




CITY OF SOUTH PASADENA

OFFICE OF THE CITY MANAGER
1414 MISSION STREET, SOUTH PASADENA, CA 91030
TEL: (626) 403-7210 • FAX: (626) 403-7211
WWW.SOUTHPASADENACA.GOV

May 6, 2021

Elizabeth Ann Bagasao


RE: Conclusion of independent investigation into citizen complaint regarding South Pasadena Police investigations of an incident on November 1, 2020

In response to citizen complaints alleging an inadequate response on the part of various South Pasadena police officers in response to a call for service on November 1, 2020, the City hired independent investigator, Garon Wyatt Investigative Services, to perform an investigation the complaint, as required by Penal Code Section 832.5 and South Pasadena Police Department Police No. 1013.

The investigation's scope was to determine the facts and circumstances surrounding allegations that Corporal Carrillo was unprofessional in his interactions with Jacinta Lincke on November 1, 2020. The scope included determining whether Corporal Carrillo, Officer Giron-Garrido, and Officer Gutierrez thoroughly investigated and documented a battery against Lincke and an unidentified juvenile. The resulting investigative report is a confidential personnel record pursuant to Penal Code Section 832.7 and is not disclosable.

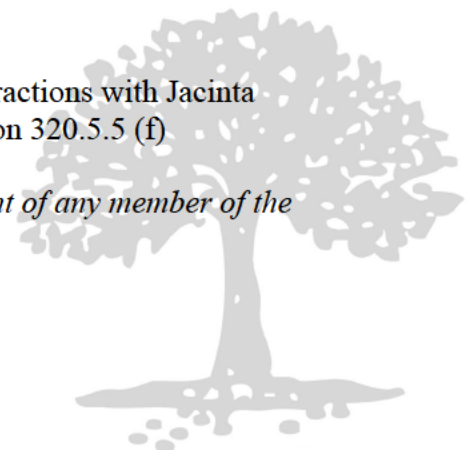
This letter summarizes the allegations regarding each officer regarding the November 1, 2020 incident and the findings and conclusions of the investigator.

Allegations regarding Corporal Gilbert Carrillo

ALLEGATION #1:

It is alleged that Corporal Gilbert Carrillo was unprofessional in his interactions with Jacinta Lincke on November 1, 2020, in violation of SPPD Policy Manual section 320.5.5 (f) (CONDUCT), which states:

320.5.5(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department or the City.



Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence shows Carrillo was not rude, disrespectful, or discriminatory in how he interacted with Lincke or the juveniles. The evidence shows that Carrillo did not violate SPPD Policy Manual, section 320.5.5 (f).

ALLEGATION #2:

It is alleged that Corporal Gilbert Carrillo failed to investigate a battery committed against Jacinta Lincke and an unidentified juvenile on November 1, 2020, in violation of SPPD Policy Manual, section 320.5.3 (b) (EFFICIENCY), which states:

Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Finding: SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Corporal Carrillo failed to conduct a thorough investigation into the battery alleged Jacinta Lincke and unidentified juveniles on November 1, 2020, in violation of SPPD Policy Manual section 320.5.3 (b).

ALLEGATION #3

It is alleged that Corporal Gilbert Carrillo failed to thoroughly document a battery committed against Jacinta Lincke and an unidentified juvenile on November 1, 2020, in violation of SPPD Policy Manual section 323.1.1 (REPORT PREPARATION – PURPOSE AND SCOPE), which states:

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken.

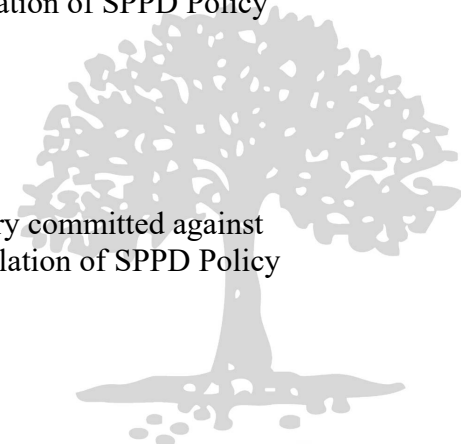
Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Finding: SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding the Carrillo's report was not sufficiently detailed and did not accurately reflect the identity of all persons involved, in violation of SPPD Policy Manual, section 323.1.1.

