

# ATTACHMENT #1

Inter-Com



**DATE:** APRIL 6, 2011  
**TO:** SGT. TODD BULLOCK  
**FROM:** SGT. LUIS GARCIA  
**SUBJECT:** MARK BLACK CONVERSATION

On 040511 I was working and during shift change Sgt Jeff Blair said Officer Black had been involved in a short foot pursuit were the suspect was captured. Sometime after shift change, Officer Black came into the watch commander's office to get his Probable Cause Declaration approved.

After I finished reading it, Officer Black ran down the series of events that led to the arrest. The following is what he said:

Officer Black said as he was driving, he saw the suspect riding a motorized scooter down the street (Unknown what street). Officer Black turned on his emergency lights and sounded the air horn in an attempt to get the suspect to pull over. The suspect looked behind him towards Officer Black and then stood up on the scooter from being hunched down.

As the suspect stood up he began looking around the area. Officer Black said he believed the suspect was looking for avenues of escape due to his body language therefore he prepped himself to go after the suspect. The suspect slowed down then jumped of the scooter and began running away from Officer Black.

Officer Black stopped his patrol unit and chased after the suspect yelling for him to stop. The suspect continued running away going thru breeze ways. Officer Black said the suspect began to slow down and after turning a corner saw an opportunity to take the suspect down.

Officer Black said he, "Tackled" and "Drop kicked the motherfucker." Officer Black said after the suspect went down to the ground he grabbed his arm and, "Made his palm touch the back of his head." Officer Black said the suspect yelled out, "Ouch", and yelled at Officer Black to stop. Officer Black said he replied, "Fuck you, if you run from me your going to fucking hurt." Officer Black said the suspect began to apologize for running away. Officer Black arrested the suspect without any further issues.

Throughout the entire conversation I did not say anything and just listened to him. Officer Black added the suspect was from Los Angeles County and had tattoos indicating his allegiance to the county. At the end I told him that while working in Los Angeles things were done a little differently. Officer Black left within a few seconds after I signed the Probable Cause Declaration.



Inter-Com

DATE: APRIL 3, 2011

TO: MARK BLACK, COMMUNITY POLICING BUREAU

FROM: DUANE HAVOURD, SERGEANT PROFESSIONAL STANDARDS UNIT

DH: 1/10

SUBJECT: **ADMINISTRATIVE INVESTIGATION INTERROGATION**

An Administrative Investigation is currently being conducted into the events which occurred on April 5<sup>th</sup> 2011. The investigation is as the result of reporting inconsistencies.

You are to report to the Professional Standards Unit on 05/10/11 at 0900 hours to answer questions relative to this Administrative Investigation. I will be the officer in charge of the interrogation. The following officer will also be present during the interrogation: Lt. Pat Welch. All questions during the interrogation shall be asked by and through no more than two interrogators at one time.

The complete interrogation will be recorded. You will have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the interrogation. You will be entitled to all reports and/or complaints made by investigators or other persons, except those which are deemed by the Department to be confidential. No notes or reports which are deemed to be confidential by the Department will be entered into your personnel file.

You have the right to be represented by a representative of your choice who may be present at all times during the interrogation. This representative shall not be a person subject to the same investigation. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from you while under investigation in non-criminal matters.

The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press, (nor will your home address or photograph be given to the press or news media) without your expressed consent.

If prior to or during the interrogation it is deemed that you may be charged with a criminal offense, you shall be immediately informed of your constitutional rights. You are advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300 – 3311.

If you have any questions prior to the interview, please do not hesitate to contact me.

MB 985

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## Inter-Com



**DATE:** APRIL 6, 2011  
**TO:** CAPT. STEVE LEWIS  
**FROM:** SGT. TODD BULLOCK TB  
**SUBJECT:** MARK BLACK

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On April 5<sup>th</sup>, 2011 Officer Mark Black was involved in a short foot pursuit on Myrtle south of McFadden. This resulted in the arrest of Francisco Lopez for possession of drug paraphernalia and resisting arrest; CR# 11-1699. Sgt. Blair was the on scene supervisor.

Sgt. Blair spoke with Officer Black shortly after the arrest and inquired about the crime and any potential use of force. Officer Black indicated there was no reportable use of force, then added that he (Black) "dropped a knee on the suspect" during the arrest. See Sgt. Blair's attached memo for complete details.

Officer Black spoke with Sgt. Garcia later in the night while having his probable cause declaration approved. During this conversation, Officer Black told Sgt. Garcia that during the arrest he (Black) "Tackled and drop kicked the mother fucker", "made his palm touch the back of his head", and said to the suspect "Fuck you, if you run from me you're going to hurt". See Sgt. Garcia's attached memo for complete details.

Officer Black turned his arrest report into Sgt. Pickney later in the night. While reviewing this report Sgt. Pickney noticed discrepancies between what Officer Black verbally reported to the sergeants and what was written. The narrative portion of the police report details the foot pursuit portion of the incident, however only indicates the suspect slowed, was ordered to the ground and was subsequently taken into custody.

After thorough review of this incident, which includes speaking with Sergeant's Pickney, Blair and Garcia, review of the police report and related memorandums, and after consulting with Lt. Garaven I am requesting this incident be thoroughly investigated. With the number of potential witnesses involved, the potential for a use of force policy violation and due to the discrepancies between the written report and what was verbally reported to supervisors, I am requesting this incident be referred to the Professional Standards Division for the investigation.

CONCUR:  
REQUEST PSD,  
TO HANDLE THE  
INVESTIGATION.

ASSIGNED TO P.S.D.:  
CAPT. CELAND  
4-6-11

CAPT. LEWIS  
4-6-11



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Inter-Com

DATE: APRIL 6, 2011

TO: SGT. TODD BULLOCK

FROM: SGT. JEFF BLAIR

*JB#716*

SUBJECT: OFFICER MARK BLACK, CPC 148(A) ARREST

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On 04/05/11 at approximately 1730 hours I was in the Watch Commander office when I heard Black broadcast he was in foot pursuit in the area of Myrtle and Alta Dena. I grabbed keys to the first unit I could find and drove to the scene. Since I was rushed I was unable to log into MAVS or the West Covina system. Prior to my arrival I heard a broadcast that the suspect was in custody and no additional units were needed.

Upon arrival I noticed several officers, including Black standing mid-block of Myrtle. I asked Black what happened and he said Whiteley directed him to stop a suspect riding a motorized scooter. Black turned on his overhead lights and tried to stop the suspect mid-block of Myrtle but the suspect dumped the scooter and fled on foot. Black said he gave chase and caught the suspect on Alta Dena. I asked Black if there were injuries or if there was any force used and Black told me there was no use of force but he did "drop a knee" on the suspect. Black said as he turned the corner on Alta Dena it appeared the suspect was winded. I am not sure of his exact verbiage but Black said something to the effect of tackling or taking down the suspect and dropping a knee on him.

I then drove to Alta Dena where I saw the suspect sitting in handcuffs. Sgt. Greene and Whiteley were with the suspect who was sweaty but otherwise appeared uninjured. The suspect told me he was sorry for running.

