted to minimize his physical contact with (b)(5)(B) Fischer said he only remembered hugging (b)(5)(B) once and said, "I don't remember more than one hug." Fischer's vague response of "I don't remember" is dubitable. The incident only occurred four months prior to Fischer's interview. Deputies are trained to pay attention to detail and they testify in a court of law. Fischer's claim of not remembering critical details of his contact with (b)(5)(B) demonstrates his inadequate job performance, inattention to detail, and his inability to maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department.

During their interaction, (b)(5)(B) said Fischer told her she was *cute.* Fischer said, "I don't remember making any type of those statements." Fischer again used his dubitable response of, "I don't remember." If a deputy was asked if they ever told a citizen they were *cute,* their immediate response should be an unequivocal, "No," because a citizen should never be told they are *cute* by a uniformed deputy. Yet Fischer never denied telling (b)(5)(B) she was *cute*, he simply did not "remember" saying it. In contrast, (b)(5)(B) had a clear recollection of the events from that evening. (b)(5)(B) was very specific in her statement and explained how Fischer walked out of her bathroom and told her that she was "cute." (b)(5)(B) provided great detail about the incident and did not appear to overstate the facts.

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After Fischer left, (b)(5)(B) even sent a text message to her father telling him about Fischer returning, how he asked to use her bathroom, and specifically telling her that she was "cute." (b)(5)(B) did not appear to have any motive to send false messages to her father the morning of the incident. (b)(5)(B) had no idea or knowledge that Fischer would become the subject of multiple sexual assault allegations a few months later. As a result of Fischer's inappropriate actions, Fischer exposed the Department to additional civil liability and brought discredit to our organization.

It is alleged Deputy Fischer was inappropriate during his contact with (b)(5)(B) (#15) by hugging her multiple times, touching her buttocks, and placing her hand on his penis, after he responded to her home for a call regarding phone threats.

#15 (b)(5)(B)

It is undisputed that Fischer hugged (b)(5)(B) after responding to her residence for threatening text messages she received from a boyfriend. What is disputed are the details of the hugging and whether Fischer put (b)(5)(B) hand on his erect penis.

According to (b)(5)(B) she called 9-1-1 after her boyfriend threatened to drive his car through her garage and Fischer responded. When Fischer arrived at her residence, he asked (b)(5)(B) questions related to the incident. While they were standing in the living room talking, Fischer gave (b)(5)(B) a "friendly hug," although he did not ask if he could hug her. (b)(5)(B) said Fischer then hugged her a second time and told her not to tell anyone about the hugging.

(b)(5)(B) said when Fischer was ready to leave, he hugged her tightly and put his hands on her butt. Fischer then took (b)(5)(B) hand, put it on his crotch, and rubbed her hand on his erect penis. (b)(5)(B) did not remember if she pulled her hand away or not. (b)(5)(B) asked Fischer what he was doing and told him, *I am a nice, respectful lady. This is unreal. This only happens on TV.* Fischer left after that and (b)(5)(B) did not know what to do. (b)(5)(B) said she did write Fischer's name down on her calendar and agreed to let me photograph what she had written. Additionally, (b)(5)(B) admitted that she consumed alcoholic beverages that evening, but was unable to recall what she drank.

When Fischer was questioned about (b)(5)(B) he said he responded to her house because she received text messages from her boyfriend threatening to drive his car through her garage. Fischer said he got all of the information from (b)(5)(B) for his report, and then she actually did not want a report to be taken. As he was leaving, Fischer said that (b)(5)(B) hugged him. Fischer said,

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> *..So then as I'm leaving, she made statements. I thought it was funny. Not funny, but I didn't take them seriously because she's older. But she was saying like stuff to the effects like, oh I feel so safe with those big arms here. You guys make me feel so safe. Thank you. Really just stuff like that. And before I left,* ***she gave me a hug. She gave me like a two arm embrace. I just gave her one-handed****. And then she just said, awe thank you so much and stuff like that and then I left.*

Fischer said he could smell alcohol on (b)(5)(B) breath and denied any additional hugs between him and (b)(5)(B) He also denied grabbing her hand and placing it on his penis. When Fischer was asked if (b)(5)(B) touched his penis at any time during their contact, Fischer said, "No."

CAD and AVL records support (b)(5)(B) account of her contact with Fischer. Fischer arrived at about 0237 hours and contacted (b)(5)(B) inside her home. No other deputies went inside her house. Fischer and (b)(5)(B) hugged prior to him leaving. Fischer cleared the call at 0258 hours

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.4 UNBECOMING CONDUCT

In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer inappropriately touched (b)(5)(B) By Fischer's own admission, he and (b)(5)(B) hugged prior to him leaving. However, Fischer claimed (b)(5)(B) was the one to initiate her "embrace."

(b)(5)(B) alleged that she and Fischer hugged three times and he grabbed her buttocks during the last hug. She alleged he also took her hand and rubbed it on his erect penis. Fischer denied (b)(5)(B) allegations and only admitted to hugging her one time. Fischer described (b)(5)(B) as being more of the aggressor and said she was the one to hug him with a two arm embrace. Fischer again minimized his interaction with (b)(5)(B) and said he only returned the hug using one hand.

During her interview, (b)(5)(B) appeared truthful and even admitted to consuming alcoholic beverages the night Fischer came to her house. (b)(5)(B) was extremely forthcoming in her interview, yet she did not appear to dramatize her story. (b)(5)(B) told her daughter, (b)(5)(B) and her estranged husband, (b)(5)(B) what had occurred with Fischer. (b)(5)(B) and (b)(5)(B) both provided statements that were consistent with (b)(5)(B) statement. (b)(5)(B) was able to recall many more details than Fischer was.

(b)(5)(B) had called 9-1-1 because she was scared that her boyfriend was going to drive his car through her garage. She called the Sheriff's Department for help. Fischer was the responding deputy and he failed to properly perform his duties as a first responder. (b)(5)(B) was in a vulnerable position having consumed alcoholic beverages and being threatened by her boyfriend. Fischer has clearly demonstrated a pattern of hugging multiple females he contacted during the course of his duties. His pattern of behavior is a clear indicator that he likely initiated the hugging of (b)(5)(B) as well. Even if (b)(5)(B) had been the one to hug Fischer, he should have

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maintained his professionalism and politely declined the physical contact. His actions reflected negatively on him and brought discredit to the Sheriff's Department.

It is alleged that Deputy Fischer failed to conform to the laws of the State of California:

It is undisputed that Fischer was remanded to custody on February 22, 2018, after the San Diego District Attorney's Office filed a Criminal Complaint against Fischer. The Complaint included eight felony charges and six misdemeanor charges against Fischer for assault and battery by an officer, false imprisonment, and sexual battery.

The following Sheriff's Department Policy and Procedure would be applicable to the allegations:

2.6 CONFORMANCE TO LAWS

As it relates to 149 of the California Penal Code- Assault & Battery by Officer
(7 felony and 5 misdemeanor counts)

As it relates to 236 of the California Penal Code- False Imprisonment
(1 misdemeanor count)

As it relates to 243.4(d) of the California Penal Code- Sexual Battery
(1 felony count)

It is alleged that during Deputy Fischer's law enforcement contacts with numerous women, he failed to properly perform his job duties as a deputy sheriff.

It is undisputed that between July 2015, and October 2017, Fischer did the following:

- Conducted traffic stops without broadcasting his location.
- Conducted follow-ups at private residences without broadcasting the information.
- Allowed contraband to be destroyed.
- Failed to document his law enforcement activity on numerous occasions.
- Used private citizens' bathrooms on numerous occasions.
- Hugged multiple women when he was on duty.
- Allowed female citizens to drive with a suspended license.
- Made inappropriate comments to numerous women when he was on duty.
- Had numerous non work-related social visits at females' homes.

The following Sheriff's Department Policy and Procedure would be applicable to the allegation:

2.30 FAILURE TO MEET STANDARDS

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In weighing the facts of this case, there is a preponderance of evidence to suggest Fischer was a deputy sheriff and worked in the patrol capacity. His job duties and functions included safely enforcing the law, protecting citizens, documenting patrol actions, proactively searching for criminals, and immediately responding to emergencies. Those job duties must be carried out in a professional manner and Fischer failed to do so. Fischer's job functions did not include having multiple social visits and touching of female citizens during his scheduled patrol shifts. Fischer failed to perform his job duties in a manner that maintained the highest standards of efficiency in carrying out the mission, functions, and objectives of our Department

It is alleged that Deputy Fischer failed to notify his supervisor when he lost his Department issued cell phone or document the incident:

It is undisputed that Fischer lost his Department issued cell phone and did not notify his supervisor or write a report documenting the incident, until he was ordered to so.

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

2.3 VIOLATION OF RULES as it relates to 6.28- Reporting Missing, Damaged, or Stolen County Property

Fischer was placed on Administrative Assignment on October 26, 2017, and was aware he was the subject of an administrative investigation. On November 6, 2017, Fischer was still on Administrative Assignment, but was reassigned from San Marcos to the Weapons Training Unit. Between November 7, 2017, and November 9, 2017, Fischer suddenly lost his Department issued cell phone, and never reported the loss to a supervisor until he was ordered to.

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FINDINGS

(Note: These findings pertain to the initial 15 women interviewed. Later reported incidents are not addressed in this investigation).

#1- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer inappropriately hugged (b)(5)(B) during two law enforcement contacts.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.3- Violation of the Rules as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Logs,** in that Fischer spent 40 minutes with (b)(5)(B) in the course of his duties, yet failed to document his law enforcement actions as required of a deputy sheriff.

#2- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer asked (b)(5)(B) if she was ready to be "felt up by a cop" and likely touched her breasts during her arrest.

#3- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer touched (b)(5)(B) breasts numerous times when he was buckling or unbuckling her seatbelt during her arrest.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.30- Failure to Meet Standards,** in that Fischer failed to seek medical care for (b)(5)(B) and instead released her on a street corner at 9 o'clock at night.

#4- (b)(5)(B)

This complaint against Deputy Richard Fischer **is NOT SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that it cannot be proven whether or not Fischer inappropriately touched or spoke to (b)(5)(B) during his law enforcement contact with her.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.3- Violation of the Rules as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Logs,** in that Fischer spent 20 minutes with (b)(5)(B) in the course of his duties, yet failed to document his law enforcement actions as required of a deputy sheriff.

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#5- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer inappropriately hugged (b)(5)(B) after returning to her home several hours later uninvited.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.3- Violation of the Rules as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Logs,** in that Fischer did not document his law enforcement activity when he returned to (b)(5)(B) home several hours later.

#6- (b)(5)(B)

This complaint against Deputy Richard Fischer **is NOT SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that it cannot be proven whether or not Fischer used (b)(5)(B) (b)(5)(B) restroom and then inappropriately hugged her.

#7- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer hugged (b)(5)(B) after returning to her home uninvited.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.3- Violation of the Rules as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Logs,** in that Fischer did not document his patrol activity when he returned to (b)(5)(B) home on duty.

#8- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer hugged (b)(5)(B) after he responded to her home for a 911 call.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.30- Failure to Meet Standards,** in that Fischer was unable to recall any portion of his contact with (b)(5)(B) (b)(5)(B) and he was the primary deputy on the call.

#9- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer visited (b)(5)(B) approximately 10 times, hugged her during those social visits, and allowed her to flirt with him, all when he was on duty.

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#9- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.3- Violation of the Rules as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Logs,** in that Fischer did not document his patrol activity when he went to (b)(5)(B) home on multiple occasions on duty.

#10- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer followed (b)(5)(B) to her home after stopping her for a traffic violation, told her she was attractive, and gave her a hug.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log,** in that Fischer did not log his patrol activity when he initiated a traffic stop on (b)(5)(B) or when he drove to her private residence.

#11- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer told (b)(5)(B) she was an "attractive lady" as she was being detained for a mental health evaluation.

#12- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer told (b)(5)(B) she was "hot" and asked to "make-out" with her.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log,** in that Fischer did not broadcast his traffic stop, nor did he create a call on his MDC to document his patrol activity when he conducted a traffic stop on (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.39- Processing Property,** in that Fischer allowed and/or encouraged (b)(5)(B) to destroy her illegal methamphetamine pipe.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.30- Failure to Meet Standards,** in that Fischer did not broadcast his location or the license plate information over the radio when he stopped (b)(5)(B) for a traffic violation, possibly "searched" her instead of doing an appropriate pat down, allowed her to drive on a suspended driver's license, and failed to take enforcement action when he found her in possession of an illegal methamphetamine pipe.

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#13- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer hugged (b)(5)(B) after he responded to her home for a fraud investigation.

#14- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer asked to use (b)(5)(B) bathroom when there was a 7-Eleven directly across the street, then told her she was "cute" and inappropriately hugged her.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **2.3 VIOLATION OF RULES as it relates to Patrol Procedures Manual #14- Deputy's Daily Patrol Log,** in that Fischer did not log his patrol activity when he returned to (b)(5)(B) home uninvited and on duty.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.30- Failure to Meet Standards,** in that Fischer returned to (b)(5)(B) home without invitation or lawful reason and was unable to recall the details of his contact with her, which had occurred only four months prior to his interview.

#15- (b)(5)(B)

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.4- Unbecoming Conduct,** in that Fischer inappropriately hugged (b)(5)(B) when he responded to her home for a radio call.

Additional Allegations:

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.6- Conformance to Laws as it relates to 243.4(d), 236, and 149 of the California Penal Code,** in that Fischer was charged with eight felony counts and six misdemeanor counts of various charges including: assault and battery by an officer, false imprisonment, and sexual battery.

This complaint against Deputy Fischer **is SUSTAINED for Section 2.3 VIOLATION OF RULES as it relates to 6.28- Reporting Missing, Damaged, or Stolen County Property,** in that Fischer lost his Department issued cell phone and failed to report it.

This complaint against Deputy Richard Fischer **is SUSTAINED** for **Section 2.30- Failure to Meet Standards,** in that Fischer failed to perform his duties and responsibilities as a deputy sheriff during his contact with numerous women throughout his patrol shifts between July 2015, and October 2017.

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Submitted by: _____ 4/12/18
Amber Baggs, Sergeant Date

Approved by: _____ 4/12/18
Christina Bavencoff, Lieutenant Date

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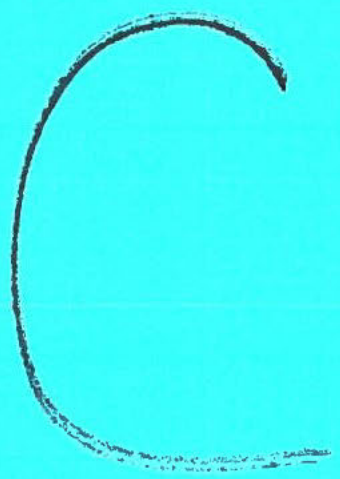

WITNESS LIST

Case # 2017-0143.1

NAME	ADDRESS	TELEPHONE

(b)(5)(B)

TO

WITNESS LIST

Case # 2017-0143.1

NAME	ADDRESS	TELEPHONE

(b)(5)(B)

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WITNESS LIST

Case # 2017-0143.1

NAME	ADDRESS	TELEPHONE
Avila, Cristal Deputy #4304	325 S. Melrose Drive Vista, CA 92081	(b)(5)(B)
Benavente, Bryson Deputy #3154	12365 Parkside Street Lakeside, CA 92040	
Brooke, Aaron Detective #2820	5500 Overland Ave. #330 San Diego, CA 92123	
Collins, Marcos Deputy #7127	8811 Cuyamaca Street Santee, CA 92071	
Conard, Troy Deputy #3085	12365 Parkside Street Lakeside, CA 92040	
Correa, Miguel Deputy #7649	182 Santar Place San Marcos, CA 92069	
Dujenski, Clayton Deputy #6298	182 Santar Place San Marcos, CA 92069	
Galvan, Jose Jr. Deputy #6832	182 Santar Place San Marcos, CA 92069	
Hemphill, Matthew Deputy #6882	10440 Black Mountain Rd. San Diego, CA 92126	
Joslin, Ronald Jr. Deputy #2001	8811 Cuyamaca Street Santee, CA 92071	
Klein, Kyle Deputy #7275	325 S Melrose Drive Vista, CA 92081	
Knuteson, Joseph Detective #0122	9621 Ridgehaven Court San Diego, CA 92123	
Larson, Peter Deputy #2027	12365 Parkside Street Lakeside, CA 92040	
Lee, Michael Deputy #6227	8811 Cuyamaca Street Santee, CA 92071	

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WITNESS LIST

Case # 2017-0143.1

NAME	ADDRESS	TELEPHONE
Mascarenas, Michael Detective #7278	2751 Alpine Boulevard Alpine, CA 91901	(b)(5)(B)
Maxin, Mike Deputy #7865	8811 Cuyamaca Street Santee, CA 92071	
McMahon, Colleen Deputy #0044	325 S. Melrose Drive Vista, CA 92081	
Morgan, James III Detective #7537	12365 Parkside Street Lakeside, CA 92040	
Ritt, Aaron Deputy #4875	182 Santar Place San Marcos, CA 92069	
Roberts, Cody Deputy #0322	325 S. Melrose Drive Vista, CA 92081	
Rossall, Scott Deputy #3083	182 Santar Place San Marcos, CA 92069	
Simpson, Brian Deputy #2950	182 Santar Place San Marcos, CA 92069	
Wagner, Justin Deputy #3159	325 S. Melrose Drive Vista, CA 92081	
Westfall, Donald Deputy #0158	182 Santar Place San Marcos, CA 92069	
Winter, Scott Deputy #0424	182 Santar Place San Marcos, CA 92069	

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2017-0143.1 DATE: April 11, 2018

COMPLAINANT: S.D.S.D. INVESTIGATOR: Sergeant A. Baggs

INVESTIGATION

On October 26, 2017, Lieutenant Christina Bavencoff assigned this complaint to me for investigation. This complaint was Department generated. I reviewed the complaint form and accompanying documents as part of the investigation. The complaint read as follows:

> (b)(5)(B) *reported that Deputy Richard Fischer #3003 returned to her residence after a closed call and acted inappropriately.*

A female citizen named (b)(5)(B) reported to the San Marcos Station that a San Diego County Sheriff's Deputy named Richard Fischer inappropriately hugged her and called her "cute," after he responded to her residence for a welfare check on August 20, 2017. In response to the incident, (b)(5)(B) retained a Civil Attorney named (b)(5)(B) and filed a claim against the San Diego County Sheriff's Department on November 2, 2017. The claim documented additional egregious allegations of sexual misconduct by Fischer and the Sheriff's Sexual Assault Crimes Unit was notified. Detective Luis Pena was the primary criminal investigator assigned to the case. Deputy District Attorney (DDA) Annette Irving from the Special Operations Unit with the San Diego District Attorney's Office was also notified.

During the course of this investigation, Deputy Fischer was placed on Administrative Assignment on the same day this Internal Affairs investigation was initiated, October 26, 2017. Fischer was assigned to work in an administrative non-uniformed capacity at the San Marcos Station. On November 6, 2017, Fischer's Administrative Assignment was still in effect; however, he was reassigned to work at the Weapons Training Unit. On November 14, 2017, Fischer was reassigned to work at the Records and Identification Division and maintained his status of Administrative Assignment. On November 20, 2017, Fischer was placed on Administrative Leave with pay. Effective January 9, 2018, Fischer was suspended without pay for an indefinite period, pending the outcome of this investigation. (See Attachment U)

When the investigation was initiated, several local news media broadcasted the allegations of sexual misconduct by Fischer. As a result, an additional 14 women reported similar allegations of misconduct and either contacted Attorney (b)(5)(B) office, contacted the Sheriff's Department,

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or were proactively identified by the Sheriff's Internal Affairs Unit. The alleged incidents occurred between July 20, 2015, and October 6, 2017.

During the course of this investigation, Detective Pena, DDA Irving, and I interviewed 13 of the 15 women as a collaborative effort to prevent the women from having to tell their story multiple times. The 15 women interviewed are listed chronologically by the date of their alleged incident. DDA Irving was not present for the interview with (b)(5)(B) I was not present for the interviews with (b)(5)(B). I conducted a parallel investigation with Detective Pena, until the day I interviewed Fischer on December 27, 2017. After that date, I conducted my investigation separately from Detective Pena's.

- #1- (b)(5)(B) occurred between July 2015 and November 2015
- #2- (b)(5)(B) occurred November 24, 2015
- #3- (b)(5)(B) - occurred January 3, 2016
- #4- (b)(5)(B) - occurred February 29, 2016
- #5- (b)(5)(B) occurred August 6, 2016
- #6- (b)(5)(B) - occurred September 1, 2016
- #7- (b)(5)(B) - occurred November 4, 2016
- #8- (b)(5)(B) - occurred November 26, 2016
- #9- (b)(5)(B) occurred April 19, 2017 and numerous times in the past
- #10- (b)(5)(B) - occurred May 3, 2017
- #11- (b)(5)(B) - occurred May 10, 2017
- #12- (b)(5)(B) - occurred June 19, 2017
- #13- (b)(5)(B) occurred August 19, 2017
- #14- (b)(5)(B) occurred August 20, 2017
- #15- (b)(5)(B) - occurred October 6, 2017

I digitally recorded all of the interviews in this investigation, with the knowledge of each interviewee. The interviews are attached to this case and will be maintained within the Internal Affairs file. Interviews of the complainants, witnesses, and the accused employee are synopses unless otherwise indicated by quotations or italics. The record reflects all relevant statements and conversations occurring during the course of the interviews, but is not a verbatim transcript. For clarity, superfluous words, phrases, and inaudible tones have been eliminated. For exact and complete details of the interviews, please refer to the recordings.

The interviews contained within this investigation are not written in the chronological order that they were reported to the Sheriff's Department, but have been reorganized and written in the order the alleged incidents occurred. This is for improved clarification and understanding, due to the high number of involved parties. The female complainants were interviewed on various dates and times, which will be included below.

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Fischer was interviewed on December 27, 2017, at 1303 hours in the Internal Affairs Conference Room. During the approximately four-hour interview, two separate breaks were taken; the first was for seven minutes and the second break was for 17 minutes. Present during the interview was Sergeant Juan Lopez from Internal Affairs and Fischer's attorney, Chris Kowalski. Prior to the interview, I advised Fischer and his attorney of the nature of the allegations and essentially told Fischer the following:

> *I will be asking you questions in regards to allegations of misconduct, while you were on duty. Thirteen women have alleged you touched them and/or made inappropriate comments to them during the course of your duties. I will also be questioning you about losing your Department issued cell phone and not reporting it or ever notifying your supervisor.*
>
> (Note: I did not question Fischer about his contact with (b)(5)(B) or (b)(5)(B) because they came forward after I had already interviewed Fischer.)

Fischer agreed he had sufficient time to confer with his attorney prior to commencing the interview. Fischer was given the opportunity to read the four Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports and Truthfulness. Fischer indicated he understood the policies and would adhere to them.

I read Fischer his Miranda rights from a printed form. Fischer understood his Miranda rights and was not willing to speak with me. I read Fischer the Garrity Admonition from the same form and ordered him to answer my questions fully and truthfully. Fischer was aware I was recording the interview. A synopsis of his interview follows and the relevant portions will be included after each complainant's interview. Throughout the interview with Fischer, these initials will represent the following individuals.

AB: Amber Baggs (Investigator)

JL: Juan Lopez (Investigator)

RF: Richard Fischer (Accused)

CK: Chris Kowalski (Attorney)

Throughout this investigation, I searched databases such as NetRMS, Field Interviews, Automated Vehicle Locator (AVL), CAD Query, among others. Crime Analyst (b)(5)(B) (b)(5)(B) assisted with these investigative searches. Through these searches, we were able to confirm specific dates and times of the incidents involving Fischer that were described by each of the 15 women involved in this investigation.

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#(b)(5)(B)

(b)(5)(B) alleged that Fischer contacted her on multiple occasions between July 2015, and November 2015. According to (b)(5)(B) two of the times Fischer contacted her, he inappropriately touched her. She alleged that Fischer first contacted her on July 20, 2015, when she was riding her bike to her storage shed. During their contact, Fischer hugged (b)(5)(B) and grabbed her buttocks. The last time Fischer contacted (b)(5)(B) was in February of 2016 as she was standing outside of the 7-Eleven at 0200 or 0300 hours. (b)(5)(B) alleged that Fischer gave her a ride home, unbuckled her seatbelt, and then touched her crotch. She further alleged that he rubbed his arm across her breasts as he unbuckled her seatbelt.

STATEMENT OF COMPLAINANT (b)(5)(B) (#1)

On December 7, 2017, (b)(5)(B) contacted the Gilleon Law Firm alleging that Fischer inappropriately fondled her during a pedestrian stop that occurred on July 20, 2015, in El Cajon.

On December 20, 2017, Gilleon Law Firm notified Detective Pena from the San Diego County Sheriff's Department that Fischer allegedly touched (b)(5)(B) inappropriately on multiple occasions when he worked in Lakeside.

On December 21, 2017, at about 0920 hours, Detective Pena, DDA Irving and I interviewed (b)(5)(B) in a private conference room located at the Santee Patrol Station, 8811 Cuyamaca Street in Santee. Also present for the interview was (b)(5)(B) is a retired Police Officer from the San Diego Police Department (SDPD) who was hired by the Gilleon Law Firm to assist with the investigation and be present during the interviews as an advocate. (b)(5)(B) also provides Sexual Assault Training & Consultation.

During the interview, (b)(5)(B) was unable to provide any exact dates of her contacts with Fischer. However, Crime Analyst (b)(5)(B) later confirmed some dates and times of the contacts (b)(5)(B) described. Dates, times, and addresses have been added to (b)(5)(B) statement for clarification. (b)(5)(B) essentially said the following:

(b)(5)(B) explained how Fischer contacted her five or six times and she had received a few citations from him in the past. The first time she met Fischer was on July 20, 2015. She was leaving Greenfield Plaza Liquor & Deli, located at 1101 Greenfield Drive in El Cajon and was riding her bicycle to her storage shed at A-American Self Storage, located at 1151 Greenfield Drive.

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As (b)(5)(B) was riding away from the liquor store towards her shed, she saw a police car (driven by Fischer) on 1st Street in the left turning lane. Fischer made a U-Turn, turned on his lights and siren, and stopped (b)(5)(B) near her storage location. Fischer told (b)(5)(B) he wanted to talk with her and she responded, "I am in a hurry and I don't feel like speaking to you." Fischer then asked (b)(5)(B) if she was on probation or parole. (b)(5)(B) responded by saying, "No. Well, maybe. I don't have to speak to you unless I am being detained or I am being arrested, so I am going to go." Fischer told (b)(5)(B) that she hesitated in answering his questions, so he had probable cause to detain her to find out if she was on probation or parole. Fischer asked (b)(5)(B) for her name and information.

(b)(5)(B) told Fischer that he was a good-looking police officer. (b)(5)(B) believed Fischer's demeanor was flirty because he mentioned she was in good shape for her age. During the contact, Fischer searched her purse and found two prescription bottles, which contained a mixture of Valium and Tylenol with Codeine pills. Fischer said it was a felony to have the medications without the prescription bottles. (b)(5)(B) reminded Fischer they were standing in front of her storage unit and asked Fischer if she could show him the prescription. Fischer told (b)(5)(B) that he does not do that for everyone, but allowed her to show him the prescription order.

After Fischer saw the prescription order, he told (b)(5)(B) "You're off the hook now, can I have a hug?" She responded happily, "Okay." (b)(5)(B) said Fischer squeezed her very hard and grabbed her "ass" with his two hands. She joked with Fischer and said, "You're very stiff there." She explained she was referring to the bulletproof vest he was wearing. After the hug, Fischer told her, "Now you owe me one." (b)(5)(B) felt the interaction was strange, but was relieved not to be in trouble.

The second time Fischer contacted (b)(5)(B) occurred on September 20, 2015, at about 0530 hours. He cited her for possession of drug paraphernalia (Case #15148723). (b)(5)(B) was at the 7-Eleven, located at 11610 Riverside Drive in Lakeside. Fischer arrived at the location, asked her several questions, and searched her. He found paraphernalia on her and wrote her a citation (#737617). According to (b)(5)(B) Fischer did not do or say anything inappropriate during that contact.

On September 28, 2015, at 1900 hours, Fischer contacted (b)(5)(B) again when she was waiting for her boyfriend at the Circle K, located at 12320 Willow Road in Lakeside. Fischer approached her and recognized her from prior contacts. Knowing she had a fourth waiver, he searched her and found a methamphetamine pipe (Arrest Report Case #15150423). Fischer cited and released her with citation #737621 for Possession of Drug Paraphernalia. (b)(5)(B) said Fischer did not do or say anything inappropriate to her on this occasion.

On November 11, 2015, about 0100 hours, (b)(5)(B) and her boyfriend were parked outside of a home when Fischer showed up with three or four other deputies. (b)(5)(B) said the deputies harassed them, searched them, and searched the car. The deputies arrested her boyfriend and towed his car. (Arrest Report Case #15158072). Fischer mentioned to the other officers that he knew (b)(5)(B) Fischer did not do or say anything inappropriate during this contact and (b)(5)(B) felt it was because other deputies were present.

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(b)(5)(B) mentioned the next incident happened sometime in February or March of 2016, at about 0200 or 0300 hours. She was standing at the 7-Eleven, located at 11610 Riverside Drive in Lakeside when Fischer appeared to drive by the location. (b)(5)(B) was waiting for her boyfriend, (b)(5)(B) Fischer contacted (b)(5)(B) and searched her and her property. He did not find any drugs or paraphernalia. Fischer offered to take her home to (b)(5)(B), a block away from the 7-Eleven. (b)(5)(B) sat in the patrol car without handcuffs and Fischer buckled the seatbelt by her left hip. (b)(5)(B) said Fischer ran his hand past her waistline and touched her crotch.

Fischer drove (b)(5)(B) to her home and they parked outside the location for approximately 15 minutes. (b)(5)(B) said she asked Fischer about his ethnicity and questions about his family. (b)(5)(B) said she was "psychoanalyzing" him to understand why he would touch women the way he does. As Fischer opened the rear passenger door and unbuckled (b)(5)(B) his arm went across her breasts. Fischer commented, "I hope your boyfriend doesn't mind." Fischer also told (b)(5)(B) he would be better at "doing" her than her boyfriend was. (b)(5)(B) said she exited the car and went home.

(b)(5)(B) did not tell anyone about the incident because she knew she had a criminal record and thought it would be her word against his. (b)(5)(B) said she talked to the other girls who have been victims of Fischer and they also felt it was their word against Fischer's. They worried about retaliation from Fischer or other law enforcement because they believed there is a strong code of unity in law enforcement to back one another up.

(b)(5)(B) explained how she called Attorney (b)(5)(B) on December 7, 2017, after a friend told her about the lawsuit against Fischer. (b)(5)(B) said Assistant (b)(5)(B) from the Law Office of Gilleon, went with her to the El Cajon Courthouse to obtain copies of her citations and other court records. (b)(5)(B) told her that Fischer has the same modus operandi (MO), and described how the women involved were all older and similar looking. (b)(5)(B) heard Fischer was working in North County and was not sure if the Sheriff's Department moved him up north to stop him from doing his corrupt behavior.

(b)(5)(B) shared additional information about a woman known as "(b)(5)(B) who Fischer frequently visited when he worked in Lakeside. (b)(5)(B) referred to (b)(5)(B) as (b)(5)(B) She described (b)(5)(B) as a (b)(5)(B) who lived across the street from the Lakeside Substation. (b)(5)(B) heard from people that Fischer was paying her $500 a month for sexual services, possibly oral sex, and would show up to her home when he was on duty and in uniform. "(b)(5)(B) was later identified as (b)(5)(B) and was interviewed for this investigation.

Detective Pena attempted to contact (b)(5)(B) ex-boyfriend, (b)(5)(B) and left a voicemail and sent a text message with his contact information. To date, Pena has not received a call back from (b)(5)(B)

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STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#1)

I showed a photograph of (b)(5)(B) to Fischer and he did not think she looked familiar. He thought the name "(b)(5)(B) sounded familiar and thought he contacted her during the time he was assigned to Lakeside. Fischer remembered (b)(5)(B) having a boyfriend (unable to remember his name) who was on AB109. Fischer contacted them both numerous times and said they were both "super cool and cooperative." Fischer would **"cut them breaks a lot." Fischer believed he might have said nice things to (b)(5)(B) during his contacts with her, but did not remember ever giving her compliments.** When asked if Fischer recalled ever giving (b)(5)(B) any hugs, he said, "No I don't remember." I explained to Fischer that (b)(5)(B) claimed he had given her hugs and touched her inappropriately a couple of times. Fischer responded, "I don't recall any inappropriate touching with her…I don't remember hugging her even, but I wouldn't touch her inappropriately either."

JL: ***Is it possible that you hugged her?***

RF: ***I guess it's always possible, but I don't remember hugging her at all.***

INVESTIGATION

I reviewed the following documents: (See Attachment D)

- CAD #E2676335, E2827193, E2847780
- AVL for July 20, 2015, September 20, 2015, and September 28, 2015
- Arrest Report (Case #15148723) written by Fischer for (b)(5)(B) arrest on September 20, 2015
- Arrest Report (Case #15150423) written by Fischer for (b)(5)(B) arrest on September 28, 2015

I confirmed the following information through documentation and the statements provided:

Fischer first contacted (b)(5)(B) on July 20, 2015, when she was riding her bike to her storage shed. (b)(5)(B) was in possession of Valium and Tylenol with Codeine pills. Fischer contacted (b)(5)(B) at 1213 hours and cleared the pedestrian stop at 1253 hours. It appeared Fischer was with her for about 40 minutes. Fischer cleared the call as "FI," which is a "Field Interview." Fischer did not enter any of (b)(5)(B) information into the call, nor did he ever enter a Field Interview in NetRMS for (b)(5)(B) I reviewed the recorded radio traffic and confirmed Fischer conducted a record's check on (b)(5)(B) through Sheriff's Inquiry.

Fisher contacted (b)(5)(B) again on September 20, 2015, at the 7-Eleven located at 11610 Riverside Drive in Lakeside. He cited her for possession of a methamphetamine pipe. According to CAD, Fischer drove (b)(5)(B) about half a mile away to (b)(5)(B). Fischer's AVL confirmed this and confirmed what (b)(5)(B) had said during her interview. I further checked Fischer's AVL

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for that day and saw there was a 26-minute gap between his GPS pings. The first ping was at 05:33 AM and the second ping was at 05:59 AM. I checked all of the other patrol unit's AVLs during that same time to see if other units had large gaps between their pings. I wanted to inquire if the AVL system had shut down during that time or if there had been some type of outage. I learned that all of the other patrol units working in Santee and Lakeside during that time, did not have more than a 10-minute gap between their AVL pings.

(Note: The GPS pings for deputy's AVL usually occurs every 10 minutes when the vehicle is sitting idle. The large 26-minute gap between Fischer's GPS pings indicates the possibility he either shut down his computer during that time or placed his computer in hibernation mode. Fischer's vehicle was unable to be tracked during those 26 minutes).

Fischer contacted (b)(5)(B) again on September 28, 2015, which was about one week later at the Circle K located at 12320 Willow Road in Lakeside. Fischer issued (b)(5)(B) a citation for possession of a methamphetamine pipe and she was released at the scene.

When asked specifically if Fischer had ever hugged (b)(5)(B) Fischer said he did not remember. When asked if it was "possible" he ever hugged (b)(5)(B) Fischer agreed it was "possible" he hugged her, but still was unable to recall.

(b)(5)(B)

(b)(5)(B) was arrested by Fischer on November 24, 2015. (b)(5)(B) alleged that Fischer illegally searched her and ran his fingers across her pubic hairline as he searched her waistband. She further alleged that Fischer ran his hand across her breast as he unbuckled her seatbelt and asked her if she was ready to be "felt up by a cop."

STATEMENT OF COMPLAINANT (b)(5)(B) (#2)

On November 17, 2017, Attorney (b)(5)(B) informed me of (b)(5)(B) and her allegations against Fischer. (b)(5)(B) wrote a two page written statement detailing a complaint that originated from her arrest for possession of controlled substance paraphernalia. In (b)(5)(B) written statement, she wrote that she did not report the incident due to the intimidation and the fear she felt in knowing it was her word against Fischer's. In the statement, she alleged Fischer conducted

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an illegal search and seizure, a wrongful impoundment of her vehicle, and an unlawful arrest. She further alleged there were sexual advances and inappropriate conduct by Fischer.

On November 20, 2017, at about 1230 hours, (b)(5)(B) was interviewed at the Lakeside Substation located at 12365 Parkside Street in Lakeside. Detective Pena, DDA Irving, and I conducted the interview. Also present for the interview was (b)(5)(B). (b)(5)(B) essentially said the following:

On November 24, 2015, at about 0200 hours, (b)(5)(B) was driving in El Cajon on her way to pick up her ex-boyfriend when Fischer stopped her. Fischer told (b)(5)(B) that her license plate light was not working and asked her to step out of her vehicle. Fischer walked (b)(5)(B) to his patrol car and sat her in the rear passenger seat, while an unknown deputy stood by the patrol vehicle to watch her. Fischer searched (b)(5)(B) vehicle and told her that he found several methamphetamine baggies in her vehicle. (b)(5)(B) said she got the used needles and baggies from her storage unit and put them in her vehicle, so that she could dispose of them appropriately.

Fischer told (b)(5)(B) she was under arrest for drug charges and put handcuffs on her. Fischer searched (b)(5)(B) and had her sit back inside the patrol car. Fischer drove to the Lakeside Substation without fastening her seat belt. When they arrived at the station, Fischer had her step outside of the patrol vehicle and told her that he needed to search her again for his safety before going inside the station. (b)(5)(B) said this search was much more inappropriate and lasted longer. Fischer put his hands in her sweatshirt, on top of her other t-shirt, ran his hands down her back and used his pointer finger and middle finger to run them around her waistband. She was not wearing underwear and her sweatpants were baggy and sat low on her hips. As Fischer was checking the front of her waistband, his fingers passed over her pubic hairline. (b)(5)(B) said Fischer's fingers were touching her body as he went around her waistband. (b)(5)(B) said it was cold that night and she was wearing her sweatpants, four t-shirts, a sweatshirt, a beany and boots. She was not wearing a bra. (b)(5)(B) asked Fischer if a female deputy needed to be present and Fischer told (b)(5)(B) he was following established procedure.

After the pat down, Fischer walked (b)(5)(B) inside to the patrol station and took her into a holding cell where there was another deputy present with him. Fischer started an inventory of her property and also started looking through her cell phone. Fischer was joking about finding a lot of "selfies" or photographs of herself. Fischer told her he was looking at her phone because he saw a lot of baggies and wanted to check if she was dealing. The deputies completed the paperwork needed for the jail and Fischer led her to the patrol vehicle.

Once they got to the patrol car, Fischer told her he needed to pat her down again. Fischer said he wanted to make sure he did not miss anything in her clothing before going to jail. Fischer conducted the pat down in the same manner, but his hands were a lot harder. When he was complete with the pat down, he sat her in the rear passenger seat. Fischer proceeded to place the seat belt on her and commented that he hoped he was not making her feel uncomfortable. Fischer also said, if he "copped a feel," it was an accident. As Fischer sat in the driver's seat, he said it was a shame they did not meet under different circumstances.

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On the way to Las Colinas Detention Facility, Fischer drove down a road that was not well lit. It appeared to have a lot of construction barriers leading to the entrance of the jail. (b)(5)(B) said Las Colinas Detention Facility was still under construction. Fischer stopped on the road and asked her if she was scared. (b)(5)(B) was not sure why Fischer stopped. Fischer told her it was too bad he did not get to know her better. They drove a little further and they came up to the entrance to the jail. (b)(5)(B) said Fischer reached to her left thigh area to unbuckle the seat belt. He then ran his hand across her breasts as he pulled his arm away. She did not feel it was accidental. When she was outside of the car, Fischer patted her down the regular way without checking her waistline. They walked into the Las Colinas receiving area and she was admitted to the jail.

(b)(5)(B) said she told her public defender about the inappropriate conduct and illegal search, but her public defender told her it was going to be hard to prove the allegations against a sworn officer. (b)(5)(B) (b)(5)(B) (b)(5)(B) (b)(5)(B)

Additionally, (b)(5)(B) stated she called her boyfriend, (b)(5)(B), when she was in a holding cell in the intake area. She also told her friend, (b)(5)(B), about the illegal search and inappropriate conduct by Fischer. (b)(5)(B) said she had previously sent a letter to Sheriff's Internal Affairs Unit near the time she had a "Motion to Suppress" hearing for her case. (Note: Internal Affairs had no record of a previous letter sent by (b)(5)(B)

(b)(5)(B) said after she was released from jail, Fischer tried to intimidate her by driving into her trailer park. (b)(5)(B) saw Fischer a few times when she was driving her vehicle in town. (b)(5)(B) felt Fischer knew her car and would intimidate and scare her by driving next to her. (b)(5)(B) has also run into Fischer while he was off duty. (b)(5)(B) has heard from people in the trailer park about how he hugs a lot of people.

(b)(5)(B) decided to notify the Gilleon Law Firm after (b)(5)(B) and her mother saw the news media about the other women's allegations against Fischer. (b)(5)(B) wrote a statement for the Gilleon Law Firm and also sent a copy to the San Diego County Sheriff's Department Internal Affairs Division. (See Attachment E)

INVESTIGATION

On November 24, 2015, at about 0541 hours, while in the intake holding cell, (b)(5)(B) called her boyfriend, (b)(5)(B), at (b)(5)(B). I listened to the phone call between (b)(5)(B) and (b)(5)(B) which lasted for about 15 minutes. (b)(5)(B) mainly spoke about how she thought Fischer illegally searched her and violated her rights. Towards the very end of the phone call, (b)(5)(B) told (b)(5)(B) *And he was saying some weirdo shit... like when he was going to put my seatbelt on, he was like, Are you ready to be felt up by a cop?* (b)(5)(B) told (b)(5)(B) she was going to call a bail bondsman and they ended their phone conversation.

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Detective Pena obtained statements from (b)(5)(B) and (b)(5)(B). Additionally, he reviewed CAD History and learned Deputy Bryson Benavente was the cover deputy for Fischer. Pena also obtained his statement.

STATEMENT OF WITNESS ((b)(5)(B))

(b)(5)(B) said he and (b)(5)(B) had been friends for approximately five years and considered her a good friend. (b)(5)(B) first told (b)(5)(B) about her experience with Fischer when she was released from Las Colinas Detention Facility. (b)(5)(B) told him that Fischer was very intimidating, and during her arrest, he searched her four times without a female being present. (b)(5)(B) told him Fischer touched her breasts and inner thighs. He does not remember at what point (b)(5)(B) said Fischer touched her.

(b)(5)(B) has always supported (b)(5)(B) He knows her as a "straight up" person and believes she would not lie. He does not know of a reason why (b)(5)(B) would lie about what happened during her encounter with Fischer.

STATEMENT OF WITNESS ((b)(5)(B))

(b)(5)(B) told me he and (b)(5)(B) were in a relationship from 2012-2015. The night she was arrested, she called him from jail. (b)(5)(B) told (b)(5)(B) about how Fischer had searched her approximately three times. The first search was at 7-11 where she was arrested. The second search was at the Sheriff's Substation and the last was at Las Colinas Detention Facility. During the search, Fischer placed his hands inside of her sweatpants and touched her very inappropriately. (b)(5)(B) also said, before arriving in Las Colinas, Fischer stopped the car in a low light area and asked her if she was scared. (b)(5)(B) was mad about the arrest because she felt Fischer conducted an illegal vehicle search and she was in jail for having methamphetamine baggies in her car.

When (b)(5)(B) was going through the court process, she told (b)(5)(B) the public defender advised her not to say anything about it because it would not help her in the case.

(b)(5)(B) and (b)(5)(B) have not been together since 2015, but they have remained friends and still talk to one another. When the news came out about Fischer, (b)(5)(B) spoke to him about Fischer being accused of sexual misconduct by several women. (b)(5)(B) asked him if she should tell her story to the news. (b)(5)(B) also told him about meeting with me for an interview.

STATEMENT OF WITNESS (DEPUTY BRYSON BENAVENTE)

Benavente said he and Fischer were on the same patrol team during the time he worked in Lakeside. Benavente remembered the night of traffic stop because it happened on Greenfield Drive and 2nd Street in the City of El Cajon. Benavente arrived at the call and saw a female, later identified as (b)(5)(B) leaning against the hood of Fischer's car. Benavente stood by with

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(b)(5)(B) and talked to her, while Fischer searched her vehicle. Fischer liked searching the vehicles on his own to simplify his report.

While Benavente was talking with (b)(5)(B) she was very upset and vocal about being pulled over. Several minutes later, Fischer came over to speak with (b)(5)(B) about the methamphetamine baggies he found in her vehicle. (b)(5)(B) told them the baggies were in some property she had in a storage room and she did not want to throw them in the storage trashcans. (b)(5)(B) was upset when Fischer said he was going to arrest her and tow her car. (b)(5)(B) explained she had all her mechanic tools in the car. She commented she did not have the money to remove the vehicle out of the tow yard. (b)(5)(B) asked Fischer if he could give her a citation, instead of arresting her. Fischer handcuffed (b)(5)(B) and arrested her for possession of methamphetamine. Fischer sat (b)(5)(B) in the rear seat of his patrol car.

Benavente did not remember any details in regards to Fischer patting or searching (b)(5)(B) After (b)(5)(B) was in Fischer's patrol car, he walked up to the passenger side and noticed a purse sitting open on the front seat. He was able to see what he recognized to be a small bag of methamphetamine inside of the purse.

Benavente talked about how deputies drove arrestees to the Las Colinas sallyport entrance during the construction in 2015. Benavente said the deputies turned on Edgemoor Drive and there was a construction entrance to the Las Colinas sallyport entrance. Benavente said the area was not well lit at night, but there were signs showing deputies how to access the jail entrance.

STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#2)

I showed Fischer a copy of (b)(5)(B) booking photo and a copy of her booking sheet. Fischer remembered contacting (b)(5)(B) during a traffic stop when she pulled into 7-Eleven. As he approached her, he saw she had a screwdriver in her lap and had baggies of methamphetamine. He initially thought he would arrest (b)(5)(B) for sales of methamphetamine, but did not. Fischer arrested her for possession and "assumed" he searched her pursuant to the arrest. Fischer denied touching her pubic area during the search.

Fischer reviewed the CAD from the call, which confirmed he did take her to the Lakeside Substation, prior to going directly to Las Colinas. Fischer did not recall what happened at the Substation and said he would have processed her there. He did not recall looking through (b)(5)(B) cell phone or commenting on her "selfie" photos. I questioned Fischer regarding his contact with (b)(5)(B) as he secured her in his patrol car.

> AB: *When you seat belted her in, did you touch her breasts with the palm of your hand and your forearm?*
>
> RF: ***If I touched her breasts while seat belting her in, it was completely by accident.*** *But I try to make it a point to not get that close to them.* ***So it's not for sexual gratification,*** *but if I even did. But I don't even remember seat belting her in, to be honest.*

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(b)(5)(B) alleged that when Fischer drove her to jail, he asked her if she was scared and asked if she was ready to be "felt up by a cop?" Fischer denied saying this to (b)(5)(B) I told Fischer about (b)(5)(B) calling her boyfriend the night she was arrested and talking about her arrest. (b)(5)(B) told her boyfriend about Fischer asking if she was ready to be "felt up" by a cop. Fischer said (b)(5)(B) was lying to her boyfriend when she said that.

INVESTIGATION

I reviewed the following documents: (See Attachment E)

- CAD Query E2975692
- AVL for November 24, 2015
- Arrest Report of (b)(5)(B) written by Fischer (Case # 15160818)
- (b)(5)(B) Letter and her portion of County Claim
- Recorded telephone call between (b)(5)(B) and her boyfriend ((b)(5)(B) on the night she was arrested by Fischer

I confirmed the following information through documentation and the statements provided:

Fischer arrested (b)(5)(B) on November 24, 2015, for 11377(a) HS and 11364 HS. Fischer processed (b)(5)(B) at the Lakeside Substation and then transported her to the Las Colinas Detention and Reentry Facility (LCDRF). (b)(5)(B) did in fact call her boyfriend after her arrest, and shared some of the inappropriate actions by Fischer. Towards the end of the call, (b)(5)(B) told (b)(5)(B) that Fischer was "saying some weirdo shit" and how he asked (b)(5)(B) if she was ready to be "felt up" by a cop.

(b)(5)(B)

Fischer arrested (b)(5)(B) on January 3, 2016, for possession of a controlled substance. (b)(5)(B) said Fischer rubbed his forearm and palm of his hand purposely across her breasts, while he was securing her seatbelt. This occurred several times during her transportation to the Lakeside Substation, to the Las Colinas Detention and Reentry Facility (LCDRF), and back to Lakeside. (b)(5)(B) was medically rejected from LCDRF for high blood pressure, so Fischer drove

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her back near the area where she had been arrested. Fischer issued (b)(5)(B) a citation prior to her release. (b)(5)(B) alleged that Fischer hugged her good-bye.

STATEMENT OF COMPLAINANT (b)(5)(B) (#3)

On November 13, 2017, Attorney (b)(5)(B) contacted me, via text message, and informed me of (b)(5)(B) and her allegations against Fischer inappropriately touching her during her arrest.

On November 14, 2017, at 0930 hours, (b)(5)(B) was interviewed at the Alpine Substation located at 2751 Alpine Boulevard in Alpine. Detective Pena, DDA Irving, and I conducted the interview. Also present for the interview was (b)(5)(B). (b)(5)(B) essentially said the following:

(b)(5)(B) said the incident occurred on January 3, 2016, at about 1855 hours. Deputies contacted and her husband, (b)(5)(B), after they drove away from the parking lot of Vine Liquor and Gas, located at Julian Avenue and Los Coches Road in Lakeside.

After she and her husband drove away, (b)(5)(B) noticed the "cop" following behind them. The deputy who pulled them over said their car matched the description of a vehicle who was selling methamphetamine at the Vine Liquor and Gas parking lot. As (b)(5)(B) exited her vehicle, she saw there were two police cars parked behind her. Fischer spoke with her and another deputy spoke with her husband a distance away. Fischer asked (b)(5)(B) if there was anything illegal in the car and she answered, "No."

Fischer searched their car and found two Vicodin pills in a baggie. (b)(5)(B) told Fischer she had a prescription order for the pills, but did not have the order with her. Fischer said it was a crime to carry the pills without the prescription bottle. Fischer explained he was going to arrest her for possession of a controlled substance. Fischer handcuffed (b)(5)(B) and read her the Miranda Rights. Fischer had her sit in the rear passenger seat of the patrol car. When Fischer leaned over to strap her lap belt to the buckle, Fischer used his right hand, reached across her chest, and moved his forearm up and down across her right breast, as he buckled the seat belt. ((b)(5)(B) demonstrated this with her right arm). Fischer brushed his forearm and palm against her breast as he pulled his arm back away from her. Fischer paused as he pulled his arm away and said, "**I hope your husband doesn't mind.**" Fischer's face was about four to five inches away from her face. (b)(5)(B) did not say anything to Fischer because she was stunned about what occurred and did not know how to respond.

Fischer closed the car door and talked to her husband for a few minutes. Fischer drove (b)(5)(B) to the Lakeside Substation. (b)(5)(B) said Fischer opened the passenger door as soon as they arrived at the station. (b)(5)(B) said Fischer was real polite and even asked her if she was "cold" and "okay." (b)(5)(B) told Fischer she had a problem with her blood pressure and that it may be a problem when they went to the jail.

(b)(5)(B) said when Fischer reached in to unbuckle her seat belt, he did it in the same manner as he previously did, and brushed his forearm "up and down" against her left breast ((b)(5)(B)

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demonstrated this using her right arm). He again brushed his forearm and palm against her left breast when he pulled his arm away from (b)(5)(B) Fischer did not say anything to her this time and she did not say anything to him.

(b)(5)(B) said Fischer walked her into the Lakeside Substation and completed the paperwork needed to book her into LCDRF. When Fischer took (b)(5)(B) back to the patrol car, she sat in the rear passenger seat of the patrol car. When it came time to strap her into the seat belt, he did the same thing as before, and brushed his palm and forearm "up and down" across her left breast. ((b)(5)(B) demonstrated this using her right arm). He again brushed his forearm and palm against her left breast when he pulled his arm back. Fischer did not say anything to her and she did not say anything to him.

(b)(5)(B) said Fischer closed the passenger door and proceeded to take her to Las Colinas Detention Facility. When Fischer unbuckled the seat belt at Las Colinas, he did not brush his arm and hand against her breast that time. She said, during the booking process, the jail nurse took her blood pressure and it was high. The nurse told Fischer that (b)(5)(B) was medically rejected and she needed to be medically cleared by the hospital. Fischer gathered all of her property, looked at her, and told her not to worry about going to the hospital because he was not taking her there. Fischer walked her outside to the sallyport and said he was going to cite and release her on a misdemeanor charge only.

Fischer sat her in the rear passenger seat of the patrol car and proceeded to buckle her seatbelt in the same manner, and brushed his right forearm "up and down" against her left breast. ((b)(5)(B) demonstrated this using her right arm). He again brushed his forearm and palm against her left breast when he pulled his arm back away from her.

Fischer closed the passenger door and sat in the driver's seat. He explained he was going to cite her for a misdemeanor charge only and was going to drop her off at the same place she was arrested. Fischer drove her to the corner of Julian Avenue and Lemon Crest Drive in Lakeside. When Fischer unbuckled her seat belt, he brushed his arm "up and down" against her breast twice. He then brushed his forearm and palm against her left breast again when he pulled his arm back. She said Fischer did this two times.

(b)(5)(B) did not say anything to Fischer. When (b)(5)(B) was outside of the car, he said, *Can I ask you a favor?* She responded, "Yeah." Fischer said, *Can I get a hug?* (b)(5)(B) responded by saying, "Yeah" and reached over to hug him. Fischer grabbed her in "a big bear hug" and (b)(5)(B) hugged him back. Fischer was rubbing her back as he hugged her. (b)(5)(B) said after they were done hugging, she took off her shoes and she ran eastbound on Julian Avenue until she got home. When she arrived back home, she told her husband and her children what had occurred. (b)(5)(B) said to them that Fischer fondled her when he buckled her seatbelt and told them about not going to Las Colinas Detention Facility because of her high blood pressure. She told them Fischer dropped her off a couple of blocks away from home. (b)(5)(B) said her husband, (b)(5)(B) (b)(5)(B) told her to call the San Diego County Sheriff's Department.

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(b)(5)(B) did not call the Sheriff's Department because she felt they would not believe her, due to her past criminal history. She went to the court to obtain a copy of the court proceedings and was told no charges were filed. (b)(5)(B) was worried about having a warrant for her arrest and worried about reporting any allegations against Fischer because they would not believe her and would arrest her for having a warrant. (b)(5)(B) told her family that she was going to "leave it alone and cut her losses," since Fischer did not arrest her and the charges were not filed.

When (b)(5)(B) was arrested in the past, her breasts were not touched as she was seat belted. She did not believe it was accidental when Fischer touched her breasts because he did it so many times. (b)(5)(B) commented that Fischer was a good-looking man and she did not understand why he would do that to her. (b)(5)(B) said Fischer was not threatening and did not tell her to be quiet regarding the touching. Fischer just made a point to remind her how he cut her a break by not arresting her and booking her into the Las Colinas Detention Facility.

(b)(5)(B) said the first time she heard about Fischer's other inappropriate behavior, was from her husband, (b)(5)(B) told her about Fischer being on the news. (b)(5)(B) initially called Attorney (b)(5)(B) but then called the Internal Affairs (IA) Unit at the Sheriff's Department on Sunday, November 12, 2017. They received a return call from IA the next day on Monday. (b)(5)(B) also called Attorney (b)(5)(B) again that day and (b)(5)(B) was told about the incident.

(b)(5)(B) said she was worried about reporting the incident because she did not want people to perceive her as a drug addict. Now that other people have come forward about the hugging, she felt less worried. (b)(5)(B) said she does not know if Fischer was the type of person who would rape a woman, but felt what he did was the beginning behavior of someone who had the potential to do something worse.

(b)(5)(B) demonstrated how Fischer rubbed her back during the hug. (b)(5)(B) showed her hands going up and down her back and below her waistline. Fischer's hands were over her pants as he rubbed his hands up and down her back. His hands were partially over her upper buttocks, close to her tailbone. (b)(5)(B) explained the length of time of the hug was long enough for Fischer to rub his hands up and down her back, approximately four times.

STATEMENT OF WITNESS (b)(5)(B)

After (b)(5)(B) provided her statement, Detective Pena and I privately spoke to her husband, (b)(5)(B) (b)(5)(B) in the same interview room at the Alpine Substation.

(b)(5)(B) said, on the night of the incident, he and his wife had just left the Vine Liquor and Gas located at the corner of Los Coches Road and Julian Avenue. (b)(5)(B) drove away from the gas station, drove eastbound on Julian Avenue, and was pulled over as he passed the light signal. The deputy told him the reason he was pulled over was because their vehicle matched the description of a vehicle that was selling methamphetamine in the area. The deputy (later identified as

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Fischer) asked him if he could search his car for anything illegal. (b)(5)(B) said, "Yeah, go ahead, no problem, we have nothing to hide," and allowed the deputies to search his vehicle.

During the search, Fischer found two Vicodin pills his wife got from his mother when they were in Arizona. His wife did not have a prescription bottle with her at the time. (b)(5)(B) wife was arrested and placed in the back seat of the patrol vehicle, while (b)(5)(B) talked to the other deputy about where his wife was going.

(b)(5)(B) said all the deputies acted very professional throughout the entire process. He went back home and was waiting for his wife to call him from jail. Several hours later, (b)(5)(B) heard banging at the window by the front of his house. He looked out the window and saw his wife. (b)(5)(B) let his wife inside and noticed she was shaken up. She explained what happened and how she was taken to the police station and then to Las Colinas Detention Facility.

While at Las Colinas, the nurses checked her blood pressure and she was medically rejected because of her high blood pressure. The nurse told Fischer to take her for clearance at Grossmont Hospital. Instead of going to the hospital, Fischer cited and released her by a dark area of Julian Street and Lemon Crest Drive, by the side of the Liquor Store. She further explained how Fischer unbuckled her seat belt and touched the side of her breast. After she was un-cuffed, he asked her for a hug. After the hug, she ran home. She also told him how Fischer said, "I hope your husband doesn't mind," after he touched her breast. (b)(5)(B) encouraged his wife to tell law enforcement what happened, but she insisted on not telling anyone.

Recently the news showed a story about a deputy who hugged several women and he thought it might be the same deputy who hugged his wife. (b)(5)(B) told his wife about the news and allegations against Fischer. (b)(5)(B) called the Gilleon Law Firm and left a message and his wife called San Diego County Sheriff's Internal Affairs Unit. He convinced his wife to report the incident and was very supportive of her coming forward. (b)(5)(B) said his wife has always had anxiety when dealing with law enforcement, but noticed an increase of stress when she sees law enforcement now. (b)(5)(B) became emotional during his interview. He appeared sincere and very concerned for his wife.

(b)(5)(B) said his stepdaughter, (b)(5)(B) heard and saw her mother when she got back home that night. He does not remember if his son, (b)(5)(B) was in the living room when she arrived at night.

INVESTIGATION

Detective Pena interviewed (b)(5)(B) and (b)(5)(B). He also reviewed CAD History and learned Deputy Troy Conard and Deputy Benavente were cover deputies during the traffic stop with (b)(5)(B) Pena obtained their statements as well.

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STATEMENT OF WITNESS ((b)(5)(B))

(b)(5)(B) said his friend told him about the police stopping his mother and father at the corner of Los Coches Road and Julian Avenue. (b)(5)(B) went to the location and saw his father was standing by a police car talking to two officers. He saw his mother seated in the back passenger seat of the police car. The deputies left the location and he and his father went home.

(b)(5)(B) said he was in bed when his mother returned home that night. He did not hear what his mother told his father, but he remembered she was yelling as she was talking. In the morning, he asked his mother what happened to her. His mother said that Fischer groped her and touched her boobs, while she was in the back of the police car.

(b)(5)(B) said he did not overthink the incident. His mother had been in the jail before and he does not get involved in her business. He knows his mother is not too fond of "cops." (b)(5)(B) felt what Fischer did was wrong, but he just let his mother handle things. His mother did not talk to him about the incident again.

STATEMENT OF WITNESS ((b)(5)(B))

(b)(5)(B) said she vaguely remembered the incident. She remembered going to her parents' house after her mother's arrest. (b)(5)(B) and her father were in the living room looking up information about bailing her mother out of jail. She heard banging on the window and went to check. She looked out and saw her mother. (b)(5)(B) opened the door for her mother and asked her what happened. Her mother said, "He let me go." Her mother was distraught and crying and told them Fischer released her down the street. (b)(5)(B) mother said, "He was touching me, he put the seat belt on me and fondled me a little bit and said things to me, but let me go." (b)(5)(B) told her mother to call the police and report what happened. Her mother said, "I don't wanna go to jail, I don't wanna say anything." (b)(5)(B) knows her mom has a criminal history and she did not want to press the issue with her mother about the touching.

(b)(5)(B) remembered her mom saying Fischer rubbed his arm against her breast every time he buckled and unbuckled her with the seatbelt. The first time Fischer buckled her, he commented, "I hope your husband doesn't mind." When they left Las Colinas, Fischer drove her to a location off Los Coches Road. Before Fischer let her mom go, he asked her for a hug. Fischer un-cuffed her mom and hugged her. As Fischer hugged her mom, he groped her behind, and then let her go.

STATEMENT OF WITNESS (DEPUTY TROY CONARD)

Conard told me he, Fischer, and Benavente responded to a suspicious activity radio call. Fischer was primary on the call and contacted both the driver and the passenger. Conard assisted during the call, but did not remember what he did during this service call. Conard did not remember who handcuffed (b)(5)(B) The service call was a long time ago and he does not remember what his responsibilities were during the call.

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Conard believed Fischer was the person who took (b)(5)(B) to the Lakeside Patrol station and then to jail. He remembered (b)(5)(B) was medically rejected from Las Colinas Detention Facility, but did not know what happened after she was medically rejected. He knows typically deputies take the arrested person to be medically cleared at the hospital and then take them back to jail.

Conard did not remember anything else from this case. He did not remember talking to Fischer about this case at any other time.

Conard had not heard of Fischer ever returning to a residence after calls for service. Fischer was always very professional and Conard never saw or heard of any inappropriate behavior.

STATEMENT OF WITNESS (DEPUTY BRYCE BENAVENTE)

Benavente remembered being a cover deputy for this call for service. Benavente remembered the husband, (b)(5)(B). He stood by talking with (b)(5)(B), while Fischer searched their vehicle. Fischer found the Vicodin pills and determined he was going to arrest (b)(5)(B). Benavente spoke with (b)(5)(B) about the arrest process to calm him down.

Benavente did not see Fischer pat down or place (b)(5)(B) in his patrol car. Benavente remembered (b)(5)(B) showing up to the scene when (b)(5)(B) was in the patrol car. Fischer left the arrest location and took (b)(5)(B) to the Lakeside Patrol Station for processing. Benavente and Conard stayed at the scene and answered (b)(5)(B) questions. Benavente left the arrest location several minutes afterward. Benavente was not involved with any other part of this arrest. Benavente worked with Fischer for a year before Fischer moved to the K-9 unit. He does not recall Fischer giving people hugs. Benavente has worked in Lakeside for about two years after Fischer left, and no one from the public has approached him and complained about Fischer ever acting inappropriately. Benavente has been on over one hundred traffic stops with Fischer. Benavente said Fischer was always very professional and polite to everyone. Fischer searched many vehicles by asking for consent and conducted many fourth waiver searches. Benavente described Fischer as being a likable person and said people he arrested asked for him, even after he was no longer working in Lakeside.

STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#3)

I showed Fischer a picture of (b)(5)(B) and he thought she looked "familiar." I then showed Fischer a copy of his Arrest Report and citation to improve his recollection.

Fischer said the following,

> *I remember a call came out. Someone selling meth out of their car. I don't remember if they named her or not. A couple of deputies, we went out to look for it. I ended up finding the car at Los Coches and Julian, I believe. I did a traffic stop. I just remember during the stop her making furtive movements. I saw a baggy between her and the center console. I believe I just pulled her out of the car from that PC to search the car, based on the call and that. I believe her husband*

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was driving, or boyfriend. A guy was driving. I made the stop. Through that, we ended up arresting her. She had one or two pills or something. I arrested her. We finished searching the car. Nothing else. No signs of sales. Put her in the back of my patrol car. I think we let the male half go with the car. Transported her to jail and she had high blood pressure, so I took her back to the area where we picked her up, or where we made the stop, and released her from there.

I asked for clarification on the details of when Fischer buckled (b)(5)(B) with the seat belt in his patrol car.

RF: *I know I was on the other side of her so I had to reach across her to buckle her in.*

AB: *As you reached across her, is it possible that your palm of your hand or your arm touched her breast?*

RF: *I mean* ***it's possible I could have brushed up against her unintentionally as I buckled her in or unbuckled her****. But not in like a sexual manner or anything. It would just be an accident. Okay as I'm doing that. I try to be cautious of that, but sometimes they move or whatever the case may be.*

AB: *As you're buckling her, did you say, I hope your husband doesn't mind?*

RF: *I don't recall saying that.*

AB: *Well do you recall if your arm or your palm of your hand touched her breast?*

RF: *No. I would say,* ***I can't recall for sure if I accidentally touched, rubbed against, not rubbed, unintentionally touched her breast with my arm as I buckled her in. But I can say I didn't purposely for sexual gratification brush up against her.***

Fischer believed he had (b)(5)(B) sit behind his driver's seat. He does not know for sure, but said he usually put his arrestees behind his driver's seat. When Fischer took (b)(5)(B) to jail, she was medically rejected. Since she was rejected, Fischer took (b)(5)(B) back to the area near where he had originally arrested her and released her from there with a citation. I asked for clarification on where Fischer released (b)(5)(B) after issuing her a citation. Fischer remembered it was still light outside and said the weather was clear and not raining. Fischer admitted that he did not release (b)(5)(B) to a medical facility or her residence, but released her down the street from the initial contact. According to Fischer, he was going to initially release her back at the gas station where he had arrested her. Fischer said (b)(5)(B) actually requested he not release her back to that location because it was embarrassing, since she was in handcuffs. Fischer issued (b)(5)(B) a citation.

AB: *Did you hug her before releasing her?*

RF: *I did not. I* ***can almost*** *guarantee I did not.*

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AB: *Why do you say that?*

RF: *Because I just arrested her. And that's just not like me, I don't know, to do that.*

AB: *But you said I could almost guarantee, which is not a guarantee.*

RF: *I'm sorry. I don't remember exactly what happened at the end of the contact. But that's not like me to hug someone I just arrested.*

AB: ***Are you certain you did not hug her?***

RF: *I'm **fairly certain**, yes.*

AB: *Fairly certain. Okay. What percentage certain are you that you did not hug her?*

CK: (interjects) *That's kind of difficult to answer. Cuz it's not something you can just quantify.*

AB: *Well just FAIRLY. Fairly.*

CK: *He's already answered it two or three times.*

RF: *I would say 99.9 percent.*

AB: *Okay but not a 100 percent, correct?*

RF: *I just don't remember the end of the contact so I don't want to say for sure. But **I'm almost** positive I didn't.*

CK: (interjects) *Can we clarify for the record that this is January of 2016 so it's almost two years ago.*

INVESTIGATION:

On December 28, 2017, Detective Pena created eight short videos demonstrating the different angles when deputies buckle or unbuckle a female in the back of a patrol car. Detective Pena utilized the same Crown Victoria sedan that Fischer would have been driving during the time he arrested (b)(5)(B) The female arrestee depicted in the video, compared in stature to (b)(5)(B) and had similar physical attributes. The video demonstrated how deputies would not accidentally touch their arrestee's breasts if they were properly seat belting them.

I reviewed the following documents: (See Attachment F)

- CAD Query E3060772

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- AVL for January 3, 2016
- Arrest Report of (b)(5)(B) written by Fischer (Case #161000401)
- Seatbelt videos by Detective Pena

I confirmed the following information through documentation and the statements provided:

Fischer arrested (b)(5)(B) on January 3, 2016, for possession of a controlled substance. As he secured her in the back seat of his patrol car, Fischer admitted it was "possible" his hand could have brushed against (b)(5)(B) breasts as he buckled her. Fischer said, … ***it's possible I could have brushed up against her unintentionally as I buckled her in or unbuckled her***...

(b)(5)(B) was medically rejected from booking at LCDRF for high blood pressure. Fischer did not take (b)(5)(B) to get medical care, nor did he take (b)(5)(B) to her family to be cared for. Instead, Fischer dropped (b)(5)(B) off near the area he had originally arrested her. It was during darkness and (b)(5)(B) had to walk home after just being medically rejected from booking. After issuing (b)(5)(B) a citation, Fischer was "fairly certain" he did not hug her, but was not 100 percent certain.

#4 (b)(5)(B)

(b)(5)(B) alleged Fischer stopped her, while she was parked behind Kelly's Pub, located at 719 East Bradley Avenue in El Cajon. Fischer asked if he could pat her down and search her vehicle. (b)(5)(B) alleged Fischer inappropriately touched her breast and thigh, while he was conducting the pat down. Fischer also spoke to her inappropriately and asked her if they could meet up at a later time. (b)(5)(B) alleged this occurred during the summer of 2016, between 0800-1000 hours. Through CAD History (E3189564), it was confirmed the alleged incident occurred on February 29, 2016, at about 1435 hours.

STATEMENT OF COMPLAINANT (b)(5)(B) (#4)

On December 26, 2017, (b)(5)(B) contacted the Gilleon Law Firm alleging that Fischer sexually assaulted her on February 29, 2016. Attorney (b)(5)(B) sent me (b)(5)(B) contact information, which I forwarded to the Sexual Assault Unit (SAU).

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On December 30, 2017, at about 0900 hours, SAU Detective Michael Benavides, DDA Assistant Chief Fiona Dunleavy, and (b)(5)(B) from the Gilleon Law firm met with (b)(5)(B) and obtained her statement. I was not present for the interview, which was digitally recorded:

(b)(5)(B) said she was contacted by Fischer, while she was sitting inside her parked Dodge Caravan, in the parking lot behind the 7-Eleven and Kelly's Pub in El Cajon. She could not provide an exact/approximate date of the alleged incident, other than it occurred in the summer of 2016, between 0800-1000 hours.

(b)(5)(B) vehicle was backed into a spot under a tree, at the most southern end of the Kelly's Pub parking lot. She was the only person inside her van and there was no one else with her at the time of the incident. (b)(5)(B) mentioned she "lived out of her van…was in-between homes" or stayed at various places (motels) in the area. While she was parked, she realized her vehicle engine would not start. She attempted to contact her current boyfriend, (b)(5)(B), by mobile phone, but he did not answer or respond to her call.

While (b)(5)(B) was inside the front passenger seat of her vehicle, she noticed a Sheriff's marked patrol unit drive slowly by her location. (b)(5)(B) said, "he (Fischer) was checking me out…not like a cop would check me out." Fischer's patrol car passed her vehicle a short distance, stopped, then slowly "backed-up" and stopped next to her van. (b)(5)(B) described Fischer's patrol car as an "older" sedan or Crown Victoria vehicle. She further described the patrol unit's front end was parked closely or perpendicular to the front end/bumper of her vehicle.

Fisher exited his vehicle and approached (b)(5)(B) open passenger door. (b)(5)(B) did not think Fischer was an actual "cop," but thought he was only "dressed like one." Fischer asked (b)(5)(B) *Hey what's going on…how are you doing?…what's wrong?…are you having problems?…why are you here?* (b)(5)(B) responded by saying she was trying to get her van started.

Fischer then asked (b)(5)(B) *Do you mind if I pat you down?* (b)(5)(B) reluctantly agreed by saying, *Sure, I guess.* She was worried she would be arrested for some unknown reason if she did not agree to the pat down. (b)(5)(B) exited her vehicle and stood next to her passenger door. Fischer said, *Okay, I'm gonna have to pat you down.*

During the pat down, Fischer used both of his hands to check (b)(5)(B) exterior clothing for possible weapons and/or contraband. She explained the pat down was done quickly and with "smooth strokes" of his hands, checking her armpits down to the area of her mid-thigh. Fischer did not find anything illegal on her.

(b)(5)(B) said the pat down was inappropriate and described Fischer as "feeling or swooping" her body under her armpits, next to her breasts, although her breasts were never touched. (b)(5)(B) believed a normal pat down should have started at her arms, not her armpits. She also said the pat down was not necessary and Fischer never told her why he was patting her down. (b)(5)(B) did not recall if Fischer was wearing gloves during the pat down. (b)(5)(B) was wearing a tank top and a skirt with no pockets, no bra, flip flops and said she had her hair "up" in a ponytail because it was hot.

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After the pat down, Fischer escorted her to his patrol vehicle. (b)(5)(B) sat in the rear passenger seat of the patrol unit, with both of her feet on the asphalt. (b)(5)(B) said Fischer sat her down "like a doll" in his patrol vehicle and told her he was going to search her van for weapons and drugs. (b)(5)(B) was never handcuffed and Fischer never explained the reason for the contact. (b)(5)(B) mentioned she was allowed to be in possession of her mobile phone the entire time.

As Fischer was searching (b)(5)(B) van, she noticed he was looking into one of her bags that contained her clothing. She said Fischer was removing her bras and underwear individually, "piece by piece and observing them." (b)(5)(B) mentioned Fischer would look at her periodically during the search and she felt embarrassed, specifically when he was looking at her underwear.

During the search of her vehicle, (b)(5)(B) ex-boyfriend, (b)(5)(B), called her. (b)(5)(B) is the father of (b)(5)(B) (b)(5)(B) son (b)(5)(B) (b)(5)(B) told (b)(5)(B) her vehicle was being searched and she would call him back later.

Fischer then had (b)(5)(B) open her van's rear door. As (b)(5)(B) was opening the rear door, she believed Fischer was standing too close behind her because she felt him breathing on the back of her neck, which made her feel nervous. (b)(5)(B) said Fischer started "hitting" on her by saying, *You're hot...Do you have a boyfriend?...Where's your boyfriend?...Why isn't he here helping you?...You're good looking...You have a good body...* (b)(5)(B) did not know how to respond, other than telling Fischer, "Thank you."

After Fischer searched her van, he asked if he could conduct another pat down on her. (b)(5)(B) agreed because she thought Fischer would arrest her if she did not comply with his request. (b)(5)(B) was standing at her vehicle's passenger door. Fischer demonstrated how he wanted to stand, specifically by telling her to spread her feet, and to straighten both of her arms in front of her perpendicular to the ground. Fischer had her turn away from him so she faced towards her van.

Fischer started the pat down under her armpits, then his right hand "cupped" her "right boob" over her tank top. Fischer then "rubbed" and "caressed" his hands down the side of her body. His hands continued to her hips, down to her buttocks, then to the inside of her thighs and finally stopped after touching her knees. (b)(5)(B) then clarified that Fischer's "hands" never went "under" her skirt when he touched her inner thighs, and she felt just his fingertips. (b)(5)(B) further clarified her statement. She said Fischer patted her down over her clothing and he did not touch her skin. (b)(5)(B) then clarified her statement and said the outside of her buttock was partially touched. (b)(5)(B) then recalled Fischer was not wearing gloves.

Since (b)(5)(B) had been contacted multiple times by law enforcement, she was familiar with a "normal" pat down. Based on her experience, during a "normal" pat down, male deputies would use their hands to "pat" or briefly touch her outer clothing to check for weapons or contraband, such as a shirt or pant pockets. They would never touch any private areas such as the "breasts, crotch, or butt," unless the deputy was female. (b)(5)(B) believed the areas of the body that deputies normally checked were the arms, legs, knees, and ankles.

(b)(5)(B) clarified that no one had ever patted her down as Fischer had. (b)(5)(B) said the pat down by Fischer was "different" from any other pat downs she had in the past. (b)(5)(B) said she felt

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"scared" and "violated" by how Fischer conducted his business with her. (b)(5)(B) was asked to clarify her comment about Fischer's pat down not being like the other pat downs she had received in the past. (b)(5)(B) said Fischer did not "pat" her body and clothing, but he used his hands to "caress" her body as if he was a "seamstress." Fischer never made any comments to her during the pat down.

After the pat down, Fischer told (b)(5)(B) that she had a "hot" body and asked her, *Can we hook up later, or where can we meet?...I want to meet you later?* (b)(5)(B) later clarified and said Fischer specifically asked, *Where is there a good place to meet later?* (b)(5)(B) told Fischer that she did not know of a place where they could meet. (b)(5)(B) did not want to meet with him because she felt it would be dangerous and she felt violated. She also felt it would be "inappropriate" to meet with him. (b)(5)(B) responded to Fischer by telling him, "I'll tell you what...I'll give you my number and you can call, by then I'll figure out a place we can meet." (b)(5)(B) provided Fisher with a "false" phone number because she believed it would "appease" him and she did not want to upset him. She believed Fischer wrote down her phone number.

(b)(5)(B) initially said Fischer never asked for her personal information or an identification card, he did not tell her the reason for the contact, he never wrote anything down other than her phone number, and she never saw him use his handheld or vehicle radio. (b)(5)(B) later said she believed Fischer might have asked for her name at the time she provided him with her phone number.

No other patrol units or deputies were there during the contact. This was the first time Fischer had ever contacted (b)(5)(B) and there has been no contacts since that day. (b)(5)(B) again stated she did not believe Fischer was an actual "officer" because of his demeanor and inappropriate actions towards her. She believed Fischer seemed like a "civilian wearing a uniform."

(b)(5)(B) was adamant the incident occurred in the summer of 2016, because it was "hot" outside and she was dressed in "minimal" clothing. She believed it was sometime in the morning around "8ish" or between 0800-1000 hours, because there was daylight and there was no one around at that time. A few days later, (b)(5)(B) told her current boyfriend, (b)(5)(B), about the incident. (b)(5)(B) was surprised and suggested she report the incident to law enforcement, but she never did.

INVESTIGATION

After speaking with (b)(5)(B) Detective Benavides, DDA Dunleavy, and DAI Smith obtained a statement from (b)(5)(B). I was not present for the interview, which was digitally recorded.

STATEMENT OF WITNESS ((b)(5)(B))

(b)(5)(B) said he received a text message from (b)(5)(B) on the day of the reported incident, after he tried to contact her. (b)(5)(B) texted him, "I can't talk right now...I'm sitting in the back of a police car." (b)(5)(B) did not have a copy of the text message since he changed his mobile

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phone. (b)(5)(B) thought it was "strange or weird" that (b)(5)(B) was allowed to be in possession of her phone, especially while sitting in the back of a patrol vehicle. (b)(5)(B) said he was never allowed to be in possession of his mobile phone when seated in a patrol vehicle.

About one hour after the incident, (b)(5)(B) told (b)(5)(B) (in-person) about the encounter she had with Fischer. (b)(5)(B) told him she was sitting in her van when she was approached by a "police officer" (Fischer). (b)(5)(B) stated, "The officer told her ((b)(5)(B) to step out… something about patting her down, then he put her in his car …that's when she texted me on her phone when she was sitting in the back of the police car….unhandcuffed."

(b)(5)(B) told him that Fischer "started going through her stuff (property search in her van)," although she never provided him with any details of the search. After the search, (b)(5)(B) was "pulled out of the car" and patted down again. (b)(5)(B) was told the second pat down was not normal, and it was more like patting down your girlfriend.

(b)(5)(B) told (b)(5)(B) that she was touched inappropriately under her "chest," but not directly on or over her breast. (b)(5)(B) was inappropriately touched on her hips and butt. (b)(5)(B) was asked how (b)(5)(B) explained to him how she was touched on her butt, and his response was, "like if you were with your spouse…" (b)(5)(B) was asked if he recalled the specific words (b)(5)(B) used to describe how her butt was touched inappropriately and he said, "He was feeling her up…" (b)(5)(B) also said Fischer "reached around to the front of her legs, touched the inside of her legs below her skirt…" (b)(5)(B) said he never touched her under her skirt.

(b)(5)(B) demonstrated to (b)(5)(B) how she was inappropriately touched and patted down. explained how Fischer said she was "hot" and he wanted to "meet-up" with her later.

(b)(5)(B) encouraged (b)(5)(B) to report the incident she had with Fischer, but she no longer wanted to talk about it. Prior to or after the incident with Fischer, (b)(5)(B) has never complained of being touched inappropriately by any other officer or deputy. According to (b)(5)(B) and based on (b)(5)(B) criminal history, law enforcement has contacted or arrested (b)(5)(B) multiple times.

(b)(5)(B) was unable to recall (b)(5)(B) demeanor or attitude at the time she was telling him about the incident. He could not recall if she was upset or crying, but remembered she was not laughing or joking at any time. (b)(5)(B) stated that (b)(5)(B) "just went along with it" because of the bad experiences she has had with law enforcement.

(b)(5)(B) could not remember any further details of the conversation he had with (b)(5)(B) or any other statements she made to him regarding the incident. (b)(5)(B) never wanted to talk about it, until she recently saw Fischer on the news and learned about the sexual assault allegations by multiple female victims.

(b)(5)(B) verified that he was watching the local news broadcast on the television when (b)(5)(B) "heard" Fischer's name being mentioned and learned multiple victims were accusing Fischer of sexual misconduct. (b)(5)(B) told (b)(5)(B) that he (Fischer) was the *officer* who *groped* her. (b)(5)(B) stated to (b)(5)(B) *that's the officer that assaulted me!* She was referring to Fischer

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when she saw his photograph on television. (b)(5)(B) immediately knew the incident (b)(5)(B) was referencing. (b)(5)(B) never mentioned to (b)(5)(B) about contacting a lawyer, specifically Attorney (b)(5)(B), about her contact with Fischer. (b)(5)(B) later received a text message from (b)(5)(B) saying she had reported the incident to a lawyer.

(b)(5)(B) verified he has known (b)(5)(B) for a total of eight years, and they have been in a dating relationship for about seven years.

INVESTIGATION

I reviewed the following documents: (See Attachment G)

- CAD #E3189564
- AVL for February 29, 2016
- Recorded Primary/Inquiry Radio Traffic from Fischer's Pedestrian Stop on February 29, 2016

I learned the following information through documentation and the statements provided:

Detective Benavides conducted a record's check using various law enforcement databases to research the incident involving (b)(5)(B) There was no documented history between Fischer and (b)(5)(B) Crime Analyst (b)(5)(B) conducted additional research into CAD Query and AVL to check if there was any documented history of Fischer contacting (b)(5)(B) According to CAD, Fischer initiated a pedestrian stop behind the Kelly's Pub on February 29, 2016, at 1435 hours. (CAD #E3189564). The event had a disposition of "OK" at 1455 hours. Fischer did not enter any notes into CAD documenting his contact with (b)(5)(B) nor did he complete a Field Interview on her.

Fischer conducted a record's check of the pedestrian's vehicle. (CA/(b)(5)(B)). The results revealed there was a pending master file with "(b)(5)(B)" listed as the vehicle's registered owner. The vehicle description, a white colored Dodge Caravan, matched the description of (b)(5)(B) vehicle. According to CAD, Fischer was the only deputy on scene and he utilized "Inquiry" during the pedestrian stop. I obtained the audio recording from the Inquiry Dispatcher's radio traffic during that time. I confirmed Fischer did contact (b)(5)(B) that day. Not only did Fischer run a record's check on the Dodge Caravan, he also conducted a record's check on the name of "(b)(5)(B)" that day.

During her interview, (b)(5)(B) said she remembered the contact with Fischer being during the summer because it was hot outside and she was only wearing a tank top and skirt. I utilized the following website and learned on February 29, 2016, El Cajon had a high temperature of only 66 degrees that day:

https://www.timeanddate.com/weather/@5345529/historic?month=2&year=2016

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#5 (b)(5)(B)

On August 6, 2016, Fischer was a cover deputy when he responded to (b)(5)(B) home after she had been burglarized. Case # 17160768. (b)(5)(B) alleged that Fischer returned to her home hours after the initial call and asked to use her bathroom. (b)(5)(B) alleged that Fischer hugged her twice. The first hug occurred at the entrance to her front door and the second hug occurred inside her home after he used her bathroom.

STATEMENT OF COMPLAINANT (b)(5)(B) (#5)

On November 8, 2017, (b)(5)(B) notified the Gilleon Law Firm about Fischer's inappropriate hugging she alleged had occurred at her home at (b)(5)(B) Attorney (b)(5)(B) notified me about the incident involving (b)(5)(B) on November 11, 2017. I forwarded (b)(5)(B) contact information to Detective Pena.

On November 11, 2017, at about 1400 hours, Detective Pena, (b)(5)(B) and I interviewed (b)(5)(B) at her residence located at (b)(5)(B). DDA Irving was not present for the interview. (b)(5)(B) essentially said the following:

(b)(5)(B) said in August of 2016, she arrived home from shopping, walked into her home, and realized her home appeared burglarized. She walked around and noticed every room, except for the kitchen, was in disarray. She called 911 and deputies arrived. One of the deputies was Fischer. All of the deputies left her house, after they obtained all of the information for the report. Throughout the evening, (b)(5)(B) continued picking up her home and putting everything back in place.

At about 2300 hours, (b)(5)(B) heard the doorbell ring. She looked out her peephole and noticed it was Fischer, so she opened the front door. Fischer said, "I wanted to see how you were doing?" She told Fischer that she was not good and she was a wreck because of the burglary. She also mentioned to Fischer about her husband not being home. Fischer said, "Looks like you need a hug." Fischer then gave her a "big body contact" hug. The hug occurred at the entrance to her front door and lasted a few seconds. (b)(5)(B) said it happened very quickly and she "froze" when Fischer hugged her. Fischer's hands were only on her back and held her very tightly. (b)(5)(B) described the hug as an "all-encompassing hug."

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After the hug, Fischer said, *This may sound strange, but can I use your restroom?* She responded by saying, "Sure." She escorted Fischer to the restroom and walked him down the hallway. (b)(5)(B) waited for Fischer at the top of the stairs. She does not believe he actually used the restroom because she did not hear anything.

When Fischer came out of the bathroom, he told her, "I will be working through the night. I will be watching the house and the neighborhood." (b)(5)(B) said Fischer reached out and hugged her a second time. (b)(5)(B) became uncomfortable after the second hug. She did not push him away, but said she felt "violated and confused" after the hug. She walked down the stairs and showed Fischer out the front door. Fischer did not say anything further as he walked out the door. After Fischer left, (b)(5)(B) thought the contact was very odd. She felt like Fischer was "invading" her personal space and made her feel very "uncomfortable." Fischer did not attempt to contact her after that incident.

(b)(5)(B) said she thought about calling the San Diego Sheriff's Department, but was hesitant to report the incident to law enforcement. (b)(5)(B) later heard the news report and learned Fischer inappropriately hugged another woman in San Marcos. She learned there was a pending lawsuit, so she reported the incident to Attorney (b)(5)(B) on November 8, 2017. She reported the incident to make the other woman feel like they were not the only women Fischer inappropriately embraced.

STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#5)

I showed Fischer a picture of (b)(5)(B) but he was unable to recall his contact with (b)(5)(B) I told Fischer he had responded to a burglary call on (b)(5)(B) Fischer then recalled this as being one of the first calls he responded to after becoming a K9 handler. He cleared the house with his canine and described the house as being "ransacked." While the primary deputy was doing his investigation and taking pictures, Fischer talked with (b)(5)(B) (b)(5)(B) was "shaken up" and Fischer told her they would "cruise by" and make sure she was safe. (b)(5)(B) agreed and told Fischer that would be "awesome." Fischer left (b)(5)(B) house and handled other calls.

Fischer admitted to returning to (b)(5)(B) home a few hours later and did not recall if he broadcast the contact over the radio. When (b)(5)(B) answered the door, she was crying. Fischer reassured her and told her they were there, just like he said they would be. (b)(5)(B) was still distraught and Fischer asked if there was anything else he could do for her. Fischer said, *We'll be in the neighborhood checking the area.* ***And then I believe I gave her a hug.*** *Same thing. And that was it. I just left.*

Fischer did not remember the details of the hug, but said it would have been similar to the other hugs he gave and described it as a "one-handed hug." Fischer admitted it was possible it could have been a two-handed embrace hug, but again reiterated that he did not recall. Fischer remembered the hug occurred at (b)(5)(B) doorstep and said (b)(5)(B) hugged Fischer in return.

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Fischer did not remember asking for permission to hug her. Fischer hugged (b)(5)(B) because he felt bad for her and she had just gone through a traumatic experience. When asked if Fischer hugged (b)(5)(B) during his initial contact with her when the other deputies were present, Fischer said, "I don't believe so."

Fischer did not recall asking to use (b)(5)(B) bathroom, but admitted it was possible he asked to use it. He did not recall there being a second hug. When asked if Fischer regretted his contact with (b)(5)(B) and giving her a hug, he explained how he believed he was going above and beyond and did not regret going back to help her. When asked if the hugging was part of the helping process, Fischer said the following,

> RF: *I feel like it's okay. I don't remember. I don't have a* ***power issue or anything like that, where I'm doing it for like control or anything. I feel like a hug is okay.*** *Not anymore, again because this whole totality of everything...so that would be my response. Is at the time did I regret hugging her? No because I felt like helping her and I felt like she appreciated it and my coming back. Again looking at hindsight with not putting it out, with all these other allegations, with being on the news daily, yeah this is a hundred percent regretted. Because of that. Not because I felt like I was doing anything wrong to her.*

INVESTIGATION

I reviewed the following documents: (See attachment H)

- CAD #E3542834
- AVL for August 6, 2016
- Crime Report (Case #16139824)

I confirmed the following information through documentation and the statements provided:

Fischer was a cover deputy and responded to (b)(5)(B) home after she was burglarized. He arrived at 1748 hours and left her home at 1806 hours. At about 2154 hours, Fischer returned to (b)(5)(B) home uninvited and without lawful legitimate purpose. When Fischer returned to (b)(5)(B) home, he never notified any of his partners, created a call on his MDC, or broadcasted the return visit to Sheriff's Dispatch. Fischer admitted to giving (b)(5)(B) a hug at her doorway and expressed how he believed giving hugs was "okay." Fischer did not remember asking for permission to hug (b)(5)(B) and admitted it was "possible" he also asked to use her bathroom. AVL showed Fischer left (b)(5)(B) neighborhood by 2204 hours, so he was in the area for less than 10 minutes.

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#6-[redacted]

[redacted] said, on September 1, 2016, Fischer responded after she believed someone was attempting to burglarize her home (CAD# E3602734). Fischer and two other deputies checked the outside of her house and then the inside. As two deputies left, Fischer asked if he could use her restroom. After Fischer used the restroom, he asked [redacted] if she needed a hug. She agreed and they both hugged one another. There were no allegations of sexual battery.

STATEMENT OF COMPLAINANT [redacted] (#6)

On December 22, 2017, [redacted] notified the Gilleon Law Firm about Fischer's inappropriate hugging that occurred in her home at [redacted].

On January 2, 2018, Attorney [redacted] notified me about the incident involving [redacted] and I forwarded her contact information to Detective Pena. Detective Pena called [redacted] the following day to schedule an interview.

On January 8, 2018, at 1000 hours, DDA Irving and Detective Pena interviewed [redacted] at the San Diego County District Attorney's Office, located at 330 West Broadway in San Diego. [redacted] from Gilleon Law Firm was present for the interview. I was not present for the interview.

On September 1, 2016, at about 2350 hours, [redacted] called the San Diego Sheriff's Department after she heard what sounded like doors slamming inside of her residence. [redacted] stayed on the phone with the 911 dispatcher while the deputies checked the exterior of her home. After a few minutes, she heard the front doorbell ring and the dispatcher told her the deputies were outside her door.

Three deputies came into her home and conducted an interior security check. When the deputies completed their check, they asked her a few questions and proceeded to walk out the front door. Two of deputies exited her front door, but the third deputy, later identified as Deputy Fischer, asked if he could use her restroom. [redacted] directed Fischer to the bathroom and then remained standing by the front door. Fischer walked towards the front door, approached her and asked, "Do you need a hug?" [redacted] was not sure how to answer. She responded, "I guess." [redacted] said her arms remained at her side, while Fischer's arms embraced her in a way that was more affectionate than a simple hug. Fischer did not say anything and walked out of her home. She then heard Fischer say, "If you need anything, feel free to call back."

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(b)(5)(B) closed her front door and felt the interaction with Fischer was strange. She did not know how to take the hug. She thought it was not right for someone in uniform to do what Fischer did. (b)(5)(B) did not report the incident to law enforcement because she felt nobody was going to believe her. In mid-November, her daughter told her about the allegations against Fischer. (b)(5)(B) only read one article after that. She did not read or listen to any other news about the allegations against Fischer.

STATEMENT OF WITNESS (DEPUTY MIGUEL CORREA)

On January 10, 2018, Detective Pena briefly spoke to Deputy Correa on the telephone regarding the radio call. Correa had responded to (b)(5)(B) home with Fischer and Ritt. Correa was primary on the call and he remembered it being a "459 Hot Prowl." (b)(5)(B) was alone in her home and heard banging from outside. She requested deputies check her residence and she waited in her bedroom. Correa, Fischer, and Ritt all responded to the radio call and arrived about the same time. They walked up together. They checked the front portion of her residence. They could not access the back yard without going through her house. They knocked on the door and she allowed them access to the back yard. The deputies checked the back yard and the inside of her house. There were no signs of a burglary and everything "checked okay." Correa remembered all of the deputies leaving together and thanking each other for coming to the call, as they stood at the top of the driveway. Correa did not remember Fischer asking to use (b)(5)(B) restroom.

Correa had been on two radio calls with Fischer and did not see him hug anyone during that time. No citizen member has ever contacted Correa in regards to Fischer hugging them or acting inappropriately.

STATEMENT OF WITNESS (DEPUTY AARON RITT)

On January 10, 2018, Detective Pena briefly spoke to Deputy Ritt on the telephone regarding the radio call. Ritt had responded to (b)(5)(B) home with Fischer and Correa.

Ritt also responded to the call with Correa and Fischer. Ritt did not actually remember Fischer being on the call until he reviewed CAD. Ritt did not remember anything in particular about the call. Once they cleared the property, they walked out and talked at their cars for a minute or two and then got into their cars and left. Ritt did not remember if there was a delay with Fischer walking out of (b)(5)(B) residence or not. Ritt remembered he was talking with Correa. Ritt does not know Fischer and has not talked with him. No one has ever approached Ritt to share any information about Fischer.

INVESTIGATION

I reviewed the following documents: (See Attachment I)

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- CAD Query E3602734
- AVL for September 1, 2016

I confirmed the following information through documentation and the statements provided:

I checked AVL and verified the deputies (Correa, Ritt, and Fischer) all arrived at (b)(5)(B) home at about 0018 hours. They searched her property and cleared the call by 0025 hours. According to AVL, Fischer did not return to (b)(5)(B) residence during the remainder of his patrol shift nor did he stay behind without his partners.

#(b)(5)(B)

On November 4, 2016, (b)(5)(B) (a.k.a. (b)(5)(B) and (b)(5)(B)) was the victim of a misdemeanor battery by her husband, who was arrested. Case #16156645. (b)(5)(B) said Fischer returned to her home after the call and asked to speak with her privately. During their contact inside her home, (b)(5)(B) said Fischer gave her two hugs.

STATEMENT OF COMPLAINANT (b)(5)(B) (#7)

On December 11, 2017, Attorney (b)(5)(B) notified me about Fischer allegedly inappropriately touching (b)(5)(B) He sent me (b)(5)(B) contact information, which I forwarded to Detective Pena who contacted her to schedule an interview.

On December 20, 2017, at about 0830 hours, (b)(5)(B) was interviewed at her residence located at (b)(5)(B). Detective Pena, DDA Irving, and I conducted the interview. Also present for the interview was (b)(5)(B). (b)(5)(B) essentially said the following:

(b)(5)(B) explained how she and her husband were involved in a domestic violence incident and she called 911 for assistance on November 4, 2016, at about 2130 hours. A few minutes later, several deputies showed up at her home. Two deputies went inside her house to talk to her husband, while Deputy Fischer stayed outside with her. Fischer asked (b)(5)(B) questions, which she believed were related to the domestic violence investigation. Fischer asked for her personal information for police report. When she told Fischer her date of birth, Fischer commented that she looked very young for her age. (b)(5)(B) felt like he was being

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complimentary towards her. He then asked (b)(5)(B) if she had children. She told him that her children were (b)(5)(B) years old.

(b)(5)(B) said her son, (b)(5)(B) showed up while she was outside with Fischer. (b)(5)(B) and her son remained outside, while Fischer went back inside the home to find out the status of what was going on with (b)(5)(B) husband. When Fischer came back outside, he commented to (b)(5)(B) that her husband had come downstairs naked. (b)(5)(B) commented to Fischer, "Why come down naked if his equipment didn't work?" Fischer responded by saying, "I am so sorry. No woman should ever have to go through that and deal with that type of situation." (b)(5)(B) said, "Thank you, I was not asking for sympathy. I was making a point of why come down naked and show your body?" (b)(5)(B) was talking on his cell phone and not standing close to (b)(5)(B) when this conversation occurred.

(b)(5)(B) said she felt worried, nervous, and anxious because she did not know if her husband was going to jail, or if she was going to jail since her husband had purposely injured himself. The deputies brought her husband outside in handcuffs and she realized he was the one going to jail. The deputies put her husband in the patrol car and then walked (b)(5)(B) back into her home. The Primary Deputy offered her an emergency restraining order, explained the arrest process, and gave her the case number. All of the deputies left her home as she and her son stayed inside the house to talk.

Approximately 10 minutes later, her doorbell rang and it was Fischer. She allowed Fischer inside her home and he asked if there was somewhere they could talk privately. (b)(5)(B) son, (b)(5)(B) was sitting on the couch near the front door. (b)(5)(B) and Fischer walked from the front foyer into the living room, which was about 15 feet away.

While standing there, Fischer said, "Come here, I want to give you a hug." (b)(5)(B) thought it was odd, but she let Fischer hug her and he put his arms under her arms. Fischer caressed (b)(5)(B) back as he hugged her, by rubbing his hands up and down her back. The hug did not feel like a friendly hug, but felt like Fischer was "interested" in her. (b)(5)(B) pulled away and completely disengaged from Fischer. He responded to this and said, "I am not done hugging you yet." She told him "okay" and Fischer again embraced her. The hug appeared to be an unusually long hug.

(b)(5)(B) phone started ringing while they were hugging. She told Fischer that her other children were calling and she needed to answer the phone. (b)(5)(B) "disengaged" from the hug and walked Fischer to the front door. Fischer left and (b)(5)(B) did not remember him saying anything else to her.

After Fischer left, (b)(5)(B) had a conversation with her son, (b)(5)(B) about Fischer hugging her. (b)(5)(B) told her there was something "wrong" with Fischer. (b)(5)(B) did not feel Fischer should be hugging her. (b)(5)(B) believed it was not right for a peace officer to do that. When she was sitting with her son, there was an incoming blocked telephone call. (b)(5)(B) does not receive calls from "blocked numbers" so she usually does not answer blocked calls. The person did not leave a voicemail. Several minutes passed and she received a second blocked call, which she actually

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answered. The person on the phone said, "It's Ricky, in your neighborhood checking in on you." (b)(5)(B) felt Fischer wanted to come back, but she told him that she was not available.

After ending the phone call, she told (b)(5)(B) about Fischer calling her. (b)(5)(B) told her that Fischer was wrong in calling her and actually called Fischer a "predator." (b)(5)(B) said, at about 0030 hours, an hour after the second call, she had a third incoming call from a blocked number. (b)(5)(B) did not answer the phone because she believed it was Fischer calling her again. has not heard from him since that time. (b)(5)(B) later agreed to provide a copy of her cell phone log for that day. She also explained how the log would not include the two calls she did not answer and would only show the phone call she actually answered from Fischer.

(b)(5)(B) said this incident was not the first time she called the police to come to her home. She and her husband have had several domestic violence issues. (b)(5)(B) said she did not report the incident with Fischer to the Sheriff's Department because she tends to "lay low" and does not call law enforcement. Her husband brings home a good paycheck, so she does not call unless she is actually scared.

(b)(5)(B) first thought about calling law enforcement to report Fischer after she saw the news of similar incidents when he gave unwanted hugs to other females. She wanted people to know that the other females' allegations were valid. (b)(5)(B) talked to her co-worker,)(B) (b)(5)(B) about what happened during her contact with Fischer. (b)(5)(B) is an (b)(5)(B) and she advised (b)(5)(B) about her options for dealing with the incident.

On December 10, 2017, (b)(5)(B) called Attorney (b)(5)(B) and (b)(5)(B) talked with him about her interaction with Fischer. (Note: Detective Pena later tried to call (b)(5)(B) but she was not available and was out of the office for an unknown amount of time, due to a family emergency).

STATEMENT OF WITNESS (DEPUTY SCOTT ROSSALL)

On January 10, 2018, Detective Pena obtained a phone interview with Rossall.

Rossall remembered he was primary on the call, which was dispatched to him, Winter, and Fischer. The three of them arrived at the residence at about the same time. Rossall saw a woman standing outside the home, later identified as (b)(5)(B) . They approached the front door of the house and made announcements to the husband, (b)(5)(B) asking him to come downstairs. When (b)(5)(B) came downstairs, Fischer stayed outside with (b)(5)(B) Rossall and Winter talked to (b)(5)(B) and ultimately arrested him for domestic violence. He talked to (b)(5)(B) inside her home, documented her injuries with photographs, and provided her with a Domestic Violence Resource Pamphlet.

Rossall did not see Fischer when he walked outside of the home or witness his interaction with (b)(5)(B) He did not remember when Fischer left the scene, but said he would typically have a

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specialty unit leave once they were "Code-4." Rossall typically would not "tie up" a resource such as a centralized K9 Deputy, once that resource was no longer needed.
Rossall did not remember talking to Fischer later about the call. (b)(5)(B) did not disclose any inappropriate behavior by Fischer.

Rossall worked with Fischer on a few patrol calls. Fischer was the K9 unit for North County and was not always working in San Marcos. Rossall said he never saw Fischer do or say anything inappropriate. No one had ever approached Rossall regarding any inappropriate behavior by Fischer.

STATEMENT OF WITNESS (DEPUTY SCOTT WINTER)

On January 8, 2018, Detective Pena briefly spoke to Winter on the phone.

Winter said he remembered the patrol call regarding (b)(5)(B) and said the husband had possibly punched himself in the face. Winter remembered he and Rossall were on the call, but did not remember Fischer being there until Pena refreshed his memory.

He and Rossall were primary deputies and they went inside the house to conduct the investigation. They determined (b)(5)(B) was going to be arrested and he was taken to the patrol car. Winter believed he assisted on the call by taking photographs of the bedroom, which had a lamp knocked over. Winter also thought he may have helped take photographs of (b)(5)(B) injuries.

Winter did not remember if he saw Fischer talking to (b)(5)(B) or not. Winter did not even remember Fischer being on the call until Pena reminded him.

Winter said he did not know Fischer. He only saw and talked with Fischer in passing. Winter never saw or heard of Fischer doing anything inappropriate when working in patrol.

STATEMENT OF WITNESS (b)(5)(B)

On January 16, 2018, Detective Pena spoke with (b)(5)(B) son, (b)(5)(B), via telephone.

When (b)(5)(B) arrived home from work, he saw several patrol vehicles parked outside of his house. He saw his mom was talking to a deputy, later identified as Deputy Fischer. Fischer walked inside the house a few minutes after he arrived. Fischer returned outside and updated them on what the deputies were doing inside the house. (b)(5)(B) saw his father was arrested and was walked to a patrol car. (b)(5)(B) and his mom walked back inside their house, while Fischer remained outside. After a few minutes, all of the deputies left.

After about ten minutes, Fischer knocked on their front door. His mother opened the door and she and Fischer walked to the other room to talk. (b)(5)(B) did not hear what Fischer said to his mom

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during their conversation. His mom later told [redacted] about Fischer giving her two hugs during their conversation. His mom described the hugs as being *out of place* for the situation and described the hugs as being *an embrace.* [redacted] told his mother it was *not okay* for a law enforcement officer to return to a call of domestic violence and hug someone. [redacted] told his mom, he thought it was very unprofessional and not normal for Fischer to hug his mom. [redacted] mother later told him about Fischer calling her again after he had left their house.

STATEMENT OF ACCUSED DEPUTY FISCHER REGARDING (b)(5)(B) (#7)

I showed a picture of (b)(5)(B) to Fischer, as well as the Arrest Report, which had (b)(5)(B) listed as the victim. I explained to Fischer that he was a cover deputy for the call and asked what he remembered about the call.

> RF: *With this one, I just remember it being a DV. I don't remember all the details of it. I remember her son. Honestly I remember more of her son than her. But I remember being on scene for a while. I didn't have a whole lot to do with that investigation.*
>
> AB: *What do you recall about her son?*
>
> RF: *I think he saw my tattoo, my USMC tattoo. So we started talking about the military. I remember talking to him and his mom... that's pretty much all I remember as far as that. Again, I wasn't that totally involved in the case.*
>
> AB: *Did you sit with her outside and watch her while the other deputies were handling the investigation inside?*
>
> RF: *I think...I don't remember exactly. But I remember being with her, while they did the investigation. Talking to her and stuff.*
>
> AB: *Do you remember any part of your conversation?*
>
> RF: *No. I remember her being like super fed up with him (husband), but then also kind of distraught.*
>
> AB: *At what point did her son, his name is [redacted] When did [redacted] show up?*
>
> RF: *I believe he showed up when we were outside. She was like oh there's my son. That's when me and him started talking. I was trying to explain to him, before she could. Because she was kind of upset still. Just kind of what was going on.*

Fischer believed he was one of the last deputies to remain on scene. When asked if he returned to (b)(5)(B) home after clearing the call, Fischer initially said, "I don't remember returning to her house."

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AB: *So you're telling me, that you didn't clear the call and then later return? After you left, probably 20 minutes later to her house?*

RF: *I don't remember leaving and coming back. No.*

AB: *Okay why would AVL show that your vehicle left and then came back? And every one of the other deputies had cleared. So the time-line, this is for the record, per AVL. So you were 10K25. All the deputies were on scene. You were cleared from the area, well, 91P11 cleared first at 1023 and then you cleared after him at about 1030. And then primary deputy who was likely Rossall, 91P9, he didn't clear until 1041ish. So he was there an additional 10 minutes after you had cleared. But then 10 minutes after that, so 20 minutes from the time you cleared, you were now back there. That's why I asked you if anybody has driven your vehicle? Why would your vehicle be back there?*

AB: *And a time-frame of about 5 minutes that you're there. So why would you be back there?*

RF: *If I did do that, then it would just be to check on the welfare of both of them. Again we were on scene initially for a while. We gained good rapport with both of them, the son and her. So it would have been to check up on them to make sure everything is good.*

JL: *20 minutes later?*

RF: *Yeah.*

AB: *I know you remember talking to the son outside and you do recall having conversations inside the living room. Do you remember if that was during the first contact or was that during the second time when you came back?*

RF: *I don't remember exactly, for sure.*

AB: *So if you returned, which your vehicle shows you did, then it would have been to check the welfare?*

RF: *Yeah just to make sure everything's good. If they need anything else.*

JL: *Were they good?*

RF: *Yeah I could see she was distraught still, upset, but the son seemed like he was level-headed.*

JL: *Was she still upset about the whole initial call?*

RF: *Yeah about her husband.*

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JL: *Did she have questions about the process?*

RF: *I think she did ask me about jail and when is he getting out. That type of thing.*

AB: ***And this is the second contact?***

RF: ***I believe so.***

AB: ***Okay because you did just now remember that you did have some conversation during the second contact upon your return?***

RF: ***Right. It was either the first or the second. But I just remember. I guess I can't say for sure if it was the first or second one.***

AB: *Do you remember asking* (b)(5)(B) *if there was some place that you could talk to her privately?*

RF: *That I do not. No.*

Fischer went on to explain how the only reason he would have asked to speak with (b)(5)(B) privately would be to prevent talking in front of [redacted] about his dad.

AB: *And did you give* (b)(5)(B) *a hug during that contact?*

RF: ***I believe I did give her the same type of hug*** *from the last. Just that one-handed type of hug.*

AB: ***Did you ask her if you could hug her?***

RF: ***I don't think so.***

AB: *You just went in for a hug?*

RF: *Well it's kind of, as she's being distraught. I don't remember a hundred percent. But I just remember kind of like, if your friend's hurting.*

Fischer does not believe he asked (b)(5)(B) for permission to hug her, but said she hugged him back. His reason for hugging (b)(5)(B) was for comfort. He also wanted her to know that he was there for her. Fischer further explained the hug as being only one-handed on her shoulder. He said the hug was the type someone would give a hurting friend.

JL: *Is she your friend?*

RF: *I mean not a friend, but I thought I'd gained good rapport with her.*

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JL: *How long had you met her at this point?*

RF: *I guess it'd be like an hour and a half or so.*

When asked for clarification about the private conversation between Fischer and (b)(5)(B) Fischer said the following:

RF: *Again, if we did have a private conversation it would have been, yeah I don't remember being, it was just the living room.*

JL: *Because you wanted to explain stuff to her not in front of the adult-* Fischer interrupts and said, "Right."

JL: *This adult son, right?*

RF: *Right.*

When asked directly if Fischer obtained her phone number and contact information, he responded, "I don't believe so."

AB: *So you didn't call her on the phone?*

RF: *Again, I don't remember calling her. If I did call her, I would have just got it from her CAD.*

AB: ***You don't remember if you called her from a blocked number and then she didn't answer and then the second time, she answered and then you had said you were just checking up on her, making sure she was okay.***

RF: *Well again,* ***I could have done that.*** *I mean, yeah just to check up on her.*

AB: *But you weren't primary on the call?*

RF: *That's correct.*

AB: *Do you remember how many times you called her?*

RF: *I do not.*

JL: *Was it more than five times?*

RF: *I don't remember how many times.*

JL: *But you do remember calling her?*

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RF: *Again, I don't remember calling her. If I would of, it would have, just to check up and make sure they're still good.*

AB: ***But that's a behavior that's possible for you to do? Is to call a DV victim when you're not primary, to check up on her?***

RF: ***If I felt like they were being, if they were having a rough time, then more of the compassion inside, Yes.***

AB: *So your purpose is compassion?*

RF: *Yes I would think so.*

INVESTIGATION

I reviewed the following documents: (See attachment J)

- CAD Query #E3744257
- AVL for November 4, 2016
- Arrest Report written by Deputy Scott Rossall (Case #16156645)
- (b)(5)(B) phone records for cell phone # (b)(5)(B)

I confirmed the following information through documentation and the statements provided:

Fischer was a cover deputy and responded to (b)(5)(B) to assist with a radio call regarding domestic violence. (b)(5)(B) and (b)(5)(B)) used her cell phone (b)(5)(B) and called 9-1-1 to report a domestic violence incident with her husband on November 4, 2016. (b)(5)(B) told Sheriff's Dispatch that she had locked herself inside of her bathroom. When Fischer arrived, he stood by with (b)(5)(B) outside. (b)(5)(B) husband was arrested for misdemeanor domestic violence and he was taken to the Vista Detention Facility. Fischer and all other deputies left (b)(5)(B) home.

About 20 minutes after leaving her house, Fischer returned to (b)(5)(B) home. While at her home, Fischer hugged (b)(5)(B) without asking for permission. Fischer did not notify Sheriff's Dispatch that he was conducting any follow-up at her residence, nor did he log his activity on his MDC. (b)(5)(B) cell phone log (b)(5)(B) confirmed she called 9-1-1 at 2127 hours and she then received an incoming call from a blocked number at 2252 hours. Her call log also confirmed that she did not regularly receive calls from "blocked numbers." In fact, her call log showed Fischer's blocked call as being the only one she received during her billing cycle.

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#8-(b)(5)(B)

On November 26, 2016, Fischer responded to (b)(5)(B) home after her phone accidentally re-dialed 9-1-1. She had called for help earlier in the day when her mother had suffered a stroke. During the contact, (b)(5)(B) alleged that Fischer hugged her twice and asked to kiss her. (b)(5)(B) said Fischer's hand inappropriately touched the top of her buttocks during the hugs.

STATEMENT OF COMPLAINANT (b)(5)(B) (#8)

On November 24, 2017, (b)(5)(B) emailed the Gilleon Law Firm about Fischer's alleged inappropriate hugging that occurred at her home, located at (b)(5)(B) (b)(5)(B)

On November 27, 2017, Attorney (b)(5)(B) notified me about the allegations and sent me (b)(5)(B) contact information, which I forwarded to Detective Pena. Detective Pena contacted (b)(5)(B) and scheduled an interview.

On November 29, 2017, at about 1020 hours, (b)(5)(B) was interviewed at her residence located at (b)(5)(B) Detective Pena, DDA Irving, and I conducted the interview. Also present for the interview was (b)(5)(B). (b)(5)(B) essentially said the following:

(b)(5)(B) talked about her father passing away two days prior to the event and how her mother had a stroke on the actual day of the incident. (b)(5)(B) had dialed 9-1-1 the day of the incident, because her mother had a stroke. (b)(5)(B) mother was taken to the hospital and (b)(5)(B) followed her there.

Later that day, (b)(5)(B) left the hospital and returned home to start cleaning up and putting things away in the house. As (b)(5)(B) was putting the cordless phone back on the phone charger, she accidentally re-dialed the last number dialed, which had been "911" for her mom's stroke. Over the phone, (b)(5)(B) heard the med-alert operator ask if everyone was okay. (b)(5)(B) explained to the operator how she had accidentally re-dialed 9-1-1. The operator told (b)(5)(B) the police were on their way to check the welfare at her residence.

(b)(5)(B) said Fischer showed up two minutes later and rang her doorbell. (b)(5)(B) described Fischer as tall and good looking. She told Fischer how she accidentally re-dialed 9-1-1. Fischer asked if he could come inside to check on her welfare and the welfare of anyone else in the home. (b)(5)(B)

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allowed Fischer inside. Fischer checked the rooms and noticed the hospital bed had been stripped of the sheets. (b)(5)(B) told Fischer about her father passing away two days prior and her mother having a stroke earlier in the day. While she was explaining everything to Fischer, he took off his coat and placed it on the desk. When she finished telling him the story, Fischer told her, "You need a hug." (b)(5)(B) responded by saying, "Okay." (b)(5)(B) said she was okay with hugging Fischer, but felt the hugs were long and more than a "brotherly" hug.

(b)(5)(B) became emotional and started to cry. She believed all of the events from the week finally "hit her" and she became emotional. After they stopped hugging, Fischer told her, "You seem so young to be going through all this." He then asked, "If you don't mind, how old are you?" (b)(5)(B) told Fischer she was 63 years old and he responded, "If you don't mind me telling you, you are beautiful and hot." (b)(5)(B) became very uncomfortable and felt it was disrespectful to call her "hot."

(b)(5)(B) said Fischer hugged her a second time without asking for the hug. She described that hug as being more prolonged and said she felt Fischer's hand go down the small of her back and cup the top of her buttocks. (b)(5)(B) pushed away from Fischer's grasp. He did not grab or caress her buttocks, but touched the top portion. Fischer asked, in a "consoling" way, if she was okay, and (b)(5)(B) told him she was.

(b)(5)(B) started to walk towards the front door with Fischer, as she continued telling him she was going to be okay and she appreciated his concern. (b)(5)(B) said as they moved closer to the front door, Fischer asked, *Can I give you a kiss?* (b)(5)(B) responded, "No. No thank you." (b)(5)(B) felt like she was pushing him towards the front door and was unable to look him in the eyes.

When she was ready to open the front door, it appeared Fischer leaned in to kiss her. (b)(5)(B) opened the door and the door was in between them. Fischer said, "Aww," and then said, "If you need me, don't hesitate to call, I'll be around." (b)(5)(B) closed the door, became emotional and began to cry again. She did not initially report the incident because she was dealing with family issues and just wanted to put everything behind her. She saw the news last week and then emailed Attorney (b)(5)(B) wanted to let (b)(5)(B) know that the women who came forward were being truthful because it also happened to her.

The following day, (b)(5)(B) went to see her mother at the hospital. When her brother, (b)(5)(B) (b)(5)(B) showed up to the hospital, she took him outside of the room and told him about the incident with Fischer. (b)(5)(B) was not happy about it. (b)(5)(B) told him that she was putting the event behind her and moving forward. (b)(5)(B) asked her for Fischer's name, but he never reported the incident.

STATEMENT OF WITNESS ((b)(5)(B))

On December 14, 2017, Detective Pena spoke with (b)(5)(B) brother on the phone.

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(b)(5)(B) said he remembered his sister, (b)(5)(B), told him about the incident with Fischer only a few days after the incident occurred. (b)(5)(B) shared about how she had gone home from the hospital after their mother had a stroke. (b)(5)(B) accidentally dialed 9-1-1 as she was putting the phone away. Fischer showed up several minutes afterward. He asked if he could look around her home to make sure everything was safe and (b)(5)(B) allowed him inside to check.

Fischer looked around the apartment and (b)(5)(B) told him about her father recently passing away and how her mother was at the hospital because of a stroke. Fischer took his jacket off and said something like, "I think you need a hug." (b)(5)(B) believed his sister was in a vulnerable position with the death of their father and their mother being in the hospital. (b)(5)(B) explained how the hug was not a "consolation" type of a hug, but was different. (b)(5)(B) told (b)(5)(B) about how Fischer asked her for a kiss and she had told him, "No." (b)(5)(B) pushed Fischer away and he did not want to leave. (b)(5)(B) grabbed his jacket and pushed him out the door. The incident was very unsettling to (b)(5)(B)

STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#8)

I provided Fischer a photograph of (b)(5)(B) as well as the CAD Query for the call. Fischer had no recollection of (b)(5)(B) or the radio call. I pulled up the address on my Google Maps and showed it to Fischer utilizing the satellite view. He was still unable to recall any of the incident or his contact with her.

INVESTIGATION

I reviewed the following documents: (See Attachment K)

- CAD Query #E3787984
- AVL for November 26, 2016
- (b)(5)(B) County Claim documents

I confirmed the following information through documentation and the statements provided:

Fischer responded to (b)(5)(B) home after she accidentally dialed 9-1-1 on November 26, 2016. It was his first radio call of the day. He arrived at about 1724 hours and left about 14 minutes later, at 1738 hours. Fischer claimed he had no recollection of the radio call or (b)(5)(B) whatsoever. Fischer was the only deputy who responded to (b)(5)(B) home and cleared the call with the following disposition:

"RP SAID HER MOM HAD A STROKE EARLIER TODAY AND THE PHONE ACCIDENTALLY REDIALED. SHE ASSURED EVERYTHING WAS FINE. I LOOKED AROUND THE APARTMENT AND EVERYTHING SEEMED IN PLACE."