Allegations Regarding Officer Elias Giron-Garrido

ALLEGATION #1

It is alleged that Officer Elias Giron-Garrido failed to investigate a battery committed against Jacinta Lincke and an unidentified juvenile on November 1, 2020, in violation of SPPD Policy Manual, section 320.5.3 (b) (EFFICIENCY), which states:



Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Officer Giron-Garrido failed to thoroughly investigate a battery against Jacinta Lincke and a juvenile on November 1, 2020.

Allegations Regarding Officer Issac Gutierrez

ALLEGATION #1:

It is alleged that Officer Isaac Gutierrez failed to investigate a battery committed against Jacinta Lincke and an unidentified juvenile on November 1, 2020, in violation of SPPD Policy Manual, section 320.5.3 (b) (EFFICIENCY), which states:

Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Officer Gutierrez failed to thoroughly investigate a battery against Jacinta Lincke and a juvenile on November 1, 2020.

This concludes the independent investigation of the citizens' complaints regarding the police response to a November 1, 2020 incident and call for service, as described above. The City takes all citizen complaints seriously and is committed to thoroughly investigate such complaints and take appropriate retraining and disciplinary action when necessary, in accordance with the personnel rights of employees.

Respectfully,

Sean Joyce

Sean Joyce
Interim City Manager

cc: Mayor and Council
Public Safety Commission
Police Chief Solinsky





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May 6, 2021

Jacinta Lincke
1017 Diamond Ave
South Pasadena, CA 91030

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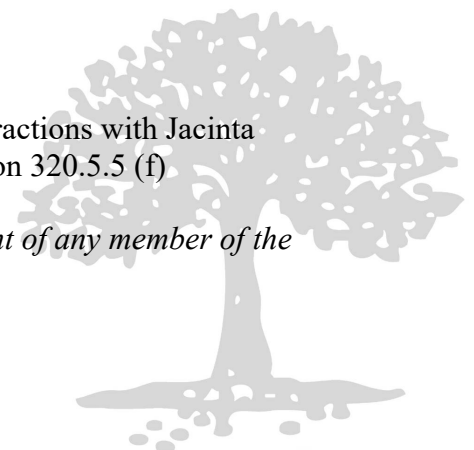
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Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence shows Carrillo was not rude, disrespectful, or discriminatory in how he interacted with Lincke or the juveniles. The evidence shows that Carrillo did not violate SPPD Policy Manual, section 320.5.5 (f).

ALLEGATION #2:

It is alleged that Corporal Gilbert Carrillo failed to investigate a battery committed against Jacinta Lincke and an unidentified juvenile on November 1, 2020, in violation of SPPD Policy Manual, section 320.5.3 (b) (EFFICIENCY), which states:

Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Finding: SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Corporal Carrillo failed to conduct a thorough investigation into the battery alleged Jacinta Lincke and unidentified juveniles on November 1, 2020, in violation of SPPD Policy Manual section 320.5.3 (b).

ALLEGATION #3

It is alleged that Corporal Gilbert Carrillo failed to thoroughly document a battery committed against Jacinta Lincke and an unidentified juvenile on November 1, 2020, in violation of SPPD Policy Manual section 323.1.1 (REPORT PREPARATION – PURPOSE AND SCOPE), which states:

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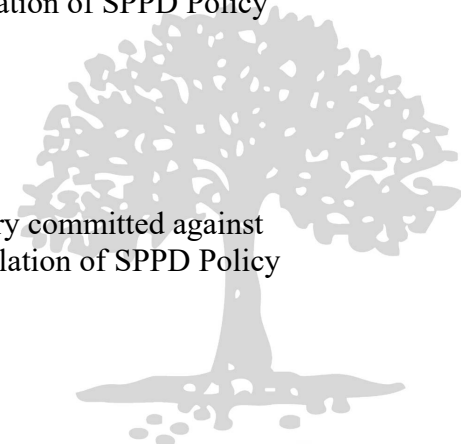
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Finding: SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding the Carrillo's report was not sufficiently detailed and did not accurately reflect the identity of all persons involved, in violation of SPPD Policy Manual, section 323.1.1.

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Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Officer Giron-Garrido failed to thoroughly investigate a battery against Jacinta Lincke and a juvenile on November 1, 2020.

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ALLEGATION #1:

It is alleged that Officer Isaac Gutierrez failed to investigate a battery committed against Jacinta Lincke and an unidentified juvenile on November 1, 2020, in violation of SPPD Policy Manual, section 320.5.3 (b) (EFFICIENCY), which states:

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