# ATTACHMENT #2

<input type="checkbox"/> GANG RELATED <input checked="" type="checkbox"/> ADULT ARREST <input type="checkbox"/> SUSPECT ONLY <input type="checkbox"/> JUVENILE ARREST <input type="checkbox"/> SUPPLEMENT TO ORG RPT		<b>TUSTIN POLICE DEPARTMENT</b> 300 CENTENNIAL WAY TUSTIN, CA 92780  <b>SUSPECT/ARRESTEE REPORT</b>				2 A <input type="checkbox"/> ACTIVE <input type="checkbox"/> SUSPENDED <input type="checkbox"/> RECORDS <input type="checkbox"/> COURTESY		4 CITE <div style="text-align: center; font-size: 24px; font-weight: bold;">11-1699</div> 5 REFER OTHER RPT			
7 CODE SECTION <b>CPC 148(a)(1)</b>		8 CRIME / INCIDENT TYPE <b>OBSTRUCTING</b>		9 PRIMARY COUNTS <b>260700</b>		10 SECONDARY COUNTS <b>180501</b>		11 OTHER COUNTS		12 OTHER COUNTS	
13 LOCATION OF CRIME/ARREST <b>ALTADENA/BLISS</b>				14 DATE OF CRIME / ARREST <b>TUSTIN, CA 92780</b>				15 TIME OF CRIME / ARREST <b>040511</b>			
16 LICENSE #		17 STATE		18 VEHYR <b>GAS</b>		19 MAKE <b>POWERED SCOOTER</b>		20 MODEL		21 BODY <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> CONV <input type="checkbox"/> PU <input type="checkbox"/> TRUCK <input type="checkbox"/> 6 PSL <input type="checkbox"/> 8 FV <input type="checkbox"/> 9 MC <input type="checkbox"/> 10 OTHER	
22 COLOR/COLOR <b>ORANGE</b>		23 OTHER CHARACTERISTICS (i.e. T/C Damage, Uniq. Marks or Paint, etc.)						24 DISPOSITION OF VEH <b>RELEASED TO OWNER</b>			
25 REGISTERED OWNER											
26 NAME (LAST FIRST MIDDLE) <b>LOPEZ, FRANCISCO JAVIER</b>						27 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		28 DOB		29 RACE <input type="checkbox"/> 1 WHT <input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PSL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	
30 AKA				31 POD <b>Los Angeles</b>		32 HGT <b>5'9</b>		33 WGT <b>220</b>		34 BULD <input type="checkbox"/> 1 THIN <input type="checkbox"/> 2 MED <input type="checkbox"/> 3 UNK <input checked="" type="checkbox"/> 4 HEAVY <input type="checkbox"/> 5 MUSCLR	
35 HAIR <input type="checkbox"/> 0 UNK <input type="checkbox"/> 1 BRD <input checked="" type="checkbox"/> 2 BLK <input type="checkbox"/> 3 BLN <input type="checkbox"/> 4 RED <input type="checkbox"/> 5 GRAY <input type="checkbox"/> 6 SW <input type="checkbox"/> 7 WH <input type="checkbox"/> 8 OTH		36 EYES <input type="checkbox"/> 0 UNK <input checked="" type="checkbox"/> 1 BRD <input type="checkbox"/> 2 BLK <input type="checkbox"/> 3 BLU <input type="checkbox"/> 4 GRN <input type="checkbox"/> 5 HAZEL <input type="checkbox"/> 6 GRAY <input type="checkbox"/> 7 OTH		37 DL #		38 STATE <b>CA</b>					
39 RESIDENCE ADDRESS <b>17151 ALTADENA #C</b>				40 ZIP CODE <b>92780</b>		41 RES PHONE		42 CELL PHONE <b>(714) 492-3329</b>			
43 BUSINESS OR SCHOOL NAME AND ADDRESS <b>SELF EMPLOYED</b>						44 ZIP CODE		45 GRADE		46 BUS PHONE	
47 SSN #		48 OCCUPATION(S) <b>MECHANIC</b>				49 STATUS <input checked="" type="checkbox"/> 1 DRIVER <input type="checkbox"/> 3 PED <input type="checkbox"/> 2 PASS		50 BOOKING # <b>AR # 11-964</b>			
51 CLOTHING <b>WHT T-SHIRT, TAN PANTS, BUN SHOES</b>						52 GANG AFFILIATION HOW KNOWN		<input type="checkbox"/> 1 KNOWN <input type="checkbox"/> 2 SUSPECTED			
<b>53 AMOUNT OF HAIR</b> Q21		<b>56 HAIR STYLE</b> Q24		<b>57 FACIAL HAIR</b> Q25		<b>60 COMPLEXION</b> Q27					
<input checked="" type="checkbox"/> 01 FULL HEAD OF HAIR <input type="checkbox"/> 02 THINNING <input type="checkbox"/> 03 RECEDING <input type="checkbox"/> 04 BALD <input type="checkbox"/> 05 UNKNOWN <input type="checkbox"/> 06 OTHER		<input type="checkbox"/> 01 REGULAR <input type="checkbox"/> 02 PART RIGHT <input type="checkbox"/> 03 PART LEFT <input type="checkbox"/> 04 PART CENTER <input checked="" type="checkbox"/> 05 STRAIGHT BACK <input type="checkbox"/> 06 COMBED FORWARD <input type="checkbox"/> 07 BUZZ JOB <input type="checkbox"/> 08 FLAT TOP <input type="checkbox"/> 09 STRAIGHT <input type="checkbox"/> 10 CURLY OR PERMED <input type="checkbox"/> 11 WAVY <input type="checkbox"/> 12 AFRO CLOSE <input type="checkbox"/> 13 AFRO FULL (1 INCH) <input type="checkbox"/> 14 PROCESSED (BLK ONLY) <input type="checkbox"/> 15 IN CORN ROWS <input type="checkbox"/> 16 WITH PONY TAIL <input type="checkbox"/> 17 WITH TAIL <input type="checkbox"/> 18 IN BRAIDS <input type="checkbox"/> 19 NEW WAVE <input type="checkbox"/> 20 PUNK <input type="checkbox"/> 21 UNKNOWN <input type="checkbox"/> 22 OTHER <input type="checkbox"/> 23 SHAVED <input type="checkbox"/> 24 FADE <input type="checkbox"/> 25 MULLET		<input type="checkbox"/> 01 CLEAN SHAVEN <input type="checkbox"/> 02 MUSTACHE-THIN <input type="checkbox"/> 03 MUSTACHE-THICK <input checked="" type="checkbox"/> 04 UNSHAVEN <input type="checkbox"/> 05 FEW DAYS GROWTH <input type="checkbox"/> 06 SHORT BEARD <input type="checkbox"/> 07 LONG BEARD <input type="checkbox"/> 08 UNKEMPT BEARD <input type="checkbox"/> 09 SIDEBURNS <input type="checkbox"/> 10 FUMANCHU <input type="checkbox"/> 11 GOATEE <input type="checkbox"/> 12 UNKNOWN <input type="checkbox"/> 13 OTHER <input type="checkbox"/> 14 VAN DYKE		<input type="checkbox"/> 01 LIGHT / FAIR <input type="checkbox"/> 02 MEDIUM <input type="checkbox"/> 03 DARK <input checked="" type="checkbox"/> 04 TAN <input type="checkbox"/> 05 SUNBURNED <input type="checkbox"/> 06 FRECKLED <input checked="" type="checkbox"/> 07 OLIVE <input type="checkbox"/> 08 RUDDY <input type="checkbox"/> 09 ACNE/POCKED <input type="checkbox"/> 10 WEATHERED <input type="checkbox"/> 11 WRINKLED <input type="checkbox"/> 12 ALBINO <input type="checkbox"/> 13 UNKNOWN <input type="checkbox"/> 14 OTHER					
<b>54 HAIR LENGTH</b> Q22		<b>55 HAIR CONDITION</b> Q23		<b>58 R/L HANDED</b> Q26		<b>61 GLASSES</b> Q28					
<input type="checkbox"/> 01 VERY SHORT <input checked="" type="checkbox"/> 02 SHORT <input type="checkbox"/> 03 REGULAR <input type="checkbox"/> 04 OVER COLLAR <input type="checkbox"/> 05 OVER SHOULDERS <input type="checkbox"/> 06 LONG <input type="checkbox"/> 07 UNKNOWN <input type="checkbox"/> 08 OTHER		<input type="checkbox"/> 01 CLEAN <input checked="" type="checkbox"/> 02 DIRTY <input type="checkbox"/> 03 GREASY <input type="checkbox"/> 04 MATTED <input type="checkbox"/> 05 ODOR <input type="checkbox"/> 06 OTHER		<input checked="" type="checkbox"/> 01 RIGHT HANDED <input type="checkbox"/> 02 LEFT HANDED <input type="checkbox"/> 03 UNKNOWN		<input type="checkbox"/> 01 YES BUT NO DESCR. <input type="checkbox"/> 02 PRESCRIPTION <input type="checkbox"/> 03 SUN GLASSES <input type="checkbox"/> 04 PLASTIC FRAME - COLOR <input type="checkbox"/> 05 WIRE FRAME <input type="checkbox"/> 06 CONTACTS <input checked="" type="checkbox"/> 07 NONE <input type="checkbox"/> 08 UNKNOWN <input type="checkbox"/> 09 OTHER					
62 DISPOSITION: ADULT ARRESTEE <input type="checkbox"/> DETOX <input type="checkbox"/> RELSD O.R. <input checked="" type="checkbox"/> BOOKED OCU <input type="checkbox"/> MISD. ARR / CITE / RELEASE						63 MISD. ARR / CITE / RELEASE					
64 TRANSPORTED BY <b>HOLLINGSHEAD # 731</b>		65 DATE/TIME <b>040511/1920</b>		66 FINGERPRINTED <input type="checkbox"/>		67 PHOTOGRAPHED <input type="checkbox"/>					
68 REPORTING OFFICER / IO NO. <b>BLACK # 985</b>				69 DATE <b>040511</b>		70 APPROVED BY / IO NO. <b>EP 712</b>				71 DATE <b>4-5-11</b>	