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#9 (b)(5)(B)

Internal Affairs received (b)(5)(B) contact information through another complainant (b)(5)(B) in this investigation. (b)(5)(B) provided her statement to investigators, but later requested not to be part of the criminal investigation. (b)(5)(B) alleged she had contact with Fischer 8-10 times over the past several years. She alleged that he would often stop by just to check on her and would give her a hug during their visits. (b)(5)(B) alleged there was one occasion when Fischer touched her bare breast and another occasion when Fischer exposed his penis to her. (b)(5)(B) was unable to provide an exact time-line of her contacts with Fischer, but he was assigned to the Lakeside Substation on July 10, 2015. Through AVL, it appeared Fischer's last visit with (b)(5)(B) was on April 19, 2017, at her home in Lakeside.

STATEMENT OF COMPLAINANT (b)(5)(B) (#9)

On December 21, 2017, at about 1740 hours, (b)(5)(B) was interviewed at her residence located at (b)(5)(B) by Detective Pena and me. (b)(5)(B) did not report any of her contacts with Fischer to the Sheriff's Department or Attorney (b)(5)(B) The Sheriff's Department sought out (b)(5)(B) after obtaining her name and description from an acquaintance named (b)(5)(B) (b)(5)(B) who is also a "complainant" in this investigation. (b)(5)(B) essentially said the following:

(b)(5)(B) believes she has known Fischer for about three years. (b)(5)(B) said she first met Fischer when deputies were looking for (b)(5)(B) who was hiding in one of the garages in the back of the complex. (Note: It is unknown what date this occurred, but Fischer was assigned to the Lakeside Substation on July 10, 2015).

(b)(5)(B) explained how Fischer had knocked on her back door and asked if they could check her home to make sure it was okay. Two deputies checked inside of her home and two other deputies stayed outside. Fischer came back sometime after the deputies had checked her home and asked if he could check if the house was clear. (b)(5)(B) allowed Fischer to come inside her home again, even though they had already checked it.

Fischer walked in her living room, turned to her, and asked if he could have a hug. (b)(5)(B) said, "Sure." (b)(5)(B) explained how she thought to herself, *Fischer is good looking guy, and I am a single woman. It is no big deal.* (b)(5)(B) said she hugged Fischer two more times that night. Fischer left her house and then came back and asked to use her restroom. He asked for another hug after he used the restroom and hugged her again before he left. (b)(5)(B) described those hugs as "extremely hard" and "hurting" her chest.

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(b)(5)(B) said since meeting Fischer, he has visited her about eight times. (b)(5)(B) explained how she had a friend named "(b)(5)(B) who previously gave Fischer a note asking him to check on (b)(5)(B) because (b)(5)(B) sometimes threatened her.

The second time Fischer went to visit (b)(5)(B) she had a man over at her house. She did not remember the date of the second visit, but knew it was early in the morning. Fischer knocked on her door and she asked Fischer if he could come back later. Fischer waited outside until her friend left. Fischer parked his patrol car in the driveway with his overhead lights flashing. After her friend left, Fischer came inside her home. Fischer asked (b)(5)(B) if she had any cameras in her home and she told him she did not. (b)(5)(B) said that Fischer again wanted to hug her. She described the hugs as being "dry humping." (b)(5)(B) felt Fischer was a "good-looking guy" and she did not think much about the hugs.

(b)(5)(B) said about a year ago, in the Spring of 2016, Fischer was at her home when he unzipped his pants and pulled out his semi-erect penis. (b)(5)(B) was "pretty sure" Fischer had his hand on his penis. He did not stroke it or masturbate, nor did he say anything. His penis was exposed for about four seconds. (b)(5)(B) was embarrassed when she saw it and told him to "put it away." She remembered Fischer's penis being "kind of thin" and called it a "pencil neck dick." Fischer put his penis away, and he gave her a hug and left her home. (b)(5)(B) said she has not kissed or touched his penis, and never had sex with him. Fischer has never given (b)(5)(B) any money or any gifts whatsoever.

(b)(5)(B) said during each of the hugs, Fischer would move his hands around her back, and they would travel down to her butt. She knew Fischer should not be touching her butt; however, she asked, "What are you supposed to say to a cop?" There were times when she was wearing a nighty or a tube top blouse without her bra on. Fischer would pull the tube top down and would rub her bare breasts. Sometimes Fischer would put his hand up her nighty and touch her butt. (b)(5)(B) actually thought Fischer was good-looking.

When asked why Fischer went to visit her, (b)(5)(B) said she felt Fischer was coming over to fondle her and she commented, "I don't know, he enjoyed doing it." She heard rumors in Lakeside that Fischer was a "womanizer," and he would tend to go after women all the time. (b)(5)(B) did not think it was okay for Fischer to come to her home, but did not know what to think. She said Karma was a "bitch."

The second to last time when Fischer came to visit her, he brought his canine with him. Her neighbor, (b)(5)(B) even heard the dog barking. The last time Fischer came to visit (b)(5)(B) was around April or May of 2017. (b)(5)(B) said Fischer came to her home on a Sunday morning before 0800 hours and was not wearing his uniform. Fischer just opened her front door and (b)(5)(B) met him at the door. (b)(5)(B) told Fischer that she had a girlfriend in her bed. Fischer simply asked how (b)(5)(B) was doing and then asked for a hug. He was there less than five minutes. (b)(5)(B) explained how Fischer's visits would usually only last for less than five minutes and he typically came around 0100 hours.

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(b)(5)(B) said her friend (b)(5)(B) called her about a week ago and told her she was one of the girls who came forward to report Fischer touching her. (b)(5)(B) said she was not thinking of doing anything with this because she allowed Fischer into her home and she was "okay" with the hugs. (b)(5)(B) felt very "flattered" by what Fischer did because he was a "good-looking guy." She was also flattered because he was only 31 or 32 years old and she was (b)(5)(B) old. (b)(5)(B) said she knows right from wrong and knows Fischer should not have been visiting her. She knows it was inappropriate. She also felt because he was a police officer, that she had no choice.

(b)(5)(B) said Fischer did not hurt her and said, "When you get older things like that made me feel good about myself. Fischer was a good looking cop." She does not think it was a friendship and does not keep in touch with him. (b)(5)(B) said, Fischer is a "Police Officer." She trusts that a "cop" would do the right thing, but said Fischer did not. (b)(5)(B) feels that Fischer is a good person and she does not want him to lose his job or go to jail. (b)(5)(B) said that Fischer needs a "slap or something and it's up to the Sheriff's Department what happens to him." (b)(5)(B) wanted us to believe her and understand she is not making any information up. She did not want to be involved in this investigation, but now knows that she is. (b)(5)(B) said she needs legal advice to see what she wants to do.

STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#9)

I showed a picture of (b)(5)(B) to Fischer and he immediately said, "She looks familiar. Oh I know who she is." I asked Fischer what he recalled about her.

RF: *She lives in Lakeside. I don't remember the call initially.* ***I've seen her a few times,*** *but I don't remember the initial call or anything.*

JL: *Do you remember where in Lakeside she lives?*

RF: ***I think it's near the station.***

JL: *Do you remember contacting her?*

RF: *Yeah. I remember there was someone outside of her house that we contacted and he was like an in-and-out of jail guy. So we took him to jail a few times and stuff.*

AB: *Was that the first contact when you met her? Or had you met her prior to?*

RF: *No. I believe that was the first time. I've seen her a few times leaving around the park and stuff. And her area, her complex is like a bunch of people, not the greatest people in and out. So I cruise by. Sometimes I say hi, sometimes I'll just look for guys to arrest and stuff.*

AB: *What do you mean you say hi? You would say hi to* (b)(5)(B)

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RF: *Yeah just knock on the door and make sure she's (*(b)(5)(B) *good.*

There was another person "around the back" who Fischer would check on as well. Fischer did not remember her name, but described her as an "older bigger lady." When I tried to clarify where "around the back" was, I asked Fischer if this other woman's front door was in the back of (b)(5)(B) and Fischer said, "I believe so."

AB: *And the purpose of those visits?*

RF: *They were just again, community policing. Make sure everybody's good. And mainly it would be to check. That* (b)(5)(B) *had a lot criminal activity.*

AB: *Of that entire complex, you would check up on* (b)(5)(B) *and make contact?*

RF: *Well I'd knock on the door to say hi, here or there. But there's also another guy in there. I forgot his name. I almost arrested him once, but he ended up being really cool. But I would literally go there for the criminal activity aspect and then just...not every time, but once in a while just hey you all good in here? Okay cool. Because she would also let transients sleep in her house too. So I know I'd check up on that as well.*

AB: *So what was the guy you'd check up on? Who was that?*

RF: *Oh it's random guys.*

AB: *I'm sorry?*

RF: *It's like random people. Not just guys. Guys and girls that would be there.*

AB: *Oh I thought you said there was a guy you checked up on? I thought you just said that?*

RF: *I'm sorry, I did. There was a guy that lives in the complex that I would go make sure he was, again, I almost arrested him once. He ended up being pretty cool. But he's just a good contact to stop if you see him though.*

AB: *So you would go to his place and check up on him as well?*

RF: *Oh I never didn't go to his place. I think I did once. It was more to contact him though.*

AB: *To see about if he was clean or dirty?*

RF: *Right.*

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AB: *So when you went to check up on* (b)(5)(B) *you weren't checking up on her to see if she was clean or dirty?*

RF: *No. She was always just more of a hi, friendly visit type of thing.*

AB: ***Did you ever give her hugs during those contacts?***

RF: ***Her? I did, yes.***

AB: *Okay can you describe those hugs for me?*

RF: ***Those hugs, um, same thing. Just like they've always been, just one-handed. Just the usual type of hugs. A couple seconds maybe. She'd always be the one to like compliment me. Like oh, why are you so attractive, stuff like that.***

AB: ***Was it flattering?***

RF: ***Yeah.***

AB: *Did it make you feel good to go visit her? Did she lift up your spirits?*

RF: *I don't know if it lifted up my spirits. It would just be part of the job sometimes. You know, you make contact in the community.*

AB: *Did you ever think to yourself when you were working patrol, I'm gonna go say hi to* (b)(5)(B) *something in the back of my mind, she makes me feel good?*

RF: *I mean I guess, I don't know.*

AB: ***The purpose of your visit, was part of it because you enjoyed the visit as well?***

RF: *I mean,* ***yeah I guess you can say that.***

AB: ***Did you ever give her compliments to try and make her feel better?***

RF: *Mmm.* ***I may have.*** *I don't remember exactly.*

JL: *How far out of the way did you have to go to contact her?*

RF: ***It's literally across the street from the station.***

JL: *Did you have to drive and park and walk?*

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RF: *I usually park either in the front or the back. Sometimes I'd go around the back to see if there's anybody hanging out back there. Or in the front just to kind of, let the colors fly type of thing.*

AB: *How many times do you think you stopped by to visit* (b)(5)(B)

RF: *Several times. I don't know how many times though.*

AB: *I mean* ***several could be three...or several could mean 10? So what does several mean to you?***

RF: ***Over the course of a couple years, yeah maybe 10,*** *I don't know.*

AB: ***Does she ever flirt with you?***

RF: ***She would, like I said, she gave me compliments****. But she would kind of say things here or there.*

AB: *Did you ever flirt back?*

RF: *No, not like, not flirt back. No.*

Fischer admitted he visited with (b)(5)(B) maybe 10 times and might have gone to visit her even after he left the Lakeside Substation and went to K9. When asked how many times he visited the "older bigger lady," he thought it had been once or twice. Fischer explained why he visited (b)(5)(B) more often than the other tenant.

RF: *I felt sorry for her. I felt bad for her. I felt like she had a rough life. But she was like super cool, especially after the initial contact.* ***She was just super cool with me. So I just kind of befriended her.***

AB: ***So would you consider her a friend?***

RF: ***I would say so****.*

After Fischer made K9 Deputy in April of 2016, he was transferred to the San Marcos Patrol Station. I asked Fischer if he went to visit (b)(5)(B) after he had left the Lakeside command and was assigned to San Marcos. Fischer responded, "Honestly I don't remember."

AB: *Did you go visit her at any point when you had your canine?*

RF: ***Honestly, I don't remember****.*

AB: ***Is it possible that you did?***

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RF: ***I honestly don't know.***

AB: *You don't know if it's possible if you did? I'm asking you this for a reason, Richard. Because obviously there's people who have seen your K9 car with the canine, with the dog barking.*

RF: ***Okay. Then I probably have.***

AB: *So why would you visit with her after you were no longer assigned to that command?*

RF: *Again, I think I just befriended her and we were just, I don't know. Just stopped in to say hi, I guess.*

AB: *Between the two of you, was there ever at all any inappropriate touching?*

RF: ***Nothing more than a hug.***

Fischer felt particular sorry for (b)(5)(B) and said the following,

RF: Maybe it was just the way, well one she was really, like I was saying, ***she's sweet.*** *She looks rough, but she's sweet. She lets people sleep at her house. So I always just thought she was a decent person.*

Fischer agreed he has checked up on individuals he felt sorry for before. Fischer said, **"I've done it. I don't know if it's regular. But it's been done, yes."** When asked if Fischer told anyone that he was doing follow up with these individuals, Fischer said, "No I don't believe so," but thought he might have logged some as extra patrols on his MDC.

INVESTIGATION

On January 3, 2018, at about 1040 hours, I went back to the complex where (b)(5)(B) resides in effort to locate the woman Fischer said he also visited once or twice in the past. Additionally, I left my business card on " (b)(5)(B) door and asked her to call me. " (b)(5)(B) was the neighbor of (b)(5)(B) who potentially had witnessed some instances when Fischer was visiting (b)(5)(B) I obtained the previous property managers phone number (b)(5)(B) to see if she could identify the other woman that Fischer described.

At about 1103 hours, I received a returned call from Property Manager (b)(5)(B) on my cell phone. (b)(5)(B) had been the property manager at (b)(5)(B) complex for about four to five years. I described the woman Fischer alleged to have visited as being an "older, bigger, woman," who lived next to (b)(5)(B) in the back of the complex. (b)(5)(B) identified the woman as (b)(5)(B) and said she used to live in the back next to (b)(5)(B) (b)(5)(B) (b)(5)(B) did not ever live at the complex and had no additional knowledge regarding Fischer. I located a cell

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phone number for (b)(5)(B) through SD Fusion of (b)(5)(B) I sent a text message asking for a return call, but have not received a call-back to date.

At about 1251 hours, I received a call from (b)(5)(B) on my cell phone, who is (b)(5)(B) neighbor. I did not have a digital recorder in my possession, so the call was not recorded.

(b)(5)(B) has lived at the complex for eight years and explained how (b)(5)(B) had spoken to her about Fischer on several occasions. (b)(5)(B) was told that Fischer would frequently come over to (b)(5)(B) home and would just invite himself inside. (b)(5)(B) was told that Fischer rubbed himself on (b)(5)(B) and even exposed himself one time. (b)(5)(B) expressed to (b)(5)(B) how she was "flattered" by Fischer and found him "attractive," but things became "weird" between them. When asked if (b)(5)(B) had physically seen Fischer at their complex in the past, (b)(5)(B) said she had seen him actually walk into (b)(5)(B) house on three or four occasions, but had seen his car there eight to ten times. He would park at the end of the driveway, which was directly next to (b)(5)(B) home.

(b)(5)(B) described herself as being a very "nosy neighbor" and "extremely aware of her surroundings," due to being a single mom to her (b)(5)(B) child and living in a bad part of town. (b)(5)(B) would ask around the following day after seeing Fischer's patrol car there, to learn what happened in their complex. (b)(5)(B) often learned there had been no radio call at their complex and Fischer was just visiting (b)(5)(B) again. The last time (b)(5)(B) saw Fischer coming to visit (b)(5)(B) was several months ago. Fischer wore normal clothes and was not in a uniform. He was attending some type of party or event in Lakeside, and he stopped by to say hello to (b)(5)(B)

On January 4, 2018, I spoke to Lieutenant Karen Stubkjaer who was previously the Watch Commander at the Lakeside Substation. Although Fischer had been re-assigned to San Marcos, Lieutenant Stubkjaer confirmed that he did assist the Lakeside Substation with a K9 demonstration on the morning of April 19, 2017. Lieutenant Stubkjaer sent me an e-mail that included the flyer for the event. She also sent me two photographs of Fischer from that day. I saw Fischer wore green BDU type pants, his leather gear, and a black fitted shirt with his outer green vest. It is unknown if he fully changed into civilian clothing following the demonstration or if he merely took off his leather gear and green vest. During (b)(5)(B) interview, she said Fischer went to visit her in April or May of 2017 and he was not wearing his uniform.
(See Attachment L)

(b)(5)(B) residence is located across the street from the substation. I conducted an AVL search for the location of Fischer's patrol vehicle for that date. I confirmed Fischer did in fact park his patrol car at (b)(5)(B) complex at about 1200 hours that day. It is unknown the total length of time he was present at her complex, due to the gaps between the GPS pings. However, Fischer's patrol vehicle being present at the complex corroborates (b)(5)(B) statement, as well as her neighbor (b)(5)(B) Fischer was no longer assigned to the Lakeside command, yet went back to (b)(5)(B) complex. Fischer's Kronos showed April 19, 2017, was his regular scheduled workday and he worked from 0700-1800 hours that day.

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Crime Analyst (b)(5)(B) conducted a CAD History search for the "extra patrols" Fischer claimed he thought he logged when visiting (b)(5)(B) learned that Fischer only logged one "extra patrol" for (b)(5)(B) complex on December 15, 2015. CAD E3023279.

I reviewed the following documents: (See Attachment L)

- CAD Query #E3023279
- AVL for April 19, 2017
- People Soft History for Fischer showing his reassignment from Lakeside to San Marcos

I confirmed the following information through documentation and the statements provided:

Fischer was assigned to the Lakeside Substation on July 10, 2015. During his assignment there, he met (b)(5)(B) during a radio call when deputies were searching for a suspect. Since meeting (b)(5)(B) Fischer has gone to visit her about 10 times. Fischer only logged one of those visits as an "extra patrol." Fischer did not log the other visits on his MDC, nor did he ever notify Sheriff's Dispatch. During those visits, (b)(5)(B) would compliment Fischer and tell him that he was attractive. They would also have physical contact and would hug one another.

On April 15, 2016, Fischer left Lakeside and was reassigned to the San Marcos Station as a K9 Deputy. About one year later, on April 19, 2017, Fischer was at the Lakeside Substation to do a K9 demonstration. On that same day, at about 1200 hours, Fischer's patrol vehicle was again at (b)(5)(B) residence when there was no call for service.

#(b)(5)(B)

Fischer conducted a traffic stop on (b)(5)(B) on May 3, 2017, for an inoperable brake light. (b)(5)(B) was given a warning and released. Fischer followed (b)(5)(B) and stopped her a second time by himself. The 2nd traffic stop was not broadcast to Sheriff's Dispatch. Fischer followed (b)(5)(B) to her house, which was not far away. (b)(5)(B) alleged that Fischer gave her compliments on her looks, gave her a hug, and obtained her cell phone number.

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STATEMENT OF COMPLAINANT (b)(5)(B) (#10)

On November 16, 2017, (b)(5)(B) called the San Diego County Sheriff's Department Internal Affairs Unit to report Fischer's alleged inappropriate behavior that occurred on May 3, 2017, after she was stopped by Fischer at 605 West Vista Way in the Vista for a traffic infraction. (CAD #E4129383). I sent Detective Pena her contact information and he scheduled an interview with her.

On November 17, 2017, at about 0830 hours, (b)(5)(B) was interviewed at her residence located at (b)(5)(B). DDA Irving, Detective Pena, and I were present for the interview. (b)(5)(B) from Attorney (b)(5)(B) office was not present. (b)(5)(B) essentially said the following:

(b)(5)(B) said on the day of the incident, she was driving home from the Frazier Farms Grocery store located in Vista. She was driving westbound on West Vista Way. (b)(5)(B) saw the police lights in her rearview mirror and saw the deputy was pulling her over. She had a feeling the reason she was being stopped, was her vehicle's rear taillight was not working. The deputy (later identified as Deputy Fischer) walked up to her window and told her that he pulled her over because of her taillight. She handed Fischer her driver's license and he walked back to his police car.

While Fischer was at his vehicle, (b)(5)(B) noticed a female deputy had arrived at the stop. The female deputy walked up to (b)(5)(B) vehicle and had a conversation with her about why she had a bucket with cleaning supplies in the rear seats. (b)(5)(B) talked to the female deputy and explained why the bucket was there. Fischer approached (b)(5)(B) car and asked her where she lived because her license had an old address on it. (b)(5)(B) mentioned the driver's license was going to expire at the end of the month and her new license with her updated address was coming in the mail. Fischer asked (b)(5)(B) for her age, and the female deputy made a joke about deputies not being able to add. Fischer told (b)(5)(B) to get her tail light fixed.

(b)(5)(B) said she was driving back home and turned right onto Santa Clara from West Vista Way. Halfway up the hill, she heard sirens again and could not believe she was being stopped again. (b)(5)(B) pulled over and turned her car off. (b)(5)(B) saw it was Fischer approaching her car again. Fischer asked her, *Do you live here?* (b)(5)(B) told him, *No, you turned your lights on, and I pulled over.* Fischer commented, *I just wanted to make sure you got home safely.* Fischer asked her if he could follow her home, to make sure she got home safely. (b)(5)(B) thought it was kind of Fischer and said, *Sure,* as she thanked him. She drove to her house and parked her car on the street. Fischer parked his patrol vehicle on the road, part way on her driveway. Fischer got out of his car and walked up to (b)(5)(B) as she was getting out of her car.

Once they were out of their cars, Fischer asked (b)(5)(B) for a hug. (b)(5)(B) said the hug was not lingering, nor did Fischer grope her. (b)(5)(B) did not think Fischer was gross or disrespectful and she explained how she personally hugged people all of the time. As they walked together on the driveway towards the front gate of her property, Fischer asked (b)(5)(B) if she lived alone. She

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told him how she lived in the granny flat on the property and her landlord lived in the main house.

By the front entrance, Fischer asked, *Are you single?* (b)(5)(B) told him she was. Fischer then asked, *Have you ever been married?* (b)(5)(B) told him she had not. Fischer responded, *I can't believe it, you are so attractive, funny and nice.* (b)(5)(B) thought Fischer was a *handsome guy* and she had not been *hit on* for a long time and the interaction made her feel good. (b)(5)(B) walked to the double doors at the gate entrance and Fischer followed her. As she was unlocking the double doors, her landlord ((b)(5)(B)) opened the door and asked them what was going on. (b)(5)(B) told (b)(5)(B) that Fischer was nice enough to follow her home to make sure she got home safely, after he pulled her over for a fix it ticket.

About the time she finished explaining what happened to (b)(5)(B) saw Fischer walking back out to the street. (b)(5)(B) put her grocery bags inside her home and about 45 seconds later, she walked back out to her car to get her other bags. Fischer was still there and approached her again. (b)(5)(B) did not know what to say, so she asked Fischer, *Do you want my phone number*? Fischer said, *Well, yeah.* Fischer wrote her phone number down in his deputy's notebook. (b)(5)(B) said to Fischer, *Do you do this often?* Fischer responded by saying, *No.* (b)(5)(B) said they shook hands and said goodbye.

(b)(5)(B) said she felt excited about Fischer at the time, but as she told her stepbrother, (b)(5)(B) (b)(5)(B) she started feeling "weird" about it. (b)(5)(B) is a (b)(5)(B) (b)(5)(B) and he mentioned it was not appropriate what Fischer did. (b)(5)(B) forgot about the incident after a while and Fischer never called her. The topic of Fischer did not come up again until November 12, 2017, when (b)(5)(B) asked her if she had seen the news about a deputy sheriff who was in trouble for harassment. (b)(5)(B) looked up a picture of the deputy on her phone and realized it was Fischer. (b)(5)(B) felt "sickened" it was the same deputy.

(b)(5)(B) shared a story when she was twenty-one years old and had helped a rape victim she found on the street. (b)(5)(B) testified in court and the incident stayed with her all these years. The thought of that incident made her feel sickened and she thought how things could have gone wrong with Fischer. (b)(5)(B) thought about calling law enforcement for a few days and talked to co-workers about notifying law enforcement. She felt it was vital for us to know what Fischer did to her.

STATEMENT OF WITNESS (b)(5)(B)

On November 17, 2017, Detective Pena briefly spoke with (b)(5)(B) on the telephone.

(b)(5)(B) is (b)(5)(B) landlord and remembered seeing (b)(5)(B) with a deputy, later identified as Fischer. (b)(5)(B) had his windows cracked in his home that evening and heard a vehicle's engine running for several minutes. He walked to his rear door and heard people talking outside the double door gate. He opened the door and noticed it was (b)(5)(B) and Fischer. Fischer

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seemed "alerted" when (b)(5)(B) opened the door. Fischer walked away and (b)(5)(B) went back inside his house. (b)(5)(B) thinks Fischer had been there for about 20 minutes.

STATEMENT OF WITNESS ((b)(5)(B))

On November 17, 2017, Detective Pena briefly spoke with (b)(5)(B) over the telephone. (b)(5)(B) is (b)(5)(B) stepbrother and works for the (b)(5)(B) noted (b)(5)(B) told him about the interaction she had with Fischer soon after the incident had occurred.

(b)(5)(B) said he remembered (b)(5)(B) mentioning the interaction during a mother's day lunch they had at his home. (b)(5)(B) said she was pulled over by Fischer and was unsure if she received a citation. Fischer followed her home and stayed outside long enough for (b)(5)(B) to ask him if he needed anything else. (b)(5)(B) shared how she had given Fischer her telephone number. It appeared like there was some "romantic interplay" in their interaction and (b)(5)(B) mentioned she thought Fischer was handsome.

(b)(5)(B) asked (b)(5)(B) if he thought Fischer's behavior was normal. (b)(5)(B) told (b)(5)(B) he did not believe it was normal. He explained how some police or firefighters might give out their phone number to someone and ask if they could have coffee sometime. (b)(5)(B) was giving Fischer the benefit of the doubt. He did not think much after that conversation.

(b)(5)(B) said on the weekend of November 12, 2017, he saw the news and noticed a deputy was accused of groping a few women in North County. He saw (b)(5)(B) that weekend and told her about the allegations against the deputy. (b)(5)(B) looked up the allegations on her phone and saw a picture of Fischer. (b)(5)(B) told (b)(5)(B) the person in the news was the same deputy who followed her home after the traffic stop and she gave him her phone number.

(b)(5)(B) encouraged her to tell the Sheriff's Department about the interaction she had with Fischer. He felt it was important for the administration to know so they could investigate and have witnesses that prove or disprove a pattern of behavior that could be necessary for an administrative case. (b)(5)(B) understood (b)(5)(B) information was vital for the Sheriff's Department to have.

STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#10)

I showed Fischer a photograph of (b)(5)(B) but it he did not initially recall his contact with her. I provided Fischer a copy of the CAD Query involving the first traffic stop he conducted on (b)(5)(B) After reviewing CAD, Fischer explained his contact with (b)(5)(B) as occurring outside of the CoCo's Restaurant and there was a female deputy present with him. (b)(5)(B) had a taillight out on her vehicle and expressed to Fischer how she was not feeling well. (b)(5)(B) said she was close to home and Fischer "cut her a break," by not giving her a ticket.

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After Fischer released (b)(5)(B) from the traffic stop, he realized he still had her identification card. Fischer admitted to stopping (b)(5)(B) a second time on a traffic stop, but said it was only to return her identification card. Fischer did not remember if he broadcast the second traffic stop on the radio. Fischer knows he used his lights to get her attention, but did not remember if he had his siren on. Fischer returned the ID card to her. (b)(5)(B) told Fischer she was feeling "dizzy" and asked him if he would follow her home. Fischer said "Sure." Fischer followed (b)(5)(B) to her house, but did not remember broadcasting it over the radio. Fischer "believes" he offered medical care to (b)(5)(B) since she felt dizzy, but she declined since she was almost home.

Once at her residence, Fischer admitted that he exited his patrol car with the purpose of "making sure she ((b)(5)(B) got in okay." Fischer confirmed she had someone there at her house who could take care of her. (b)(5)(B) said she thought her landlord was home and then the landlord actually came outside. Fischer left after that. Fischer denied complimenting (b)(5)(B) on being attractive or asking for her phone number. Fischer did not remember hugging (b)(5)(B) When asked if it was possible he hugged her, he responded, "I don't remember. **I guess it's always possible**, but I don't remember hugging her."

INVESTIGATION

On March 13, 2018, I sent an e-mail to (b)(5)(B) to clarify if Fischer's purpose for stopping her the second time was to return her identification card or any other documents he may have accidentally kept during the traffic stop. (b)(5)(B) wrote, "He did not at any time hand me any kind of paperwork, and as I stated I received my driver's license back at the first stop with a verbal warning to get my tail light fixed."

I reviewed the following documents: (See Attachment M)

- CAD Query #E4129383
- AVL for May 3, 2017
- E-mail communication with (b)(5)(B) regarding her ID card

I confirmed the following information through documentation and the statements provided:

Fischer conducted a traffic stop on (b)(5)(B) for an inoperable brake light on May 3, 2017, and Deputy Colleen McMahon was his cover deputy. Fischer released (b)(5)(B) with a warning. As (b)(5)(B) was driving to her residence, Fischer conducted a second traffic stop on (b)(5)(B) when he was alone. Fischer did not broadcast the second traffic stop, nor did he log the stop on his MDC. After the second stop, Fischer followed (b)(5)(B) to her residence and did not notify the Sheriff's Dispatch that he was at her residence. There was over a 10 minute gap in Fischer's GPS pings between 0839 hours and 0849 hours so it was possible Fischer's computer was shut down or placed in hibernate mode. During that time, his vehicle was unable to be located, so the AVL information was inconclusive.

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#(b)(5)(B)

(b)(5)(B) stated during her 5150 W&I arrest on May 10, 2017, Fischer made inappropriate comments to her and asked if she would ever date him. While she was sitting on the curb, Fischer stood directly next to her and had his groin about 1 ½ feet away from her head. No sexual touching was reported.

STATEMENT OF COMPLAINANT (b)(5)(B) (#11)

On November 29, 2017, (b)(5)(B) called the Gilleon Law Firm about Fischer's inappropriate behavior that occurred on May 10, 2017, during a traffic stop. (Case #17124484). Attorney (b)(5)(B) sent me the information regarding (b)(5)(B), which I forwarded to Detective Pena. Detective Pena contacted (b)(5)(B) and scheduled an interview.

On December 13, 2017, at about 0900 hours, (b)(5)(B) was interviewed at the San Marcos Patrol Station located at 182 Santar Place in San Marcos. Detective Pena, DDA Irving, and I conducted the interview. Also present for the interview was (b)(5)(B) essentially said the following:

On June 2, 2016, (b)(5)(B) husband passed away. Since that time, she and her children had been in a depressive state of mind as the anniversary of his death was nearing. (b)(5)(B) said on the day of the traffic stop, she had been arguing with her daughter over the cutting of her arms. (b)(5)(B) was upset about the situation, so she decided to leave home and spend the night at her friend's house.

As she was driving to her friend's house, a deputy stopped her. The deputy said her daughter had called the police and believed (b)(5)(B) wanted to hurt herself. The deputy asked (b)(5)(B) to step out of the car. There were two deputies present when she stepped out of the car, one of which was Fischer. The deputies asked her to walk to the curb by their patrol vehicles. Before she sat down on the curb, they asked her if she had any weapons. (b)(5)(B) said she was wearing pajamas and a robe. She opened her robe so they could see that she did not have any weapons. The deputies did not pat her down.

After they checked her for any weapons, they asked her to sit on the curb. (b)(5)(B) tied her robe and placed her hands inside her pockets for warmth. One of the deputies was rude and yelled at her and told her not to put her hands in her pockets. (b)(5)(B) said she sat on the curb and was told to place her hands behind her back.

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Once she was sitting on the curb between the two patrol cars, one deputy went to his car, and Fischer stayed with her. Fischer was standing about 2-3 feet away from her as she sat. Fischer had his left foot on the curb, which was about a foot and a half away from her body. His back was almost touching her vehicle. (b)(5)(B) felt that he was in her personal space and his groin was too close to her face.

As he looked at her driver's license, he commented, "Wow you just had a birthday. You are pretty. You don't look your age." He then asked her, "If I were older would you date me?" (b)(5)(B) (b)(5)(B) could not believe what he said. She did not know if he was just making small talk or if he was being serious. Another inappropriate comment Fischer made was the spelling of her last name. Fischer told her, "You spell your name (b)(5)(B) that's how the black people spell their name isn't it?" She said, "My husband was Jewish." Fischer did not touch her or hurt her, but she still felt scared. She explained how she was pulled over by deputies wearing her pajamas, was sitting on the curb, and had Fischer talking about possibly wanting a date as he stood in her personal space. (b)(5)(B) felt very intimidated and thought she was in a position with no control.

(b)(5)(B) said a few minutes later, the shorter deputy came back, handcuffed her, and placed her in the back of his police car. The deputy took her to Palomar Hospital, and she was admitted on a 72-Hour medical observation (Case #17124483). She was released from the hospital the next morning and she called her neighbor (b)(5)(B) to pick her up. (b)(5)(B) told (b)(5)(B) about the interaction she had with Fischer. (b)(5)(B) said she needed to report him, but (b)(5)(B) never got around to calling the San Diego Sheriff's Department.

On November 28, 2017, (b)(5)(B) saw the television and heard Deputy Fischer's name. The reporters provided the Gilleon Law Firm's information and called (b)(5)(B) the following day to explain her interaction with Fischer.

STATEMENT OF WITNESS (b)(5)(B)

On December 14, 2017, Detective Pena spoke with (b)(5)(B) via telephone.

(b)(5)(B) explained how (b)(5)(B) was having a rough conversation with her kids the night of the incident and decided to leave home and drive to a friend's house. (b)(5)(B) own daughter had called the police on her to make sure she was not suicidal. (b)(5)(B) was pulled over by two deputy sheriffs. (b)(5)(B) remembered "Deputy Fischer's" name because (b)(5)(B) (b)(5)(B) Fischer told (b)(5)(B) that she spelled her last name the "black way" and she felt it was an inappropriate comment. (b)(5)(B) mentioned how he was "suggestive" to her. (b)(5)(B) did not remember the exact conversation, but remembered (b)(5)(B) (b)(5)(B) saying how he was standing close to her, with his crotch in her face. Fischer was coming on to her, being suggestive, and made her feel uncomfortable. He also made her feel sexually threatened.

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(b)(5)(B) was more upset over Fischer's behavior, than the emotional event she had with her kids the night before. (b)(5)(B) was not sure who transported her to the psychiatric ward at Palomar Hospital. (b)(5)(B) remembered that (b)(5)(B) called her the next morning and asked if she could pick her up from Palomar Hospital.

(b)(5)(B) asked (b)(5)(B) what she was going to do about the deputy. (b)(5)(B) did not do anything about it, and she did not want to push her.

On November 29, 2017, (b)(5)(B) was watching television and saw the news when she heard a sixth woman made sexual allegations against Fischer. (b)(5)(B) texted (b)(5)(B) and they had an exchange of text messages. She found Attorney (b)(5)(B) contact information and shared it with (b)(5)(B) contacted (b)(5)(B) when she was on jury duty at the San Diego Superior Court. (b)(5)(B) went to the courthouse to talk to (b)(5)(B). (b)(5)(B) has not talked to (b)(5)(B) for several weeks but is glad she finally notified law enforcement.

STATEMENT OF ACCUSED DEPUTY FISCHER REGARDING (b)(5)(B) (#11)

I showed Fischer a copy of the CAD Query reference the call. Fischer recalled going to the call and was a K9 Deputy at the time. He located (b)(5)(B) vehicle and pulled her over. He asked to see her hands and then asked her to step out of the car, which she did.

As she exited the car, Fischer saw she was wearing a robe and she was putting her hands inside of her pockets. Fischer told her not to put her hands inside of her pockets and then put handcuffs on her. Another deputy came by and asked Fischer if he would stay with (b)(5)(B) while they went and checked her house. He had (b)(5)(B) sit on the curb and waited with her, while other deputies conducted their investigation back at (b)(5)(B) residence. Fischer was with her for at least half an hour. She talked about how she was going through a rough time and Fischer tried to encourage her. One of (b)(5)(B) "loved ones" had died last year, so Fischer tried to encourage her and asked about her involvement with any churches. He gave her information about a good church in Vista. She was appreciative and thankful. Eventually the other deputies came back and took (b)(5)(B) for "5150."

While she was seated on the curb, Fischer was standing up with his body canted towards her and his foot "could have been" up on the curb. He estimates his crotch area was never closer than two feet from her face.

AB: *Did you ask her if you were older if she would ever go on a date with you?*

RF: *I don't believe I did. No.*

AB: *Is it possible you asked her that?*

RF: *I'm **probably** going to say no. I don't remember asking her that.*

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AB: ***Do you remember complimenting her on her looks?***

RF: ***I believe I did tell her, you're an attractive lady.*** *You'll be okay. Like kind of comforting her that way. It'll be fine. Things will work out for you. Don't worry about it. Nothing inappropriate or anything.*

AB: ***So you think that telling her she's an attractive woman is appropriate?***

RF: *To encourage her when she's in a down spot,* ***I thought at that time it was.***

INVESTIGATION

I reviewed the following documents: (See Attachment N)

- CAD Query #E4141900.
- AVL for May 9, 2017
- Arrest Report for (b)(5)(B) being placed on a 72-hour hold written by Deputy Santos (Case #17124483).

I confirmed the following information through documentation and the statements provided:

Fischer was a cover deputy during the call and located (b)(5)(B) as she was driving her vehicle. He initiated a traffic stop and stayed with (b)(5)(B) from 2206 hours until about 2250 hours, while his partners checked (b)(5)(B) residence. Fischer detained (b)(5)(B) and had her sit on the curb as he stood within two feet of her. He was alone with her for almost 45 minutes, while she sat on the curb. During his contact with her, he told her that she was an "attractive lady." Fischer thought it was appropriate during that time to compliment (b)(5)(B) on her physical appearance.

#1 (b)(5)(B)



Fischer stopped (b)(5)(B) on June 19, 2017, for having a brake light out. She admitted her driver's license was suspended. When Fischer learned she had a suspended DL, he asked her to exit her vehicle. (b)(5)(B) alleged that Fischer searched her pockets and touched her vaginal area, as he searched inside her front left pocket. Fischer told (b)(5)(B) to drive to the school up the street and have

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someone else get her car. While at the school, Fischer asked (b)(5)(B) if she wanted to "make-out." Additionally, Fischer found her methamphetamine pipe and allowed her to smash it on the ground. There was no record of the traffic stop in CAD history, but AVL confirmed the location of the stop.

STATEMENT OF COMPLAINANT (b)(5)(B) (#12)

On December 7, 2017, (b)(5)(B) contacted the Gilleon Law Firm about Fischer inappropriately touching her on June 19, 2017, during a traffic stop on Monte Vista Drive and Cypress Drive in Vista. Attorney (b)(5)(B) notified me about this incident and sent me (b)(5)(B) contact information. I forwarded (b)(5)(B) contact information to Detective Pena and he scheduled an interview.

On December 13, 2017, at about 1100 hours, (b)(5)(B) was interviewed at the Vista Patrol Station located at 325 South Melrose Drive in Vista. Detective Pena, DDA Irving, and I conducted the interview. Also present for the interview was (b)(5)(B) essentially said the following:

On the night of the incident, (b)(5)(B) said she got off work from the Shell Gas Station in Escondido and drove to her house in Vista. When (b)(5)(B) arrived home, she and her boyfriend (b)(5)(B) were involved in an argument. (b)(5)(B) gathered some of her belongings and decided to drive to her daughter's home in Escondido. (b)(5)(B) drove the back streets in Vista to get to her daughter who lived on El Norte and Center City Parkway. She drove on Eucalyptus Avenue to Cypress Drive.

When she approached Monte Vista Drive, she noticed a police car on the right-hand side of the road. (b)(5)(B) knew her taillight was not working. She made a left turn on Monte Vista Drive and noticed the police car started to follow her. The red and blue police lights turned on and she pulled over by a residential driveway. The deputy (later identified as Deputy Fischer) pulled up behind her, came up to her driver's side door, and asked to see her driver's license. (b)(5)(B) told Fischer her driver's license was suspended.

Fischer asked if he could search (b)(5)(B) car and had her exit her vehicle. Fischer walked her over to the side of her car and patted her down. Fischer interlocked (b)(5)(B) hands behind her back and then "gently" held her hands. (b)(5)(B) said that Fischer apologized to her if it felt like he was holding her hands. Fischer told (b)(5)(B) that she was "hot" and had a "nice body." (b)(5)(B) was surprised at Fischer's comments because she was overweight and Fischer was good looking.

Fisher searched her back pockets and fondled her "butt" as he searched each pocket. His hands went back and forth on her buttocks. During the search, he found a methamphetamine pipe in her back right pocket. She said the methamphetamine pipe belonged to her boyfriend, (b)(5)(B) Fischer told (b)(5)(B) she could get rid of the pipe if she wanted. (b)(5)(B) threw it on the ground and stepped on it so it would break. As Fischer searched her front pockets, his hand touched her pubic area and her clitoris from inside her left pocket. The pair of pants she wore that night had

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deep pockets. She was not sure if the touching was accidental or on purpose and Fischer did not say anything when the touching occurred.

The traffic stop lasted for about 10 minutes and Fischer never searched her vehicle. He told (b)(5)(B) that he was not going to arrest her or tow her car. He directed her to an elementary school up the road where she could park her car and then have her daughter pick her up. (b)(5)(B) drove to Monte Vista Elementary School, as Fischer followed behind her in his patrol vehicle.

When they got to the school, (b)(5)(B) remained inside of her car and Fischer spoke to her through her window. Fischer told (b)(5)(B) there was a dark corner on the side of the school if she wanted to go "make-out." (b)(5)(B) did not know what to say. She deflected the comment and tried to change the subject. Fischer told her, "You don't have to if you don't want to." Fischer then said he had to leave because he had a patrol call. (b)(5)(B) heard police sirens and Fischer drove away. They were at the school for approximately five to seven minutes.

(b)(5)(B) waited until she no longer saw Fischer's lights and then drove her car to her daughter's apartment in Escondido. (b)(5)(B) then texted her sister, (b)(5)(B), and told her what just happened to her with Fischer. (b)(5)(B) did not tell anyone about the touching of her vaginal area or touching of her butt, via text messages. She did not want to say those things on a text message. (b)(5)(B) does not think she told anyone about the vaginal touching or groping of her butt.

(b)(5)(B) was initially flattered by what Fischer said and did to her. However, after some time, started getting upset over what happened after she thought about the same thing happening to her daughters. Police have stopped her daughter in the past and she did not believe it would be okay if that happened to her.

(b)(5)(B) said she did not contact the San Diego Sheriff's Department because she was afraid of retaliation.

(b)(5)(B) said she had sent her sister, (b)(5)(B), text messages right after the traffic stop occurred with Fischer. (b)(5)(B) showed me the text messages, which were date and time stamped on her phone. (b)(5)(B) provided the investigators the screenshots of her text message communication with her sister. The following are the transcribed text messages (b)(5)(B) sent (b)(5)(B) on June 19, 2017.

> (b)(5)(B) You are NOT GOING TO BELIEVE WHAT JUST HAPPENED TO ME. (2:20AM)
>
> (b)(5)(B) Its 2 am. And I got off work a little bit ago, went over to (b)(5)(B) for into an argument and grab my things stuffed them in my car and left. (2:22AM)
>
> (b)(5)(B) As I was coming up to a stop sign down the road aways there was a cop sitting in his car. I have a tail light out, a pipe on me and I think I may have had 5 cents if don't bunk shit. (2:24AM)

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(b)(5)(B) When he lighted me there wasn't anywhere to pull over except in a residential dirt driveway. (2:26AM)

(b)(5)(B) He asks to see my license and I tell him I don't have one. He really really cute. (2:27AM)

(b)(5)(B) Maybe 37. (2:27AM)

(b)(5)(B) 6 ft 6 inches tall. (2:28 AM)

(b)(5)(B) Anyways I tell him its suspended and then he asked when was the last time I registered by car. (2:28AM)

(b)(5)(B) Fuck, I reluctantly told him it's been quite a while. He says since 2013? (2:29AM)

(b)(5)(B) I said, I know, I know, I know. (2:30AM)

(b)(5)(B) He says is there anything in your car? I said no he asked if I would let him search it, I said sir if he really wanted to. (2:32AM)

(b)(5)(B) Anyways it comes down to him apologizing for holding my hand but he couldn't help himself with how hot I look…LMAO. Then he gives my my pipe back and tells me to please step on it but then says you don't have to if you don't want. (2:35AM)

(b)(5)(B) I off course stepped on it right in front of him. (2:35AM)

(b)(5)(B) He then tells me he's gonna follow me to the that's up ahead so I can park my car and have someone pick me up. (2:36AM)

(b)(5)(B) We get to eye school and he asks me if I wanted to make out. (2:37AM)

(b)(5)(B) I swear to god (b)(5)(B) every single word of this is true. I'm not coloring it up not one bit. (2:39AM)

(b)(5)(B) Wow what a trip I never get that lucky. (7:21AM)

(b)(5)(B) Send me a picture I (The time was not depicted in screen shot).

STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) (#12)

I showed Fischer a picture of (b)(5)(B) and told him it was regarding a traffic stop that he conducted on (b)(5)(B) on June 19, 2017. Fischer did not recall the traffic stop after looking at

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(b)(5)(B) photograph. I told Fischer the stop occurred when he was on the corner of Cypress and Monte Vista Drive. Fischer said, "Okay I think I recall this now."

> RF: *I remember Monte Vista. I think I pulled her over there. It's kind of a back roads, type of road. I guess her taillight. When I made the contact she said I believe her license was suspended or expired. Something like that. I pulled her out of the car or escorted her out of the car. Did a quick pat-down...At the time I was K9 as well.* ***I was like hey you got anything crazy in your car? Just let me know and we can work with you. I think she said that she had a meth pipe in the car or something like that.*** *I did a quick look and saw it plain view. I said anything else? Anything crazy? She said no. Then I said I'd cut her a break. And I know there's a school up the road. So I told her I'm gonna follow you back to that school parking lot. You're gonna park your car there, call someone to come pick you up. You're not going to be driving tonight. She said okay. I followed her back there. And at that time, I think that was the end of the contact. I think I ended up getting another call or something. That's pretty much it. So I let her go with a break.*
>
> AB: *And then what happened with the meth pipe?*
>
> RF: ***I don't know if I made her destroy or requested that she step on it.*** *To tell you the truth I don't remember exactly. But usually I would, you know if they did destroy it they'd take it with them, then that's fine. But I don't remember, to be honest.*
>
> AB: *Well you said you don't remember if you told her to destroy it or she stepped on it. So do you recall that the meth pipe was broken?*
>
> RF: *No. What I'm saying is* ***I remember seeing the meth pipe and I don't remember if I, you know, if you accidentally step on it that's okay, you know, that type of thing****. But I don't remember exactly how that went.*
>
> AB: *So do you know where the meth pipe ended up at the conclusion of your contact with her?*
>
> RF: *To tell you the truth, I don't remember. No.*

Fischer did not recall the methamphetamine pipe being inside (b)(5)(B) pocket, but believed the pipe was on (b)(5)(B) front seat in plain view. Fischer did not remember if he retrieved the pipe. He did not believe he continued searching (b)(5)(B) car after finding the pipe. Fischer denied searching (b)(5)(B) and said he only patted her down for weapons. When asked if he searched inside of (b)(5)(B) pockets, Fischer responded, "Honestly I don't remember searching inside her pockets." When asked if it was possible Fischer searched inside of (b)(5)(B) pockets, (b)(5)(B) asked me to describe what I meant in regards to searching pockets.

> AB: *Did your hand enter her pocket?*

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RF: *I honestly don't remember.*

AB: ***Is it possible that your hand entered her pocket?***

RF: ***I guess it's possible, yes.***

CK: *So he's speculating now at that point. You understand, right?*

AB: *Correct. I'm just trying to clarify because you said you did a pat down of her. Which a pat down is going to be patting the outside of the clothing for weapons.*

RF: *Yes.*

AB: *But you're saying, telling me that during this pat down it's possible that you searched the inside of her pocket.*

CK: *He's saying that he doesn't remember it. You're* (referring to AB) *asking if it's possible.*

AB: *And he* (referring to RF) *said, yes, it's possible.*

CK: *Because he doesn't remember doing it.*

AB: *Correct.*

I asked Fischer how he broadcasted the radio traffic when he conducted the traffic stop on (b)(5)(B) Fischer said, "I don't remember exactly, but I would have put out location, plate." I asked Fischer if it would surprise him if I told him that we had no radio traffic for the stop he conducted on (b)(5)(B) I asked Fischer to explain.

RF: ***Just poor judgement on my end.*** *I was just making stops seeing if I got anything good.*

JL: *What do you mean something good?*

RF: *I'm sorry. I mean like if this was like a gang member or possible dope or weapons in the car.*

Fischer admitted he saw the methamphetamine pipe inside the car and could have continued his search, but decided to give (b)(5)(B) a break. Fischer believed (b)(5)(B) was happy with the contact he had with her.

AB: *Do you regularly conduct stops without broadcasting it on the radio?*

RF: *I would say no, on regularly, but I have done it.*

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AB: *On what occasions and why?*

RF: *For me I mean, I've always been a very proactive deputy. Even my first year I've got over 250 arrests. And I feel like sometimes I was making stops and doing stuff sometimes and I know it's dumb because it's safety. But sometimes I would just make a stop...If I can make the stop it's grandma/grandpa, somebody's who's never been in trouble before who's literally coming home or something, then I would just cut them lose too. I don't regularly do that. But I can honestly say I've done it before.*

Fischer admitted he was supposed to broadcast his location and the license plate when conducting traffic stops based on his training. Fischer denied telling (b)(5)(B) she was "hot" and denied apologizing to (b)(5)(B) for holding her hand.

I explained to Fischer that upon the conclusion of his traffic stop with (b)(5)(B), she sent several text messages to her sister almost immediately after the stop. I explained to Fischer how the text messages were date and time stamped and I read several of the messages aloud to him. (b)(5)(B) text messages to her sister described Fischer as being good looking, six foot, six inches tall, and maybe 37 years old. (b)(5)(B) sent text messages about her taillight, about having a pipe, and about how she stepped on it in front of Fischer. She gave permission for Fischer to search her car and then had to park her car at the school. When they were at the school, Fischer asked (b)(5)(B) if she wanted to make out. (b)(5)(B) further texted about Fischer apologizing for holding her hand during the search, and how he could not help himself because of how "hot" she was. I explained to Fischer how the text messages were "concerning." Fischer claimed he did not know why (b)(5)(B) sent those text messages to her sister on June 19th. I asked Fischer if (b)(5)(B) was lying when she sent the text messages to her sister?

AB: *Is she (*(b)(5)(B) *lying about when, that she said you told her that she was hot. Is she lying about that?*

RF: *Is she lying about me saying, Yes.*

AB: *Is she lying about her telling you that you could search the car? Did she tell you that you could search the car?*

RF: *Probably.*

AB: *Is she lying about you allowing her to step on it, to get rid of the meth pipe?*

RF: ***That's probably okay**. I don't know. Again, I don't remember exactly what happened with the meth pipe.*

AB: *Is she lying about asking if you want to make out, if she wants to make out with you?*

RF: *Yes.*

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AB: *Is she lying about you apologizing for holding her hand?*

RF: *Yes.*

INVESTIGATION

I reviewed the following documents: (See Attachment O)

- AVL for June 19, 2017
- Fischer's Daily Training Evaluation reports from August 2014
- Screenshots of (b)(5)(B) text messages

I confirmed the following information through documentation and the statements provided:

I confirmed Fischer was on Monte Vista Drive near Cypress Drive for over 20 minutes on June 19, 2017 and stopped (b)(5)(B) for an inoperable tail light. Fischer failed to broadcast the stop over the radio or log the stop on his MDC. Fischer had knowledge that (b)(5)(B) driver's license was suspended, but allowed her to drive to the school. AVL showed that Fischer's vehicle moved in the direction of Monte Vista Elementary School, just as (b)(5)(B) described. (b)(5)(B) sent several text messages to her sister after she was stopped by Fischer, explaining what had occurred between them.

I also learned that Corporal Peter Larson was Fischer's 2nd Phase Training Officer in August of 2014. Larson clearly trained Fischer on how to properly conduct a traffic stop by broadcasting the location and the vehicle's license plate over the radio.

#7 (b)(5)(B)

Fischer responded to (b)(5)(B) home on August 19, 2017, for a fraud investigation. (b)(5)(B) alleged that Fischer asked her twice during their contact if he could give her a hug, which she agreed to. (b)(5)(B) described Fischer as being professional, but said he did comment on her being attractive in her driver's license photo. (b)(5)(B) said there was no inappropriate touching during the hugs, but she did think it was "odd" that he asked for a second hug. (b)(5)(B) was contacted while Internal Affairs was actively searching for potential unreported incidents involving Fischer.

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STATEMENT OF COMPLAINANT (b)(5)(B) (#13)

On December 8, 2017, the San Diego Sheriff's Internal Affairs Unit took a proactive approach to the investigation of the allegations against Fischer and created a "Quality Control" questionnaire. (See Attachment P)

Crime Analyst (b)(5)(B) identified a sample of 16 women who had prior law enforcement contact with Fischer. On December 11, 2017, Lieutenant Bavencoff and I attempted to contact the women and spoke with 11 of the 16 women. None of the women alleged inappropriate contact or hugging of any type by Fischer, except for a woman named (b)(5)(B). Fischer had responded to (b)(5)(B) home on August 19, 2017, for a possible fraud report. (CAD #E4368817). During their contact, Fischer hugged (b)(5)(B) twice. (b)(5)(B) however, still described Fischer as being "professional." (b)(5)(B) was willing to conduct a recorded and more detailed interview at a later date.

On December 20, 2017, at about 1640 hours, Detective Pena and I interviewed (b)(5)(B) in a private conference room located at 9621 Ridgehaven Court in San Diego. (b)(5)(B) essentially said the following:

(b)(5)(B) called the San Marcos Sheriff's Department on August 19, 2017, and asked to report the theft of her identity (ID). Fischer later responded to (b)(5)(B) residence. (b)(5)(B) talked to Fischer about the theft of her ID and he explained that she had already taken all of the rights steps for documenting the possible identity theft. (b)(5)(B) said she was sitting at the counter by her kitchen bar, and Fischer was standing about two feet away from her. Fischer was very professional and explained different ways to prevent identity theft. As they stood in the kitchen, Fischer asked, "Can I give you a hug?" (b)(5)(B) felt it was a compassionate gesture, so she stood up and hugged him. Due to her height, Fischer's arms were above her shoulders and her arms were below his.

They continued to talk and Fischer asked her if she lived alone. As Fischer looked at (b)(5)(B) driver's license, he complimented her photo and said she was attractive. Fischer also praised her home. Fischer gave her the incident number and they started walking towards the front door. As they reached the hallway by the front door, Fischer asked (b)(5)(B) if he could give her another hug. (b)(5)(B) felt she did not need consoling, but she hugged him anyways. Fischer kept his arms above her shoulders during the hug. (b)(5)(B) thought the request for a second hug was "odd." They finished hugging, and Fischer then walked out.

(b)(5)(B) felt Fischer was a handsome young man and she had a positive interaction with him. She did not think badly about the hugs. (b)(5)(B) believed the first hug was for consoling, but the second hug was because Fischer actually needed it. Despite the hugs, (b)(5)(B) thought it was a professional contact. She did not feel it was unusual because she grew up hugging her family.

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STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) #13

I showed Fischer the CAD Query from the radio call. Fischer remembered responding to (b)(5)(B) home for a possible report. (b)(5)(B) had actually conducted most of her own investigation regarding the potential fraud. Fischer verified nothing was taken and there was no loss. Fischer told her to contact him for a report if there ended up being a loss.

Fischer said **they spoke on a "personal" level and (b)(5)(B) was really "nice." He said, "I think I did give her a hug, same thing. And that was it."** Fischer believed it was the same type of one-handed hug he had given before. When asked why he gave (b)(5)(B) a hug, he responded, **"We had some good conversation in there and it was just like a friendly hug."** He hugged her because he wanted her to feel a little more secure and safe. He did not recall giving her a second hug, but said it was "possible" he hugged her again.

AB: *Are you invading someone's personal space when you give them a hug?*

RF: *I don't believe so...I see how it can be misconstrued as that.*

Fischer did not recall giving (b)(5)(B) any compliments, but admitted he has given compliments in the past during some of his calls. **When specifically asked if he had ever told someone they were attractive during a radio call, Fischer said he did not recall.** When asked if it was possible he has told someone they were attractive during a radio call, he agreed it was possible and said the following:

RF: ***It would be in a professional way. It wouldn't be like oh you're so hot.*** *But right now I can't recall any specific time.*

AB: *What would be a professional way, to where you're telling someone they're attractive?*

RF: *Well again, if there's a big age difference, I possibly could say something like.* (Fisher did not finish his sentence.)

RF: *You know, I can't recall right now. But there's still ways of saying stuff to make people feel better about themselves. You know, if they're going through something.*

AB: *I hear you. But what you had said, is you would say someone's attractive, but it would be in a professional way. So I'm just trying to understand when that scenario would ever occur, to tell someone they're attractive in a professional setting, in the performance of our job?*

RF: *I mean I guess if someone's feeling down about themselves for whatever issue they're going through while we're there, you know, you can say you'll get through this. You're young. Or if someone lost somebody. Not lost somebody.* ***You know what honestly I don't know.***

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I reminded Fischer how he said it was possible to tell someone they were "attractive, but it would be in a professional way." I asked Fischer to provide an example of this. Fischer was unable to provide an example.

INVESTIGATION

I reviewed the following documents: (See Attachment P)

- CAD Query #E4368817
- AVL for August 19, 2017

I confirmed the following through documentation and statements provided:

Fischer responded to (b)(5)(B) home on August 19, 2017, at about 2047 hours to investigate a report of fraud. Fischer stayed at (b)(5)(B) home for over 40 minutes and left at 2128 hours. While there, Fischer said he spoke with (b)(5)(B) on a "personal" level and described her as being very "nice." Fischer remembered hugging (b)(5)(B) one time, but agreed it was "possible" he hugged her a second time. Fischer admitted to giving compliments to citizens during previous radio calls, but could not remember if he complimented (b)(5)(B) Fischer believed it was possible to still be professional and tell a citizen they were attractive, but he was unable to provide any examples and said, "...You know what honestly I don't know."

(b)(5)(B)

Fischer contacted (b)(5)(B) during a welfare check at her home on August 20, 2017. After leaving the initial contact, Fischer later returned to her home and asked to use her restroom. (b)(5)(B) alleged that after Fischer exited her restroom, he told her that she was cute and gave her two hugs. (b)(5)(B) said Fisher's hands stayed on her back and did not go below her beltline. Fischer asked (b)(5)(B) for a third hug, which she declined, and Fischer left her residence. Fischer admitted to using (b)(5)(B) bathroom and hugging her one time.

STATEMENT OF COMPLAINANT (b)(5)(B) [redacted] (#14)

On October 23, 2017, Deputy Clayton Dujenski informed Sergeant John Spach about alleged inappropriate behavior by Fischer when he responded to (b)(5)(B) home for a welfare check. Sergeant Spach called (b)(5)(B) twice and left her a voicemail, but there was no call back.

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On October 24, 2017, Sergeant Spach sent Dujenski an e-mail letting him know that (b)(5)(B) had not returned his call. Sergeant Spach requested Dujenski personally go to her residence and talk with her. Dujenski went to (b)(5)(B) residence to speak with her and she ultimately agreed to meet with Sergeant Spach. Sergeant Spach met with (b)(5)(B) at her residence and obtained a brief statement.

On October 25, 2017, Sergeant Spach sent Lieutenant Justin White an e-mail summarizing the interview he had with (b)(5)(B) the night before.

On October 26, 2017, Lieutenant White forwarded Sergeant Spach's e-mail, along with a formal Department generated complaint to the San Diego County Sheriff's Internal Affairs Unit and I was assigned the investigation.

On November 1, 2017, I called (b)(5)(B) at her office in effort to schedule an interview. (b)(5)(B) said she was busy at work and would return my call. (b)(5)(B) did not return my call.

On November 2, 2017, I again attempted to contact (b)(5)(B) in effort to schedule an interview. (b)(5)(B) said she was still very busy at work and was unable to talk. I provided (b)(5)(B) my cellular phone number, but she did not return my call. Later that evening at 2007 hours, I received an e-mail from Civil Attorney (b)(5)(B) stating he was representing (b)(5)(B). He attached a County Claim that was received by County Counsel on November 2, 2017 at 1106 hours (per time stamp). The claim made allegations of potential sexual assault by Fischer.

Between November 3, 2017, and November 10, 2017, I attempted numerous times to schedule an interview with (b)(5)(B) but Attorney (b)(5)(B) opposed the request.

On November 11, 2017, Attorney (b)(5)(B) gave (b)(5)(B) permission to meet with me and provide her statement. I contacted (b)(5)(B) and scheduled an interview.

On November 13, 2017, at about 1500 hours, DDA Irving, Detective Pena, and I interviewed (b)(5)(B) at her residence located at (b)(5)(B). (b)(5)(B) from (b)(5)(B) office was not present for the interview because he had previously interviewed (b)(5)(B) (b)(5)(B) essentially said the following:

(b)(5)(B) said on the night before the incident, she texted her father and brother some song lyrics she liked. On the early morning of August 20, 2017, she was awakened by knocking at her front door. (b)(5)(B) said there were two deputies at her door. She recognized Deputy Galvan, and he said they were there to check on her welfare because her father called the police. (b)(5)(B) allowed Galvan and the other deputy, later identified as Deputy Fischer, into her home. Fischer stood in the living room as Galvan checked her home and asked her questions regarding her welfare and state of mind. (b)(5)(B) told the deputies she was not suicidal and took her bi-polar medication every day. During the initial contact, Fischer did not participate in the conversation.

The deputies left her home and (b)(5)(B) went back to bed. Sometime later, she heard knocking at her door again. (b)(5)(B) woke up, checked the front door, and saw it was Fischer. Fischer was still

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in full uniform, holding the front door screen, as she opened the door. Fischer asked her if he could use her restroom. (b)(5)(B) felt it would be okay for Fischer to come inside to use the bathroom, so she allowed him in. (b)(5)(B) said she was in her sleep attire (tank top and small shorts). Before Fischer used the bathroom, she removed some of the clothes drying by the restroom door.

(b)(5)(B) did not know how much time had passed since the deputies had left her home, but thought it was close to an hour. She had fallen back asleep and then was woken up by Fischer returning to her home. When asked if it could have been five minutes since she fell back asleep, she did not think it had been that short of a period.

(b)(5)(B) waited for Fischer at her bedroom doorway, which was next to the restroom he was using. Fischer walked out of the bathroom and they both stood in the hallway. (b)(5)(B) does not think Fischer even used the toilet. (b)(5)(B) said he was only in there for a few seconds and she did not hear him urinating. (b)(5)(B) was adamant that Fischer never even used the bathroom because he was not in there long enough. (b)(5)(B) said she would have heard something because she was standing directly outside the bathroom.

After coming out of her bathroom, Fischer told (b)(5)(B) "You are cute." He then asked, "Can I give you a hug?" (b)(5)(B) responded, "Sure." Fischer hugged (b)(5)(B) and had his arms below hers. (b)(5)(B) placed her arms and hands on Fischer's arms and shoulders. Fischer's arms were around her body, and both of his hands were rubbing her back. When Fischer was hugging her, one of his hands went low on her back to where her "butt" begins, but he did not actually grab her buttocks.

Fischer's hands continued to rub her back for several seconds, and (b)(5)(B) felt it was long enough to make her feel as though the hug was too long. The hug felt more intimate versus a friendly hug. (b)(5)(B) described the hug as being on the cover of a "Harlequin Romance Novel." There was no space between the two of them and (b)(5)(B) described the hug as them "merging" together, almost like they were "lovers," but they were not. When they stopped hugging, Fischer said something and then asked if he could hug her again. (b)(5)(B) answered by saying, "Yeah." She was hesitantly hugging him back. Fischer again rubbed her back for several seconds, before the hugging stopped. (b)(5)(B) said the hugs were too "sensual." At no time did Fischer's hand touch her breasts or grab her buttocks. His hands went very low on her back, but did not go below the crack of her buttocks, and basically stayed at her beltline.

They exchanged a few words and Fischer asked if he could hug her a third time. (b)(5)(B) told Fischer, "No" and told him, "You have to go." Fischer did not say much and walked out of her home without anything else happening. (b)(5)(B) demonstrated how Fischer had hugged her by rubbing her own hands on her back. She used her hands and touched the area around her beltline, where her lower back connected to her buttocks and hip area.

(b)(5)(B) texted her father after the deputies left her house from the welfare check. She texted him a message about what happened between her and Fischer. Her father responded to her text by writing, "That's a long way to go for a date." The hugging and interaction with Fischer did not

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immediately bother her, but she later thought about her own daughter receiving that kind of hug from Fischer. Her daughter would not have said anything. The incident started to bother her more and she began feeling as though it was not right for a police officer to hug someone in the manner that Fischer did.

(b)(5)(B) described Fischer as being "intimidating" and (b)(5)(B) said she was not easily intimidated. described herself as being "out there," meaning she stood up against things. (b)(5)(B) described Fischer and said, "He's a predator. He's a predator. He's a predator."

(b)(5)(B) said she called the San Diego Sheriff's Dispatch within about a week to find out which deputies had responded to her house on August 20, 2017. (b)(5)(B) asked to speak with Galvan. (b)(5)(B) had met Galvan during a previous radio call and she felt comfortable talking with him. She wanted to tell Galvan what Fischer had done and get his advice on how to handle the situation. The dispatcher knew who Galvan was and said she would put (b)(5)(B) through to his voicemail. (b)(5)(B) left a voicemail for Galvan. On the message, (b)(5)(B) identified herself and asked Galvan to call her or stop by her residence because she wanted to talk to him about the other night when he had responded to her home. She did not give any details about what Fischer did to her. (b)(5)(B) said nobody ever stopped by or called her. (b)(5)(B) did not report the incident to anyone else and did not attempt to contact Galvan again.

On September 23, 2017, (b)(5)(B) called the San Diego Sheriff's Department to report a found bicycle on the mobile home park property. Deputy Dujenski arrived and he took a report of a found bike. (b)(5)(B) told Dujenski about the inappropriate interaction she recently had with Fischer. (b)(5)(B) told him everything that Fischer had said and done, including the inappropriate hugs. Dujenski said he would notify his supervisor about the incident and they would follow-up with her.

Several days passed and she did not hear back from anyone from the Sheriff's Department. The incident continued to bother her more, and she thought about calling several people to ask for advice. She called a friend who was a former law enforcement officer. She was referred to a "friend of a friend" and then to Attorney (b)(5)(B) said she did not want things to go this way, but it appeared nobody was listening to her.

On October 23, 2017, (b)(5)(B) called the Sheriff's Department to report an incident at her mobile home park with a resident in space (b)(5). Dujenski arrived to speak to (b)(5)(B) (b)(5)(B) became emotional and told Dujenski about talking with an attorney. Dujenski said he told his supervisor (Sergeant Spach) about the incident and was not sure why no one called her. Dujenski told her that Spach was working that evening and he would call her. On that evening, Spach called (b)(5)(B) several times. (b)(5)(B) said she did not answer the calls because she did not know what to do. She became very nervous and anxious about not knowing what to do. Dujenski contacted (b)(5)(B) the following day at her residence. He told her that Spach wanted to meet with her. (b)(5)(B) agreed to meet with Spach at her home that evening.

(b)(5)(B) told Spach what Fischer had done and said to her. (b)(5)(B) asked Spach what would happen to Fischer and Spach responded that he would receive a counseling slip and be written up. (b)(5)(B)

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did not think that was sufficient. During her conversation, Spach also mentioned to (b)(5)(B) that Fischer was already in trouble for a severe dog bite. (b)(5)(B) did not receive any other callbacks from Spach or the San Marcos Patrol Station.

A few days passed and she met with a friend, (b)(5)(B), who knew someone from the San Diego Sheriff's Department. (b)(5)(B) gave her the phone number of the Undersheriff, Mike Barnett. (b)(5)(B) called the number and talked to Undersheriff Barnett. They spoke about the incident for several minutes and he told (b)(5)(B) that he would find out what happened and call her back. Undersheriff Barnett called her back and said an investigation was open, and someone would be in contact with her.

During the interview, (b)(5)(B) was extremely emotional and cried several times throughout it. She made numerous spontaneous statements during her interview. (b)(5)(B) said, ***The guy should not have come back to my house. He had no reason to come back to my house. He could have peed at 7-Eleven.*** (b)(5)(B) continued to share her feelings about Fischer and said, ***He's trying to get laid. He's trying to get a date. He shouldn't be doing what he's doing.*** (b)(5)(B) also said, ***I have one goal. I don't want this guy to have the power to misuse it again... I don't want him to be able to do that to anyone else... he's a predator.*** Additionally, (b)(5)(B) said, ***The guy shouldn't have come back to my house. He's got bad intentions…He's got no right to come back to my house. He doesn't know me...He's a predator. He's a predator.*** (b)(5)(B) said these things, as she was crying and very emotional.

Numerous times throughout her interview, (b)(5)(B) referred to Fischer as being a predator. She also talked about how she does not throw words around lightly and she understood the big picture and the consequences of basically coming forward. She then said how she felt like she was "protecting a lot more people" by coming forward than Fischer was "protecting as being a cop."

(b)(5)(B) also showed us the tank top she wore on the night of the incident. The tank top was a ribbed white tank top and the shorts she referred to as being "booty shorts." She also mentioned she was not wearing a bra or underwear.

(b)(5)(B) said she gave Attorney (b)(5)(B) her Lorex DVR recorder, which was her video surveillance system from her residence. Two cameras were pointed near the entrance to her front door and were recorded on her DVR. (b)(5)(B) said the video recordings only lasted for about four days and were then recorded over. (b)(5)(B) did not believe there would be any recoverable evidence on the Lorex DVR recorder. (Note: Detective Pena and I later retrieved the DVR recorder from Forensic Technology on November 29, 2017, and had the San Diego Regional Computer Forensics Laboratory examined the DVR recorder. Detective Pena was advised the footage on the DVR from August 20, 2017, had been overwritten and was not recoverable).

(b)(5)(B) also provided Attorney (b)(5)(B) the following: a handwritten timeline of the times she attempted to contact the Sheriff's Department, the talk log for her telephone calls to the Sheriff's Department, and screenshots of her text messages to her father.

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STATEMENT OF ACCUSED DEPUTY RICHARD FISCHER REGARDING (b)(5)(B) #14

Upon looking at (b)(5)(B) photograph, Fischer thought she looked familiar, but he did not recall his contact with her. I provided Fischer a copy of the CAD Query reference the call and he was then able to remember the radio call.

Fischer remembered the radio call being a "5150" call and he responded with another deputy. The Primary Deputy (Galvan) was talking with (b)(5)(B) and Fischer was the Cover Deputy. (b)(5)(B) had sent her dad song lyrics about killing oneself. (b)(5)(B) explained to the deputies that it was just a joke. Galvan asked (b)(5)(B) questions to see if she met criteria for 5150. Fischer and Galvan cleared the call and left. Galvan said something about (b)(5)(B) being the manager of the complex.

AB: ***Did you have further contact with her that night?***

RF: ***I did.***

AB: *Can you explain that?*

RF: *Yes. So once we cleared the call, I left. He left. And I forgot how much time had elapsed after that. But ...I had realized that I had misplaced my flashlight. So I was just checking the car and I didn't see it initially, so I was going to retrace my steps...So I retraced my steps back to her house. Once I was there, it was a mobile home, I realized it was between the cushion or the seat. My flashlight was there. It was at that time where I had to use the restroom. It was kind of like one of those emergency types. So I knocked on the door. I saw the light on, so I was like, hey she's probably still awake and then asked to use the restroom. And I used the restroom. As we were leaving, or once I used the restroom, I was like real grateful. Thank you. I appreciate it. She was nice, saying no problem. We gave each other like a one-handed hug, nothing, just like that. And then I left. And then that was it.*

Fischer did not ask (b)(5)(B) if he could hug her, but described it as a "mutual" hug. Fischer said he "may have" reached out first for the hug, but did not remember for certain. Fischer further described the hug between them as being a "friendly hug." He described the hug as being a "half" hug and demonstrated the hug as being with only his left arm around her shoulder area and (b)(5)(B) used her right arm. Fischer kept his right arm at his side. When asked if it was possible his hands moved around (b)(5)(B) back area, Fischer responded, "Maybe as a tap" and then continued saying, "I don't believe that's possible…I don't know how to describe it more. Just like a halfway, one-handed hug, tap type of thing." Fischer said he and (b)(5)(B) only hugged one time that he recalled. Fischer said, "I don't remember more than one hug."

AB: *Is there a restroom that's nearby?*

RF: *After the fact, I know there was a 7-Eleven somewhat close.*

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Fischer said he had to go "number two" and explained it as being "one of those emergencies." When asked if he actually used (b)(5)(B) restroom, Fischer responded, "Yes." Fischer said he was in the bathroom for a "couple of minutes." When he was at (b)(5)(B) house, he admits he realized it was "weird" and was "dumb" that he was even there. Fischer did not recall giving (b)(5)(B) any type of compliments and said there was not much conversation between them. When asked if Fischer told (b)(5)(B) that she was "cute," he responded, "I don't remember making any type of those statements."

> AB: *Okay you don't remember. Is it a statement you could have made, but just did not remember?*
>
> RF: *No it's not like me to make those type of statements.*

INVESTIGATION

I reviewed the following documents: (See Attachment Q)

- CAD Query #E4369508
- AVL for August 20, 2017
- E-mail regarding Fischer's AVL, 23 pings near 7-Eleven
- Claim Against the County of San Diego- time stamped November 2, 2017
- Copy of hand written time-line by (b)(5)(B)
- Copy of the text messages between (b)(5)(B) and her father

I confirmed the following information through documentation and the statements provided.

Fischer responded to (b)(5)(B) home on August 20, 2017, to check on her welfare as a cover deputy (91P7C), along with the primary deputy (91P3C- Galvan). Both deputies arrived at (b)(5)(B) home by 0447 hours according to AVL. At about 0509 hours, Galvan left the area and exited (b)(5)(B) complex, while Fischer remained. Fischer's vehicle was initially parked near the entrance of the complex, which was closer in proximity to the 7-Eleven bathroom.

After Galvan left, it appeared Fischer drove his patrol vehicle closer to (b)(5)(B) home and parked in front of her residence. AVL showed Fischer cleared the area at about 0516 hours, yet had remained in the area an additional seven minutes after Galvan had already left. Fischer went back to (b)(5)(B) home, knocked on her door, and asked to use her bathroom. Fischer claimed he was having an "emergency" and had to go "number two," yet there was a 7-Eleven bathroom directly across the street, which Fischer was aware of. Crime Analyst (b)(5)(B) conducted a search of Fischer's AVL since his assignment to San Marcos and learned Fischer had been in the immediate area of that specific 7-Eleven on 23 occasions.

After Fischer left (b)(5)(B) residence, (b)(5)(B) sent a text message to her father, which said,

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"You wouldn't believe it but one of the deputies just came back to my house he asked to use my bathroom then told me he thought I was cute and asked me for a hug I can't make this stuff up his name is Rick and..."

The text message chain was cut-off at the end and was not time-stamped. However, it did show the message was sent on August 20, 2017, which was the same morning Fischer responded to her home. During her interview, (b)(5)(B) said she told Deputy Dujenski about the incident with Fischer. (b)(5)(B) shared the story with Dujenski when he responded to her house for a found bicycle on September 23, 2017. Dujenski later confirmed with Detective Pena that he informed his supervisor (Sergeant John Spach) about the incident. (b)(5)(B)

(b)(5)(B)

Fischer responded to (b)(5)(B) home on October 6, 2017. (b)(5)(B) boyfriend had been sending her threatening text messages. (b)(5)(B) said Fischer offered her multiple hugs, grabbed her buttocks, and placed her hand on his erect penis during the contact.

STATEMENT OF COMPLAINANT (b)(5)(B) (#15)

On November 18, 2017, (b)(5)(B) verbally notified the San Diego County Sheriff's Department about Fischer inappropriately touching her when he responded to her home for a report of phone threats on October 6, 2017. (Event #E4476451).

On November 21, 2017, at about 1100 hours, (b)(5)(B) was interviewed at her residence located at (b)(5)(B). Detective Pena, DDA Irving, and I conducted the interview. Also present for the interview was (b)(5)(B). (b)(5)(B) essentially said the following:

(b)(5)(B) said she was out to dinner with her boyfriend, (b)(5)(B), and he was drunk and "acting up." (b)(5)(B) left the bar, and (b)(5)(B) stayed because she was not going to his house when he was angry. (b)(5)(B) was upset because she was not going home with him that night. (b)(5)(B) ended her night at the Stagecoach Inn Sports Bar in Vista. She did not remember how many drinks she consumed, but stopped drinking at about 0100 hours. (b)(5)(B) did not

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remember what time she left the sports bar, but said when she arrived home (0215 hours) she immediately called 9-1-1. (b)(5)(B) had been sending her text messages threatening to run his car into her garage. (b)(5)(B) said (b)(5)(B) had anger issues and that was not the first time he threatened to damage her garage.

A deputy (later identified as Deputy Fischer) arrived several minutes later (0238 hours). (b)(5)(B) invited Fischer inside to talk about the incident. She told Fischer about the threats made by her boyfriend and Fischer asked her some questions. (b)(5)(B) does not remember precisely what Fischer asked, but felt the questions were about understanding her relationship with (b)(5)(B) and explaining what happened between them. (b)(5)(B) could not remember more details about the conversation.

While they were standing in the living room talking, Fischer gave (b)(5)(B) a "friendly hug" and she did not believe anything was wrong about it. Fischer did not ask if he could hug her. (b)(5)(B) did not remember if he said anything to her before the hug. They continued to talk, and Fischer asked questions referencing who lived in the home with her. (b)(5)(B) said she lived in the house with her kids and Fischer asked if her kids were home at that time. (b)(5)(B) told Fischer nobody was home.

(b)(5)(B) walked to the area by the island in the kitchen and Fischer followed her. (b)(5)(B) initially felt when she and Fischer talked in the living room, that he was a "concerned" for her. When they continued the conversation by the kitchen, Fischer began asking her questions about people being able to see inside her home. Fischer started looking around her house and asked if she had video surveillance cameras inside her house. He also asked what was behind each door that was downstairs. (b)(5)(B) was not sure if Fischer's questions were for her own safety or for his own personal reasons.

Fischer walked outside to the back courtyard area and then returned inside. He asked (b)(5)(B) if there was another place where they could talk. (b)(5)(B) walked with Fischer back to the outside patio. (b)(5)(B) did not think Fischer wanted to talk outside in the courtyard. They were on the patio for about a minute, returned back inside, and then stood by the kitchen island. Fischer hugged her a second time and she was okay with the second hug. Fischer told her not to tell anyone about the hugging. After they hugged, (b)(5)(B) asked Fischer for his name. He said his name was "Ricky." They began walking towards the front door and (b)(5)(B) son, (b)(5)(B) walked in. (b)(5)(B) explained the reason why Fischer was there and (b)(5)(B) went upstairs after she told him what happened.

(b)(5)(B) said she and Fischer remained talking in the living room. Fischer asked her more questions about what was behind the doors downstairs. When Fischer was ready to leave, he hugged her tightly and put his hands on her butt. Fischer then took her hand, put it on his crotch, and rubbed her hand on his erect penis. (b)(5)(B) did not remember if she pulled her hand away. (b)(5)(B) asked Fischer what he was doing and said, "I am a nice, respectful lady. This is unreal. This only happens on TV." Fischer was very quiet when he was doing that. (b)(5)(B) was "shocked." Fischer left soon after that. (b)(5)(B) did not know what to do after Fischer left. (b)(5)(B) said she wrote Fischer's name down on her calendar.

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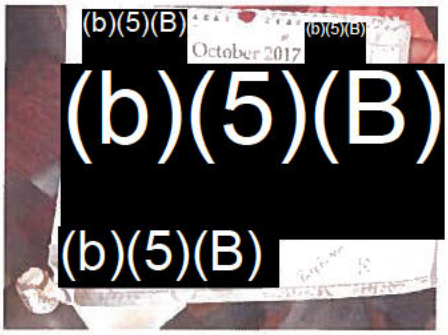
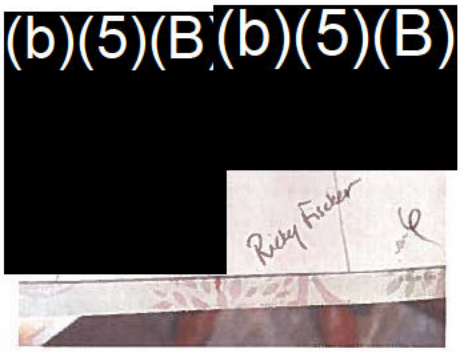
Note: Towards the conclusion of the interview, (b)(5)(B) retrieved her calendar and showed me the month of October. I saw the name "Ricky Fischer" written at the bottom of her calendar. I took a photograph of (b)(5)(B) calendar. (See Attachment R)





(b)(5)(B) did not sleep that night. The following morning, she told her daughter (b)(5)(B) what had happened.

After (b)(5)(B) saw the news about Fischer touching other women inappropriately, she told her husband, (b)(5)(B) (whom she is separated from), what happened to her. (b)(5)(B) advised her to inform law enforcement about what happened to her. (b)(5)(B) knew what Fischer did was wrong, but she did not know what to do about it. She felt it was her word against his.

(b)(5)(B) thought Fischer was a "nice guy" until he placed her hand on his erect penis. She told him that she was a "respectful lady." (b)(5)(B) admitted that she consumed alcoholic beverages that evening, but was unable to recall what she drank.

STATEMENT OF WITNESS ((b)(5)(B))

On November 21, 2017, Detective Pena briefly spoke to (b)(5)(B) daughter, (b)(5)(B)

(b)(5)(B) said she was not home the night of the incident. She arrived home the next morning and her mother told her about the incident. Her mother said she was out on a date with her boyfriend, (b)(5)(B) and got into an argument with him. Her mother called the police because of (b)(5)(B) The police arrived soon after, and she allowed the police officer to come inside the home. Her mom said the police officer was acting weird, was looking out the windows, and asked questions about their motion detector. The deputy hugged her mom, and the officer ended up touching her butt. The officer also got an erection, and he put her mom's hand on to it. Her mother was very uncomfortable during the incident and was in shock.

STATEMENT OF WITNESS ((b)(5)(B))

On November 21, 2017, Detective Pena briefly spoke to (b)(5)(B) current husband, (b)(5)(B) (b)(5)(B)

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(b)(5)(B) told him about Fischer asking to go somewhere more private. (b)(5)(B) did not know at what point Fischer hugged her. He remembered (b)(5)(B) saying they walked outside for a short while and then came back inside the home. He did not recall if that was when Fischer hugged her again and grabbed her butt. She said at some point Fischer grabbed (b)(5)(B) hand and put it on his erection. (b)(5)(B) said the interaction with Fischer was weird because he was a good looking guy. She did not know if she should be flattered about the situation.

(b)(5)(B) said (b)(5)(B) does not share everything. He mentioned that (b)(5)(B) felt guilty about what happened and was not sure if she did something to make Fischer do what he did. (b)(5)(B) explained how she was reluctant in telling him all of the details because they are still legally married, but are currently separated. (b)(5)(B) did not live at the home with the family because he has PTSD from the Marines.

(b)(5)(B) told him about the incident on November 17, 2017, or November 18, 2017. (b)(5)(B) told (b)(5)(B) that she needed to tell law enforcement about the inappropriate interaction.

(b)(5)(B) believed Fischer must have a lot of problems and should come forward. (b)(5)(B) explained how it was a "macho" thing what Fischer did and his "machoism" got him into trouble. (b)(5)(B) believed that Fischer needed to suffer the consequences of his actions and would need help to deal with his problems.

STATEMENT OF ACCUSED DEPUTY FISCHER REGARDING (b)(5)(B) #15

I showed a picture of (b)(5)(B) to Fischer and he said she looked familiar, but did not remember what call it was. I provided a copy of the CAD History from the radio call to Fischer to help with his recollection.

After he reviewed the CAD, I asked Fischer,

AB: *What do you remember about that contact with her?*

RF: *I remember it was a call about her boyfriend sending her texts, 'Hey I'm gonna drive my car through your garage door.' I remember I got there first. Went to the RP (*(b)(5)(B) *She kind of gave me, 'Hey this is what's going on.' I think I left to go help check the area. She gave me the vehicle description so I wanted to go cut him off. I asked her which route he would take and I forgot where we were. So I went there for a little bit. He didn't come. And as deputies, I believe, got closer, I went back to get all the information for the report. He was texting like constant, non-stop. And I think at one point, even one of the deputies came in and was like, 'Hey are you guys good?' I just say I'm just getting the info for the report. This one, I could smell alcohol on her breath. She was definitely drinking. Her adult son was there also. He was upstairs. Yeah. And then at the very end after I got all the info, she was like, 'Oh no I don't want a report. I just want you guys to know about it.' So that was it.*

AB: *That was it?*

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RF: *Well okay. So then as I'm leaving, she made statements. I thought it was funny. Not funny, but I didn't take them seriously because she's older. But she was saying like stuff to the effects like, oh I feel so safe with those big arms here. You guys make me feel so safe. Thank you. Really just stuff like that. And before I left,* ***she gave me a hug. She gave me like a two arm embrace. I just gave her one-handed****. And then she just said, awe thank you so much and stuff like that and then I left.*

AB: *Anything else?*

RF: *I don't think so.*

AB: *Do you remember there being a contraption and you asking her if she had video surveillance?*

RF: *I don't remember that.*

AB: *Do you remember asking if neighbors could see inside the blinds?*

RF: *No I don't think so.*

AB: *Was there any touching of your crotch when you guys were saying goodbye during the hug?*

RF: *No.*

AB: *No touching? Did you grab her hand and place it on your crotch?*

RF: *No.*

AB: *Did she voluntarily put her hand on your crotch?*

RF: *No.*

AB: *And by crotch, I mean penis. Did she touch your penis at any time?*

RF: *No.*

Fischer said there was only one hug during their contact and described (b)(5)(B) as being the one who reached out to hug him with both of her arms as he was leaving. Fischer described (b)(5)(B) hug as an "embrace" around his biceps, but said he only gave (b)(5)(B) his same one-handed hug. The hug only lasted for about two seconds. Fischer's hand did not drop below her waistline or touch her buttocks. Fischer felt no sexual arousal and did not find (b)(5)(B) attractive.

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AB: *Describe the distance with your body during the hug. What part of your bodies were touching?*

RF: *Just where my vest is. And her hands were on like my arms and shoulders. My arm around her shoulders or back, I guess.*

AB: *Was there any rubbing of your hands on her back or shoulder?*

RF: *May have been like tapping. That type of thing. Yeah patting.*

AB: *You're saying you patted her back, but was there any rubbing?*

RF: *Rubbing?*

AB: *Which means you maintain contact with your hand on her back and instead of releasing it and placing it back, you keep it there and you move it up or down or right or left. Rubbing.*

RF: *I don't believe so, no.*

Fischer said he prefers the one-handed hug with his left arm, so that he can keep his gun side open, which is on his right side.

JL: *You said she hugged you with both hands?*

RF: *She had both hands, yes. But she was holding onto like my arms.*

JL: *So she held onto your arms and you're indicating around the shoulder area, the upper arm?*

RF: *No, like bicep area.*

JL: *How close was her body if she's holding your arms?*

RF: *I don't know, chest to chest kind of. Like where my vest was.*

JL: *So you were comfortable having somebody holding your arms up close to you at chest to chest position?*

RF: *An older lady that I can* ***over power****, yes.*

INVESTIGATION

I reviewed the following documents. (See Attachment R)

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- CAD Query E4476451
- AVL from October 6, 2017
- Photos of (b)(5)(B) calendar
- County Claim for (b)(5)(B)

I confirmed the following information through documentation and the statements provided:

Fischer responded to (b)(5)(B) home on October 6, 2017, for a domestic violence related incident. (b)(5)(B) boyfriend was sending threatening text messages to her and said he was going to run his car into her garage. Fischer arrived at about 0237 hours and contacted (b)(5)(B) inside her home. No other deputies went inside her house. Fischer and (b)(5)(B) hugged prior to him leaving. Fischer cleared the call at 0258 hours with a disposition of the following:

"RP JUST WANTED UNITS TO CHECK THE AREA. SUBJ CONTINUOUSLY TEXTED HER DRUNK TEXTS BUT VAGUE AND JUST THAT HE DID NOT WANT TO BE WITH HER ANYMORE. NO CRIME."

CONCLUSION OF STATEMENT BY FISCHER

Towards the conclusion of the interview, Fischer agreed we had established that he "hugs" people during the course of his duties. Fischer said he has even hugged men and children, but was unable to recall any specific incidents. Fischer reiterated and said he knows he has hugged men, but was unable to think of any specific examples. When asked if any of his partners were present during the time he hugged any of the women listed in this interview, Fischer responded, "These ones? No I don't believe so." When asked if his partners have been present during any other time when he hugged a female during a radio call, Fischer was unable to recall any specific incidents when his hugging was witnessed by a partner.

> AB: *During this interview, you're establishing that you, you have said that you're compassionate. That you will reach out. You will do follow-ups. You will hug these women. Is that correct?*
>
> RF: *Yes.*

Fischer admitted he has attended sexual harassment training in the past during Phase Training and also on his Learning Management System (LMS). Fischer explained his reasoning for crossing personal space boundaries with the citizens he had hugged.

> RF: *I believe at that time it was appropriate, due to the state of them. It's not like I'm just walking in there and saying,* ***hey give me a hug and forcing myself on them****. It's after I talk to them for a little bit. It's just more human to human type hugs.*

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Fischer was not directly trained to hug people, but said he has seen it done before. He could not recall any specific incidents. I confirmed Fischer's statement in regards to who he actually hugged:

1) Regarding (b)(5)(B), Fischer said, "I believe with her I don't remember giving her any hugs."

2) Regarding (b)(5)(B), there were no allegations of hugging.

3) Regarding (b)(5)(B), Fischer said, "No. No hugs."

4) Regarding (b)(5)(B), Fischer was not questioned.

5) Regarding (b)(5)(B), Fischer said, "Yes."

6) Regarding (b)(5)(B), Fischer was not questioned.

7) Regarding (b)(5)(B), Fischer said, "I believe so."

8) Regarding (b)(5)(B), Fischer did not recall any of the contact with her.

9) Regarding (b)(5)(B), Fischer previously admitted to hugging.

10) Regarding (b)(5)(B), Fischer said, "That one I don't remember, good." Fischer admitted it was possible he hugged (b)(5)(B)

11) Regarding (b)(5)(B), there was no hug.

12) Regarding (b)(5)(B), Fischer said, "No hug."

13) Regarding (b)(5)(B), Fischer previously admitted to hugging.

14) Regarding (b)(5)(B), Fischer said, "Yes."

15) Regarding (b)(5)(B), Fischer said, "Yes."

INVESTIGATION

On November 16, 2017, I verified that Fischer was issued a Department cell phone (Property # 228525), which was activated on August 24, 2017. I contacted Fischer at Sheriff's Records and told him I needed to retrieve his Department issued cell phone. Fischer told me he "lost it." I asked him when he lost it and he said one or two weeks ago. I asked Fischer if he reported the lost phone to his supervisor and he said, "No." I did not question Fischer any further regarding his lost phone. I told him to complete a Report of Missing, Damaged or Stolen Property, as well

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as a Lost Property report. Fischer provided me all the reports by November 22, 2017. Per Fischer's report, he lost his phone between November 7, 2017, and November 9, 2017. (See Attachment S)

I contacted Data Services Technology Manager (DSTM) (b)(5)(B) and learned the last GPS ping for Fischer's Department issued cell phone occurred on November 10, 2017, at 0934 hours. The located reported was within 213 feet of (b)(5)(B), which was near Fischer's private residence.

Note: Fischer claimed to have lost his Department issued cell phone between November 7, 2017, and November 9, 2017. During that time, Fischer was already placed on Administrative Assignment and was aware of the multiple allegations against him. I asked DSTM (b)(5)(B) to notify me if the phone turned on again at any point. (b)(5)(B) activated the tracking device, but to date, Fischer's phone has not been turned on.

STATEMENT OF ACCUSED (DEPUTY FISCHER) REGARDING CELL PHONE

In regards to the Department issued cell phone, Fischer admitted to losing his cell phone and not immediately reporting the loss to his supervisor. Fischer said he was waiting for a few days to report it, in hopes he would find the phone. He denied purposely losing it to prevent us from accessing the information on it.

When asked if Fischer would be willing to provide a copy of his personal cell phone log history for the past 18 months, (b)(5)(B) interrupted and said, "He and I will talk about that." I asked for a copy of Fischer's cell phone log history just for the specific day and time of when (b)(5)(B) said he had called her. (b)(5)(B) again interrupted and recommended Fischer not provide a copy, but said they would discuss it.

I concluded the interview at 1713 hours with an order not to disclose any information we discussed during the interview and also an order not to retaliate against any of the complainants or witnesses in the case. I took note of the time being past 1700 hours. I told Fischer to complete an overtime slip since he was interviewed past his scheduled hours.

INVESTIGATION

I interviewed 21 deputies who had previously worked with Fischer. All 21 deputies were given the opportunity to read the four Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports and Truthfulness. All deputies indicated they understood the policies and would adhere to them. All deputies were aware I was recording the interview.

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STATEMENT OF WITNESS (DEPUTY CLAYTON DUJENSKI)

On January 16, 2018, at 0459 hours, I interviewed Deputy Clayton Dujenski in a private meeting room located at the San Marcos Sheriff's Station. A synopsis of this interview follows.

Dujenski has been employed with the San Diego County Sheriff's Department for about seven years. He previously worked at the George Baily Detention Facility and has worked patrol at the San Marcos Station for the past three years.

Dujenski has worked with Fischer since Fischer became a K9 deputy and was assigned to the San Marcos Station. Dujenski has known Fischer for several months on a professional work level. They are not friends and do not socialize outside of work.

On September 23, 2017, Dujenski responded to (b)(5)(B) residence for a found bicycle report. During that contact, (b)(5)(B) shared the details about her contact with Fischer.

(b)(5)(B) told Dujenski about one night a few weeks prior, (b)(5)(B) had been drinking and was actually drunk. She sent a song lyric text to her dad. Her dad thought the lyrics were indicating suicide because it was a depressing song, so he called the Sheriff's Department to conduct a welfare check or "5150" evaluation of (b)(5)(B) explained how Galvan had responded to her house as well as another deputy she did not know. (b)(5)(B) described the deputy as being a big muscular guy with a small head. At the time, Dujenski did not know what deputy (b)(5)(B) was describing. Dujenski later contacted Galvan and learned the deputy who responded with him to (b)(5)(B) home was Fischer.

Galvan and Fischer learned the text message was just miscommunication and they left. (b)(5)(B) said that Fischer returned to her house a short time later and asked to use the restroom and she said, "Okay." After Fischer used the restroom, he came out, spoke with (b)(5)(B) and asked her for a hug. (b)(5)(B) agreed to the hug and described it as being a "longer" hug. Fischer and (b)(5)(B) continued talking and then asked her for a second hug. (b)(5)(B) was a little more reluctant, but she still agreed and they hugged again. They continued talking and then Fischer asked for a third hug, which made (b)(5)(B) feel uncomfortable. (b)(5)(B) told Fischer, "No," and said he should leave. Fischer left her residence. Dujenski could not remember if (b)(5)(B) spoke about Fischer giving her any compliments. (b)(5)(B) did not say anything about Fischer groping her or being inappropriate. Dujenski thought (b)(5)(B) appeared credible and had no reason to think otherwise.

(b)(5)(B) told Dujenski that her father and friends were telling her that she should get an attorney. expressed how she did not want to get anyone in trouble and talked about how she was very "pro law enforcement." (b)(5)(B) said she wanted something done, but did not know what she wanted done at the time. Dujenski told (b)(5)(B) that he would bring it up with his sergeant.

Sergeant Spach was the sergeant working patrol that night on September 23, 2017. After Spach got dressed for his shift, Dujenski told Spach everything that (b)(5)(B) had told him. Dujenski provided (b)(5)(B) phone number to Spach and he said he would get a hold of her. Dujenski is unaware of what follow-up happened at that point.

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One month later, on October 23, 2017, Dujenski responded to a disturbance call at the same location. After talking with (b)(5)(B) about the incident that Dujenski was there for, (b)(5)(B) almost immediately started talking about how no one had ever contacted her regarding the Fischer incident and said she had not spoken to anyone. Dujenski explained to (b)(5)(B) how he had told his supervisor about the incident. Dujenski told (b)(5)(B) that he would again tell Sergeant Spach about the incident. (b)(5)(B) told Dujenski about the incident again between her and Fischer. Dujenski said the story was almost "identical" to when she had originally told him. (b)(5)(B) did not exaggerate the details when she told the story again to Dujenski.

Later that evening when Spach came into work, Dujenski briefly spoke with him and asked if he remembered the incident they had previously spoken about involving Fischer and (b)(5)(B) Dujenski told Spach that no one had contacted (b)(5)(B) yet. Dujenski did not remember how Spach responded to that. Dujenski provided Spach both her personal and work cell phone numbers and asked Spach to give her a call.

The following morning on October 24, 2017, Dujenski received an e-mail from Spach saying that he tried to make contact with (b)(5)(B) and had left two voicemails for her. Spach had not heard back from (b)(5)(B) and requested Dujenski go to her residence to find out when (b)(5)(B) could meet with Spach at her home. Dujenski went to (b)(5)(B) residence that day and told (b)(5)(B) that Sgt. Spach was trying to get a hold of her and left two voicemails. (b)(5)(B) admitted she saw the number calling her and thought it was Spach, but expressed that she was nervous and scared so she did not answer the phone. (b)(5)(B) agreed to talk with Spach. (b)(5)(B) told Dujenski the story for a third time and it was again consistent with the other two times she told the story.

Dujenski went back to the station and e-mailed Spach letting him know what had occurred with (b)(5)(B) Dujenski agreed to forward me the e-mail communication between him and Spach.

Note: I received a copy of the e-mails from Dujenski. (See Attachment Q)

This concluded Dujenski's involvement with (b)(5)(B)

Dujenski estimates he has been on 20-30 radio calls with Fischer and has never seen him hug anyone, compliment anyone, obtain anyone's phone number for a social reason, flirt with anyone, or act inappropriate with anyone. Nor has Dujenski ever heard of Fischer doing any of the above actions while on duty.

When asked if it would be normal or common practice for a deputy to hug a member of the public, Dujenski said, "No" and explained how it was "common sense" not to hug people. Dujenski shared how people look up to police and asking for a hug or giving a hug, does not look good for law enforcement. When asked if it would be normal or common practice for a cover deputy to return to a female's home to check on her, Dujenski said, "No." Dujenski explained "when the call is done, the call is done." Dujenski said it would not make any sense for a cover deputy to go back to the residence. When asked if it was normal or common practice to conduct follow-ups at females' residences and not notify Sheriff's Dispatch, Dujenski responded, "It happens." Dujenski gave the example such as having to drop off a piece of paper or provide EPO

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information to a reporting party or victim. He explained how the deputy might not broadcast the information if they are only going to be at the residence for a very short time.

When asked if it was normal or common practice to conduct traffic stops and not broadcast the stop, Dujenski explained how this sometimes occurred. Dujenski said if you are conducting traffic stops and you get a quick peak and see it is grandma, you might not continue the stop and tell the person to have a good a day without putting the information out. When asked if it was normal or common practice to compliment females about their physical appearance or tell a woman she is attractive during the course of a deputy's duty, Dujenski responded, "No." Dujenski explained how this would not be appropriate behavior for law enforcement and puts deputies in a bad light. He explained how it "grays the line."

I concluded the interview at 0528 hours with an order not to retaliate and an order not to disclose any information, both of which Dujenski stated he understood.

STATEMENT OF WITNESS (DEPUTY JAMES MORGAN)

On January 16, 2018, at 1322 hours, I interviewed Deputy James Morgan in a private interview room located at the Lakeside Substation. A synopsis of this interview follows.

Morgan has been employed with the San Diego County Sheriff's Department for about 10 years. He previously worked at the Santee Station and has been assigned to the Lakeside Crime Suppression Team (CST) for past year. Morgan trained Fischer in 2014, during Phase #1 of his field training. Morgan does not have a friendship with Fischer and only knows him professionally through their employment. They have never socialized outside of work, nor does Morgan possess his personal phone number.

Morgan has never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social reason, flirt with anyone, or act inappropriate with anyone.

When asked if it would be normal or common practice for a deputy to hug a member of the public, Morgan said, "No. It's inappropriate." Morgan explained how the public could perceive this wrong. When asked if it would be normal or common practice for a cover deputy to return to a female's home to check on her, Morgan said, "No. It absolutely would not be normal. Once you've left. There is no reason to return unless there's a new call." When asked if it was normal or common practice to conduct follow-ups at females' residences and not notify Sheriff's Dispatch, Morgan responded, "Absolutely not…It's inappropriate and not acceptable."

Morgan had no knowledge of Fischer ever conducting traffic stops without broadcasting the information over the radio. Morgan trained Fischer to put the stop out and actually get the read back, prior to actually initiating the stop. Fischer was trained that everything goes out over the air. Morgan explained how it would not be normal or common practice to ever conduct a traffic stop without broadcasting the information. Morgan discussed how the occupants of the vehicle are unknown. The vehicle also may have been used in a crime or was reported stolen.

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When asked if it was normal or common practice to compliment females about their physical appearance or tell a woman she is attractive during the course of a deputy's duty, Morgan responded, "No. It's inappropriate. No need for it." Morgan explained how that would look terrible for a uniformed deputy to do that. When asked if it would be professional for a uniformed deputy to tell someone they are attractive, Morgan responded, "Inappropriate. Not professional in any way, shape, or form. No need."

Morgan had no additional information regarding Fischer. I concluded the interview at 1334 hours with an order not to retaliate and an order not to disclose any information, both of which Morgan stated he understood.

STATEMENT OF WITNESS (DEPUTY JOSE GALVAN JR.)

On January 17, 2018, at 1302 hours, I interviewed Deputy Jose Galvan in the Patrol Sergeant's office located at the San Marcos Station. A synopsis of this interview follows.

Galvan has been employed with the San Diego County Sheriff's Department for about seven years and has been assigned to San Marcos Patrol since February 2013. Galvan met Fischer last year when Fischer was a K9 Deputy. They do not have a personal friendship outside of work.

At some point last year, Fischer was reassigned to Galvan's team as a Patrol Deputy. Galvan has responded to radio calls with Fischer and has not seen him ever hug or compliment members of the public. Nor has he ever seen Fischer obtain a citizen's phone number for his own personal use or act flirtatious. He had not seen or known of Fischer to ever conduct follow-ups or traffic stops without notifying Sheriff's Dispatch. Galvan had no knowledge of Fischer ever hugging a member of the public or acting in way that some might consider inappropriate.

Galvan expressed how hugging a member of the public has never occurred during the course of his duties, nor was it normal or common practice to do so. If Galvan was a cover deputy and needed to return to a female's residence, he would broadcast the information or simply stay on the original call. It would not be normal of common practice to ever return to the residence to conduct a follow-up. It would not be normal or common practice to ever conduct a follow-up or traffic stop without notifying Sheriff's Dispatch. Patrol activity needs to be documented to protect yourself from complaints. It is also for your safety and to ensure your partners know where you. It would not be normal or common practice to ever compliment a member of the public because you could offend someone, which might generate a complaint. The public holds law enforcement to high standards and the language could be taken negatively.

When asked if it was possible to professionally tell someone they were attractive, Galvan gave the example of telling an older person they look good for their age. I asked for clarification in regards to telling someone they are "attractive," but doing so in a professional way. Galvan responded, "No. Saying they're attractive in a professional way, I would say no."

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I reminded Galvan about the radio call he responded to with Fischer on August 20, 2017. I told Galvan he was the primary deputy and they responded to a welfare check of (b)(5)(B). Galvan said he had met (b)(5)(B) earlier in the year because he patrols the north beat and she was the reporting party for a couple radio calls. Galvan described (b)(5)(B) as always being professional and cheerful. On one occasion, when Galvan responded to her complex, (b)(5)(B) asked about "Why are all the good men taken?" At first Galvan thought (b)(5)(B) was possibly flirting with him, but he did not know for certain.

Galvan described where he and Fischer had parked when they responded to the welfare check of (b)(5)(B) As you enter the complex of (b)(5)(B), they both parked their patrol cars near space (b)(5)(B) facing east bound. They learned that was the wrong space and they should have been responding to (b)(5)(B). They found the residence and determined (b)(5)(B) did not meet the criteria for 5150. They left (b)(5)(B) home and walked back to their patrol cars. Galvan's car was parked in front of Fischer's. Once they get to their cars, Galvan immediately drives off and thought Fischer did as well. Galvan believes he last saw Fischer behind him at Woodward/San Marcos and Mission Road.

I explained to Galvan that (b)(5)(B) said she had called him and left a message. She did not go into the details of what occurred, but simply asked for a return call. When asked if he remembered that phone call, Galvan said, "I don't recall any of that. No." Galvan said he did not get his Department issued IPhone until after the incident, which was around September 2017 because he was on "baby leave." He was actually in the middle of his leave and went into work to pick up his Department issued phone. Galvan said it was possible she left a message on his County voicemail, but he usually checked that about once a week. He did not recall ever receiving a voicemail from (b)(5)(B)

Galvan said it was "very common" for the patrol deputies to use 7-Eleven bathrooms. I asked Galvan about the 7-Eleven that was right next to (b)(5)(B) residence and backed up to (b)(5)(B) (b)(5)(B) Galvan was certain that deputies had used that specific 7-Eleven bathroom, which was less than 50 yards from (b)(5)(B) residence. Galvan did not recall if Fischer had ever used that specific bathroom, but should have known that location existed because it was a well-known location. Galvan has seen Fischer around that 7-Eleven, but does not know if he ever utilized the bathroom there. Galvan has asked to use citizen's bathrooms in the past when he was stuck on a crime scene, but would always prefer to use the bathroom at a 7-Eleven if given a choice. I concluded the interview at 1333 hours with an order not to retaliate and an order not to disclose any information, both of which Galvan stated he understood.

STATEMENT OF WITNESS (DEPUTY KYLE KLEIN)

On January 17, 2018, at 1405 hours, I interviewed Deputy Kyle Klein in the briefing room located at the Vista Patrol Station. A synopsis of this interview follows.

Klein has been employed with the San Diego County Sheriff's Department for about 10 years. He previously worked as a Detentions and Court Services Deputy and has been assigned to the

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Vista Patrol Station for the past two years. In September 2017, Klein was assigned to the Traffic Unit. Klein has worked with Fischer in the past, when Fischer was a K9 Deputy. They are not friends outside of work and strictly have a professional working relationship.

Klein has responded to radio calls with Fischer and has not seen him ever hug or compliment members of the public. Nor has he ever seen Fischer obtain a citizen's phone number for his own personal use or act flirtatious. He had not seen or known of Fischer to ever conduct follow-ups or traffic stops without notifying Sheriff's Dispatch. Klein had no knowledge of Fischer ever hugging a member of the public or acting in a way that some might consider inappropriate.

Klein explained how the only time it would ever be appropriate to hug a member of the public during the course of one's duty, would be during a community relations event or possibly hugging a child or an elderly person. Klein personally has never hugged anyone during radio call and does not think it is professional.

As a cover deputy, Klein would only return to the residence to check on a female, if it was requested for a specific reason and there is follow-up needed. Klein explained how they usually obtain phone numbers and he would just call the person on the phone. He would not show up at someone's residence for a follow-up without having a partner with him. Klein said, "You never know what people would claim." Klein explained how deputies put out time and mileage when they are transporting a female prisoner.

When asked if it was normal or common practice to conduct traffic stops and not notify Sheriff's Dispatch, Klein said he had done that in the past when he had a partner with him. Klein explained how those contacts were really quick and lasted less than 30 seconds. Klein explained how it is inappropriate and not normal to compliment female citizens about their physical appearance or call them "attractive." Klein believes this behavior is unprofessional because you are in uniform and representing the Sheriff's Department. I concluded the interview at 1420 hours with an order not to retaliate and an order not to disclose any information, both of which Klein stated he understood.

STATEMENT OF WITNESS (DEPUTY CODY ROBERTS)

On January 17, 2018, at 1423 hours, I interviewed Deputy Cody Roberts in the briefing room located at the Vista Patrol Station. A synopsis of this interview follows.

Roberts previously worked for the San Diego Police Department and has been employed with the San Diego County Sheriff's Department for over two years. He has been assigned to the Vista Patrol Station since October 2015. Roberts met Fischer during a less-lethal class in Vista and saw him again when Fischer became a K9 Deputy. They had a friendly work relationship, but did not socialize outside of work.

Roberts has responded to radio calls with Fischer and has not seen him ever hug or compliment members of the public. Nor has he ever seen Fischer obtain a citizen's phone number for his own

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personal use or act flirtatious. He had not seen or known of Fischer to ever conduct follow-ups or traffic stops without notifying Sheriff's Dispatch. Roberts had no knowledge of Fischer ever hugging a member of the public or acting in a way that some might consider inappropriate.

Roberts said he would not return to a female citizen's residence to check on her, unless the primary deputy requested it. The follow-up would be communicated to Sheriff's Dispatch because they are notified of all activity for safety purposes. Roberts believed it is inappropriate to hug members of the public or give them compliments about their physical appearance because it goes outside the scope of their profession. I concluded the interview at 1435 hours with an order not to retaliate and an order not to disclose any information, both of which Roberts stated he understood.

STATEMENT OF WITNESS (DEPUTY MATTHEW HEMPHILL)

On January 18, 2018, at 0604 hours, I interviewed Deputy Matthew Hemphill at the Internal Affairs Conference room. A synopsis of this interview follows.

Hemphill has been employed with the San Diego County Sheriff's Department since 2007. He previously worked at both the Santee Station and Lakeside Substation for about four years. He has been assigned to Weapons Training Unit since May 2017.

Hemphill worked patrol with Fischer for about one to two years in Lakeside. He described their relationship as "working friends," but did not socialize outside of work. Since hearing the news about Fischer and allegedly hugging citizens, Hemphill said he has been trying to "rack his brain" remembering if he had ever seen Fischer hug someone. Hemphill is sure he would have remembered, had he saw Fischer hugging someone during the course of their duties because it would have been odd. Hemphill has not seen him ever hug or compliment members of the public. Nor has he ever seen Fischer obtain a citizen's phone number for his own personal use. Hemphill was unable to remember if he ever saw Fischer act flirtatious with a member of the public and did not recall any specific incidents occur.

He had not seen or known of Fischer to conduct follow-ups without notifying Sheriff's Dispatch. When asked if Fischer ever conducted traffic stops without notifying dispatch, Hemphill responded, "That I'm sure it happened. But I never saw him." Hemphill discussed hugging members of the public while on duty. He said the "situation dictates" and said he has hugged a couple people solely during death calls. If someone was a victim of a burglary or property crime, they would not need a hug.

When asked if it was normal or common practice for a "cover" deputy to later return to the residence to check on the female victim, Hemphill said, "No. It's unprofessional. It's extremely risky. There's so many stories that have happened like this in the past decade that I think all deputies know you need to not put yourself in that situation. Don't return to homes. Don't talk to people when you're not officially talking to them, radio call. Don't talk to people alone. It's just one of those things that's common sense." Hemphill explained how anytime a deputy conducts

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follow-ups at a residence, Sheriff's Dispatch needs to be notified. This is for safety reasons. If something happens at the residence and the deputy starts screaming on the radio, no one else would know where they were. Hemphill said, "You do something to let somebody know where you are at all times."

When asked if it was normal or common practice to conduct traffic stops and not notify dispatch, Hemphill said he knows people have done that. He also did this once when he had another deputy with him watching a stop sign for potential violations. This was to prevent broadcasting traffic stops every two minutes and upsetting the dispatcher. If it appeared the stop was going to go somewhere, then it was broadcast over the radio. Looking back now, Hemphill knows this was a "stupid" idea.

Regarding complimenting a female on her physical appearance, Hemphill said "Absolutely not." Being on duty is not the time or place to give compliments. He does not think it is ever possible for a deputy to be in the performance of their duties and tell someone they are attractive. Hemphill described that as being "creepy."

Hemphill had no knowledge of Fischer ever hugging a member of the public or acting in a way that some might consider inappropriate. I concluded the interview at 0620 hours with an order not to retaliate and an order not to disclose any information, both of which Hemphill stated he understood.

STATEMENT OF WITNESS (DETECTIVE AARON BROOKE)

On January 18, 2018, at 0801 hours, I interviewed Detective Aaron Brooke in a private room at the Santee Station. A synopsis of this interview follows.

Brooke has been employed with the San Diego County Sheriff's Department for about 14 years. He previously worked at the San Diego Central Jail, George Bailey Detention Facility, the Detentions Investigative Unit, Poway Patrol, Alpine Patrol, Santee Patrol, Lakeside Patrol, and the Crime Suppression Team. He has been assigned to the East County Regional Gang Task Force (ECRGTF) since December 2017.

When Brooke was assigned to Lakeside, he worked with Fischer on the same patrol team for at least a year. Brooke said he got along well with Fischer and liked him. He described Fischer as being a hard worker with a good attitude and made many arrests. They did not socialize outside of work, but believed they were connected on social media. Brooke said he had been on hundreds of radio calls with Fischer and had never seen him hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Brooke has never seen Fischer act inappropriately.

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Brooke had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio. However, Brooke said he has done that and used his MDC versus the radio depending if it is too busy. For officer safety reasons, Sheriff's Dispatch should be notified.

Brooke said it would not be common practice to hug someone during a radio call, unless it was a death call. That would be the only time it would be appropriate. In regards to returning to a female's residence after clearing the radio call, Brooke explained how this could be possible. It would only be normal to return if there was an outstanding suspect and you were looking for. It would not be normal or common practice to return to a residence and fail to notify Sheriff's Dispatch because of officer safety. When asked about giving compliments to females about their physical appearance, Brooke said, "You should not do that. It's unprofessional." Brooke did provide an example of when it might be professional to tell a female she is attractive during a radio call. He talked about if there was a domestic violence victim who was beat up by her husband and emotionally abused her as well, as long as the deputy does not overstep the boundaries.

I concluded the interview at 0818 hours with an order not to retaliate and an order not to disclose any information, both of which Brooke stated he understood.

STATEMENT OF WITNESS (DEPUTY MARCOS COLLINS)

On January 18, 2018, at 0940 hours, I interviewed Deputy Marcos Collins in his office located at West Hills High School. A synopsis of this interview follows.

Collins has been employed with the San Diego County Sheriff's Department for about 10 years. He previously worked at the Santee and Lakeside Patrol Stations and has been assigned as a School Resource Officer for the past 18 months.

When Collins worked at the Santee Patrol Station, Fischer was one of the deputies he trained. Collins trained Fischer for his 3rd Phase and Shadow Phase. They had a strictly professional relationship and were not friends outside of work. Collins estimates that he and Fischer responded to 100 or 150 radio calls together. During those calls, he has never seen Fischer hug a member of the public, compliment anyone, or obtain anyone's phone number for a social call. Collins never saw him flirt with a member of the public, and said Fischer was extremely professional. Collins explained how there were times when women would flirt with Fischer, yet he still stayed professional. Collins had no knowledge and never heard of Fischer giving hugging people. Collins had never seen or known of Fischer conducting follow-ups at citizens' homes without broadcasting the information.

Collins explained how he trained Fischer and all of the other deputies he trained in conducting traffic stops. If the deputy saw a traffic violation, he/she would broadcast the information over the radio and wait for the read back from the dispatcher. The deputies would broadcast their location and the vehicle's license plate. He had no knowledge of Fischer conducting traffic stops without broadcasting the information.

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Collins did not believe it was normal or common practice to hug a member of the public, but said it has occurred. He gave the example of an elderly female hugging him during a call. Collins would not push the elderly persona away, but also would not prolong the hug.

As a cover deputy, Collins would not return to anyone's residence after clearing a call, unless the person specifically requested extra patrol. Otherwise, it would not be common. Collins said it would be uncommon to ever conduct a follow-up at a female's home without notifying Sheriff's Dispatch or creating a call on the MDC. Collins said deputies need to document and keep a record of their activity for the overall investigation. The deputies also need to maintain officer safety and let their partners and dispatch know where they are. If the contact turned into an emergency, the deputy might be unable to broadcast any information quickly.

Collins explained how it was uncommon to conduct traffic stops and not notify dispatch. Collins said the primary reason was a "safety" issue and deputies should know their partners' location. It also was because of accountability and statistical purposes to keep track of the proactivity. Deputies should not compliment citizens about their physical appearance because it is unprofessional. Collins does not think it would ever be professional to tell a female citizen that she was attractive. The person could interpret that in a wrong way. According to Collins, deputies have met their significant others while on duty, but felt he personally would never tell someone they were attractive when he was on duty.

Collins thought Fischer was closest with Deputy Conard and Brooke. Fischer explained how he felt Fischer was a hard worker and never gave anyone the "creeps." Collins said, "Everyone on the team loved him. He never gave anyone the creeps." Collins was shocked and surprised when he heard about the allegations against Fischer and does not believe them. I concluded the interview at 0954 hours with an order not to retaliate and an order not to disclose any information, both of which Collins stated he understood.

STATEMENT OF WITNESS (CORPORAL PETE LARSON)

On January 18, 2018, at 1407 hours, I interviewed Corporal Pete Larson in a private interview room located at the Lakeside Substation. A synopsis of this interview follows.

Larson has been employed with the San Diego County Sheriff's Department for about 28 years. He has been assigned to the Santee Station since 1994. He became a Training Officer in 2001/2002 and then was promoted to Corporal a year later. Larson has trained 50-100 deputies in patrol and the jails.

Larson trained Fischer during his 2nd Phase in Lakeside. They handled about 140 calls during the time Larson was training him. Larson had no knowledge and never saw Fischer hug a citizen, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone.

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Larson trained Fischer on how to conduct traffic stops, by broadcasting the location and license plate on the vehicle. This was documented in the daily evaluations Larson completed. Larson had no knowledge of Fischer ever conducting traffic stops without broadcasting the information. Larson said, "Not when he was with me anyways."

Larson said it would not be normal or common practice to later return to a female's residence to check on her, when you were the cover deputy. Larson said, "That is seedy behavior." Larson said their shifts are too busy and you could call the person on the phone if needed. It is not normal or common practice to conduct follow-ups at homes and not notify Sheriff's Dispatch. Nor is it common to conduct traffic stops without notifying dispatch. Larson said it has been done by deputies, but not by Larson. Larson always teaches his trainees the correct way to do things, which is often times the longer way. In regards to giving compliments on someone's appearance, Larson said, "I don't go there." He talked about "this day in age" and how people get their feelings hurt and giving compliments is unprofessional. Larson said he never saw Fischer compliment a citizen, but explained how he had never really had that conversation with Fischer. Larson thought it was just "common sense" and "certain things you just don't do."

