

EL DORADO COUNTY SHERIFF'S DEPARTMENT
SHERIFF JOHN D'AGOSTINI

MEMORANDUM

INVESTIGATOR: Sergeant Ed Falkenstein

SUBJECT: IA14-01
Sean Kestner

DATE: March 31, 2014



INTRODUCTION

On February 2, 2014, I was assigned this Internal Affairs Investigation from Captain Ashworth. The allegation is that Correctional Officer Sean Kestner was dishonest during the investigation of IA12-25 in which he was a subject officer.

SYNOPSIS

February 3, 2014; I was assigned this case

I reviewed the file to include the following statements;

Officer Kestner

February 13, 2014; Contact; Officer Kestner

February 26, 2014; Interview; Officer Kestner

SUMMARY OF ALLEGATIONS AND FINDINGS

340.3.5 PERFORMANCE

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner attempted to conceal and minimize his own actions by blaming and involving other officers in the unacceptable behavior of spreading rumors.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner deliberately failed to carry out my lawful directive, outlined in the Administrative Admonishment, and provided me with two false and misleading statements.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner's remarks to be disparaging and negatively affect the involved officers. His actions subvert the good order of the department and would tend to discredit the accused members.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

Finding: Not Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator. However, it cannot be shown that his statements were "calculated to harm or destroy," which would indicated that they were done with full awareness of the likely consequence, a reputation.

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the employees.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner knowingly violated both Administrative Admonishment and provided me with a false and misleading statement during both of his IA Interviews.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off duty.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner's statements to be dishonest and disgraceful conduct which adversely affects the employee/employer relationship.

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work related investigation.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner's statements during both IA12-25 and IA14-01 to be false and misleading.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner's behavior to be unbecoming of a member of his department and is contrary to good order and morale. Officer Kestner's behavior reflects unfavorably upon this department and its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner failed to properly perform his duties during both Internal Affairs investigations. Officer Kestner provided false and misleading statements to this investigator concerning his co-workers involvement in the spreading of rumors.

(ad) 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.

Finding: Sustained

- This investigation revealed that after signing two Administrative Admonishments, Officer Kestner gave a false and misleading statement to this investigator during his interview concerning IA12-25 and IA14-01.
- Officer Kestner stated that he understood both Administrative Admonishment and had no questions concerning it.
- Officer Kestner's false and misleading statement affected five other officers, and accused them of violating the County's Policy Prohibiting the spreading of rumors which are sexual in nature, creating a hostile work environment.
- I find that Officer Kestner gave a false and misleading statement during both Internal Affairs

investigations concerning his co-workers involvement in the spreading of rumors.

PREFACE

I completed the investigation of IA12-25. The investigation began on November 28, 2012 and concluded in March of 2014. The investigation involved the spreading of rumors of a sexual nature about _____ and _____. The alleged rumors created an intimidating, hostile and offensive work environment. The investigation involved multiple subject officers.

Officer Kestner was interviewed as a subject officer. The allegations against Officer Kestner, that he spread rumors of sexual nature about _____ and _____, were sustained by me and El Dorado County Human Resources, who conducted their own and separate investigation.

During Officer Kestner's IA Interview, he stated that _____ had all participated in the spreading of the rumors. After the accusations were made by Officer Kestner, all of the officers were investigated as subject officers. All officers denied the accusation made by Officer Kestner. In addition, there was no supporting evidence to substantiate the claims made by Officer Kestner that officers spread the rumors. At the conclusion of the investigations, the charges against the officers were not sustained.

EVIDENCE AS TO EACH ALLEGATION

February 3, 2014

I was assigned this Internal Affairs Investigation from Captain Ashworth. The allegation is that Correctional Officer Sean Kestner was dishonest during the investigation of IA12-25 in which he was a subject officer.

I reviewed the attached Memorandum which had been prepared by Captain Peshon on January 1, 2014, and addressed to US William. In the memorandum, Captain Peshon stated he had reviewed IA12-25 K (), IA12-25H () and IA12-25J (). These investigations involved the spreading of sexual rumors against and . Officer Kestner stated, during his IA interview, that these officers had spread the rumor; however, during the course of the investigation, the charges were not sustained against the officers.

I investigated and completed IA12-25. In addition to the officers mentioned by Captain Peshon, and were also brought up by Officer Kestner during his IA Interview. The allegation made by Officer Kestner was that and spread rumors of a sexual nature about and . I found no evidence during the course of my investigation to substantiate the allegations made by Officer Kestner against and that they spread rumors about and

Below are Officer Kestner,

's statements which were taken during their Internal Affairs Interview pertaining to IA12-25. Below the statements is a summary of

's statements pertaining specifically to Officer Kestner accusations against them.

Interview; Officer Kestner (IA12-25)

On January 2, 2013, at about 1325 hours, Sergeant Murdoch and I met with Correctional Officer Kestner at the Support Services Office to conduct our interview. Present with Officer Kestner was Representative Gregory Ramirez. Prior to the start of the interview Officer Kestner read and indicated he understood the Administrative Admonishment, having no questions concerning it.

Officer Kestner is a Correctional Officer with the El Dorado County Sheriff's Office. He has been a Correctional Officer for approximately 12 years. He is currently assigned to day shift with weekends off. His current supervisor is Sergeant Lake. Officer Kestner has worked _____ in the past. Additionally, Officer Kestner has no reason to not like or be disgruntled towards

. Officer Kestner has worked with _____ in the past.

I asked Officer Kestner if he had ever noticed any inappropriate behavior such as touching, kissing or groping between _____ and _____ that would indicate to him they are in a relationship other than being merely friends, on or off duty. Officer Kestner replied, "Directly observed it myself? No."

I asked Officer Kestner if he had any information regarding if they are, in fact, in a relationship other than being merely friends. Officer Kestner stated, "Factual information? No."