72 CR \* 11-1699

<p><b>73 SPEECH</b> Q29</p> <p><input checked="" type="checkbox"/> 01 NORMAL  <input type="checkbox"/> 02 LISP  <input type="checkbox"/> 03 SLURRED  <input type="checkbox"/> 04 STUTTER  <input type="checkbox"/> 05 DEEP  <input type="checkbox"/> 06 HIGH PITCHED  <input type="checkbox"/> 07 SOFT  <input type="checkbox"/> 08 UNKNOWN OR NOT HEARD  <input type="checkbox"/> 09 OTHER _____</p>	<p><b>75 TEETH</b> Q31</p> <p><input type="checkbox"/> 01 BRACES  <input type="checkbox"/> 02 BUCKED  <input type="checkbox"/> 03 CHIPPED  <input type="checkbox"/> 04 MISSING  <input type="checkbox"/> 05 CROOKED  <input type="checkbox"/> 06 GOLD / SILVER CAPPED  <input type="checkbox"/> 07 STAINED  <input checked="" type="checkbox"/> 08 NORMAL TEETH  <input type="checkbox"/> 09 UNKNOWN  <input type="checkbox"/> 10 OTHER _____</p>	<p><b>77 UNIQUE CLOTHING</b> Q33</p> <p><input type="checkbox"/> 01 BEACH CLOTHES  <input type="checkbox"/> 02 TRANSIENT  <input type="checkbox"/> 03 CONSTRUCTION  <input type="checkbox"/> 04 GANG STYLE  <input type="checkbox"/> 05 PUNK  <input type="checkbox"/> 06 MILITARY  <input type="checkbox"/> 07 OTHER UNIFORM  <input type="checkbox"/> 08 WELL DRESSED  <input checked="" type="checkbox"/> 09 NORMAL DAY CLOTHES  <input type="checkbox"/> 10 HAT  <input type="checkbox"/> 11 SKI MASK  <input type="checkbox"/> 12 STOCKING MASK  <input type="checkbox"/> 13 UNKNOWN  <input type="checkbox"/> 14 OTHER _____</p>	<p><b>78 WEAPON TYPE</b> Q34</p> <p><input type="checkbox"/> 01 HANDS  <input type="checkbox"/> 02 FEET  <input type="checkbox"/> 03 CLUB  <input type="checkbox"/> 04 MARTIAL ARTS  <input type="checkbox"/> 05 BASEBALL BAT  <input type="checkbox"/> 06 NUNCHUKU  <input type="checkbox"/> 07 OTHER STRIKING OBJECT  <input type="checkbox"/> 08 KNIFE  <input type="checkbox"/> 09 BOTTLE  <input type="checkbox"/> 10 SIMULATED FIREARM  <input type="checkbox"/> 11 TOY GUN  <input type="checkbox"/> 12 HANDGUN  <input type="checkbox"/> 13 RIFLE / SHOTGUN  <input checked="" type="checkbox"/> 14 NONE  <input type="checkbox"/> 15 UNKNOWN  <input type="checkbox"/> 16 OTHER _____</p>
<p><b>74 ACCENT</b> Q30</p> <p><input checked="" type="checkbox"/> 01 US NORMAL  <input type="checkbox"/> 02 US SOUTHERN  <input type="checkbox"/> 03 US EAST COAST  <input type="checkbox"/> 04 BLACK SLANG  <input type="checkbox"/> 05 SPANISH  <input type="checkbox"/> 06 ASIAN  <input type="checkbox"/> 07 EUROPEAN  <input type="checkbox"/> 08 MIDDLE EAST  <input type="checkbox"/> 09 JAMAICAN  <input type="checkbox"/> 10 UNKNOWN OR NOT HEARD  <input type="checkbox"/> 11 OTHER _____</p>	<p><b>76 SCARS, MARKS, OR TATTOOS</b> Q32</p> <p><input type="checkbox"/> 01 FACE _____  <input type="checkbox"/> 02 TEETH _____  <input type="checkbox"/> 03 NECK _____  <input checked="" type="checkbox"/> 04 RIGHT ARM <i>GIRLS</i>  <input checked="" type="checkbox"/> 05 LEFT ARM <i>GIRLS</i>  <input type="checkbox"/> 06 RIGHT HAND _____  <input type="checkbox"/> 07 LEFT HAND _____  <input checked="" type="checkbox"/> 08 RIGHT LEG <i>"A"</i>  <input type="checkbox"/> 09 LEFT LEG <i>"A"</i>  <input type="checkbox"/> 10 RIGHT SHOULDER _____  <input type="checkbox"/> 11 LEFT SHOULDER _____  <input type="checkbox"/> 12 FRONT TORSO _____  <input checked="" type="checkbox"/> 13 BACK TORSO <i>"LOPEZ"</i>  <input type="checkbox"/> 14 MISSING FINGERS _____  <input type="checkbox"/> 15 MISSING LIMBS _____  <input type="checkbox"/> 16 UNKNOWN _____  <input type="checkbox"/> 17 OTHER _____</p>	<p><b>79 FIREARM DETAIL</b> Q35</p> <p><input type="checkbox"/> 01 BLUE STEEL  <input type="checkbox"/> 02 CHROME / NICKEL  <input type="checkbox"/> 03 REVOLVER  <input type="checkbox"/> 04 AUTOMATIC  <input type="checkbox"/> 05 DERRINGER  <input type="checkbox"/> 06 PUMP  <input type="checkbox"/> 07 BOLT ACTION  <input type="checkbox"/> 08 DOUBLE BARREL  <input type="checkbox"/> 09 OVER-UNDER  <input type="checkbox"/> 10 DISGUISED FIREARM  <input type="checkbox"/> 11 SAWED OFF  <input type="checkbox"/> 12 ALTERED STOCK  <input type="checkbox"/> 13 NONE  <input type="checkbox"/> 14 UNKNOWN  <input type="checkbox"/> 15 OTHER _____</p>	

**- JUVENILES ONLY -**

80 FATHER (LAST, FIRST, MIDDLE)	81 OCCUPATION	82 D.O.B.	83 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	84 DATE	85 TIME
86 RESIDENCE ADDRESS	87 CITY	88 ZIP CODE	89 RES. PHONE ( )	90 CELL PHONE ( )	
91 BUSINESS ADDRESS	92 CITY	93 ZIP CODE	94 BUS. PHONE ( )		
95 MOTHER (LAST, FIRST, MIDDLE)	96 OCCUPATION	97 D.O.B.	98 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	99 DATE	100 TIME
101 RESIDENCE ADDRESS	102 CITY	103 ZIP CODE	104 RES. PHONE ( )	105 CELL PHONE ( )	
106 BUSINESS ADDRESS	107 CITY	108 ZIP CODE	109 BUS. PHONE ( )		
110 STEP FATHER (LAST, FIRST, MIDDLE)	111 OCCUPATION	112 D.O.B.	113 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	114 DATE	115 TIME
116 RESIDENCE ADDRESS	117 CITY	118 ZIP CODE	119 RES. PHONE ( )	120 CELL PHONE ( )	
121 BUSINESS ADDRESS	122 CITY	123 ZIP CODE	124 BUS. PHONE ( )		
125 STEP MOTHER (LAST, FIRST, MIDDLE)	126 OCCUPATION	127 D.O.B.	128 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	129 DATE	130 TIME
131 RESIDENCE ADDRESS	132 CITY	133 ZIP CODE	134 RES. PHONE ( )	135 CELL PHONE ( )	
136 BUSINESS ADDRESS	137 CITY	138 ZIP CODE	139 BUS. PHONE ( )		
140 LEGAL GUARDIAN (LAST, FIRST, MIDDLE)	141 OCCUPATION	142 D.O.B.	143 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	144 DATE	145 TIME
146 RESIDENCE ADDRESS	147 CITY	148 ZIP CODE	149 RES. PHONE ( )	150 CELL PHONE ( )	
151 BUSINESS ADDRESS	152 CITY	153 ZIP CODE	154 BUS. PHONE ( )		

155 DISPOSITION: JUVENILE (MUST BE COMPLETED)

RELEASED TO PARENT     DETAINED JUVENILE HALL-PARENT NOTIFIED     YES     NO

YOUTH SHELTER HOME     UNABLE TO LOCATE PARENT     PARENT REFUSED CUSTODY

156 FOLLOW UP: (MUST BE COMPLETED)     NO FOLLOW UP REQUIRED     FOLLOW UP REQUIRED     DIVERSION     PETITION     INFORMAL COUNSEL

157 REPORTING OFFICER / ID NO. <i>Black 985</i>	158 DATE <i>040511</i>	159 APPROVED BY / ID NO.	160 DATE
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**ADDITIONAL NAMES / LAW ENFORCEMENT PERSONNEL ONLY**

