ATT : B

Sharma, Kajal@POST

From: Webrequest@post.ca.gov
Sent: Sunday, May 28, 2023 4:50 PM
To: POST Complaint Intake
Subject: Public Complaint Form

Public Complaint Form

Date of Incident	6-24-2022
Time	5/28/2023 10:00:32 PM
Name of Agency Involved	Chico Police Department
Name of Agency Involved (Other)	
Location of Incident	Chico
County Incident Took Place	Butte
Name	[redacted]
Date of Birth	[redacted]
Gender	Female
Ethnicity	[redacted]
Phone	[redacted]
Email	[redacted]
Address	[redacted]
What is your relationship to the Incident?	Victim
Relationship to Incident (Other)	
Type of Incident	Other
Type of Incident (Other)	Officer asked me for help locating a suspect, which lead to him asking for sexual favors, which were performed while he was on duty in the patrol vehicle. I rode in the back of the patrol vehicle to a dark parting lot where the sexual acts were done between officer and myself.
How Many Officers?	
Officer 1 Name	Michael G Vincent

Badge Number or Employee ID Number of Officer 1	
Officer 2 Name	
Badge Number or Employee ID Number of Officer 2	
Officer 3 Name	
Badge Number or Employee ID Number of Officer 3	
Officer 4 Name	
Badge Number or Employee ID Number of Officer 4	
Officer 5 Name	
Badge Number or Employee ID Number of Officer 5	
Is there a summons or arrest associated with this incident?	No
Has this incident been reported to another agency? If yes, select agency:	
Reported to Another Agency (Other)	
Add Report Number	
Narrative/Summary of Incident *	Officer asked me for help locating a suspect, which lead to him asking for sexual favors, which were performed while he was on duty in the patrol vehicle. I rode in the back of the patrol vehicle to a dark parting lot where the sexual acts were done between officer and myself, multiple times over 10 month spend. I believe officer also has a fake snap chat account under a different name where this person also asked me for nude pictures, then became upset and started that they were on their was to my home and then that they were watching me through my windows(I've only had a hand full of people to my home, Michael Vincent being only the second man). Then sent a picture of "Jason" mask from Friday the 13th movies, then called at least 10 times. I believe this was his way of scaring and trying intimidate me. During this incident, I did text Michael on his cell phone, and at the end I said that if it didn't stop that I was going to file a police report on this snap chat account. Shortly after sending the text I never heard anything from that snap chat account.
Statement	I have read and I acknowledge the information on the Police Complaints Webpage. I affirm that the foregoing information is true and accurate. *

Sharma, Kajal@POST

From: POST Complaint Intake <complaintintake@post.ca.gov>
Sent: Wednesday, May 31, 2023 11:41 AM
To: peter.durfee@chicoca.gov; omar.pena@chicoca.gov
Subject: Agency Notification of Public Complaint – PUBLIC-23-000177

Hello,

The California Commission on Peace Officer Standards and Training (POST) has received a complaint concerning alleged misconduct on behalf of a peace officer employed or formerly employed with your agency.

The report has been entered into Mark43 and a notification was sent for your review:
PUBLIC-23-000177

If the allegation(s) meets the definition of serious misconduct pursuant to California Penal Code Section 13510.8, please

respond within 10 days from 05/31/23 by submitting a linked Agency Misconduct Report in Mark43.

If you have already submitted an Agency Misconduct Report related to the alleged incident, please do NOT create a duplicate report. Instead, respond to this email with the report number so we can associate the related reports.

To link reports, select Create Linked Report from the Chain Link icon in the top right corner, and then select Agency Misconduct. If there are multiple officers involved, please create a separate report for each involved officer.

Also, ensure to add the label "POST/Public Cross Report" to the report and notate in the narrative the corresponding public complaint number.

Thank you

POST Intake and Disposition Bureau
(916) 227-2822 | desk
complaintintake@post.ca.gov | email

CA Commission on Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100, West Sacramento, CA 95605



Connect with POST



Work at POST
*POST is hiring. Check out our career opportunities.

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KS

Sharma, Kajal@POST

From: POST Complaint Intake <complaintintake@post.ca.gov>
Sent: Wednesday, May 31, 2023 11:34 AM
To: [redacted]
Subject: CA POST Acknowledgement Receipt of Public Complaint - PUBLIC-23-000177
Attachments: Letter of acknowledgment 177.pdf

Hello,

The California Commission on Peace Officer Standards and Training (POST) has received your complaint concerning alleged misconduct on behalf of a peace officer in the State of California.

Please see the letter attached for your reference regarding your complaint.
The original complaint form that was submitted is also attached for your reference.

Thank you for bringing this matter to our attention.

POST Intake and Disposition Bureau
(916) 227-2822 | desk
complaintintake@post.ca.gov | email

CA Commission on Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100, West Sacramento, CA 95605

Connect with POST

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**POST is hiring. Check out our career opportunities.*

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KS

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

05/31/2023

[redacted]

Re: CITIZEN COMPLAINT (PUBLIC-23-000177)

Dear [redacted]

The California Commission on Peace Officer Standards and Training (POST) has received your complaint concerning alleged misconduct on behalf of a peace officer in California. POST takes every complaint seriously.

POST will forward citizens' complaints of peace officer misconduct to the appropriate agency for investigation and disposition. After careful review, POST has forwarded your complaint to the agency below for follow-up.
Chico Police Department on 05/31/2023
You may contact this agency should you have additional information or questions regarding the status of your complaint.

If the allegation(s) meets the definition of serious misconduct pursuant to California Penal Code Section 13510.8, POST will conduct an independent review upon completion of the agency's investigation.

Thank you for bringing this matter to our attention.

Sincerely,

Intake and Disposition Bureau
Commission on POST
Peace Officer Standards Accountability Division
ComplaintIntake@post.ca.gov
(916) 227-2822

ATT: D

CITY OF CHICO MEMORANDUM

TO: Lt. Omar Peña **DATE:** 5/31/2023

FROM: Capt. Greg Keeney **FILE:**

SUBJECT: Administrative Investigation Request

[redacted]gin an administrative investigation into the allegations levied by [redacted]

Thank you,

Captain Greg Keeney

ATT: C

CITY OF CHICO MEMORANDUM

TO: Chief Billy Aldridge

DATE: 5/31/2023

FROM: Sergeant Peter Durfee

FILE:

SUBJECT: Complaint

On 5/25/2023, I received a voicemail on my Chico Police Department desk line from a female identifying herself as [redacted] was asking for a return telephone call but did not indicate why she was requesting a call.

On 5/30/2023, when I returned to work, I was approached by Officer Lindsay Stalnaker regarding a post on our Chico Police Department Instagram page. The post indicated it was from a screenname [redacted] The post stated the subject making the post, had been having a sexual relationship with a Chico Police Officer while he was on duty "for many months." The post has since been removed but I was able to obtain a screenshot of the post which is attached to this memorandum.

I later contacted [redacted] via telephone at her request. [redacted] stated she wanted to meet with me in person to discuss her situation, so we scheduled an 11:00am meeting on 5/30/2023 at the Chico Police Department. [redacted] did not show up for our scheduled meeting.

On 5/31/2023 at 11:41 am, I received an email from the California Commission on Peace Officer Standards in Training (POST) indicating they had received a complaint concerning alleged misconduct on behalf of a police officer employed by the Chico Police Department (see attached). The email indicated the report of alleged serious misconduct had already been entered in the Mark 43 reporting system as case number PUBLIC-23-000177.

The allegation to POST was reported by [redacted] indicated in her report to POST that she had "rode in the back of the patrol vehicle to a dark parking lot where the sexual acts were done between officer and myself, multiple times over 10 month spend." [redacted] also indicated that the Chico Police Officer was Officer Michael Vincent. [redacted] indicated in her complaint to POST that she had received messages from an unknown Snapchat that she believed to be Officer Vincent that she believed were "trying to intimidate me." [redacted] also stated she had contacted Officer Vincent via text on his telephone.

Due to the above allegation from POST, as well as [redacted] post on the Chico Police Department Instagram account, I am requesting an internal affairs investigation be completed by the Professional Standards Unit.

Sergeant Peter Durfee
Professional Standards

CITY OF CHICO MEMORANDUM

TO: Officer Michael Vincent DATE: June 7, 2023

FROM: Sergeant Peter Durfee FILE: IA# 23-0016

SUBJECT: PAID ADMINISTRATIVE LEAVE

Pursuant to Personnel Employee Relation Rules (PERR) section 2R.72.150H, this memorandum is designed to inform you that effective immediately, you are on paid administrative leave. This action is necessary based on an allegation of serious misconduct against you, for which an investigation has been initiated. I, Sgt. Peter Durfee, will be conducting this internal investigation.

On May 31, 2023, it was brought to the attention of the Chico Police Department's Administration that you may have been involved in on duty sexual acts with a citizen.

On June 7, 2023 at approximately 1500 hours, myself and Lieutenant Mike Rodden, personally met with you at the Chico Police Department and verbally ordered you to immediately surrender your police badge, City of Chico identification, City of Chico issued firearm and departmental keys (building, vehicle, and any other work related keys).

You are not to visit the Chico Police Department for any reason while you are on administrative leave. Should you have a need to visit the Chico Police Department, it will be by appointment only and in the presence of a Lieutenant or their designee. During the term of your administrative leave, you are to be available for contact by telephone during regular business hours, Monday – Thursday from 0700-1700. You are further required during these business hours to be available to respond to the Department within one hour of being summoned.

Administrative investigations are confidential. It is strongly encouraged not to discuss this administrative investigation with any person, or contact any complainant, witness or officer/employee involved in the incident, except for Lt. Peña, Sgt. Durfee, and/or your attorney.

If you have any questions about this memorandum or the process related to this investigation, please do not hesitate to contact me or any member of the command staff in your chain of command.

Sergeant Peter Durfee
Professional Standards

Hand-delivered by:

_____ Date / Time

_____ Received by Michael Vincent Date/Time

CITY OF CHICO MEMORANDUM

COPY

TO: Officer Michael Vincent DATE: 6/7/2023

FROM: Sergeant Peter Durfee FILE: IA# 23-0016

SUBJECT: Administrative Investigation Notification

You are the subject of an administrative investigation for your conduct as it pertains to allegations of:

Policy 339 – Standards of Conduct
Policy 702 – Personal Communication Devices
Policy 706 – Vehicle Use

If sustained, this allegation could constitute violations of the City of Chico and the Chico Police Department policies and procedures.

It has been determined that it is appropriate for you to be placed on paid administrative leave during the course of this investigation.

You are going to be interviewed regarding this complaint; however, the appropriate date/time has not yet been established. This administrative interview will be conducted pursuant to the requirements of the Government Code sections 3300-3311, and other laws, policies and court decisions that may be applicable. This includes the opportunity to seek representation, if you desire, and to have the representative present during the interview. Should you decide to have a representative, and a schedule conflict arises after a date/time for the interview has been established, please contact me to reschedule at (530) 897-5851.

Administrative investigations are confidential. It is strongly encouraged that you do not discuss this administrative investigation or contact any complainant, witness, or officer involved in the incident, except for myself, your representative and /or attorney, or the appropriate individual in the chain of command.

If you have any questions about this memo or the process related to this investigation, please do not hesitate to contact me.

Sergeant Peter Durfee
Professional Standards

Issuance information:
On June 7, 2023, I, Sergeant Peter Durfee hand-delivered this memorandum to **Officer Michael Vincent**.

CITY OF CHICO MEMORANDUM

TO: Case File IA# 23-0016 DATE: 6/8/2023

FROM: Sergeant Peter Durfee FILE: IA# 23-0016

SUBJECT: Mark 43 Reporting

On June 8, 2023, IA# 23-0016 was reported to Peace Officers Standard in Training via the online Mark 43 portal. This reporting is mandatory under the definition of "serious misconduct" in SB-2. The POST report number is POST2303752.

Sergeant Peter Durfee
Professional Standards Unit

CITY OF CHICO MEMORANDUM

COPY

TO: Officer Michael Vincent

DATE: June 7, 2023

FROM: Sergeant Peter Durfee

FILE: IA# 23-0016

SUBJECT: SB 2 Notification

With the implementation of Senate Bill 2, the Chico Police Department is **required** to notify the Commission on Peace Officers Standards and Training (POST) about any **allegations** of serious misconduct as defined by POST.

On June 8, 2023, I will be notifying POST of the below investigation. POST will also notify you of this reporting.

On May 31, 2023, a complaint was filed with the Chico Police Department Professional Standards Unit alleging sexual assault as defined by 832.7(B)(ii).

If you have any questions, please contact the Professional Standards Unit.

Sergeant Peter Durfee
Professional Standards Unit

CHICO POLICE DEPARTMENT
PROFESSIONAL STANDARDS

Questions:

On June 6, 2023, I served you with notice of this administrative investigation. The notice informed you the IA was regarding allegations of violations of General Conduct and Performance. More specifically policies:

Policy 339 – Standards of Conduct
Policy 702 – Personal Communication Devices
Policy 706 – Vehicle Use

We scheduled an interview for June 8, 2023, at 1400 hours in my office.

Have you reviewed any materials about this incident since being advised of the IA?

Are there any other materials you would like to review prior to providing accurate and complete responses to questions regarding your actions? If yes, what?

Do you know [redacted]

How?

Did you speak to your Sergeant about your knowledge of [redacted]

What did you say?

Do you know through her if she is involved in any relationships with a police officer?

If so, can you characterize the relationship? Good, bad, hostile, etc..

Have you known [redacted] o be untruthful in the past?

Is there anything else you think I need to know about [redacted] r this investigation?

Sergeant Peter Durfee
Professional Standards Unit

CITY OF CHICO MEMORANDUM

TO: Chief Billy Aldridge

DATE: 2023

FROM: Sergeant Peter Durfee

FILE: IA# 23-0016

SUBJECT: Administrative Investigation Report

SUMMARY OF ALLEGATIONS

On 5/31/2023 at 11:41 am, I received an email from the California Commission on Peace Officer Standards in Training (POST) indicating they had received a complaint concerning alleged misconduct on behalf of a police officer employed by the Chico Police Department. The email indicated the report of alleged serious misconduct had already been entered in the Mark 43 reporting system as case number PUBLIC-23-000177.

The allegation to POST was reported by [redacted]. [redacted] indicated in her report to POST that she had "rode in the back of the patrol vehicle to a dark parking lot where the sexual acts were done between officer and myself, multiple times over 10 month spend." [redacted] also indicated that the Chico Police Officer was Officer Michael Vincent. [redacted] indicated in her complaint to POST that she had received messages from an unknown Snapchat that she believed to be Officer Vincent that she believed were "trying to intimidate me." [redacted] also stated she previously had contacted Officer Vincent via text on his department issue telephone.

The allegations against Officer Michael Vincent are the following:

Policy 339 – Standards of Conduct
Policy 702 – Personal Communication Devices
Policy 706 – Vehicle Use

DATE/TIME/LOCATION/INCIDENT

According to the complaint filed with POST, the incidents began ten months ago. The complainant indicated on a social media post that the sexual acts occurred in a police car in a church parking lot on Ceres Avenue.

INVOLVED PARTIES

Officer Michael Vincent
Personal Confidential Information (Gov. Code, § 7922.000)
Personal Confidential Information (Gov. Code, § 7922.000)
[redacted]

INVESTIGATION

On 5/25/2023, I received a voicemail on my Chico Police Department desk line from a female identifying herself as [redacted]. [redacted] was asking for a return telephone call but did not indicate why she was requesting a call.

On 5/30/2023, when I returned to work, I was approached by Officer Lindsay Stalnaker regarding a post on our Chico Police Department Instagram page. The post indicated it was from a screenname [redacted]. The subject making the post wrote they had been having a sexual relationship with a Chico Police Officer while he was on duty "for many months." The post has since been removed but I was able to obtain a screenshot of the post which is attached to this memorandum. See Attachment A.

I later contacted [redacted] via telephone at her request. [redacted] stated she wanted to meet with me in person to discuss her situation, so we scheduled an 11:00am meeting on 5/30/2023 at the Chico Police Department. [redacted] did not show up for our scheduled meeting. I attempted to contact her but she did not answer.

On 5/31/2023 at 11:41 am, I received an email from the California Commission on Peace Officer Standards in Training (POST) indicating they had received a complaint concerning alleged misconduct on behalf of a police officer employed by the Chico Police Department. The email indicated the report of alleged serious misconduct had already been entered in the Mark 43 reporting system as case number PUBLIC-23-000177.

The allegation to POST was reported by [redacted]. [redacted] indicated in her report to POST that she had "rode in the back of the patrol vehicle to a dark parking lot where the sexual acts were done between officer and myself, multiple times over 10 month spend." [redacted] also indicated that the Chico Police Officer was Officer Michael Vincent. [redacted] indicated in her complaint to POST that she had received messages from an unknown Snapchat that she believed to be Officer Vincent that she believed were "trying to intimidate me." [redacted] also stated she had contacted Officer Vincent via text on his telephone.

Due to the above allegation from POST, as well as [redacted] post on the Chico Police Department Instagram account, I authored a memorandum requesting an internal affairs investigation be completed by the Professional Standards Unit.

On 5/31/2023, I received a memorandum from Chico Police Captain Greg Keeney to begin an administrative investigation regarding the allegation by [redacted].

On 6/3/2023, I was contacted by Lieutenant Jeff Durkin via telephone. Lt. Durkin indicated Sgt. Mark Bass had spoken to him on 6/1/2023 regarding a conversation between Sgt. Bass and Community Service Officer Alyssa Varao. Sgt. Bass indicated CSO Varao saw the post on the Chico Police Department Instagram page from [redacted] and recently received communication from [redacted] via Instagram messenger. Per Lt. Durkin Sgt. Bass was instructed to tell CSO Varao not to speak about her relationship with [redacted] and I would be contacting her. I later contacted CSO Varao via telephone and scheduled an interview for 6/8/2023 at 1400 hours in the Professional Standards Office.

On 6/4/2023, I attempted to contact [redacted] via telephone. She did not answer and a message was left requesting a return telephone call about her complaint to California Commission on Peace Officer Standards in Training. On 6/5/2023, [redacted] returned my telephone call and left a message on my department voicemail. I returned [redacted] telephone call and she did not answer. [redacted] returned my call a short time later and we spoke about setting up another meeting. [redacted] indicated she missed our previous meeting on 5/30/2023 because she had lost her telephone. Of note, I spoke to [redacted] at 0930 hours on 5/30/2023 and our appointment was scheduled for 1100 hours, just 90 minutes after our telephone conversation where we scheduled the appointment. During this telephone conversation [redacted] stated she was available on 6/5/2023 at 1000 hours for a meeting. We scheduled the meeting for the following day and terminated the telephone call.

On 6/5/2023 at 1000 hours, [redacted] failed to show up for our scheduled appointment. At 1015 hours, I attempted to contact [redacted] via telephone. [redacted] did not answer and a message was left requesting a telephone call.

After missing our second scheduled appointment I began a records check of [redacted] via our CAD RMS System, RIMS. RIMS is connected to the Butte County Sheriffs Office so my records check included any prior history between [redacted] with both the Sheriffs Office and the Chico Police Department. [redacted]

[redacted]

On 6/6/2023, Lt. Omar Peña contacted Chief Jason Wines at the Butte County District Attorney's Office. Lt. Peña requested Chief Wines assistance with our investigation. Lt. Peña wanted a different agency other than the Chico Police Department to attempt to speak with [redacted] in case she did not feel comfortable speaking to investigators from the agency where Officer Vincent is employed.

On 6/7/2023, Lt. Chris Oakley from the Butte County District Attorneys Office and myself went to [redacted] last address of record with the Chico Police Department. [redacted] was not home but Lt. Oakley left his business card and requested a telephone call in an attempt to set up a meeting with [redacted]. Approximately one hour after we left the residence [redacted] contacted Lt. Oakley and indicated she was available to speak with him.

At approximately 1000 hours myself and Lt. Oakley returned to [redacted] residence. [redacted] requested we speak outside due to other people inside her apartment. [redacted] led Lt. Oakley and I to a picnic table behind her apartment building. At this point I had already activated my BWC and was recording the interaction. We all sat down at the table and Lt. Oakley began the interview with [redacted]

Lt. Oakley explained to [redacted] the reason we wanted to speak with her was because of the notification that she had made to POST and being from an outside agency, with no ties to the Chico Police Department, he thought it might be easier for her to speak about what she had reported. Lt. Oakley explained the interview process to [redacted] and then started the interview. [redacted] began by stating that she had forgotten that she had emailed POST and indicated for her "mental and emotional health" she stated she "did not want to deal with this." [redacted] asked if she had to speak with Lt. Oakley about the incident to which he responded that he can't force her to speak with him. Lt. Oakley told [redacted] that he wanted to talk to her and confirm what she stated to POST was a truthful statement to which [redacted] responded that it was indeed the truth. Lt. Oakley stated again that he can't force [redacted] to speak with him but he would like to find out what happened.

[redacted] decided to speak with Lt. Oakley. When asked who the officer was in question [redacted] stated "Michael Vincent." [redacted] stated she first met Officer Vincent in late June, 2022, when Officer Vincent and his partner were at her apartment complex doing a welfare check on someone. [redacted] stated their first verbal

interaction was when Officer Vincent was knocking on the doors and windows of an apartment and [redacted] asked them who they were looking for. Officer Vincent explained what they were doing and asked [redacted] if she heard from or saw the subject they were looking for to give dispatch a call. [redacted] stated the following evening she saw Officer Vincent in her apartment complex again. [redacted] stated the patrol vehicle parked, rolled down the window, and Officer Vincent waved her over towards his patrol vehicle. [redacted] stated that Officer Vincent asked if she had seen the subject from the night prior, [redacted] stated she had not, and Officer Vincent asked if he could put his work number in her cell phone. [redacted] stated he could and Officer Vincent put his telephone number in her cellular telephone. [redacted] stated she still had Officer Vincent's work telephone number stored in her telephone and still had all of the text messages between them.

[redacted] stated Officer Vincent would contact her over the next few days asking if she had seen the subject they were looking for but that was it at this point. [redacted] stated she also accidentally sent Officer Vincent and "funny screenshot" by accident a couple days later but that was all the interaction at this point. [redacted] continued and stated within a week Officer Vincent was asking her for pictures of herself. [redacted] stated the conversation changed from more of a professional conversation to a personal conversation. Lt. Oakley asked [redacted] at what point did the conversation escalate to something other than pictures. [redacted] stated they talked about all sorts of things but confirmed all of it was on Officer Vincent's work telephone. [redacted] stated the conversations and text message were on Officer Vincent's work telephone until November 2022, then they switched to Snapchat. [redacted] stated Officer Vincent's Snapchat name was [redacted] but recently changed it to [redacted]. [redacted] stated in January of 2023, they continued communicating through Snapchat and started using Officer Vincent's personal telephone number. [redacted] stated, "his [redacted] number, because he's from [redacted]." [redacted] confirmed Officer Vincent's personal telephone number and text messages were also saved in her cellular telephone.

[redacted] stated approximately one month after she met Officer Vincent they began talking more and anytime while Officer Vincent was on duty, when he had time, he would stop by her residence. [redacted] stated it was just to say hi or to give her a hug. [redacted] stated this occurred in the evenings Monday thru Thursday until his schedule changed to the weekends. It should be noted Officer Vincent was assigned to A Swingshift in June, 2022, and switched to B Swingshift in September, 2022.

[redacted] stated she couldn't remember when but thought it was late July or August, Officer Vincent would pick her up in his patrol vehicle in front of her apartment complex and they would drive over to the church. [redacted] was making reference to the [redacted] stated this occurred on three or four occasions. Lt. Oakley asked [redacted] what occurred when Officer Vincent picked her up. [redacted] stated, "he picked me up in the patrol vehicle, we would go over there, and he

would want sexual favors." [redacted] indicated she sat in the back of the patrol car on the driver side and got picked up on the street in front of her apartment complex. [redacted] stated Officer Vincent would either text her or he would call her and they would talk about where she was going to be picked up at. Lt. Oakley asked [redacted] what was the context of her getting into the car. He asked did she know why she was getting in the car or what was going to happen. [redacted] she stated she wasn't sure but remembered "the last time" she texted Officer Vincent and told him she didn't like the feeling of being in the back of the car and it felt demeaning.

Lt. Oakley asked [redacted] about the first time she got into the back of the patrol car and what was her understanding about what was going to occur. [redacted] stated they really didn't talk about it. [redacted] stated there was a time prior that they were planning to get together. [redacted] said she was aware that Officer Vincent had a girlfriend, and they didn't want to meet at each other's homes because she said they didn't want it to escalate further. [redacted] stated they planned to meet at the [redacted] on [redacted] after he got off of work at approximately 0200 hours. [redacted] stated Officer Vincent was on his bicycle because he had ridden his bike to work. [redacted] stated they met behind the [redacted] where it was dark and Officer Vincent got close to her, kissed her, and put his hand "down my pants." [redacted] stated Officer Vincent was off-duty during this interaction and this was the first sexual interaction they had. [redacted] indicated they had talked about having a sexual interaction with each other, but this was the first time something occurred other than the hugs while he was on duty. [redacted] stated Officer Vincent had expressed interest in her sexually and she reciprocated the same via the text messages between each other.

Lt. Oakley referred back to the first time [redacted] got into a marked patrol vehicle with Officer Vincent while he was on duty. [redacted] stated they went to the [redacted] and she sat in the back seat behind the driver. [redacted] stated she did not know her thought process or what they were going to do. [redacted] stated this occurred sometime in August she believed but was not sure. [redacted] stated she remembered this occurring at night but was unsure the time. [redacted] stated Officer Vincent told her after she got into the back seat of the patrol vehicle that if she were to see any other patrol vehicles she was to duck down. [redacted] also stated that on one occasion, she wasn't sure which occasion, Officer Vincent was looking at his computer and said that they need to hurry up because his sergeant was "coming this way." [redacted] continued and stated on the first occasion after they arrived at this church, Officer Vincent opened the door because she was unable to do so. [redacted] stated they kissed a few times and that led to her performing oral sex on Officer Vincent. [redacted] described her positioning as sitting between the driver side back door and the back seat of the marked patrol car. [redacted] stated Officer Vincent was dressed in police uniform, but the sexual contact between them was consensual. [redacted] stated the interaction lasted about ten minutes and then Officer Vincent drove her back to her apartment complex while seated in the back seat of the patrol vehicle. [redacted]

[redacted] stated she and Officer Vincent continued to text and communicate with each other after in sexual interaction in the [redacted] parking lot.

[redacted] stated a second sexual interaction between she and Officer Vincent also occurred while he was on duty in a marked patrol vehicle. [redacted] stated she was unsure when it actually took place but believed it was within the next two or three weeks after the first interaction. [redacted] stated they also had sexual intercourse sometime in October at his residence, but that was during Officer Vincent's off duty time. Lt. Oakley asked [redacted] to talk about the other on-duty sexual interactions between she and Officer Vincent. [redacted] stated on another occasion, which might have been the second sexual interaction, it was approximately 0130 hours on an unknown date in September. She stated she was at her apartment with a friend and remembered going onto her balcony and seeing a patrol vehicle driving slowly through her parking lot. The patrol vehicle rolled down the driver side window and [redacted] stated it was Officer Vincent. [redacted] stated she went downstairs and talked to Officer Vincent. [redacted] stated she got into the back of his patrol vehicle and he drove her to the [redacted] parking lot again. [redacted] described Officer Vincent parking his patrol vehicle next to a wall in the parking lot with the driver side next to the wall and the passenger side of the vehicle facing the street. Lt. Oakley asked [redacted] what made her get into the patrol vehicle prior to driving to the [redacted] parking lot. [redacted] indicated she wasn't sure but did remember making the statement to Officer Vincent that "you must like the adrenaline rush or something, because obviously he is not supposed to be doing that." When asked what occurred at the [redacted] parking lot, [redacted] stated "the same thing. Yea, basically the same thing. I mean he was grabbing and touching me." Lt. Oakley stated the first time they drove to the [redacted] parking lot in Officer Vincent's patrol car [redacted] described she performing oral sex on Officer Vincent as well as kissing him. Lt. Oakley asked if that is what occurred the second time as well? [redacted] stated "I'm sure there were times were he was kissing me and touching me but yea, I performed oral sex on him." [redacted] stated this lasted approximately ten minutes and then Officer Vincent drove her back to her apartment. [redacted] again reiterated this occurred approximately three times and the same thing happened every time. [redacted] state she didn't believe they had sexual intercourse on any of the three occasions when Officer Vincent picked her up and drove her to the [redacted] parking lot. [redacted] described each time as kissing and her performing consensual oral sex on Officer Vincent. [redacted] did indicate on one occasion Officer Vincent penetrated her vagina with his fingers but she was unsure on which occasion. [redacted] stated the last time Officer Vincent picked her up on duty and drove her to the [redacted] Parking lot was September, possibly October, and nothing has occurred on duty since.

[redacted] stated she and Officer Vincent continued to have a consensual sexual relationship until March or April of 2023. [redacted] indicated this occurred a few times to include at his residence which she stated was [redacted], which I confirmed

is Officer Vincent's residence. [redacted] stated they also has sexual intercourse at her residence, but again confirmed all while off duty. [redacted] stated during one incident at her residence Officer Vincent wanted to video record them having sex to which she eventually agreed to, but she said it had to be on her device, not his. [redacted] indicated this all occurred in an off-duty capacity. Lt. Oakley asked [redacted] how the relationship was now, and she stated it was over. [redacted] stated the relationship ended in March or April of 2023.

When asked how the relationship ended, [redacted] made reference to her receiving some text messages from an unknown number whom she believed to be Officer Vincent's girlfriend, whom [redacted] knew about. [redacted] did not recall the messages but she did say she later called the telephone number, but hung up when a female answered.

[redacted] stated over the next week or so she began receiving what she referred to as "prank calls" from a blocked telephone number. She believed the telephone calls to be from Officer Vincent, but she had no evidence to confirm that. [redacted] stated the day after receiving the last "prank" call she received a text message from Officer Vincent stating that he and his girlfriend were no longer together, but he asked that [redacted] leave him and his girlfriend alone. [redacted] stated she had spoken to Officer Vincent's former girlfriend, whom [redacted] referred to as "really nice" and they had a good conversation. [redacted] stated there was never any "bad" incidents between [redacted] and Officer Vincent's former girlfriend. [redacted] stated she just answered a few questions for her like how long the relationship took place but they didn't get into specific details about [redacted] and Officer Vincent's relationship.

[redacted] did state the night after the "prank call" she received what she called an add on a social platform, Snapchat. She described an add on as when someone you don't knows attempts to add you to Snapchat. [redacted] stated it was from a random account that she believed to be a fake account. [redacted] believed the account was Officer Vincent's so she texted him asking why he had a fake Snapchat account and added her. [redacted] stated Officer Vincent did not respond, but [redacted] added the account anyways. [redacted] stated the following day the Snapchat account sent her messages asking [redacted] to send pictures of herself to the account. [redacted] stated she believed it to be similar behavior to Officer Vincent but had no evidence Officer Vincent was sending messages from this unknown Snapchat account. [redacted] stated the unknown Snapchat account user sent a photograph of a mask from the movie Friday the 13th, but nothing happened since.

[redacted] indicated since the relationship ended she stated she texted Officer Vincent periodically but stated he had not responded. [redacted] stated they have never had anymore sexual activity on or off duty since early April.

[redacted] stated she still had all the text messages between she and Officer Vincent on both his work cellular telephone and his personal telephone. I received her consent to photograph all of the text messages from both telephone lines. I took over 390 photographs which included communication from June, 2022, until her last communication on May 28, 2023 where she advised Officer Vincent that she was being contacted by the police department and stated, "goodbye forever. I can't protect you."

After photographing all of the text messages we ended our interview with [redacted] Below is a transcription of text messages that are a direct link to the investigation. All of the photographs of the text messages are attached to this investigation as Attachment G.

Text messages between [redacted] and Officer Vincent on his Chico Police Department cellular device. Below communications from [redacted] are in red and communications from Officer Vincent are in Blue.

(First Contact)
June 24, 2022 at 9:10 PM
[redacted]

Awesome. Thank you

June 27, 2022 at 5:07 PM
Hey [redacted] It's Officer Vincent. Hope you had a good weekend. Any idea if [redacted] is home right now?

I'm at work. I'm sure he is there....

June 27,2022 10:36 PM
Thank for your help. You can probably delete my number now. Haha

June 28, 2022 12:58 AM
Are you telling me to delete your number?

And I was saying you could delete it if you want to, you don't have to if you don't want to.

June 28, 2022 2:19 PM
I was in [redacted] last night, and my partner got jealous because I wouldn't tell him who I was texting. LOL

Oh no. I don't want to get you in trouble or anything. Lol.

Healthy amount of jealousy. Nothing toxic whatsoever. We like to play anyway...
So no worries, thanks.

Wait...what do you mean you like to play? Lol

Ummm

Lol. Tell me more [redacted]

Anymore questions? Lol

Oh so many questions. But I shouldn't

You should

And why is that. Lol

I'm curious

Curious about my questions or curious about other things?

Your questions; what are they?

How often do you and your partner "play" with others?

Are you allowed to play without him there?

And is there a different picture you wished you sent me on accident?

I said I was curious on what you had to ask. I never said I would answer.

Boooo. Lol

Some rules are made to be broken.

Well you better answer then

That's not what I meant

Lol. Got it.

It doesn't have to be a couple. It can be a threesome

With or without him? Lol

Which part?

The whole part

Why would I not want two men pleasuring me?

The communication continues. See attachment G for further regarding this text thread.

June 28, 2022 (Unknown time)
Lol. Night beautiful

Actually, I'm out walking my dog at midnight. Lol

Is that my hint to drive by?

Lol. Some sprinkler fun

She loved it

But where's the video of you?!

Come get it

It does not appear a video was sent.

I want to but I'm on a call right now. How long you walking for

I just started

Still out?

Yes

Are you in the complex or out and about?

Out on [redacted]

Be there in 3

Good seeing you!:)

At this point it appears multiple pictures were sent but have since been deleted. It is unknown if these were sexual in nature.

Lol. A fantasy for me or you?!

Yours

You don't even know what my fantasy is. Lol

I want to know what your fantasy is

Lol. Well lady's first. Let me hear yours.
And make sure it involves handcuffs.

Ohh I'm a [redacted]...We are huge flirts....Fantasizing is our there
Thing
I'm sure you would love to cuff me

Appears another picture was sent and deleted.

Oh my lord

That's all you get

Thankfully I think that's all I need.

For?

To make me smile while on my way to work. Lol

Good good lol
I like being a tease
Love it actually

Well you are definitely teasing me right now. So hopefully that makes you happy. Lol

Oh I know

Well feel free to keep teasing if you need some more pleasure...

June 29, 2022 10:41 PM
Is this an interrogation

We can make it one
Lol. You are really going to make me interrogate you to get this info from you??

I imagine myself sitting on a chair in the center of a room, lights are dim, my arms are handcuffed behind me. Wearing black laced lingerie with thigh high stockings as you interrogate me

You are most definitely restrained in this scenario. And you better be good at taking orders.

& what if I'm not?

You'd be punished. Definitely spanked. Maybe choked...

No gag reflex
I think I deleted all of my actual sexy pics or nudes

Well feel free to take more. Because I love looking at your body

That's all you get
Don't worry I'll send you more when the boobs get done in two months.
Post breastfeeding to new ones.
Lol
The quality isn't great...screen recorded off of snapchat

Oh my god. I want to see the rest of that second one. So sexy

No I left that out on purpose

😒
I think you should include it on purpose.

Then you should pay me
Lmfao

Lol. I can't do that!

Sucks for you
You're not allowed to subscribe to an only fans or the camming?

Do you have an only fans? And no. I'm not subscribed to any

I asked a question

Lol. Nope

The communication continues. See attachment G for further regarding this text thread.

July 11, 2022 4:43 PM

My man is on the other side of the world rn. I'm horny, and I'll just be frustrated and jealous that you can't

You home right now

No. why?

Damn

Why??

Was hoping you could send me more pics

What do I get?
I was hoping you would let me

Appears another picture was sent and deleted.

He not joking. In person he said "usually I don't care for a bj because they suck at it

Oooo. You are that good??

I used to think it was just what men said to everyone
I have a really nice pussy too.
Damnn it. I hate when I like this rn, I'm weak.