I asked Officer Kestner, if he heard rumors about such allegations. Officer Kestner stated, "Yes," and that the rumors started "Years ago." Officer Kestner stated he first heard the rumor from retired Officer _____ two years prior. Officer _____ told Officer Kestner that he felt there was more than a working friendship between _____ and _____. Officer _____ did not elaborate. Officer Kestner described interaction with Officer _____ as a senior Officer "warning" a junior Officer of the situation and was "trying to pass on his wisdom." I asked Officer Kestner if he remembered exactly what Officer _____ had told him. Officer Kestner replied that it was something similar to, _____ (referring to them having a sexual relationship)."

I asked Officer Kestner if he had heard the rumor since hearing it from Officer _____. Officer Kestner stated, "I can't think of many people that don't think something is going on between the two of them. Most everybody thinks that something is going on between the two of them." Officer Kestner stated that he had spoken with _____

_____ concerning the matter. Officer Kestner added that the rumors have been going on two plus years, and he cannot remember everyone he has spoken with about it.

Officer Kestner spoke with _____ about the matter inside a transportation van traveling between Placerville and Tahoe. Officer Kestner explained that he and _____

"Conversed about different rumors and different concerns that we had about people that we were working with for the entire drive up." Officer Kestner did not remember the exact date this occurred.

I questioned Officer Kestner specifically as to the conversation regarding [redacted] and [redacted]. Officer Kestner explained that he told [redacted] that rumors were "Flying" around about them and that people were starting to not trust [redacted] judgment and losing respect for her in a professional manner because of the rumors. Officer Kestner did not remember the specifics of the conversation because, "It was an hour and 20 minute drive." Officer Kestner stated that [redacted] expressed similar concerns and told him the administration was aware and looking into it. [redacted] did not provide Officer Kestner with any new information regarding the rumor.

I asked Officer Kestner what the specifics of the rumor were. Officer Kestner replied that it was an "Ongoing story rumor," and there were a lot of details to it. I asked Officer Kestner to explain to me in chronological order. He told me the following:

"Two and a half years ago (I) had a conversation with [redacted] in the parking lot. It's kind of convoluted. It starts with [redacted] breaking down at the beginning of his shift in C-1. Completely sobbing, just blubbering idiot and the story was that his sister unit from whatever he was at in the military had just been killed in Afghanistan or Iraq. Nobody ever found any information about any Special Forces unit being killed anywhere in that timeframe that he was. So, people started not having a whole lot of trust and faith in him then because of that. People have prior military service, relatives that are currently in the military and they looked into this stuff, [redacted] being one of them, his son. Nothing could be found... They had a Fantasy Football draft at [redacted] house close by the jail there. [redacted] got so intoxicated that he spent the night at [redacted] house. That was what had been going around. And he was the only one that stayed there with her. So, a lot of people inferring off of crap because nobody's really seen anything."

Officer Kestner stated that the inference was of a drunk Officer spending the night at a female Officer's house and that something sexual had occurred between them.

Officer Kestner added that in July or August of 2012 [redacted] had attended a camping trip at Union Valley, with other Sheriff's Office employees. After that camping trip more rumors

started, saying that [redacted] acted and flaunted her body in a provocative manner. Officer Kestner did not attend the camping trip, however, believes he heard it from [redacted]. Officer Kestner stated that he heard that she had not exposed herself, but was just scantily clad. Officer Kestner was asked how this related to [redacted] and her having a relationship. Officer Kestner stated he did not know if [redacted] even attended the camping trip and could not relate it to the investigation.

I asked Officer Kestner about other rumors he had heard concerning [redacted] and [redacted]. Officer Kestner told me that he had been approached by [redacted] while working in the C3 tower. They had a conversation about a different Internal Affairs investigation, and how Officer Kestner believed the inmate's story over [redacted] account due to the fact he was losing "faith" in [redacted]. [redacted] agreed with Officer Kestner, and stated something to the effect that he hoped [redacted] was not adversely affected by the investigation. Officer Kestner added that [redacted] was sleeping on [redacted] couch because his wife had kicked him out of the house. [redacted] told Officer Kestner that late one night [redacted] had received text messages from [redacted].

Officer Kestner could not remember any other rumors about [redacted] and [redacted] until I questioned him about [redacted] retirement party. Officer Kestner told me that he and his wife attended the party. Officer Kestner stated that [redacted] was also attending the party, and at one point her husband [redacted], had cruised the parking lot of the restaurant. [redacted] did not come inside and congratulate or say hi to anyone.

Officer Kestner told me that his attention was drawn to [redacted] driving through the parking lot, but could not remember by whom or why. Officer Kestner stated that there was an "Inference" made by an unknown person that "he [redacted] may have been looking for [redacted] or to see if they were meeting up." Officer Kestner was questioned further, but could not remember where he heard the inference from. Officer Kestner was asked if he had made up the rumor. Officer Kestner stated, "I don't believe I made it up. If -- and I don't believe I discussed it with anybody. I don't know. It -- it -- it could have started with me." When questioned further, Officer Kestner stated that it was "possible" the rumor came from him, but "I don't believe it came from me."

I asked Officer Kestner if he passed the rumor on to anyone. Officer Kestner stated that, "In conversation and discussing stuff, very possible." Officer Kestner could not remember who he had discussed the rumor with.

I asked Officer Kestner about the conversation he had with [redacted] regarding rumors, specifically those rumors concerning [redacted] and [redacted]. Officer Kestner could not remember the details of those conversations, but stated that [redacted] and [redacted] have been discussed.

Officer Kestner was asked about the conversations he had with [redacted] regarding rumors, specifically those concerning [redacted] and [redacted]. Officer Kestner and [redacted] have discussed both [redacted] and [redacted], but he could not remember the specifics of the conversations.

Officer Kestner has had multiple conversations with [redacted] while working overtime on [redacted] shift. [redacted] is the one that pointed out to Officer Kestner that [redacted] and [redacted] call in sick on the same days, leave early on the same days and that they show up late on the same days. Officer Kestner also remembers having a conversation with [redacted] about the previously mentioned camping trip where [redacted] was "Drunk, very minimally dressed, and was flaunting." I asked Officer Kestner if he passed the rumor on about the camping trip. Officer Kestner stated, "I'm sure that in one of the conversations involving people's distrust and concern about it, yeah."