Larson did not believe it was professional to tell a citizen they were "attractive." He said he was not able to think of any scenario to when that would be considered professional. Larson has never seen Fischer act inappropriately. I concluded the interview at 1425 hours with an order not to retaliate and an order not to disclose any information, both of which Larson stated he understood.

STATEMENT OF WITNESS (DEPUTY RONALD JOSLIN)

On January 18, 2018, at 1447 hours, I interviewed Deputy Ronald Joslin in a private room located at the Santee Station. A synopsis of this interview follows.

Joslin has been employed with the San Diego County Sheriff's Department for about five years. He previously worked at the San Diego Central Jail, the El Cajon Courthouse, and Lakeside patrol. He has been assigned to the Santee Patrol Station since October 2014 and is currently a PERT Deputy. When Joslin was assigned to Lakeside, he worked with Fischer for about three to four months. They do not socialize outside of work and only know one another through work.

Joslin has never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Joslin has never seen Fischer act inappropriately. Joslin had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Joslin about normal or common practice while working as a patrol deputy. Joslin would not return to a residence to check on a female victim as a Cover Deputy because the Primary Deputy would be the one to handle any follow-ups. He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center. Joslin explained how

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he wanted the dispatcher and his partners to know where he was due to officer safety. He would not give compliments to female citizens about their physical appearance because it could be considered sexual harassment. Joslin said, "Be polite and be professional, but don't cross the line." He does not think there would ever be a situation when it would be professional to tell a citizen they are "attractive." I concluded the interview at 1503 hours with an order not to retaliate and an order not to disclose any information, both of which Joslin stated he understood.

STATEMENT OF WITNESS (DETECTIVE MICHAEL MASCARENAS.)

On January 18, 2018, at 1509 hours, I interviewed Detective Michael Mascarenas in a private room located at the Santee Station. A synopsis of this interview follows.

Mascarenas has been employed with the San Diego County Sheriff's Department for about 10 years. He previously worked at the Santee and Lakeside Station and has been a detective at the Alpine Substation since December 2016.

Mascarenas said he used to work patrol with Fischer. Mascarenas has never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Mascarenas has never seen Fischer act inappropriately. Mascarenas had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Mascarenas about normal or common practice while working as a patrol deputy. Mascarenas said he would not return to a residence to check on a female victim unless he was dispatched to another call at that location. He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because of safety concerns. He would not give compliments to female citizens about their physical appearance because it was unprofessional. In regards to ever telling a female citizen she was "attractive," Mascarenas said, "I don't think it would professional. That's not what we do. It's not part of our job." He does not think there would ever be a situation when it would be professional to tell a citizen they are "attractive." I concluded the interview at 1520 hours with an order not to retaliate and an order not to disclose any information, both of which Mascarenas stated he understood.

STATEMENT OF WITNESS (DEPUTY MIKE MAXIN)

On January 18, 2018, at 1805 hours, I interviewed Deputy Mike Maxin in a private room located at the Santee Station. A synopsis of this interview follows.

Maxin has been employed with the San Diego County Sheriff's Department for over 6 years. He previously worked at the El Cajon Courts and has been assigned to the Santee Station for the past 5 years. He has been a corporal since 2016.

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Maxin was "beat partners" with Fischer for a year. During that time, Maxin had never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Maxin has never seen Fischer act inappropriately. Maxin had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Maxin about normal or common practice while working as a patrol deputy. Maxin said he would not return to a residence to check on a female victim unless he was dispatched to another call at that location. The only time he would ever return the house would be if he had to return something to them. If that occurred, he would reopen the call in CAD or recreate a new call.

He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because "a lot of things could go wrong." Maxin explained how no one would know where you were if you had to call for "Code Cover." He would not give compliments to female citizens about their physical appearance because of sexual harassment reasons. In regards to ever telling a female citizen she was "attractive," Maxin said that was not professional. He does not think there would ever be a situation when it would be professional to tell a citizen they are "attractive." I concluded the interview at 1816 hours with an order not to retaliate and an order not to disclose any information, both of which Maxin stated he understood.

STATEMENT OF WITNESS (DEPUTY DONALD WESTFALL)

On January 22, 2018, at 0505 hours, I interviewed Deputy Donald Westfall in a private room located at the San Marcos Station. A synopsis of this interview follows.

Westfall has been employed with the San Diego County Sheriff's Department for about 4 years. He previously worked at the San Marcos Patrol Station and has been temporarily assigned to the Valley Center Substation for the past several months. When he was working patrol in San Marcos, he worked with Fischer for about one month.

Westfall has never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Westfall has never seen Fischer act inappropriately. Westfall had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Westfall about normal or common practice while working as a patrol deputy. Westfall would never hug a member of the public during the course of his duties because he believed that was "a little too personal." Westfall said he would not return to a residence to check on a female victim. Westfall explained if he did have to do a follow-up at a female's residence, then he would bring a partner with him, since Westfall is a "male" deputy.

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He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because of "liability." Westfall explained how the biggest issue would be "safety" and if something happened, no one would know where you were.

He would never give compliments to female citizens about their physical appearance because it would not be professional. In regards to ever telling a female citizen she was "attractive," Westfall said that would be inappropriate. He did not think there would ever be a situation when it would be professional to tell a citizen they are "attractive." I concluded the interview at 0515 hours with an order not to retaliate and an order not to disclose any information, both of which Westfall stated he understood.

STATEMENT OF WITNESS (DEPUTY CRISTAL AVILA)

On January 22, 2018, at 0622 hours, I interviewed Deputy Cristal Avila in a private room located at the Vista Station. A synopsis of this interview follows.

Avila has been employed with the San Diego County Sheriff's Department for about 5 years. She previously worked at the LCDRF and has been assigned to the Vista Patrol Station since April 2016. (Note: Crime Analyst (b)(5)(B) determined Avila had been on 85 radio calls with Fischer).

Avila said she has never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Avila has never seen Fischer act inappropriately. Avila had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Avila about normal or common practice while working as a patrol deputy. Avila said she has had citizens hug her in the past, but she has never initiated a hug. Avila said she would not conduct follow-up at a residence unless she needed to pick up an updated list of stolen property for a burglary report. If she did return, she would notify the Communications Center.

She would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because things could go "sideways." She said if something goes wrong, dispatch should now where you are. Avila explained how there also needs to be documented history of your patrol activities.

She does not think it would be professional for deputies to give compliments to female citizens about their physical appearance. In regards to ever telling a female citizen she was "attractive," Avila said that was not professional. Members of the public do not want deputies "hitting on them." I concluded the interview at 0635 hours with an order not to retaliate and an order not to disclose any information, both of which Avila stated she understood.

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STATEMENT OF WITNESS (DEPUTY BRYSON BENAVENTE)

On January 22, 2018, at 1326 hours, I interviewed Deputy Bryson Benavente in a private interview room located at the Lakeside Substation. A synopsis of this interview follows.

Benavente has been employed with the San Diego County Sheriff's Department for about 5 years. He previously worked at the George Bailey Detention Facility and has been assigned to the Lakeside Substation for the past 3 years.

Benavente said Fischer was one of his "beat partners" for about one year. During that time, Benavente never saw Fischer hug anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Benavente has never seen Fischer act inappropriately. He did witness Fischer compliment a male citizen on his physique. Fischer told the citizen that he was in good shape. Benavente had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Benavente about normal or common practice while working as a patrol deputy. Benavente said he would not return to a residence to check on a female victim unless he was dispatched to another call at that location. He explained how there was "no reason" to return the residence. I asked Benavente about hugging members of the public when he was on duty. Benavente told me about the one time he returned a hug to a citizen. An elderly grandmother was thankful when her "missing at risk" family member returned home. The grandmother was so thankful and she reached out to hug Benavente. He returned the hug by hugging her one-handed with his non-gun side. Benavente explained how that was the one time he was ever involved with hugging a citizen.

He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center in case there was a "cover now" request. He explained how deputies needed to let their partners know where they were in case they needed to help you. He would not give compliments to female citizens about her physical appearance because it would be unprofessional. In regards to ever telling a female citizen she was "attractive," Benavente said that was not professional. He does not think there would ever be a situation when it would be professional to tell a citizen they are "attractive."

I concluded the interview at 1344 hours with an order not to retaliate and an order not to disclose any information, both of which Benavente stated he understood.

STATEMENT OF WITNESS (DEPUTY TROY CONARD)

On January 22, 2018, at 1416 hours, I interviewed Deputy Troy Conard in a private interview room located at the Lakeside Substation. A synopsis of this interview follows.

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Conard has been employed with the San Diego County Sheriff's Department for almost 6 years. He previously worked at SDCJ and has been working patrol in Lakeside for the past 3 and a half years.

Conard worked with Fischer when they were both assigned to Lakeside. Conard said he and Fischer mainly had a professional relationship at work, but said they did hang out together outside of work as well. They worked out together at the Santee Patrol Station gym. Conard also went to Buffalo Wild Wings with Fischer for his birthday celebration, had lunch with Fischer and his daughter, and "worked out" at his house one or two times.

During the time Conard worked with Fischer, he never saw Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Conard has never seen Fischer act inappropriately.

Conard did have knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio. Conard talked about one time when he saw a traffic stop being conducted on East Bradley. He initially thought it was El Cajon Police Department on the stop because Conard did not hear any of his partners broadcast a traffic stop. Conard described the stopped vehicle as being a small white sedan. As Conard was watching the stop, he saw Fischer walking back from the sedan to his patrol car. Conard did not remember if the driver was a male or female.

I asked Conard about normal or common practice while working as a patrol deputy. Conard said he would not return to a residence to check on a female victim unless he was dispatched to another call at that location. He explained how there was "no reason" to return the residence. I asked Conard about hugging members of the public when he was on duty. Conard said, "I don't think there's any professional conduct in that. There's no necessity. It is not appropriate." He also explained how hugging citizens is not our role as law enforcement officers.

He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center. Conard talked about follow-ups and "chain of custody" for a criminal case was necessary if a deputy was collecting evidence. He explained how "officer safety" was another reason why dispatch should know where the deputies are. He would not give compliments to female citizens about her physical appearance because he does not feel it would be professional. In regards to ever telling a female citizen she was "attractive," Conard said that would never be appropriate. I concluded the interview at 1443 hours with an order not to retaliate and an order not to disclose any information, both of which Conard stated he understood.

STATEMENT OF WITNESS (DEPUTY MICHAEL LEE)

On January 22, 2018, at 1520 hours, I interviewed Deputy Michael Lee in a private room located at the Santee Station. A synopsis of this interview follows.

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Lee has been employed with the San Diego County Sheriff's Department for about 10 years. He previously worked at SDCJ and has been assigned to the Santee and Lakeside Station since October 2011.

Lee and Fischer were "beat partners" for about one year. During that time, Lee never saw Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Lee has never seen Fischer act inappropriately. Lee had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Lee about normal or common practice while working as a patrol deputy. Lee said he would not return to a residence to check on a female victim because there was no reason to contact her again, unless there was some specific follow-up needed. If that occurred, Lee would ensure there was a timeline CAD because all activity must be documented. He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because there are "a lot of unknowns." Lee explained how he was trained to put out your locations, so your partners knew where you were. This was for officer safety.

He would not give compliments to female citizens about their physical appearance because "there is no need for it." In regards to ever telling a female citizen she was "attractive," Lee said, "That is not why we are there." Lee would never hug a citizen because he did not like touching people. I concluded the interview at 1534 hours with an order not to retaliate and an order not to disclose any information, both of which Lee stated he understood.

STATEMENT OF WITNESS (DETECTIVE JOSEPH KNUTESON)

On January 24, 2018, at 0806 hours, I interviewed Detective Joseph Knuteson in the private conference room located at Internal Affairs. A synopsis of this interview follows.

Knuteson has been employed with the San Diego County Sheriff's Department for about five and a half years. He previously worked at the Santee Patrol Station and has worked as a detective with the Child Abuse Unit for the past one and a half years.

Knuteson had no knowledge and never saw Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Knuteson has never seen Fischer act inappropriately. Knuteson had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Knuteson about normal or common practice while working as a patrol deputy. Knuteson said he would not return to a residence to check on a female victim. He said, "There's so many things wrong with that. So inappropriate." Knuteson said he would never hug a member of the

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public during the course of his duties because he would be worried about liability. He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because "it's just not safe." Knuteson said it is not normal or common practice to give compliments to female citizens about their physical appearance because of liability. In regards to ever telling a female citizen she was "attractive," Knuteson said that was not professional. He did not think there would ever be a situation when it would be professional to tell a citizen they were "attractive."

I concluded the interview at 0819 hours with an order not to retaliate and an order not to disclose any information, both of which Knuteson stated he understood.

STATEMENT OF WITNESS (DEPUTY COLLEEN MCMAHON)

On January 25, 2018, at 0506 hours, I interviewed Deputy Colleen McMahon in a private interview room located at the Vista Station. A synopsis of this interview follows.

McMahon has been employed with the San Diego County Sheriff's Department for about 4 years. She previously worked at VDF and has been assigned to the Vista Patrol Station since February or March of 2016.

McMahon has never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. McMahon has never seen Fischer act inappropriately.

McMahon had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked McMahon about normal or common practice while working as a patrol deputy. McMahon said a deputy should not return to a residence to check on a female victim unless she is specifically asking for a welfare check or is suicidal. McMahon explained how the deputy would have no legal reason to be there. She also said, "You don't proactively check on people."

She would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because "it would seem like you're hiding something." For officer safety reasons, deputies need to let dispatch and your partners know where you are. McMahon said deputies should not give compliments to female citizens about their physical appearance because it is inappropriate and said, "We're not supposed to be flirting when on duty." In regards to ever telling a female citizen she was "attractive," McMahon said that was not professional and the deputies represent the "Sheriff's Department." She does not think there would ever be a situation when it would be professional to tell a citizen they were "attractive."

I concluded the interview at 0520 hours with an order not to retaliate and an order not to disclose any information, both of which McMahon stated she understood.

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On April 11, 2018, at about 2012 hours, I spoke with McMahon on the telephone and asked her about the traffic stop she covered Fischer on when he had stopped (b)(5)(B) outside of the CoCo's restaurant in San Marcos. During Fischer's statement, he said he stopped (b)(5)(B) a second time because he accidentally held onto her identification card. (b)(5)(B) was adamant that Fischer had not held onto her identification card and had already returned it. I asked McMahon about that detail of the traffic stop, but she did not recall whether Fischer returned or accidentally held onto the card.

STATEMENT OF WITNESS (DEPUTY JUSTIN WAGNER)

On January 25, 2018, at 0525 hours, I interviewed Deputy Justin Wagner in a private interview room located at the Vista Station. A synopsis of this interview follows.

Wagner has been employed with the San Diego County Sheriff's Department for almost 5 years. He previously worked at VDF and the downtown Courthouse, but has been assigned to the Vista Patrol Station since February 2016.

Wagner has never seen Fischer hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Wagner has never seen Fischer act inappropriately.

Wagner had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Wagner about normal or common practice while working as a patrol deputy. Wagner said he would not hug a member of the public during the course of his duties. He said, "In my opinion, it is very inappropriate and a lot of officer safety issues in that." Wagner would not return to check on a female victim after clearing a call unless she called and requested deputies to return.

He would not conduct any activities such as follow-ups or traffic stops without notifying the Communications Center because deputies want their partners to know where they are. He would not give compliments to female citizens about their physical appearance because it is inappropriate and could offend someone. In regards to ever telling a female citizen she was "attractive," Wagner said it would depend on the "context." He gave the example of possibly trying to scare someone from attempting to run away.

I concluded the interview at 0540 hours with an order not to retaliate and an order not to disclose any information, both of which Wagner stated he understood.

(Note: I did not understand Wagner's context or agree that it was ever appropriate for a deputy to tell a citizen he/she was attractive).

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STATEMENT OF WITNESS (DEPUTY BRIAN SIMPSON)

On January 25, 2018, at 0638 hours, I interviewed Deputy Brian Simpson in a private room located at the San Marcos Station. A synopsis of this interview follows.

Simpson has been employed with the San Diego County Sheriff's Department for almost 5 years. He currently works as a Patrol Deputy at the San Marcos Station.

Simpson worked with Fischer when Fischer was a centralized K9 deputy and also knows Fischer outside of work. In September or October of 2017, Simpson and his wife, along with Fischer and his wife, all attended a Christian law enforcement marriage retreat with Chaplain (b)(5)(B).

Since working with Fischer, Simpson has never seen him hug anyone, compliment anyone, obtain anyone's phone number for a social call, act flirtatious with anyone, or conduct follow-ups without broadcasting the information. Fischer had never shared any information at all regarding him providing hugs to anyone. Simpson has never seen Fischer act inappropriately. Simpson had no knowledge regarding Fischer conducting traffic stops without broadcasting the information over the radio.

I asked Simpson about normal or common practice while working as a patrol deputy. Simpson said he would not return to a residence to check on a female victim unless he was dispatched to another call at that location. The only time he would ever return the house would be if he had to return something to them.

He would not give compliments to female citizens about their physical appearance because of it is not appropriate. In regards to ever telling a female citizen she was "attractive," Simpson said that was not professional. He does not think there would ever be a situation when it would be professional to tell a citizen they are "attractive."

I concluded the interview at 0651 hours with an order not to retaliate and an order not to disclose any information, both of which Simpson stated he understood.

INVESTIGATION

I confirmed that all 21 of Fischer's partners had never heard of or seen Fischer hug a member of the public when he was on duty. Nor had any of his partners ever heard Fischer give compliments to female citizens during the course of his duties. Therefore, I learned that Fischer had given hugs and compliments to citizens when he was alone with them.

On December 26, 2017, Internal Affairs received a telephone message from (b)(5)(B) who was in custody at LCDRF alleging Fischer touched her inappropriately. (b)(5)(B) said she wanted to be added to the illegal "groping" list. I met with (b)(5)(B) at the jail and obtained her statement, which was recorded over the jail telephone line. (b)(5)(B) alleged that Fischer inappropriately touched her when he transported her to Vista Detention Facility (VDF) several

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years ago. (b)(5)(B) was unable to provide the exact date it occurred. I sent an e-mail to Administrative Sergeant Stephanie Geringer and asked if (b)(5)(B) had ever been transferred to or was driven to the VDF at any time within the last 15 years. Sergeant Geringer responded to my e-mail and said (b)(5)(B) was sent to VDF on August 18, 2008, only to be released to the North County Serenity House. Two female deputies handled the transportation. Fischer was hired on December 16, 2011, and did not work for the Department in 2008. (b)(5)(B) statement proved non-credible.

Detective Pena obtained a Search Warrant to obtain Fischer's phone records from his personal cell phone (b)(5)(B) to learn if Fischer called any of the women he contacted. To date, Detective Pena has not received the records, so they are therefore not included in my investigation.

On January 22, 2018, Detective Pena from the Sexual Assault Crimes Unit submitted his criminal investigation to the Special Operations Division at the District Attorney's (DA) Office for prosecutorial review. (See Attachment T)

On February 22, 2018, the DA's Office filed a Criminal Complaint against Fischer at his arraignment and he was remanded to Sheriff's custody with bail set at $100,000. Pursuant to California Penal Code Section 293(a), all of the victims requested their identity remain confidential, therefore their names were not listed on the Criminal Complaint.
(See Attachment T)

The complaint included the following charges:

> ***243.4(d) PC-*** *Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).* **(1 felony count)**
>
> ***236 PC-****False imprisonment is the unlawful violation of the personal liberty of another.* **(1 misdemeanor count)**
>
> ***149 PC-*** *Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in a county jail not exceeding one year, or pursuant to subdivision (h) of Section 1170, or by both that fine and imprisonment.* **(7 felony counts and 5 misdemeanor counts)**

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Submitted by: _____ 4/12/18
Amber Baggs, Sergeant Date

Approved by: _____ 4/12/18
Christina Bavencoff, Lieutenant Date

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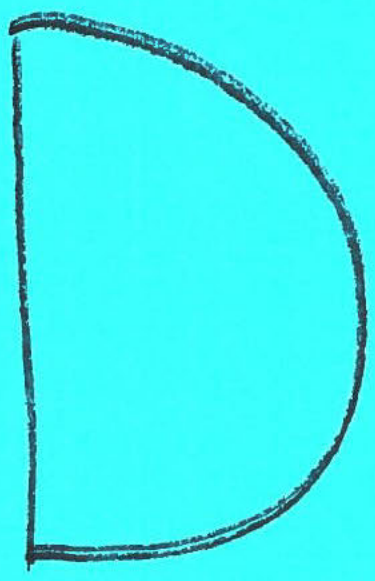

CAD Query

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

EVENT DISPLAY

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E2676335	Monday July 20, 2015 07/20/15 12:13:11 PM	1151	1151 GREENFIELD DR ECU: @GREENFIELD STORAGE	(b)(5)(B)	srr	50P5A	07/20/15 12:13:11 PM	07/20/15 12:13:12 PM	SNTD	533	FI,	

RP INFO

UNIT STATUS/EVENT COMMENTS

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07/20/15 12:13:11 PM					(b)(5)(B)	Field Event
07/20/15 12:13:11 PM					(b)(5)(B)	51X1
07/20/15 12:13:12 PM	50P5A	ON	1151	1151 GREENFIELD DR ECU: @GREENFIELD STORAGE		
07/20/15 12:14:56 PM					(b)(5)(B)	(b)(5)(B)

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07/20/15 12:23:23 PM					(b)(5)(B)	Alarm Timer Extended: 10
07/20/15 12:28:47 PM					(b)(5)(B)	50P5A – C4
07/20/15 12:28:48 PM	50P5A	EC	1151	1151 GREENFIELD DR ECU: @GREENFIELD STORAGE		50P5A – C4
07/20/15						

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TeamCAD
Data Services Division
San Diego County Sheriff's Department

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CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E2827193	Sunday September 20, 2015 09/20/15 5:31:13 AM	11351	11610 RIVERSIDE DR LKSD: @7-11	(b)(5)(B)	ph02	50P5C	09/20/15 5:31:19 AM	09/20/15 5:35:30 AM	SNTD	525	AM, default,	

RP INFO

CASE NUMBER

DATE/TIME	CASE#	STATUS	EMPLOYEE	TERM
09/20/15 5:44:58 AM	c15148723	Valid	(b)(5)(B)	sntd

PERSON INFORMATION

NAME	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	AGE	DOB	REMARKS
(b)(5)(B)									

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
SIL		TOYT	2DR			PC	2015

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Sunday September 20, 2015						
09/20/15 5:31:13 AM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
09/20/15 5:31:13 AM					(b)(5)(B)	** VEH search completed at 09/20/15 05:31:13
09/20/15 5:31:13 AM						** LOI search completed at 09/20/15 05:31:13
09/20/15 5:31:13 AM						W911 32.82885400 -116.941931
09/20/15 5:31:13 AM						JUST.....DRUG DEAL AT LOC.....
09/20/15 5:31:13 AM						SELLER IN A
09/20/15 5:31:13 AM						SIL TOYT...GA TWDS THE 67
09/20/15 5:31:17 AM						BUYER IS STILL 97
09/20/15 5:31:19 AM	50P7C	DP	11351	11610 RIVERSIDE DR LKSD: @7-11		
09/20/15 5:31:44 AM						** PER search completed at 09/20/15 05:31:44
09/20/15 5:31:55 AM						NO WEAPS. OBS..NFD
09/20/15 5:32:07 AM						** PER search completed at 09/20/15 05:32:07
09/20/15 5:32:13 AM	50P5C	DP	11351	11610 RIVERSIDE DR LKSD: @7-11		
09/20/15 5:32:18 AM	50P7C	AM	11351			
09/20/15 5:32:21 AM	50P5C	ER	11351	11610 RIVERSIDE DR LKSD: @7-11		
09/20/15 5:32:25 AM						
09/20/15 5:32:25 AM						
09/20/15 5:32:25 AM						
09/20/15 5:32:25 AM						
09/20/15 5:32:25 AM					(b)(5)(B)	
09/20/15 5:32:26 AM	50P5C	EC	11351	11610 RIVERSIDE DR LKSD: @7-11		
09/20/15 5:35:30 AM	50P5C	ON	11351	11610 RIVERSIDE DR LKSD: @7-11		
09/20/15 5:36:19 AM						
09/20/15 5:36:19 AM						

(b)(5)(B)

RELEASED FROM I.A. FILES

TC

09/20/15 5:36:19 AM						[redacted]
09/20/15 5:36:19 AM						
09/20/15 5:36:19 AM					[redacted]	50P5C -- 51 X 1
09/20/15 5:36:20 AM	50P5C	EC	11351	11610 RIVERSIDE DR LKSD: @7-11		50P5C -- 51 X 1
09/20/15 5:42:53 AM					[redacted]	50P5C -- C4
09/20/15 5:42:54 AM	50P5C	EC	11351	11610 RIVERSIDE DR LKSD: @7-11		50P5C -- C4
09/20/15 5:44:58 AM					[redacted]	** Case number c15148723 has been assigned to event E2827193
09/20/15 5:44:58 AM						** >>>> by [redacted] on terminal: sntd
09/20/15 5:46:04 AM						[redacted]
09/20/15 5:46:04 AM						
09/20/15 5:46:04 AM						
09/20/15 5:46:04 AM						
09/20/15 5:46:04 AM	50P5C	UC	11351	11610 RIVERSIDE DR LKSD: @7-11		Alarm Timer Extended: 0
09/20/15 5:46:04 AM					[redacted]	Alarm Timer Extended: 0
09/20/15 5:52:20 AM	50P5C	ER	11351	@UNK ADDRESS RIVERSIDE		50P5C -- SM ,SM 30.2 @ 0552
09/20/15 5:52:20 AM	50P5C	CL	11351	@UNK ADDRESS RIVERSIDE		50P5C -- SM ,SM 30.2 @ 0552
09/20/15 5:52:20 AM					[redacted]	** LOI search completed at 09/20/15 05:52:20
09/20/15 5:52:20 AM						50P5C -- SM ,SM 30.2 @ 0552
09/20/15 5:52:20 AM						50P5C Changed Location to:
09/20/15 5:52:20 AM						@UNK ADDRESS RIVERSIDE
09/20/15 5:53:48 AM						[redacted]
09/20/15 5:53:48 AM						
09/20/15 5:53:48 AM						
09/20/15 5:53:48 AM						
09/20/15 5:53:48 AM	50P5C	ON	11351	[redacted]		50P5C -- EM 30.7
09/20/15 5:53:48 AM	50P5C	CL	11351			50P5C -- EM 30.7
09/20/15 5:53:48 AM					[redacted]	** LOI search completed at 09/20/15 05:53:48
09/20/15 5:53:48 AM						50P5C -- EM 30.7
09/20/15 5:53:48 AM						50P5C Changed Location to:
09/20/15 5:53:48 AM						[redacted]
09/20/15 5:59:35 AM	50P5C	AM	AM			

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Data Services Division
San Diego County Sheriff's Department

RELEASED FROM
I.A. FILES
TO

(b)(5)(B)

(b)(5)(B)

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: **15148723**

CAD Event No.: **E2827193** | Case Disposition: **Arrest**

Primary Victim: **State of California** | Report No: **15148723.1**

[X] ARREST REPORT
[ ] JUVENILE CONTACT REPORT

WARRANT: [ ] LOCAL [ ] OUT

GENERAL CASE INFORMATION

Primary Charge: 11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)			
Special Studies:			Related Cases:
Location, City, State, ZIP: 11610 Riverside Dr, Lakeside, CA 92040			Occurred On: 09/20/2015 05:31:11 (Sunday)
Jurisdiction: LAKESIDE - LAKESIDE	Beat: 525	Call Source: ANI/ALI	(and Between):
Means:		Motives:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description	Level	Against	Completed?	Counts	Using
11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)	M	SO	Yes		

Location Type: 182 - Parking Lot	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:	Point of Entry:
Weapons/Force:	Tools:		Targets:	

ARRESTEE/S

Arrestee #1

(b)(5)(B)

(b)(5)(B)

CONTACT INFORMATION:

Type:	Number/Address:

RELEASED FROM I.A. FILES
TO

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	HALE, DAVID
Report Date: 9/21/2015 3:51:36 AM	Detective Assigned: SH1687 - RING, JEROLD	Reviewed Date: 09/21/2015 07:14:50

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: **15148723**

CAD Event No.: **E2827193** | Case Disposition: **Arrest**

Primary Victim: **State of California** | Report No: **15148723.1**

IDENTIFICATION			
Type:	Number:	State:	Country:

SCARS, MARKS, TATTOOS, ODDITIES	
Attire:	Suspect Actions:

ARREST INFORMATION

Arrest Type:	LE Disposition:	JUS 750 Type:	Citation No.:	Booking No.:
O - Probable Cause Arrest - New Case	3 - Misdemeanor (Adult Only)	1 - Cited	737617	

Arrested For:	Level:	Completed:	Counts:
11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)	M	Yes	

Arrested By:	Arrest Date and Time:	Arrest Location, City, State, ZIP:	Beat:
SH3003 - FISCHER, RICHARD	09/20/2015 05:45:44	11610 Riverside Dr, Lakeside, CA 92040	525

Arrest Assisted By:		Transported By:	
Miranda Read: No	Admonished By:	Miranda Response:	Jail Billing Code: SD Sheriff's Office	Booked Location:

Armed With:	Use of Force to effect Arrest:
01 - Unarmed	No

JUVENILES

Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:

Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:

RELEASE INFORMATION

Released Location:	Released On:	Released By:	Release Reason:
(b)(5)(B)	09/20/2015 05:55:47	SH3003 - FISCHER, RICHARD	02 - Cite and Release

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

PROPERTY

Property Item #1.000 - glass pipe

Derivative No.: 0	Property Category: 1997 - Drug/Narcotic PARAPHERNALIA/Equipment - Syringe, Needle, Pipe, Scale, Foil, Packaging Etc.	
Status: ES - Evidence (Seized)	Count: 1	Value:
Manufacturer:	Model:	
Serial No.:	Model Year:	OAN:
Color:	Caliber:	
Body Style:	Recovered/ Seized Date: 09/20/2015	
Owner:	Disposition: Lakeside evidence	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

REPORT NARRATIVE

Synopsis:

(b)(5)(B) was arrested for being in possession of a glass pipe containing methamphetamine residue in violation of 11364 HS. She was issued a citation (737617) and released at the scene with her signed promise to appear in court.

RELEASED FROM I.A. FILES
TO

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	HALE, DAVID
Report Date	**Detective Assigned**	**Reviewed Date**
9/21/2015 3:51:36 AM	SH1687 - RING, JEROLD	09/21/2015 07:14:50

Origin:

On 09/20/2015, at approximately 0531 hours, I received a radio call regarding a person who was possibly in possession of illegal narcotics at 7-Eleven, located at 11610 Riverside Drive in Lakeside.

Investigation:

At approximately 0535 hours, I arrived and saw a female subject, matching the description of the person possibly in possession of drugs outside of 7-Eleven. I parked my vehicle and approached her. I asked her what her name was and she verbally identified herself as well as by her California driver's license (b)(5)(B) as (b)(5)(B). I asked her what she was doing and she stated, "I just got in a fight with my boyfriend so I'm just cooling off." I asked her where her boyfriend was and she told me she wasn't sure.

I advised (b)(5)(B) the reason for the contact and asked her if she had anything illegal on her person and she stated, "No, I'm good." I asked (b)(5)(B) if she was on probation or parole and she told me she was on San Diego County Probation for vehicle theft and has a fourth waiver.

I asked (b)(5)(B) an additional time if there was anything illegal on her person and this time she stated, "Okay there's a pipe in my bra." (b)(5)(B) then simultaneously reached into her bra and removed a glass pipe and handed it to me. As I looked at the pipe, I saw that it contained residue consistent with smoking methamphetamine.

I asked (b)(5)(B) when she last used this pipe to smoke methamphetamine and she stated, "About a month and a half ago." I asked (b)(5)(B) if there was anything else illegal on her person and she told me there was not. I conducted a cursory search of (b)(5)(B) and did not locate any further contraband. (b)(5)(B) did not display any obvious signs or symptoms of being under the influence.

Based on my findings, I placed (b)(5)(B) under arrest for being possession of drug paraphernalia in violation of 11364 HS. I issued her a citation (737617) and released her at the scene with her signed promise to appear in court. I seized the glass pipe and placed it into an evidence locker at the Lakeside Station.

Evidence:
Glass pipe
Injuries:
None.
Property Damage:
None.
Related reports:
None.
Follow Up:

RELEASED FROM
I.A. FILES
TO

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	HALE, DAVID
Report Date	**Detective Assigned**	**Reviewed Date**
9/21/2015 3:51:36 AM	SH1687 - RING, JEROLD	09/21/2015 07:14:50

None.

RELEASED FROM
I.A. FILES
TO_____

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	HALE, DAVID
Report Date	**Detective Assigned**	**Reviewed Date**
9/21/2015 3:51:36 AM	SH1687 - RING, JEROLD	09/21/2015 07:14:50

Court Copy

San Diego County Sheriff's Department

737617

NOTICE TO APPEAR ☐ Traffic ☒ Nontraffic ☒ Misdemeanor

Date of Violation	Time		Day of Week	Case Number
9-20-15	5:45	☒ AM ☐ PM	S (M) T W T F S	15148723

[redacted]

Vehicle License Number / VIN | State | ☐ Hazardous Material (VC353)

Year	Make	Model	Body Style	Color

Registered Owner or Lessee PED ☐ Same as Driver

Address ☐ Same as Driver

City | State | Zip Code | ☐ Evidence of Financial Responsibility

Correctable Violation (VC 40610(b))

Yes	No	Violation Code and Section	Description	Misdemeanor or Infraction (Circle)
☐	☒	11364 HS	Poss. Drug Par.	(M) I
☐	☐			M I
☐	☐			M I
☐	☐			M I

☐ Booking Required (see reverse)

Speed Approx	P.F. Max.	Veh. Lmt.	Safe Spd.	Radar	Beat	☐ Continuation Form Issued
–	–	–	–	–	525	

Location of Violation(s): 11610 Riverside Dr | City of Occurrence: Lakeside | ☒ Unincorp.

Weather Conditions	Road Conditions	Traffic Conditions	Station/Sub-Stn	Division
clear	dry	Light	SH 50	Pan

☐ Violations not committed in my presence, declared on information and belief

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Date 9-20-15 R. Fischer 3005

Arresting or Issuing Deputy | I.D. Number

Name of Arresting Deputy, if different from Issuing Deputy | I.D. Number

WITHOUT AD[redacted]

X Signa[redacted]

Superior Cou[redacted]

☐ North Div[redacted]

☐ North Div[redacted]

☒ East Divi[redacted]

☐ East Division - Branch 1428 Montecito Road, Ramona, CA 92065

☐ Central Division - Criminal 220 West Broadway, San Diego, CA 92101

☐ Central Division - Traffic 8950 Clairemont Mesa Blvd., San Diego, CA 92123

☐ Juvenile Division 2901 Meadowlark Drive, San Diego, CA 92123

☐ South Division 500 Third Avenue, Chula Vista, CA 92010

[redacted]

DATE 11-10-15 TIME 8:00 ☒ AM ☐ PM ☐ To be notified ☐ You may arrange with the clerk to appear at a night session of the court

SO 99 REV 09/05 Judicial Council of California Form Rev. 09/20/05 (Veh. Code § 40500(b), 40513(b), 40522, 40600, PC§ 653.9) TR 130

RELEASED FROM I.A. FILES

TO _____

CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E2847780	Monday September 28, 2015 09/28/15 7:00:54 PM	1151	12320 WILLOW RD LKSD: @CIRCLE K	(b)(5)(B)	sntd	50P5C	09/28/15 7:00:54 PM	09/28/15 7:00:55 PM	SNTD	522	AM, default,	

RP INFO

CASE NUMBER

DATE/TIME	CASE#	STATUS	EMPLOYEE	TERM
09/28/15 7:07:50 PM	c15150423	Valid	(b)(5)(B)	sntd

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Monday September 28, 2015						
09/28/15 7:00:54 PM	50P5C	DP	1151	CIRCLE K WILLOW		
09/28/15 7:00:54 PM					(b)(5)(B)	** LOI search completed at 09/28/15 19:00:54
09/28/15 7:00:54 PM						Field Event
09/28/15 7:00:54 PM						51X1
09/28/15 7:00:55 PM	50P5C	ON	1151	CIRCLE K WILLOW		
09/28/15 7:03:48 PM					(b)(5)(B)	** Event Location changed from "CIRCLE K WILLOW" to "12320 WILLOW RD LKSD:
09/28/15 7:03:48 PM						@CIRCLE K" at: 09/28/15 19:03:48
09/28/15 7:03:48 PM						** >>>> by: (b)(5)(B) on terminal: sntd
09/28/15 7:03:49 PM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
09/28/15 7:03:49 PM					(b)(5)(B)	(b)(5)(B)
09/28/15 7:06:37 PM	50P5C	UG	1151	CIRCLE K WILLOW		
09/28/15 7:07:50 PM					(b)(5)(B)	** Case number c15150423 has been assigned to event E2847780
09/28/15 7:07:50 PM						** >>>> by: [redacted] on terminal: sntd
09/28/15 7:08:04 PM						(b)(5)(B)
09/28/15 7:08:04 PM						
09/28/15 7:08:04 PM	50P5C	UC	1151	CIRCLE K WILLOW		C4 - Alarm Timer Extended: 0
09/28/15 7:08:04 PM					(b)(5)(B)	C4 - Alarm Timer Extended: 0
09/28/15 7:14:30 PM	50P5C	AM	AM			

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Data Services Division
San Diego County Sheriff's Department

RELEASED FROM I.A. FILES
TO

(b)(5)(B)

(b)(5)(B)

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: **15150423**

CAD Event No.: **E2847780** | Case Disposition: **Arrest**

Primary Victim: **State of California** | Report No: **15150423.1**

[X] ARREST REPORT
[ ] JUVENILE CONTACT REPORT

WARRANT: [ ] LOCAL [ ] OUT

GENERAL CASE INFORMATION

Primary Charge: 11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)			
Special Studies:			Related Cases:
Location, City, State, ZIP: 12320 Willow Rd, Lakeside, CA 92040			Occurred On: 09/28/2015 19:00:53 (Monday)
Jurisdiction: LAKESIDE - LAKESIDE	Beat: 522	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)	Level: M	Against: SO	Completed?: Yes	Counts:	Using:
Location Type: 182 - Parking Lot	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		

ARRESTEE/S

Arrestee #1

(b)(5)(B)

(b)(5)(B)

Type: | Number/Address:

RELEASED FROM I.A. FILES
TO

Reporting Officer: SH3003 - FISCHER, RICHARD	Division / Organization: Lakeside Substation LAKESIDE PATROL	Reviewed By: SH2224 - MUNZENMAIER, ERIK
Report Date: 9/29/2015 3:38:15 AM	Detective Assigned: SH1687 - RING, JEROLD	Reviewed Date: 09/29/2015 19:14:46

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: **15150423**

CAD Event No: **E2847780** | Case Disposition: **Arrest**

Primary Victim: **State of California** | Report No: **15150423.1**

IDENTIFICATION

Type	Number	State	Country

SCARS, MARKS, TATTOOS, ODDITIES

Attire	Suspect Actions
	,

ARREST INFORMATION

Arrest Type	LE Disposition	JUS 750 Type	Citation No.	Booking No.
O - Probable Cause Arrest - New Case	3 - Misdemeanor (Adult Only)	1 - Cited	737621	

Arrested For	Level	Completed	Counts
11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)	M	Yes	

Arrested By	Arrest Date and Time	Arrest Location, City, State, ZIP	Beat
SH3003 - FISCHER, RICHARD	09/28/2015 19:15:35	12320 Willow Rd, Lakeside, CA 92040	522

Arrest Assisted By	Transported By

Miranda Read	Admonished By	Miranda Response	Jail Billing Code	Booked Location
No			SD Sheriff's Office	

Armed With	Use of Force to effect Arrest
01 - Unarmed	No

JUVENILES

Adult Present	Person Notified	Juvenile Disposition	Detention Name

Parents Notified By	Notification Method	Date and Time Notified	Juvenile Released To

RELEASE INFORMATION

Released Location	Released On	Released By	Release Reason
At scene	09/28/2015 19:16:20	SH3003 - FISCHER, RICHARD	02 - Cite and Release

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

PROPERTY

Property Item #1.000 - glass pipe

Derivative No.	Property Category	
0	1997 - Drug/Narcotic PARAPHERNALIA/Equipment - Syringe, Needle, Pipe, Scale, Foil, Packaging Etc.	

Status	Count	Value
ES - Evidence (Seized)	1	

Manufacturer:		Model:	
Serial No.:		Model Year:	OAN:
Color:		Caliber:	
Body Style:		Recovered/ Seized Date:	09/29/2015
Owner:		Disposition:	Lakeside evidence
Evidence Tag:		Alert(s):	
Drug Type:		Drug Quantity:	
Search Warrant:			
Notes:			

REPORT NARRATIVE

Synopsis:

[redacted] was arrested for being in possession of a glass pipe containing methamphetamine residue in violation of 11364 HS. She was issued a citation (737621) and released at the scene with her signed promise to appear in court.

RELEASED FROM I.A. FILES
TO_____

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2224 - MUNZENMAIER, ERIK
Report Date	**Detective Assigned**	**Reviewed Date**
9/29/2015 3:38:15 AM	SH1687 - RING, JEROLD	09/29/2015 19:14:46

Origin:

On 09/28/2015, at approximately 1900 hours, I was driving in the parking lot of Circle K located at 12320 Willow Road in Lakeside when I observed the following.

Investigation:

I saw (b)(5)(B) sitting on her bicycle in the parking lot. I immediately recognized (b)(5)(B) from several prior contacts as being on San Diego County Probation and having a valid fourth waiver. I parked my patrol vehicle near the gas pumps and approached (b)(5)(B) As I caught (b)(5)(B) attention, she looked at me and stated, "Oh hey Fischer what's going on?" I told (b)(5)(B) I just wanted to see what is going on with her. I asked (b)(5)(B) what she was up to and she stated, "I'm just waiting for my boyfriend." I asked (b)(5)(B) if she had anything illegal on her and she stated, "Not that I know of." I conducted a records check of (b)(5)(B) and confirmed her fourth waiver status.

Based on (b)(5)(B) fourth waiver status, I conducted a search of her belongings. During my search of her bag, I located and removed a glass pipe containing residue. My training and experience has taught me the residue inside the pipe was from smoking methamphetamine. I asked (b)(5)(B) when she last used this pipe to smoke methamphetamine and she stated, "Like a week ago." (b)(5)(B) did not display any obvious signs or symptoms of being under the influence.

Based on my findings, I placed (b)(5)(B) under arrest for being in possession of drug paraphernalia in violation of 11364 HS. I issued her a citation (737621) and released her at the scene with her signed promise to appear in court. I seized the glass pipe and placed it into an evidence locker at the Lakeside station.

Evidence:
Glass pipe
Injuries:
None.
Property Damage:
None.
Related Reports:
None.
Follow Up:
None.

RELEASED FROM
I.A. FILES
TO_____

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2224 - MUNZENMAIER, ERIK
Report Date 9/29/2015 3:38:15 AM	Detective Assigned SH1687 - RING, JEROLD	Reviewed Date 09/29/2015 19:14:46

Court Copy

San Diego County Sheriff's Department

737621

NOTICE TO APPEAR ☐ Traffic ☒ Nontraffic ☒ Misdemeanor

Date of Violation	Time	☐ AM ☒ PM	Day of Week	Case Number
9-28-15	7:12		S M T W T F S	15150423

[redacted]

Year	Make	Model	Body Style	Color

Registered Owner or Lessee PED ☐ Same as Driver

Address ☐ Same as Driver

City State Zip Code ☐ Evidence of Financial Responsibility

Correctable Violation (VC 40510(b))

Yes	No	Violation Code and Section	Description	Misdemeanor or Infraction (Circle)
☐	☒	11364HS	Poss. Dry Par.	M I
☐	☐			M I
☐	☐			M I
☐	☐			M I

☐ Booking Required (see reverse)

Speed Approx.	P.F. Max	Veh. Lmt.	Safe Spd.	Radar	Bent	☐ Continuation Form Issued
—	—	—	—	—	528	

Location of Violation(s): 12320 Willow Rd

City of Occurrence: Lakeside ☒ Unincorp.

Weather Conditions	Road Conditions	Traffic Conditions	Station/Sub. Stn.	Division
Clear	Dry	Light	SH-50	Pod

☐ Violations not committed in my presence, declared on information and belief.

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

Date 9-28-15 R. FISCHER 3003

Arresting or Issuing Deputy I.D. Number

Name of Arresting Deputy, if different from Issuing Deputy I.D. Number

WITHOUT AD[redacted]

X Signat[redacted]

Superior Court[redacted]

☐ North Divis[redacted]

☐ North Divis[redacted]

☒ East Divisi[redacted]

☐ East Division - Branch 1428 Montecito Road, Ramona, CA 92065

☐ Central Division - Criminal 220 West Broadway, San Diego, CA 92101

☐ Central Division - Traffic 8950 Clairemont Mesa Blvd., San Diego, CA 92123

☐ Juvenile Division 2901 Meadowlark Drive, San Diego, CA 92123

☐ South Division 500 Third Avenue, Chula Vista, CA 92010

[redacted]

DATE 11-17-15 TIME 8:00 ☒ AM ☐ PM ☐ To be notified ☐ You may arrange with the clerk to appear at a night session of the court

SO-99 REV 09/05 Judicial Council of California Form Rev. 09/20/05 (Veh. Code § 40500(b), 40513(b), 40522, 40609, PC1853.9) TR 130

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CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E2975692	Tuesday November 24, 2015 11/24/15 2:07:05 AM	1149	GREENFIELD DR/N 2ND ST EC: 711	(b)(5)(B)	sntd	50P5C	11/24/15 2:07:05 AM	11/24/15 2:07:06 AM	SNTD	EC	AM, default,	

RP INFO

CASE NUMBER

DATE/TIME	CASE#	STATUS	EMPLOYEE	TERM
11/24/15 2:21:27 AM	c15160818	Valid	(b)(5)(B)	sntd

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
					(b)(5)(B)	PC	2015
						PC	2015

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Tuesday November 24, 2015						
11/24/15 2:07:05 AM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
11/24/15 2:07:05 AM	50P5C	DP	1149	GREENFIELD DR/N 2ND ST EC: 711		
11/24/15 2:07:05 AM					(b)(5)(B)	Field Event
11/24/15 2:07:06 AM	50P5C	ON	1149	GREENFIELD DR/N 2ND ST EC: 711		
11/24/15 2:07:06 AM					(b)(5)(B)	** LOI search completed at 11/24/15 02:07:06
11/24/15 2:07:06 AM						** VEH search completed at 11/24/15 02:07:06
11/24/15 2:07:11 AM	50P9C	DP	1149	GREENFIELD DR/N 2ND ST EC: 711		
11/24/15 2:07:12 AM	50P9C	ON	1149	GREENFIELD DR/N 2ND ST EC: 711		
11/24/15 2:07:14 AM						CLETS QUERY RECORD: #47197305
11/24/15 2:08:02 AM					(b)(5)(B)	** VEH search completed at 11/24/15 02:08:02
11/24/15 2:08:02 AM						50P5C -- (b)(5)(B)
11/24/15 2:08:03 AM	50P5C	EC	1149	GREENFIELD DR/N 2ND ST EC: 711		50P5C -- (b)(5)(B)
11/24/15 2:08:10 AM						CLETS QUERY RECORD: #47197316
11/24/15 2:08:35 AM						(b)(5)(B)
11/24/15 2:08:35 AM						
11/24/15 2:08:35 AM						
11/24/15 2:08:35 AM						
11/24/15 2:08:35 AM						
11/24/15 2:08:35 AM						
11/24/15 2:08:35 AM						
11/24/15 2:08:35 AM					(b)(5)(B)	50P5C -- INQ
11/24/15 2:08:36				GREENFIELD DR/N 2ND ST		

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AM	50P5C	EC	1149	EC: 711		50P5C -- INQ
11/24/15 2:17:15 AM	50P5C	UC	1149	GREENFIELD DR/N 2ND ST EC: 711		Alarm Timer Extended: 0
11/24/15 2:17:15 AM					(b)(5)(B)	Alarm Timer Extended: 0
11/24/15 2:17:17 AM						(b)(5)(B)
11/24/15 2:17:17 AM						
11/24/15 2:17:17 AM						
11/24/15 2:17:17 AM						
11/24/15 2:17:17 AM						
11/24/15 2:17:17 AM						
11/24/15 2:17:17 AM						
11/24/15 2:17:17 AM	50P9C	UC	1149	GREENFIELD DR/N 2ND ST EC: 711		Alarm Timer Extended: 0
11/24/15 2:17:17 AM					(b)(5)(B)	Alarm Timer Extended: 0
11/24/15 2:21:27 AM						** Case number c15160818 has been assigned to event E2975692
11/24/15 2:21:27 AM						** >>>> by: (b)(5)(B) on terminal: sntd
11/24/15 2:21:43 AM						(b)(5)(B)
11/24/15 2:21:43 AM						
11/24/15 2:21:43 AM						
11/24/15 2:21:43 AM						
11/24/15 2:21:43 AM						
11/24/15 2:21:43 AM						
11/24/15 2:21:43 AM						
11/24/15 2:21:43 AM						
11/24/15 2:21:43 AM					(b)(5)(B)	50P9C -- C4.... 1016
11/24/15 2:21:44 AM	50P9C	EC	1149	GREENFIELD DR/N 2ND ST EC: 711		50P9C -- C4.... 1016
11/24/15 2:41:33 AM					(b)(5)(B)	** CALL BACK MESSAGE #24529515 initiated at 11/24/15 02:41:33 from sntd
11/24/15 2:41:33 AM						(E2975692) (1149) 1185 - 1185 PLS...TKS!
11/24/15 2:41:34 AM	50P9C	CO	1149			** CALL BACK MESSAGE #24529515 initiated at 11/24/15 02:41:33 from sntd
11/24/15 2:43:13 AM	50P5C	RS	1149			CLANCY"S 50 -ACCEPT
11/24/15 2:43:13 AM					(b)(5)(B)	** Tow requested by unit 50P5C for CLANCY"S 50 TOW -- code is ACCEPT
11/24/15 2:43:13 AM						CLANCY"S 50 -ACCEPT
11/24/15 2:43:13 AM						Tow Est Time: 15-20
11/24/15 2:43:27 AM						(b)(5)(B)
11/24/15 2:43:27 AM						
11/24/15 2:43:27 AM						
11/24/15 2:43:27 AM						
11/24/15 2:43:27 AM						
11/24/15 2:43:27 AM						
11/24/15 2:43:27 AM						
11/24/15 2:43:27 AM					(b)(5)(B)	BC

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11/24/15 2:54:30 AM						[redacted]
11/24/15 2:54:30 AM						
11/24/15 2:54:30 AM						
11/24/15 2:54:30 AM						
11/24/15 2:54:30 AM						
11/24/15 2:54:30 AM						
11/24/15 2:54:30 AM						
11/24/15 2:54:30 AM					(b)(5)(B)	50P9C – TOW 97
11/24/15 2:54:31 AM	50P9C	EC	1149	GREENFIELD DR/N 2ND ST EC: 711		50P9C – TOW 97
11/24/15 3:00:07 AM	50P9C	AM	1149			
11/24/15 3:00:23 AM						[redacted]
11/24/15 3:00:23 AM						
11/24/15 3:00:23 AM						
11/24/15 3:00:23 AM						
11/24/15 3:00:23 AM						
11/24/15 3:00:23 AM						
11/24/15 3:00:23 AM						
11/24/15 3:00:23 AM	50P5C	ER	1149	12365 PARKSIDE ST LKSD: @50		W/ 1 FEM START MI 28.3
11/24/15 3:00:23 AM	50P5C	CL	1149	12365 PARKSIDE ST LKSD: @50		W/ 1 FEM START MI 28.3
11/24/15 3:00:23 AM					(b)(5)(B)	W/ 1 FEM START MI 28.3
11/24/15 3:00:23 AM						50P5C Changed Location to:
11/24/15 3:00:23 AM						12365 PARKSIDE ST LKSD: @50
11/24/15 3:03:24 AM	50P5C	UG	1149	12365 PARKSIDE ST LKSD: @50		
11/24/15 3:05:57 AM						[redacted]
11/24/15 3:05:57 AM						
11/24/15 3:05:57 AM						
11/24/15 3:05:57 AM						
11/24/15 3:05:57 AM						
11/24/15 3:05:57 AM						
11/24/15 3:05:57 AM						
11/24/15 3:05:57 AM	50P5C	ON	1149	12365 PARKSIDE ST LKSD: @50		EM 31.8
11/24/15 3:05:57 AM					(b)(5)(B)	EM 31.8
11/24/15 3:16:04 AM						[redacted]
11/24/15 3:16:04 AM						
11/24/15 3:16:04 AM						
11/24/15 3:16:04 AM						
11/24/15 3:16:04 AM						
11/24/15 3:16:04						

TO

AM					
11/24/15 3:16:04 AM					(b)(5)(B)
11/24/15 3:16:04 AM	50P5C	UC	1149	12365 PARKSIDE ST LKSD: @50	Alarm Timer Extended: 0
11/24/15 3:16:04 AM				(b)(5)(B)	Alarm Timer Extended: 0
11/24/15 4:04:09 AM					(b)(5)(B)
11/24/15 4:04:09 AM					
11/24/15 4:04:09 AM					
11/24/15 4:04:09 AM					
11/24/15 4:04:09 AM					
11/24/15 4:04:09 AM					
11/24/15 4:04:09 AM					
11/24/15 4:04:09 AM	50P5C	ER	1149	451 RIVERVIEW PKWY SANT: @LCDR:W/1	SM 31.9
11/24/15 4:04:09 AM	50P5C	CL	1149	451 RIVERVIEW PKWY SANT: @LCDR:W/1	SM 31.9
11/24/15 4:04:09 AM				(b)(5)(B)	SM 31.9
11/24/15 4:04:09 AM					50P5C Changed Location to:
11/24/15 4:04:09 AM					451 RIVERVIEW PKWY SANT: @LCDR:W/1
11/24/15 4:13:35 AM					(b)(5)(B)
11/24/15 4:13:35 AM					
11/24/15 4:13:35 AM					
11/24/15 4:13:35 AM					
11/24/15 4:13:35 AM					
11/24/15 4:13:35 AM					
11/24/15 4:13:35 AM					
11/24/15 4:13:35 AM	50P5C	ON	1149	451 RIVERVIEW PKWY SANT: @LCDR:W/1	EM 35.8
11/24/15 4:13:35 AM				(b)(5)(B)	EM 35.8
11/24/15 4:24:00 AM					(b)(5)(B)
11/24/15 4:24:00 AM					
11/24/15 4:24:00 AM					
11/24/15 4:24:00 AM					
11/24/15 4:24:00 AM					
11/24/15 4:24:00 AM					
11/24/15 4:24:00 AM					
11/24/15 4:24:00 AM	50P5C	UC	1149	451 RIVERVIEW PKWY SANT: @LCDR:W/1	Alarm Timer Extended: 0
11/24/15 4:24:00 AM				(b)(5)(B)	Alarm Timer Extended: 0
11/24/15 4:43:00 AM	50P5C	AM	AM		

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(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: **15160818**

CAD Event No.: **E2975692** | Case Disposition: **Arrest**

Primary Victim: **State of California** | Report No: **15160818.1**

[X] ARREST REPORT
[ ] JUVENILE CONTACT REPORT

WARRANT: [ ] LOCAL [ ] OUT

GENERAL CASE INFORMATION

Primary Charge: 11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)			
Special Studies: MR - Meth Related			Related Cases:
Location, City, State, ZIP: Greenfield Dr @ N 2nd St, El Cajon, CA 92021			Occurred On: 11/24/2015 02:07:37 (Tuesday)
Jurisdiction: NON-CONTRACT CITY - EL CAJON	Beat: 004	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)		Level: M	Against: SO	Completed? Yes	Counts:	Using:
Location Type: 13 - Highway/Road/Alley	Hate/Bias: 88 - None (No Bias)				Domestic Violence: No	
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:		Point of Entry:	
Weapons/Force:	Tools:		Targets:			
Offense Description: 11377 (A) - HS - POSSESS CONTROLLED SUBSTANCE (M)		Level: M	Against: SO	Completed? Yes	Counts:	Using:
Location Type: 13 - Highway/Road/Alley	Hate/Bias: 88 - None (No Bias)				Domestic Violence: No	
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:		Point of Entry:	
Weapons/Force:	Tools:		Targets:			
Offense Description: 24252 (A) - VC - FAILURE TO MAINTAIN VEH LIGHTING EQUIP (I)		Level: I	Against:	Completed? Yes	Counts:	Using:
Location Type: 13 - Highway/Road/Alley	Hate/Bias: 88 - None (No Bias)				Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related: No	Entry:		Point of Entry:	
Weapons/Force:	Tools:		Targets:			

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Reporting Officer: SH3003 - FISCHER, RICHARD	Division / Organization: Lakeside Substation LAKESIDE PATROL	Reviewed By: SH2305 - CHANTLER, TIM
Report Date: 11/24/2015 4:49:04 AM	Detective Assigned: SH1883 - DORAN, TROY	Reviewed Date: 11/24/2015 21:04:26

ARRESTEE/S

Arrestee #1

(b)(5)(B)

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(b)(5)(B)

SCARS, MARKS, TATTOOS, ODDITIES:

Type	Class / Subclass	Description	Image
(b)(5)(B)			

Image:

Attire	Suspect Actions
	,

ARREST INFORMATION

Arrest Type	LE Disposition	JUS 750 Type	Citation No.	Booking No.
O - Probable Cause Arrest - New Case	3 - Misdemeanor (Adult Only)	2 - Booked		

Arrested For	Level	Completed	Counts
11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)	M	Yes	
11377 (A) - HS - POSSESS CONTROLLED SUBSTANCE (M)	M	Yes	
24252 (A) - VC - FAILURE TO MAINTAIN VEH LIGHTING EQUIP (I)	I	Yes	

Arrested By	Arrest Date and Time	Arrest Location, City, State, ZIP	Beat
SH3003 - FISCHER, RICHARD	11/24/2015 02:30:37	2nd St / Greenfield Dr, El Cajon, CA 92021	533

Arrest Assisted By	Transported By
	SH3003 - FISCHER, RICHARD

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2305 - CHANTLER, TIM
Report Date	**Detective Assigned**	**Reviewed Date**
11/24/2015 4:49:04 AM	SH1883 - DORAN, TROY	11/24/2015 21:04:26

Miranda Read:	Admonished By:	Miranda Response:	Jail Billing Code:	Booked Location:
Yes	SH3003 - FISCHER, RICHARD	"Yes" and "Yes"	SD Sheriff's Office	Las Colinas Detention Facility

Armed With:	Use of Force to effect Arrest:
01 - Unarmed	No

JUVENILES

Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:

Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:

RELEASE INFORMATION

Released Location:	Released On:	Released By:	Release Reason:

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

PROPERTY

Property Item #1.000 - Baggie containing methamphetamine

Derivative No.:	0	Property Category:	1900 - Drug - Amphetamine/Methamphetamine	
Status:	6 - Seized (Drug, Forgery/Counterfeit or Gambling Crime)	Count:	1	Value:
Manufacturer:		Model:		
Serial No.:		Model Year:		OAN:
Color:		Caliber:		
Body Style:		Recovered/ Seized Date:	11/24/2015	
Owner:		Disposition:	lakeside evidence	
Evidence Tag:		Alert(s):		
Drug Type:	L - Amphetamines/Methamphetamines	Drug Quantity:	0.6GM - Gram	
Search Warrant:				
Notes:				

Lab Service Request:	Property Notes:
Toxicology Send Out	Test for exact weight and substance

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Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2305 - CHANTLER, TIM
Report Date	**Detective Assigned**	**Reviewed Date**
11/24/2015 4:49:04 AM	SH1883 - DORAN, TROY	11/24/2015 21:04:26

Property Item #2.000 - syringes containing methamphetamine

Derivative No.: 0	Property Category: 1900 - Drug - Amphetamine/Methamphetamine		
Status: 6 - Seized (Drug, Forgery/Counterfeit or Gambling Crime)	Count: 2	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 11/24/2015		
Owner:	Disposition: Lakeside evidence		
Evidence Tag:	Alert(s):		
Drug Type: L - Amphetamines/Methamphetamines	Drug Quantity: 35FO - Fluid Ounce		
Search Warrant:			
Notes:			
Lab Service Request: Toxicology Send Out	Property Notes: Test for substance		

Property Item #3.000 - Used syringes

Derivative No.: 0	Property Category: 1997 - Drug/Narcotic PARAPHERNALIA/Equipment - Syringe, Needle, Pipe, Scale, Foil, Packaging Etc.		
Status: ES - Evidence (Seized)	Count: 24	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 11/24/2015		
Owner:	Disposition: Lakeside evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Property Item #4.000 - Multiple empty baggies containing residue

Derivative No.: 0	Property Category: 1997 - Drug/Narcotic PARAPHERNALIA/Equipment - Syringe, Needle, Pipe, Scale, Foil, Packaging Etc.		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 11/24/2015		
Owner:	Disposition: Lakeside evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

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Property Item #5.000 - photo disc

Derivative No: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 11/24/2015		
Owner:	Disposition: Lakeside evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

Synopsis:

(b)(5)(B) was arrested for being in possession of a clear plastic baggie containing methamphetamine in violation of 11377 HS. She was also charged with being in possession of 24 used syringes containing methamphetamine residue as well as an additional two syringes containing liquid methamphetamine in violation of 11364 HS. The liquid methamphetamine totaled approximately 10 cc's of one and 25cc's in the other and they both NIK tested presumptively positive. The methamphetamine inside the baggie contained approximately 0.6 grams, net weight. (b)(5)(B) was transported and booked into the Las Colinas Detention Facility without incident.

Origin:

On 11/24/2015, at approximately 0207 hours, I was driving southbound on 2nd Street approaching Greenfield Drive in El Cajon when I observed the following.

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Investigation:

I saw a red Honda Prelude bearing California License plate (b)(5)(B) traveling southbound on 2nd Street in the number two lane with the license plate light not operating in violation of 24252(A) CVC. I conducted a traffic stop of the vehicle and it yielded in the parking lot of 7-Eleven located at the intersection of 2nd Street and Greenfield Drive. As the vehicle yielded, I noticed the registration has been expired since August, 2015.

I exited my vehicle and approached the driver from the driver's side. As I made my approach, I saw the driver leaned over to the passenger seat making quick movements with her hands. Once I made my way to the driver's door, the driver, later identified by her California Driver's license as (b)(5)(B), was sitting back in her seat without leaning over. I asked (b)(5)(B) to keep her hands where I could see them and she complied. I immediately noticed a wrench between her thighs as she sat there. I looked to the

passenger seat of the vehicle and saw a clear plastic baggie containing a white crystalline substance protruding from a purse in plain view. My training and experience has taught me the substance inside the baggie was consistent with methamphetamine.

I advised (b)(5)(B) the reason for the stop and asked her for her driver's license, registration, and proof of insurance. (b)(5)(B) advised me she did not have her insurance with her, and that her driver's license was recently stolen. I asked (b)(5)(B) if she had a valid driver's license and she told me she did. (b)(5)(B) then provided me with an expired driver's license and I used it to conduct a records check and license check. I learned (b)(5)(B) had a valid driver's license and had a prior offense for being in possession of a controlled substance.

With my suspicion of (b)(5)(B) possibly having methamphetamine inside her purse as well as her prior for being in possession of a controlled substance, I asked her if she had any drugs or weapons inside the vehicle. (b)(5)(B) responded by saying, "No." I asked (b)(5)(B) if I could search the vehicle to be sure and she stated, "Yeah."

Based on my sighting of possible narcotics in plain view as well as (b)(5)(B) consent, I conducted a search of the vehicle. I first asked (b)(5)(B) to exit the vehicle so I could safely conduct my search and she complied. I asked (b)(5)(B) if she had any weapons on her and she told me she did not. I asked (b)(5)(B) if I could conduct a pat down search for weapons and she stated, "Sure, go ahead." I conducted a pat down search of (b)(5)(B) person and did not locate any weapons or contraband.

During my search of the vehicle, I first searched inside (b)(5)(B) purse on the front passenger seat. I located one clear plastic baggie containing a white crystalline substance as well as many clear plastic baggies containing a white crystalline residue. My training and experience has taught me both the residue and the substance were consistent with methamphetamine. Also inside the purse, I located a small makeup bag containing 26 syringes. Two of the syringes contained a dark liquid substance and the other 24 contained residue. I completed my search of the vehicle and did not locate any further contraband.
I first NIK tested the white crystalline substance and found it tested presumptively positive for methamphetamine. I then NIK tested the dark liquid substance individually from both loaded syringes and they also tested presumptively positive for methamphetamine.

Based on my findings, I placed (b)(5)(B) under arrest for possession of a controlled substance in violation of 11377(a) HS as well as possession of drug paraphernalia in violation of 11364 HS. (b)(5)(B) was also charged with failing to have lighting equipment on her vehicle operating in good working order in violation of 24252(A) VC. I handcuffed (b)(5)(B) and escorted her to the rear of my patrol vehicle. I read (b)(5)(B) her Miranda admonishment using my department issued deputies notebook. (b)(5)(B) stated, "Yes" to understanding her rights and "Yes" to wanting to speak with me. (b)(5)(B) provided me with the following statement.

Statement of (b)(5)(B) (suspect):

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(b)(5)(B) stated she did not know where the meth came from. (b)(5)(B) told me she was moving some stuff out of storage and saw all the baggies and just put them into her purse. I asked (b)(5)(B) when she last used methamphetamine and she told me she barely uses anymore but probably a few days prior. (b)(5)(B) told me she did not wish to speak with me further; therefore, I did ask her any more questions.

Investigation continued:

I called via the radio for a tow truck to arrive on scene and store the vehicle. (See impound report for futher). I stored the vehicle under storage authority 22651(h)(1) CVC.

I transported (b)(5)(B) to the Lakeside station and I weighed the methamphetamine. The white crystalline methamphetamine totaled 0.6 grams, net weight. One syringe totaled approximately 10 cc's while the other totaled approximately 25 cc's. I completed all booking paperwork at the station and transported and booked her into the Las Colinas Detention Facility without incident.

I telephoned Sheriff's teletype and advised them of the stored vehicle. I obtained digital photos and transferred them onto a CD. The CD was later placed into an evidence locker at the Lakeside Station. All narcotics and paraphernalia were seized at the scene and placed into an evidence locker at the Lakeside Station.

Evidence:
1 Baggie containing methamphetamine (located from purse on passenger seat) (0.6 grams)
2 Loaded syringes containing 10 cc's and 25 cc's of liquid methamphetamine (located from purse on passenger seat)
3 Used syringes (located from purse on passenger seat) (24 total)
4 Multiple empty baggies containing residue (located from purse on passenger seat)
5 photo disc

Injuries:
None.

Related reports:
None.

Follow Up:
None.

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11/14/17

To whom it may concern,

I am writing in regards to allegations against Officer Fischer. I also would like to file a complaint against him due to my arrest on November 24, 2015 in which Officer Fischer was the arresting officer. I never reported the incident due to the intimidation and fear I felt knowing that it was my word against his and due to the actions by Officer Fischer, that I believe were intimidating, after my release from jail. In the early morning of 11/24/15 I was arrested by Officer Fischer and one other deputy (whose name was not included in my police report and Officer Fischer stated at my hearing not to remember) which resulted in an illegal search and seizure, impoundment of my vehicle, my unlawful arrest, and sexual advances and inappropriate conduct by Officer Fischer. While I was being put under arrest he searched me (which I consented) very thoroughly although a female officer was not present, which I didn't object because I'm aware that it's a necessary safety precaution in the arrest process. When we arrived to the Lakeside substation he helped me out of the car and said he needed to search me again for my safety, but this search was much more inappropriate and lasted much longer. He put his hands in my sweatshirt still on top of my t-shirt and slowly ran them down my back, he took his pointer and middle finger and put them into the waistband of my sweatpants and ran them all the way around my waist. I asked him, if it's necessary to search me again and I asked if a female was supposed to be present, he assured me he was following procedure according to the law. He took me inside the holding room and the other officer was present, he has my cell phone in his hand, and started to look through it. I have nothing to hide so I didn't say anything until he made a comment along the lines of me taking lots of "selfies" which I realized he was going through my photos. I told him there is no reason he needs to look at them and he laughed and said why do u have nudies on here?? He then said he was joking and put it down. We were in the room for quite some time then he had me follow him out to the car for transport to jail. He once again said he needed to search my one last time before

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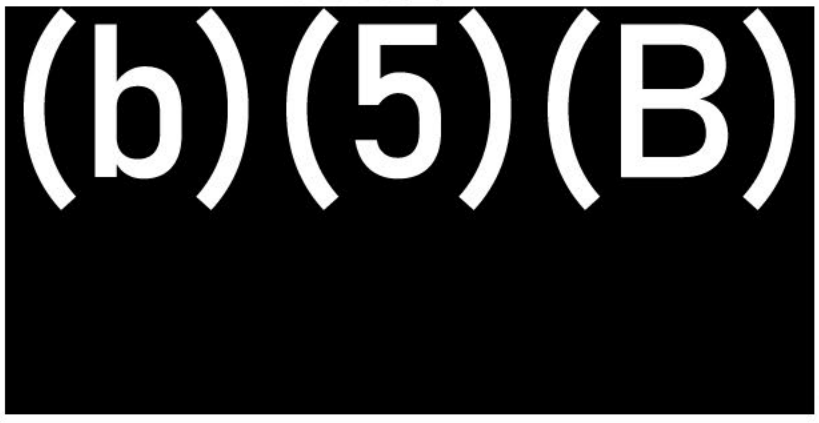
we get to jail, this time I was much more reluctant. He did the search quickly but was pushing a little harder with his hands. I sat in the police car and he leaned in and began to put my seat belt on but then he paused close to my face and said I hope I'm not making you uncomfortable and I said no and he then said ok good and sorry if I accidently cop a feel it's an accident. He got in his seat and said it was a shame we didn't mean on different circumstances. He drove to Las Colinas and went the road leading to the old entrance of the jail which was very dark and had fences blocking any entry. He then made a comment while chuckling and asked if I was scared yet, I said no kind of confused, and he said well that's good I'm in too big of a hurry tonight to get to know you better anyways. We arrived in front of the jail and he came to get my seat belt off and while removing the strap he ran his hand across my breast while smirking. I have told many people about this incident including my boyfriend, some family members, friends, and my public defender, who informed me that it's a very difficult thing to prove accusations against a sworn officer. After my release I was fighting my charge due to 4th amendment law and Officer Fischer made it a point to let his presence be known around my house. He would drive by very slow and shine his light toward my home and on one occasion he pulled his cruiser next to me at a stop light on the corner of wintergardens and woodside ave in lakeside, and he revved the engine of his car multiple times, when the light turned green he raced passed me flickering his brake lights. At my disposition the judge ruled my arrest lawful although I had much evidence showing otherwise which just proved my worries of not Being able to go against him due to the simple fact he is an officer and should be able to be trusted and his statements be truthful which in his case is not the situation. Please contact me if further information is needed. Thank you.

(b)(5)(B)

(b)(5)(B)



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(b)(5)(B)
The Gilleon Law Firm
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San Diego, CA 92101
(b)(5)(B)

Attorneys for Plaintiff (b)(5)(B)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
(Central Division)

(b)(5)(B)

Plaintiff,

vs.

DEPUTY RICHARD FISCHER; COUNTY OF SAN DIEGO; SHERIFF BILL GORE, in his official capacity; and DOES 1 to 10,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES FOR VIOLATION OF CIVIL RIGHTS
1. Violation of Federal Civil Rights
2. Monell Municipal Liability
[42 U.S.C. § 1983]

Jury Trial Demanded

Plaintiff alleges:

GENERAL ALLEGATIONS

1. Plaintiff (b)(5)(B) is, and all times relevant to this complaint was, a resident of San Diego County, California.

2. Defendant Richard Fischer ("Fischer") is, and at all times relevant to this complaint was, a duly sworn peace officer, employed by the County of San Diego. Fischer was specifically authorized by Defendant County to perform the duties and responsibilities of a sworn deputy of the County of San Diego, and all acts hereinafter complained of were performed by Fischer under the color of law in the course and scope of his duties as a sworn deputy. Upon information and belief, Fischer is a resident of the County of San Diego.

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3. Defendant County of San Diego ("County") is, and at all times relevant to this complaint was a duly organized public entity, form unknown, existing under the laws of the State of California. At all relevant times, the County was the employer of Fischer and Defendants, Does 1 through 5 (Doe Deputies), who were San Diego County Sheriff's Deputies, and Defendants, Does 6 through 10 (Doe Supervisors), who were managerial, supervisorial and policymaking employees of the San Diego County Sheriff's Department. At all relevant times, Doe Deputies and Doe Supervisors were residents of San Diego County. Does 1 through 10 are sued in their individual capacity.

4. At all times relevant to this complaint, Defendants Doe Deputies and Doe Supervisors were duly authorized employees and agents of the County who were acting under color of law within the course and scope of their respective duties as Sheriff's Deputies and with complete authority and ratification of their employer, Defendant County of San Diego.

5. The true names and capacities of Does 1 through 10, and the facts giving rise to their liability are unknown to Plaintiff at this time. Plaintiff will amend this complaint once their identities have been ascertained as well as the facts giving rise to their liability.

6. Plaintiff is informed and believes, and thereon alleges, that each of the Doe Defendants is responsible in some manner, either by act or omission, strict liability, fraud, negligence or otherwise, for the occurrences herein alleged, and that Plaintiff's harm was legally caused by conduct of the Doe Defendants.

7. Defendant Bill Gore ("Gore") was, at all times relevant to this complaint, was the Sheriff of San Diego County and a policy maker and is sued herein in his official capacity.

FACTS

8. On or about the early morning hours of November 24, 2015, Fischer effectuated a traffic stop of (b)(5)(B) vehicle; (b)(5)(B) was the sole occupant and driver of the vehicle at the time of the traffic stop.

9. At the time of the stop, Fischer advised (b)(5)(B) he had pulled her over because he observed the license plate light on (b)(5)(B) vehicle to be inoperable despite the fact that the license plate light on (b)(5)(B) vehicle was, in fact, in perfect working order.

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10. Without probable cause and without [redacted] consent, Fischer advised [redacted] of his intent to search her vehicle.

11. Pursuant to the non-consensual search of her vehicle, Fischer placed [redacted] under arrest on suspicion of misdemeanor drug charges.

12. Fischer conducted a thorough pat-down of [redacted] pursuant to her arrest and before placing her inside of his patrol vehicle.

13. Upon arrival at the Lakeside Sheriff Substation, Fischer helped [redacted] out of his patrol vehicle and advised her that he needed to search [redacted] a second time for her safety. This second search Fischer conducted on [redacted] was prolonged and invasive. When [redacted] asked why she was being searched again and if a female officer could be present, Fischer assured [redacted] that he was following protocol and denied her request to have a female officer present.

14. Once inside the substation, Fischer took [redacted] into a holding room with one other male officer. Without a warrant or consent, Fischer took [redacted] cell phone and began to search its contents. While Fischer looked through [redacted] phone, he inquired of [redacted] why she had so many selfies at which time [redacted] understood that Fischer was looking through the photographs stored on her phone. Fischer than asked [redacted] "Why do you have nudies on here?" Fischer then said he was "just joking" and put down [redacted] cell phone.

15. [redacted] asked Fischer to drug test her to prove that she was not under the influence of drugs, but Fischer declined her request. Some time later, Fischer had [redacted] follow him out to his patrol car so that he could transport her to Las Colinas Jail.

16. Prior to placing [redacted] in his patrol vehicle to transport her to jail, Fischer conducted another search of [redacted] person. [redacted] was becoming increasingly fearful of Fischer's conduct and noted that while the third search of her person was done more quickly than the previous two, Fischer was pushing harder with his hands while he conducted the third search.

17. As [redacted] sat down in the back of Fischer's patrol car and Fischer leaned in to buckle her seatbelt, Fischer paused with his face close to [redacted] and said "I hope I'm not making you uncomfortable.... if I accidentally cop a feel, it's an accident." Fischer then told [redacted] "It's a shame that we didn't meet under different circumstances."

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18. Fischer drove [redacted] to Las Colinas via the road leading to the old entrance to the jail which was very dark and had fences blocking any entry. Fischer was chuckling and asked [redacted], if she was scared yet and then remarked that he wanted to get to know her better.

19. When they pulled up at the entrance of Las Colinas, Fischer unbuckled [redacted] seatbelt and smirked at her as he ran his hands across her breast.

20. After [redacted] was released from custody and while she was still fighting the charges against her, Fischer would drive by [redacted] home slowly at night, shining his lights into her home ensuring that his presence there was known. On another occasion, Fischer pulled up next to [redacted] while she was at a stoplight, revved his engine loudly next to her, then raced past her when the light turned green and flickered his lights.

21. On or about March of 2016, [redacted] wrote a letter to Internal Affairs at the Sheriff's Department complaining of the illegal and sexually assaultive behavior she had suffered at the hands of Fischer. [redacted] received no response from the Sheriff's Department in response to her claim.

22. On or about November 16, 2017, [redacted] again submitted a letter to the San Diego Sheriff's Department complaining of Fischer's conduct.

FIRST CAUSE OF ACTION
(Violation of Federal Civil Rights)

23. Plaintiff realleges all prior paragraphs of this complaint and incorporate the same herein by this reference.

24. On or about November 24, 2015, Defendant Fischer violated Plaintiff's constitutional rights of procedural and substantive due process, equal protection under the law, the right to be free from cruel and unusual punishment and unreasonable search and seizures; all guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

25. Defendant Fischer has sexually assaulted at least four other women while in the course and scope of his employment with Defendant County, and, on information and belief, other people have complained to the County about sexual assaults by Fischer prior to his assault on Plaintiff.

26. The violation of Plaintiff's rights was in the form of a non-consensual sexual assault

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by Fischer. The right violated by an assault has been described as the right to be secure in one's person, and is grounded in the due process clause of the Fourteenth Amendment.

27. Defendants Fischer and Doe Supervisors acted under color of law.

28. The failure of the Doe Supervisors to investigate, discipline and supervise Fischer deprived Plaintiff of her constitutional right to be free from sexual assault.

29. The Doe Supervisors knew or should have known that Fischer was engaging in these acts and knew or reasonably should have known that Fischer's conduct would deprive Plaintiff of her constitutional rights.

30. The Doe Supervisors failed to act to prevent Fischer from engaging in such conduct.

31. The Doe Supervisors' conduct was so closely related to the deprivation of Plaintiff's rights as to be the moving force that caused Fischer's sexual assault on Plaintiff.

32. Plaintiff suffered economic and non-economic damages including, but not limited to, emotional distress and pain and suffering as a sole, direct, and proximate result of Defendant Fischer and Defendant Does' acts complained of herein.

SECOND CAUSE OF ACTION
(Monell Municipal Liability)

33. Plaintiff realleges all prior paragraphs of this complaint and incorporate the same herein by this reference.

34. Defendant Fischer has sexually assaulted at least four other women while in the course and scope of his employment with Defendant County, and, on information and belief, other people have complained to the County about sexual assaults by Fischer prior to his assault on Plaintiff.

35. Defendant County has failed to adequately investigate complaints about Fischer, has failed to discipline Fischer, and has failed to adequately supervise Fischer.

36. Defendant County has a policy of employing and retaining as Sheriff's deputies, individuals, including Fischer, with dangerous propensities for abusing their authority, sexually assaulting women and endangering the public. Defendant County knew or reasonably should have known Fischer had dangerous propensities for abusing his authority and sexually assaulting women.

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37. The failure to investigate, discipline, and supervise by Sheriff Bill Gore and Defendant County's employees, including Defendant Does 6-10, deprived Plaintiff of her particular rights under the United States Constitution, including but not limited to her right to be free from sexual assault.

38. Sheriff Bill Gore and Defendant County's deputies acted under color of state law.

39. The investigatory and disciplinary policies of the Sheriff Bill Gore and Defendant County were not adequate to prevent violations of law by its employees, including Defendant Fischer.

40. The County knew or should have known that failing to adequately investigate, discipline and supervise deputies, including Fischer, made it highly predictable that Fischer and other deputies would engage in conduct, including sexual assault, that would deprive persons such as Plaintiff of their constitutional rights.

41. The failure of the County to adequately investigate, discipline and supervise its deputies, including Fischer, caused the deprivation of Plaintiff's rights by Fischer.

42. Plaintiff suffered economic and non-economic damages including, but not limited to, emotional distress and pain and suffering as a sole, direct, and proximate result of Defendants' acts complained of herein.

REQUEST FOR RELIEF

THEREFORE, Plaintiff (b)(5)(B) requests a judgment against Defendants Richard Fischer, the County of San Diego, Sheriff Bill Gore and Does 1-10 as follows:

a. Entering judgment for compensatory general and special damages in an amount in accordance with proof.

b. Entering judgment for exemplary damages against Defendants Fischer and Does 1-10 in an amount sufficient to punish and to make an example of said defendants, and to deter said defendants and others from engaging in similar conduct.

d. Awarding reasonable attorneys' fees, expenses, and costs of suit.

e. Granting such other and further relief as the Court deems proper.

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DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial.

Date: November 22, 2017

(b)(5)(B)

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Sheriff's Dept - Investigations 5/4/16

Hopefully this letter is sent to the correct department. The intent of this letter is to file a complaint on a deputy. Though I would prefer to write anonymous [illegible] may not take it serious [illegible] credible. My name is [redacted] and in November of last year I was [redacted] Richard Fischer out of [illegible] Lakeside Sheriff station. During this incident deputy Fischer violated my rights in many ways. He started my arrest with [illegible] my 4th amendment with illegal search and seizure which led to him confining me with handcuffs and then taking advantage of me by touching and kiss[illegible] me sexually and inappropriately and also helping himself to my personal cell phone without my consent. Although I haven't filed anything through the court, I do think that something should be done. I have no idea how this process works but I am hoping to mostly find some peace of mind and attention brought onto the disrespectful unlawful and sexually demeaning things officer Fischer shamelessly put me through. I told him there was supposed to be a woman officer present during the search and he responded as if he had every right to do what he was doing. Please contact me for more details, it's not fair to be taken advantage of and he is a predator not an officer.

[redacted]

[redacted]

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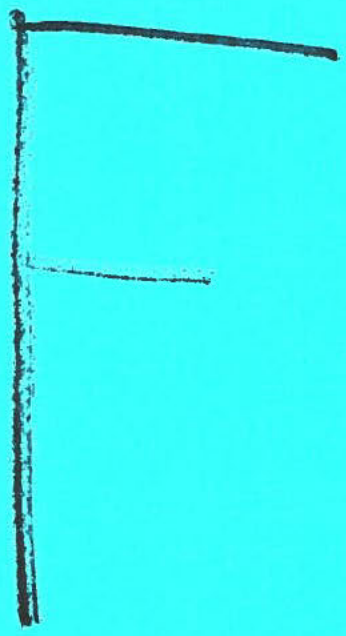

CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E3060772	Sunday January 3, 2016 01/03/16 6:55:25 PM	RSUSP	JULIAN AV/LOS COCHES RD LKSD	(b)(5)(B)	srr	50P5C	01/03/16 6:56:17 PM	01/03/16 7:00:13 PM	SNTD	530	AM, default,	

RP INFO

CASE NUMBER

DATE/TIME	CASE#	STATUS	EMPLOYEE	TERM
01/03/16 7:48:46 PM	c16100401	Valid	(b)(5)(B)	srr

PERSON INFORMATION

NAME	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	AGE	DOB	REMARKS
(b)(5)(B)									(b)(5)(B)

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
GRY		DODG	CHARGER			PC	2016
					(b)(5)(B)	PC	2016

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Sunday January 3, 2016						
01/03/16 6:55:25 PM					(b)(5)(B)	** PER search completed at 01/03/16 18:55:25
01/03/16 6:55:25 PM						** PER search completed at 01/03/16 18:55:25
01/03/16 6:55:25 PM						TODAY AND CHRONIC.....AT UNK EXCACT LOC NEAR JULIAN/MAIN ST....RP ADV OF A
01/03/16 6:55:25 PM						FEMALE WHO GOES BY (b)(5)(B) THAT DEALS 115/METH
01/03/16 6:55:25 PM						RP DID NOT HAVE BETTER LOC INFO OTHER THAN WAS A APT TRIPLEX.....UNK
01/03/16 6:55:25 PM						COLOR.....(b)(5)(B) DRIVE A GRY DODGE CHARGER
01/03/16 6:55:25 PM						BELIEVES SHE LIVES WITH HER HUSBAND AT LOC.....POSS OWN A HANDGUN
01/03/16 6:55:25 PM						RP WAS SEMI UNCOOP WITH FURTHER DETAILS....DID NOT WANT DEP CONTACT....JUST
01/03/16 6:55:25 PM						WANTED DEP'S TO HAVE THE INFO
01/03/16 6:55:25 PM						UNK IF (b)(5)(B) IS 97 NOW.....NFD
01/03/16 6:55:26 PM						(b)(5)(B)
01/03/16 6:55:26 PM						
01/03/16 6:55:26 PM						
01/03/16 6:55:26 PM					(b)(5)(B)	** VEH search completed at 01/03/16 18:55:26
01/03/16 6:55:26 PM						** LOI search completed at 01/03/16 18:55:26
01/03/16						

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TO

6:55:34 PM						CLETS QUERY RECORD: #47557371
01/03/16 6:55:36 PM						CLETS QUERY RECORD: #47557379
01/03/16 6:56:17 PM	44P1C	DP	RSUSP	S JULIAN ST/MAIN ST RAM		
01/03/16 6:56:34 PM	44P1C	AK	RSUSP	S JULIAN ST/MAIN ST RAM		
01/03/16 7:00:13 PM	44P1C	ON	RSUSP	S JULIAN ST/MAIN ST RAM		
01/03/16 7:11:20 PM					(b)(5)(B)	44P1C -- I think this may be a Lakeside call. Can you have a Lakeside Dep check
01/03/16 7:11:20 PM						the
01/03/16 7:11:20 PM						area of Main and Julian St. I ran (b)(5)(B) and her address shows in
01/03/16 7:11:20 PM						Lakeside with a vehicle registered to Lakeside as well. I tried to cb rp to see
01/03/16 7:11:20 PM						If she meant Lakeside but she did not answer
01/03/16 7:11:22 PM	44P1C	EC	RSUSP	S JULIAN ST/MAIN ST RAM		if she meant Lakeside but she did not answer
01/03/16 7:13:20 PM						CLETS QUERY RECORD: #47557602
01/03/16 7:14:39 PM						(b)(5)(B)
01/03/16 7:14:39 PM						
01/03/16 7:14:39 PM					(b)(5)(B)	** LOI search completed at 01/03/16 19:14:39
01/03/16 7:14:39 PM						** Event Location changed from "S JULIAN ST/MAIN ST RAM" to "JULIAN AV/LOS
01/03/16 7:14:39 PM						COCHES RD LKSD" at: 01/03/16 19:14:39
01/03/16 7:14:39 PM						** >>>> by: (b)(5)(B) on terminal: rurd
01/03/16 7:14:55 PM	44P1C	CO	RSUSP			Preempt:TREV to SHERIFF/SNFR
01/03/16 7:14:55 PM	44P1C	AM	RSUSP			Preempt:TREV to SHERIFF/SNFR
01/03/16 7:14:55 PM	44P1C	DP	RSUSP	JULIAN AV/LOS COCHES RD LKSD		TREV to SHERIFF/SNFR
01/03/16 7:14:55 PM	44P1C	ON	RSUSP	JULIAN AV/LOS COCHES RD LKSD		TREV to SHERIFF/SNFR
01/03/16 7:14:55 PM					(b)(5)(B)	Preempt:TREV to SHERIFF/SNFR
01/03/16 7:14:55 PM						** Event E3060772 transferred from SHERIFF/POWD to SHERIFF/SNFR as E3060772 at
01/03/16 7:14:55 PM						TREV to SHERIFF/SNFR
01/03/16 7:14:55 PM						01/03/16 19:14:55
01/03/16 7:15:40 PM	44P1C	CO	RSUSP			Preempt:TREV to SHERIFF/SNTD
01/03/16 7:15:40 PM	44P1C	AM	RSUSP			Preempt:TREV to SHERIFF/SNTD
01/03/16 7:15:40 PM	44P1C	DP	RSUSP	JULIAN AV/LOS COCHES RD LKSD		TREV to SHERIFF/SNTD
01/03/16 7:15:40 PM					(b)(5)(B)	Preempt:TREV to SHERIFF/SNTD
01/03/16 7:15:40 PM						** Event E3060772 transferred from SHERIFF/SNFR to SHERIFF/SNTD as E3060772 at
01/03/16 7:15:40 PM						TREV to SHERIFF/SNTD
01/03/16 7:15:40 PM						01/03/16 19:15:40
01/03/16 7:15:41 PM	44P1C	ON	RSUSP	JULIAN AV/LOS COCHES RD LKSD		TREV to SHERIFF/SNTD
01/03/16 7:16:56 PM	50P5C	DP	RSUSP	JULIAN AV/LOS COCHES RD LKSD		
01/03/16 7:17:00 PM	44P1C	AM	RSUSP			

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01/03/16 7:17:50 PM	50P5C	AK	RSUSP	JULIAN AV/LOS COCHES RD LKSD		
01/03/16 7:17:56 PM	50P5C	ON	RSUSP	JULIAN AV/LOS COCHES RD LKSD		
01/03/16 7:18:01 PM					(b)(5)(B)	50P5C -- 97 AREA CHECKING WAOC FOR NOW
01/03/16 7:18:02 PM	50P5C	EC	RSUSP	JULIAN AV/LOS COCHES RD LKSD		50P5C -- 97 AREA CHECKING WAOC FOR NOW
01/03/16 7:18:04 PM	50P9C	DP	RSUSP	JULIAN AV/LOS COCHES RD LKSD		
01/03/16 7:18:05 PM	50P9C	ON	RSUSP	JULIAN AV/LOS COCHES RD LKSD		
01/03/16 7:18:24 PM					(b)(5)(B)	** VEH search completed at 01/03/16 19:18:24
01/03/16 7:18:24 PM						50P5C -- 1149 A POSSIBLE
01/03/16 7:18:24 PM						50P5C -- (b)(5)(B)
01/03/16 7:18:25 PM	50P5C	EC	RSUSP	JULIAN AV/LOS COCHES RD LKSD		50P5C -- 1149 A POSSIBLE
01/03/16 7:18:25 PM	50P5C	EC	RSUSP	JULIAN AV/LOS COCHES RD LKSD		50P5C -- (b)(5)(B)
01/03/16 7:18:30 PM						CLETS QUERY RECORD: #47557660
01/03/16 7:19:03 PM					(b)(5)(B)	50P9C -- OUT WITH 5
01/03/16 7:19:04 PM	50P9C	EC	RSUSP	JULIAN AV/LOS COCHES RD LKSD		50P9C -- OUT WITH 5
01/03/16 7:19:57 PM						(b)(5)(B)
01/03/16 7:19:57 PM						
01/03/16 7:19:57 PM						
01/03/16 7:19:57 PM						
01/03/16 7:19:57 PM						
01/03/16 7:19:57 PM						
01/03/16 7:19:57 PM						
01/03/16 7:19:57 PM						
01/03/16 7:19:57 PM					(b)(5)(B)	50P5C -- 51 X SUBJ INQ
01/03/16 7:19:58 PM	50P5C	EC	RSUSP	JULIAN AV/LOS COCHES RD LKSD		50P5C -- 51 X SUBJ INQ
01/03/16 7:21:48 PM	50P1C	DP	RSUSP	JULIAN AV/LOS COCHES RD LKSD		
01/03/16 7:21:49 PM	50P1C	ON	RSUSP	JULIAN AV/LOS COCHES RD LKSD		
01/03/16 7:48:43 PM					(b)(5)(B)	50P5C -- 1016
01/03/16 7:48:44 PM	50P5C	EC	RSUSP	JULIAN AV/LOS COCHES RD LKSD		50P5C -- 1016
01/03/16 7:48:46 PM					(b)(5)(B)	** Case number c16100401 has been assigned to event E3060772
01/03/16 7:48:46 PM						** >>>> by: (b)(5)(B) on terminal: srr
01/03/16 7:49:31 PM	50P5C	ER	RSUSP	12365 PARKSIDE ST LKSD: @50:W/1F		SM 55.5
01/03/16 7:49:31 PM	50P5C	CL	RSUSP	12365 PARKSIDE ST LKSD: @50:W/1F		SM 55.5
01/03/16 7:49:31 PM					(b)(5)(B)	SM 55.5
01/03/16 7:49:31 PM						50P5C Changed Location to:
01/03/16 7:49:31 PM						12365 PARKSIDE ST LKSD: @50:W/1F
01/03/16						

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7:49:59 PM	50P9C	AM	RSUSP		
01/03/16 7:50:35 PM	50P1C	AM	RSUSP		CVCL
01/03/16 7:50:35 PM				(b)(5)(B)	CVCL
01/03/16 7:51:46 PM					(b)(5)(B)
01/03/16 7:51:46 PM					
01/03/16 7:51:46 PM					
01/03/16 7:51:46 PM					
01/03/16 7:51:46 PM					
01/03/16 7:51:46 PM					
01/03/16 7:51:46 PM					
01/03/16 7:51:46 PM					
01/03/16 7:51:46 PM	50P5C	ON	RSUSP	12365 PARKSIDE ST LKSD: @50:W/1F	EM 55.9
01/03/16 7:51:46 PM				(b)(5)(B)	EM 55.9
01/03/16 8:20:12 PM					(b)(5)(B)
01/03/16 8:20:12 PM					
01/03/16 8:20:12 PM					
01/03/16 8:20:12 PM					
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01/03/16 8:20:12 PM					
01/03/16 8:20:12 PM					
01/03/16 8:20:12 PM	50P5C	ER	RSUSP	451 RIVERVIEW PKWY SANT: @LCDR:W/1F	SM 55.9
01/03/16 8:20:12 PM	50P5C	CL	RSUSP	451 RIVERVIEW PKWY SANT: @LCDR:W/1F	SM 55.9
01/03/16 8:20:12 PM				(b)(5)(B)	SM 55.9
01/03/16 8:20:12 PM					50P5C Changed Location to:
01/03/16 8:20:12 PM					451 RIVERVIEW PKWY SANT: @LCDR:W/1F
01/03/16 8:27:07 PM					(b)(5)(B)
01/03/16 8:27:07 PM					
01/03/16 8:27:07 PM					
01/03/16 8:27:07 PM					
01/03/16 8:27:07 PM					
01/03/16 8:27:07 PM					
01/03/16 8:27:07 PM					
01/03/16 8:27:07 PM					
01/03/16 8:27:07 PM	50P5C	ON	RSUSP	451 RIVERVIEW PKWY SANT: @LCDR:W/1F	EM 59.9

RELEASED FROM I.A. FILES

TO

01/03/16 8:27:07 PM					(b)(5)(B)	EM 59.9
01/03/16 8:56:32 PM						50P5C -- MEDICAL REJECT...BACK ER JULIAN/LOS COCHES SM 59.9
01/03/16 8:56:34 PM	50P5C	EC	RSUSP	451 RIVERVIEW PKWY SANT: @LCDR:W/1F		50P5C -- MEDICAL REJECT...BACK ER JULIAN/LOS COCHES SM 59.9
01/03/16 8:56:43 PM						(b)(5)(B)
01/03/16 8:56:43 PM						
01/03/16 8:56:43 PM						
01/03/16 8:56:43 PM						
01/03/16 8:56:43 PM						
01/03/16 8:56:43 PM						
01/03/16 8:56:43 PM						
01/03/16 8:56:43 PM						
01/03/16 8:56:43 PM	50P5C	ER	RSUSP	JULIAN AV/LOS COCHES RD LKSD:W/1F		
01/03/16 8:56:43 PM	50P5C	CL	RSUSP	JULIAN AV/LOS COCHES RD LKSD:W/1F		
01/03/16 8:56:43 PM					(b)(5)(B)	** LOI search completed at 01/03/16 20:56:43
01/03/16 8:56:43 PM						50P5C Changed Location to:
01/03/16 8:56:43 PM						JULIAN AV/LOS COCHES RD LKSD:W/1F
01/03/16 9:04:13 PM						(b)(5)(B)
01/03/16 9:04:13 PM						
01/03/16 9:04:13 PM						
01/03/16 9:04:13 PM						
01/03/16 9:04:13 PM						
01/03/16 9:04:13 PM						
01/03/16 9:04:13 PM						
01/03/16 9:04:13 PM						
01/03/16 9:04:13 PM	50P5C	ON	RSUSP	JULIAN AV/LOS COCHES RD LKSD:W/1F		EM 63.7
01/03/16 9:04:13 PM					(b)(5)(B)	EM 63.7
01/03/16 9:11:32 PM	50P5C	AM	AM			

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San Diego County Sheriff's Department

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TO

(b)(5)(B)

(b)(5)(B)

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: **16100401**

CAD Event No.: **E3060772**

Case Disposition: **Arrest**

Primary Victim: **State of California**

Report No: **16100401.1**

[X] ARREST REPORT
[ ] JUVENILE CONTACT REPORT

WARRANT: [ ] LOCAL [ ] OUT

GENERAL CASE INFORMATION

Primary Charge: 11350 (A) - HS - POSS NARCOTIC CONTROLLED SUBS (M)			
Special Studies:			Related Cases:
Location, City, State, ZIP: Julian Av @ Los Coches Rd, Lakeside, CA 92040			Occurred On: 01/03/2016 18:55:54 (Sunday)
Jurisdiction: LAKESIDE - LAKESIDE	Beat: 530	Call Source: ADMIN	(and Between):
Means:		Motives:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 11350 (A) - HS - POSS NARCOTIC CONTROLLED SUBS (M)	Level: M	Against: SO	Completed?: Yes	Counts:	Using:
Location Type: 13 - Highway/Road/Alley	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		

ARRESTEE/S

Arrestee #1

(b)(5)(B)

(b)(5)(B)

CONTACT INFORMATION:

Type:	Number/Address:

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TO

Reporting Officer: SH3003 - FISCHER, RICHARD	Division / Organization: Lakeside Substation LAKESIDE PATROL	Reviewed By: SH2305 - CHANTLER, TIM
Report Date: 1/5/2016 2:42:13 AM	Detective Assigned: SH0213 - SANCHEZ, JACOB	Reviewed Date: 01/05/2016 19:27:29

(b)(5)(B)

ARREST INFORMATION

Arrest Type:	LE Disposition:	JUS 750 Type:	Citation No.:	Booking No.:
O - Probable Cause Arrest - New Case	3 - Misdemeanor (Adult Only)	1 - Cited	735900	

Arrested For:	Level:	Completed:	Counts:
11350 (A) - HS - POSS NARCOTIC CONTROLLED SUBS (M)	M	Yes	

Arrested By:	Arrest Date and Time:	Arrest Location, City, State, ZIP:	Beat:
SH3003 - FISCHER, RICHARD	01/03/2016 19:45:31	Julian Ave / Los Coches Rd	530

Arrest Assisted By:	Transported By:
	SH3003 - FISCHER, RICHARD

Miranda Read:	Admonished By:	Miranda Response:	Jail Billing Code:	Booked Location:
Yes	SH3003 - FISCHER, RICHARD	"Yes" and "No"	SD Sheriff's Office	

Armed With:	Use of Force to effect Arrest:
01 - Unarmed	No

JUVENILES

Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:

Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:

RELEASE INFORMATION

Released Location:	Released On:	Released By:	Release Reason:
t scene			

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

Other Entity #1

(b)(5)(B)

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TO_____

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2305 - CHANTLER, TIM
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2016 2:42:13 AM	SH0213 - SANCHEZ, JACOB	01/05/2016 19:27:29

ALIAS / AKA / NICKNAME / MONIKER:				
Name Type:	First:	Middle:	Last:	Suffix:
(b)(5)(B)				

PROPERTY

Property Item #1.000 - pills

Derivative No.: 0	Property Category: 1998 - Drug - Other Prescription & Non-Prescription - Antidepressant, Tranquilizer, Etc.		
Status: 6 - Seized (Drug, Forgery/Counterfeit or Gambling Crime)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 01/04/2016		
Owner:	Disposition: Lakeside evidence		
Evidence Tag:	Alert(s):		
Drug Type: P - Other Drugs (Antidepressants, Tranquilizers, Etc.)	Drug Quantity: 6DU - Dose Units/Items		
Search Warrant:			
Notes:			

Property Item #2.000 - photo disc

Derivative No.: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 01/05/2016		
Owner:	Disposition: Lakeside evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

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TO

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2305 - CHANTLER, TIM
Report Date: 1/5/2016 2:42:13 AM	Detective Assigned: SH0213 - SANCHEZ, JACOB	Reviewed Date: 01/05/2016 19:27:29

REPORT NARRATIVE

Synopsis:

(b)(5)(B) was arrested for being in possession of 1 hydrocodone pill and 5 Lorazepam pills without a prescription in violation of 11350(a) HS. The pills were confirmed by the pill identifier. (b)(5)(B) was medically rejected from the jail booking process at the Las Colinas Detention Facility. She was then issued a citation (735900) and released at the intersection of Los Coches Rd and Julian Avenue with her signed promise to appear in court.

Origin:

On 01/03/2016, at approximately 1856 hours, I received a radio call regarding a suspicious person possibly selling methamphetamine at the intersection of Los Coches Road and Julian Avenue in Lakeside. The person was in a gray Dodge Charger and went by the name of (b)(5)(B)

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TO

Investigation:

At approximately 1900 hours, I arrived on scene and saw a gray Dodge Charger bearing California license plate (b)(5)(B) driving eastbound on Julian Avenue with a female sitting in the front passenger seat. Based on the vehicle matching the description, I conducted a traffic stop of the vehicle. The vehicle yielded on Julian Avenue just east of Los Coches Road. I exited my vehicle and approached the driver from the driver's side.

The driver verbally identified himself to me as (b)(5)(B) I advised (b)(5)(B) the reason I conducted the stop was because the vehicle matched the description of a call we received regarding the sales of methamphetamine. (b)(5)(B) laughed and stated, "Oh that's just fine sir, there's nothing here, you can turn this car upside down if you want." I confirmed with (b)(5)(B) he was giving me permission to search the vehicle for possible narcotic activity and he stated, "Yes sir that's more than okay." I asked the passenger of the vehicle what her name is and she stated, "(b)(5)(B) I asked (b)(5)(B) if she had ID and she told me she did and handed it to me. I asked (b)(5)(B) if she was selling methamphetamine and she stated, "No, I mean I used to use but I'm just trying to get my life together."

I asked (b)(5)(B) if she had anything illegal inside her purse or on her person and she stated, "I don't have anything." I asked (b)(5)(B) if I could search her purse to be sure and she stated, "Yeah that's fine."

Based on (b)(5)(B) and (b)(5)(B) consent, I conducted a search of the vehicle. I escorted (b)(5)(B) and (b)(5)(B) outside of the vehicle so I could safely conduct a vehicle search. Deputy Conard arrived on scene to assist.

As (b)(5)(B) exited the front passenger seat, I saw a clear plastic baggie wedged between the seat and center console. I removed the baggie and saw that it contained five unidentified pills. As I removed the

pills, (b)(5)(B) saw me and spontaneously stated, "Oh those are my valium." I asked (b)(5)(B) if she had a prescription for the pills and she stated, "Yeah I do." I asked (b)(5)(B) where the prescription was and she stated, "Oh I don't know, but those are mine."

I furthered my search of the vehicle and also located a pill bottle containing one unidentified pill from inside (b)(5)(B) purse. I asked (b)(5)(B) what the pill was and she stated, "Oh I don't know." Using the pill identifier, I learned the pill was hydrocodone which is a schedule 2 narcotic. I asked (b)(5)(B) if she had a prescription for the hydrocodone pill and she stated, "Oh no, that I don't."

Using the pill identifier, I learned the pills (b)(5)(B) said were Valium were actually Lorazepam (0.5 mg each). Lorazepam is a schedule 4 narcotic used for the treatment of anxiety, insomnia and panic disorder.

I did not find any evidence of methamphetamine use or sales. Based on my findings, I arrested (b)(5)(B) for being in possession of a controlled substance in violation of 11350(a) HS. I handcuffed (b)(5)(B) and escorted her to the rear of my patrol vehicle. During the escort, (b)(5)(B) began crying and she stated, "I'm not doing anything wrong I swear I'm just trying to get my life together."

While in the rear of my patrol vehicle, I read (b)(5)(B) her Miranda admonishment using my department issued deputies notebook. (b)(5)(B) stated, "Yes" to understanding her rights and "No" to wanting to speak with me. I did not question further.

I seized the pills and secured them in my patrol vehicle. (b)(5)(B) was released at the scene without any charges. I completed all booking paperwork at the scene and transported (b)(5)(B) to the Las Colinas Detention Facility. During the booking process, (b)(5)(B) was medical rejected due to high blood pressure.

At approximately 2056 hours, I transported (b)(5)(B) back to the intersection of Los Coches Road and Julian Avenue. I issued (b)(5)(B) a citation (735900) and released her at the scene with her signed promise to appear in court. I obtained digital photos and transferred them onto a CD. The CD along with the prescription pills were placed into an evidence locker at the Lakeside station.

Evidence:

1 Prescription pills (seized from between center console and front passenger seat)
2 photo disc

Injuries:
None.

Property Damage:
None.

Follow Up :

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Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2305 - CHANTLER, TIM
Report Date 1/5/2016 2:42:13 AM	Detective Assigned SH0213 - SANCHEZ, JACOB	Reviewed Date 01/05/2016 19:27:29

None

Related Reports:
None.

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I.A. FILES
TO

Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	Lakeside Substation LAKESIDE PATROL	SH2305 - CHANTLER, TIM
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2016 2:42:13 AM	SH0213 - SANCHEZ, JACOB	01/05/2016 19:27:29

Court Copy

San Diego County Sheriff's Department

735900

NOTICE TO APPEAR ☐ Traffic ☒ Nontraffic ☒ Misdemeanor

Date of Violation	Time	☐ AM	Day of Week	Case Number
1-3-16	7:45			

[redacted]

☐ Hazardous Material (VC353)

Year	Make	Model	Body Style	Color

Registered Owner or Lessee ☐ Same as Driver

Address ☐ Same as Driver

City State Zip Code ☐ Evidence of Financial Responsibility

Correctable Violation (VC 40610(b))

Yes	No	Violation Code and Section	Description	Misdemeanor or Infraction (Circle)
☐	☒	11350(a) HS	Poss. controlled	M I
☐	☐		substance	M I
☐	☐			M I
☐	☐			M I

☐ Booking Required (see reverse)

Speed Approx	P.F. Max.	Veh. Lmt.	Safe Spd.	Radar	Beat	☐ Continuation Form Issued
—	—	—	—	—	530	

Location of Violation(s): Julian Av / Los Coches Rd

City of Occurrence: Lakeside ☒ Unincorp.

Weather Conditions	Road Conditions	Traffic Conditions	Station/Sub-Sta	Division
clear	Dry	Light	S4-50	Part

☐ Violations not committed in my presence, declared on information and belief.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Date 1-3-16 R. FISCHER 3005

Arresting or Issuing Deputy I.D. Number

Name of Arresting Deputy I.D. Number

WITHOUT ADMITTING [redacted] TIME INDICATED BELOW

X Signature

Superior Court of San Diego County FOLLOW THE INSTRUCTIONS ON THE REVERSE

☐ North Division - Criminal	325 South Melrose, Vista, CA 92081
☐ North Division - Traffic	325 S. Melrose, Ste 350, Annex Bldg, Vista, CA 92081
☒ East Division	250 East Main Street, El Cajon, CA 92020
☐ East Division - Branch	1428 Montecito Road, Ramona, CA 92065
☐ Central Division - Criminal	220 West Broadway, San Diego, CA 92101
☐ Central Division - Traffic	8950 Clairemont Mesa Blvd., San Diego, CA 92123
☐ Juvenile Division	2901 Meadowlark Drive, San Diego, CA 92123
☐ South Division	500 Third Avenue, Chula Vista, CA 92010

[redacted]

DATE 2-23-16 TIME 8:00 ☒ AM ☐ PM ☐ To be notified ☐ You may arrange with the clerk to appear at a night session of the court

SO-99 REV 09/05 Judicial Council of California Form Rev 02/2015 (Veh. Code § 40500(b), 40510(b), 40522, 40600, PC § 853.9) 1/1/100

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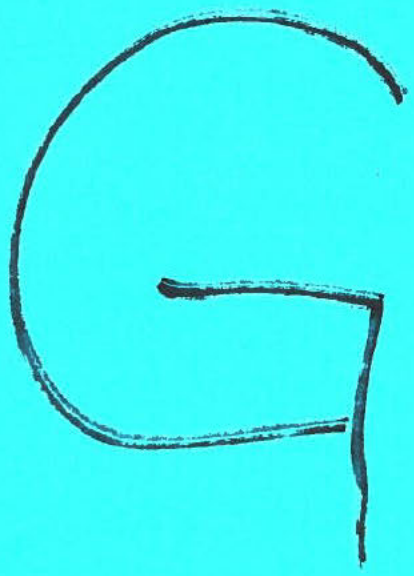
TO _____



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E3189564	Monday February 29, 2016 02/29/16 2:35:34 PM	1151	719 E BRADLEY AV ECU: @KELLYS PUB	(b)(5)(B)	sntd	50P5A	02/29/16 2:35:34 PM	02/29/16 2:35:35 PM	SNTD	533	OK,	

RP INFO

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
					(b)(5)(B)	PC	2016

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Monday February 29, 2016						
02/29/16 2:35:34 PM	50P5A	DP	1151	KELLYS PUB		
02/29/16 2:35:34 PM					(b)(5)(B)	** LOI search completed at 02/29/16 14:35:34
02/29/16 2:35:34 PM						** VEH search completed at 02/29/16 14:35:34
02/29/16 2:35:34 PM						Field Event
02/29/16 2:35:35 PM	50P5A	ON	1151	KELLYS PUB		
02/29/16 2:35:40 PM						CLETS QUERY RECORD: #48057185
02/29/16 2:35:41 PM					(b)(5)(B)	BEH LOC IN PARKING LOT
02/29/16 2:36:04 PM						
02/29/16 2:36:04 PM						
02/29/16 2:36:04 PM						
02/29/16 2:36:04 PM						
02/29/16 2:36:04 PM						
02/29/16 2:36:04 PM						
02/29/16 2:36:04 PM					(b)(5)(B)	** LOI search completed at 02/29/16 14:36:04
02/29/16 2:36:04 PM						** Event Location changed from "KELLYS PUB" to "719 E BRADLEY AV ECU: @KELLYS
02/29/16 2:36:04 PM						PUB" at: 02/29/16 14:36:04
02/29/16 2:36:04 PM						** >>>> by: (b)(5)(B) on terminal: sntd
02/29/16 2:36:05 PM						
02/29/16 2:36:05 PM						
02/29/16						

(b)(5)(B)

(b)(5)(B)

RELEASED FROM I.A. FILES

TO

2:36:05 PM						
02/29/16 2:36:05 PM						
02/29/16 2:36:05 PM						
02/29/16 2:36:05 PM						
02/29/16 2:36:05 PM						
02/29/16 2:36:05 PM						
02/29/16 2:36:05 PM					(b)(5)(B)	
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM						
02/29/16 2:46:20 PM	50P5A	UC	1151	KELLYS PUB		Alarm Timer Extended: 10
02/29/16 2:46:20 PM					(b)(5)(B)	Alarm Timer Extended: 10
02/29/16 2:55:55 PM	50P5A	AM	OK			



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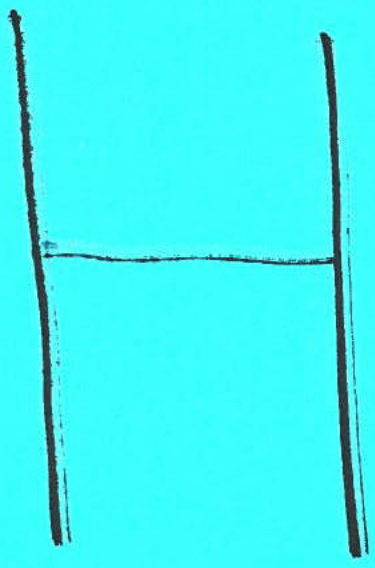
Data Services Division
San Diego County Sheriff's Department

RELEASED FROM
I.A. FILES
TO_____

(b)(5)(B)

(b)(5)(B)



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E3542834	Saturday August 6, 2016 08/06/16 5:32:29 PM	459R	(b)(5)(B)	(b)(5)(B)	ph03	90P1A	08/06/16 5:34:00 PM	08/06/16 5:48:29 PM	SMCD	349	default, RF,	

RP INFO

CASE NUMBER

DATE/TIME	CASE#	STATUS	EMPLOYEE	TERM
08/06/16 7:43:28 PM	c16139824	Valid	(b)(5)(B)	smcd

XREF EVENTS

DATE/TIME	EVENT#	TYCOD	LOCATION	DGROUP	MBEAT	EMPID
08/12/16 2:04:19 PM	E3555849	1021	182 SANTAR PL SM	SMCD	357	(b)(5)(B)

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Saturday August 6, 2016						
08/06/16 5:32:29 PM						****SPECIAL SITUATION: [TYPE:] GATE CODE [ADDRESS:] TRENTON WY [MESSAGE:] INFO NEEDED 8008****
08/06/16 5:32:29 PM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
08/06/16 5:32:29 PM					(b)(5)(B)	** LOI search completed at 08/06/16 17:32:29
08/06/16 5:32:29 PM						WPH2 33.09624900 -117.190990
08/06/16 5:32:29 PM						JUST
08/06/16 5:32:29 PM						RP CAME HOME AND HOUSE IS RANSACKED, HAS ONLY CHECKED THE DOWNSTAIRS
08/06/16 5:32:29 PM						WILL WAIT OUTSIDE FOR DEPS TO COME AND CLEAR UPSTAIRS..NFD
08/06/16 5:33:31 PM	10K25	DP	459R	(b)(5)(B)		
08/06/16 5:33:31 PM	10K25	DP	459R			
08/06/16 5:33:35 PM	10K25	CO	459R			Preempt:CAD AUTOMATIC PREEMPT
08/06/16 5:33:35 PM	10K25	CO	459R			Preempt:CAD AUTOMATIC PREEMPT
08/06/16 5:33:35 PM	10K25	AM	459R			Preempt:CAD AUTOMATIC PREEMPT
08/06/16 5:33:35 PM	10K25	AM	459R			Preempt:CAD AUTOMATIC PREEMPT
08/06/16 5:33:35 PM					(b)(5)(B)	Preempt:CAD AUTOMATIC PREEMPT
08/06/16 5:33:35 PM						** Event held for 1 minutes and unit 10K25
08/06/16 5:33:40 PM						(b)(5)(B)
08/06/16 5:33:40 PM						
08/06/16 5:33:40 PM					(b)(5)(B)	LEAD 104
08/06/16 5:34:00 PM	10K25	DP	459R	(b)(5)(B)		
08/06/16 5:34:00 PM	10K25	DP	459R			
08/06/16						

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TO

5:34:22 PM	10K25	ER	459R	(b)(5)(B)	
08/06/16 5:34:22 PM	10K25	ER	459R		
08/06/16 5:34:25 PM	90P1A	DP	459R		
08/06/16 5:34:26 PM	90P1A	ER	459R		
08/06/16 5:48:29 PM	10K25	ON	459R		
08/06/16 5:48:29 PM	10K25	ON	459R		
08/06/16 5:48:48 PM					(b)(5)(B) 10K25 -- CLEAR THE AIR FOR NOW...1023 FOR ADDTL UNIT
08/06/16 5:48:49 PM	10K25	EC	459R	(b)(5)(B)	10K25 -- CLEAR THE AIR FOR NOW...1023 FOR ADDTL UNIT
08/06/16 5:48:49 PM	10K25	EC	459R		10K25 -- CLEAR THE AIR FOR NOW...1023 FOR ADDTL UNIT
08/06/16 5:49:12 PM	90P1A	ON	459R		
08/06/16 5:51:15 PM	90P1A	ET	459R		
08/06/16 5:51:15 PM				(b)(5)(B)	** Emergency Traffic executed for Event # E3542834 at: 08/06/16 17:51:15
08/06/16 5:51:15 PM					** >>>> by: (b)(5)(B) on terminal: smcd
08/06/16 5:51:19 PM					90P1A -- C LEARING RESD
08/06/16 5:51:20 PM	90P1A	EC	459R	(b)(5)(B)	90P1A -- C LEARING RESD
08/06/16 5:52:08 PM					(b)(5)(B)
08/06/16 5:52:08 PM					
08/06/16 5:52:08 PM					(b)(5)(B) 90P1A -- K9 ANNOUNCEMENTS BEING MADE
08/06/16 5:52:09 PM	90P1A	EC	459R	(b)(5)(B)	90P1A -- K9 ANNOUNCEMENTS BEING MADE
08/06/16 5:56:48 PM					(b)(5)(B) 10K25 -- CLEAR ET....C4
08/06/16 5:56:50 PM	10K25	EC	459R		10K25 -- CLEAR ET....C4
08/06/16 5:56:50 PM	10K25	EC	459R		10K25 -- CLEAR ET....C4
08/06/16 5:56:54 PM					(b)(5)(B)
08/06/16 5:56:54 PM					
08/06/16 5:56:54 PM	10K25	UC	459R	(b)(5)(B)	Alarm Timer Extended: 20
08/06/16 5:56:54 PM	10K25	UC	459R		Alarm Timer Extended: 20
08/06/16 5:56:54 PM					(b)(5)(B) Alarm Timer Extended: 20
08/06/16 5:56:56 PM	90P1A	ON	459R	(b)(5)(B)	
08/06/16 6:06:19 PM					(b)(5)(B) K9 MAGIC AND DEPUTY FISCHER CONDUCTED A BUILDING SEARCH OF THE RESIDENCE OFF
08/06/16 6:06:19 PM					LEASH. NO SUSPECT WAS FOUND.
08/06/16 6:06:26 PM	90P3A	DP	459R	(b)(5)(B)	
08/06/16 6:06:37 PM					(b)(5)(B) 90P1A -- UNIT TO 87 WITH DOUBLE A BATTERIES
08/06/16 6:06:38 PM	90P1A	EC	459R	(b)(5)(B)	90P1A -- UNIT TO 87 WITH DOUBLE A BATTERIES
08/06/16 6:06:46 PM					(b)(5)(B) 90P3A -- I CAN GET SOME FROM 90 AND BE ER
08/06/16 6:06:47 PM	90P3A	EC	459R	(b)(5)(B)	90P3A -- I CAN GET SOME FROM 90 AND BE ER
08/06/16 6:07:01 PM					(b)(5)(B)
					****SPECIAL SITUATION: ITYPE:1 INFO IADDRESS:1 SANTAR PL

RELEASED FROM I.A. FILES TO

08/06/16 6:07:01 PM						(b)(5)(B)
08/06/16 6:07:01 PM	90P3A	ER	459R	182 SANTAR PL SM: @90		
08/06/16 6:07:01 PM	90P3A	CL	459R	182 SANTAR PL SM: @90		
08/06/16 6:07:01 PM					(b)(5)(B)	** LOI search completed at 08/06/16 18:07:01
08/06/16 6:07:01 PM						90P3A Changed Location to:
08/06/16 6:07:01 PM						182 SANTAR PL SM: @90
08/06/16 6:08:23 PM						(b)(5)(B)
08/06/16 6:08:23 PM						
08/06/16 6:08:23 PM	90P1A	UC	459R	(b)(5)(B)		Alarm Timer Extended: 0
08/06/16 6:08:23 PM					(b)(5)(B)	Alarm Timer Extended: 0
08/06/16 6:20:28 PM	90P3A	CO	459R			Preempt
08/06/16 6:20:28 PM	90P3A	AM	459R			Preempt
08/06/16 6:20:28 PM	90P3A	DP	459R	(b)(5)(B)		
08/06/16 6:20:28 PM					(b)(5)(B)	Preempt
08/06/16 6:20:29 PM	90P3A	ER	459R	(b)(5)(B)		
08/06/16 6:22:03 PM						(b)(5)(B)
08/06/16 6:22:03 PM						
08/06/16 6:22:03 PM	10K25	UC	459R	(b)(5)(B)		Alarm Timer Extended: 0
08/06/16 6:22:03 PM	10K25	UC	459R			Alarm Timer Extended: 0
08/06/16 6:22:03 PM					(b)(5)(B)	Alarm Timer Extended: 0
08/06/16 6:22:23 PM	90P3A	ER	459R			
08/06/16 6:26:38 PM	90P3A	ON	459R			
08/06/16 6:32:35 PM	10K25	AM	459R			
08/06/16 6:32:35 PM	10K25	AM	459R			
08/06/16 6:37:02 PM	90P3A	UC	459R			Alarm Timer Extended: 0
08/06/16 6:37:02 PM					(b)(5)(B)	Alarm Timer Extended: 0
08/06/16 6:37:20 PM						(b)(5)(B)
08/06/16 6:37:20 PM						
08/06/16 6:37:20 PM					(b)(5)(B)	90P3A -- C4
08/06/16 6:37:21 PM	90P3A	EC	459R	(b)(5)(B)		90P3A -- C4
08/06/16 6:37:29 PM	90P3A	AM	459R			
08/06/16 7:43:29 PM						(b)(5)(B)
08/06/16 7:43:29 PM						
08/06/16 7:43:29 PM					(b)(5)(B)	** Case number c16139824 has been assigned to event E3542834
08/06/16 7:43:29 PM						** >>>> by: (b)(5)(B) on terminal: smcd
08/06/16 8:08:52 PM						(b)(5)(B)

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08/06/16 8:08:52 PM					(b)(5)(B)
08/06/16 8:08:52 PM				(b)(5)(B)	90P1A -- TWO FIREARMS STOLEN FROM THIS BURGLARY
08/06/16 8:08:54 PM	90P1A	EC	459R	(b)(5)(B)	90P1A -- TWO FIREARMS STOLEN FROM THIS BURGLARY
08/06/16 8:24:03 PM				(b)(5)(B)	90P1A -- ONE WORLD WAR 2 ERA 1911 AND ONE SERVICE REVOLVER UNK
08/06/16 8:24:03 PM					MAKE/MODEL TAKEN BTWN 1200-1700 HRS
08/06/16 8:24:04 PM	90P1A	EC	459R	(b)(5)(B)	MAKE/MODEL TAKEN BTWN 1200-1700 HRS
08/06/16 8:25:41 PM					(b)(5)(B)
08/06/16 8:25:41 PM					
08/06/16 8:25:41 PM				(b)(5)(B)	BC BOL ON LE N CMD FOR OFFICER SAFETY
08/06/16 8:35:09 PM	90P1A	AM	RF		
Friday August 12, 2016					
08/12/16 2:04:41 PM					(b)(5)(B)
08/12/16 2:04:41 PM					
08/12/16 2:04:41 PM				(b)(5)(B)	** Cross Referenced to Event # E3555849 at: 08/12/16 14:04:41
08/12/16 2:04:41 PM					** >>>> by: (b)(5)(B) on terminal: ph14

TeamCAD
Data Services Division
San Diego County Sheriff's Department

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I.A. FILES
TO

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

San Diego County Sheriff's Department
Crime/Incident Report

Case No: 16139824

CAD Event No: E3542834 | Case Disposition: Active

Primary Victim: (b)(5)(B) | Report No: 16139824.1

GENERAL CASE INFORMATION

Primary Charge: 459 - PC - BURGLARY (RESIDENTIAL) (F)			
Special Studies:			Related Cases:
Location, City, State, ZIP: (b)(5)(B)			Occurred On: 08/06/2016 12:30:00 (Saturday)
Jurisdiction: City of San Marcos - SAN MARCOS	Beat: 349	Call Source: ANI/ALI	(and Between): 08/06/2016 17:00:00 (Saturday)
Means: 33 - Ransacked		Motives: 06 - Done for personal gain (e.g., financial) 07 - To satisfy personal need or desire	

VICTIM/S

Victim #1

(b)(5)(B)

IBR/UCR OFFENSE/S

Offense Description: 459 - PC - BURGLARY (RESIDENTIAL) (F)		Level: F	Against: PR	Completed? Yes	Counts	Using:
Location Type: 204 - Single Detached Home	Hate/Bias: 88 - None (No Bias)				Domestic Violence: No	
Criminal Activity:	Type Security: 13 - Locked Doors	Gang Related:	Entry: N - No Force Used		Point of Entry: 01 - Unknown	
Weapons/Force:	Tools:		Targets: RES6 - Entire House			

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TO _____

Reporting Officer: SH5137 - HERRERA, ERIK	Division / Organization: San Marcos Station SAN MARCOS PATROL	Reviewed By: SH1536 - VRABEL, THOMAS
Report Date: 8/6/2016 10:23:18 PM	Detective Assigned: SH2619 - GILDERSLEEVE, MICHAEL	Reviewed Date: 08/07/2016 02:54:09

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

PROPERTY

Property Item #1.000 - Jewelry colection

Derivative No.: 0	Property Category: 2699 - Misc Jewelry		
Status: S - Stolen (Bribe/Defraud/Embezzle/Ransom/Extort/Etc.)	Count: 1	Value: $5,000.00	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date:		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Property Item #2.000 - Chanel purse

Derivative No.: 0	Property Category: 3001 - Purse		
Status: S - Stolen (Bribe/Defraud/Embezzle/Ransom/Extort/Etc.)	Count: 1	Value: $6,000.00	
Manufacturer: Chanel	Model:		
Serial No.:	Model Year:	OAN:	
Color: Black / Gold	Caliber:		
Body Style:	Recovered/ Seized Date:		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Property Item #3.000 - Louis Vuiton purse

Derivative No.: 0	Property Category: 3001 - Purse		
Status: S - Stolen (Bribe/Defraud/Embezzle/Ransom/Extort/Etc.)	Count: 1	Value: $3,500.00	
Manufacturer: Louis Vuiton	Model:		
Serial No.:	Model Year:	OAN:	
Color: Black	Caliber:		
Body Style:	Recovered/ Seized Date:		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

RELEASED FROM I.A. FILES

TO _____

Reporting Officer	Division / Organization	Reviewed By
SH5137 - HERRERA, ERIK	San Marcos Station SAN MARCOS PATROL	SH1536 - VRABEL, THOMAS
Report Date	**Detective Assigned**	**Reviewed Date**
8/6/2016 10:23:18 PM	SH2619 - GILDERSLEEVE, MICHAEL	08/07/2016 02:54:09

Property Item #4.000 - Salvatore Ferraganno flats

Derivative No: 0	Property Category: 1406 - Shoes		
Status: S - Stolen (Bribe/Defraud/Embezzle/Ransom/Extort/Etc.)	Count: 1	Value: $600.00	
Manufacturer: Salvatore Ferraganno	Model: Flats		
Serial No:	Model Year:	OAN:	
Color: Tan	Caliber:		
Body Style:	Recovered/ Seized Date:		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Property Item #5.000 - Two pairs of scuba flippers

Derivative No: 0	Property Category: 9999 - Miscellaneous		
Status: S - Stolen (Bribe/Defraud/Embezzle/Ransom/Extort/Etc.)	Count: 2	Value: $200.00	
Manufacturer:	Model:		
Serial No:	Model Year:	OAN:	
Color: Black	Caliber:		
Body Style:	Recovered/ Seized Date:		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Property Item #6.000 - WW2 era 1911 pistol

Derivative No: 0	Property Category: 3711 - Pistol		
Status: S - Stolen (Bribe/Defraud/Embezzle/Ransom/Extort/Etc.)	Count: 1	Value: $500.00	
Manufacturer: Unknown	Model: 1911		
Serial No: unknown	Model Year:	OAN:	
Color: Black / Brown	Caliber: 45 - .45		
Body Style:	Recovered/ Seized Date:		
Owner: (b)(5)(B)	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

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TO_____

Reporting Officer: SH5137 - HERRERA, ERIK	Division / Organization: San Marcos Station SAN MARCOS PATROL	Reviewed By: SH1536 - VRABEL, THOMAS
Report Date: 8/6/2016 10:23:18 PM	Detective Assigned: SH2619 - GILDERSLEEVE, MICHAEL	Reviewed Date: 08/07/2016 02:54:09

Property Item #7.000 - Unknown type revolver

Derivative No: 0	Property Category: 3711 - Pistol		
Status: S - Stolen (Bribe/Defraud/Embezzle/Ransom/Extort/Etc.)	Count: 1	Value: $500.00	
Manufacturer: Unknown	Model: Unknown		
Serial No.: Unknown	Model Year:	OAN:	
Color: Black	Caliber: 38 - .38		
Body Style:	Recovered/ Seized Date:		
Owner: (b)(5)(B)	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Property Item #8.000 - Compact disc containing photos

Derivative No: 0	Property Category: 1308 - COMPACT DISC		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 08/06/2016		
Owner:	Disposition: San Marcos Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

Synopsis:

On 8/6/16, between approximately 1230 hours, and 1700 hours, an unknown suspect(s) made entry into (b)(5)(B) residence located at (b)(5)(B). Entry was made by unknown means as there were no signs of forced entry and (b)(5)(B) insisted she locked the doors to the residence. Once inside, the suspect(s) ransacked the residence. They stole over $15,000 of items ranging from designer bags and shoes, to jewelry to sporting goods. They also stole two firearms from the garage. No suspect information or evidence was located on scene.

