

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>THOMAS E. MONTGOMERY, County Counsel (SBN 109654)</b> <b>Office of County Counsel, TIMOTHY M. WHITE (SBN 220847)</b> <b>1600 Pacific Highway, Room 355</b> <b>San Diego, California 92101</b> TELEPHONE NO: (619) 531-4865 FAX NO. (Optional) (619) 531-6005 E-MAIL ADDRESS (Optional): timothy.white@sdcounty.ca.gov ATTORNEY FOR (Name): County of San Diego and Summer Stephan, D.A.	FOR COURT USE ONLY <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Diego <b>08/28/2019</b> at 12:28:00 PM Clerk of the Superior Court By E- Filing, Deputy Clerk
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 1100 Union Street, MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: FIRST AMENDMENT COALITION DEFENDANT/RESPONDENT: COUNTY OF SAN DIEGO, et al.	
<p style="text-align: center;"><b>NOTICE OF ENTRY OF JUDGMENT OR ORDER</b></p> <p>(Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>          (Amount demanded exceeded \$25,000) <input type="checkbox"/> <b>LIMITED CASE</b>          (Amount demanded was \$25,000 or less)</p>	CASE NUMBER: <b>37-2018-00037504</b>

**TO ALL PARTIES :**

1. A judgment, decree, or order was entered in this action on (date): July 2, 2019
2. A copy of the judgment, decree, or order is attached to this notice.

Date: August 27, 2019

TIMOTHY M. WHITE, Senior Deputy

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)


(SIGNATURE)

1 THOMAS E. MONTGOMERY, County Counsel  
County of San Diego  
2 By TIMOTHY M. WHITE, Senior Deputy (SBN 220847)  
1600 Pacific Highway, Room 355  
3 San Diego, CA 92101  
Telephone: (619) 531-4865; Fax: (619) 531-6005  
4 Email: timothy.white@sdcounty.ca.gov  
*Exempt from Filing Fee, Gov't Code § 6103*

**FILED**  
Clerk of the Superior Court

JUL 02 2019

By: V. Clarion, Deputy

5 Attorneys for Respondents/Defendants, County of San Diego and  
6 Summer Stephan, District Attorney for the County of San Diego  
in her official capacity

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

10  
11 FIRST AMENDMENT COALITION, a non-  
profit organization,

12 Petitioner/Plaintiff,

13  
14 v.

15 COUNTY OF SAN DIEGO, SUMMER  
16 STEPHAN, in her official capacity as the  
17 District Attorney for the County of San Diego,  
and DOES 1-10,

18 Respondents/Defendants.  
19  
20

No. 37-2018-00037504-CU-WM-CTL  
Action Filed: July 27, 2018

**~~PROPOSED~~ ORDER ON PETITION  
FOR WRIT OF MANDATE UNDER  
CALIFORNIA'S PUBLIC RECORDS ACT**

Hearing Date: March 28, 2019  
Hearing Time: 1:30 p.m.

Continued Hearing Date: April 24, 2019  
Continued Hearing Time: 1:30 p.m.

Dept: 903  
Judge: Hon. David M. Rubin  
Trial: N/A

**IMAGED FILE**

21 The "Verified Petition for Writ of Mandate Ordering Compliance with the California  
22 Public Records Act and Article I, Section 3(b) of the California Constitution, and Complaint for  
23 Declaratory and Injunctive Relief" ("Petition") filed by plaintiff/petitioner First Amendment  
24 Coalition ("Petitioner"), came on regularly for hearing on March 28, 2019 and April 24, 2019, in  
25 Department 903 of this Court. Petitioner was represented at the hearing by Kevin L. Vick of the  
26 law firm Jassy Vick Carolan LLP. Respondents/Defendants County of San Diego and Summer  
27 Stephan in her official capacity as the District Attorney for the County of San Diego  
28 ("Respondents") were represented at the hearings by Timothy M. White, Senior Deputy County

1 Counsel, and Deputy District Attorney Elizabeth Renner.

2 The Court having considered: the moving, opposition, and reply papers and evidence  
3 submitted by the parties in advance of the hearings; the supplemental briefing by the parties  
4 filed in advance of the April 24, 2019 hearing; the copious materials contained in tabbed binder  
5 lodged under seal by Respondents in advance of the hearings (described and accounted for in the  
6 order, below); and the argument of counsel at the hearings; and good cause appearing therefor;  
7 the Court FINDS AND ORDERS as follows:

8 **Evidentiary Objections**

9 Petitioner's objections to the declaration of Elizabeth Renner are sustained. The Court  
10 made its rulings, below, after reviewing the materials that Respondents lodged with the Court  
11 under seal, pursuant to Government Code § 6259(a).

12 **Lodged Binder Tab 1 [Bates Nos. Binder-Tab1-001 to Binder-Tab1-004]**

- 13 • All four pages of Tab 1 are to be produced (i.e., pages Binder-Tab1-001 to Binder-Tab1-  
14 004), but with all "Identifying Information" redacted except for the name of the  
15 individual who was the subject of the complaint(s) addressed in the records. (As used in  
16 this Order, the phrase "Identifying Information" refers to the following information with  
17 respect to a person: name, initials, ~~job title~~, address, email address, phone number,  
18 employee ID number, and Social Security Number.)

19 **Lodged Binder Tab 2 [Bates Nos. Binder-Tab2-001 to Binder-Tab2-032]**

- 20 • Pages Binder-Tab2-001 to Binder-Tab2-002 are to be produced, but with all Identifying  
21 Information redacted except for the name of the individual who was the subject of the  
22 complaint(s) addressed in the records;
- 23 • Pages Binder-Tab2-003 to Binder-Tab2-006 are to be produced in their entirety;
- 24 • Pages Binder-Tab2-007 to Binder-Tab2-010 are to be produced, but with all Identifying  
25 Information redacted except for the name of the individual who was the subject of the  
26 complaint(s) addressed in the records;
- 27 • Pages Binder-Tab2-011 to Binder-Tab2-012 are not ordered produced (i.e., may be  
28 withheld) [Gov. Code § 6255(a)];

- For the document covering pages Binder-Tab2-013 to Binder-Tab2-014, the second paragraph on page Binder-Tab2-013 (starting with "Let me know . . ." and ending with ". . . check it out!!") is redacted as being outside the scope of the CPRA request; the remainder of the document is to be produced, but with all Identifying Information redacted except for the name of the individual who was the subject of the complaint(s) addressed in the records
- Pages Binder-Tab2-015 to Binder-Tab2-024 are to be produced, but with all Identifying Information redacted except for the name of the individual who was the subject of the complaint(s) addressed in the records;
- Pages Binder-Tab2-025 to Binder-Tab2-029 are not ordered produced (i.e., may be withheld), as being outside the scope of the CPRA request; and
- Pages Binder-Tab2-030 to Binder-Tab2-032 are to be produced, but with all Identifying Information redacted except for the name of the individual who was the subject of the complaint(s) addressed in the records.

**Lodged Binder Tab 3 [Bates Nos. Binder-Tab3-001 to Binder-Tab3-014]**

- Pages Binder-Tab3-001 to Binder-Tab3-014 are to be produced, but with all Identifying Information redacted except for the name of the individual who was the subject of the complaint(s) addressed in the records.

**Lodged Binder Tab 4 [Bates Nos. Binder-Tab4-001 to Binder-Tab4-010]**

- Pages Binder-Tab4-001 to Binder-Tab4-010 are to be produced, but with all Identifying Information redacted except for the name of the individual who was the subject of the complaint(s) addressed in the records.

**Lodged Binder Tab 5 [Bates Nos. Binder-Tab5-001 to Binder-Tab5-112]**

- Pages Binder-Tab5-001 to Binder-Tab5-011 are not ordered produced (i.e., may be withheld) [Gov. Code § 6254(c)];
- On page Binder-Tab5-012, redact everything except the following text at the top of the page: the letterhead, the date, and the lines "To:, From:, and Re:" [Gov. Code § 6255(a)];

- On page Binder-Tab5-013, redact the page with the exception of the last paragraph (starting with "On 4/29/16 . . ."), but in that last paragraph redact Identifying Information including names and initials [Gov. Code § 6255(a)];
- On page Binder-Tab5-014, with respect to the sentence approximately halfway down the page that includes the words ". . . as you can see sending emails from court . . ." in it, that sentence and everything below (i.e., after) is to be redacted, while everything above (i.e., before) that sentence is to be produced (but with all Identifying Information redacted other than for the name of former D.D.A. MacNeil) [Gov. Code § 6255(a)];
- Page Binder-Tab5-015 is to be produced, but with all Identifying Information redacted except for the name of former D.D.A. MacNeil;
- Pages Binder-Tab5-016 to Binder-Tab5-017 are to be produced, but with all Identifying Information redacted except for the name of former D.D.A. MacNeil;
- Pages Binder-Tab5-018 to Binder-Tab5-111 are not ordered produced (i.e., may be withheld) [as beyond the scope of the CPRA, in light of the materials not falling within the scope of the term "public records" as defined by Gov. Code § 6252(e); alternatively, Gov. Code § 6255(a)]; and
- Page Binder-Tab5-112 is to be produced, but with all Identifying Information redacted except for the name of former D.D.A. MacNeil.

**Lodged Binder Tab 6 [Bates Nos. Binder-Tab6-001 to Binder-Tab6-003]**

- Pages Binder-Tab6-001 to Binder-Tab6-003 are not ordered produced (i.e., may be withheld) [as "peace officer" records exempt from the CPRA (Gov. Code § 6254(k), Penal Code §§ 832.5 and 832.7)].