I love it.
Send me a pic for real. It's been so long since I've seen you.

You know what I love, that you're totally into this: lil freaky deaky, but in person you're still such a sweetheart and so laid back. & seems like we have very similar morals.
I don't have any new sexy pic rn
Just this and some cute ish pictures [redacted] took of me

Ugg. So sexy
I want more

I want more from you!

Lol. I can't do pics. Just in person stuff for me!

Like?

Appears another picture was sent and deleted.

I forgot I had that from last weekend

Oh my god. That just turned me on so much
Fuck

You're a freak
Actually not until you fuck me

Well I have to keep it professional while I'm at work [redacted] But you are very attractive. You know that.

On August 1, 2022, there are multiple text messages between [redacted] and Officer Vincent. The messages reference meeting up together, hugging, and meeting at the [redacted] after Officer Vincent is off-duty. [redacted] talks about her throat and wanting to give Officer Vincent "give you the sloppiest head."

August 2, 10:07 AM

Btw, despite your vest: I did enjoy the his alone, being in your arms. I felt nice.
Hugs*
It* felt nice

I agree

September 7, 2022 10:53 PM

[redacted] sends photograph of her breasts to Officer Vincent on his department device. [redacted].

Oh my. Those look nice
How long are they out of commission for?

The communication continues. See attachment G for further regarding this text thread.

September 12, 2022 12:54 AM

Go to the [redacted]

Let me set up the phone

Lol. Where are you

Hold on
Will you just come back and pick me up I'll meet you across the street where is dark

Lol. I can't drive people in the car

I can't set up the phone right now and I had two shots of vodka so I can't drive
And I get pulled over

Is there anywhere dark by you?!

[redacted] sends photograph of one of her breasts to Officer Vincent on his department device.

So where we meeting

I'm walking to [redacted]

Lol. This no phone thing is hard

[redacted]

September 17, 2022 11:55 PM
What do you mean a real hug?! Lol

Just a hug in your arms

Lol. Can you drive?!

To?

Same place as last time??

Right now?

Or in a little bit

Maybe in a lil

September 18, 2022 8:28 PM

[redacted] send multiple pictures to Officer Vincent's work device. She is clothed in all of the photographs.

Wish you could fuck me right now

Would be nice, wouldn't it

But you won't

Tonight?

Are you asking to?

You know I want to

But will you?
Ever

I'd like to

Will it happen?

You tell me

Stop playing games
Tell me if you will make it happen?

It's hard to make it happen at work [redacted]

Okay

But that thing we did last week wasn't that hard. Lol

Of course not

Lol
What you up to

Thinking

Thinking about what

You being an ass
Joke
Hole*

Me?!?!

Yes

How [redacted]

Where's my pleasurable experience?
From you

It's very difficult to fuck you or go down on you while I'm at work.
I'm willing to try. Just letting you know it's hard. Lol

What time?

When are you free

Do you want to get me? Lol

Can you drive?! Lol

I have to go get gas LMAO

It's literally like .5 miles from your place. It'll be fine.

You're a pain

My apologies

When?

I'm at the same spot right now
Don't come right now. My boss is heading this way

Okay

Are you still at home or are you out

Home

Oooo

You?

I'm still in the parking lot
Well I'm here if you want to come?

I'm too cold
My bed is cozy

I bet it is
So not tonight?

October 1, 2022 12:19 AM
Go out on your balcony and flash me

[redacted] send multiple pictures to Officer Vincent's work device. She is clothed in all of the photographs.

Flash flash Lol

Where are you?

I don't know the [redacted]. Lol

[redacted] send a couple text messages to include the [redacted].

Gotta go quick. Flash real quick. Lol

Im in the bathroom
Jerk

Hurry hurry

The communication continues but Officer Vincent leaves and responded to a collision.

After the collision.....

Where are you?
It's kind of cold out lol

The parking lot. Where are you

Which parking lot?
I don't like that
Lol

Lol. It would be nice to hang out when I'm not in uniform and in a cop car

Sitting in the back is the worst
Then not being able to give a hug or anything because someone might see

I'll
I know know

Yes...because it feels so degrading

I'm sorry. That's not what I'm going for

At first it was fun, now it sucks. No pun intended.
I know you're not
You are sweet. Goodnight

Night Beautiful

The remaining communication between [redacted] and Officer Vincent on his device includes multiple photographs and communications regarding [redacted] going to Officer Vincent's residence where they had sexual intercourse while he was off-duty. It should also be noted that [redacted] mentions Chico Police Officer Austin Jones and retired Police Chief Matt Madden, as well as his [redacted], but there is no mention of any violations by those individuals. It just appears [redacted] knows the above parties. See Attachment G for further.

[redacted] also allowed me to view her text messages between her device and Officer Vincent's personal telephone number. From the messages I received, they began communicating on Officer Vincent's personal telephone on January 23, 2023.

Between January 23, 2023 and May 28, 2023, [redacted] sent Officer Vincent multiple messages that went unanswered by him. On April 1, 2023, Officer Vincent told [redacted] that he was no longer interested in a relationship. Over the following five days [redacted] sent Officer Vincent over thirty messages and photographs. Officer Vincent asked [redacted] to stop calling and harassing his former girlfriend as well as himself. Following that message to Officer Vincent [redacted] sent thirty-three more messages on April 5 attempting to contact him. Text and audio messages continued until May 28, 2023, when [redacted] indicated she had been contacted by the Chico Police Department. See Attachment H for more information.

After learning the above information and gathering the text messages between [redacted] and Officer Vincent which were on his department issued device, Officer Vincent was placed on paid administrative leave by Chief Aldridge on June 7, 2023. Officer Vincent was summoned to the Chico Police Department by me and turned in his badge, identification, cellular device, keys, and firearm.

On June 9, 2023, Chief Aldridge deemed it was appropriate for Officer Vincent to return to duty. Officer Vincent was contacted by Lt. Omar Peña via telephone. Approximately one hour later Officer Vincent came to my office where the items previously taken from him were returned and he was returned to full active duty. Officer Vincent was given a new cellular device.

As previously mentioned, on June 3, 2023, [Personal Confidential Information redacted] contacted her supervisor regarding knowledge of [redacted]. On June 6, 2023, I spoke to [Personal Confidential Information redacted] via telephone and advised her she was a possible witness in an investigation. I advised [Personal Confidential Information redacted] that I needed to speak with her on June 8, 2023 at 1400 hours in the Chico Police Department Professional Standards office. [Personal Confidential Information redacted] agreed and arrived in my office on June 8, 2023 at approximately 1400 hours. I activated my digital audio recording and began my interview with [Personal Confidential Information redacted]. I read [Personal Confidential Information redacted] the interview admonition which she stated she understood. I asked [Personal Confidential Information redacted] the following questions.

> Have you reviewed any materials about this incident since being advised of the IA?
>
> [Personal Confidential Information redacted] stated "no."
>
> Are there any other materials you would like to review prior to providing accurate and complete responses to questions regarding your actions? If yes, what?
>
> [Personal Confidential Information redacted] stated "no."
>
> Do you know [redacted]?
>
> [Personal Confidential Information redacted] stated "yes."
>
> How?
>
> [Personal Confidential Information redacted] stated [redacted]."
>
> Did you speak to your Sergeant about your knowledge of [redacted]
>
> [Personal Confidential Information redacted] stated "yes."

What did you say?

[redacted] stated "She had sent me a message in Instagram stating that she had to come in and talk to Sgt. Durfee." When [redacted] asked why and if she was okay, [redacted] responded to the message stating "I have been having sex with Michael Vincent in the back of the patrol car." [redacted] stated she immediately blocked [redacted] and contacted Sgt. Bass the following day when she returned to work. Due to [redacted] blocking [redacted] she can no longer see the Instagram message but wrote it down so she could be accurate in her response to me.

When is the last time you spoke to [redacted]?

[redacted] stated "It's been several months since I talked to her and that was the first time I have spoken to her since [redacted]

Have you known [redacted] to be untruthful in the past?

[redacted] stated "I don't know her like that."

Is there anything else you think I need to know about [redacted] or this investigation?

[redacted] stated "no."

I concluded the interview at 1404 hours.

On June 7, 2023, when Officer Vincent was placed on administrative leave, I collected his department issued cellular device. I gave the device and the pass code to Sergeant Dave Bailey who is trained in the forensic download of cellular devices. Sergeant Bailey downloaded the device and returned it as well as a hard drive containing the download to me on June 9, 2023.

After receiving the device back from Sergeant Bailey, I conducted a search of the device for anything regarding this investigation. I was only able to locate four missed calls from [redacted] cellular telephone number to Officer Vincent's department issued device on May 24, 2023, and May 25, 2023. Two missed calls each day. I also checked the blocked telephone number section, and it should be noted [redacted] previous telephone number [redacted] had been blocked on Officer Vincent's device, but no date was obtainable as to when the telephone number was blocked. No other information regarding this investigation was located by searching the device manually.

The forensic download of the device by Sgt. Bailey revealed nine confirmed photographs of [redacted] that were located on his work device. The photographs were all of [redacted] upper chest and face area. There were two photographs of a female, that appeared to be [redacted], but I cannot confirm. The photographs were of a female exposing her bare breasts and another of a female exposing her buttocks in a mirror. The photographs were attached to the case file as Exhibit J.

After obtaining the text messages from [redacted] I was able to receive more accurate dates and times Officer Vincent would have been with [redacted] while on duty. I contacted Management Analyst Sherri Marshall and requested her assistance with the Chico Police Departments prior GPS system Central Square. I provided Management Analyst Marshall with multiple dates to see if we were able to obtain the GPS coordinates for Officer Vincent on such dates. Unfortunately do to either the Chico Police Department no longer having a contract with Central Square or the delayed time frame, no GPS coordinates were available for any of the dates I requested.

Interview with Officer Michael Vincent

On June 26, 2023, at 1100 hours, I met with Officer Vincent and his representative Julia Fox from Rains, Lucia, Stern, St. Phalle & Silver Law Firm, in the Professional Standards Office. Officer Vincent was read the administrative interview admonition as well as the alleged violations listed below:

Policy 339 – Standards of Conduct
Policy 702 – Personal Communication Devices
Policy 706 – Vehicle Use

Officer Vincent was advised his rights per AB301 which he verbally stated he understood. Officer Vincent was advised his rights under Miranda. Officer Vincent indicated he understood his rights under Miranda but declined to speak with me. Due to the fact Officer Vincent refused to waive Miranda, I read Officer Vincent the Lybarger warning, and ordered Officer Vincent to answer my administrative questions.

I then began the interview.

Have you reviewed any materials about this incident since being advised of the IA?

Officer Vincent stated "no."

Are there any other materials you would like to review prior to providing accurate and complete responses to questions regarding your actions?

Officer Vincent stated "no."

Have you read the Chico Police Department Lexipol policy manual when you were hired?

Officer Vincent stated "yes."

Have you Lexipol updates during your employment and acknowledged those updates?

Officer Vincent stated "yes."

Do you know that performing a sexual act, even if consensual, while on-duty is a violation of department policy?

Officer Vincent stated "yes."

Do you know a female by the name of [redacted]

Officer Vincent stated "yes."

How did you meet her?

Officer Vincent stated "I met her on a call for service in 2022."

Was she the principal involved in the call?

Officer Vincent stated "no, she was not involved in the call at all."

I asked Officer Vincent how he contacted her?

Officer Vincent stated "We had gotten dispatched to a domestic violence call and [redacted] approached me and said she could call or text me when the suspect arrived so officers could arrest him."

Have you used your department issued Cellular telephone to communicate with [redacted]?

Officer Vincent stated "yes."

How? Text/SnapChat/Calls?

Officer Vincent stated "text."

I asked if they made and telephone calls or Snapchat.

Officer Vincent stated "Not that I can recall."

Regarding Snapchat Officer Vincent stated "not on my work phone."

Have you asked her to send you photographs and/or videos of herself to your department issued device?

Officer Vincent stated "yes."

Has [redacted] sent you explicit photographs and/or videos, sexual in nature, ie nudity, to your department issued device?

Officer Vincent stated "I do not recall to my work phone."

What photographs has she sent you to your work phone?

Officer Vincent stated "I know that she has sent regular photographs that weren't nudity to my work phone, but I do not recall any specific nudity ones to my work phone. Just pictures of herself, clothed."

It should be noted there is a photograph of a female, wearing a black bra, that was sent from [redacted] telephone to Officer Vincent's work telephone on November 5, 2022. There is also photographs of a female after

[redacted] telephone to Officer Vincent's work device on September 7, 2022. See Attachment G.

How many times do you believed this happened?

Officer Vincent stated "under five."

How would you classify your relationship in July, 2022?

Officer Vincent stated "We were talking and it was more so a getting to know each other sexual relationship."

September, 2022?

Officer Vincent stated "I would say about the same."

December, 2022?

Officer Vincent stated "about the same."

April, 2023?

Officer Vincent stated "she has reached out to me numerous times. I want to get a restraining order against her. She's caused a lot of stress in my life."

Has [redacted] ever ridden in a Chico Police car with you?

Officer Vincent stated "yes."

Did you receive authorization for her to be in your marked Chico Police Vehicle?

Officer Vincent stated "no."

Have you had any type of physical sexual relationship with [redacted]?

Officer Vincent stated "yes."

Was it consensual?

Officer Vincent stated "yes."

Did any sexual conduct occur while you were on duty for the City of Chico.

Officer Vincent stated "yes."

Did you communicate with [redacted] on when and where you were going to pick her up via your department issued device?

Officer Vincent stated "to the best of my recollection I never said I'm going to pick you up. I specifically saying for her to meet me at a location and she said she couldn't. I went to talk to her and she was on the passenger side of my car, she opened up the rear passenger side door on her own, I did not request her to, and she got into the back."

How many times did that occur?

Officer Vincent stated "twice."

How many times did you and [redacted] commit a sexual act while you were on-duty?

Officer Vincent stated "twice."

Did you ever pay or give [redacted] gifts for sexual acts or any other reason?

Officer Vincent stated "no."

Did you have any type of sexual contact with [redacted] in your marked Chico Police Department Patrol vehicle?

Officer Vincent stated "no."

Officer Vincent indicated he had sexual contact with [redacted]. [redacted] on two occasions. I asked him to start with the first occurrence and tell me what happened and where.

Officer Vincent stated "I don't remember the exact date, it was in June or July of 2022. We were texting about her meeting up with me and she said she couldn't drive there because she had drank alcohol. So I went over to where she lives, and as I said she was on the passenger side of my car and we were talking. She opened the rear door and got into the rear passenger side. At that point we drove a quarter mile to a parking lot nearby and I got out of the car, let her out. We were standing outside of the car and at the time she [redacted], so I did. She asked me to have sex with her but I was in full uniform so I could not. At that point she reached forward and proactively unzipped my pants and at that point she gave me a blowjob. Finished, she got back in the rear of the car, and then I went and dropped her off at her apartment."

I asked Officer Vincent to describe the other on duty sexual act to me.

Officer Vincent stated "I can't describe any other details as I think it had to be very similar and it was almost a year ago and I can't recall any details about the incident."

Did this occur during the day or night?

Officer Vincent stated "nighttime."

I then recapped with Officer Vincent that on two occasions he and [redacted] communicated via text, he went to her residence, [redacted] climbed in the back of his patrol vehicle, he drove top a parking lot nearby, they got out of the patrol vehicle, and then [redacted] performed oral sex on him. Officer Vincent stated "correct."

I asked Officer Vincent if at any time did they have sexual intercourse?

Officer Vincent stated "on duty?"

I said "yes, on duty."

Officer Vincent stated "no."

Did you ever attempt initiation of a sexual act with [redacted] by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority.

Officer Vincent stated "no."

Confirming any and all sexual conduct with [redacted] was consensual.

Officer Vincent stated "yes."

Did you ever send [redacted] a Snapchat with a Friday the 13th mask?

Officer Vincent stated "no."

Have you initiated contact with any other member of the public while on duty that led to a sexual act on or off duty?

Officer Vincent stated "no."

Has everything you told me today the truth?

Officer Vincent stated "yes."

Is there anything you would like to add change or clarify?

Officer Vincent stated "no."

I then again recapped the incident with Officer Vincent. We spoke about the initial contact, how [redacted] was able to get Officer Vincent's work telephone number. Officer Vincent indicated he was unsure if she gave her his telephone number or vice versa. Officer Vincent indicated approximately one week after the initial call for service their conversations turned away from professional and became more personal in nature. Officer Vincent indicated that communication occurred for approximately two to four months on his work device.

I asked Officer Vincent if he recalled where the parking lot was where he took [redacted] where the sexual acts occurred?

Officer Vincent stated [redacted]."

I again recapped that Officer Vincent drove to the above-mentioned parking lot, opened the rear driver side door of the police car to let [redacted] out of the car. [redacted] asked to have sexual intercourse with Officer Vincent but he declined due to being in uniform. [redacted] then unzipped Officer Vincent's pants and performed oral sex on him. Officer Vincent stated "yes."

Officer Vincent stated at no point during this interaction did he try and stop [redacted] or tell her no.

I asked Officer Vincent if he felt like he and [redacted] were in a relationship? Officer Vincent stated he didn't believe it to a be a dating relationship, but since their interactions on duty, [redacted] has texted him and stated she loves him. Officer Vincent indicated he believed the relationship to be purely sexual in nature, but he believed [redacted] eventually wanted a more traditional relationship.

Ms. Fox from RLS asked Officer Vincent a few questions.

Ms. Fox asked if Officer Vincent believed [redacted] was frustrated at the end of the relationship?

Officer Vincent stated "yes, at the end she became extremely angry."

Ms. Fox asked how [redacted] received his personal cell phone number?

Officer Vincent stated he did not know how she received his personal telephone number as he never gave it to her. Ms. Fox pointed out that [redacted] was able to obtain a telephone number for a female that Officer Vincent was in a relationship with. Officer Vincent stated he was aware but unsure how she obtained that telephone number as well.

Ms. Fox asked Officer Vincent if he was interested in pursuing a restraining order? Officer Vincent stated "yes."

Ms. Fox asked Officer Vincent if this wasn't occurring, referring to the investigation, would he already have gotten a restraining order? Officer Vincent stated "yes, I would have."

I concluded the interview at 1132 hours.

On August 2, 2023, at 1113 hours, I contacted [redacted] via telephone at the request of Lt. Peña. When [redacted] answered the telephone I identified myself as Sgt. Durfee with the Chico Police Department and I was asked by Lt. Peña to contact her. [redacted] stated she was attempting to contact someone above me to talk about the report. I explained to [redacted] that the report was being completed and due to it being a personnel matter I was not allowed to speak about the investigation. [redacted]. [redacted] stated "you can't comment on a report that you made me fucking....you guys hounded me to do an interview with?" I explained to [redacted] that the information she provided was put into a report and forwarded up the chain of command. I explained to [redacted] again that I was not allowed to comment due to the incident being a personnel issue. [redacted] asked, "what if I don't want my information out there because they took my cell phone records." I explained to [redacted] that her information isn't "out there." I explained that her information is in the investigation, and we wouldn't be releasing her information. [redacted] stated, "no, I don't want you guys to have it." I explained to [redacted] that I already had the information she provided. [redacted] stated "I don't want you guys to have it. I didn't have a lawyer or anything." I explained to [redacted] that she provided the information voluntarily. [redacted] stated, "no I didn't. He put me under pressure. You guys kept calling me and calling me." I told [redacted] that she didn't have to comment further but everything she had provided up to this point was voluntarily provided. I told [redacted] she was free to make an additional statement if she wished. [redacted] stated, "I told the person I didn't want to make a report that day and he liked pressured me to." I told [redacted] that I would add her statement to the investigation that she felt pressured to provide a statement. [redacted] indicated to hiring an attorney to recant her statement as well as a statement that [redacted] and "I don't even know what I said to you guys." [redacted] stated that more information was taken from her cellular device that was not necessary. I explained to [redacted] the only text messages I had were between her and the officer in question. [redacted]

stated, "yes, it was a violation of privacy." I reminded [redacted] that the investigation was started because she contacted POST. [redacted] stated "No, you guys hounded me on Instagram. I have that." I told [redacted] again that I would add to the investigation that she wished to recant her statement due to her [redacted] and she doesn't know what was said during the interview. [redacted] questioned me as to what occurs after. I explained to her that I would add todays statement that she has provided over the telephone to my report. [redacted] stated, "you know what I'll just get a lawyer to do this. This is ridiculous." We then terminated the telephone conversation. The above statement was recorded and added to the case file.

FACTS

Officer Michael Vincent was on a call for service on June 24, 2022. Officer Vincent met [redacted] who was not directly involved in the call for service but offered to assist if she saw the principal involved in the call. Officer Vincent and [redacted] began communicating on his department issued telephone to include photographs of [redacted] being sent to Officer Vincent at his request. Some of the photographs showed a female after [redacted] and another with a female in a black bra. The photographs were sent from [redacted] phone to Officer Vincent's work phone. There was multiple text message sent to and from Officer Vincent's work device to [redacted] phone many sexual in nature between July and November, 2022.

In September, 2022, [redacted] was voluntarily driven to a parking lot near [redacted] in Officer Vincent's marked patrol vehicle. After arriving at the parking lot and being let out of the backseat of the marked patrol vehicle, [redacted] performed oral sex on Officer Vincent while he was on duty for the City of Chico Police Department and in full police officer uniform. Officer Vincent indicated this occurred on two separate occasions. [redacted] believed this occurred on three separate occasions.

ATTACHMENTS

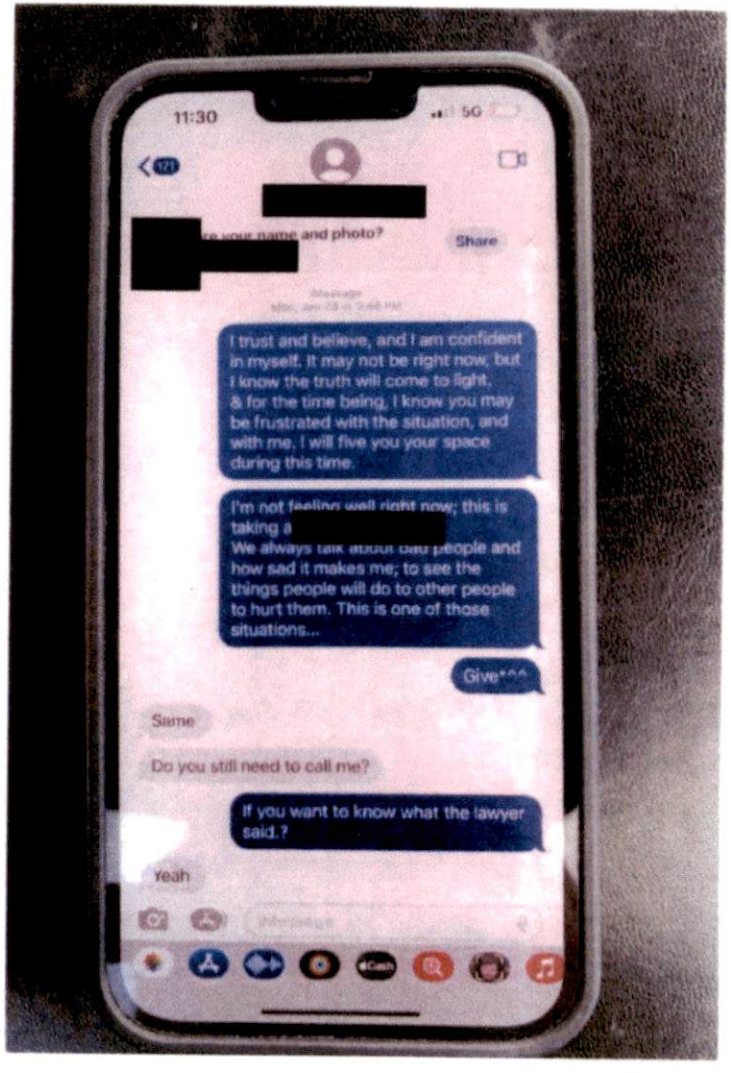
- Attachment A - Screenshot of the Chico Police Departments Instagram page where a subject with the screenname [redacted] posted a comment and then deleted such post
- Attachment B - Email from California Commission on Peace Officer Standards in Training
- Attachment C - Memorandum from Sgt. Peter Durfee to Chief Billy Aldridge

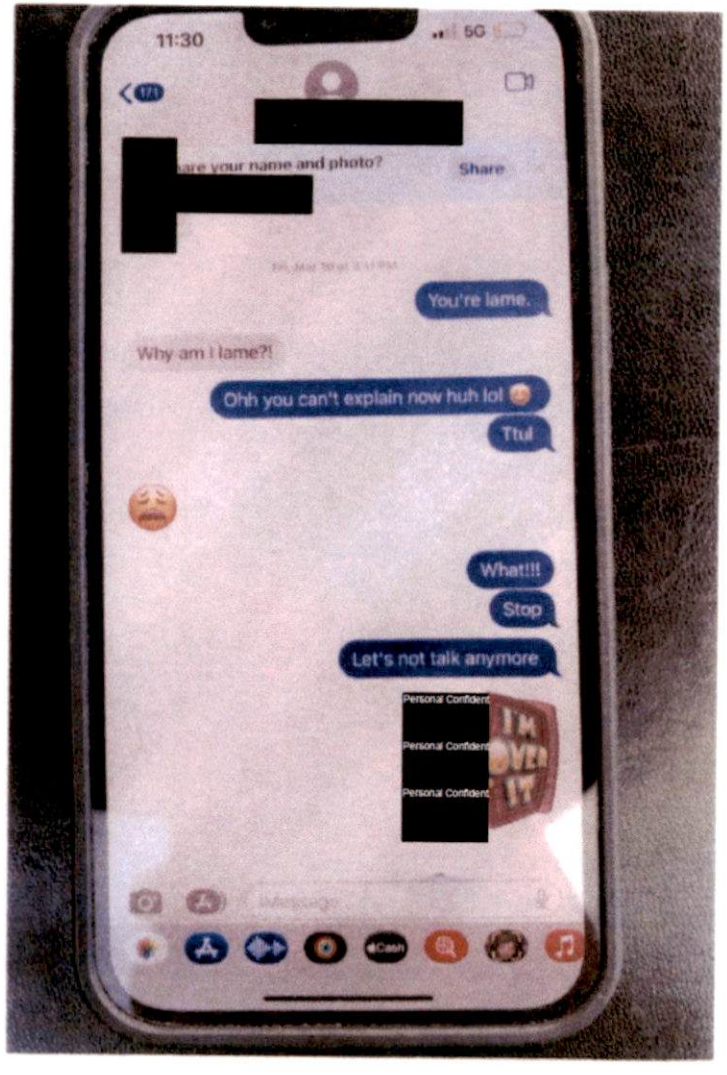
- Attachment D - Memorandum from Captain Greg Keeney to Lt. Omar Peña requesting an investigation be conducted by the Professional Standards Unit
- Attachment E - Administrative Leave Memorandum.
- Attachment F – Return to Duty Memorandum.
- Attachment G - Photographs of text messages between Officer Vincent and [redacted] on Officer Vincent's department issued device.
- Attachment H - Photographs of text messages between Officer Vincent and [redacted] on Officer Vincent's personal device obtained from [redacted]
- Attachment I - BWC of Interview with [redacted]
- Exhibit J – Photographs of [redacted] located after a forensic download of Officer Vincent's work cell phone.

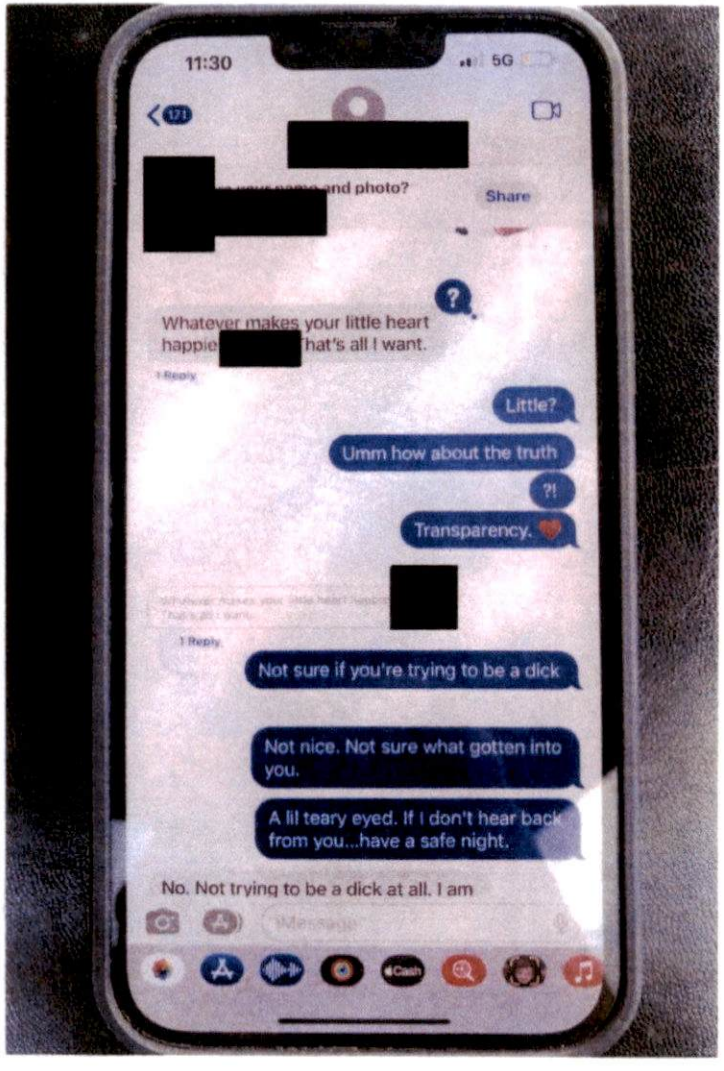
Respectfully Submitted,

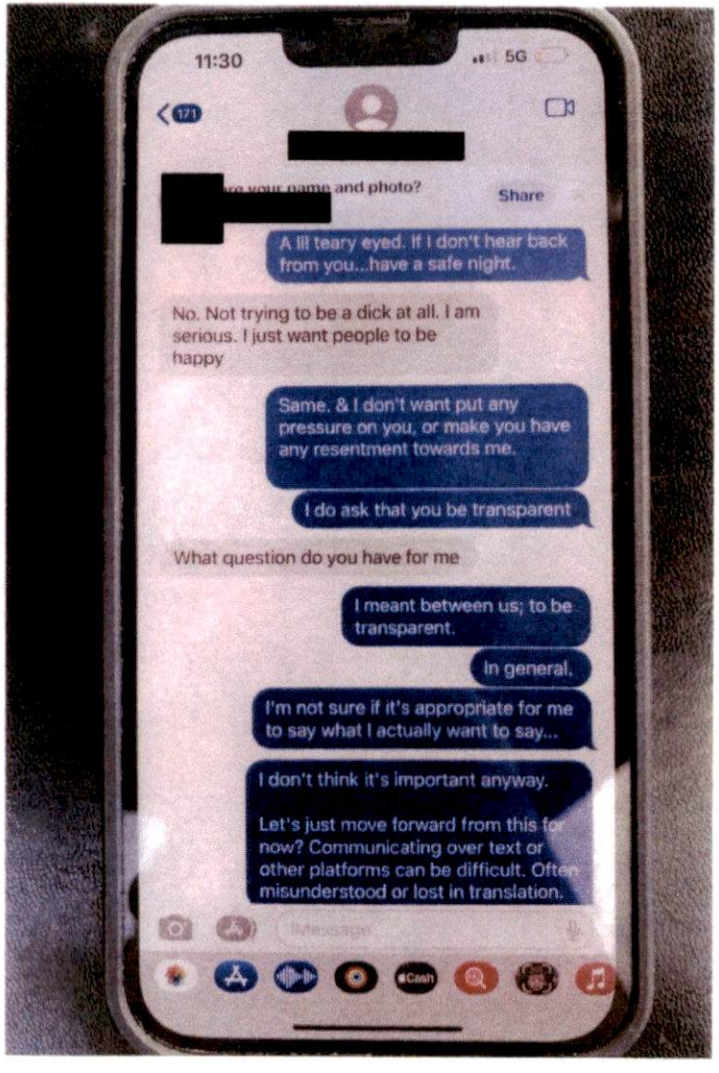
Sergeant Peter Durfee
Professional Standards

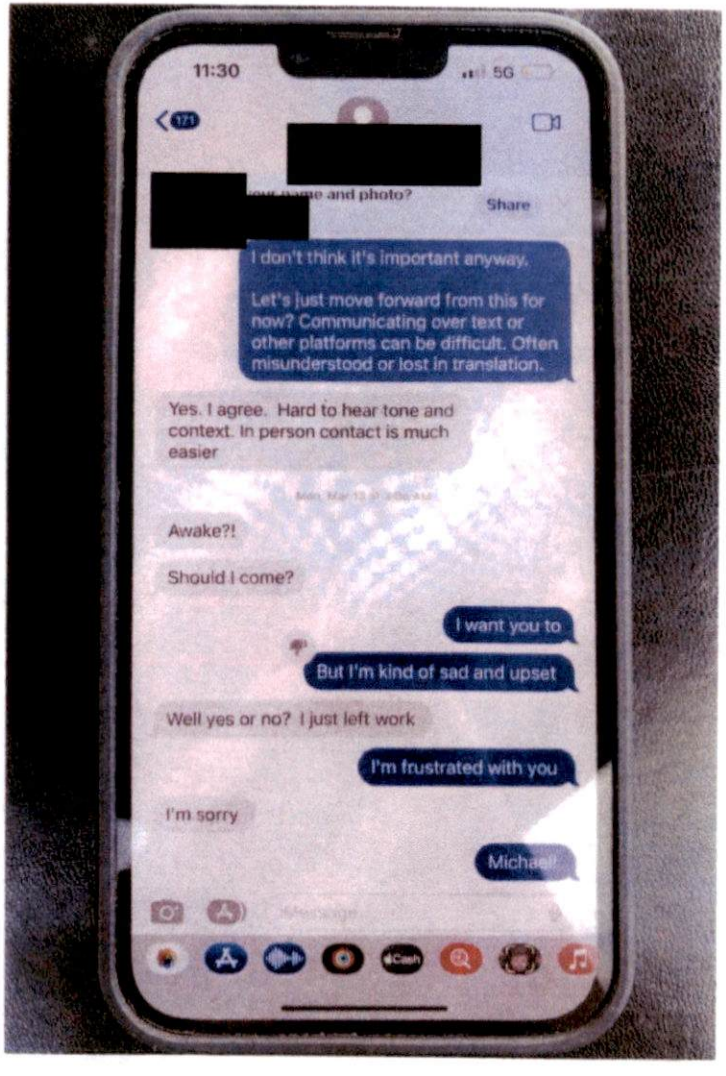
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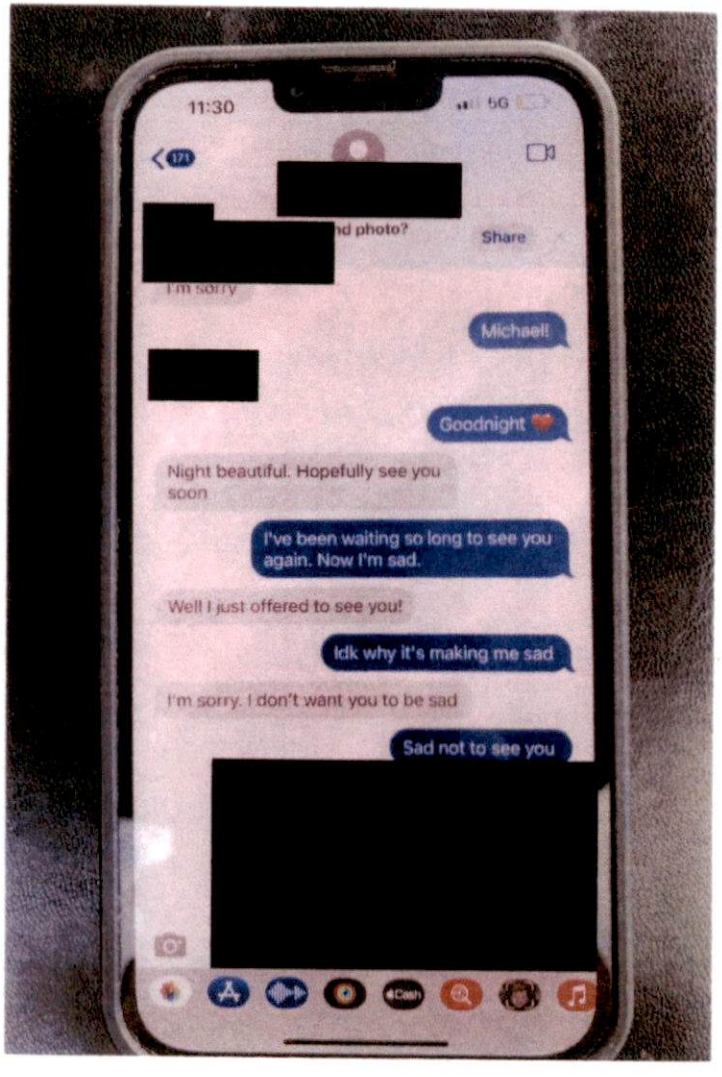