I asked Officer Kestner if he had any conversations with [redacted] regarding [redacted] and [redacted]. Officer Kestner told me that he knew [redacted] had taken it upon himself to inform [redacted] about the rumor and inquire if she was in a relationship with [redacted]. That is the only conversation Officer Kestner has had with [redacted] regarding the issue.

I questioned Officer Kestner further about his knowledge of the rumors and who he had passed the rumor on to, and who he had heard them from. Officer Kestner stated that he never passed on a rumor specific to [redacted] and [redacted] having a sexual relationship. This idea is something he "Inferred," but never told anyone else. Officer Kestner had no idea where any of the rumors had started. Officer Kestner remembered hearing from [redacted] something to the effect

of, "It's funny that they call in sick on the same days and go home early on the same days." Officer Kestner stated that he may have passed this information on to other Officers at the jail.

Officer Kestner stated he could not specifically remember exactly which rumors he has passed on during conversations to any specific person. Officer Kestner agreed that all of the information about [redacted] and [redacted] were in fact, rumors.

Officer Kestner answered questions in a roundabout manner, and would cast blame on other Officers. In an attempt to get more specific answers, Sergeant Murdoch and I asked more direct questions regarding [redacted]. Officer Kestner was asked if he passed any rumors on to Correctional Officer [redacted] regarding an alleged inappropriate relationship between [redacted] and [redacted]. Officer Kestner stated he does not specifically remember talking with [redacted] only [redacted].

Officer Kestner was asked if he passed the rumors on to [redacted]. We told Officer Kestner that [redacted] told us that he had told him of the rumors. Officer Kestner stated that he did not understand the question or which rumors we were talking about. We clarified with Officer Kestner and told him that [redacted] did not know the rumors until he (Officer Kestner) told him of the sexual relationship. Officer Kestner stated he remembers the interaction as a "Transfer of information back and forth," and then "I may have."

Officer Kestner was told that many people at the facility are stating that he was the originator of the information regarding [redacted] and [redacted]. Officer Kestner stated, "I don't believe I originated anything. Have I said these things? I have said these things to people who I specifically said them to, I don't know."

Officer Kestner clarified and stated that he has heard the rumor from retired Officer [redacted] and [redacted]. [redacted] had brought it to Officer Kestner's attention while working in the C1 tower. [redacted] told Officer Kestner that he had heard the rumor and then asked Kestner if he had heard the same. [redacted] did not tell Officer Kestner where he had learned the information from. Officer Kestner could not remember what the rumor was, but it was dealing with [redacted] and [redacted].

Officer Kestner stated he has had a conversation regarding the rumor involving [redacted] and [redacted] with [redacted]. The conversation contained [redacted] and [redacted].

being involved in a sexual relationship. However, he could not remember specifics. Later in the interview Officer Kestner stated that he believes _____ was also present for the conversation. He believed the conversation surrounded _____

Officer Kestner was questioned if he had conversation with the following Officers;

_____. Officer Kestner stated, "No," or that he didn't remember speaking with any of these Officers regarding the rumor.

Officer Kestner stated that he brought the rumor both to _____ and _____ Officer Kestner stated that he spoke with _____ once during the transportation of inmates to Tahoe and once in the Sergeant's office. Officer Kestner stated that he passed the rumor on out of, "Concern."

I asked Officer Kestner why, after he passed the rumors on to his supervisors, he had passed them on or spoken about them with other employees. Officer Kestner stated, "I don't know. Conversation. It's kind of the culture." Officer Kestner stated that in hindsight it was probably not appropriate to pass the rumors on.

Officer Kestner did not know how the rumor started. Officer Kestner suspected the rumors started out of suspicion and distrust of _____ and _____. Officer Kestner has done nothing in an attempt to stop the rumors, other than to inform _____ and _____

of them. Officer Kestner was asked if he believed this type of rumor damages the employee's reputation and effectiveness within the Department. Officer Kestner stated, "Her (_____) reputation is damaged," as well as her ability to effectively lead.

Officer Kestner stated he has only passed the rumors on while at work because he does not spend time with coworkers outside of the facility.

I asked Officer Kestner if any other rumors he had passed or heard regarding _____ or _____ were substantiated in any way. Officer Kestner told me, "No" and the only thing that was factually true was that _____ at one point had been walked out of the facility.

Officer Kestner would describe the rumors as being sexual in nature, stating, "They're definitely sexual in nature because they're inferring she's having sexual affair with [redacted]."
Officer Kestner stated he did not trust [redacted] in her leadership role because of the rumors and other situations that she has been involved with.

Officer Kestner reviewed the Sheriff's office policy on Discriminatory Harassment. I asked Officer Kestner if he was aware of the policy and he responded, "Yes." I asked Officer Kestner if he believed he had violated any of the policies contained within the section. Officer Kestner stated that he believed he had violated section 329.3 (B)(1) concerning sexual rumors or comments. Officer Kestner did not believe he had violated the hostile work environment policy.

Officer Kestner was asked, "Do you realize by passing on these rumors and making these comments that they are unwelcome and offensive conduct that is sexual in nature that affects your co-workers and one supervisor? Do you realize that? And that it creates a hostile work environment?" Officer Kestner replied, "Yes."

I questioned Officer Kestner further about the day he drove to Tahoe with [redacted] and what rumors were discussed. I pointed out that he had previously stated that multiple rumors had been discussed.

Officer Kestner stated they had discussed the Internal Affairs investigation regarding [redacted] and the food tray. He relayed to [redacted] that [redacted] was concerned that she was "After him." [redacted] assured Officer Kestner that she was not after [redacted], merely trying to help him write his report so he did not look "dumb" or like he was trying to hide something. I clarified with Officer Kestner if [redacted] was encouraging [redacted] to lie or falsify a report. Officer Kestner stated, "No, not encouraging him to lie. Encouraging him to be more detailed, I guess."