This Order is stayed as to the production of records until the expiration of the statutory period of time for either party to seek review of this Order by filing a writ petition with the Court of Appeal. IT IS SO ORDERED.

Dated: 8/7/02/11

  
JUDGE OF THE SUPERIOR COURT

DAVID M. RUBIN

**08/28/2019** at 12:28:00 PM

Clerk of the Superior Court  
By E- Filing, Deputy Clerk

**PROOF OF SERVICE**

I, the undersigned, declare under penalty of perjury that I am eighteen years and not a party to the case; I am employed in the County of San Diego, California. My business address is 1600 Pacific Highway, Room 355, San Diego, California, 92101.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

On August 27, 2019, I served the following document(s): **NOTICE OF ENTRY OF JUDGMENT OR ORDER** by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

JASSY VICK CAROLAN LLP  
Jean-Paul Jassy, Esq.  
Kevin L. Vick, Esq.  
Elizabeth Baldrige, Esq.  
800 Wilshire Blvd., Ste. 800  
Los Angeles CA 90017  
Tel: (310) 870-7048  
Fax: (310) 870-7010  
Email: [jpjassy@jassyvick.com](mailto:jpjassy@jassyvick.com)  
Email: [kvick@jassyvick.com](mailto:kvick@jassyvick.com)  
Email: [ebaldrige@jassyvick.com](mailto:ebaldrige@jassyvick.com)  
(Attorneys for Petitioners)

FIRST AMENDMENT COALITION  
David E. Snyder, Esq.  
Glen A. Smith, Esq.  
534 4<sup>th</sup> Street, Suite B  
San Rafael, CA 94901-3334  
Tel: (415) 460-5060  
Fax: (415) 460-5155  
Email: [dsnyder@firstamendmentcoalition.org](mailto:dsnyder@firstamendmentcoalition.org)  
Email: [gsmith@firstamendmentcoalition.org](mailto:gsmith@firstamendmentcoalition.org)  
(Attorneys for Petitioners)

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service this same day, at my business address shown above, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 27, 2019, at San Diego, California.

  
\_\_\_\_\_  
DIANA GAITAN

**JESUS RODRIGUEZ**  
ASSISTANT DISTRICT ATTORNEY

**OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF SAN DIEGO**  
**BONNIE M. DUMANIS**  
DISTRICT ATTORNEY

330 WEST BROADWAY, SUITE 1300  
SAN DIEGO, CA 92101  
[REDACTED]

<http://www.sandiegoda.com>

September 30, 2013

Don Morton  
[REDACTED]

Dear Mr. Morton:

**ADMINISTRATIVE LEAVE WITH PAY**

This letter is to inform you that you have been placed on Administrative Leave with Pay in accordance with Compensation Ordinance 4.2.12 for 5 working days.

This Administrative Leave with Pay will commence effective immediately today, September 30, 2013 and end on Friday October 4, 2013 at 5 pm. This Administrative Leave with Pay is to remove you from the work site and conduct a full, fair and complete investigation of allegations made against you.

Please contact [REDACTED] at [REDACTED] should you have any questions.

Sincerely,

[REDACTED]  
Chief, Employee Relations

**JESUS RODRIGUEZ**  
ASSISTANT DISTRICT ATTORNEY

**OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF SAN DIEGO**

**BONNIE M. DUMANIS**  
DISTRICT ATTORNEY

330 WEST BROADWAY, SUITE 1300  
SAN DIEGO, CA 92101

<http://www.sandiegoda.com>

September 30, 2013

[REDACTED]

Administrative Leave Request

Dear [REDACTED],

Don Morton, a Paralegal Supervisor in our Bureau Division, was placed on Administrative Leave pursuant to the County Compensation Ordinance on September 30, 2013.

Per the aforementioned governing rule, we are formally requesting the employee be placed on the Administrative Leave to the extent necessary pending the outcome of allegations brought against him.

Thank you for your consideration of this request. If there are any questions regarding this matter, you may contact me at [REDACTED].

Sincerely,

[REDACTED]  
Chief, Employee Relations

OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

BONNIE M. DUMANIS  
DISTRICT ATTORNEY

330 WEST BROADWAY, SUITE 1300  
SAN DIEGO, CA 92101

<http://www.sandiegoda.com>

October 1, 2013

To: Don Morton  
Paralegal Supervisor

From: [REDACTED]  
Chief Employee Relations

### Reprimand

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This Reprimand is being issued in violation of the following:

1. **Board of Supervisors Sexual Harassment Policy C-22** which establishes a work environment that is free of sexual harassment.
2. **Civil Service Rule 7.2 (m)** Conduct unbecoming an employee of the County
3. **Civil Service Rule 7.2 (o)**

September 27, 2013, our office received a call from Chief Deputy [REDACTED]. He received a complaint from one of the paralegals under your chain of command in which she stated you sexually harassed her from July of 2013 to present. As a result, an internal fact-finding investigation was conducted. It was determined that the allegations of sexual harassment made by the paralegal were sustained.

These types of allegations are taken seriously and there is a zero-tolerance policy against behavior and conduct of this nature. In addition, this office is committed to ensuring that all employees work in a safe environment which is free of harassment.

Although you successfully completed the online training for Sexual Harassment Prevention on June 13, 2012, we ask that you retake the course as a refresher and reminder of what is expected of you and every employee in this office. You have until November 4, 2013 to complete this training.

It is expected that your unprofessional behavior, as referenced in this letter, will not occur again. You are to adhere to all policies and procedures set forth by the Board of Supervisors, County of San Diego and District Attorney's Office. If further incidents of this nature occur appropriate disciplinary action will be taken, up to and including termination.

If you wish to seek a review of this letter of reprimand, refer to the grievance procedure applicable to your classification. Such appeal must be in writing on the form provided by the County and within the time limits prescribed by the appropriate procedure.

Acknowledgement of Receipt:

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

330 WEST BROADWAY, SUITE 1300  
SAN DIEGO, CA 92101

<http://www.sandiegoda.com>

BONNIE M. DUMANIS  
DISTRICT ATTORNEY

June 9, 2016

To: Desmond Townsend

From: [REDACTED], Chief Employee Relations [REDACTED]

LETTER OF WARNING

This Letter of Warning is being issued based on your discourteous treatment of an employee, and conduct unbecoming of an employee. See Civil Service Rule 7.2 (h) and (m).

On May 31, 2016, our office received a report of sexual harassment from DDA [REDACTED], Chief of Collaborative Courts. [REDACTED] had received a complaint from one of your direct reports, [REDACTED], regarding two alleged incidents between [REDACTED] and you. Specifically, [REDACTED] reported to [REDACTED] the following alleged conduct:

- (1) After discussing [REDACTED] performance review with her in January 2016, [REDACTED] asked you how she could improve, and you said something to the effect of, *"You might want to rein in the puppies a little bit"* and you were referring to her breasts. You also made a comment to [REDACTED] about a blue dress that she had worn the prior week.
- (2) At a gathering of coworkers in May 2016, you made a comment to the effect of, [REDACTED] *you should see where I've seen your phone number* and you were implying her phone number was posted somewhere bad such as a men's restroom.

We confirmed the allegations with [REDACTED] directly.

On June 2, 2016, you were informed of the allegations, and you were provided with an opportunity to respond. With regard to the first allegation, you admitted to discussing [REDACTED] attire with her, and you asked her to try and cover up her breasts. You also admitted to using the term "puppies" in your conversation, but you stated that [REDACTED] used the term "puppies" first when referring to her breasts. You also stated that Chief Deputy [REDACTED] "told you" to speak with [REDACTED] about her attire. With regard to the second allegation, you admitted to making a comment about [REDACTED] and her phone number, but you stated that you made the comment as a "joke."

An internal investigation was conducted regarding the allegations. We could not corroborate your statement that [REDACTED] told you to speak to [REDACTED] about her attire.

The County's Sexual Harassment Policy provides for a harassment-free work environment. In light of your admissions and our investigation, we have determined that you engaged in discourteous treatment of an employee, and inappropriate conduct unbecoming of a supervisory employee.

In the future, we expect you to refrain from making jokes or comments that could be viewed as containing a sexual innuendo. We also expect you to refrain from speaking to [REDACTED] regarding her attire. Additionally, you should refrain from speaking to any female employee about her attire as it could be misconstrued. To the extent you believe a female employee is not dressed professionally for the workplace, you should report it to your supervisor, Chief Deputy, or Employee Relations.

As a supervisor, you are expected to exercise good judgment at all times, and abide by all County policies including the Sexual Harassment Policy. Please note that the Policy also prohibits retaliation against anyone who has complained about or objected to harassment. A copy of the Policy is attached for your review.

Any additional incidents of the nature discussed in this Letter of Warning may result in further disciplinary action, up to and including termination.

Acknowledgement of Receipt:

  
Desmond Townsend

Date: 6-9-16

**COUNTY OF SAN DIEGO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

**Subject**

Sexual Harassment Policy

**Policy  
Number**

C-22

**Page**

1 of 4

Purpose

To establish a uniform policy prohibiting sexual harassment or sex discrimination.

Background

California State and Federal laws have mandated employers to implement a policy prohibiting sexual harassment, pursuant to guidelines on sex discrimination issued by the Equal Employment Opportunity Commission and the Department of Fair Employment and Housing. The United States Supreme Court, in its decision in the Meritor Savings vs. Vinson (1986) 477 U.S. 57, and Harris vs. Forklift Systems, Inc. (1993) 114 S. Ct. 367, affirmed that sexual harassment is unlawful discrimination under Title VII. The Supreme Court has given the Equal Employment Opportunity Commission guidelines great deference because they express the will of Congress.

Policy

It is the policy of the Board of Supervisors that the County of San Diego will provide a work environment free of sexual harassment.