11:30
5G
[redacted] and photo?
Share
I trust and believe, and I am confident in myself. It may not be right now, but I know the truth will come to light. & for the time being, I know you may be frustrated with the situation, and with me, I will five you your space during this time.
I'm not feeling well right now; this is taking a [redacted]
We always talk about bad people and how sad it makes me; to see the things people will do to other people to hurt them. This is one of those situations...
Give*^^
Same
Do you still need to call me?
If you want to know what the lawyer said.?
Yeah

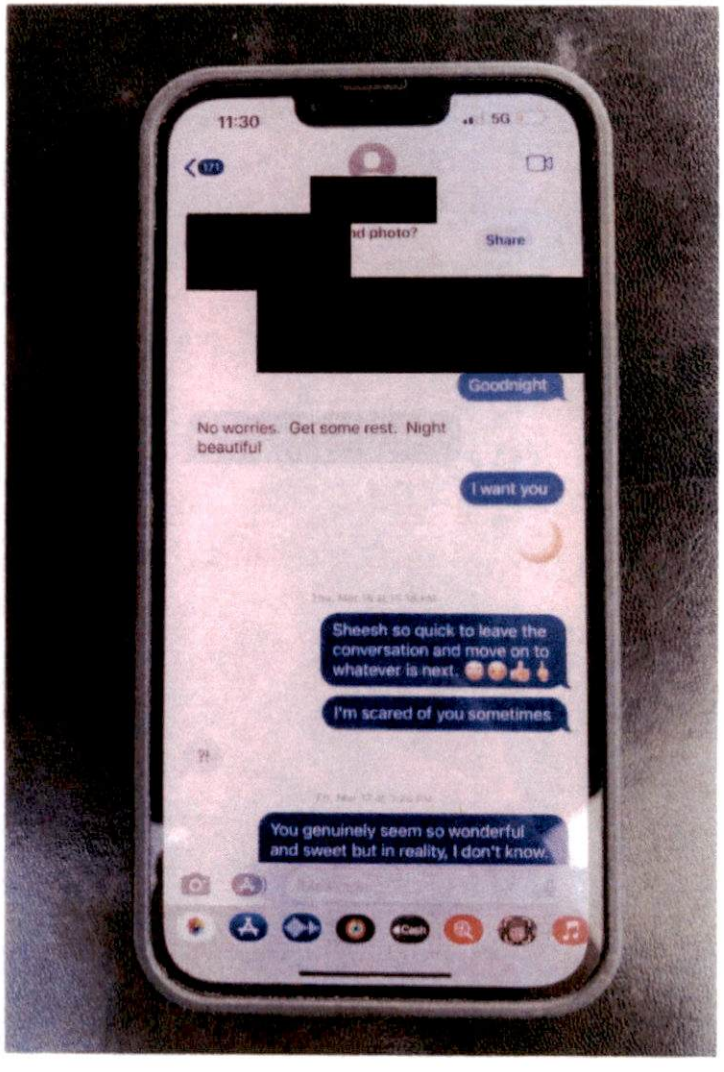

11:30
5G
[redacted]
are your name and photo?
Share
You're lame.
Why am I lame?!
Ohh you can't explain now huh lol
Ttul
What!!!
Stop
Let's not talk anymore
Personal Confident
Personal Confident
Personal Confident

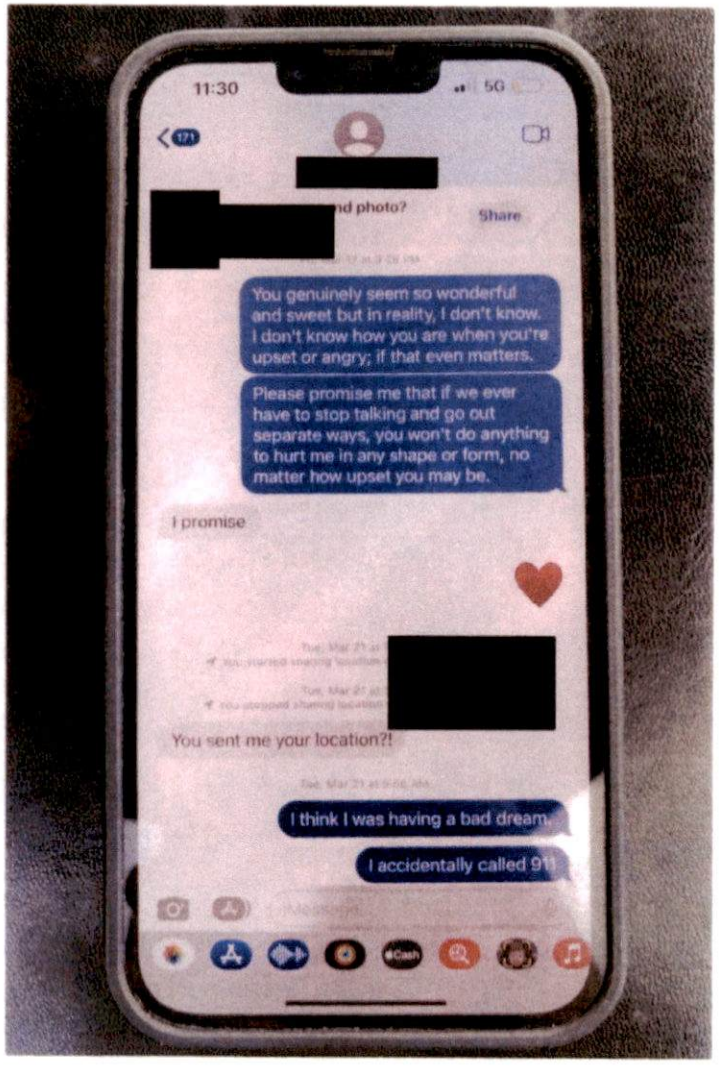

11:30
5G
[redacted] and photo?
Share
Whatever makes your little heart happie[redacted] that's all I want.
1 Reply
Little?
Umm how about the truth
?!
Transparency.
[redacted]
1 Reply
Not sure if you're trying to be a dick
Not nice. Not sure what gotten into you.
A lil teary eyed. If I don't hear back from you...have a safe night.
No. Not trying to be a dick at all. I am

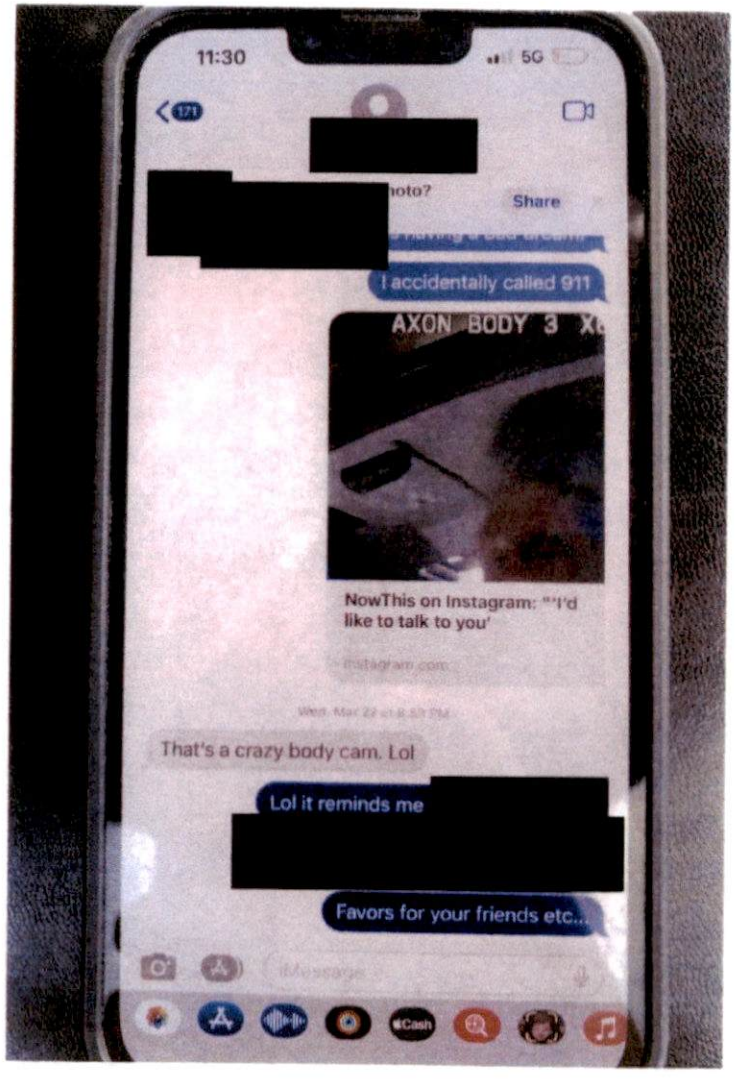

11:30
5G
[redacted] and photo?
Share
A lil teary eyed. If I don't hear back from you...have a safe night.
No. Not trying to be a dick at all. I am serious. I just want people to be happy
Same. & I don't want put any pressure on you, or make you have any resentment towards me.
I do ask that you be transparent
What question do you have for me
I meant between us; to be transparent.
In general,
I'm not sure if it's appropriate for me to say what I actually want to say...
I don't think it's important anyway.
Let's just move forward from this for now? Communicating over text or other platforms can be difficult. Often misunderstood or lost in translation.

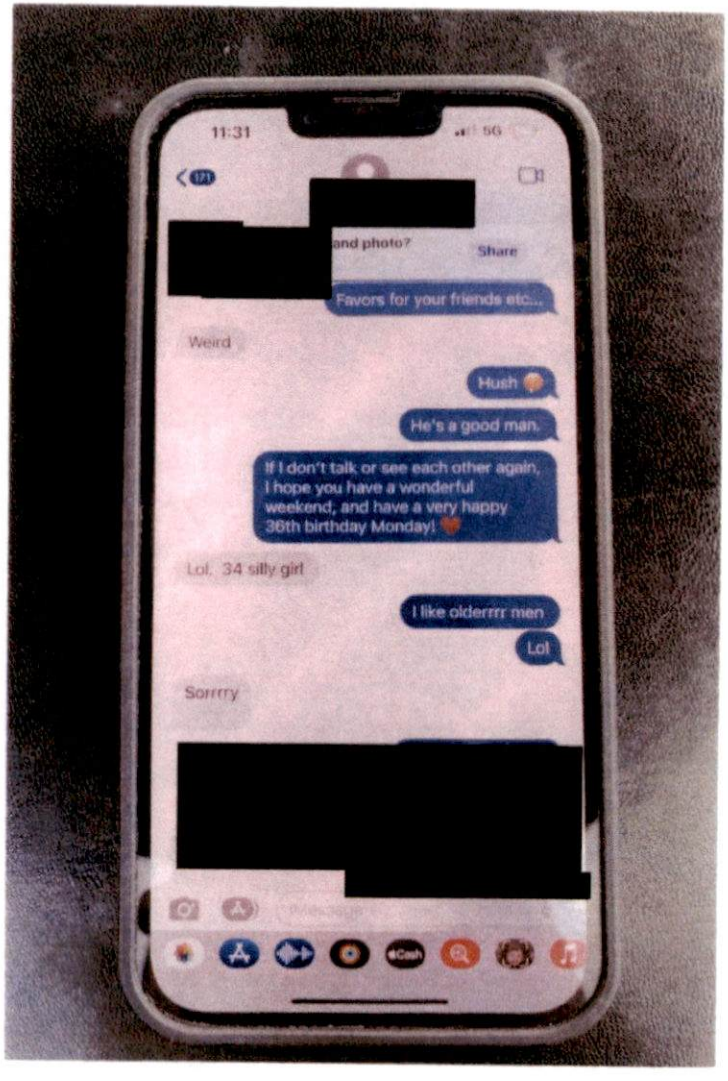

11:30
5G
[redacted] and photo?
Share
I don't think it's important anyway.
Let's just move forward from this for now? Communicating over text or other platforms can be difficult. Often misunderstood or lost in translation.
Yes. I agree. Hard to hear tone and context. In person contact is much easier
Awake?!
Should I come?
I want you to
But I'm kind of sad and upset
Well yes or no? I just left work
I'm frustrated with you
I'm sorry
Michael

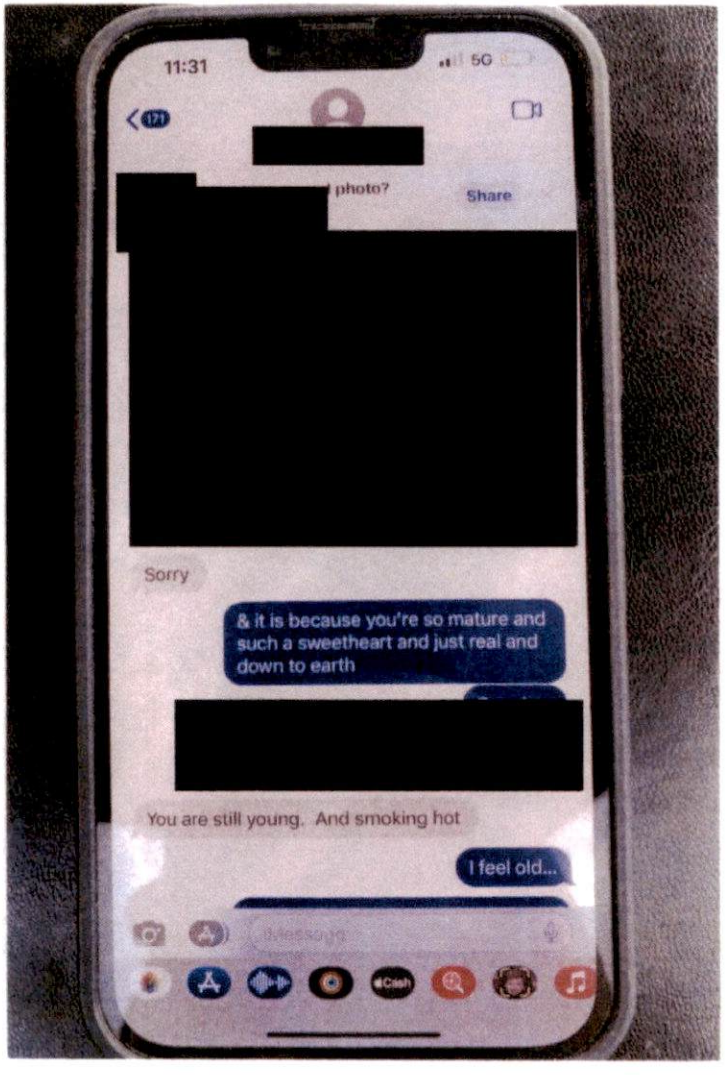

11:30
5G
[redacted] Share
I'm sorry
Michael
Goodnight
Night beautiful. Hopefully see you soon
I've been waiting so long to see you again. Now I'm sad.
Well I just offered to see you!
Idk why it's making me sad
I'm sorry. I don't want you to be sad
Sad not to see you
[redacted]

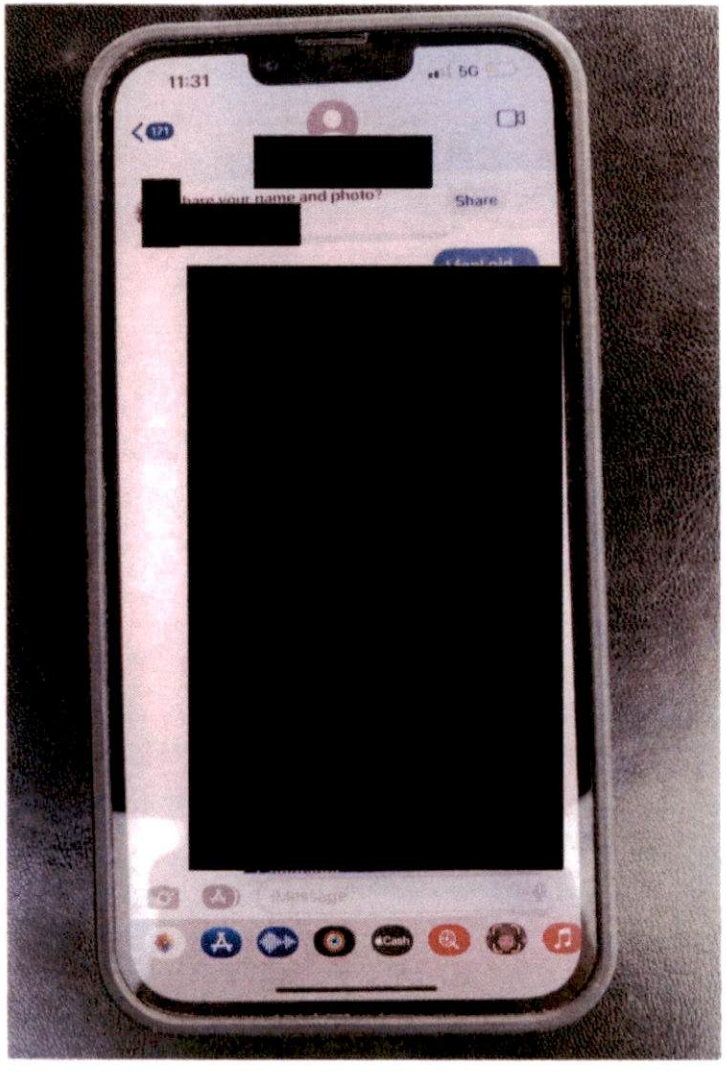

11:30
5G
[redacted]
Share
Goodnight
No worries. Get some rest. Night beautiful
I want you
Sheesh so quick to leave the conversation and move on to whatever is next.
I'm scared of you sometimes
You genuinely seem so wonderful and sweet but in reality, I don't know.

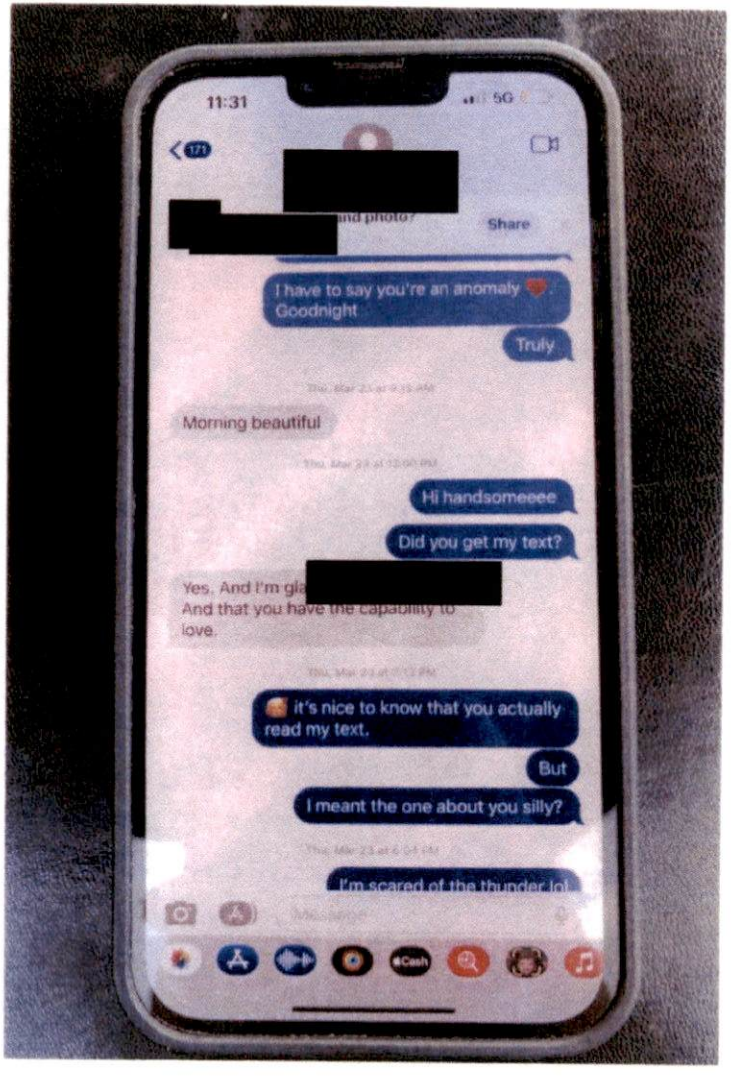

11:30
5G
[redacted]
Share
You genuinely seem so wonderful and sweet but in reality, I don't know. I don't know how you are when you're upset or angry, if that even matters.
Please promise me that if we ever have to stop talking and go out separate ways, you won't do anything to hurt me in any shape or form, no matter how upset you may be.
I promise
[redacted]
You sent me your location?!
I think I was having a bad dream.
I accidentally called 911

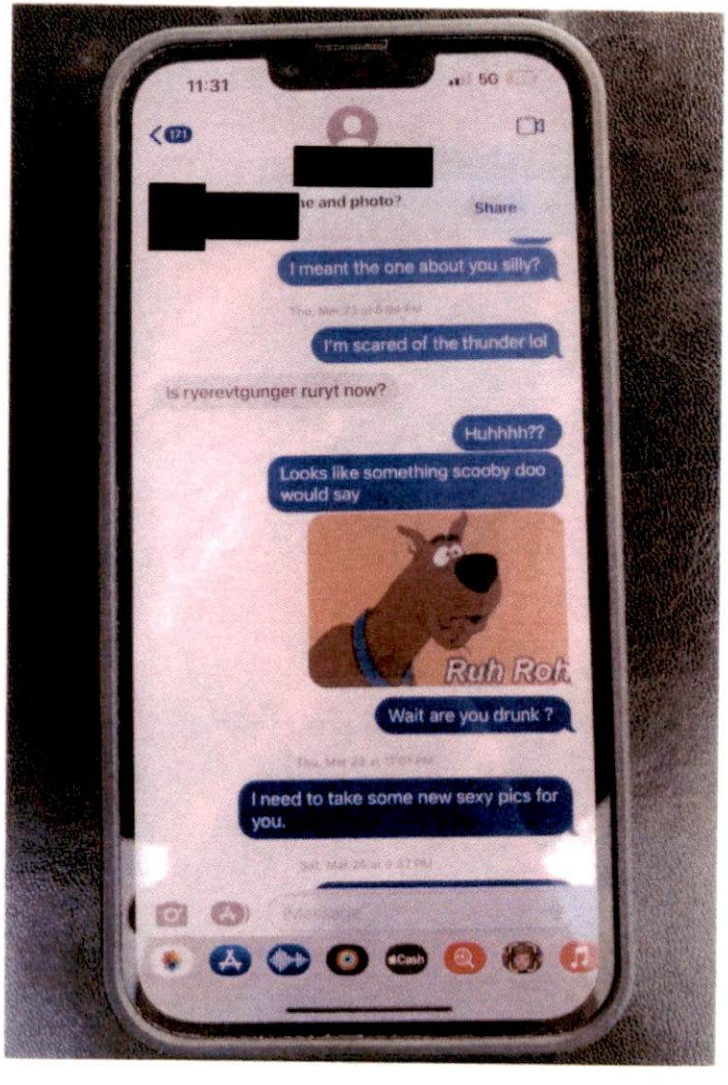

11:30
5G
171
[redacted]
Share
I accidentally called 911
AXON BODY 3
NowThis on Instagram: "'I'd like to talk to you'
That's a crazy body cam. Lol
Lol it reminds me
[redacted]
Favors for your friends etc...

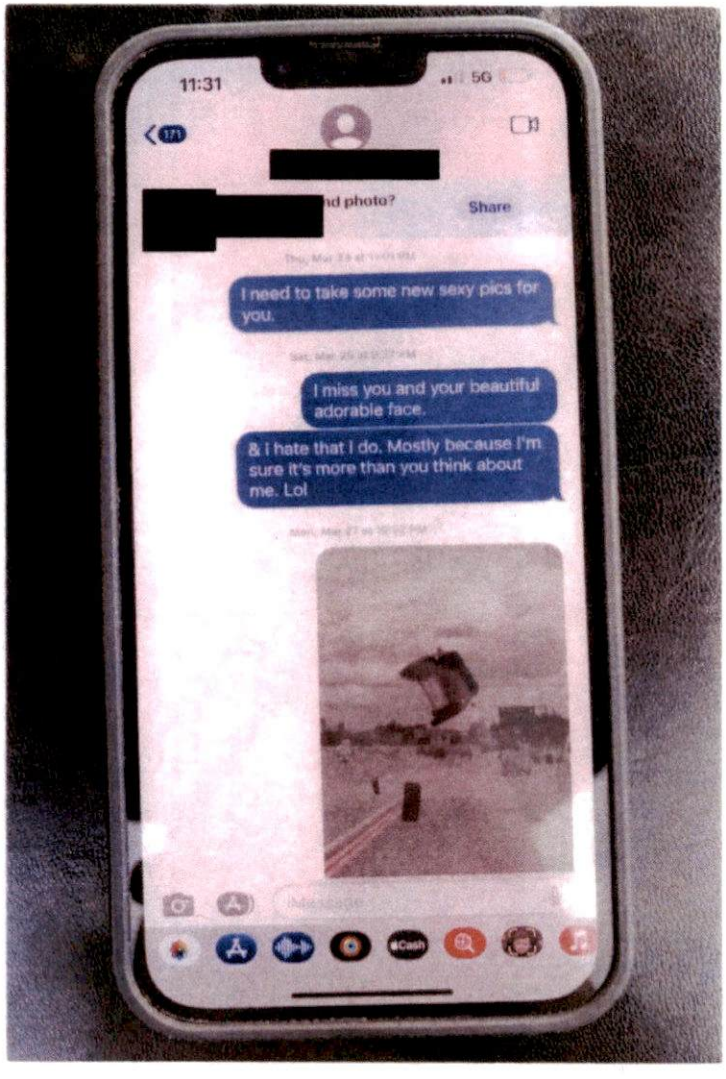

11:31
5G
171
[redacted]
Share
Favors for your friends etc...
Weird
Hush
He's a good man.
If I don't talk or see each other again, I hope you have a wonderful weekend, and have a very happy 30th birthday Monday!
Lol. 34 silly girl
I like olderrrr men
Lol
Sorrrry
[redacted]

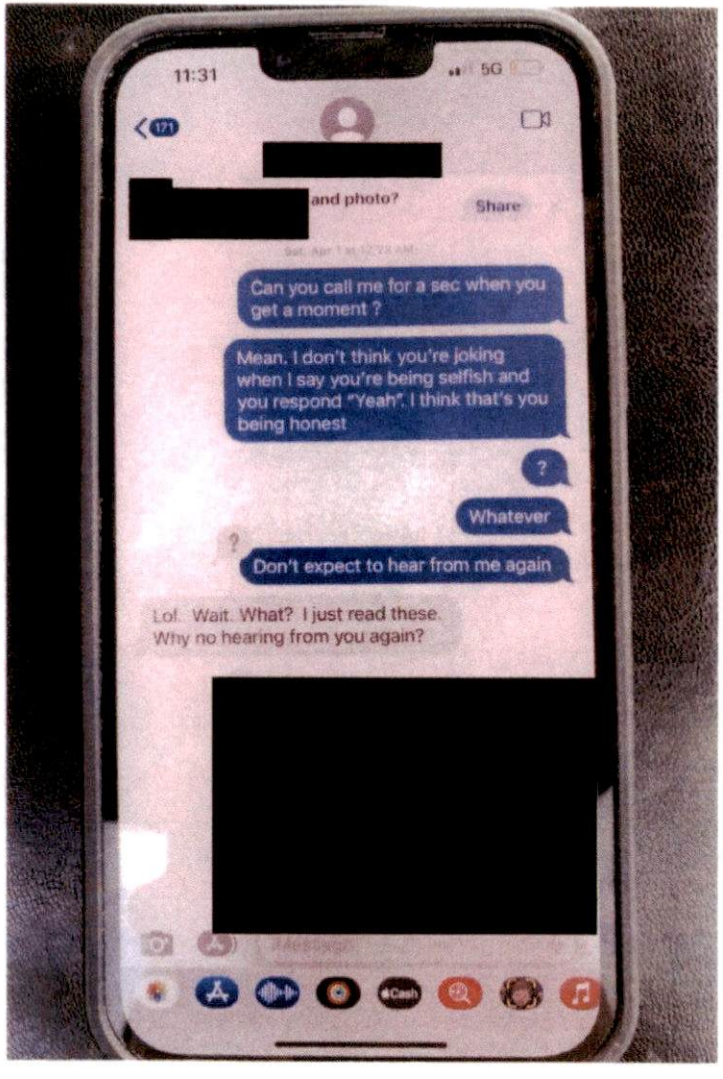

11:31
5G
121
[redacted]
photo?
Share
[redacted]
Sorry
& it is because you're so mature and such a sweetheart and just real and down to earth
[redacted]
You are still young. And smoking hot
I feel old...
iMessage

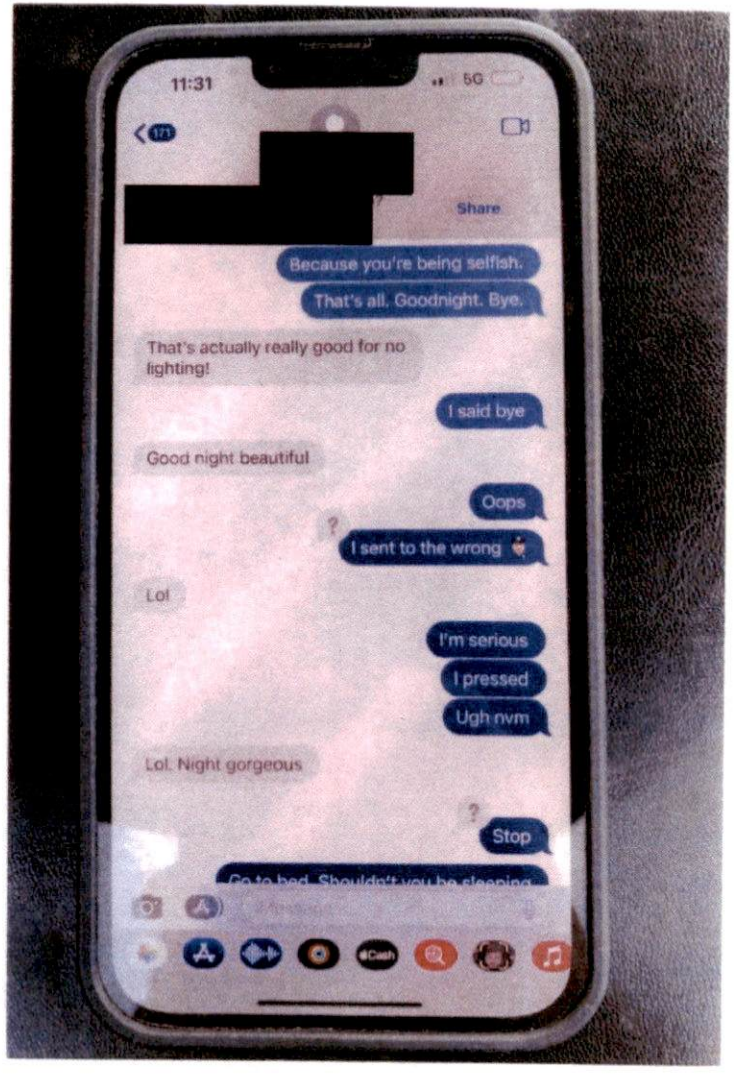

11:31
5G
121
[redacted]
Share
[redacted]
iMessage

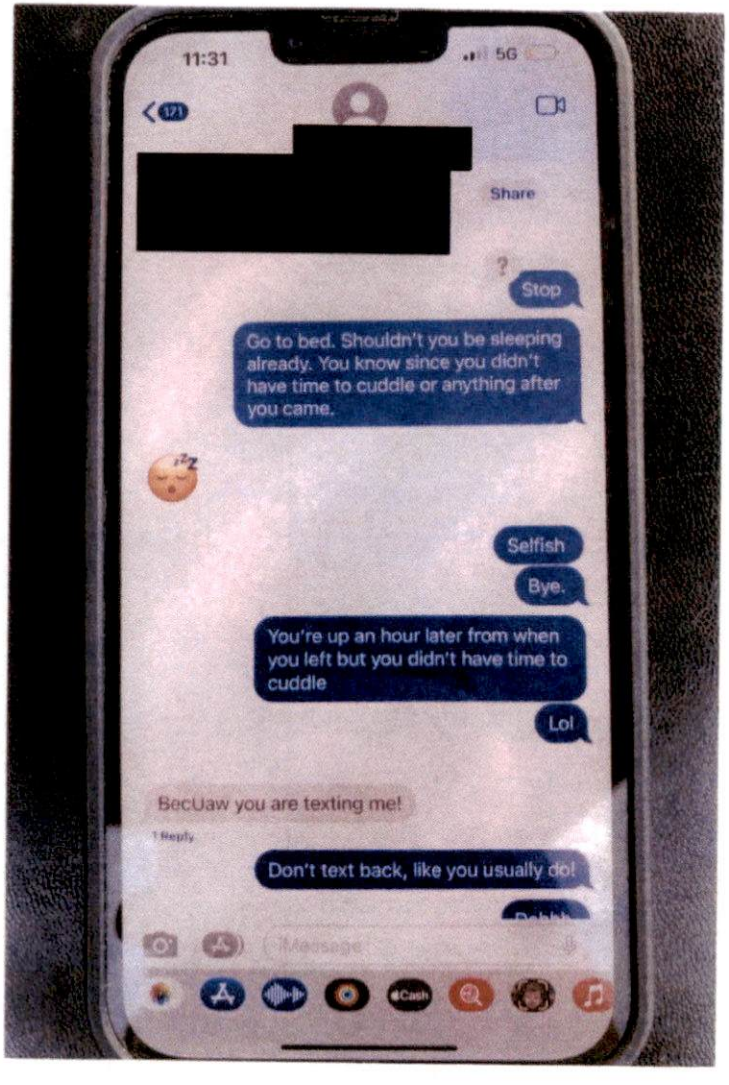

11:31
5G
121
[redacted]
Share
I have to say you're an anomaly ❤️
Goodnight
Truly
Morning beautiful
Hi handsomeeee
Did you get my text?
Yes. And I'm gla[redacted]
And that you have the capability to
love.
it's nice to know that you actually
read my text.
But
I meant the one about you silly?
I'm scared of the thunder lol
Cash