Additionally, they discussed [redacted] prior sexual relationship with [redacted] had brought the subject up to Officer Kestner. "I (Officer Kestner) said yes, I've heard rumor of it and she goes, No, [redacted] and I had a six-month long affair when we worked in Tahoe. She was still married to [redacted] I was in a two-year relationship with [redacted] Officer Kestner was questioned as to if this was a supervisor/ subordinate relationship. Officer Kestner replied, "I don't remember if [redacted] was promoted to Sergeant before or after I started

working for the department. But they were both still working in South Lake Tahoe. So they may have both still been Correctional Officers."

and Officer Kestner also discussed their discontentment in their current working situation due to changes in policy and administrators. I asked Officer Kestner if this was concerning . Officer Kestner replied, "Well, most of the changes come from him. So yeah." I asked Officer Kestner if he said anything derogatory about to

Officer Kestner replied, "Did I think he's made stupid decisions? Bad, dangerous decisions? Yeah. I think I've even called him 'Captain Clown' a couple of times." Officer Kestner also refers to as "Captain Colon." Officer Kestner stated that did not make any derogatory statements about during their conversation.

expressed to Officer Kestner that she was not content as well.

told Officer Kestner that she had done everything she can do to take her concerns "to the top of the chain," but they had not been received/welcomed. [Officer Kestner explained, "Our experience of doing the job hands-on was not equal to his training, his education."]

Officer Kestner stated that a different supervisor may have, "Jumped my shit," but because of the conversation "and the way it was" inside the vehicle by ourselves it was allowed to continue.

Interview; (IA12-25)

On January 2, 2013, at about 1000 hours, Sergeant Murdoch and I met with Detention Aid at the Support Services Office to conduct our interview. Prior to the start of the interview Detention Aid read and indicated he understood the Administrative Admonishment, having no questions concerning it, he told me the following in summary:

is a Detention Aid at the Placerville main jail. He is currently assigned to day shift, supervised by and . Detention Aid has worked for for the past 12 years. Detention Aid gets along with stating, "I have no reason to dislike her."

Detention Aid has worked with for more than a year. is also on shift. Detention Aid has not noticed any inappropriate behavior such as touching, kissing, or groping between and that would indicate

to him that they are in a relationship other than friendship on or off duty. I asked Detention Aid

if there was anything to indicate that they were in more than a subordinate / supervisor relationship. Detention Aid stated, "It's hard to say because there's been speculation that they...they're like school kids running around the jail. You know, just giddy and stuff like that. I know they're friends, but you know, I don't pay no attention to it."

Detention Aid had no information regarding if in fact and were in fact in a relationship more than being merely friends. Detention Aid has heard rumors about and . Detention Aid had heard, through a rumor that had become intoxicated one night after a sporting event on TV and had stayed the night at house. Detention Aid did not remember who had told him the rumor. He heard the rumor 2 to 3 months prior

Detention Aid heard another rumor from , regarding the text messaging between and . Detention Aid stated that had been staying with he believed from July 2012 to the last part of October or first part of November 2012. The rumor was that late one night phone started receiving text messages. asked who was text messaging him. replied, " (first name). told Detention Aid about the text messages while watching football, on a Sunday a couple weeks later (off duty). did not say anything further about it. Detention Aid did not believe that saw the text messages. did not relate to Detention Aid if had been drinking.

I asked Detention Aid if he had passed the rumor on which he had heard from Officer He replied, "Yeah, I opened my big mouth." Detention Aid stated that he was in Tower Three when he told the rumor to Officer Kestner and . After hearing the rumor, Detention Aid believes that Officer Kestner went upstairs and reported it to

I asked if there was any more dialogue exchange between Detention Aid and Officer Kestner. Detention Aid did not remember the specifics of the conversation, and stated that Officer Kestner stated something to the effect of, "He could not believe was still employed at the jail." Officer Kestner stated that had a drinking problem, PTSD, and

that some of his military career was "BS." I asked if [redacted] had made any comments during the conversation. Detention Aid [redacted] stated, "He was kind of quiet. Didn't say a word." Detention Aid [redacted] did not know if Officer Kestner had passed the rumor on to anyone else.

I asked Detention Aid [redacted] why he passed the rumor on. Detention Aid [redacted] stated that it was not something he wanted to pass on, and that it just happened while "lackadaisically" sitting there. Detention Aid [redacted] did not think it was appropriate to pass the rumor on and has since apologized to [redacted] for doing such.

I asked Detention Aid [redacted] if he believed these types of rumors damage employee's reputation and effectiveness within the Department. Detention Aid [redacted] stated, "Of course they do."

Interview: (IA12-25)

On January 8, 2014, at about 1000 hours, Sergeant Foxworthy and I met with Correctional Officer [redacted] at the Support Services Office to conduct our interview. Prior to the start of the interview Officer [redacted] read and indicated he understood the Administrative Admonishment. Having no questions concerning it, he told us the following:

Officer [redacted] is currently off work [redacted]. Officer [redacted] has been off work continuously since March 23, 2013. The [redacted] occurred on October 26, 2012. At that time he was off work for about one week.

Officer [redacted] is familiar with [redacted], and she was his supervisor in 2011. Also in 2011, Officer [redacted] worked with [redacted]. Officer [redacted] has no reason to dislike, or not get along with either [redacted] or [redacted].

Officer [redacted] has not ever noticed any inappropriate behavior such as touching, kissing, or groping between [redacted] and [redacted] that would indicate to him they were in any type of relationship other than merely friendship. Officer [redacted] has no information regarding if in fact [redacted] and [redacted] were ever in a relationship other than being merely friends.

Officer [redacted] has heard the rumors regarding [redacted] and [redacted] from two different employees of the Sheriff's Office, Officer Kestner and Detention Aid [redacted]. Officer [redacted] believed the conversations occurred in 2012,

Officer [redacted] was unsure if he spoke with Officer Kestner or Detention Aid [redacted] first, but believed they were within a month of each other.

Officer [redacted] stated that Officer Kestner told Officer [redacted] that he thought "something was going on between" [redacted] and [redacted]. Officer [redacted] stated that when Officer Kestner presented it to him, it was not a rumor, but something that Officer Kestner thought was occurring. Officer [redacted] told Officer Kestner to "mind your own business" and that he did not want to hear about it. Officer [redacted] stated Officer Kestner knew that he was "pissed" about the gossiping and shared no further information. Officer [redacted] stated he did not remember where Officer Kestner made the statement, or if there were other people present.