Origin:

On 8/6/16, at approximately 1730 hours, I received a radio call to investigate a report of a burglary at (b)(5)(B) (b)(5)(B). (CAD# E3542834) The text of the call stated the reporting party had arrived home and discovered her home had been ransacked. She exited the house without checking it in its entirety.

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Investigation:

Reporting Officer	Division / Organization	Reviewed By
SH5137 - HERRERA, ERIK	San Marcos Station SAN MARCOS PATROL	SH1536 - VRABEL, THOMAS
Report Date	**Detective Assigned**	**Reviewed Date**
8/6/2016 10:23:18 PM	SH2619 - GILDERSLEEVE, MICHAEL	08/07/2016 02:54:09

I arrived at the above mentioned location and contacted the reporting party, (b)(5)(B) I asked if there was anyone who was supposed to be in the residence or any pets in the residence. She said there was not. Deputy Fischer #3003 and his K9 partner Magic and I cleared the residence without incident. I returned outside to collect the following statement from (b)(5)(B)

Statement of (b)(5)(B) (Victim/Reporting Party):

(b)(5)(B) stated on 8/6/16, at approximately 1200 hours, she left her residence to run some errands. She was home alone as her husband was out of the state. She advised her husband had locked the front door and she locked up the rest of the residence. The pedestrian door in the garage that leads to the residence is always left unlocked as the garage itself is secure. (b)(5)(B) was out of the residence until about 1700 hours. She parked her vehicle in the garage and attempted to open the pedestrian door to the residence. The door however, was now locked. She felt it was unusual, but figured she must have locked it on accident. She unlocked and opened the door. She looked inside her office which was across the entry hallway and immediately realized her home had been burglarized. She exited the residence and called 911. Deputies arrived shortly after.

(b)(5)(B) advised she had re-connected with her estranged daughter, (b)(5)(B) just sterday. (b)(5)(B) has a drug problem, as does her friend she knew only as (b)(5)(B) (b)(5)(B) advised (b)(5)(B) gave her a very uneasy feeling. (b)(5)(B) also advised her husband's son, (b)(5)(B) is also estranged and has a drug habit. She advised (b)(5)(B) had been convicted of burglarizing their residence once before. She said she could easily see either one of the two being responsible for the newest burglary.

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Investigation Continued:

I conducted a walkthrough of the residence, photographing all rooms and items of interest. (b)(5)(B) accompanied me and made a preliminary list of stolen items. She advised a jewelry collection valued at about $5000 was stolen from her dresser in the master bedroom. From her office, a $6000 Chanel purse, a $3500 Luis Vuitton purse and a $600 pair of Ferraganno shoes were stolen. A $75 bottle of Marc Jacob perfume was taken from a guest bathroom next to her office. Two sets of scuba flippers valued at $200 were taken from the garage. I checked a humidor, some cabinet hardware and the deadbolt latch on the garage pedestrian door for latent prints. I was unable to develop prints. I checked the residence for evidence and additional latent prints with negative results.

While processing the crime scene (b)(5)(B) received a phone call from her husband, (b)(5)(B) He advised two guns he had inherited were in the garage. The cabinet he indicated the guns were inside had been ransacked. The guns were stolen. (b)(5)(B) was unable to provide any information on the guns, other than that they had been passed down in his family and were not registered to anyone. I asked if he had the serial numbers anywhere and he said he didn't. I asked him if he could describe the guns and he

could only say that one was a revolver and the other was a WW2 era service weapon. He sent a photo of one of the guns to his wife. It appeared to be an old looking 1911. I broadcast the limited information I had for officer safety.

I provided (b)(5)(B) a card with a case number on it. I advised her to compile a more detailed list of stolen items as she goes through her residence. I also advised her to try and located documentation and serial numbers for the stolen items, especially the firearms.

Evidence:

A compact disc containing photos was placed in evidence at the San Marcos station.

Injuries\ Property Damage\ Related Reports:

None.

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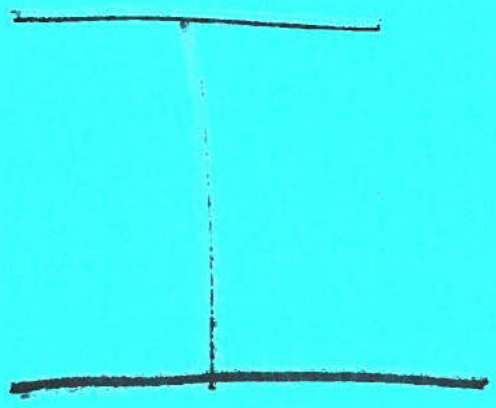
TO

Reporting Officer	Division / Organization	Reviewed By
SH5137 - HERRERA, ERIK	San Marcos Station SAN MARCOS PATROL	SH1536 - VRABEL, THOMAS
Report Date	Detective Assigned	Reviewed Date
8/6/2016 10:23:18 PM	SH2619 - GILDERSLEEVE, MICHAEL	08/07/2016 02:54:09



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E3602734	Thursday September 1, 2016 09/01/16 11:50:39 PM	SUSC	(b)(5)(B)	(b)(5)(B)	ph03	91P1C	09/01/16 11:51:06 PM	09/02/16 12:08:58 AM	SMCD	380	OK,	

RP INFO

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Thursday September 1, 2016						
09/01/16 11:50:39 PM						(b)(5)(B)
09/01/16 11:50:39 PM						
09/01/16 11:50:39 PM						
09/01/16 11:50:39 PM					(b)(5)(B)	(b)(5)(B)
09/01/16 11:50:39 PM					(b)(5)(B)	JUST....RP HEARD WHAT SOUNDED LIKE A DOOR SLAMMING INS HER RESD.....RP IS HOME
09/01/16 11:50:39 PM					(b)(5)(B)	ALONE.....MTF
09/01/16 11:50:40 PM					(b)(5)(B)	** LOI search completed at 09/01/16 23:50:40
09/01/16 11:51:06 PM	91P1C	DP	459H	(b)(5)(B)		
09/01/16 11:51:07 PM					(b)(5)(B)	RP HAS NOT HEARD ANYTHING SINCE.....HAS NOT SEEN ANYTHING
09/01/16 11:51:28 PM	91P1C	ER	459H			
09/01/16 11:51:29 PM					(b)(5)(B)	RP NOW IN BEDROOM ON OTHER END OF RESD
09/01/16 11:51:43 PM	91C4	DP	459H			
09/01/16 11:51:44 PM	91C4	ER	459H			
09/01/16 11:52:07 PM					(b)(5)(B)	RP ADV WAS LOUD NOISE LIKE SHE'S NEVER HEARD BEFORE.....NOT EXPECTING ANYONE
09/01/16 11:52:49 PM					(b)(5)(B)	NO VEHS SHOULD BE IN DRIVEWAY....POOL IN BACKYARD
09/01/16				(b)(5)(B)		

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TO

11:52:55 PM	10K25	DP	459H	(b)(5)(B)		
09/01/16 11:52:55 PM	10K25	DP	459H			
09/01/16 11:52:59 PM	10K25	AM	459H			
09/01/16 11:52:59 PM	10K25	AM	459H			
09/01/16 11:53:08 PM	10K25	DP	459H	(b)(5)(B)		
09/01/16 11:53:08 PM	10K25	DP	459H			
09/01/16 11:53:11 PM	10K25	ER	459H			
09/01/16 11:53:11 PM	10K25	ER	459H			
09/01/16 11:53:18 PM					105901	NO PETS....NO WEAPS
09/01/16 11:53:28 PM					105901	STILL HASN'T HEAD ANYTHING SINCE
09/01/16 11:55:26 PM					105901	NO INFO NEEDED
Friday September 2, 2016						
09/02/16 12:01:15 AM					105901	RP STILL HASN'T HEARD ANYTHING
09/02/16 12:01:38 AM					107922	BCAST
09/02/16 12:01:42 AM					107922	91P1C – 10-4
09/02/16 12:01:43 AM	91P1C	EC	459H	(b)(5)(B)		91P1C – 10-4
09/02/16 12:08:58 AM	91P1C	ON	459H			
09/02/16 12:08:59 AM	91C4	ON	459H			
09/02/16 12:09:08 AM					(b)(5)(B)	91P1C – WAOET .ADV THE RP WE ARE 97 AND CKG
09/02/16 12:09:09 AM	91P1C	EC	459H	(b)(5)(B)		91P1C – WAOET .ADV THE RP WE ARE 97 AND CKG
09/02/16 12:09:10 AM	10K25	ON	459H			
09/02/16 12:09:10 AM	10K25	ON	459H			
09/02/16 12:09:40 AM					(b)(5)(B)	RP IS 10-4
09/02/16 12:12:17 AM					(b)(5)(B)	RP HEARD DOORBELL....ER TO FRONT DOOR
09/02/16 12:12:27 AM					(b)(5)(B)	BC

RELEASED FROM I.A. FILES
TO

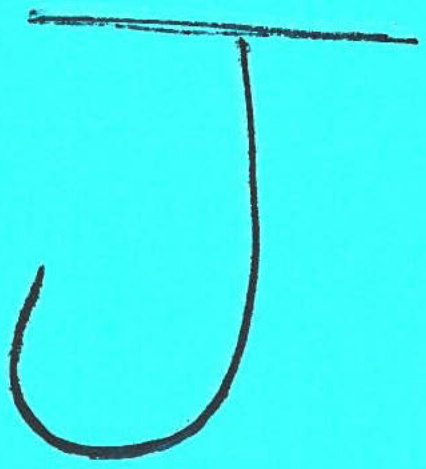
09/02/16 12:12:40 AM				(b)(5)(B)	RP WITH DEPS....OFF LL....NFD
09/02/16 12:17:16 AM				(b)(5)(B)	91P1C – C4
09/02/16 12:17:18 AM	91P1C	EC	459H	(b)(5)(B)	91P1C – C4
09/02/16 12:19:05 AM	91C4	UC	459H		Alarm Timer Extended: 0
09/02/16 12:19:05 AM	91P1C	UC	459H		Alarm Timer Extended: 0
09/02/16 12:19:05 AM				(b)(5)(B)	Alarm Timer Extended: 0
09/02/16 12:19:05 AM				(b)(5)(B)	Alarm Timer Extended: 0
09/02/16 12:19:17 AM	10K25	UC	459H	(b)(5)(B)	Alarm Timer Extended: 0
09/02/16 12:19:17 AM	10K25	UC	459H		Alarm Timer Extended: 0
09/02/16 12:19:17 AM				(b)(5)(B)	Alarm Timer Extended: 0
09/02/16 12:22:26 AM	10K25	AM	459H		
09/02/16 12:22:26 AM	10K25	AM	459H		
09/02/16 12:22:29 AM	91C4	AM	459H		
09/02/16 12:28:17 AM				(b)(5)(B)	INTERIOR AND EXTERIOR CK OF RESIDENCE OK, BACK YARD ALSO CK'D AND ALL OK, NEG
09/02/16 12:28:17 AM				(b)(5)(B)	SIGNS OF 664 459
09/02/16 12:28:49 AM	91P1C	AM	OK		
09/02/16 12:29:27 AM					(b)(5)(B)
09/02/16 12:29:27 AM					
09/02/16 12:29:27 AM					
09/02/16 12:29:27 AM				(b)(5)(B)	** LOI search completed at 09/02/16 00:29:27
09/02/16 12:29:27 AM				(b)(5)(B)	** Event E3602734 has been reopened at: 09/02/16 00:29:27
09/02/16 12:29:27 AM				(b)(5)(B)	** >>>> by: (b)(5)(B) on terminal: smcd
09/02/16 12:29:32 AM				(b)(5)(B)	91P1C CHG SUSC

RELEASED FROM I.A. FILES

TO

(b)(5)(B)

(b)(5)(B)



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E3744257	Friday November 4, 2016 11/04/16 9:29:05 PM	2735	(b)(5)(B)	(b)(5)(B)	ph14	91P11C	11/04/16 9:29:29 PM	11/04/16 9:36:20 PM	SMCD	360	AM, default,	

RP INFO

CASE NUMBER

DATE/TIME	CASE#	STATUS	EMPLOYEE	TERM
11/04/16 10:19:30 PM	c16156645	Valid	(b)(5)(B)	$91P11C

PERSON INFORMATION

NAME	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	AGE	DOB	REMARKS
(b)(5)(B)									

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
BLK		FORD	F150			PC	2016
					(b)(5)(B)	PC	2016
						PC	2016

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Friday November 4, 2016						
11/04/16 9:29:05 PM						(b)(5)(B)
11/04/16 9:29:05 PM						
11/04/16 9:29:05 PM						
11/04/16 9:29:05 PM					(b)(5)(B)	** PER search completed at 11/04/16 21:29:05
11/04/16 9:29:05 PM						** LOI search completed at 11/04/16 21:29:05
11/04/16 9:29:05 PM						(b)(5)(B)
11/04/16 9:29:05 PM						JUST.....RP VS HUSB IN 415.....INS LOC.....RP HUSB IS HBD.....NO
11/04/16 9:29:05 PM						115/WEAPS.....
11/04/16 9:29:13 PM						CLETS QUERY RECORD: #50366172
11/04/16 9:29:29 PM	91P9C	DP	415FA	(b)(5)(B)		
11/04/16 9:29:29 PM					(b)(5)(B)	RP IS CURRENTLY LOCKED INS THE BATHROOM.....BELIEVES HUSB STILL 1097.....
11/04/16 9:29:34 PM	91P9C	ER	415FA	(b)(5)(B)		

RELEASED FROM I.A. FILES

TO

			DR SM		
11/04/16 9:29:54 PM				(b)(5)(B)	** VEH search completed at 11/04/16 21:29:54
11/04/16 9:30:12 PM					91P11C WILL BE ER SHORTLY TO COVER
11/04/16 9:30:34 PM					RP PROVIDED VEH DESC IN CASE HUSB 664'S TO LEAVE....
11/04/16 9:30:41 PM					(b)(5)(B)
11/04/16 9:30:41 PM					
11/04/16 9:30:41 PM					
11/04/16 9:30:41 PM				(b)(5)(B)	RP 10-4 TO STAY SEPARATED.....NFD
11/04/16 9:31:10 PM	91P11C	DP	415FA	(b)(5)(B)	
11/04/16 9:31:11 PM	91P11C	ER	415FA		
11/04/16 9:36:20 PM	91P9C	ON	415FA		
11/04/16 9:36:20 PM	91P11C	ON	415FA		
11/04/16 9:39:11 PM				(b)(5)(B)	91P11C -- HAVE FD FOR (b)(5)(B) MALE HEAD INJURY.....1088
11/04/16 9:39:12 PM	91P11C	EC	415FA	(b)(5)(B)	91P11C -- HAVE FD FOR MALE HEAD INJURY.....1088
11/04/16 9:39:14 PM	10K25	DP	415FA		
11/04/16 9:39:14 PM	10K25	DP	415FA		
11/04/16 9:39:15 PM	10K25	ON	415FA		
11/04/16 9:39:15 PM	10K25	ON	415FA		
11/04/16 9:39:36 PM				(b)(5)(B)	FD 10-4 TO STAGE
11/04/16 9:41:26 PM					** VEH search completed at 11/04/16 21:41:26
11/04/16 9:41:26 PM					** VEH search completed at 11/04/16 21:41:26
11/04/16 9:41:26 PM					91P9C -- (b)(5)(B)
11/04/16 9:41:27 PM	91P9C	EC	415FA	(b)(5)(B)	91P9C --
11/04/16 9:41:33 PM					CLETS QUERY RECORD: #50366375
11/04/16 9:41:33 PM					CLETS QUERY RECORD: #50366374
11/04/16 9:43:09 PM					(b)(5)(B)
11/04/16 9:43:09 PM					
11/04/16 9:43:09 PM					
11/04/16 9:43:09 PM				(b)(5)(B)	91P11C -- MAKING CONTACT WITH 2ND HALF INS RESD....WAOET
11/04/16 9:43:10 PM	91P11C	EC	415FA	(b)(5)(B)	91P11C -- MAKING CONTACT WITH 2ND HALF INS RESD....WAOET
11/04/16 9:46:24 PM	91P11C	UC	415FA		Alarm Timer Extended: 0
11/04/16 9:46:24 PM	91P9C	UC	415FA		Alarm Timer Extended: 0
11/04/16				(b)(5)(B)	Alarm Timer Extended: 0

RELEASED FROM I.A. FILES
TO

9:46:24 PM					
11/04/16 9:46:24 PM				(b)(5)(B)	Alarm Timer Extended: 0
11/04/16 9:49:23 PM	10K25	UC	415FA	(b)(5)(B)	Alarm Timer Extended: 5
11/04/16 9:49:23 PM	10K25	UC	415FA		Alarm Timer Extended: 5
11/04/16 9:49:23 PM				(b)(5)(B)	Alarm Timer Extended: 5
11/04/16 9:50:04 PM					91P11C -- CLEAR FOR FD
11/04/16 9:50:05 PM	91P11C	EC	415FA	(b)(5)(B)	91P11C -- CLEAR FOR FD
11/04/16 9:50:06 PM					(b)(5)(B)
11/04/16 9:50:06 PM					
11/04/16 9:50:06 PM					
11/04/16 9:50:06 PM				(b)(5)(B)	FD 10-4
11/04/16 9:55:21 PM				(b)(5)(B)	91P11C -- C4
11/04/16 9:55:22 PM	91P11C	EC	415FA	(b)(5)(B)	91P11C -- C4
11/04/16 9:55:23 PM					(b)(5)(B)
11/04/16 9:55:23 PM					
11/04/16 9:55:23 PM					
11/04/16 9:55:23 PM	10K25	UC	415FA	(b)(5)(B)	Alarm Timer Extended: 0
11/04/16 9:55:23 PM	10K25	UC	415FA		Alarm Timer Extended: 0
11/04/16 9:55:23 PM				(b)(5)(B)	Alarm Timer Extended: 0
11/04/16 10:02:48 PM					(b)(5)(B)
11/04/16 10:02:48 PM					
11/04/16 10:02:48 PM					
11/04/16 10:02:48 PM				(b)(5)(B)	10K25 -- SM ENGINE 1412
11/04/16 10:02:49 PM	10K25	EC	415FA	(b)(5)(B)	10K25 -- SM ENGINE 1412
11/04/16 10:02:49 PM	10K25	EC	415FA		10K25 -- SM ENGINE 1412
11/04/16 10:10:29 PM				(b)(5)(B)	91P11C -- 1016
11/04/16 10:10:30 PM	91P11C	EC	415FA	(b)(5)(B)	91P11C -- 1016
11/04/16 10:13:36 PM				(b)(5)(B)	91P11C -- INQ
11/04/16 10:13:38 PM	91P11C	EC	415FA	(b)(5)(B)	91P11C -- INQ
11/04/16 10:15:05 PM					CLETS QUERY RECORD: #50366607
11/04/16					

RELEASED FROM I.A. FILES

TO

10:15:15 PM						CLETS QUERY RECORD: #50366610
11/04/16 10:19:30 PM					(b)(5)(B)	** Case number c16156645 has been assigned to event E3744257
11/04/16 10:19:30 PM					(b)(5)(B)	** >>>> by: (b)(5)(B) on terminal: S91P11C
11/04/16 10:19:34 PM					(b)(5)(B)	91P11C – CHG TO 2735
11/04/16 10:19:35 PM	91P11C	EC	415FA	(b)(5)(B)		91P11C – CHG TO 2735
11/04/16 10:19:39 PM					(b)(5)(B)	** Event Type changed from 415FA to 2735 at: 11/04/16 22:19:39
11/04/16 10:19:39 PM					(b)(5)(B)	** Event Priority changed from 4 to 2 at: 11/04/16 22:19:39
11/04/16 10:19:39 PM					(b)(5)(B)	** >>>> by: (b)(5)(B) on terminal: smcd
11/04/16 10:19:39 PM					(b)(5)(B)	** >>>> by: (b)(5)(B) on terminal: smcd
11/04/16 10:23:22 PM						(b)(5)(B)
11/04/16 10:23:22 PM						
11/04/16 10:23:22 PM						
11/04/16 10:23:22 PM	91P11C	ER	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		1X 1016
11/04/16 10:23:22 PM	91P11C	CL	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		1X 1016
11/04/16 10:23:22 PM					(b)(5)(B)	1X 1016
11/04/16 10:23:22 PM					(b)(5)(B)	91P11C Changed Location to:
11/04/16 10:23:22 PM					(b)(5)(B)	325 S MELROSE DR VIST: @VISTA STATION: @VDF
11/04/16 10:30:39 PM	10K25	AM	2735			
11/04/16 10:30:39 PM	10K25	AM	2735			
11/04/16 10:35:12 PM						(b)(5)(B)
11/04/16 10:35:12 PM						
11/04/16 10:35:12 PM						
11/04/16 10:35:12 PM	91P11C	ON	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		(b)(5)(B)
11/04/16 10:35:12 PM					(b)(5)(B)	(b)(5)(B)
11/04/16 10:45:22 PM						(b)(5)(B)
11/04/16 10:45:22 PM						
11/04/16						

RELEASED FROM I.A. FILES

TO

10:45:22 PM						SM
11/04/16 10:45:22 PM	91P11C	UC	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		Alarm Timer Extended: 0
11/04/16 10:45:22 PM					(b)(5)(B)	Alarm Timer Extended: 0
11/04/16 10:53:43 PM	91P9C	AM	2735			
11/04/16 11:40:18 PM						(b)(5)(B)
11/04/16 11:40:18 PM						
11/04/16 11:40:18 PM						
11/04/16 11:40:18 PM	91P11C	ER	2735	161 THUNDER DR VIST: @TRI CITY MEDICAL CENTER: @TRI CITY		1X 1016 MEDICAL REJECT FROM JAIL
11/04/16 11:40:18 PM	91P11C	CL	2735	161 THUNDER DR VIST: @TRI CITY MEDICAL CENTER: @TRI CITY		1X 1016 MEDICAL REJECT FROM JAIL
11/04/16 11:40:18 PM					(b)(5)(B)	1X 1016 MEDICAL REJECT FROM JAIL
11/04/16 11:40:18 PM					(b)(5)(B)	91P11C Changed Location to:
11/04/16 11:40:18 PM					(b)(5)(B)	161 THUNDER DR VIST: @TRI CITY MEDICAL CENTER: @TRI CITY
11/04/16 11:46:43 PM	91P11C	ON	2735	161 THUNDER DR VIST: @TRI CITY MEDICAL CENTER: @TRI CITY		
11/04/16 11:46:53 PM	91P11C	ON	2735	161 THUNDER DR VIST: @TRI CITY MEDICAL CENTER: @TRI CITY		
11/04/16 11:57:57 PM						(b)(5)(B)
11/04/16 11:57:57 PM						
11/04/16 11:57:57 PM						
11/04/16 11:57:57 PM	91P11C	UC	2735	161 THUNDER DR VIST: @TRI CITY MEDICAL CENTER: @TRI CITY		Alarm Timer Extended: 0
11/04/16 11:57:57 PM					(b)(5)(B)	Alarm Timer Extended: 0
Saturday November 5, 2016						
11/05/16 1:12:15 AM						(b)(5)(B)
11/05/16 1:12:15 AM						
11/05/16 1:12:15 AM						
11/05/16 1:12:15 AM	91P11C	ER	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		1X1016
11/05/16 1:12:15 AM	91P11C	CL	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		1X1016
11/05/16 1:12:15 AM					(b)(5)(B)	1X1016

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TO

11/05/16 1:12:15 AM					(b)(5)(B)	91P11C Changed Location to:
11/05/16 1:12:15 AM						325 S MELROSE DR VIST: @VISTA STATION: @VDF
11/05/16 1:19:59 AM	91P11C	ON	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		
11/05/16 1:30:26 AM						(b)(5)(B)
11/05/16 1:30:26 AM						
11/05/16 1:30:26 AM						
11/05/16 1:30:26 AM	91P11C	UC	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		Alarm Timer Extended: 0
11/05/16 1:30:26 AM					(b)(5)(B)	Alarm Timer Extended: 0
11/05/16 2:03:09 AM	91P11C	ON	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		
11/05/16 2:13:17 AM						(b)(5)(B)
11/05/16 2:13:17 AM						
11/05/16 2:13:17 AM						
11/05/16 2:13:17 AM	91P11C	UC	2735	325 S MELROSE DR VIST: @VISTA STATION: @VDF		Alarm Timer Extended: 0
11/05/16 2:13:17 AM					(b)(5)(B)	Alarm Timer Extended: 0
11/05/16 2:17:34 AM	91P11C	AM	AM			

TeamCAD
Data Services Division
San Diego County Sheriff's Department

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I.A. FILES
TO

CAD Query

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

CALLER INFORMATION

NAME	PHONE	ADDRESS	AREA	SOURCE
[redacted]	(b)(5)(B)	[redacted]		ANI/ALI

TeamCAD
Data Services Division
San Diego County Sheriff's Department

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I.A. FILES
TO

(b)(5)(B)

(b)(5)(B)

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No. 16156645

CAD Event No.: E3744257 | Case Disposition: Arrest

Primary Victim: (b)(5)(B) | Report No. 16156645.1

[X] ARREST REPORT
[ ] JUVENILE CONTACT REPORT

WARRANT: [ ] LOCAL [ ] OUT

GENERAL CASE INFORMATION

Primary Charge: 243 (E)(1) - PC - BATTERY:SPOUSE/EX SPOUSE/DATE/ETC (M)

Special Studies:

Related Cases:

Location City, State, ZIP: (b)(5)(B)

Occurred On: 11/04/2016 21:29:00 (Friday)

Jurisdiction: City of San Marcos - SAN MARCOS

Beat: 360

Call Source: ANI/ALI

(and Between):

Means:

Motives:

VICTIM/S

Victim #1

Person Code: [ ] Secured Premise [ ] Discovered Crime [ ] Reporting Party [ ]

(b)(5)(B)

IBR/UCR OFFENSE/S

Offense Description	Level	Against	Completed?	Counts	Using
243 (E)(1) - PC - BATTERY:SPOUSE/EX SPOUSE/DATE/ETC (M)	M	PE	Yes		A - Alcohol

Location Type	Hate/Bias	Domestic Violence
204 - Single Detached Home	88 - None (No Bias)	Yes

Criminal Activity	Type Security	Gang Related	Entry	Point of Entry
		No		

Weapons/Force	Tools		Targets
40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)			

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TO_____

Reporting Officer	Division / Organization	Reviewed By
SH3083 - ROSSALL, SCOTT	San Marcos Station SAN MARCOS PATROL	SH2830 - MCMASTERS, NANETTE
Report Date	**Detective Assigned**	**Reviewed Date**
11/5/2016 3:49:33 AM	SH4541 - ROSAS JR, AGUSTIN	11/05/2016 11:21:52

ARRESTEE/S

Arrestee #1

(b)(5)(B)

SCARS, MARKS, TATTOOS, ODDITIES:

Attire:

Suspect Actions:

,

ARREST INFORMATION

Arrest Type	LE Disposition	JUS 750 Type	Citation No.	Booking No.
O - Probable Cause Arrest - New Case	3 - Misdemeanor (Adult Only)	2 - Booked		33340

Arrested For:	Level:	Completed:	Counts:
243 (E)(1) - PC - BATTERY:SPOUSE/EX SPOUSE/DATE/ETC (M)	M	Yes	

Arrested By:	Arrest Date and Time:	Arrest Location, City, State, ZIP:	Beat:
SH3083 - ROSSALL, SCOTT	11/04/2016 22:10:00	(b)(5)(B)	360

Arrest Assisted By:	Transported By:
SH0424 - WINTER, SCOTT	

Miranda Read:	Admonished By:	Miranda Response:	Jail Billing Code:	Booked Location:
Yes	SH3083 - ROSSALL, SCOTT	"Yes.""Yes."	SD Sheriff San Marcos	Vista Detention Facility

Armed With:	Use of Force to effect Arrest:
01 - Unarmed	No

JUVENILES

Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:

Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:

RELEASE INFORMATION

Released Location:	Released On:	Released By:	Release Reason:

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TO _____

Reporting Officer	Division / Organization	Reviewed By
SH3083 - ROSSALL, SCOTT	San Marcos Station SAN MARCOS PATROL	SH2830 - MCMASTERS, NANETTE
Report Date	**Detective Assigned**	**Reviewed Date**
11/5/2016 3:49:33 AM	SH4541 - ROSAS JR, AGUSTIN	11/05/2016 11:21:52

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

PROPERTY

Property Item #1.000 - CD w/Digital Photos

Derivative No.: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 11/04/2016		
Owner:	Disposition: San Marcos Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

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TO

SYNOPSIS:

On 11-4-2016, at approximately 2129 hours, (b)(5)(B) and his wife, (b)(5)(B) (b)(5)(B), got into an argument inside their residence located at (b)(5)(B) (b)(5)(B). The argument became physical when (b)(5)(B) pushed (b)(5)(B) off of their bed and onto their bedroom floor. (b)(5)(B) got scared so she ran downstairs and locked herself in a bathroom while she called 9-1-1 for assistance. (b)(5)(B) claimed she did not hit, punch, or push (b)(5)(B) in any way. Shortly after conveying the incident to Sheriff's Dispatch, (b)(5)(B) left the bathroom and went back upstairs to put on shorts and a shirt because she had previously only been wearing a bath robe. When (b)(5)(B) went into the bathroom, she noticed (b)(5)(B) had several bumps on his forehead and a small cut over his left eye. (b)(5)(B) claimed (b)(5)(B) looked at her grinning and said, "When the cops get here, you're going to be the one going to jail this time." (b)(5)(B) subsequently ran downstairs and waited outside until we arrived on scene.

Upon our arrival, we contacted (b)(5)(B) who was obviously intoxicated. During the investigation, (b)(5)(B) was uncooperative and could not provide me with a definitive recollection of events because he kept changing the details of his story. When I examined (b)(5)(B) hands, I did not notice any redness or any signs that would indicate she was in a physical fight. When I examined (b)(5)(B) hands, I noticed a small amount of dried blood on his left ring finger just above his wedding ring. (b)(5)(B) did not suffer any injuries during the incident, so the blood on (b)(5)(B) hand may have been from him punching himself in the face.

(b)(5)(B) did not sustain any visible injuries, and refused medical treatment. (b)(5)(B) sustained bruises, swelling, and a small cut as a result of the incident, but he refused medical treatment. Digital photos were ized as evidence. (b)(5)(B) and (b)(5)(B) had been married for thirty years, and shared three adult

children who were not present. (b)(5)(B) said she would not cooperate with the court process. (b)(5)(B) was provided with the case number, a Domestic Violence Resource pamphlet, and informed of her right to obtain an emergency protective order (EPO).

Based on the totality of the circumstances, I placed (b)(5)(B) under arrest and later booked him into the Vista Detention Facility pursuant to 243(E)(1) PC - Domestic Violence.

BACKGROUND:

None.

ORIGIN:

On 11-4-2016, at approximately 2129 hours, Deputy Winter (0424) and I responded to a radio call regarding a domestic violence incident which occurred at (b)(5)(B) (CAD #E3744257)

INVESTIGATION:

e arrived on scene and obtained the following statement from the victim, (b)(5)(B) (b)(5)(B)

Statement of (b)(5)(B) (Victim):

On 11-4-2016, at approximately 2129 hours, (b)(5)(B) and her husband, (b)(5)(B) (b)(5)(B) got into an argument inside their bedroom on the second floor of their residence. The argument became physical when (b)(5)(B) pushed (b)(5)(B) off of their bed and onto their bedroom floor. (b)(5)(B) claimed she knocked over a lamp on an adjacent nightstand as she fell to the floor. (b)(5)(B) said the fall caused her to break the lamp, bending the stand slightly, but she placed it back in the upright position on the nightstand. (b)(5)(B) got scared so she ran downstairs and locked herself in a bathroom while she called 9-1-1 for assistance. (b)(5)(B) claimed she did not hit, punch, or push (b)(5)(B) in any way during the incident.

Shortly after conveying the incident to Sheriff's Dispatch, (b)(5)(B) left the bathroom and went back upstairs to put on shorts and a shirt because she had previously only been wearing a bath robe. When (b)(5)(B) went into the bathroom, she noticed (b)(5)(B) had several bumps on his forehead and a small cut over his left eye. (b)(5)(B) claimed (b)(5)(B) did not have these injuries prior to her fleeing the bedroom to call 9-1-1 for assistance. (b)(5)(B) believed (b)(5)(B) inflicted the injuries upon himself because he looked at her grinning and said, "When the cops get here, you're going to be the one going to jail this time." (b)(5)(B) subsequently ran downstairs and waited outside until we arrived on scene.

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TO

(b)(5)(B) did not sustain any visible injuries, and refused medical treatment. (b)(5)(B) and (b)(5)(B) had been married for thirty years, and shared three adult children who were not present. (b)(5)(B) said she would not cooperate with the court process.

INVESTIGATION (Continued):

I ended my interview with (b)(5)(B) During my contact with (b)(5)(B) she appeared to be mildly intoxicated. (b)(5)(B) told me she had consumed approximately three alcoholic beverages throughout the evening spanning approximately four hours. I examined (b)(5)(B) hands and did not notice any redness or any signs that would indicate she was in a physical fight. I checked under (b)(5)(B) fingernails for skin or blood consistent with self-defense with negative results; I did not see blood anywhere on (b)(5)(B) hands or person.

Deputy Winter (0424) and I made entry into the residence, with (b)(5)(B) consent, and contacted (b)(5)(B) was in his upstairs bedroom initially. As (b)(5)(B) responded to my inquiries and commands, he was slurring his words heavily. When (b)(5)(B) initially exited his bedroom onto the upstairs landing, he was completely naked. I instructed (b)(5)(B) to grab an article of clothing to cover himself with before coming downstairs; he complied with my instructions. As (b)(5)(B) walked down the staircase, I noticed he was staggering and having a hard time balancing because he was clutching onto e banister as he descended toward us. I obtained the following statement from (b)(5)(B)

Statement of (b)(5)(B) (Suspect):

On 11-4-2016, at approximately 2129 hours, (b)(5)(B) and (b)(5)(B) got into an argument inside their bedroom on the second floor of their residence. (b)(5)(B) claimed the dispute regarded (b)(5)(B) controlling behavior. During the argument, (b)(5)(B) claimed (b)(5)(B) became enraged and hit (b)(5)(B) in the head and face several times with a lamp. (b)(5)(B) claimed (b)(5)(B) subsequently called the Sheriff's Department in an attempt to have him arrested.

During my line of questioning, (b)(5)(B) was uncooperative and often deflected my direct questions regarding a specific timeline of events or specific actions. When reiterating (b)(5)(B) account of the incident, he changed his story and minor details numerous times. The aforementioned statement was a compilation of details from several tellings of the events that transpired and an approximate timeline as perceived by (b)(5)(B)

(b)(5)(B) claimed he did not inflict the injuries upon himself. (b)(5)(B) sustained bruises, swelling, and a small cut as a result of the incident, but he refused medical treatment.

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INVESTIGATION (Continued):

I ended my interview with (b)(5)(B) When I examined (b)(5)(B) hands, I noticed a small amount of dried ood on his left ring finger just above his wedding ring. When examining (b)(5)(B) injuries, I noticed there

was a large bump over his right eye, a small bump over his left eye, and a second small bump and cut over his left eye. (b)(5)(B) did not suffer any injuries during the incident, so the blood on (b)(5)(B) hand may have been from him punching himself in the face. Due to my training and experience, I know when someone is bludgeoned in the head with a club-like-object the injuries often result in large deep cuts, severe swelling, and profuse bleeding. Due to my training and experience, I know when someone is repeatedly punched with closed fists, the injuries often result in profuse swelling and bruises, but not always deep cuts and profuse bleeding. Additionally, the angle and position of the cut over (b)(5)(B) left eye was consistent with a cut that could have been caused by the impact of his wedding ring if he punched himself in the face with his closed left fist. Deputy Winter took digital photos which were later seized as evidence.

The overall state of the residence was messy and in disarray, so it was difficult to determine what, if anything, was disturbed during the incident. Deputy Winter took photos of the bedroom, and examined the lamp (b)(5)(B) claimed (b)(5)(B) used to hit him. Deputy Winter did not discover any sweat, skin, or blood transferred onto the surface of the lamp post. Additionally, the lamp had four decorative prongs which stuck out around the middle of the stand. If used as a club, the prongs on the lamp may have caused deep cuts or puncture wounds.

Based on the totality of the circumstances, I placed (b)(5)(B) under arrest and later booked him into the Vista Detention Facility pursuant to 243(E)(1) PC - Domestic Violence. (b)(5)(B) was provided with the case number, a Domestic Violence Resource pamphlet, and informed of her right to obtain an EPO.

EVIDENCE:

1 - CD w/Digital Photos

Impounded into San Marcos Evidence.

INJURIES:

(b)(5)(B) did not sustain any visible injuries, and refused medical treatment.

(b)(5)(B) sustained bruises, swelling, and a small cut as a result of the incident, but he refused medical treatment.

RELATED REPORTS:

PAT-28 Form

PROPERTY DAMAGE/FOLLOW-UP: None.

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at&t

(b)(5)(B)

Visit us online at: www.att.com

(b)(5)(B)

Data Detail - Continued

Time	To/From	Type/Unit	Rate Code	
Picture/Video Messages				
Friday, 10/07				
01:03a Rcvd	(b)(5)(B)	Pict Video MSG	UNLMSG	0.00
10:06a Rcvd		Pict Video MSG	UNLMSG	0.00
Saturday, 10/08				
04:18p Rcvd		Pict Video MSG	UNLMSG	0.00
04:21p Rcvd		Pict Video MSG	UNLMSG	0.00
Monday, 10/10				
01:54p Rcvd		Pict Video MSG	UNLMSG	0.00
10:38p Rcvd		Pict Video MSG	UNLMSG	0.00
10:38p Rcvd		Pict Video MSG	UNLMSG	0.00
Tuesday, 10/18				
01:10a Rcvd		Pict Video MSG	UNLMSG	0.00
Tuesday, 10/25				
05:27p Rcvd		Pict Video MSG	UNLMSG	0.00
Thursday, 10/27				
11:24a Rcvd		Pict Video MSG	UNLMSG	0.00
04:48p Rcvd		Pict Video MSG	UNLMSG	0.00
[illegible]urday, 10/29				
[illegible]5p Rcvd		Pict Video MSG	UNLMSG	0.00
[illegible]:01p Sent		Pict Video	UNLMSG	0.00
09:03p Rcvd		Pict Video MSG	UNLMSG	0.00
09:24p Rcvd		Pict Video MSG	UNLMSG	0.00
09:33p Rcvd		Pict Video MSG	UNLMSG	0.00
10:01p Sent		Pict Video	UNLMSG	0.00
10:01p Sent		Pict Video	UNLMSG	0.00
10:08p Sent		Pict Video	UNLMSG	0.00
10:19p Sent		Pict Video	UNLMSG	0.00
Sunday, 10/30				
12:32p Rcvd		Pict Video MSG	UNLMSG	0.00
05:31p Rcvd		Pict Video MSG	UNLMSG	0.00
Monday, 10/31				
06:55p Sent		Pict Video	UNLMSG	0.00
06:56p Sent		Pict Video	UNLMSG	0.00
06:56p Sent		Pict Video	UNLMSG	0.00
Wednesday, 11/02				
01:55a Sent		Pict Video	UNLMSG	0.00
09:42a Sent		Pict Video	UNLMSG	0.00
09:42a Sent		Pict Video	UNLMSG	0.00
09:15p Sent		Pict Video	UNLMSG	0.00
Thursday, 11/03				
12:27a Rcvd		Pict Video MSG	UNLMSG	0.00
Monday, 11/07				
05:57p Sent		Pict Video	UNLMSG	0.00
Tuesday, 11/08				
01:47p Rcvd		Pict Video MSG	UNLMSG	0.00
06:19p Rcvd		Pict Video MSG	UNLMSG	0.00
07:12p Sent		Pict Video	UNLMSG	0.00
Wednesday, 11/09				
09:57a Rcvd		Pict Video MSG	UNLMSG	0.00
[illegible]27a Sent		Pict Video	UNLMSG	0.00

Time	To/From	Type/Unit	Rate Code	
Picture/Video Messages				
Wednesday, 11/09				
11:18p Sent	(b)(5)(B)	Pict Video	UNLMSG	0.00
Friday, 11/11				
04:39p Rcvd		Pict Video MSG	UNLMSG	0.00
Tuesday, 11/15				
10:48p Rcvd		Pict Video MSG	UNLMSG	0.00
10:50p Rcvd		Pict Video MSG	UNLMSG	0.00
10:53p Rcvd		Pict Video MSG	UNLMSG	0.00
11:00p Rcvd		Pict Video MSG	UNLMSG	0.00
Saturday, 11/19				
10:39p Rcvd		Pict Video MSG	UNLMSG	0.00
Sunday, 11/20				
05:03p Rcvd		Pict Video MSG	UNLMSG	0.00
09:07p Rcvd		Pict Video MSG	UNLMSG	0.00
09:07p Rcvd		Pict Video MSG	UNLMSG	0.00
09:08p Rcvd		Pict Video MSG	UNLMSG	0.00
09:11p Rcvd		Pict Video MSG	UNLMSG	0.00
09:12p Sent		Pict Video MSG	UNLMSG	0.00
09:12p Sent		Pict Video MSG	UNLMSG	0.00
09:38p Rcvd		Pict Video MSG	UNLMSG	0.00
Monday, 11/21				
01:21a Rcvd		Pict Video MSG	UNLMSG	0.00
11:27a Rcvd		Pict Video MSG	UNLMSG	0.00
Tuesday, 11/22				
05:18p Rcvd		Pict Video MSG	UNLMSG	0.00
Wednesday, 11/23				
11:23a Rcvd		Pict Video MSG	UNLMSG	0.00
Subtotal for Picture/Video Messages: 58				0.00
Total Data Detail				0.00

Rate Code:
BDV600 = Bonus for using Data Free TV
MMSDG1 = Mobile Share Value 15GB with Rollover Data
UNLMSG = Shared Messaging

(b)(5)(B)

Call Detail

Time	Place Called	Number Called	Rate Code	Feature Code	Min	Airtime Charges	LD/Addl Charges
Saturday, 10/29							
09:06a	SAN MA CA	(b)(5)(B)	SDDV		5	0.00	0.00
10:17a	SAN MA CA		SDDV		1	0.00	0.00
Monday, 10/31							
09:15a	CMTN G CA		SDDV		2	0.00	0.00
Tuesday, 11/01							
08:31a	CMTN G CA		SDDV		1	0.00	0.00
Friday, 11/04							
05:19p	VISTA CA		SDDV		5	0.00	0.00
09:27p	911 Em CL		SDDV		4	0.00	0.00

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(b)(5)(B)

Call Detail - Continued

Time	Place Called	Number Called	Rate Code	Feature Code	Min	Airtime Charges	LD/Addl Charges
Friday, 11/04							
09:44p	NORWAL CA	(b)(5)(B)	SDDV		1	0.00	0.00
09:45p	NORWAL CA		SDDV		1	0.00	0.00
10:42p	VISTA CA		SDDV		10	0.00	0.00
10:52p	NORWAL CA		SDDV		15	0.00	0.00
10:52p	BLOCKED		SDDV	CW	2	0.00	0.00
11:10p	VISTA CA		SDDV		1	0.00	0.00
11:10p	INCOMI CL		SDDV		18	0.00	0.00
Saturday, 11/05							
06:18a	INCOMI CL		SDDV		10	0.00	0.00
09:44a	INCOMI CL		SDDV		1	0.00	0.00
12:21p	INCOMI CL		SDDV		10	0.00	0.00
02:18p	INCOMI CL		SDDV		2	0.00	0.00
02:43p	NORWAL CA		SDDV		2	0.00	0.00
07:30p	INCOMI CL		SDDV		21	0.00	0.00
Sunday, 11/06							
12:55p	INCOMI CL		SDDV		16	0.00	0.00
[illegible]day, 11/07							
[illegible]2a	CMTN G CA		SDDV		14	0.00	0.00
02:55p	SAUSAL CA		SDDV		7	0.00	0.00
Wednesday, 11/09							
09:15a	CMTN G CA		SDDV		3	0.00	0.00
Monday, 11/14							
09:22a	CMTN G CA		SDDV		10	0.00	0.00
01:12p	INCOMI CL		SDDV		6	0.00	0.00
01:18p	INCOMI CL		SDDV		9	0.00	0.00
Wednesday, 11/16							
05:34p	VISTA CA		SDDV		2	0.00	0.00
Monday, 11/21							
09:02a	CMTN G CA		SDDV		12	0.00	0.00
Tuesday, 11/22							
09:06a	Toll F CL		SDDV		1	0.00	0.00
05:19p	LONG B CA		SDDV		2	0.00	0.00
05:20p	REDWOO CA		SDDV		18	0.00	0.00
Subtotal					212	0.00	0.00

Rate Code:
SDDV = Shared Minutes

Feature Code:
CW = Call Waiting

Data Detail

Time	To/From	Type/Unit	Rate Code	
Text Messages				
Thursday, 10/13				
09:42a Sent	(b)(5)(B)	Text Message	UNLMSG	0.00
10:05a Sent		Text Message	UNLMSG	0.00
Thursday, 10/27				
12:04p Rcvd	(b)(5)(B)	Text Message	UNLMSG	0.00
Friday, 10/28				
01:29p Rcvd		Text Message	UNLMSG	0.00
Sunday, 10/30				
09:40p Rcvd		MTM TEXT MESSAG	UNLMSG	0.00
09:40p Rcvd		MTM TEXT MESSAG	UNLMSG	0.00
09:59p Sent		MTM TEXT MESSAG	UNLMSG	0.00
09:59p Sent		MTM TEXT MESSAG	UNLMSG	0.00
09:59p Sent		MTM TEXT MESSAG	UNLMSG	0.00
10:24p Rcvd		MTM TEXT MESSAG	UNLMSG	0.00
10:24p Rcvd		MTM TEXT MESSAG	UNLMSG	0.00
10:28p Sent		MTM TEXT MESSAG	UNLMSG	0.00
10:28p Sent		MTM TEXT MESSAG	UNLMSG	0.00
Monday, 10/31				
10:36a Sent		Text Message	UNLMSG	0.00
10:39a Rcvd		Text Message	UNLMSG	0.00
10:54a Rcvd		Text Message	UNLMSG	0.00
12:00p Rcvd		Text Message	UNLMSG	0.00
02:46p Sent		Text Message	UNLMSG	0.00
02:46p Rcvd		Text Message	UNLMSG	0.00
03:46p Rcvd		Text Message	UNLMSG	0.00
Tuesday, 11/01				
10:08a Rcvd		Text Message	UNLMSG	0.00
10:57a Rcvd		Text Message	UNLMSG	0.00
10:58a Sent		Text Message	UNLMSG	0.00
11:01a Rcvd		Text Message	UNLMSG	0.00
11:20a Sent		Text Message	UNLMSG	0.00
09:02p Rcvd		MTM TEXT MESSAG	UNLMSG	0.00
Wednesday, 11/02				
09:40a Rcvd		Text Message	UNLMSG	0.00
09:47a Sent		Text Message	UNLMSG	0.00
09:48a Rcvd		Text Message	UNLMSG	0.00
09:52a Sent		Text Message	UNLMSG	0.00
09:54a Rcvd		Text Message	UNLMSG	0.00
10:44a Rcvd		Text Message	UNLMSG	0.00
12:00p Rcvd		Text Message	UNLMSG	0.00
05:00p Rcvd		Text Message	UNLMSG	0.00
05:00p Rcvd		Text Message	UNLMSG	0.00
Thursday, 11/03				
09:04a Rcvd		Text Message	UNLMSG	0.00
10:38a Rcvd		Text Message	UNLMSG	0.00
12:26p Sent		Text Message	UNLMSG	0.00
12:27p Rcvd		Text Message	UNLMSG	0.00
12:28p Sent		Text Message	UNLMSG	0.00
12:28p Rcvd		Text Message	UNLMSG	0.00
12:31p Sent		Text Message	UNLMSG	0.00
12:34p Rcvd		Text Message	UNLMSG	0.00
12:45p Sent		Text Message	UNLMSG	0.00
12:49p Rcvd		Text Message	UNLMSG	0.00
12:51p Sent		Text Message	UNLMSG	0.00
04:34p Rcvd		Text Message	UNLMSG	0.00
07:17p Sent		MTM TEXT MESSAG	UNLMSG	0.00
07:36p Rcvd		MTM TEXT MESSAG	UNLMSG	0.00
07:43p Sent		MTM TEXT MESSAG	UNLMSG	0.00

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CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E3787984	Saturday November 26, 2016 11/26/16 5:17:54 PM	1130	(b)(5)(B)	(b)(5)(B)	ph07	10K25	11/26/16 5:18:16 PM	11/26/16 5:25:20 PM	SMCD	352	OK,	

RP INFO

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Saturday November 26, 2016						
11/26/16 5:17:54 PM						(b)(5)(B)
11/26/16 5:17:54 PM						
11/26/16 5:17:54 PM						
11/26/16 5:17:54 PM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
11/26/16 5:17:54 PM					(b)(5)(B)	** LOI search completed at 11/26/16 17:17:54
11/26/16 5:17:54 PM						RESD
11/26/16 5:17:54 PM						911 ABND...MAKING CB..
11/26/16 5:17:54 PM						NO ANS ON CB X1....
11/26/16 5:17:54 PM						NO ANS ON CB X2...NFD
11/26/16 5:18:16 PM	91P5A	DP	1130	(b)(5)(B)		
11/26/16 5:18:44 PM	91P5A	ER	1130			
11/26/16 5:19:03 PM	10K25	DP	1130			
11/26/16 5:19:03 PM	10K25	DP	1130			

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11/26/16 5:19:04 PM	10K25	ER	1130	(b)(5)(B)	
11/26/16 5:19:04 PM	10K25	ER	1130		
11/26/16 5:25:20 PM	10K25	ON	1130		
11/26/16 5:25:20 PM	10K25	ON	1130		
11/26/16 5:31:01 PM				(b)(5)(B)	
11/26/16 5:31:01 PM				(b)(5)(B)	10K25 -- C4
11/26/16 5:31:02 PM	10K25	EC	1130	(b)(5)(B)	10K25 -- C4
11/26/16 5:31:02 PM	10K25	EC	1130		10K25 -- C4
11/26/16 5:31:03 PM	91P5A	AM	1130		
11/26/16 5:36:12 PM	10K25	UC	1130		Alarm Timer Extended: 0
11/26/16 5:36:12 PM	10K25	UC	1130		Alarm Timer Extended: 0
11/26/16 5:36:12 PM				(b)(5)(B)	Alarm Timer Extended: 0
11/26/16 5:38:01 PM				(b)(5)(B)	
11/26/16 5:38:01 PM	10K25	AM	OK		RP SAID HER MOM HAD A STROKE EARLIER TODAY AND THE PHONE ACCIDENTALLY REDIALED. SHE ASSURED EVERYTHING WAS FINE, ILOOKED AROUNDTHE APARTMENT AND EVERYTHING SEEMED IN PLACE
11/26/16 5:38:01 PM	10K25	AM	OK		RP SAID HER MOM HAD A STROKE EARLIER TODAY AND THE PHONE ACCIDENTALLY REDIALED. SHE ASSURED EVERYTHING WAS FINE, ILOOKED AROUNDTHE APARTMENT AND EVERYTHING SEEMED IN PLACE
11/26/16 5:38:01 PM				(b)(5)(B)	RP SAID HER MOM HAD A STROKE EARLIER TODAY AND THE PHONE ACCIDENTALLY REDIALED.
11/26/16 5:38:01 PM					SHE ASSURED EVERYTHING WAS FINE, ILOOKED AROUNDTHE APARTMENT AND EVERYTHING
11/26/16 5:38:01 PM					SEEMED IN PLACE

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TO

(b)(5)(B)

GILLEON LAW FIRM

1320 Columbia Street, Ste. 200
San Diego, CA 92101
(b)(5)(B)
www.mglawyers.com

November 26, 2017

APPLICATION FOR LEAVE TO FILE LATE CLAIM; GOV. CODE § 911.4

To the Honorable Board of Supervisors
The County of San Diego, California
Claims Division
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: (b)(5)(B) ***v. SDSO Dep. Richard Fischer; Gore; County of San Diego***

Dear Supervisors:

(b)(5)(B) makes this application for leave to file a late claim pursuant to Gov. Code § 911.4. Attached to this letter is the proposed claim as required by Gov. Code § 911.4(b).

At the time (b)(5)(B) was assaulted by your employee, she was grieving from her father's passing two days earlier, as well as dealing with a sudden, medical emergency involving her mother. In fact, Dep. Fischer's ostensible purpose for arriving at (b)(5)(B) (b)(5)(B) home that evening was the mother's recent stroke and hospitalization. Dep. Fischer's conduct terrified (b)(5)(B) which, coupled with her mourning and grief, caused (b)(5)(B) to try (albeit unsuccessfully) to put the assault out of her mind and focus on caring for her mother.

These facts are more than sufficient to meet the standard set forth at Gov. Code 911.6(b)(1), which states, "The board shall grant the application where . . . [t]he failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced in its defense of the claim by the failure to present the claim within the time specified in Section 911.2." That the County was not prejudiced is not only established by the obvious—that no evidence has been lost, etc.—but also keep in mind that another victim of Dep. Fischer's placed the County on notice of his criminal behavior in March 2016, eight months before (b)(5)(B) was assaulted. (See paragraph 21 of the attached lawsuit, (b)(5)(B) *v. Fischer, Gore, County of San Diego,* which was filed in Superior Court on 11/22/17).

Sincerely,

Gilleon Law Firm

(b)(5)(B)

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TO

CLAIM AGAINST THE COUNTY OF SAN DIEGO

(FOR DAMAGES TO PERSONS OR PERSONAL PROPERTY)

Time Stamp

Received by via
U.S. Mail ☐
Inter-Office Mail ☐
Over the Counter ☐

File No: _____

A claim must be filed with the Claims Division of the County of San Diego within 6 months after which the incident or event occurred. Be sure your claim is against the County of San Diego, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph and number. Completed claims must be mailed or delivered to:

County of San Diego, Claims Division, 1600 Pacific Highway, Room 355, San Diego, CA 92101- Phone (b)(5)(B)

TO THE HONORABLE BOARD OF SUPERVISORS – THE COUNTY OF SAN DIEGO, CALIFORNIA

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

Claimant Information

Last Name	First Name	Middle Name
(b)(5)(B)	(b)(5)(B)	
Street Address	**City**	**Zip**
(b)(5)(B)		
Home Phone (include area code)	**Work Phone (include area code)**	**E-mail Address**
(b)(5)(B)		(b)(5)(B)
Birth Date		**Driver's License Number**
Not required by Gov. Code 9101		Not required by Gov. Code 910

Name, telephone and post office address to which claimant desires notices to be sent, if other than above:

Claim Information

Date of Occurrence or Event from which the claim arises:	Time of Occurrence or Event from which the claim arises:
11/16/16	9:30pm +/-

Location, including address (if none, nearest cross street) and city:

(b)(5)(B)

Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary):

See Attachment

State how or wherein the County of San Diego or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury:

See Attachment

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TO _____

Give a description of the property damage or loss, as is known at the time of the claim:

Give a description of the injury, as is known at the time of the claim:

See Attachment

Social Security Number (required for Federal reporting requirements):

Not required by GC 910

Name and address of any other person injured:

Name and address of the owner of any damaged property:

Damages Claimed

Amount claimed as of this date: $_____

Estimated amount of future costs: $_____

Total amount claimed: $6,000,000

Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc):

Damaged Vehicle (if applicable)

Make:	**Model:**	**Year:**

License Plate Number:	**Mileage:**

Insurance Company:	**Policy Number:**

Additional Information

Names and Address of witnesses, hospitals, doctors, etc:

A. See Attachment

B.

C.

Any additional information that might be helpful in considering this claim:

➢ **WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (PENAL CODE § 72; INSURANCE CODE § 556.1)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 25th **day of** November, **20**17 **at** San Dieg

(b)(5)(B)

Claimant's Signature

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Attachment to Tort Claim Form
(b)(5)(B) *v. SDSO Richard Fischer; Gore; County of San Diego*

On November 26, 2016, at about 9:30 p.m., SDSO Dep. Richard Fischer knocked on claimant (b)(5)(B) door. He was there for a welfare check stemming from a 911 call after (b)(5)(B) mother was hospitalized for a stroke. (b)(5)(B) (and her mother) were also grieving from the loss of (b)(5)(B) father two days earlier.

When (b)(5)(B) answered the door, Dep. Fischer walked in and quickly assessed the vulnerability of his next victim. He already knew about the mother's stroke, but then he spotted the hospital bed in (b)(5)(B) living room where she and her mother had been caring for the father. Dep. Fischer removed his jacket as though he planned to stay a while.

Acting on this advantage, Dep. Fischer told (b)(5)(B) she was "hot" and that she needed a hug. Without her consent, he then hugged (b)(5)(B) with a full embrace that included fondling of her buttocks with his hands and inappropriate massaging of her breasts with his own chest. (b)(5)(B) pushed Dep. Fischer away but he persisted. He asked her for a kiss, and when she said no, he tried to kiss her anyway. (b)(5)(B) was terrified and insisted that he leave, but before he complied, Dep. Fischer informed (b)(5)(B) that he would be in the neighborhood watching out for her, an obvious attempt to intimidate her into keeping quiet about his criminal behavior.

Eight months earlier, another victim of Dep. Fischer's, (b)(5)(B), had warned the County about his criminal, sexually assaultive behavior. (See attached lawsuit). The County failed to act to protect other citizens, like (b)(5)(B), from its employee's predatory behavior. Additional evidence of the County's failure to act involved an assault in August 2017, when another victim, (b)(5)(B) repeatedly reported similar criminal conduct by Dep. Fischer, all initially swept under the rug by Dep. Fischer's command. (See attached report and tort claim).

The causes of action to be filed in unlimited jurisdiction will include false imprisonment; sexual assault and battery; common law assault and battery; sexual harassment; negligent supervision, training, retention; breach of mandatory duty (Gov. Code 815.6); *respondeat superior/Mary M.* (Gov. Code 815.2); Civ. Code 51.9; Civ. Code 52.4; Civ. Code 52.1; 42 USC 1983 (civil rights, color of authority and *Monell*).

Damages against all defendants will include special and general damages for psychological treatment, lost wages, and emotional distress, humiliation, anxiety and mental anguish, in excess of $6,000,000, as well as punitive damages against Dep. Fischer in an amount sufficient to punish him and his evil conduct, and to deter others from doing what he did.

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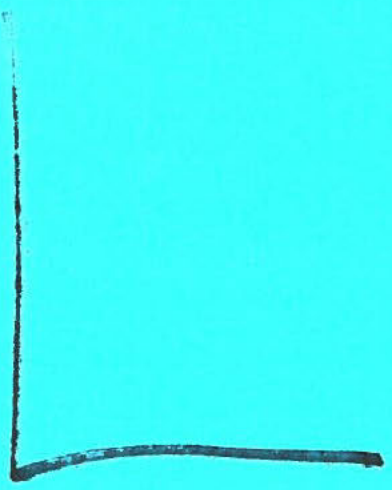
TO



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E3023279	Tuesday December 15, 2015 12/15/15 7:26:07 PM	XPAT	(b)(5)(B)	(b)(5)(B)	$50P5C	50P5C	12/15/15 7:26:07 PM	12/15/15 7:26:08 PM	SNTD	528	OK,	

RP INFO

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Tuesday December 15, 2015						
12/15/15 7:26:07 PM						(b)(5)(B)
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
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12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM						
12/15/15 7:26:07 PM	50P5C	DP	XPAT	(b)(5)(B)		WOODSIDE, RIVER, TO LINDOLANE
12/15/15 7:26:07 PM					(b)(5)(B)	Field Event
12/15/15 7:26:07 PM						WOODSIDE, RIVER, TO LINDOLANE
12/15/15 7:26:07 PM						** LOI search completed at 12/15/15 19:26:07
12/15/15 7:26:08 PM	50P5C	ON	XPAT	(b)(5)(B)		
12/15/15 7:30:09 PM	50P5C	AM	OK			

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TO

(b)(5)(B)

(b)(5)(B)

New Window | Help | Personalize Page |

Work Location | Job Information | Miscellaneous Info

Richard T Fischer
Employee

Empl ID 048657
Empl Record 0

Work Location

Find | First 17 of 38 Last | Go To Row

Effective Date	07/10/2015		
Effective Sequence	0	Action	Transfer
HR Status	Active	Reason	Internal Transfer
Payroll Status	Active	Job Indicator	Primary Job

History

Position Number	00003196	Dep Sheriff NCP
	Override Position Data	
Position Entry Date	07/10/2015	
	Position Management Record	
Regulatory Region	USA	United States
Company	CSD	County of San Diego
Business Unit	A4980	Sheriff
Department	39741	Lakeside Substation
Department Entry Date	07/10/2015	
Location	0382B001	Lakeside Sheriff Substation
Establishment ID	CSD	County of San Diego
Date Created	07/29/2015	
Last Start Date	12/16/2011	
Expected Job End Date		

Job Data | Employment Data | Earnings Distribution | Benefits Program Participation

Kronos Access Role (All) | Kronos Access Role (Basic) | Kronos Alias | Kronos Data

Return to Search | Notify | Refresh | Update/Display | Include History

Work Location | Job Information | Miscellaneous Info

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Work Location | Job Information | Miscellaneous Info

Richard T Fischer Empl ID 048657

Employee Empl Record 0

Work Location

Find First 14 of 38 Last

Go To Row

Effective Date 01/08/2016

Effective Sequence 0 Action Pay Rate Change

HR Status Active Reason Step Progression

Payroll Status Active Job Indicator Primary Job

History

Position Number 00003196 Dep Sheriff NCP

Override Position Data

Position Entry Date 07/10/2015

Position Management Record

Regulatory Region USA United States

Company CSD County of San Diego

Business Unit A4980 Sheriff

Department 39741 Lakeside Substation

Department Entry Date 07/10/2015

Location 0382B001 Lakeside Sheriff Substation

Establishment ID CSD County of San Diego Date Created 01/12/2016

Last Start Date 12/16/2011

Expected Job End Date

Job Data Employment Data Earnings Distribution Benefits Program Participation

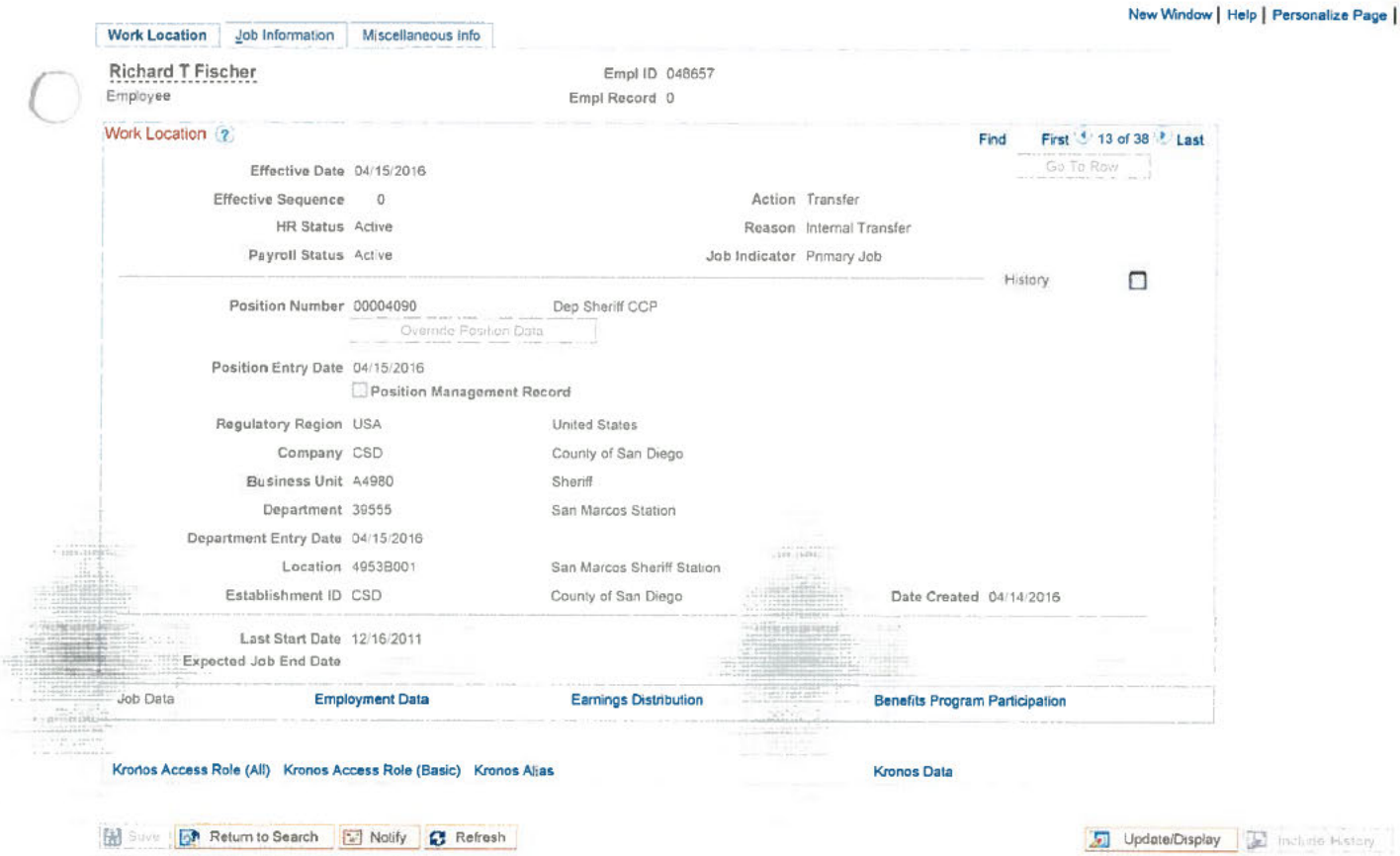
Kronos Access Role (All) Kronos Access Role (Basic) Kronos Alias Kronos Data

Save Return to Search Notify Refresh Update/Display Include History

Work Location | Job Information | Miscellaneous Info

RELEASED FROM I.A. FILES

TO



New Window | Help | Personalize Page |

Work Location | Job Information | Miscellaneous Info

Richard T Fischer
Employee

Empl ID 048657
Empl Record 0

Work Location

Find | First 13 of 38 Last
Go To Row

Effective Date 04/15/2016
Effective Sequence 0
HR Status Active
Payroll Status Active

Action Transfer
Reason Internal Transfer
Job Indicator Primary Job

History

Position Number 00004090 Dep Sheriff CCP
Override Position Data

Position Entry Date 04/15/2016
Position Management Record

Regulatory Region USA United States
Company CSD County of San Diego
Business Unit A4980 Sheriff
Department 39555 San Marcos Station
Department Entry Date 04/15/2016
Location 4953B001 San Marcos Sheriff Station
Establishment ID CSD County of San Diego
Date Created 04/14/2016

Last Start Date 12/16/2011
Expected Job End Date

Job Data | Employment Data | Earnings Distribution | Benefits Program Participation

Kronos Access Role (All) Kronos Access Role (Basic) Kronos Alias

Kronos Data

Save | Return to Search | Notify | Refresh

Update/Display | Include History

Work Location | Job Information | Miscellaneous Info

RELEASED FROM
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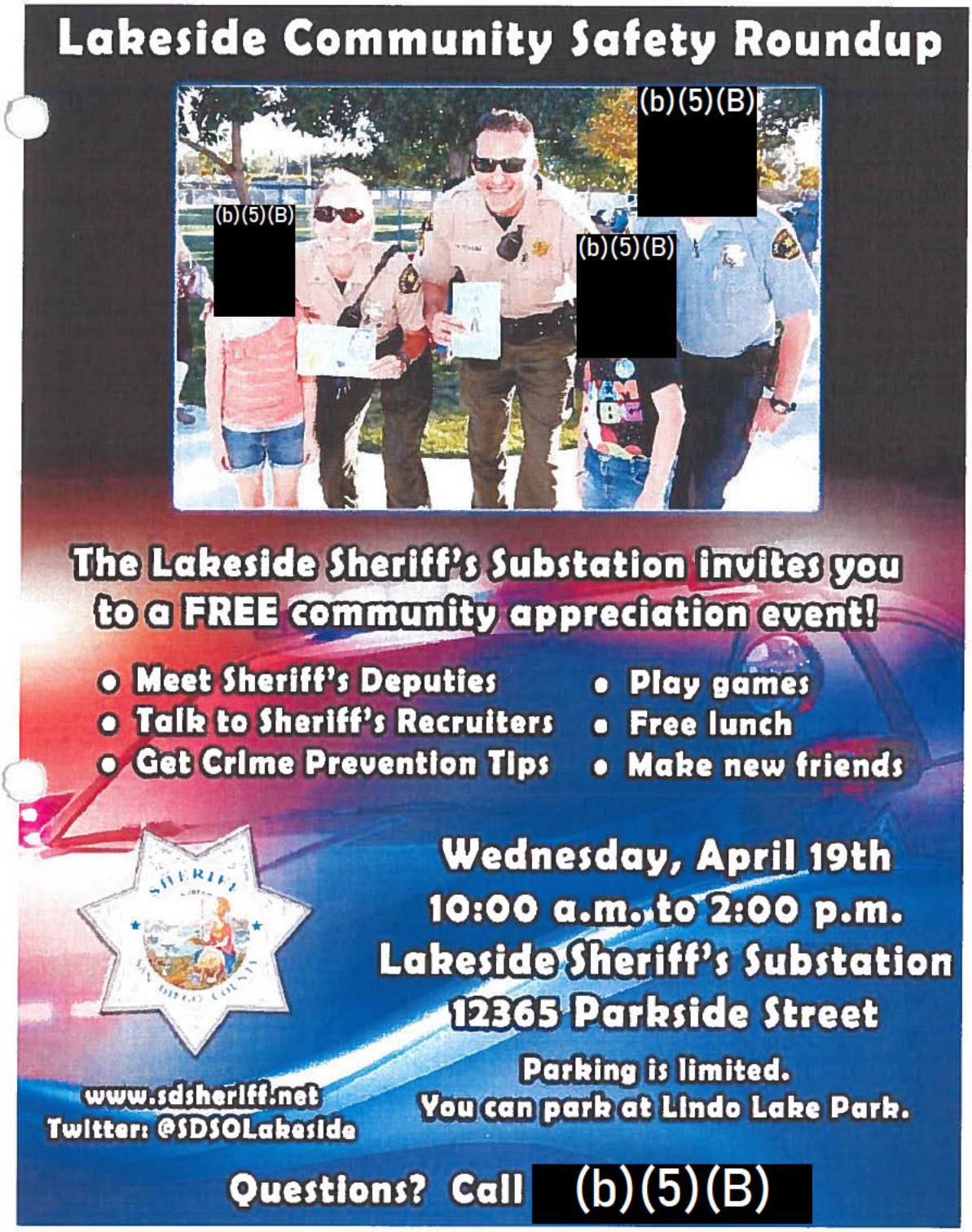
TO

Baggs, Amber

From: Stubkjaer, Karen
Sent: Thursday, January 04, 2018 2:38 PM
To: Baggs, Amber
Subject: Photo from Twitter

RELEASED FROM
I.A. FILES
TO



Thank you, Lt. Karen Stubkjaer

(b)(5)(B)

Please excuse any typos. Sent from my iPhone

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TO

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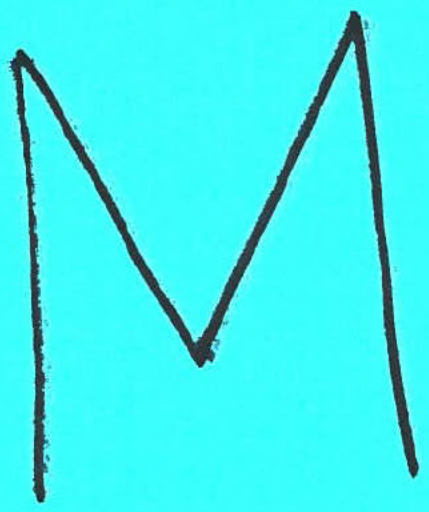
TO



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E4129383	Wednesday May 3, 2017 05/03/17 8:32:32 PM	1149	605 W VISTA WY VIST: @COCOS	(b)(5)(B)	vtad	10K25	05/03/17 8:32:32 PM	05/03/17 8:32:33 PM	VTAD	308	WA,	

RP INFO

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
				ID	(b)(5)(B)	PC	2017

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Wednesday May 3, 2017						
05/03/17 8:32:32 PM	10K25	DP	1149	WVW COCOS		
05/03/17 8:32:32 PM	10K25	DP	1149	WVW COCOS		
05/03/17 8:32:32 PM					(b)(5)(B)	** LOI search completed at 05/03/17 20:32:32
05/03/17 8:32:32 PM						** VEH search completed at 05/03/17 20:32:32
05/03/17 8:32:32 PM						Field Event
05/03/17 8:32:33 PM	10K25	ON	1149	WVW COCOS		
05/03/17 8:32:33 PM	10K25	ON	1149	WVW COCOS		
05/03/17 8:32:38 PM						CLETS QUERY RECORD: #52091104
05/03/17 8:32:39 PM	31P3C	DP	1149	WVW COCOS		
05/03/17 8:32:40 PM	31P3C	ON	1149	WVW COCOS		
05/03/17 8:33:47 PM						(b)(5)(B)
05/03/17 8:33:47 PM						
05/03/17 8:33:47 PM						
05/03/17 8:33:47 PM						
05/03/17 8:33:47 PM						
05/03/17 8:33:47 PM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
05/03/17 8:33:47 PM					(b)(5)(B)	** LOI search completed at 05/03/17 20:33:47
05/03/17 8:33:47 PM						** Event Location changed from "WVW COCOS" to "605 W VISTA WY VIST: @COCOS" at:
05/03/17 8:33:47 PM						05/03/17 20:33:47
05/03/17						** >>>> by: (b)(5)(B) on terminal: vtad

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8:33:47 PM						
05/03/17 8:33:53 PM					(b)(5)(B)	** VEH search completed at 05/03/17 20:33:53
05/03/17 8:33:55 PM						** VEH search completed at 05/03/17 20:33:55
05/03/17 8:34:04 PM						CLETS QUERY RECORD: #52091119
05/03/17 8:34:04 PM						CLETS QUERY RECORD: #52091120
05/03/17 8:34:35 PM					(b)(5)(B)	BC PLT
05/03/17 8:37:57 PM						(b)(5)(B)
05/03/17 8:37:57 PM						
05/03/17 8:37:57 PM						
05/03/17 8:37:57 PM						
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05/03/17 8:37:57 PM						
05/03/17 8:37:57 PM						
05/03/17 8:37:57 PM						
05/03/17 8:37:57 PM	10K25	UC	1149	WVW COCOS		C4 - Alarm Timer Extended: 20
05/03/17 8:37:57 PM	10K25	UC	1149	WVW COCOS		C4 - Alarm Timer Extended: 20
05/03/17 8:37:57 PM					1(b)(5)(B)	C4 - Alarm Timer Extended: 20
05/03/17 8:38:33 PM	31P3C	AM	1149			
05/03/17 8:38:43 PM	10K25	AM	WA			
05/03/17 8:38:43 PM	10K25	AM	WA			

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TO

(b)(5)(B)

(b)(5)(B)

Baggs, Amber

om: Baggs, Amber
Sent: Tuesday, March 13, 2018 6:22 AM
To: (b)(5)(B)
Subject: Question

Hi (b)(5)(B)

My apologies about the "Friday" in the subject line. I was just responding to the original e-mail you sent me back in November. I should have changed that!

I just had 2 follow-up questions:

Can you confirm if Fischer physically had your ID card during the first traffic stop when there was a female deputy present as well?

And then when he stopped you the second time (by himself), was he returning your ID card or any other paperwork he had accidentally held on to...from the 1st stop?

Thank you... and again...sorry for the confusing subject line.

Amber

From: (b)(5)(B)
Sent: Monday, March 12, 2018 6:07 PM
To: Baggs, Amber
Subject: Conversation on Friday

Hi Amber... I was just wondering when you say our conversation on Friday do you mean the Friday you came interview me on November 17, 2017?

Sent from my iPhone

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TO

Baggs, Amber

om: (b)(5)(B) [redacted]
Sent: Tuesday, March 13, 2018 10:57 AM
To: Baggs, Amber
Subject: Follow up questions

First of all no need to apologize, I was just confused because last Friday I met with (b)(5)(B)
Yes, I can confirm these 2 follow up questions:
1. The first time Richard Fischer pulled me over I gave him my Ca Drivers License. He went back to his vehicle with my license in hand. While he was running it that is when another female sheriff pulled up and came to my passenger side window and we spoke.
Fischer came back to my drivers side of my car and looked at me and my license, he asked me when is your birthday and then he asked me how old are you? That is when the female sheriff said " were Sheriff's but sometimes we can't add ". At that point Fischer handed my drivers license back to me and said "get your tail light fixed". I did not get a fix it ticket. Two days later it was fixed.
2. As for the second time Richard Fischer pulled me over (he was by himself). He did not at any time had me any kind of paperwork, and as I stated I received my drivers license back at the first stop with a verbal warning to get my tail light fixed.
On that second stop the first words out of Richard Fischer's mouth were " is this where you live"? My response was No, I pulled over because your lights came back on behind me. Fischer then said " I just wanted to make sure you got home okay, can I follow you home ". I said that was okay.

mber, I hope this is helpful for you. I was wondering if you ever found out whom the female sheriff was. I wish I had tten her name, I could just kick myself. I've never been through anything like this and it's very draining, in so many ways. I'm trying to remain positive and the one thing I hold onto is that I will not give my " Power" away to Richard Fischer!!!
If you need anything do not hesitate to ask.
Thank you for all your hard work and dedication to this case.
Sincerely, (b)(5)(B)

Sent from my iPad

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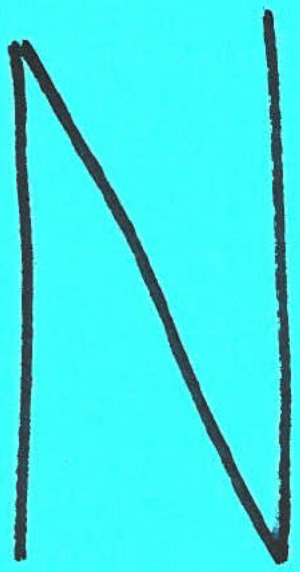
I.A. FILES
TO



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E4141900	Tuesday May 9, 2017 05/09/17 9:47:56 PM	1145	(b)(5)(B)	(b)(5)(B)	ph11	90P3C	05/09/17 9:48:23 PM	05/09/17 9:59:08 PM	SMCD	378	AM, default,	

RP INFO

CASE NUMBER

DATE/TIME	CASE#	STATUS	EMPLOYEE	TERM
05/09/17 11:06:15 PM	c17124483	Valid	(b)(5)(B)	$90P3C

PERSON INFORMATION

NAME	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	AGE	DOB	REMARKS
(b)(5)(B)									

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
BLK		AUDI	CONVERTIBLE		(b)(5)(B)	PC	2017

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Tuesday May 9, 2017						
05/09/17 9:47:56 PM					(b)(5)(B)	(b)(5)(B)
05/09/17 9:47:56 PM						10 MIN AGO.. MOM 664'D 1145 W/ SCISSORS... MOM CUT RP INSTEAD,... RP 1142
05/09/17 9:47:56 PM						MTF
05/09/17 9:47:57 PM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
05/09/17 9:47:57 PM					(b)(5)(B)	** LOI search completed at 05/09/17 21:47:57
05/09/17 9:48:23 PM	90P3C	DP	1145	(b)(5)(B)		
05/09/17 9:48:40 PM					(b)(5)(B)	MOM IS UPDTAIRS UNIT BY HERSELF.. RP AFRAID TO GO UPSTAIRS AND CHECK ON MOM.. HX
05/09/17 9:48:40 PM						OF VIOLENCE
05/09/17 9:48:44 PM	90P3C	ER	1145	(b)(5)(B)		
05/09/17 9:48:53 PM	91P5C	DP	1145			
05/09/17 9:48:57 PM					(b)(5)(B)	++++ MAY BE VIOLENT W/ DEPS +++++++
05/09/17 9:49:04 PM						BCAST
05/09/17 9:49:11 PM	10K25	DP	1145	(b)(5)(B)		
05/09/17 9:49:11 PM	10K25	DP	1145			
05/09/17 9:49:25 PM	91P5C	ER	1145			
05/09/17 9:49:26 PM					(b)(5)(B)	PROP IS GATED... PFRIENDLY DOGS ON PROP.. 1 X CONTAINED.. UNK IF OTHER IS
05/09/17 9:49:27 PM	10K25	ER	1145	(b)(5)(B)		
05/09/17 9:49:27 PM	10K25	ER	1145			

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05/09/17 9:49:34 PM				(b)(5)(B)	RP WILL OPEN GATE FOR DEPS
05/09/17 9:49:48 PM					BCAST
05/09/17 9:49:59 PM					MOM DIAG DEPRESSION.. NO WPNS
05/09/17 9:50:52 PM					** PER search completed at 05/09/17 21:50:52
05/09/17 9:51:01 PM					CLETS QUERY RECORD: #52147702
05/09/17 9:51:11 PM				(b)(5)(B)	BRO AT LOC. IN HIS ROOM.. NO ONE W/ MOM..
05/09/17 9:51:32 PM					BCAST
05/09/17 9:51:34 PM					RP HEARS WATER RUNNING FROM MOMS ROOM
05/09/17 9:51:46 PM					BCAST
05/09/17 9:52:23 PM					GATE IS OPEN...
05/09/17 9:53:15 PM					MOM IS LEAVING LOC... IN A BLK CONVERTIBLE AUDI
05/09/17 9:53:25 PM					MOM DRESSED IN BLK ROBE
05/09/17 9:53:30 PM					BCAST
05/09/17 9:54:23 PM					** VEH search completed at 05/09/17 21:54:23
05/09/17 9:54:30 PM					CLETS QUERY RECORD: #52147718
05/09/17 9:55:03 PM				(b)(5)(B)	MOM IS GA .. POSS HEADING TWRDS ESC TO FIND HOTEL...
05/09/17 9:55:22 PM					BCAST
05/09/17 9:55:23 PM					MOM CP# (b)(5)(B)
05/09/17 9:55:48 PM					90P3C -- DOES THE RP KNOW WHAT HOTEL THE MOTHER FREQUENTS?
05/09/17 9:55:49 PM	90P3C	EC	1145	(b)(5)(B)	90P3C -- DOES THE RP KNOW WHAT HOTEL THE MOTHER FREQUENTS?
05/09/17 9:56:17 PM				(b)(5)(B)	UNK WHAT HOTEL.....
05/09/17 9:56:24 PM					BCAST
05/09/17 9:56:40 PM					MOM MAY BE HEADING TWRDS BOYF IN RANCHO BERNARDO
05/09/17 9:56:57 PM					DOES RP HAVE BOYFRIEND'S ADDRESS
05/09/17 9:57:28 PM					BOYF IS (b)(5)(B) ... CP# (b)(5)(B)
05/09/17 9:57:45 PM					RP JUST TEXTED BOYF TO SEE IF MOM IS HEADED THAT WAY
05/09/17 9:58:01 PM					NO ADD FOR BOYF
05/09/17 9:58:04 PM					10K25 -- POSS HAVE THE VEH ON VALLEY PKWY
05/09/17 9:58:05 PM	10K25	EC	1145	(b)(5)(B)	10K25 -- POSS HAVE THE VEH ON VALLEY PKWY
05/09/17 9:58:05 PM	10K25	EC	1145		10K25 -- POSS HAVE THE VEH ON VALLEY PKWY
05/09/17 9:58:09 PM				(b)(5)(B)	91P5C -- I'M WITH HIM
05/09/17 9:58:10 PM	91P5C	EC	1145		91P5C -- I'M WITH HIM
05/09/17 9:58:43 PM				(b)(5)(B)	10K25 -- THE PLT IS A MATCH (b)(5)(B)
05/09/17 9:58:44 PM	10K25	EC	1145		10K25 -- THE PLT IS A MATCH
05/09/17 9:58:44 PM	10K25	EC	1145		10K25 -- THE PLT IS A MATCH
05/09/17 9:58:50 PM				(b)(5)(B)	BOYF (b)(5)(B)

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05/09/17 9:59:01 PM					(b)(5)(B)	10K25 -- 1149 1827 W VALLEY PKWY ON THE VEH
05/09/17 9:59:02 PM	10K25	EC	1145	(b)(5)(B)		10K25 -- 1149 1827 W VALLEY PKWY ON THE VEH
05/09/17 9:59:02 PM	10K25	EC	1145			10K25 -- 1149 1827 W VALLEY PKWY ON THE VEH
05/09/17 9:59:08 PM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
05/09/17 9:59:08 PM	10K25	ON	1145	1825 W VALLEY PKWY ESC		
05/09/17 9:59:08 PM	10K25	ON	1145	1825 W VALLEY PKWY ESC		
05/09/17 9:59:08 PM	10K25	CL	1145	1825 W VALLEY PKWY ESC		
05/09/17 9:59:08 PM	10K25	CL	1145	1825 W VALLEY PKWY ESC		
05/09/17 9:59:08 PM					(b)(5)(B)	** LOI search completed at 05/09/17 21:59:08
05/09/17 9:59:08 PM						10K25 Changed Location to:
05/09/17 9:59:08 PM						1825 W VALLEY PKWY ESC
05/09/17 9:59:14 PM	91P5C	CO	1145			Preempt
05/09/17 9:59:14 PM	91P5C	AM	1145			Preempt
05/09/17 9:59:14 PM	91P5C	DP	1145	1825 W VALLEY PKWY ESC		
05/09/17 9:59:14 PM					(b)(5)(B)	Preempt
05/09/17 9:59:15 PM	91P5C	ON	1145	1825 W VALLEY PKWY ESC		
05/09/17 10:00:06 PM					(b)(5)(B)	** PER search completed at 05/09/17 22:00:06
05/09/17 10:00:14 PM						CLETS QUERY RECORD: #52147777
05/09/17 10:06:19 PM	90P3C	CO	1145			Preempt
05/09/17 10:06:19 PM	90P3C	AM	1145			Preempt
05/09/17 10:06:19 PM	90P3C	DP	1145	1825 W VALLEY PKWY ESC		
05/09/17 10:06:19 PM					(b)(5)(B)	Preempt
05/09/17 10:06:20 PM	90P3C	ON	1145	1825 W VALLEY PKWY ESC		
05/09/17 10:06:35 PM					(b)(5)(B)	90P3C -- K9 IS 1023 WITH THE SUBJ...P5 AND I ARE ENRT TO THE ADDRESS
05/09/17 10:06:36 PM	90P3C	EC	1145	1825 W VALLEY PKWY ESC		90P3C -- K9 IS 1023 WITH THE SUBJ...P5 AND I ARE ENRT TO THE ADDRESS
05/09/17 10:06:43 PM	90P3C	ER	1145	(b)(5)(B)		
05/09/17 10:06:43 PM	90P3C	CL	1145			
05/09/17 10:06:43 PM					(b)(5)(B)	** LOI search completed at 05/09/17 22:06:43
05/09/17 10:06:43 PM						90P3C Changed Location to:
05/09/17 10:06:43 PM						(b)(5)(B)
05/09/17 10:06:46 PM	91P5C	CO	1145			Preempt
05/09/17 10:06:46 PM	91P5C	AM	1145			Preempt
05/09/17 10:06:46 PM	91P5C	DP	1145	(b)(5)(B)		
05/09/17 10:06:46 PM					(b)(5)(B)	Preempt
05/09/17 10:06:47 PM	91P5C	ER	1145	(b)(5)(B)		
05/09/17 10:09:16 PM	10K25	UC	1145	1825 W VALLEY PKWY ESC		Alarm Timer Extended: 0

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TO

05/09/17 10:09:16 PM	10K25	UC	1145	1825 W VALLEY PKWY ESC		Alarm Timer Extended: 0
05/09/17 10:09:16 PM					(b)(5)(B)	Alarm Timer Extended: 0
05/09/17 10:14:49 PM	90P3C	ON	1145	(b)(5)(B)		
05/09/17 10:25:23 PM	91P5C	ON	1145			
05/09/17 10:25:26 PM	90P3C	UC	1145			C4 - Alarm Timer Extended: 20
05/09/17 10:25:26 PM					(b)(5)(B)	C4 - Alarm Timer Extended: 20
05/09/17 10:35:41 PM	91P5C	UC	1145	(b)(5)(B)		Alarm Timer Extended: 0
05/09/17 10:35:41 PM					(b)(5)(B)	Alarm Timer Extended: 0
05/09/17 10:37:17 PM	90P3C	ER	1145	1825 W VALLEY PKWY ESC		
05/09/17 10:37:17 PM	90P3C	CL	1145	1825 W VALLEY PKWY ESC		
05/09/17 10:37:17 PM					(b)(5)(B)	** LOI search completed at 05/09/17 22:37:17
05/09/17 10:37:17 PM						90P3C Changed Location to:
05/09/17 10:37:17 PM						1825 W VALLEY PKWY ESC
05/09/17 10:46:38 PM	91P5C	CO	1145			Preempt:CAD AUTOMATIC PREEMPT
05/09/17 10:46:38 PM	91P5C	AM	1145			Preempt:CAD AUTOMATIC PREEMPT
05/09/17 10:46:38 PM					(b)(5)(B)	Preempt:CAD AUTOMATIC PREEMPT
05/09/17 10:50:09 PM	10K25	AM	1145			
05/09/17 10:50:09 PM	10K25	AM	1145			
05/09/17 11:00:44 PM					(b)(5)(B)	90P3C -- 1016 FOR 5150...ADVISE PALOMAR HOSP ENRT WITH ONE FEM FOR
05/09/17 11:00:44 PM						HOLD..SM 3834
05/09/17 11:00:45 PM	90P3C	EC	1145	1825 W VALLEY PKWY ESC		HOLD..SM 3834
05/09/17 11:00:48 PM	90P3C	CO	1145			** CALL BACK MESSAGE #26244682 initiated at 05/09/17 23:00:48 from smcd
05/09/17 11:00:48 PM					(b)(5)(B)	** CALL BACK MESSAGE #26244682 initiated at 05/09/17 23:00:48 from smcd
05/09/17 11:00:48 PM						90P3C/E4141900 : 1145: ...SEE LAST..TKSCRESTA ESCU, 1145(default), E4141900
05/09/17 11:02:09 PM						PALOMAR 104
05/09/17 11:06:06 PM	90P3C	ON	1145	1825 W VALLEY PKWY ESC		EM 4017
05/09/17 11:06:06 PM					(b)(5)(B)	EM 4017
05/09/17 11:06:15 PM						(b)(5)(B)
05/09/17 11:06:15 PM					(b)(5)(B)	** Case number c17124483 has been assigned to event E4141900
05/09/17 11:06:15 PM						** >>>> by: (b)(5)(B) on terminal: $90P3C
05/09/17 11:16:49 PM						(b)(5)(B)
05/09/17 11:16:49 PM	90P3C	ON	1145	2185 CITRACADO PKWY ESC: @PALOMAR HOSP		
05/09/17 11:16:49 PM	90P3C	CL	1145	2185 CITRACADO PKWY ESC: @PALOMAR HOSP		
05/09/17 11:16:49 PM					(b)(5)(B)	90P3C Changed Location to:
05/09/17 11:16:49 PM						2185 CITRACADO PKWY ESC: @PALOMAR HOSP
05/09/17 11:27:31 PM						(b)(5)(B)

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TO

05/09/17 11:27:31 PM	90P3C	UC	1145	2185 CITRACADO PKWY ESC: @PALOMAR HOSP	Alarm Timer Extended: 0
05/09/17 11:27:31 PM				(b)(5)(B)	Alarm Timer Extended: 0
Wednesday May 10, 2017					
05/10/17 12:21:59 AM	90P3C	AM	AM		

TeamCAD
Data Services Division
San Diego County Sheriff's Department

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TO

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: 17124483

CAD Event No: E4141900 | Case Disposition: Arrest

Primary Victim: State of California | Report No: 17124483.1

[X] ARREST REPORT
[ ] JUVENILE CONTACT REPORT

WARRANT: [ ] LOCAL [ ] OUT

GENERAL CASE INFORMATION

Primary Charge: 5150 - WI - MENTAL DISORDER 72 HR OBSERVATION			
Special Studies:			Related Cases:
Location: City, State, ZIP: (b)(5)(B)			Occurred On: 05/09/2017 21:45:00 (Tuesday)
Jurisdiction: NON-CONTRACT CITY - ESCONDIDO	Beat: 005	Call Source: ANI/ALI	(and Between):
Means:		Motives:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 5150 - WI - MENTAL DISORDER 72 HR OBSERVATION	Level: O	Against:	Completed?: Yes	Counts:	Using:
Location Type: 204 - Single Detached Home	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		

ARRESTEE/S

Arrestee #1

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

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TO

Reporting Officer: SH1131 - SANTOS JR, JAMES	Division / Organization: San Marcos Station SAN MARCOS PATROL	Reviewed By: SH2377 - NOBLE, ALAN
Report Date: 5/10/2017 12:40:28 AM	Detective Assigned: SH4810 - MEZA, FERNANDO	Reviewed Date: 05/10/2017 04:01:13

San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No: 17124483

CAD Event No: E4141900 | Case Disposition: Arrest

Primary Victim: State of California | Report No: 17124483.1

(b)(5)(B)

ARREST INFORMATION

Arrest Type	LE Disposition	JUS 750 Type	Citation No.	Booking No.
O - Probable Cause Arrest - New Case	2 - Turned over to another LE agency (Adult / Juvenile)	3 - Other		

Arrested For	Level	Completed	Counts
5150 - WI - MENTAL DISORDER 72 HR OBSERVATION	O	Yes	

Arrested By	Arrest Date and Time	Arrest Location, City, State, ZIP	Beat
SH1131 - SANTOS JR, JAMES	05/09/2017 23:00:00	1827 W Valley Parkway, Escondido, CA 92029	005

Arrest Assisted By	Transported By
SH3003 - FISCHER, RICHARD SH3414 - BOEGLER, KEVIN	SH1131 - SANTOS JR, JAMES

Miranda Read	Admonished By	Miranda Response	Jail Billing Code	Booked Location
			SD Sheriff's Office	

Armed With	Use of Force to effect Arrest
16 - Lethal Cutting Instrument (Icepick, Ax, Etc.)	

JUVENILES

Adult Present	Person Notified	Juvenile Disposition	Detention Name

Parents Notified By	Notification Method	Date and Time Notified	Juvenile Released To

RELEASE INFORMATION

Released Location	Released On	Released By	Release Reason
Palomar Medical Center	05/09/2017 23:55:00	SH1131 - SANTOS JR, JAMES	07 - Other

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

(b)(5)(B)

RELEASED FROM I.A. FILES
TO

Reporting Officer	Division / Organization	Reviewed By
SH1131 - SANTOS JR, JAMES	San Marcos Station SAN MARCOS PATROL	SH2377 - NOBLE, ALAN
Report Date	**Detective Assigned**	**Reviewed Date**
5/10/2017 12:40:28 AM	SH4810 - MEZA, FERNANDO	05/10/2017 04:01:13

Witness #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

OTHER ENTITIES

PROPERTY

Property Item #1.000 - Digital photograph CD

Derivative No.: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 05/09/2017		
Owner:	Disposition: San Marcos evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

SYNOPSIS:

On 05/09/2017, (b)(5)(B) attempted to cut her left wrist with scissors and sustained two small 3" superficial cut marks to her left wrist. (b)(5)(B) sent a text messages to a friend saying, "Clean my brains off the wall in the morning" and "I'm done." Based on my observations, text messages, statements provided, and possible suicide attempt, I determined (b)(5)(B) was a danger to herself and and detained per 5150 W&I. (b)(5)(B) was transported to Palomar Medical Center where she was admitted on a 72-hour mental health evaluation per 5150 W&I. (b)(5)(B) is diagnosed with depression and was recently taken off her medication due to the medication causing liver problems.

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TO

Reporting Officer	Division / Organization	Reviewed By
SH1131 - SANTOS JR, JAMES	San Marcos Station SAN MARCOS PATROL	SH2377 - NOBLE, ALAN
Report Date	**Detective Assigned**	**Reviewed Date**
5/10/2017 12:40:28 AM	SH4810 - MEZA, FERNANDO	05/10/2017 04:01:13

ORIGIN:

On 05/09/2017, at about 2148 hours, Deputy Fischer (#3003), Deputy Boegler (#3414) and I responded to a radio call of female, (b)(5)(B) who had possibly tried to attempt suicide by cutting her wrist with scissors following an argument with her daughter and reporting party, (b)(5)(B) (b)(5)(B) was able to take the scissors away from her mother. (b)(5)(B) left the residence in her black Audi sedan (b)(5)(B)) (CAD#E4141900).

INVESTIGATION:

While on the way to the call, Deputy Fischer (#3003) advised he had located (b)(5)(B) vehicle driving east bound near 1827 W. Valley Parkway, Escondido. Due to the text of the call and (b)(5)(B) possibly being suicidal, Deputy Fischer conducted an investigative stop on the vehicle. Deputy Boegler arrived to assist. Deputy Fischer confirmed (b)(5)(B) identity with her California Driver's license (b)(5)(B)). I arrived on scene and briefly spoke to (b)(5)(B) who advised she left her residence following an argument with her children, (b)(5)(B) and (b)(5)(B) . Deputy Fischer remained with (b)(5)(B) while Deputy Boegler and I responded to (b)(5)(B) residence.

Upon Arrival, I contacted (b)(5)(B) and (b)(5)(B) . I obtained the following statements.

STATEMENTS:

Statement of (b)(5)(B) (Reporting party):

(b)(5)(B) stated on 05/09/2017, at about 2145 hours, she heard her mother, (b)(5)(B) and her brother, (b)(5)(B) engaged in an argument down stairs in their residence. Shortly after, (b)(5)(B) came to her bedroom and began to bang on her bathroom door and yell at her to open the door. (b)(5)(B) opened the door and observed her mother had scissors in her right hand a she was attempting to cut her left wrist, saying "I'm gonna cut myself like you cut your wrists." (b)(5)(B) observed a few small cut marks on (b)(5)(B) left wrist and attempted to take away the scissors. (b)(5)(B) ultimately took the scissors from (b)(5)(B) and suffered a small cut to her right index finger in the process. (b)(5)(B) hid the scissors in her bedroom. (b)(5)(B) left the residence in her vehicle.

(b)(5)(B) stated she was going to leave the residence tonight and stay with a friend. (b)(5)(B) declined medical treatment. (b)(5)(B) agreed to follow us to where her mother vehicle was to drive the vehicle home.

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TO

Statement of (b)(5)(B) :

(b)(5)(B) stated on 05/09/2017, at about 2140 hours, (b)(5)(B) stated his (b)(5)(B) arrived home and began to yell at him for no apparent reason calling him a thief. (b)(5)(B) left his room and shortly after he heard his mom and sister (b)(5)(B) arguing. (b)(5)(B) heard the arguing stop and looked outside and heard (b)(5)(B) on the phone with 911.

(b)(5)(B) received a phone call from his mother's friend "(b)(5)(B) who told him she was concerned about (b)(5)(B) because she received a text from her stating, "Clean my brains off the wall in the morning" and "I'm done." (b)(5)(B) left the residence in her vehicle. (b)(5)(B) stated (b)(5)(B) is diagnosed with depression and he was unsure if she was currently taking her medication.

(b)(5)(B) stated she was going to leave the residence tonight and stay with a friend.

INVESTIGATION CONTINUED:

After I finished obtaining (b)(5)(B) and (b)(5)(B) statement, I took digital photographs to document their appearance evidence. (b)(5)(B) , and their friends followed Deputy Boegler and I to where (b)(5)(B) was detained. I released (b)(5)(B) vehicle to (b)(5)(B) at the scene.

I contacted (b)(5)(B) who provided the following statement.

Statement of (b)(5)(B) :

(b)(5)(B) stated on 05/09/2017, at 2140 hours, she was engaged in an argument with her daughter (b)(5)(B) about wanting to move in with her mother's friend "(b)(5)(B) and her daughter. (b)(5)(B) has been upset with (b)(5)(B) due to her trying to cut herself in the past. (b)(5)(B) grabbed scissors and went to her daughter's door and told her, "Let's have a cutting party" and she began to attempt to cut her left wrist. She and her daughter struggled over the scissors and (b)(5)(B) took the scissors away. (b)(5)(B) left the residence in her vehicle. She sent her friend, "(b)(5)(B) a text saying, "Clean my brains off the wall in the morning" and "I'm done."

(b)(5)(B) stated she has been distraught due to her husband passing away in June 2016. (b)(5)(B) is diagnosed with Depression and was recently taken off her medication due to the medication causing liver problems.

INVESTIGATION CONTINUED:

I took digital photographs of (b)(5)(B) to document her apearance as evidence. (b)(5)(B) gave me permission to check her text messages. I took digital photographs of the text message to "(b)(5)(B) stating "Clean my brains off the wall in the morning" and "I'm done" as evidence.

Based on my observations, text messages, statement's provided, and possible suicide attempt, I determined (b)(5)(B) was a danger to herself and detained her per 5150 W&I. I transported (b)(5)(B) to Palomar Medical Center where she was admitted on a 72-hour mental health evaluation per 5150 W&I.

EVIDENCE:

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TO

Item #1: Digital photograph CD - San Marcos evidence.

INJURIES:

(b)(5)(B) sustained two small 3" superfical cut marks to her left wrist.

FOLLOW-UP/ RELATED REPORTS: None.

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TO

(b)(5)(B)

(b)(5)(B)



(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DAILY TRAINEE EVALUATION

TRAINEE:	FTO:	DATE:
Fischer, Richard	Larson, Peter	8/14/2014

DAY IN PHASE	PHASE
2	2

RATING SCALE
4 -BETTER THAN ACCEPTABLE
3 - ACCEPTABLE (AGENCY STANDARDS)
2- IMPROVEMENT NEEDED
1 - UNACCEPTABLE
N/O – NOT OBSERVED

	1	2	3	4	N/O
I. ORIENTATION / PREPARATION	☐	☐	☒	☐	☐
1. DEPARTMENT GUIDELINES	☐	☐	☒	☐	☐
2. ENFORCEMENT CODES	☐	☐	☒	☐	☐
3. RESOURCES/FORMS/EQUIPMENT	☐	☐	☒	☐	☐
4. GENERAL APPEARANCE	☐	☒	☐	☐	☐
II. BEAT ORIENTATION	☐	☒	☐	☐	☐
III. RADIO TRANSMISSION / RECEPTION - MCT	☐	☒	☐	☐	☐
IV. REPORT WRITING: ACCURACY/ORGANIZATION/SPEED/XPEDITER	☐	☒	☐	☐	☐
V. VEHICLE/PEDESTRIAN STOPS (LOW/HIGH RISK)	☐	☐	☒	☐	☐
VI. DRIVING (NORMAL/EMERGENCY)	☐	☐	☒	☐	☐
VII. PUBLIC INTERACTION / VERBAL COMMUNICATION / BODY LANGUAGE	☐	☐	☐	☐	☒
VIII. HANDLING DISPUTES	☐	☐	☒	☐	☐
IX. SEARCHES	☐	☒	☐	☐	☐
X. CRIMES IN PROGRESS	☐	☒	☐	☐	☐
XI. PRELIMINARY INVESTIGATIONS	☐	☒	☐	☐	☐
XII. EVIDENCE PROCEDURE	☐	☐	☒	☐	☐
XIII. OFFICER SAFETY	☐	☐	☐	☐	☒
XIV. MENTAL ILLNESS	☐	☐	☐	☐	☒
XV. TRAFFIC ENFORCEMENT / INVESTIGATION	☐	☐	☐	☐	☒
XVI. MISSING PERSONS	☐	☐	☒	☐	☐
XVII. USE OF FORCE (PRISONER CONTROL)	☐	☐	☐	☐	☒
XVIII. JUVENILES					
XIX. COMMUNITY ORIENTED POLICING / PROBLEM SOLVING	☐	☐	☐	☐	☒
1. NEIGHBORHOOD POLICING/DECISION MAKING AND PROBLEM SOLVING	☐	☐	☐	☐	☒
2. INFORMED ON CRIME / TRAFFIC / COMMUNITY PROBLEMS	☐	☐	☐	☐	☒
XX. PATROL PROCEDURES	☐	☐	☐	☐	☒
XXI. UNDER THE INFLUENCE					
MISCELLANEOUS PERFORMANCE TOPICS	☐	☐	☒	☐	☐
1. STRENGTH AND AGILITY	☐	☐	☒	☐	☐
2. COORDINATION	☐	☐	☒	☐	☐
3. SELF - INITIATED ACTIVITY	☐	☐	☒	☐	☐
4. STRESS CONTROL VERBAL/SAFETY	☐	☐	☒	☐	☐
5. ECONOMY OF TIME	☐	☐	☒	☐	☐
6. ACCEPTANCE OF CRITICISM	☐	☐	☒	☐	☐
7. SELF IMAGE / CONFIDENCE					

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/15/14	P. LARSON	8-15-14	[signature]	8/21/14

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TO

TRAFFIC STOPS/PEDESTIAN STOPS

Deputy Fischer made one observational traffic stop for a subject using a cell phone while driving. The driver was able to get quite a distance away from Deputy Fischer because of traffic. He caught up to the vehicle he believed to be his target, but it turned out to be the wrong driver. As for the stop, Deputy Fischer correctly provided his dispatcher with his location and the vehicle plate information. He made good use of his emergency lights and had good vehicle positioning. During the stop, he maintained good officer safety and was quick to realize he had made a mistake stopping this subject. Deputy Fischer explained the circumstances, apologized to the driver and immediately let him go on his way. The stop was closed, Checks OK.

EVIDENCE PROCEDURES:

Deputy Fischer logged his evidence from his burglary arrest without assistance needed by me.

TRAINING:

Deputy Fischer received several radio calls today which did not require him to take a report or other law enforcement action. He performed acceptable on each of these calls for his level in training and we discussed the calls as necessary or where he had additional questions.

Deputy Fischer spent his free time proactively patrolling the Lakeside beats looking for self-initiated activity.

Deputy Fischer observed a female who was obviously intoxicated and stumbling into the street. He stopped the female and was able to immediately identify all of the [redacted] public intoxication. Deputy Fischer determined it was necessary to arrest the female for a violation of 647(f)PC. He has had this type of arrest before during his training and is familiar with the basic priorities. He was able to gain additional practical experience in this area. The call was closed AM.

Deputy Fischer was conducting extra patrol in and around the area of the Wal-Mart and Vons shopping center when he observed a male sitting behind the Vons, in an area known for high transient activity and problems with loitering. Deputy Fischer contacted this male and through legal methods and practices, found the male to be in possession of marijuana.

This was the first contact of this type he has had during his training. We discussed the marijuana citation program and how to handle these types of contacts. He gained practical experience seizing the marijuana and issuing a citation to the male, then releasing him at the scene. I showed him how to test, weigh, impound and document these types of cases. The call was closed CI.

Deputy Fischer responded to an [redacted] was able to gain additional practical experience in this area.