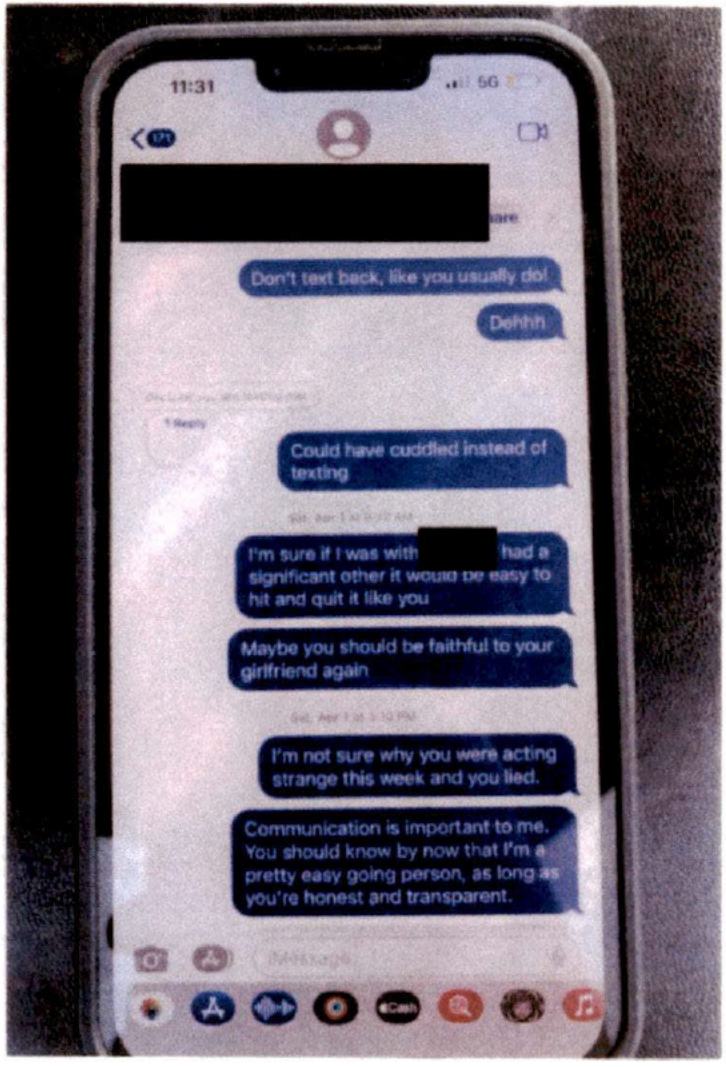

11:31
5G
121
[redacted]
Share
I meant the one about you silly?
I'm scared of the thunder lol
Is ryerevtgunger ruryt now?
Huhhhh??
Looks like something scooby doo
would say
Ruh Roh
Wait are you drunk ?
I need to take some new sexy pics for
you.
Cash

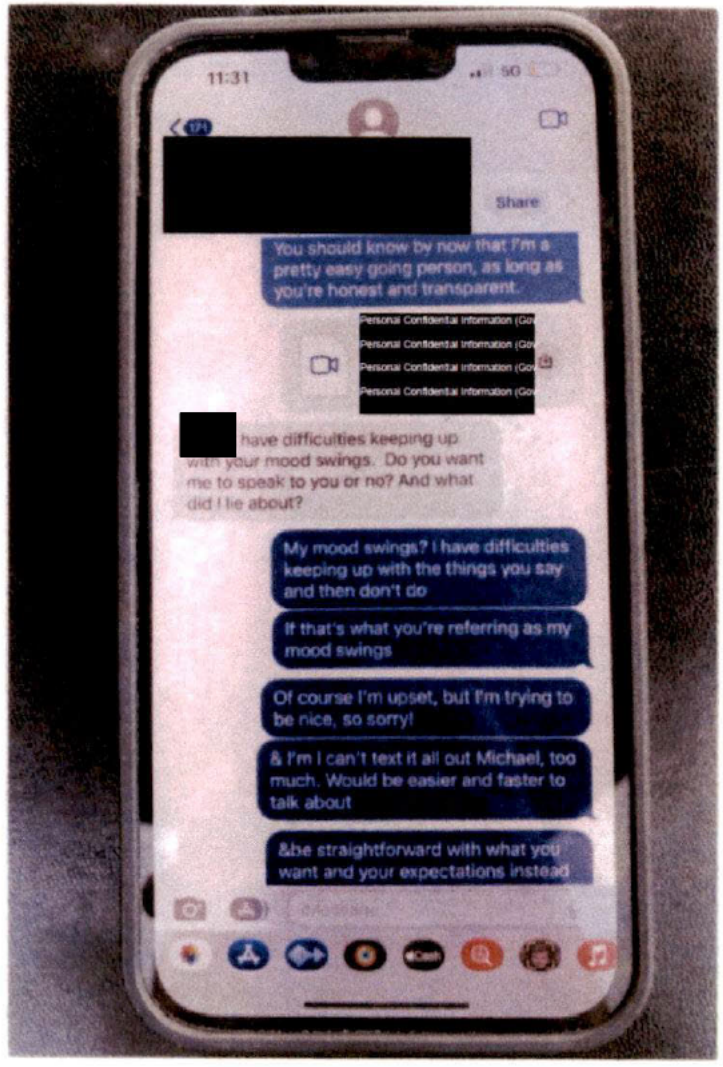

11:31
5G
171
[redacted] Share
I need to take some new sexy pics for you.
I miss you and your beautiful adorable face.
& I hate that I do. Mostly because I'm sure it's more than you think about me. Lol

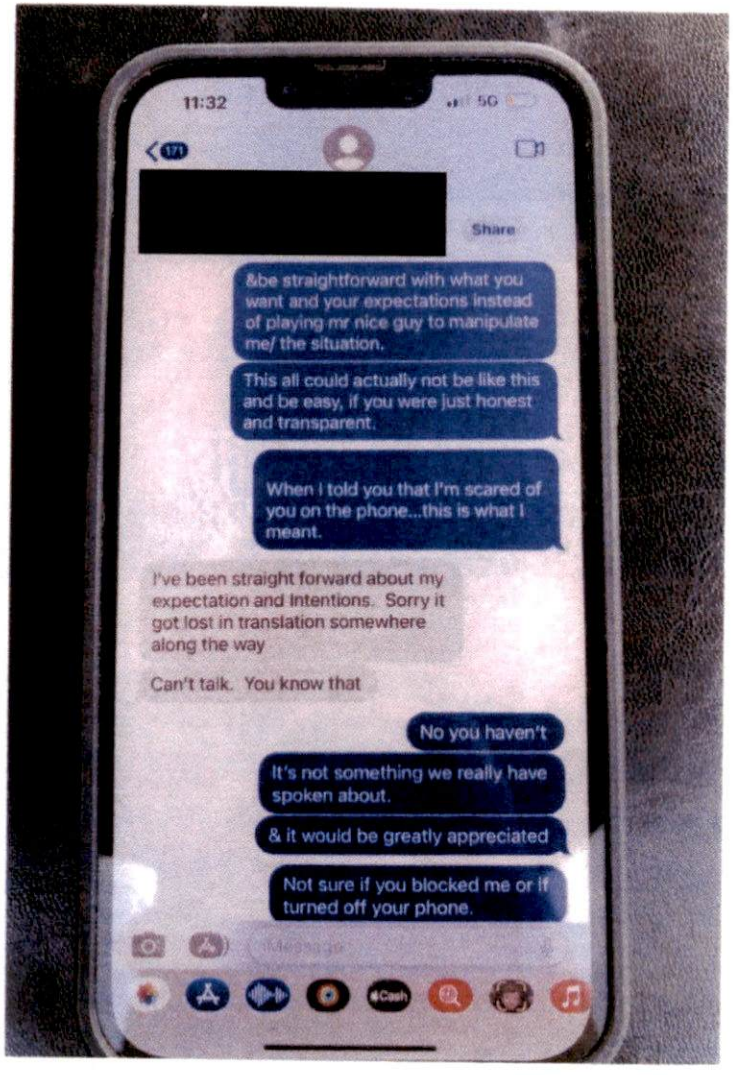

11:31
5G
171
[redacted] and photo? Share
Can you call me for a sec when you get a moment ?
Mean. I don't think you're joking when I say you're being selfish and you respond "Yeah". I think that's you being honest
?
Whatever
?
Don't expect to hear from me again
Lol. Wait. What? I just read these. Why no hearing from you again?
[redacted]

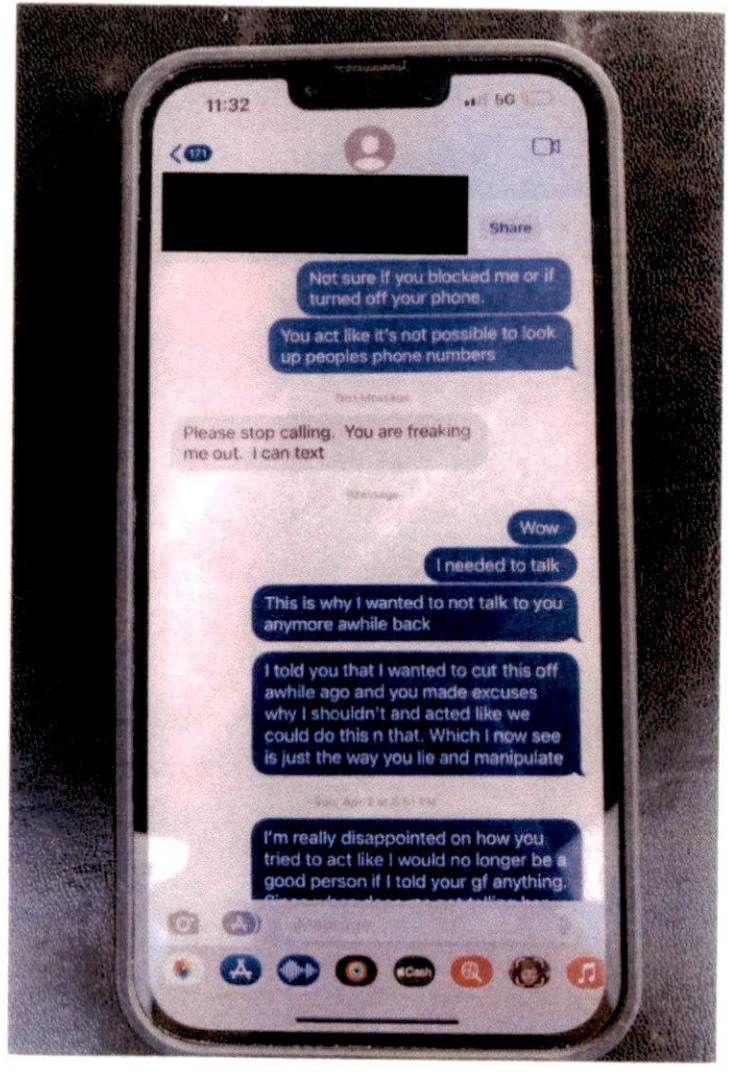

11:31
5G
171
[redacted]
Share
Because you're being selfish.
That's all. Goodnight. Bye.
That's actually really good for no fighting!
I said bye
Good night beautiful
Oops
I sent to the wrong
Lol
I'm serious
I pressed
Ugh nvm
Lol. Night gorgeous
Stop
Go to bed. Shouldn't you be sleeping

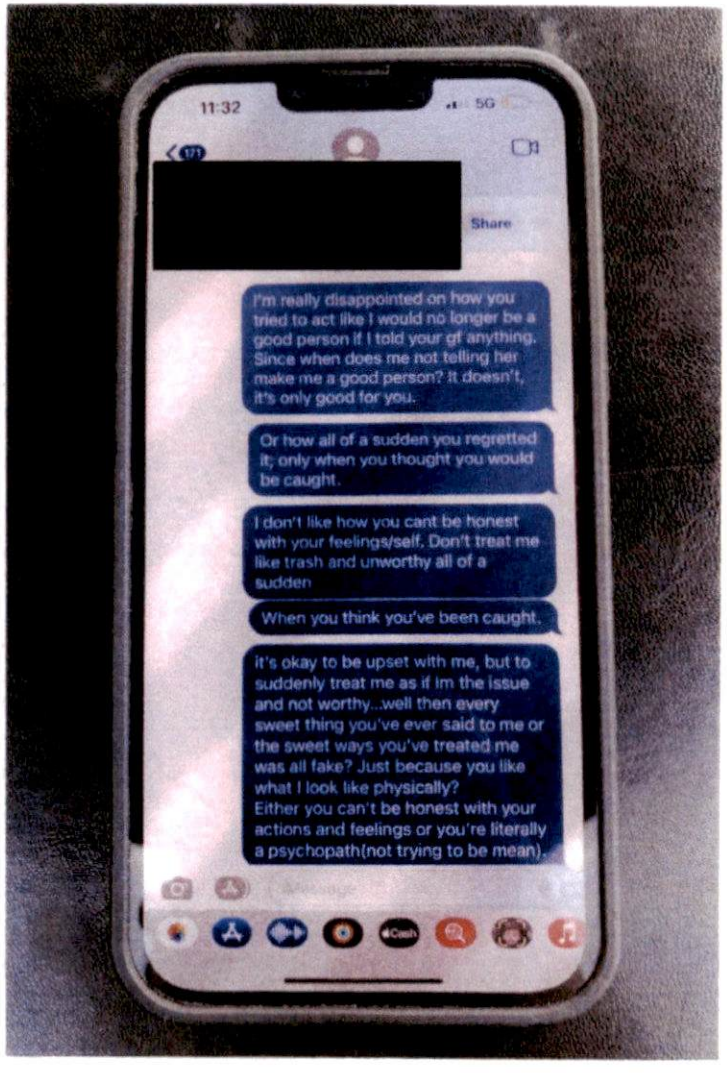

11:31
5G
171
[redacted]
Share
Stop
Go to bed. Shouldn't you be sleeping already. You know since you didn't have time to cuddle or anything after you came.
Selfish
Bye.
You're up an hour later from when you left but you didn't have time to cuddle
Lol
BecUaw you are texting me!
1 Reply
Don't text back, like you usually do!
Message

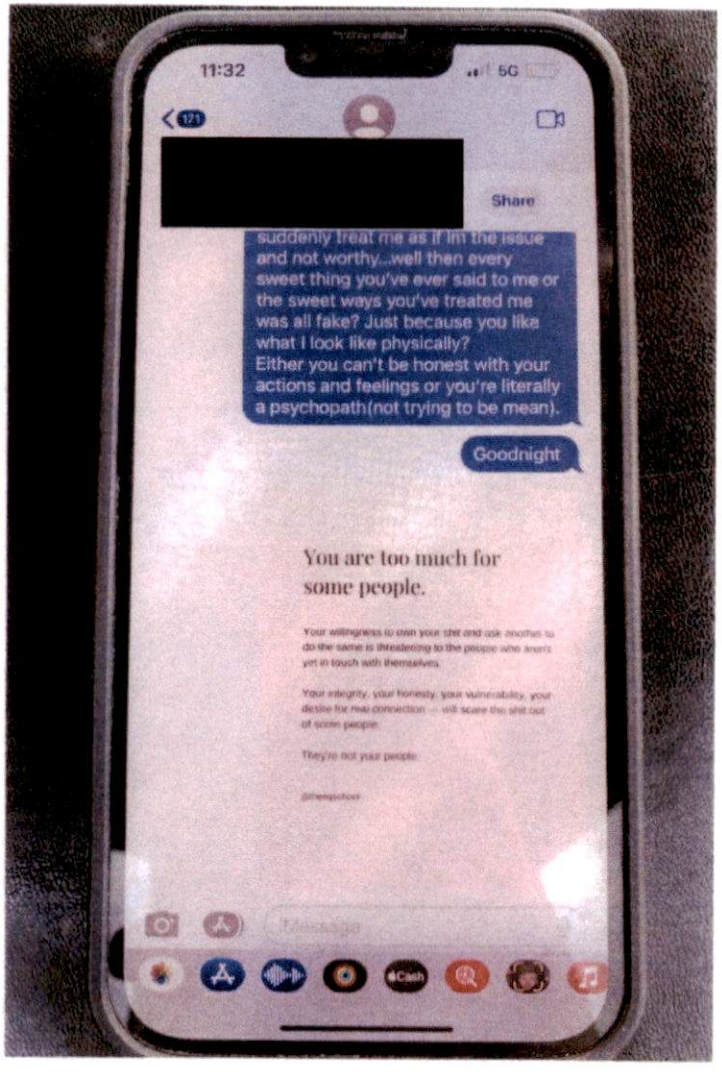

11:31
5G
[redacted]
Don't text back, like you usually do!
Dehhh
Could have cuddled instead of texting
I'm sure if I was with [redacted] had a significant other it would be easy to hit and quit it like you
Maybe you should be faithful to your girlfriend again
I'm not sure why you were acting strange this week and you lied.
Communication is important to me. You should know by now that I'm a pretty easy going person, as long as you're honest and transparent.

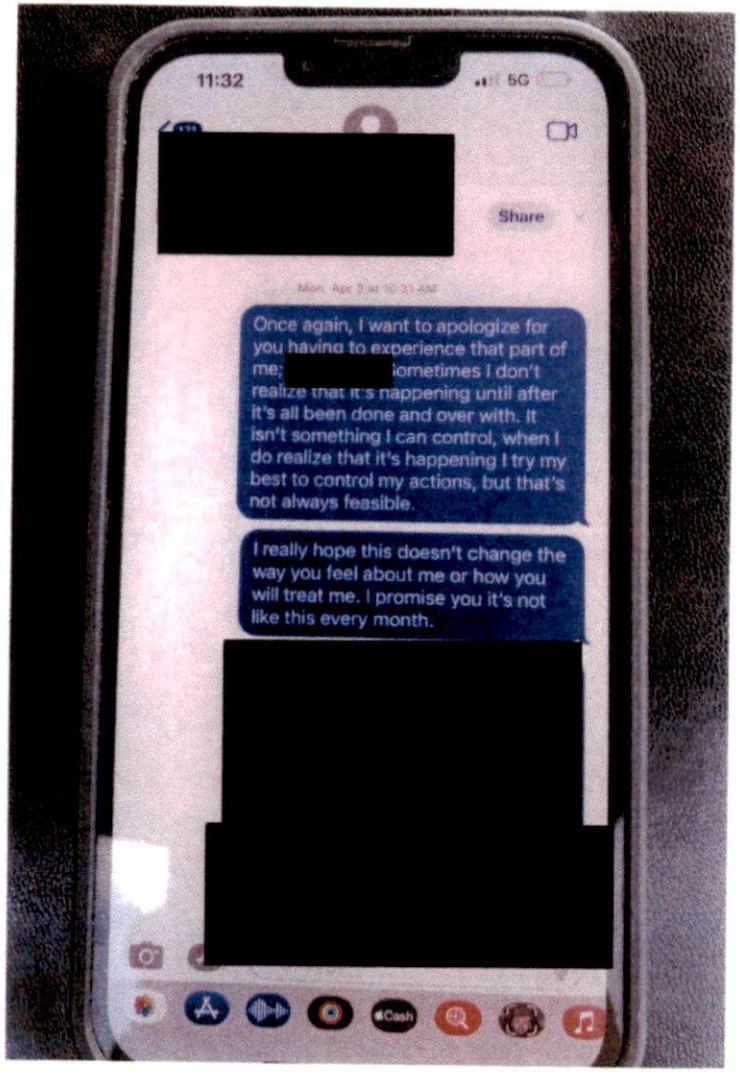

11:31
5G
[redacted]
Share
You should know by now that I'm a pretty easy going person, as long as you're honest and transparent.
Personal Confidential Information (Go
Personal Confidential Information (Go
Personal Confidential Information (Go
Personal Confidential Information (Go
[redacted] have difficulties keeping up with your mood swings. Do you want me to speak to you or no? And what did I lie about?
My mood swings? I have difficulties keeping up with the things you say and then don't do
If that's what you're referring as my mood swings
Of course I'm upset, but I'm trying to be nice, so sorry!
& I'm I can't text it all out Michael, too much. Would be easier and faster to talk about
&be straightforward with what you want and your expectations instead

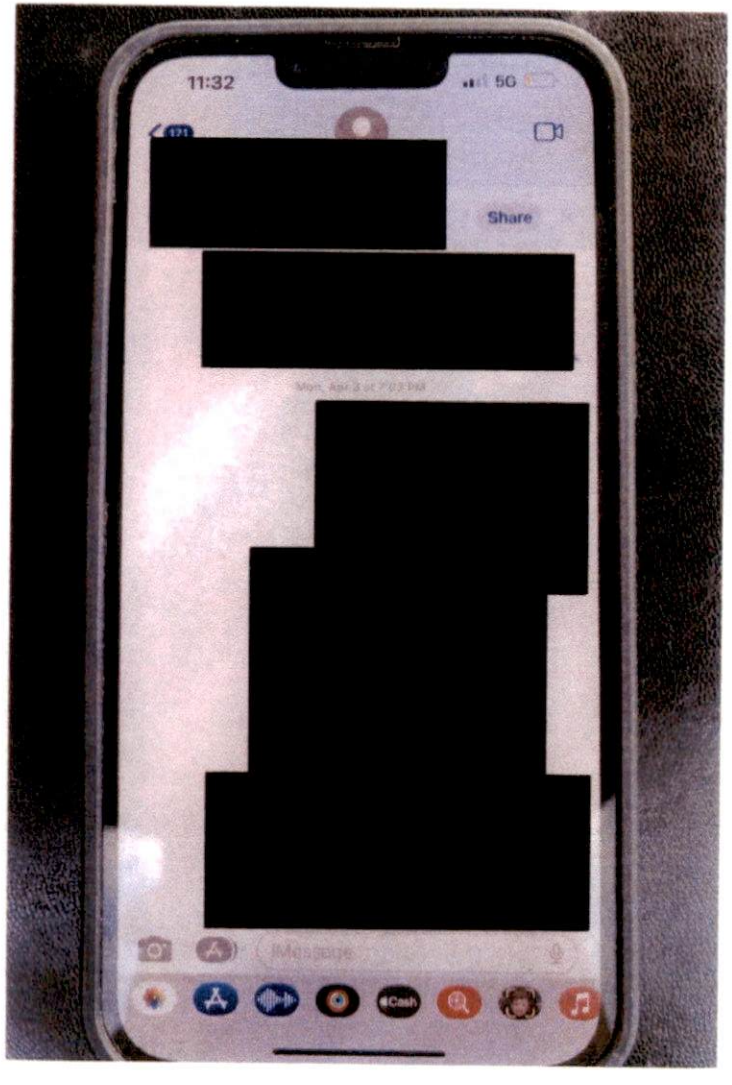

11:32
5G
171
[redacted]
Share
&be straightforward with what you want and your expectations instead of playing mr nice guy to manipulate me/ the situation.
This all could actually not be like this and be easy, if you were just honest and transparent.
When I told you that I'm scared of you on the phone...this is what I meant.
I've been straight forward about my expectation and Intentions. Sorry it got lost in translation somewhere along the way
Can't talk. You know that
No you haven't
It's not something we really have spoken about.
& it would be greatly appreciated
Not sure if you blocked me or if turned off your phone.


11:32
5G
171
[redacted]
Share
Not sure if you blocked me or if turned off your phone.
You act like it's not possible to look up peoples phone numbers
Please stop calling. You are freaking me out. I can text
Wow
I needed to talk
This is why I wanted to not talk to you anymore awhile back
I told you that I wanted to cut this off awhile ago and you made excuses why I shouldn't and acted like we could do this n that. Which I now see is just the way you lie and manipulate
I'm really disappointed on how you tried to act like I would no longer be a good person if I told your gf anything.


11:32
5G
[redacted]
Share
I'm really disappointed on how you tried to act like I would no longer be a good person if I told your gf anything. Since when does me not telling her make me a good person? It doesn't, it's only good for you.
Or how all of a sudden you regretted it; only when you thought you would be caught.
I don't like how you cant be honest with your feelings/self. Don't treat me like trash and unworthy all of a sudden
When you think you've been caught.
it's okay to be upset with me, but to suddenly treat me as if im the issue and not worthy...well then every sweet thing you've ever said to me or the sweet ways you've treated me was all fake? Just because you like what I look like physically?
Either you can't be honest with your actions and feelings or you're literally a psychopath(not trying to be mean).

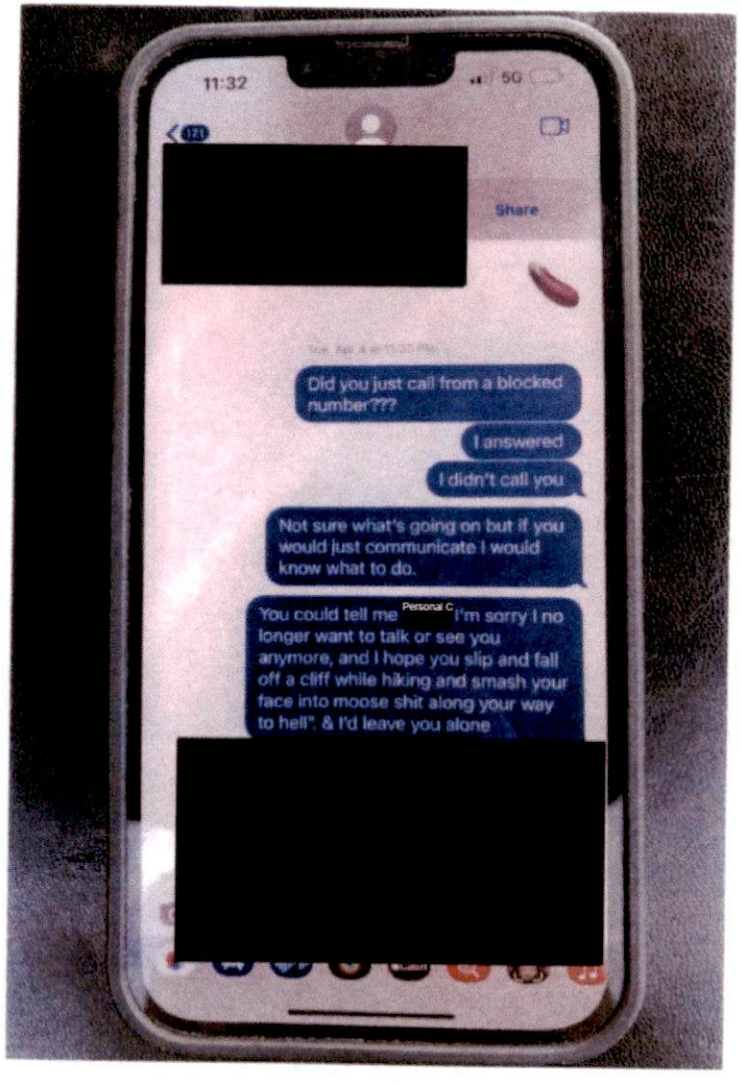

11:32
5G
[redacted]
Share
suddenly treat me as if im the issue and not worthy...well then every sweet thing you've ever said to me or the sweet ways you've treated me was all fake? Just because you like what I look like physically?
Either you can't be honest with your actions and feelings or you're literally a psychopath(not trying to be mean).
Goodnight
You are too much for some people.
Your willingness to own your shit and ask another to do the same is threatening to the people who aren't yet in touch with themselves.
Your integrity, your honesty, your vulnerability, your desire for real connection — will scare the shit out of some people.
They're not your people.

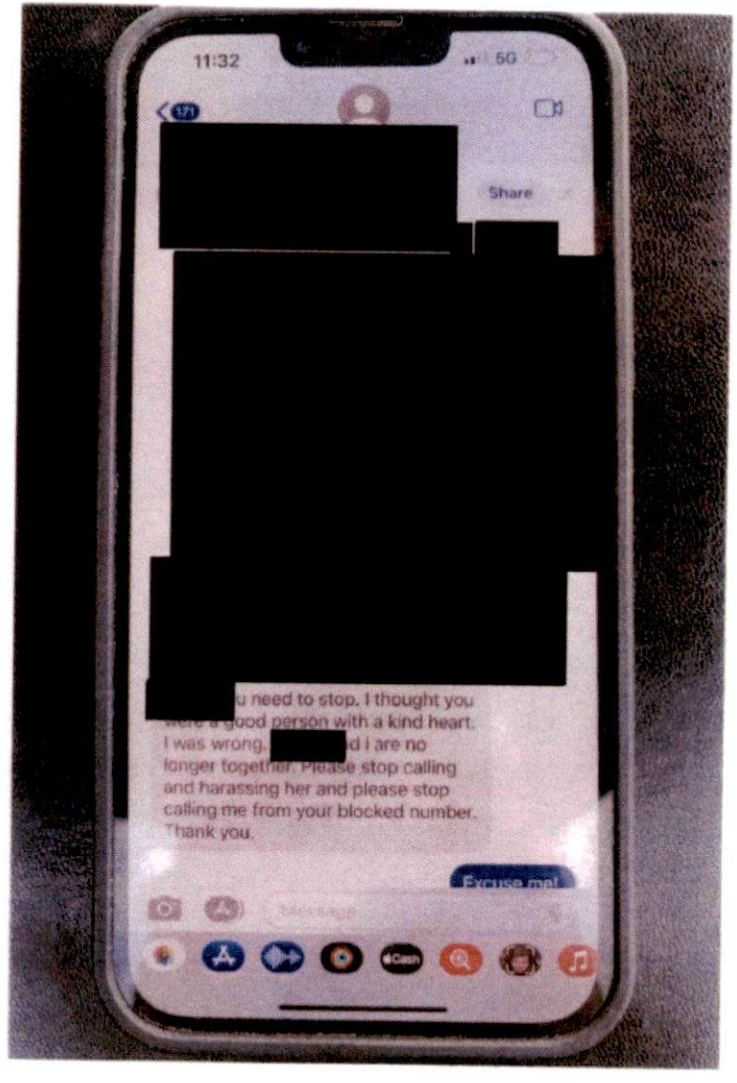

11:32
5G
Share
Once again, I want to apologize for you having to experience that part of me; [redacted] ometimes I don't realize that it's happening until after it's all been done and over with. It isn't something I can control, when I do realize that it's happening I try my best to control my actions, but that's not always feasible.
I really hope this doesn't change the way you feel about me or how you will treat me. I promise you it's not like this every month.
[redacted]

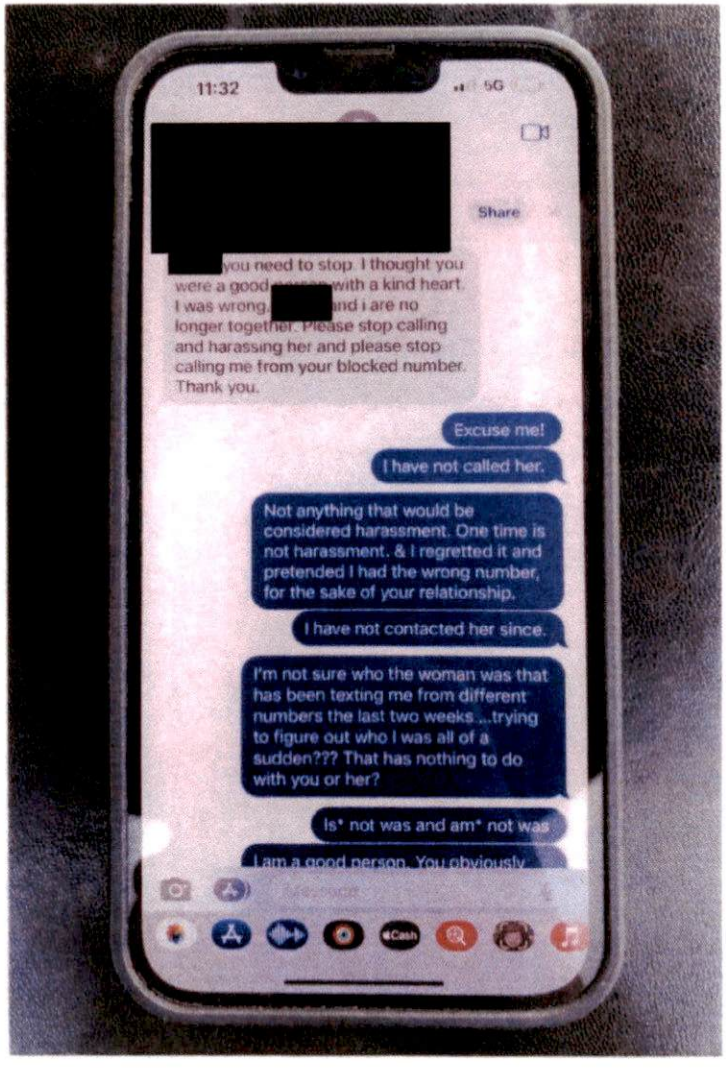

11:32
5G
Share
[redacted]

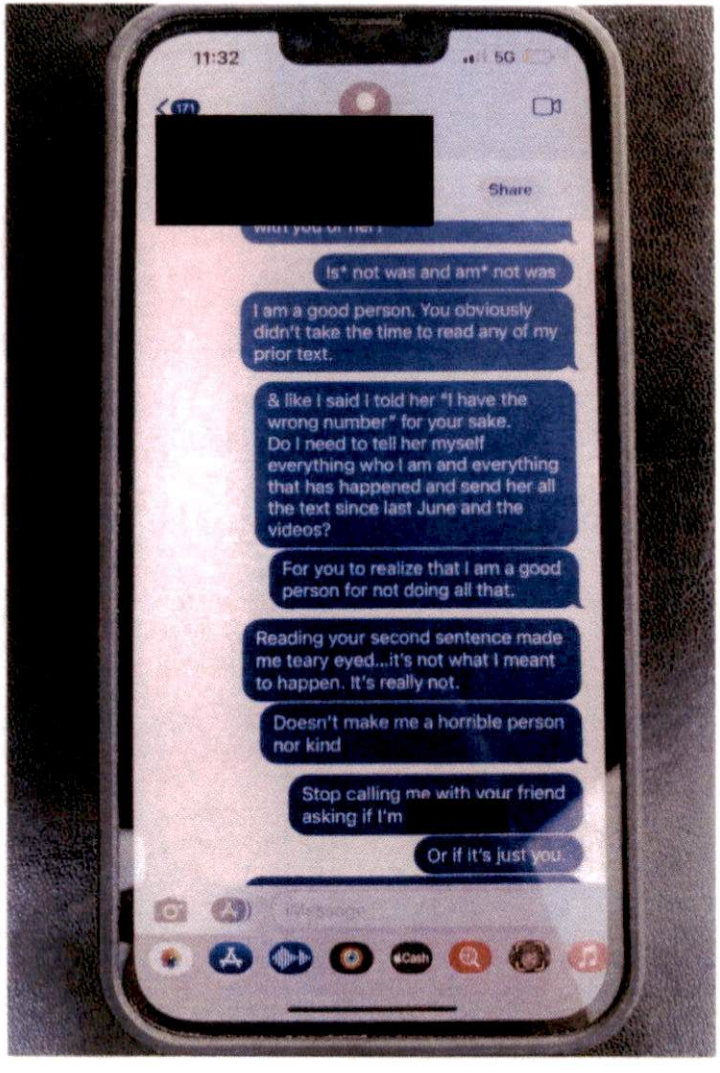

11:32
5G
171
Share
I still think you're a beautiful person inside and out. Goodnight Mr. Vincent

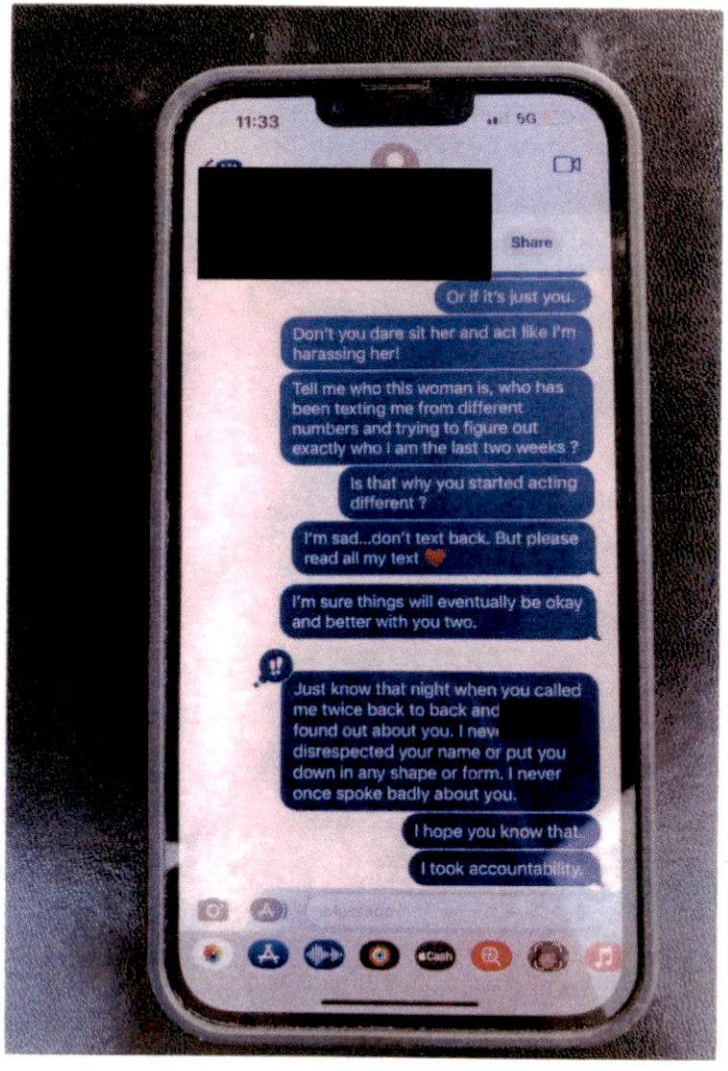

11:32
5G
171
Share
Something about your eyes. Such serenity and calmness
Message...