A- ASSISTED AT SCENE C- CRIME SCENE INVESTIGATION F- ASSIGNED FOLLOW-UP OFFICER  
P- PERIMETER ASSIST W- WITNESS

130 CH#  
11-1699

137 CODE <b>A/F</b>		138 NAME (LAST, FIRST NAME) <b>WHITELEY, S.</b>		139 ID NO. <b>1039</b>		140 AGENCY NAME <b>TUSTIN POLICE DEPARTMENT</b>	
141 AGENCY ADDRESS <b>300 CENTENNIAL WAY</b>		CITY <b>TUSTIN</b>		STATE <b>CA</b>		ZIP <b>92780</b>	
142 AGENCY PHONE <b>( 714 ) 573-3200</b>							
143 CAN TESTIFY TO: <b>ASSIGNED AS FOLLOW, OBSERVED LOCATING METH. PIPE</b>							
144 CODE <b>F</b>		145 NAME (LAST, FIRST NAME) <b>HOLLINGSHEAD, G.</b>		146 ID NO. <b>731</b>		147 AGENCY NAME <b>TUSTIN POLICE DEPARTMENT</b>	
148 AGENCY ADDRESS <b>300 CENTENNIAL WAY</b>		CITY <b>TUSTIN</b>		STATE <b>CA</b>		ZIP <b>92780</b>	
149 AGENCY PHONE <b>( 714 ) 573-3200</b>							
150 CAN TESTIFY TO: <b>TRANSPORTED LOPEC TO OJT.</b>							
151 CODE		152 NAME (LAST, FIRST NAME)		153 ID NO.		154 AGENCY NAME <b>TUSTIN POLICE DEPARTMENT</b>	
155 AGENCY ADDRESS <b>300 CENTENNIAL WAY</b>		CITY <b>TUSTIN</b>		STATE <b>CA</b>		ZIP <b>92780</b>	
156 AGENCY PHONE <b>( 714 ) 573-3200</b>							
157 CAN TESTIFY TO:							
158 CODE		159 NAME (LAST, FIRST NAME)		160 ID NO.		161 AGENCY NAME <b>TUSTIN POLICE DEPARTMENT</b>	
162 AGENCY ADDRESS <b>300 CENTENNIAL WAY</b>		CITY <b>TUSTIN</b>		STATE <b>CA</b>		ZIP <b>92780</b>	
163 AGENCY PHONE <b>( 714 ) 573-3200</b>							
164 CAN TESTIFY TO:							
165 CODE		166 NAME (LAST, FIRST NAME)		167 ID NO.		168 AGENCY NAME <b>TUSTIN POLICE DEPARTMENT</b>	
169 AGENCY ADDRESS <b>300 CENTENNIAL WAY</b>		CITY <b>TUSTIN</b>		STATE <b>CA</b>		ZIP <b>92780</b>	
170 AGENCY PHONE <b>( 714 ) 573-3200</b>							
171 CAN TESTIFY TO:							
172 CODE		173 NAME (LAST, FIRST NAME)		174 ID NO.		175 AGENCY NAME <b>TUSTIN POLICE DEPARTMENT</b>	
176 AGENCY ADDRESS <b>300 CENTENNIAL WAY</b>		CITY <b>TUSTIN</b>		STATE <b>CA</b>		ZIP <b>92780</b>	
177 AGENCY PHONE <b>( 714 ) 573-3200</b>							
178 CAN TESTIFY TO:							
179 CODE		180 NAME (LAST, FIRST INITIAL)		181 ID NO.		182 AGENCY NAME	
183 AGENCY ADDRESS		CITY		STATE		ZIP	
184 AGENCY PHONE							
185 CAN TESTIFY TO:							
186 CODE		187 NAME (LAST, FIRST NAME)		188 ID NO.		189 AGENCY NAME	
190 AGENCY ADDRESS		CITY		STATE		ZIP	
191 AGENCY PHONE							
192 CAN TESTIFY TO:							
193 CODE		194 NAME (LAST, FIRST NAME)		195 ID NO.		196 AGENCY NAME	
197 AGENCY ADDRESS		CITY		STATE		ZIP	
198 AGENCY PHONE							
199 CAN TESTIFY TO:							
200 CODE		201 NAME (LAST, FIRST NAME)		202 ID NO.		203 AGENCY NAME	
204 AGENCY ADDRESS		CITY		STATE		ZIP	
205 AGENCY PHONE							
206 CAN TESTIFY TO:							
207 REPORTING OFFICER / ID NO. <b>Blach 985</b>				208 DATE <b>040511</b>		209 APPROVED BY / ID NO.	
210 DATE							

**TUSTIN  
POLICE DEPARTMENT**

**ADDITIONAL NAMES**  
TPD #103A (REV 9/2008)

PAGE

1 CR# **11-1699**  
4 REFER OTHER REPORTS

VICTIM(S) / WITNESS / RP / SUBJECTS

<b>CRIME</b>	2 CODE SECTION <b>PC 148(a)(1)</b>		3 CRIME <b>OBSTRUCTING</b>		4 REFER OTHER REPORTS	
	5 LOCATION <b>ARTADENA/BLISS</b>		6 AREA			
<b>NAME</b>	7 CODE <b>SB</b>	8 NAME (LAST, FIRST, MIDDLE)		9 OCCUPATION		10 D.O.B.
	13 RESIDENCE ADDRESS		14 CITY		STATE	ZIP CODE
	17 BUSINESS NAME & ADDRESS		18 CITY		STATE	ZIP CODE
	21 EMAIL		19 RES. PHONE		16 HT:	
<b>VEH</b>	23 LICENSE #	24 STATE	25 YEAR	26 MAKE	27 MODEL	28 BODY STYLE
	29 COLOR/COLOR		30 OTHER CHARACTERISTICS		31 DISPOSITION OF VEHICLE	
<b>NAME</b>	32 CODE	33 NAME (LAST, FIRST, MIDDLE)		34 OCCUPATION		35 D.O.B.
	36 RESIDENCE ADDRESS		38 CITY		STATE	ZIP CODE
	42 BUSINESS NAME & ADDRESS		43 CITY		STATE	ZIP CODE
	46 EMAIL		40 RES. PHONE		41 HT:	
<b>VEH</b>	48 LICENSE #	49 STATE	50 YEAR	51 MAKE	52 MODEL	53 BODY STYLE
	54 COLOR/COLOR		55 OTHER CHARACTERISTICS		56 DISPOSITION OF VEHICLE	
<b>NAME</b>	57 CODE	58 NAME (LAST, FIRST, MIDDLE)		59 OCCUPATION		60 D.O.B.
	63 RESIDENCE ADDRESS		64 CITY		STATE	ZIP CODE
	67 BUSINESS NAME & ADDRESS		68 CITY		STATE	ZIP CODE
	71 EMAIL		65 RES. PHONE		66 HT:	
<b>VEH</b>	73 LICENSE #	74 STATE	75 YEAR	76 MAKE	77 MODEL	78 BODY STYLE
	79 COLOR/COLOR		80 OTHER CHARACTERISTICS		81 DISPOSITION OF VEHICLE	
<b>NAME</b>	82 CODE	83 NAME (LAST, FIRST, MIDDLE)		84 OCCUPATION		85 D.O.B.
	86 RESIDENCE ADDRESS		89 CITY		STATE	ZIP CODE
	92 BUSINESS NAME & ADDRESS		93 CITY		STATE	ZIP CODE
	96 EMAIL		87 RES. PHONE		88 HT:	
<b>VEH</b>	98 LICENSE #	99 STATE	100 YEAR	101 MAKE	102 MODEL	103 BODY STYLE
	104 COLOR/COLOR		105 OTHER CHARACTERISTICS		106 DISPOSITION OF VEHICLE	
<b>NAME</b>	107 CODE	108 NAME (LAST, FIRST, MIDDLE)		109 OCCUPATION		110 D.O.B.
	113 RESIDENCE ADDRESS		114 CITY		STATE	ZIP CODE
	117 BUSINESS NAME & ADDRESS		116 CITY		STATE	ZIP CODE
	121 EMAIL		115 RES. PHONE		118 HT:	
<b>VEH</b>	123 LICENSE #	124 STATE	125 YEAR	126 MAKE	127 MODEL	128 BODY STYLE
	129 COLOR/COLOR		130 OTHER CHARACTERISTICS		131 DISPOSITION OF VEHICLE	
132 REPORTING OFFICER / ID NO.			133 DATE		134 APPROVED BY / ID NO.	
					135 DATE	

**Tustin Police Department  
Continuation Report  
M. Black #985  
11-1699**

-1-

**CPC 148(a)(1)- Obstructing the duties of a Peace Officer**

On 04.05.11/1738 hrs., I was working patrol in a marked police vehicle, in full uniform. While driving E/B McFadden Av. I observed a male Hispanic subject, later identified as Francisco Javier Lopez, exit the King Liquor Store at 17102 McFadden Av. and get onto an orange motorized scooter. The subject began riding the scooter W/B through the parking lot and out onto McFadden Av., travelling E/B through traffic. (In violation of CVC 21235(b).)

Lopez made a right hand turn onto S/B Myrtle Av. and I activated my lights and siren attempting to stop him. Lopez looked back at me and continued to ride S/B and drove onto the sidewalk. I paralleled the scooter and Lopez turned into a walkway about mid-block Myrtle Av. I got out of my vehicle and told Lopez to stop. Lopez jumped off the scooter and began running W/B through the walkway. I began chasing Lopez as he turned S/B through the west alley of Myrtle Av. I again told Lopez to stop and identified myself as a police officer. Lopez continued running S/B for approximately 75 yards and cut across the north alley of Alta Dena Dr. and through the walkway to the north sidewalk of Alta Dena Dr. Lopez slowed up to catch his breath and I ordered Lopez to the ground and he complied. Lopez was taken into custody for CPC 148(a)(1).

I asked Lopez why he ran and he stated, "I was scared." Lopez told me he had just been released from parole. I conducted a search of Lopez and located a clear glass pipe with white/brown residue. Based on my training and experience I recognized this type of pipe was used for smoking Methamphetamine. I asked Lopez if he had any Methamphetamine in his possession and he said, "No." I asked Lopez when the last time he smoked and he replied, "Yesterday at 8:00 pm."

Per Lopez's request, I released his property and scooter to his [REDACTED]

I transported Lopez to TPD for further investigation. Lopez was read his Miranda rights at which time he stated he understood and did not waive his rights. (04.04.11/1835hrs.). Lopez was transported and booked at OCJ for the following:

CPC 148(a)(1)- Obstructing the duties of a peace officer  
H&S 11364(a)- Possession of a Methamphetamine pipe

I request review by the Orange County District Attorney's office for filing on the above listed charges.

