

**Finding #1** – The Sergeant in charge of the Waterways Grant misused grant funds by authorizing and/or approving overtime for officers assigned on-call to the boat patrol.

**Recommendation #1** – The Chief should ensure that all Officers follow policy and procedures when assigning and/or approving overtime.

**City/Department Action** – With respect to the Waterways Grant and as referenced in the opening comments, the State Department of Boating and Waterways did complete an audit of the Department’s administration of the Grant. The findings from the audit concluded that there were expenditures that had been applied against the Grant that were not intended by the Grant, but likewise, there were charges that could have been expended against the Grant that were not; the overall costs on both side of the ledger balanced each other out. Through this process, it has been clarified and clearly documented what can and cannot be applied against the Grant, and all staff members responsible for the implementation of the Grant have been made aware of these requirements. Importantly, the City still retains access to these Grant monies.

On the broader question of overtime, the Department recently initiated a computerized deployment system created to properly report, track, and authorize each employee’s time record and overtime. The I-Time system establishes redundancy measures to ensure that each level of supervision examines and approves the overtime to eliminate errors or intentional misuse of overtime.

**Finding #2** – The Sergeant in charge of the waterways Grant had the knowledge that a subordinate Officer submitted a time sheet requesting overtime for working on boat patrol when the Sergeant knew that the officer had instead painted the interior of the police station.

**Recommendation #2** – The Chief should take corrective action against the Sergeant to ensure these types of incidents do not become a part of SCPD Culture.

**City/Department Response** – There is no evidence in the Grand Jury report that the Sergeant had knowledge of wrongdoing. The Grand Jury’s own report relies on insufficient evidence, contradictory testimony and witnesses not being forthright. The report clearly indicates the testimony it received “could not be verified,” or the testimony was “contradictory,” and not all witnesses were “forthright in their testimony.”

It is the Grand Jury's responsibility to determine the believability and credibility of witnesses, based on the California Jury Instruction Code (CALJIC). It is clear in this instance, the Grand Jury did not follow the CALJIC instructions in reaching a finding in this matter. The below list includes some of the instructions that are of particular interest and have direct bearing on the outcome of the hearing:

- The existence or nonexistence of a bias or other motive.
- The character of the witness for honesty or truthfulness, or their opposites.
- A statement previously made by the witness that is consistent or inconsistent with another statement of the witness.
- The existence or nonexistence of a fact stated by a witness.
- The ability of a witness to remember or communicate any matter about which the witness has given statements or makes in subsequent statements.
- The character and quality of the statement.

Discipline against any law enforcement officer must be based on solid evidence and clear wrongdoing, such as a violation of the law, Department policy and or procedures. Discipline must be supported by a preponderance of the evidence. The evidence must be reasonable in nature, credible, and of solid value. Inferences based only on mere possibility, suspicion, speculation, imagination, guesswork, supposition, conjecture or surmise must be rejected. It is unclear by the Grand Jury report that the sergeant is guilty of any wrongdoing and disciplining him would be arbitrary and capricious on the part of the Department.

In response to concerns raised by the Grand Jury regarding the SCPD culture, the expectations and uses of the Grant have been clarified through the State Department of Boating and Waterways audit. All parties to the Grant are clear on these expectations and uses, and understand that any violation of these requirements and uses would be wrongdoing.

**Finding #3** – The Sergeant in charge of the Waterways Grant submitted overtime sheets charged to the boat grant when in fact he and another officer had been painting the interior of the police station.

**Recommendation #3** – The Chief should take corrective action against the Sergeant as well as implementing in writing a policy and procedures for boat patrol.

**City/Department Response** – As indicated in Response to Recommendation #2 re: taking corrective action against the Sergeant: There is no evidence in the Grand Jury report that the Sergeant had knowledge of wrongdoing. The Grand Jury's own report relies on insufficient evidence, contradictory testimony and witnesses not being forthright. The report clearly indicates the testimony it received "could not be verified," or the testimony was "contradictory," and not all witnesses were "forthright in their testimony."

As indicated in Response to Recommendation #2 re: SCPD culture: the expectations and uses of the Grant have been clarified through the State Department of Boating and Waterways audit. All

parties to the Grant are clear on these expectations and uses, and understand that any violation of these requirements and uses would be wrongdoing.

**Finding #4** – The Lieutenant did not do his job after learning that the approved overtime that was charged to the Waterways Grant was actually overtime for painting the interior of the police station. He did not follow up on correcting the overtime.