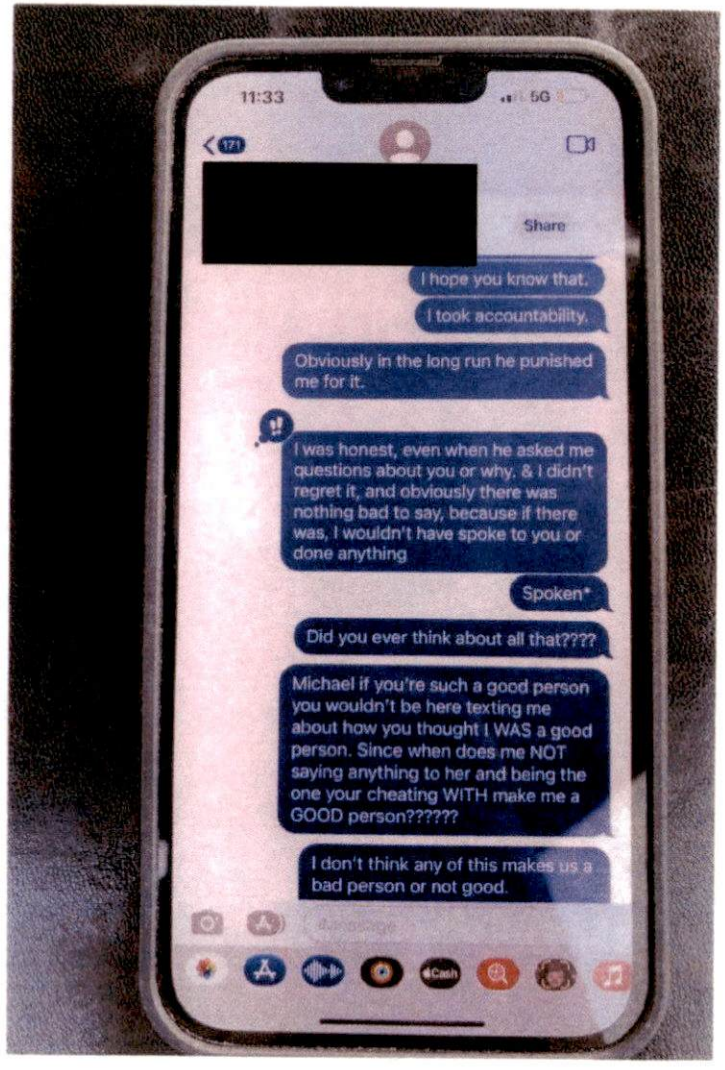

11:32
5G
171
[redacted]
Share
Did you just call from a blocked number???
I answered
I didn't call you
Not sure what's going on but if you would just communicate I would know what to do.
You could tell me Personal C I'm sorry I no longer want to talk or see you anymore, and I hope you slip and fall off a cliff while hiking and smash your face into moose shit along your way to hell". & I'd leave you alone
[redacted]

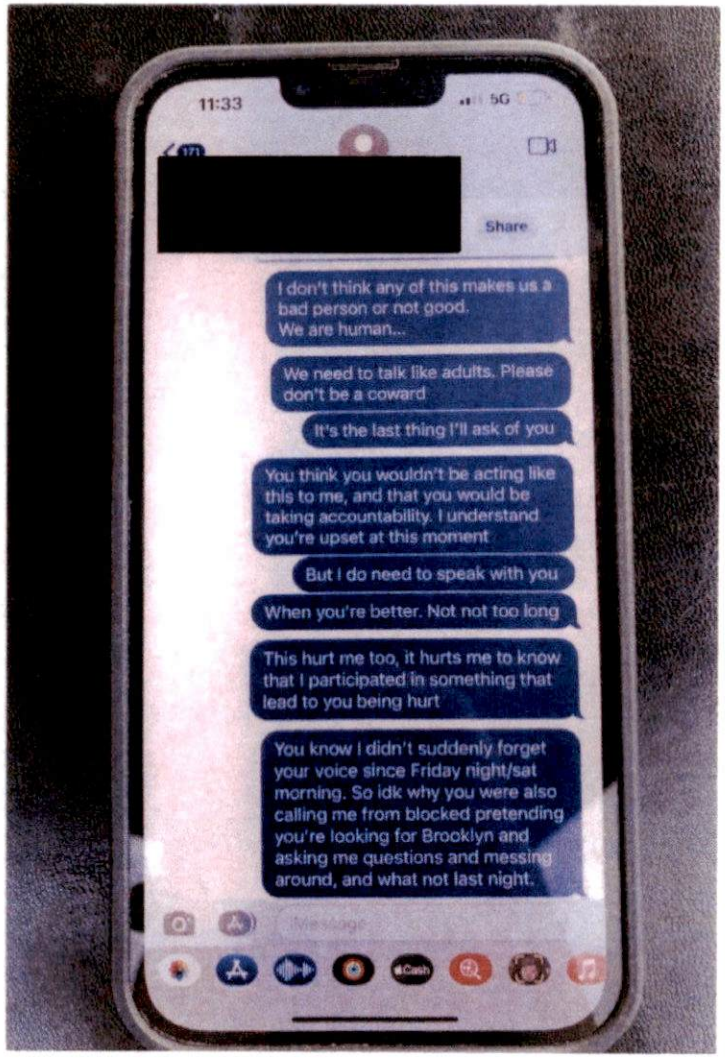

11:32
5G
171
[redacted]
Share
[redacted]
u need to stop. I thought you
good person with a kind heart.
I was wrong. [redacted]d I are no
longer together. Please stop calling
and harassing her and please stop
calling me from your blocked number.
Thank you.
Excuse me!

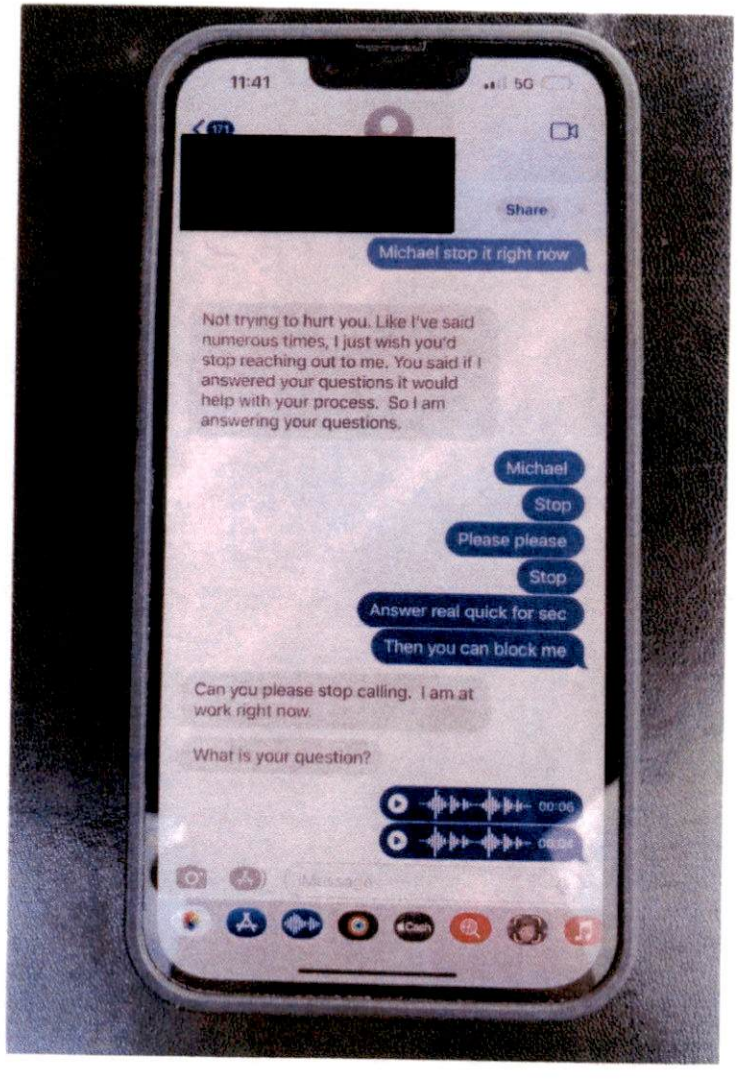

11:32
5G
[redacted]
Share
you need to stop. I thought you were a good with a kind heart. I was wrong, and i are no longer together. Please stop calling and harassing her and please stop calling me from your blocked number. Thank you.
Excuse me!
I have not called her.
Not anything that would be considered harassment. One time is not harassment. & I regretted it and pretended I had the wrong number, for the sake of your relationship.
I have not contacted her since.
I'm not sure who the woman was that has been texting me from different numbers the last two weeks ...trying to figure out who I was all of a sudden??? That has nothing to do with you or her?
Is* not was and am* not was
I am a good person. You obviously

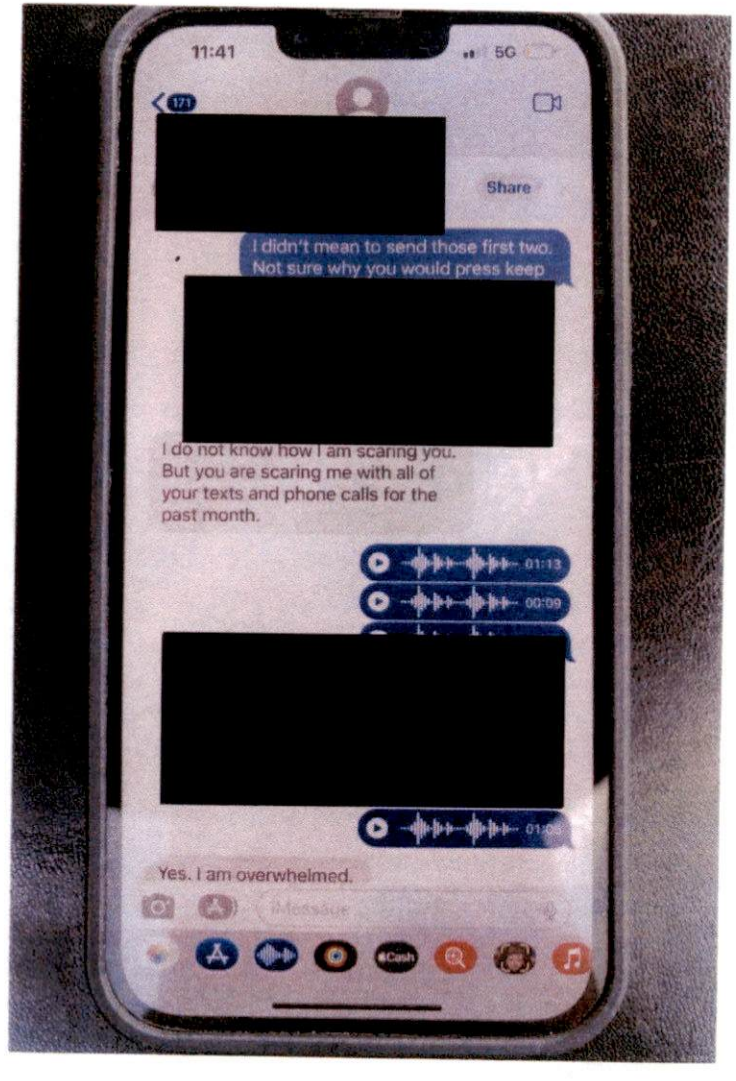

11:32
5G
171
[redacted]
Share
Is* not was and am* not was
I am a good person. You obviously didn't take the time to read any of my prior text.
& like I said I told her "I have the wrong number" for your sake. Do I need to tell her myself everything who I am and everything that has happened and send her all the text since last June and the videos?
For you to realize that I am a good person for not doing all that.
Reading your second sentence made me teary eyed...it's not what I meant to happen. It's really not.
Doesn't make me a horrible person nor kind
Stop calling me with your friend asking if I'm
Or if it's just you.

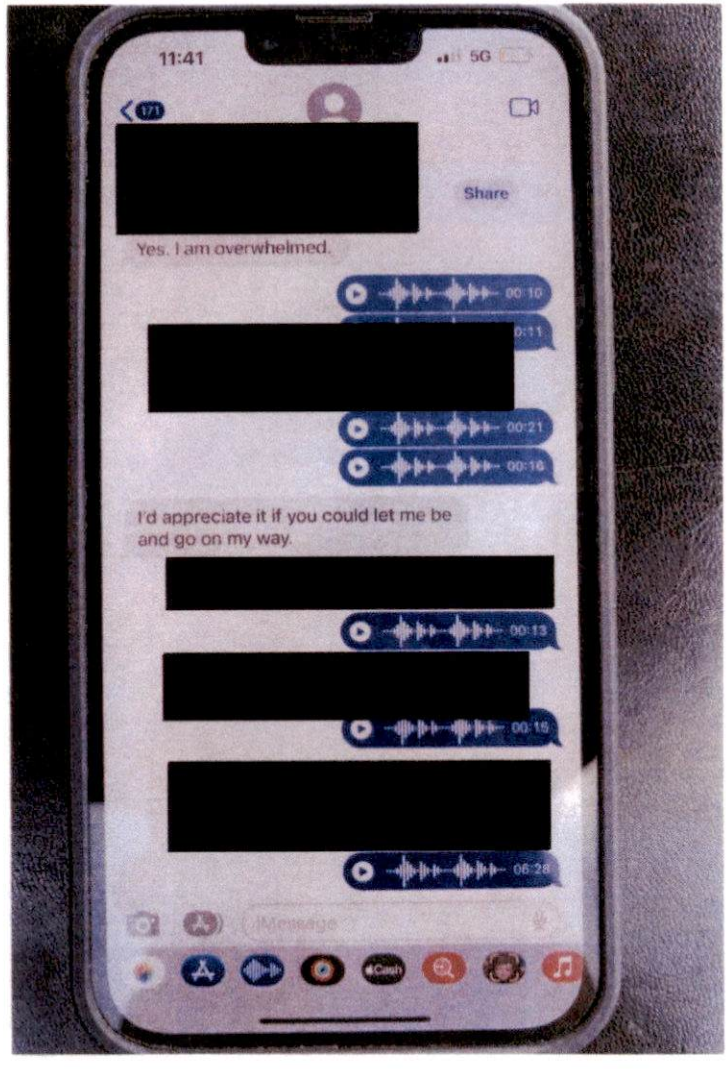

11:33
5G
[redacted]
Share
Or if it's just you.
Don't you dare sit her and act like I'm harassing her!
Tell me who this woman is, who has been texting me from different numbers and trying to figure out exactly who I am the last two weeks ?
Is that why you started acting different ?
I'm sad...don't text back. But please read all my text ❤️
I'm sure things will eventually be okay and better with you two.
Just know that night when you called me twice back to back and found out about you. I nev disrespected your name or put you down in any shape or form. I never once spoke badly about you.
I hope you know that.
I took accountability.

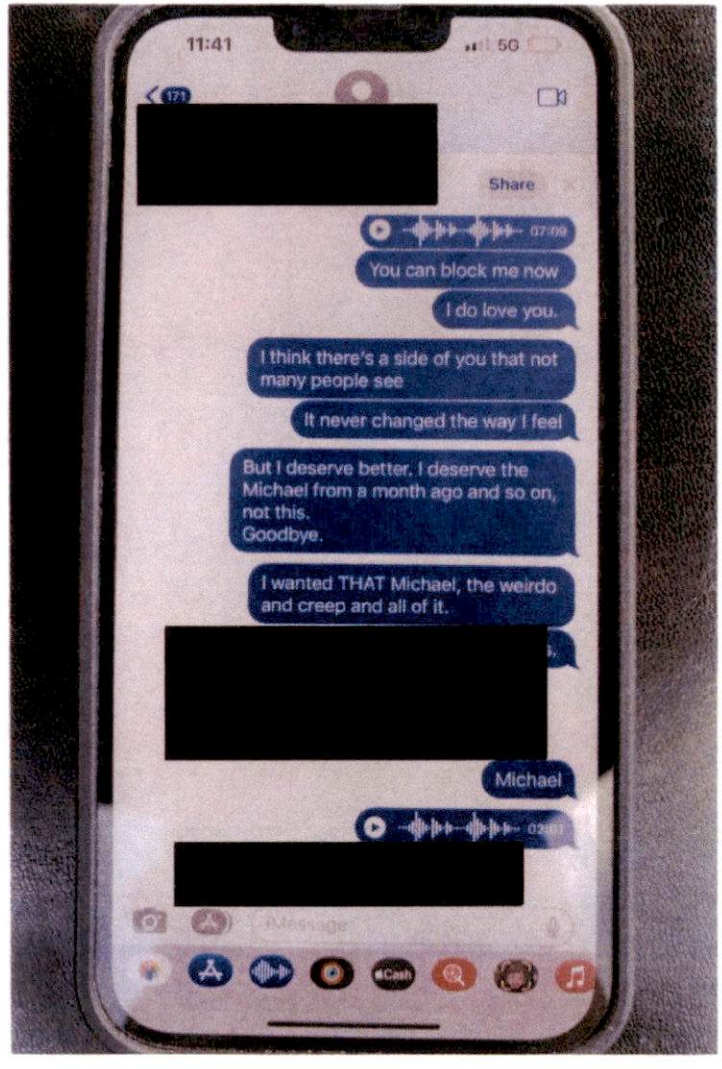

11:33
5G
171
[redacted]
Share
I hope you know that.
I took accountability.
Obviously in the long run he punished me for it.
I was honest, even when he asked me questions about you or why. & I didn't regret it, and obviously there was nothing bad to say, because if there was, I wouldn't have spoke to you or done anything
Spoken*
Did you ever think about all that????
Michael if you're such a good person you wouldn't be here texting me about how you thought I WAS a good person. Since when does me NOT saying anything to her and being the one your cheating WITH make me a GOOD person??????
I don't think any of this makes us a bad person or not good.

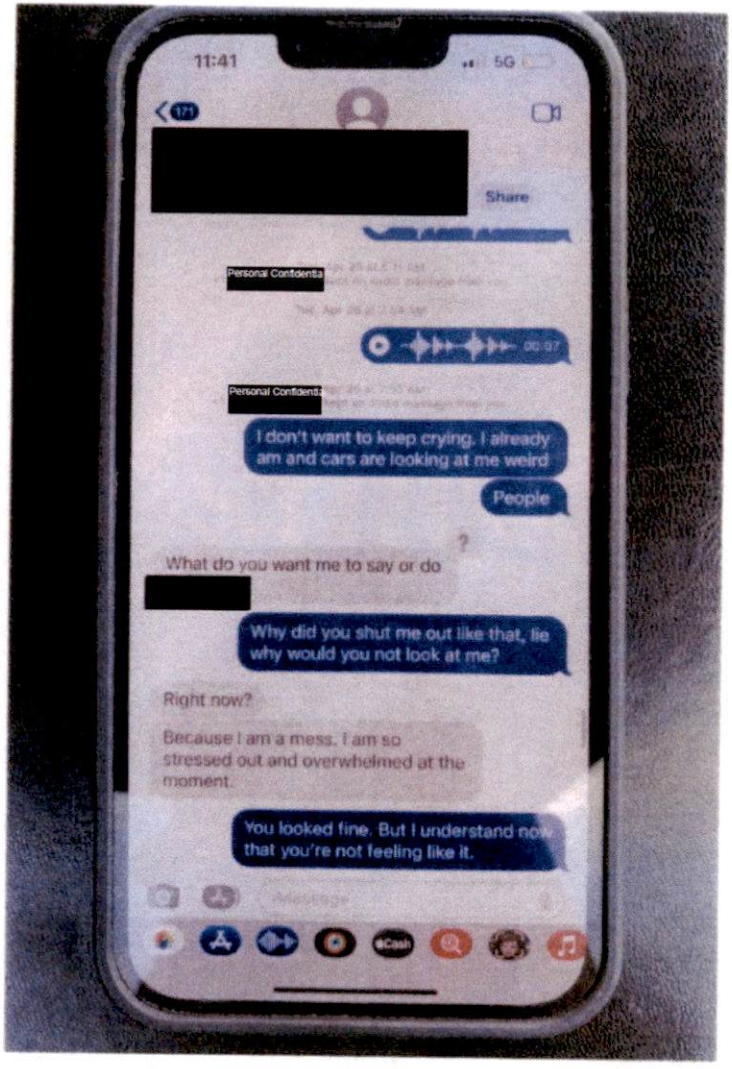

11:33
5G
171
[redacted]
Share
I don't think any of this makes us a bad person or not good. We are human...
We need to talk like adults. Please don't be a coward
It's the last thing I'll ask of you
You think you wouldn't be acting like this to me, and that you would be taking accountability. I understand you're upset at this moment
But I do need to speak with you
When you're better. Not not too long
This hurt me too, it hurts me to know that I participated in something that lead to you being hurt
You know I didn't suddenly forget your voice since Friday night/sat morning. So idk why you were also calling me from blocked pretending you're looking for Brooklyn and asking me questions and messing around, and what not last night.
Message

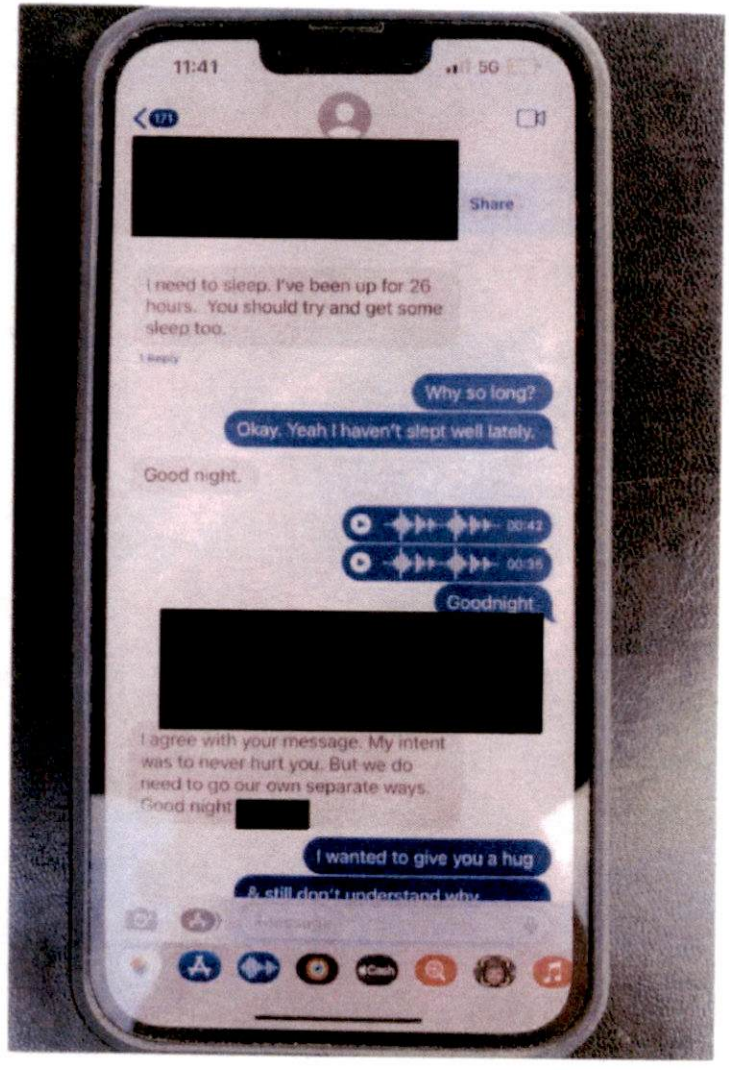

11:41
5G
171
[redacted]
Share
Michael stop it right now
Not trying to hurt you. Like I've said numerous times, I just wish you'd stop reaching out to me. You said if I answered your questions it would help with your process. So I am answering your questions.
Michael
Stop
Please please
Stop
Answer real quick for sec
Then you can block me
Can you please stop calling. I am at work right now
What is your question?
00:06
Message

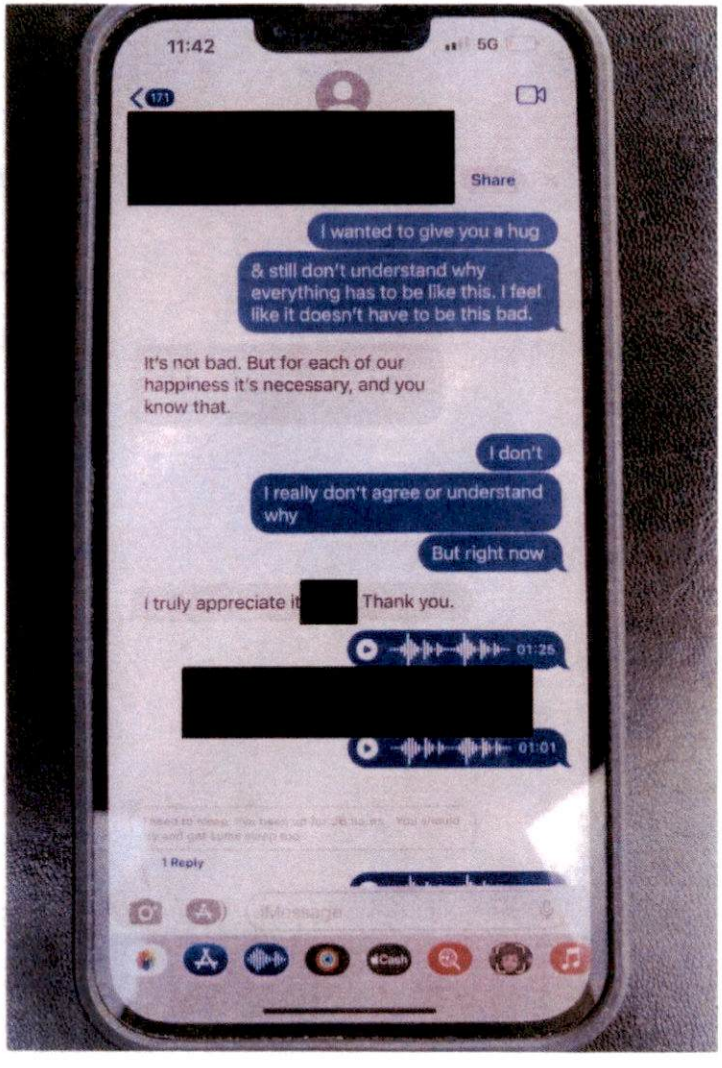

11:41
5G
171
[redacted]
Share
I didn't mean to send those first two. Not sure why you would press keep
[redacted]
I do not know how I am scaring you. But you are scaring me with all of your texts and phone calls for the past month.
01:13
00:09
[redacted]
Yes. I am overwhelmed.
Message

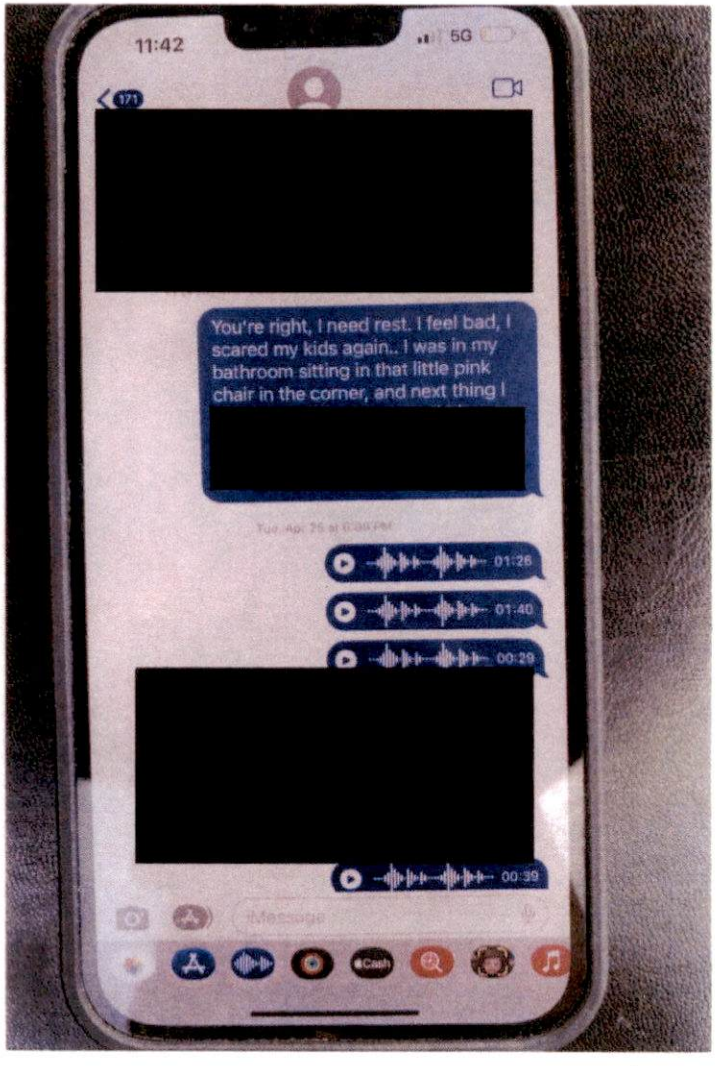

11:41
5G
171
[redacted]
Share
Yes. I am overwhelmed.
00:10
0:11
[redacted]
00:21
00:16
I'd appreciate it if you could let me be
and go on my way.
[redacted]
00:13
[redacted]
00:15
[redacted]
06:28
iMessage

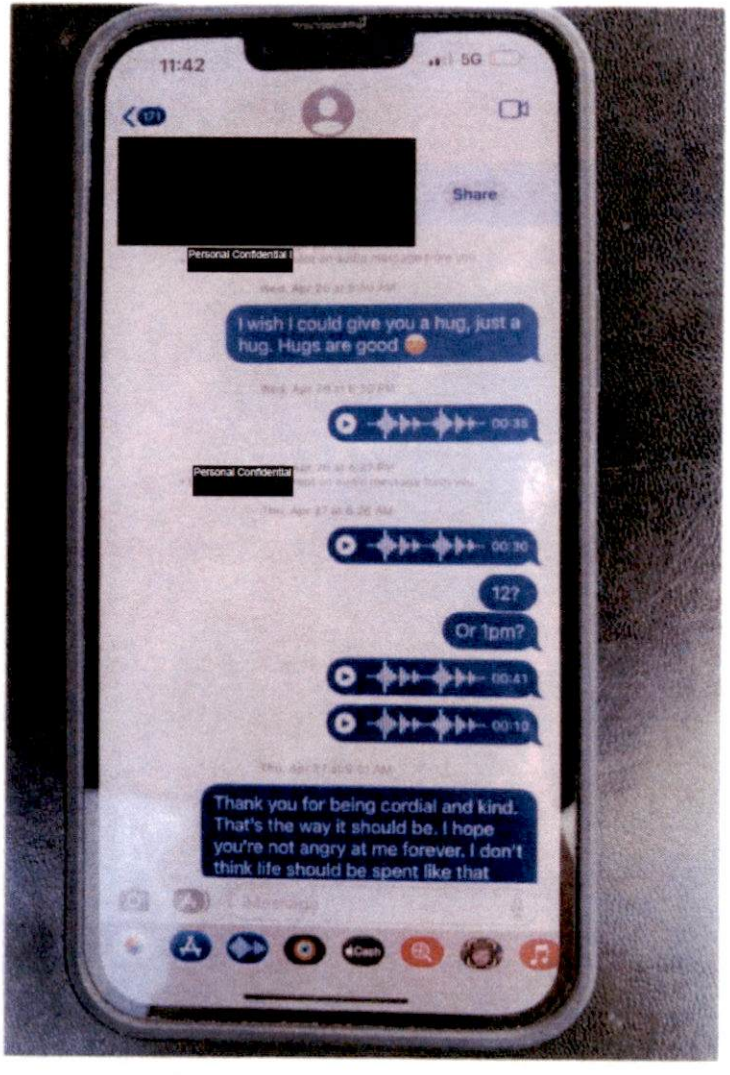

11:41
5G
171
[redacted]
Share
07:09
You can block me now
I do love you.
I think there's a side of you that not
many people see
It never changed the way I feel
But I deserve better, I deserve the
Michael from a month ago and so on,
not this.
Goodbye.
I wanted THAT Michael, the weirdo
and creep and all of it.
[redacted]
Michael
02:01
[redacted]
iMessage

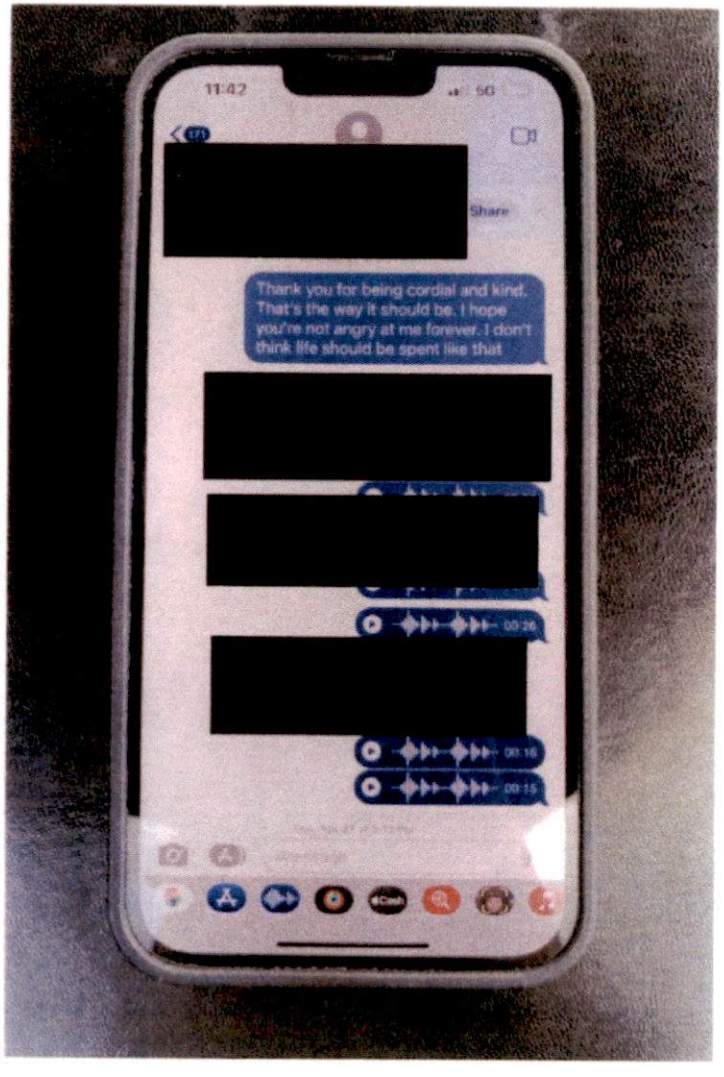

11:41
5G
171
[redacted]
Share
Personal Confidential
00:07
Personal Confidential
I don't want to keep crying. I already am and cars are looking at me weird
People
What do you want me to say or do
[redacted]
Why did you shut me out like that, lie why would you not look at me?
Right now?
Because I am a mess. I am so stressed out and overwhelmed at the moment.
You looked fine. But I understand now that you're not feeling like it.
Message