RECOMMENDATIONS:

Deputy Fischer has a good [redacted] and seems to be eager to learn his new job. There were no substantial problems areas noted today. At this time, I have no recommendations other than for him to keep in mind the goals and objectives for this field training phase.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/15/14	[signature]	8.15.14	[signature]	8/21/14

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I.A. FILES
TO

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DAILY TRAINEE EVALUATION

TRAINEE:	FTO:	DATE:
Fischer, Richard	Larson, Peter	8/16/2014

RATING SCALE
4 -BETTER THAN ACCEPTABLE
3 - ACCEPTABLE (AGENCY STANDARDS)
2- IMPROVEMENT NEEDED
1 - UNACCEPTABLE
N/O – NOT OBSERVED

DAY IN PHASE	PHASE
4	2

	1	2	3	4	N/O
I. ORIENTATION / PREPARATION					
1. DEPARTMENT GUIDELINES	☐	☐	☒	☐	☐
2. ENFORCEMENT CODES	☐	☐	☒	☐	☐
3. RESOURCES/FORMS/EQUIPMENT	☐	☐	☒	☐	☐
4. GENERAL APPEARANCE	☐	☐	☒	☐	☐
II. BEAT ORIENTATION	☐	☒	☐	☐	☐
III. RADIO TRANSMISSION / RECEPTION - MCT	☐	☒	☐	☐	☐
IV. REPORT WRITING: ACCURACY/ORGANIZATION/SPEED/XPEDITER	☐	☒	☐	☐	☐
V. VEHICLE/PEDESTRIAN STOPS (LOW/HIGH RISK)	☐	☒	☐	☐	☐
VI. DRIVING (NORMAL/EMERGENCY)	☐	☐	☒	☐	☐
VII. PUBLIC INTERACTION / VERBAL COMMUNICATION / BODY LANGUAGE	☐	☐	☒	☐	☐
VIII. HANDLING DISPUTES	☐	☐	☐	☐	☒
X. SEARCHES	☐	☐	☒	☐	☐
X. CRIMES IN PROGRESS	☐	☒	☐	☐	☐
XI. PRELIMINARY INVESTIGATIONS	☐	☒	☐	☐	☐
XII. EVIDENCE PROCEDURE	☐	☒	☐	☐	☐
XIII. OFFICER SAFETY	☐	☐	☒	☐	☐
XIV. MENTAL ILLNESS	☐	☐	☐	☐	☒
XV. TRAFFIC ENFORCEMENT / INVESTIGATION	☐	☐	☐	☐	☒
XVI. MISSING PERSONS	☐	☐	☐	☐	☒
XVII. USE OF FORCE (PRISONER CONTROL)	☐	☐	☒	☐	☐
XVIII. JUVENILES	☐	☐	☐	☐	☒
XIX. COMMUNITY ORIENTED POLICING / PROBLEM SOLVING					
1. NEIGHBORHOOD POLICING/DECISION MAKING AND PROBLEM SOLVING	☐	☐	☐	☐	☒
2. INFORMED ON CRIME / TRAFFIC / COMMUNITY PROBLEMS	☐	☐	☐	☐	☒
XX. PATROL PROCEDURES	☐	☐	☐	☐	☒
XXI. UNDER THE INFLUENCE	☐	☐	☐	☐	☒
MISCELLANEOUS PERFORMANCE TOPICS					
1. STRENGTH AND AGILITY	☐	☐	☒	☐	☐
2. COORDINATION	☐	☐	☒	☐	☐
3. SELF - INITIATED ACTIVITY	☐	☐	☒	☐	☐
4. STRESS CONTROL VERBAL/SAFETY	☐	☐	☒	☐	☐
5. ECONOMY OF TIME	☐	☐	☒	☐	☐
6. ACCEPTANCE OF CRITICISM	☐	☐	☒	☐	☐
7. SELF IMAGE / CONFIDENCE	☐	☐	☒	☐	☐

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/20/14	P. LARSON	8.20.14	[signature]	8/21/14

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I.A. FILES
TO

TRAINING OBJECTIVES:
Today was day four of second phase for Deputy Fischer. He was assigned to work the overlap position in Lakeside. Today we discussed traffic stops and possession of drug paraphernalia.

The "2's" he received in the rating areas are reflective of his level of experience and training when rated against a fully trained deputy sheriff and is not necessarily indicative of improvement needed, unless otherwise noted.

PERFORMANCE:

REPORT WRITING/RMS:
Deputy Fischer wrote one arrest report for possession of a used hypodermic needle. He completed the report and citation during this shift. His first draft contained minor errors, which were corrected.

DRIVING:
Deputy Fischer drove the entire shift. He drove with regard for all laws and operated the vehicle in a safe manner.

INTERPERSONAL SKILLS:
Deputy Fischer was courteous during his contacts and appeared to show genuine interest in what the reporting parties had to tell him.

COMMUNITY RELATIONS:

BEAT KNOWLEDGE:
Deputy Fischer has a limited knowledge of the locations in Lakeside. He is adept at using his maps and was able to find the non-priority calls without difficulty. I assisted him with routing on priority calls.

RADIO OPERATIONS:
Deputy Fischer handled the majority of radio transmissions today. ~~He listens well to the radio and only rarely needs to be prompted on what to say. He~~ is progressing at a standard level in this area.

EQUIPMENT:
Deputy Fischer showed up for work on time with all necessary equipment. He was able to log onto the MDC without assistance needed.

TRAFFIC STOPS/PEDESTIAN STOPS
Deputy Fischer conducted three observational traffic stops and two pedestrian stops today. On his first traffic stop he had some difficulty ~~advising the dispatcher of his location and seemed~~ uncoordinated in the use of his emergency equipment. The initial stop did not flow as well as either of us would have hoped. He did use good officer safety and I saw no problems with his contact. He

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
	8/20/14		8.20.14		8/21/14

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TO

elected to issue the driver a warning for the violation and I agreed with his decision. The stop was closed WA. After this stop, we talked about the stop and I offered him some ideas on how to be more precise and effective when initiating a traffic stop. We practiced the techniques a few times until he felt comfortable to try them on an actual stop.

He conducted two more traffic stops during this shift. [redacted] He issued one cite and requested CHP for an eval of the second stop. The eval showed the driver was not impaired and the driver was let go with a warning. I agreed with his decisions on both stops. Deputy Fischer used good officer safety and was professional during all of his stops today. More practice of traffic stops will be done to ensure they become second nature to him.

He conducted two pedestrian stops today. The first one was for a suspicious person loitering behind the 7-Eleven Store. He contacted the subject and was able to obtain a consent search of his person. A discovery of a used hypo-dermic needle was made and Deputy Fischer arrested the subject for the violation. Although he had a basic understanding of the concepts, he required assistance during this call to ensure he covered all the steps. The subject was released on a citation. Deputy Fischer completed the citation in a timely manner with two errors, where he forgot to check boxes on the cite. The stop was closed AM.

The second stop was on a distressed juvenile who appeared to be crying behind the "Dollar-Tree" store. Upon contacting the juvenile, she was recognized as a known juvenile with history of mental problems. He mother was contacted to ensure she knew where her daughter was and had her permission to be here. The juvenile's mother arrived to pick her up and the call was closed IO.

EVIDENCE PROCEDURES:

Deputy Fischer processed the evidence from his drug para arrest without assistance needed.

TRAINING:
Deputy Fischer received several radio calls today which did not require him to take a report or other law enforcement action. He performed acceptable on each of these calls for his level in training and we discussed the calls as necessary or where he had additional questions.

Deputy Fischer spent his free time proactively patrolling the Lakeside beats looking for self-initiated activity.

Deputy Fischer received a radio [redacted] The call was on the border of Alpine and he was assisted by Alpine deputies and one overlap partner. The suspect left the location and was tracked by ASTREA until deputies could locate the vehicle and conduct a traffic stop in the parking lot of the 99 Cent store on E. Main Street.

Deputy Fischer used good officer safety on this call, but needed a good amount of guidance and assistance bringing this call to a conclusion. Neither of the parties wanted prosecution for any crime and Deputy Fischer resolved the call by completing an FI on the suspect half of this call. The call was closed FI.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/20/14	[signature]	8-20-14	[signature]	8/21/14

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I.A. FILES
TO_____

RECOMMENDATIONS:
I recommend additional practical experience with traffic stops to help him become more confident in this area. We will continue to work on these as time permits.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT.	DATE:
	8/20/14		8.20.14		8/21/14

RELEASED FROM
I.A. FILES
TO

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DAILY TRAINEE EVALUATION

TRAINEE:	FTO:	DATE:
Fischer, Richard	Larson, Peter	8/20/2014

RATING SCALE
4 -BETTER THAN ACCEPTABLE
3 - ACCEPTABLE (AGENCY STANDARDS)
2- IMPROVEMENT NEEDED
1 - UNACCEPTABLE
N/O – NOT OBSERVED

DAY IN PHASE	PHASE
5	2

	1	2	3	4	N/O
I. ORIENTATION / PREPARATION					
1. DEPARTMENT GUIDELINES	☐	☐	☒	☐	☐
2. ENFORCEMENT CODES	☐	☐	☒	☐	☐
3. RESOURCES/FORMS/EQUIPMENT	☐	☐	☒	☐	☐
4. GENERAL APPEARANCE	☐	☐	☒	☐	☐
II. BEAT ORIENTATION	☐	☒	☐	☐	☐
III. RADIO TRANSMISSION / RECEPTION - MCT	☐	☒	☐	☐	☐
IV. REPORT WRITING: ACCURACY/ORGANIZATION/SPEED/XPEDITER	☐	☒	☐	☐	☐
V. VEHICLE/PEDESTRIAN STOPS (LOW/HIGH RISK)	☐	☒	☐	☐	☐
VI. DRIVING (NORMAL/EMERGENCY)	☐	☐	☒	☐	☐
VII. PUBLIC INTERACTION / VERBAL COMMUNICATION / BODY LANGUAGE	☐	☐	☒	☐	☐
VIII. HANDLING DISPUTES	☐	☐	☐	☐	☒
X. SEARCHES	☐	☐	☒	☐	☐
X. CRIMES IN PROGRESS	☐	☒	☐	☐	☐
XI. PRELIMINARY INVESTIGATIONS	☐	☒	☐	☐	☐
XII. EVIDENCE PROCEDURE	☐	☒	☐	☐	☐
XIII. OFFICER SAFETY	☐	☐	☒	☐	☐
XIV. MENTAL ILLNESS	☐	☐	☐	☐	☒
XV. TRAFFIC ENFORCEMENT / INVESTIGATION	☐	☐	☐	☐	☒
XVI. MISSING PERSONS	☐	☐	☐	☐	☒
XVII. USE OF FORCE (PRISONER CONTROL)	☐	☐	☒	☐	☐
XVIII. JUVENILES	☐	☐	☐	☐	☒
XIX. COMMUNITY ORIENTED POLICING / PROBLEM SOLVING					
1. NEIGHBORHOOD POLICING/DECISION MAKING AND PROBLEM SOLVING	☐	☐	☐	☐	☒
2. INFORMED ON CRIME / TRAFFIC / COMMUNITY PROBLEMS	☐	☐	☐	☐	☒
XX. PATROL PROCEDURES	☐	☐	☐	☐	☒
XXI. UNDER THE INFLUENCE	☐	☐	☐	☐	☒
MISCELLANEOUS PERFORMANCE TOPICS					
1. STRENGTH AND AGILITY	☐	☐	☒	☐	☐
2. COORDINATION	☐	☐	☒	☐	☐
3. SELF - INITIATED ACTIVITY	☐	☐	☒	☐	☐
4. STRESS CONTROL VERBAL/SAFETY	☐	☐	☒	☐	☐
5. ECONOMY OF TIME	☐	☐	☒	☐	☐
6. ACCEPTANCE OF CRITICISM	☐	☐	☒	☐	☐
7. SELF IMAGE / CONFIDENCE	☐	☐	☒	☐	☐

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/21/14	P. LARSON	8-21-14	[signature]	8/24/14

RELEASED FROM
I.A. FILES
TO

TRAINING OBJECTIVES:
Today was day five of second phase for Deputy Fischer. He was assigned to work the overlap position in Lakeside. Today we discussed narcotics arrests, citations and public intoxication arrests.

The "2's" he received in the rating areas are reflective of his level of experience and training when rated against a fully trained deputy sheriff and is not necessarily indicative of improvement needed, unless otherwise noted.

PERFORMANCE:

REPORT WRITING/RMS:
Deputy Fischer wrote two arrest reports during this shift. He completed an arrest report for possession of heroin seized during a traffic stop and one for drunk in public. He was able to complete the drug possession report during this shift. The first draft contained minor errors and omissions which were corrected by the second draft. He was unable to complete the arrest report for drunk in public during this shift due to the call coming at the end of his shift. He will be expected to the complete the report during his next shift and I will report back in a future evaluation as to the quality and content of that report. Additionally, he completed one citation for an equipment violation from a traffic stop. He completed the citation in a timely manner, but forgot to circle the "infraction" box and check the "correctable" box. He completed one FI card and photos on a subject he contacted during a disturbance (415) call.

DRIVING:
Deputy Fischer drove the entire shift. He drove with regard for all laws and operated the vehicle in a safe manner.

INTERPERSONAL SKILLS:
Deputy Fischer was courteous during his contacts and appeared to show genuine interest in what the reporting parties had to tell him.

COMMUNITY RELATIONS:

BEAT KNOWLEDGE:
Deputy Fischer has a limited knowledge of the locations in Lakeside. He is adept at using his maps and was able to find the non-priority calls without difficulty. I assisted him with routing on priority calls.

RADIO OPERATIONS:
Deputy Fischer handled the majority of radio transmissions today. He listens well to the radio and only rarely needs to be prompted on what to say. He is progressing at a standard level in this area.

EQUIPMENT:
Deputy Fischer showed up for work on time with all necessary equipment. He was able to log onto the MDC without assistance needed.

SIGNATURES

RAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
	8/21/14		8-21-14		8/26/14

RELEASED FROM I.A. FILES
TO

TRAFFIC STOPS/PEDESTIAN STOPS

Deputy Fischer conducted three observational traffic stops today. We have been spending his free time working on his traffic stops. All of today's stops went well and I noted no major deficiencies with any of them. On each stop he was able to provide the dispatcher with his correct location and license plate information. He made good use of all of his emergency lighting and auxiliary lighting. During each stop, Deputy Fischer was professional and courteous during his contact with the violators. He gained additional practical experience conducting records checks for wants and license status and remembered to update his dispatcher when his status changed and he was "Code-4". His three stops yielded him, one warning, one citation and ~~one felony arrest for narcotics possession~~.

EVIDENCE PROCEDURES:

Deputy Fischer gained additional practical experience testing, weighing and packaging his narcotics. He did not need assistance, but I double checked his work to ensure it was done correctly.

TRAINING:

Deputy Fischer received several radio calls today which did not require him to take a report or other law enforcement action. He performed acceptable on each of these calls for his level in training and we discussed the calls as necessary or where he had additional questions.

Deputy Fischer spent his free time proactively patrolling the Lakeside beats looking for self-initiated activity.

Deputy Fischer received a radio call reference a female who was drunk in public. He has had this type of call before during training; in fact he has arrested this same subject before too. He is familiar with the basic priorities and procedures for completing an arrest for public intoxication and understands the reasons we arrest these subjects and take them off the streets. He was easily able to correctly identify the objective signs and symptoms of intoxication and was able to give me specific reasons why this subject's conduct made her too drunk in public to be able to care for her safety. He placed her under arrest and booked her into Las Colinas Jail. He gained practical experience booking female arrestees into the "[redacted]" women's jail tonight. The call was closed AM.

RECOMMENDATIONS:

Although tonight's traffic stops were ~~much improved over previous ones,~~ we will continue to practice his stops during rest of this phase. I do not expect this to be a problem for him and should only improve with repetition.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/21/14	[signature]	8.21.14	[signature]	8/22/14

RELEASED FROM I.A. FILES

TO _____

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DAILY TRAINEE EVALUATION

TRAINEE:	FTO:	DATE:
Fischer, Richard	Larson, Peter	8/22/2014

RATING SCALE
4 -BETTER THAN ACCEPTABLE
3 - ACCEPTABLE (AGENCY STANDARDS)
2- IMPROVEMENT NEEDED
1 - UNACCEPTABLE
N/O – NOT OBSERVED

DAY IN PHASE	PHASE
7	2

	1	2	3	4	N/O
I. ORIENTATION / PREPARATION					
1. DEPARTMENT GUIDELINES	☐	☐	☒	☐	☐
2. ENFORCEMENT CODES	☐	☐	☒	☐	☐
3. RESOURCES/FORMS/EQUIPMENT	☐	☐	☒	☐	☐
4. GENERAL APPEARANCE	☐	☐	☒	☐	☐
II. BEAT ORIENTATION	☐	☒	☐	☐	☐
III. RADIO TRANSMISSION / RECEPTION - MCT	☐	☒	☐	☐	☐
IV. REPORT WRITING: ACCURACY/ORGANIZATION/SPEED/XPEDITER	☐	☒	☐	☐	☐
V. VEHICLE/PEDESTRIAN STOPS (LOW/HIGH RISK)	☐	☒	☐	☐	☐
VI. DRIVING (NORMAL/EMERGENCY)	☐	☐	☒	☐	☐
VII. PUBLIC INTERACTION / VERBAL COMMUNICATION / BODY LANGUAGE	☐	☐	☒	☐	☐
VIII. HANDLING DISPUTES	☐	☐	☐	☐	☒
IX. SEARCHES	☐	☐	☒	☐	☐
X. CRIMES IN PROGRESS	☐	☒	☐	☐	☐
XI. PRELIMINARY INVESTIGATIONS	☐	☒	☐	☐	☐
XII. EVIDENCE PROCEDURE	☐	☒	☐	☐	☐
XIII. OFFICER SAFETY	☐	☐	☒	☐	☐
XIV. MENTAL ILLNESS	☐	☐	☐	☐	☒
XV. TRAFFIC ENFORCEMENT / INVESTIGATION	☐	☐	☐	☐	☒
XVI. MISSING PERSONS	☐	☐	☐	☐	☒
XVII. USE OF FORCE (PRISONER CONTROL)	☐	☐	☒	☐	☐
XVIII. JUVENILES	☐	☐	☐	☐	☒
XIX. COMMUNITY ORIENTED POLICING / PROBLEM SOLVING					
1. NEIGHBORHOOD POLICING/DECISION MAKING AND PROBLEM SOLVING	☐	☐	☐	☐	☒
2. INFORMED ON CRIME / TRAFFIC / COMMUNITY PROBLEMS	☐	☐	☐	☐	☒
XX. PATROL PROCEDURES	☐	☐	☐	☐	☒
XXI. UNDER THE INFLUENCE	☐	☐	☐	☐	☒
MISCELLANEOUS PERFORMANCE TOPICS					
1. STRENGTH AND AGILITY	☐	☐	☒	☐	☐
2. COORDINATION	☐	☐	☒	☐	☐
3. SELF - INITIATED ACTIVITY	☐	☐	☒	☐	☐
4. STRESS CONTROL VERBAL/SAFETY	☐	☐	☒	☐	☐
5. ECONOMY OF TIME	☐	☐	☒	☐	☐
6. ACCEPTANCE OF CRITICISM	☐	☐	☒	☐	☐
7. SELF IMAGE / CONFIDENCE	☐	☐	☒	☐	☐

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/27/14	P. LARSON	8-27-14	[signature]	8/29/14

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I.A. FILES
TO

TRAINING OBJECTIVES:
Today was day seven of second phase for Deputy Fischer. He was assigned to work the overlap position in Lakeside. Today we discussed traffic stops and DUI evaluations.

The "2's" he received in the rating areas are reflective of his level of experience and training when rated against a fully trained deputy sheriff and is not necessarily indicative of improvement needed, unless otherwise noted.

PERFORMANCE:

REPORT WRITING/RMS:
Deputy Fischer wrote one arrest report during this shift for possession of meth and heroin. He was able to complete the report in a timely manner with only [redacted].

DRIVING:
Deputy Fischer drove the entire shift. He drove with regard for all laws and operated the vehicle in a safe manner.

INTERPERSONAL SKILLS:
Deputy Fischer was courteous during his contacts and appeared to show genuine interest in what the reporting parties had to tell him. He is confident in his contacts with the public, whether it concerns victims or suspects.

COMMUNITY RELATIONS:

BEAT KNOWLEDGE:
Deputy Fischer is becoming [redacted] with the general locations in the Lakeside area. He has [redacted] and I am confident his knowledge will continue to improve in this area.

RADIO OPERATIONS:
Deputy Fischer handled the majority of radio transmissions today. He listens well to the radio and only rarely needs to be prompted on what to say. He is progressing at a standard level in this area.

USE OF FORCE:
No force was used today. The "3" he received in this area was to document his good use of prisoner control of his arrestee.

EQUIPMENT:
Deputy Fischer showed up for work on time with all necessary equipment. He was able to log onto the MDC without assistance needed. He is becoming familiar and comfortable with all functions of the MDC and is requiring less and less assistance in this area. Deputy Fischer is comfortable with the use of his vehicle equipment and operation of his personal equipment.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/27/14	[signature]	8-27-14	[signature]	8/28/14

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TO

TRAFFIC STOPS/PEDESTIAN STOPS

Deputy Fischer conducted a traffic stop on a female for tinted windows. He correctly advised the dispatcher of his location and the vehicle license plate information. He properly activated his emergency lights and used good officer safety during this entire stop.

During the stop, Deputy Fischer learned the female driver had a valid 4th waiver and he searched her vehicle, discovering meth and heroin. He immediately recognized the items as illegal drugs and placed the female under arrest. He gained additional practical experience searching vehicles, testing and weighing narcotics and booking arrestees at the new LCDF jail. I want to commend Deputy Fischer for his good observation and the action he took on this arrest. The call was closed AF.

EVIDENCE PROCEDURES:

Deputy Fischer gained additional practical experience testing, weighing and packaging his narcotics. ~~He did not need assistance~~, but I double checked his work to ensure it was done correctly.

TRAINING:

Deputy Fischer received several radio calls today which did not require him to take a report or other law enforcement action. He performed acceptable on each of these calls for his level in training and we discussed the calls as necessary or where he had additional questions.

Deputy Fischer spent his free time proactively patrolling the Lakeside beats looking for self-initiated activity.

Deputy Fischer observed a vehicle spin out of control on the roadway behind him. He immediately took direct action and turned around the initiate a traffic stop on the vehicle. Deputy Fischer was able to determine the driver appeared intoxicated. Combined with the impaired driver he observed, he decided this driver needed an evaluation for DUI. Deputy Fischer performed well on this stop and correctly identified the objective signs of DUI. He completed a deputy's report for the traffic unit which was completed by the end of this shift with no errors.

RECOMMENDATIONS:

It was recommended to Deputy Fischer to spend some of his free time reading his required reading assignments and not wait until the last week to complete those. I will be checking his progress on that and report back in a future evaluation on my findings.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	8/27/14	[signature]	8.27.14	[signature]	8/28/14

RELEASED FROM I.A. FILES
TO

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DAILY TRAINEE EVALUATION

TRAINEE:	FTO:	DATE:
Fischer, Richard	Larson, Peter	9/4/2014

RATING SCALE
4 -BETTER THAN ACCEPTABLE
3 - ACCEPTABLE (AGENCY STANDARDS)
2- IMPROVEMENT NEEDED
1 - UNACCEPTABLE
N/O – NOT OBSERVED

DAY IN PHASE	PHASE
13	2

	1	2	3	4	N/O
I. ORIENTATION / PREPARATION					
1. DEPARTMENT GUIDELINES			☒		
2. ENFORCEMENT CODES			☒		
3. RESOURCES/FORMS/EQUIPMENT			☒		
4. GENERAL APPEARANCE			☒		
II. BEAT ORIENTATION		☒			
III. RADIO TRANSMISSION / RECEPTION - MCT		☒			
IV. REPORT WRITING: ACCURACY/ORGANIZATION/SPEED/XPEDITER		☒			
V. VEHICLE/PEDESTRIAN STOPS (LOW/HIGH RISK)		☒			
VI. DRIVING (NORMAL/EMERGENCY)			☒		
VII. PUBLIC INTERACTION / VERBAL COMMUNICATION / BODY LANGUAGE			☒		
VIII. HANDLING DISPUTES					☒
IX. SEARCHES			☒		
X. CRIMES IN PROGRESS					☒
XI. PRELIMINARY INVESTIGATIONS		☒			
XII. EVIDENCE PROCEDURE		☒			
XIII. OFFICER SAFETY			☒		
XIV. MENTAL ILLNESS					☒
XV. TRAFFIC ENFORCEMENT / INVESTIGATION					☒
XVI. MISSING PERSONS		☒			
XVII. USE OF FORCE (PRISONER CONTROL)			☒		
XVIII. JUVENILES		☒			
XIX. COMMUNITY ORIENTED POLICING / PROBLEM SOLVING					
1. NEIGHBORHOOD POLICING/DECISION MAKING AND PROBLEM SOLVING					☒
2. INFORMED ON CRIME / TRAFFIC / COMMUNITY PROBLEMS					☒
XX. PATROL PROCEDURES					☒
XXI. UNDER THE INFLUENCE					☒
MISCELLANEOUS PERFORMANCE TOPICS					
1. STRENGTH AND AGILITY			☒		
2. COORDINATION			☒		
3. SELF - INITIATED ACTIVITY			☒		
4. STRESS CONTROL VERBAL/SAFETY			☒		
5. ECONOMY OF TIME			☒		
6. ACCEPTANCE OF CRITICISM			☒		
7. SELF IMAGE / CONFIDENCE			☒		

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	9-5-14	P. LARSON	9.5.14	[signature]	9/8/14

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I.A. FILES
TO

TRAINING OBJECTIVES:
Today was day 13 and last day of second phase for Deputy Fischer. He was assigned to work the overlap position in Lakeside as in all previous shifts. Today we discussed contributing cases (272PC), directed patrol objectives, and narcotics evaluations.

The "2's" he received in the rating areas are reflective of his level of experience and training when rated against a fully trained deputy sheriff and is not necessarily indicative of improvement needed, unless otherwise noted.

PERFORMANCE:

REPORT WRITING/RMS:
Deputy Fischer wrote one arrest report and completed it during this shift. The report required a few corrections before submission, but it was completed by the end of this shift even though it was generated towards the end of this shift.

Today as well as during this entire phase Deputy Fischer has shown to be an efficient and effective report writer. He types well and is quick to complete his narratives. His reports generally contain the necessary elements of the crimes he is reporting and are factually correct. All of his reports have required some minor corrections, but I am confident those things are a normal part of getting used to a new style of writing and will work themselves out in due time. I consider his report writing to be progressing at a standard and acceptable level.

DRIVING:
Deputy Fischer drove the entire shift. He drove with regard for all laws and operated the vehicle in a safe manner. There have been no major problems with his driving during this phase, thus far.

INTERPERSONAL SKILLS:
Deputy Fischer was courteous during his contacts and appeared to show genuine interest in what the reporting parties had to tell him. He is confident in his contacts with the public, no matter whether they are victims or suspects.

COMMUNITY RELATIONS:

BEAT KNOWLEDGE:
Deputy Fischer is now familiar with the major streets in the Lakeside area and feels comfortable navigating around the city. He is familiar with the locations of the highest activity levels and remembers how to return to those locations.

RADIO OPERATIONS:
Deputy Fischer handled the majority of radio transmissions today. He continues to be attentive to the radio and seems to know what other calls his partners are assigned to. He is progressing at a standard level in this area with no major problems noted.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	9-5-14	[signature]	9-5-14	[signature]	9/8/14

RELEASED FROM
I.A. FILES
TO

USE OF FORCE:
No force was used today. The "3" he received in this area was to document his good use of prisoner control of his arrestee. Deputy Fischer maintained a good position of advantage by having his arrestees/suspect contacts either sitting with their legs extended out in front of them or placing them off balance while conducting pat down searches or handcuffing

EQUIPMENT:
Deputy Fischer showed up for work on time with all necessary equipment. He was able to log onto the MDC without assistance needed. He is becoming familiar and comfortable with all functions of the MDC and is requiring less and less assistance in this area. Deputy Fischer is comfortable with the use of his vehicle equipment and operation of his personal equipment.

TRAFFIC STOPS/PEDESTIAN STOPS
Deputy Fischer conducted two pedestrian stops today. In each of his stops and contacts he performed well. I did not notice any major deficiencies or areas of concern. He completed an FI/photo on one of his contacts and arrested the other for possession of a meth pipe and being under the influence of a Controlled substance. The FI was completed without errors.

EVIDENCE PROCEDURES:

Deputy Fischer correctly processed the evidence from his narcotics arrest without assistance needed. He is becoming comfortable with evidence procedures.

TRAINING:
Deputy Fischer received several radio calls today which did not require him to take a report or other law enforcement action. He performed acceptable on each of these calls for his level in training and we discussed the calls as necessary or where he had additional questions.

Deputy Fischer spent his free time actively patrolling and looking for contacts. In addition to the calls listed here, he also spent the second half of this shift working in a directed patrol capacity. His goal was to target areas of the city which have been hit hard recently with residential burglaries. I showed Deputy Fischer where the hardest hit areas have been and we focused our efforts in those areas providing as much extra patrol in those areas and logging them on his MDC.

He handled a radio call of 415PC Juveniles. During his contact with the juveniles it was decided the best course of action to resolve this particular call was to arrest the adult who was believed to have been smoking marijuana in front of three other juveniles and possibly providing it to them as well. Deputy Fischer needed considerable direction on this call, but it was a good call for training and he learned some "Out-side the box" ways of thinking and getting the job done.

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
	9-5-14		9.5.14		9/5/14

RELEASED FROM
I.A. FILES
TO

He gained additional practical experience conducting records checks, contacting parents of juveniles, accepting citizen's arrests, issuing citations. and processing seized marijuana. The call was closed AM.

Deputy Fischer made an observational contact on a male subject seen walking erratically in the middle of the street. He contacted the male and questioned him as to his activity. During his contact Deputy Fischer picked up on the fact the male appeared, overly nervous, was agitated and overly talkative. He began asking the male if he had been using any illegal drugs today and learned the male had recently used meth. Deputy Fischer gained consent for a search of the male's person and discovered a glass meth pipe with burnt residue inside his pants pocket. Deputy Fischer arrested the male for the possession of paraphernalia and brought him to the store front for further processing. At the store front, Deputy Fischer conducted an evaluation for being under the influence and based upon his findings, subsequently added the charge of 11550(a) HS to his charges.

Deputy Fischer has made several good quality 11550 arrests during this phase and is becoming quite comfortable and confident in his evaluations. He is complete when he administers the tests and is able to understand what the results of those tests are telling him about his subjects. The call was closed AM.

RECOMMENDATIONS:

Throughout this training phase, Deputy Fischer has been exposed to a wide variety of calls and new situations. He has been eager to learn each new challenge and does not appear to shy away from anything put in front of him. He is quick to absorb new information and at least from what I have observed, he appears to retain previously taught information and correctly apply it to future calls.

He is a hard worker, takes pride in the product he produces and his attitude has been cooperative and motivated, exactly what I would expect of him while on training.

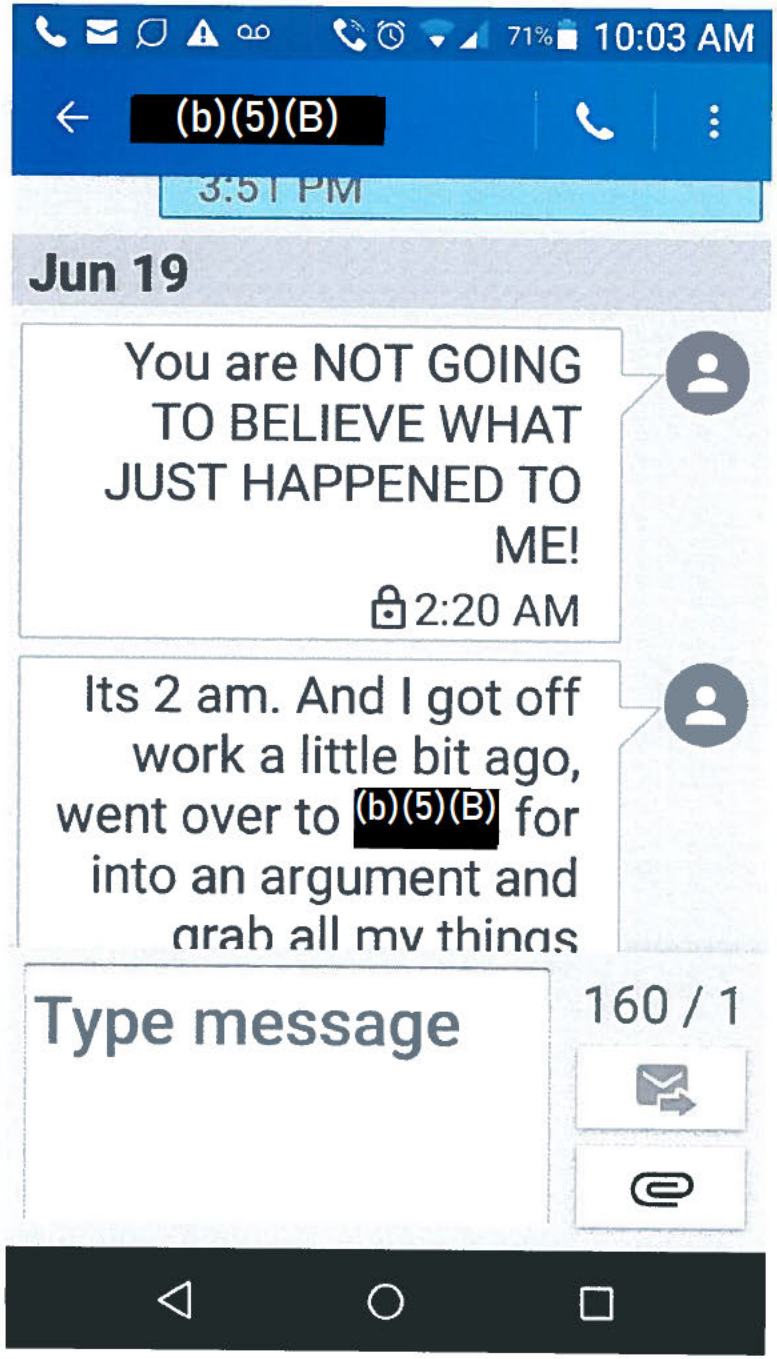
Although there have been many calls he has learned to handle, there are still commonly received calls he needs to be exposed to or needs more exposure to while on training if possible and I recommend he try to get these calls during the rest of his training. He needs more exposure to mentally ill persons (5150's), rape investigations, more juvenile contacts and burglary investigations.

Deputy Fischer has met the expectations and requirements of his second field phase. It is therefore my recommendation Deputy Fischer be allowed to progress and continue on with the rest of his field training as planned. It has been my pleasure to have been able to assist him during this phase of his training and I will continue to make myself available to him now and in the future should he need additional assistance or have further questions. GOOD JOB!!

SIGNATURES

TRAINEE:	DATE:	FTO:	DATE:	TRAINING SGT:	DATE:
[signature]	9-5-14	[signature]	9.5.14	[signature]	9/8/14

RELEASED FROM I.A. FILES
TO



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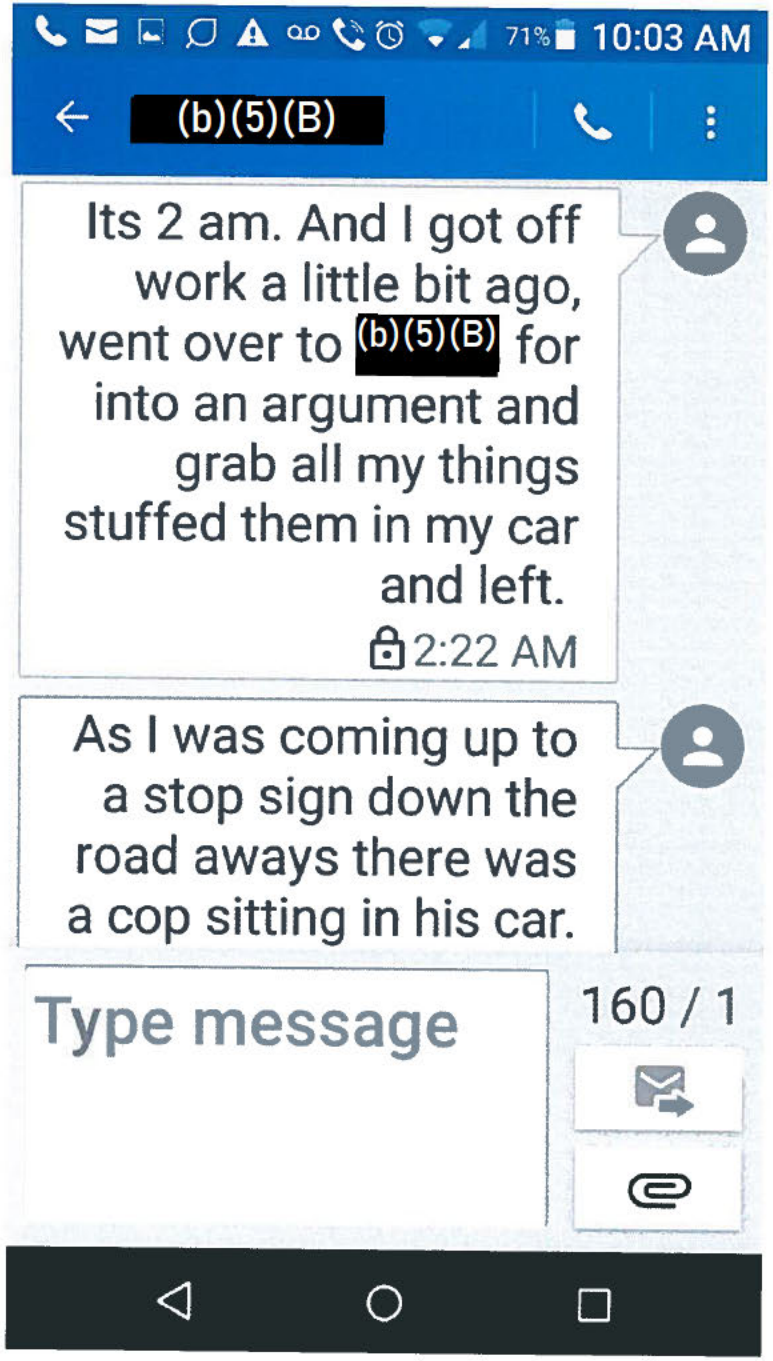

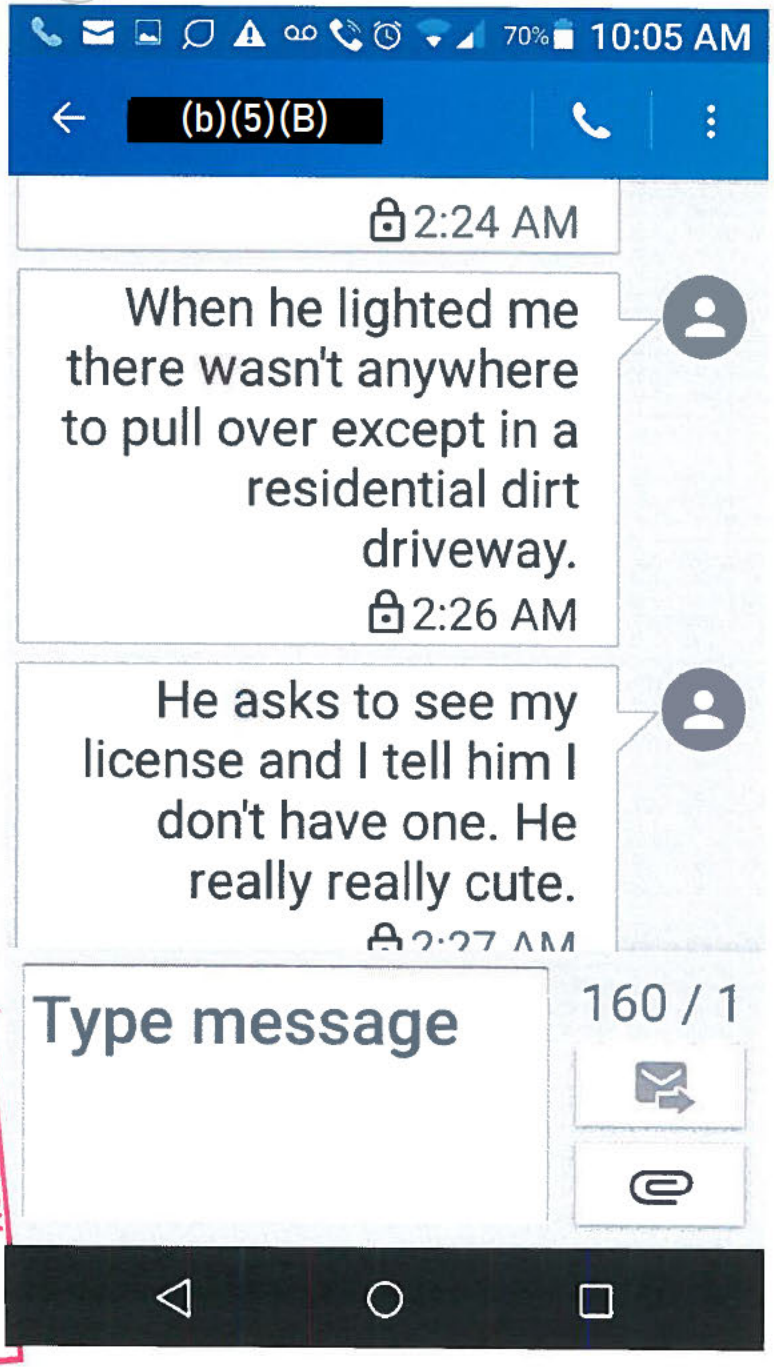

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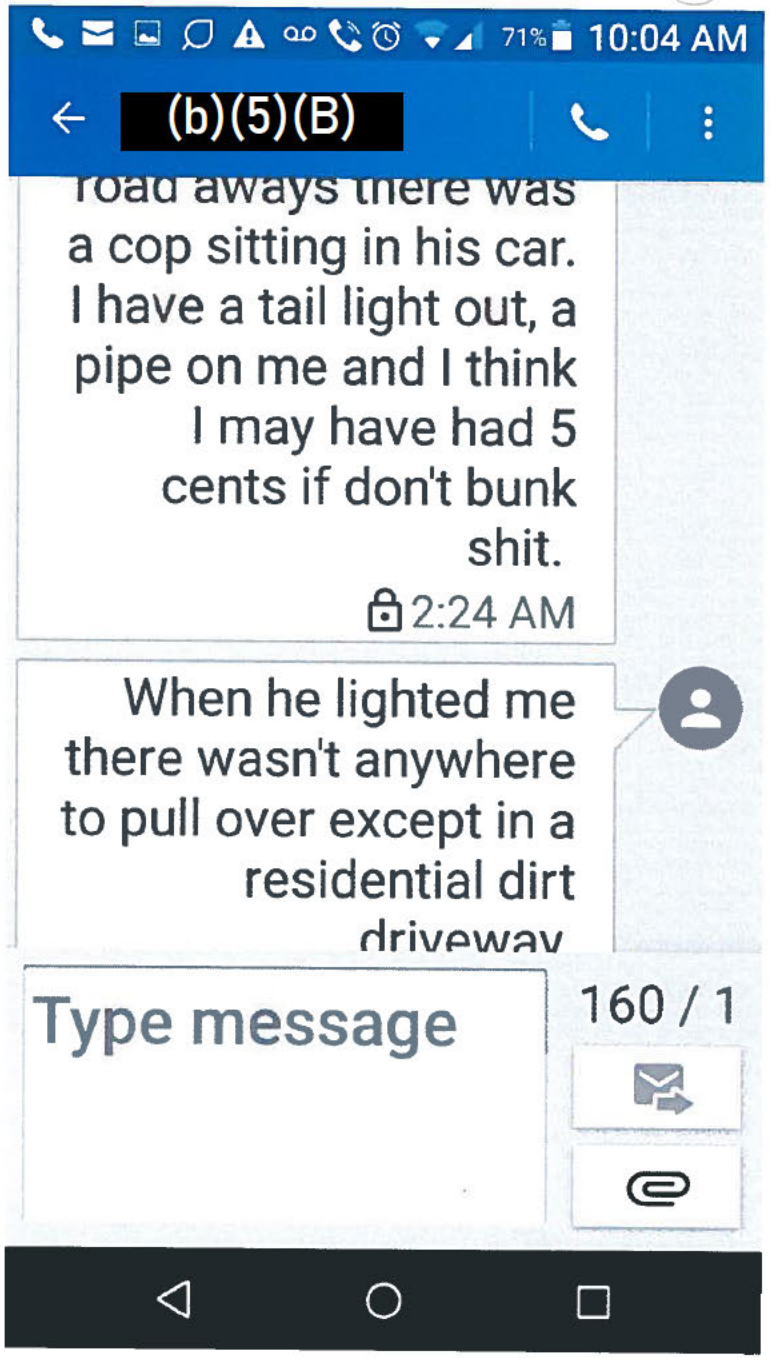

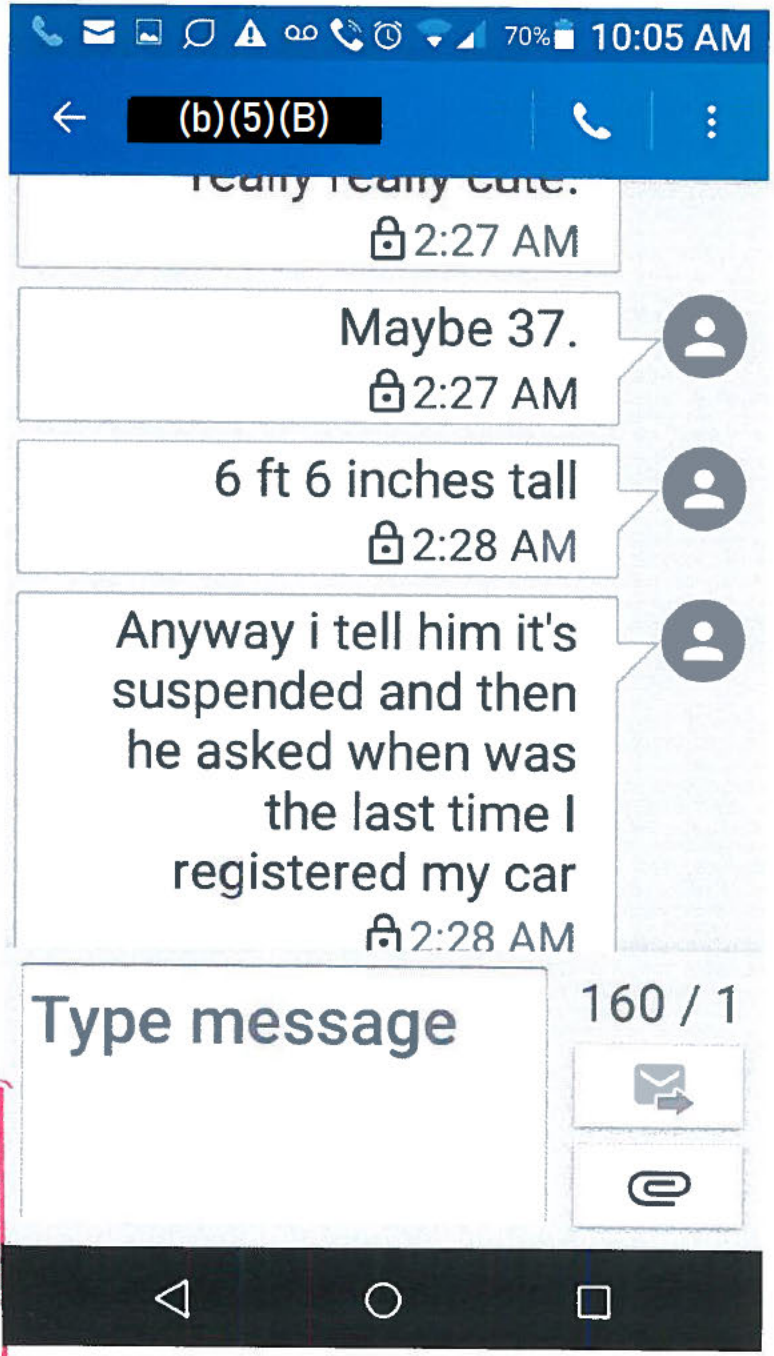

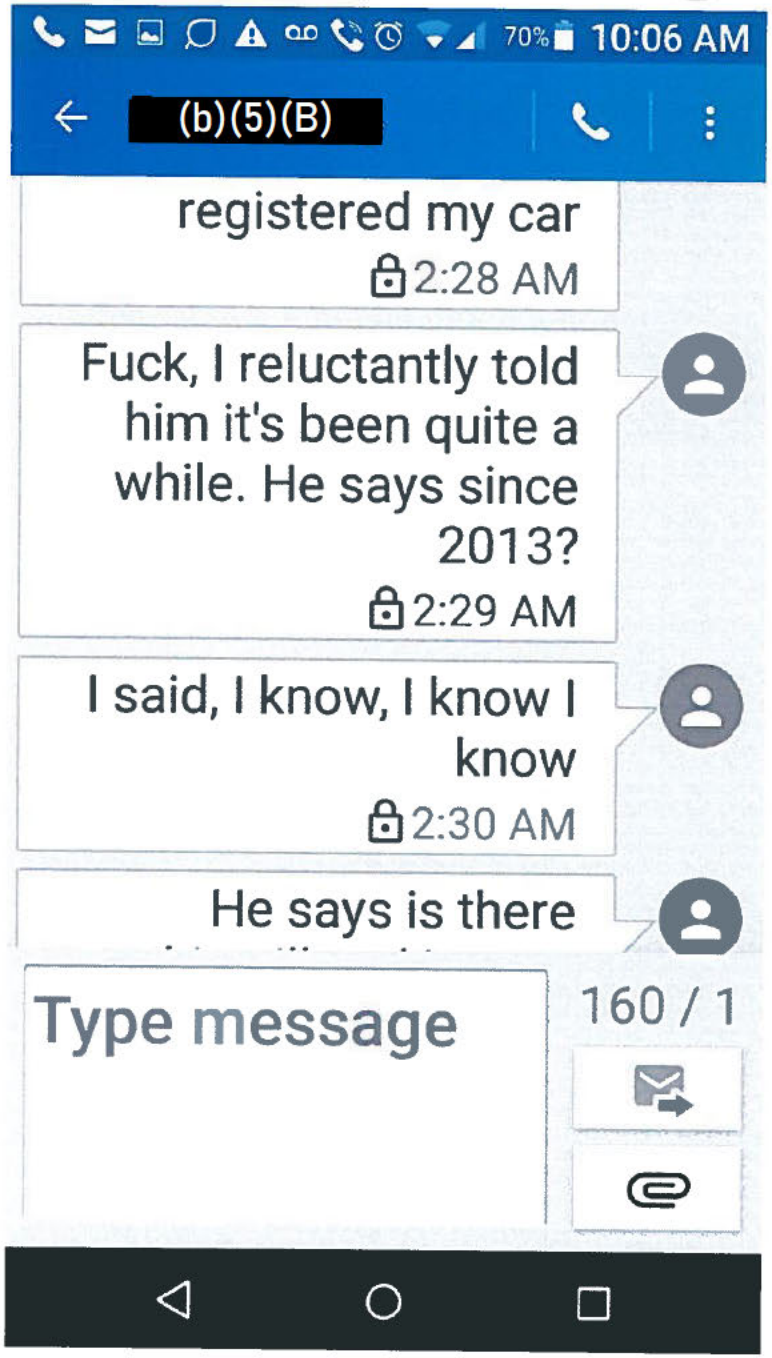

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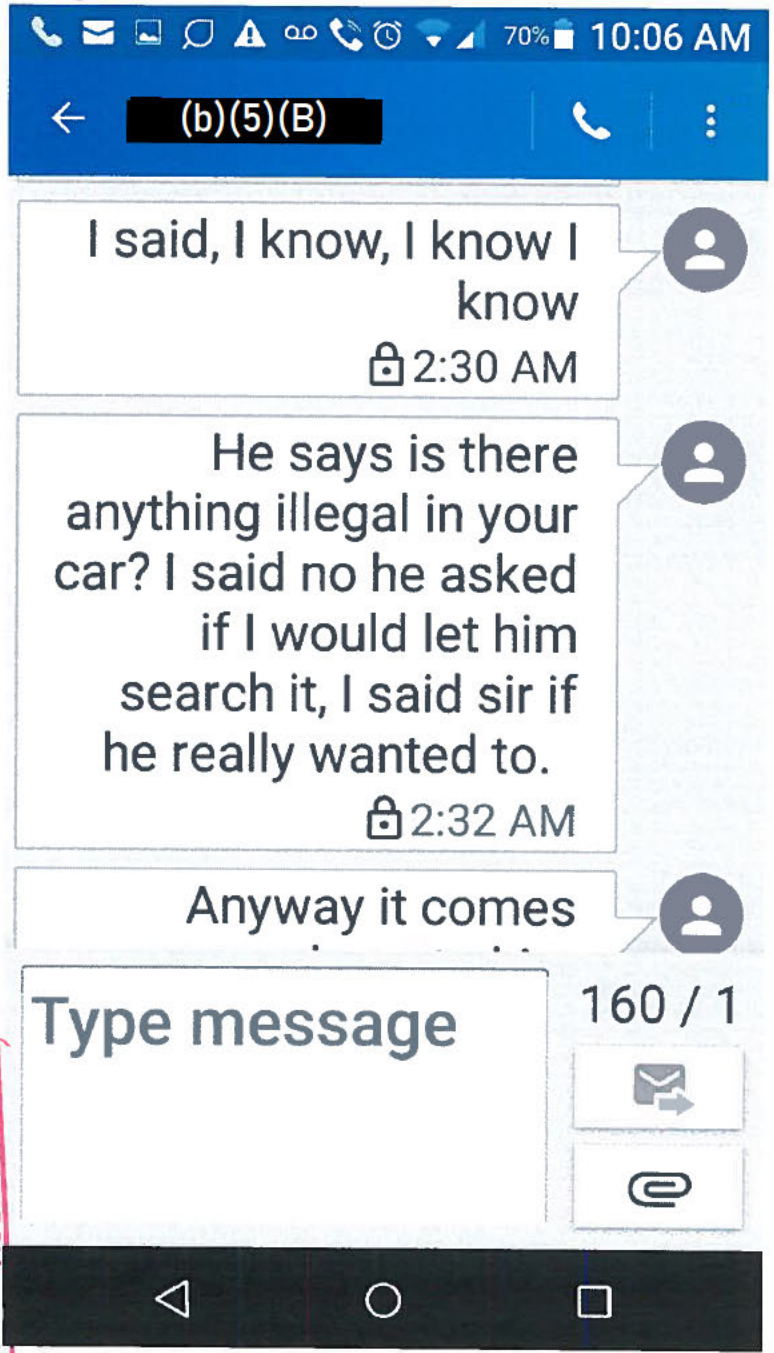

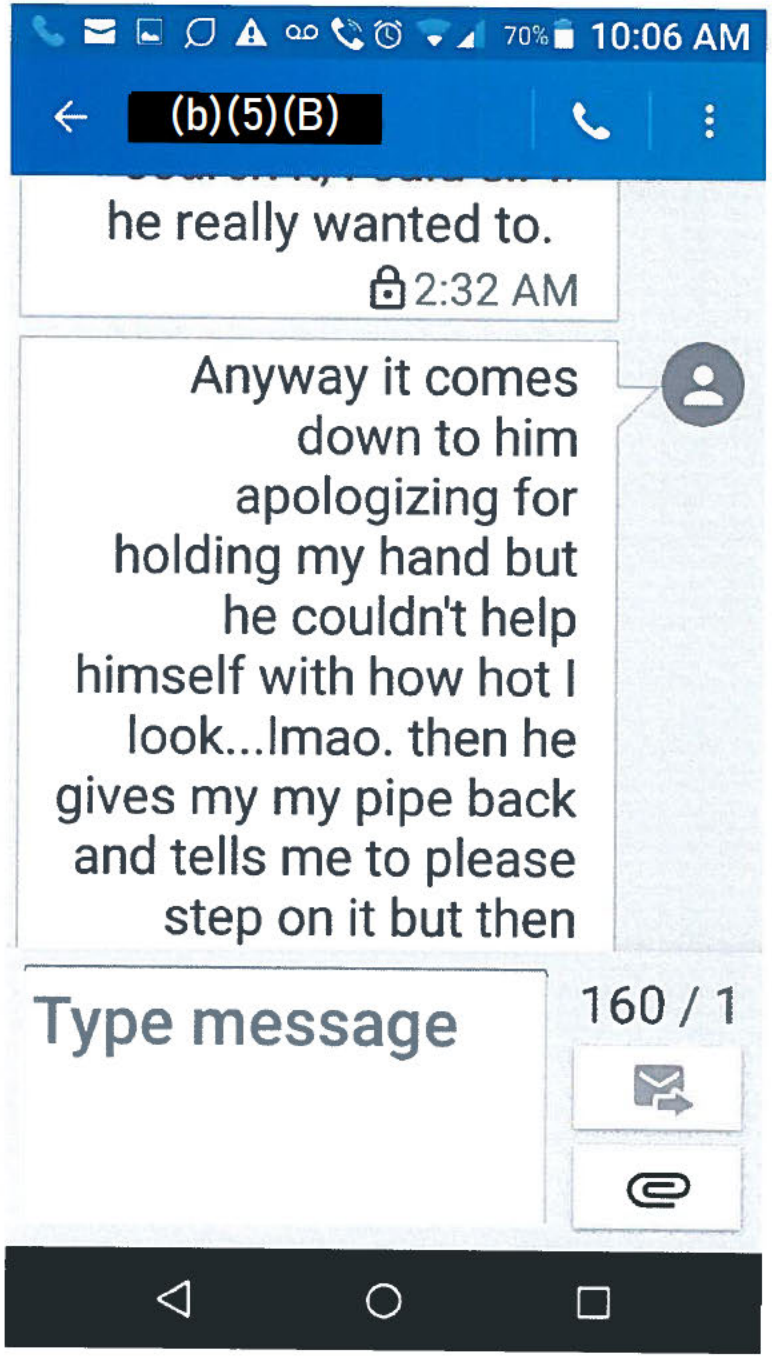

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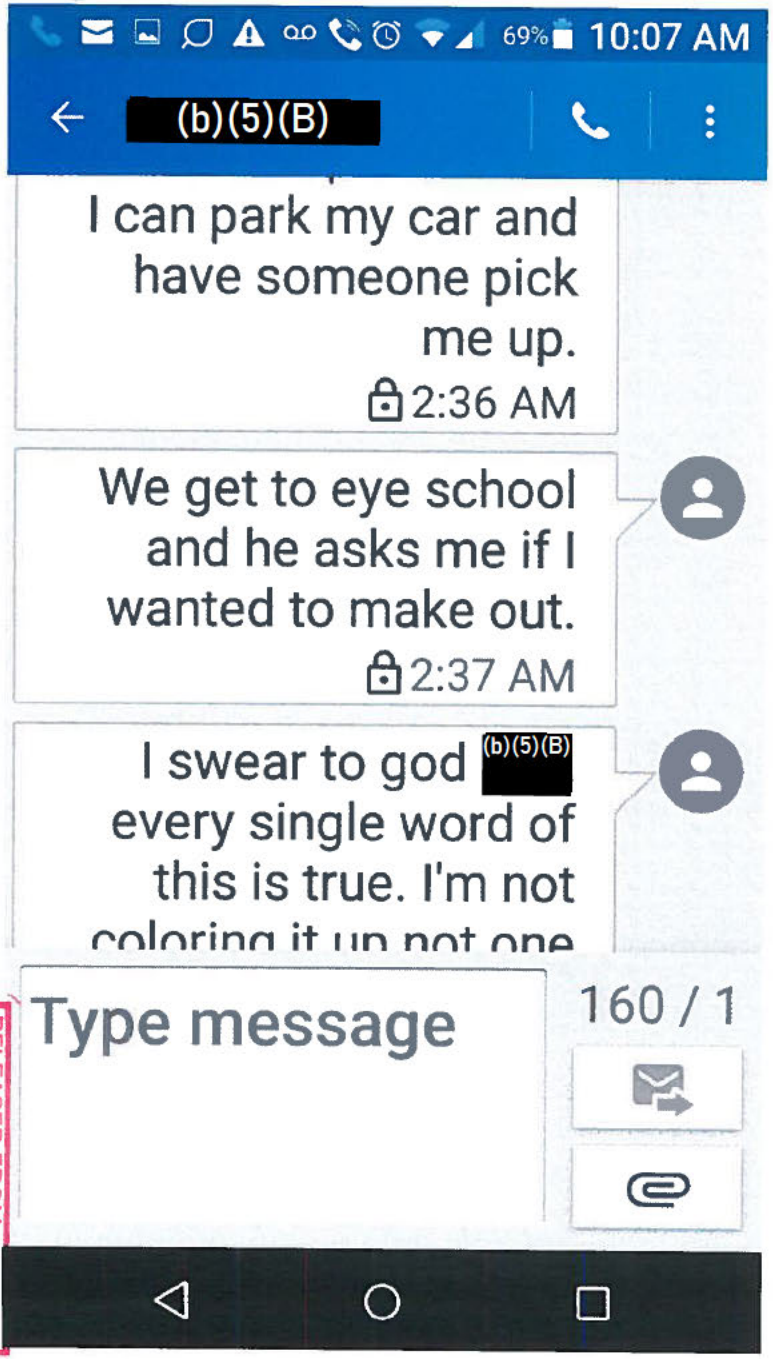

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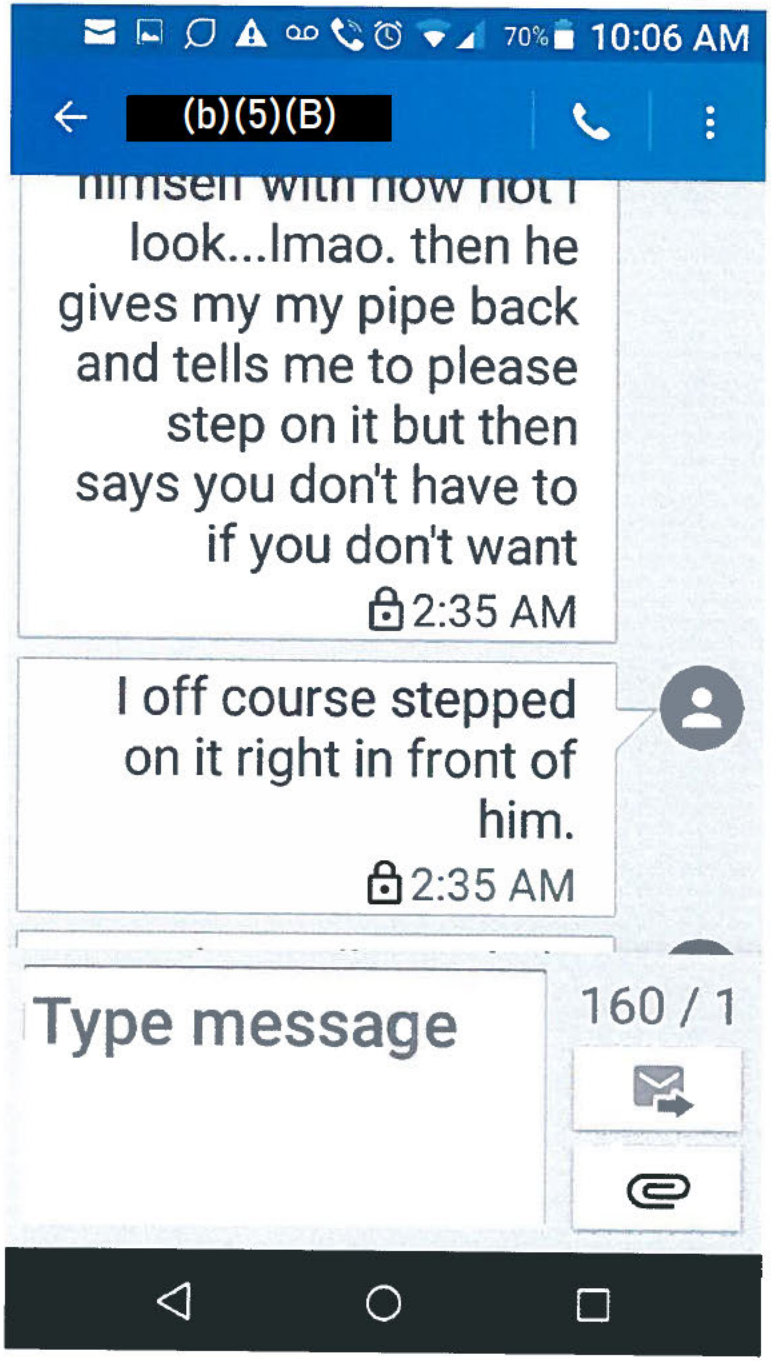

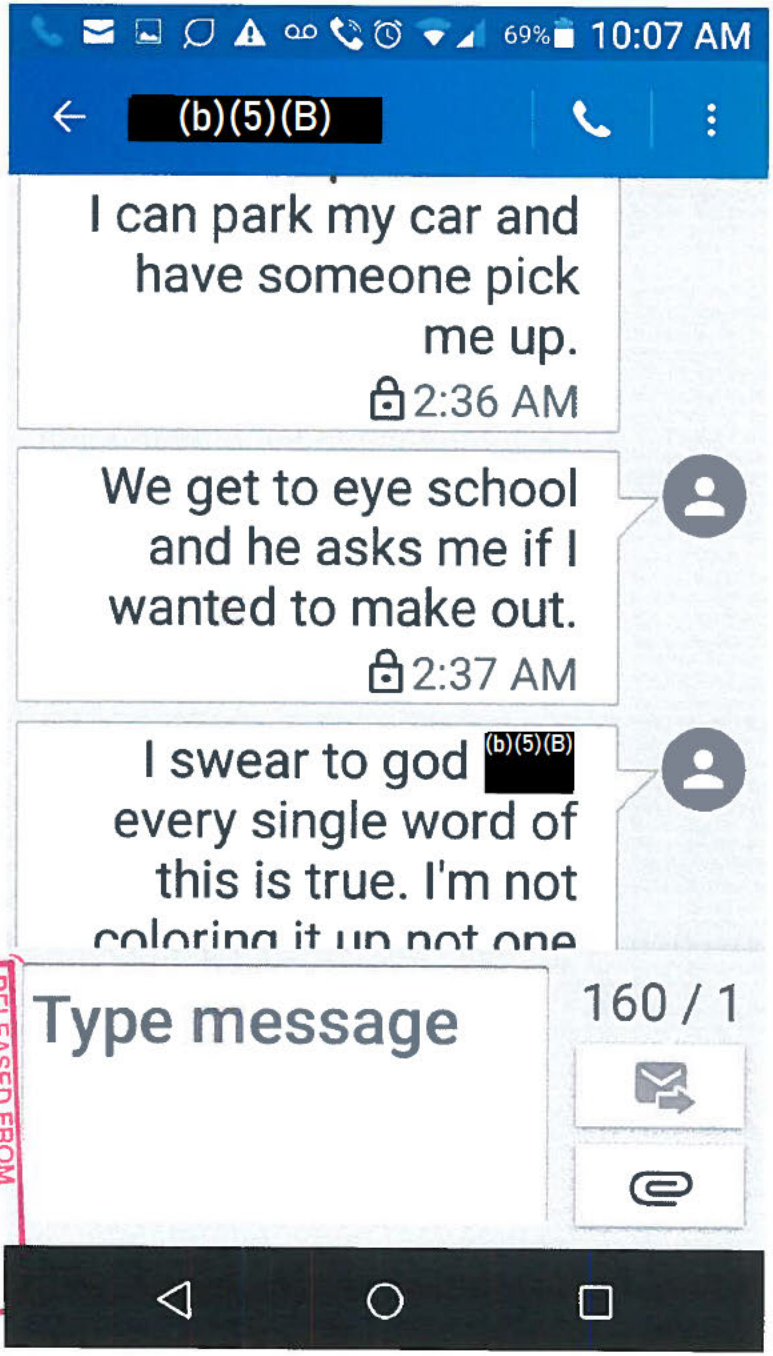

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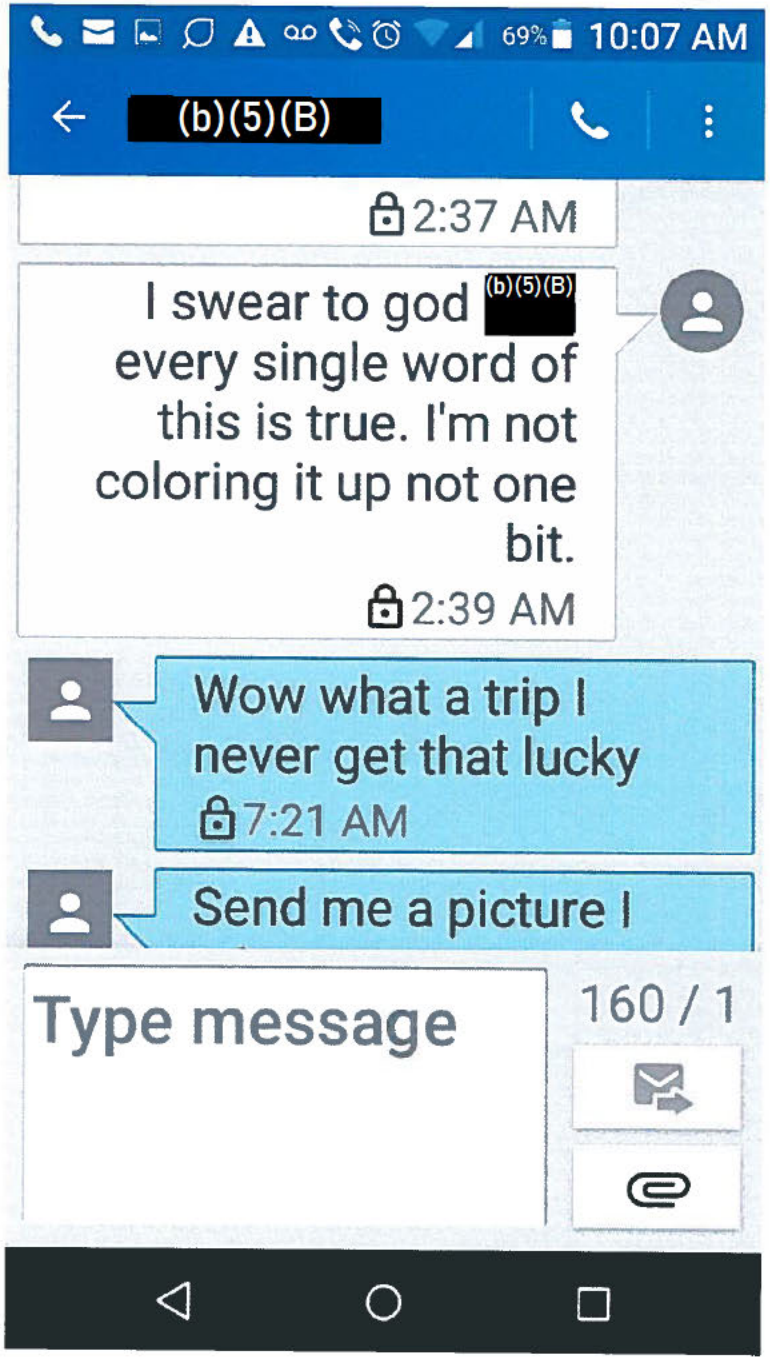

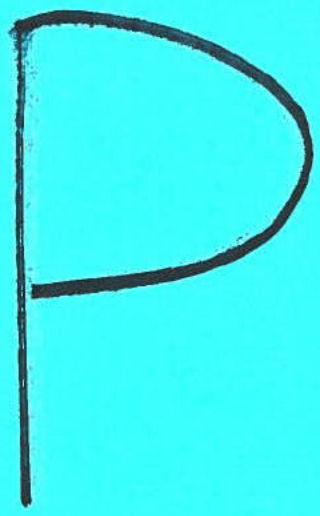

CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E4368817	Saturday August 19, 2017 08/19/17 7:05:12 PM	RFRAUD	(b)(5)(B)	(b)(5)(B)	ph09	91P7C	08/19/17 8:47:26 PM		SMCD	354	IO,	

RP INFO

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Saturday August 19, 2017						
08/19/17 7:05:11 PM					(b)(5)(B)	LAST WEDNESDAY..... HAS POSS S' INFO..... NFD
08/19/17 7:05:12 PM						(b)(5)(B)
08/19/17 7:05:12 PM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
08/19/17 7:05:12 PM						(b)(5)(B)
08/19/17 7:05:12 PM					(b)(5)(B)	** LOI search completed at 08/19/17 19:05:12
08/19/17 7:07:10 PM						(b)(5)(B)
08/19/17 7:07:10 PM						
08/19/17 7:07:10 PM						
08/19/17 7:07:10 PM						
08/19/17 7:07:10 PM						
08/19/17 7:07:10 PM						
08/19/17 7:07:10 PM					(b)(5)(B)	#2 WELCK
08/19/17 7:07:10 PM						** Event held for 5 minutes and unit (EAST)
08/19/17 7:50:05 PM	91P7C	DP	RFRAUD	(b)(5)(B)		
08/19/17 7:50:06 PM	91P7C	AK	RFRAUD			
08/19/17 8:26:09 PM	91P7C	CO	RFRAUD			Preempt:CAD AUTOMATIC PREEMPT
08/19/17	91P7C	AM	RFRAUD			Preempt:CAD AUTOMATIC PREEMPT

RELEASED FROM I.A. FILES
TO

8:26:09 PM				
08/19/17 8:26:09 PM			(b)(5)(B)	Preempt:CAD AUTOMATIC PREEMPT
08/19/17 8:26:09 PM				** Event held for 1 minutes and unit 91P7C
08/19/17 8:26:25 PM				[redacted]
08/19/17 8:26:25 PM				
08/19/17 8:26:25 PM				
08/19/17 8:26:25 PM				
08/19/17 8:26:25 PM				
08/19/17 8:26:25 PM				
08/19/17 8:26:25 PM			(b)(5)(B)	BROKE FOR 415J
08/19/17 8:47:26 PM	91P7C	DP	RFRAUD	(b)(5)(B) [redacted]
08/19/17 8:47:59 PM	91P7C	AK	RFRAUD	
08/19/17 9:28:52 PM				[redacted]
08/19/17 9:28:52 PM				
08/19/17 9:28:52 PM				
08/19/17 9:28:52 PM				
08/19/17 9:28:52 PM				
08/19/17 9:28:52 PM				
08/19/17 9:28:52 PM	91P7C	AM	IO	(b)(5)(B) [redacted] SAID PEOPLE WERE ATTEMPTING TO OPEN ACCTS BUT UNSUCCESSFUL. REQ FOR DOCUMENTATION AND WANTS EVENT # FOR DOC ONLY. I ADV TO CALL BACK IF FURTHER ACTIVITY
08/19/17 9:28:52 PM			(b)(5)(B) [redacted]	(b)(5)(B) [redacted] SAID PEOPLE WERE ATTEMPTING TO OPEN ACCTS BUT UNSUCCESSFUL. REQ
08/19/17 9:28:52 PM				FOR DOCUMENTATION AND WANTS EVENT # FOR DOC ONLY. I ADV TO CALL BACK IF FURTHER
08/19/17 9:28:52 PM				ACTIVITY

TeamCAD
Data Services Division
San Diego County Sheriff's Department

RELEASED FROM I.A. FILES
TO

(b)(5)(B)

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE:_____ TIME:_____ Card left/UL:_____

NAME:_____

ADDRESS:_____

PHONE NUMBER:_____

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:

_____

_____

_____

_____

_____

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

_____

_____

_____

Interviewed By:_____

Follow-Up Required? Yes / No

RELEASED FROM
I.A. FILES
TO_____

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: 1330 Card left/UL: _____

NAME: (b)(5)(B)

ADDRESS (b)(5)(B)

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
HER IDENTITY STOLEN - SHE FILED A REPORT. DEPUTY FISCHER RESPONDED. RESPONSE AROUND 8 pm.

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES? DEPUTY FISCHER HUGGED (b)(5)(B) 2 times → see over for additional →

Interviewed By: Amber Baggs

Follow-Up Required? Yes / No

Detective PENA NOTIFIED 12/11/17

RELEASED FROM I.A. FILES
TO: _____

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: _____ Card left/UL: _____

NAME: (b)(5)(B)

ADDRESS: (b)(5)(B)

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? (YES) / NO

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:

Serving a subpoena

older call - alarm call (Yes)

WERE YOU TREATED PROFESSIONALLY? (YES) / NO - 1 deputy.

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? (YES) / NO

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

Very helpful -

Interviewed By: Amber BAGGS

Follow-Up Required? Yes / (NO)

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I.A. FILES
TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12/11/17 TIME: ~~12:36~~ 1330 Card left/UL: _____

NAME: (b)(5)(B) left v-mail

ADDRESS

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
Suspicious men. she's not sure what happened w/ the call. Her guess is officers came by. or the 2 men just left.

WERE YOU TREATED PROFESSIONALLY? *YES / NO* N/A

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?
NO

Interviewed By: Amber Baggs
Follow-Up Required? Yes / No

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TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: 1452 Card left/UL: _____

NAME: (b)(5)(B)

ADDRESS: (b)(5)(B)

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES* / *NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
called about neighbors. Having a big fight.

WERE YOU TREATED PROFESSIONALLY? *YES* / *NO* absolutely.

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES* / *NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?
All. they were prompt & courteous
- unknown if multiple deputies

Interviewed By: Amber Baggs
Follow-Up Required? Yes / ~~No~~

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TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: _____ Card left/UL: _____

NAME: (b)(5)(B)

ADDRESS: (b)(5)(B)

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES* / *NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
midnight - guy knocking on door -
He was gone when deputies arrived

WERE YOU TREATED PROFESSIONALLY? *YES* / *NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES* / *NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?
Everything was great -

Interviewed By: Amber Baggs

Follow-Up Required? Yes / No

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TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12/11/17 TIME: 1530 Card left/UL: _____

NAME: (b)(5)(B)

ADDRESS:

PHONE NUMBER (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES* / *NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
was paralyzed + was stuck between bed - grateful for deputies

WERE YOU TREATED PROFESSIONALLY? *YES* / *NO* absolutely

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES* / *NO*
absolutely

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

grateful for deputies

Interviewed By: Amber BAGGS
Follow-Up Required? Yes / No

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TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: ~~1425~~ 1548 Card left/UL: _____

NAME: (b)(5)(B) & mailbox

ADDRESS: (b)(5)(B)

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? (YES) / NO

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
We have renovations & contractors trailer was outside.
- there were unknown men outside.
- sheriff's quickly arrived. 2 people contacted
- more than 2 deputies responded

WERE YOU TREATED PROFESSIONALLY? (YES) / NO absolutely. Did a great job.

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? (YES) / NO

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?
they got there quickly. They did a good job!

Interviewed By: Amber Bass

Follow-Up Required? Yes / (No)

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TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: 1325 1600 Card left/UL: (b)(5)(B) (husband)

NAME: (b)(5)(B)

ADDRESS:

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES* / *NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
2 men looking in cars. No deputies responded personally. They ran across - saw 1 deputy came in area.

WERE YOU TREATED PROFESSIONALLY? *YES* / *NO* - No deputy contact

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES* / *NO*
well she had NO contact w/ the deputy

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?
- she was left wondering what happened.
- she would want to know if they were caught.
- (

Interviewed By: AMBER BAGGS
Follow-Up Required? Yes / No

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TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: ~~1255~~ 1500 Card left/UL: front door

NAME: (b)(5)(B)

ADDRESS: (b)(5)(B)

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
called twice referring neighbor trespassing
1 male deputy - 30's - dark haired

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*
But not a lot of follow-up.

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES? No they were good.
felt like she was Not a nuisance.

Interviewed By: AMBER BAGGS
Follow-Up Required? Yes / No

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TO

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12/14/17 TIME: 0956 Card left/UL:_____

NAME: (b)(5)(B)

ADDRESS:

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
Neighbors had a party after a football game - Too loud or too long.

WERE YOU TREATED PROFESSIONALLY? *YES / NO* But I only just spoke to dispatcher no deputy contact

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO* the noise stopped

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?
NO. I just spoke to the dispatcher

Interviewed By: Amber Baggs

Follow-Up Required? ~~YES~~ / NO

NO

RELEASED FROM I.A. FILES
TO_____

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-12-17 TIME: 10:54 Card left/UL: _____

NAME: (b)(5)(B)

ADDRESS: (b)(5)(B)

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? (YES) / NO

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:
called 911 - all lights on - Burglary - entire house was ransacked
-had 1 glock - told them the gun could be missing & he said it was not missing. But it was missing. He did not verify it was missing from the box.

WERE YOU TREATED PROFESSIONALLY? YES / NO - for the most part, but felt deputies treated them like they were only 21 yrs old Kid.
WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? (YES) / NO

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES? NO. They were friendly.. they did help.

Interviewed By: Amber Baggs
Follow-Up Required? Yes / (No)

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TO:

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE:_____ TIME:_____ Card left/UL:_____

NAME:_____ (b)(5)(B)

ADDRESS:_____

PHONE NUMBER: (b)(5)(B) → BAD #

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:

_____

_____

_____

_____

_____

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

_____

_____

_____

Interviewed By:_____

Follow-Up Required? Yes / No

RELEASED FROM I.A. FILES

TO_____

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE:_____ TIME:_____ Card left/UL:_____

NAME:_ (b)(5)(B)

ADDRESS

PHONE NUMBER:_ (b)(5)(B) - Vm

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:

_____

_____

_____

_____

_____

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

_____

_____

_____

Interviewed By:_____

Follow-Up Required? Yes / No

RELEASED FROM
I.A. FILES
TO_____

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE:_____ TIME:_____ Card left/UL:_____

NAME:_____ (b)(5)(B)

ADDRESS:_____

PHONE NUMBER:_____ (b)(5)(B) - Left VM

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:

_____

_____

_____

_____

_____

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

_____

_____

_____

Interviewed By:_____

Follow-Up Required? Yes / No

RELEASED FROM
I.A. FILES
TO_____

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE: 12-11-17 TIME: 12:28 Card left/UL: w/ mable

NAME: (b)(5)(B)

ADDRESS

PHONE NUMBER: (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

Interviewed By:

Follow-Up Required? Yes / No

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COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

QUALITY CONTROL FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DATE:_____ TIME:_____ Card left/UL:_____

NAME:_____ (b)(5)(B)

ADDRESS:_____

PHONE NUMBER:_____ (b)(5)(B)

A REVIEW OF OUR RECORDS INDICATES YOU OR SOMEONE IN YOUR HOME HAD CONTACT WITH THE SHERIFF'S DEPARTMENT WITHIN THE LAST 12 MONTHS, IS THAT CORRECT? *YES / NO*

IF YES, CAN WE ASK YOU ABOUT THE NATURE OF THE CONTACT:

_____

_____

_____

_____

_____

WERE YOU TREATED PROFESSIONALLY? *YES / NO*

WAS THE INCIDENT/EVENT RESOLVED APPROPRIATELY IN YOUR OPINION? *YES / NO*

IS THERE ANYTHING ADDITIONAL YOU WOULD LIKE TO SHARE REGARDING YOUR EXPERIENCE WITH OUR DEPUTIES?

_____

_____

_____

Interviewed By:_____

Follow-Up Required? Yes / No

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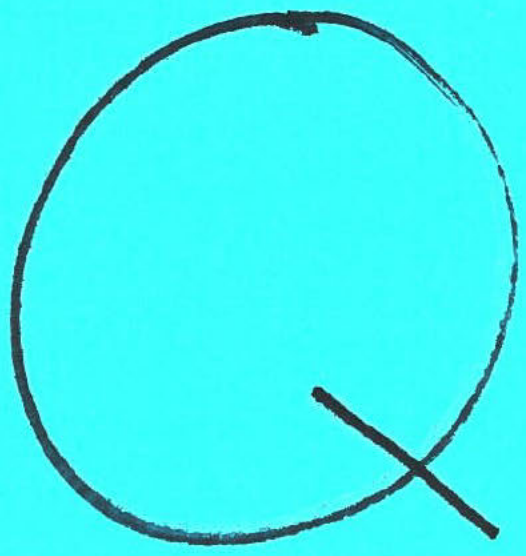
I.A. FILES
TO_____



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E4369508	Sunday August 20, 2017 08/20/17 4:39:01 AM	WELCK	(b)(5)(B)	ph12		91P3C	08/20/17 4:39:27 AM	08/20/17 4:48:44 AM	SMCD	356	OK,	

RP INFO

PERSON INFORMATION

NAME	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	AGE	DOB	REMARKS
(b)(5)(B)									UNK EXACT DAY - SISTER

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
BLU	2002	CHEV	BLAZER			PC	2017

91P3C- GALVAN
91P7C- FISCHER

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Sunday August 20, 2017						
08/20/17 4:38:59 AM					(b)(5)(B)	(b)(5)(B)
08/20/17 4:38:59 AM						==CHP XFER==
08/20/17 4:38:59 AM						+++++++++INFO 10-5 RP'S FATHER+++++++++
08/20/17 4:38:59 AM						10 MINS AGO....RECEIVED PHONE CALL FROM RP'S FATHER STATING RP'S SISTER IS POSS
08/20/17 4:38:59 AM						1145....
08/20/17 4:38:59 AM						FATHER RECEIVED A TEXT FROM SISTER SOMETIME IN THE NIGHT....TEXT WAS IN REF TO A
08/20/17 4:38:59 AM						SONG THAT HAD TO DO WITH SUICIDE...SONG IS MURDER IN THE CITY BY ABBET
08/20/17 4:38:59 AM						BROTHERS....
08/20/17 4:38:59 AM						SISTER SPECIFICALLY TOLD THEIR FATHER TO LISTEN TO THE LAST LINE OF THE SONG
08/20/17 4:38:59 AM						THAT REF 1145....
08/20/17 4:38:59 AM						SISTER IS DIAGNOSED WITH BIPOLAR....UNK IF CURRENT ON MEDS...NO HX OF
08/20/17 4:38:59 AM						HBD/115/WPNS....
08/20/17 4:38:59 AM						NO HX OF 1145 IDEATIONS/ATTEMPTS....
08/20/17 4:38:59 AM						LIVES ALONE...NO PETS....
08/20/17 4:38:59 AM						SISTER'S PHONE # IS (b)(5)(B) ...SISTER IS NOT ANSWERING RP'S CALLS....
08/20/17 4:39:01 AM						** PER search completed at 08/20/17 04:39:01
08/20/17 4:39:01 AM						** VEH search completed at 08/20/17 04:39:01
08/20/17 4:39:02 AM						
08/20/17 4:39:02 AM						
08/20/17 4:39:02 AM						
08/20/17						

(b)(5)(B)

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4:39:02 AM				(b)(5)(B)	** LOI search completed at 08/20/17 04:39:02
08/20/17 4:39:10 AM					CLETS QUERY RECORD: #53070714
08/20/17 4:39:27 AM	91P3C	DP	1145	(b)(5)(B)	
08/20/17 4:39:53 AM				(b)(5)(B)	NO MEANS MENTIONED...
08/20/17 4:39:55 AM	91P3C	ER	1145	(b)(5)(B)	
08/20/17 4:39:57 AM	91P7C	DP	1145		
08/20/17 4:40:00 AM	91P7C	ER	1145		
08/20/17 4:40:50 AM				(b)(5)(B)	RP REQ 1021 WITH DISPO IF POSS...NFD
08/20/17 4:40:56 AM					BC
08/20/17 4:40:57 AM				(b)(5)(B)	
08/20/17 4:40:57 AM					
08/20/17 4:40:57 AM					
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08/20/17 4:40:57 AM					
08/20/17 4:40:57 AM				(b)(5)(B)	..
08/20/17 4:48:44 AM	91P7C	ON	1145	(b)(5)(B)	
08/20/17 4:48:45 AM	91P3C	ON	1145		
08/20/17 4:49:08 AM				(b)(5)(B)	WAOET
08/20/17 4:49:08 AM					.
08/20/17 4:51:26 AM					91P3C -- UL ON (b)(5)(B)..NO ANSWER....CB RP TO CONFIRM THE UNIT NUMBER
08/20/17 4:51:27 AM	91P3C	EC	1145	(b)(5)(B)	91P3C -- UL ON (b)(5)(B)..NO ANSWER....CB RP TO CONFIRM THE UNIT NUMBER
08/20/17 4:51:33 AM				(b)(5)(B)	** CALL BACK MESSAGE #26605714 initiated at 08/20/17 04:51:33 from vtad
08/20/17 4:51:33 AM					91P3C/E4369508 : 1145: SEE LAST....TKS....1145(default), E4369508
08/20/17 4:51:34 AM	91P3C	CO	1145		** CALL BACK MESSAGE #26605714 initiated at 08/20/17 04:51:33 from vtad
08/20/17 4:51:50 AM				(b)(5)(B)	PH12 1022
08/20/17 4:52:09 AM					10-4 TO 1022

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08/20/17 4:52:39 AM				(b)(5)(B)	..
08/20/17 4:53:18 AM					RP IS BACK ON THE PHONE , HE STATES IT'S THE MANAGER'S APT AND IT'S NEAR THE
08/20/17 4:53:18 AM					ENTRANCE OF THE MHP, SHOUOLD BE ON THE LEFT HAND SIDE..
08/20/17 4:53:54 AM					BCAST
08/20/17 4:54:11 AM					HUNG-UP..
08/20/17 4:54:41 AM					91P3C -- 10-4
08/20/17 4:54:43 AM	91P3C	EC	1145	(b)(5)(B)	91P3C -- 10-4
08/20/17 4:58:55 AM	91P3C	UC	1145		Alarm Timer Extended: 10
08/20/17 4:58:55 AM	91P7C	UC	1145		Alarm Timer Extended: 0
08/20/17 4:58:55 AM				(b)(5)(B)	Alarm Timer Extended: 10
08/20/17 4:58:55 AM					Alarm Timer Extended: 0
08/20/17 5:02:47 AM					91P3C -- 51 ON SUBJ UF ON 1145 CHG TO WELCK
08/20/17 5:02:48 AM	91P3C	EC	1145	(b)(5)(B)	91P3C -- 51 ON SUBJ UF ON 1145 CHG TO WELCK
08/20/17 5:02:52 AM					(b)(5)(B)
08/20/17 5:02:52 AM					
08/20/17 5:02:52 AM					
08/20/17 5:02:52 AM					
08/20/17 5:02:52 AM					
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08/20/17 5:02:52 AM					
08/20/17 5:02:52 AM					
08/20/17 5:02:52 AM					
08/20/17 5:02:52 AM				(b)(5)(B)	** Event Type changed from 1145 to WELCK at: 08/20/17 05:02:52
08/20/17 5:02:52 AM					** Event Priority changed from 2 to 4 at: 08/20/17 05:02:52
08/20/17 5:02:52 AM					** >>>> by: (b)(5)(B) on terminal: vtad
08/20/17 5:02:52 AM					** >>>> by: [redacted] on terminal: vtad
08/20/17 5:03:28 AM	91P7C	AM	WELCK		
08/20/17 5:05:51 AM					(b)(5)(B)
08/20/17 5:05:51 AM					
08/20/17 5:05:51 AM					
08/20/17 5:05:51 AM					

TO

08/20/17 5:05:51 AM				(b)(5)(B)
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM				
08/20/17 5:05:51 AM	91P3C	AM	OK	CONT THE SUBJ. SHE DID NOT MEET CRITERIA FOR 5150. HOME APPEARED CLEAN. SUBJ STATED SHE JUST WANTED TO SHARE THE SONG WITH HER DAD. NO IDEAS OF SUICIDE. SUBJ TAKES HER BIPOLAR MEDS EVERY DAY.
08/20/17 5:05:51 AM				(b)(5)(B) CONT THE SUBJ. SHE DID NOT MEET CRITERIA FOR 5150. HOME APPEARED CLEAN. SUBJ
08/20/17 5:05:51 AM				STATED SHE JUST WANTED TO SHARE THE SONG WITH HER DAD. NO IDEAS OF SUICIDE. SUBJ
08/20/17 5:05:51 AM				TAKES HER BIPOLAR MEDS EVERY DAY.

TeamCAD
Data Services Division
San Diego County Sheriff's Department

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(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

Baggs, Amber

om: (b)(5)(B)
Sent: Thursday, January 25, 2018 3:36 PM
To: Baggs, Amber
Subject: AVL Pings Near 7-11 Location
Attachments: AVL near 7-11 Location.pptx

Sgt. Baggs--

Attached are Deputy Fischer's 2016 and 2017 AVL pings near the 711 at 1527 W. Mission Rd, San Marcos. Keep in mind the AVL data is not the most perfect data and I did a lot of the extraction manually so this may not reflect all of the times Deputy Fischer was in the area. I can, however, say pretty confidently that he was in the immediate area at least 4 times in 2016 and at least 19 times in 2017. The dates of the pings closest to 711 are:

8/11/2016
9/29/2016
10/29/2016
11/26/2016
4/23/2017
5/2/2017
5/3/2017
5/7/2017
5/8/2017
5/16/2017
5/29/2017
6/20/2017
6/21/2017
6/27/2017
7/2/2017
7/3/2017
7/5/2017
7/10/2017
7/18/2017
7/30/2017
7/31/2017
8/1/2017
8/6/2017

Please review the attached and let me know if there is anything more or further you would like to see broken out.

Thank you!

(b)(5)(B)
Crime and Intelligence Analyst
San Diego County Sheriff's Department

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RECEIVED
COUNTY COUNSEL
2017 NOV -2 AM 11:06
COUNTY OF SAN DIEGO
Time Stamp

CLAIM AGAINST THE COUNTY OF SAN DIEGO

(FOR DAMAGES TO PERSONS OR PERSONAL PROPERTY)

Received by via
U.S. Mail ☐
Inter-Office Mail ☐
Over the Counter ☒

File No: _____

A claim must be filed with the Claims Division of the County of San Diego within 6 months after which the incident or event occurred. Be sure your claim is against the County of San Diego, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph and number. Completed claims must be mailed or delivered to:

County of San Diego, Claims Division, 1600 Pacific Highway, Room 355, San Diego, CA 92101- Phone (b)(5)(B)

TO THE HONORABLE BOARD OF SUPERVISORS – THE COUNTY OF SAN DIEGO, CALIFORNIA

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

Claimant Information

Last Name	First Name	Middle Name
(b)(5)(B)	(b)(5)(B)	"Jane Doe"
Street Address	**City**	**Zip**
See Below	See Below	See Below
Home Phone (include area code)	**Work Phone (include area code)**	**E-mail Address**
(b)(5)(B)	(b)(5)(B) (f)	(b)(5)(B)
Birth Date	**Driver's License Number**	
Private	Private	

Name, telephone and post office address to which claimant desires notices to be sent, if other than above:
C/O Gilleon Law Firm, 1320 Columbia St., Ste. 200, San Diego, CA 92101

Claim Information

Date of Occurrence or Event from which the claim arises:	Time of Occurrence or Event from which the claim arises:
August 20, 2017	4:00 a.m.

Location, including address (if none, nearest cross street) and city:
Claimant's home within San Diego County.

Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary):
See attached.

State how or wherein the County of San Diego or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury:
See attached.

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Give a description of the property damage or loss, as is known at the time of the claim:
Give a description of the injury, as is known at the time of the claim: See attached.
Social Security Number (required for Federal reporting requirements): Private
Name and address of any other person injured:
Name and address of the owner of any damaged property:

Damages Claimed

Amount claimed as of this date: $_____

Estimated amount of future costs: $_____

Total amount claimed: $_____

Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc):
Exceeds $10,000, would be filed as civil unlimited.

Damaged Vehicle (if applicable)

Make:	Model:	Year:
License Plate Number:	Mileage:	
Insurance Company:	Policy Number:	

Additional Information

Names and Address of witnesses, hospitals, doctors, etc:

A.

B.

C.

Any additional information that might be helpful in considering this claim:

➢ WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (PENAL CODE § 72; INSURANCE CODE § 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this First day of November, 2017 at San D

(b)(5)(B)

Gilleon Law Firm

Attorney's For Claimant

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ATTACHMENT TO CLAIM

On August 20, 2017, at approximately 4 am, Claimant (b)(5)(B) ("Jane Doe") was sexually assaulted by San Diego County Sheriff's deputy, Richard Fischer. As Jane Doe has reported to Sheriff's officials on multiple occasions, at around 3 am Fischer first arrived at Jane Doe's home with another deputy for a welfare check, which stemmed from an earlier, errant communication between Jane Doe and her father on the east coast, who mistakenly believed his daughter might be in peril. The two deputies quickly learned that Jane Doe, who was all alone in her home, was perfectly fine. They both left.

About an hour later, Fischer returned, by himself this time, and knocked on Jane Doe's door. Fischer lied to her and said he needed to use her restroom. Jane Doe let him into her home, but immediately realized the restroom claim was just a ruse to get in the house. Fischer stood close to Jane Doe and began to hit on her her by saying, "I think you're cute." He then gave Jane Doe a 10 second hug, without her consent, during which his chest rubbed and embraced her breasts which were not supported by a bra (as she was in her sleep attire). Fischer's hands rubbed and fondled Jane Doe's torso, shoulders, arms, back and buttocks. After the hug was over, Fischer looked at her, and commented again that he thought she was good looking. Fischer then hugged Jane Doe again, which she resisted more aggressively.

Jane Doe was terrified, yet she was able to order Fischer to leave her home. In total, Fischer was in Jane Doe's house for 7 to 10 minutes.

The causes of action against Fischer and the Sheriff's Department include sexual assault and battery; civil rights violence/deprivations; infliction of emotional distress; sexual harassment; negligent failure to prevent sexual harassment/battery and negligent hiring/retention/training/supervision ((b)(5)(B) to recover economic and non-economic damages exceeding $6,000,000.

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Investigator's Report

DATE (occurrence): August 20, 2017

TIME (Occurrence): 0300 Hours (Approximately)

LOCATION: (b)(5)(B)

SUBJECT INTERVIEWED:

(b)(5)(B)

On **November 8, 2017,** I was contacted by (b)(5)(B) of "The Gilleon Law Firm." (b)(5)(B) requested, I interview a current client of his named . set up an appointment for the interview at Ms. 's home.

On **November 8, 2017,** at approximately 1435 hours, I interviewed Ms. . The interview took place in her living room with no one else present. I recorded the interview with my digital recorder. I transferred a copy of the recording from my digital recorder to my laptop computer and electronically emailed the recording to (b)(5)(B). Ms. essentially related the following information:

STATEMENT OF :

I am the (b)(5)(B) for this mobile home park. I've been working and living here for the last two years. I live here alone.

This all took place on 20 August 2017. The night before, I was listening to a song by the Avett Brothers. The song made me think of my family. I liked the song so much, I told my father, who lives in New York, to check it out. I also sent the text

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to my brother and sister. I sent the song to him in the evening of August 19, 2017. After sending the text, I went to bed.

I can't remember the exact time, but around 3:00 AM, I heard someone knocking on my door. I got up out of bed and I could see someone pointing a flashlight into my kitchen window. At this point, I knew it was the police. Since I am (b)(5)(B) [redacted] I did not worry about the police being there. I figured one of the residents called the police.

I opened the door and recognized Deputy Jose Galvan. Deputy Galvan has responded to the mobile home park before. Deputy Galvan told me he was there to conduct a welfare check. I asked him which "space" did he needed to go to. Deputy Galvan stated he was there to conduct a welfare check on me. I told Deputy Galvan, I was okay and I would not hurt myself. I asked him, "What's going on?"

Deputy Galvan stated, I had sent a text to my father in New York. The song said something about suicide so my father wanted to do a welfare check on me. Deputy Galvan stated my father tried to call me, but I did not answer. I told Deputy Galvan, I was fine and there was a misunderstanding.

Deputy Galvan came into my living room as he spoke with me. There was a second Deputy, I later learned his name is Richard Fischer. Deputy Fischer did not say anything the entire time he was in my home. Deputy Fischer just stood there and was looking around, but did not say anything. I had never seen nor met Deputy Fischer before.

Deputy Galvan asked me if I was on any kind of medications and I said yes. I showed him the medication I take for bipolar disorder. Deputy Galvan checked the refrigerator to make sure I had food. I also showed him my text messages.

I apologized to Deputy Galvan and told him it was a big misunderstanding. I had just saw the Avett Brothers in concert and wanted to share one of the songs with my family. **(The Avett Brothers performed at the San Diego Civic Theatre on August 10, 2017.)** Deputy Galvan looked at my text messages and decided everything was fine. Deputy Galvan and Deputy Fischer left my residence. After they left, I went back to bed.

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I am not sure how much time had passed, but it was approximately within an hour that I heard a knock at my front door. I got out of bed and answered the door. It was Deputy Fischer. He was by himself. Deputy Fischer asked me if he could use my bathroom. I said yes and I let him in.

I walked over to my bathroom because I had clothes hanging from the door. I moved the clothes so Deputy Fischer would be able to close the door. Deputy Fischer entered the bathroom and closed the door, but the door wasn't closed all the way. This time, I put a robe on because the first time the police were there I only had a tank top on.

I stood at my bedroom door which is next to the bathroom door and I waited. Deputy Fischer opened the door to exit the bathroom. Deputy Fischer was only in the bathroom for less than a minute. I believe he didn't even use the toilet. I did not hear any water running or the toilet being flushed.

Deputy Fischer and I stood in the hallway facing each other. Deputy Fischer said that he thought I was "cute." Then he asked if he could hug me. I don't know if he said can I have a hug you or can I give you a hug? I believe he said, "Can I give you a hug?"

I knew when he knocked on my front door to use the bathroom that this wasn't normal. I thought it was a little weird he came back to use the bathroom. I gave him a hug. The hug was not okay. It was too intimate. The hug was too grabby.

After the first hug, Deputy Fischer asked me for a second hug. I kind of halfway hugged him. At this point, there were red flags going off and I was thinking to myself what is going on? When Deputy Fischer asked me for a third hug, I said no you have to go. I told him he had to leave. Deputy Fischer left.

Before going back to bed, I texted my father. I explained to my father what happened. I made a screenshot of the text. ([redacted] **gave me five pieces of paper which were stapled together. They were copies of a screenshot of** [redacted] **'s text to her father. The date was August 20, 2017 at 0409 hours. See attached.)**

I explained to my father the deputies had left and there was a misunderstanding and I was fine. This was the first text I sent to my father and it was immediately after the deputies left.

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I also texted my father for the second time and told him about Deputy Fischer returning. I explained to my father that he came back to the house and asked me to use the bathroom. Then I told him Deputy Fischer said he thought I was cute and asked for a hug.

I also texted my father that I can't make this stuff up in the deputies first name was Rick. My father made a comment about, "That's a long way to go to get a date." **([redacted] started crying and shaking. She became visibly uncomfortable and started rubbing her upper arms.)**

I was thinking about what happened and I'm a strong person. I stand up for myself more than anybody that I know… It's just been bothering me so bad. I called the Sheriff's dispatch to find out who the deputies were that had responded to my home. I think, I waited about a week before I called, but I'm not sure. **([redacted] had taken hand written notes of what occurred. She gave me the notes. There are five pages of notes. See attached.)**

(In [redacted]'s notes she listed August 23, 2017, as the day she called the San Diego County Sheriff's Communications Center.) I asked the dispatcher if I could have the telephone number of Deputy Galvan because I knew him from prior contacts. The dispatcher transferred me to Deputy Galvan's voicemail. I left a message for him. In the message, I reminded him who I am and he had been to my house for a welfare check.

I told Deputy Galvan, I needed to speak with him. I wanted to ask Deputy Galvan, "Hey what's up with your partner he came back to my house and that wasn't okay." I felt, I could talk to Deputy Galvan because I was comfortable with him. Deputy Galvan never called me.

([redacted] started reading from her notes.) On September 22 or 23rd, I called the Sheriff's Department about a stolen bike that was left in the mobile home park. I was told a deputy would come by, but no one showed up.

On September 24, 2017, no one from the Sheriff's Department had showed up for the bike, so I called the them back. Deputy Dujinski arrived and took the bicycle. I don't know how to spell his last name. **([redacted] started crying.)** When he arrived, I just exploded, I couldn't ignore it anymore and I told him everything that happened. Deputy Dujinski said he didn't want someone like that representing the Sheriff's Department.

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Deputy Dujinski said he would check into it and somebody would be getting in touch with me. No one ever contacted me.

On October 3, 2017, I contacted a friend who is affiliated with the San Diego Police Department. I contacted this person for advice. I dated this person many years ago, his name is (b)(5)(B). I only contact him when I have a law-enforcement question. I haven't seen (b)(5)(B) in about 15 years, but I do contact him when I have questions. I was trying to find out what I should do next. **(gave me five pieces of paper which were stapled together. They were copies of a screenshot of texting a person named "(b)(5)(B) The date was October 3, 2017, at 1001 hours. See attached. I read the following text.)**

October 3, 2017, at 1001 hours:

: *"(b)(5)(B) if this is you this is and I have a question about inappropriate behavior from a sheriff before I make a decision to share it can you please contact me if this is you I need your help please about this."*

Responded: *"At work hit me up in the morning 9-10."*

: *"Thanks"*

October 4, 2017, at 1150 hours:

: *"Hey you didn't answer when I called. Look I'm nervous about how to address the situation the sheriff was really inappropriate and all I could think about is what if it was my daughter and I don't want to make the wrong move can you at least tell me who I should contact? Or if I should contact anyone at all. I don't know anyone else to ask. You have a daughter, right?"*

October 6, 2017, at 1633 hours:

: *"Seriously"*

(b)(5)(B) never contacted me. I'm okay with that because really this is none of his business. I understand (b)(5)(B) not wanting to get involved he doesn't owe me anything.

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TO

Since (b)(5)(B) never contacted me, I contacted another friend named (b)(5)(B). (b)(5)(B) is an ex-Sheriff. On October 6, 2017, I texted him for some advice on what to do. I spoke with (b)(5)(B) and told him something that happened to me involving a sheriff's deputy and I didn't know what to do. (b)(5)(B) told me his brother was an attorney. (b)(5)(B) told me I should talk to his brother and see what he thinks I should do.

(b)(5)(B) brother's name is (b)(5)(B). I did not know (b)(5)(B) brother was an attorney. (b)(5)(B) spoke with his brother, but he was at a soccer game so he was unable to talk. It was a holiday weekend so (b)(5)(B) brother was unable to talk to me until the following Tuesday.

On October 10, 2017, I spoke with (b)(5)(B) and he referred me to another attorney. The other attorney's name is (b)(5)(B) I do not know (b)(5)(B) last name. I contacted (b)(5)(B) and left a message. He never called me back. I spoke with (b)(5)(B) again because (b)(5)(B) never called me back. (b)(5)(B) gave me the name of another attorney who is (b)(5)(B).

On October 23, 2017, one of the residents in the park called the Sheriff's Department about her water being turned off. Deputy Dujinski is the one who responded. Since I am (b)(5)(B) he contacted me about the water being turned off. This is the same deputy, I balled my eyes out and spilled my guts to when I told him what happened to me. It had been one month since I had spoken to him.

I told Deputy Dujinski, "You're the guy who came to my house and told me you would get somebody to get in touch with me and you didn't." (b)(5)(B) and others explained to me how police officers cover for each other. My brother was in the Marine Corps and I understand the whole concept of covering each other's back.

I told the Deputy, I understood how he was not going to rat out his coworkers. I shouldn't have expected it and waited for you to do or say something about it. Deputy Dujinski said, "No that's not the truth. I didn't do that. I don't want you to think that. I did tell somebody."

I told Deputy Dujinski no one had contacted me. I kind of went off on him a little bit because I did not believe him anymore. Deputy Dujinski told me his lieutenant was going to be working later in the night at 8:00 PM. Deputy Dujinski asked me if he could have the lieutenant call me when he gets in. I said, "Yes."

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I told Deputy Dujinski, I had spoken with an attorney and the attorney told me, the Sheriff's Department was going to cover up what had happened. He told me that wasn't true.

Later that night at 8:14 PM, I received a call from a lieutenant, I don't know his name, he left a voicemail because I did not answer. He left his phone number of [redacted] I didn't call him back because I didn't know what to do. I didn't know if my attorney wanted me to speak with him.

The following day on October 23, 2017, I received a telephone call from Deputy Dujinski, he notified me, he was on site at the mobile home park. I asked the deputy if he needed me to come to the office and he said yes. I met the deputy at the office. Deputy Dujinski told me the lieutenant tried to contact me the night before, but I did not take the call. Deputy Dujinski asked me what would it take for me to speak with the lieutenant.

Back in 1992, I waved my fourth amendment right. I didn't know if I was still a fourth waiver or not. I asked Deputy Dujinski, if this guy pulls me over, do I have to do what he says because I'm a fourth waiver. I was scared to death this could happen to me. Deputy Dujinski asked me what makes you think you're a fourth waiver? I told him, I thought, I was still a fourth waiver for something that happened a long time ago.

He asked me if I wanted to find out and I said yes. He ran my driver's license to see if I am still a fourth waiver. He found out, I am not a fourth waiver any longer. I said this guy **(Deputy Fischer)** is still a cop and I have to do what he says correct? ([redacted] **continued to cry and became more emotional.)** Deputy Dujinski said, "I do want you to know I did say something."

Deputy Dujinski told me that I seemed like the type of person that should talk about this face-to-face instead of over the phone. He asked me what did I want, if I wanted the lieutenant to come to me or I could meet him somewhere. Deputy Dujinski said whatever works for you, but we need to get this addressed. He told me that the lieutenant will be back in to work at 8 o'clock. I told Deputy Dujinski, I would call the lieutenant.

After speaking with the lieutenant, I agreed to meet with him. He came to my home to speak with me **(October 24, 2017)**. My boss and his wife were present when the lieutenant spoke with me. The lieutenant spoke with me in my living

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room. I told him everything that happened. The lieutenant told me he would have to go through the proper channels.

I asked the lieutenant, what was going to happen to Deputy Fischer. The lieutenant told me, he would probably get counseling and also written up. I told the lieutenant that was not going to work for me. My boss stepped in and told me to relax. My boss said just let the Sheriff's Department go through the proper process.

The lieutenant told me, Deputy Fischer had a legal issue, something about his K-9 dog biting people. I asked the lieutenant if Deputy Fischer was allowed to work as usual and he said yes.

I know, I have the option with going through an attorney, but I just don't want anyone to get hurt. I just want to protect. He is a bad guy. He is a dark guy. When the lieutenant left, he stated someone would call me the next day. He said this right in front of my boss and his wife, but no one has ever contacted me from the Sheriff's Department.

On October 25, 2017, I had dinner with my friend (b)(5)(B) who often gives me advice. I didn't know what I was going to do or what I should do. This was eating me alive. Everybody was telling me different things. People I respect are telling me I'm not doing the right thing. I told (b)(5)(B) what Deputy Fischer did to me. (**continued to cry and was visibly shaking at this point.)**

(b)(5)(B) is personal friends with a Sheriff named Mike Barnett and he told me I should call him. I believe Mike Barnett is the number two guy just behind Sheriff Gore. (b)(5)(B) gave me his phone number which is (b)(5)(B) and told me to call him the next day.

On October 26, 2017, I called Mike Barnett. I told Mr. Barnett everything that has happened. Mr. Barnett told me all the people who are involved work for him. Mr. Barnett was reading notes of what happened on the radio call the night the two deputies came to my home. He even reminded me about being bipolar. Mr. Barnett told me he was going to speak with someone and they would be in contact with me. Mr. Barnett said someone would contact me or he would re-contact me.

Later the same night, Mr. Barnett called me. Mr. Barnett told me the lieutenant I spoke with had indeed opened up an investigation and someone would be in touch with me soon. I thanked him. Mr. Barnett was very nice to me.

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After speaking with (b)(5)(B), I decided to sign with attorney (b)(5)(B).

When the lieutenant was speaking with me he never took any notes or recorded my statement to him. The lieutenant didn't give me his card or even look at anything. He just sat here and didn't say anything. I couldn't show anybody… hug anybody like this guy hugged me. I know, I just sound like a crazy person.

The only person I've spoken with between October 26, 2017, and today is Sgt. Amber Baggs. ([redacted] **handed me a single piece of paper with hand writing on it. The handwriting said Sgt. Baggs called and the phone number of** (b)(5)(B) (b)(5)(B) **"Referred to** (b)(5)(B)

On November 1, 2017, Sgt. Baggs called me. I told Sgt. Baggs, I would call her back, but I didn't. Sgt. Baggs gave me her personal cell phone number (b)(5)(B)-(b)(5)(B). She seemed very nice. I believe she also called me the following day. I did not give Sgt. Baggs a statement. I emailed (b)(5)(B) and told him, Sgt. Baggs called me. (b)(5)(B) told me he would take care of it.

(I asked [redacted] if there was anything she wanted to add to her statement.)

I just want to add, I did not know Deputy Fischer's name until he returned to my home. He introduced himself as Rick. I know deputies don't introduce themselves by their first name so how would I know Deputy Fischer goes by the first name of Rick?

(I asked [redacted] if Deputy Fischer was in uniform when he returned to her home?)

Yes, that's how I know, he didn't use the bathroom. I don't know how uniforms work, but he was only in my bathroom for one second. Does he have to take his belt off or something? I don't know how it works. He was in and out of there so fast.

(During my recap of [redacted]'s statement to me she clarified the following.)

After I sent the text to my father, he actually called my brother. My brother is the one who called the Sheriff's Department. My brother lives in the East County of San Diego. My father and brother have the same name so that's why the Sheriff's Department thought it was my father calling.

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I conducted a walk-through with [redacted]. We walked from the living room into the hallway which is only about 4' x 3' in diameter. The hallway is extremely small. During the walk-through, [redacted] demonstrated to me how Deputy Fischer hugged her.

[redacted] hugged herself by wrapping her arms around her upper torso. She explained to me, Deputy Fischer hugged her very tightly and pulled her into him. He started rubbing her back.

When Deputy Fischer returned to my home he parked his Expedition right outside my front door. I thought it was weird he asked me to use my bathroom. I thought to myself there's a 7-Eleven right across the street. It isn't like he left and came back one minute later and asked to use the bathroom. It was a red flag for me.

The hug he gave me was not right. The hug was too long and too caressful. It was too much of an embrace. He didn't say anything to me during the hug. When Deputy Fischer asked me for another hug, I couldn't believe I was letting him hug me. This all happened within a minute. The second time, "I half-assed hugged him." Because I knew something was wrong. I backed off of him and when he asked me for the third hug, "I said no you have to go."

I didn't even think about the cameras. I only had three days to get the video. **(There is a camera system at the mobile home park.)** I know he's a predator. I feel that he's a predator, but that's just my opinion. He had no business coming back here! All he knew when he left here is that I was alone. He shouldn't have come back here. He had no business coming back here.

If he is a monster, how will I have anything to do with him losing his power. He could come back here. What is he going to do to me? I don't know what I'm doing to myself by saying this, but I can't not do it. I want to say, I wish this never happened. I can't even say that because it happened. If it happened to me it could've happened to somebody else who got hurt. I can't regret it. I can't be mad about it. I can't do anything about it. My character, my credibility… I was nervous and intimidated.

The Sheriff's park their cars out here all the time. I don't know if I'm supposed to open my door anymore and it's my job to do that.

My father told me not to do anything about it. I don't understand why he would say that because I love and respect him. He told me to leave it alone and I can't leave it

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alone. I told my brother what happened and he told me the same thing that my father did. My brother told me to let it be and I say why are you saying this to me? This is consuming me. Deputy Fischer acted comfortable doing what he did to me. He was not nervous.

I had just moved to the North County two years ago so none of the deputies knew me until I started working here. I have been contacted by the police before when I lived in the East County. There was a restraining order placed against me by my ex-boyfriend, but that was a long time ago.

I'm going to move forward and do what I have to do. I feel like I have to protect other people because I don't think this guy is protecting anybody. I'm really torn about this whole thing. I really can't feel bad for him or his family or his kids. I know he's married, but I can't feel bad for him. One of the attorneys told me he's married.

I don't want to hurt any cops. I'm not trying to hurt anyone. I don't want to make anything bad for anybody. I don't want this guy to come and kill me because he's in trouble! He's in trouble because of himself. I want the results to be positive for everybody. I'm not trying to get anything.

When Deputy Fischer hugged me, there wasn't any space between him and I. It was a tight embrace. It was like the type of hug if you were going to make out with somebody. It wasn't a normal hug. After the first hug, it wasn't more than ten seconds when he asked me for the second hug.

I'll never be able to open the door to law enforcement again. It's not right. I'm supposed to trust law enforcement. Deputy Fischer was abusing his power. If I would've done something, it would've gone further, there is no doubt in my mind. I want everybody to believe in the justice system. I don't think I'm doing anything wrong to bring this to light. How am I going to live with myself, if somebody is killed one day because of this guy? I'm not making friends around here by doing this.

I told my daughter what's going on, but I didn't tell her everything. I did not tell my son anything, he lives in Louisiana. My son is going to be mad.

I don't want this guy to hurt anybody. I really don't want this guy to get mad at me. I don't want anything to do with him. I don't want anybody to lose their job. I don't want this guy to have power. I don't want him to do this to somebody else.

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The interview was completed at 1539 hours. The recording of the interview is submitted with this investigation.

Timeline:

August 19, 2017 – Deputies Jose Galvan and Richard Fischer respond to a radio call to check the welfare of the residence at [redacted]. They contact the resident named [redacted]. After making contact with [redacted], they determined, she is not a threat to herself or others.

August 20, 2017 – Deputy Fischer returns to [redacted]'s residence in the early morning hours, he is alone. Deputy Fischer asked [redacted] to use her bathroom. Deputy Fischer entered [redacted]'s bathroom, but once inside he immediately exited. As they stood in the hallway Deputy Fischer asked [redacted] if he could hug her. Deputy Fischer hugged [redacted] twice, but when he asked her for a third hug she told him he had to leave.

August 23, 2017 - [redacted] contacted the San Diego County Communications Center and asked for the names of both deputies. [redacted] was transferred over to Deputy Jose Galvan's voicemail. [redacted] left a message for Deputy Galvan to contact her, but he never did.

September 22, 2017 – [redacted] called the Sheriff's Department about a stolen bike, which was found in the mobile home park. [redacted] was told a deputy would come by, but no one responded.

September 24, 2017 – [redacted] called the Sheriff's Department and reported the stolen bike for the second time. Deputy Dujinski arrived and took the bicycle. [redacted] explained to Deputy Dujinski what Deputy Fischer had done to her. Deputy Dujinski said he would check into it and somebody would contact [redacted]. [redacted] was not contacted by anyone from the Sheriff's Department.

October 3, 2017 – [redacted] contacted a friend who is affiliated with the San Diego Police Department named (b)(5)(B), for advice. He never contacted her back.

October 6, 2017 – [redacted] contacted another friend named (b)(5)(B), who maybe was a former San Diego County Sheriff's Deputy, for advice. (b)(5)(B) told [redacted] his brother is an attorney and she needed to speak with him, for advice.

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October 10, 2017 – [redacted] spoke with (b)(5)(B) and he referred her to another attorney. [redacted] contacted the attorney and left a message. He never contacted [redacted]. A few days later, [redacted] contacted (b)(5)(B) for a second time, he gave her attorney (b)(5)(B) name.

October 23, 2017 – One of the residents in the park called the Sheriff's Department about her water being turned off. Deputy Dujinski responded to the radio call. He contacted [redacted].

[redacted] tells Deputy Dujinski, "You're the guy who came to my house and told me that you would get somebody to get in touch with me and you didn't." Deputy Dujinski told [redacted] his lieutenant would contact her. [redacted] received a call from a lieutenant, he left a voicemail. [redacted] did not contact him.

October 24, 2017 – [redacted] agreed to meet with the lieutenant. The lieutenant spoke with [redacted] in her living room, her boss and his wife were present. She gave him a statement of what occurred.