**Recommendation #4** – The Mayor, City Manager and City Council should consider hiring a consultant to do an accreditation study to determine the competency of leadership at all levels of Suisun City Police Department.

**City/Department Action** – Recognizing that any organization can always improve, the City Manager recently approved retaining an outside third-party to complete a SWOT assessment of the Department that will focus in on strengths, weakness, opportunities and threats. This follows the same type of exercise that was completed by Department Heads earlier in the year. In addition, the assessment will include a focus on leadership and culture. The Department is likewise assessing participation in accreditation through the Commission of Law Enforcement Accreditation (CLEA).

On the issue of Departmental leadership, perhaps it is appropriate to mention that the City has recently hired a new Lieutenant and Sergeant as we move toward full staffing. Our new Lieutenant is the Operations Commander and is responsible for all sworn officers and field operations. He came to Suisun City Police Department after 24 plus years of service with the Los Angeles Police Department. The new lieutenant brings with him a vast amount of experience in all facets of law enforcement and leadership, including six years of internal affairs exposure. Our new sergeant also has vast experience in law enforcement and leadership.

**Finding #5** – The Chief misused taxpayers' money by allowing overtime charges to paint the police station whether he charged the time to the Waterways Grant or to the police budget.

**Recommendation #5** – Refer to Recommendation #4.

**City/Department Response** – As indicated in our opening remarks, when this matter was brought to the attention of the City through an anonymous letter sent to the State Department of Boating and Waterways, the City retained outside Counsel to conduct an objective, third-party investigation of the allegations. Through this investigation, the Police Chief was cleared of misconduct.

For the future, and under the direction of the Department's new Operations Commander, matters regarding overtime use on both the Waterways Grant and general use have been and are in the process of being formally clarified.

**Finding #6** – Based on incomplete information provided by the Chief to the Grand Jury as well as witnesses statements gave the perception that the Chief has a myopic view of his responsibility as Chief of Suisun City Police Department. His leadership is not strong and on

many occasions the Chief has failed to provide the due diligence as well as the attention to detail while in the performance of his duties as Chief of Suisun Police Department.

**Recommendation #6** – Refer to Recommendation #4.

**City/Department Response** – Witness credibility and documentation in this case are crucial in determining the truth of matter. The Grand Jury has already indicated that many witnesses were not being forthright in their testimony and many of the witnesses provided contradictory testimony. Additionally, the Grand Jury received documentation from the Police Department that they believed was incomplete or simply not included in their original discovery.

There is no doubt that many of the witnesses who testified at the Grand Jury were disgruntled former employees, and employees who disliked the Chief. These former employees' credibility and intentions have to be questioned and thoroughly scrutinized in comparison to all the facts in the case. Having incomplete or missing documents makes this even more difficult, but not impossible when careers and reputations are on the line. The Grand Jury based their opinion of the Chief's lack of leadership and performance on the same witnesses and documents they earlier faulted as unreliable.

Separate and apart from the findings of the Grand Jury, and as referenced in Response #4, the City Manager recently approved retaining an outside third-party to complete a SWOT assessment of the Department that will focus in on strengths, weakness, opportunities and threats. This follows the same type of exercise that was completed by Department Heads earlier in the year. In addition, the assessment will include a focus on leadership and culture. The purpose of the assessment is to look forward and build upon the tremendous improvements that the Department has experienced in the last few months as we reach full staffing.

### **Department Response to Comments made by the Grand Jury**

On the matter of staffing, it is unclear where the Grand Jury obtained their information regarding "optimal" staffing levels of 28-30 for the Suisun City Police Department. In fact, the City recently contracted with the Matrix Consulting Group to conduct a study to determine the number of sworn officers needed to provide proper patrol coverage and service during day and swing, as well as 24/7 coverage. Matrix Consulting Group found that the Department would be able to effectively serve the City on 24-hour staffing with a minimum of 22 sworn officers and optimum of 26 sworn officers. The Department currently has 22 sworn officers, with a contract through the Sheriff's Office to cover graveyard.

The challenges that the Department experienced in the past year resulted more from vacancies and disabilities than actual approved staffing levels. As an example, in the fall of 2005, available staffing for patrol was down nearly 50%. Thanks to a strong partnership with the Sheriff's Office, the Department was able to manage through this difficult period and provide the law enforcement services that the community demands.

Importantly, this situation has completely turned around as the Department is now fully staffed. Through the FY2006-07 budget process, staffing alternatives will be explored to bring the Department up to 24/7 coverage. Refer to the latest report that shows Suisun City crime statistics.