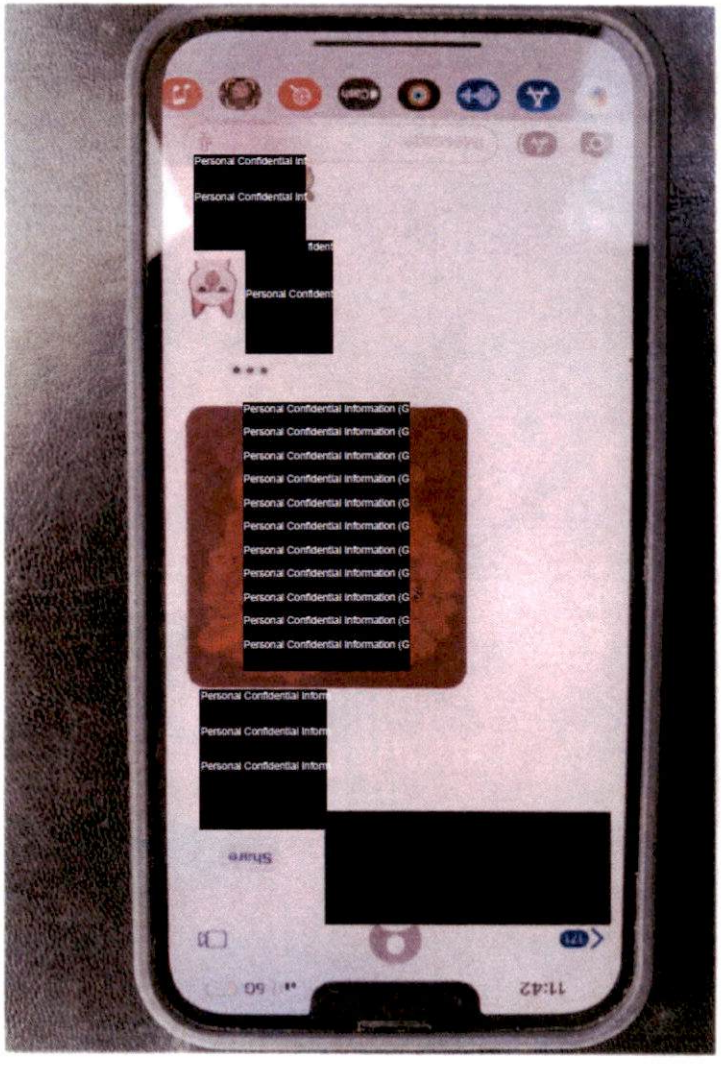

11:41
5G
171
[redacted]
Share
I need to sleep. I've been up for 26 hours. You should try and get some sleep too.
1 Reply
Why so long?
Okay. Yeah I haven't slept well lately.
Good night.
00:42
00:55
Goodnight
[redacted]
I agree with your message. My intent was to never hurt you. But we do need to go our own separate ways. Good night [redacted]
I wanted to give you a hug
I still don't understand why

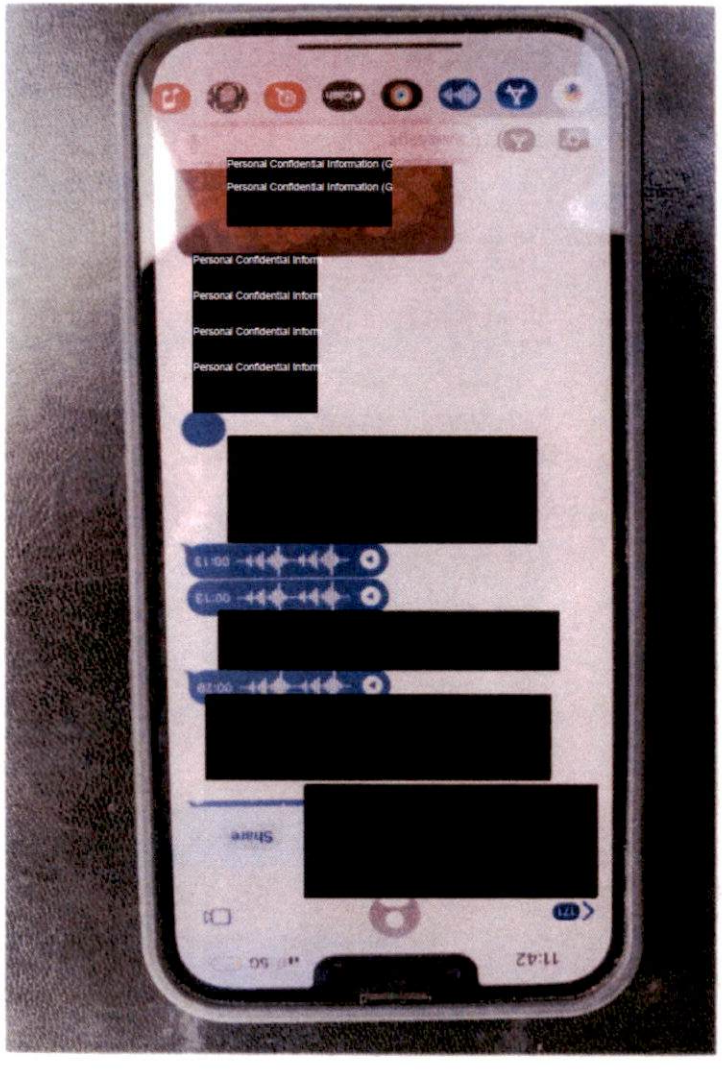

11:42
5G
171
[redacted]
Share
I wanted to give you a hug
& still don't understand why everything has to be like this. I feel like it doesn't have to be this bad.
It's not bad. But for each of our happiness it's necessary, and you know that.
I don't
I really don't agree or understand why
But right now
I truly appreciate it [redacted] Thank you.
01:25
[redacted]
01:01
1 Reply
iMessage

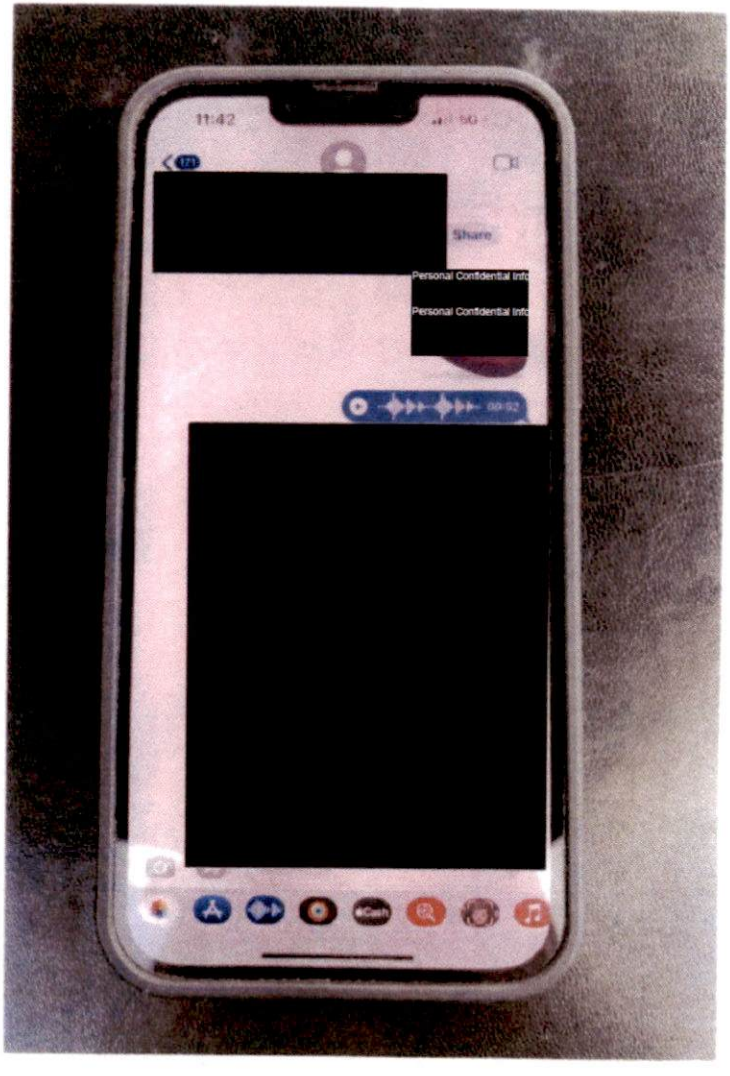

11:42
5G
171
[redacted]
You're right, I need rest. I feel bad, I scared my kids again.. I was in my bathroom sitting in that little pink chair in the corner, and next thing I [redacted]
01:26
01:40
00:29
[redacted]
00:39
iMessage

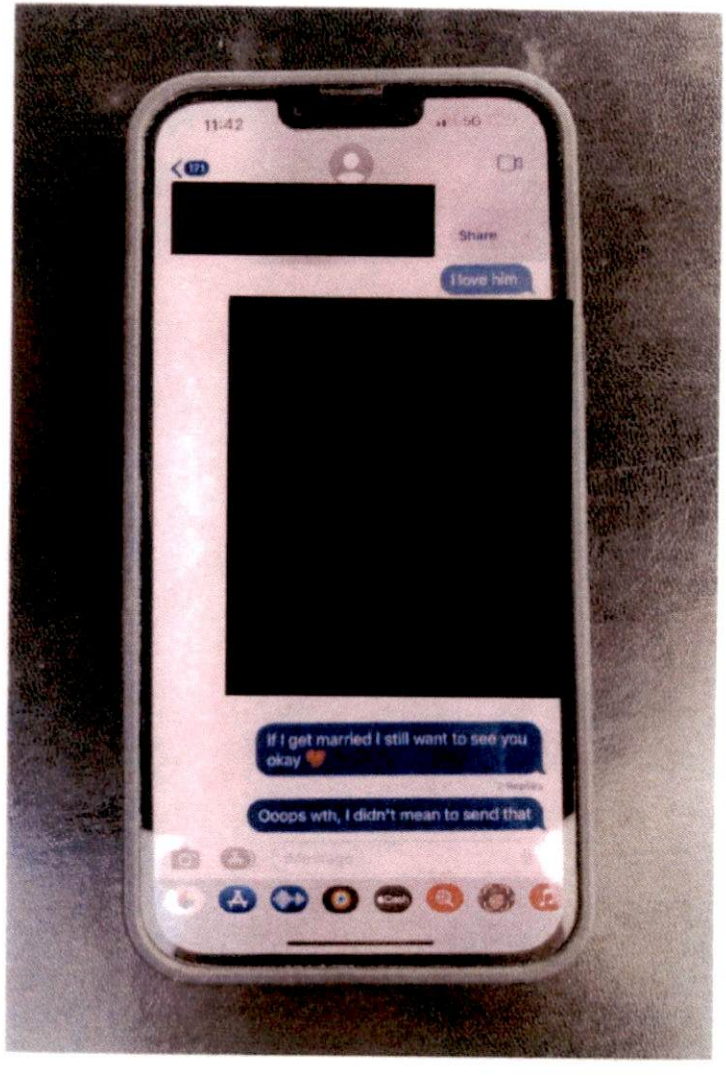

11:42
5G
Share
Personal Confidential
I wish I could give you a hug, just a hug. Hugs are good
00:38
Personal Confidential
00:30
12?
Or 1pm?
00:41
00:10
Thank you for being cordial and kind. That's the way it should be. I hope you're not angry at me forever. I don't think life should be spent like that

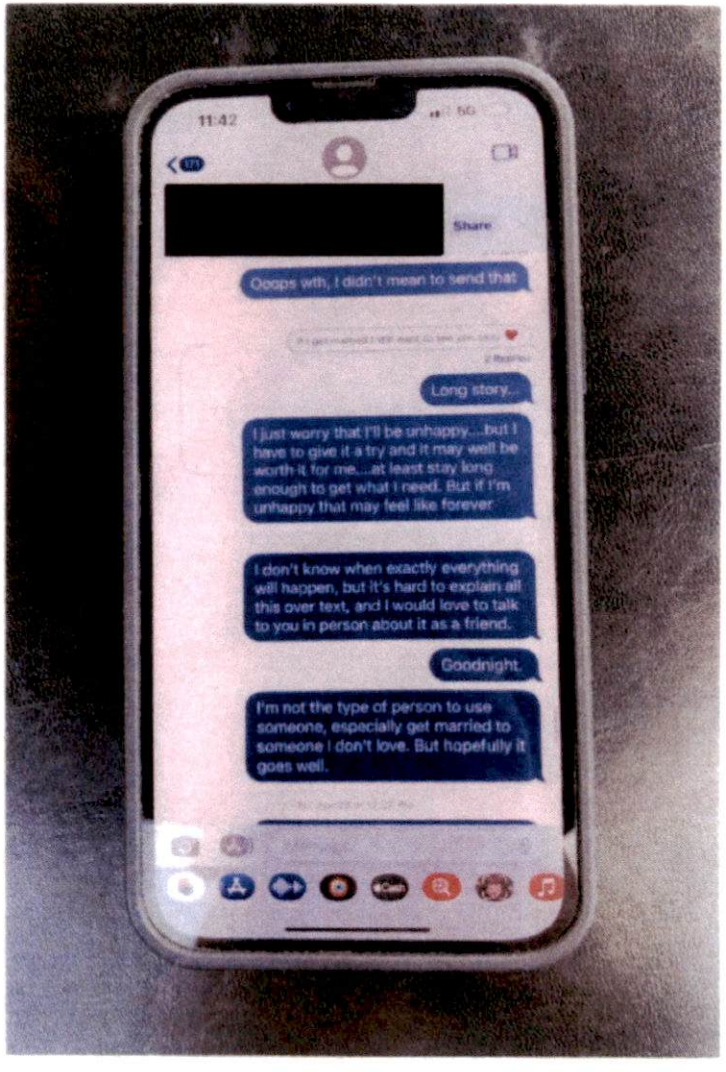

11:42
5G
Share
Thank you for being cordial and kind. That's the way it should be. I hope you're not angry at me forever. I don't think life should be spent like that
00:26
00:10
00:15

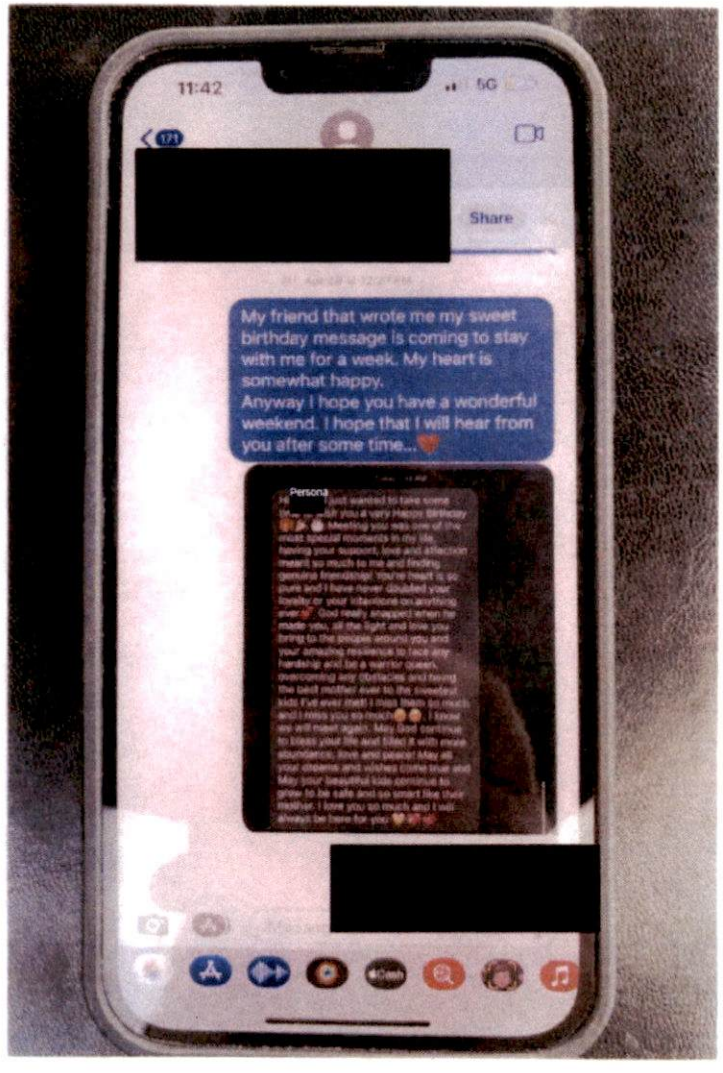

Personal Confidential Information (G
Share
11:42

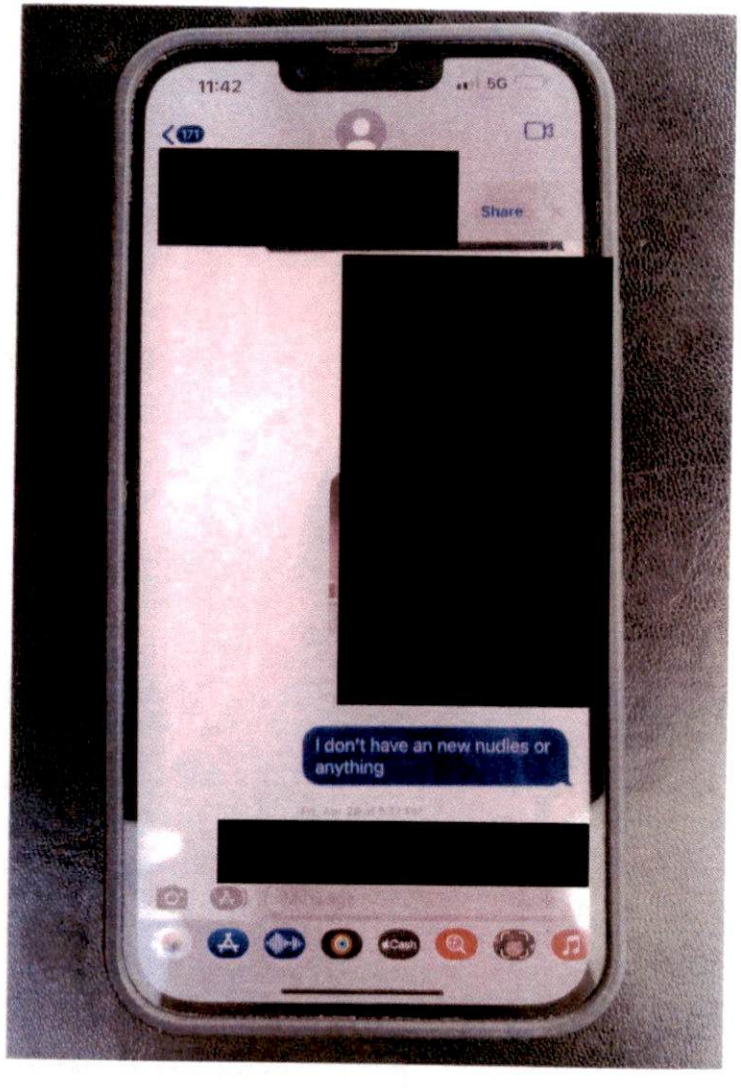

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Share
11:42

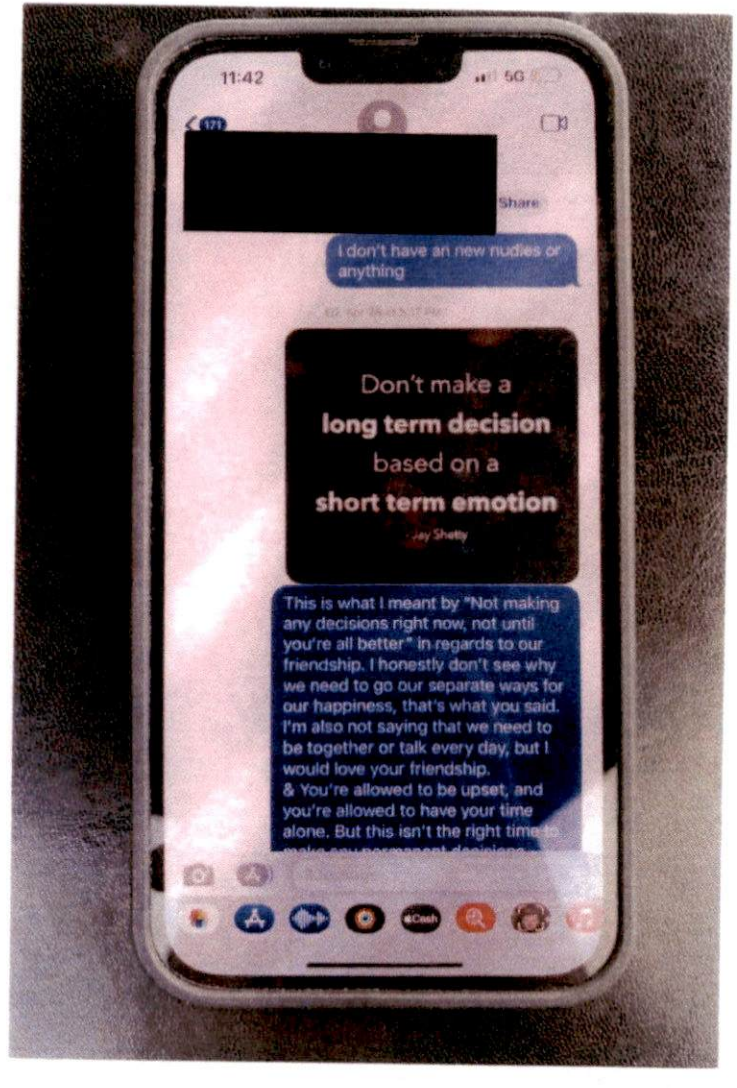

11:42
Share
Personal Confidential Info
Personal Confidential Info

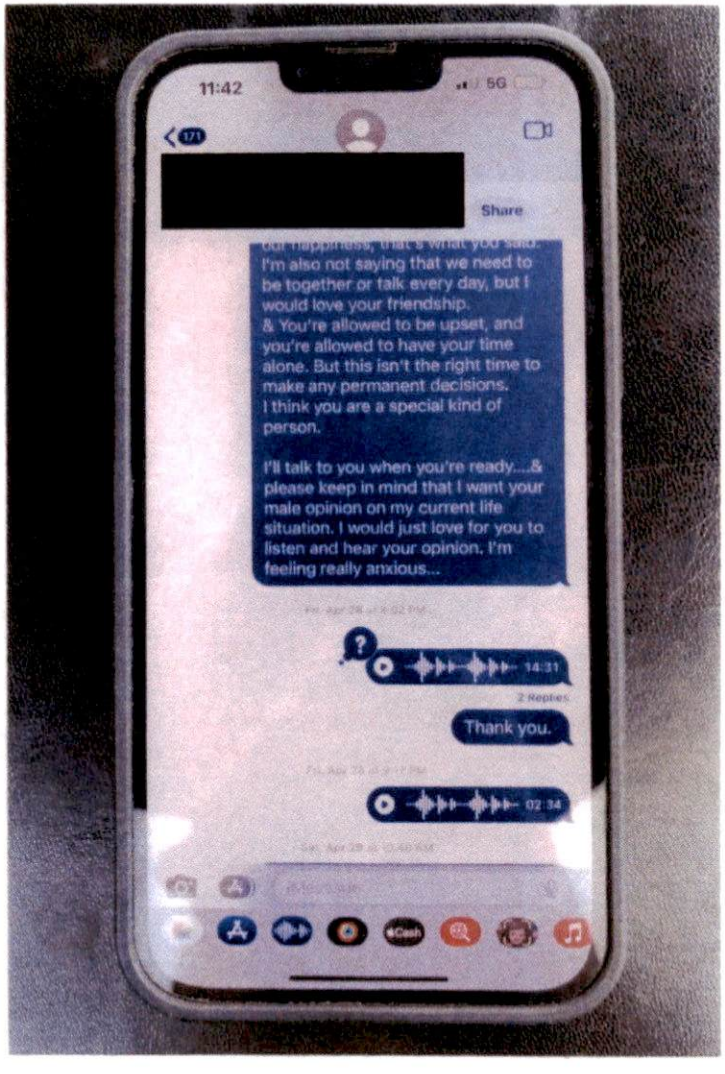

11:42
Share
I love him
If I get married I still want to see you okay
Ooops wth, I didn't mean to send that

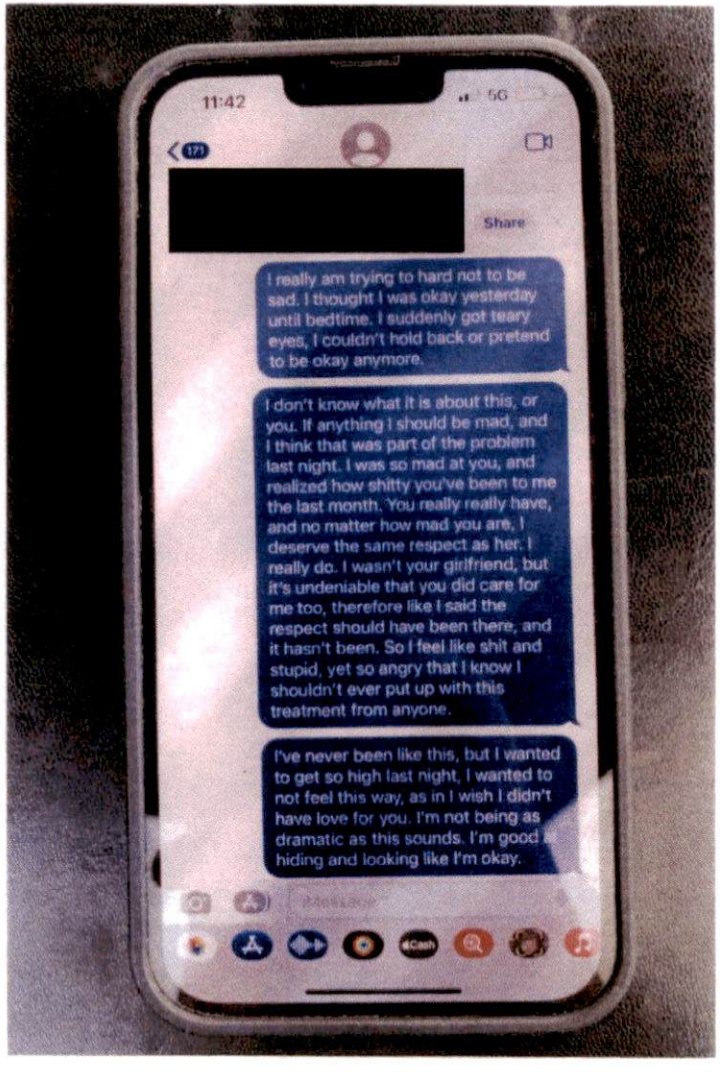

11:42
5G
Share
Ooops wth, I didn't mean to send that
Long story...
I just worry that I'll be unhappy....but I have to give it a try and it may well be worth it for me....at least stay long enough to get what I need. But if I'm unhappy that may feel like forever
I don't know when exactly everything will happen, but it's hard to explain all this over text, and I would love to talk to you in person about it as a friend.
Goodnight.
I'm not the type of person to use someone, especially get married to someone I don't love. But hopefully it goes well.

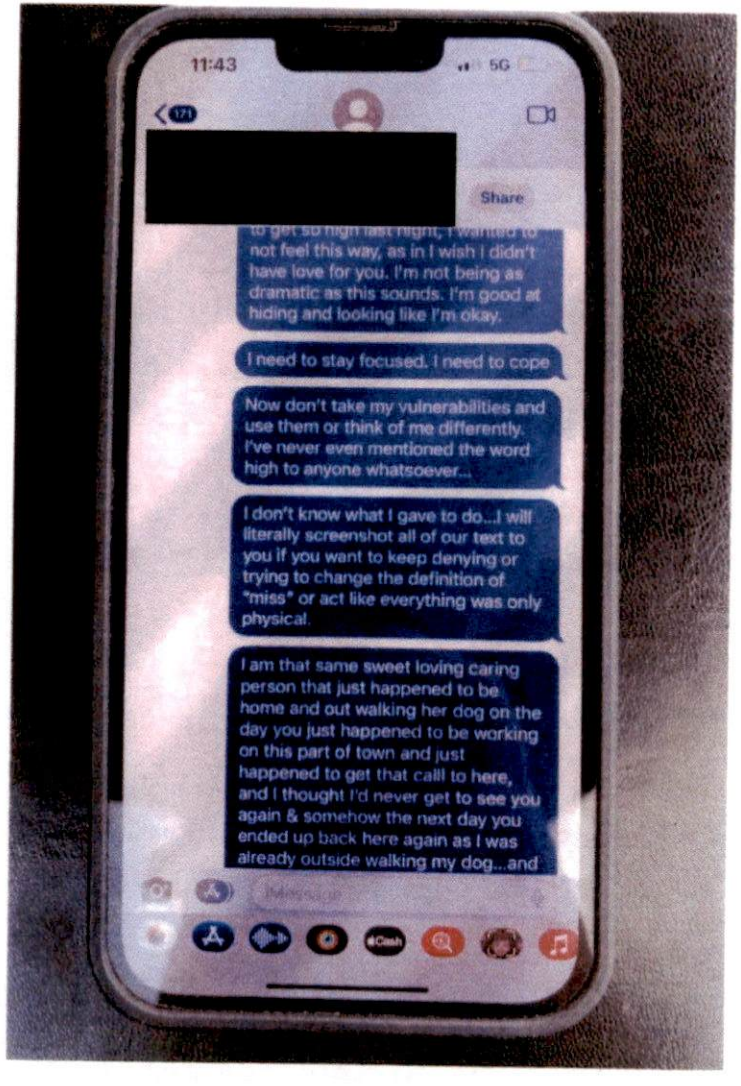

11:42
5G
Share
My friend that wrote me my sweet birthday message is coming to stay with me for a week. My heart is somewhat happy.
Anyway I hope you have a wonderful weekend. I hope that I will hear from you after some time...
Persona

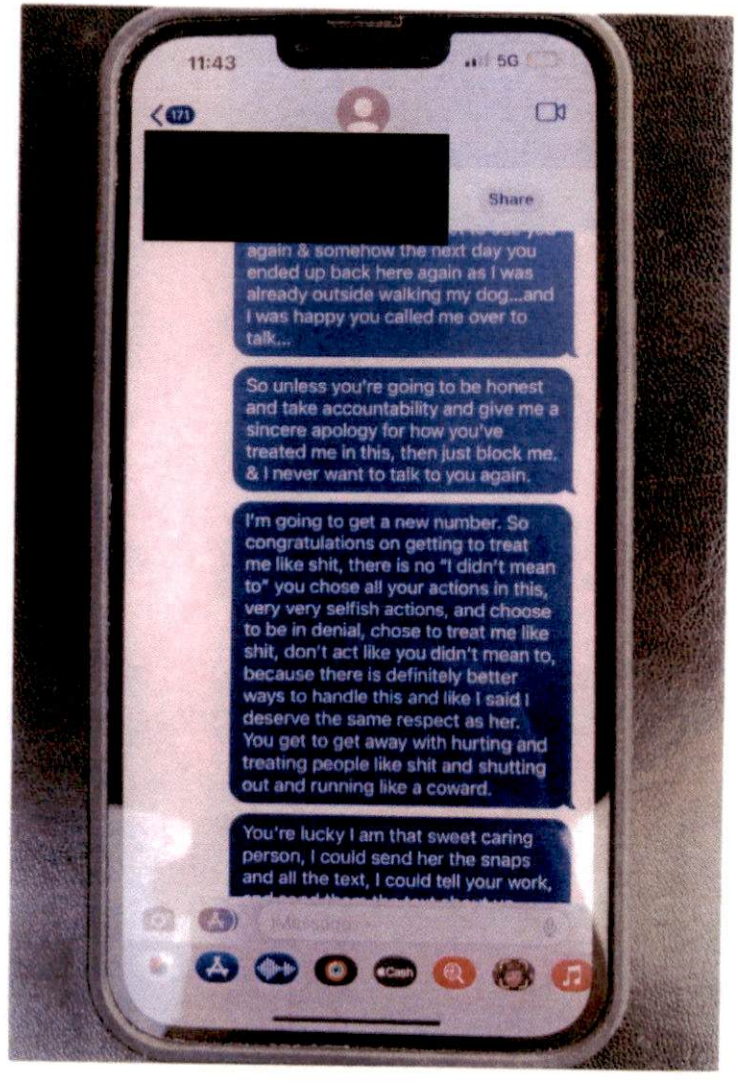

11:42
5G
171
[redacted]
Share
[redacted]
I don't have an new nudies or anything
[redacted]

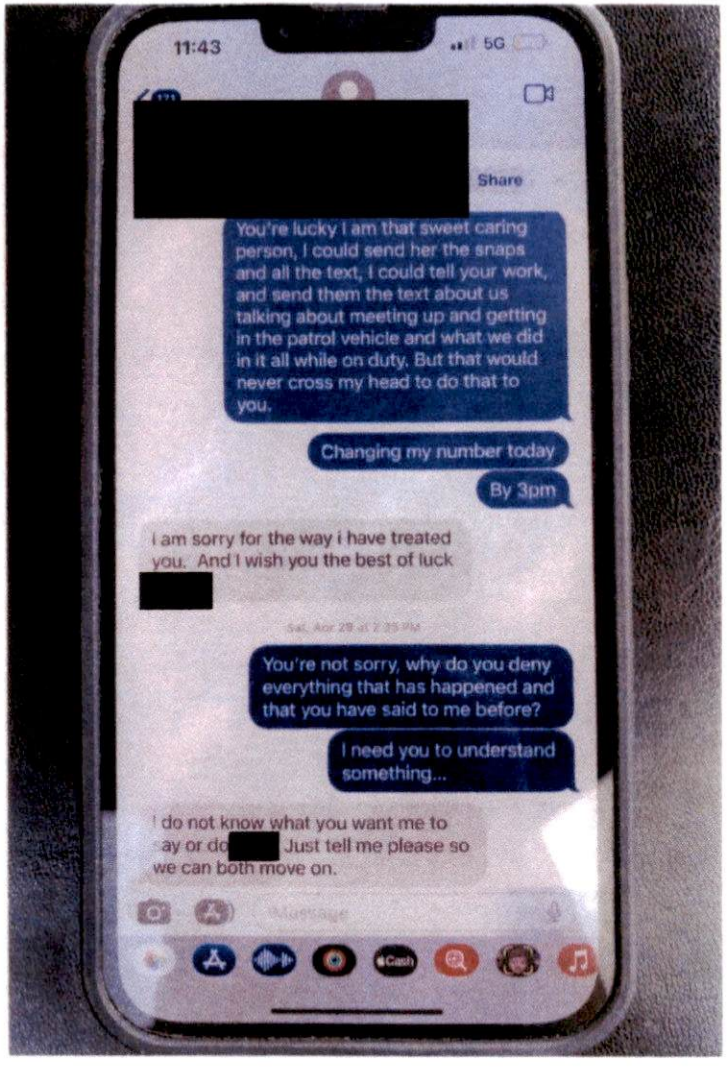

11:42
5G
171
[redacted]
Share
I don't have an new nudies or anything
Don't make a
long term decision
based on a
short term emotion
Jay Shetty
This is what I meant by "Not making any decisions right now, not until you're all better" in regards to our friendship. I honestly don't see why we need to go our separate ways for our happiness, that's what you said. I'm also not saying that we need to be together or talk every day, but I would love your friendship.
& You're allowed to be upset, and you're allowed to have your time alone. But this isn't the right time to

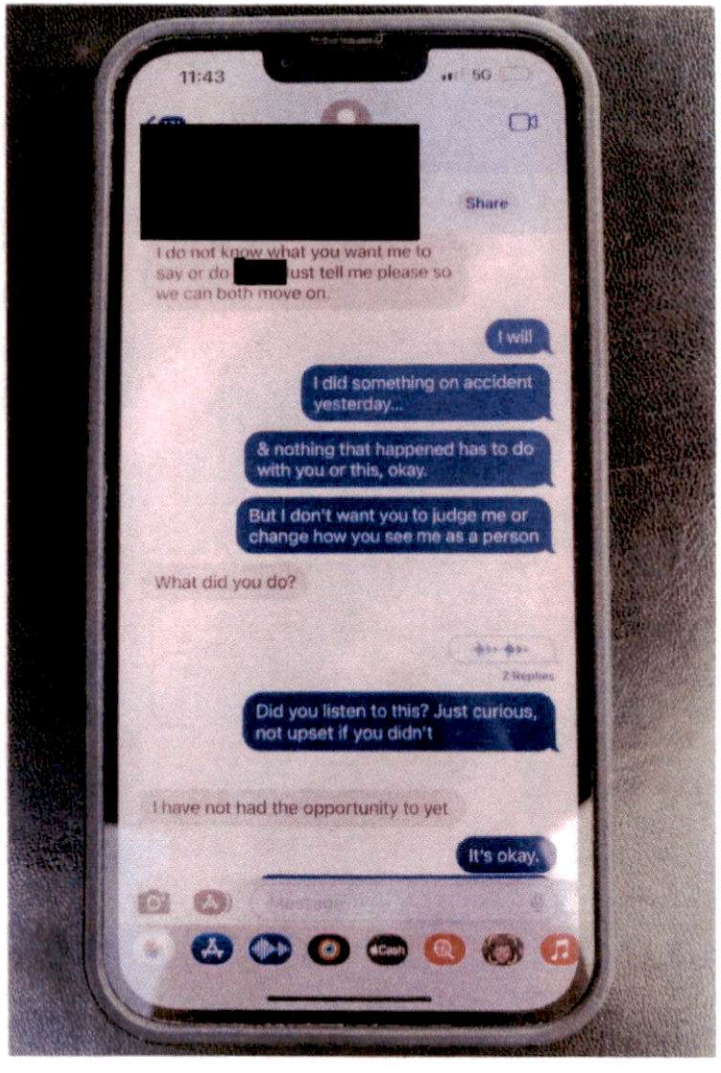

11:42
5G
171
[redacted]
Share
I'm also not saying that we need to be together or talk every day, but I would love your friendship.
& You're allowed to be upset, and you're allowed to have your time alone. But this isn't the right time to make any permanent decisions.
I think you are a special kind of person.
I'll talk to you when you're ready...& please keep in mind that I want your male opinion on my current life situation. I would just love for you to listen and hear your opinion. I'm feeling really anxious...
14:31
2 Replies
Thank you.
02:34

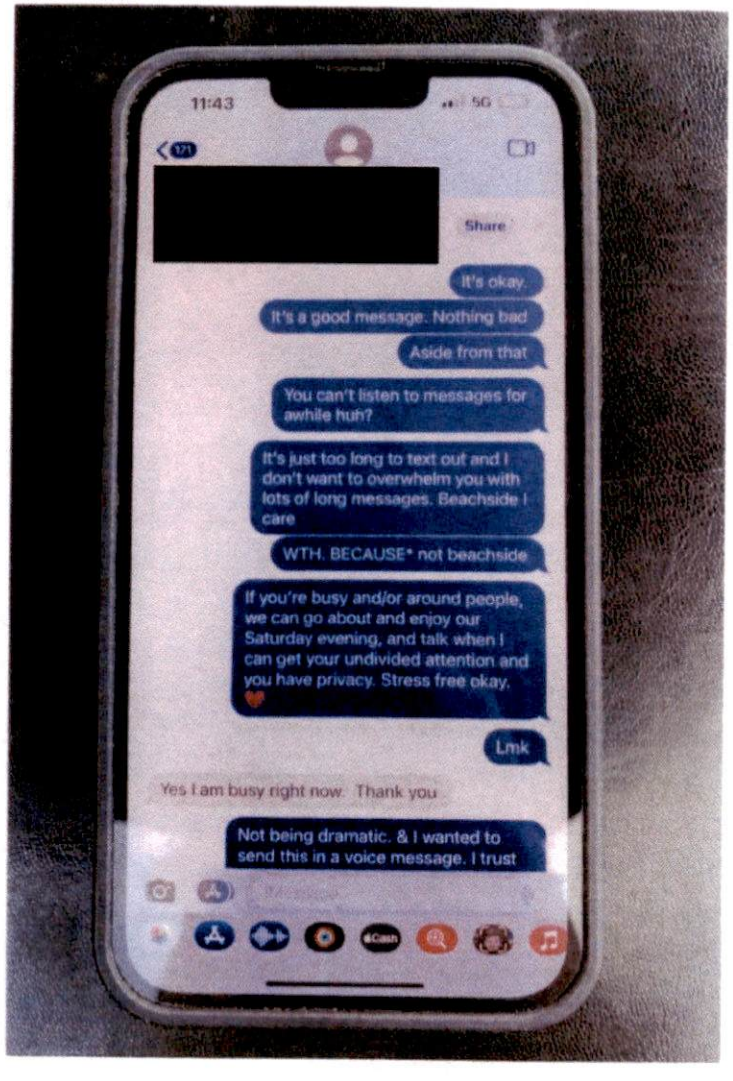

11:42
5G
171
[redacted]
Share
I really am trying to hard not to be sad. I thought I was okay yesterday until bedtime. I suddenly got teary eyes, I couldn't hold back or pretend to be okay anymore.
I don't know what it is about this, or you. If anything I should be mad, and I think that was part of the problem last night. I was so mad at you, and realized how shitty you've been to me the last month. You really really have, and no matter how mad you are, I deserve the same respect as her. I really do. I wasn't your girlfriend, but it's undeniable that you did care for me too, therefore like I said the respect should have been there, and it hasn't been. So I feel like shit and stupid, yet so angry that I know I shouldn't ever put up with this treatment from anyone.
I've never been like this, but I wanted to get so high last night, I wanted to not feel this way, as in I wish I didn't have love for you. I'm not being as dramatic as this sounds. I'm good at hiding and looking like I'm okay.