October 25, 2017 – [redacted] had dinner with a friend named (b)(5)(B). She tells (b)(5)(B) what had occurred. (b)(5)(B) directed [redacted] to contact San Diego County Assistant Sheriff Michael Barnett.

October 26, 2017 – [redacted] contacted Assistant Sheriff Barnett. He told [redacted] someone would contact her. Later the same night, Assistant Sheriff Barnett contacted [redacted] and notified her the lieutenant she had spoken with had opened up an investigation.

November 1, 2017 – Sgt. Baggs contacted [redacted], she did not give her a statement.

November 8, 2017 – Investigator (b)(5)(B) interviewed [redacted].

(b)(5)(B), Detective (Ret.)
San Diego Police Department
Sexual Assault Training & Consulting
Cell: (b)(5)(B) [redacted]
E-mail: (b)(5)(B) [redacted]

Date of Report: 11/12/17

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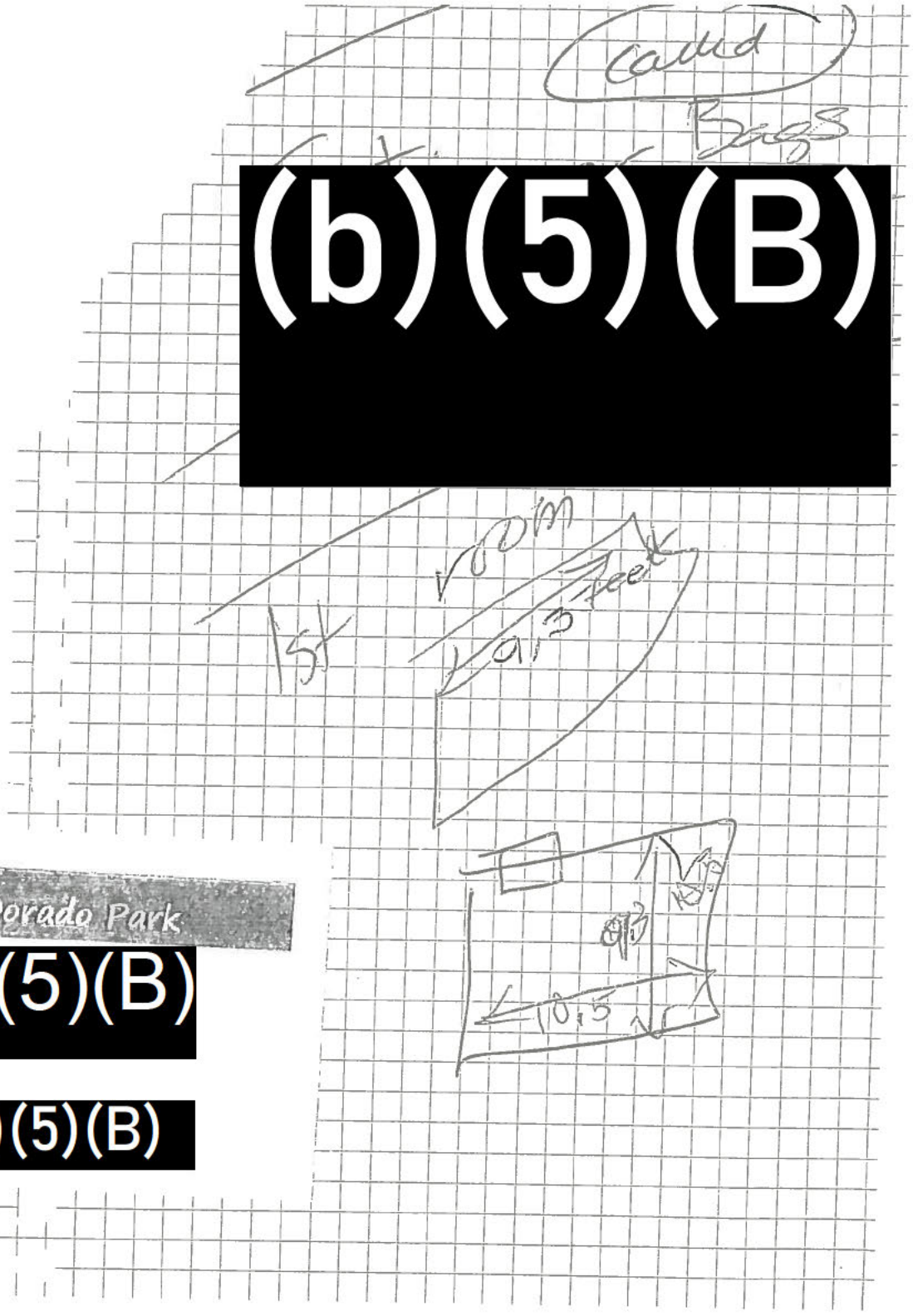
(b)(5)(B)



El Dorado Park

(b)(5)(B)

(b)(5)(B)

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- Aug. 20th - incident
- Aug 23. called Dispatch asking for info on responding deputies — she transferred me -
- Aug 23. @ 9:52 am - left message @ voicemail of Jose Galvan asking to contact me. I planned to tell him what his partner did but he never returned my call

Sept. 22nd (or 23) - called sheriff Dept. about stolen bike @ my park - was told deputy would be by. no deputy showed, but it was late.

Sept 24th - bike was still there. (b)(5)(B) was concerned so @ bought bike to my carport + called dispatch again.

Sept 24. deputy Dujinski came to my carport to discuss stolen bike. →

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while he was here I cried + told him about everything Fischer did. He said he didn't want such actions to reflect on all sheriffs dept and he would check into it and someone would be in touch.

10/3. I ~~called~~ texted someone I know affiliated w/ SDPD for advice.

★ see part A - attached
was told to call next day — no response again.

10/6 - Old acquantance (b)(5)(B) used to be a sheriff so I texted him for insight or advice.

He said his brother was attorney and set up a time for us to speak the following TUesday 10/10/17

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10/20 Spoke to (b)(5)(B)

He reffered me to (b)(5)(B)

~~Since~~ after a month I told Dujinski

0/23 A park resident called Sheriff to complain about park water being off. responding deputy came to my office to discuss + I recognized him. Dep. Dujinski – I expressed my sadness + disappointment in him not following through with what I told him on the a/24th about Fischer. I told him I understand that cops have each others back + won't tell on each other like Marines and I somehow indicated I spoke to Lawyer he said he did report it

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and that has Lt. Kouch? or something worked later that night and would call me.

→

10/23/17 Voicemail from Lt. @ (b)(5)(B) @ 8:14.

Part B - attached

10/24/17 - Deputy Dujinski called me - he said has it. called but I didnt call back. he asked when was a good time and would I prefer meeting face to face. He said they cared. I told him I would call the Lieut. Back.

1/24/17 - Supervisor? showed up @ my home. met w/ my employer the (b)(5)(B)

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→

and that his Lt.
something worked
that night and
call me.

→

10/23/17 Voicemail from
@ [redacted] @

Part B — attached

10/24/17 — Deputy Dujine
called me — he sa
his lt. called bu
didn't call ba
asked when was
good time and
prefer meeting f
He said they ca
I told him I w
the lent. Back.

10/24/17 — Supervisor? sha
my home. Met w
my employer the [redacted] →

@ this time I voiced concerns about my being a 4th waiver and if Fischer pulled me over would I have to do what he said caz of this — He asked why I thought →

I was a 4th waiver + I explained my [redacted] [redacted] old felony. He ran a check on my name to dispatch

and said I wasn't a 4th waiver. not on state level anyway →

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10/24/17

- he asked some questions. We asked what could happen from this. He said Fischer would if found to have done the wrong, would likely get counseling and written up.)

I said that won't ~~due~~. work for me.

He said there was legal issue with Fischer currently about his K-9 biting people - or something like that. I asked if he is allowed to work as usual he said yes. He also said a woman would call me the following day. (he said this in front of my boss)

No one called me!!!

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10/25/17

had dinner with my friend [redacted] (b)(5)(B) who often gives me [redacted] (b)(5)(B).

He knows Sheriff Mike Barnett personally and said I should call him on 26th to discuss all. [redacted] (b)(5)(B).

0/26/17 I called [redacted] (b)(5)(B) told Mike Barnett. Centure situation He said all of these people work for him and he looked up all details as we spoke confirming all. He said he or someone will be in touch

he called me later, he said the Lt. who came over opened and investigation and someone will be in touch soon that's all.

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To: Dad,

Sun, Aug 20, 4:09 AM

(b)(5)(B) Are you there?

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TO

I just liked that song, I'm fine, sheriff just left. I would never hurt myself, there is a big misunderstanding but

q w e r t y u i o p

a s d f g h j k l

To: Dad,

love you guys.

The last line just says he loves that they are family and share their name? Sorry to make you worry but there is no problem

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J.A. FILES
TO

Thank God. Read the

q w e r t y u i o p

a s d f g h j k l

To: Dad,

no problem

Thank God. Read the note I left in my drawer? If I get murdered tonight? I love you but careful what you write. You sure you're OK?

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LA FILES
TO

q w e r t y u i o p

a s d f g h j k l

To: Dad,

what you write. You sure you're OK?

Yes, I just saw the avett brothers in concert I just liked it, didn't even think of what it may have seemed like from your end, sorry. You wouldn't believe it but

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q w e r t y u i o p

a s d f g h j k l

To: Dad,

wouldn't believe it but one of the deputies just came back to my house he asked me if he could use my bathroom then told me he thought I was cute and asked me for a hug I can't make this stuff up his name is Rick and





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q w e r t y u i o p

a s d f g h j k l

Baggs, Amber

om: Dujenski, Clayton
Sent: Tuesday, January 16, 2018 5:34 AM
To: Baggs, Amber
Subject: FW: (b)(5)(B)

-----Original Message-----
From: Dujenski, Clayton
Sent: Tuesday, October 24, 2017 3:38 PM
To: Spach, John
Subject: RE: (b)(5)(B)

Stopped by her place today... she said she had too much going through her head to answer yesterday. She will be expecting your call tonight after you get in. She might want you to swing by in person but she was not sure yet. Addionally to the number from last night... here is her work cell which she always has.

(b)(5)(B)

(b)(5)(B). The mobile home park. (b)(5)(B). It's the first building on your left when you enter the park. Next to the pool.

-----Original Message-----
From: Spach, John
Sent: Tuesday, October 24, 2017 12:28 AM
To: Dujenski, Clayton
Subject: (b)(5)(B)

Clayton

I called her twice and left a message to call the Sgt desk # and leave me a voicemail if I was not here.

Do me a favor and go over there today and talk to her. Ask her if she would like to talk to a supervisor in person or via phone. I can meet up with her after 2000 (my 2.5 day) if she would like to meet in person. If she does not want to meet up, I am going to forward this info to the deputies Sgt.

Also..please give me the location

Thank you for bringing this to my attention.

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TO

Baggs, Amber

om: Bavencoff, Christina
Sent: Thursday, October 26, 2017 6:22 PM
To: Baggs, Amber
Subject: FW: 08/20/17 Cad E4369508..complaint
Attachments: Complaint Form.pdf; Deployment.pdf; Event E4369508.pdf; Unit History CAD.pdf

-----Original Message-----
From: White, Justin
Sent: Thursday, October 26, 2017 3:37 PM
To: Bavencoff, Christina
Subject: FW: 08/20/17 Cad E4369508..complaint

Lt. Bavencoff,

Here is the information I have for this complaint.

Justin

-----Original Message-----
From: Spach, John
nt: Wednesday, October 25, 2017 12:18 AM
To: White, Justin
Subject: 08/20/17 Cad E4369508..complaint

Lt

Here is the information you requested.

Brought to my attention by Deputy Dujenski who was at the location on an unrelated call and was familiar with the RP. Saw she was emotional and asked her what was wrong. RP informed him she felt a Deputy over stepped his " boundaries" and she felt he inappropriately "made moves towards her in the past " and it was unprofessional for him to do this. Estimated the incident occurred on 08/20 Cad E4369508

I made several attempts to contact her via phone and left messages. She called back the next day and requested to meet in person.

RP (b)(5)(B) ((b)(5)(B)) Phone (b)(5)(B)

RP stated Deputies were dispatched to her residence to conduct a report of 11-45 that was turned into a welfare check. ? stated two deputies arrived and talked to her about a song she had sent to her father. The smaller Deputy (Galvan) conducted his investigation and determined she was not suicidal . The other Deputy(Fischer) just stood in the back and didn't' say anything.

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The two deputies left and after what she felt was several minutes and estimated at about 0500 Deputy Fischer knocked on her door. He requested to use her bathroom and she let him in to use her bathroom. He came out of the bathroom and asked if he could hug her, she said yes, but felt that it was "unprofessional" due to the time length of the hug. She stated it felt like several seconds. Deputy Fisher told her she was "cute" and asked if he could hug her again. She allowed him to hug her but did not feel comfortable. He asked to hug her again and she told him she was uncomfortable with him being there alone and asked him to leave. He left. RP stated she was shaken up by the incident and does not want others to be "preyed" on by this deputy. She feels this behavior is unprofessional and does not want him anywhere near her or her daughter.

When asked if the deputy made any further advances or contact since the incident, she stated there has been no other contact made by the deputy. She was visibly upset and emotional.

They were dispatched at 0439.... on scene at 0448..91P3c cleared at 0505 with dispo...91P7C (Fischer)cleared at 0503

Fischers next call is dispatched at 0507...XP at [redacted]

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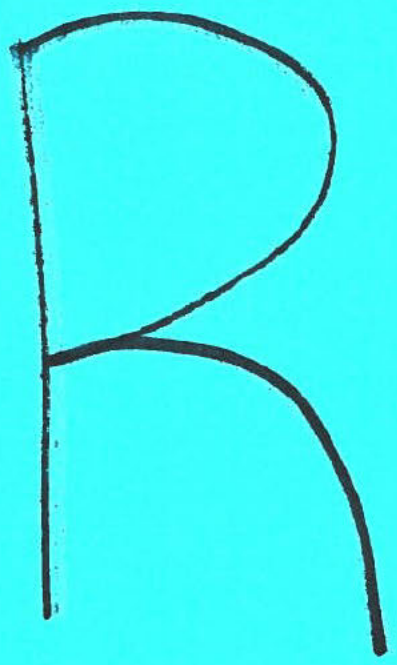
TO



CAD Query

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

EVENT DISPLAY

EVENT#	CREATE	TYCOD	LOCATION	EMPID	TERM	PRIMUNIT	DISP	ARRIVE	DGROUP	MBEAT	DISPO	COMMENTS
E4476451	Friday October 6, 2017 10/06/17 2:15:31 AM	653T	(b)(5)(B)	ph15		91P13C	10/06/17 2:16:54 AM	10/06/17 2:37:53 AM	SMCD	349	OK,	

RP INFO

PERSON INFORMATION

NAME	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	AGE	DOB	REMARKS
(b)(5)(B)									

91P13C – FISCHER

VEHICLE INFORMATION

COLOR	YEAR	MAKE	MODEL	STATE	LICENSE	LICYEAR	CLASS
GRY		INFI	4 DOOR SEDAN			PC	2017

UNIT STATUS/EVENT COMMENTS

DATE/TIME	UNID	STAT	TYCOD	LOCATION	EMPID1	COMMENTS
Friday October 6, 2017						
10/06/17 2:15:31 AM						(b)(5)(B)
10/06/17 2:15:31 AM						
10/06/17 2:15:31 AM						****SPECIAL SITUATION: [TYPE:] FIRE [ADDRESS:] [MESSAGE:] ****
10/06/17 2:15:31 AM					(b)(5)(B)	** PER search completed at 10/06/17 02:15:31
10/06/17 2:15:31 AM						** VEH search completed at 10/06/17 02:15:31
10/06/17 2:15:31 AM						** LOI search completed at 10/06/17 02:15:31
10/06/17 2:15:31 AM						WPH2 33.10833000 -117.222297
10/06/17 2:15:31 AM						CBPD XFER
10/06/17 2:15:31 AM						JUST....RP'S FRIEND 1021'D RP AND THREATENED TO DRIVE HIS VEH THROUGH HER
10/06/17 2:15:31 AM						GARAGE.....INDICATED HE WAS ER FROM OCEANSIDE.....APPROX 15 MIN ETA
10/06/17 2:15:31 AM						POSS HBD....UNK 115/WPNS
10/06/17 2:15:31 AM						UPSET DUE TO RP NOT WANTING TO VISIT HIM
10/06/17 2:15:31 AM						NFD
10/06/17 2:15:40 AM						CLETS QUERY RECORD: #53494477
10/06/17 2:16:54 AM	91P3C	DP	653T	(b)(5)(B)		
10/06/17 2:18:10 AM	91P1C	DP	653T			
10/06/17 2:18:10 AM	91P1C	DP	653T			
10/06/17 2:18:16 AM	91P3C	ER	653T			
10/06/17						

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TO

2:18:16 AM	91P1C	ER	653T	(b)(5)(B)	
10/06/17 2:18:16 AM	91P1C	ER	653T		
10/06/17 2:29:58 AM	91P9C	DP	653T		
10/06/17 2:30:12 AM	91P9C	ER	653T		
10/06/17 2:37:52 AM	91P13C	DP	653T		
10/06/17 2:37:53 AM	91P13C	ON	653T		
10/06/17 2:37:57 AM	91P1C	ON	653T		
10/06/17 2:37:57 AM	91P1C	ON	653T		
10/06/17 2:38:06 AM					(b)(5)(B)
10/06/17 2:38:06 AM					
10/06/17 2:38:06 AM				(b)(5)(B)	91P13C – WITH RP REQ UNITS CHECK AREA
10/06/17 2:38:07 AM	91P13C	EC	653T	(b)(5)(B)	91P13C – WITH RP REQ UNITS CHECK AREA
10/06/17 2:38:10 AM	91P3C	ON	653T		
10/06/17 2:40:46 AM	91P9C	ON	653T		
10/06/17 2:43:24 AM	91P1C	AM	653T		
10/06/17 2:43:24 AM	91P1C	AM	653T		
10/06/17 2:46:15 AM	91P3C	AM	653T		
10/06/17 2:48:21 AM					(b)(5)(B)
10/06/17 2:48:21 AM					
10/06/17 2:48:21 AM	91P13C	UC	653T	(b)(5)(B)	Alarm Timer Extended: 0
10/06/17 2:48:21 AM				(b)(5)(B)	Alarm Timer Extended: 0
10/06/17 2:51:20 AM					(b)(5)(B)
10/06/17 2:51:20 AM					
10/06/17 2:51:20 AM	91P9C	UC	653T	(b)(5)(B)	Alarm Timer Extended: 0
10/06/17 2:51:20 AM				(b)(5)(B)	Alarm Timer Extended: 0
10/06/17 2:53:09 AM	91P9C	AM	653T		
10/06/17 2:58:51 AM					(b)(5)(B)
10/06/17 2:58:51 AM					
10/06/17 2:58:51 AM	91P13C	AM	OK		RP JUST WANTED UNITS TO CHECK THE AREA. SUBJ CONTINUOUSLY TEXTED HER DRUNK TEXTS BUT VAGUE AND JUST THATHE DID NOT WANT TO BE WITH HER ANYMORE.NO CRIME
10/06/17 2:58:51 AM				(b)(5)(B)	RP JUST WANTED UNITS TO CHECK THE AREA. SUBJ CONTINUOUSLY TEXTED HER DRUNK TEXTS

RELEASED FROM I.A. FILES
TO

10/06/17 2:58:51 AM	(b)(5)(B)	BUT VAGUE AND JUST THATHE DID NOT WANT TO BE WITH HER ANYMORE.NO CRIME



TeamCAD
Data Services Division
San Diego County Sheriff's Department

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I.A. FILES

TO

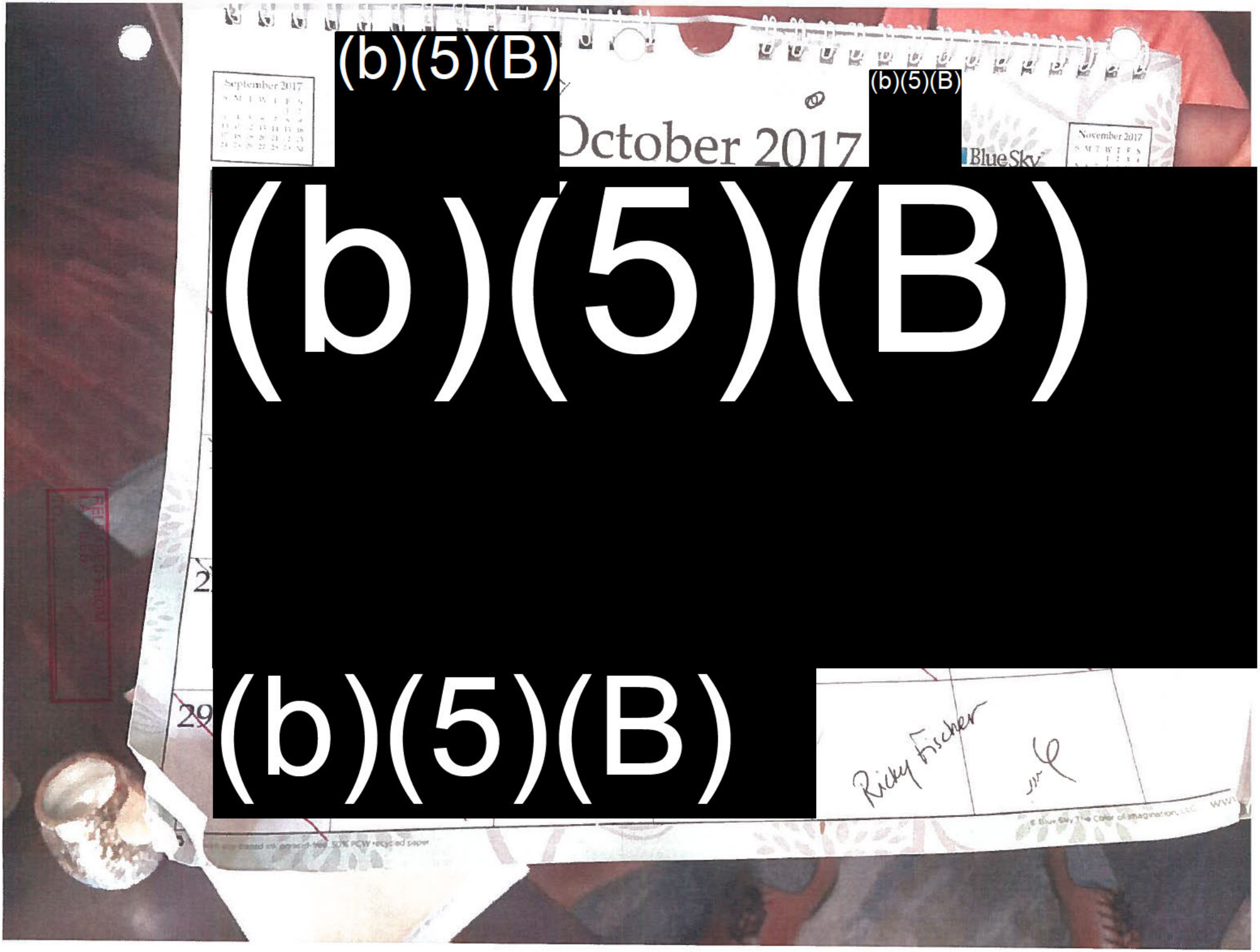
(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

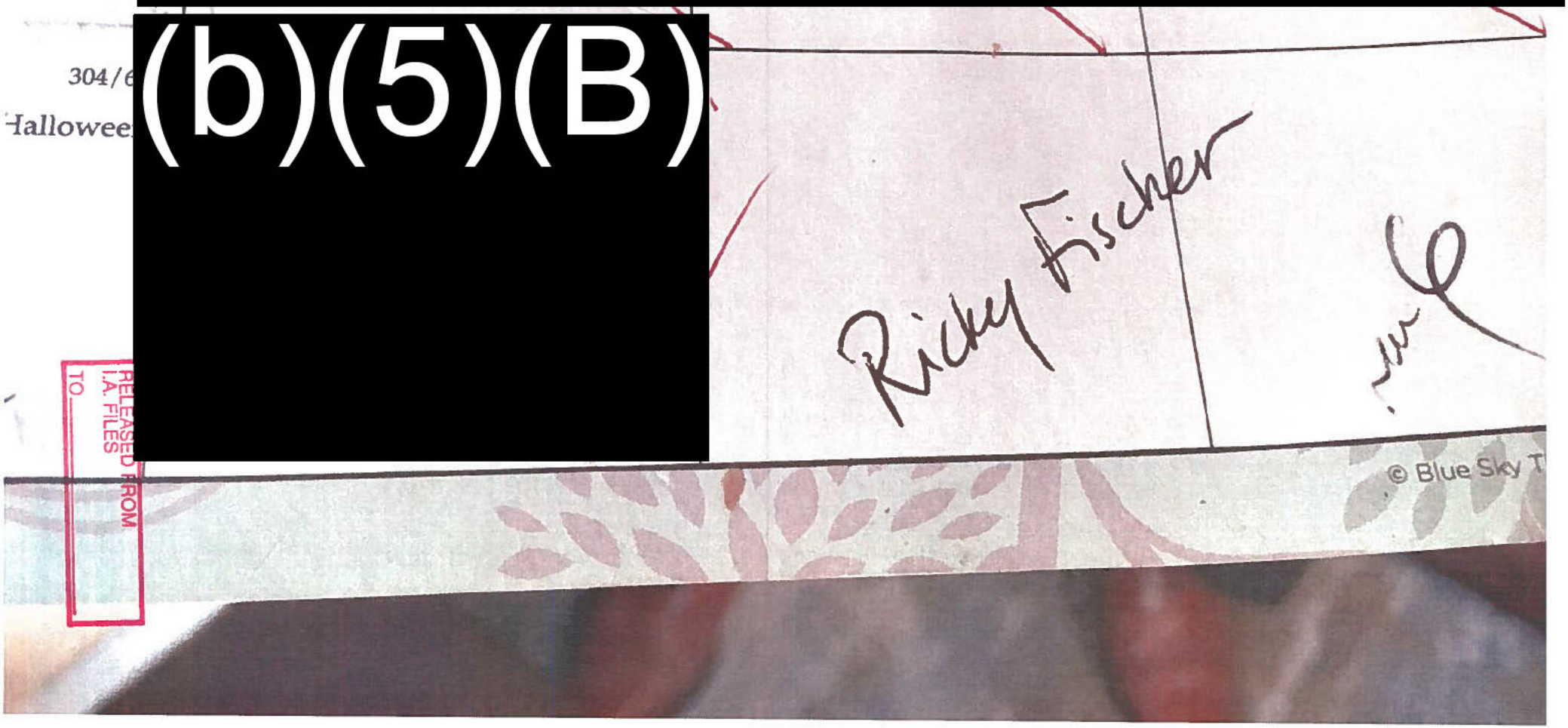
(b)(5)(B)

(b)(5)(B)


(b)(5)(B)
(b)(5)(B)
(b)(5)(B)
(b)(5)(B)
September 2017
October 2017
November 2017
BlueSky
Ricky Fischer

(b)(5)(B)

(b)(5)(B)



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TO

(b)(5)(B)

(b)(5)(B)

COUNTY OF SAN DIEGO
2017 NOV 29 PM 1:29
CLAIMS DIVISION

COUNTY OF SAN DIEGO
2017 NOV 29 PM 1:29
COUNTY OF SAN DIEGO

CLAIM AGAINST THE COUNTY OF SAN DIEGO

(FOR DAMAGES TO PERSONS OR PERSONAL PROPERTY)

Time Stamp

Received by: AS via
U.S. Mail ☐
Inter-Office Mail ☐
Over the Counter ☑

File No: _____

A claim must be filed with the Claims Division of the County of San Diego within 6 months after which the incident or event occurred. Be sure your claim is against the County of San Diego, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph and number. Completed claims must be mailed or delivered to:

County of San Diego, Claims Division, 1600 Pacific Highway, Room 355, San Diego, CA 92101- Phone (b)(5)(B)

TO THE HONORABLE BOARD OF SUPERVISORS – THE COUNTY OF SAN DIEGO, CALIFORNIA

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

Claimant Information

(b)(5)(B)

Birth Date	Driver's License Number
Not required by Gov. Code 910	N/R

Name, telephone and post office address to which claimant desires notices to be sent, if other than above:

Claim Information

Date of Occurrence or Event from which the claim arises:	Time of Occurrence or Event from which the claim arises:
10/6/17	2:30 am

Location, including address (if none, nearest cross street) and city:
(b)(5)(B)

Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary):
See Attachment

State how or wherein the County of San Diego or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury:
See Attachment

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Give a description of the property damage or loss, as is known at the time of the claim:

Give a description of the injury, as is known at the time of the claim:
See Attachment

Social Security Number (required for Federal reporting requirements):
N/R

Name and address of any other person injured:
N/A

Name and address of the owner of any damaged property:

Damages Claimed

Amount claimed as of this date: $_____

Estimated amount of future costs: $_____

Total amount claimed: $6,000,000

Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc):
See Attachment

Damaged Vehicle (if applicable)

Make:	Model:	Year:

License Plate Number:	Mileage:

Insurance Company:	Policy Number:

Additional Information

Names and Address of witnesses, hospitals, doctors, etc:
A. See Attachment

B.

C.

Any additional information that might be helpful in considering this claim:
See Attachment

➢ WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (PENAL CODE § 72; INSURANCE CODE § 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 28th day of November, 2017 at San

(b)(5)(B)

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ATTACHMENT

On October 16,2017, at (b)(5)(B) Claimant called 911 to report a threat made to her by her ex-boyfriend. Dep. Fischer responded to Claimant's residence and came into her home. Dep. Fischer gave Claimant a hug. Dep. Fischer began asking questions that made Claimant feel uncomfortable. For example, he asked if she lived alone, if her window blinds were up (so that neighbors could see into the living room), and if he had a camera in the room. Dep. Fischer walked into the kitchen area and gave Claimant a second, longer hug. Dep. Fischer walked to several different rooms and eventually returned to the front of the home near the front door. Dep. Fisher then hugged Claimant very tightly, rubbing his hands down her back and onto her buttocks. Dep. Fischer then took Claimant's right hand a moved it to his erect penis. Dep. Fischer rubbed Claimant's hand up and down on his erect penis twice. Claimant then pulled her hand away and asked Dep. Fischer to leave. Dep. Fischer asked Claimant not to tell anyone what happened. See attached Investigator's Report which is incorporated by reference.

Prior to this encounter, another victim of Dep. Fischer's, (b)(5)(B), had warned the County about his criminal, sexually assaultive behavior by letter on May 4, 2016. (See attached lawsuit and letter confirming the correct date). The County failed to act to protect other citizens, like (b)(5)(B) (b)(5)(B) from its employee's predatory behavior. Additional evidence of the County's failure to act involved an assault in August 2017, when another victim, (b)(5)(B) repeatedly reported similar criminal conduct by Dep. Fischer, all initially swept under the rug by Dep. Fischer's command. (See attached report and tort claim).

The causes of action to be filed in unlimited jurisdiction will include false imprisonment; sexual assault and battery; common law assault and battery; sexual harassment; negligent supervision, training, retention; breach of mandatory duty (Gov. Code 815.6); respondeat superior/Mary M. (Gov. Code 815.2); Civ. Code 51.9; Civ. Code 52.4; Civ. Code 52.1; 42 USC 1983 (civil rights, color of authority and Monell).

Damages against all defendants will include special and general damages for psychological treatment, lost wages, and emotional distress, humiliation, anxiety and mental anguish, in excess of $6,000,000, as well as punitive damages against Dep. Fischer in an amount sufficient to punish him and his evil conduct, and to deter others from doing what he did.

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Investigator's Report

Sexual Assault Training & Consulting
9450 Mira Mesa Blvd, Suite C, PMB #433
San Diego, California 92126

DATE (occurrence): October 6, 2017

TIME (Occurrence): At approximately 0130 Hours

LOCATION: (b)(5)(B)

SUBJECT INTERVIEWED:

(b)(5)(B)

On **November 20, 2017,** I was contacted by (b)(5)(B) of "The Gilleon Law Firm." (b)(5)(B) requested, I interview a current client of his named (b)(5)(B) (b)(5)(B) is the fifth female to contact (b)(5)(B) office and report she had been sexually battered, by Deputy Richard Fischer.

On **November 21, 2017,** at approximately 1115 hours, I was present during the interview with (b)(5)(B), by Sgt. Amber Baggs **(Internal Affairs Unit)** and Detective Luis Peña **(Sex Crimes Unit)** of the San Diego County Sheriff's Department. San Diego County Deputy District Attorney Annette Irvin was also present. The interview took place at (b)(5)(B) residence, located at (b)(5)(B) (b)(5)(B)

Sgt. Baggs and Detective Pena recorded their interview with (b)(5)(B) I learned the following information:

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- On October 6, 2017, at approximately 0130 hours, (b)(5)(B) called the 911 emergency system to report her ex-boyfriend because he had threatened her.

- Deputy Fischer arrived at (b)(5)(B) residence. (b)(5)(B) did not see a second Deputy, but did hear a male's voice just outside her front door.

- Deputy Fischer asked (b)(5)(B) for the reason she called the 911 emergency system. (b)(5)(B) explained to him that her ex-boyfriend (b)(5)(B) had been making threats to her. (b)(5)(B) explained she had dinner with her ex-boyfriend and he got into an argument.

- (b)(5)(B) invited Deputy Fischer into her home. They stood at the front door.

- Deputy Fischer gave (b)(5)(B) a friendly hug. (b)(5)(B) does not recall if he asked to give her a hug or just hugged her. (b)(5)(B) does not recall if Deputy Fischer had said anything to her during the hug.

- Deputy Fischer asked (b)(5)(B) if she lived alone. (b)(5)(B) told Deputy Fischer she lives with both of her adult children. Deputy Fischer asked (b)(5)(B) if her children were home. (b)(5)(B) stated they were not.

- Deputy Fischer stepped into (b)(5)(B) living room and started looking around. Deputy Fischer asked (b)(5)(B) if her window blinds are always up. (b)(5)(B) believes, Deputy Fischer felt uncomfortable because her neighbors were able to see into the living room.

- Deputy Fischer pointed at a motion detector box, which was attached to the wall in a corner of the living room. Deputy Fischer pointed at the motion detector and said, "Is that a camera?" (b)(5)(B) stated she was not sure, but believed it was. **(It is not a camera.)** (b)(5)(B) indicated she made the statement because Deputy Fischer made her feel uncomfortable. (b)(5)(B) cannot figure out why Deputy Fischer was asking these types of questions.

- Deputy Fischer took a few steps and walked into the kitchen area. (b)(5)(B) followed behind him. As they stood in the kitchen, Deputy Fischer hugged (b)(5)(B) for the second time. This second hug, was

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longer than the first hug. At this point, (b)(5)(B) knew there was something wrong.

- Deputy Fischer asked for (b)(5)(B) phone number, which she gave him. (b)(5)(B) does not remember, if Deputy Fischer wrote the number down.

- Deputy Fischer continue to look around the living room, kitchen and the patio area. Deputy Fischer asked (b)(5)(B) if there was some other place they could talk. (b)(5)(B) was confused. (b)(5)(B) did not understand why Deputy Fischer wanted to speak with her in another location. (b)(5)(B) decided, maybe Deputy Fischer wanted to speak out on the patio, but didn't understand why. (b)(5)(B) walked out to the patio and Deputy Fischer followed her.

- (b)(5)(B) could tell Deputy Fischer was very uncomfortable speaking to her while standing outside on the patio.

- Deputy Fischer walked back inside of (b)(5)(B) dining room and kitchen area. (b)(5)(B) followed him.

- (b)(5)(B) son arrived home. He walked upstairs to his bedroom. Deputy Fischer started walking towards the front door and stopped. Deputy Fischer turned around and faced (b)(5)(B)

- Deputy Fischer pointed at a door next to the front door. Deputy Fischer asked (b)(5)(B) about the door. (b)(5)(B) explained to Deputy Fischer it was the downstairs bathroom.

- Deputy Fischer hugged (b)(5)(B) very tightly. Deputy Fischer rubbed his hands down (b)(5)(B) back and onto her buttocks.

- Deputy Fischer took (b)(5)(B) right-hand and moved it to his erect penis. Deputy Fischer rubbed (b)(5)(B) hand up and down on his erect penis twice.

- (b)(5)(B) pulled her hand away and stated she was not that type of girl. told Deputy Fischer, he needed to leave. Deputy Fischer asked not to tell anyone what had just happened.

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- The following morning (b)(5)(B) told her son, daughter, current husband and a girlfriend, what Deputy Fischer had done to her.

- A couple of weeks after the incident with Deputy Fischer, (b)(5)(B) saw a news story on television. She recognized Deputy Fischer's name and photo.

- (b)(5)(B) first called the San Diego County Sheriff's Department to report Deputy Fischer. (b)(5)(B) after speaking with her husband, decided to contact the law firm of (b)(5)(B) to file a lawsuit.

- Deputy Fischer's first hug was friendly. He did not ask (b)(5)(B) if he could hug her.

- The third hug was more intense and inappropriate because he had his hand on (b)(5)(B) buttocks.

- When Deputy Fischer forced (b)(5)(B) hand on to his erect penis she said, "Stop! What's happening here?" (b)(5)(B) pulled her hand away. (b)(5)(B) said, "I don't know what you think I am." (b)(5)(B) also said, "I'm not that type of girl." Deputy Fischer did not verbally say anything to (b)(5)(B) while he was assaulting her. (b)(5)(B) said, "He was quiet, very quiet. He was creepy."

- (b)(5)(B) stated to Detective Peña, this was "awful" and she was "scared."

- Earlier in the evening, (b)(5)(B) had food and alcoholic drinks with her ex-boyfriend, (b)(5)(B) (b)(5)(B) had approximately five drinks over a three-hour period. (b)(5)(B) was not intoxicated.

- After (b)(5)(B) argument with her ex-boyfriend at the restaurant, he started calling her cell phone several times. During those calls, he made threats to come over and crash his car into (b)(5)(B) garage.

- (b)(5)(B) called the 911 emergency system because she was scared of her ex-boyfriend, (b)(5)(B) has shown up at (b)(5)(B) residence unannounced in the past.

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- (b)(5)(B) heard what she believes was the second Deputy outside her front door, but did not see him.

- (b)(5)(B) son arrived home between the second and third hug from Deputy Fischer. (b)(5)(B) walked upstairs to his bedroom. (b)(5)(B) did not speak to her son until the following day.

- (b)(5)(B) describes Deputy Fischer as huge and statute and very intimidating.

- (b)(5)(B) asked Deputy Fischer for his name. Deputy Fischer said, "My name is Ricky Fischer." After Deputy Fischer left, (b)(5)(B) wrote his name down on a wall calendar. (b)(5)(B) stated she wrote Deputy Fischer's name down because she wanted to "Google" him and see if he had a background of doing this type of behavior. (b)(5)(B) stated she was not sure what she would find, if anything. (b)(5)(B) stated she did not find anything on the Internet relating to Deputy Fischer.

- (b)(5)(B) believes she did not get into very much detail with her son and daughter about what happened to her.

- (b)(5)(B) did tell her husband, who she is currently married to, but lives separately from, about Deputy Fischer forcing her hand on his penis. (b)(5)(B) did not relay this information to her husband until after she saw the news story on television.

Detective Pena ended his interview with (b)(5)(B) at approximately 1215 hours.

On **November 27, 2017,** at approximately 1300 hours, I interviewed (b)(5)(B) (b)(5)(B) in person. The interview was conducted in the kitchen of (b)(5)(B) residence. (b)(5)(B) essentially related the following information:

STATEMENT OF (b)(5)(B) (VICTIM)

I am still married, but I don't live with my husband. My husband's name is (b)(5)(B) (b)(5)(B) Everyone calls him (b)(5)(B) and I have been married for 30 years. I live here with my two adult children. I have lived here for the past two years. I'm self-employed. I work out of my home.

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On October 5 of this year, I met my boyfriend, at a nearby restaurant. My boyfriend's name is (b)(5)(B) I cannot remember the name of the restaurant. (b)(5)(B) has anger management issues. The night we went out he became angry and we got into a disagreement. I can't remember what the argument was about. I stayed at the restaurant and had a few drinks, I was waiting for him to leave.

I didn't like the way (b)(5)(B) was acting. (b)(5)(B) wanted me to go home with him, but I did not want to because I knew we're just going to argue. (b)(5)(B) wanted me to get into his car and I said no. (b)(5)(B) was raising his voice and I can tell he is very angry. There was no way, I was going to go home with him.

(b)(5)(B) left the restaurant, but I stayed and went to the bar. I had stopped drinking by this time because I wanted to be able to drive home. (b)(5)(B) returned to the bar and started yelling at me again. He demanded I go home with him. I told (b)(5)(B) no.

I stayed at the bar because I wanted to make sure (b)(5)(B) was not going to come back. I wanted some time to pass before I drove home and to give (b)(5)(B) time to cool off. This was the reason why I did not get home until about 2:30, in the morning.

(b)(5)(B) started calling my cell phone and making threats towards me. (b)(5)(B) was leaving several voice messages on my phone. I did not answer his calls. Each time (b)(5)(B) would call back, he got even more angry because I was not answering. He became even more hostile.

(b)(5)(B) was trying to manipulate and intimidate me. This was the reason why we broke up in the first place. I stayed at the bar for about an hour, but only drink water. On my way home, (b)(5)(B) continued to call me on my cell phone. (b)(5)(B) threatened to drive his car through my garage door. (b)(5)(B) has made this threat in the past, but never followed through.

(b)(5)(B) said he definitely was going to follow through with his threat because he didn't care anymore. (b)(5)(B) said he didn't care and was willing to go to jail that night.

I believe, I arrived home around 2:30, in the morning. I can't remember the exact time, I had arrived home shortly before I called 911.

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After several calls, I became scared of (b)(5)(B) I thought he might follow through with his threats, so I called 911. I told the 911 dispatcher, it was not an emergency because I wasn't dying or anything like that. However, I did want to speak with a police officer and let them know what was going on. I was scared of (b)(5)(B) and I was home alone.

Deputy Sheriff Fischer from the San Diego County Sheriff's Department arrived and knocked on my front door. I looked through the peep hole first because of (b)(5)(B) but I saw a deputy standing at the door. At this point, I did not see or hear another officer.

I opened the door and invited Deputy Fischer into my home. I closed the door behind him. Deputy Fischer stood at the front door and I stood in front of him. Deputy Fischer asked me what was going on. I explained to Deputy Fischer about (b)(5)(B) making violent threats. Deputy Fischer did not write anything down.

Deputy Fischer asked me if I lived alone. I told him no, my two adult children live with me, but they were not home. Deputy Fischer asked me if I was single. I told him, I am married, but living separately from my husband.

Deputy Fischer gave me a hug. I thought to myself it was weird that he hugged me, but I didn't think much of it. I was upset, but I was not crying. I can't remember if Deputy Fischer asked me for the hug or he just hugged me.

The fact that Deputy Fischer hugged me was inappropriate, but the hug itself was a normal hug. It was like Deputy Fischer hugged me because he felt sorry for me. The hug was not very long. When Deputy Fischer stopped hugging me, I walked further into the living room. Deputy Fischer followed me. We were standing between the kitchen and the living room.

Deputy Fischer started looking around my living room and kitchen. Deputy Fischer asked if anyone could hear us. He asked if the blinds to my windows were always up. I told him yes. (**(b)(5)(B) lives on the first floor of a condominium complex, her patio has a wall around it. However, (b)(5)(B) neighbors who live on the second story can see into her condominium. There are at least three different neighbors who can look into her condo if the blinds are up.**)

Deputy Fischer pointed to a white box hanging in the corner of my living room. The white box is a motion detector, which is connected to a burglar alarm. Deputy Fischer asked me if it was a camera. At this point, I knew something was wrong. I

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started to feel a little uncomfortable with the questions he was asking me. I was confused because of what was happening between (b)(5)(B) and I. I wasn't paying too much attention to what Deputy Fischer was asking me. I did not understand what point, Deputy Fischer was trying to make.

I believe it was at this point, Deputy Fischer walked out of my home, but returned within a few seconds. When he opened the door to step out, I heard a male's voice, but I did not see anyone. I assumed, this person was another police officer.

I don't know the reason why he left. He might've told me, but I do not remember. I do remember, he had stepped out and was going to return, but I can't remember why. I don't know if he was going to get something to write with and take a report or he needed to do something else.

Deputy Fischer returned and asked me if there was another place that we can talk. I didn't understand, why Deputy Fischer needed to talk to me in another room. It was quite confusing to me. I wasn't going to take him upstairs that's for sure. I walked out onto the patio and Deputy Fischer followed me.

When we stepped out onto the patio, I told Deputy Fischer we could speak here. I could tell Deputy Fischer did not want to speak to me out on the patio. He seemed very uncomfortable. Deputy Fischer kept looking around at my neighbor's windows. We were only on the patio for about one minute. Deputy Fischer asked me to walk back inside.

Deputy Fischer and I were standing between the kitchen and the living room when my son arrived home. I explained to my son what was going on with (b)(5)(B) My son walked upstairs and went into his bedroom. I did not see or speak with my son until the following morning.

Deputy Fischer hugged me for the second time. I can't remember if Deputy Fischer asked me for the hug or he just hugged me. This all happened so fast. I'm having problems with some of the small details. It is hard for me to remember the exact details, but I do remember the gist of what happened.

This hug was different from the first one. Deputy Fischer hugged me more tightly. Deputy Fischer pulled me into his chest. My chest was touching his chest. I placed my hands on the top of his upper arms. Deputy Fischer is a very large man. I could feel his arm muscles. He is a huge man. This hug was twice as long as the first hug.

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This was a major red flag for me. I knew something was really wrong with Deputy Fischer.

This was getting weirder for me. I started thinking about all the weird questions Deputy Fischer had asked me. He asked me about the blinds and if my neighbors could hear us. I started thinking about when Deputy Fischer asked me if there was someplace else we could speak. During the second hug, I put it all together. I became very uncomfortable and afraid of Deputy Fischer. Deputy Fischer asked me not to tell anybody about the hugs.

After Deputy Fischer hugged me, I started talking about (b)(5)(B) again. Deputy Fischer wasn't paying attention to what I was saying. This is where Deputy Fischer asked me for my phone number. I remember Deputy Fischer writing it down, but I don't know what he wrote it down on.

I don't remember if Deputy Fischer started walking towards the front door first or it was me. We were standing by the front door when Deputy Fischer looked to his right and asked me what was behind the closed door. I told Deputy Fischer that was my downstairs bathroom.

Deputy Fischer hugged me for the third time. When he hugged me, his arms were over the top of my arms. My arms were straight down. During the hug, he was very quiet. Deputy Fischer held me close to him. Deputy Fischer ran his hands down my back and onto my buttocks. Deputy Fischer held his hands on my butt as he hugged me.

I said, "What is going on? This is not happening." I was thinking to myself that this wasn't real. This is weird. I told Deputy Fischer, "I'm a classy lady and I'm respectful."

Deputy Fischer let go of me only with one arm with his other hand he grabbed my right hand. Deputy Fischer grabbed my right hand and placed it on his erect penis. Deputy Fischer moved my hand up and down twice on his erect penis. This was over Deputy Fischer's clothing. I said, "I don't know what you're thinking." I was so confused and shocked. I did not know what to do. I pulled my hand away and told him to stop.

Deputy Fischer did not say anything to me during hug. Deputy Fischer remained silent, even after I made my comments to him. If Deputy Fischer did say something to me, I either didn't hear him or I blacked it out. I was so scared and

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TO

confused, I could have missed something he said to me, but I believe he remained quiet.

Deputy Fischer left my home. I walked upstairs and wrote down his name on a wall calendar. I did this so I wouldn't forget his name. I didn't know if I was going to need his name later. I wrote his name down because of his behavior and what he did to me. I wanted to Google him and find out if he had been in trouble before. I searched Deputy Fischer's name on the Internet, but I did not find anything.

I told my daughter and son the following morning what had happened. I did not get into exact details. I spoke with my husband (b)(5)(B) and told him about Deputy Fischer's actions, including him grabbing my hand and rubbing up and down on his erect penis. My husband wanted me to report Deputy Fischer, but I was too scared. I did not know what Deputy Fischer would do if I got him into trouble. I just wanted to forget about what happened, but I can't.

When this all happened, my sister was out of town. I didn't tell my sister what happened until she returned home.

I believe it was last week, when I saw the news story about a deputy sheriff groping woman. As I was watching the news story, I recognized Deputy Fischer's photo and also his name. When I saw the news story, I was shocked. I couldn't believe he had done this to someone else.

The reporter directed people to get online and contact the Sheriff's Department and report Deputy Fischer. Once I got online, I saw the other videos. I found out, he had done this to several other women. At this point, I felt, I needed to do something. I reported Deputy Fischer's actions and what he did to me. I called the Sheriff's Department first, but no one answered, so I left a message.

No one from the Sheriff's Department called me back. I called again the following day. I spoke with several people. I ended up speaking with Detective Peña. Detective Peña set up a date and time to interview me.

I spoke with my son and he felt, I should contact the attorney who was interviewed for the news story. I called my husband and he told me, I should contact the same attorney who has been involved from the beginning, which is (b)(5)(B).

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If I had another emergency, I would feel uncomfortable calling the Sheriff's Department. However, I would have to because there is no other choice. I would never let another police officer into my home. I don't want anything like this to ever happen to me again. If I had another problem with (b)(5)(B) I would call the Sheriff's Department because I would rather deal with them than with (b)(5)(B)

I would not let law enforcement into my house, even if there were two officers present. For now, I will meet them outside.

Deputy Fischer has never contacted me.

(b)(5)(B), Detective (Ret.)
San Diego Police Department
Sexual Assault Training & Consulting
(b)(5)(B)

Date of Report: 11/28/17

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Sheriff's Dept - Investigations 5/4/16

Hopefully this letter is sent to the correct department. The intent of this letter is to file a complaint on a deputy. Though I would prefer to write anonymous [illegible] may not take it serious or [illegible] it credible. My name is [redacted] and in November of last year I was [redacted] Richard Fischer out of [illegible] Lakeside Sheriff station. During this incident deputy Fischer violated my rights in many ways. He started my arrest with [illegible] my 4th amendment with illegal search and seizure which led to him confining me with handcuffs and then taking advantage of me by touching and rubbing me sexually and inappropriately and also helping himself to my personal cell phone without my consent. Although I haven't filed anything through the court, I do think that something should be done. I have no idea how this process works but I am hoping to mostly find some peace of mind and attention brought onto the disrespectful unlawful and sexually demeaning things officer Fischer shamelessly put me through. I told him there was supposed to be a woman officer present during the search and he responded as if he had every right to do what he was doing. Please contact me for more details. It's not fair to be taken advantage of and he is a predator not an officer.

[illegible]

[redacted]

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(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)
The Gilleon Law Firm
1320 Columbia Street, Suite 200
San Diego, CA 92101
(b)(5)(B)
Attorneys for Plaintiff (b)(5)(B)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
(Central Division)

(b)(5)(B)

Plaintiff,

vs.

DEPUTY RICHARD FISCHER; COUNTY OF SAN DIEGO; SHERIFF BILL GORE, in his official capacity; and DOES 1 to 10,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES FOR VIOLATION OF CIVIL RIGHTS
1. Violation of Federal Civil Rights
2. Monell Municipal Liability
[42 U.S.C. § 1983]

Jury Trial Demanded

Plaintiff alleges:

GENERAL ALLEGATIONS

1. Plaintiff (b)(5)(B) is, and all times relevant to this complaint was, a resident of San Diego County, California.

2. Defendant Richard Fischer ("Fischer") is, and at all times relevant to this complaint was, a duly sworn peace officer, employed by the County of San Diego. Fischer was specifically authorized by Defendant County to perform the duties and responsibilities of a sworn deputy of the County of San Diego, and all acts hereinafter complained of were performed by Fischer under the color of law in the course and scope of his duties as a sworn deputy. Upon information and belief, Fischer is a resident of the County of San Diego.

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3. Defendant County of San Diego ("County") is, and at all times relevant to this complaint was a duly organized public entity, form unknown, existing under the laws of the State of California. At all relevant times, the County was the employer of Fischer and Defendants, Does 1 through 5 (Doe Deputies), who were San Diego County Sheriff's Deputies, and Defendants, Does 6 through 10 (Doe Supervisors), who were managerial, supervisorial and policymaking employees of the San Diego County Sheriff's Department. At all relevant times, Doe Deputies and Doe Supervisors were residents of San Diego County. Does 1 through 10 are sued in their individual capacity.

4. At all times relevant to this complaint, Defendants Doe Deputies and Doe Supervisors were duly authorized employees and agents of the County who were acting under color of law within the course and scope of their respective duties as Sheriff's Deputies and with complete authority and ratification of their employer, Defendant County of San Diego.

5. The true names and capacities of Does 1 through 10, and the facts giving rise to their liability are unknown to Plaintiff at this time. Plaintiff will amend this complaint once their identities have been ascertained as well as the facts giving rise to their liability.

6. Plaintiff is informed and believes, and thereon alleges, that each of the Doe Defendants is responsible in some manner, either by act or omission, strict liability, fraud, negligence or otherwise, for the occurrences herein alleged, and that Plaintiff's harm was legally caused by conduct of the Doe Defendants.

7. Defendant Bill Gore ("Gore") was, at all times relevant to this complaint, was the Sheriff of San Diego County and a policy maker and is sued herein in his official capacity.

FACTS

8. On or about the early morning hours of November 24, 2015, Fischer effectuated a traffic stop of (b)(5)(B) vehicle; (b)(5)(B) was the sole occupant and driver of the vehicle at the time of the traffic stop.

9. At the time of the stop, Fischer advised (b)(5)(B) he had pulled her over because he observed the license plate light on (b)(5)(B) vehicle to be inoperable despite the fact that the license plate light on (b)(5)(B) vehicle was, in fact, in perfect working order.

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10. Without probable cause and without [redacted] consent, Fischer advised [redacted] of his intent to search her vehicle.

11. Pursuant to the non-consensual search of her vehicle, Fischer placed [redacted] under arrest on suspicion of misdemeanor drug charges.

12. Fischer conducted a thorough pat-down of [redacted] pursuant to her arrest and before placing her inside of his patrol vehicle.

13. Upon arrival at the Lakeside Sheriff Substation, Fischer helped [redacted] out of his patrol vehicle and advised her that he needed to search [redacted] a second time for her safety. This second search Fischer conducted on [redacted] was prolonged and invasive. When [redacted] asked why she was being searched again and if a female officer could be present, Fischer assured [redacted] that he was following protocol and denied her request to have a female officer present.

14. Once inside the substation, Fischer took [redacted] into a holding room with one other male officer. Without a warrant or consent, Fischer took [redacted] cell phone and began to search its contents. While Fischer looked through [redacted] phone, he inquired of [redacted] why she had so many selfies at which time [redacted] understood that Fischer was looking through the photographs stored on her phone. Fischer than asked [redacted] "Why do you have nudies on here?" Fischer then said he was "just joking" and put down [redacted] cell phone.

15. [redacted] asked Fischer to drug test her to prove that she was not under the influence of drugs, but Fischer declined her request. Some time later, Fischer had [redacted] follow him out to his patrol car so that he could transport her to Las Colinas Jail.

16. Prior to placing [redacted] in his patrol vehicle to transport her to jail, Fischer conducted another search of [redacted] person. [redacted] was becoming increasingly fearful of Fischer's conduct and noted that while the third search of her person was done more quickly than the previous two, Fischer was pushing harder with his hands while he conducted the third search.

17. As [redacted] sat down in the back of Fischer's patrol car and Fischer leaned in to buckle her seatbelt, Fischer paused with his face close to [redacted] and said "I hope I'm not making you uncomfortable.... if I accidentally cop a feel, it's an accident." Fischer then told [redacted] "It's a shame that we didn't meet under different circumstances."

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18. Fischer drove [redacted] to Las Colinas via the road leading to the old entrance to the jail which was very dark and had fences blocking any entry. Fischer was chuckling and asked [redacted] if she was scared yet and then remarked that he wanted to get to know her better.

19. When they pulled up at the entrance of Las Colinas, Fischer unbuckled [redacted] seatbelt and smirked at her as he ran his hands across her breast.

20. After [redacted] was released from custody and while she was still fighting the charges against her, Fischer would drive by [redacted] home slowly at night, shining his lights into her home ensuring that his presence there was known. On another occasion, Fischer pulled up next to [redacted] while she was at a stoplight, revved his engine loudly next to her, then raced past her when the light turned green and flickered his lights.

21. On or about March of 2016, [redacted] wrote a letter to Internal Affairs at the Sheriff's Department complaining of the illegal and sexually assaultive behavior she had suffered at the hands of Fischer. [redacted] received no response from the Sheriff's Department in response to her claim.

22. On or about November 16, 2017, [redacted] again submitted a letter to the San Diego Sheriff's Department complaining of Fischer's conduct.

FIRST CAUSE OF ACTION
(Violation of Federal Civil Rights)

23. Plaintiff realleges all prior paragraphs of this complaint and incorporate the same herein by this reference.

24. On or about November 24, 2015, Defendant Fischer violated Plaintiff's constitutional rights of procedural and substantive due process, equal protection under the law, the right to be free from cruel and unusual punishment and unreasonable search and seizures; all guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

25. Defendant Fischer has sexually assaulted at least four other women while in the course and scope of his employment with Defendant County, and, on information and belief, other people have complained to the County about sexual assaults by Fischer prior to his assault on Plaintiff.

26. The violation of Plaintiff's rights was in the form of a non-consensual sexual assault

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by Fischer. The right violated by an assault has been described as the right to be secure in one's person, and is grounded in the due process clause of the Fourteenth Amendment.

27. Defendants Fischer and Doe Supervisors acted under color of law.

28. The failure of the Doe Supervisors to investigate, discipline and supervise Fischer deprived Plaintiff of her constitutional right to be free from sexual assault.

29. The Doe Supervisors knew or should have known that Fischer was engaging in these acts and knew or reasonably should have known that Fischer's conduct would deprive Plaintiff of her constitutional rights.

30. The Doe Supervisors failed to act to prevent Fischer from engaging in such conduct.

31. The Doe Supervisors' conduct was so closely related to the deprivation of Plaintiff's rights as to be the moving force that caused Fischer's sexual assault on Plaintiff.

32. Plaintiff suffered economic and non-economic damages including, but not limited to, emotional distress and pain and suffering as a sole, direct, and proximate result of Defendant Fischer and Defendant Does' acts complained of herein.

SECOND CAUSE OF ACTION
(Monell Municipal Liability)

33. Plaintiff realleges all prior paragraphs of this complaint and incorporate the same herein by this reference.

34. Defendant Fischer has sexually assaulted at least four other women while in the course and scope of his employment with Defendant County, and, on information and belief, other people have complained to the County about sexual assaults by Fischer prior to his assault on Plaintiff.

35. Defendant County has failed to adequately investigate complaints about Fischer, has failed to discipline Fischer, and has failed to adequately supervise Fischer.

36. Defendant County has a policy of employing and retaining as Sheriff's deputies, individuals, including Fischer, with dangerous propensities for abusing their authority, sexually assaulting women and endangering the public. Defendant County knew or reasonably should have known Fischer had dangerous propensities for abusing his authority and sexually assaulting women.

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37. The failure to investigate, discipline, and supervise by Sheriff Bill Gore and Defendant County's employees, including Defendant Does 6-10, deprived Plaintiff of her particular rights under the United States Constitution, including but not limited to her right to be free from sexual assault.

38. Sheriff Bill Gore and Defendant County's deputies acted under color of state law.

39. The investigatory and disciplinary policies of the Sheriff Bill Gore and Defendant County were not adequate to prevent violations of law by its employees, including Defendant Fischer.

40. The County knew or should have known that failing to adequately investigate, discipline and supervise deputies, including Fischer, made it highly predictable that Fischer and other deputies would engage in conduct, including sexual assault, that would deprive persons such as Plaintiff of their constitutional rights.

41. The failure of the County to adequately investigate, discipline and supervise its deputies, including Fischer, caused the deprivation of Plaintiff's rights by Fischer.

42. Plaintiff suffered economic and non-economic damages including, but not limited to, emotional distress and pain and suffering as a sole, direct, and proximate result of Defendants' acts complained of herein.

REQUEST FOR RELIEF

THEREFORE, Plaintiff [redacted] requests a judgment against Defendants Richard Fischer, the County of San Diego, Sheriff Bill Gore and Does 1-10 as follows:

a. Entering judgment for compensatory general and special damages in an amount in accordance with proof.

b. Entering judgment for exemplary damages against Defendants Fischer and Does 1-10 in an amount sufficient to punish and to make an example of said defendants, and to deter said defendants and others from engaging in similar conduct.

d. Awarding reasonable attorneys' fees, expenses, and costs of suit.

e. Granting such other and further relief as the Court deems proper.

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Give a description of the property damage or loss, as is known at the time of the claim:

Give a description of the injury, as is known at the time of the claim:

See attached.

Social Security Number (required for Federal reporting requirements):

Private

Name and address of any other person injured:

Name and address of the owner of any damaged property:

Damages Claimed

Amount claimed as of this date: $_____

Estimated amount of future costs: $_____

Total amount claimed: $_____

Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc):

Exceeds $10,000, would be filed as civil unlimited.

Damaged Vehicle (if applicable)

Make:	Model:	Year:
License Plate Number:	Mileage:	
Insurance Company:	Policy Number:	

Additional Information

Names and Address of witnesses, hospitals, doctors, etc:

A.

B.

C.

Any additional information that might be helpful in considering this claim:

➢ WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (PENAL CODE § 72; INSURANCE CODE § 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this First day of November, 2017 at San Di

(b)(5)(B)

Gilleon Law Firm

Attorney's For Claimant

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ATTACHMENT TO CLAIM

On August 20, 2017, at approximately 4 am, Claimant [redacted] ("Jane Doe") was sexually assaulted by San Diego County Sheriff's deputy, Richard Fischer. As Jane Doe has reported to Sheriff's officials on multiple occasions, at around 3 am Fischer first arrived at Jane Doe's home with another deputy for a welfare check, which stemmed from an earlier, errant communication between Jane Doe and her father on the east coast, who mistakenly believed his daughter might be in peril. The two deputies quickly learned that Jane Doe, who was all alone in her home, was perfectly fine. They both left.

About an hour later, Fischer returned, by himself this time, and knocked on Jane Doe's door. Fischer lied to her and said he needed to use her restroom. Jane Doe let him into her home, but immediately realized the restroom claim was just a ruse to get in the house. Fischer stood close to Jane Doe and began to hit on her her by saying, "I think you're cute." He then gave Jane Doe a 10 second hug, without her consent, during which his chest rubbed and embraced her breasts which were not supported by a bra (as she was in her sleep attire). Fischer's hands rubbed and fondled Jane Doe's torso, shoulders, arms, back and buttocks. After the hug was over, Fischer looked at her, and commented again that he thought she was good looking. Fischer then hugged Jane Doe again, which she resisted more aggressively.

Jane Doe was terrified, yet she was able to order Fischer to leave her home. In total, Fischer was in Jane Doe's house for 7 to 10 minutes.

The causes of action against Fischer and the Sheriff's Department include sexual assault and battery; civil rights violence/deprivations; infliction of emotional distress; sexual harassment; negligent failure to prevent sexual harassment/battery and negligent hiring/retention/training/supervision (Monell) to recover economic and non-economic damages exceeding $6,000,000.

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Investigator's Report

DATE (occurrence): August 20, 2017

TIME (Occurrence): 0300 Hours (Approximately)

LOCATION: [redacted]

SUBJECT INTERVIEWED:

[redacted]

On November 8, 2017, I was contacted by [redacted] of "The Gilleon Law Firm." [redacted] requested, I interview a current client of his named [redacted]. [redacted] set up an appointment for the interview at Ms. [redacted]'s home.

On November 8, 2017, at approximately 1435 hours, I interviewed Ms. [redacted]. The interview took place in her living room with no one else present. I recorded the interview with my digital recorder. I transferred a copy of the recording from my digital recorder to my laptop computer and electronically emailed the recording to [redacted] Ms. [redacted] essentially related the following information:

STATEMENT OF [redacted]:

I am the [redacted] for this mobile home park. I've been working and living here for the last two years. I live here alone.

This all took place on 20 August 2017. The night before, I was listening to a song by the Avett Brothers. The song made me think of my family. I liked the song so much, I told my father, who lives in New York, to check it out. I also sent the text

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to my brother and sister. I sent the song to him in the evening of August 19, 2017. After sending the text, I went to bed.

I can't remember the exact time, but around 3:00 AM, I heard someone knocking on my door. I got up out of bed and I could see someone pointing a flashlight into my kitchen window. At this point, I knew it was the police. Since I am the property manager, I did not worry about the police being there. I figured one of the residents called the police.

I opened the door and recognized Deputy Jose Galvan. Deputy Galvan has responded to the mobile home park before. Deputy Galvan told me he was there to conduct a welfare check. I asked him which "space" did he needed to go to. Deputy Galvan stated he was there to conduct a welfare check on me. I told Deputy Galvan, I was okay and I would not hurt myself. I asked him, "What's going on?"

Deputy Galvan stated, I had sent a text to my father in New York. The song said something about suicide so my father wanted to do a welfare check on me. Deputy Galvan stated my father tried to call me, but I did not answer. I told Deputy Galvan, I was fine and there was a misunderstanding.

Deputy Galvan came into my living room as he spoke with me. There was a second Deputy, I later learned his name is Richard Fischer. Deputy Fischer did not say anything the entire time he was in my home. Deputy Fischer just stood there and was looking around, but did not say anything. I had never seen nor met Deputy Fischer before.

Deputy Galvan asked me if I was on any kind of medications and I said yes. I showed him the medication I take for bipolar disorder. Deputy Galvan checked the refrigerator to make sure I had food. I also showed him my text messages.

I apologized to Deputy Galvan and told him it was a big misunderstanding. I had just saw the Avett Brothers in concert and wanted to share one of the songs with my family. **(The Avett Brothers performed at the San Diego Civic Theatre on August 10, 2017.)** Deputy Galvan looked at my text messages and decided everything was fine. Deputy Galvan and Deputy Fischer left my residence. After they left, I went back to bed.

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I am not sure how much time had passed, but it was approximately within an hour that I heard a knock at my front door. I got out of bed and answered the door. It was Deputy Fischer. He was by himself. Deputy Fischer asked me if he could use my bathroom. I said yes and I let him in.

I walked over to my bathroom because I had clothes hanging from the door. I moved the clothes so Deputy Fischer would be able to close the door. Deputy Fischer entered the bathroom and closed the door, but the door wasn't closed all the way. This time, I put a robe on because the first time the police were there I only had a tank top on.

I stood at my bedroom door which is next to the bathroom door and I waited. Deputy Fischer opened the door to exit the bathroom. Deputy Fischer was only in the bathroom for less than a minute. I believe he didn't even use the toilet. I did not hear any water running or the toilet being flushed.

Deputy Fischer and I stood in the hallway facing each other. Deputy Fischer said that he thought I was "cute." Then he asked if he could hug me. I don't know if he said can I have a hug you or can I give you a hug? I believe he said, "Can I give you a hug?"

I knew when he knocked on my front door to use the bathroom that this wasn't normal. I thought it was a little weird he came back to use the bathroom. I gave him a hug. The hug was not okay. It was too intimate. The hug was too grabby.

After the first hug, Deputy Fischer asked me for a second hug. I kind of halfway hugged him. At this point, there were red flags going off and I was thinking to myself what is going on? When Deputy Fischer asked me for a third hug, I said no you have to go. I told him he had to leave. Deputy Fischer left.

Before going back to bed, I texted my father. I explained to my father what happened. I made a screenshot of the text. ([redacted] **gave me five pieces of paper which were stapled together. They were copies of a screenshot of** [redacted] **'s text to her father. The date was August 20, 2017 at 0409 hours. See attached.)**

I explained to my father the deputies had left and there was a misunderstanding and I was fine. This was the first text I sent to my father and it was immediately after the deputies left.

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I also texted my father for the second time and told him about Deputy Fischer returning. I explained to my father that he came back to the house and asked me to use the bathroom. Then I told him Deputy Fischer said he thought I was cute and asked for a hug.

I also texted my father that I can't make this stuff up in the deputies first name was Rick. My father made a comment about, "That's a long way to go to get a date." ([redacted] **started crying and shaking. She became visibly uncomfortable and started rubbing her upper arms.)**

I was thinking about what happened and I'm a strong person. I stand up for myself more than anybody that I know… It's just been bothering me so bad. I called the Sheriff's dispatch to find out who the deputies were that had responded to my home. I think, I waited about a week before I called, but I'm not sure. ([redacted] **had taken hand written notes of what occurred. She gave me the notes. There are five pages of notes. See attached.)**

(In [redacted] **'s notes she listed August 23, 2017, as the day she called the San Diego County Sheriff's Communications Center.)** I asked the dispatcher if I could have the telephone number of Deputy Galvan because I knew him from prior contacts. The dispatcher transferred me to Deputy Galvan's voicemail. I left a message for him. In the message, I reminded him who I am and he had been to my house for a welfare check.

I told Deputy Galvan, I needed to speak with him. I wanted to ask Deputy Galvan, "Hey what's up with your partner he came back to my house and that wasn't okay." I felt, I could talk to Deputy Galvan because I was comfortable with him. Deputy Galvan never called me.

([redacted] **started reading from her notes.)** On September 22 or 23rd, I called the Sheriff's Department about a stolen bike that was left in the mobile home park. I was told a deputy would come by, but no one showed up.

On September 24, 2017, no one from the Sheriff's Department had showed up for the bike, so I called the them back. Deputy Dujinski arrived and took the bicycle. I don't know how to spell his last name. ([redacted] **started crying.)** When he arrived, I just exploded, I couldn't ignore it anymore and I told him everything that happened. Deputy Dujinski said he didn't want someone like that representing the Sheriff's Department.

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Deputy Dujinski said he would check into it and somebody would be getting in touch with me. No one ever contacted me.

On October 3, 2017, I contacted a friend who is affiliated with the San Diego Police Department. I contacted this person for advice. I dated this person many years ago, his name is (b)(5)(B) I only contact him when I have a law-enforcement question. I haven't seen (b)(5)(B) in about 15 years, but I do contact him when I have questions. I was trying to find out what I should do next. (gave **me five pieces of paper which were stapled together. They were copies of a screenshot of texting a person named "(b)(5)(B) The date was October 3, 2017, at 1001 hours. See attached. I read the following text.)**

October 3, 2017, at 1001 hours:

: "(b)(5)(B) *if this is you this is and I have a question about inappropriate behavior from a sheriff before I make a decision to share it can you please contact me if this is you I need your help please about this."*

Responded: *"At work hit me up in the morning 9-10."*

: *"Thanks"*

October 4, 2017, at 1150 hours:

: *"Hey you didn't answer when I called. Look I'm nervous about how to address the situation the sheriff was really inappropriate and all I could think about is what if it was my daughter and I don't want to make the wrong move can you at least tell me who I should contact? Or if I should contact anyone at all. I don't know anyone else to ask. You have a daughter, right?"*

October 6, 2017, at 1633 hours:

: *"Seriously"*

(b)(5)(B) never contacted me. I'm okay with that because really this is none of his business. I understand (b)(5)(B) not wanting to get involved he doesn't owe me anything.

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Since (b)(5)(B) never contacted me, I contacted another friend named (b)(5)(B) (b)(5)(B) is an ex-Sheriff. On October 6, 2017, I texted him for some advice on what to do. I spoke with (b)(5)(B) and told him something that happened to me involving a sheriff's deputy and I didn't know what to do. (b)(5)(B) told me his brother was an attorney. (b)(5)(B) told me I should talk to his brother and see what he thinks I should do.

(b)(5)(B) brother's name is (b)(5)(B). I did not know (b)(5)(B) brother was an attorney. (b)(5)(B) spoke with his brother, but he was at a soccer game so he was unable to talk. It was a holiday weekend so (b)(5)(B) brother was unable to talk to me until the following Tuesday.

On October 10, 2017, I spoke with (b)(5)(B) and he referred me to another attorney. The other attorney's name is (b)(5)(B) I do not know (b)(5)(B) last name. I contacted (b)(5)(B) and left a message. He never called me back. I spoke with (b)(5)(B) again because (b)(5)(B) never called me back. (b)(5)(B) gave me the name of another attorney who is (b)(5)(B).

On October 23, 2017, one of the residents in the park called the Sheriff's Department about her water being turned off. Deputy Dujinski is the one who responded. Since I am the (b)(5)(B) he contacted me about the water being turned off. This is the same deputy, I balled my eyes out and spilled my guts to when I told him what happened to me. It had been one month since I had spoken to him.

I told Deputy Dujinski, "You're the guy who came to my house and told me you would get somebody to get in touch with me and you didn't." (b)(5)(B) and others explained to me how police officers cover for each other. My brother was in the Marine Corps and I understand the whole concept of covering each other's back.

I told the Deputy, I understood how he was not going to rat out his coworkers. I shouldn't have expected it and waited for you to do or say something about it. Deputy Dujinski said, "No that's not the truth. I didn't do that. I don't want you to think that. I did tell somebody."

I told Deputy Dujinski no one had contacted me. I kind of went off on him a little bit because I did not believe him anymore. Deputy Dujinski told me his lieutenant was going to be working later in the night at 8:00 PM. Deputy Dujinski asked me if he could have the lieutenant call me when he gets in. I said, "Yes."

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I told Deputy Dujinski, I had spoken with an attorney and the attorney told me, the Sheriff's Department was going to cover up what had happened. He told me that wasn't true.

Later that night at 8:14 PM, I received a call from a lieutenant, I don't know his name, he left a voicemail because I did not answer. He left his phone number of (b)(5)(B) I didn't call him back because I didn't know what to do. I didn't know if my attorney wanted me to speak with him.

The following day on October 23, 2017, I received a telephone call from Deputy Dujinski, he notified me, he was on site at the mobile home park. I asked the deputy if he needed me to come to (b)(5)(B) and he said yes. I met the deputy at the office. Deputy Dujinski told me the lieutenant tried to contact me the night before, but I did not take the call. Deputy Dujinski asked me what would it take for me to speak with the lieutenant.

Back in 1992, I waved my fourth amendment right. I didn't know if I was still a fourth waiver or not. I asked Deputy Dujinski, if this guy pulls me over, do I have to do what he says because I'm a fourth waiver. I was scared to death this could happen to me. Deputy Dujinski asked me what makes you think you're a fourth waiver? I told him, I thought, I was still a fourth waiver for something that happened a long time ago.

He asked me if I wanted to find out and I said yes. He ran my driver's license to see if I am still a fourth waiver. He found out, I am not a fourth waiver any longer. I said this guy **(Deputy Fischer)** is still a cop and I have to do what he says correct? (**continued to cry and became more emotional.)** Deputy Dujinski said, "I do want you to know I did say something."

Deputy Dujinski told me that I seemed like the type of person that should talk about this face-to-face instead of over the phone. He asked me what did I want, if I wanted the lieutenant to come to me or I could meet him somewhere. Deputy Dujinski said whatever works for you, but we need to get this addressed. He told me that the lieutenant will be back in to work at 8 o'clock. I told Deputy Dujinski, I would call the lieutenant.

After speaking with the lieutenant, I agreed to meet with him. He came to my home to speak with me **(October 24, 2017)**. My boss and his wife were present when the lieutenant spoke with me. The lieutenant spoke with me in my living

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TO

room. I told him everything that happened. The lieutenant told me he would have to go through the proper channels.

I asked the lieutenant, what was going to happen to Deputy Fischer. The lieutenant told me, he would probably get counseling and also written up. I told the lieutenant that was not going to work for me. My boss stepped in and told me to relax. My boss said just let the Sheriff's Department go through the proper process.

The lieutenant told me, Deputy Fischer had a legal issue, something about his K-9 dog biting people. I asked the lieutenant if Deputy Fischer was allowed to work as usual and he said yes.

I know, I have the option with going through an attorney, but I just don't want anyone to get hurt. I just want to protect. He is a bad guy. He is a dark guy. When the lieutenant left, he stated someone would call me the next day. He said this right in front of my boss and his wife, but no one has ever contacted me from the Sheriff's Department.

On October 25, 2017, I had dinner with my friend (b)(5)(B) who often gives me advice. I didn't know what I was going to do or what I should do. This was eating me alive. Everybody was telling me different things. People I respect are telling me I'm not doing the right thing. I told (b)(5)(B) what Deputy Fischer did to me. (**continued to cry and was visibly shaking at this point.)**

(b)(5)(B) is personal friends with a Sheriff named Mike Barnett and he told me I should call him. I believe Mike Barnett is the number two guy just behind Sheriff Gore. (b)(5)(B) gave me his phone number which is (b)(5)(B) and told me to call him the next day.

On October 26, 2017, I called Mike Barnett. I told Mr. Barnett everything that has happened. Mr. Barnett told me all the people who are involved work for him. Mr. Barnett was reading notes of what happened on the radio call the night the two deputies came to my home. He even reminded me about being bipolar. Mr. Barnett told me he was going to speak with someone and they would be in contact with me. Mr. Barnett said someone would contact me or he would re-contact me.

Later the same night, Mr. Barnett called me. Mr. Barnett told me the lieutenant I spoke with had indeed opened up an investigation and someone would be in touch with me soon. I thanked him. Mr. Barnett was very nice to me.

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After speaking with Mr. Barnett, I decided to sign with attorney (b)(5)(B).

When the lieutenant was speaking with me he never took any notes or recorded my statement to him. The lieutenant didn't give me his card or even look at anything. He just sat here and didn't say anything. I couldn't show anybody… hug anybody like this guy hugged me. I know, I just sound like a crazy person.

The only person I've spoken with between October 26, 2017, and today is Sgt. Amber Baggs. (**handed me a single piece of paper with hand writing on it. The handwriting said Sgt. Baggs called and the phone number of (b)(5)(B) (b)(5)(B) "Referred to (b)(5)(B)**

On November 1, 2017, Sgt. Baggs called me. I told Sgt. Baggs, I would call her back, but I didn't. Sgt. Baggs gave me her personal cell phone number (b)(5)(B) (b)(5)(B) She seemed very nice. I believe she also called me the following day. I did not give Sgt. Baggs a statement. I emailed (b)(5)(B) and told him, Sgt. Baggs called me. (b)(5)(B) told me he would take care of it.

(I asked if there was anything she wanted to add to her statement.)

I just want to add, I did not know Deputy Fischer's name until he returned to my home. He introduced himself as Rick. I know deputies don't introduce themselves by their first name so how would I know Deputy Fischer goes by the first name of Rick?

(I asked if Deputy Fischer was in uniform when he returned to her home?)

Yes, that's how I know, he didn't use the bathroom. I don't know how uniforms work, but he was only in my bathroom for one second. Does he have to take his belt off or something? I don't know how it works. He was in and out of there so fast.

(During my recap of 's statement to me she clarified the following.)

After I sent the text to my father, he actually called my brother. My brother is the one who called the Sheriff's Department. My brother lives in the East County of San Diego. My father and brother have the same name so that's why the Sheriff's Department thought it was my father calling.

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I conducted a walk-through with [redacted]. We walked from the living room into the hallway which is only about 4' x 3' in diameter. The hallway is extremely small. During the walk-through, [redacted] demonstrated to me how Deputy Fischer hugged her.

[redacted] hugged herself by wrapping her arms around her upper torso. She explained to me, Deputy Fischer hugged her very tightly and pulled her into him. He started rubbing her back.

When Deputy Fischer returned to my home he parked his Expedition right outside my front door. I thought it was weird he asked me to use my bathroom. I thought to myself there's a 7-Eleven right across the street. It isn't like he left and came back one minute later and asked to use the bathroom. It was a red flag for me.

The hug he gave me was not right. The hug was too long and too caressful. It was too much of an embrace. He didn't say anything to me during the hug. When Deputy Fischer asked me for another hug, I couldn't believe I was letting him hug me. This all happened within a minute. The second time, "I half-assed hugged him." Because I knew something was wrong. I backed off of him and when he asked me for the third hug, "I said no you have to go."

I didn't even think about the cameras. I only had three days to get the video. **(There is a camera system at the mobile home park.)** I know he's a predator. I feel that he's a predator, but that's just my opinion. He had no business coming back here! All he knew when he left here is that I was alone. He shouldn't have come back here. He had no business coming back here.

If he is a monster, how will I have anything to do with him losing his power. He could come back here. What is he going to do to me? I don't know what I'm doing to myself by saying this, but I can't not do it. I want to say, I wish this never happened. I can't even say that because it happened. If it happened to me it could've happened to somebody else who got hurt. I can't regret it. I can't be mad about it. I can't do anything about it. My character, my credibility… I was nervous and intimidated.

The Sheriff's park their cars out here all the time. I don't know if I'm supposed to open my door anymore and it's my job to do that.

My father told me not to do anything about it. I don't understand why he would say that because I love and respect him. He told me to leave it alone and I can't leave it

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alone. I told my brother what happened and he told me the same thing that my father did. My brother told me to let it be and I say why are you saying this to me? This is consuming me. Deputy Fischer acted comfortable doing what he did to me. He was not nervous.

I had just moved to the North County two years ago so none of the deputies knew me until I started working here. I have been contacted by the police before when I lived in the East County. There was a restraining order placed against me by my ex-boyfriend, but that was a long time ago.

I'm going to move forward and do what I have to do. I feel like I have to protect other people because I don't think this guy is protecting anybody. I'm really torn about this whole thing. I really can't feel bad for him or his family or his kids. I know he's married, but I can't feel bad for him. One of the attorneys told me he's married.

I don't want to hurt any cops. I'm not trying to hurt anyone. I don't want to make anything bad for anybody. I don't want this guy to come and kill me because he's in trouble! He's in trouble because of himself. I want the results to be positive for everybody. I'm not trying to get anything.

When Deputy Fischer hugged me, there wasn't any space between him and I. It was a tight embrace. It was like the type of hug if you were going to make out with somebody. It wasn't a normal hug. After the first hug, it wasn't more than ten seconds when he asked me for the second hug.

I'll never be able to open the door to law enforcement again. It's not right. I'm supposed to trust law enforcement. Deputy Fischer was abusing his power. If I would've done something, it would've gone further, there is no doubt in my mind. I want everybody to believe in the justice system. I don't think I'm doing anything wrong to bring this to light. How am I going to live with myself, if somebody is killed one day because of this guy? I'm not making friends around here by doing this.

I told my daughter what's going on, but I didn't tell her everything. I did not tell my son anything, he lives in Louisiana. My son is going to be mad.

I don't want this guy to hurt anybody. I really don't want this guy to get mad at me. I don't want anything to do with him. I don't want anybody to lose their job. I don't want this guy to have power. I don't want him to do this to somebody else.

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The interview was completed at 1539 hours. The recording of the interview is submitted with this investigation.

Timeline:

August 19, 2017 – Deputies Jose Galvan and Richard Fischer respond to a radio call to check the welfare of the residence at [redacted]. They contact the resident named [redacted]. After making contact with [redacted], they determined, she is not a threat to herself or others.

August 20, 2017 – Deputy Fischer returns to [redacted]'s residence in the early morning hours, he is alone. Deputy Fischer asked [redacted] to use her bathroom. Deputy Fischer entered [redacted]'s bathroom, but once inside he immediately exited. As they stood in the hallway Deputy Fischer asked [redacted] if he could hug her. Deputy Fischer hugged [redacted] twice, but when he asked her for a third hug she told him he had to leave.

August 23, 2017 - [redacted] contacted the San Diego County Communications Center and asked for the names of both deputies. [redacted] was transferred over to Deputy Jose Galvan's voicemail. [redacted] left a message for Deputy Galvan to contact her, but he never did.

September 22, 2017 – [redacted] called the Sheriff's Department about a stolen bike, which was found in the mobile home park. [redacted] was told a deputy would come by, but no one responded.

September 24, 2017 – [redacted] called the Sheriff's Department and reported the stolen bike for the second time. Deputy Dujinski arrived and took the bicycle. [redacted] explained to Deputy Dujinski what Deputy Fischer had done to her. Deputy Dujinski said he would check into it and somebody would contact [redacted]. [redacted] was not contacted by anyone from the Sheriff's Department.

October 3, 2017 – [redacted] contacted a friend who is affiliated with the San Diego Police Department named (b)(5)(B), for advice. He never contacted her back.

October 6, 2017 – [redacted] contacted another friend named (b)(5)(B), who maybe was a former San Diego County Sheriff's Deputy, for advice. (b)(5)(B) told [redacted] his brother is an attorney and she needed to speak with him, for advice.

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October 10, 2017 – [redacted] spoke with (b)(5)(B) and he referred her to another attorney. [redacted] contacted the attorney and left a message. He never contacted [redacted]. A few days later, [redacted] contacted (b)(5)(B) for a second time, he gave her attorney (b)(5)(B) name.

October 23, 2017 – One of the residents in the park called the Sheriff's Department about her water being turned off. Deputy Dujinski responded to the radio call. He contacted [redacted].

[redacted] tells Deputy Dujinski, "You're the guy who came to my house and told me that you would get somebody to get in touch with me and you didn't." Deputy Dujinski told [redacted] his lieutenant would contact her. [redacted] received a call from a lieutenant, he left a voicemail. [redacted] did not contact him.

October 24, 2017 – [redacted] agreed to meet with the lieutenant. The lieutenant spoke with [redacted] in her living room, her boss and his wife were present. She gave him a statement of what occurred.

October 25, 2017 – [redacted] had dinner with a friend named (b)(5)(B). She tells (b)(5)(B) what had occurred. (b)(5)(B) directed [redacted] to contact San Diego County Assistant Sheriff Michael Barnett.

October 26, 2017 – [redacted] contacted Assistant Sheriff Barnett. He told [redacted] someone would contact her. Later the same night, Assistant Sheriff Barnett contacted [redacted] and notified her the lieutenant she had spoken with had opened up an investigation.

November 1, 2017 – Sgt. Baggs contacted [redacted], she did not give her a statement.

November 8, 2017 – Investigator (b)(5)(B) interviewed [redacted].

(b)(5)(B), Detective (Ret.)
San Diego Police Department
Sexual Assault Training & Consulting
(b)(5)(B)

Date of Report: 11/12/17

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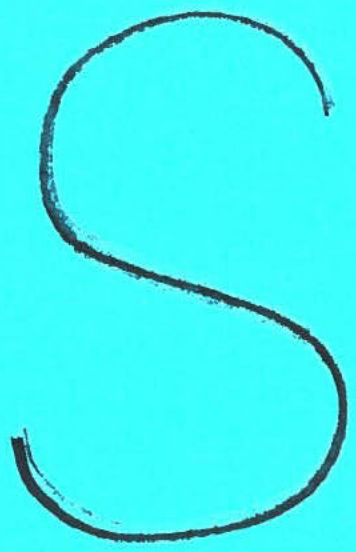

Baggs, Amber

From: (b)(5)(B)
Sent: Friday, November 17, 2017 6:52 AM
To: Baggs, Amber
Subject: RE: Alert requested for any future pings

Good morning Amber,
We have enabled tracking on the device and looks like the last time the phone sent us the location was on November 10th, at 09:34 AM. The location reported was within 65 meters (213 feet) (b)(5)(A)

Thanks,
(b)(5)(B)
San Diego County Sheriff's Dept
5575 Overland Ave, Suite 101
San Diego, CA 92123
(b)(5)(B)

-----Original Message-----
From: Baggs, Amber
Sent: Thursday, November 16, 2017 3:33 PM
To: (b)(5)(B)
Subject: Alert requested for any future pings

(b)(5)(B)

A department issued cell phone has been lost. The last ping occurred 22 days ago. Is there a way data services can put an alert on the phone if there are any future pings? My guess is that it's currently turned off, but will hopefully be turned on again at some point. So I would like to be notified when/if that happens.

And also...are we able to get a ping history of the phone as well?

The cell # is (b)(5)(B) and it is tagged with Property # 228525.

Thank You,

Amber

Amber Baggs, Sergeant
Internal Affairs
9621 Ridgehaven Court
San Diego, CA 92123
(b)(5)(B)

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San Diego County
SHERIFF'S DEPARTMENT

REPORT OF MISSING, DAMAGED OR STOLEN DEPARTMENT ISSUED EQUIPMENT

RICHARD FISCHER 3003 SAN MARCOS
Reporting Employee ARJIS Division / Station / Facility

IPHONE 17160674
Item(s) missing, damaged or stolen Case number (if applicable)

Date of loss 11/7/17-11/9/17 Reason: ☒ Lost ☐ Stolen ☐ Damaged

Explanation: Give circumstances, location, etc. If such loss or damage could be avoided in the future by using a different procedure, explain how.

I DID NOT ~~CAR~~ USE THE PHONE OFTEN, HOWEVER, I CARRIED IT WITH ME IN MY POV. DURING THE APPROX LISTED DATE, I REALIZED IT WAS MISSING. DURING THIS TIME, I WAS TEMPORARILY ASSIGNED TO WEAPONS TRAINING UNIT. IT WAS POSSIBLY LOST BY FALLING OUT OF MY VEHICLE AT WTU OR A GAS STATION. IN THE FUTURE, I WOULD CARRY IT ON PERSON EVEN IF I DO NOT USE IT.

Reference to P&P 6.28:

Any individually issued department equipment that is missing, damaged or stolen must be promptly reported to the Division / Station / Facility commander for review and recommendation. This form is either forwarded to the Personnel Division to process the replacement of badges or identification cards, or Weapons Training Unit for individually issued safety equipment. A crime / incident report must accompany this form for any missing or stolen items. In addition, badges and identification cards must also be reported to the Communications Center as soon as possible. Damaged items must be returned with this form for replacement. This form will be filed in the employee's department personnel file.

[signature] 11-20-17
Signature of reporting employee Date

COST TO REPLACE ITEMS:

$
$
$

REVIEW AND RECOMMENDATION:

Division / Station / Facility Commander comments: THIS WAS RECENTLY ISSUED EQUIPMENT AND ~~THAT~~ MORE CARE SHOULD HAVE BEEN USED.

Incident Excusable ☐ YES ☑ NO [signature] /CAPT 11/22/17
Division / Station / Facility Commander Date

PERSONNEL DIVISION ACTION:

If employee held accountable, on what date when was he/she notified of accountability? Date By

When was liability discharged? Date

Date action completed and this form filed in Personnel Division? Date By

Signature of Personnel Officer

SO-5 REV 03/11 (Formerly AS 5/22)

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San Diego County Sheriff's Department
Crime/Incident Report

Case No. **17160674**

CAD Event No.: **E4576903** | Case Disposition: **Active**

Primary Victim: **State of California** | Report No. **17160674.1**

GENERAL CASE INFORMATION

Primary Charge: **900000 - ZZ - LOST ARTICLE**			
Special Studies:			Related Cases:
Location, City, State, ZIP: **6755 Kearny Villa Rd, San Diego, CA 92123**			Occurred On: **11/07/2017 06:52:30 (Tuesday)**
Jurisdiction: **NON-CONTRACT CITY**	Beat: **009**	Call Source: **DEPUTY**	(and Between): **11/09/2017 10:52:47 (Thursday)**
Means:		Motives:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: **900000 - ZZ - LOST ARTICLE**	Level: **O**	Against:	Completed? **Yes**	Counts	Using:
Location Type: **13 - Highway/Road/Alley**	Hate/Bias: **88 - None (No Bias)**			Domestic Violence: **No**	
Criminal Activity:	Type Security:	Gang Related: **No**	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

Other Entity #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name: **Fischer, Richard**	Entity Type: **OO - Other Officer**	Person Code:	County Residence: **R - Resident**

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP: **6755 Kearny Villa Rd, San Diego, CA 92123**				Res. Country: **US**		Place of Birth:	Undocumented: **No**	Interpreter Language	
Race:	Sex: **M**	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:		Complexion:
Employment Status: **E - Employed**		Occupation/Grade: **Deputy Sheriff**		Employer/School: **SDSO**			Employer Address, City, State, ZIP:		

CONTACT INFORMATION:

Type: **WP - Work Phone**	Number/Address: (b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:
Injury: **N - None**		Extent of Treatment:	

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Reporting Officer: **SH3003 - FISCHER, RICHARD**	Division / Organization: **San Marcos Station SAN MARCOS PATROL**	Reviewed By: **SH2377 - NOBLE, ALAN**
Report Date: **11/20/2017 10:51:21 AM**	Detective Assigned	Reviewed Date: **11/20/2017 15:29:23**

PROPERTY

Property Item #1.000 - IPHONE

Derivative No.:	0	Property Category:	1500 - Cellular Phone		
Status:	L - Lost	Count:	1	Value:	$500.00
Manufacturer:	Apple	Model:	IPHONE		
Serial No.:	UNKNOWN	Model Year:		OAN:	
Color:	Black	Caliber:			
Body Style:		Recovered/ Seized Date:			
Owner:		Disposition:			
Evidence Tag:		Alert(s):			
Drug Type:		Drug Quantity:			
Search Warrant:					
Notes:	Lost department issued iphone.				

REPORT NARRATIVE

Synopsis:

In early November of 2017, I noticed my department issued IPHONE was missing. This report is being written for documentation purposes.

Origin:

On 11/20/17, at about 1030 hours, I met with Sergeant Kyle Bibel of the Internal Afairs Unit advising me to document my missing cell phone.

Investigation:

Between the approximate dates of November 7th and November 9th of 2017, I realized my department issued cell phone was missing. During these dates, I was temporarily assigned to the Weapons Training Unit. While being assigned there, I did not have much use for my iphone and I left it inside my personally owned vehicle most of the time. It was around the times of the listed dates where I realized the phone had gone missing.

I believe the phone was not stolen because I regularly keep my vehicle secured. The phone possibly fell out of my vehicle while I was pumping gas at a Lakeside gas station. The phone could have also fallen out of my vehicle at my residence or at WTU while getting in and out of my vehicle. I checked those places but could not locate it. The battery was low the last time I knew I had it. The applications on the phone rarely worked and there was no damage to the phone while I last remembered having possession of it.

I did not immediately notify my supervisors of my missing cell phone because I wanted to give myself ample time to find it as well as do as thorough of a search for it as possible to assure it was still missing. Sergeant Baggs was made aware of the missing phone on 11/15/17.

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Evidence:
None.
Property Damage:
None.
Follow up:
None.
Related Reports:
None.

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Reporting Officer	Division / Organization	Reviewed By
SH3003 - FISCHER, RICHARD	**San Marcos Station SAN MARCOS PATROL**	**SH2377 - NOBLE, ALAN**
Report Date	Detective Assigned	Reviewed Date
11/20/2017 10:51:21 AM		**11/20/2017 15:29:23**

verizon

CUSTOMER RECEIPT

Please keep this important document for your records.

Ship To:
ATTN (b)(5)(B)
NVLPT-CA-COUNTY-SAN DIEGO-SHERI
9621 RIDGEHAVEN CT

SAN DIEGO, CA 92123-1636

Order No:	**005064839001**
Location Code:	**W211501**
Order Placement Date:	07/31/2017
Order Process Date:	07/31/2017
Ship Date:	07/31/2017
Wrhs Order No:	0779361704

Return Instructions: (1) If you return a wireless device, you MUST contact Customer Service if you want to disconnect service. Your wireless service and related access CHARGES WILL CONTINUE until the time you contact Customer Service to disconnect service. (2) Pack merchandise in original packaging and place in shipping box. Please do not return damaged or defective batteries or devices containing damaged or defective non-removable batteries by mail. (3) Include a copy of this receipt; (4) Attach the return label and keep a copy of the label; (5) Return your package using the return shipping label included in your shipping carton, if applicable. If you did not receive a return label in your package - simply go to verizonwireless.com/printlabel, register for My Verizon - then print your prepaid return label.

Cellular Service Information

Mobile No: (b)(5)(B) User Name: - -

Price Plan Descr:
Contract Term: 012 month(s)
EARLY TERMINATION FEE: UP TO $350

The monthly Federal Universal Service Charge is 17.10% of interstate and int'l telecom charges (varies quarterly). The monthly Regulatory Charge is $0.21 per line for voice capable devices,or $0.02 per line for data only devices. The monthly Administrative Charge is $1.23 per line for voice capable devices, or $0.06 per line for data only devices. These Charges are our charges, not taxes. Taxes, surcharges and other fees, such as E911 and gross receipt charges, can add between 13.00% and 42.00% to your monthly bill, and are added to your monthly access fees and airtime charges.

Features

CORPORATE EMAIL
VISUAL VOICEMAIL SPEC
DETAILED BILLING - $0
M2M NATIONAL UNLIMITED - $0
UNL NIGHT & WEEKEND MIN $0
4G DATA TRANSPORT
TEXT MESSAGING
4G INTERNET ACCESS
DATA ROAM USA/CANADA B2B
TXT MSG W PER MSG CHARGES
DECLINE EQUIPMENT PROTECTION
BLOCK VOICE-HOTLN (PKT DATA)
No description available
RTR FOR UNLIMITED PLANS $0
DYNAMIC-PRIVATE IP
100 TXT PIX FLIX / $0.10 $0.0

Not all available Features and Services are compatible with all devices.

Promotions
(DROP) HD VIDEO OPTIMIZATION from 07/28/2017 to 07/28/2017

Electronic Device Recycling

We encourage the proper recycling or disposal of your cell phone. Useour in-store drop box or request a prepaid Hopeline donation shippinglabel at http://www.verizon.com/about/sites/default/files/HopeLine_Mailing_Label.pdf.

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CUSTOMER RECEIPT

Please keep this important document for your records.

Have questions? Get the answers you need. Sign in at vzw.com

Ship To:
ATTN (b)(5)(B)
NVLPT-CA-COUNTY-SAN DIEGO-SHERI
9621 RIDGEHAVEN CT

SAN DIEGO, CA 92123-1636

Order No: 005064839001
Location Code: W211501
Order Placement Date: 07/31/2017
Order Process Date: 07/31/2017
Ship Date: 07/31/2017
Wrhs Order No: 0779361704

Item Description	Item SKU	Retail Price / VZW Cost*	Ship Qty	Item Price	Item Subtotal
NEXT DAY BY 8PM	SHP001		1	$0.00	$0.00
iPhone 7P Blk 32GB	MNR12LL/A User: **Mobile No:** (b)(5)(B) IMEI:	$ 769.99	1	$319.99	$319.99
4G 4FF PRE-INST SIM	(b)(5)(B) User: **Mobile No:** (b)(5)(B) ICCID:		1	$0.00	$0.00
CLA VZ24LIGHT VPC	(b)(5)(B)	$ 29.99	1	$22.49	$22.49
CAS VZW HOC IP7P BLK		$ 29.99	1	$22.49	$22.49
1 YR. MFG. WARRANTY	WAR6002		1	$0.00	$0.00

Order Subtotal:	$364.97
CA Local Sales Tax	14.26
CA State Sales Tax	48.90
Total Taxes / Fees	63.16
Order Total:	$428.13

Payment Info: Bill to Account
XXXXXXXXXXX0001

* In Massachusetts and Nevada, sales tax is computed on the higher of the device price or VZW cost for the device. In California, when a device is purchased for a 2 Year Contract price, sales tax is computed on the retail price of the device. The sales tax charged on your device was based on: $1599.96

Verizon Wireless SIM may only be used with devices certified for use on Verizon Wireless' network. You can check if your device is certified at www.verizonwireless.com/certifieddevice

Return/Exchange Policy: New and Certified Pre-Owned merchandise may only be returned or exchanged within 14 days of purchase. You are permitted to make one exchange. If you exchange your current device for another, you must return the original device, or you will be charged the difference between your purchase price and the MSRP. A restocking fee of $35 applies to any return or exchange of a wireless device (excluding Hawaii). If you received your merchandise through a "Buy One, Get One" offer, both items must be returned in order to receive a refund. Cancellations must occur within 3 days of activation for the Activation Fee to be refunded. If you return your merchandise after the return period, you will not receive a refund and your merchandise will not be returned to you. See verizonwireless.com/returnpolicy for complete details.

BUSINESS AND GOVERNMENT CUSTOMERS: The terms and conditions for return and exchange, including the return period, may vary by contract. Please contact your Verizon Account Manager or refer to your contract.

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PHONE AND iPAD INVENTORY

Carrier	VERIZON WIRELESS, INC.
Phone Number	(b)(5)(B)
Model	iPhone 7 Plus 32GB
MEID Number	(b)(5)(B)
ORG	39774
Employee	Richard Fischer SH3003
Property Number	228525

K9 Unit

ADDITIONAL ACCESSORIES: Car charger and shell/holster

New Service Upgrade ✓

Defective Cancel Service

Date Ordered 73117

Date Received 0801/17

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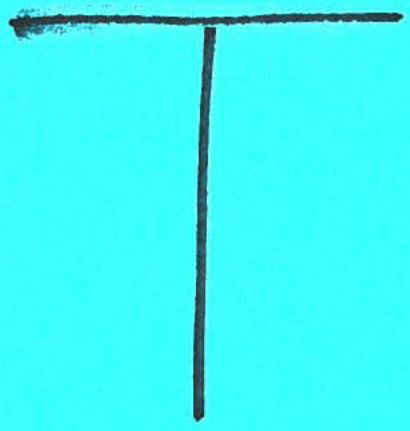
TO



eJIMS Inmate Detail

PERSONAL

Last:	FISCHER
First:	RICHARD
Middle:	TIMOTHY
Sex:	M
DOB:	(b)(5)(A)
Age:	31
Birth Place:	LOS ANGELES CA
SSN:	(b)(5)(A)
RI System #:	18053-165107
Gang Flag:	
Inmate Loc.:	RELS - --------
DNA Status:	Completed
Citizenship:	UNITED STATES
Foreign Notify:	N
Language:	ENGLISH
English Ability:	Good
Race:	WHITE
Hair:	BROWN
Eyes:	HAZEL
Height:	6' 00"
Weight:	225 lbs.

Bk History

Booking photos are not public records, and may not be released to the public or media except as authorized by Sheriff's policy. Booking photos are provided by the San Diego County Sheriff's Department to your agency through SDLaw with the expectation that they will remain confidential, and not be disclosed to anyone outside of your agency. Copies of booking photos may be available pursuant to subpoena.



JIM #:	(b)(5)(C)
Bk #:	18111735
Class:	

ARRESTS: 1

Arr. Agency:	SD Sheriff Court Services
Arr. Location:	325 S MELROSE DR
Officer:	HART
Officer ID:	5654
Arr. Date:	02/22/2018
Agency Case #:	
Custody Days:	1
Booking Date:	02/22/2018
Booking Time:	14:21:32
Jail:	
Area/HU/Cell:	/ /
Holds:	
Arrest Type:	BOOKED-REMAND
Date Released:	02/22/2018 19:03:00
Release Type:	BOND RELEASED ON BOND
Projected Release Date:	
Sentenced:	No

Eligible For Release, Bail Amount: $100,000

Remarks (1st Arr):

*** Note:** Bail amounts subject to change from Court Proceedings.

CHARGES

Arr	Arrest Date	Chg	Section	Code	Description	Court Case	Bail Amount	Flag	Dispo. Type	Dispo. Date/Time	ROC
1	02/22/2018	1	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$100,000.00	Y	BOND	02/22/2018 18:44	FP
1	02/22/2018	2	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	3	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	4	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	5	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	6	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	7	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	8	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	9	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	10	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	11	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	12	149 PC	PC	ASSAULT BY PUBLIC OFFICER	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	13	243.4(D) PC	PC	SEXUAL BATT:SEX AROUSAL	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP
1	02/22/2018	14	236 PC	PC	FALSE IMPRISON W/VIOLENCE	CN383174	$0.00	I	BOND	02/22/2018 18:44	FP

COURT

Appearance	Destination Court	Date	Time	Arrest
1	NC6 (North County Vista #6)	03/26/2018	08:30:00	1

2/23/2018 9:46:33 AM

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(b)(5)(C)

(b)(5)(C)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
NORTH COUNTY DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

RICHARD TIMOTHY FISCHER,
dob (b)(5)(A)

Defendant

CT No. CN383174
DA No. OCI070

COMPLAINT-FELONY

INFORMATION

Date: _____

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
FISCHER, RICHARD TIMOTHY	DNA sample required upon conviction

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC243.4(d) FISCHER, RICHARD TIMOTHY	Felony	2-3-4/$10,000		
2	PC149 FISCHER, RICHARD TIMOTHY	Felony	16-2-3		
3	PC149 FISCHER, RICHARD TIMOTHY	Felony	16-2-3		
4	PC149 FISCHER, RICHARD TIMOTHY	Felony	16-2-3		
5	PC149 FISCHER, RICHARD TIMOTHY	Felony	16-2-3		
6	PC149 FISCHER, RICHARD TIMOTHY	Felony	16-2-3		
7	PC149 FISCHER, RICHARD TIMOTHY	Felony	16-2-3		

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CHARGE SUMMARY (cont'd)

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
8	PC149	Felony	16-2-3		
	FISCHER, RICHARD TIMOTHY				
9	PC149	Misd-17(b)(4)	1 Year		
	FISCHER, RICHARD TIMOTHY				
10	PC149	Misd-17(b)(4)	1 Year		
	FISCHER, RICHARD TIMOTHY				
11	PC149	Misd-17(b)(4)	1 Year		
	FISCHER, RICHARD TIMOTHY				
12	PC149	Misd-17(b)(4)	1 Year		
	FISCHER, RICHARD TIMOTHY				
13	PC236	Misdemeanor	Fine\1 Yr		
	FISCHER, RICHARD TIMOTHY				
14	PC149	Misd-17(b)(4)	1 Year		
	FISCHER, RICHARD TIMOTHY				
	PC1054.3		INFORMAL REQUEST FOR DISCOVERY		

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES

COUNT 1 - SEXUAL BATTERY

On or about October 6, 2017, RICHARD TIMOTHY FISCHER did willfully, unlawfully, and for the purpose of sexual arousal and sexual gratification, cause another person, against the other person's will, while that other person was unlawfully restrained by the accused, to touch an intimate part of either of those persons, in violation of PENAL CODE SECTION 243.4(d).

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CHARGES (cont'd)

COUNT 2 - ASSAULT AND BATTERY BY OFFICER

On or about October 6, 2017, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #1, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149.

COUNT 3 - ASSAULT AND BATTERY BY OFFICER

On or about and between May 1, 2015 and May 31, 2015, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #2, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149.

COUNT 4 - ASSAULT AND BATTERY BY OFFICER

On or about and between February 1, 2016 and February 28, 2016, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #2, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149.

COUNT 5 - ASSAULT AND BATTERY BY OFFICER

On or about November 24, 2015, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #3, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149.

COUNT 6 - ASSAULT AND BATTERY BY OFFICER

On or about January 3, 2016, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #4, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149.

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CHARGES (cont'd)

COUNT 7 - ASSAULT AND BATTERY BY OFFICER

On or about February 29, 2016, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #5, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149.

COUNT 8 - ASSAULT AND BATTERY BY OFFICER

On or about June 19, 2017, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #6, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149.

COUNT 9 - ASSAULT AND BATTERY BY OFFICER, PENAL CODE SECTION 17(b)(4)

On or about August 6, 2016, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #7, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149, a misdemeanor pursuant to PENAL CODE SECTION 17(b)(4).

COUNT 10 - ASSAULT AND BATTERY BY OFFICER, PENAL CODE SECTION 17(b)(4)

On or about September 1, 2016, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #8, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149, a misdemeanor pursuant to PENAL CODE SECTION 17(b)(4).

COUNT 11 - ASSAULT AND BATTERY BY OFFICER, PENAL CODE SECTION 17(b)(4)

On or about November 4, 2016, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #9, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149, a misdemeanor pursuant to PENAL CODE SECTION 17(b)(4).

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CHARGES (cont'd)

COUNT 12 - ASSAULT AND BATTERY BY OFFICER, PENAL CODE SECTION 17(b)(4)

On or about November 26, 2016, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #10, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149, a misdemeanor pursuant to PENAL CODE SECTION 17(b)(4).

COUNT 13 - FALSE IMPRISONMENT

On or about May 3, 2017, RICHARD TIMOTHY FISCHER did unlawfully violate the personal liberty of Jane Doe #11, in violation of PENAL CODE SECTION 236.

COUNT 14 - ASSAULT AND BATTERY BY OFFICER, PENAL CODE SECTION 17(b)(4)

On or about August 20, 2017, RICHARD TIMOTHY FISCHER did unlawfully, under color of authority and without lawful necessity, assault and batter Jane Doe #12, a human being, the said defendant being then and there a public officer, to wit: Deputy Sheriff with the San Diego County Sheriff's Department, in violation of PENAL CODE SECTION 149, a misdemeanor pursuant to PENAL CODE SECTION 17(b)(4).

NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

NOTICE: Any defendant named on this complaint who is on Mandatory Supervision in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's Mandatory Supervision pursuant to Penal Code Sections 1170(h)(5)(B) and 1203.2, on any and all such grants, utilizing the same evidence, at the preliminary hearing. Defense to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

Sheriff's records indicate that as of the booking date one or more defendants have not yet provided a DNA sample to the [illegible] database. Pursuant to Penal Code Section 296(e), the court shall order collection of DNA from the defendant(s) if advised by the prosecuting attorney that a sample is required but has not been provided by the defendant. Pursuant to Penal Code sections 296/296.1, if not already required from a past conviction, any defendants who have not done so will be required to provide a sample upon conviction of this felony offense.

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MANDATORY STATE PRISON INCARCERATION: An executed sentence for a felony shall be served by defendant RICHARD TIMOTHY FISCHER in state prison pursuant to PENAL CODE SECTIONS 1170(f) and (h)(3).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CN383174, CONSISTS OF 14 COUNTS.

Executed at City of Vista, County of San Diego, State of California, on February 21, 2018.

_____
COMPLAINANT

INFORMATION

SUMMER STEPHAN
District Attorney
County of San Diego
State of California
by:

_____
Date

_____
Deputy District Attorney

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TO

San Diego County Sheriff's Department
Crime/Incident Report

Case No: **17158719**

CAD Event No.: **E4554547** | Case Disposition: **Active**

Primary Victim: (b)(5)(B) | Report No: **17158719.1**

GENERAL CASE INFORMATION

Primary Charge:	981000 - ZZ - MISCELLANEOUS INCIDENTS		
Special Studies:			Related Cases:
(b)(5)(B)			Occurred On: 08/20/2017 04:39:00 (Sunday)
		Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

(b)(5)(B)

Attire:	Injury:	Extent of Treatment:	Violent Crime Circumstances:
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:

IBR/UCR OFFENSE/S

Offense Description: 981000 - ZZ - MISCELLANEOUS INCIDENTS		Level: O	Against:	Completed? Yes	Counts: / Using:
Location Type: 206 - House Trailer/Manufactured Home	Hate/Bias: 88 - None (No Bias)				Domestic Violence: No
Criminal Activity:	Type Security:		Gang Related:	Entry:	Point of Entry:
Weapons/Force:	Tools:			Targets:	

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
Galvan, Jose		

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Reporting Officer: SH4699 - PENA, LUIS	Division / Organization: Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By: SH2420 - EMIG JR, JAMES
Report Date: 1/4/2018 5:50:09 PM	Detective Assigned: SH4699 - PENA, LUIS	Reviewed Date: 01/22/2018 14:48:44

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	SD Sheriff's Dept	182 Santar Place, San Marcos, CA 92069

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	6832	CA	US

Injury:	Extent of Treatment:

OTHER ENTITIES

Other Entity #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
Galvan, Jose	OO - Other Officer		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language

ce:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	SD Sheriff's Dept	182 Santar Place, San Marcos, CA 92069

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	6832	CA	US

Injury:	Extent of Treatment:

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Other Entity #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
(b)(5)(B)	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Attorney	Gilleon Law Firm	1320 Columbia Street, San Diego, CA 92101

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/4/2018 5:50:09 PM	SH4699 - PENA, LUIS	01/22/2018 14:48:44

Injury:	Extent of Treatment:

Other Entity #4

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
Name: Spach, J	Entity Type: OO - Other Officer	Person Code:	County Residence:

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Sheriff's Sergeant	SD Sheriff's Dept.	182 Santandar Place, San Marcos, CA 92069

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	2611	CA	US

Injury:	Extent of Treatment:

Other Entity #5

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
Name: Dujenski, C	Entity Type: OO - Other Officer	Person Code:	County Residence:

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	SD Sheriff' Dept	182 Santar Pl, San Marcos, CA 92069

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	6298	CA	US

Injury:	Extent of Treatment:

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Other Entity #6

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
Name: Fischer, Richard Timothy	Entity Type: OO - Other Officer	Person Code:	County Residence: R - Resident

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language
	US			

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	M	(b)(5)(A) - 31	6' 0"	225	BRO	HAZ		

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
- Employed	Deputy Sheriff	County of San Diego	9621 Ridgehaven Ct, San Diego, CA 92123

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/4/2018 5:50:09 PM	SH4699 - PENA, LUIS	01/22/2018 14:48:44

(b)(5)(A)

Injury:	Extent of Treatment:

PROPERTY

Property Item #1.000 - Copies of call log and texts

Derivative No.: 0	Property Category: 1804 - Exemplar document - Known Machine Document, Known Document (Will etc.)		
Status: ES - Evidence (Seized)	Count: 30	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 11/30/2017		
Owner:	Disposition: Sheriff's Main Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Property Item #2.000 - Lorex HD DVR LHV 100

Derivative No.: 0	Property Category: 3499 - Electronic Component		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 11/29/2017		
Owner:	Disposition: Sheriff's Main Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

****THE VICTIMS, IN THIS CASE, DESIRES THEIR IDENTITY TO REMAIN CONFIDENTIAL AND NOT BECOME A MATTER OF PUBLIC RECORD PER 293(A) PC AND CALIFORNIA GOVERNMENT CODE 6254.*****

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SYNOPSIS:

On 11/09/2017, I learned of sexual assault allegations against Richard T. Fischer (DOB: (b)(5)(A)) occurring in the City of San Marcos. As of 01/22/2018, there are a total of thirteen victims spanning from July of 2015 through 10/06/2017. The majority of the victims are represented on a claim against the County of San Diego by the Gilleon Law Firm. The allegations against Richard T. Fischer are one count of 243.4 (D)- PC- Sexual Battery of Restrained Person (F) and seven counts of 243.4 (E)(1)PC- Sexual

Battery (M). The incidents are listed below in chronological order. The key case number for all events is Case Number #17158719.

The first victim, (b)(5)(B) said, on 07/20/2015, Deputy Fischer stopped her while she was riding her bicycle (CAD: E2676335). He conducted a 4th waiver search of her personal property and found prescription narcotics without a prescription. Deputy Fischer followed her to her storage garage to obtain the prescription for medication. While at the storage location, he asked her for a hug and inappropriately hugged her. (b)(5)(B) alleges Fischer groped her buttocks with both hands. (b)(5)(B) alleges inappropriate touching during a second incident that may have occurred sometime in March or April of 2016. (b)(5)(B) alleges Deputy Fischer stopped to talk to her after seeing her standing by 7-Eleven. Fischer knew her from prior contacts and conducted a 4th waiver search of her and her property. He did not find anything illegal and offered her a ride home. When Fischer buckled her seat belt, (b)(5)(B) alleges Fischer ran his hand past her crotch. (b)(5)(B) also alleges Fischer touched her breast with his elbow when he unbuckled her seatbelt. (Case #18101532)

The second victim, (b)(5)(B) said, on 11/24/2015, Deputy Fischer arrested her for possession of drugs (CN# 15160818). She alleges Deputy Fischer made inappropriate comments and an inappropriately touched her during a pat down. (b)(5)(B) alleges Fischer touched her breasts while he was seat belting her in the rear passenger seat of the patrol car. (Case # 17160774)

The third victim, (b)(5)(B) said, on 01/03/2016, Deputy Fischer conducted a traffic stop of the vehicle her husband was driving while she was the passenger. Fischer arrested her for possession of controlled substances without a prescription (Case#16100401). During the arrest process and the buckling and unbuckling of (b)(5)(B) seatbelt in the rear passenger seat, Deputy Fischer intentionally fondled her breasts with his palm and forearm approximately four times. (Case #17160769)

The fourth victim, (b)(5)(B) said, on 02/29/2016, Deputy Fischer stopped to talk to her while she was parked behind Kelly's Pub, located at 719 E. Bradley Ave., in El Cajon (CAD# E3189564). Deputy Fischer asked if he could pat her down and search her vehicle. (b)(5)(B) alleges Deputy Fischer inappropriately touched her breast and thigh while he was conducting the pat down. Fischer was also spoke to her inappropriately and asked her if they could meet up at a later time. (Case# 17167951)

The fifth victim, (b)(5)(B) said, on 08/06/2016, Deputy Fischer responded to her home after a burglary (CN: 16139824). (b)(5)(B) alleges Deputy Fischer returned to her home several hours after the initial call for service of a burglary. Fischer hugged (b)(5)(B) once at the doorway and asked to if he could use the restroom. Fischer hugged (b)(5)(B) a second time before he exited the home. (Case# 17160768)

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The sixth victim, (b)(5)(B) said, on 09/01/2016, Deputy Fischer responded to her home after she believed someone was attempting to burglarize her home (CAD# E3602734). (b)(5)(B) said, after the deputies checked the exterior of her home, they walked through her home. Two

deputies exited the home and Deputy Fischer asked if he could use her restroom. After Deputy Fischer used the restroom, he asked (b)(5)(B) if she needed a hug. She said she agreed to the hug and they hugged. Deputy Fischer exited her home after the hug and (b)(5)(B) heard one of the deputies say, "If you need anything, feel free to call back." There were no allegations of inappropriate touching. (Case# 18101534)

The seventh victim, (b)(5)(B) said, on 11/04/2016, Deputy Fischer responded to her home after she called 911 for a domestic violent incident (Case #16156645). (b)(5)(B) alleged Fischer returned to her home about twenty minutes after all the deputies left her home. Fischer called her personal phone number and said he was in the neighborhood checking in on her. Fischer then knocked on the front door and asked if he could speak privately with her. Fischer said, "Come here, I want to give you a hug." Deputy Fischer hugged her twice and left her home. (Case# 18101529)

The eighth victim, (b)(5)(B) said, on 11/26/2016, Deputy Fischer responded to her home after she accidentally dialed 911 (CAD# E3787984). (b)(5)(B) alleges, after Deputy Fischer checked the interior of her home for her safety, he asked, "You need a hug?" (b)(5)(B) responded by saying, "Okay." Deputy Fischer embraced her twice and inappropriately touched her buttocks. When Fischer was walking towards the exit, he asked (b)(5)(B) if he could kiss her. (b)(5)(B) said and Fischer exited the residence. (Case# 17161907)

The ninth victim, (b)(5)(B) said, on 05/03/2017, Deputy Fischer conducted a traffic stop of her vehicle because her tail light was not working (CAD# E4129383). Fischer warned her for the light not working, followed her for about a quarter of a mile and then stopped her again, offering to follow her home. Once outside of (b)(5)(B) home, they hugged once and, at the end of their interaction, (b)(5)(B) gave Fischer her phone number so they could talk at a later time. There were no allegations of inappropriate touching. (Case# 17160773)

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The tenth victim, (b)(5)(B) said, on 05/09/2017, Deputy Fischer conducted a traffic stop of her vehicle after her daughter called 911, stating (b)(5)(B) wanted to hurt herself (Case # 17124483). During the traffic stop, she was asked to sit on the street curb. While she was sitting, (b)(5)(B) (b)(5)(B) alleged Deputy Fischer had his groin about a foot and half away from her face. (b)(5)(B) also alleged Deputy Fischer spoke to her in a very inappropriate manner. (b)(5)(B) was transported to Palomar Hospital for a 72-hour medical evaluation by another deputy. There was no allegation of inappropriate touching. (Case# 18101501)

The eleventh victim, (b)(5)(B) said, on 06/19/2017, Deputy Fischer conducted a traffic stop of her vehicle for her tail light not working. Deputy Fischer learned her driver's license was suspended, she exited the vehicle and Fischer patted her down. (b)(5)(B) alleged Fischer touched her vaginal area when he was searching in her right front pocket. She also alleged Fischer groped her buttocks when he checked her two back pockets. Fischer found a methamphetamine pipe in her right back pocket. Deputy Fischer warned her to not drive the vehicle and asked her to park the vehicle at a

nearby elementary school. Once there, (b)(5)(B) alleges Deputy Fischer asked her if she wanted to make out (kiss). (Case# 18101503)

The twelfth victim, (b)(5)(B) said, on 08/20/2017, two deputies conducted a welfare check at her residence and determined she had no intention of harming herself (CAD# E4369507). (b)(5)(B) alleges Deputy Fischer returned to her residence an hour later and asked if he could use her restroom. (b)(5)(B) allowed Deputy Fischer inside to use the restroom. After Fischer exited the restroom, he said, "You are cute. Can I give you a hug?" (b)(5)(B) hugged Deputy Fischer twice. (b)(5)(B) told Fischer he had to go after he asked for a third hug. There were no allegations of inappropriate touching. (Case# 17158719)

The thirteenth victim, (b)(5)(B) said, on 10/06/2017, Deputy Fischer responded to her home after she called 911 because of her ex-boyfriend's threatening phone calls (CAD# E4476451). (b)(5)(B) alleged Deputy Fischer hugged her twice and, during the hug, his hands were at the top part of her buttocks. (b)(5)(B) alleged Fischer hugged her a third time, grabbed her hand and rubbed it over his pants, against his erect penis. (b)(5)(B) confronted Deputy Fischer and he left her home. (Case# 17160776)

Victim, (b)(5)(B) said, on 02/06/2015, Deputy Fischer was one of the deputies who responded to a welfare check at a neighbor's residence (Case# 15106608). (b)(5)(B) alleges Deputy Fischer knocked at her residence and asked to use the restroom. (b)(5)(B) alleged Fischer hugged her three times. (b)(5)(B) alleges from 02/06/2015 - May 2017, Deputy Fischer returned to her house approximately eight other times to check on her welfare. (b)(5)(B) alleged Fischer would visit her for a few minutes, ask for a hug and touch her buttocks every time. Fischer touched her breasts over and under her clothing on a few occasions. On one incident Deputy Fischer un-zipped his pants and exposed his penis to her. (b)(5)(B) does not desire prosecution, but filed a civil lawsuit against the County of San Diego. (Miscellaneous Incident Case# 18101536)

On 12/14/2017, at 1715 hours, I called Richard Timothy Fischer. Richard Fischer was advised by counsel not to make a statement to the San Diego Sheriff's Department for this criminal investigation. Fischer is represented by Attorney's Bobbitt, Pinkard &Fields A.P.C. Fischer provided me his contact information for this investigation.