M. Black #985

PROPERTY REPORT

PAGE

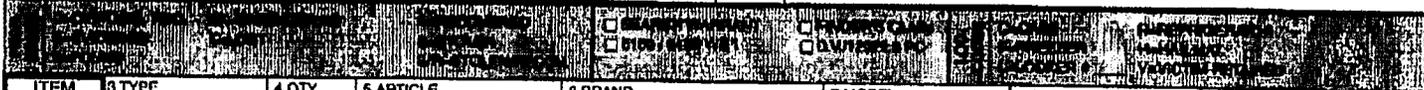
TUSTIN  
POLICE DEPARTMENT

1 CR#	11-1699
2 REFER OTHER REPORTS	

ORIG  
 SUPP

SOURCE CODE: \*F=FINDER \*O=OWNER \*S=SUSPECT \*V=VICTIM \*W=WITNESS

SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)
S	LOPEZ, FRANCISCO JAVIER		



ITEM NO.	3 TYPE	4 QTY	5 ARTICLE	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE
1	E	1	GLASS PIPE	-	-	-	-
	10 COLOR(S)		11 DESCRIPTION				
	CLEAN, WHT/BRN		1-GLASS PIPE W/WHT/BRN METHAMPHETAMINE RESIDUE				

GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			
12 PREMISE / AREA / ROOM TAKEN FROM			13 SOURCE:	14 CURRENT LOCATION	15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		
LEFT PANTS' CARGO POCKET				#22			

ITEM NO.	16 TYPE	17 QTY	18 ARTICLE	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
	23 COLOR(S)		24 DESCRIPTION				

GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			
25 PREMISE / AREA / ROOM TAKEN FROM			26 SOURCE:	27 CURRENT LOCATION	28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
	36 COLOR(S)		37 DESCRIPTION				

GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			
38 PREMISE / AREA / ROOM TAKEN FROM			39 SOURCE:	40 CURRENT LOCATION	41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
	49 COLOR(S)		50 DESCRIPTION				

GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			
51 PREMISE / AREA / ROOM TAKEN FROM			52 SOURCE:	53 CURRENT LOCATION	54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
	62 COLOR(S)		63 DESCRIPTION				

GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			
64 PREMISE / AREA / ROOM TAKEN FROM			65 SOURCE:	66 CURRENT LOCATION	67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME	ID NUMBER	DATE	SIGNATURE FOR RECEIPT	<input type="checkbox"/> RECEIPT MAILED	<input type="checkbox"/> REFUSED	PG	OF
Black	985	040511					

Medical Temp. No: \_\_\_\_\_

ORANGE COUNTY JAIL  
Santa Ana, California

EXPEDITE BOOKING  
 MEDICAL BOOKING  
 NORMAL BOOKING  
 PRE-BOOKING RECORD

FOR JAIL USE ONLY

PLEASE PRINT OR TYPE

BOOKING NUMBER <b>2628774</b>	RECEIVING OFFICER <b>8213</b>	DATE <b>4-5-11/1937</b>	SUPPLEMENTAL WARRANTS	HOW MANY
<input checked="" type="checkbox"/> STREET BOOKING <b>M</b>	<input type="checkbox"/> WARRANT	<input type="checkbox"/> COURT ORDER	<input type="checkbox"/> OTHER (SPECIFY)	
<input type="checkbox"/> COMMITMENT				

TO BE COMPLETED BY ARRESTING OR TRANSPORTING OFFICER  
PLEASE FILL IN ALL OF THE BOXES BELOW THIS LINE PRIOR TO SUBMITTING TO THE RECEIVING GUARD STATION

ARRESTING AGENCY <b>TUSTIN</b>	OCSD AREA OR CONTRACT CITY	AGENCY CASE <b>11-1699</b>	DATE & TIME ARRESTED <b>4-5-11/1746</b>
NAME: LAST <b>LOPEZ</b>	FIRST <b>FRANCISCO</b>	MIDDLE <b>JAVIER</b>	
BIRTHDATE [REDACTED]	SEX <b>M</b>	RACE <b>H</b>	HEIGHT <b>5-9</b>
	WEIGHT <b>220</b>	HAIR <b>BLK</b>	EYES <b>BRN</b>
AKA	STATE & COUNTRY OF BIRTH <b>CA, USA</b>		CITIZENSHIP <b>US</b>
JURISDICTION <b>COC</b>	WARRANT OR CASE NUMBER <b>11-1699</b>	DRIVER'S LICENSE NO. & STATE [REDACTED] <b>CA</b>	
CHARGE 1 <b>PC 148(a)(1) - OBSTRUCTING</b>	CHARGE 4	BAIL <b>500.00</b>	
CHARGE 2 <b>HS 11364(a) - POSS. OF METH. PIPE</b>	CHARGE 5		
CHARGE 3	CHARGE 6		

DNA

DNA COLLECTED BY OFFICER  PREVIOUSLY COLLECTED  NOT COLLECTED (EXPLAIN BELOW)

EXPLAIN WHY DNA WAS NOT COLLECTED: **Misd. DOES NOT APPLY / ON FILE**

OCCUPATION <b>MECHANIC</b>	MARITAL STATUS <b>MARRIED</b>	SOCIAL SECURITY NUMBER [REDACTED]	TELEPHONE NO. <b>714 492-3329</b>
-------------------------------	----------------------------------	--------------------------------------	--------------------------------------

SCARS, MARKS, TATTOOS, AMPS  
**WOMANS FACE - FLIGHT ARM / "FRANCISCO" LEFT FORE ARM**

ADDRESS <b>17151 ALTA DENA #C</b>	CITY <b>TUSTIN</b>	STATE <b>CA</b>	ZIP <b>92780</b>
--------------------------------------	-----------------------	--------------------	---------------------

NEXT OF KIN: NAME [REDACTED]	RELATIONSHIP [REDACTED]	TELEPHONE NO. [REDACTED]
---------------------------------	----------------------------	-----------------------------

ADDRESS [REDACTED]	CITY [REDACTED]	STATE [REDACTED]	ZIP [REDACTED]
-----------------------	--------------------	---------------------	-------------------

ARRESTEE EMPLOYER NAME <b>SELF EMPLOYED</b>	BUSINESS ADDRESS [REDACTED]
--	--------------------------------

OFFICER'S ADDITIONAL INFORMATION - CHECK BOX IF YOU BELIEVE THE ARRESTEE WILL REQUIRE MEDICAL ATTENTION OR SPECIAL MANAGEMENT.  
 MEDICAL (ILL OR INJURED)  MENTAL  INTOXICATED  PROTECTIVE CUSTODY  HIGH SECURITY  
EXPLAIN

ARRESTING OFFICER <b>M. BLACK</b>	ID # <b>985</b>	MANDATORY FOREIGN CONSULAR NOTIFICATION MADE PER CPC 834c <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
--------------------------------------	-----------------	---

PERMISSION TO USE TELEPHONE AFTER ARREST (Pursuant to Penal code Section 851.5)  
I have been given the opportunity to make three (3) FREE telephone calls within the LOCAL DIALING area, or at MY OWN EXPENSE IF OUTSIDE the Local dialing area.

Telephone calls DESIRED 2 RECORD OF TELEPHONE CALLS: Telephone calls COMPLETED 2

Location **TPD 300 CENTENNIAL TUSTIN CA 92780** Date **4-5-11** Time **1845**  
Witnessing Officer **M. BLACK** ID # **985** Agency **TUSTIN P.D.**

SIGNATURE [Signature]





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Inter-Com

DATE: JULY 18, 2011

TO: MARK BLACK, POLICE OFFICER

FROM: CAPTAIN STEVE LEWIS, COMMUNITY POLICING BUREAU COMMANDER

SUBJECT: NOTICE OF DISCIPLINE - SUSPENSION #11-09-I

---

On June 20, 2011, South Area Commander Lieutenant Paul Garaven served you with a Notice of Disciplinary Proceedings. The recommended discipline was based on your violations of the department's performance policy regarding giving false or misleading statements to a supervisor and your conduct toward a member of the public.

As a result, Lieutenant Garaven recommended you be suspended from duty for three work days (37.5 hours) without pay and you be removed from the departments arrest and control training team.

Since, a pre-disciplinary meeting (Skelly) was held on July 13, 2011 at 1400 in my office at the Tustin Police Department. You appeared with your attorney (Mr. Simidjian).

I appreciate you accepting full responsibility for your actions. You stated this was caused entirely by you and it would not happen again.

You did feel the amount of discipline was excessive and asked for a reduction basing your request on the fact you felt this was not work performance related. Your attorney echoed your beliefs. When pressed by me, you felt your conduct toward the public warranted a "written" and the misleading information toward your supervisors maybe a day. You also spoke very highly of the "LIFE" class that you had attended (after this incident) which was the result of previous discipline. You informed me this class really made you think about the decisions you have made, your career, your family and where you were going in life. You felt it was very beneficial to you and highly recommended it to other employees.

Your Attorney, Mr. Smidjian, expressed concern over the General Orders section that was being used regarding the misleading information you gave to your supervisors that night. He felt it might have "Brady" implications.

You closed by asking for options such as General Leave and if you were suspended, you would like the suspension to occur as soon as possible.

After careful consideration of your statements during the Skelly conference, review of the investigation including your statements, my decision is as follows;

Mark Black  
Notice of Discipline – Suspension  
July 18, 2011  
Page 2 of 3

As a final action in this matter, I am **sustaining the violations of the department's disciplinary policy** as outlined in the following General Orders:

Violations of Tustin Police Department General Orders, Section 340 Disciplinary Policy:

**“340.3.5 PERFORMANCE**

(dd) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business.”

and

**“340.3.2 CONDUCT**

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department.”

As a final action, I am **reducing the recommended discipline of three days (37.5 hours) to two days (25 hours) without options.**

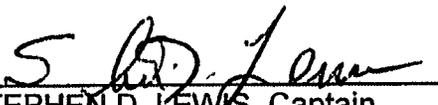
Due to your suspension from duty, you will be required to surrender your Tustin Police badge(s), identification cards and your departmental issued firearm. In addition, during your suspension from duty you will be required to appear in court as noted and monitor your departmental e-mails regarding the notification and service of criminal and traffic subpoenas. ***You are not to engage in any police activity, conduct yourself as a police officer, or take any actions as a police officer,*** during these 25 hours of suspension from duty unless as noted above.