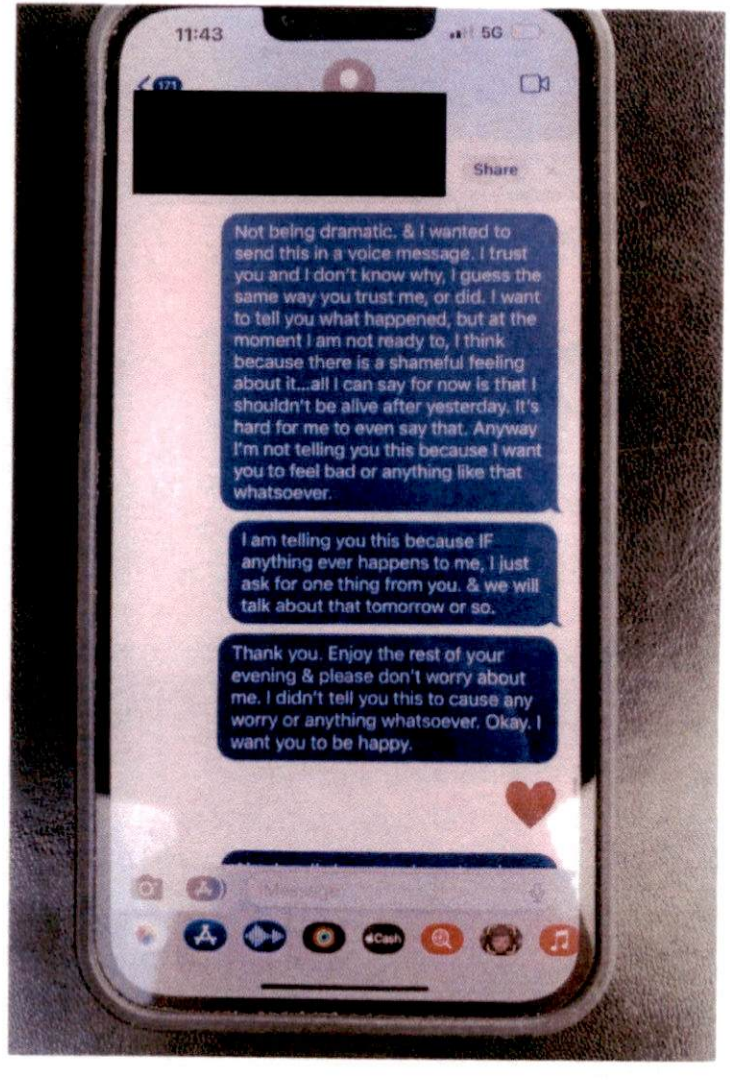

11:43
5G
171
[redacted]
Share
to get so high last night, I wanted to not feel this way, as in I wish I didn't have love for you. I'm not being as dramatic as this sounds. I'm good at hiding and looking like I'm okay.
I need to stay focused. I need to cope
Now don't take my vulnerabilities and use them or think of me differently. I've never even mentioned the word high to anyone whatsoever...
I don't know what I gave to do...I will literally screenshot all of our text to you if you want to keep denying or trying to change the definition of "miss" or act like everything was only physical.
I am that same sweet loving caring person that just happened to be home and out walking her dog on the day you just happened to be working on this part of town and just happened to get that calll to here, and I thought I'd never get to see you again & somehow the next day you ended up back here again as I was already outside walking my dog...and


11:43
5G
171
[redacted]
Share
again & somehow the next day you ended up back here again as I was already outside walking my dog...and I was happy you called me over to talk...
So unless you're going to be honest and take accountability and give me a sincere apology for how you've treated me in this, then just block me. & I never want to talk to you again.
I'm going to get a new number. So congratulations on getting to treat me like shit, there is no "I didn't mean to" you chose all your actions in this, very very selfish actions, and choose to be in denial, chose to treat me like shit, don't act like you didn't mean to, because there is definitely better ways to handle this and like I said I deserve the same respect as her. You get to get away with hurting and treating people like shit and shutting out and running like a coward.
You're lucky I am that sweet caring person, I could send her the snaps and all the text, I could tell your work,

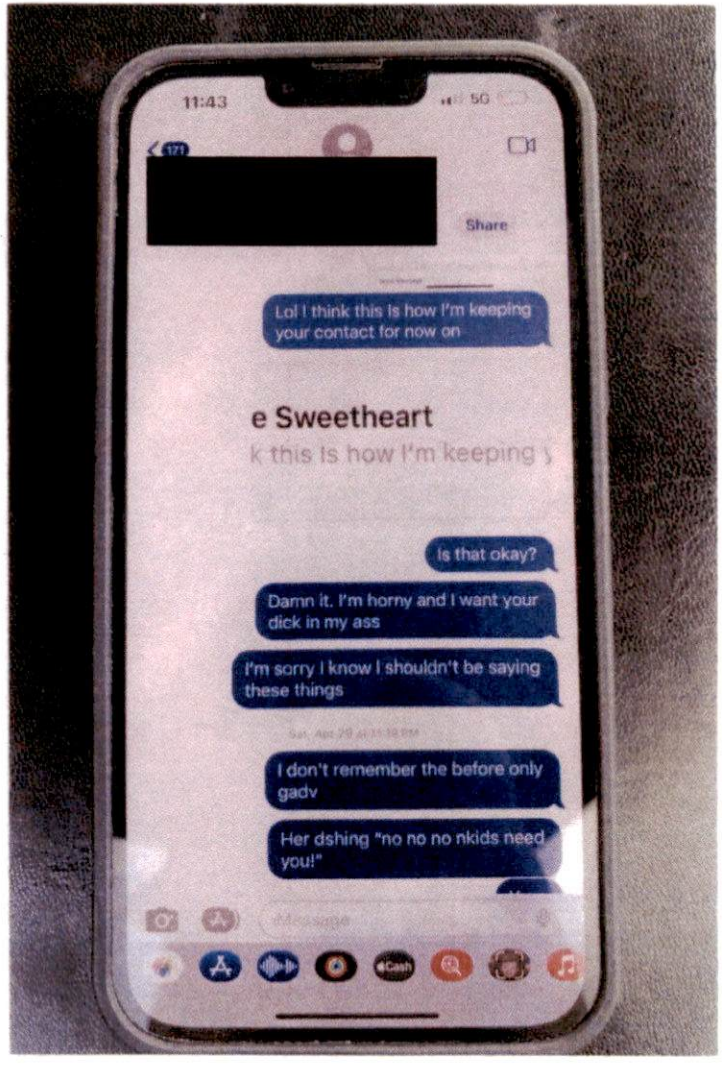

11:43
5G
[redacted]
Share
You're lucky I am that sweet caring person, I could send her the snaps and all the text, I could tell your work, and send them the text about us talking about meeting up and getting in the patrol vehicle and what we did in it all while on duty. But that would never cross my head to do that to you.
Changing my number today
By 3pm
I am sorry for the way i have treated you. And I wish you the best of luck
[redacted]
You're not sorry, why do you deny everything that has happened and that you have said to me before?
I need you to understand something...
I do not know what you want me to say or do [redacted] Just tell me please so we can both move on.

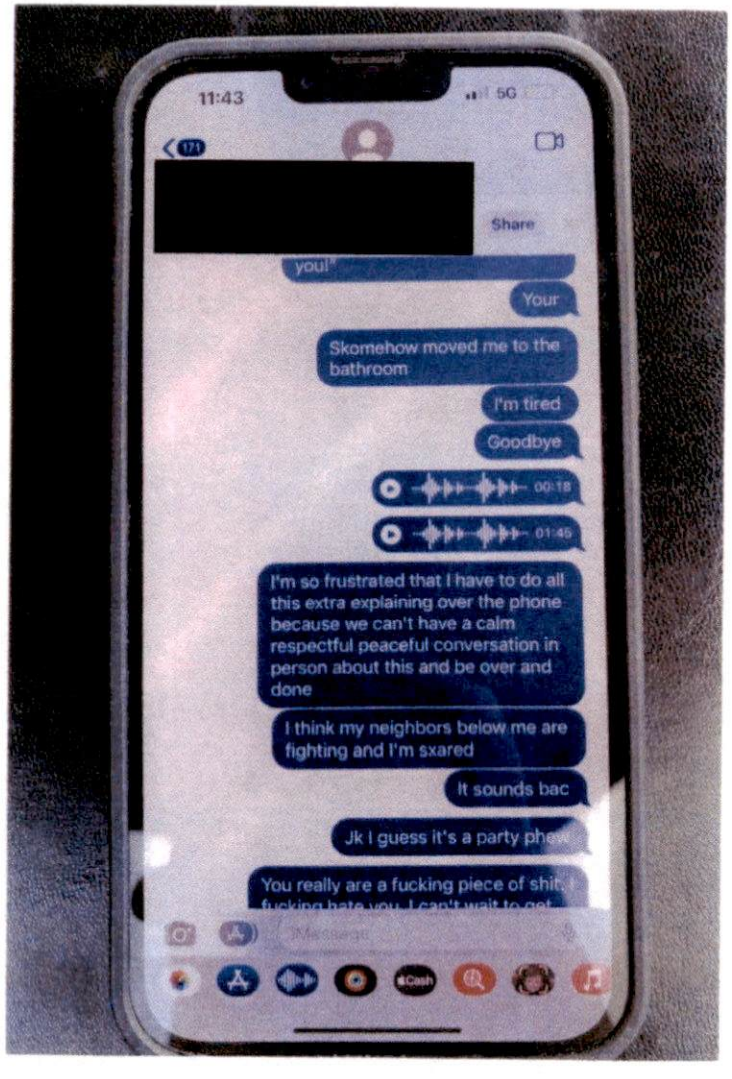

11:43
5G
[redacted]
Share
I do not know what you want me to say or do [redacted] ust tell me please so we can both move on.
I will
I did something on accident yesterday...
& nothing that happened has to do with you or this, okay.
But I don't want you to judge me or change how you see me as a person
What did you do?
2 Replies
Did you listen to this? Just curious, not upset if you didn't
I have not had the opportunity to yet
It's okay.

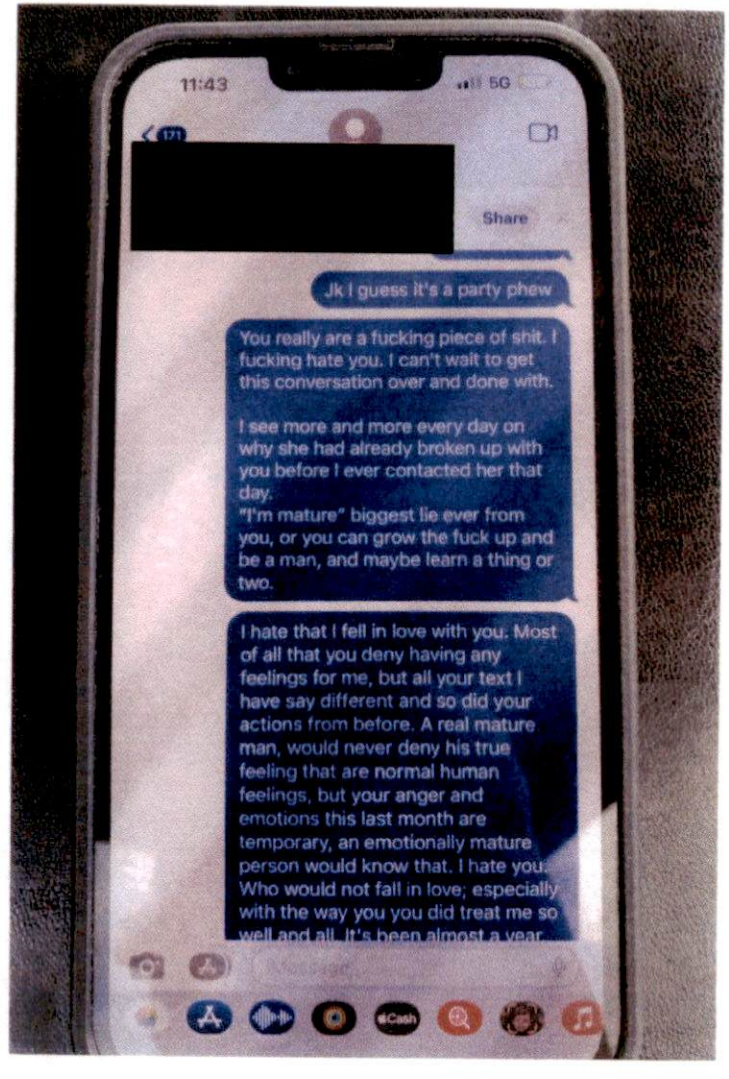

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171
[redacted]
Share
It's okay.
It's a good message. Nothing bad
Aside from that
You can't listen to messages for awhile huh?
It's just too long to text out and I don't want to overwhelm you with lots of long messages. Beachside I care
WTH. BECAUSE* not beachside
If you're busy and/or around people, we can go about and enjoy our Saturday evening, and talk when I can get your undivided attention and you have privacy. Stress free okay.
Lmk
Yes I am busy right now. Thank you
Not being dramatic. & I wanted to send this in a voice message. I trust

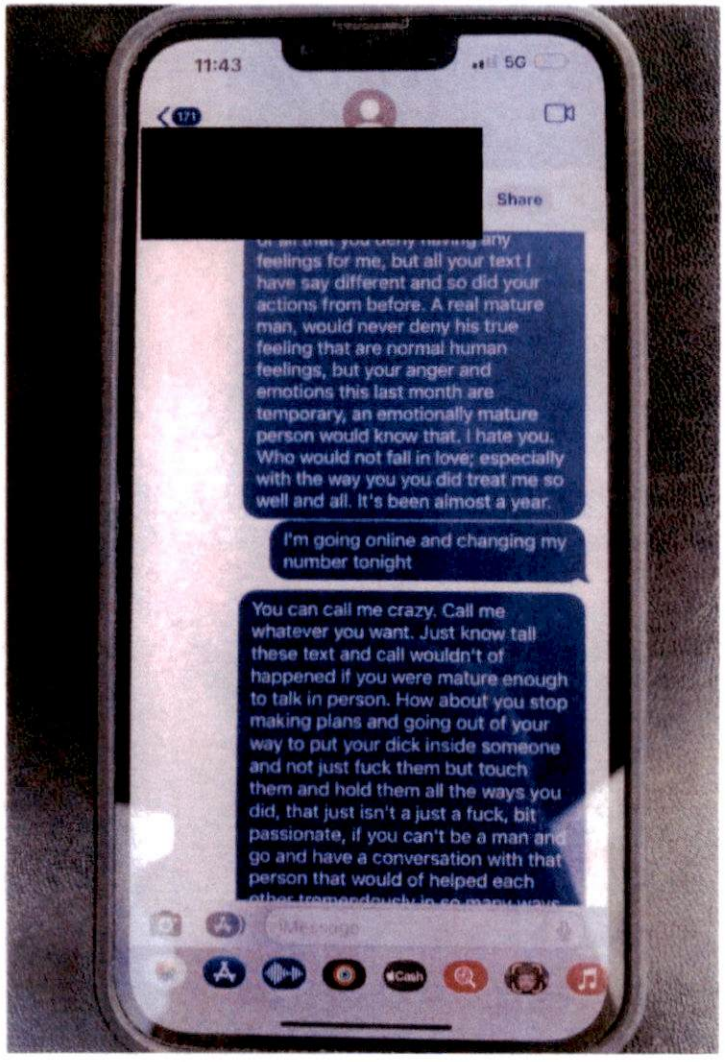

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[redacted]
Share
Not being dramatic. & I wanted to send this in a voice message. I trust you and I don't know why, I guess the same way you trust me, or did. I want to tell you what happened, but at the moment I am not ready to, I think because there is a shameful feeling about it...all I can say for now is that I shouldn't be alive after yesterday. It's hard for me to even say that. Anyway I'm not telling you this because I want you to feel bad or anything like that whatsoever.
I am telling you this because IF anything ever happens to me, I just ask for one thing from you. & we will talk about that tomorrow or so.
Thank you. Enjoy the rest of your evening & please don't worry about me. I didn't tell you this to cause any worry or anything whatsoever. Okay. I want you to be happy.

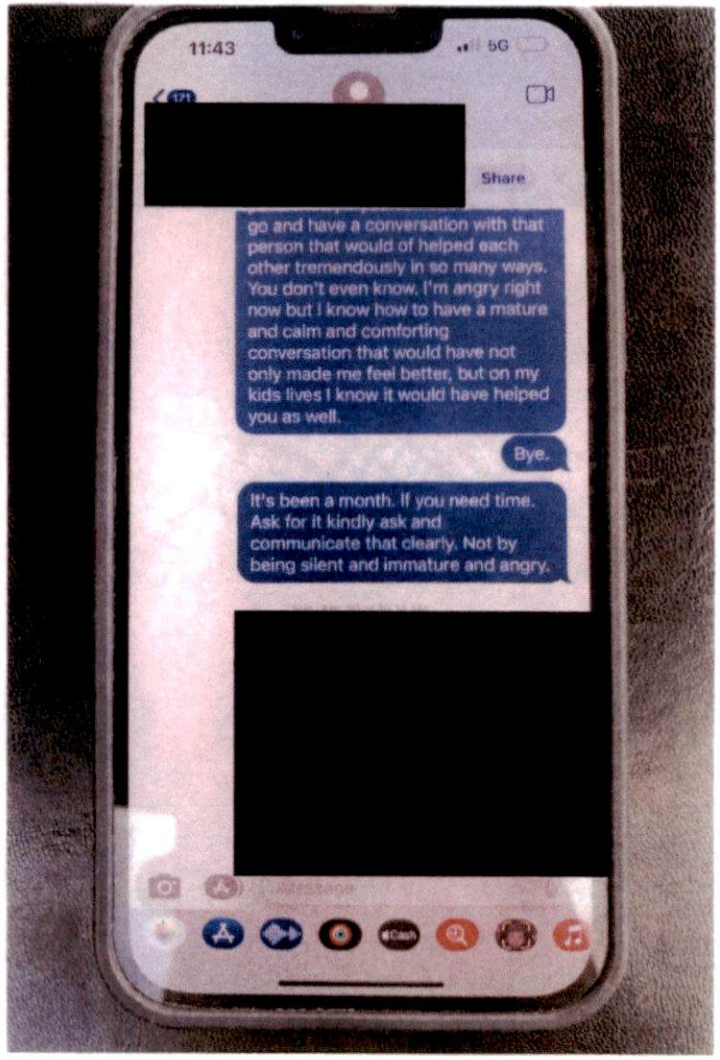

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Share
Also I really hope you're not saving my voice messages to convince your ex of anything or use them for anything else that will be hurtful and disrespectful to me.
Lol I think this is how I'm keeping


11:43
5G
Share
Lol I think this is how I'm keeping your contact for now on
e Sweetheart
k this is how I'm keeping
Is that okay?
Damn it, I'm horny and I want your dick in my ass
I'm sorry I know I shouldn't be saying these things
I don't remember the before only gadv
Her dshing "no no no nkids need you!"

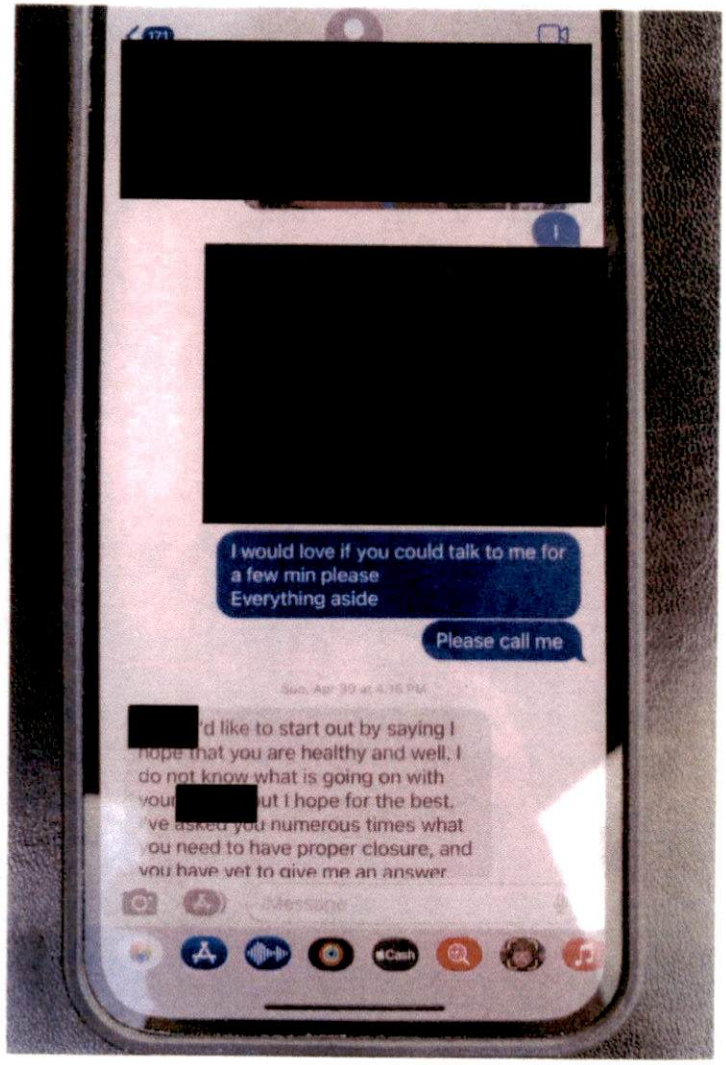

11:43
5G
171
[redacted]
Share
you!"
Your
Skomehow moved me to the bathroom
I'm tired
Goodbye
00:18
01:45
I'm so frustrated that I have to do all this extra explaining over the phone because we can't have a calm respectful peaceful conversation in person about this and be over and done
I think my neighbors below me are fighting and I'm sxared
It sounds bac
Jk I guess it's a party phew
You really are a fucking piece of shit. I
Cash

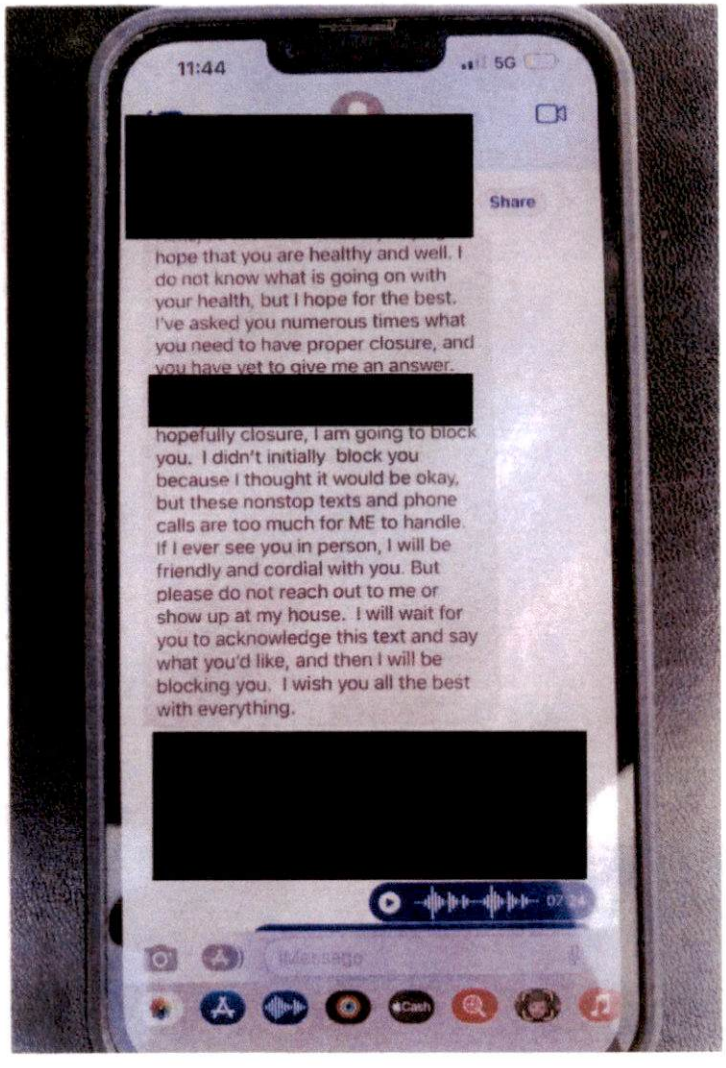

11:43
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[redacted]
Share
Jk I guess it's a party phew
You really are a fucking piece of shit. I fucking hate you. I can't wait to get this conversation over and done with.
I see more and more every day on why she had already broken up with you before I ever contacted her that day.
"I'm mature" biggest lie ever from you, or you can grow the fuck up and be a man, and maybe learn a thing or two.
I hate that I fell in love with you. Most of all that you deny having any feelings for me, but all your text I have say different and so did your actions from before. A real mature man, would never deny his true feeling that are normal human feelings, but your anger and emotions this last month are temporary, an emotionally mature person would know that. I hate you. Who would not fall in love; especially with the way you you did treat me so
Cash

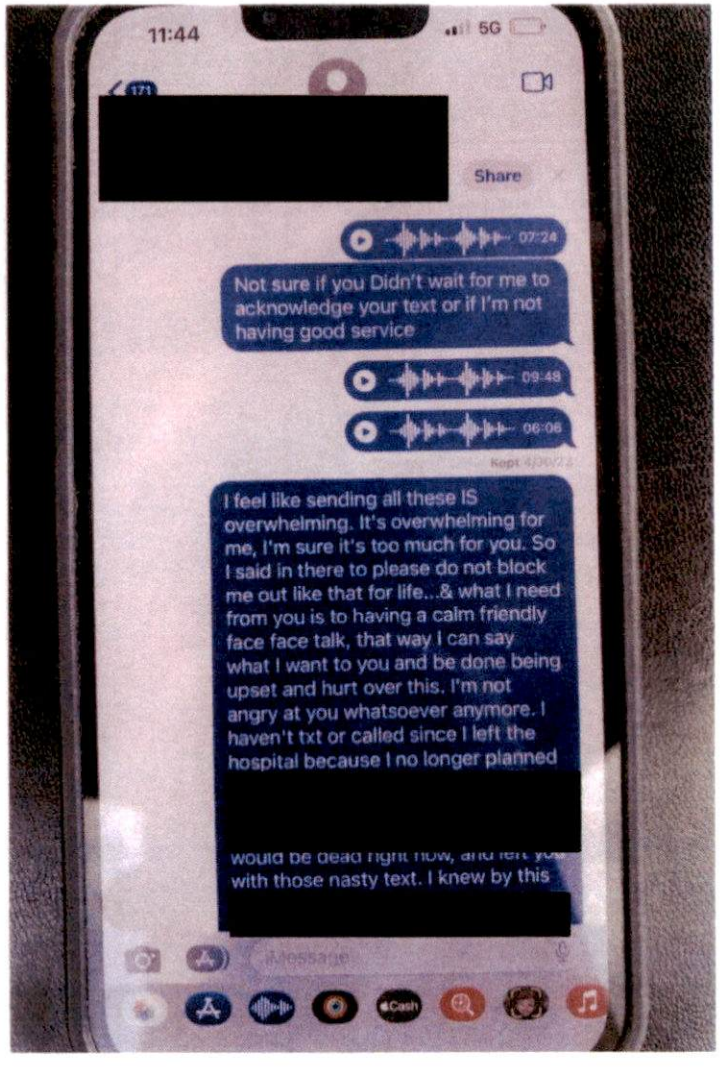

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[redacted]
Share
feelings for me, but all your text I have say different and so did your actions from before. A real mature man, would never deny his true feeling that are normal human feelings, but your anger and emotions this last month are temporary, an emotionally mature person would know that, I hate you. Who would not fall in love; especially with the way you you did treat me so well and all. It's been almost a year.
I'm going online and changing my number tonight
You can call me crazy. Call me whatever you want. Just know tall these text and call wouldn't of happened if you were mature enough to talk in person. How about you stop making plans and going out of your way to put your dick inside someone and not just fuck them but touch them and hold them all the ways you did, that just isn't a just a fuck, bit passionate, if you can't be a man and go and have a conversation with that person that would of helped each
iMessage
Cash

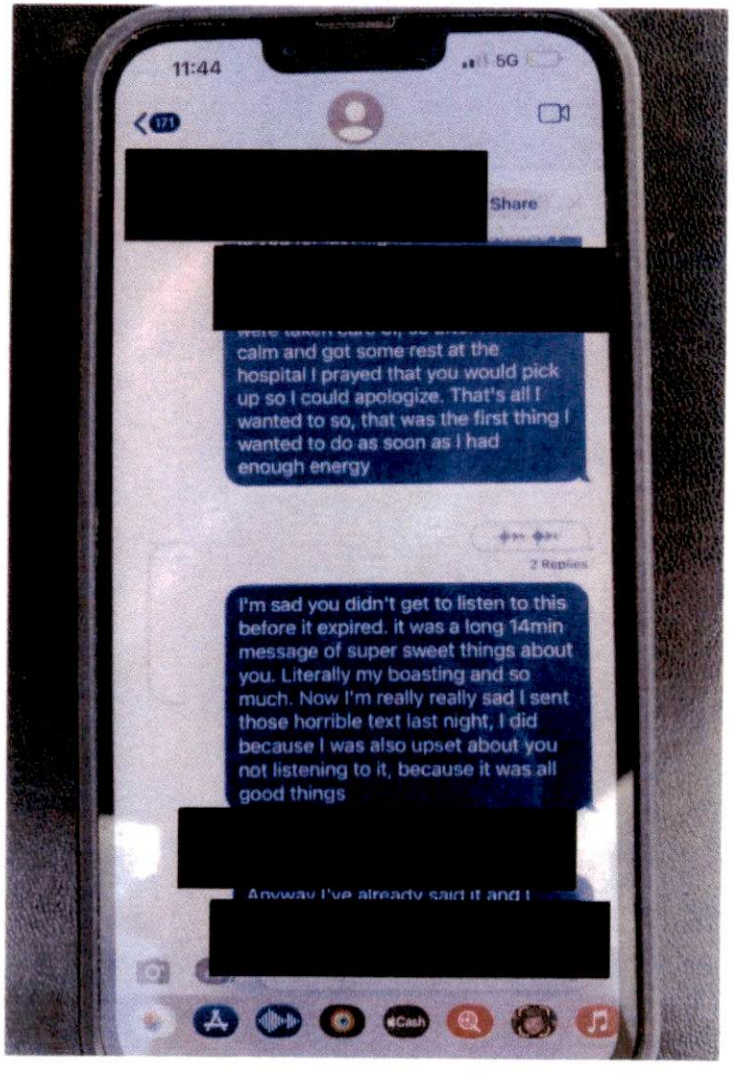

11:43
5G
171
[redacted]
Share
go and have a conversation with that person that would of helped each other tremendously in so many ways. You don't even know. I'm angry right now but I know how to have a mature and calm and comforting conversation that would have not only made me feel better, but on my kids lives I know it would have helped you as well.
Bye.
It's been a month. If you need time. Ask for it kindly ask and communicate that clearly. Not by being silent and immature and angry.
[redacted]
iMessage
Cash