These cases will be submitted to the San Diego County District Attorney's office for review.

CHARGES:

243.4 (D)- PC- SEXUAL BATTERY OF RESTRAINED PERSON (F)

243.4 (E)(1)- PC- SEXUAL BATTERY (M)

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INVESTIGATION:

On November 9, 2017, I was assigned these cases and started the follow-up investigations of each incident. The incidents were investigated as they were reported to the San Diego County Sheriff's Department. All victims' interviews were conducted concurrently with the San Diego County Sheriff's Department's Internal Affair Unit. Internal Affairs (I.A.) Sergeant Amber Baggs (2720) was present in all victim interviews and Deputy District Attorney Annette Irving was present in all interviews, beginning on 11/13/2017.

Internal Affairs interviewed Deputy Fischer on 12/27/2017 and was not present in victim interviews after said date. The victim interviews after this date were conducted only with the San Diego County Office of the Deputy District Attorney's and San Diego County Sheriff's Department Sexual Assault Unit Detectives.

This report is written in a chronological order, from the oldest to the most recent incidents.

(b)(5)(B) (Victim):

On 12/07/2017, (b)(5)(B) notified the Gilleon Law Firm that Deputy Fischer's inappropriately fondled her during a pedestrian stop that occurred sometime in July 2015-August 2015, in e City of El Cajon.

On 12/20/2017, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department that Deputy Fischer allegedly inappropriately touched (b)(5)(B).

On 12/20/2017, I called (b)(5)(B) and scheduled a meeting with her at 0900 hours at the Santee Patrol Station, located at 8811 Cuyamaca St., in the City of Santee.

On 12/21/2017, at 0900 hours, San Diego County District Attorney Annette Irving, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B). She was accompanied by (b)(5)(B), from the Gilleon Law Firm. I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said she called Attorney (b)(5)(B) after a friend told her about the lawsuit against Deputy Fischer. She called the Gilleon Law firm on 12/7/2017 after she searched the internet and found his contact information. (b)(5)(B) said she has been cited by Deputy Fischer a few times and has encountered him at least five or six times.

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The first time she met Deputy Fischer was sometime in July or August of 2015. She was leaving Greenfield Plaza Liquor & Deli, located at 1101 Greenfield Dr., in the City of El Cajon. (b)(5)(B) was riding her bicycle to her storage unit at A-American Self Storage, located at 1151 Greenfield Dr., in the City of El Cajon.

(b)(5)(B) said, when she started to ride away from the liquor store, she saw a police car on 1st Street in the left turning lane. She continued riding eastbound on Greenfield Drive and she noticed the police car made a U-turn and drive eastbound on Greenfield Dr. Deputy Fischer stopped her by turning on his lights and sirens. (b)(5)(B) was close to her self-storage location. He said he just wanted to talk to her; she responded, "I am in a hurry and I don't feel like speaking to you." Deputy Fischer then asked her if she was on probation or parole. (b)(5)(B) responded by saying, "NO. Well Maybe. I don't have to speak to you unless I am being detained or I am being arrested, so I am gonna go." Deputy Fischer told her she hesitated in answering his questions and he had probable cause to detain her to find out if she was on probation or parole. Deputy Fischer asked her for her name and information. She told Deputy Fischer that, at least, he was a good-looking police officer.

(b)(5)(B) believed Deputy Fischer's demeanor was flirty because he mentioned she was in good shape for her age. Deputy Fischer proceeded to search her purse. He found two prescription bottles in the purse. She mixed the valium and Tylenol with codeine in one bottle. Deputy Fischer told her it was a felony to have the medications without the prescription bottles. (b)(5)(B) told Deputy Fischer she had just condensed the pills into one bottle at her storage unit and reminded Deputy Fischer they were standing in front of her storage unit. (b)(5)(B) asked Fischer not to take her to jail. She asked Fischer if she could show him the prescription. Fischer mentioned he doesn't do it for everyone, but he would allow her to show him the prescription order. He followed her to her storage unit inside the building. (b)(5)(B) found the prescription order and showed it to Deputy Fischer. He told her, "You're off the hook now, can I have a hug?" She responded happily, "Okay," (b)(5)(B) said Fischer squeezed her very hard and grabbed her "ass" with his two hands. She joked with Fischer and said, "You're very stiff there." She explained she was referring to the bulletproof vest Deputy Fischer was wearing. They finished the hug and then walked out together. Deputy Fischer told her, "Now you owe me one." (b)(5)(B) said she was relieved to not be in trouble, but thought the interaction was strange.

The second time she met Deputy Fischer, he cited her for possession of drug paraphernalia (Case #15148723). On 09/20/2015, at about 0530 hours, (b)(5)(B) was at the 7-Eleven, located at 11610 Riverside Dr., in the City of Lakeside. (b)(5)(B) believes the store clerk called the police on her because she was waiting for her boyfriend outside of the 7-Eleven for several minutes. Deputy Fischer arrived at the location, asked her several questions and searched her. He found paraphernalia on her and wrote her a citation (#737617). Deputy Fischer left the area after he cited her. Fischer did not do or say anything inappropriate according to (b)(5)(B) during this interaction.

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On 09/28/2015, at 1900 hours, Deputy Fischer contacted (b)(5)(B) when she was waiting for her boyfriend the Circle K, located at 12320 Willow Road, in the City of Lakeside. Deputy Fischer approached her

and recognized her from prior contacts. Fischer searched her because he knew she had a fourth waiver. Deputy Fischer searched her belongings and found a meth pipe (SEE Arrest report CN#15150423). Fischer cited and released her with citation #737621 for Possession of Drug Paraphernalia. (b)(5)(B) said Deputy Fischer did not do or say anything inappropriate to her on this occasion.

On 11/09/2015 at about 0100 hours (Case #15158072), (b)(5)(B) and her boyfriend were parked outside of a home that had a sign that said, "Free stuff." Deputy Fischer showed up with three or four other deputies. (b)(5)(B) said the deputies harassed them, searched them and searched the car. The deputies ended up arresting her boyfriend and towing his car. Deputy Fischer mentioned to the other officers that he knew (b)(5)(B) She felt Fischer did not do or say anything inappropriate during this contact, because there were other police officers present.

(b)(5)(B) mentioned the next incident she recalled happened sometime in February or March of 2016, at about two or three in the morning. She was standing at the 7-Eleven, located at 11610 Riverside Dr., in the City of Lakeside. Deputy Fischer appeared to be driving by the location.

(b)(5)(B) was waiting for her boyfriend, (b)(5)(B). (b)(5)(B) believes Deputy Fischer recognized her from prior contacts from the times he cited her for possession of paraphernalia. (b)(5)(B) had a 4th waiver, so Deputy Fischer searched her and her property. Fischer did not find any drugs or paraphernalia. Fischer offered to take her home to (b)(5)(B), a block away from the 7-Eleven. (b)(5)(B) sat in the patrol car without handcuffs and Deputy Fischer buckled the seatbelt by her left hip. She said Fischer ran his hand past her waistline and touched her crotch. Fischer drove her to her home and they parked outside the location for approximately fifteen minutes. (b)(5)(B) said she asked Fischer about his ethnicity and questions about his family, while she was seated in the backseat and Fischer was in the front seat. (b)(5)(B) said she was psychoanalyzing Deputy Fischer to understand why he would touch women the way he does. When Deputy Fischer opened the rear passenger door, he reached into the vehicle to release her seatbelt. When he pulled his arm back, after releasing her seat belt, his arm went across her breasts. Fischer then commented, "I hope your boyfriend doesn't mind." Deputy Fischer also told her he would be better "doing" her than her boyfriend. (b)(5)(B) said she exited the police car and went home.

(b)(5)(B) did not tell anyone about the incident because she thought it would be her word against a law enforcement officer and she had a record. (b)(5)(B) said she talked to the other girls that have been victims of Deputy Fischer and they feel that it is their word against Fischer. They felt the case was not being taken seriously. They worried about retaliation from Deputy Fischer or other law enforcement because they believed there is a strong code of unity in law enforcement to back each other up.

(b)(5)(B) explained she was also a victim of San Diego Police Department Officer Arevalo. Two SDPD Detectives went to speak with her at the California Institute for Women (CIW), located in Chino, California. She did not go to court or hear anything back from the detectives.

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(b)(5)(B) said Assistant (b)(5)(B) from the Law office of (b)(5)(B), went with her to the El Cajon Courthouse to obtain copies of all her citations and any other records from her arrests. (b)(5)(B) told her Deputy Fischer has the same M.O. (Modus Operandi), all older and similar looking. He also mentioned the girls have been in trouble before and she believed Fischer felt they will not come forward with allegations. (b)(5)(B) heard Deputy Fischer was working in North County and was not sure if the Sheriff's Department moved him up north to save him from doing this corrupt behavior.

(b)(5)(B) provided us with the name of a person named (b)(5)(B) who may have slept with Deputy Fischer. (b)(5)(B) referred to (b)(5)(B) as (b)(5)(B) ." (b)(5)(B) provided us with (b)(5)(B) phone number (b)(5)(B) B) and home address (b)(5)(B) described (b)(5)(B) as an older woman with (b)(5)(B) (b)(5)(B) heard from people, Deputy Fischer was paying her $500 a month for sexual services, possibly oral sex, and would show up to her home when he was on duty and in uniform.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I later placed (b)(5)(B) recorded conversation into a digital case folder.

(b)(5)(B) provided us with other names of people who she believed to be victims of Deputy Fischer. She said all the women are homeless, she did not know how to contact them and was not able to provide last names or contact information for the women. (b)(5)(B) gave the names of (b)(5)(B) (nickname (b)(5)(B)) and possibly living in the tunnel in Lakeside. The second girl's name was (b)(5)(B) and she did not have further information on her. The last girl's name was (b)(5)(B) and she described her as a blond. (b)(5)(B) said she would provide us with additional information at a later time when she talked to more people she knew.

On 01/16/2018, I called (b)(5)(B) ex-boyfriend, (b)(5)(B) did not answer and I left a voicemail with my contact information. I texted (b)(5)(B) a picture of my business card and a message telling him to please call me back. I have not received a call back from (b)(5)(B)

On 01/16/2018, I called (b)(5)(B) friend, (b)(5)(B) mailbox was full and I was not able to leave a voicemail. I texted (b)(5)(B) a picture of my business bard and message telling him to please call me back. I have not received a call back from (b)(5)(B)

I concluded the investigation of (b)(5)(B)

(b)(5)(B) (Victim):

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On 11/17/2017, the Gilleon Law Firm notified Internal Affairs Sergeant Baggs of victim (b)(5)(B) allegations against Deputy Fischer. (b)(5)(B) wrote a two page written statement detailing claims and a complaint that originated on November 24, 2015, during her arrest for possession of controlled

substance paraphernalia. In her written statement, she stated she did not report the incident due to the intimidation and fear she felt in knowing it was her word against Deputy Fischer's. In the statement, she alleges illegal search and seizure, wrongful impoundment of her vehicle, unlawful arrest, sexual advances and inappropriate conduct by Deputy Fischer.

On 11/17/2017, I called (b)(5)(B) and scheduled to interview her on 11/20/2017, at the San Diego Sheriff's Department Lakeside Substation, located at 12365 Parkside St., in the City of Lakeside.

On 11/20/2017 at about 1230 hours, San Diego County Sheriff's Department Internal Affairs Sgt. Baggs, San Diego County Deputy District Attorney Annette Irving, (b)(5)(B) from the Gilleon Law Firm and I met with (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said, on 11/24/2015, at about 0200 hours, she was driving in the City of El Cajon on the way to pick up her ex-boyfriend from a friend's home when Deputy Fischer stopped her. He told her ense plate light was not working. During the stop, Deputy Fischer asked her to step out of her vehicle, Deputy Fischer walked her to his patrol car and sat her in the rear passenger seat. An unknown deputy stood by the patrol vehicle to watch her. Deputy Fischer searched her vehicle and, after he was done searching her car, told her he found several meth baggies in her vehicle. (b)(5)(B) said she got the baggies and used needles from her storage and put them in her vehicle so that she could dispose of them appropriately and not place them in the trash can at the storage site.

When Deputy Fischer told her she was under arrest for drug charges, he had her come outside of the patrol vehicle and he placed handcuffs on her. After putting handcuffs on her, he sat her back into the patrol vehicle. Deputy Fischer conducted a regular pat down and searched her before putting her back into the car. Deputy Fischer drove to the Lakeside Substation without fastening her seat belt. When they arrived at the station, Deputy Fischer had her step outside of the patrol vehicle and told her he needed to search her again for his safety before going inside the Station. (b)(5)(B) said this search was much more inappropriate and lasted longer. Deputy Fischer put his hands in her sweatshirt, on top of her other t-shirt, ran his hands down her back and used his pointer finger and middle finger to run them around her waistband. (b)(5)(B) said Deputy Fischer's fingers were touching her body as he went around her waistband. (b)(5)(B) said it was cold that night and she was wearing baggy sweatpants, four t-shirts, a sweatshirt a beany and boots. She was not wearing a bra. (b)(5)(B) asked Deputy Fischer if a female deputy needed to be present and Deputy Fischer told her he was following established procedure.

After the pat down, Deputy Fischer walked her inside to the patrol station and took her into a holding cell where there was another deputy present with him. Deputy Fischer started an inventory of her property nd also started looking through her cell phone. Deputy Fischer was joking about finding lots of "selfies"

or photographs of herself. Deputy Fischer told her he was looking at her phone because he saw lots of baggies and wanted to check if she was dealing.
She waited a while at the substation until the deputies completed the paperwork needed for the jail. Deputy Fischer asked her to stand and led her to the patrol vehicle. Once they got to the patrol car, Deputy Fischer told her he needed to pat her down again. Fischer said he wanted to make sure he didn't miss anything on her clothing before going to jail. Deputy Fischer conducted the pat down in the same manner, but his hands were a lot harder. When he was complete with the pat down, he sat her in the rear passenger seat. Deputy Fischer proceeded to place the seat belt on her and commented that he hoped he was not making her feel uncomfortable. Fischer also said, if he copped a feel, it was an accident. As Fischer sat in the driver's seat, he said it was a shame they did not meet under different circumstances.

On the way to Las Colinas Detention Facility, Deputy Fischer drove down a road that was not well lit. It appeared to have lots of construction barriers leading to the entrance of the jail. (b)(5)(B) said Las Colinas Detention Facility was still under construction. Deputy Fischer stopped on the road and asked her if she was scared. (b)(5)(B) was not sure why Deputy Fischer stopped . Deputy Fischer told her it was too bad he did not get to know her better. They drove a little further and they came up to the entrance to the jail. (b)(5)(B) said Fischer reached to her left thigh area to unbuckle the seat belt. He then ran his hand across her breasts as he pulled his arm away. She did not feel it was accidental. When she was outside of the car, Deputy Fischer patted her down the regular way without checking her waistline. They then walked into the Las Colinas receiving area and she was admitted to the jail.

(b)(5)(B) said she told her public defender about the inappropriate conduct an illegal search, but her public defender told her it was going to be hard to prove the allegations against a sworn officer. (b)(5)(B) stated she called her boyfriend ((b)(5)(B)) when she was in a holding cell in the intake area. She told her boyfriend, her mother, (b)(5)(B) of the illegal search and inappropriate conduct of Deputy Fischer.

(b)(5)(B) said after she was released from jail, Deputy Fischer tried to intimidate her by driving into her trailer park. (b)(5)(B) saw Fischer a few times while she was driving her vehicle, felt Deputy Fischer knew her car and would intimidate and scare her by driving next to her. (b)(5)(B) has also run into Deputy Fischer while he was off duty. (b)(5)(B) has heard from people in the trailer park about how he hugs a lot of people.

(b)(5)(B) decided to notify the Gilleon Law Firm after (b)(5)(B) and her mother saw the news media about the other women's allegations against Deputy Fischer. (b)(5)(B) wrote a statement for the Gilleon Law Firm and also sent a copy to the San Diego County Sheriff's Department Internal Affairs Division.

I concluded my conversation with (b)(5)(B).

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INVESTIGATION CONTINUED:

After speaking with (b)(5)(B), a friend she told about the incident, was waiting for her outside of the Lakeside Substation. When I walked (b)(5)(B) out to the lobby of the station, I asked (b)(5)(B) if he would like to speak with me. He agreed to talk with me and we walked to an interview room. I interviewed (b)(5)(B) and recorded the conversation with my county issued digital recorder.

The following statement is a summary.

STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said he and (b)(5)(B) had been friends for approximately five years and they consider themselves good friends. (b)(5)(B) first told (b)(5)(B) about her experience with Deputy Fischer when she was released from Las Colinas Detention Facility. (b)(5)(B) told him Deputy Fischer was very intimidating and during the arrest, searched her four times without a female deputy being present. (b)(5)(B) told him Deputy Fischer touched her breasts and inner thighs. He does not remember at what point (b)(5)(B) said Deputy Fischer touched her.

(b)(5)(B) has always supported (b)(5)(B) He knows her as a straight up person and believes she is not a liar. He does not know of a reason why (b)(5)(B) would lie about what happened during her encounter with Deputy Fischer.

I concluded my conversation with (b)(5)(B)

INVESTIGATION CONTINUED:

I later placed (b)(5)(B) and (b)(5)(B) recorded conversation into a digital case folder.

On 11/21/2017, at about 1900 hours, I called the former boyfriend of (b)(5)(B) (b)(5)(B) I talked with (b)(5)(B) and recorded the conversation with my county issued digital recorder.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) told me he and (b)(5)(B) were in a boyfriend and girlfriend relationship from 2012-2015. On the night (b)(5)(B) was arrested, she was on her way to pick him up from a friend's home in El Cajon. (b)(5)(B) called him from jail after her arrest. She told him the deputy who arrested her searched her approximately three times. The first search was at the location of her arrest at the 7-11 convenience store, the second was at the sheriff's substation and the last was at Las Colinas Detention Facility. During the search, he placed his hands inside of her sweatpants and touched her very

inappropriately. (b)(5)(B) also said, before arriving in Las Colinas, the deputy stopped the car in a low light area and asked her if she was scared. (b)(5)(B) was mad about the arrest because she felt the deputy conducted an illegal vehicle search and she was in jail for having meth baggies in her car.

When (b)(5)(B) was going through the court process, she told (b)(5)(B) the public defender advised her not to say anything about it because it would not help her in the case.

(b)(5)(B) and (b) have not been together since 2015, but they have remained friends and still talk. His sister, (b)(5)(B) is friends with (b)(5)(B) so they stay in contact. When all the news came out about Deputy Fischer, (b)(5)(B) spoke to him about Deputy Fischer being accused of sexual misconduct by several women. (b)(5)(B) asked him if she should tell her story to the news. (b)(5)(B) also told him about meeting with me for an interview.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I later placed (b)(5)(B) recorded conversation into a digital case folder.

eviewed the incident, CAD Event #E2975692, noted Deputy Fischer's Unit number was 50P5C and the other unit assisting him was 50P9C, Deputy Bryson Benavente (#3154).

On 11/27/2017, at about 1800 hours, I talked with Deputy Bryson Benavente at the Lakeside Patrol Station. I recorded the conversation with my county issued digital recorder.

The following statement is summary.

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STATEMENT OF BRYSON BENAVENTE: WITNESS

Deputy Benavente said Deputy Fischer was on his patrol team during the time he worked at the Lakeside Patrol Station. Benavente remembers the night of traffic stop because it happened on Greenfield Drive and 2nd St., in the City of El Cajon. Deputy Benavente arrived at the call and saw a female, later identified as (b)(5)(B), leaning against the hood of Deputy Fischer's car. Deputy Benavente stood by with (b)(5)(B) and talked to her while Deputy Fischer searched her vehicle. Deputy Fischer liked searching the vehicles on his own to simplify his report.

While Deputy Benavente was talking with (b)(5)(B) she was very upset and vocal about being pulled over. Several minutes later, Deputy Fischer came over to speak with (b)(5)(B) about the meth baggies he found in her vehicle. (b)(5)(B) told them the methamphetamine baggies were in some property she had in a storage room and she did not want to throw them in the storage trash cans. (b)(5)(B) was upset when Deputy Fischer told her he was going to arrest her and tow her car. (b)(5)(B) explained she had all er mechanic tools in the car. She commented she did not have the money to remove the vehicle out of

the tow yard. (b)(5)(B) asked Deputy Fischer if he could give her a citation instead of arresting her. Deputy Fischer handcuffed (b)(5)(B) and arrested her for possession of methamphetamine. Fischer sat (b)(5)(B) in the rear seat of his patrol car.

Deputy Benavente does not remember the pat down or the search. After (b)(5)(B) was in the vehicle, he walked up to the passenger side and noticed a purse sitting open on the front seat. He was able to see what he recognized to be a small meth baggie inside of the purse.

I asked Deputy Benavente about how deputies would drive arrestees to the Las Colina's sally port entrance during the construction in 2015. Deputy Benavente said the deputies turned on Edgemoor Drive and there was a construction entrance to the Las Colinas sally port entrance. Benavente said, at night, the area was not well lit, but there were signs showing deputies to the jail entrance.

I concluded my conversation with Deputy Bryson Benavente.

INVESTIGATION CONTINUED:

I later placed Bryson Benavente's recorded conversation into a digital case folder.

Concluded the investigation for (b)(5)(B).

(b)(5)(B) (Victim):

On 11/13/2017, (b)(5)(B) notified San Diego County Sheriff's Internal Affairs about inappropriate conduct by Deputy Fischer that occurred on 01/03/2016, in the City of Lakeside.

On 11/13/2017, I called (b)(5)(B) and scheduled to interview her on November 14, 2017, at 0930 hours, at the San Diego County Sheriff's Department Alpine Substation, Located at 2751 Alpine Boulevard, in the City of Alpine.

On 11/13/2017, at about 0930 hours, Internal Affairs Sergeant Baggs, Deputy District Attorney Annette Irving, (b)(5)(B) from the Gilleon Law Firm and I met with (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said the incident occurred on 01/03/2016, at about 1855 hours. Deputy Fischer arrested her for possession of a controlled substance. (b)(5)(B) said she was contacted by Deputies after she and her husband drove away from the parking lot of Vine Liquor and Gas, located at Julian Ave @ Los Coches Road, in the City of Lakeside.

(b)(5)(B) said, after she and her husband drove away, she noticed the "cop" following behind them. The deputy who pulled them over said their car matched the description of a vehicle who was selling methamphetamine at the Vine Liquor and Gas parking lot. She was pulled out of the vehicle first and her husband second. (b)(5)(B) exited her vehicle and noticed there were two police cars parked behind her. Deputy Fischer was talking to her and she does not know the name of the deputy who was talking to her husband. (b)(5)(B) said her husband was standing at a distance away with the second deputy. Deputy Fischer asked her if there was anything illegal in the car. She answered, "No."

Deputy Fischer searched their car and found two Vicodin pills in a baggie. (b)(5)(B) told Deputy Fischer she had a prescription order for them and did not have the order with her. Deputy Fischer said it was a crime to carry the pills without the prescription bottle. Fischer explained he was going to arrest her for possession of a controlled substance. Deputy Fischer handcuffed her and read her the Miranda Rights. Fischer sat her in the rear passenger seat of the "cop" car. When Deputy Fischer leaned over to strap her lap belt to the buckle, Deputy Fischer used his right hand and reached across her chest and buckled the seat belt, "Up and down."((b)(5)(B) demonstrated with her right arm). When he reached in, Deputy Fischer brushed his right forearm against her left breast and buckled the seat belt. Fischer again brushed his forearm and palm against her left breast when he pulled his arm back.

Deputy Fischer paused as he pulled his arm away and said, "I hope your husband doesn't mind." Fischer's face was about four to five inches away from her face. (b)(5)(B) did not say anything to Deputy Fischer because she was stunned about what occurred and did not know how to answer. Deputy Fischer pulled his body out of the doorway, said he was going to process her right away and take her to Las Colinas Detention Facility so she could bail out of jail.

Deputy Fischer closed the door and talked to her husband for a few minutes. Deputy Fischer drove her to the Lakeside Sheriff's Station. (b)(5)(B) said Deputy Fischer opened the passenger door as soon as they arrived at the Lakeside Station. He asked her if she was cold or okay. (b)(5)(B) answered yes, told Deputy Fischer she had a problem with her blood pressure and that it may be a problem when they went to the jail. (b)(5)(B) said Deputy Fischer was a real polite guy.

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(b)(5)(B) said, when Deputy Fischer reached in to unbuckle her seat belt, he did it in the same manner as he did when he buckled her in, "Up and down."((b)(5)(B) demonstrated using her right arm). Fischer reached in and brushed his right forearm against her left breast as he unbuckled the seat belt and again brushed his forearm and palm against her left breast when he pulled his arm back. Deputy Fischer did not say anything to her this time and she did not say anything to him.

(b)(5)(B) said Deputy Fischer walked her into the Lakeside Sheriff's Station and completed the paperwork needed to book her into Las Colinas Jail. She said, when Deputy Fischer took her back to the patrol car, she sat in the rear passenger seat of the patrol car. When it came time to strap her into the seat belt, he did the same thing, "Up and down." ((b)(5)(B) demonstrated using her right arm). Fischer reached in and brushed his right forearm against her left breast as he unbuckled the seat belt and again brushed his

forearm and palm against her left breast again when he pulled his arm back. Deputy Fischer did not say anything to her and she did not say anything to him.

(b)(5)(B) said Deputy Fischer closed the passenger door and proceeded to take her to Las Colinas Detention Facility. She said, when Deputy Fischer unbuckled the seat belt at Las Colinas, he did not brush his arm and hand against her breast. She said, during the booking process, the jail nurse took her blood pressure and it read very high. The nurse told Deputy Fischer she was medically rejected and she needed to be medically cleared by the hospital. Deputy Fischer gathered all her property, looked at her and said not to worry about going to the hospital because he was not going to take her. Deputy Fischer walked her outside to the sally port and said he was going to cite and release her on a misdemeanor charge only.

Deputy Fischer sat her in the rear passenger seat of the patrol car and proceeded to buckle her seatbelt in the same manner, "Up and down." ((b)(5)(B) demonstrated using her right arm). Fischer reached in and brushed his right forearm against her left breast and buckled the seat belt and again brushed his forearm and palm against her left breast when he pulled his arm back.

Deputy Fischer closed the passenger door and sat in the driver's seat. He explained he was going to cite her for a misdemeanor charge only and was going to drop her off at the same place she was arrested. Deputy Fischer drove her to the corner of Julian Ave. And Lemon Crest Drive, in the City of Lakeside. When Deputy Fischer unbuckled her seat belt, he brushed his arm against her breast twice, "Up and down." (twice up and twice down) Fischer reached in and touched his right forearm against her left breast, unbuckled the seat belt and brushed his forearm and palm against her left breast again when he pulled his arm back. She said Deputy Fischer did this two times.

(b)(5)(B) did not say anything to Deputy Fischer. When (b)(5)(B) was outside of the car, he said, "Can I ask you a favor?" She responded, "Yeah." Deputy Fischer said, "Can I get a hug?" (b)(5)(B) responded by saying, "Yeah" and reached over to hug him. Deputy Fischer grabbed her in "A big bear hug" and (b)(5)(B) hugged him back. Deputy Fischer was rubbing her back as he hugged her.

(b)(5)(B) said, after they were done hugging, she took off her shoes and she ran eastbound on Julian Ave. until she got home. When she arrived back home, she told her husband, her daughter, and her son. (b)(5)(B) said to them that Deputy Fischer fondled her when he buckled her seatbelt and told them about not going to Las Colinas Detention Facility because of her high blood pressure. She told them Deputy Fischer dropped her off a couple of blocks away from home. (b)(5)(B) said her husband told her to call the San Diego County Sheriff's Department.

(b)(5)(B) did not call the Sheriff's Department because she felt they would not believe her, due to her past criminal history. She went to the court to obtain a copy of the court proceedings and was told no charges were filed. (b)(5)(B) was worried about having a warrant for her arrest and worried about reporting any allegations against Deputy Fischer because they would not believe her and, in turn, arrest her for having

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a warrant. (b)(5)(B) told her family she was going to "leave it alone and cut her losses" since Deputy Fischer did not arrest her and the charges were not filed.

(b)(5)(B) commented that Deputy Fischer was a good looking guy and she did not understand why he would do that too her. (b)(5)(B) said, in the past, her breasts were not touched when she was seat belted. (b)(5)(B) was wearing a pink V-cut sweater, tank top, and with a bra underneath during her arrest. She is not sure if part of the cleavage was exposed.

(b)(5)(B) said Deputy Fischer was not threatening and did not make a comment about not telling anyone what happened. Deputy Fischer just made a point to remind her that he cut her a break by not arresting her and booking her into the Las Colinas Detention Facility. She does not believe the touching of her breast was accidental.

(b)(5)(B) said the first time she heard about Deputy Fischer, her husband mentioned to her Deputy Fischer was on the news and was in trouble. Her husband found the lawyers name online and called him to report the incident. A few days passed and they did not receive a call back from the attorney. (b)(5)(B) husband decided he was going to call the San Diego County Sheriff's Department Internal Affairs Division. Her husband called Internal Affairs on Sunday, 11/12/2017. They received a return phone call from the San Diego County Sheriff's Department on Monday, 11/13/2017. On Monday, 11/13/2017, her husband called the Attorney Office of (b)(5)(B) received a call from (b)(5)(B) (b)(5)(B) and she explained the incident to him.

(b)(5)(B) said she was worried about reporting the incident because she did not want people to perceive her as a drug addict. Now that other people have come forward about the hugging, she felt less worried. (b)(5)(B) said she does not know if Deputy Fischer is the type of person who would rape a girl, but feels what he did is a beginning behavior of someone who has the potential to do something worse.

I asked (b)(5)(B) to show us how Deputy Fischer was rubbing her back. (b)(5)(B) showed her hands going up and down her back and below her waistline. Fischer's hands were over her pants as he rubbed his hands up and down her back. His hands were partially over her upper buttocks close to her tailbone. (b)(5)(B) explained the length of time of the hug was long enough for Deputy Fischer to rub his hands up and down her back, approximately four times.

I concluded my conversation with (b)(5)(B)

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INVESTIGATION CONTINUED:

I later placed (b)(5)(B) recorded conversation into a digital case folder.

After speaking with (b)(5)(B), we talked to her husband, (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said, on the night of the incident, he and (b)(5)(B) had just left the Vine Liquor and Gas located at the corner of Los Coches Road and Julian Ave. (b)(5)(B) drove away from the gas station and drove eastbound on Julian Ave. When he passed the signal light, the deputy turned on his red and blue police lights and he pulled over. The deputy told him the reason he was pulled over was that his car fit the description of a vehicle that was selling methamphetamine in the area. The deputy asked him if he could search his car for anything illegal. (b)(5)(B) said, "Yeah, go ahead, no problem, we have nothing to hide" and allowed the deputies search his vehicle.

He said, when another officer showed up to the scene, he and his wife were sitting on the curb. The deputy proceeded to search his car. The deputy searching found two Vicodin pills his wife got from his mother. His wife did not have a prescription bottle with her at the time. When his wife was arrested and placed in the patrol vehicle's back seat, he was talking with the other deputy about where his wife was going.

(b)(5)(B) said all the deputies acted very professional throughout the entire process. He said he went back home and was waiting for his wife to call him from the jail. Several hours later, (b)(5)(B) heard banging at the window by the front of his house. He looked out the window and saw his wife. (b)(5)(B) let her inside and noticed she was shaken up. (b)(5)(B) told him she went to the police station and then to Las Colinas Detention Facility. While at Las Colinas, the nurses checked her blood pressure and she was medically rejected because of her high blood pressure. The nurse told the deputy to take her for clearance at Grossmont Hospital. Instead of going to the hospital, the deputy cited and released her by a dark area of Julian Street and Lemon Crest Drive, by the side of the Liquor Store. (b)(5)(B) told him everything happened at this location. Deputy Fischer unbuckled her seatbelt and touched the side of her breast. After she was un-cuffed, he asked her for a hug. After the hug, (b)(5)(B) ran home. She also told him the deputy said, "I hope your husband doesn't mind," after he touched her breast. (b)(5)(B) was shaken up by the whole interaction with Deputy Fischer.

(b)(5)(B) encouraged (b)(5)(B) to tell law enforcement what happened. (b)(5)(B) insisted she did not want to tell anyone. (b)(5)(B) did not want to push her in to notify law enforcement. Recently the news showed a story about a deputy who hugged several women and he thought it might be the same deputy who hugged his wife. (b)(5)(B) told his wife about the news and allegations against the deputy. (b)(5)(B) remembers the description of Deputy Fischer when his wife was arrested. (b)(5)(B) went to work and looked at another news article and saw the name of the law firm name and contact information. (b)(5)(B) called the Gilleon Law Firm and left a message and his wife (b)(5)(B) called San Diego County Sheriff's Internal Affairs Unit.

(b)(5)(B) said his step-daughter (b)(5)(B) and saw her mother when she got back home that night. He does not remember if his son, (b)(5)(B), was in the living room when she arrived at night.

(b)(5)(B) said, when they were in Phoenix, his wife asked his mother for anxiety pills and believed his mother gave her something for anxiety possibly Vicodin pills. (b)(5)(B) said his wife takes medication for anxiety or bi-polar disorder. He knows the prescription medicine the deputy found in the vehicle were the pills she obtained from his mother in Arizona.

(b)(5)(B) only talked to his wife about the contact with Deputy Fischer a few times after the incident first occurred. His wife did not want to tell law enforcement and did not want to talk about it. They talked about it again after they saw the news report. He convinced his wife to report the incident and told her he was very supportive of her coming forward. (b)(5)(B) said his wife has always had anxiety when dealing with law enforcement, but noticed an increase of stress when she sees law enforcement now. (b)(5)(B) said his wife sees a psychiatrist on a regular basis for the medication she receives for anxiety.

I concluded my conversation with (b)(5)(B)

INVESTIGATION CONTINUED:

I later placed (b)(5)(B) recorded conversation into a digital case folder.

On 11/15/2017, at about 1015 hours, I talked to (b)(5)(B) and (b)(5)(B) son, (b)(5)(B), via telephone. I recorded the telephone conversation using the digital recorder program installed on my desktop computer.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said, on the night of the incident, his friend told him the police stopped his mother and father at the corner of Los Coches Road and Julian Avenue. (b)(5)(B) went to the location and saw his father was standing by a police car talking to two officers. He saw his mother seated in the back passenger seat of the police car. (b)(5)(B) approached the deputies and asked them why his mother was arrested. The deputies left the location and he and his father went home.

(b)(5)(B) said he was in bed when his mother returned home that night. He did not hear what his mother told his father, but he remembers she was yelling as she was talking. In the morning, he asked his mother what happened to her. His mother said the deputy groped her and touched her boobs while she was in the back of the police car.

(b)(5)(B) said he didn't overthink about the incident. His mother has been in the jail before and he doesn't get involved in her business. (b)(5)(B) felt what the deputy did was wrong, but he just let his mother do what she wanted. He knows his mother is not too fond of cops. His mother did not talk to him about the incident again.

I concluded my conversation with (b)(5)(B)

INVESTIGATION CONTINUED:

I later placed (b)(5)(B) recorded conversation into a digital case folder.

On 11/16/2017, at about 1400 hours, I talked to (b)(5)(B) and (b)(5)(B) daughter (b)(5)(B) via telephone. I recorded the telephone conversation using the digital recorder program installed on my desktop computer.

The following statement is a summary.

STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said she did not remember the exact date and time and remembers the incident very briefly. She remembers going to her parents' house after her mother's arrest. (b)(5)(B) and her father were in the living room looking up information about bailing her mother out of jail. She heard banging on the window and went to check. She looked out and saw he mother. (b)(5)(B) opened the door for her mother and asked her what happened. Her mother said, "He let me go." Her mother was distraught and crying and told them Fischer released her down the street. (b)(5)(B) mother said, "He was touching me, he put the seat belt on me and fondled me a little bit and said things to me, but let me go." (b)(5)(B) told her mother she needed to call the police to report what happened. Her mother said, "I don't wanna go to jail, I don't wanna say anything." (b)(5)(B) knows her mother does not have a good criminal history and she didn't want to press the issue with her mother about the touching. (b)(5)(B) mother was not very descriptive with her but remembers her mother saying the deputy rubbed his arm against her breast every time he buckled and unbuckled her with the seatbelt. The first time he buckled her, he commented, "I hope your husband doesn't mind." Her mother said when they returned to the car at Las Colinas, the deputy sat in the patrol vehicle completing paperwork. After leaving Las Colinas, the deputy drove her to a location off Los Coches Road. (b)(5)(B) mother told her, before he let her go, the deputy said, "Can I have one last favor?" Her mother said, "Okay." The deputy asked, "Can I get a hug?" The deputy un-cuffed her and hugged her. The deputy hugged her and groped her behind and let her go.

I asked (b)(5)(B) about her mother's anxiety level. (b)(5)(B) does not know what medications she's prescribed. (b)(5)(B) is proud of her mother speaking up and coming forward to tell her story.

I concluded my conversation with (b)(5)(B).

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INVESTIGATION CONTINUED:

I later placed (b)(5)(B) recorded conversation into a digital case folder.

I reviewed the incident, CAD Event #E3060772, and noted Deputy Fischer's Unit number was 50P5C and the other unit assisting him Deputy T. Conard (#3085) 50P1C, Deputy B. Benavente (#3154) 50P9C.

On 11/27/2017, at about 1630 hours, I talked with Deputy T. Conard at the Lakeside Patrol Station. I recorded the conversation with my county issued digital recorder.

The following statement is summary.

STATEMENT OF T. CONARD: WITNESS

Deputy T. Conard told me he remembers the call for service was for suspicious activity. He said he, Deputy Fischer, and Deputy Benavente received the call. Deputy Fischer was the primary deputy on the call. Deputy Fischer contacted the driver and talked to the passenger. Deputy Conard was assisting Deputy Fischer, but does not remember what he did during this service call.

Deputy Canard does not remember who handcuffed (b)(5)(B). The service call was a long time ago and does not remember what his responsibilities were during the stop.

Deputy Fischer was the primary deputy and believes Deputy Fischer is the person who took (b)(5)(B) the Lakeside Patrol station and jail. He remembers (b)(5)(B) was medically rejected from Las Colinas Detention Facility, but does not know what happened after she was medically rejected. He knows typically deputies take the arrested person to be medically cleared at the hospital and then to the jail.

Deputy Conard does not remember anything else from this case. He does not remember talking to Deputy Fischer about this case at any other time.

Deputy Conard has not heard of Deputy Fischer ever returning to residence after calls for service. Deputy Fischer was always very professional and Deputy Conard never saw or heard of any inappropriate behavior.

I concluded my conversation with Deputy Conard.

INVESTIGATION CONTINUED:

I later placed Deputy Conard's recorded conversation into a digital case folder.

On 11/27/2017, at about 1750 hours, I talked with Deputy B. Benavente at the Lakeside Patrol Station. I recorded the conversation with my county issued digital recorder.

The following statement is summary.

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STATEMENT OF B. Benavente: WITNESS

Deputy Benavente worked on the patrol team with Deputy Fischer for his first year of patrol. He has been on over one hundred traffic stops with Deputy Fischer. Fischer was always very professional and very polite to everyone. He searched a lot of vehicles by asking for consent and conducted many fourth waiver searches.

Deputy Benavente remembers being a cover deputy for this call for service. Benavente remembers the husband, (b)(5)(B). He stood by talking with (b)(5)(B) while Deputy Fischer was searching the vehicle. Deputy Fischer found the Vicodin pills and determined he was going to arrest (b)(5)(B). Benavente spoke with (b)(5)(B) about the arrest process to calm him down.

Deputy Benavente did not see Deputy Fischer pat down and place (b)(5)(B) in the patrol car. Benavente remembers (b)(5)(B) showing up to the scene when (b)(5)(B) was in the patrol car. Deputy Fischer left the arrest location and took (b)(5)(B) to the Lakeside Patrol Station for processing. Deputy Benavente and Deputy Conard stayed at the scene and answered (b)(5)(B) questions. Benavente left the arrest location several minutes afterward.

Deputy Benavente was not involved with any other part of this arrest. Deputy Benavente worked with Deputy Fischer for over a year before Fischer moved to the K-9 unit. Benavente does not recall Deputy Fischer giving people hugs. Fischer was a likable person and people he arrested asked for him after he was no longer working in Lakeside.

Deputy Benavente has worked in Lakeside for about two years, and he has not been approached by anyone in public about Deputy Fischer ever being inappropriate or having a problem with his conduct.

I concluded my conversation with Deputy Benavente.

INVESTIGATION CONTINUED:

I later placed Deputy Benavente's recorded conversation into a digital case folder.

I concluded the investigation of (b)(5)(B).

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(b)(5)(B) (Victim):

On 12/26/2017, (b)(5)(B) contacted the Gilleon Law Firm about sexual assault allegations against Deputy Fischer, which took place on 02/29/2016.

On 12/28/2017, Gilleon Law Firm notified San Diego County Sheriff's Internal Affairs Sergeant Baggs and San Diego County District Attorney Annette Irving about (b)(5)(B) allegations.

On 12/29/2017 I called (b)(5)(B) and scheduled an interview date of December 30, 2017, at the San Diego County Sheriff's Department's Santee Patrol Station, located at 8811 Cuyamaca St., in the City of Santee.

On 12/30/2017, at about 0900 hours, Sexual Assault Detective Benavides #2482, San Diego County Deputy District Attorney Assistant Chief Fiana Dunleavy, and (b)(5)(B) from the Gilleon Law firm met with (b)(5)(B) and obtained her statement.

(SEE DETECTIVE BENAVIDES' FOLLOW UP INVESTIGATION FOR STATEMENT)

(b)(5)(B) (Victim):

On 11/08/2017, (b)(5)(B) notified the Gilleon Law Firm about Deputy Fischer's inappropriate hugging that she said occurred on 08/06/2016, at her home at (b)(5)(B) (b)(5)(B).

On 11/11/2017, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department that his client alleged Deputy Fischer inappropriately touched (b)(5)(B) on 08/06/2016. (CASE#17160768)

On 11/11/2017, I called (b)(5)(B) and scheduled to meet her at her home at 1400 hours.

At 1400 hours, San Diego County Sheriff's Department Sgt. Baggs and I met at (b)(5)(B) home in the City of (b)(5)(B). (b)(5)(B) from the Gilleon Law Firm accompanied (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said, in August of 2016, she arrived home from shopping and walked into her home and noticed it was a mess and appeared burglarized. She walked around and noticed every room, except for the kitchen, was in disarray. She called 911and two deputies showed up. One deputy had a dog with him. They checked the house with the dog afterward, the deputy without the dog took the report of a burglary.

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(b)(5)(B) said, after the deputy finished taking the information for his report, he left, she continued picking up her home and put everything back in place. At about 2300 hours, she heard the doorbell ring. She looked out the peephole and noticed it was Deputy Fischer. Deputy Fischer said, "I wanted to see how you were doing?" She told him she was not good, she was a wreck because of the burglary and her husband was not home. Deputy Fischer said, "Looks like you need a hug." Fischer then gave her a big body contact hug. The hug happened very fast and (b)(5)(B) she froze when Fischer hugged her. Deputy Fischer's hands were only on her back and held her very tightly. After the hug, Deputy Fischer

said, "This may sound strange, but can I use your restroom?" She responded by saying, "Sure." She escorted Deputy Fischer to the restroom and walked down the hallway. (b)(5)(B) waited for Deputy Fischer at the top of the stairs, close to the front door. When Deputy Fischer walked out towards her, he told her, "I will be working through the night. I will be watching the house and the neighborhood." (b)(5)(B) said Deputy Fischer reached out and hugged her a second time. (b)(5)(B) became uncomfortable after the second hug. She didn't push him away, but she walked down the stairs and showed Deputy Fischer out. Deputy Fischer did not say anything further while walking out or after he left.

After Deputy Fischer walked out, she closed the door and felt the entire contact with Deputy Fischer was very odd. She felt like he was invading her personal space. He made her feel very uncomfortable. Deputy Fischer did not attempt to contact her after that time.

(b)(5)(B) said she thought about calling the San Diego Sheriff's Department, but she had not talked to her husband about what Deputy Fischer did to her.

(b)(5)(B) said she told her husband at a later time when he arrived home from his diving trip. (b)(5)(B) also told her hairdresser about the contact. (b)(5)(B) asked us not to contact her hairdresser.

She was hesitant to report the incident to law enforcement until Wednesday 11/08/2017, when she heard the news report and heard another woman in San Marcos alleged Deputy Fischer hugged her inappropriately and there was a lawsuit. (b)(5)(B) reported the incident to Attorney (b)(5)(B) on 11/08/2017. She reported the incident to make the other woman feel like they were not the only women Deputy Fischer embraced inappropriately.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

In the review of the CAD Event Number E3542834, I noted the following deputies assigned to this event. Deputy Malbrough #1493, Deputy E. Herrera #5137, and Deputy Fischer.

On 11/22/2017, at about 1150 hours, I talked with Deputy E. Malbrough at 9621 Ridgehaven Court, in the City of San Diego.

I recorded the interview with my county issued digital recorder. Deputy E. Malbrough told me the following.

STATEMENT OF E. MALBROUGH: WITNESS

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Deputy Malbrough said he reviewed CAD Event Number E3542834 and he remembered the incident. He recalls it occurred in August of 2016 between 1730-1745 hours. His partner Herrera and K-9 Deputy Fischer arrived first. They checked the house for possible suspects and he was cleared from the call before arriving. Deputy Herrera asked him if he could bring AA batteries. Deputy Malbrough drove to the home address to give Deputy Herrera the batteries he requested. Deputy Fischer was gone and Deputy Herrera was alone. Malbrough asked Herrera if he needed assistance with the burglary report. Herrera told him he did not need to stay late with him. Herrera appeared irritated because it was already after 6 PM and the night shift deputies did not respond to take the crime report.

Deputy Malbrough does not remember being on any other patrol call with Deputy Fischer. Malbrough only saw him in the San Marcos Patrol Station report writing room occasionally writing reports.

I concluded my conversation with Deputy Malbrough.

INVESTIGATION CONTINUED:

I completed my interview with Deputy E. Malbrough and later placed the recorded conversation into a digital case folder.

On 11/29/2017, at about 0930 hours, I talked to Deputy Herrera at the San Marcos Patrol Station.

I recorded the interview with my county issued digital recorder. Deputy E. Herrera told me the following.

STATEMENT OF E. HERRERA: WITNESS

Deputy Herrera said he remembers the call of a burglary at a residence located at (b)(5)(B) (b)(5)(B). Herrera heard Deputy Fischer arrive at the location first. Herrera and Deputy Fischer made a plan to clear the house and check for any possible suspects that may still be inside. They approached the front entrance of the home. When they entered the house, it appeared ransacked and appeared to be a legitimate burglary. They cleared the house together and soon after the victim, (b)(5)(B) (b)(5)(B) approached the house. He told Deputy Fischer he could leave the location, since he was the K-9 deputy.

When he was documenting the burglary, Deputy Malbrough arrived with AA batteries for his camera. Deputy Malbrough asked him if he needed help taking evidence. Herrera told Deputy Malbrough it didn't make sense for the two of them to stay late. He documented the incident with photographs and obtained a statement from (b)(5)(B). Herrera collected all the information he needed for his crime report and left the location.

Herrera said he did not know Deputy Fischer before this date. He did not see Deputy Fischer much. Herrera worked the county beat and did not talk to Fischer.

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I concluded my conversation with Deputy Herrera.

I concluded the investigation of (b)(5)(B).

(b)(5)(B) (Victim):

On about 12/22/2017, (b)(5)(B) notified the Gilleon Law Firm about Deputy Fischer's inappropriate hugging that she alleged occurred on 09/01/2016, at her home at (b)(5)(B) (b)(5)(B).

On 01/02/2018, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department about (b)(5)(B) (b)(5)(B) inappropriate touching by Deputy Fischer that allegedly occurred on 09/01/2016. (Event # E3602734)

On 01/03/2018, I called (b)(5)(B) and scheduled to meet her on 01/08/2018, at 1000 hours, at the San Diego County District Attorney's Office, located at 330 W. Broadway in the City of San Diego.

At 1000 hours, San Diego County District Attorney Annette Irving and I met with (b)(5)(B) (b)(5)(B), from the Gilleon Law Firm accompanied (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said, on the day of the incident, she was at home alone. She lives on a county property that has some land. On 09/01/2016, at about 2350 hours, (b)(5)(B) called the San Diego Sheriff's Department after she heard what sounded like doors slamming in her residence. (b)(5)(B) stayed talking with the 911 dispatcher and deputies checked the exterior of her home. After a few minutes, she heard the front door ring and the dispatcher told her the deputies were outside her door ringing the doorbell. (b)(5)(B) changed from her pajamas to wearing sweats and a sweater.

Three deputies came into her home and conducted a security check of her home. When the deputies completed the security check, they asked her a few questions and proceeded to walk out the front door. Two deputies exited and a third deputy, later identified as Deputy Fischer, asked if he could use the restroom. (b)(5)(B) directed Deputy Fischer to the bathroom remained standing in the door of the front door. Deputy Fischer walked towards the front door approached her and asked, "Do you need a hug?" (b)(5)(B) was not sure how to answer. She responded, "I guess." (b)(5)(B) said her arms remained on her side while Deputy Fischer's arms embraced her in a way that was more affectionate than a simple hug. Deputy Fischer did not say anything, walked out of her home and she heard a voice tell her, "if you need anything, feel free to call back."

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(b)(5)(B) closed her front door, felt the interaction with Deputy Fischer was strange and did not know how to take in the hug. She thought it was not right for someone in uniform to do what he did.

(b)(5)(B) did not report the incident to law enforcement because she felt nobody was going to believe her. She told her daughter, (b)(5)(B) and her husband, (b)(5)(B) about the hugging three to four weeks after the incident. (b)(5)(B) kept the story very simple and did not give them any detail.

In about mid-November, her daughter told her about the allegations against Deputy Fischer. (b)(5)(B) only read one article after that, she did not read or listen to any other news about the allegations against Deputy Fischer.

I concluded my conversation with (b)(5)(B).

I concluded the investigation of (b)(5)(B).

(b)(5)(B) (Victim):

On about 12/10/2017, (b)(5)(B) notified the Gilleon Law Firm about Deputy Fischer's, alleged inappropriate hugging that occurred on 11/04/2016, at her home at (b)(5)(B) (b)(5)(B).

On 12/11/2017, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department about (b)(5)(B) (b)(5)(B) inappropriate touching by Deputy Fischer that allegedly occurred on 11/04/2016. (CASE#16156645)

On 12/11/2017, I called (b)(5)(B) and scheduled to meet her on 12/20/2017, at 0800 hours, at her home in the City of San Marcos.

At 0830 hours, San Diego County District Attorney Annette Irving, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B). (b)(5)(B) (b)(5)(B) from the Gilleon Law Firm accompanied (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said, on the night of 11/04/2016, at about 2129 hours, she and her husband were involved in a domestic violence incident and she called 911 for assistance. Several minutes later, about 4-5 San Diego Sheriff's Deputies showed up at her home. Two deputies went inside her house to talk to her husband. Deputy Fischer stayed outside with her. Deputy Fischer asked her what she believed were questions investigating the domestic violence incident. Deputy Fischer asked her for her personal

information for the report. (b)(5)(B) told Deputy Fischer her date of birth and Deputy Fischer commented that she looked very young for her age and asked her if she had children. She mentioned her children's ages were (b)(5)(B). (b)(5)(B) felt like it was complimentary.

(b)(5)(B) said her son (b)(5)(B) showed up while she was outside with Deputy Fischer. She and her son remained outside while Deputy Fischer went back inside the home to find out the status of what was going on inside with (b)(5)(B) husband. When Deputy Fischer came back outside, (b)(5)(B) son was talking on his phone and was not near her. Fischer commented to (b)(5)(B) that (b)(5)(B) came downstairs naked. (b)(5)(B) commented to Deputy Fischer, "Why come down naked if his equipment didn't work?" Deputy Fischer responded by saying, "I am so sorry, no woman should ever have to go through that and deal with that type of situation." (b)(5)(B) said, "Thank you, I was not asking for sympathy, I was making a point of why come down naked and show your body?"

(b)(5)(B) said the deputies brought her husband outside handcuffed and she realized he was going to jail. Before she saw he husband handcuffed, she was not sure if she was going to jail. Her husband injured himself so she would go to jail. She was anxious, nervous and worried about going to jail. The primary deputy walked her into her home when her husband was seated in the patrol car. The deputy offered her an emergency restraining order, explained the arrest process and gave her the case number. The deputies left her home and she and her son went back inside the house to talk.

Approximately ten minutes later, her doorbell rang and it was Deputy Fischer. She allowed Fischer in the home and he asked her if they could talk somewhere private. (b)(5)(B) son was sitting on the couch near the front door and they walked from the foyer to the living room that is about 15 feet away. While standing there, Deputy Fischer said, "Come here, I want to give you a hug." (b)(5)(B) thought it was odd and she let Deputy Fischer hug her by placing his arms under her arms. Deputy Fischer's hug felt like he was caressing her back. He rubbed his hands up and down her back. The hug did not feel like a friendly hug. It felt like Deputy Fischer was interested in her. (b)(5)(B) pulled away and completely disengaged from Deputy Fischer and he said, "I am not done hugging you yet." She commented, "Oh, okay." Deputy Fischer again embraced her and it appeared to be an unusually long hug. (b)(5)(B) phone started ringing while they were hugging. She told Fischer other children were calling and she needed to talk to them. (b)(5)(B) "disengaged" from the hug and walked Deputy Fischer to the front door. Deputy Fischer left and (b)(5)(B) does not remember him saying anything else to her.

(b)(5)(B) had a conversation with her son after Deputy Fischer left her home after the hug. (b)(5)(B) told her there was something wrong with Deputy Fischer. He did not feel Deputy Fischer should be hugging and calling. It was not right for a peace officer to do that.

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When she was sitting with her son (b)(5)(B) there was an incoming blocked telephone call. (b)(5)(B) does not usually answer blocked calls. The person did not leave a voicemail. Several minutes passed, she received a second blocked call and she answered it. The voice said, "It's Ricky, in your neighborhood checking in on you." (b)(5)(B) felt Deputy Fischer wanted to come back. She told him she wasn't

available. After hanging up the call, she said that Deputy Fischer called. (b)(5)(B) told her Deputy Fischer was wrong in calling her.

(b)(5)(B) said, at about 0030 hours, an hour after the last call, she had an incoming call with a blocked number. She did not answer the phone call. (b)(5)(B) said she never heard back from Deputy Fischer.

(b)(5)(B) explained she was wearing a short velvet robe that came down to her mid-thigh, spaghetti strap tank shirt and sleep shorts. She did not tie her robe and it was open while she was outside.

(b)(5)(B) said this incident was not the first time she called the police to come to her home. She and her husband have had several domestic violence issues.

(b)(5)(B) said she did not report the incident to the San Diego County Sheriff's Department because she tends to lay low and doesn't call law enforcement. Her husband brings a good check home, so she doesn't call unless she is scared.
(b)(5)(B) first thought about calling law enforcement after she saw the news of a similar incident that occurred with the other girls who Deputy Fischer gave unwanted hugs. She wanted people to know that what the other girls were saying was valid. (b)(5)(B) talked to her co-worker, (b)(5)(B), about what happened with her contact with Deputy Fischer. (b)(5)(B) is an attorney and she advised her about her options for dealing with this incident.

On about 12/10/2017, (b)(5)(B) called Attorney (b)(5)(B) and (b)(5)(B) talked Attorney (b)(5)(B) about her interaction with Deputy Fischer.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

In the review of the CAD Event Number E3744257, I noted the following deputies assigned to this event. Deputy Rossal #3083, Deputy Winter #0424, and Deputy Fischer.

On 01/10/2018, at about 0855 hours, I talked with Deputy Rossal via telephone.

I recorded the interview with my county issued digital recorder. Deputy Rossal told me the following.

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STATEMENT OF ROSSAL: WITNESS

Deputy Rossal said the call was dispatched to Deputy Winter, Deputy Fischer and he was the primary deputy. They arrived at the location about the same time. He observed a woman standing outside the

home, later identified as (b)(5)(B). They approached the front door of the house and made announcements to the husband, asking him to come downstairs. When (b)(5)(B) came downstairs, Deputy Fischer stayed outside with (b)(5)(B). Rossal and Deputy Winter talked to (b)(5)(B) (b)(5)(B)

Rossal determined he was going to arrest (b)(5)(B) for domestic violence and walked him to the patrol car. He talked to (b)(5)(B) inside the home and documented the injuries with photographs. He provided (b)(5)(B) with a Domestic Violence Resource Pamphlet.

Deputy Rossal did not see Deputy Fischer when he walked outside of the home. (b)(5)(B) did not disclose any inappropriate behavior by Deputy Fischer.

Deputy Rossal worked with Deputy Fischer on a few patrol calls. Deputy Fischer was the K-9 unit for North County and was not always working in San Marcos. Rossal said he never saw Deputy Fischer do or say anything inappropriate.

I concluded my conversation with Deputy Rossal.

INVESTIGATION CONTINUED:

I completed my interview with Deputy Rossal and later placed the recorded conversation into a digital case folder.

On 01/08/2018, at about 1810 hours, I talked to Deputy Winter via telephone.

I recorded the interview with my county issued digital recorder. Deputy Winter told me the following.

STATEMENT OF WINTER: WITNESS

Deputy Winter said he remembered the patrol call. Deputy Fischer stayed outside with the victim, (b)(5)(B) (b)(5)(B) He and Deputy Rossal were primary deputies and they went inside the house to conduct the investigation. They determined (b)(5)(B) was going to be arrested. Deputy Rossal handcuffed (b)(5)(B) (b)(5)(B) and he was taken to the patrol car. Deputy Rossal talked to the victim, (b)(5)(B) Deputy Fischer left the location soon after the suspect was in the patrol car.

Deputy Winter said he did not know Deputy Fischer. He only saw and talked with Fischer in passing. Winter never saw or heard of Deputy Fischer doing anything inappropriate when working in patrol.

I concluded my conversation with Deputy Winter.

INVESTIGATION CONTINUED:

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I completed my interview with Deputy Winter and later placed the recorded conversation into a digital case folder.

On 01/16/2018, at about 1550 hours, I talked to (b)(5)(B) (b)(5)(B) via telephone. (b)(5)(B) is (b)(5)(B) son. I recorded the conversation with my county issued digital recorder. (b)(5)(B) told me the following.

STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said he arrived home from work and saw patrol vehicles parked outside of his home. He saw his mother talking to a deputy, later identified as Deputy Fischer. Deputy Fischer walked inside the house a few minutes after he arrived. Fischer returned and updated them on what the deputies were doing inside the house.

(b)(5)(B) said he saw his father walked in handcuffs to a police car. He and his mother walked into the home and talked to a deputy. Deputy Fischer remained outside. The deputies left after a few minutes.

(b)(5)(B) said, about ten minutes later, Deputy Fischer knocked on the front door. His mother opened the door and they walked to the other room to talk. (b)(5)(B) mother told him Deputy Fischer called her before showing up to the front door.

(b)(5)(B) didn't hear what Deputy Fischer and his mother said. His mother said Deputy Fischer hugged her twice. (b)(5)(B) told his mother it was not okay for a law enforcement officer to return to a call for domestic violence and hug anyone; it was very unprofessional and not ordinary.

(b)(5)(B) does not remember if Deputy Fischer called his mother after he walked out the door.

(b)(5)(B) said his mother didn't tell him the details about the hugs.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

On 01/16/2018, I called (b)(5)(B) supervisor, (b)(5)(B) I was told she was out of the office for an unknown time, due to a family emergency. I left a voicemail with my contact information. I have not received a call back.

I concluded the investigation of (b)(5)(B).

(b)(5)(B) (Victim):

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On 11/24/2017, (b)(5)(B) emailed the Gilleon Law Firm about Deputy Fischer's alleged inappropriate hugging that occurred on 11/26/2016, at her home at (b)(5)(B) (b)(5)(B).

On 11/27/2017, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department about (b)(5)(B) (b)(5)(B) alleged inappropriate touching by Deputy Fischer that occurred on 11/26/2016. (CASE#17161907)

On 11/27/2017, I called (b)(5)(B) and scheduled to meet her on 11/29/2017 at 10:00 hours at her home, in the City of San Marcos.

On 11/29/2017, at 10:00 hours, San Diego County District Attorney Annette Irving, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B). She was accompanied by (b)(5)(B) from the Gilleon Law Firm. I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said, on the day of the incident, she had just arrived home from the hospital after her mother had a stroke earlier in the day. (b)(5)(B) was picking up things around the house. That day, medics were in the home after she called 911 for assistance for her mother's stroke.

When (b)(5)(B) was putting the cordless phone back on the phone charger, she accidentally re-dialed the last number dialed. Earlier, she had dialed 911for her mom's emergency. (b)(5)(B) heard the med-alert operator ask if everyone was okay. (b)(5)(B) told the operator she accidentally re-dialed 911. The operator said the police were on the way to check the welfare at her address.

(b)(5)(B) said an officer showed up two minutes later and rang her doorbell. He was tall and good looking (She later identified the officer as Deputy Fischer). She told Deputy Fischer she accidentally re-dialed 911 and it was an accident. Deputy Fischer asked if he could come in to check on her welfare and the welfare of anyone else in the home. (b)(5)(B) allowed Deputy Fischer inside. Deputy Fischer checked the rooms and noticed her mother's walker and her father's hospital bed stripped of all the sheets.

(b)(5)(B) told Deputy Fischer about her father passing away two days prior and her mother having a stroke earlier in the day. While she was explaining everything to Deputy Fischer, he was taking off his coat and placing it on the desk that is next to the wall. When she finished telling him, Deputy Fischer told her, "You need a hug." (b)(5)(B) responded by saying, "Okay.' (b)(5)(B) said she was okay with hugging Deputy Fischer. She felt the hugs were long and more than a brotherly hug.

(b)(5)(B) became emotional and started to cry. She believes all the events from the week finally hit her and she became emotional. After they stopped hugging, Deputy Fischer told her, "You seem so young to be going through all this." He then said, "If you don't mind, how old are you?" (b)(5)(B) told Deputy Fischer she was (b)(5)(B) Fischer then said, "If you don't mind me telling you, you are beautiful and hot." (b)(5)(B) became very uncomfortable and felt it was disrespectful to call her hot. Deputy Fischer just went in for another hug without saying he was going to do that.

The second hug was a more prolonged hug this time. She felt Fischer's hand go down the small of her back and cupping the top of her buttocks. (b)(5)(B) pushed away from Deputy Fischer. He did not grab or caress her buttocks. (b)(5)(B) commented she was going to be just fine and reassured Deputy Fischer things were okay. Deputy Fischer asked again, in a consoling way, if she was okay. (b)(5)(B) started to walk towards the front door with Deputy Fischer as she continued telling him she was going to be okay and saying she appreciated his concern. (b)(5)(B) said, as they moved closer to the front door, Deputy Fischer asked, "Can I give you a kiss?" (b)(5)(B) responded, "NO. No thank you." (b)(5)(B) felt like she was pushing him towards the front door. She was not able to look at Deputy Fischer in the eyes. When she was ready to open the front door, it appeared Deputy Fischer leaned in to kiss her. (b)(5)(B) opened the door and the door was in between them. Deputy Fischer said, "Aww." and then said, "If you need me, don't hesitate to call, I'll be around." (b)(5)(B) closed the door, became emotional and began to cry.

(b)(5)(B) said she was wearing a long sleeve shirt and fitted clothing that evening.

The following day she went to see her mother at the Hospital. When her brother showed up to the hospital, she took him outside of the room and told him about the incident with Deputy Fischer. Her brother was not happy about it, but she advised him to just put the event behind them and move forward. Her brother asked her for Deputy Fischer's name, but he didn't report the incident.

(b)(5)(B) told her two daughters about the incident with Deputy Fischer. She told her daughter, (b)(5)(B) (b)(5)(B) while she was at the hospital the same day she told her brother. (b)(5)(B) told her daughter, (b)(5)(B) via facetime a few days later. (b)(5)(B) told them Deputy Fischer hugged her and asked for a kiss.

(b)(5)(B) said she now has a feeling of fear by everything she knows about what Deputy Fischer has done to all the women. Her fear comes from not knowing what Deputy Fischer can do since he knows where she lives.

I concluded my conversation with (b)(5)(B).

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INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

(b)(5)(B) forwarded me the email she provided the Gilleon Law Firm. I later attached the email to the digital case folder. I reviewed the email and the written statement was the same account she provided me during her interview.

On 12/14/2017, at about 1000 hours, I talked to (b)(5)(B) brother, (b)(5)(B), via telephone. I recorded the telephone conversation using the digital recorder program installed on my desktop computer.

The following statement is a summary.

STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said he remembers (b)(5)(B) told him a few days after it happened, but he does not recall the exact day. (b)(5)(B) told him the day of the incident she went home from the hospital after she was there with their mother after her stroke. (b)(5)(B) dialed 911 by accident as she was putting the phone away. A sheriff's deputy showed up several minutes afterward. The deputy asked if he could look around her home to make sure everything was safe. (b)(5)(B) allowed him inside to check. Deputy Fischer looked around and (b)(5)(B) told him her father had died and mother was at the hospital because of a stroke. The Deputy took his jacket off and said something like, "I think you need a hug." (b)(5)(B) believes his sister was in a vulnerable position with the death of their father and their mother in the hospital. (b)(5)(B) told him the hug was not a consolation type of a hug, but was different. (b)(5)(B) said Deputy Fischer asked for a kiss and (b)(5)(B) told Fischer no. (b)(5)(B) pushed him away and the deputy didn't want to leave. She grabbed his jacket and pushed him out the door. The incident was very unsettling to (b)(5)(B)

(b)(5)(B) does not remember if his wife was with him when (b)(5)(B) told him about the incident with Deputy Fischer.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

On 12/14/2017, at about 1010 hours, I called (b)(5)(B) and left a voicemail message with my contact information. I have not received a call back.

On 12/14/2017, at about 1010 hours, I called (b)(5)(B) daughter, (b)(5)(B). I left a voicemail with my contact information. I have not received a call back.

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On 12/14/2017, at about 1010 hours, I called (b)(5)(B) daughter, (b)(5)(B). I left a voicemail with my contact information. I have not received a call back.

In the review of the CAD Event Number E3787984, I noted the following deputies assigned to this event. Deputy J. Allen #4909. I called Deputy Allen on 11/29/2017 and recorded the conversation with my county issued digital recorder.

The following statement is a summary.

STATEMENT OF J. ALLEN: DEPUTY

Deputy Allen told me he does not remember the incident. Allen said he remembers going on another call with Deputy Fischer, but does not remember this particular event. Deputy Allen only worked with Deputy Fischer a few times when Fischer was a K-9 deputy and when Fischer was assigned to San Marcos, he did not work with him.

I concluded my conversation with Deputy Allen.

INVESTIGATION CONTINUED:

I completed my interview with Deputy Allen and later placed the recorded conversation into a digital case folder.

I completed (b)(5)(B) investigation.

I concluded my investigation of (b)(5)(B).

(b)(5)(B) (Victim):

On 11/16/2017, (b)(5)(B) notified the San Diego County Sheriff's Department Internal Affairs about Deputy Fischer's inappropriate behavior that occurred on 05/03/2017, after a traffic stop at 605 W. Vista Way, in the City of Vista (CAD #E4129383).

On 11/16/2017, at about 1000 hours, I called (b)(5)(B) and scheduled to meet her on 11/17/2017 at 0900 hours. Her home is located at (b)(5)(B)

On 11/16/2017, at 1000 hours, San Diego County District Attorney Annette Irving, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B) : VICTIM

(b)(5)(B) said on the day of the incident she was driving home from the Frazier Farms grocery store located in Vista. She was driving westbound on West Vista Way. (b)(5)(B) saw the police lights in her rearview mirror and saw she was being pulled over. (b)(5)(B) had a feeling the reason she was being pulled over was that her vehicle's rear taillight was not working. The deputy sheriff (Later identified as Deputy Fischer) walked up to her window and told her he pulled her over because of her taillight. She handed the deputy her documents, and he walked back to his police car. While the deputy was in his vehicle, (b)(5)(B) noticed a female deputy sheriff arrived at the call. The female deputy walked up to her vehicle and had a conversation with her about why she had a bucket with car cleaning supplies in the rear seats. (b)(5)(B) talked to the female deputy and explained why the bucket was there. The male deputy, Fischer, approached the car and asked her where she lived. The drive's license had her (b)(5)(B) address on it, and she mentioned the driver's license was going to expire at the end of the month, and new license with the new address was coming.

Deputy Fischer asked her for her age, and the female sheriff made a joke and said, we are sheriffs, and sometimes we don't know how to add. Deputy Fischer handed her driver's license back and told her to get it fixed.

(b)(5)(B) said she was driving back home and turned right into Santa Clara from West Vista Way. Halfway up the hill she heard sirens again and felt it was a joke and couldn't believe it. (b)(5)(B) pulled over and turned her car off. The same sheriff approached her driver's window and asked, "Do you live here?" (b)(5)(B) told him, "No, you turned your lights on, and I pulled over." Deputy Fischer commented, "I just wanted to make sure you got home safely." Deputy Fischer commented that he could follow her home, so she got home safely. (b)(5)(B) thought it was kind of Deputy Fischer and said sure and thanked him. She drove to her house and parked her vehicle on the street, and Deputy Fischer parked his patrol car on the road partway on her driveway. Deputy Fischer got out of his car and walked up to her car as she was getting out the door.

Deputy Fischer asked her if she lived alone. (b)(5)(B) told him she lived in the granny flat and her landlord lives in the main house. (b)(5)(B) said somewhere in the conversation, Deputy Fischer asked her for a hug. (b)(5)(B) thought Deputy Fischer was not gross or disrespectful. She gives people hugs all the time. The hug was quick and Deputy Fischer did not grope her. They walked together on the driveway towards the front gate. By the front entrance, Deputy Fischer said, "Are you single?" (b)(5)(B) responded, "Yes." Deputy Fischer then asked, "Have you ever been married?" She said, "No." Deputy Fischer said, "I can't believe it, you are so attractive, funny and nice." (b)(5)(B) thought Deputy Fischer was a handsome guy and she had not been "hit on" for a long time and felt good about the interaction. (b)(5)(B) walked to the double doors at the gate and Deputy Fischer followed her. When she was unlocking the double doors, her landlord (b)(5)(B) opened the door and asked them what was going on. (b)(5)(B) told (b)(5)(B) the sheriff was nice enough to follow her home to make sure she got home safely after he pulled her over for a fix it ticket. About the time she finished explaining what happened, (b)(5)(B) saw Deputy Fischer start to walk way and walk out to the street. (b)(5)(B) put her grocery bags inside her home and about 45 seconds later

she walked back out to her car to get her other bags. Deputy Fischer approached her again. (b)(5)(B) didn't know what to say, so she asked Deputy Fischer, "Do you want my phone number?" Deputy Fischer said, "Well, Yeah." Deputy Fischer wrote her phone number down in his deputy's notebook. (b)(5)(B) said to Deputy Fischer, "Do you do this often?" Deputy Fischer responded by saying, "No." (b)(5)(B) said they shook hands and said goodbye.

(b)(5)(B) said she felt excited about it at the time, but as she told her brother in law, she started feeling weird about it. She forgot about it after a while and Deputy Fischer did not call her once. She told her brother in law, (b)(5)(B) is a (b)(5)(B), and he is a (b)(5)(B) She had a conversation with (b)(5)(B) and he mentioned it was not appropriate what Deputy Fischer did.

The topic of Deputy Fischer didn't come up again until 11/12/2017 when (b)(5)(B) asked her if she had seen the news about a deputy sheriff who is in trouble for harassment. (b)(5)(B) looked up a picture of Deputy Fischer on her phone and realized he was the same person. (b)(5)(B) felt sickened it was the same deputy.

(b)(5)(B) shared a story when she was twenty-one years old she picked up a girl on the street who was raped. (b)(5)(B) testified in court and this thought stayed with her. The idea about that incident made her feel sickened and think how things could have gone wrong with Deputy Fischer.

(b)(5)(B) thought about calling law enforcement for a few days and talked to co-workers about notifying law enforcement. She felt it was vital for us to know what Deputy Fischer did to her.

(b)(5)(B) said she was wearing her work clothing, a t-shirt, and pants.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

On 11/17/2017, at about 1400 hours, I called (b)(5)(B) landlord (b)(5)(B). I recorded the conversation with the Konex digital recorder installed on my desktop computer. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B) WITNESS

(b)(5)(B) said he doesn't remember the exact date he saw the deputy with (b)(5)(B) He said the time (b)(5)(B) arrived home that night is typically the same time from work. (b)(5)(B) had his windows cracked in his home and heard a car running for several minutes. He walked to his rear door and heard people talking

outside the double door gate. (b)(5)(B) opened the door and noticed it was (b)(5)(B) and there was an officer with her. The officer seemed alerted when (b)(5)(B) opened the door. The officer walked away, and (b)(5)(B) walked back into his home after he realized it was a police officer. The officer must have been there a total of about 20 minutes.

(b)(5)(B) remembers the deputy standing with (b)(5)(B) was a good-looking young man, a little darker skin. It was at night and not well lit. The deputy appeared to look like the deputy on the news, Deputy Fischer.

I concluded my conversation, (b)(5)(B).

INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

On 11/17/2017, at about 1430 hours, I called (b)(5)(B) brother in law (b)(5)(B) I recorded the conversation with the Konex digital recorder installed on my desktop computer. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF J (b)(5)(B) : WITNESS

(b)(5)(B) said he is (b)(5)(B) brother in law. (b)(5)(B) noted (b)(5)(B) told him about the interaction she had with Deputy Fischer soon after their interaction. (b)(5)(B) said he is a (b)(5)(B) and she felt comfortable getting his opinion.

(b)(5)(B) said he remembers (b)(5)(B) mentioning the interaction during a mother's day lunch they had at his home. (b)(5)(B) said she was pulled over by Deputy Fischer and he was not sure if she was cited. The officer followed her home. The officer stayed outside long enough for her to ask the Deputy if he needed anything. (b)(5)(B) told him, she gave the officer her phone number. It appeared like there was some romantic interplay in the interaction. (b)(5)(B) mentioned she thought the officer was handsome. (b)(5)(B) asked him if he felt that was normal behavior.

(b)(5)(B) told (b)(5)(B) he didn't believe it was that normal. He said, maybe police or fire would give a phone number to someone and ask if they could have coffee sometime. (b)(5)(B) was giving the officer the benefit of the doubt. He didn't think much after that conversation. (b)(5)(B) asked a few officers in Escondido if they knew Deputy Fischer.

(b)(5)(B) said on the weekend of 11/12/2017, he saw the news and noticed a deputy was accused of groping a few women in North County. He saw (b)(5)(B) on that weekend and told her about the allegations against the deputy. (b)(5)(B) looked up the allegations on her phone and saw a picture of Deputy Fischer. (b)(5)(B)

told (b)(5)(B) the person in the news was the same deputy who followed her home after the traffic stop and she gave him her phone number.

(b)(5)(B) encouraged (b)(5)(B) to tell the San Diego Sheriff's Department about the interaction she had with Deputy Fischer. He felt it was important for the administration to know so that they could investigate and have witnesses that prove or disprove a pattern of behavior that could be necessary for an administrative case.

(b)(5)(B) understands how vital the information she had was necessary for the San Diego Sheriff's Department to have.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

On 11/28/2017, at about 2130 hours, I talked to Deputy McMahon at the Vista Patrol Station. I recorded the conversation with my county issued digital recorder. McMahon told me the following.

The following statement is a summary.

STATEMENT OF DEPUTY MCMAHON: WITNESS

Deputy McMahon said she does not remember the traffic stop. She reviewed the CAD information about the date of the traffic stop and the location, but she did not recognize the traffic stop. Deputy McMahon said she remembers Deputy Fischer and his K-9 working a lot in the City of Vista. McMahon has worked a lot of calls with Fischer, and he was always professional. She did not see him be inappropriate with women or with any person on the stops.

I concluded my conversation with Deputy McMahon.

INVESTIGATION CONTINUED:

I later placed the recorded conversation into the digital case folder.

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I concluded the investigation for (b)(5)(B)
(b)(5)(B) (Victim):

On 11/29/2017, (b)(5)(B) called the Gilleon Law Firm about Deputy Fischer's appropriate behavior that occurred on 05/10/2017, during a traffic stop. (CASE#17124484)

On 11/29/2017, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department about Deputy Fischer's inappropriate behavior (b)(5)(B) that occurred on 05/10/2017.

On 11/29/2017, I called (b)(5)(B) and scheduled to meet her on 12/13/2017 at 0900 hours, at the San Marcos Patrol Station located in the City of San Marcos.

On 12/13/2017, at 0900 hours, San Diego County District Attorney Annette Irving, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B). She was accompanied by (b)(5)(B) from the Gilleon Law Firm. I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said on the day of the traffic stop, she was in an argument with her daughter over the cutting of her arms. (b)(5)(B) said on June 2, 2016, her husband died, and she and he children have been in a depressive state of mind, as the day of his death was nearing.

(b)(5)(B) reaction was to be upset and furious because of situation. She decided to leave home and spend the night at the home of a friend who was on vacation.

(b)(5)(B) was driving there, and a deputy stopped her. The deputy said her daughter called the police and felt she wanted to hurt herself. The deputy asked her to step out of the car. There were two deputies when she stepped out of the car. The deputies asked her to walk to the curb behind Deputy Fischer's K-9 vehicle and the second deputy's vehicle. There was not much room in between the cars. Before she sat down, they asked her if she had any weapons. (b)(5)(B) said she was wearing pajamas and a nightgown. The deputies asked her to open her robe so they could look and see she didn't have any weapons. The deputies did not pat her down. After they checked her for any weapons, they asked her to sit on the curb. (b)(5)(B) said before she sat down the deputies asked her to show them she did not have anything in her robe pockets. She showed them she did not have anything in her pockets and then tied her robe. She placed her hands in her pockets for warmth. One of the deputies was rude and yelled at her and told her not to put her hands in her pockets. (b)(5)(B) felt the deputy knew she did not have anything in her pockets and there was no reason to be rude. He knew she did not have anything in her pockets. (b)(5)(B) said she sat on the curb and was told to place her hands behind her back.

Once she was sitting, one deputy went to his patrol car, and one deputy stayed with her. (b)(5)(B) sat between the two patrol vehicles. While she was sitting there, she noticed the deputy's name was Deputy Fischer. Deputy Fischer was standing about 2-3 feet away from her. Deputy Fischer had his left foot on the curb, and it was about a foot and half away from her body. His back was almost touching her

vehicle. (b)(5)(B) felt Deputy Fischer was in her personal space and his groin was pretty much on her face.

(b)(5)(B) said when Deputy Fischer looked at her driver's license, he commented, "Wow you just had a birthday. You are pretty, you don't look your age. If I were older would you date me?" (b)(5)(B) could not believe what he said. She did not know if he was just making small talk or if he was serious.

Another inappropriate comment Deputy Fischer made was the spelling of her last name. Fischer told her, "You spell your name (b)(5)(B) that's how the black people spell their name isn't it?" She said, "My husband was Jewish."

(b)(5)(B) said Deputy Fischer did not touch her or hurt her, but she was scared. She was pulled over by deputies wearing her pajamas, sitting on the curb, and Deputy Fischer talking about possibly wanting to date him, with him standing in my personal space. (b)(5)(B) felt very intimidated and thought she was in a position with no control.

(b)(5)(B) said a few minutes later, the shorter deputy came back and handcuffed her and placed her in the back of his police car. The deputy took her to Palomar Hospital, and she was admitted on a 72-Hour medical observation (CASE#17124483). She was released from the hospital the next morning. (b)(5)(B) lled her neighbor (b)(5)(B) to pick her up from the hospital.

(b)(5)(B) told (b)(5)(B) about the interaction she had with Deputy Fischer. (b)(5)(B) said she needed to turn Deputy Fischer in. (b)(5)(B) never got around to calling the San Diego Sheriff's Department.

(b)(5)(B) also told her significant other, (b)(5)(B) on the night she was admitted to the hospital.

On 11/28/2017, (b)(5)(B) saw the television and heard Deputy Fischer's name, and the reporters gave the Gilleon Law Firm's information. On 11/29/2017 she called (b)(5)(B) and left a message. (b)(5)(B) met with her that day, and she explained her interaction with Deputy Fischer.

I concluded my conversation with (b)(5)(B)

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INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

On 12/14/2017, at about 1000 hours, I talked to (b)(5)(B) via telephone. I recorded the conversation with the Konexx digital recorder installed on my desktop computer. (b)(5)(B) told me the following.

The following statement is a summary.

STATEMENT OF (b)(5)(B) WITNESS

(b)(5)(B) said she does not remember the full details (b)(5)(B) told her. (b)(5)(B) has not talked to (b)(5)(B) for several weeks but is glad (b)(5)(B) finally notified law enforcement. (b)(5)(B) remembered (b)(5)(B) called her that morning and asked if she could pick her up at Palomar Hospital.

(b)(5)(B) was having a rough conversation with her kids and decided to leave home and drive to a friend's house she was house sitting. Her daughter called the police because she feared (b)(5)(B) was suicidal. (b)(5)(B) was pulled over by the sheriff's department, and there were two officers. (b)(5)(B) remembered Deputy Fischer's name because her last name is (b)(5)(B) (b)(5)(B). Fischer said she spelled her last name the black way. She felt it was an inappropriate comment. (b)(5)(B) mentioned Deputy Fischer was suggestive to her. (b)(5)(B) does not remember the exact conversation now. (b)(5)(B) said after one of the officers went back to his car, Deputy Fischer was standing close, and his crotch area was next to her face. Deputy Fischer was coming on to her, being suggestive, and made her feel uncomfortable. Deputy Fischer also made her feel threatened sexually.

(b)(5)(B) was more upset over Deputy Fischer than the emotional event she had with her kids the night before. (b)(5)(B) is not sure who transported her to the psych-ward at Palomar Hospital. (b)(5)(B) does not know where (b)(5)(B) car was, but she picked her up and took her to her home.

(b)(5)(B) asked (b)(5)(B) what she was going to do about Deputy Fischer. (b)(5)(B) didn't do anything about it, and (b)(5)(B) didn't want to push her.

On 11/29/2017, (b)(5)(B) was watching television and saw the news and heard Deputy Fischer was accused by a sixth woman of sexual allegations. (b)(5)(B) texted (b)(5)(B) and they had an exchange of text messages. (b)(5)(B) found Attorney (b)(5)(B) contact information and shared it with (b)(5)(B) (b)(5)(B) contacted (b)(5)(B) when she was on jury duty at the San Diego Superior Court. The attorney went to the courthouse to talk to (b)(5)(B) (b)(5)(B) told (b)(5)(B) she would corroborate about the interaction she had with Deputy Fischer on the night she was pulled over and taken to the hospital.

I concluded my conversation with (b)(5)(B)

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INVESTIGATION CONTINUED:

I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

On 12/14/2017, at about 1030 hours, I called (b)(5)(B) significant other, (b)(5)(B) I left a voicemail with my contact information. (b)(5)(B) did not return my phone call.

In the review of the CAD Event Number E4141900, I noted the following deputies assigned to this event. Deputy Santos #1131, Deputy Boegler #3414, and Deputy Fischer.

On 01/08/2018, at about 0908, I called Deputy Santos who told me the following. I recorded the conversation with my county issued digital recorder.

The following statement is a summary.

STATEMENT OF DEPUTY SANTOS: WITNESS

Deputy Santos said he and Deputy Boegler were driving to the reporting party's address before Deputy Fisher conducted the vehicle stop on (b)(5)(B) He and Deputy Boegler drove to the location of the stop and saw Deputy Fisher's vehicle stopped behind (b)(5)(B) car. Deputy Santos approached Deputy Fisher and noticed (b)(5)(B) was sitting on the street curb. Santos told Deputy Fisher to stand by with (b)(5)(B) and he and Deputy Boegler would talk to the daughter and reporting party of the call.

Deputy Santos said he talked to (b)(5)(B) daughter, (b)(5)(B) told them (b)(5)(B) used the scissors to cut her left wrist. Deputy Santos obtained the evidence and photos and then drove back to talk to (b)(5)(B). After talking to (b)(5)(B) he noticed the superficial cuts on her wrists and determined he was going to transport her to Palomar Hospital for a 72-hour mental health evaluation per 5150 W&I. Deputy Santos said he handcuffed (b)(5)(B) and sat her in his vehicle. (b)(5)(B) was not cooperative in the beginning and soon realized it was better to go the hospital.

Deputy Santos transported (b)(5)(B) to Palomar Hospital where she was admitted. During the time Deputy Santos was with (b)(5)(B) she did not tell him anything about what Deputy Fischer said or did.

Deputy Santos said he has been in about 20-30 patrol calls with Deputy Fischer and he has not seen him be inappropriate or disrespectful.

I concluded my conversation with Deputy Santos.

INVESTIGATION CONTINUED:

I completed my interview with Deputy Santos and later placed the recorded conversation into a digital case folder.

On 01/16/2018, at about 1650 hours, I called Deputy Boegler who told me the following. I recorded the conversation with my digital recorder.

The following statement is a summary.

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STATEMENT OF DEPUTY BOEGLER: WITNESS

Deputy Boegler said he reviewed the call for service and remembered he, Deputy Santos, and Deputy Fischer were dispatched to the call. Boegler said when he and Deputy Santos were driving to the reporting party's home, Deputy Fischer conducted a vehicle stop on the vehicle driven by (b)(5)(B). He and Deputy Santos drove to the traffic stop location. Boegler said he arrived and approached Deputy Fischer and noticed (b)(5)(B) vehicle parked in front of Deputy Fischer's vehicle. The vehicles were about one car length apart. Boegler noticed (b)(5)(B) was sitting on the street curb and Deputy Fischer was standing by his patrol vehicle, about five feet away from (b)(5)(B). Boegler did not hear any argument or discussion between Deputy Fischer and (b)(5)(B)

Deputy Fischer remained standing by with (b)(5)(B) at the traffic stop location, and Deputy Boegler and Deputy Santos went to reporting party's home. They returned sometime later, and Deputy Santos took detained (b)(5)(B) per 5150 W&I. Santos transported (b)(5)(B) to Palomar Hospital.

Deputy Boegler and Deputy Fischer went back in service. Deputy Boegler said he has worked with Deputy Fischer for about 1-2 months and did not ever see him say or do any inappropriate.

I concluded my conversation with Deputy Boegler.

INVESTIGATION CONTINUED:

I completed my interview with Deputy Boegler and later placed the recorded conversation into a digital case folder.

I concluded my investigation of (b)(5)(B).

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(b)(5)(B) (Victim):

On 12/07/2017, (b)(5)(B) contacted the Gilleon Law Firm about Deputy Fischer's inappropriate touching that occurred on 06/19/2017, during a traffic stop on Monte Vista Dr. and Cypress Dr., in the City of Vista.

On 12/07/2017, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department about Deputy Fischer's inappropriate touching to (b)(5)(B).

On 12/08/2017, I called (b)(5)(B) and scheduled to meet her when she was available on 12/13/2017 at 1100 hours. We met at the Vista Patrol Station in the City of Vista.

On 12/13/2017, at 1100 hours, San Diego County District Attorney Annette Irving, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B) (b)(5)(B)

(b)(5)(B) from the Gilleon Law Firm accompanied her. I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

STATEMENT OF (b)(5)(B) : VICTIM

On the night of the incident, (b)(5)(B) said she got off work from the (b)(5)(B) in Escondido and drove to her home in the City of Vista. When (b)(5)(B) arrived home, she and her boyfriend (b)(5)(B) (b)(5)(B) were involved in an argument. (b)(5)(B) gathered some of her belongings and decided to drive to her daughter's home in the City of Escondido. (b)(5)(B) drove the backstreets in Vista to get to her daughter who lives on El Norte and Center City Parkway. (b)(5)(B) drove on Eucalyptus Avenue to Cypress Drive. When she approached Monte Vista Drive, she noticed a police car on the right-hand side of the road. (b)(5)(B) knew her taillight was not working.

(b)(5)(B) made a left turn on Monte Vista Drive and noticed the police car started to follow her. The red and blue police lights turned on, and she proceeded to pull over. She pulled over by a residential driveway and stopped. The deputy (later identified as Deputy Fischer) pulled up behind her. The deputy came up to the driver's side door and asked to see her driver's license. (b)(5)(B) told Deputy Fischer her driver's license was suspended.

Deputy Fischer asked if he could search her car. Fischer walked her over to the side of her car and patted her down. The deputy interlocked her hands behind her and then held her hands. The deputy was very gentle when holding her hands. Deputy Fischer's right hand touched her vagina while searching her front pockets. She was not sure if the touching was accidental or on purpose. Deputy Fisher searched her back pockets and fondled her "butt" when he searched each pocket. His hands went back and forth on her buttocks. He found a methamphetamine pipe in the back right pocket. Deputy Fischer told her to get rid of the meth pipe if she wanted. (b)(5)(B) threw it on the ground and stepped on it so it would break. She said the meth pipe belonged to her boyfriend, (b)(5)(B) . The pair of pants she wore were her work pants and have deep pockets.

Deputy Fischer apologized if it felt like he was holding her hand. Fischer told her she was hot and had a nice body. (b)(5)(B) could not believe what she heard. Deputy Fischer said he was not going to arrest her or take her car. Deputy Fischer told her there was a school up ahead and she could park there and have her daughter pick her up. They were at the traffic stop for about 10 minutes. Fischer did not search her vehicle.

(b)(5)(B) got back into her car and drove to Monte Vista Elementary School and remained inside her vehicle. Deputy Fischer approached her window, and he told her there was a dark corner on the side of the school if she wanted to go make out. (b)(5)(B) didn't know what to say. She deflected the comment and started a conversation to change the subject. Deputy Fischer told her, "You don't have to if you don't

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want to." Fischer said he had a patrol call and had to go. (b)(5)(B) heard a lot of police sirens, and Deputy Fischer drove away. They were at the school for approximately 5-7 minutes.

(b)(5)(B) waited until she didn't see Deputy Fischer's lights then decided to drive her car to her daughter's apartment in the City of Escondido.

I asked (b)(5)(B) how Deputy Fisher touched her vaginal area. (b)(5)(B) said Fischer had his hands in her pocket and rubbed her "Clitoris." She felt it was not a pat down. She also clarified when he fondled her "butt" he cupped each buttock as he checked the pockets. (b)(5)(B) was not certain if it was accidental or intentional.

(b)(5)(B) felt that Deputy Fischer's comments were too much because she is overweight and Deputy Fischer is very good looking. She could not believe what he did and said.

(b)(5)(B) said after she got to her daughter's home, she parked and stayed in her car. She texted her sister, (b)(5)(B), and told her what just happened to her with Deputy Fischer.

(b)(5)(B) told her boyfriend, (b)(5)(B), and his roommate, (b)(5)(B), about it two days later. At the time she said her boyfriend (b)(5)(B) did not believe her. (b)(5)(B) asked her why she didn't go to the fire ation to tell anyone. (b)(5)(B) did not tell her boyfriend about the touching. She only mentioned Deputy Fischer asked her to make out and let her go without citing her or towing the car.

(b)(5)(B) said the day after the incident she texted her daughter (b)(5)(B), and her sister, (b)(5)(B) (b)(5)(B) only found her sister's text messages on her phone. (b)(5)(B) said she did not tell anyone about the touching of her vaginal area or touching of her butt via text messages. She did not want to say those things via text. (b)(5)(B) does not think she told anyone about the vaginal touching or groping of her butt. She did not know why she didn't tell anyone.

She was flattered by what Deputy Fischer said and did to her because of her age. She started getting upset over what happened when she thought about the same thing happening to her daughters. Her daughter was pulled over in her car in the past, and she did not believe it would be okay if that happened to her.

(b)(5)(B) said she could bring us the pair of pants she wore on the night of the incident. She said her work pants are like Wrangler jeans and are loose on her. The pockets are normal jean pockets.

(b)(5)(B) said she did not contact the San Diego Sheriff's Department because she was afraid of retaliation.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

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I completed my interview with (b)(5)(B) and later placed the recorded conversation into a digital case folder.

During the interview with (b)(5)(B) she texted me 11 screenshots of the text messages she sent to her sister (b)(5)(B) The following are the transcribed text messages (b)(5)(B) sent (b)(5)(B)

June 19, 2017

(b)(5)(B) You are NOT GOING TO BELIEVE WHAT JUST HAPPENED TO ME. (2:20AM)

(b)(5)(B) Its 2 am. And I got off work a little bit ago, went over to (b)(5)(B) for into an argument and grab my things stuffed them in my car and left. (2:22AM)

(b)(5)(B) As I was coming up to a stop sign down the road aways there was a cop sitting in his car. I have a tail light out, a pipe on me and I think I may have had 5 cents if don't bunk shit. (2:24AM)

(b)(5)(B) When he lighted me there wasn't anywhere to pull over except in a residential dirt driveway. (2:26AM)

(b)(5)(B) He asks to see my license and I tell him I don't have one. He really really cute. (2:27AM)

(b)(5)(B) Maybe 37. (2:27AM)

(b)(5)(B) 6 ft 6 inches tall. (2:28 AM)

(b)(5)(B) Anyways I tell him its suspended and then he asked when was the last time I registered by car. (2:28AM)

(b)(5)(B) Fuck, I reluctantly told him it's been quite a while. He says since 2013? (2:29AM)

(b)(5)(B) I said, I know, I know, I know. (2:30AM)

(b)(5)(B) He says is there anything in your car? I said no he asked if I would let him search it, I said sir if he really wanted to. (2:32AM)

(b)(5)(B) Anyways it comes down to him apologizing for holding my hand but he couldn't help himself with how hot I look...LMAO. Then he gives my my pipe back and tells me to please step on it but then. (2:33AM)

(b)(5)(B) I off course stepped on it right in front of him. (2:35AM)

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(b)(5)(B) He then tells me he's gonna follow me to the that's up ahead so I can park my car and have someone pick me up. (2:36AM)

(b)(5)(B) I swear to god (b)(5)(B) every single word of this is true. I'm not coloring it up not one bit. (2:39AM)

(b)(5)(B) Wow what a trip I never get that lucky. (7:21AM)

(b)(5)(B) Send me a picture I...

The last two text messages were sent by (b)(5)(B)

On 01/03/2018, (b)(5)(B) son dropped off the black pair of Dickies pants (b)(5)(B) was wearing on the night of the incident at the Vista Patrol Station. Detective Cook #0602 took possession of the pants. On 01/07/2018, I took possession of the pants. I took two digital photos of the front pockets, two pictures of the back pockets. I turned the pants inside out and took two pictures of the front pockets. I later placed the digital images into the digital folder of (b)(5)(B).

I reviewed CAD Event history for the night of 06/19/2017. I did not find an event number for that traffic stop.

On 01/16/2018, at 1605 hours, I called (b)(5)(B) The voicemail was not set up and I was not able to leave a voicemail. I texted (b)(5)(B) a picture of my detective business card and a message asking her to please call me back at her convenience. I have not received a call back.

On 01/16/2018, at 1612 hours, I called (b)(5)(B) friend, (b)(5)(B) I left a voicemail with my contact information. I texted (b)(5)(B) a picture of my detective business card and a message asking her to please call me back at her convenience. I have not received a call back.

On 01/16/2018, at 1615 hours, I called (b)(5)(B) friend, (b)(5)(B) I left a voicemail with my contact information. I texted (b)(5)(B) a picture of my detective business card and a message asking her to please call me back at her convenience. I have not received a call back.

On 01/16/2018 at 1617 hours, I called (b)(5)(B) friend, (b)(5)(B) I left a voicemail with my contact information. I texted (b)(5)(B) a picture of my detective business card and a message asking her to please call me back at her convenience. I have not received a call back.

I concluded my investigation of (b)(5)(B).

(b)(5)(B) (Victim):

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On 10/03/2017, (b)(5)(B) contacted the Gilleon Law Firm about Deputy Fischer's inappropriate hugging that occurred on 08/20/2017, during a welfare check that occurred at her home. (b)(5)(B) lives at (b)(5)(B) (CAD #E4369508).

On 11/02/2017, Attorney (b)(5)(B) notified the San Diego County Sheriff's Department about the inappropriate hugging by Deputy Fischer to (b)(5)(B).

On 11/09/2017, I was assigned this case for investigation. I learned of the incident that occurred at (b)(5)(B) (b)(5)(B). I was made aware victim (b)(5)(B) was represented by the Gilleon Law Firm, located at 1320 Columbia St. Suite 200, in the City of San Diego. I understood this case was a high profile case involving Deputy Richard Fischer. I was given documentation of a claim against the County of San Diego by the Gilleon Law Firm.

The allegations read as follows. The following is verbatim from the claim time stamped November 2, 2017, at 1106AM.

On August 20, 2017, at approximately 4am, Claimant (b)(5)(B) ("Jane Doe") was sexually assaulted by San Diego County Sheriff's Deputy, Richard Fischer. As Jane Doe has reported to the Sheriff's officials on multiple occasions, at about 3 am Fischer first arrived at Jane Doe's home with another Deputy for a welfare check, which stemmed from an earlier, errant communication between Jane Doe and her father on the east coast, who mistakenly believed his daughter might be a peril. The two deputies quickly learned that Jane Doe, who was all alone in her home, was perfectly fine. They both left.

About an hour later, Fischer returned, by himself this time, and knocked on Jane Doe's Door. Fischer lied to her and said he needed to use her restroom. Jane Doe let him into her home, but immediately realized the restroom claim was just a ruse to get in the house. Fischer stood close to Jane Doe and began to hit on her by saying, "I think you're cute." He then gave Jane Doe a 10 second hug, without her consent, during which his chest rubbed and embraced her breasts which were not supported by a bra (as she was in her sleep attire). Fischer's hands rubbed and fondled Jane Doe's torso, shoulders, arms, back and buttocks. After the hug was over, Fischer looked at her, and commented again that he thought she was good looking. Fischer then hugged Jane Doe again, which she resisted more aggressively.

Jane Doe was terrified, yet she was able to order Fischer to leave her home. In total, Fischer was in Jane Doe's house for 7-10 minutes.

The causes of action against Fischer and the Sheriff's Department include sexual assault and battery; civil rights violence/deprivations; infliction of emotional distress; sexual harassment; negligent failure to prevent sexual harassment/battery and negligent hiring/retention/training/supervision (Monell) to recover economic and non-economic damages exceeding $6,000,000.

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On 11/09/2017, at about 1700 hours, I called (b)(5)(B) and scheduled an interview time for November 13, 2017, at 1630 hours. The interview took place inside her home at (b)(5)(B) (b)(5)(B).

On 11/13/2017, at about 1600 hours, San Diego County Sheriff's Internal Affairs Sgt. Baggs, San Diego County District Attorney Annette Irving and I arrived at (b)(5)(B) home.

I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statements are a summary.

STATEMENT OF (b)(5)(B): VICTIM

(b)(5)(B) said on the night before the incident she texted her father and brother the lyrics of a song she liked and did not think the words would alarm them. On the early morning of 11/20/2017, she was awakened by knocking at her front door. She does not recall the exact time and could only reference the cell phone text messages she sent to her father after the deputies left her home.

(b)(5)(B) said there were two deputies at her door. She recognized Deputy Galvan, and he mentioned they were there to check on her welfare because her father called the police. (b)(5)(B) allowed Deputy Galvan and the other deputy, later identified as Deputy Fischer, into her home. Deputy Fischer stood in the living room as Deputy Galvan checked her home and asked her questions regarding her welfare and state of mind. (b)(5)(B) mentioned to the deputies she was not suicidal and told them she takes her bi-polar medication every day. The deputies exited her home, and Deputy Fischer did not say a word during that time. (b)(5)(B) went back to bed and sometime later she heard knocking at her door. She did not remember how much time had passed since the deputies left her home. (b)(5)(B) woke up and checked the front door and saw Deputy Fischer. Deputy Fischer was in full uniform, holding the front door screen as she opened the door. Deputy Fischer asked her if he could use her restroom. (b)(5)(B) felt it would be okay for Fischer to come inside to use the bathroom and she allowed him in. (b)(5)(B) said she was in her sleep attire (tank top and small shorts). Before Deputy Fischer used the bathroom, she walked to the bathroom and removed some of the clothes hang drying by the restroom door so Deputy Fischer could close the door. Deputy Fischer walked into the bathroom soon after. When Deputy Fischer was inside of the bathroom, she grabbed a robe and put it on because she was only wearing a tank top and small shorts. (b)(5)(B) waited for Deputy Fischer at her bedroom doorway that is next to the restroom. Deputy Fischer walked out of the bathroom and they both stood in the hallway next to the bathroom and bedrooms. Deputy Fischer told her, "You are cute." and asked, "Can I give you a hug?" She answered by saying, "Sure." Fischer hugged her with his arms below her arms. (b)(5)(B) placed her arms and hands on Deputy Fischer's arms and shoulders. Deputy Fischer's arms were around her body, and both of his hands were rubbing her back. When Fischer was hugging her, one of his hands went as far as where her "butt" begins, but he did not grab her buttocks.

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Deputy Fischer's hands continued to rub her back for several seconds, and (b)(5)(B) felt it was long enough to make her feel as if it was too long of a hug. The hug felt more intimate versus a friendly hug. When they stopped hugging, Deputy Fischer said something to her and then asked her if he could hug her again. (b)(5)(B) answered by saying, "Yeah." She was hesitantly hugging him back. Deputy Fischer again rubbed her back for several seconds, before the hugging stopped. They exchanged a few words and Deputy Fischer asked if he could hug her a third time. (b)(5)(B) told Deputy Fischer, "No." and told him, "You have to go." Deputy Fischer did not say much and soon walked out of her home without anything else happening.

(b)(5)(B) texted her father after the deputies left her house from the welfare check. She texted him a message about what happened between her and Deputy Fischer. Her father sent her back a text message saying, "That's a long way to go for a date." The hugging and interaction with Deputy Fischer did not bother her immediately but later thought about the idea if Deputy Fischer would have hugged her daughter. The incident started to bother her, and she began feeling it was not right for a police officer to hug someone in the manner that Deputy Fischer hugged her.

(b)(5)(B) said she called the San Diego Sheriff's Dispatch within a week and asked to speak with Deputy Galvan. She called Deputy Galvan and left him a voicemail asking him to call her back so she could talk to him about the night of the incident. She did not tell Deputy Galvan why she wanted to speak with him. Deputy Galvan did not return her phone call. (b)(5)(B) did not report the incident to anyone else and did not attempt to contact Deputy Galvan again. She wanted to tell Deputy Galvan what Deputy Fischer did and was going to ask for his opinion on how to handle the problem. Deputy Galvan was out of the office for several weeks because he and his wife had a baby.

On 09/23/2017, (b)(5)(B) called the San Diego Sheriff's Department to report a bicycle found on the mobile home park property. Deputy Dujenski #6298 arrived and he took a report of a found bike. (b)(5)(B) told Deputy Dujenski about the inappropriate interaction with Deputy Fischer. Deputy Dujenski said he would notify his supervisor about the incident and they would follow-up with her.

Several days passed and she did not hear back from anyone from the San Diego Sheriff's Department. The incident continued to bother her more, and she thought about calling several people to ask for advice. She called a friend who was a former law enforcement person. She was referred to a friend of a friend and then to Attorney (b)(5)(B). (b)(5)(B) said she did not want things to go this way, but it appeared nobody was listening to her.

On 10/23/2017, (b)(5)(B) called the San Diego Sheriff's Department to report an incident at her mobile home park with a resident in (b)(5)(B) Deputy Dujenski arrived to speak to (b)(5)(B) (b)(5)(B) became emotional and told Dujenski about already talking with an attorney. Deputy Dujenski said he told his supervisor (Sgt. Spach) about the incident and was not sure why no one called her. Dujenski told her Sgt. Spach was working that evening and would call her. On that evening, Sgt. Spach called her several times and she did not answer the calls because she did not know what to do. She became very nervous and anxious about knowing what to do. (b)(5)(B) was contacted by Deputy Dujenski the following day. He

told her Sgt. Spach would like to meet with her. (b)(5)(B) told Dujenski she could meet Sgt. Spach at her home that night. (b)(5)(B) said her boss and his wife were with her when Sgt. Spach arrived.

Sgt. Spach mentioned to her Deputy Fischer was already in trouble for a severe dog bite. (b)(5)(B) asked Sgt. Spach what would happen to Deputy Fischer. Sgt. Spach said he would have a counseling slip and be written up. She did not receive any other callbacks from Sgt. Spach or the San Marcos Patrol Station.

A few days passed and she met with a friend, (b)(5)(B), who knew someone from the San Diego Sheriff's Department. He gave her the phone number of the Undersheriff, Mike Barnett. (b)(5)(B) called the number and talked to Undersheriff Barnett. They spoke about the incident for several minutes and told he would find out what he could and call her back. Undersheriff Barnett called her back and said an investigation was open, and someone would be in contact with her.

I concluded my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

We concluded the conversation with (b)(5)(B), and I later placed the recorded interview in the digital case folder.

During the conversation with (b)(5)(B) I asked her to show us where Deputy Fischer's hands were when he was hugging her. (b)(5)(B) used her hands and showed us by touching around her beltline at the point where her lower back connects with her buttocks and hip area.

(b)(5)(B) also showed us the tank top she wore on the night of the incident. The tank top was a ribbed white tank top and the shorts she referred to as being "booty shorts." She also mentioned she was not wearing a bra or underwear.

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(b)(5)(B) disclosed she takes Depakote daily for Bipolar Disorder.

(b)(5)(B) demonstrated to us where she was standing when Deputy Fischer hugged her. The area was in the hallway leading to the two bedrooms.

(b)(5)(B) said she provided Attorney (b)(5)(B) the following. The Lorex DVR recorder, a handwritten timeline of the times she attempted to contact the Sheriff's Department, the talk log for her telephone calls to the Sheriff's Department, screenshots of her text messages to her father, and a screenshot of the transcribed voicemail from Sgt. Spach on 10/23/2017.

When driving out of the mobile home park from (b)(5)(B) home I saw a 7-Eleven convenience store, it was locate at 1531 G West Mission Road, in the City of San Marcos. From my experience working patrol most store managers allow officers the use of the restrooms because they are open 24 hours in a day.

In the review of the CAD Event Number E4369508, I noted the following deputies assigned to this event, Deputy Galvan#6832, and Deputy Fischer.

On 11/29/2017, at about 0923 hours, I spoke with Deputy Galvan #6832 at the San Marcos Patrol Station in the City of San Marcos.

I recorded the interview with my county issued digital recorder. Deputy J. Galvan told me the following.

The following statement is a summary.

STATEMENT OF J. GALVAN: WITNESS

Deputy Galvan said he reviewed the event comments for Event #E4369508. He said he remembered the incident and recalled talking to (b)(5)(B) at her home at (b)(5)(B)

Galvan remembers being dispatched to the call. He and Deputy Fischer were the two deputies on the call. Galan was the primary deputy in the case. He knocked on the front door and talked to a female he later identified as (b)(5)(B) answered the front door and appeared confused why they were here. Galvan told (b)(5)(B) her father contacted the San Diego Sheriff's Department and told the call taker his daughter (b)(5)(B), was making suicidal statements. (b)(5)(B) said she did not send her dad any suicidal messages. (b)(5)(B) said she texted her father a message with the lyrics of a song of a band she saw in concert earlier in the week. The song mentioned comments of murder in the City.

Galvan asked questions to evaluate (b)(5)(B) mental stability. He determined there was no threat of (b)(5)(B) hurting herself. Galvan asked (b)(5)(B) if she would show him the text message she sent her father. He looked at a text message and it appeared to be a quote of lyrics from a song. Galvan told (b)(5)(B) to make sure to clarify information she sends her father. Galvan said they walked out of the house and he and Deputy Fischer got into their patrol cars and drove down the street. Galvan stopped, and he cleared the call on the computer before driving to the patrol station. He remembers driving east on Mission Road. Deputy Fischer pulled up next to him when they stopped at Mission Road and Las Posas. When the light turned green, they both drove eastbound on Mission Road towards the patrol station. When they reached Mission and Woodward, Deputy Fischer turned right on San Marcos Blvd... He continued driving east on Mission Road and turned right on Woodland Parkway and drove into the station parking lot. When Galvan arrived at the patrol station, he and Deputy Fischer were dispatched to an extra patrol at a laundromat off of Rancho Santa Fe Road. He did not see Deputy Fischer at the patrol station. He drove towards the location of the call. When he was exiting off of Rancho Santa Fe and making a left turn, Galvan heard Deputy Fischer over the radio say he checked the area and was "Code 4". Deputy Galvan drove into the parking lot of the location of the call and saw Deputy Fischer signaling to him "Code 4." Deputy Galvan drove away from the location and did not exit or talk with Deputy Fischer. Galvan drove back to the patrol station.

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Galvan mentioned (b)(5)(B) was wearing a black baggy shirt when he and Deputy Fischer talked to her. The shirt was loose and cut in the front. He was able to see a little bit of her cleavage. Galvan did not remember what kind of shorts or pants (b)(5)(B) was wearing.

I completed my conversation with Deputy Galvan.

INVESTIGATION CONTINUED:

After I spoke with Deputy Galvan, I later placed the recorded conversation into the digital case folder.

On 11/29/2017, Internal Affairs Sergeant Baggs and I picked up the Lorex HD DVR Model#LHV100 video surveillance recorder at Forensic Technologies Inc. The business is located at 9434 Chesapeake Dr. Suite 1210, in the City of San Diego. At about 1300 hours, Sgt. Baggs and I arrived at Forensic Technologies Inc. and met with (b)(5)(B). I signed a chain of custody sheet for the release of the Lorex HD DVR model LHV100800. After signing the chain of custody, (b)(5)(B) handed me the Lorex HD DVR video surveillance recorder and a folder with the DVR instructions. Additionally there was a note that I collected, given to them by (b)(5)(B)

On 12/18/2017, I connected the Lorex DVR and noted it had 1TB of memory space, and the DVR was ing 931.40GB. The DVR said there was 0.00 free space. I was able to look at the information on the DVR and I was only able to look up to 09/05/2017. I was not able to look at further dates and was not able to see the incident date of 08/20/2017.

I contacted the San Diego Regional Computer Forensics Laboratory (SDRCFL) and spoke with Director (b)(5)(B) asked me to email him the specifications of the Lorex DVR. I provided him with the information I obtained. Director (b)(5)(B) answered my email and stated the DVR person at the forensic laboratory believes that the information I need from 08/20/2017, was most likely overwritten and there is not much they could do at that point.

On 12/18/2017, (b)(5)(B) from the offices of the Gilleon Law Firm provided me a copy of all the documents submitted to (b)(5)(B) from (b)(5)(B). I opened the envelope and noted a call log from (b)(5)(B) phone number with the area code of (b)(5)(B) from dates 08/19/2017-10/19/2017. I saw on the day of the incident she called her father three times, 0841 hours, 1822 hours, 1958 hours. At 1958 hours, (b)(5)(B) spoke to her father for three minutes. There were no other phone calls made to anyone else on the day of the incident 08/20/2017.

There were printed copies of the text messages she texted her father after the date of the incident. The only time on the text string in the time (b)(5)(B) father texted at 0409AM on 08/20/2017, "(b)(5)(B) Are you there?" It appears since (b)(5)(B) did not respond to the text message, and Deputies were dispatched to check on her welfare.

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(b)(5)(B) responded to her father's text after deputies left her home at approximately 0505AM on 08/20/2017, she replied, "I just liked that song, I'm fine, sheriff just left. I would never hurt myself, there is a big misunderstanding, but I'll call when I get up. I love you guys." continued text to say "The last line just says he loves that they are family and share their name? Sorry to make you worry but there is no problem." Her father responded, "Thank God. Read the note; I left in my drawer? If I get murdered tonight? I love you but careful what you write. You sure you're OK?" (b)(5)(B) responded, "Yes, I just saw the Avett Brothers in concert, I liked it, didn't even think of what it may have seemed like from your end, sorry. You wouldn't believe it but one of the deputies just came back to my house he asked me if he could use my bathroom, then told me he thought I was cute and asked me for a hug, I can't make this stuff up, his name is Rick." There was no time stamp when (b)(5)(B) sent the last message to her father.

In the envelope, there were also copies of text messages sent on 10/03/2017 at 2200 hours, to Attorney (b)(5)(B) The message read, "(b)(5)(B) if this is you this is (b)(5)(B) and I have a question about inappropriate behavior from a sheriff before I decide to share it. Can you please contact me if this is you? I need your help please about this." Attorney (b)(5)(B) responded with a text, "At work hit me up in the morning 9-10." (b)(5)(B) texted (b)(5)(B) on 10/04/2017 at 1150 hours, "Hey you didn't answer when I called. Look I'm nervous about how to address the situation, the sheriff was inappropriate, and all I could think about is what is if it was my daughter and I don't want to make the wrong move can you at least tell me who I should contact. Or if I should contact anyone at all. I don't know anyone else to ask. You have a daughter right?" (b)(5)(B) next text to Attorney (b)(5)(B) was 10/06/2017 at 1633 hours, "Seriously." There were no further text messages to Attorney (b)(5)(B) (b)(5)(B)

There was also a copy of a transcribed voicemail dated 10/23/2017 at 2014 hours. The voicemail was from San Diego Sheriff's Department Sgt. Spach, from the San Marcos Patrol Station. It read, "Hi (b)(5)(B) this is Sergeant... San Diego Sheriff's department contacted me earlier today reference I guess you had a negative contact with...of our deputies um its I'd like to find out more about this so that we can prevent any further incidents like this so if you can give me a call back...um I'm currently the night shift sergeant and I'll be on tonight and tomorrow night... so if you give me a call back this will be my desk number be area code (b)(5)(B) if I'm not here leave a voicemail message and I'll get right back with you, alright thank you, bye..."

The last item was a copy of a handwritten statement by (b)(5)(B) describing the times she notified law enforcement. The time frame starts from the incident date and ends with her talking to Undersheriff Mike Barnett. The information in the outline was the same or similar information she told me during our interview.

On 12/16/2017, at about 1615 hours, I spoke with Sergeant Spach #2611 at the San Marcos Patrol Station.

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I recorded the interview with my county issued digital recorder. Sergeant J. Spach told me the following.

The following statement is a summary.

STATEMENT OF J. SPACH: WITNESS

Sergeant Spach said Deputy Dujenski told him about the incident several weeks before 10/23/2017. Deputy Dujenski handed him a yellow sticky note with (b)(5)(B) name and phone number and told him (b)(5)(B) had a bad interaction with Deputy Fischer. (b)(5)(B) wanted to speak with a supervisor to file a complaint. Spach does not remember the date he received (b)(5)(B) information. Sgt. Spach believes he misplaced the yellow sticky. Sgt. Spach does not remember if he called or tried to call (b)(5)(B) before losing her phone number.

On 10/23/2017, Deputy Dujenski approached him and said he talked to (b)(5)(B) again, and she was upset nobody contacted her. Dujenski noted (b)(5)(B) was emotional about what occurred. Dujenski gave him (b)(5)(B) phone number and he called her approximately three times and left a voicemail message.

Sgt. Spach did not receive a call back on 10/23/2017. Spach emailed Deputy Dujenski and asked him to ease contact (b)(5)(B) on 10/24/2017 and advise her he called and left a voicemail. On 10/24/2017, at about 1700 hours, Sgt. Spach called (b)(5)(B) and made arrangements to meet at (b)(5)(B) home at about 2100 hours.