A. Definition of Sexual Harassment:

The Federal Equal Employment Opportunity Commission defines sexual harassment in the workplace as unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

B. Examples:

Examples of sexual harassment may include, but are not limited to the following:

1. Suggestive or obscene letters, notes, or invitations.
2. Derogatory comments, such as sexual jokes, remarks, questions, teasing, leering, or gestures.
3. Touching, patting, pinching, impeding or blocking movement.

**COUNTY OF SAN DIEGO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

<b>Subject</b>	<b>Policy Number</b>	<b>Page</b>
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Sexual Harassment Policy

4. Threats of physical abuse.
5. Sexually suggestive objects, such as pictures, cartoons, posters, that are offensive to other employees.
6. Re-occurring and unwelcome expressions of affection or requests for dates or any other behaviors of a sexual nature after being informed that such conducts are not welcome.
7. Requesting sexual favors accompanied by reprisal, threat of reprisal, or implied threat of reprisal following a negative response. For example, implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed.
8. Offering favors or employment benefits such as promotions, favorable performance evaluations or recommendations; favorable assigned duties or work shifts in exchange for sexual favors.
9. Actual or attempted rape or sexual assault.

**C. Current Law:**

1. Sexual harassment by a person, whether an employee, supervisor, manager or non-employee who regularly and routinely is present in the work area, may make the employer liable for the acts of such individual.
2. The law requires immediate corrective action by the employer as soon as an employee gives notice, in any form, that sexual harassment is occurring in the work area.
3. The harassment regulated by this law pertains to unwelcome behavior based on sex, within the work area. The work area may extend to non-work places and non-work hours when the harasser continues the behavior.
4. The law does not create liability with regard to mutually acceptable, voluntary reciprocal relationships.
5. Vulgar language that is repetitive and so pervasive as to poison the environment may be unlawful harassment.

**COUNTY OF SAN DIEGO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

**Subject**

Sexual Harassment Policy

**Policy  
Number**

C-22

**Page**

3 of 4

**D. Liability:**

When sexual harassment occurs, the potential for legal remedies and individual punitive damages are a real threat to the County and/or the harasser. Individuals who engage in harassment may be held personally liable.

The law also prohibits retaliation against a person who has complained about or objected to harassment.

**E. Responsibility:**

1. The Chief Administrative Officer shall be responsible for implementing and vigorously pursuing this policy to prevent sexual harassment and stop it when it occurs.

2. Department heads shall be responsible for maintaining a harassment-free work environment in all areas under their jurisdiction.

3. It is the policy of the Board of Supervisors that all complaints of sexual harassment should be initiated and resolved at the departmental level, if possible, as described in DHR Policy No. 111. If not resolved at that level, the department should advise the complainant that he/she may file a complaint as described in the County Administrative Manual or may file a complaint with the EEOC/DFEH. Employees should feel free to file a complaint using the process with which they feel most comfortable.

4. California law requires the County to provide Sexual Harassment Prevention training to all supervisory employees every two years, and within six months of an employee assuming a supervisory position.

**F. Additional Information:**

The Chief Administrative Officer will ensure that all County executives and other officers as necessary are available to provide information and assistance to employees who are dealing with sexual harassment issues. The action to be taken by employees of all levels is defined in DHR Policy No. 111 and in the County Administrative Manual.

**Sunset Date**

This policy will be reviewed for continuance by 12-31-16.

**COUNTY OF SAN DIEGO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

<b>Subject</b>	<b>Policy Number</b>	<b>Page</b>
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**Board Action**

8-24-82 (5)  
7-26-88 (43)  
12-12-89 (49)  
3-27-90 (47)  
11-29-94 (40)  
5-19-98 (28)  
5-16-06 (16)  
12-09-08 (33)  
12-08-09 (32)

**CAO Reference**

1. Chief Administrative Office
2. Office of Internal Affairs

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, May 31, 2016 10:38 AM  
**To:** [REDACTED]  
**Subject:** FW: Meeting

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Here is the email she sent me this morning. I will get you the DHR 111 by this afternoon. Thanks.

---

**From:** [REDACTED]  
**Sent:** Tuesday, May 31, 2016 9:59 AM  
**To:** [REDACTED]  
**Subject:** Meeting

Please talk to [REDACTED] who sits by me and hears most of what goes on day to day. She can tell you what an uncomfortable and unsupportive environment I have had to live in. I didn't tell her about the remark at my review because it was just so over the top I was extremely embarrassed that he felt he could talk to me like that. I constantly asked her if she heard me saying anything wrong or treating anyone bad because Desmond had me second guessing myself and because I knew it would be his word would be over mine. She has heard and seen many of the hard times.

[REDACTED] and [REDACTED] have helped keep me sane and given me support as friends and co-workers.. And [REDACTED] I first told [REDACTED] and [REDACTED] at our monthly get together as friends at lunch about the remark and the whole painful review. I did not want anyone to tell. I was humiliated and scared. It has been awful. I hid the remarks mostly because it felt awful to think how little respect he had for me and I didn't want them to know. It was a dirty ugly secret unless I was trying to look for support with my friends I thought might do so. Honestly several people did not support or understand. [REDACTED] as a friend heard my story about the review and his remark there. I cried all the way on our weekend trip and during and back.

I tried to approach [REDACTED] and [REDACTED] immediately when assigned to him because he had said enough derogatory remarks to me in the past (In his defense, he thought he was "doing my a favor" and he told me "as a friend" all the horrible things he thinks I am, before being my Supervisor) that I knew what was going to happen. I knew he not only would not support me, but worse. I approached tentatively because that does not mean I have a right to be moved and was afraid to really push the issue. I wanted to please everyone so I tried that approach. To make him happy so I could be at peace here, although that was impossible with his opinion of me. He will tell you different. He is good at politics. I can only tell the truth.

I did not approach [REDACTED] [REDACTED] or any Supervisor to address the remarks. It made me too sick and I didn't want to say it out loud to our Agency. I didn't want to start the process. It is ugly and very deep for me. It is not something that I wanted to do or share. Again, I tried to please him like I was told. Because he was the only measure I was told that would be paid attention to. I was told my future depended on him. I believed/and am still scared that this will affect me negatively. He sold them something they believed in I guess.

I know a couple of other woman that have had the same experience with him. That you may not know. I don't really want to pull others in. That would be up to them.

What I went through with him when I had my concussion was unfathomable. It was extremely painful mentally, physically and emotionally. I asked him to stop and explained what a concussion is like and how hard it was. That is a

whole time in itself that I would hope he should not have been able to treat me like that. He should have listened and backed off so I could heal. What I have gone through with one of the student workers in South Bay as well. It should have been simple. He should have supported me. It has been awful. I have never been right in any situation with him. I am always at fault.

You asked me what I wanted. I wanted to say just keeping my job, the job I am in (restitution "expert") and ideally I would like to remove his comments on my review as he is hostile to me and creates situations to justify his opinion. He even told me at the review he "had to say those things to justify his rating" when I said they were not all true and biased.

I don't know what made me tell [REDACTED] I guess because I so want to do things to help the victims and [REDACTED] was saying I could help and I knew Desmond would stop me if he could. He does not believe in me. I just couldn't take it anymore. I can't. I hope this will be over soon and I can just work hard and help victims. I need the pressure off of wondering when the axe is going to drop. I don't want to be afraid to lose my job because of my personality or someone else's. It would mean so much to me. I need to get out of here.

Thank you for listening. I really appreciate it.

Sincerely,

[REDACTED]  
[REDACTED]

***State Victim Compensation Board Representative  
District Attorney's Office  
San Diego, CA***



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, May 31, 2016 11:00 AM  
**To:** [REDACTED]  
**Subject:** RE: Meeting

Thank you [REDACTED].

---

**From:** [REDACTED]  
**Sent:** Tuesday, May 31, 2016 10:57 AM  
**To:** [REDACTED]  
**Subject:** Re: Meeting

3:30 in my office is fine. We take this issue seriously. Thank you for coming forward.

[REDACTED]

Sent from my iPhone

On May 31, 2016, at 10:52 AM, [REDACTED] wrote:

Good morning [REDACTED]. [REDACTED] said that I should let you know a time that would be good to meet tomorrow. I have a court hearing at 1:30. After that would be good. As close as possible to be able to leave straight from here would be best as the subject is upsetting to me. I got off at 4:30. Maybe 3:30? If that is not convenient for you I could do the morning. Thank you.

[REDACTED]  
[REDACTED]  
**State Victim Compensation Board Representative**  
**District Attorney's Office**  
**San Diego, CA**



[REDACTED]  
[REDACTED]  

---

**From:** [REDACTED]  
**Sent:** Thursday, June 02, 2016 1:50 PM  
**To:** [REDACTED]  
**Subject:** FW: FW:

Lets discuss when [REDACTED] gets back.

**From:** [REDACTED]  
**Sent:** Thursday, June 02, 2016 1:33 PM  
**To:** [REDACTED]  
**Subject:** Re: FW:

Yes that was it and I thought she looked very nice and professional.

Thank you, [REDACTED]

On Jun 2, 2016, at 1:01 PM, [REDACTED] wrote:

Please look at these two pictures. [REDACTED] said this was the dress she was wearing at the lawyer conference she volunteered to do check-in. Do you recognize it?

**From:** [REDACTED]  
**Sent:** Wednesday, June 01, 2016 4:55 PM  
**To:** [REDACTED]  
**Subject:**

[REDACTED]  
[REDACTED]  
**State Victim Compensation Board Representative**  
**District Attorney's Office**  
**San Diego, CA**



<IMG\_0948.JPG>

<IMG\_0950.JPG>

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, June 02, 2016 4:34 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Meeting

Thank you. FYI: I just sent a business Email to him (forwarded a DDA's Email to him regarding an Application to the Board> He is the only one to refer that to.)