Officer [redacted] stated that Detention Aid [redacted] told him about [redacted] supposedly receiving text messages [redacted]. Detention Aid [redacted] implied that [redacted] and [redacted] were in a relationship, however, it was not said and "He ([redacted] made that look." Officer [redacted] said Detention Aid [redacted] made a look on his face which indicated to him that he was suggesting that [redacted] and [redacted] were in relationship. Officer [redacted] believed the conversation occurred in "male dress." Officer [redacted] stated he told Detention Aid [redacted] that he was "not into" the rumors and left the area.

Officer [redacted] said he did not hear the rumor from any other employees. Officer [redacted] stated he did not spread the rumor about [redacted] and [redacted]. Officer [redacted] stated he did not know where the rumor started. Officer [redacted] stated he did not witness anything unusual or suspicious regarding [redacted] and [redacted] behavior and stated if he would have he would've reported it to a supervisor. Officer [redacted] stated that these types of rumors could damage an employee's reputation and effectiveness within department stating, "Definitely know that it could."

I questioned Officer [redacted] as to if he ever had a conversation with Officer Kestner where he stated something to the effect of, "did you hear that [redacted]" Officer [redacted] replied, "No," and added that he had not heard anything about the rumor. Officer [redacted] stated he had no conversation with Officer Kestner about this rumor. Officer [redacted] stated that he had no idea why Officer Kestner would state that he heard the rumor from him. Officer [redacted] was visually perplexed over why Officer Kestner would bring his name up. Officer [redacted] added that in the past they have had "stuff" come up over their seniority and sign-ups.

Officer stated that Officer Kestner also knows that Officer would prefer not to work with him.

Interview; (IA12-25)

On January 8, 2014, at about 1120 hours, Sergeant Foxworthy and I met with Officer in the Support Services conference room. Officer read and acknowledged the Administrative Admonishment indicating she understood it and had no questions concerning it. Officer is currently a Correctional Officer at the Placerville Main Jail and has been for approximately 14 years. She is assigned to day shift weekends.

Officer worked for from September 2012 to January 2013. She has no reason not to like or get along with . Officer has worked on and off with during her career. Officer has no reason to not like, or get along with

Officer has not noticed any inappropriate behavior such as touching, kissing, and groping, between and that would indicate to her they were in a relationship other than merely friendship, on or off duty. Officer had no information regarding if they were, or had been in a relationship other than being merely friends.

Officer stated that on, or about December 12, 2012 she witnessed me (Sgt. Falkenstein) escort out of the jail. At that time, she believed was being walked out due to a previously reported problem when he came to work intoxicated. , however, told Officer that there was an internal affairs investigation ongoing and that I may call on her as a witness. Officer stated that told her it was in regards to inappropriate rumors concerning herself) and . Officer stated that was the first time she had heard of the rumor. Officer stated she had been off work since November of 2012 due to an injury on duty, and this day was her first day back to work.

Officer stated that she did not pass the rumor on to any other person. Officer stated that she believes this type of rumors damaged and reputation and effectiveness within the department.

I questioned Officer [redacted] if she had ever spoken with [redacted] concerning the rumor. Officer [redacted] stated that she had not and that they had never worked together.

I questioned Officer [redacted] if she ever spoke with Officer Kestner concerning the rumor. Officer [redacted] stated that she has never spoken with Officer Kestner about the rumor adding that they hardly ever work together. Officer [redacted] stated that Officer Kestner's mind goes a mile a minute and they get along fine when "he does not talk."

Officer [redacted] stated she had reviewed the policy on discriminatory harassment during her last evaluation and believes she had not violated any part of it. Officer [redacted] stated she did not believe she violated any County Policies. Officer [redacted] had no further information to assist me in my investigation.

Interview: (IA12-25)

On January 8, 2014 at about 1325 hours, Sergeant Foxworthy and I met with Correctional Officer [redacted] at the Support Services Office to conduct our interview. Prior to the start of the interview, Officer [redacted] read and indicated she understood the Administrative Admonishment, having no questions concerning it. She told us the following:

Officer [redacted] is a Correctional Officer assigned to the Placerville Jail. She has been a Correctional Officer for approximately 13 years and is currently assigned to weekend graveyard where she is supervised by [redacted].

Officer [redacted] has worked with both [redacted] and [redacted] in the past, most recently being approximately two to three years ago. Officer [redacted] has no reason to dislike or not get along with [redacted] or [redacted]. Officer [redacted] has not noticed any inappropriate behavior such as touching, kissing, or groping between [redacted] and [redacted] that would indicate to her they were in any other type of relationship other than merely friendship. Officer [redacted] has no information regarding if in fact they are in a relationship other than being merely friends.

Officer [redacted] has heard "vague" rumors "in passing" that [redacted] and [redacted] were "involved" in a relationship. The comments led Officer [redacted] to believe that [redacted] and [redacted] were in a sexual relationship; however, it was not stated outright. Officer [redacted] has only heard the rumors once or twice in the Placerville Jail. Officer [redacted] believes she heard the rumors in [redacted]

C1 while working overtime on _____ and _____ shift, more than one year ago. Officer _____ did not remember who she heard the rumor from, and did not remember the context of the rumor. Officer _____ stated she did not engage in the conversation and thought nothing of it. Officer _____ has never passed the rumor on and had no idea where the rumor started.

Officer _____ stated that she did not remember ever talking to Officer Kestner about the rumor, but added it was possible. Officer _____ stated that "Kestner talked to everybody." I asked Officer _____ specifically if she ever commented to Officer Kestner something to the effect of, "It's funny that they call in sick on the same days, and go home early on the same days." Officer _____ stated, "No." Officer _____ stated, "Yeah, I can say I pretty much probably never said that," and was almost 100% sure she never said that statement to Officer Kestner. Officer _____ stated that this was something Officer Kestner could have said to her, but she did not remember the conversation. Officer _____ stated that this is not something she remembers talking about because it had nothing to do with her.