My decision is final and I trust this type of behavior will not occur again. Any further reoccurrences of similar actions will result in additional and more stringent discipline.

**Right to Appeal**

If you disagree with this action, you have the right to appeal its imposition by filing a written notice of your intent to appeal with Kristi Recchia, Director of Human Resources, within 10 days. A copy of the Article 36 - Third Party Advisory Process for Disciplinary Appeals is attached.

Mark Black  
Notice of Discipline – Suspension  
July 18, 2011  
Page 3 of 3

  
STEPHEN D. LEWIS, Captain  
Community Policing Bureau Commander

Attachment: Article 36 – Third Party Advisory Process for Disciplinary Appeals

CC: Kristi Recchia, Human Resources  
Professional Standards File

**Acknowledgement**

I acknowledge receipt of this Notice of Suspension.

  
Mark Black

072011  
Date

## **Article 36. Third Party Advisory Process for Disciplinary Appeals**

- A. Disciplinary actions, which may move beyond the department head's decision, include the actions of termination, suspension, reduction of salary, and demotion. The "third party" advisory process is the step between the department head's action and the City Manager's final decision. In the department head's notice of final disciplinary action (which should be served by registered mail or personal delivery) shall be a statement which clearly informs the employee that he/she has the right, within ten (10) working days after receipt of the response, to request the next level of appeal. The day the employee receives the department head's final notice shall not count as one of the ten (10) days.
- B. The employee's request for the next level of appeal must be addressed to the Director of Human Resources and received in the Human Resources Department so that same is date stamped by the Human Resources Department with the ten (10) day period.
- C. If, within the ten (10) day appeal period, the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the department head shall be considered conclusive and shall take effect as prescribed. If within the ten (10) day appeal period, the employee involved files such notice of appeal by giving written notice of appeal to the Director of Human Resources, an appeal hearing shall be established as follows:
1. If a single third party hearing officer cannot be agreed upon by the Director of Human Resources and the employee's representative (or employee alone if unrepresented), the American Arbitration Association shall be requested to submit a list of seven (7) persons qualified to act as arbiters to the City and employee. Within ten (10) days following receipt of the list of arbiters, the parties shall meet to select the arbiter. The parties shall alternately strike one (1) name from the list of arbiters (the right to strike the first name to be determined by lot) until one (1) name remains, and that person shall be the arbiter.
  2. Where practicable, the date for the hearing shall not be less than twenty (20) days, nor more than sixty (60) days, from the date of the filing of the appeal with the Director of Human Resources. The parties may stipulate to a longer or shorter period of time in which to hear the appeal. All interested parties shall be notified in writing of the date, time, and place of hearing.
  3. All hearings shall be private, provided, however, that the arbiter shall, at the request of the employee, open the hearing to the public.
  4. Subpoenas and subpoenas duces tecums pertaining to a hearing shall be issued at the request of either party, not less than five (5) working days, prior

to the commencement of such hearing. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the arbiter.

5. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules, which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil and criminal actions, and irrelevant and unduly repetitious evidence shall be excluded. The arbiter shall not be bound by technical rules of evidence. The arbiter shall rule on the admission or exclusion of evidence.
6. Each party shall have these rights: to be represented by legal counsel or other person of his/her choice; to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses or any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. If the respondent does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation. A court reporter will be engaged to record the hearing, unless the parties (City, arbiter, employee/employee representative) mutually agree that same is not necessary.
7. The hearing shall proceed in the following order, unless the arbiter, for special reason, otherwise directs:
  - a. The party imposing discipline shall be permitted to make an opening statement.
  - b. The appealing party shall then be permitted to make an opening statement.
  - c. The party imposing disciplinary action shall produce the evidence on his/her part; the City bears the burden of proof and burden of producing evidence.
  - d. The party appealing from such disciplinary action may then open his/her defense and offer his/her evidence in support thereof; the

employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted.

- e. The parties may then, in order, respectively offer rebutting evidence only, unless the arbiter for good reason permits them to offer evidence upon their original case.
  - f. Closing arguments shall be permitted and written briefs may be permitted at the discretion of the arbiter.
8. The arbiter shall determine relevancy, weight, and credibility of testimony and evidence. He/she shall base his/her findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the arbiter, in his/her discretion, for good cause, otherwise directs. No still photographs, moving pictures, or television pictures shall be taken in the hearing chamber during a hearing. The arbiter, prior to or during a hearing, may grant a continuance for any reasons he/she believes to be important to reaching a fair and proper decision. The arbiter shall render his/her judgment as soon after the conclusion of the hearing as possible and in no event later than thirty (30) days after conducting a hearing. His/her decision shall set forth findings of fact and conclusions. The opinion shall be advisory only.
9. The arbiter may recommend sustaining or rejecting any or all of the charges files against the employee. He/she may recommend sustaining, rejecting, or modifying the disciplinary action invoked against the employee. He/she may not recommend for discipline more stringent than that invoked by the department head.

The arbiter's opinion and recommendation shall be filed with the City Manager, with a copy sent to the charged employee, and the Director of Human Resources and shall set forth his/her findings and recommendations. If it is a dismissal hearing and a dismissal is not the arbiter's recommendation, the opinion shall set forth the recommended date the employee is recommended to be reinstated and/or other recommended action. The reinstatement date, if appropriate, may be an time on or after the date of disciplinary action.

10. Within thirty (30) days of the receipt of the arbiter's findings and recommendations, and transcript (which is optional only in certain cases), whichever date is later, the City Manager shall adopt, amend, modify or reject the recommended findings, conclusions, and/or opinions of the arbiter. Prior to making a decision, which modifies or rejects the recommendation of the arbitrator, the City Manager shall order and read the transcript of the Third Party Advisory Process. Prior to making a decision which supports the arbiter, the City Manager may order and read the subject transcript, at his/her option, allow

limited oral arguments and/or may request and review written statements from either side. The decision of the City Manager shall be final and conclusive. Copies of the City Manager's decision, including the arbiter's recommendations(s) shall be filed where appropriate, including the employee's personnel file, unless no discipline is upheld by the City Manager. Each party shall bear equally the cost of facilities, fees and expenses of the arbiter, including the court reporter and transcripts. If the City Manager orders a transcript for his/her review, the City shall bear the cost of providing the transcript. Each party shall bear its own witness and attorney fees. If either party unilaterally cancels or postpones a scheduled arbitration, thereby resulting in a fee charged by the arbiter or court reporter, then the party responsible for the cancellation or postponement shall be solely responsible for the payment of that fee. This process shall not apply to mutual settlements by the parties, which result in an arbitration fee.

11. In the case of suspension, demotion, reduction in salary, or dismissal prescribed by the City Manager, the time of such suspension, demotion or dismissal shall be effective from the first day after such delivery of said decision or shall relate back to be effective as of the date the employee was suspended from duty pending hearing before and decision by the City Manager, whichever is applicable. If discipline imposed resulted in loss of pay, the pay loss shall be restored to the employee based on the number of standard work hours lost computed at his/her then base hourly rate. The provision of Section 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this Article.

  
\_\_\_\_\_  
Officer Mark Black

072011  
Date

I ACCEPT DISCIPLINE AS IMPOSED AND WAIVE  
ANY FURTHER RIGHTS,





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DATE: JUNE 7, 2011

Inter-Com

TO: CHIEF SCOTT M. JORDAN, VIA CHAIN OF COMMAND

FROM: LIEUTENANT PAUL GARAVEN, SOUTH AREA COMMANDER

SUBJECT: ADMINISTRATIVE REPORT- # 11-09-I

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### CONCLUSION AND REASONING

Based on my review of this investigation, my finding regarding the alleged violation of the Tustin Police General Orders are as follows:

#### "340.3.5 PERFORMANCE

(dd) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business."

and

#### "340.3.2 CONDUCT

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department."

#### FINDING: SUSTAINED.

On 04/05/11, at approximately 1746 hours, Officer Black initiated a stop for vehicle code violations and the suspect fled on foot. He was taken into custody after he surrendered to Officer Black without further incident. Officer Black verbally reported to supervisors he had "tackled" the suspect and "dropped a knee." Officer Black also alleged he had used profanity towards the suspect. Officer Black wrote a police report related to the incident describing no use of force.

In a subsequent interview related to this investigation, Officer Black recanted his initial statements saying he had never tackled the suspect and the "dropping the knee" was in fact just him kneeling onto the suspects back to handcuff him. Furthermore, Officer Black recanted his statement regarding making the suspect's palm touch the back of his head. Officer Black said he did use profanity directed at the suspect as originally reported. Sergeant Havourd did interview the suspect who claimed Officer Black did use profanity, the audio from the interview is nearly inaudible and there is no other

conclusive evidence of what Officer Black said to the suspect. Officer Black admitted the tale he initially told was just a "war story" and he could not explain why he had misrepresented the force used and his use of profanity.

Also during the incident, but unrelated to the arrest of the suspect, Officer Black saw a subject he had contacted earlier in the day. The subject made a comment to Officer Black which he could not recall. In Sergeant Havourd's interview, he refers to Officer Black calling the passerby an "asshole." In fact, what Officer Black said on the MAVS was, "If you think you're all bad, why don't you come back here....smart ass."