[REDACTED]  
[REDACTED]  
[REDACTED]

Is there a form to put in a rebuttal for my evaluation?

Thank you for your help .

---

**From:** [REDACTED]  
**Sent:** Thursday, June 02, 2016 3:53 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Meeting

I want to inform you that [REDACTED] will be talking to [REDACTED] who will become your immediate supervisor during the pendency of this matter. Desmond has been told not to communicate with you directly or indirectly. While we investigate, we are asking that neither of you speak to each other or to anyone about the topics of the investigation. If you have any questions, you can contact any of the three of us. Hopefully we will have a resolution by next week.

Take care,

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, June 01, 2016 6:01 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Meeting

Thank you so much for the meeting and listening to me. I appreciate your reassurance. I feel very relieved although saddened to have to be a part of it. It had to be done. You were all very kind and I appreciate that.

Regarding that dress. I think that that is his own personal opinion about how I dress and he was trying to impose it upon me. I really don't understand most of what he does at all. But it is all hurtful. I just hope that this is the end of that kind of treatment. It especially is wrong in the type of place that we work. Our office is of the highest integrity and this does not fit in here. Everything else here is done on a higher level than that and I am proud to work here. I do believe that you will not let this continue. I thank you in advance for that. Let me know if/when you need anything else from me.

I could not find [REDACTED] name to Cc her. I thought it was [REDACTED]? I am sure you will forward it to her if you would like. She seems like a great addition. Take care.

Sincerely,

[REDACTED]

[REDACTED]

***State Victim Compensation Board Representative  
District Attorney's Office  
San Diego, CA***



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, June 02, 2016 6:14 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Meeting

Thank you for the response. Have a good evening.

**From:** [REDACTED]  
**Sent:** Thursday, June 02, 2016 5:15 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Meeting

No form for rebuttal. Simply title and date and sign and give to [REDACTED]  
[REDACTED]

Sent from my iPhone

On Jun 2, 2016, at 4:33 PM, [REDACTED] wrote:

Thank you. FYI: I just sent a business Email to him (forwarded a DDA's Email to him regarding an Application to the Board> He is the only one to refer that to.)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Is there a form to put in a rebuttal for my evaluation?

Thank you for your help .

**From:** [REDACTED]  
**Sent:** Thursday, June 02, 2016 3:53 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Meeting

I want to inform you that [REDACTED] will be talking to [REDACTED] who will become your immediate supervisor during the pendency of this matter. Desmond has been told not to communicate with you directly or indirectly. While we investigate, we are asking that neither of you speak to each other or to anyone about the topics of the investigation. If you have any questions, you can contact any of the three of us. Hopefully we will have a resolution by next week.

Take care,  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 01, 2016 6:01 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Meeting

Thank you so much for the meeting and listening to me. I appreciate your reassurance. I feel very relieved although saddened to have to be a part of it. It had to be done. You were all very kind and I appreciate that.

Regarding that dress. I think that that is his own personal opinion about how I dress and he was trying to impose it upon me. I really don't understand most of what he does at all. But it is all hurtful. I just hope that this is the end of that kind of treatment. It especially is wrong in the type of place that we work. Our office is of the highest integrity and this does not fit in here. Everything else here is done on a higher level than that and I am proud to work here. I do believe that you will not let this continue. I thank you in advance for that. Let me know if/when you need anything else from me.

I could not find [REDACTED] name to Cc her. I thought it was [REDACTED] I am sure you will forward it to her if you would like. She seems like a great addition. Take care.

Sincerely,

[REDACTED]  
[REDACTED]

***State Victim Compensation Board Representative  
District Attorney's Office  
San Diego, CA***



[REDACTED] [REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, June 03, 2016 1:58 PM  
**To:** [REDACTED]  
**Subject:** Fwd: Short Meeting

If you are available be there or be square. ( have to match [REDACTED] "holy Toledo."

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** June 3, 2016 at 1:41:12 PM PDT  
**To:** [REDACTED]  
**Subject:** RE: Short Meeting

Thank you. See you then.

**From:** [REDACTED]  
**Sent:** Friday, June 03, 2016 9:36 AM  
**To:** [REDACTED]  
**Subject:** Re: Short Meeting

Yes. 1:30?

Sent from my iPhone

On Jun 3, 2016, at 9:34 AM, [REDACTED] wrote:

Ok. Thanks for the response. Can we meet then?

Sent from my iPhone

On Jun 3, 2016, at 9:33 AM, [REDACTED] wrote:

Sorry but I am working off site today. I will be back at HOJ on Monday.

Sent from my iPhone

On Jun 3, 2016, at 7:55 AM, [REDACTED]  
wrote:

I am going to court at 9:00. After that I am free. I was hoping I could ask you a couple of questions today at your convenience.

[REDACTED]  
[REDACTED]

*State Victim Compensation Board Representative*

[REDACTED] [REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, June 06, 2016 1:23 PM  
**To:** [REDACTED]  
**Subject:** 1:30 meeting

I may not need a meeting. I wanted to know his response in case I needed to give you other people or things to refer to, but the fact that there is an investigation tells me what his response was, and if you want to talk to me you will let me know I am sure. If the investigation is about anything other than the two remarks, I would like to possibly have more input.

I also planned to tell you how I got that picture. After he said that remark about my dress, I asked [REDACTED] for that picture to see what was wrong with my dress because I just didn't understand. [REDACTED] had sent it to her and she was supposed to give it to me but had forgotten. I told [REDACTED] about the comment about the dress because we discussed that it looked fine and I was surprised [REDACTED] would have said something and that he said something.

Also, although there was no witness to the review remarks, I can give you my councilor's name to refer to as I told him everything immediately and he counseled me on feeling sexualized and having a boss that was hostile to me and making it very hard on me. Especially with the concussion I had which made it all harder to deal with.

He was laughing around my cubicle several times Friday and when he came in this morning right in front of it (which never happened before). I guess to show me he is not concerned, or I am reading too much into it. It is uncomfortable. I guess that makes me nervous too. Do you want me to come still? I am fine with the Email. It is up to you.

[REDACTED]  
[REDACTED]  
**State Victim Compensation Board Representative**  
**District Attorney's Office**  
**San Diego, CA**



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, June 07, 2016 10:33 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Personnel matter

[REDACTED] also let me know that the student worker (who works with [REDACTED]) will be moving to the 8<sup>th</sup> Floor as well.

**From:** [REDACTED]  
**Sent:** Tuesday, June 07, 2016 10:25 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Personnel matter

And make sure that Desmond will also be rated by [REDACTED] instead of [REDACTED]

Sent from my iPhone

On Jun 7, 2016, at 10:12 AM, [REDACTED] wrote:

Hi [REDACTED] - Yes, we will take care of it.

Safe travels,  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, June 07, 2016 9:49 AM  
**To:** [REDACTED]  
**Subject:** RE: Personnel matter

Hi [REDACTED],

Is ER going to arrange to have [REDACTED] moved into my XP/Kronos or should I contact them?  
Thank you,

[REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, June 07, 2016 8:41 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Personnel matter

Hi [REDACTED]

As I mentioned in my voicemail message, I am assisting [REDACTED] on a personnel matter. Can you please give me a call at your earliest convenience?

Thanks,

[REDACTED]

---

**From:**

**Sent:**

[REDACTED]  
Wednesday, June 08, 2016 12:40 PM

**To:**

**Cc:**

**Subject:**

[REDACTED] was upstairs and upset this morning about the hostile work environment, the fact she feels she is being punished, her move to a smaller cubicle, her denial of being able to respond in writing to what she wants to put in her rebuttal. She was tearful and repetitive. She is not focused.

[REDACTED] and I recommended she take time off. We agreed she could ask for a temporary loan of a laptop and telecommute from home for a limited time ( with the agreement of [REDACTED] We also agreed she could file whatever she wants as a response/rebuttal to her performance review. We are not sending to DHR so just let her say what she wants.

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, June 08, 2016 1:28 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Investigaton

I want to make it perfectly clear that Desmond and I did not have a conversation about me being inappropriately dressed professionally, but he made a comment about my breasts and a particular dress "He remembered" at my review. I brought up [REDACTED] was there. That was the only conversation about that. He never said that I dressed inappropriately and our conversation was not one that was him professionally or even personally saying this. I had asked what I could do better in the job. His opinion of me includes how I dress because HE NOTICES IT and has mentioned what I wear several times while working under him, not as a supervisor trying to help me or reprimand me, but personal comments. I do not feel he was trying to get me to have sex with him, but was judging me personally not professionally as part of his opinion of me. It is just as inappropriate of him and his denial is upsetting. I would ask you to review other people and any reported past behavior and I am betting he makes these comments to others and it has nothing to do with their job performance. Also consider the other comment he made. They are both demeaning and show his personal opinion of me not professional. This is proven in the instance that I DID have witnesses. I would hope the person doing this investigation would also speak to me before it is over.

[REDACTED]  
[REDACTED]  
***State Victim Compensation Board Representative  
District Attorney's Office  
San Diego, CA***



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, June 09, 2016 4:33 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]

Hi [REDACTED]

I received an unannounced visit from [REDACTED] this afternoon. She was upset and wanted information about the investigation. She also wanted to know whether she was "being investigated" as a result of her complaint about Desmond. I asked [REDACTED] to sit in when I met with her.

I didn't provide [REDACTED] with specific details on the investigation, but shared with her that I personally conducted the investigation on her two specific complaints: (1) conversation with Desmond during their discussion about her performance review and his comment about "reigning in her puppies"; and (2) Desmond's comment at the party about her phone number.