February 4, 2014

Interview: (IA12-25)

On February 4, 2014, at about 1510 hours, Sergeant Foxworthy and I met with Officer _____ at the Support Services Office. Prior to starting the interview, Officer _____ read and indicated he understood the Administrative Admonishment.

Officer _____ is currently assigned to the Placerville Main Jail working midweek dayshift. Officer _____ last worked for _____ sometime in 2010, however, had worked with her regularly on the Jail Defensive Tactics Team as instructors. Officer _____ has no reason not to like or get along with _____.

Officer _____ has also worked with _____, both as a co-worker and also on the Jail Defensive Tactics Team as instructors. Officer _____ has no reason not to like or get along with _____.

Officer _____ has not noticed any inappropriate behavior between _____ and _____ that would indicate to him that they were, or had been in a relationship other than _____.

merely friendship. Officer [redacted] had no information regarding if [redacted] and [redacted] were in fact in a relationship other than being merely friends.

Officer [redacted] believes sometime around November of 2012, he was approached by multiple correctional officers who believed [redacted] was showing favoritism to [redacted] while they were working on the same shift together. Officer [redacted] believed Officer [redacted] or Officer [redacted] told him that [redacted] was allowing [redacted] to "run the shift," and giving him a lot of leeway, which they found inappropriate because [redacted] was getting "carried away with his duties." Officer [redacted] stated the conversations were in regards to "work conditions" and complaints, and not rumors of a sexual nature. Officer [redacted] stated the complaints about the working conditions on [redacted] shift was constant.

Sometime after hearing the allegations of favoritism, Officer [redacted] stated there was rumor of [redacted] and [redacted] being in a sexual relationship, however, he could not remember where he had heard the rumor or what the context of the rumor was. Officer [redacted] stated this rumor surfaced after [redacted]

Officer [redacted] stated he did not pass the rumor on and stated that [redacted] and [redacted] were friends of his.

I asked Officer [redacted] if he ever had a conversation with Officer Kestner about [redacted] and [redacted] being in a sexual relationship. Officer [redacted] did not recall any such conversation and stated, "I doubt it," when asked if he thought the conversation took place.

I told Officer [redacted] that Officer Kestner had stated that they had a conversation about [redacted] and [redacted] which Officer Kestner classified as an "exchange of information." Officer [redacted] said the statement made by Officer Kestner is inaccurate and false, adding that Officer Kestner can be "Imaginative." Officer [redacted] stated he and Officer Kestner are work acquaintances, and to his knowledge Officer Kestner has no reason why not to like him.

Officer [redacted] stated he did not know where the rumors started and that he did not participate in them. Officer [redacted] stated that the types of sexual rumors which were spread about [redacted] and [redacted] could damage an employee's reputation within the department.

Officer [REDACTED] stated he did not believe he violated the policy prohibiting Discriminatory Harassment or any other Sheriff's Office policy.

Interview; CO. [REDACTED] (IA12-25)

February 4, 2014, at about 1415 hours, Sergeant Foxworthy and I met with Correctional Officer [REDACTED] at the Support Services office. Prior to the start of the interview, Officer [REDACTED] read and signed the Administrative Admonishment.

Officer [REDACTED] is currently assigned to the Placerville Jail working midweek dayshift. Officer [REDACTED] has never worked on [REDACTED] shift. However, [REDACTED] has worked overtime on her shift. Officer [REDACTED] has no reason to not like or get along with [REDACTED]. Officer [REDACTED] worked with [REDACTED] in 2011.

Officer [REDACTED] has not noticed any inappropriate behavior between [REDACTED] and [REDACTED] that would indicate to him they were in a relationship other than merely friendship. Officer [REDACTED] had no information regarding if they were in fact in a relationship other than merely friends.

Officer [REDACTED] has "overheard" rumors about [REDACTED] and [REDACTED] being in a sexual relationship. Officer [REDACTED] did not hear specifics about the rumor. Officer [REDACTED] described it as "locker room talk" while Officers were getting dressed. Officer [REDACTED] stated he had never directly been told the rumor concerning [REDACTED] and [REDACTED] and that his knowledge of the rumor was strictly from overhearing other Officers speaking about it. Officer [REDACTED] stated the rumors did not directly involve or affect him, "so quite frankly I did not give a you know what" about the rumor. Officer [REDACTED] did not know who he heard the rumors from and estimated it had been over two years since he heard them.

Officer [REDACTED] stated he did not recall ever having a conversation with Officer Kestner about the rumor. Officer [REDACTED] stated he could have "heard stuff" from Officer Kestner, but did not specifically remember this occurring. I told Officer [REDACTED] that Officer Kestner had reported that he and Officer [REDACTED] had a conversation about the rumors. Officer [REDACTED] stated, "I don't remember having any conversations about this. I don't associate or care about this kind of stuff." Officer [REDACTED] stated he might have "shared words" with Officer Kestner, but never engaged in a

conversation with him concerning this matter. Officer stated if Officer Kestner would have mentioned it to him he would have responded with a short response, something similar to, "Oh great," when told about the relationship.

Officer stated that he has worked with Officer Kestner for a long time, and that the only place it would have come up would have been in the locker room while getting dressed. Officer stated he did not have conversations with Officer Kestner concerning these types of matters, adding that he does not associate himself with rumors.

Officer has not passed the rumors on. Officer did not know where the rumor started. Officer stated that these types of rumors could damage an employee's reputation and effectiveness within the Department. Officer stated he did not believe that he violated the policy prohibiting Discriminatory Harassment or any other Sheriff's Office policy.

STATEMENT SUMMARY

I questioned Officer as to if he ever had a conversation with Officer Kestner where he stated something to the effect of, "did you hear " Officer replied, "No," and added that he had not heard anything about the rumor. Officer stated he had no conversation with Officer Kestner about this rumor. Officer stated that he had no idea why Officer Kestner would state that he heard the rumor from him. Officer was visually perplexed over why Officer Kestner would bring his name up. Officer added that in the past they have had "stuff" come up over their seniority and sign-ups. Officer stated that Officer Kestner also knows that Officer would prefer not to work with him.

