SONOMA COUNTY SHERIFF'S OFFICE

EDDIE ENGRAM
Sheriff-Coroner

JAMES NAUGLE
Assistant Sheriff
Law Enforcement Division

MICHAEL MERCHEN
Assistant Sheriff
Detention Division

HEIDI KEITH
Chief of Financial and Administrative Services

NOTICE OF INTENDED DISCIPLINARY ACTION

June 13, 2023

Adam Marlowe
Correctional Deputy

This Notice will inform you that your appointing authority, Sheriff Eddie Engram, proposes to terminate your employment as an employee of the Sonoma County Sheriff's Office, per Civil Service rule 10.3 and the Sheriff's Office Rules and Regulations.

The proposed disciplinary action is based on your conduct as described below and included in IA case 23-IA-0001. This conduct, in the opinion of your appointing authority, constitutes grounds for disciplinary action discussed below.

RULES OF THE CIVIL SERVICE COMMISSION

Rule 10.3: DISMISSALS

A. Dismissal of Permanent Employee

Any employee who has attained permanent status may be dismissed for reasonable cause including, but not limited to:

2. Conduct which brings discredit to the County;

SHERIFF'S OFFICE RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURE

B. DUTIES, CONDUCT AND RESPONSIBILITY

2. Local State and Federal Law: Members shall observe, obey and uphold all local, state and federal laws. Specifically:

PC 30600 (a) - Manufacturing of an assault weapon.

PC 306005 (a) - Possession of an assault weapon, assault pistol.

PC3231 (c) – Possession Large-Capacity Magazines

PC 25100 (c) - Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm in the third degree" if the person keeps any firearm within any premises that are under the person's custody or control and negligently stores or leaves a firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child.

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office policies, procedures, and other order whether written or oral. Specifically:

1006.3.2 USE OF MARIJUANA Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

OFFICE POLICY 320 – Standard of Conduct

320.5.9 CONDUCT

h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.

4. Standard of Conduct: Members shall conduct their private and professional lives in such a manner so as to avoid bringing discredit upon the Sheriff's Office.

STATEMENT OF FACTS:

On January 14, 2023, you provided a voluntary criminal statement to Petaluma PD Detectives concerning a domestic related incident involving you and your live-in girlfriend. During Petaluma PD's investigation and pursuant to a Domestic Violence Restraining Order they collected firearms, ammunition, and firearm parts from the residence, which you shared with her. From the garage floor detectives removed, a gray, black and white colored camouflaged firearm, which they determined was an un-serialized AR15 assault-style pistol. The firearm was removed from an open rifle case lying on the garage floor. The Sonoma County District Attorney's Office filed two felony charges

against you for possession of an assault-pistol in violation of PC30605(a) and manufacturing an assault weapon in violation of PC30600(a).

You were dishonest to Petaluma Detectives when you denied ownership of the assault-pistol. At first, you were adamant you were not the owner and claimed the firearm was owned by your girlfriend. At the conclusion of the interview, after Petaluma Detectives repeatedly asked about whether you owned the firearm, you finally acknowledged you built and owned the assault-style pistol. You explained you lied because you were aware the firearm was illegal to possess in California.

Your dishonesty would have continued if Petaluma Detectives did not confront you repeatedly, at different times during the interview. You never offered to clarify or to retract your dishonest statement on your own. Your deceit was particularly malicious, as you wrongfully accused your girlfriend of being the owner of an illegal assault-style firearm. Your untruthfulness while unrelated to your official duties as a Correctional Deputy, has adversely affected your relationship with the Sheriff's Office. Your dishonesty hinders your ability to provide effective service to the community, particularly given you assigned an illegal felony act to another community member, which could negatively affect your ability to testify in a court of law.

During your IA interview, you admitted to building and owning the assault-style firearm, possessing 10 to 15 high-capacity magazines, and possessing an un-serialized lower receiver, which you milled and drilled so it could accept fire control components.

Moreover, you admitted to negligently storing your firearms in the garage on a storage shelf about eight feet above the floor and for 11 days kept a 9mm assault-pistol on the garage floor. You stated ammunition was stored underneath workbenches and on various shelfs in the garage. You acknowledged there was not a gun safe in the house and children (ages 6, 14, and 16) had access to the garage.

During your IA interview, you admitted to smoking marijuana daily for about 7 months (March 2022 to October 2022), while off duty, while you recovered from a work injury, to manage your physical pain and sleep. You told Sgt. Stewart you used marijuana as an alternative to opioids and other narcotics. Although you did not have a prescription, you thought using marijuana was a reasonable health alternative to chemical drugs. While you had a lack of understanding of the Drug Use Policy, you believed marijuana use was not allowed.

Your pending criminal case was published in the Presse Democrat in April 2022, which has brought discredit to the County of Sonoma and the Sonoma County Sheriff's Office.

YOUR RIGHT TO A RESPONSE

Under applicable law, and the Rules of the County Civil Service Commission, you have various legal rights in connection with this Notice that you should discuss with your attorney, union representative, or other representative.

You have the right to respond, verbally or in writing, or both, to this Notice. Your verbal or written response must be made within three (3) working days after the day this notice is delivered to you, pursuant to Rule 10, Section 10.5 A of the Rules of the Civil Service Commission. The time to respond may be extended if you make such a request to the appointing authority and the request is granted.

Your written or oral response, if any, must be communicated to Assistant Sheriff Jim Naugle, Sonoma County Sheriff's Office, 2796 Ventura Avenue, Santa Rosa, California, 95403, or by phoning him at 565-1610.

IF NO RESPONSE TO THIS WRITTEN NOTICE IS RECEIVED BY ASSISTANT SHERIFF NAUGLE WITHIN THREE (3) WORKING DAYS AFTER THE DAY THIS NOTICE IS DELIVERED TO YOU, OR ON THE LAST DAY OF ANY APPROVED EXTENSION OF TIME, YOU WILL HAVE WAIVED YOUR RIGHT TO MAKE SUCH RESPONSE.

If you wish to accept the proposed Order of Termination per Civil Service Rule 10.3 and not respond to Assistant Sheriff Naugle, please advise Sergeant Rick Stewart at 565-5326 within three (3) working days so he can move forward with the disciplinary process.

This Notice may become part of your permanent personnel record if disciplinary action is, in fact, imposed as a result of the reasons set forth herein. Read this Notice carefully and sign or initial this notice on the line provided below.

Eddie Engram
Sheriff-Coroner

6/19/23
Date Signed

Adam Marlowe
Correctional Deputy

6-19-23
Date Received

Prepared by: Sgt. Stewart