We also discussed, as she requested, that she no longer report to Desmond. We made that happen as [REDACTED] is her new supervisor. We also discussed that because she wanted to physically move away from Desmond (so she didn't have to see him), we made that happen as well.

I shared with [REDACTED] that the investigation has been concluded, and we have taken "appropriate disciplinary action." And, we now consider the matter closed.

[REDACTED] kept rambling on about how she didn't want to be a victim. She also rambled about personal details about herself, which told us that she has a lot of personal issues going on in her life. I suggested that she take time off tomorrow, but she said she had court appearances.

[REDACTED] was upset about the physical move out of her current cubical. However, [REDACTED] provided her with an internal resource to obtain help with moving supplies.

She also shared that she was upset because she ran into Desmond today. [REDACTED] also started rambling about the inefficiencies of her job based on how things are currently being done in her area with Desmond as the supervisor.

We tried to keep [REDACTED] focused. So, we asked her to concentrate on moving to her new location (so she does not have to cross paths with Desmond). We also asked her to set an appointment with [REDACTED], so she can meet with her to provide [REDACTED] with suggestions on process improvement.

Thanks,  
[REDACTED]

DHR POLICY NUMBER 111 ATTACHMENT

**SEXUAL HARASSMENT INCIDENT(S) REPORT**

The following guidelines are intended to clearly document the incident(s) of sexual harassment (Please attach additional pages as needed):

1. Name of reporting employee/individual: [REDACTED]
2. Name(s) of alleged harasser(s): Desmond Townsend
3. Relationship of accused to reporting employee: Supervisor
4. When/where incident(s) occurred:  
① in his office (January 2016)  
② at a gathering of co-workers off-site. (May 2016)

5. Describe the incident(s):

① After [REDACTED] performance review, she asked Desmond how she could improve and he said something to the effect of "you might want to rein in the puppies a little bit" Referring to her breasts. He also made a comment about a blue dress she wore the week before. He said (over)

6. Describe any related history leading up to the incident(s):

[REDACTED] reported long history of derogatory verbal remarks made to her by Desmond even prior to him being made her supervisor.

7. Recount specific language of the incident(s) of alleged sexual harassment:

See # 5 above

8. Describe any physical contact relative to the sexual harassment incident:

None reported

9. List any names of witnesses and describe any action(s) they took:

no witnesses to 1st incident.

2nd incident was witnessed by co-workers (I don't know last

names of all: ( [REDACTED] ) [REDACTED] [REDACTED] + [REDACTED]

10. List names of any supervisory staff that have knowledge of the incident:

[REDACTED] was present at the 2nd incident

[REDACTED] has told me ( [REDACTED] [REDACTED] ) + DDA [REDACTED]

[REDACTED] about the incidents but we have not

been witnesses to the conduct. [REDACTED] also has

Reported to EAP counselor.

Acknowledgement:

I have read and reviewed the information contained in this report. I agree that this report accurately describes the incident(s) to the best of my understanding.

[REDACTED]  
Reporting Employee / Individual

5/31/16

Date

5) cont "There is that blue dress you wore last week. I still remember it." He insinuated that Chief Deputy [REDACTED] also thought the dress was not appropriate.

2nd incident: At gathering of co-workers off site, Desmond made a comment to the effect of [REDACTED] you should see where I've seen your phone number." Implying her phone number was posted somewhere bad - such as a men's room.

May 30  
3:15 pm

①

Desmond - a few years ago became supervisor

CRC Report to DA

State State board - Conflict of Interest to  
Victim compensation  
have paralegal supervisor

Made comments to her that she was  
Rude

Feels he is against her

Performance Eval → Says he lied in it  
doesn't Respect her

- took 5 days off

What can I do ~~to~~ better

"you might want to rein in the  
puppies a little bit" or cover the puppies  
- day signed Review in January

Made a Reference to blue dress

"There is that blue dress you wore  
last week. I still remember it."

- Insinuated to her that [REDACTED]  
thought it was inappropriate.

⑦

2 days ago →

"you should see where I saw  
your phone # [redacted]"

[redacted] → "you not ~~sup~~ supposed to  
say that"

[redacted]  
[redacted]  
[redacted]  
[redacted]

} Bday party  
w/ people in  
division

looks her up + down

anyone told:

[redacted]

Counselor - EAP

[redacted]

- supervisor

Student worker  
talked back  
to her &  
[redacted] got in  
trouble

he took  
away her  
duties.

③

What she wants -

- ① don't want to work for / with him
- ② don't want to lose my job or Restitution assignment over it
- ③ for him to know its not funny or appropriate.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, February 18, 2016 8:22 AM  
**To:** [REDACTED]  
**Subject:** Good morning

Good morning [REDACTED];

When you have had your coffee and are all settled, can I come in and talk to you about something?

Thank you,

[REDACTED], Paralegal  
District Attorney's Office-Juvenile Division  
Mail Stop P-280  
Office: [REDACTED]  
Work Cell: [REDACTED]  
Fax: [REDACTED]



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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 23, 2016 9:58 AM  
**To:** [REDACTED]  
**Subject:** FW: Just an FYI  
**Attachments:** Good morning; [REDACTED]-AW 2-18-16.docx

FYI -

---

**From:** [REDACTED]  
**Sent:** Monday, February 22, 2016 11:14 AM  
**To:** [REDACTED]  
**Subject:** Just an FYI

[REDACTED]  
San Diego DA's Office  
Paralegal Supervisor  
Juvenile Division  
Ph: [REDACTED]  
Fax: [REDACTED]  
MS: P - 280

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2/18/16 [REDACTED] asked to speak with me (via email) first thing in the AM.

[REDACTED] told me the following:

Andel was upset yesterday (2/17/16) afternoon about not being promoted. He told [REDACTED] that he was happy for her. She is pretty and has a nice personality. He also said: "Maybe I should grow a pair of boobs?" As he said this, he used his hands to gesture as if he was holding a pair of boobs. [REDACTED] says that she knows that he was joking at the time, but this really irked her by the time she got home. She felt that he's suggesting that she got promoted because she's a woman and that it's not attributed to her work ethic and quality of work.

I asked [REDACTED] if she wants me to take action or to speak with Andel since she is uncomfortable and offended. She said: "right now no, BUT the way things are going..." she doesn't believe that this topic will go away based on his attitude.

2/22/16 Andel came in early and said to [REDACTED] "I apologize for my bad attitude." He had to get it out of his system.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, February 25, 2016 12:41 PM  
**To:** [REDACTED]  
**Subject:** Fwd: Home sick with flu

FYI

Please notify Andel effective Friday he will report to PAF. Make sure [REDACTED] and [REDACTED] know to expect him.

This is not a disciplinary transfer. Use reasons I gave you.

After you notify Andel make sure [REDACTED] knows. Document your conversation with Andel.

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** February 25, 2016 at 9:01:08 AM PST  
**To:** [REDACTED]"  
[REDACTED]  
**Subject:** RE: Home sick with flu

Have them handle the transfer now and then we will deal with his other matter.

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Thursday, February 25, 2016 8:32 AM  
**To:** [REDACTED]  
**Subject:** Home sick with flu

[REDACTED] and [REDACTED] can handle transfer of Andel if you want to take immediate action otherwise I will do it when I am able.

Sent from my iPhone

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, March 04, 2016 3:42 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Andel Williams

Great. Just put your notes and this email in his red tag file. NEVER hire him back!

Sent from my iPhone

On Mar 4, 2016, at 3:20 PM, [REDACTED] wrote:

FYI: I called Andel, gave him the oral counseling, and let him know he would stay in PAF.

[REDACTED]  
[REDACTED]  
Senior HR Officer  
DA Employee Relations  
Phone #: [REDACTED]  
Fax #: [REDACTED]

# Andel Williams

## Chronology of Events

7/8/2011	Paralegal Supervisor [REDACTED] received a complaint from Paralegal [REDACTED] regarding sexual harassment coming from Paralegal Andel Williams. The complaint accused Andel of sexual harassment over a period of time. Some of the accusations were inappropriate gestures and statements made to [REDACTED].
7/11/2011	Employee Relations begins interviewing all parties involved. Andel is informed that he is not allowed to go into Juvenile, he can only go to the front to pick up and drop off files.
7/19/2011	Employee Relations issues a Letter of Warning to Andel Williams stating that he is in violation of the Board of Supervisors Sexual Harassment Policy C-22. Andel was ordered to retake the Sexual Harassment Prevention online training and end his unprofessional behavior.
7/28/2011	Andel is reminded, via email from HR Manager [REDACTED], that he is not to go into Juvenile beyond the drop off/pick up file designation point or he will be charged with insubordination.
5/22/2015	Employee Relations receives a complaint from Paralegal [REDACTED] regarding inappropriate comments and actions made by Paralegal Andel Williams which made Court Employee [REDACTED] feel uncomfortable. Complaint was referred to Special Operations to investigate. [REDACTED] retracted statement. Matter closed. Paralegal Supervisor is told to refrain from sending paralegals to court office.
5/22/2015 thru 6/3/2015	DAI [REDACTED] investigates claim. [REDACTED] retracted statement. Matter closed. Paralegal Supervisor is told to refrain from sending paralegals to court office.
6/3/2015	Paralegal Supervisor [REDACTED] informs all Juvenile paralegals that clerical staff will handle all requests for the Court Office.
1/13/2016	Paralegal Supervisor [REDACTED] meets with Paralegal Andel Williams to discuss reasons ongoing performance issues and performance expectations. He is advised that he will not be promoted until he improves on these issues.
2/16/2016	Office wide email is sent announcing Paralegal II promotions.
2/23/2016	Employee Relations received a complaint from Paralegal [REDACTED], forwarded by Paralegal Supervisor [REDACTED]. [REDACTED] feels uncomfortable and offended by Andel's inappropriate comments.
2/25/2016	Employee Relations contacted Andel Williams to inform him of a hostile work environment claim against him. He was informed that he must report to PAF Balboa effective Friday, 2/26/2016 at 8:00 am to Commander [REDACTED] while the claim is being investigated.
3/1/2016 thru 3/3/2016	Employee Relations investigates claim and conducted interviews of all parties involved.
3/4/2016	Employee Relations gave oral counseling to Andel Williams regarding his behavior and inappropriate comments. Reiterated expectations of professionalism in the office and advised he would be staying in PAF.

