Sonoma County Sheriff's Office

STEVE FREITAS
Sheriff-Coroner

ROBERT GIORDANO
Assistant Sheriff
Law Enforcement Division

RANDALL WALKER
Assistant Sheriff
Detention Division

NOTICE OF INTENDED DISCIPLINARY ACTION

June 22, 2017

Garrett Paulson
Correctional Deputy

This Notice will inform you that your appointing authority, Sheriff Steve Freitas, proposes to terminate your employment as a Correctional Deputy with the Sonoma County Sheriff's Office per Civil Service Rule 10.3.

The proposed disciplinary action, which is based on your conduct (described below and referenced in 17-IA-0005), in the opinion of your appointing authority constitutes grounds for disciplinary action pursuant to the Rules of the Civil Service Commission, County of Sonoma, and/or pursuant to the General Rules and Regulations of the Sonoma County Sheriff's Office, as listed below.

During a criminal investigation conducted by the Sonoma County Sheriff's Office Domestic Violence/Sexual Assault Unit, you admitted to kissing and touching the breasts and buttocks of an incarcerated inmate. As a result of this and as explained in more detail below, I am proposing that you be terminated for violation of the Standard of Conduct Policy, the Prison Rape Elimination Act of 2003, and violation of state law, specifically 289.6 (a)(1) PC.

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:

(3) Conduct which brings discredit to the County;
(14) Failure to meet reasonable work performance standards and requirements; and
(16) Hostile and discourteous treatment of the public or other employees

AND the following Sonoma County Sheriff's Office Office-Wide Policies and Procedures:

Rules and Regulations Regarding Conduct

5.0 PROCEDURE

B. DUTIES, CONDUCT, AND RESPONSIBILTY

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

Specifically:

289.6 (a) (1) PC: An employee or officer of a public entity health facility, or an employee, officer, or agent of a private person or entity that provides a health facility or staff for a health facility under contract with a public entity, who engages in sexual activity with a consenting adult who is confined in a health facility is guilty of a public offense. As used in this paragraph, "health facility" means a health facility as defined in subdivisions (b), (e), (g), (h), and (j) of, and subparagraph (C) of paragraph (2) of subdivision (i) of, Section 1250 of the Health and Safety Code, in which the victim has been confined involuntarily.

(b) As used in this section, the term "public entity" means the state, federal government, a city, a county, a city and county, a joint county jail district, or any entity created as a result of a joint powers agreement between two or more public entities.

(d) As used in this section, "sexual activity" means:

(1) Sexual intercourse.

(2) Sodomy, as defined in subdivision (a) of Section 286.

(3) Oral copulation, as defined in subdivision (a) of Section 288a.

(4) Sexual penetration, as defined in subdivision (k) of Section 289.

(5) The rubbing or touching of the breasts or sexual organs of another, or of oneself in the presence of and with knowledge of another, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of oneself or another.

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

14. Prohibited Activities On-duty: Members are prohibited from engaging in the following non-exclusive activities while on-duty:

n. Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

37. Members shall report their own actions or transactions, and those of other members, to their manager via chain of command where such actions/transactions may result in criminal prosecution or discipline under this policy.

Incident (17-IA-0005):

On March 15, 2017, Correctional Sergeants Grenier and Pitkin interviewed Inmate #1 who wanted to report alleged inappropriate behavior between an inmate and a correctional deputy. During the interview, Inmate #1 advised Sergeants Grenier and Pitkin that on or about March 13, 2017, she observed you block the view of cell door R-49 which was occupied by Inmate #2, with a storage room door. When the view of the door was blocked, you spent approximately 15 minutes near the door obstructed from the view of others. Inmate #1 reported hearing moaning during this time. Inmate #1 said this would occur when your partner left the module. Inmate #1 also said she noticed Inmate #2 also receive preferential treatment when you were assigned to the module. Based on Inmate #1's statement, an investigation was initiated into your alleged actions.

On March 16, 2017, Detective Piccinini interviewed Inmate #2. Inmate #2 was reluctant to provide a statement to Detective Piccinini, but she did admit to touching you inappropriately and attempting to kiss you.

You did not report this incident to your supervisor.

On March 16, 2017, you provided a voluntary statement to a Domestic Violence Sexual Assault Detective where you admitted to kissing Inmate #2, an incarcerated inmate, and asking her to disrobe for you. Also, you admitted to rubbing Inmate #2's breasts and buttocks. You did not report your behavior to your supervisor as required by Sheriff's Office policy.

On March 22, 2017, Detective Piccinini conducted a follow-up interview with Inmate #2. During this interview, the inmate admitted to kissing you and undressing for you as well secretly communicating with you via handwritten notes. Inmate #2 said she was not forthcoming during her initial interview because she was trying to protect you.

Conclusion:

Given your actions, the engaging in unacceptable conduct with an inmate confined in our facility in violation of the Prison Rape Elimination Act, I am left with no alternative but to propose that you be terminated. It is imperative that I have employees with whom I can trust to uphold the policies and procedures of the Sheriff's Office and ensure the safety of those incarcerated in our facilities. You took an oath of office to maintain a high standard of integrity while representing the Sonoma County Sheriff's Office. Your actions have also exposed the Sonoma County Sheriff's Office to civil liability. As a result of your blatant disregard for the safety and protection of those incarcerated in our facilities, I have no choice but to propose the termination of your employment as a Correctional Deputy.

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 Captain Mark Essick, Sonoma County Sheriff's Office, 2796 Ventura Avenue, Santa Rosa, California, 95403, or by phoning him at 565-3920.

IF NO RESPONSE TO THIS WRITTEN NOTICE IS RECEIVED BY CAPTAIN ESSICK 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 discipline and not respond to Captain Essick, please call Sergeant Eddie Engram at 565-1423 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.

STEVE FREITAS
Sheriff-Coroner

6/22/17
Date Signed

Rob Giordano
Assistant Sheriff
Law Enforcement Division

GARRETT PAULSON
Correctional Deputy

6/26/17
Date Received

Prepared by: Sgt. Engram