In regards to not using his MAVS, Officer Black's explanation is plausible. There are times the microphones do need to be recharged in the charging cradle. In dynamic situations such as a sudden foot pursuit, the microphone could reasonably be forgotten. This should be an exception to the rule but is plausible under the circumstances.

Accurate reporting of incidents to supervisors is essential in all facets of police work and particularly in the area of use of force incidents. It is ironic that in this case, the force used was embellished as opposed to downplayed and the force used was appropriate for the circumstances. Nonetheless, the fact remains that Officer Black misrepresented his actions, in violation of department policy. Also, Officer Black's off the cuff comment to the passerby was uncalled for, disrespectful and discourteous.

## **PRIOR ACTIONS**

03-08-11 – 12.5 hour suspension and attendance of a L.I.F.E. Class for unsatisfactory work performance.

12-21-10 – Supervisory counseling for performance issues.

11-01-09 – Written reprimand for failing to report to work on a 10 hour day.

07-15-08 – Written reprimand for violating the pursuit policy.

09-12-07 – 12.5 hour suspension for discourteous conduct.

03-16-02 – 12.5 hour suspension for violating the impartial attitude policy.

03-27-00 – Written reprimand for missing a court call.

01-01-99 – 40 hour suspension for missing a workday.

07-20-98 – One day suspension for missing a 10 hour day.

10-31-97 – Nine day suspension for potential involvement in a gambling operation.

09-11-97 – Written reprimand for missing a 10 hour day.

07-28-97 – Written reprimand for a preventable traffic collision.

### **RECOMMENDATION**

In light of the violations highlighted in this investigation, Officer Black's history of performance related issues and considerable disciplinary record, I am recommending Officer Black receive a **37.5 hour suspension and removal from the Arrest and Control Training Staff.**

Review by Bureau Commander.



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Inter-Com

DATE: MAY 17, 2011

TO: CHIEF SCOTT M. JORDAN, VIA CHAIN OF COMMAND

FROM: SERGEANT DUANE HAVOURD, PROFESSIONAL STANDARDS DIVISION

SUBJECT: ADMINISTRATIVE REPORT- INCONSISTENCY IN REPORTING AI # 11-09-I

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### **SUMMARY**

I was assigned this investigation on 04/13/11 by Captain Celano. This investigation stems from an arrest made by Officer Black on 04/05/11, at approximately 1746 hours. The suspect fled on foot from Officer Black during his attempt to stop him. He was taken into custody after he surrendered to Officer Black without further incident. Officer Black wrote a police report describing the incident. He later described the incident to two Sergeants and described force being used that was not indicated in the police report. He described the incident in a profanity laden account which revealed obvious inconsistencies between his verbal account and his written account.

### **GENERAL ORDERS APPLICATIONS**

Violation of Tustin Police Department General Orders, Section 340 Disciplinary Policy:

#### **"340.3.5 PERFORMANCE**

(dd) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business."

and

#### **"340.3.2 CONDUCT**

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department."

### **INVOLVED PARTIES**

Officer Mark Black

South Area Command - Days

Supervisor: Sergeant Bullock

Days Off: Wednesday- Saturday

Officer Sean Whiteley  
South Area Command - Nights  
Supervisor: Sergeant Cartwright  
Days Off: Friday – Monday

Francisco Lopez  
17151 Altadena St # C  
Tustin, CA 92780  
Phone No.: 714-492-3329

## **ATTACHMENTS**

1. Memos from Sergeants Garcia, Bullock, Blair; and the Administrative Investigation memo.
2. Police report (11-1699).
3. Recorded interview of Lopez.
4. Recorded interview of Officer Whiteley.
5. Recorded interview of Officer Black.
6. MAVS recording from Officer Black.
7. MAVS recording from Officer Whiteley.

## **INVESTIGATION**

I was assigned this investigation on 04/13/11 by Captain Celano. The investigation was initiated after Officer Black took a suspect into custody after a foot chase. The report he authored made no mention of using force on the suspect he arrested. After the report was authored, he made statements to two Sergeants that he had used force and profanity during the encounter.

Sergeant Garcia drafted a memorandum describing his conversation with Officer Black as it pertained to the arrest of Lopez, who is the subject in this case (Attachment # 1). Officer Black told Sergeant Garcia he was engaged in a foot pursuit of Lopez after he attempted to stop him for a traffic violation. Lopez stopped the motorized scooter he was riding and fled on foot. Officer Black told Sergeant Garcia he chased Lopez, "tackled" him and, "drop kicked the motherfucker." Officer Black went on to say he, "made his palm touch the back of his head" and when the suspect yelled, "ouch" he told him, "fuck you, if you run from me you're going to fucking hurt." Sergeant Garcia listened to the conversation and later had the occasion to review the report Officer Black prepared describing the incident. The account Officer Black gave verbally did not match the account he gave in writing. The report said that the suspect was taken into custody with no indication any force was used other than a procedural handcuffing technique.

Sergeant Blair was at the scene, however; he did not witness the arrest since he arrived after the suspect was already in custody. Officer Black told Sergeant Blair the suspect

fled from him on foot and when he caught up to him to take him into custody he, "dropped a knee" on him. This description of dropping a knee on the suspect was not in the report.

I pulled the MAVS recording from both Officer Black and Officer Whiteley's cars. Officer Black's MAVS clearly shows the suspect on the motorized scooter fleeing from him. When Officer Black stopped his car, to give chase on foot, he did not have his MAVS microphone on so no audio of the chase was captured. The suspect ran out of view of the camera so there is no video of the actual arrest. Officer Whiteley arrived after the suspect was already in custody. The way he positioned his car, you cannot see the suspect in the MAVS video; however, you can hear the conversation since Officer Whiteley's MAVS microphone was on. You can hear Officer Black give an account of the stop of Lopez. Officer Black tells Officer Whiteley that Lopez ran from him and then surrendered and never mentions any force being used; there is no mention of profanity. You can hear the suspect apologizing in the background, he seems to be verbally cooperative. There is no audible mention of injuries to the suspect or anything that would indicate force was used on him. The suspect seemed to be calm and cooperative from what could be heard on the MAVS.

At one point during the audio, a citizen passes by Officer Black and he can be heard saying, "What are you looking at, asshole?" It appears that Officer Black knew the person from another contact, however, an exchange between the two cannot be heard, only Officer Black's profanity.

**Francisco Lopez's Statement:**

On 04/26/11, I conducted a recorded interview of Lopez in the visitor area of the Theo Lacy Branch jail. Lopez was in secured custody so I was talking to him on a phone and we were separated by thick sound proof glass. I asked Lopez to tell me what happened when he was arrested by Officer Black. He told me he was riding a motorized scooter when Officer Black drove up behind him and attempted to pull him over. Lopez got scared and did not want to get a ticket. He stopped the scooter, abandoning it on the sidewalk, and attempted to run away from Officer Black. He ran for several hundred yards then, "thought to himself why am I running, this is stupid." He stopped and surrendered to Officer Black.

He told me when he stopped and surrendered he put his hands up, laid on the ground and put his hands behind his back so he could be handcuffed. He was knelt on by Officer Black and handcuffed. Lopez described Officer Black's demeanor as "excited" but stated he was treated well. I asked Lopez if he felt he was treated badly or if force was used on him he did not feel was appropriate. He told me he was fine with what happened to him. He was not injured or beaten up and he apologized and told me he should not have run. I asked him if Officer Black had cussed at him during his arrest. Lopez laughed and told me Officer Black was "excited."

I asked Lopez specifically if he remembered Black telling him, "fuck you, if you run from me you're gonna fucking hurt." Lopez laughed and told me he did remember Officer Black saying that to him. He told me he did not care and he understood the officer was excited. I asked him if Officer Black had called him a, "motherfucker." Again Lopez laughed and said he did not want to get Officer Black in trouble but yes, he did remember being called a, "motherfucker." I asked Lopez if Officer Black ever twisted his arm so his hand touched the back of his head. Lopez told me Officer Black did not do that to him. He went on to say Black did not hurt him at all or use any unnecessary force. Lopez had no complaints about how he was treated by Black and seemed to like Officer Black and was defending his actions by saying, "I know he was excited and I'm sorry for running, it was stupid."

**Sean Whiteley's Statement:**

On 04/28/11, at approximately 1700 hours, I conducted a tape recorded interview of Officer Whiteley. Officer Whiteley told me he followed up Officer Black on the stop of Lopez. He responded to the area after hearing that Officer Black was in a foot pursuit. Officer Whiteley arrived within minutes of the initial call. When he arrived on the scene, he saw that Officer Black had Lopez in custody lying on his stomach in handcuffs. Officer Whiteley did not see any visible injuries to Lopez and Lopez did not indicate that he was injured. Officer Whiteley told me Lopez seemed cooperative and was apologizing for running.

Officer Whiteley was alone with Lopez for a period of time while Officer Black was attending to the details of the call. At no time did Lopez complain about force being used on him or unprofessional treatment. To the contrary he was apologetic and remorseful. Lopez did not indicate he was injured and was cooperative and talkative the entire time Officer Whiteley was present.

Officer Whiteley did not observe anything unusual about the contact. Officer Black seemed calm and happy that he had caught the suspect after the foot chase. When Officer Black described what had happened during the chase he did not indicate to Officer Whiteley that any force or profanity was used. Officer Whiteley said the contact seemed to be completely uneventful.