**Synopsis of Interviews ( [REDACTED] Employee Relations)**

*Interview notes attached*

Hostile Work Environment allegation with sexually charged overtones against Andel Williams, Paralegal I

Reporting Party: [REDACTED], Paralegal II

**March 1, 2016 at 2:03 pm**

[REDACTED], Paralegal Supervisor Juvenile

[REDACTED], Employee Relations

[REDACTED], Employee Relations

Telephone conversation between the above parties regarding complaint made to Paralegal Supervisor [REDACTED] on 2/18/16. Thursday morning, 2/18/16, [REDACTED] informed [REDACTED] that she was uncomfortable by comments made by Andel on Wednesday, 2/17/16 regarding her promotion. Andel was upset about not being promoted and his mood was up and down. [REDACTED] did not want to take action against Andel at this time, but was concerned that it would continue based on his attitude. [REDACTED] was not aware of the situation prior to Thursday, however, he has had continuous performance issues with Andel since he was transferred to supervise Juvenile in March 2015. [REDACTED] admitted that Andel brought a certain negativity to the group sometimes causing tension and discomfort. [REDACTED] documented the conversation (attached) and forwarded the information to Employee Relations on 2/23/16. Overall, [REDACTED] feels that it is better for the team that Andel is not here. In the few days since Andel has been transferred, he feels the group camaraderie returning.

**March 1, 2016 at 3:38 pm**

[REDACTED], Reporting Party

[REDACTED], Employee Relations

[REDACTED], Employee Relations

Meeting between the above parties to discuss inappropriate comments leading to hostile work environment. During this meeting [REDACTED] was informed of the standard procedure for handling claims by our office. She was then asked a series of questions regarding her interaction with Andel and his comments towards her. She recounted the incident as documented in [REDACTED] statement. She also noted that this is not the first incident of inappropriate comments. He has made other comments with sexual undertones and racist remarks that made her uncomfortable. This incident, in particular, offended her because it discredited all her hard work and implied she was promoted because she is female. After this incident, she felt it became more difficult to work with Andel. She feels more comfortable since he has been relocated.

**March 3, 2016 at 9:04 am**

Andel Williams, Alleged Harasser

2:03 pm

Can you tell me how you became aware of the incident?  
[redacted] emailed him to meet w/ him  
[redacted] upset about not being promoted  
his mood went up & down.

[redacted] didn't feel good about it.  
- What actions you took?  
Thought about it, asked if she wanted him to take action.  
Mentioned it to Chief that morning.

- Describe work environment now  
Camaraderie coming back  
Stronger group even if more work  
Found mistakes in his work almost labile  
- Describe work environment when  
Andel was there?  
Got many complaints from peers  
Work slipping through cracks  
Brought negativity to group/stressful <sup>tense</sup> atmosphere  
- What prompted you to write statement?  
Has had issues w/ Andel since  
he transferred to juvenile  
(March 2015). Decided to document

→ Could be bothered by his comments at times

Don't think he can handle trial environment

[REDACTED] 3:38pm

Sits right next to Andel

[REDACTED] let him know she got a call from [REDACTED] that she got promoted. They had made a pact to let each other know if one gets notified

Happy for you. Excited for you  
You're good looking. nice personality  
"Maybe I should ~~grow~~ some boobs"  
& then I'd get promoted

How dare you take away what I did... discredit work

Took a while to process what he said. Liked her.

Has made other comments regarding promotion topics, like "I'm not getting promoted because ~~was~~ I'm black"

↳ makes her uncomfortable when he makes those comments

↳ office is very diverse & pull that card he told [REDACTED] about it next day

[REDACTED] may have heard him at some

Andel

9:04am  
3/3/16

Preliminary inv # discipline  
1<sup>st</sup> step in investigating claim

Matter arose after promotions email  
was sent

You made some inappropriate comments  
to a coworker [REDACTED]

Have you ever said anything that is  
offensive or could have been taken  
offensive by [REDACTED] or anyone else?

This has happened before... Congratulated her

Do you recall making a comment to [REDACTED]  
after she was promoted? Nature of comment?  
No

Have you ever said to [REDACTED], "You are  
beautiful, you have a nice personality.  
Maybe I should grow a pair of boobs &  
then I'd get promoted"?

Oh gosh... not phrased like that  
Don't recall... Flippant comment  
Very smart, Congratulated her  
# said anything explicitly like that

Have you ever ~~made~~ commented on her shoes "I like your shoes, but you know they are saying something"

- Commented on her shoes ... nice
- Oh... Oh Situation on a Friday  
Does recall saying that
- Can see how that could be taken the wrong way  
wasn't in that context (sexual)  
Meant it was high end shoes

How would you describe your relationship w/ [REDACTED]

- She gave him a nice card, warm to wife & kids
- Good friendship
- invited him to visit olympic park, in her neck of woods
- keep confidential; only rep
- ~~appear~~ Do not have contact w/ [REDACTED]  
Direct/Indirect

- Was given advice by DA's not to make comments (sour grapes) congratulated others
- kept cool
- Has biggest work load of any other paralegal (submitted packet of workload)
- Said [REDACTED] talked to him about watching movies on his neck
- Has a shift w/ [REDACTED] thinks it stems from her
- "You kids today..."

Have you ever apologized to her?  
Can't recall... No

If said anything he would have said "maybe I should have said that"

Done or said anything to make people uncomfortable?

- ~~the~~ joined ~~reunion~~ to [REDACTED]

- Rolled up sleeves & did work
- Was quiet & kept to self
- Describe work environment during this period?
  - In trailers right now
  - Overwhelming
  - Things not where they thought it would be
  - Tight Quarters
  - [REDACTED] & him kept it light
- Did not feel tension or uncomfortability himself
  - or w/ anyone else
  - Thought everyone got along
- Any comments that created tension?
  - Talked to [REDACTED] & [REDACTED]
- Comment about [REDACTED] not liking [REDACTED] & [REDACTED]
  - Yes, but not like that
  - [REDACTED] felt uncomfortable going to them to ask Q's

- Why would [REDACTED] give you rep info  
Doesn't know... just assumed it  
was b'cauz he was boxing up  
stuff & going to PAF

- Close quarters does make individuals  
hyper sensitive

- Doesn't feel like he brought any  
negativity to the group

- [REDACTED] was an <sup>agitator</sup> ~~adjectator~~ as it  
relates to cases

- [REDACTED] gave gifts to all paralegals  
for christmas - everyone said  
thankyou except [REDACTED]

- Can't expect everyone to be kumbaya

- Alright w/ staying at PAF

OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

**BONNIE M. DUMANIS**  
DISTRICT ATTORNEY

330 WEST BROADWAY, SUITE 1300  
SAN DIEGO, CA 92101

<http://www.sandiegoda.com>

Date: May 10, 2017  
To: Alberto Lepe, Senior IT Engineer  
From: [REDACTED], Chief of Human Resources  
Re: LETTER OF WARNING

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This Letter of Warning is being issued based on your discourteous treatment of an employee, conduct unbecoming of an employee, and failure of good behavior. *See* Civil Service Rule 7.2 (h), (m) and (r).

On May 1, 2017, we received a report from [REDACTED] regarding alleged inappropriate conduct by you. As you know, [REDACTED] is a student worker, and you are her direct supervisor. The alleged inappropriate conduct consists of the following:

1. You regularly tug on [REDACTED]' ponytail (hair) whenever she wears one.
2. You have referred to African Americans as "monkeys".
3. When [REDACTED] returned from a trip to San Francisco, you asked her, "How was it with the faggots?"
4. When you see an attractive woman, you make comments to [REDACTED] regarding the woman such as, "If she were your wife, you wouldn't let her get out of bed."
5. You cursed and stated to [REDACTED] that your parents used to slap you for cursing when you were younger, and you still get slapped now but for "other reasons." [REDACTED] believed your statement was made with sexual overtones.
6. You told [REDACTED] that a female friend got hurt, and your friend sent you pictures of her bruises. After looking at the pictures, you made a comment to [REDACTED] stating, "Why doesn't she just send me nudes?"

An investigation was commenced regarding the allegations. On May 9, 2017, [REDACTED] (Human Resources Manager) and I met with you. We informed you of the allegations above, and provided you with an opportunity to respond, and the opportunity to provide us with names of witnesses, documents, or other relevant information.

You denied each of the allegations. However, you provided us with alternative explanations for your use of the word "monkey" and your comment about "nude" pictures. However, you admitted that you have "touched" [REDACTED] hair on two occasions, and one time was an accident. You also admitted that when [REDACTED] noticed you were "staring" at an attractive woman, you stated that the woman is "good looking." Finally, you admitted to discussing "slapping" with [REDACTED].

We were able to corroborate the allegation that you used the term "faggots" when you were talking with [REDACTED] about her trip to San Francisco. We were also able to corroborate the allegation that you discussed "slapping" with [REDACTED].