I questioned Officer if she ever spoke with Officer Kestner concerning the rumor. Officer stated that she has never spoken with Officer Kestner about the rumor adding that they

hardly ever work together. Officer stated that Officer Kestner's mind goes a mile a minute and they get along fine when "he does not talk."

Officer stated that she did not remember ever talking to Officer Kestner about the rumor, but added it was possible. Officer stated that "Kestner talked to everybody." I asked Officer specifically if she ever commented to Officer Kestner something to the effect of, "It's funny that they call in sick on the same days, and go home early on the same days." Officer stated, "No." Officer stated, "Yeah, I can say I pretty much probably never said that," and was almost 100% sure she never said that statement to Officer Kestner. Officer stated that this was something Officer Kestner could have said to her, but she did not remember the conversation. Officer stated that this is not something she remembers talking about because it had nothing to do with her.

I asked Officer if he ever had a conversation with Officer Kestner about and being in a sexual relationship. Officer did not recall any such conversation and stated, "I doubt it," when asked if he thought the conversation took place.

I told Officer that Officer Kestner had stated that they had a conversation about and which Officer Kestner classified as an "exchange of information." Officer said the statement made by Officer Kestner is inaccurate and false, adding that Officer Kestner can be "Imaginative." Officer stated he and Officer Kestner are work acquaintances, and to his knowledge Officer Kestner has no reason why not to like him.

Officer stated that he has worked with Officer Kestner for a long time, and that the only place it would have come up would have been in the locker room while getting dressed. Officer stated he did not have long conversations with Officer Kestner concerning these types of

matters, adding that he does not associate himself with rumors. Officer stated he did not recall ever having a conversation with Officer Kestner about the rumor.

February 13, 2014

Contact; Officer Kestner

Officer Kestner was issued an Intent to Interview. His interview was scheduled for February 26, 2014 at 1030 hours. The interview was to take place at Support Services.

February 26, 2014

Interview; Officer Kestner

At approximately 1045 hours Sergeant Foxworthy and I met with Officer Kestner and his representative Gregory Ramirez at the Support Services conference room. Prior to starting the interview, Officer Kestner read and indicated he understood the Administrative Admonishment. Officer Kestner is currently a correctional officer and has been employed for approximately 12 years with the El Dorado County Sheriff's Office.

I spoke with Officer Kestner regarding IA12-25 in which he stated that he had heard the rumor from other Officers at the jail, specifically Officer

 . Officer Kestner affirmed that he had heard the rumors from those people. Officer Kestner stated all of the conversations took place prior to his interview on January 2, 2013, in regards to IA12-25.

Officer Kestner stated that he did not actually have a conversation with Officer To the best of his recollection, Officer Kestner stated there was a brief contact at shift change in Control Tower 1 (C1). Officer Kestner explained that Officer came into the tower to drop off keys. While dropping off the keys Officer made a statement that and call in sick and leave early on the same days. Officer Kestner stated the contact lasted for 30 seconds to a minute. Officer Kestner stated there were several people in the room but that he could not remember who specifically. Officer Kestner stated there were 5 to 6 other officers in the room. Officer Kestner stated he did not have a direct one-on-one conversation with Officer adding that it was just a comment that she had made. Officer Kestner had no further contact with Officer regarding

or . I asked Officer Kestner why Officer denied this accusation made by him. Officer Kestner stated, "If she doesn't remember saying it, I can't make her remember."

Officer Kestner stated that he was in the C3 tower with Officer and Detention Aid . Detention aid told Kestner that he was concerned , Officer , becoming involved in the prior investigation regarding Officer . Officer Kestner stated he had no recollection of exactly what was said between him and Officer I asked Officer Kestner if it was a conversation between him and Officer Officer Kestner stated, "Probably I mean, but people come and go." Officer Kestner was asked why in the previous interview he described the contact with Officer as a "back and forth conversation, exchange of information" about and being in a sexual relationship. Officer Kestner stated he did not remember the details of the conversation specifically, but believed it occurred. Officer Kestner stated he believed he had a separate conversation with Officer away from Detention Aid Officer Kestner stated the conversation with Officer lasted a couple of minutes. Officer Kestner did not remember how many conversations he had with Officer regarding and . I asked Officer Kestner why Officer denied having any conversation about and with him. Officer Kestner stated, "If he doesn't remember having a conversation, I can't make him remember it. Back then I remembered it." Officer Kestner stated that he did not remember the details of the conversation.

Officer Kestner stated he had a conversation with Officer however, details of the conversation he did not remember. Officer Kestner stated that the conversation with Officer was a discussion about and being involved in a romantic relationship. Officer Kestner stated that he had at least one conversation but there could have been more. Officer Kestner stated that the conversations would have occurred in a control tower; however, Officer Kestner could not remember which control tower. Officer Kestner does not believe the conversation would have ever occurred in the locker room. Officer Kestner did not remember if any other officers were present when he had the discussion with Officer Officer Kestner did not remember how many conversations he had with Officer regarding and . I questioned Officer Kestner as to why Officer denied having a conversation with him about and with him. Officer Kestner stated, "Again, I can't make people

remember stuff they don't remember. I have had conversations with [redacted] specific conversations that related to [redacted] and [redacted] I remember having some sort of conversation with [redacted]

Officer Kestner added that his memory was not clear on the matter and did not remember the details.

Officer Kestner stated he had a conversation with Officer [redacted] about [redacted] and [redacted] being involved in a romantic relationship when Officer [redacted] was on light duty and working in the C1 tower. Officer Kestner stated that Officer [redacted] asked him if there was a rumor about [redacted] and [redacted] being in a relationship [redacted]

[redacted] Officer Kestner confirmed with Officer [redacted] that it was in fact a rumor. Officer [redacted] did not tell Officer Kestner where he heard the rumor. Officer Kestner believed the conversation lasted approximately 2 minutes or less. Officer Kestner stated that Officer [redacted] entered the tower toward the end of the conversation. Officer Kestner could not remember if Officer [redacted] engaged in the conversation but added that she definitely overheard it. I asked Officer Kestner why Officer [redacted] denied the allegation that he engaged in a conversation with Officer Kestner about [redacted] and [redacted]

Officer Kestner stated, "The rumor came directly from [redacted] I have no doubt in my mind that's where that came from. That's a very clear recollection in my mind of that." Officer Kestner added, "That conversation occurred. I have no doubt in my mind that conversation occurred."