Sgt. Spach said after he talked to (b)(5)(B) he was advised by Lieutenant White to write a brief synopsis of the statement and to look on CAD for a unit history and present it to him via email. Lt. White told him to not talk to anyone about the incident.

Spach wrote an email to Lieutenant Justin White on 10/25/2017, at 0018 hours explaining what (b)(5)(B) (b)(5)(B) said during his interview.

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The email is verbatim,

RP stated Deputies were dispatched to her residence to conduct a report of 11-45 that was turned into a welfare check. RP stated two deputies arrived and talked to her about a song she had sent her father. The smaller Deputy (Galvan) conducted his investigation and determined she was not suicidal. The other Deputy (Fischer) just stood in the back and didn't say anything.

The two deputies left and after what she felt was several minutes and estimated at about 0500, Deputy Fischer knocked on her door. He requested to use her bathroom and she let him in to use her bathroom. He came out of the bathroom and asked if he could hug her, she said yes, but felt that I was "unprofessional" due to the time length of the hug. She stated if felt like several seconds. Deputy Fischer told her she was "cute" and asked if he could hug her again. She allowed him to hug her but did

not feel comfortable. He asked to hug her again and she told him she was uncomfortable with him being there alone and asked him to leave. He left. RP stated she was shaken up by the incident and does not want others to be "preyed" on by this deputy. She feels this behavior is unprofessional and does not want him anywhere near her or her daughter.

When asked if the deputy made any further advances or contact since the incident, she stated there has been no other contact made by the deputy. She was visibly upset and emotional.

They were dispatched at 0439 hours... on scene at 0448... 91P3C (Galvan) cleared at 0505 with dispatch... 91P7C (Fischer) cleared at 0503 hours.

Fischer's next call is dispatched at 0507 hours... XP at (b)(5)(B)

Sgt. Spach said the only other interaction he had with Deputy Fischer was during a K-9 incident that occurred on his team. He said there was an ongoing Internal Affairs investigation on the incident.

Sgt. Spach said (b)(5)(B) did not mention the touching of her buttocks, or breast. (b)(5)(B) told him Deputy Fischer was very inappropriate. Spach felt (b)(5)(B) was very nervous and appeared a little hesitant in showing him the interaction with Fischer.

I completed my conversation with Sgt. Spach.

INVESTIGATION CONTINUED:

After I spoke with Sgt. Spach I later placed the digital recording into the digital case file.

On 12/17/2017, at about 2045 hours, I called Deputy C. Dujenski #6298.

I recorded the interview with my county issued digital recorder. Deputy C. Dujenski told me the following.

The following statement is a summary.

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STATEMENT OF C. DUJENSKI: WITNESS

Deputy Dujenski said he has talked to (b)(5)(B) one other time before documenting a crime report for a found bicycle on her property on 06/23/2017 at 1630 hours. (b)(5)(B) told him Deputy Galvan, and another deputy showed up to her home on 08/20/2017, for a welfare check. She mentioned the second deputy returned to her home after they left and wanted to use her restroom. After the deputy used the bathroom, the deputy hugged her once, and it was inappropriate because the hug lasted a long time. The deputy asked her for a second hug. She agreed and they embraced for shorter time. The deputy asked her for a third hug, and she said no to him and asked him to leave.

Deputy Dujenski said (b)(5)(B) told him the story about three times on three different occasions and she never mentioned Deputy Fischer touched her buttocks or grouped her inappropriately on any other part of her body.

The last time Dujenski was told about the incident by (b)(5)(B) was when he returned to her home to mention about Sgt. Spach attempting to contact her. He said (b)(5)(B) received the phone calls from Sgt. Spach, but was nervous to answer and talk to him. During the last conversation (10/24/2017), (b)(5)(B) told him she spoke to a friend who was a former police officer. (b)(5)(B) mentioned she was advised by friends and family to obtain an attorney. She showed him copies of text messages she sent to her father.

Dujenski said (b)(5)(B) told him she spoke to an attorney who was advising what to do. (b)(5)(B) did not tell him the name of her attorney.

Dujenski said the first time he told Sgt. Spach about the incident, he thought it would get taken care of from sergeants and above and did not know what happened until 10/23/2017. That was when (b)(5)(B) (b)(5)(B) told him she had not spoken with anyone from the Sheriff's Department since 09/23/2017.

Dujenski joked with him about wanting to be in a dating relationship with a police officer. He was not sure if she was just kidding or not.

I completed my conversation with Deputy Dujenski.

INVESTIGATION CONTINUED:

After I completed my interview with Deputy Dujenski, I later placed the digital recording into the digital case file.

I concluded my investigation of (b)(5)(B).

(b)(5)(B) (Victim):

On 11/18/2017, (b)(5)(B) notified the San Diego County Sheriff's Department about Deputy Fischer's inappropriate touching (Event #E4573655).

On 11/18/2017, at about 2100 hours, I called (b)(5)(B) and scheduled to meet her on 11/21/2017 at 1200 hours at her home is located (b)(5)(B).

On 11/20/2017, (b)(5)(B) contacted the Gilleon Law Firm about Deputy Fischer's inappropriate touching that occurred on 10/06/2017, during a call to service for a 653T P.C. - Phone Threat of Violence (Event #E4476451).

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On 11/21/2017, at 1200 hours, San Diego County District Attorney Annette Irving, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B). (b)(5)(B) (b)(5)(B) from the Gilleon Law Firm accompanied her. I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B) VICTIM

(b)(5)(B) said she was out to dinner with her boyfriend, (b)(5)(B) and he was drunk and acting up. (b)(5)(B) ended her night at the Stagecoach Inn Sports Bar in the City of Vista. She did not remember how many drinks she drank that night. (b)(5)(B) stopped drinking at about 0100 hours. (b)(5)(B) was upset because she was not going to his home that night. (b)(5)(B) left the bar, and she stayed at the bar because she was not going to (b)(5)(B) house if he was angry. The bartender asked her to stay in the bar until (b)(5)(B) left the parking lot. (b)(5)(B) did not remember what time she left the sports bar but said when she arrived home (0215 hours) she immediately called 911 because of the threats (b)(5)(B) made via telephone when she was driving home. (b)(5)(B) mentioned (b)(5)(B) has anger issues and on that night threatened to run his car through her garage. This was not the first time he threatened to damage her garage.

A deputy (later identified as Deputy Fischer) arrived several minutes later (0238 hours). (b)(5)(B) invited Deputy Fischer inside to talk about the incident. She told him about her boyfriend. (b)(5)(B) does not remember precisely what Deputy Fischer asked. She felt the questions were about understanding her relationship with (b)(5)(B) and explaining what happened between them. (b)(5)(B) could not remember more details about the conversation. Deputy Fischer gave her a friendly hug while they were standing in the living room. She thought the hug was friendly and did not believe anything was wrong about it. (b)(5)(B) does not remember if he said anything to her before the embrace. They continued to talk, and Deputy Fischer asked questions referencing who lived in the home with her. (b)(5)(B) said she lived in the house with her kids. Fischer then asked if her kids were home at that time. (b)(5)(B) told Deputy Fischer nobody was home.

(b)(5)(B) walked to the area by the island in the kitchen but does not remember why. Deputy Fischer followed her to the kitchen. (b)(5)(B) initially when she and Deputy Fischer talked in the living room, he was a concern for her. They continued the conversation by the kitchen Deputy Fischer began asking her questions about people being able to see inside her home. Deputy Fischer started looking around her house and asking more questions about people being able to see inside her house he asked if she had video surveillance cameras inside her house. He also walked outside her home through her kitchen sliding door. He asked what was behind each door that was downstairs. (b)(5)(B) was not sure if it was for her safety or a personal reason.

Deputy Fischer walked outside to the back courtyard and returned inside. He then asked her if there was somewhere else they could talk. (b)(5)(B) walked with Deputy Fischer back to the outside patio. (b)(5)(B)

does not think Fischer wanted to talk outside in the courtyard. They were on the patio for about a minute, and returned inside. When they were standing by the kitchen island, Deputy Fischer hugged her again. She does not remember the conversation before the second hug. After they hugged, (b)(5)(B) asked Deputy Fischer for his name. He told her his name was "Ricky." She was okay with the second hug. Deputy Fischer told her not to tell anyone about the hugging. They began walking towards the front door. (b)(5)(B) son, (b)(5)(B) walked in the front door. (b)(5)(B) explained the reason the deputy was in the home. (b)(5)(B) knew of prior incidents with her boyfriend, (b)(5)(B) (b)(5)(B) went upstairs after she is done telling him what happened.

(b)(5)(B) said she and Deputy Fischer remained talking in the living room. Deputy Fischer was asking her more questions about what was behind the doors downstairs. When Deputy Fischer was ready to go, he hugged her tightly. Deputy Fischer had his hands on her butt, and then he took her hand and put it on his crotch and rubbed her hand on his erect penis. (b)(5)(B) does not remember if she pulled her hand away. (b)(5)(B) asked Deputy Fischer what he was doing and said, "I am a nice, respectful lady. This is unreal; this only happens on TV." Deputy Fischer was very quiet when he was doing that. She was shocked. Deputy Fischer left soon after that.

(b)(5)(B) did not know what to do after Deputy Fischer left. She did not sleep that night. (b)(5)(B) told he daughter (b)(5)(B) that morning when she arrived home. She also told her son, (b)(5)(B) when he woke . (b)(5)(B) told (b)(5)(B) the details of what happened but did not tell (b)(5)(B) all the details.

(b)(5)(B) told her husband, (b)(5)(B) whom she is separated from, about the incident after she saw the news about Deputy Fischer touching other women inappropriately. (b)(5)(B) advised her to inform law enforcement about what happened to her.

(b)(5)(B) knew it was wrong but did not know what to do about it. She felt it was her word against his. told her sister several days later when she arrived home.

(b)(5)(B) thought Deputy Fischer was a nice guy until he placed her hand on his erect penis. She told him she was a respectful lady.

I completed my interview with (b)(5)(B).

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INVESTIGATION CONTINUED:

After I completed my interview with (b)(5)(B), I later placed the digital recording into the digital case file.

After (b)(5)(B) gave us her statement, we asked her questions to clarify her statement. (b)(5)(B) was not able to explain further details.

On 11/21/2017, at about 1920 hours, I talked to (b)(5)(B) daughter, (b)(5)(B) via telephone. I recorded the telephone conversation using the Konexx digital recorder program installed on my desktop computer.

The following statement is a summary.

STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) told me her mother is (b)(5)(B) said she was not home the night of the incident. She arrived home the next morning, and her mother told her about the incident. Her mother said she was out on a date with her boyfriend, and got into an argument with him. Her mother called the police because of (b)(5)(B) The police arrived soon after, and she allowed the police officer to come inside the home. Her mother said the police officer was acting weird and looking out the windows and asking questions about the motion detector. The deputy hugged her, and the officer ended up touching her butt. The officer also got an erection, and he put her hand on to it. Her mother was in a lot of very uncomfortable during the incident and was in shock.

(b)(5)(B) said her mother did not explain how it got to the point of them hugging and the touching.

(b)(5)(B) mother did not tell him any further details about the incident.

I completed my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

After I completed my interview with (b)(5)(B), I later placed the digital recording into the digital case file.

On 11/21/2017, at about 1810 hours, I talked to (b)(5)(B) husband, (b)(5)(B) via telephone. I recorded the telephone conversation using the Konexx digital recorder program installed on my desktop computer. (b)(5)(B) told me the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said he had to ask a lot of questions to pull the information out of (b)(5)(B) She told him Deputy Fischer asked about wanting to go somewhere private. (b)(5)(B) does not know at what point Deputy Fischer hugged her. He remembers his wife saying they walked outside for a short while and then they came back inside the home. He does not recall if at that point Deputy Fischer hugged her again and grabbed her butt. She said at some point the deputy grabbed her hand and put it on his ection.

(b)(5)(B) said (b)(5)(B) was reluctant in telling him everything because he and (b)(5)(B) are legally married, but they are separated. He does not live at the home with the family because he has PTSD from the Marines. (b)(5)(B) said when he talked to her, he had to ask lots of questions to understand what happened between her and Deputy Fischer.

(b)(5)(B) said (b)(5)(B) holds everything inside and doesn't share everything. (b)(5)(B) personality is to hold back and not say everything. He mentioned (b)(5)(B) feels guilty about what happened. (b)(5)(B) was not sure if she did anything to make him do what he did.

(b)(5)(B) told him about the incident on Thursday, 11/17/2017, or Friday, 11/18/2017. She told his daughter and his son and her sister about it when the incident happened in October. (b)(5)(B) told him about her interaction with Deputy Fischer, and he told (b)(5)(B) she needed to tell law enforcement about the inappropriate interaction.

(b)(5)(B) said his son (b)(5)(B) told (b)(5)(B) about obtaining an attorney and getting some legal advice about the incident. (b)(5)(B) mentioned she signed a contract with the attorney.

(b)(5)(B) told (b)(5)(B) the interaction with Deputy Fischer was weird because Deputy Fischer was a good looking guy and (b)(5)(B) didn't know if to be flattered about the situation. Everything happened fast and she felt it was a strange situation.

(b)(5)(B) believes Deputy Fischer has lots of problems should come forward and say something. It's a "macho" thing he did and his "machoism" got him in trouble. He needs to suffer the consequences, and he needs help to deal with his problems.

I completed my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

After I completed my interview with (b)(5)(B), I later placed the digital recording into the digital case file.

On 11/22/2017, at about 1249 hours, I talked to (b)(5)(B) son, (b)(5)(B) via telephone. I recorded the telephone conversation using the Konexx digital recorder program installed on my desktop computer.

The following statement is a summary.

STATEMENT OF (b)(5)(B): WITNESS

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(b)(5)(B) said he arrived home and saw one police car outside of his home. He knew the reason he was there was because of his mother, and mother's boyfriend had got into several arguments in the past few weeks. (b)(5)(B) walked inside and saw the deputy inside the home. He felt the situation might be a little strange and he asked his mother if she was okay. (b)(5)(B) walked upstairs after his mother told him she was okay.

The next morning he woke up, and he found out about the situation. His mother did not tell him all the specifics of what happened until a week or two after the incident. The day after the incident his mother was in shock about the situation and was having a hard time dealing with it.

(b)(5)(B) said his mother told his sister all the details the following day. His sister, (b)(5)(B) told him the details of the incident. (b)(5)(B) had to ask his mother to tell him about the details of the incident. His mother said the deputy walked inside the home and asked her strange questions and looked around the house. His mother said the deputy walked up to her and started hugging her. He eventually groped her and touched her butt and thinks her boobs too. At some point, the deputy grabbed his mother's hand and put it on his penis.

(b)(5)(B) mother told him about the strangeness of Deputy Fischer. Deputy Fischer asked to speak to her somewhere private when there was nobody else in the home. He asked about cameras inside the house, and he wanted to see the downstairs rooms.

(b)(5)(B) said his mom sometimes gets very drunk but on the night of the incident, he thought she was very coherent; she was completing sentences and not laughing every second. His mother has a high tolerance for drinking. His mother and her boyfriend get into arguments because of their drinking.

(b)(5)(B) said when his mother told him about meeting the San Diego Sheriff's Department Detective, told her about hiring an attorney. His mother decided to contact Attorney (b)(5)(B) because he was handling all the other women alleging inappropriate conduct by Deputy Fischer.

I completed my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

After I completed my interview with (b)(5)(B), I later placed the digital recording into the digital case file.

On 11/22/2017, at about 1250 hours, I talked to (b)(5)(B) sister, (b)(5)(B) via telephone. I recorded the telephone conversation using the Konexx digital recorder program installed on my desktop computer.

The following statement is a summary.

STATEMENT OF (b)(5)(B): WITNESS

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(b)(5)(B) stated (b)(5)(B) is her sister. (b)(5)(B) told her that her boyfriend (b)(5)(B) was threatening to show up and crash his car into the garage. She called 911, and two cops showed up. One deputy stayed briefly and soon left. Deputy Fischer stayed behind to ask her investigative questions about the threats (b)(5)(B) made to (b)(5)(B) (b)(5)(B) said she was drinking with (b)(5)(B) and she didn't want to go home with him. (b)(5)(B) feels that (b)(5)(B) didn't drink that much on the night of the incident because (b)(5)(B) drank a lot and caused an argument with her.

(b)(5)(B) mentioned to her that Deputy Fischer made some advances at her. (b)(5)(B) said she was very uncomfortable. (b)(5)(B) had been drinking so she felt strange about the whole interaction. She just mentioned how he shouldn't be doing those things. (b)(5)(B) said Deputy Fischer was tall and good-looking. She said there was a "Spark" or something because Deputy Fischer was so cute.

(b)(5)(B) does not remember a whole lot of the details but remembers (b)(5)(B) said Deputy Fischer hugged her and groped her. (b)(5)(B) sounded like she was dealing with a little anxiety over what happened with Deputy Fischer. (b)(5)(B) didn't expect the advances towards her. (b)(5)(B) was surprised and shocked by it. She had nervous energy over it. (b)(5)(B) was not sure if (b)(5)(B) was feeling this way because she had been drinking. (b)(5)(B) advised her sister to call and report Deputy Fischer. (b)(5)(B) didn't seem to want to report the incident.

(b)(5)(B) said when (b)(5)(B) saw the news and noticed other women were accusing Deputy Fischer of inappropriate behavior, (b)(5)(B) talked to her about reporting it. (b)(5)(B) called the Sheriff's Department soon after their conversation.

I completed my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

After I completed my interview with (b)(5)(B), I later placed the digital recording into the digital case file.

In the review of the CAD Event Number E4476451, I noted the following deputies assigned to this event. Deputy Crane #0251, Hipschen#0032, J. Galvan #6832, and Deputy Fischer.

On 11/29/2017, at about 0840 hours, I talked to Deputy Crane #0251 at the San Marcos Patrol Station in the City of San Marcos. I recorded the conversation with my county issued digital recorder. Deputy Crane told me the following.

The following statement is a summary.

STATEMENT OF DEPUTY CRANE: WITNESS

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Deputy Crane said he arrived to (b)(5)(B) a short while after Deputy Fischer arrived. Crane arrived and drove his patrol car up to Deputy Fischer's patrol car and talked to Fischer. Deputy Fischer told him the victim's boyfriend did not arrive at the home. Fischer annouced over the radio to check the area for the suspect's vehicle. Deputy Crane checked the area as he drove away driving on Rancho Santa Fe Road.

Deputy Crane said he went on several calls with Deputy Fischer since he was re-assigned to the San Marcos Patrol Team. Crane did not see any inappropriate behavior by Deputy Fischer. Crane was a training officer and trained several new deputies and had minimal contact with Deputy Fischer.

I completed my conversation with Deputy Crane.

INVESTIGATION CONTINUED:

After I completed my interview with Deputy Crane, I later placed the digital recording into the digital case file.

On 11/29/2017, at about 0853 hours, I spoke with Deputy Hipschen #0032 at the San Marcos Patrol Station in the City of San Marcos. I recorded the conversation with my county issued digital recorder. Deputy Hipschen told me the following.

The following statement is a summary.

STATEMENT OF DEPUTY HIPSCHEN: WITNESS

Deputy Hipschen reviewed the patrol call and remembered the call. Hipschen arrived several minutes after Deputy Fischer came at the home. Deputy Hipschen walked up to the front door of the house, and Deputy Fischer was inside the house by the doorway talking to the reporting party of the call. Deputy Fischer told him he was "Code 4", and he turned around and walked back to his car and left the location.

Deputy Hipschen did not hear anything further from that call. Since Deputy Fischer was re-assigned to the San Marcos Patrol Station, they have only been on a few patrol calls together. Hipschen said Deputy Fischer was not a touchy-feely type of person and he never saw Deputy Fischer do anything inappropriate.

I completed my conversation with Deputy Hipschen.

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INVESTIGATION CONTINUED:

After I completed my interview with Deputy Hipschen, I later placed the digital recording into the digital case file.

On 11/29/2017, at about 0910 hours, I spoke with J. Galvan #6832 at the San Marcos Patrol Station in the City of San Marcos. I recorded the conversation with my county issued digital recorder. Deputy Galvan told me the following.

The following statement is a summary.

STATEMENT OF DEPUTY GALVAN: WITNESS

Deputy Galvan told me he reviewed the patrol call and remembered the call. Galvan was the first person dispatched to call. When Deputy Galvan was almost to call, he heard Deputy Fischer go over the radio and say he was talking to the reporting party and the boyfriend had not shown up to the house. Deputy Fischer asked for the other units to check the area for the suspect's vehicle. Deputy Galvan decided to drive around the area and did not go to the home. Deputy Galvan drove around the area and then went on another patrol call.

Deputy Galvan said he never saw Deputy Fischer do anything inappropriate. He never saw Deputy Fischer flirt with anyone, or hug anyone.

I completed my conversation with Deputy Galvan.

INVESTIGATION CONTINUED:

After I completed my interview with Deputy Galvan, I later placed the digital recording into the digital case file.

I concluded my investigation of (b)(5)(B).

(b)(5)(B):

On 12/21/2017, at 1800 hours, Internal Affairs Sgt. Baggs and I followed up with name and information provided to us by (b)(5)(B). (b)(5)(B) said there was a woman known as (b)(5)(B)" (b)(5)(B) phone number was (b)(5)(B), and home address of, (b)(5)(B). (b)(5)(B) described (b)(5)(B) as an older woman with (b)(5)(B). (b)(5)(B) heard, Deputy Fischer was paying her $500 a month for sexual services, possibly oral sex, and would show up to her home when he was on duty and in uniform.

At about 1800 hour, we knocked on the door of (b)(5)(B). (b)(5)(B) opened the front door and welcomed us in. I recorded the conversation with my county issued digital recorder. (b)(5)(B) (b)(5)(B) told us the following.

The following statement is a summary.

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STATEMENT OF (b)(5)(B) WITNESS

(b)(5)(B) said she met Deputy Fischer when deputies were looking for (b)(5)(B) who was hiding in one of the garages in the back of the houses. (Case #15106608) She said Deputy Fischer knocked on her back door and asked if they could check her home to make sure it was okay. Two deputies checked inside of her home and two deputies stayed outside. Deputy Fischer came back sometime after the deputies checked her home the first time and asked if he could check if the house was clear. (b)(5)(B) allowed Fischer to go inside the home. Fischer walked to her living room and turned to her and asked if he could have a hug. (b)(5)(B) said, "Sure. Fischer is good looking guy, and I am a single woman. It is no big deal." (b)(5)(B) said she hugged Fischer two more times; once after he used the restroom and again before he said goodbye.

(b)(5)(B) said since the first time she met Deputy Fischer he has visited her about eight times. (b)(5)(B) said she has a friend named (b)(5)(B) who gave Deputy Fischer a note telling him if he could check on her because (b)(5)(B) would threaten her a lot. She does not remember the date of the second time Fischer came to her home. Fischer knocked on her door early in the morning, and she had a man over at the time. She asked Fischer if he could come back later. Fischer waited until her friend left. His car was parked in the driveway with the lights flashing. Deputy Fischer came in after her friend left and asked her if there were any cameras in her home. (b)(5)(B) told him there were no cameras. She said Deputy Fischer wanted more hugs and this time there was more "dry humping." (b)(5)(B) felt Fischer was a good looking guy and she didn't think much of it.

(b)(5)(B) said Deputy Fischer came to her home once on a Sunday early in the morning before 0800 hours. Fischer was not wearing his uniform. Fischer called her phone number, and she didn't answer it; Fischer just opened her front door and walked right in. (b)(5)(B) said she had a girlfriend in her bed. Fischer asked how she was and asked for a hug. He was there less than five minutes.

(b)(5)(B) said about a year ago, spring of 2016, Deputy Fischer came to her home and opened his pants zipper and pulled out his semi-erect penis. (b)(5)(B) was embarrassed and told him to put it away. Deputy Fischer put his penis away, and he gave her a hug left her home. She remembers Fischer's penis being thin and it had no girth. (b)(5)(B) said she has not kissed or touched his penis, and had never had sex with Deputy Fischer.

(b)(5)(B) said her neighbor has seen Deputy Fischer park his K-9 vehicle in the driveway. Fischer would show up to see her usually about 0100 hours. There were times she would be a nighty or a tube top blouse, and Deputy Fischer would move the nighty to the side or pull the tube top down, and he would touch he bare breasts.

(b)(5)(B) said she has seen the news and read the articles and knows everything about what is going on with Deputy Fischer. She does not remember the exact times she met up with Deputy Fischer but believes it has been three years since she first met him.

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(b)(5)(B) said during each of the hugs. Deputy Fischer would move his hands around her back, and they would travel down to her butt. She knew Deputy Fischer should not be touching her butt, however she said, "What are you supposed to say to a cop." She felt she was never in trouble with him. Deputy Fischer was a good looking guy. She feels Deputy Fischer was coming over to fondle her, she commented, "I don't know, he enjoyed doing it." She heard rumors in Lakeside, Deputy Fischer was a womanizer, and he would tend to go after women all the time. (b)(5)(B) didn't think it was okay for Deputy Fischer to come to her home but did not know what to think. She felt Karma was a "Bitch."

(b)(5)(B) said Deputy Fischer didn't hurt her. She said, "When you get older things like that made me feel good about myself. Fischer was a good looking cop." She does not think it was a friendship. She did not keep in touch with him.

(b)(5)(B) said her friend (b)(5)(B)) called her about a week ago and told her she was one of the girls who came forward to report Deputy Fischer touching her. (b)(5)(B) said she was not thinking of doing anything with this because she allowed Deputy Fischer in her home and she was okay with the hugs. (b)(5)(B) felt very flattered by what Deputy Fischer did, and she also felt because he was the police she didn't have a choice. It was just a hug, and she mentioned she would not let anyone go farther than that.

I asked (b)(5)(B) what she would like for the Sheriff's Department to do about the incidents that happened to her. (b)(5)(B) said, Fischer is a Police Officer, and she trusts that a cop will do the right thing. She didn't feel like she was in trouble with Deputy Fischer. He is a good person and doesn't want him to lose his job. Fischer needs a "Slap on something and it's up to the Sheriff's Department what happens to him." (b)(5)(B) said she needs legal advice to see what she wants to do. She can't say "yes" or "no."

(b)(5)(B) said she told her close friends about Deputy Fischer coming to visit her and asking her for a hug and touching her breast. Her friends asked her if she was going to report the incidents to the police department. (b)(5)(B) asked an attorney friend about coming forward and wants to talk to him again. (b)(5)(B) wanted us to believe her and understand she is not making this information up. She did not want to be involved in this investigation, but now she is.

I completed my conversation with (b)(5)(B) .

INVESTIGATION CONTINUED:

After I completed my interview with (b)(5)(B) , I later placed the digital recording into the digital case file.

On 01/19/2018, I called (b)(5)(B) and her voicemail was not set up. I texted (b)(5)(B) to her mobile phone number (b)(5)(B) responded later and said the Gilleon Law Firm filed Civil County Claim and she did not want to file criminal charges. I asked to speak with her via telephone and she has not responded the text message.

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On 01/21/2018, I called (b)(5)(B) and she answered. I recorded the conversation with my county issued digital recorder. (b)(5)(B) told us the following.

The following statement is a summary.

STATEMENT OF (b)(5)(B) WITNESS

(b)(5)(B) told me she hired (b)(5)(B) to be her lawyer for a Civil County Claim and she did not want to file criminal charges against Deputy Richard Fischer.

(b)(5)(B) said she did not have anything further to add to her statement.

INVESTIGATION CONTINUED:

During my conversation with (b)(5)(B) I asked her to state her complete name and date of birth.

After I completed by conversation with (b)(5)(B), I later placed the digital recording into the digital case file.

ompleted my investigation of (b)(5)(B).

(b)(5)(B) (Proactive Approach):

On 12/11/2017, San Diego Sheriff's Internal Affairs took a proactive approach to the investigation of the allegations against Deputy Fischer and created a list of people fitting the prior victim's profiles. Sixteen women were identified and Internal Affairs Sgt. Baggs contacted each of the women. Only one woman said Deputy Fischer hugged her. (b)(5)(B) said Deputy Fischer professionally embraced her on 08/19/2017 when she called to report a fraud (CAD#E4368817).

On 12/19/2017, I called (b)(5)(B) and scheduled to meet her on 12/21/2017, at 9621 Ridgehaven Court, in the City of San Diego.

On 12/21/2017, at 1700 hours, San Diego County Sheriff's Department Internal Affairs Sergeant Amber Baggs and I met with (b)(5)(B). I recorded the interview with my county issued digital recorder. (b)(5)(B) told me the following.

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The following statement is a summary.

STATEMENT OF (b)(5)(B): WITNESS

(b)(5)(B) said she called the San Diego County Sheriff's Department on 08/19/2017, at about 1907 ours, to report an identity theft. She called the Federal Communication Commission (FCC) and asked

about identity theft. The FCC told her she could not file a police report for identity theft for having her ID stolen.

(b)(5)(B) called the San Marcos Sheriff's Department and asked to report the theft of her ID. Deputy Fischer showed up to her home at a later time. (b)(5)(B) talked to Deputy Fischer about the theft of ID, and he explained she followed all the right steps of the documentation of the possible identity theft. (b)(5)(B) said she was sitting at the counter by her bar, and Deputy Fischer was standing about two feet away from her. Deputy Fischer was very professional and explained ways to prevent identity theft. Deputy Fischer asked, "Can I give you a hug?" (b)(5)(B) felt it was a compassionate thing, so she stood up and hugged him. Do to her height Deputy Fischer's arms were above her shoulders and her arms below his. She went back to sit down, and Deputy Fischer went back to where he was standing. They continued to talk, and Deputy Fischer asked her if she lived alone. (b)(5)(B) complimented her on the photo on her driver's license by saying she was attractive. Deputy Fischer also praised her on her home. He then asked questions that did not relate to the identity fraud. Fischer gave her the incident number, and they continued walking towards the front door. When they were in the hallway by the front door, Deputy Fischer asked her if he could give her another hug. (b)(5)(B) felt she was not acting needy and didn't feel she needed consolement, but she hugged him. Deputy Fischer kept his arms above her shoulders. They finished hugging, and Deputy Fischer then walked out.

(b)(5)(B) did not think bad about the hugs. She felt Deputy Fischer was a handsome young man. The first hug was a consoling hug and the second hug was because he needed the hug. (b)(5)(B) thought it was a professional contact, and did not feel it was unusual because she grew up hugging family.

(b)(5)(B) said she is happy to provide the facts of her contact with Deputy Fischer. She did not find Deputy Fischer un-professional. (b)(5)(B) had a positive interaction with Deputy Fischer.

I completed my conversation with (b)(5)(B).

INVESTIGATION CONTINUED:

After I completed my interview with (b)(5)(B), I later placed the digital recording into the digital case file.

I concluded my investigation of (b)(5)(B).

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Richard Timothy Fischer (Suspect):

On 12/14/2017, at 1715 hours, I called Richard Timothy Fischer. Richard Fischer was advised by counsel not to make a statement to the San Diego Sheriff's Department for this criminal investigation. Fischer is represented by Attorney's Bobbitt, Pinkard &Fields A.P.C. Fischer provided me his contact information for this investigation.

On 01/09/2018, I called Personnel Sgt. McMasters #2830 and obtained Deputy Fischer's hiring date and work location's since his employment with the San Diego County Sheriff's Department. Richard Fischer was hired by the County of San Diego on 12/16/2011. Fischer worked as a Detentions Deputy from 12/16/2011 - 07/11/2014. Fischer was assigned to work the Sheriff's Santee Patrol Station on 07/11/2014, Sheriff's Lakeside Patrol Substation on 05/2015, Sheriff's K-9 Unit on 04/15/2016, and Sheriff's San Marcos Patrol Station on 08/14/2017. Deputy Fischer was placed on Administrative Leave on 11/20/2017.

On 01/10/2018, at about 1645 hours, I called South Gate Police Department Lieutenant Sergio Camacho (b)(5)(B) Lieutenant Camacho told me the following.

I recorded the interview with my county issued digital recorder.

The following statement is a summary.

STATEMENT OF LIEUTENANT SERGIO CAMACHO:

Lt. Camacho told me he was "Ricky" Richard Fischer supervising Sergeant when Fischer completed the law enforcement academy as was a trainee in patrol. Camacho said Fischer was a quiet and respectful rson. He knows Fischer did not complete the patrol training. Camacho thought Fischer was overwhelmed with how busy the patrol station was.

Camacho said he I could call personnel to find the exact reason, but he was going from the personal knowledge he had from being a supervising sergeant in patrol.

INVESTIGATION CONTINUED:

On 11/15/2017, I called San Diego Sheriff's Department Senior IT Engineer, (b)(5)(B), and I requested access to obtain records for the Automatic Vehicle Locator (AVL) information for the incident dates for this case.

The AVL is the GPS tracking program installed on the Sheriff's Patrol vehicle's computers. The AVL program pings every 10 minutes or 1000 meters traveled when the patrol deputy's vehicle is not on a call for service. Its program also pings every10 minutes or every 300 meters when the status of the patrol deputy's vehicle is en route to a call for service.

Crime Analyst, (b)(5)(B), and I reviewed the AVL data of each incident to determine if the information matched the CAD or call for service. In all allegation dates and times, the AVL data closely matched the call for service and the location of Deputy Fischer. (b)(5)(B) prepared an AVL report documenting the information above for each allegation date and time. I attached a copy of the report to this case.

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Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	Detective Assigned	Reviewed Date
1/4/2018 5:50:09 PM	SH4699 - PENA, LUIS	01/22/2018 14:48:44

The San Diego Sheriff's IT Engineers conducted testing on the hibernation capabilities in the vehicles computer. The hibernation times were inconclusive for these cases. Senior IT Engineer. (b)(5)(B) forwarded the following results. The following is verbatim per (b)(5)(B) email.

After performing these tests, we reviewed the tracker logs and found that the logs showed gaps in time where the MDC had been shut down or logged off. This gap lasted until we re-opened the IMobile window, and persisted while the window was closed, even though we didn't logoff of IMobile. If the IMobile windows become closed at any point, GPS tracking will stop, and create gaps in time, until IMobile is re-opened. This could also result from IMobile losing its connection temporarily, in which case you would need to close and re-open the program for it to re-establish its connection. This will also happen if IMobile is left idle for too long (i.e. if no entries, messages, etc. are being made or sent through IMobile, then it cuts the connection to the network, and the window needs to be closed and re-opened).

I attached a copy of the Word documents forwarded to me by (b)(5)(B)

The computers installed in the vehicles driven by Deputy Fischer (Vehicle 20314, 20447, and 20321) were removed. San Diego Sheriff's IT Engineers downloaded the iMobile logs and MDC information and forwarded the information to me on 01/11/2018. (b)(5)(B) reviewed the data to determine if the vehicles driven by Deputy Fischer were placed into hibernation mode during the allegation dates and times. (b)(5)(B) determined the computer logs are only kept temporarily until they are overwritten. The time frame was between 1-6 weeks, depending on how often the vehicle was used. A vehicle used more often was overwritten sooner and a vehicle used less took longer to be overwritten. (b)(5)(B) determined the dates only encompass the (b)(5)(B) (CN 18101534) and (b)(5)(B) (CN 17158719) cases. The testing was inconclusive and did not specify if the computers were purposely placed into the hibernation mode by Deputy Fischer.

On 11/17/2017, Data Services IT Engineer (b)(5)(B) provided me with all the mobile device information that was issued to Deputy Richard Fischer. On 11/18/2017, Sheriff's Data Services gave me the IPAD MINI 16GB (SN: (b)(5)(B)) that was assigned to Deputy Fischer between 04/2016 - 08/24/2017. On 11/18/2017, I conducted a forensic extraction and analyses of the data on the device by connected the IPAD into the Cellebrite program. I later reviewed the data and placed it into a digital folder of this case. There were no text messages, phone numbers or photos that would assist in this case. The forensic information showed minimal use of the iPad by Deputy Fischer.

I learned when Deputy Fischer turned in the iPad on 08/24/2017; he was then issued and iPhone 7 Plus 32GB (SN: (b)(5)(B)). On 11/20/2017, Deputy Fischer notified his supervisor his iPhone 7 Plus was lost or stolen. He documented the loss of the county equipment with Case No. 17160674.

I placed all digital evidence in the URL Folder of each case and onto a DVD and later placed the evidence to the San Diego County Sheriff's Main Evidence.

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The investigation of this case is complete. The follow-up investigation and all reports will be forwarded to the San Diego County District Attorney's Office.

RELATED REPORTS:

The following case numbers are related to this Key Case: 17158719

17160768
17160769
17160773
17160774
17160776
17161907
17167951
18101501
18101503
18101529
18101532
18101534
18101536
18101540.

CASE DISPOSITION:

This case will be submitted to the San Diego County District Attorneys office for review

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TO

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/4/2018 5:50:09 PM	SH4699 - PENA, LUIS	01/22/2018 14:48:44

San Diego County Sheriff's Department
Crime/Incident Report

Case No: **17160768**

CAD Event No: **E4578072** | Case Disposition: **Active**

Primary Victim: (b)(5)(B) | Report No: **17160768.1**

GENERAL CASE INFORMATION

Primary Charge: **981000 - ZZ - MISCELLANEOUS INCIDENTS**			
Special Studies:			Related Cases: **17158719**
Location, City, State, ZIP: (b)(5)(B)			Occurred On: **08/06/2016 23:30:00 (Saturday)**
Jurisdiction:	Beat: **349**	Call Source: **DEPUTY**	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

IBR/UCR OFFENSE/S

Offense Description: **981000 - ZZ - MISCELLANEOUS INCIDENTS**	Level: **O**	Against:	Completed? **Yes**	Counts:	Using:
Location Type: **204 - Single Detached Home**	Hate/Bias: **88 - None (No Bias)**			Domestic Violence: **No**	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		

ARRESTEE/S

RELEASED FROM I.A. FILES
TO

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
Herrera, Erik		

Reporting Officer: **SH4699 - PENA, LUIS**	Division / Organization: **Family Protection Detail SEXUAL ASSAULT UNIT**	Reviewed By: **SH2420 - EMIG JR, JAMES**
Report Date: **1/4/2018 5:23:49 PM**	Detective Assigned: **SH4699 - PENA, LUIS**	Reviewed Date: **01/22/2018 08:36:03**

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Deputy Sheriff	SD Sheriff's Dept	12365 Parkside St, Lakeside, CA 92040

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country
SH - Sheriff ID	5137	CA	US

Injury	Extent of Treatment

OTHER ENTITIES

Other Entity #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name	Entity Type	Person Code	County Residence
Marlbrough, Eric	OO - Other Officer		

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented	Interpreter Language

ce	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Deputy Sheriff	SD Sheriff's Departmen	12365 Parkside Street, Lakeside, CA 92040

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country
SH - Sheriff ID	1493	CA	US

Injury	Extent of Treatment

Other Entity #4

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

RELEASED FROM I.A. FILES TO

Name	Entity Type	Person Code	County Residence
(b)(5)(B)	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented	Interpreter Language

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Attorney	Gilleon Law Firm	1320 Columbia Street, San Diego, CA 92101

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/4/2018 5:23:49 PM	SH4699 - PENA, LUIS	01/22/2018 08:36:03

Injury:	Extent of Treatment:

Other Entity #5

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
Fischer, Richard Timothy	OO - Other Officer		R - Resident

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:
	US			

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	M	(b)(5)(A) - 30	6' 0"	225	BRO	HAZ		

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	County of San Diego	9621 Ridgehaven Ct, San Diego, CA 92123

CONTACT INFORMATION:

Type:	Number/Address:
HP - Home Phone	(b)(5)(A)

IDENTIFICATION:

Type:	Number:	State:	Country:
DLN - Drivers License Number	(b)(5)(A)	CA	US

Injury:	Extent of Treatment:

PROPERTY

Property Item #1.000 - DVD with Digital evidence

Derivative No:	Property Category:
0	1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative

Status:	Count:	Value:
ES - Evidence (Seized)	1	

Manufacturer:	Model:	
Serial No.:	Model Year:	OAN:
Color:	Caliber:	
Body Style:	Recovered/ Seized Date: 01/19/2018	
Owner:	Disposition: Sheriff's Main Evidence	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

REPORT NARRATIVE

**********SEE KEY CASE# 17158719**********

RELEASED FROM I.A. FILES
TO

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/4/2018 5:23:49 PM	SH4699 - PENA, LUIS	01/22/2018 08:36:03

San Diego County Sheriff's Department
Crime/Incident Report

Case No: 17160769

CAD Event No: E4578093 | Case Disposition: Active

Primary Victim: (b)(5)(B) | Report No: 17160769.1

GENERAL CASE INFORMATION

Primary Charge: 243.4 (E)(1) - PC - SEXUAL BATTERY (M)			
Special Studies:			Related Cases: 17158719
Location, City, State, ZIP: Julian Ave & Los Coches Rd, Lakeside, CA 92040			Occurred On: 01/03/2016 19:00:00 (Sunday)
Jurisdiction: LAKESIDE - LAKESIDE	Beat: 530	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Attire:	Injury: N - None	Extent of Treatment:	Violent Crime Circumstances:
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:
VICTIM OFFENDER RELATIONSHIPS	Offender: Fischer, Richard Timothy	Relationship: OK - Victim Was Otherwise Known	

IBR/UCR OFFENSE/S

Offense Description: 243.4 (E)(1) - PC - SEXUAL BATTERY (M)	Level: M	Against: PE	Completed?: Yes	Counts:	Using:
Location Type: 13 - Highway/Road/Alley	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force: 95 - Unknown	Tools:		Targets:		

ARRESTEE/S

RELEASED FROM I.A. FILES
TO

SUSPECT/S (Not Yet Arrested)

Suspect #1

Name: Fischer, Richard Timothy	County Residence: R - Resident	Interpreter Language:

ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:

Reporting Officer: SH4699 - PENA, LUIS	Division / Organization: Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By: SH2420 - EMIG JR, JAMES
Report Date: 1/5/2018 1:27:24 PM	Detective Assigned: SH4699 - PENA, LUIS	Reviewed Date: 01/22/2018 09:29:45

Home Address, City, State, ZIP					Res. Country		Place of Birth	Undocumented
					US			
Race	**Sex**	**Date of Birth / Age**	**Height**	**Weight**	**Hair Color**	**Eye Color**	**Facial Hair**	**Complexion**
W	M	(b)(5)(A) - 29	6' 0"	225	BRO	HAZ		
Hair Style	**Hair Length**	**Build**	**Teeth**	**Suspected User**				
Employment Status	**Occupation/Grade**	**Employer/School**	**Employer Address, City, State, ZIP**					
E - Employed	Deputy Sheriff	County of San Diego	9621 Ridgehaven Ct, San Diego, CA 92123					

CONTACT INFORMATION:

Type	Number/Address
HP - Home Phone	(b)(5)(A)

IDENTIFICATION:

Type	Number	State	Country
DLN - Drivers License Number	(b)(5)(A)	CA	US

SCARS, MARKS, TATTOOS, ODDITIES:

Attire	Suspect Actions
	,

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name	Person Code	County Residence
Conard, T		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP					Res. Country		Place of Birth	Undocumented
Race	**Sex**	**Date of Birth / Age**	**Height**	**Weight**	**Hair Color**	**Eye Color**	**Facial Hair**	**Complexion**
Employment Status	**Occupation/Grade**	**Employer/School**	**Employer Address, City, State, ZIP**					
E - Employed	Deputy Sheriff	SD Sheriff's Dept	12365 Parkside Ave, Lakeside, CA 92040					

CONTACT INFORMATION:

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type	Number	State	Country
SH - Sheriff ID	3085	CA	US

Injury	Extent of Treatment

Witness #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name	Person Code	County Residence
Benavente, B		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type	First	Middle	Last	Suffix

RELEASED FROM I.A. FILES TO

Home Address, City, State, ZIP					Res. Country		Place of Birth	Undocumented
Race	**Sex**	**Date of Birth / Age**	**Height**	**Weight**	**Hair Color**	**Eye Color**	**Facial Hair**	**Complexion**
Employment Status	**Occupation/Grade**	**Employer/School**	**Employer Address, City, State, ZIP**					
E - Employed	Deputy Sheriff	SD Sheriff's Dept	12365 Parkside Street, Lakeside, CA 92040					

CONTACT INFORMATION:

Type	Number/Address
/P - Work Phone	(b)(5)(B)

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2018 1:27:24 PM	SH4699 - PENA, LUIS	01/22/2018 09:29:45

IDENTIFICATION			
Type: SH - Sheriff ID	Number: 3154	State: CA	Country: US
Injury:		Extent of Treatment:	

Witness #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

Injury: | Extent of Treatment:

Witness #4

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

IDENTIFICATION			
Type:	Number:	State:	Country:
Injury:		Extent of Treatment:	

RELEASED FROM I.A. FILES

TO:

Witness #5

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name: (b)(5)(B)	Person Code:	County Residence:

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2018 1:27:24 PM	SH4699 - PENA, LUIS	01/22/2018 09:29:45

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix
	(b)(5)(B)			

Injury: | Extent of Treatment:

OTHER ENTITIES

Other Entity #7

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name	Entity Type	Person Code	County Residence
(b)(5)(B)	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

me Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented	Interpreter Language

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Attorney	Gilleon Law Firm	1320 Columbia Street, San Diego, CA 92101

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country

Injury: | Extent of Treatment:

PROPERTY

Property Item #1.000 - Recording, photos, interviews

Derivative No: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative	
Status: ES - Evidence (Seized)	Count: 1	Value:
Manufacturer:	Model:	
Serial No:	Model Year:	OAN:
Color:	Caliber:	
Body Style:	Recovered/ Seized Date: 01/21/2018	
Owner:	Disposition: Sheriff's Main Evidence	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

RELEASED FROM L.A. FILES TO

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2018 1:27:24 PM	SH4699 - PENA, LUIS	01/22/2018 09:29:45

REPORT NARRATIVE

**********SEE KEY CASE# 17158719**********

RELEASED FROM
I.A. FILES
TO

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2018 1:27:24 PM	SH4699 - PENA, LUIS	01/22/2018 09:29:45

San Diego County Sheriff's Department
Crime/Incident Report

Case No: 17160773

CAD Event No: E4578099 | Case Disposition: Active

Primary Victim: (b)(5)(B) | Report No: 17160773.1

GENERAL CASE INFORMATION

Primary Charge: 981000 - ZZ - MISCELLANEOUS INCIDENTS			
Special Studies:			Related Cases:
Location, City, State, ZIP: (b)(5)(B)			Occurred On: 05/03/2017 20:32:00 (Wednesday)
Jurisdiction:	Beat: 308	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Attire:	Injury:	Extent of Treatment:	Violent Crime Circumstances:
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:

IBR/UCR OFFENSE/S

Offense Description: 981000 - ZZ - MISCELLANEOUS INCIDENTS	Level: O	Against:	Completed? Yes	Counts	Using:
Location Type: 13 - Highway/Road/Alley	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		

ARRESTEE/S

RELEASED FROM L.A. FILES TO

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
(b)(5)(B)		R - Resident

Reporting Officer: SH4699 - PENA, LUIS	Division / Organization: Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By: SH2420 - EMIG JR, JAMES
Report Date: 1/5/2018 2:36:53 PM	Detective Assigned: SH4699 - PENA, LUIS	Reviewed Date: 01/22/2018 08:40:46

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix
	(b)(5)(B)			

IDENTIFICATION

Type	Number	State	Country

Injury	Extent of Treatment

Witness #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country

Injury	Extent of Treatment

Witness #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name	Person Code	County Residence
McMahon, C		

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Deputy Sheriff	SD Sheriff's Dept	325 S. Melrose Dr

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country
SH - Sheriff ID	0044	CA	US

RELEASED FROM I.A. FILES TO

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2018 2:36:53 PM	SH4699 - PENA, LUIS	01/22/2018 08:40:46

Injury:	Extent of Treatment:

OTHER ENTITIES

Other Entity #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
Name: (b)(5)(B)	Entity Type: OO - Other Officer	Person Code:	County Residence:

ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Attorney	Gilleon Law Firm	1320 Columbia Street, San Diego, CA 92101

CONTACT INFORMATION

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:

Other Entity #8

rson Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
ame: Fischer, Richard Timothy	Entity Type: OO - Other Officer	Person Code:	County Residence: R - Resident

ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:
	US			

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	M	(b)(5)(A) - 31	6' 0"	225	BRO	HAZ		

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	County of San Diego	9621 Ridgehaven Ct, San Diego, CA 92123

CONTACT INFORMATION

Type:	Number/Address:
HP - Home Phone	(b)(5)(A)

IDENTIFICATION

Type:	Number:	State:	Country:
DLN - Drivers License Number	(b)(5)(A)	CA	US

Injury:	Extent of Treatment:

RELEASED FROM I.A. FILES

TO _____

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2018 2:36:53 PM	SH4699 - PENA, LUIS	01/22/2018 08:40:46

PROPERTY

Property Item #1.000 - Digital recordings of interviews

Derivative No.: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 01/19/2018		
Owner:	Disposition: Sheriff's Main Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

**********SEE KEY CASE# 17158719**********

RELEASED FROM I.A. FILES

TO

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/5/2018 2:36:53 PM	SH4699 - PENA, LUIS	01/22/2018 08:40:46

San Diego County Sheriff's Department
Crime/Incident Report

Case No: **17160774**

CAD Event No: **E4578110**

Case Disposition: **Active**

Primary Victim: **(b)(5)(B)**

Report No: **17160774.1**

GENERAL CASE INFORMATION

Primary Charge: 243.4 (E)(1) - PC - SEXUAL BATTERY (M)			
Special Studies:			Related Cases: 17158719
Location, City, State, ZIP: Greenfield Dr & North 2nd St, El Cajon, CA 92021			Occurred On: 11/24/2015 02:00:00 (Tuesday)
Jurisdiction: NON-CONTRACT CITY - EL CAJON	Beat: 004	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☒ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Attire:	Injury: N - None	Extent of Treatment:	Violent Crime Circumstances:
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:
VICTIM OFFENDER RELATIONSHIPS	Offender: Fischer, Richard Timothy	Relationship: OK - Victim Was Otherwise Known	

IBR/UCR OFFENSE/S

Offense Description: 243.4 (E)(1) - PC - SEXUAL BATTERY (M)	Level: M	Against: PE	Completed? Yes	Counts	Using: N - Not Applicable
Location Type: 25 - Other/Unknown	Hate/Bias: 88 - None (No Bias)				Domestic Violence: No
Criminal Activity:	Type Security:	Gang Related: No	Entry:		Point of Entry:
Weapons/Force: 95 - Unknown	Tools:		Targets:		

ARRESTEE/S

RELEASED FROM I.A. FILES
TO

SUSPECT/S (Not Yet Arrested)

Suspect #1

Name: Fischer, Richard Timothy	County Residence: R - Resident	Interpreter Language:

Reporting Officer: SH4699 - PENA, LUIS	Division / Organization: Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By: SH2420 - EMIG JR, JAMES
Report Date: 11/27/2017 2:27:33 PM	Detective Assigned: SH4699 - PENA, LUIS	Reviewed Date: 01/22/2018 09:32:31

San Diego County Sheriff's Department
Crime/Incident Report

Case No: 17160774

CAD Event No: E4578110 | Case Disposition: Active

Primary Victim: (b)(5)(B) | Report No: 17160774.1

ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:
	US		

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	M	(b)(5)(A) 29	6' 0"	225	BRO	HAZ		

Hair Style:	Hair Length:	Build:	Teeth:	Suspected User:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	County of San Diego	9621 Ridgehaven Ct, San Diego, CA 92123

CONTACT INFORMATION:

Type:	Number/Address:
HP - Home Phone	(b)(5)(A)

IDENTIFICATION

Type:	Number:	State:	Country:
DLN - Drivers License Number	(b)(5)(A)	CA	US

SCARS, MARKS, TATTOOS, ODDITIES

Attire:	Suspect Actions:
	,

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☒ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

Injury:	Extent of Treatment:

Witness #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☒ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
Benavente, B	06 - Other Lay Witness	

ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

RELEASED FROM L.A. FILES TO

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
11/27/2017 2:27:33 PM	SH4699 - PENA, LUIS	01/22/2018 09:32:31

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Deputy Sheriff	San Diego County Sheriff's Department	12365 Parkside Street, Lakeside, CA 92040

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country
SH - Sheriff ID	3154		

Injury	Extent of Treatment

OTHER ENTITIES

Other Entity #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name	Entity Type	Person Code	County Residence
Fischer, Richard	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented	Interpreter Language
		United States of America (USA)		

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
- Employed	Deputy Sheriff	SD Sheriff's Dep.	12365 Parkside Street, Lakeside, CA 92040

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(A)

IDENTIFICATION

Type	Number	State	Country
SH - Sheriff ID	3003		

Injury	Extent of Treatment

Other Entity #4

(b)(5)(B)

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
11/27/2017 2:27:33 PM	SH4699 - PENA, LUIS	01/22/2018 09:32:31

Injury:	Extent of Treatment:

Other Entity #5

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
(b)(5)(B)	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Attorney	Gilleon Law Firm	1320 Columbia Street, San Diego, CA 92101

CONTACT INFORMATION

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:

PROPERTY

Property Item #1.000 - (b)(5)(B) typed statment

Derivative No.: 0	Property Category: 1804 - Exemplar document - Known Machine Document, Known Document (Will etc.)	
Status: ES - Evidence (Seized)	Count: 2	Value:
Manufacturer:	Model:	
Serial No.:	Model Year:	OAN:
Color:	Caliber:	
Body Style:	Recovered/ Seized Date: 11/20/2017	
Owner:	Disposition: Sheriff's Main Evidence	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

REPORT NARRATIVE

**********SEE KEY CASE# 17158719**********

RELEASED FROM
I.A. FILES
TO_____

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
11/27/2017 2:27:33 PM	SH4699 - PENA, LUIS	01/22/2018 09:32:31

San Diego County Sheriff's Department
Crime/Incident Report

Case No: 17160776

CAD Event No: E4578121 | Case Disposition: Active

Primary Victim: (b)(5)(B) | Report No: 17160776.1

GENERAL CASE INFORMATION

Primary Charge: 243.4 (D) - PC - SEXUAL BATTERY OF RESTRAINED OR INCAPACITATED PERSON (F)			
Special Studies:			Related Cases:
Location: City, State, ZIP: (b)(5)(B)			Occurred On: 11/20/2017 18:06:00 (Monday)
Jurisdiction: City of San Marcos - SAN MARCOS	Beat: 349	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Attire: (b)(5)(B) (b)(5)(B)	Injury: N - None	Extent of Treatment:	Violent Crime Circumstances:
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:
VICTIM OFFENDER RELATIONSHIPS	Offender: Fischer, Richard Timothy	Relationship: OK - Victim Was Otherwise Known	

IBR/UCR OFFENSE/S

Offense Description	Level	Against	Completed?	Counts	Using
243.4 (D) - PC - SEXUAL BATTERY OF RESTRAINED OR INCAPACITATED PERSON (F)	F	PE	Yes		N - Not Applicable

Location Type	Hate/Bias	Domestic Violence
204 - Single Detached Home	88 - None (No Bias)	No

Criminal Activity	Type Security	Gang Related	Entry	Point of Entry
		No		

Weapons/Force	Tools		Targets
95 - Unknown			

Offense Description	Level	Against	Completed?	Counts	Using
243.4 (E)(1) - PC - SEXUAL BATTERY (M)	M	PE	Yes		N - Not Applicable

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/17/2018 5:11:01 PM	SH4699 - PENA, LUIS	01/22/2018 09:04:53

San Diego County Sheriff's Department
Crime/Incident Report

Case No: 17160776

CAD Event No: E4578121 | Case Disposition: Active

Primary Victim: (b)(5)(B) | Report No: 17160776.1

Location Type:	Hate/Bias:			Domestic Violence:
204 - Single Detached Home	88 - None (No Bias)			No
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:
		No		
Weapons/Force:	Tools:		Targets:	
95 - Unknown				

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

Suspect #1

Name:	County Residence:	Interpreter Language:
Fischer, Richard Timothy	R - Resident	

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:
	US		

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	M	(b)(5)(A) 31	6' 0"	225	BRO	HAZ		

Hair Style:	Hair Length:	Build:	Teeth:	Suspected User:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	County of San Diego	9621 Ridgehaven Ct, San Diego, CA 92123

CONTACT INFORMATION:

Type:	Number/Address:
HP - Home Phone	(b)(5)(A)

IDENTIFICATION:

Type:	Number:	State:	Country:
DLN - Drivers License Number	(b)(5)(A)	CA	US

SCARS, MARKS, TATTOOS, ODDITIES:

Attire:	Suspect Actions:
	,

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
Galvan, J		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	SD Sheriff's Dept	182 Santar Place, San Marcos, CA 92069

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	6832	CA	

Injury:	Extent of Treatment:

RELEASED FROM I.A. FILES TO_____

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/17/2018 5:11:01 PM	SH4699 - PENA, LUIS	01/22/2018 09:04:53

Witness #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

IDENTIFICATION

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:

Witness #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

IDENTIFICATION

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:

Witness #4

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:

CONTACT INFORMATION:

(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:

OTHER ENTITIES

Other Entity #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
(b)(5)(B)	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Attorney	Gilleon Law Firm	1320 Columbia Street, San Diego, CA 92101

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:

Other Entity #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
(b)(5)(B)	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:

CONTACT INFORMATION:

Type:	Number/Address:
MP - Mobile Phone	(b)(5)(B)

IDENTIFICATION:

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:

RELEASED FROM I.A. FILES TO _____

Other Entity #4

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
Crane, S	OO - Other Officer		

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/17/2018 5:11:01 PM	SH4699 - PENA, LUIS	01/22/2018 09:04:53

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:				
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status: E - Employed	Occupation/Grade: Deputy Sheriff	Employer/School: SD Sheriff's Department	Employer Address, City, State, ZIP: 182 Santar Place, San Marcos, CA 92069					

CONTACT INFORMATION:	
Type: WP - Work Phone	Number/Address: [redacted]

IDENTIFICATION:			
Type: SH - Sheriff ID	Number: 0251	State: CA	Country: US
Injury:		Extent of Treatment:	

Other Entity #5

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name:	Entity Type:	Person Code:	County Residence:
Hipschen, A	OT - Other (Person)		

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:				
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status: E - Employed	Occupation/Grade: Deputy Sheriff	Employer/School: SD Sheriff's Dept	Employer Address, City, State, ZIP: 182 Santar Place, San Marcos, CA 92069					

CONTACT INFORMATION:	
Type: WP - Work Phone	Number/Address: [redacted]

IDENTIFICATION:			
Type: SH - Sheriff ID	Number: 0032	State: CA	Country: US
Injury:		Extent of Treatment:	

Other Entity #6

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

[redacted]

IDENTIFICATION:			
Type:	Number:	State:	Country:

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/17/2018 5:11:01 PM	SH4699 - PENA, LUIS	01/22/2018 09:04:53

Injury	Extent of Treatment

PROPERTY

Property Item #1.000 - Digital Evidence, recordings

Derivative No: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 01/19/2018		
Owner:	Disposition: Sheriff's Main Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

**********SEE KEY CASE# 17158719**********

RELEASED FROM
I.A. FILES
TO_____

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/17/2018 5:11:01 PM	SH4699 - PENA, LUIS	01/22/2018 09:04:53

San Diego County Sheriff's Department
Crime/Incident Report

Case No: **17161907**

CAD Event No: **E4590807**

Case Disposition: **Active**

Primary Victim: **(b)(5)(B)**

Report No: **17161907.1**

GENERAL CASE INFORMATION

Primary Charge: 243.4 (E)(1) - PC - SEXUAL BATTERY (M)			
Special Studies:			Related Cases:
Location, City, State, ZIP: (b)(5)(B)			Occurred On: 11/26/2017 17:17:00 (Sunday)
Jurisdiction:	Beat: 352	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Attire:	Injury: N - None	Extent of Treatment:	Violent Crime Circumstances:
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:
VICTIM OFFENDER RELATIONSHIPS	Offender: Fischer, Richard Timothy	Relationship: OK - Victim Was Otherwise Known	

IBR/UCR OFFENSE/S

Offense Description: 243.4 (E)(1) - PC - SEXUAL BATTERY (M)	Level: M	Against: PE	Completed? Yes	Counts:	Using:
Location Type: 201 - Apartment/Condo	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related: No	Entry:	Point of Entry:	
Weapons/Force: 95 - Unknown	Tools:		Targets:		

ARRESTEE/S

RELEASED FROM
I.A. FILES
TO _____

SUSPECT/S (Not Yet Arrested)

Suspect #1

Name: Fischer, Richard Timothy	County Residence: R - Resident	Interpreter Language:

ALIAS / AKA / NICKNAME / MONIKER

Name Type:	First:	Middle:	Last:	Suffix:

Reporting Officer: SH4699 - PENA, LUIS	Division / Organization: Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By: SH2420 - EMIG JR, JAMES
Report Date: 1/8/2018 3:43:20 PM	Detective Assigned: SH4699 - PENA, LUIS	Reviewed Date: 01/22/2018 09:17:01

Home Address, City, State, ZIP					Res. Country: US		Place of Birth		Undocumented
Race: W	Sex: M	Date of Birth / Age: (b)(5)(A) - 31	Height: 6' 0"	Weight: 225	Hair Color: BRO	Eye Color: HAZ	Facial Hair		Complexion
Hair Style		Hair Length		Build		Teeth		Suspected User	
Employment Status: E - Employed		Occupation/Grade: Deputy Sheriff		Employer/School: County of San Diego		Employer Address, City, State, ZIP: 9621 Ridgehaven Ct, San Diego, CA 92123			

CONTACT INFORMATION:

Type: HP - Home Phone	Number/Address: (b)(5)(A)

IDENTIFICATION:

Type: DLN - Drivers License Number	Number: (b)(5)(A)	State: CA	Country: US

SCARS, MARKS, TATTOOS, ODDITIES:

Attire	Suspect Actions: ,

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer
Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name: (b)(5)(B)	Person Code	County Residence

ALIAS / AKA / NICKNAME / MONIKER:

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP					Res. Country		Place of Birth		Undocumented
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair		Complexion
Employment Status		Occupation/Grade		Employer/School		Employer Address, City, State, ZIP			

CONTACT INFORMATION:

Type: MP - Mobile Phone	Number/Address: (b)(5)(B)

IDENTIFICATION:

Type	Number	State	Country

Injury	Extent of Treatment

RELEASED FROM I.A. FILES TO _____

OTHER ENTITIES

Other Entity #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name: Allen, J	Entity Type: OO - Other Officer	Person Code	County Residence

ALIAS / AKA / NICKNAME / MONIKER:

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP					Res. Country		Place of Birth	Undocumented	Interpreter Language
Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair		Complexion
Employment Status: E - Employed		Occupation/Grade: Deputy Sheriff		Employer/School: SD Sheriff's Dept		Employer Address, City, State, ZIP: 182 Santar Pl, San Marcos, CA 92069			

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/8/2018 3:43:20 PM	SH4699 - PENA, LUIS	01/22/2018 09:17:01

CONTACT INFORMATION	
Type: WP - Work Phone	Number/Address: (b)(5)(B)

IDENTIFICATION			
Type: SH - Sheriff ID	Number: 4909	State: CA	Country: US
Injury:		Extent of Treatment:	

Other Entity #4

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
Name: (b)(5)(B)	Entity Type: OT - Other (Person)	Person Code:	County Residence:

ALIAS / AKA / NICKNAME / MONIKER				
Name Type:	First:	Middle:	Last:	Suffix:
Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:
Race: / Sex: / Date of Birth / Age: / Height: / Weight: / Hair Color: / Eye Color:		Facial Hair:		Complexion:
Employment Status: / Occupation/Grade: / Employer/School:		Employer Address, City, State, ZIP:		

CONTACT INFORMATION	
Type: MP - Mobile Phone	Number/Address: (b)(5)(B)

IDENTIFICATION			
Type:	Number:	State:	Country:
ury:		Extent of Treatment:	

Other Entity #5

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
Name: (b)(5)(B)	Entity Type: OT - Other (Person)	Person Code:	County Residence:

ALIAS / AKA / NICKNAME / MONIKER				
Name Type:	First:	Middle:	Last:	Suffix:
Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:	Interpreter Language:
Race: / Sex: / Date of Birth / Age: / Height: / Weight: / Hair Color: / Eye Color:		Facial Hair:		Complexion:
Employment Status: / Occupation/Grade: / Employer/School:		Employer Address, City, State, ZIP:		

CONTACT INFORMATION	
Type: WP - Work Phone	Number/Address: (b)(5)(B)

IDENTIFICATION			
Type:	Number:	State:	Country:
Injury:		Extent of Treatment:	

RELEASED FROM I.A. FILES TO _____

Other Entity #6

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer			
Name: (b)(5)(B)	Entity Type: OT - Other (Person)	Person Code:	County Residence:

Reporting Officer: SH4699 - PENA, LUIS	Division / Organization: Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By: SH2420 - EMIG JR, JAMES
Report Date: 1/8/2018 3:43:20 PM	Detective Assigned: SH4699 - PENA, LUIS	Reviewed Date: 01/22/2018 09:17:01

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented	Interpreter Language

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Attorney	Gilleon Law Firm	1320 Columbia Street, San Diego, CA 92101

CONTACT INFORMATION

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION

Type	Number	State	Country

Injury	Extent of Treatment

PROPERTY

Property Item #1.000 - Digital recording of interview

Derivative No: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative	
Status: ES - Evidence (Seized)	Count: 1	Value:
Manufacturer:	Model:	
Serial No:	Model Year:	OAN:
Color:	Caliber:	
Body Style:	Recovered/ Seized Date: 01/19/2018	
Owner:	Disposition: Sheriff's Main Evidence	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

REPORT NARRATIVE

**********SEE KEY CASE# 17158719**********

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Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/8/2018 3:43:20 PM	SH4699 - PENA, LUIS	01/22/2018 09:17:01

San Diego County Sheriff's Department
Crime/Incident Report

Case No: **17167951**

CAD Event No: **E4661333** | Case Disposition: **Active**

Primary Victim: (b)(5)(B) | Report No: **17167951.1**

GENERAL CASE INFORMATION

Primary Charge: 243.4 (D) - PC - TOUCH PERSON INTIMATELY AGAINST WILL FOR SEXUAL AROUSAL/ETC (M)			
Special Studies:			Related Cases:
Location, City, State, ZIP: 719 E. Bradley Ave, El Cajon, CA 92021			Occurred On: 02/29/2016 14:00:00 (Monday)
Jurisdiction: LAKESIDE - LAKESIDE	Beat: 521	Call Source: DEPUTY	(and Between): 08/31/2016 09:00:00 (Wednesday)
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Attire: (b)(5)(B)	Injury: N - None	Extent of Treatment:	Violent Crime Circumstances:
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:
VICTIM OFFENDER RELATIONSHIPS	Offender: Fischer, Richard	Relationship: ST - Victim Was Stranger	

IBR/UCR OFFENSE/S

Offense Description: 243.4 (D) - PC - TOUCH PERSON INTIMATELY AGAINST WILL FOR SEXUAL AROUSAL/ETC (M)	Level: M	Against: PE	Completed?: Yes	Counts:	Using:
Location Type: 182 - Parking Lot	Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related: No	Entry:	Point of Entry:	

Reporting Officer: SH2482 - BENAVIDES, MICHAEL	Division / Organization: Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By: SH2420 - EMIG JR, JAMES
Report Date: 1/3/2018 9:35:43 AM	Detective Assigned:	Reviewed Date: 01/22/2018 11:04:51

Weapons/Force	Tools		Targets
40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)			COM5 - Person

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

Suspect #1

Name	County Residence	Interpreter Language
Fischer, Richard	R - Resident	

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	M	(b)(5)(A) 29						

Hair Style:	Hair Length:	Build:	Teeth:	Suspected User:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	Deputy Sheriff	San Diego County Sheriffs Department	

CONTACT INFORMATION:

Type:	Number/Address:

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	3003		

SCARS, MARKS, TATTOOS, ODDITIES:

Attire:	Suspect Actions:
	,

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WITNESSES

OTHER ENTITIES

Other Entity #2

(b)(5)(B)

Reporting Officer	Division / Organization	Reviewed By
SH2482 - BENAVIDES, MICHAEL	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/3/2018 9:35:43 AM		01/22/2018 11:04:51

(b)(5)(C)

State:	Country:
State:	Country:
State:	Country:
State:	Country:

Injury: | Extent of Treatment:

Other Entity #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

IDENTIFICATION

Type:	Number:	State:	Country:

Injury: | Extent of Treatment:

PROPERTY

Property Item #1.000 - CD - Interviews

Derivative No: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 2	Value:	
Manufacturer:	Model:		
Serial No:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 12/30/2017		
Owner:	Disposition: Main Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

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REPORT NARRATIVE

****PER 293(A) PC, THE VICTIM REQUEST HER NAME NOT BECOME A MATTER OF PUBLIC RECORD****

Reporting Officer	Division / Organization	Reviewed By
SH2482 - BENAVIDES, MICHAEL	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date: 1/3/2018 9:35:43 AM	Delective Assigned	Reviewed Date: 01/22/2018 11:04:51

CASE DISPOSITION:

SUBMITTED DA

BACKGROUND:

Female adult (b)(5)(B) has an extensive criminal history for drug related charges, to include stolen property, resisting arrest, battery, and domestic violence.

(b)(5)(B) is currently unemployed, although she receives food stamps and obtains additional income from selling miscellaneous items online. She has been living at various locations, such as her personal vehicle and local motel rooms.

(b)(5)(B) is currently dating her boyfriend, identified as (b)(5)(B) They have been in a dating relationship for about seven years, and have no children through their relationship.

(b)(5)(B) has a (b)(5)(B) and his father is (b)(5)(B) ex-boyfriend (b)(5)(B) Both (b)(5)(B) and (b)(5)(B) reside in the county of San Diego.

SYNOPSIS:

Sometime during the summer months of 2016 between 0800-1000 hours, (b)(5)(B) was contacted by Sheriff's Lakeside Station Patrol Deputy R. Fischer #3003, while she was sitting inside her vehicle. She was parked behind the Kelly's Pub, located at 719 E. Bradley Avenue, in unincorporated El Cajon.

During the contact, (b)(5)(B) alleged Deputy Fischer inappropriately touched her breasts, buttocks and inner/outer thighs over her clothing during a pat-down to check for weapons/contraband. Deputy Fischer also made "inappropriate" comments to (b)(5)(B) about her body and how attractive she looked. Deputy Fischer asked (b)(5)(B) to meet with him later and he also asked for her cell phone number. (b)(5)(B) reluctantly provided Deputy Fisher with her "false" phone number upon request. (b)(5)(B) had no law enforcement contacts by Deputy Fischer prior to and after the reported incident.

ORIGIN:

On 12/29/17, I was notified by SAU Detective L. Pena #4699 of a reported sexual assault allegation against a sheriff's deputy. Arrangements were made to conduct a victim interview at the Sheriff's Santee Station on 12/30/17 at 0900 hours. Deputy District Attorney (DDA)/Assistant Chief Fiona Dunleavy agreed to meet at the station for the interview.

FOLLOW-UP INVESTIGATION:

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On 12/30/17 at about 0830 hours, I arrived at the Sheriff's Santee Station. DDA Fiona Dunleavy, along with District Attorney Investigator (DAI) JC Smith, arrived at the station a short time later.

At about 0900 hours, the victim (b)(5)(B) her boyfriend (b)(5)(B) and Retired San Diego Police Department Detective (SDPD) (b)(5)(B) arrived outside the Santee Station. (b)(5)(B) was hired by the Gilleon Law Firm to assist with the investigation, as well as to be present during the interviews as an advocate. (b)(5)(B) also provides Sexual Assault Training & Consultation.

Prior to the interview with (b)(5)(B) I told (b)(5)(B) he would not be able to be present during the victim interview and requested he waited inside his vehicle and he agreed. Since (b)(5)(B) was a potential witness, he was not allowed to be present for the interview because it was common practice for law enforcement to interview victims and potential witnesses separately.

I subsequently escorted (b)(5)(B) into the station's conference room to conduct the interview. DDA Dunleavy and DAI Smith were present for the victim interview as well.

I told (b)(5)(B) our conversation/interview would be recorded to ensure her statement was accurately documented. She had no objections to our conversation being audio recorded. Everyone present inside the conference room introduced/identified themselves.

Prior to questioning, I provided (b)(5)(B) with a Sexual Assault Resource Guide (PAT-26), which explains victim rights, lists hotlines and contains various other resources. I also informed (b)(5)(B) that her name will become a matter of public record unless she requests it not become a matter of public record, per Penal Code Section 293. I further explained it was her right to request that her name be kept confidential or from public record in any law enforcement report since she would be listed as a victim in a crime report.

(b)(5)(B) provided the following statement which is a paraphrased synopsis of the interview, and is not intended to replace the recording. Our conversation was recorded using my department issued digital audio recorder to preserve it as evidence.

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STATEMENTS:
Statement of (b)(5)(B) (Victim):

(b)(5)(B) essentially stated she was at a "friend's home" in (b)(5)(B) (CA) when she heard Deputy Fischer's name mentioned on a local news television channel. (b)(5)(B) "friend" was later identified as her current boyfriend, (b)(5)(B) (confirmed during our interview with (b)(5)(B) - see his statement below), although she couldn't remember or identify her "friend's" name during our interview. (b)(5)(B) immediately recognized Deputy Fischer when she saw his face on the television, although she initially didn't know what the newscast was about or why he was on the news. (b)(5)(B) realized she was not the only person that was "harassed" by Deputy Fischer.

After watching the news on television, (b)(5)(B) learned Deputy Fischer was being accused of sexual misconduct by multiple victims. (b)(5)(B) accessed the internet to research the allegations against Deputy Fischer. She learned Attorney (b)(5)(B) represented victims of alleged sexual misconduct by Deputy Fischer.

On 12/28/17, (b)(5)(B) emailed the Gilleon Law Firm, about two days prior to our interview, to report she was a victim of sexual assault. Attorney (b)(5)(B) initially responded by email and than they both spoke by telephone on 12/29/17.

(b)(5)(B) never reported the incident to law enforcement because she feared retaliation and felt that no one would believe her. She was unfamiliar with the court and investigative process. (b)(5)(B) also mentioned she has bad experiences with law enforcement, specifically with the El Cajon Police Department.

(b)(5)(B) told us she was contacted by Deputy Fischer, while she was sitting inside her parked Dodge Caravan, in the parking lot behind the 7-Eleven and Kelley's Pub, located at 719 E Bradley Avenue in unincorporated El Cajon. She couldn't provide an exact/approximate date of the alleged incident, other than it occurred in the summer of 2016 between 0800-1000 hours.

(b)(5)(B) vehicle was parked in reverse under a tree, at the most southern end of the Kelly's Pub parking lot. She was the only person inside her vehicle and there was no one else with her at the time of the incident. She specifically parked her vehicle at that location because of the large spacious parking lot and there was adequate shade under a large tree. (b)(5)(B) mentioned she "lived out of her van...was in-between homes" or staying at various places (motels) in the area. While she was parked, she realized her vehicle engine wouldn't start. She attempted to contact her current boyfriend, (b)(5)(B) by mobile phone, but he didn't answer or respond to her call.

While (b)(5)(B) was inside the front passenger seat of her vehicle, she noticed a sheriff's marked patrol unit drive slowly by her location. She stated, "he (Deputy Fischer) was checking me out...not like a cop would check me out." The patrol vehicle passed her vehicle a short distance, stopped, then slowly "backed-up" or reversed and stopped close by, next to her van. (b)(5)(B) described Deputy Fischer's patrol vehicle as an "older" sedan or Crown Victoria vehicle. She further described the patrol unit's front end was parked closely or perpendicular to the front end/bumper of her vehicle.

Deputy Fisher exited his vehicle and approached (b)(5)(B) open passenger door. (b)(5)(B) stated, "I didn't think he was a cop, but he was dressed like one." Deputy Fischer asked (b)(5)(B) "Hey what's going on...how are you doing?...what's wrong?...are you having problems?...why are you here?" (b)(5)(B) responded by saying she was trying to get her van started. (b)(5)(B) mentioned she was living out of her van and had "got in trouble parking" at that specific location in the past.

Deputy Fischer then asked (b)(5)(B) "do you mind if I pat you down?" (b)(5)(B) reluctantly agreed by saying, "Sure, I guess." She was worried she would be arrested for some unknown reason if she didn't

agree to the pat-down. (b)(5)(B) exited her vehicle and stood next to her passenger door. Deputy Fischer said, "Okay I'm gonna have to pat you down."

During the pat-down or "preliminary check", Deputy Fischer used both of his hands/palms to check (b)(5)(B) exterior clothing for possible weapons and/contraband. She explained the pat-down was done "quickly" and with smooth strokes" with his hands, checking her armpits down to the area of the top/mid-thigh. Nothing illegal was found.

(b)(5)(B) said the pat-down was also inappropriate, but "not as bad as the second time." We asked to explain why she felt the first pat-down was inappropriate. (b)(5)(B) said because he (Deputy Fischer) started "feeling or swooping" her body under her armpits, next to her breasts, although her breasts were never touched. (b)(5)(B) believed a normal pat-down should've started at her arms, not her armpits. She also said the pat-down wasn't necessary. (b)(5)(B) also said that Deputy Fischer never told her why he was patting her down.

(b)(5)(B) didn't recall if Deputy Fischer was wearing gloves during the pat-down. (b)(5)(B) was wearing a tank-top and a skirt with no pockets, no bra, flip-flops and she had her hair "up" in a ponytail because "it was hot."

ter the pat-down, Deputy Fischer "escorted" or "ushered" her to his patrol vehicle. She believed Deputy Fischer was holding her elbow when they were walking to his vehicle. (b)(5)(B) was told to sit in the back seat of his car, and the vehicle door was left open. (b)(5)(B) was specifically seated in the right rear passenger seat of the patrol unit, with both of her feet on the asphalt. (b)(5)(B) said Deputy Fischer sat her down "like a doll" at his patrol vehicle and told her he was going to search her van for "weapons and drugs". (b)(5)(B) was never handcuffed and Deputy Fischer never explained the reason for the contact. (b)(5)(B) mentioned she was allowed to be in possession of her mobile phone the entire time.

While Deputy Fischer was searching (b)(5)(B) van, she noticed he was looking into one of her bags that contained her clothing. She said Deputy Fischer was removing her bras and underwear individually, or "piece by piece and observing them." (b)(5)(B) mentioned Deputy Fischer would look at her periodically during the search and she felt embarrassed specifically when he was looking at her underwear.

During the search of her vehicle, (b)(5)(B) ex-boyfriend, (b)(5)(B), telephoned (b)(5)(B) (b)(5)(B) is the father of (b)(5)(B). (b)(5)(B) told (b)(5)(B) her vehicle was being searched and told him she would call him back later.

Deputy Fischer then had (b)(5)(B) open her van's rear door or hatchback. While (b)(5)(B) was opening the rear door, she believed Deputy Fischer was standing too close behind her because she felt him breathing on the back of her neck, which made her feel nervous. (b)(5)(B) said Deputy Fischer started "hitting" on her by saying, "You're hot...do you have a boyfriend?...where's your boyfriend?...why isn't he here helping you?...you're good looking...you have a good body..." (b)(5)(B) didn't know how to respond, her than saying, "Thank you."

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After the van was searched, Deputy Fischer asked (b)(5)(B) if he could conduct another pat-down on her. (b)(5)(B) agreed because she thought she would be arrested if she didn't comply with his request. (b)(5)(B) said the pat-down by Deputy Fischer was "different" than any other pat downs she's had in the past by other deputies/officers.

Since (b)(5)(B) has been contacted multiple times by law enforcement, she was familiar with a "normal" pat-down. Based on her experience, during a "normal" pat-down, male deputies/officers would use their hands to "pat" or briefly touch her outer clothing to check for weapons/contraband, such as a shirt or pant pockets. They would never touch near or on any private parts/areas such as the "breasts, crotch, butt (buttocks)", unless the deputy/officer was female. (b)(5)(B) believed the areas of the body that are normally checked are the arms, legs, knees, and ankles. (b)(5)(B) clarified that no one (deputy/officer) has ever patted her down like Deputy Fischer.

Prior to the second pat-down, (b)(5)(B) was standing at her vehicle's passenger door. Deputy Fischer instructed or "demonstrated" how he wanted (b)(5)(B) to stand, specifically by telling her to spread her feet, and to straighten both of her arms in front of her, perpendicular to the ground. Deputy Fischer had her turn away from him so she was faced towards her vehicle.

Deputy Fischer started the pat-down under her armpits, then his right hand "cupped" her "right boob" or breast over her tank-top. Deputy Fischer then "rubbed" and "caressed" his hands/palms down the side of her body. His hands/palms continued to her hips, down to her buttocks, then to the inside of her thighs and finally stopped after touching her knees. (b)(5)(B) said she was wearing a cotton tank-top and a cotton mid-thigh length skirt at the time of the incident.

(b)(5)(B) than clarified Deputy Fischer's hands never went "under" her skirt when he touched her inner thighs, and she felt just his fingertips. I also clarified that she was touched or patted-down over her clothing the entire time, and her skin was never contacted by Deputy Fischer's hands/palms. (b)(5)(B) than clarified the outside of her buttocks were partially touched. (b)(5)(B) also recalled Deputy Fischer was not wearing gloves the entire time.

(b)(5)(B) said she felt "scared" and "violated" by how Deputy Fischer conducted his business with her. was asked to clarify her comment about Deputy Fischer's pat-down not being like the other pat-downs she's had in the past. (b)(5)(B) said Deputy Fischer didn't "pat" her body/clothing, but he used his hands to "caress" her body as if he was a "seamstress." Deputy Fischer never made any comments to her during the pat-down.

After the pat-down, Deputy Fischer told (b)(5)(B) "You have a hot bod(y)", and he asked her, "Can we hook up later, or where can we meet?...I want to meet you later?" (b)(5)(B) later clarified Deputy Fischer specifically asked, "Where is there a good place to meet later? (b)(5)(B) responded by saying, "I don't know where we could meet...I can't think of any place." (b)(5)(B) clarified she didn't want to meet with him because she felt it would be dangerous and she had been violated.

(b)(5)(B) said she responded by telling Deputy Fischer, "I'll tell you what...I'll give you my number and you can call, by then I'll figure out a place we can meet." (b)(5)(B) provided Deputy Fisher with a "false" phone number upon request, because she believed it would "appease" him and she didn't want to upset him, although she felt it would be "inappropriate" to meet with him. She believed Deputy Fischer wrote down her phone number.

(b)(5)(B) initially said Deputy Fischer never asked for her personal information or an identification card, didn't tell her the reason for the contact, he never wrote down anything other than her phone number and she never saw him use his handheld or vehicle radio. (b)(5)(B) later said she believed Deputy Fischer might have asked for her name at the time she provided him with her phone number.

There were no other patrol units or deputies that arrived or assisted with the contact. (b)(5)(B) had no law enforcement contacts by Deputy Fischer prior to and after the reported incident. (b)(5)(B) again stated she didn't believe Deputy Fischer was an actual "officer" or deputy because of his demeanor and inappropriate actions towards her. She stated Deputy Fischer seemed like a "civilian wearing a (police) uniform."

(b)(5)(B) was adamant the incident occurred in the summer of 2016, because it (the weather/temperature) was "hot" and because she was dressed in "minimal" clothing or wearing just a tank-top and skirt. She believed it was sometime in the morning around "8ish" or between 0800-1000 hours, because there was "daylight" and there was no one around at that time.

When (b)(5)(B) was asked if she told anyone about the incident, she said she told her ex-boyfriend (b)(5)(B) (b)(5)(B) (in-person). After the incident with Deputy Fischer, she went to (b)(5)(B) residence since he lived "around the corner" or about one block from the Kelly's Pub, located at (b)(5)(B) She told (b)(5)(B) "this cop, he asked me to go out with him and he felt me up." (b)(5)(B) had knowledge that (b)(5)(B) was contacted by law enforcement because he had called her mobile phone during the incident with Deputy Fischer.

(b)(5)(B) also told her current boyfriend, (b)(5)(B) about the incident a few days later. (b)(5)(B) was surprised and suggested she tell someone or report the incident to law enforcement. (b)(5)(B) didn't tell anyone else, and never reported it to law enforcement.

(b)(5)(B) no longer had the same mobile phone number she had at the time of the incident. (b)(5)(B) also clarified said she has never been contacted by Deputy Fischer prior to and after the alleged incident.

(b)(5)(B) provided us with (b)(5)(B) (ex-boyfriend) mobile phone number, and we also told her to not contact (b)(5)(B) about the investigation. (b)(5)(B) was provided with my business card and the case number.

FOLLOW-UP INVESTIGATION (Continued):

After speaking with (b)(5)(B) I contacted (b)(5)(B) boyfriend, (b)(5)(B), outside the Santee Station. I asked him if he would be willing to provide a statement and he agreed. The interview was conducted in the station's conference room. DDA Dunleavy and DAI Smith were present for the interview.

I told (b)(5)(B) our conversation/interview would be recorded to ensure his statement was accurately documented. He had no objections to our conversation being audio recorded.

(b)(5)(B) provided the following statement, which is a paraphrased synopsis of the interview, and is not intended to replace the recording. Our conversation was recorded using my department issued digital audio recorder to preserve it as evidence.

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STATEMENTS:
Statement of (b)(5)(B) (Victim Boyfriend):

(b)(5)(B) said he received a text message from (b)(5)(B) on the day of the reported incident, although he might have texted (b)(5)(B) first because he later stated (b)(5)(B) texted him, "I can't talk right now...I'm sitting in the back of a police car." (b)(5)(B) didn't provide any details of the incident at the time she was sitting in the patrol vehicle.

About one hour after the incident, (b)(5)(B) told (b)(5)(B) (in-person) about the encounter she had with Deputy Fischer. (b)(5)(B) didn't have a copy of the text message since he changed his mobile phone and the number as well.

(b)(5)(B) was asked if he remembered when he received the text message from (b)(5)(B) and what part of the month/year. He responded, "I don't know, I couldn't even tell you what year it was, maybe a year, year and a half ago...something like that..."

(b)(5)(B) was asked what (b)(5)(B) had told him about the incident she had with Deputy Fischer. (b)(5)(B) told him she was sitting in her van when she was approached by a "police officer" (Deputy Fischer). (b)(5)(B) never mentioned why she was contacted by Deputy Fischer. (b)(5)(B) stated, "The officer told her (b)(5)(B) to step out...something about pattin' (patting) her down, then he put her in his car (marked patrol vehicle)...that's when she texted me on her phone (mobile) when she was sitting in the back of the police car....unhandcuffed."

(b)(5)(B) thought it was "strange or weird" (b)(5)(B) was allowed to be in possession of her mobile phone, especially while sitting in the back of a patrol vehicle. (b)(5)(B) said he was never allowed to be in possession of his mobile phone when seated in a patrol vehicle.

(b)(5)(B) further explained that (b)(5)(B) told him the deputy "started going through her stuff (property search in her van)," although she never provided him with any details of the search. After the vehicle search,

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(b)(5)(B) was "pulled out of the (patrol) car", and patted-down again. (b)(5)(B) was told that the second pat-down wasn't normal, and it was more like patting down your girlfriend.

(b)(5)(B) told (b)(5)(B) that she was touched inappropriately under her "chest", not directly on or over her breast. (b)(5)(B) was also inappropriately touched on her hips and "butt" (buttocks). (b)(5)(B) was asked how (b)(5)(B) explained to him how she was touched on her butt, and his response was, "like if you were with your spouse..." (b)(5)(B) was also asked if he recalled the specific words (b)(5)(B) used to describe how her butt was touched inappropriately, and he said "he was feeling her up..." (b)(5)(B) also said the deputy "reached around to the front of her legs, touched the inside of her legs below her skirt, although never under her skirt."

(b)(5)(B) had demonstrated to (b)(5)(B) how she was inappropriately touched and patted-down. (b)(5)(B) also told (b)(5)(B) that the deputy told her she was "hot" and he wanted to "meet-up" with her later, or asked her where they can meet or get together. (b)(5)(B) encouraged (b)(5)(B) to report the incident she had with Deputy Fischer, but she no longer wanted to talk about it. (b)(5)(B) never complained of being touched inappropriately by another officer/deputy, prior to and after the incident with Deputy Fischer. According to (b)(5)(B) and based on (b)(5)(B) criminal history, she has been contacted/arrested by law enforcement multiple times.

(b)(5)(B) was also asked if he recalled (b)(5)(B) demeanor or attitude at the time she was telling him about the incident. He couldn't recall if she was upset or crying, although she wasn't laughing or joking at any time. (b)(5)(B) stated that (b)(5)(B) "just went along with it" (the incident with the deputy) because of the bad experiences she has had with law enforcement, specifically being constantly harassed by officers from the El Cajon Police Department.

(b)(5)(B) couldn't remember any further details of his conversation with (b)(5)(B) or any other statements she made to him regarding the incident. (b)(5)(B) never mentioned the incident again after their conversation. She never wanted to talk about it until she recently saw Deputy Fischer on the news and learned about the sexual assault allegations by multiple female victims.

(b)(5)(B) verified that he was watching the local news broadcast on the television when (b)(5)(B) "heard" Deputy Fischer's name being mentioned, and she learned he was being accused of sexual misconduct by multiple victims. (b)(5)(B) told (b)(5)(B) he (Deputy Fischer) was the "officer" that "groped" or inappropriately touched her. (b)(5)(B) stated to (b)(5)(B) "that's the officer that assaulted me!" She was referring to Deputy Fischer when she saw his photograph on television. (b)(5)(B) immediately knew the incident (b)(5)(B) was referring to. (b)(5)(B) never mentioned to (b)(5)(B) about contacting a lawyer, specifically Attorney (b)(5)(B) about the incident she experienced with Deputy Fischer. (b)(5)(B) later received a text message from (b)(5)(B) saying she had reported the incident to a lawyer.

(b)(5)(B) verified he's known (b)(5)(B) for a total of eight years, and they've been in a dating relationship for about seven years. I provided (b)(5)(B) with my business card and the case number, and requested he contacted me with any questions/concerns, or had additional information to provide for the investigation.

FOLLOW-UP INVESTIGATION: (Continued)

After speaking to (b)(5)(B) I re-contacted (b)(5)(B) to ask if she was willing to look at the different types of marked patrol vehicles in the Santee Station parking lot and she agreed. DDA Dunleavy and DAI Smith were also present.

While we were walking through the parking lot, (b)(5)(B) recognized and identified a marked Crown Victoria Patrol Sedan as the similar vehicle Deputy Fischer was driving at the time of their contact. (b)(5)(B) described Deputy Fischer's patrol vehicle as being an "older" type sedan.

(b)(5)(B) also described and "re-enacted" how she was seated in the back seat of Deputy Fischer's vehicle. (b)(5)(B) was seated perpendicular on the right rear passenger seat with her legs outside the open door and on the asphalt. (b)(5)(B) again said she was in possession of her cell phone the entire time.

After the interviews, I conducted a records check using various law enforcement databases to research the incident. According to Deputy Fischer's Field Interviews (F.I.'s) and NetRMS reports, there was no documented history with (b)(5)(B) (b)(5)(B) history was also checked using F.I.'s and NetRMS arrest/crime reports, and there was also no documented history with Deputy Fischer.

I subsequently emailed the Criminal Investigations Division (CID) Crime and Intelligence Analyst (b)(5)(B) (b)(5)(B) requesting to research CAD Query and AVL (Automatic Vehicle Locater) to check if Deputy Fischer and (b)(5)(B) have any documented history with each other, specifically to corroborate the alleged incident. According to CAD, Deputy Fischer (50P5A) initiated a pedestrian stop (11-51) behind the Kelly's Pub on 02/29/16 at 1435 hours (CAD/Event#E3189564). The event was closed as "OK" at 1455 hours with no written or documented notes, although a records check was conducted on the unknown person's vehicle license plate (b)(5)(B) to possibly check the vehicle's current registration and registered owner. The results revealed there was a pending master file with (b)(5)(B) listed as the vehicle's registered owner. The vehicle description, a white colored Dodge Caravan, matched the description of (b)(5)(B) vehicle.

Computer Aided Dispatch (CAD) has event information from the Sheriff's Communication Center's Emergency Dispatch System, which includes deputy initiated events as well as calls-for-service from the public. Events are automatically assigned an event number. The dispatcher enters the description of the event and assigns a priority level. It also provides information about units currently logged-on or in-service, their whereabouts, status and event they were dispatched. A search could be conducted for a specific unit's activity. CAD is integrated with local, state, and national computer database systems to allow dispatchers to accurately identify wanted person, vehicles and property.

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TO

On 01/10/18, I telephoned (b)(5)(B) mobile phone. There was no answer, although there was an operator message saying that the mailbox message system was not set-up, therefore a voicemail message could not be left.

CONCLUSION:

Since there were no witnesses and/or evidence to corroborate the statements provided by victim (b)(5)(B) (b)(5)(B) and her boyfriend (b)(5)(B) the case will be submitted to the District Attorney's Office for review.

EVIDENCE:

All case related recordings, including but not limited to recorded conversations and digital photographs, were later preserved as evidence on CD/DVD. All evidence was packaged and logged into Main Evidence. See NetRMS Property & Evidence section for details.

RELATED REPORTS:

See SAU Detective L. Pena's crime reports (KEY CN 17158719)

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San Diego County Sheriff's Department
Crime/Incident Report

Case No: **18101501**

CAD Event No: **E4680965** | Case Disposition: **Active**

Primary Victim: (b)(5)(B) | Report No: **18101501.1**

GENERAL CASE INFORMATION

Primary Charge: **981000 - ZZ - MISCELLANEOUS INCIDENTS**

Special Studies: (b)(5)(B)

Related Cases:

Occurred On: **05/09/2017 21:47:00 (Tuesday)**

(and Between):

Call Source: **DEPUTY**

Means:

Motives:

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:

IBR/UCR OFFENSE/S

Offense Description	Level	Against	Completed?	Counts	Using
981000 - ZZ - MISCELLANEOUS INCIDENTS	O		Yes		

Location Type	Hate/Bias	Domestic Violence
204 - Single Detached Home	88 - None (No Bias)	No

Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:
		No		

Weapons/Force:	Tools:		Targets:

ARRESTEE/S

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TO

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
Boegler, K		

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/18/2018 7:35:58 AM		01/22/2018 09:13:48

ALIAS / AKA / NICKNAME / MONIKER:

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Deputy Sheriff	SD Sheriff's Department	182 Santar Pl, San Marcos, CA 92069

CONTACT INFORMATION:

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type	Number	State	Country
SH - Sheriff ID	3441	CA	US

Injury	Extent of Treatment

Witness #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name	Person Code	County Residence
Santos, J		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Deputy Sheriff	SD Sheriff's Department	182 Santar Place, San Marcos, CA 92069

CONTACT INFORMATION:

Type	Number/Address
WP - Work Phone	(b)(5)(B)

IDENTIFICATION:

Type	Number	State	Country
SH - Sheriff ID	1131	CA	US

Injury	Extent of Treatment

Witness #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

(b)(5)(B)

IDENTIFICATION:

Type	Number	State	Country

PROPERTY

Property Item #1.000 - Digital evidence and recordings

Derivative No.: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 01/19/2018		
Owner:	Disposition: Sheriff's Main Evidence		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

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Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date: 1/19/2018 1:11:00 PM	Detective Assigned	Reviewed Date: 01/22/2018 12:34:15

San Diego County Sheriff's Department
Crime/Incident Report

Case No: **18101540**

CAD Event No.: **E4681293** | Case Disposition: **Active**

Primary Victim: **State of California** | Report No: **18101540.1**

GENERAL CASE INFORMATION

Primary Charge: **981000 - ZZ - MISCELLANEOUS INCIDENTS**

Special Studies: (b)(5)(B)

Related Cases: **17158719**

Occurred On: **08/19/2017 19:05:00 (Saturday)**

(and Between):

Call Source: **DEPUTY**

Means:

Motives:

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description	Level	Against	Completed?	Counts	Using
981000 - ZZ - MISCELLANEOUS INCIDENTS	O		Yes		

Location Type	Hate/Bias	Domestic Violence
204 - Single Detached Home	88 - None (No Bias)	No

Criminal Activity	Type Security	Gang Related	Entry	Point of Entry

Weapons/Force	Tools		Targets

ARRESTEE/S

SUSPECT/S (Not Yet Arrested)

WITNESSES

OTHER ENTITIES

Other Entity #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

(b)(5)(B)

Injury:

Extent of Treatment:

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Other Entity #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name	Entity Type	Person Code	County Residence
Fischer, Richard Timothy	OO - Other Officer		R - Resident

ALIAS / AKA / NICKNAME / MONIKER

Name Type	First	Middle	Last	Suffix

Home Address, City, State, ZIP	Res. Country	Place of Birth	Undocumented	Interpreter Language
	US		No	

Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/19/2018 12:18:47 PM		01/22/2018 12:30:58

Race	Sex	Date of Birth / Age	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion
W	M	(b)(5)(A) - 31	6' 0"	225	BRO	HAZ		

Employment Status	Occupation/Grade	Employer/School	Employer Address, City, State, ZIP
E - Employed	Deputy Sheriff	County of San Diego	9621 Ridgehaven Ct, San Diego, CA 92123

CONTACT INFORMATION

Type	Number/Address
HP - Home Phone	(b)(5)(A)

IDENTIFICATION

Type	Number	State	Country
DLN - Drivers License Number	(b)(5)(A)	CA	US

Injury	Extent of Treatment

PROPERTY

Property Item #1.000 - Digital Recording, interviews

Derivative No: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative	
Status: ES - Evidence (Seized)	Count: 1	Value:
Manufacturer:	Model:	
Serial No.:	Model Year:	OAN:
Color:	Caliber:	
Body Style:	Recovered/ Seized Date: 01/19/2018	
Owner:	Disposition: Sheriff's Main Evidence	
Evidence Tag:	Alert(s):	
Drug Type:	Drug Quantity:	
Search Warrant:		
Notes:		

REPORT NARRATIVE

*******SEE KEY CASE# 17158719*******

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Reporting Officer	Division / Organization	Reviewed By
SH4699 - PENA, LUIS	Family Protection Detail SEXUAL ASSAULT UNIT	SH2420 - EMIG JR, JAMES
Report Date	**Detective Assigned**	**Reviewed Date**
1/19/2018 12:18:47 PM		01/22/2018 12:30:58



San Diego County Sheriff's Department

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

William D. Gore, Sheriff

October 26, 2017

Richard Fischer
(b)(5)(B)

Dear Deputy Fischer:

This notice is to advise you that effective Thursday, October 26, 2017, you are being placed on Administrative Assignment from your position of Deputy Sheriff at the San Marcos Station to an administrative, non-uniform position at the San Marcos Station, pursuant to Department Policy & Procedure, Section 3.3. This action is being taken due to an investigation into your conduct, and is expected to last the duration of the investigation.

Your orders are as follows:

1. You are not permitted to return to any other Sheriff's facility without prior approval from Lieutenant Bavencoff of the Internal Affairs Unit.

2. You are prohibited from working overtime in any patrol or investigative assignment.

3. It is your responsibility to report to Lieutenant J. White effective October 26, 2017. Lieutenant White will determine your work hours and will provide you your daily assignment. Lieutenant White's phone number is (b)(5)(B).

You are **NOT** being terminated or disciplined at this time, nor will you incur a loss of your vested rights as a member of this department while you are on special assignment. Prior to any imposition of disciplinary proceedings, you will be advised of your appeal rights in this matter.

If you have any questions, please call Lieutenant Bavencoff at the Internal Affairs Unit at (b)(5)(B)

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TO_____

Sincerely,

WILLIAM D. GORE, SHERIFF

Michael R. Barnett, Assistant Sheriff
Human Resources Bureau

WDG:MRB:pgl

C: Sheriff's Payroll
Sheriff's Labor Relations

I do hereby acknowledge receipt of this letter.

Signed — Date: 10-26-17

Witness — Date: 10-26-17

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TO

San Diego County Sheriff's Department

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

William D. Gore, Sheriff

November 3, 2017

Richard Fischer
(b)(5)(B)
[redacted]

Dear Deputy Fischer:

This notice is to advise you that your Administrative Assignment is still in effect. However, effective Monday, November 6, 2017, your work location is changing from the San Marcos Patrol Station to the Weapons Training Unit, Miramar Range, 10440 Black Mountain Road, San Diego, 92126, pursuant to Department Policy & Procedure Section 3.3. This action is being taken due to an investigation into your conduct, and is expected to last the duration of the investigation.

Your orders are as follows:

1. You are to report to Sergeant Meleen at 0700. He will provide you with your daily assignments. His phone number is (b)(5)(B) [redacted].
2. You are not permitted to return to any other Sheriff's facility without prior approval from Lieutenant Bavencoff of the Internal Affairs Unit.
3. You are prohibited from working overtime in any patrol or investigative assignment.

You are **NOT** being terminated or disciplined at this time, nor will you incur a loss of your vested rights as a member of this department while you are on special assignment. Prior to any imposition of disciplinary proceedings, you will be advised of your appeal rights in this matter.

If you have any questions, please call Lieutenant Christina Bavencoff at the Internal Affairs Unit at (b)(5)(B) [redacted].

Sincerely,

WILLIAM D. GORE, SHERIFF

Larry Nesbit, Assistant Sheriff
Human Resources Bureau

WDG:LN:mpa

C: Sheriff's Payroll Sheriff's Labor Relations

I do hereby acknowledge receipt of this letter.

Signed — Date 11-7-17

Witness — Date 11-7-17

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TO _____

Keeping the Peace Since 1850

San Diego County Sheriff's Department

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

William D. Gore, Sheriff

November 13, 2017

Richard Fischer
(b)(5)(B)
[redacted]

Dear Deputy Fischer:

This notice is to advise you that your Administrative Assignment is still in effect. However, effective Tuesday, November 14, 2017, your work location is changing from the Weapons Training Unit, Miramar Range, 10440 Black Mountain Road, San Diego, 92126 to The Records and Identification Division, 9621 Ridgehaven Court, San Diego 92123, pursuant to Department Policy & Procedure Section 3.3. This action is being taken due to an investigation into your conduct, and is expected to last the duration of the investigation.

Your orders are as follows:

1. You are to report to Records and I.D. Supervisor (b)(5)(B) [redacted] at 0800 on Tuesday, November 14, 2017. She will provide you with your daily assignments. Her phone number is (b)(5)(B) [redacted]

2. You are not permitted to return to any other Sheriff's facility without prior approval from Lieutenant Bavencoff of the Internal Affairs Unit.

3. You are prohibited from working overtime in any patrol or investigative assignment.

You are **NOT** being terminated or disciplined at this time, nor will you incur a loss of your vested rights as a member of this department while you are on special assignment. Prior to any imposition of disciplinary proceedings, you will be advised of your appeal rights in this matter.

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TO_____

If you have any questions, please call Lieutenant Christina Bavencoff at the Internal Affairs Unit at (b)(5)(B) [redacted].

Sincerely,

WILLIAM D. GORE, SHERIFF

Larry Nesbit, Assistant Sheriff
Human Resources Bureau

WDG:LN:mpa

C: Sheriff's Payroll
Sheriff's Labor Relations

I do hereby acknowledge receipt of this letter.

Signed — Date: 11/12/17

Witness — Date: 11-13-17

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I.A. FILES
TO_____

San Diego County Sheriff's Department

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

William D. Gore, Sheriff

November 20, 2017

Richard Fischer
(b)(5)(B)
[redacted]

Dear Deputy Fischer:

This notice is to advise you that effective Monday, November 20, 2017, you are being placed on Administrative Leave with pay, from your position of Deputy Sheriff at Sheriff's Records & I.D., 9621 Ridgehaven Court, San Diego 92123, in accordance with the Deputy Sheriff Unit Memorandum of Agreement, Article 6, Section 6, and pursuant to Department Policy & Procedure, Section 3.3. This action is being taken due to an investigation into your conduct, and is expected to last the duration of the investigation.

Your orders are as follows:

1. You shall surrender your department-issued identification card, leather gear, badges and weapons to the Internal Affairs Unit.

2. You are hereby relieved of your peace officer powers and you shall neither function as a peace officer, carry a loaded or concealed firearm (830.1 and 25450 P.C.), nor appear in uniform.

3. You are not permitted to return to any other Sheriff's facility without prior approval from Lieutenant Bavencoff of the Internal Affairs Unit.

4. You are prohibited from working overtime in any assignment.

5. You shall report to Lieutenant Christina Bavencoff of the Internal Affairs Unit via telephone at any time between the hours of 0800-1000 Monday through Friday. You will be advised of any changes in your status and/or daily assignments. This daily call is mandatory. If you fail to call in, you will not be compensated and your leave balances will be used.

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I.A. FILES
TO_____

You are **NOT** being terminated or disciplined at this time, nor will you incur a loss of your vested rights as a member of this department while you are on special assignment. Prior to any imposition of disciplinary proceedings, you will be advised of your appeal rights in this matter.

If you have any questions, please call Lieutenant Bavencoff at the Internal Affairs Unit at (b)(5)(B).

Sincerely,

WILLIAM D. GORE, SHERIFF

Larry Nesbit, Assistant Sheriff
Human Resources Bureau

I do hereby acknowledge receipt of this letter.

Signed — Date 11/20/17

Witness — Date 11/20/17

WDG:LN:pgl

C: Sheriff's Payroll
Sheriff's Labor Relations

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TO_____

San Diego County Sheriff's Department

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

William D. Gore, Sheriff

January 4, 2018

Richard Fischer
(b)(5)(B)
[redacted]

Dear Deputy Fischer:

PROPOSED ORDER OF IMMEDIATE SUSPENSION

This is to notify you that I intend to order you be suspended, without pay, from your class and position of Deputy Sheriff (Class 5746) in the Sheriff's Department and the Classified Service of the County of San Diego, commencing Tuesday, January 9, 2018, for an indefinite period, pending the outcome of an Internal Affairs investigation. This action is being taken in accordance with San Diego County Charter Section 909.1 and Sections 7.2.1(b) of Civil Service Rule VII for each of the following causes:

I. You are guilty of Failure of Good Behavior as set forth under Section 7.2 (r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedures Section **2.4 – Unbecoming Conduct**, in that: You admitted that between May 2015 and October 2017, while on duty as a Deputy Sheriff assigned to the Lakeside Substation and San Marcos Station, you touched and hugged various females during service calls. This touching and hugging, as well as other inappropriate and unprofessional conduct during service calls resulted in complaints by numerous women who were the targets of your inappropriate conduct. Your conduct, which you have admitted, has brought the Department into disrepute, and reflects discredit upon you as a member of the Department.

II. You are guilty of Incompetency as set forth under Section 7.2 (a) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedures Section **2.30 Failure to Meet Standards** in that: You admitted that between May 2015 and October 2017, while on duty as a Deputy Sheriff assigned to the Lakeside Substation and San Marcos Station, you failed to follow Department procedure by not notifying the Communication Center when you conducted traffic stops on several females. Your conduct, which you have admitted, puts yourself, the Department, and the public at risk.

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TO_____

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To:_____

III. You are guilty of Incompetency as set forth under Section 7.2 (a) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedures Section **2.30 Failure to Meet Standards** in that: You admitted that between May 2015 and October 2017, while on duty as a Deputy Sheriff assigned to the Lakeside Substation and San Marcos Station, you failed to follow Department procedure by not notifying the Communications Center when you conducted follow-up return visits on several alleged female victims. Your conduct, which you have admitted, puts yourself, the Department, and the public at risk.

IV. You are guilty of acts which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the **San Diego County Sheriff's Department Executive Order** and the **Mission, Vision, Values and Goals**. Your conduct constituting such acts inimical to the public service is that set forth under Causes I through III above.

This action does not preclude the taking of additional disciplinary measures, including termination, regarding these matters. The right to proceed with different or additional discipline, should the investigation into the alleged charges against you indicate that such additional or different discipline is warranted, is reserved during the period of your suspension.

Your immediate removal from your position as a Deputy Sheriff in the Sheriff's Department is essential to avert serious harm to the County and to the public.

If you would like to respond in person or in writing to this Proposed Order, you must make immediate arrangements with Assistant Sheriff Larry Nesbit. Any response must be heard or received before 4:00 PM Monday, January 8, 2017. Assistant Sheriff Nesbit can be reached at (b)(5)(B).

Sincerely,

WILLIAM D. GORE, SHERIFF

Michael R. Barnett, Undersheriff

WDG:MRB:pgl

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To:

RELEASED FROM
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TO

San Diego County Sheriff's Department

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

William D. Gore, Sheriff

January 4, 2018

Richard Fischer
(b)(5)(B)
[redacted]

Dear Deputy Fischer:

ORDER OF IMMEDIATE SUSPENSION

You are hereby suspended, without pay, from your class and position of Deputy Sheriff (Class 5746) in the Sheriff's Department and the Classified Service of the County of San Diego, commencing January 9, 2018, for an indefinite period of time, pending the outcome of an Internal Affairs investigation. This action is being taken in accordance with San Diego County Charter Section 909.1 and Sections 7.2.1(b) of Civil Service Rule VII for each of the following causes:

I. You are guilty of Failure of Good Behavior as set forth under Section 7.2 (r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedures Section 2.4 – Unbecoming Conduct, in that: You admitted that between May 2015 and October 2017, while on duty as a Deputy Sheriff assigned to the Lakeside Substation and San Marcos Station, you touched and hugged various females during service calls. This touching and hugging, as well as other inappropriate and unprofessional conduct during service calls resulted in complaints by numerous women who were the targets of your inappropriate conduct. Your conduct, which you have admitted, has brought the Department into disrepute, and reflects discredit upon you as a member of the Department.

II. You are guilty of Incompetency as set forth under Section 7.2 (a) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedures Section **2.30 Failure to Meet Standards** in that: You admitted that between May 2015 and October 2017, while on duty as a Deputy Sheriff assigned to the Lakeside Substation and San Marcos Station, you failed to follow Department procedure by not notifying the Communication Center when you conducted traffic stops on several females. Your conduct, which you have admitted, puts yourself, the Department, and the public at risk.

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I.A. FILES
TO_____

Released from I.A. Files
To: _____

III. You are guilty of Incompetency as set forth under Section 7.2 (a) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedures Section **2.30 Failure to Meet Standards** in that: You admitted that between May 2015 and October 2017, while on duty as a Deputy Sheriff assigned to the Lakeside Substation and San Marcos Station, you failed to follow Department procedure by not notifying the Communications Center when you conducted follow up return visits on several alleged female victims. Your conduct, which you have admitted, puts yourself, the Department, and the public at risk.

IV. You are guilty of acts which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the **San Diego County Sheriff's Department Executive Order** and the **Mission, Vision, Values and Goals.** Your conduct constituting such acts inimical to the public service is that set forth under Causes I through III above.

This action does not preclude the taking of additional disciplinary measures, including termination, regarding these matters. The right to proceed with different or additional discipline, should the investigation into the alleged charges against you indicate that such additional or different discipline is warranted, is reserved during the period of your suspension.

Your immediate removal from your position as a Deputy Sheriff in the Sheriff's Department is essential to avert serious harm to the County and to the public.

If you would like to respond in person or in writing to this Order, you must make immediate arrangements with Assistant Sheriff Larry Nesbit. Any response must be heard or received before 4:00 PM Monday, January 8, 2017. Assistant Sheriff Nesbit can be reached at (b)(5)(B) [redacted].

If you wish to appeal this order to the Civil Service Commission, you must file such appeal and an answer to the charges in writing with the Commission within ten (10) days after this order is received by you. Such appeal and answer to the charges must be in writing and delivered to the Commission at its office at 1600 Pacific Highway, San Diego, California 92101, within the prescribed time. A copy of any appeal and answer shall also immediately thereafter be filed with me.

Sincerely,

Michael P. Smith, D/S for

William D. Gore, Sheriff

WDG:pgl

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COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

January 12, 2018

TO: File

FROM: Larry Nesbit, Assistant Sheriff
Human Resource Services Bureau

Response to Order of Immediate Suspension of Deputy Richard Fischer

Deputy Richard Fischer was served with an Order of Immediate Suspension on Friday, January 5, 2018, per Section 7.2.1(b) of Civil Service Rule VII. The effective date of the suspension was listed as January 9, 2018. Included in the Order was an instruction to contact me prior to 4 p.m. on January 8 if he wished to respond to the order.

Deputy Fischer's attorney, Chris Kowalski contacted me via telephone on January 8 and requested an extension due to Deputy Fischer being ill. We agreed Attorney Kowalski would consult with Deputy Fischer and contact me via telephone on the morning of January 9 to respond to the order.

Attorney Kowalski called me at approximately 0800 hours on January 9, 2018, and stated he was prepared to respond to the order. Attorney Kowalski asked me why Deputy Fischer needed to be placed on immediate suspension as nothing had changed with his status. However, since being placed on administrative assignment, Deputy Fischer was interviewed by Internal Affairs where he made statements that provided the basis for immediate suspension. At no time during the telephone conference did Attorney Kowalski provide any information which contradicted the facts contained in the Notice of Immediate Suspension. Given the information contained in his Internal Affairs interview, I believe it is appropriate to uphold the immediate suspension in order to eliminate the risk of harm to the public and the County. I advised Attorney Kowalski of my decision to leave the Order of Immediate Suspension in place. The phone call was recorded and a copy of the call is attached to this memorandum.

WILLIAM D. GORE, SHERIFF

Larry Nesbit, Assistant Sheriff
Human Resource Services Bureau

LN/mm

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TO

IA Case Review Log

IA CASE #	DATE	ACCESSED BY	AGENCY	PURPOSE
2017-0143	7/24/18	(b)(5)(B)	County Counsel - claims	claim filed
2017-0143	1-31-19	Jeff Duckworth	~~SKELLY~~ SOSD	SKELLY
2017-0143	1/30/20	(b)(5)(B)	CoCo	Inv. (Civil)

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

BONNIE M. DUMANIS
DISTRICT ATTORNEY

San Diego
330 West Broadway
San Diego, CA 92101
(619) 531-4040

http://www.sandiegoda.com

December 8, 2017

Lieutenant Christina Bavencoff, Internal Affairs
San Diego Sheriff's Department
9621 Ridgehaven Court
San Diego, Ca. 92123

RE: Request pursuant to PC 832.7(a) for Personnel Records and Records Maintained by the San Diego Sheriff's Department of Deputy Richard Fischer, badge ID # 3003

Dear Lieutenant Bavencoff:

The San Diego District Attorney's Office is conducting an investigation concerning the conduct of the above named Peace Officer.

Please provide the San Diego District Attorney's Office with a copy of any and all records concerning Deputy Richard Fischer, badge ID # 3003, to include any Background Investigations, Academy files, Professional Standard Unit files, Training files, Risk Management files, Captain's files, Human Resource files, Divisional Personnel files, any/all Internal Affairs Investigations whether on-going or completed and Body Worn Camera footage/evidence taken by the subject deputy and/or any other law enforcement witness and any other file herein not listed but that is kept by the Department relating to the Deputy noted above, maintained pursuant to Penal Code sections 832.7 and 832.5, **excluding** any compelled statements or references thereto contained in your records.

Thank you for your cooperation. In the event you have any questions or concerns please do not hesitate to give me a call on my direct line at (b)(5)(B).

Sincerely,

Annette H. Irving
Deputy District Attorney
Special Operations Division

Received in
Sheriff's Internal Affairs
DEC 11 2017

330 West Broadway
San Diego, CA 92101
(619) 531-4040

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

SUMMER STEPHAN
DISTRICT ATTORNEY

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

May 4, 2018

Lieutenant Christina Bavencoff, Internal Affairs
San Diego Sheriff's Department
9621 Ridgehaven Court
San Diego, Ca. 92123

RE: Request pursuant to PC 832.7(a) for Personnel Records and Records Maintained by the San Diego Sheriff's Department of Deputy Richard Fischer, badge ID # 3003

Dear Lieutenant Bavencoff:

The San Diego District Attorney's Office has filed a criminal case, Case # CN383174, against the above named Peace Officer.

On December 8th 2017 we filed a similar request with your agency which we are renewing for any outstanding materials which we have not received:

Please provide the San Diego District Attorney's Office with a copy of any and all records concerning Deputy Richard Fischer, badge ID # 3003, to include any Background Investigations, Academy files, Professional Standard Unit files, Training files, Risk Management files, Captain's files, Human Resource files, Divisional Personnel files, any/all Internal Affairs Investigations whether on-going or completed and Body Worn Camera footage/evidence taken by the subject deputy and/or any other law enforcement witness and any other file herein not listed but that is kept by the Department relating to the Deputy noted above, maintained pursuant to Penal Code sections 832.7 and 832.5, **excluding** any compelled statements or references thereto contained in your records.

Thank you for your cooperation. In the event you have any questions or concerns please do not hesitate to give me a call on my direct line at (b)(5)(B).

Sincerely,

Annette H. Irving
Deputy District Attorney
Special Operations Division

FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

April 12, 2018

Case Review

Captain:	David Brown
IA#:	2017-0143.1
Employee Name:	Deputy Richard Fischer #3003
Complainant:	SDSO
Investigator:	Sergeant A. Baggs

The above-mentioned case has been completed and is ready for your review. Please advise the Internal Affairs Unit either by phone (b)(5)(B) or e-mail when you will available to retrieve the file.

Thank you.

C: Assistant Sheriff Martinez
Commander Moss

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CARI@COPLAW.ORG

January 29, 2019

Mike Knobbe, Lieutenant
Internal Affairs Unit
San Diego Sheriff's Department
9621 Ridgehaven Court
San Diego, California 92123

Via email only
Mike.Knobbe@sdsheriff.org

Re: Richard Fischer Request for *Skelly* Conference

Dear Lt. Knobbe:

Pursuant to the notice provided in the NOTICE OF INTENT OF TERMINATION AND CHARGES, CASE #2017-143.1, which was served by substitution on this office on January 22, 2019, please accept this letter as a formal request for a *Skelly* Conference, on behalf of Deputy Fischer. This request is timely as it follows a telephonic request which was made to Internal Affairs prior to 1400 hours on January 29, 2019. At this time it is undetermined who will be representing Deputy Fischer; accordingly, I would ask that all correspondence from your Unit be sent via email to my Legal Administrator (cari@coplaw.org) and to Deputy Fischer's attorney, Manuel Medrano (mmedrano@medranocarlton.com).

At the outset, we also respectfully request that the Conference be put on hold to a time when Deputy Fischer can appear and present a statement without having to choose between compromising his Fifth Amendment rights, and/or meaningfully participating in the *Skelly* process. As long as his criminal case is pending, he would be ill-advised to make any voluntary statements about the allegations against him. An oral reply at *Skelly* would not be a protected or immunized compelled statement and could therefore be used against him in any related criminal proceedings.

Additionally, we would hope the Sheriff's Department recognizes that under Senate Bill 1421, the allegations against Deputy Fischer are not deemed "sustained" until all internal review and external appeals have been completed. Accordingly, this investigation and all related documents and materials cannot be disclosed to anyone outside of the *Pitchess* process until after a Civil Service Appeal has been completed. Please don't hesitate to call me if you have any questions or concerns.

Sincerely,

Richard L. Pinckard

/rlp

cc: Client