The County's Sexual Harassment Policy provides for a harassment-free work environment. In light of your admissions and our investigation, we have determined that you engaged in discourteous treatment of an employee, and inappropriate conduct unbecoming of a supervisory employee; and you failed to engage in good behavior.

In the future, we expect you to: (1) refrain from making comments that could be viewed as containing sexual innuendo, (2) refrain from unwelcome touching of other employees, (3) and refrain from making derogatory comments about sexual orientation, gender, or any other protected categories.

As a supervisor, you are expected to exercise good judgment at all times, and abide by all County policies including the County's Sexual Harassment policy. Please note that the policy also prohibits retaliation against anyone who has complained about or objected to harassment. See Board of Supervisors Policy C-22, and County Department of Human Resources Policy 111.

Any additional incidents of the nature discussed in this Letter of Warning may result in further disciplinary action, up to and including termination.

Acknowledgement of Receipt:



Alberto Lepe

Date: 5/10/17

Alberto Lepe matter - [REDACTED] notes on conversation with [REDACTED] on May 15, 2017

# # #

[REDACTED] called me in response to my email (asking her to contact me).

I informed [REDACTED] that we have addressed the issues she raised regarding with Alberto Lepe, and have taken appropriate action. I thanked [REDACTED] for coming forward. I also reminded her about our no retaliation policy, and that she should report any retaliation immediately.

We discussed her new position, and [REDACTED] said she really likes her new position in South Bay. She said she was happy with her new job. We ended the conversation on a positive note, and she thanked me for our help.

**Synopsis of Interviews ( [REDACTED], Human Resources)**

*Interview notes attached*

Sexual Harassment allegation against Alberto Lepe, Senior I.T. Engineer

Reporting Party: [REDACTED], Undergraduate Student Worker

**May 3, 2017 at 2:15 pm**

[REDACTED], Reporting Party

[REDACTED], Human Resources

[REDACTED], Human Resources

[REDACTED] has been working for ITD for approximately 6 months. She states that Albert seems to be too comfortable, he possibly sees her as "one of the guys" [REDACTED] expresses she feels guilty for not doing anything or coming forward sooner. [REDACTED] didn't feel comfortable confiding in anyone at work because she was new to the office, wants to have a career at the DA's office, and didn't want to step on anyone's toes. [REDACTED] did eventually confide in her mother, boyfriend, and 2 of her friends [REDACTED] and [REDACTED] that work in the DA's office. [REDACTED] believed that what was happening to [REDACTED] wasn't right, and convinced her to talk with her supervisor [REDACTED]. [REDACTED] told [REDACTED] that she couldn't let this go, and she needed to let Human Resources know what was going on. That's when [REDACTED] decided to talk to [REDACTED] the Student Worker Coordinator.

**[REDACTED] asked [REDACTED] what she thought the issues were.**

**Incident: 1**

**When:** Numerous times

**Where:** Albert and [REDACTED] shared cubicle

**What:** [REDACTED] stated that Albert tugs on her ponytail whenever she wears one. It happens every single time her hair is in a ponytail.

**Witnesses:** None

**[REDACTED] asked [REDACTED] if she has ever told Albert to cut it out.**

[REDACTED] stated that she has never told him to cut it out. She thought maybe he was just trying to be nice and didn't want to make a big deal out of it.

**[REDACTED] asked [REDACTED] how often Albert pulled her hair.**

[REDACTED] stated that [REDACTED] pulls her hair every single time she wears a ponytail.

**[REDACTED] asked [REDACTED] when Albert started pulling her hair.**

[REDACTED] stated Albert started pulling her ponytail approximately 2 - 3 months after she started working here.

**Incident: 2**

**When:** Three months after [REDACTED] started

**Where:** Back room where the extra computers/cables are stored

**What:** Albert referred to African Americans as monkeys. She doesn't remember the context that he said it. [REDACTED] doesn't believe that Albert is racist, she just thinks that he makes ignorant comments.

**Witnesses:** None

**Incident: 3**

**When:** The end of March or beginning of April when [REDACTED] returned from spring break

**Where:** Albert and [REDACTED] shared cubicle

**What:** [REDACTED] just returned from San Francisco, Albert asked her "how was it with the faggots?" [REDACTED] didn't respond. She's disappointed in herself that she didn't say anything to him to defend gay people. [REDACTED] was offended because some of her family and friends are gay.

**Witnesses:** [REDACTED]

**Incident: 4**

**When:** Various times

**Where:** Outside

**What:** When Albert sees a woman that he thinks is attractive, he makes a comment that if she were his wife he wouldn't let her get out of bed.

**Witnesses:** None

**Incident: 5**

**When:** Last Wednesday (April 26<sup>th</sup>)

**Where:** Albert and [REDACTED] shared cubicle

**What:** Albert was cursing, and then he looked at [REDACTED] and said "oh excuse me" but you curse too. [REDACTED] replied that she doesn't curse at work. Albert then said something in Spanish (machismo?) and stated that his parents used to slap him for cursing when he was younger, he still gets slapped now, but for other reasons. [REDACTED] felt that he said it with a sexual overtone.

**Witnesses:** [REDACTED]

**Incident: 6**

**When:** 2 weeks ago

**Where:** Unsure

**What:** A lady friend of Alberts got hurt and she sent him pictures of her bruises. After looking at the pictures Albert made the comment why doesn't she just send me nudes. [REDACTED] didn't respond to this comment.

**Witnesses:** None

**[REDACTED] asks [REDACTED] if there is anything else she would like us to know.**

[REDACTED] informs us that Albert has never asked her out or made a pass at her. [REDACTED] thinks that Albert may feel comfortable making those comments around her because they have share a Mexican connection. [REDACTED] felt as if she didn't have a choice and had to listen to Albert

because she is a student worker. When she started at the DA's office she expected a level of professionalism and she didn't get it.

#### **Resolution**

█████ would like Albert to be aware of his actions. She would also like to transfer out of ITD.

**May 4, 2017 at 8:30 am**

█████, Witness

█████, Human Resources

█████, Human Resources

I informed █████ that I needed to speak with him regarding a confidential matter that HR is investigating. Initially I asked █████ if he had ever witnessed any inappropriate comments or behavior from Albert Lepe when █████ was around. █████ stated that he hadn't witnessed anything. I then asked █████ about the 2 comments that █████ thought he may have overheard.

**Incident 1:** I asked █████ if he recalled a conversation that occurred between Albert and █████ when she returned from Spring Break and he said he didn't. I then started to say that █████ had just returned from San Francisco and █████ said "oh yes, he said welcome back" I asked did you hear him say anything else and █████ replied that he asked her something about being up there with faggots. I asked █████ if █████ responded and he said no.

**Incident 2:** I asked █████ if he recalled a conversation that involved cursing and slapping. █████ stated that he did recall that conversation. He doesn't remember word for word what was said, there was some talk in Spanish, but Albert did state that his parents used to slap him, but now he gets slapped for other reasons or something like that. █████ didn't take the comment sexual, but █████ did notice that █████ was uncomfortable and she didn't respond to Albert. █████ stated that █████ has been consistent with not giving Albert a response.

I asked █████ if there was anything else the he wanted to add. █████ stated that at first he didn't see anything wrong with the things that Albert had said, it's normal shop talk, how people in ITD talk. After thinking about it, he sees how this type of talk can come across and doesn't think that it was appropriate.

**May 9, 2017 at 8:30 am**

Albert Lepe, Alleged Harasser

█████, Human Resources

█████, Human Resources

█████ informed Albert that we were meeting with him to investigate allegations that were brought to our attention. █████

**Incident: 1**

**█ asked Albert if he had ever puled █ hair**

Albert replied no. I'll be honest with you I have touched her hair. Albert then asks if he can demonstrate how he touched █ hair on me █ and I said that he could. Albert touched the top of my head. He said that █ hair is long and when she had it up he lightly touched it.

**█ asked Albert how many times he has touched her hair.**

Albert replied twice but the 2<sup>nd</sup> time was an accident. Albert said that he accidentally touched █ hair when he was standing behind her chair.

**█ asked Albert if he ever pulled her ponytail.**

Albert replied no.

**█ asked if █ asked Albert to stop of cut it out.**

Albert replied no.

**█ asked if █ looked uncomfortable. .**

Albert replied no.

**Incident: 2**

**█ asked Albert if he had ever made reference to African Americans being monkeys.**

Albert replied no, not at all. Another student worker, █ actually called him a monkey. Albert said that he told █ that years ago █ was talking to him about how you can get a service monkey. █ told Albert that he could be her monkey. Albert told █ "that's not cool". That's the only time that he talked about monkeys.

**Incident: 3**

**█ asked Albert if he recalled asking █ "how it was up there with the faggots" when she returned from spring break.**

Albert replied no, I said welcome back, how was the partying up.

**█ asked Albert if he has ever used the term faggot in the workplace.**

Albert said he has never used that term in the workplace.

**Incident: 4**

**█ asked Albert about making the comment when he sees an attractive woman that if she was his, he would never let her out of bed.**

Albert replied no, I didn't say it.

**█ asked Albert if he ever made comments about women in █ presence.**

Albert replied no.

**█ asked Albert if he ever made commented on the attractiveness of women in █ presence.**

When he and █ have been out and █ notices him staring at a woman, he says the woman is good looking, he says it in a respectable way.

**█ asked Albert how many times he has made comments about women.**

Albert replied twice.

**█ asked Albert what the other comment was.**

Albert replied that the woman was good looking.

**█ asked Albert if anyone else was there.**

Albert states that they were alone.