**Mark Black's Statement:**

On 05/10/11, at approximately 0900 hours, I conducted a tape recorded interview of Officer Black who was in the company of his legal representative, Michael Simidjian. I read Officer Black his rights per AB 301 and his Lybarger admonishment. Officer Black was advised to remain silent by Simidjian and I ordered him to give a statement. I asked Officer Black to describe to me the arrest of Lopez. Officer Black told me he attempted to stop Lopez for traffic violations he committed while he was riding a scooter. Lopez did not immediately yield to him. He followed Lopez for a short distance and Lopez stopped his scooter and ran from Officer Black on foot.

Officer Black gave chase and called for assistance and to advise he was in a foot pursuit. Officer Black pursued Lopez for several hundred yards where Lopez surrendered. Lopez laid on the ground and put his hands behind his back on his own volition. Officer Black knelt on his back and cuffed Lopez without any resistance. Officer Black told me he did not use any force on Lopez, other than proper handcuffing technique. I asked Officer Black if he used any profanity while dealing with Lopez and he told me he did not recall using any profanity during the contact. I asked Officer Black if he used specific phrases, such as, "motherfucker", or, "fuck you, if you run from me you're gonna fucking hurt." Officer Black told me he did not recall using those phrases.

I asked Officer Black if he twisted Lopez's arm to touch the back of his head or if he used any other force on him. Officer Black told me he did not and that the only force he used was to kneel on his back while handcuffing him. I asked Officer Black if he used any unnecessary force on Lopez and he said he did not. He stated he is an arrest and control instructor and that he used the techniques he was taught and the one he teaches to officers for handcuffing.

I asked Officer Black if he remembered speaking to Sergeant Garcia about the arrest of Lopez and he told me he did. I asked him to tell me what he said to Sergeant Garcia. Officer Black told me he could not remember exactly what he had said to Sergeant Garcia. I read statements directly from Sergeant Garcia's memorandum to find out from Officer Black if he had said them. I asked Officer Black if he told Sergeant Garcia that he, "drop kicked the motherfucker." Officer Black said he could have said that, but did not remember if those were his exact words, but he remembered saying words to that affect. I asked him if he did, in fact, drop kick Lopez and he said he did not. I asked Officer Black if he remembered telling Sergeant Garcia that he made Lopez's palm touch the back of his head. Officer Black told me he remembered saying that but it did not occur. I asked Officer Black if he remembered telling Sergeant Garcia that the suspect yelled "ouch" and his reply to the suspect was, "fuck you, if you run from me you're gonna fucking hurt." Officer Black told me he did not remember saying that but that he may have. I asked Officer Black if he told Sergeant Garcia he "dropped a knee" on Lopez and he told me he did. Officer Black said when he used the term "dropped a knee" on him, he was referring to the handcuffing technique where the suspect is knelt on while being cuffed.

I asked Officer Black if any of these statements were carried out or told to Lopez in the field. Officer Black told me they were not and Lopez was only knelt on and handcuffed. I asked Officer Black to explain to me why he made all these statements to Sergeant Garcia if they were not true. Officer Black told me he was only trying to relay the facts. I explained to Officer Black that what he was telling Sergeant Garcia were not the facts and I needed to know why he made the statements, if they did not occur. Officer Black did not have an answer. I asked Officer Black if he embellished the events or told a "war story" which was not true. Officer Black told me it was a "war story" and the events he described to Sergeant Garcia did not really happen. Officer Black told me the only thing

that did happen when he was dealing with Lopez after he fled on foot was that he surrendered and was knelt on and handcuffed. Officer Black told me the account of the arrest he wrote in his report was accurate and what he told Sergeant Garcia was inaccurate. Officer Black said he was not trying to intentionally mislead Sergeant Garcia, he just got caught up in the moment.

I asked Officer Black why he did not have his MAVS mic on while he chased Lopez. Officer Black told me his battery was low in the mic and he was charging it in its cradle. I asked Officer Black if he recalled calling a passerby an "asshole." Officer Black told me he remembered calling a subject he had contact with in the past an, "asshole" as he walked by the stop. He did so because of his prior experience with the subject and really had no other reason for doing so.

Officer Black gave a closing statement in this interview which had no bearing on the factual account of the investigation but is contained in the record to be listened to.

**ADMINISTRATIVE INVESTIGATION TIME LOG – IA #11-09-I**

DATE	TIME		ACTIVITY/COMMENTS
	FROM	TO	
04/13/11	0900	1030	Report review
04/15/11	1000	1200	MAVS review
04/20/11	1300	1500	Investigation preparation
04/26/11	1400	1600	Lopez interview Theo Lacy
04/27/11	0900	1000	Report writing
04/28/11	1700	1800	Whiteley interview
04/29/11	0900	1000	Report writing
05/10/11	0900	1000	Black interview
05/13/11	1000	1100	Report writing
05/17/11	1200	1600	Report writing
05/17/11	1600	1700	Report review

**TOTAL TIME SPENT RECAP (ROUNDED TO NEAREST HOUR)**

**INVESTIGATION**

INVESTIGATING OFFICER TIME 17.5 hours  
 INVESTIGATED EMPLOYEES TIME (Including Witnesses) 2.0 hours  
 TYPING/PREPARING DOCUMENTS & ATTACHMENTS NOT LISTED ABOVE \_\_\_\_\_  
 OTHER TIME SPENT (Justify Below) \_\_\_\_\_

**ADMINISTRATIVE REVIEW TIME NOT LISTED ABOVE**

LIEUTENANT 5  
 CAPTAIN \_\_\_\_\_  
 CHIEF (Including Review/Skelly Memos/Legal Advice, etc.) \_\_\_\_\_

**APPEALED CASES**

CITY MANAGER \_\_\_\_\_  
 ATTORNEYS (Including City Attorney) \_\_\_\_\_  
 MISCELLANEOUS COSTS (Including Hearing Officer) \_\_\_\_\_



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Inter-Com

DATE: JUNE 7, 2011

TO: OFFICER MARK BLACK, PATROL DIVISION, SOUTH AREA

FROM: LT. PAUL GARAVEN, SOUTH AREA COMMANDER

SUBJECT: **NOTICE OF DISCIPLINARY PROCEEDINGS AI #11-09-I**

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The Chief of Police has delegated me the authority to notify you of the department initiating disciplinary proceedings against you. Disciplinary proceedings are defined as allegations that, if validated, will likely result in negative disciplinary action of a written reprimand, **suspension without pay**, demotion in rank, punitive transfer, reduction in salary, or termination.

#### **FORMAL CHARGES**

I have charged you with the following violations of the Tustin Police Department General Orders.

Based on my review of the investigation, my findings regarding the alleged violations to the Tustin Police Department General Orders are as follows:

#### **GENERAL ORDERS APPLICATIONS:**

##### **"340.3.5 PERFORMANCE**

(dd) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business."

and

##### **"340.3.2 CONDUCT**

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department."

**FINDING: SUSTAINED.**

It is alleged on 04/05/11, at approximately 1746 hours, you misrepresented your actions during the arrest of a suspect by giving misleading information to supervisors. Additionally, your conduct towards a member of the community was discourteous and disrespectful.

**RECOMMENDATION:**

All written material pertaining to this matter, as well as contents of your personnel file and division file, has been reviewed. My decision is that sufficient grounds exist for the department to proceed with disciplinary charges against you, according to the disciplinary policy described in General Order 340, specifically section 340.3.5 (dd) and 340.3.2 (k). My recommendation is that you be **suspended from duty for 37.5 hours**.

Attached to this notice are copies of all written materials upon which these charges and your proposed suspension are based. You may review your personnel file upon reasonable request to do so.

**RESPONSE:**

You have the right to respond, verbally and/or in writing, to these charges and my recommendation that you be suspended from duty without pay. If you choose to respond verbally, you may do so at the date and time stated below for the disciplinary meeting. Please confirm with me, or Administrative Secretary, Penni Foley, no less than twenty-four hours prior to the meeting, whether or not you will be responding verbally at the disciplinary meeting. If you choose to respond in writing, either in lieu of or in addition to a verbal response, please submit your written response no less than twenty-four hours prior to the meeting.

Your failure to make a verbal or written response as set forth above will constitute a waiver of your right to respond to these charges and proposed suspension.

**DISCIPLINARY MEETING:**

Captain Lewis will conduct a disciplinary meeting. He will meet you in his office at 0900 hours on Tuesday, July 12, 2011. You have the right to be represented by counsel or another person of your choosing during the disciplinary meeting.

You may waive your right to a disciplinary meeting by so stating on this memo and returning it to me. Your waiver of the disciplinary meeting signifies your acceptance of the charges and disciplinary action. You may also submit a written response with your waiver, if you desire.

**DUTY STATUS:**

You are to remain on full duty pending the outcome of these proceedings.

Paul Garaven, Lieutenant  
South Area Commander

**Attachments:**

1. Memos from Sergeants Garcia, Bullock, Blair; and the Administrative Investigation memo.
2. Police report (11-1699).
3. Recorded interview of Lopez.
4. Recorded interview of Officer Whiteley.
5. Recorded interview of Officer Black.
6. MAVS recording from Officer Black.
7. MAVS recording from Officer Whiteley.

**ACKNOWLEDGEMENT**

I acknowledge receipt of this Notice of Disciplinary Proceedings

m. Black #985

Officer Mark Black

062911

Date