Officer Kestner could not remember a conversation with Officer [redacted] I directed Officer Kestner to his provided transcripts where he stated that Officer [redacted] had made mention of the rumor. Officer Kestner stated that, "she might have chimed in when I was talking" with Officer [redacted] Officer Kestner stated he did not remember having a direct conversation with Officer [redacted] adding that they did not work the same shift. Officer Kestner stated that during the interview for IA12-25 he was pretty confused as to the exact rumor which was being discussed. Officer Kestner stated that in reference to page 23 line 4 in which he stated that "[redacted] has mentioned suspicion or rumor of them" could have been a false recollection. I questioned Officer Kestner as to why Officer [redacted] denied the allegation that she discussed the rumor with him. Officer Kestner stated that Officer [redacted]

was in the room when he and Officer [redacted] were discussing [redacted] and [redacted]

Officer Kestner asked "Did I say something to her, did she say something to me that I don't remember? I remember what [redacted] and I said to each other." Officer Kestner said that during the [redacted]

first interview he remembered Officer [redacted] saying something; however, during this interview he did not remember if she participated in the conversation with Officer [redacted] and him.

I asked Officer Kestner why the five statements made by Officer [redacted] Officer [redacted] Officer [redacted] Officer [redacted] and Officer [redacted] were in direct conflict with his statement. Officer Kestner said that it was a combination of old memories and people being scared to admit they had this conversation because of the number of interviews that have been conducted concerning the matter. Officer Kestner stated, "There's some false statements made" and that he told the truth and that other people are scared. Officer Kestner agreed that a 5 to 1 ratio of people denying having a conversation with him about [redacted] and [redacted] was a lot. Officer Kestner stated that none of the five had any reason to dislike him. Officer Kestner stated that Officer [redacted] and he had a conflict over ID numbers but that it'd been dealt with. Officer Kestner stated that he admitted his part of spreading the rumor in the previous IA and that he had been disciplined for it. Officer Kestner added that he had nothing to hide in reference to the statements he made regarding the involvement of the other Officers.

I asked Officer Kestner if he attempted to conceal or destroy any defective or incompetent work on his part. Officer Kestner replied, "Absolutely not." I asked Officer Kestner if he had been forthcoming with me regarding both investigations. Officer Kestner stated that he had been truthful and forthcoming in both investigations as clearly as he could remember, however, added that during the first interview regarding IA12-25 he was confused. I asked Officer Kestner if he believed he had disobeyed or been insubordinate to any department authorities, including the refusal or deliberate failure to carry out any lawful directives or orders from any supervisor or person in position of authority. Officer Kestner told me "No." I asked Officer Kestner if he had made any false or misleading statements or malicious statements that are reasonably calculated to harm or destroy the reputation of authority or official standing of the Department or the members thereof. Officer Kestner stated, "I have not intentionally made any malicious statements." I questioned Officer Kestner if he negligently violated any provisions of the Department manual, operating procedures, or any other written directive of an authorized supervisor. Officer Kestner said, "You told me to come in. I came in. I told you everything I remembered." I asked Officer Kestner if he thought his behavior through this new IA investigation had been dishonest or disgraceful conduct on his part. Officer Kestner replied, "No." I

asked Officer Kestner if he failed to disclose or misrepresented any material facts, to which he replied, "No." I asked Officer Kestner if he made any false or misleading statements during the course of the investigation, and he said "No." I asked Officer Kestner if he believed his behavior during the course of this investigation had been unbecoming on his part, and he stated, "My conduct's been spotless." I asked Officer Kestner if he believed he had given any false or misleading statements and he replied, "No." I asked Officer Kestner if he misrepresented or omitted any material information to me in conjunction with this investigation and he stated he had not.

CONCLUSION

This investigation was the result of the completion of IA12-25. During the investigation of IA12-25, Officer Kestner stated that he heard rumors from Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED]. The rumors were regarding [REDACTED] and [REDACTED], and implied that they were involved in an inappropriate supervisor/subordinate sexual and or romantic relationship. The accusations Officer Kestner made against the other officers were serious, and accused them of possibly creating a hostile work environment.

I conducted investigations into Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] participation in the spreading of the rumor. The only investigative lead I had concerning this was Officer Kestner's statement. At the conclusion of my investigation, I found no evidence which supported Officer Kestner's statement accusing Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] of spreading the rumor.

Furthermore, all of the officers denied the accusation made by Officer Kestner stating that they never spoke with Officer Kestner regarding [REDACTED] and [REDACTED] being in a romantic and or sexual relationship.

During this IA Interview, Officer Kestner told me he was confused and had false recollections during his interview regarding IA12-25, that he could not make people (other officers) remember what they said, and that he could not remember details of the conversations he had with other officers. I find Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] statement to be credible and Officer Kestner's statements regarding these same officers as misleading and untruthful.

Individually, these conflicting statements between officers would not substantiate a sustained finding of dishonesty against Officer Kestner. However, when taken together, the preponderance of evidence clearly shows that Officer Kestner was dishonest during his interview and provided this investigation with false information as well as IA12-25.

NOTE:

On February 26, 2014 Officer Kestner was suspended for 36.75 hours for violating Policy Sections 329.2, 329.3, 340.3.2(f), (k), 340.3.5 (c), (g), (h), (m), (o), (q), and (aa). See IA12-25 for further.

EXHIBITS

1. Memo to US Williams from Capt. Peshon
2. Intent to Interview; Officer Kestner
3. Administrative Admonishment; Officer Kestner IA12-25
4. Administrative Admonishment; Officer Kestner IA14-01

Tapes/CD's

1. Audio; Officer
2. Detention Aid
3. Audio; Officer
4. Audio; Officer
5. Audio; Officer
6. Audio; Officer
7. Audio; Officer Kestner (x2)