**█ asked Albert if they are alone often.**

Albert says that they have only gone to lunch alone together one time. The other times there was another student there. But, he has traveled alone with her in the car when they've gone to the branches.

#### **Incident: 5**

**█ asked Albert if he recalled cursing and referring being slapped by his parents, but now he gets slapped for other reasons.**

Albert replied that he said the "f" word in Spanish. He wanted us to know that █ also curses at work. When he heard her curse at work he told her now you get slapped in other ways, like getting in trouble at work, we have to be careful.

**█ asked Albert if anyone else heard this.**

Albert replied he doesn't know if anyone heard, but █ sits next to them.

**█ asked if there are any other witnesses to the San Francisco incident.**

Albert states that he has nothing to hide. He informs us that █ █, And █ all sit near him so they may have heard.

**█ asked if █ responded when he asked her about San Francisco..**

Albert replied that she didn't respond. Then he started talking to █ about her time card. He wanted her to know that she forgot to complete it prior to going on vacation. It's not a big deal, but, next time remember to complete it.

#### **Incident: 6**

**█ asked Albert if he recalled his friend getting hurt then sending him pictures.**

Albert replied yes.

**█ asked Albert if he recalled making a comment that his friend should just send him nudes.**

Albert replied no.

**asked Albert if he has ever brought up nude photos to**.

Albert replied no, but I did say she's almost nude, why did she send me this.

**asked Albert if he has ever asked out.**

Albert replied no.

**asked Albert if he has ever made any homophobic comments**

Albert replied no.

**asked Albert if there is anything else he would like to add.**

Albert stated that he didn't feel like he was doing anything wrong. Anytime they finish a project, they high five each other. He mentions that he has given and other student workers rides home when it has been raining.

**asked Albert who initiated the rides home.**

Albert replied he did because it was raining.

**asked Albert if he has ever called or text**

Albert replied only on work matters, nothing personal. Albert offered to show and myself ( ) the text. said that it wasn't necessary, but Albert insisted and showed us his phone.

Albert states that he interacts the same way with all of the students. He hasn't done anything wrong is really young. Albert then references a time close to Valentine's Day when shared her Valentine's Day plans with Albert. then asked what he was doing for Valentine's Day with his girlfriend. thought that Albert was dating the woman that sent pictures of her bruises, but they were not dating.

**asked Albert if he talked about dating with**

Albert replied yes, only that one time. Actually, about 4 months ago, asked me if was making out with his girlfriend.

**asked if his girlfriend worked in the office.**

Albert replied no. This came out of the blue. Albert thought that was interested in. Albert told to talk to in his absence, but never talks to she always talks to

**asked if there were any other comments, documents, or witnesses.**

Albert replied no.

To close the meeting informed Albert that we wanted to make sure to his response to the allegations. She also reminded Albert that this is a confidential matter not to be discussed with anyone. It is against office and County policy to retaliate, and informed Albert that has been transferred to South Bay and he is not to contact her.

**May 9, 2017 at 9:30 am**

██████████, Witness

██████████, Human Resources

██████████, Human Resources

I informed ██████████ that I needed to speak with him regarding a confidential matter that HR is investigating. I asked ██████████ if he had ever witnessed any inappropriate comments or behavior from Albert Lepe when ██████████ was around. ██████████ replied that he had not. I then asked if he had ever witnessed Albert pulling ██████████ ponytail. ██████████ has never seen Albert pull her ponytail. I also asked if he had ever heard Albert or ██████████ curse at work. ██████████ stated that he has not. He spends most of his time at the service desk when he is in the office.

**May 9, 2017 at 10:00 am**

██████████, Witness

██████████, Human Resources

██████████, Human Resources

I informed ██████████ that I needed to speak with him regarding a confidential matter that HR is investigating. I asked ██████████ if he had ever witnessed any inappropriate comments or behavior from Albert Lepe when ██████████ was around. ██████████ replied that he had not. I then asked if he had ever witnessed Albert pulling ██████████ ponytail. ██████████ has never seen Albert pull her ponytail. I also asked if he had ever heard Albert or ██████████ curse at work. ██████████ said he has not. But it's possible they could have muttered under their breath. ██████████ spends most of his time at the help desk when he is in the office.



**OFFICE OF THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

INTRA-DEPARTMENTAL CORRESPONDENCE

June 21, 2016

TO: Special Operations – IA Files

FROM: Commander [REDACTED]

RE: DDA Michael McNeil (SOC #'s 15-216EM, 16-051EM and 16-007IA)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- On 4/29/16 Spec Ops received a phone call from [REDACTED] who is a family law advocate. [REDACTED] called the DA's office to report she had just received a series of emails from a person named [REDACTED] who was reporting misconduct by DDA Michael MacNeil. [REDACTED] told us the emails she received from [REDACTED] included nude photos of MacNeil while in the workplace and copies of him "sexting" to an unknown person.

[REDACTED] was initially uncooperative, but later agreed to forward the emails she received from [REDACTED]. Once we received the emails forwarded from [REDACTED] we determined they were the same emails sent to Sage Canyon Elementary School back in January which was investigated by SDPD. [REDACTED] claimed to have issues with the family law court mediator who was involved in the divorce and child custody issues on the MacNeil matter. [REDACTED] believed it was criminal conduct on behalf of the mediator to allow MacNeil to still see his children knowing this info (emails) was available to the court.

- On 5/20/16 the DA's office received an email from [REDACTED]. The email described alleged misconduct by MacNeil and the email had several photo and text attachments. This email was sent to numerous County, City and media email accounts.

I also received an email personally from [REDACTED]

Good morning [REDACTED]

*I have tried contacting you but call doesn't go through. Let me know how we can talk.*

*I was going to let this go but I won't anymore seeing that Mr. MacNeil has now decided to blame me and his wife for HIS actions and minimizing what he has done while showing no remorse. He is an animal who doesn't appreciate the good job he has and uses his position of power to bully. He also shows no respect while at work,* [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

██████████ and I conducted a thorough investigation which included media and email research, technical data from the attached photos and numerous interviews of witnesses. This investigation is included in the administrative investigation binder.

On 6/6/16 ██████████ and I scheduled an administrative interview with MacNeil and his attorney. The interview was scheduled for 6/13/16.

On 6/10/16 ██████████ and I were advised ██████████ was in negotiations with MacNeil's attorney to broker a separation / resignation from the office.

On 6/13/16 ██████████ advised ██████████ and I that MacNeil would be taking "terminal leave" from the office and resigning.

On 6/14/16 ██████████ and ██████████ directed ██████████ to close the internal affairs / administrative investigation without a finding as to MacNeil's conduct. There was no wrong doing or misconduct by any other DA employee as they related to this investigation.

For additional details, refer to the SOC timeline and other investigative materials.

JESUS RODRIGUEZ  
ASSISTANT DISTRICT ATTORNEY

OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

BONNIE M. DUMANIS  
DISTRICT ATTORNEY

P.O. BOX 23035  
San Diego, CA 92193-3035

<http://www.sandiegoda.com>

To: Michael MacNeil, Deputy District Attorney  
Juvenile Division

From: [REDACTED]  
Special Operations Division

Subject: Administrative Investigation

This is to inform you that an administrative investigation has been opened regarding your alleged misconduct with regard to the following: (1) the release of personal and private information regarding yourself and other District Attorney employees and/or others; and, (2) inappropriate conduct in the workplace.

The allegations, if found true, may be in violation of the following "cause" of Section 7.2 of Rule VII of the Civil Service Rules, as well as violations of various County and District Attorney's Office policies. They include, but are not limited to:

1. Civil Service Rules, Section 7.2 (m): Conduct Unbecoming an Officer of the County of San Diego

I will be in charge of the investigation and will conduct the administrative interview. [REDACTED] of the Special Operations Division and [REDACTED] will also be present for the interview. You may have a representative present during this or any subsequent interviews or hearings. The representative may be an attorney, a union representative, association representative, co-worker or anyone else not connected with this investigation. If you choose someone other than an attorney, you must inform me who that person is prior to the interview. This is to ensure that the person you selected is not part of this investigation.

The interview has been scheduled for **a date to be determined in the near future** at the Hall of Justice, downtown San Diego, in the Special Operations Division, 10<sup>th</sup> floor. If you are unable to make the date that is ultimately decided, please contact me so that an alternate date can be scheduled.

You are ordered not to discuss this investigation or the allegations with anyone other than [REDACTED] your representative or me. This includes, but is not limited to, any conversation, either in person or by telephone, text, or any written communication, either on or off duty.

Your failure to abide by this order will be deemed insubordination and will be considered cause for formal disciplinary action. Furthermore, your complete honesty during the interview is required. Dishonesty could result in further disciplinary action, including termination.

Should you have any questions or concerns that surface during the course of this investigation, please call me at, [REDACTED].

[REDACTED]  
[REDACTED]

[REDACTED]  
Special Operations Division

I have received a copy of this letter and agree to comply with the orders issued.

Signed: [REDACTED]

Date: 6-1-16

Given by:

Signed: [REDACTED]

Date: 6-1-16

JESUS RODRIGUEZ  
ASSISTANT DISTRICT ATTORNEY

OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

BONNIE M. DUMANIS  
DISTRICT ATTORNEY

330 WEST BROADWAY, SUITE 1300  
SAN DIEGO, CA 92101  
[REDACTED]  
[REDACTED]

June 13, 2016

Michael MacNeil  
[REDACTED]  
[REDACTED]

Dear Mr. MacNeil:

This is to confirm receipt and acceptance of your letter of resignation for the position of Deputy District Attorney III with the District Attorney's Office effective today. Your resignation is accepted. Thank you for your years of service.

Sincerely,

[REDACTED]  
Chief, Employee Relations [REDACTED]