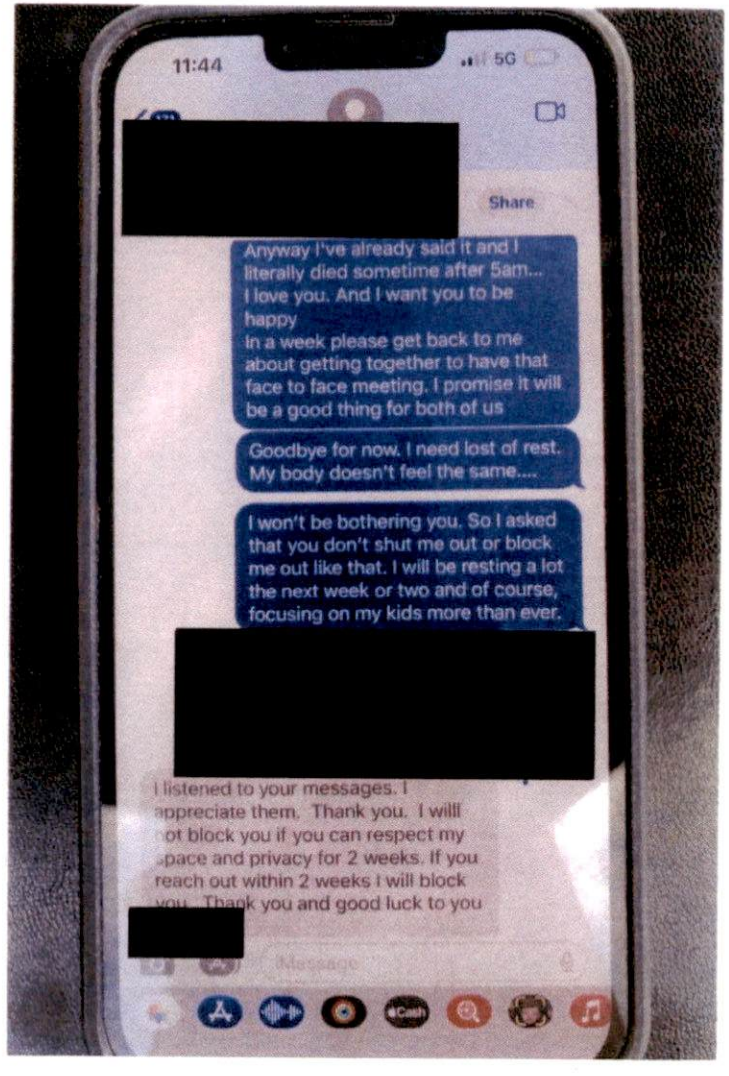

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5G
Share

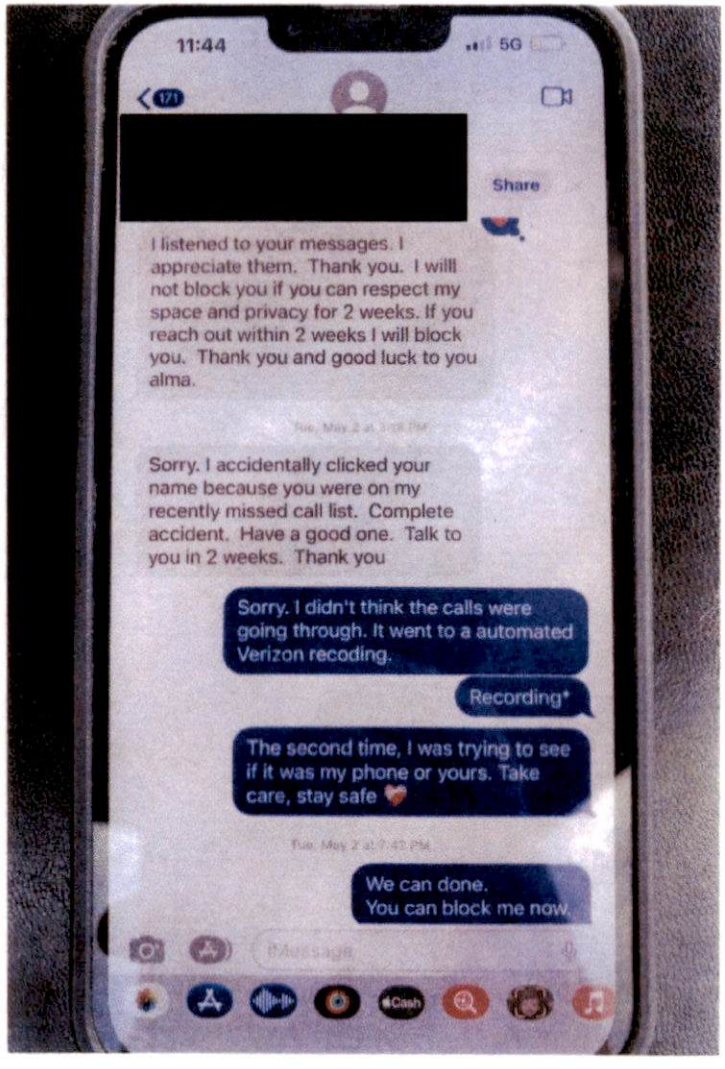

I would love if you could talk to me for a few min please
Everything aside
Please call me
d like to start out by saying I
hope that you are healthy and well. I
do not know what is going on with
ut I hope for the best.
numerous times what
ou need to have proper closure, and
you have yet to give me an answer

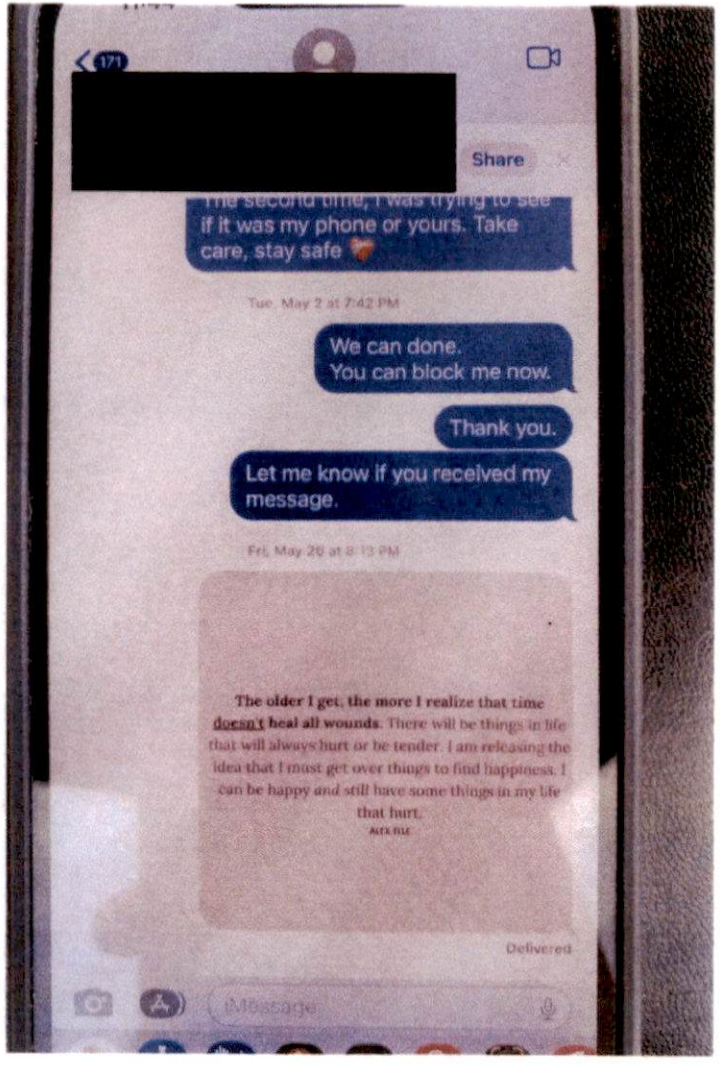

11:44
5G
Share
hope that you are healthy and well. I do not know what is going on with your health, but I hope for the best. I've asked you numerous times what you need to have proper closure, and you have yet to give me an answer.
hopefully closure, I am going to block you. I didn't initially block you because I thought it would be okay, but these nonstop texts and phone calls are too much for ME to handle. If I ever see you in person, I will be friendly and cordial with you. But please do not reach out to me or show up at my house. I will wait for you to acknowledge this text and say what you'd like, and then I will be blocking you. I wish you all the best with everything.
iMessage

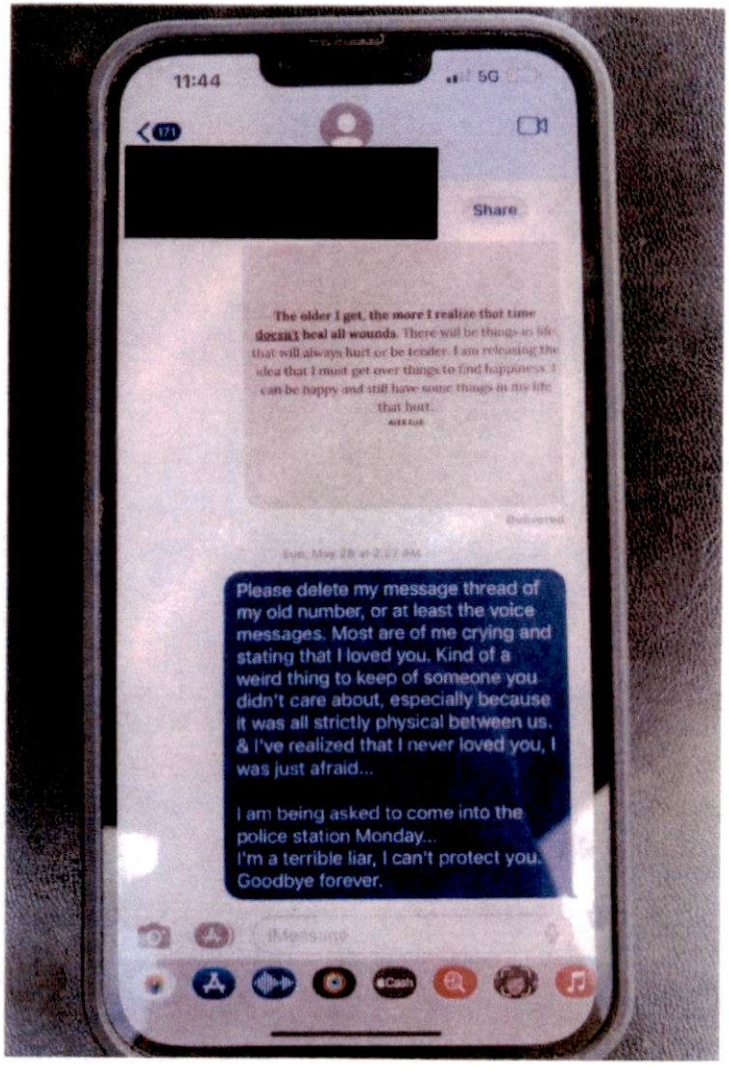

11:44
5G
Share
07:24
Not sure if you Didn't wait for me to acknowledge your text or if I'm not having good service
09:48
06:06
I feel like sending all these IS overwhelming. It's overwhelming for me, I'm sure it's too much for you. So I said in there to please do not block me out like that for life...& what I need from you is to having a calm friendly face face talk, that way I can say what I want to you and be done being upset and hurt over this. I'm not angry at you whatsoever anymore. I haven't txt or called since I left the hospital because I no longer planned
with those nasty text. I knew by this
iMessage

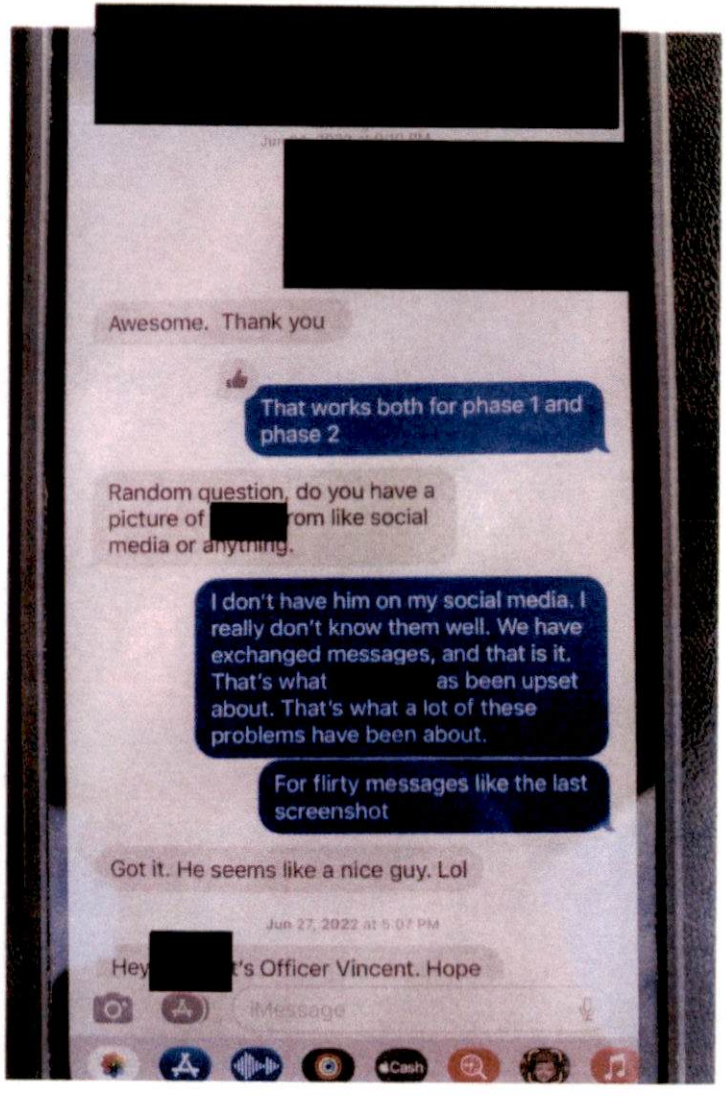

11:44
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Share
[redacted]
calm and got some rest at the hospital I prayed that you would pick up so I could apologize. That's all I wanted to so, that was the first thing I wanted to do as soon as I had enough energy
2 Replies
I'm sad you didn't get to listen to this before it expired. it was a long 14min message of super sweet things about you. Literally my boasting and so much. Now I'm really really sad I sent those horrible text last night, I did because I was also upset about you not listening to it, because it was all good things
[redacted]
Anyway I've already said it and I
[redacted]

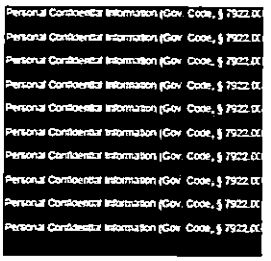

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Share
[redacted]
Anyway I've already said it and I literally died sometime after 5am... I love you. And I want you to be happy
In a week please get back to me about getting together to have that face to face meeting. I promise it will be a good thing for both of us
Goodbye for now. I need lost of rest. My body doesn't feel the same....
I won't be bothering you. So I asked that you don't shut me out or block me out like that. I will be resting a lot the next week or two and of course, focusing on my kids more than ever.
[redacted]
I listened to your messages. I appreciate them. Thank you. I willl not block you if you can respect my space and privacy for 2 weeks. If you reach out within 2 weeks I will block you. Thank you and good luck to you
[redacted]
Message

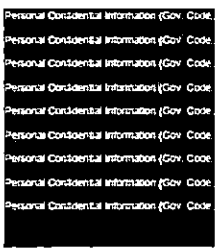

11:44
5G
171
[redacted]
Share
I listened to your messages. I appreciate them. Thank you. I willl not block you if you can respect my space and privacy for 2 weeks. If you reach out within 2 weeks I will block you. Thank you and good luck to you alma.
Sorry. I accidentally clicked your name because you were on my recently missed call list. Complete accident. Have a good one. Talk to you in 2 weeks. Thank you
Sorry. I didn't think the calls were going through. It went to a automated Verizon recoding.
Recording*
The second time, I was trying to see if it was my phone or yours. Take care, stay safe
We can done.
You can block me now.
iMessage

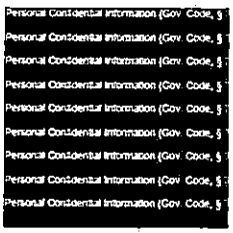

171
[redacted]
Share
if it was my phone or yours. Take care, stay safe
Tue, May 2 at 7:42 PM
We can done.
You can block me now.
Thank you.
Let me know if you received my message.
Fri, May 26 at 8:13 PM
The older I get, the more I realize that time doesn't heal all wounds. There will be things in life that will always hurt or be tender. I am releasing the idea that I must get over things to find happiness. I can be happy and still have some things in my life that hurt.
Delivered
iMessage

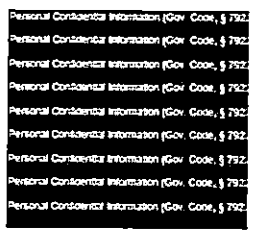

11:44
5G
[redacted]
Share
The older I get, the more I realize that time doesn't heal all wounds. There will be things in life that will always hurt or be tender. I am releasing the idea that I must get over things to find happiness. I can be happy and still have some things in my life that hurt.
Delivered
Please delete my message thread of my old number, or at least the voice messages. Most are of me crying and stating that I loved you. Kind of a weird thing to keep of someone you didn't care about, especially because it was all strictly physical between us. & I've realized that I never loved you, I was just afraid...
I am being asked to come into the police station Monday...
I'm a terrible liar, I can't protect you.
Goodbye forever.
iMessage


[redacted]
Awesome. Thank you
That works both for phase 1 and phase 2
Random question, do you have a picture of [redacted] rom like social media or anything.
I don't have him on my social media. I really don't know them well. We have exchanged messages, and that is it. That's what as been upset about. That's what a lot of these problems have been about.
For flirty messages like the last screenshot
Got it. He seems like a nice guy. Lol
Jun 27, 2022 at 5:07 PM
Hey [redacted] 's Officer Vincent. Hope
iMessage


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CITY OF CHICO MEMORANDUM

TO: Captain J. Struthers

DATE: 8/9/2023

FROM: Lt. O. Peña/ L10 3805

FILE: PCN: 23-016

SUBJECT: Administrative Investigation – Transmittal **CONFIDENTIAL**

OVERVIEW

Officer Michael VINCENT became the subject of this administrative investigation after the reporting party, [redacted], finally reported her complaint of misconduct to California POST. Prior to that report we sought her out given a "reply" she made to a social media post on the Department's social media site. [redacted] made calls to Chico PD's Professional Standards Unit (PSU) and set up appointments, only to no show. Assuming her hesitation to speak with Officer VINCENT's employer, I asked the Butte County District Attorney's Office for assistance in interviewing [redacted], as she had made an allegation of serious misconduct (sexual assault as defined by 832.7 PC (SB2)). During the subsequent investigation it was discovered that Officer VINCENT had a consensual sexual relationship with [redacted], and at least on two occasions engaged in sexual acts with [redacted] while on duty. These encounters were facilitated by VINCENT's use of his department issued cell phone and his assigned patrol vehicle.

Recently, [redacted] has reached out to the Chico Police Department wanting to retract her statement and demanding we stop the investigation.

ALLEGATIONS

Violation of Chico Police Department Policy:

Chico Police Department Policy 339.3.3 (m), General Conduct, engaging in sexual relations while on duty,

Chico Police Department Policy 702.5 (c), Personal Communication Devices, conducting personal business while on-duty,

Chico Police Department Policies 706.2.5 / 706.3.4, Vehicle Use, unauthorized passenger in vehicle.

ANALYSIS

1. **Did Officer VINCENT's contact with [redacted] amount to an engagement in sexual relations while on duty in violation of Policy 339.3.3(m)?**

The allegation made by [redacted] was that Officer VINCENT, while on duty, picked her up in his patrol vehicle on at least 3 occasions, drove her to a secluded location, where she performed oral sex on him.

To answer the question, there are a couple of foundational elements that need to be established. The first, was Officer VINCENT "on-duty" during his contact with [redacted] In reviewing Sgt. DURFEE's investigation, [redacted] couldn't recall the specific dates and time she met VINCENT while on duty; she did say it happened 3-4 times. She did recall he was in his patrol vehicle, that he was wearing a uniform, and he was mindful of the vehicle's computer. She did identify these separately from at least one interaction that occurred while VINCENT was off-duty and they engaged in sexual contact. These details were specific enough that DURFEE corroborated them in his interview with VINCENT.

During Sgt. DURFEE's interview with VINCENT, VINCENT acknowledged he was on duty when [redacted] and he engaged in sexual contact, specifically oral sex. VINCENT only recalled two on-duty incidents and admitted to those.

The second element to establish is whether the conduct with [redacted] amounted to conduct prohibited by the policy. The policy section in question provides a low bar for prohibited conduct. It not only bars sexual relations, but it also specifically doesn't limit that definition to sexual intercourse and goes on to bar excessive displays of public affection or other sexual contact. Certainly, oral sex falls within this definition; even if one was to argue that sexual relations is synonymous for intercourse, the inclusion of "other sexual contact" would capture oral sex as prohibited conduct.

The totality of these facts, and VINCENT's admissions, demonstrate that Officer VINCENT engaged in sexual relations/sexual contact while on duty on at least two occasions, in violation of Chico Police Department Policy 339.3.3(m).

2. **Was Off. VINCENT's sexual contact with [redacted] criminal conduct? Is it sexual assault?**

Having established in the previous question that VINCENT did engage in sexual contact with [redacted], a natural next question is whether this was criminal conduct.

In reviewing this investigation, [redacted] and VINCENT were engaged in a consensual sexual relationship that lasted several months. [redacted] was specifically asked about the nature of the relationship and whether there was ever any *quid pro quo* or expectation; [redacted] denied that to be the case.

In reviewing the text messages that were retrieved during this investigation, there was no evidence suggesting that VINCENT was pressuring or exchanging any influence for the sexual relationship. The messages demonstrated a mutual casual relationship with both parties requesting rendezvous, initiating texts, and meetings.

It appears that [redacted] initiated the contact and pressed for more contact. VINCENT broke off the engagement and [redacted] pursued further contact. When VINCENT began to ignore [redacted], she became more persistent. The discord that was evident from the text messages revolved around VINCENT terminating his contact with [redacted] At no point was there ever an allegation of any unwanted interaction between the two.

Based on this review, the sexual contact between VINCENT and [redacted] was completely consensual and therefore **did not amount to criminal conduct**.

In determining whether this was sexual assault, it's important to distinguish between the specific criminal definition of sexual assault and the definition specifically used to address police officer misconduct. As discussed above, this was a consensual sexual relationship and as such the conduct doesn't meet the criminal definition of sexual assault, that is a specific intent crime.

However, this changes when we look at the definition of sexual assault for purposes of evaluating misconduct.

Penal Code section 832.7(b)(1)(B)(ii) provides the definition of sexual assault for public release of investigative records and defines it as:

As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

This definition is also used for assessing alleged misconduct for decertification reporting pursuant to SB2.

It is the underlined section of this definition that applies to this incident. Based on the investigation, VINCENT admitted engaging in consensual oral sex, while on duty. Although it was consensual, the definition as currently underlined above, makes it such that VINCENT's consensual sexual contact meets the definition of sexual assault.

It appears that this was added to address the circumstances where an officer's position might be the coercive factor in a consensual contact or that the proposition in uniform would be inherently coercive. Although it doesn't seem to intend to address a relationship based sexual contact, the definition as currently written would cover this.

To summarize, VINCENT's conduct of engaging in a consensual sex act while on duty ***did not*** **meet the criminal definition of sexual assault but it *did* meet the definition of sexual assault for the purpose of decertification and for public release of documents**.

3. **Did Off. VINCENT's use of his cell phone for non-official duties, during his interactions with [redacted] and thus violate Chico Police Department policy 702.5 (c)?**

The policy allows for very limited use of a cell phone during on-duty hours. Specifically, the policy provides the exception:

> *".. for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists."*

The investigation showed that the initial contact between [redacted] and VINCENT, to include some text messages exchanged shortly thereafter, were work related. However, there were numerous and extensive exchanges via text messages that were not work related. These exchanges included flirty exchanges, the exchange of risqué pictures, messaging for the purpose of arranging meetings and in one instance for avoiding a supervisor.

This use is not in line with the exception provided and therefore the use of the cellphone was in violation of Chico Police Department Policy 702.5 (c).

4. **Did Off. VINCENT use a Chico Police Department vehicle outside of Chico Police Department Policy 706, sections 706.2.5/706.3.4?**

Chico Police Department Policy 706.2.5 specifically addresses Authorized Passengers in Department vehicles, stating in part:

a. Authorized passengers in departmental vehicles include:
1. *Departmental personnel.*
2. *City of Chico employees.*
3. *Law enforcement personnel from outside jurisdictions.*

4. *Ride-Along program participants.*
5. *Witnesses.*
6. *Arrestees.*
7. *Other citizens transported for a police purpose such as:*
    a. *Citizens involved in disabling vehicle accidents, or whose vehicle has become disabled leaving the citizen afoot when there is no other reasonable means of transportation available.*
    b. *Citizens cited and released by members for a violation requiring they park their vehicle and/or surrender their driver's license.*
8. *Supervisors' approval shall be obtained prior to transporting citizens with consideration for the time of day, location and the citizen's safety.*
9. *Injured persons shall not be transported in departmental vehicles, except in cases of extreme emergency.*
10. *Transportation of children for a police purpose, subject to the following conditions....*

The only two sections that would apply in this instance would be 7 and 8. In section 7, the trips with [redacted] in the vehicle are not covered as section 7 identifies the transport of citizens for a **police purpose**, clearly this was not done for that. Section 8 requires Supervisor approval for the transport of citizens. There was never a request for Supervisor approval in any of the times that VINCENT transported [redacted].

Section 706.3.4 also addresses Authorized Passengers stating:

> *Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.*

Again, under this section, VINCENT's use of his vehicle to transport [redacted] for their sex acts was not a required need in the performance of his duty. It was also not an authorized transport in any of the other sections governing passenger transport.

In summary, VINCENT's transporting of [redacted] in his Departmental vehicle was not within Departmental Policies governing the use of the Department Vehicle therefore violating Chico Police Department Policies 706.2.5 and 706.3.4.

FORMER DISCIPLINE

Sgt. DURFEE reviewed discipline files and did not find any previous discipline for VINCENT.

REVIEW OF PERSONNEL FILE

I reviewed VINCENT's Personnel File and his Watch Commander File, I found the following relevant information:

- Personnel File
  - Evaluations- VINCENT has two (2) yearly evaluations in his file and several probationary. The last two-yearly evaluations and the last probationary all rated VINCENT as "Exceeds Expectations."

- Watch commander File
  - (1) Report of Commendable Action

COLLATERAL ASSIGNMENTS

VINCENT does not currently have any Collateral or Specialty assignments.

REPORTING/PUBLIC RELEASE

13510.8 PC (SB 2) - The allegations against VINCENT, specifically the allegation of sexual assault, ***does*** rise to the definition of serious misconduct and exposes him to decertification. The allegation was reported to POST's POSAD, as required.

832.7 PC (SB 1421) The consensual sexual contact engaged in by VINCENT in this investigation ***does*** meet the standard for SB 1421 release. The definition for what is sexual assault is defined by 832.7(b)(1)(B)(ii) and covers *any* sexual contact on duty.

FINDINGS

1. **Chico Police Department Policy 339.3.3 (m), General Conduct, engaging in sexual relations while on duty,**

   I find this allegation to be: **SUSTAINED**

   Captain Struthers: I ☐ concur ☐ do not concur with this finding.

   _____
   Captain J. Struthers

2. **Chico Police Department Policy 702.5 (c), Personal Communication Devices, conducting personal business while on-duty,**

   I find this allegation to be: **SUSTAINED**

   Captain Struthers: I ☐ concur ☐ do not concur with this finding.

   _____
   Captain J. Struthers

3. **Chico Police Department Policies 706.2.5 / 706.3.4, Vehicle Use, unauthorized passenger in vehicle.,**

   I find this allegation to be: **SUSTAINED**

   Captain Struthers: I ☐ concur ☐ do not concur with this finding.

   _____
   Captain J. Struthers

RECOMMENDATIONS

I recommend this transmittal be forwarded to Captain Struthers for further action and review.

Respectfully Submitted,

_____

Lt. O. Peña L10/3805

CITY OF CHICO MEMORANDUM

TO: Officer Michael Vincent **DATE:** 6/9/2023

FROM: Sergeant Peter Durfee **FILE:** IA# 23-0016

SUBJECT: Return to Duty

You are released to full duty effective 6/9/2023. The administrative investigation into this matter is ongoing however at this point it is not necessary for you to remain on administrative leave.

You are reminded that administrative investigations are confidential. You are strongly encouraged not to discuss this administrative investigation or contact any complainant, witness, or officer involved in the incident, except for myself, your representative and /or attorney, or the appropriate individual in the chain of command.

Additionally, I have attached Chico Police Department Policy 339 (Standards of Conduct), Policy 702 (Personal Communication Devices), and Policy 706 (Vehicle Use). By signing this memorandum, you are acknowledging receipt and understanding of the attached policies.

Sergeant Peter Durfee
Professional Standards

Received by:

Officer Michael Vincent Date

RLS RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

Julia D. Fox
Attorney at Law
JFox@RLSlawyers.com

October 30, 2023

VIA ELECTRONIC MAIL [BILLY.ALDRIDGE@CHICOCA.GOV] & FIRST-CLASS MAIL

Billy Aldridge
Chief of Police
Chico Police Department
1460 Humboldt Road
Chico, CA 95928

Re: *Skelly* Hearing Request and Request for Materials for Officer Michael Vincent

Dear Chief Aldridge:

As you are aware, we represent members of the Chico Police Officers' Association in various matters. Specifically, I represent Officer Michael Vincent in his pending disciplinary matter. This letter is intended to formally request that Officer Vincent be provided with a predisciplinary "*Skelly*" hearing. (*Skelly* v. *State Personnel Board* (1975) 15 Cal.3d 194.)

I am also requesting all materials associated with this investigation and those that the Department relied upon to make a disciplinary determination. *Skelly* v. *State Personnel Board* requires that a public employee be provided with all materials underlying any proposed disciplinary action prior to engaging in a pre-disciplinary hearing.

In addition to the items requested, I am specifically requesting:

(1) a copy of all recorded interviews made during this IA investigation and their transcripts if they exist;

(2) all video and audio recordings related to this investigation;

(3) a copy of any Chico Police Department reports related to the cases giving rise to this IA;

(4) a copy of the IA investigator's raw notes;

(5) all rules and regulations at issue, i.e. the sustained policy violations;

(6) copies of previously documented incidents of discipline;

(7) all materials referenced in the Internal Affairs report, if not previously provided.

Please reach out to my paralegal at mvancil@rlslawyers.com for scheduling or advise whom at the Department we should contact to begin the scheduling process. Thank you for your attention in these matters. I look forward to receiving the requested items as soon as possible. Do not hesitate to contact me should you have any questions or concerns.

Sincerely,

RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

Julia D. Fox

JDF:msv

cc: Michael Vincent

CITY OF CHICO MEMORANDUM

TO: Officer M. Vincent DATE: 10/23/2023

FROM: Captain J. Struthers PCN: 23-16

SUBJECT: NOTICE OF INTENDED DISCIPLINE

You are hereby notified it is my recommendation to suspend you for one hundred and sixty (160) hours from your position as a police officer with the City of Chico. Additionally, you will receive a written reprimand that will be attached to your personnel file for four (4) years. You will not be removed from any collateral assignments as a direct result of this investigation.

CHARGES

Chico Police Department Policy 339.3.3 (m), General Conduct, engaging in sexual relations while on duty,

Chico Police Department Policy 702.5 (c), Personal Communication Devices, conducting personal business while on-duty,

Chico Police Department Policies 706.2.5 / 706.3.4, Vehicle Use, unauthorized passenger in vehicle.

The reason for this action is:

Your conduct perfectly highlights the disconnect between the community's expectation of conduct, legislator's intent behind criminal justice reform, and POST's facilitation of said laws. Your conduct was not illegal, but rather extremely undesirable. Although not a single fact alludes to criminal misconduct, your actions represent a serious breach of the public's trust and are unbecoming of your position. You admittedly engaged in consensual sexual acts with a person you met while serving in an official capacity, those acts were carried out while on-duty, and aided by the abuse of your department issued cell phone and patrol car. There is a stark distinction between 'confidential' police matters and 'clandestine' activities. Your conduct can't stand up to the light of transparency and will not be tolerated by this organization (or our profession). As with all disciplinary matters a balance test of punitive action, prevention, and rehabilitation must be considered. A three-week suspension is serious punitive action, and any further conduct of this nature shall be met with equal or greater punitive up to and including termination. A four-year letter of reprimand is specifically targeted at prevention. For rehabilitation you are ordered to attend a POST certified "Ethics In Law Enforcement" class, to be scheduled at the Department's earliest convenience.

YOUR RIGHT TO RESPOND T THIS NOTICE OF INTENT

You have the right to respond to this notice withing the next fifteen (15) days either in person by meeting with the Chief, or in writing, addressed to the Chief, prior to the disciplinary action being taken. If you choose to appear in person, you must schedule an appointment with the Skelly Officer by contacting Administrative Specialist Crystal Peppas, at (530) 897-4957, no later than 4:30 PM on 11/07/2023.

You have the right to have a representative of your choice at any disciplinary conferences or proceedings.

If you fail to respond within the time frame specified, this recommended disciplinary action will be imposed on the date specified above.

Respectfully,

Date: 10/23/2023

J. Struthers
Captain

Received by:

Date: 10/23/2023

M. Vincent
Officer

Attachments:

- USB Drive: digital copy of investigation PCN 23-016

CITY OF CHICO MEMORANDUM

TO: OfficerMichael Vincent

DATE: February 26, 2024

FROM: Chief Billy Aldridge

FILE: PCN 23-16

SUBJECT: Notice of Final Discipline

We met in a *Skelly* Conference on February 20, 2024 at 1400 Hours. You, along with your representative, Julia Fox, were in attendance. Captain Jeramie Struthers was present for the Chico Police Department. During the conference, the following points were addressed:

- Policy Violations
- Suspension Time
- Personal choices leading to these violations
- Request to be involved in the current SWAT testing
- Eligibility for Detective assignment

After carefully considering your oral response on February 20, 2024 to the Notice of Intent to Discipline Letter dated October 23, 2023 I have decided that it is appropriate to adjust your proposed final discipline. <u>You will receive the following discipline:</u>

- You will receive a suspension without pay for a period of eight (8) duty days for a total of 80 hours. The use of any paid time accruals will not be allowed in exchange for any unpaid suspension. This time off will be determined by your Watch Commander.

- You will be removed from the current eligibility list for a Detective assignment for a minimum of one year.

- You will receive a Letter of Reprimand for these violations to be placed in your Police Department Personnel File (PDPF). The record shall include a notation that any future incidents of a similar nature such as that which was the focus of this investigation could result in significant disciplinary action or termination of your employment from the City of Chico. This Letter of Reprimand will remain within your PDPF for four years from the date of issue.

- You will attend a POST certified "Ethics In Law Enforcement" course at the date of choosing from the Chico Police Training Unit.

- The effective date for the final discipline will be February 26, 2024.

I have reduced the recommended discipline based on several factors. First, you admit to poor decision making and own your mistakes fully. In addition, you pointed out your past performance while at Chico Police Department with no disciplinary issues.

The authority for and charges upon which this action is based are:

1. City of Chico PERRs
    a. 2R.72.150.D.14 – Causes for Disciplinary Action.

2. Chico Police Department Policy Manual
    a. 339.3.3(m) – General Conduct, engaging in sexual relations while on duty.
    b. 702.5(c) – Personal Communication Devices, conducting personal business while on-duty.
    c. 706.2.5 / 706.3.4 – Vehicle Use, unauthorized passenger in vehicle

I have sustained all allegations outlined in the Notice of Intended Discipline. Your lack of decision making and unethical behavior are not in line with my expectations nor the expectations of the community we serve. This has created a breach of trust and is the sole reason why we have legislative changes resulting in SB 1421.

SUSTAINED You, Officer Michael Vincent, were in violation of the Chico Police Department Policy Manual listed in this memorandum, Chico PERRS, Allegations #1 through #2 (2R.72.150.d.14, 339.3.3(m), 702.5(c), 706.2.5, and 706.3.4). You are hereby reprimanded for the listed actions and this final letter of discipline will serve as your official Letter of Reprimand for your PDPF for four years.

YOUR RIGHT TO RESOND TO THIS DISCIPLINARY ACTION
Pursuant to 2R.72.150. J. of the PERRs, you have the right to respond to this notice **within the next fifteen (15) days** to the Director of Human Resources, in writing, requesting such appeal and hearing.

You have the right to have a representative of your choice at any disciplinary conferences or proceedings.

Chelsea Phebus, Human Resources Director
Director Name/Title

Billy Aldridge
Chief of Police
Chico Police Department

2-26-24
Date

Officer Michael Vincent

2/26/24
Date

CITY OF CHICO MEMORANDUM

COPY

TO: [redacted] DATE: 6/6/2023

FROM: Sergeant Peter Durfee FILE: IA# 23-0016

SUBJECT: Witness to Administrative Investigation Notification

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You have been identified as a witness in an administrative investigation. Specifically, it is believed that you may have pertinent information regarding an incident involving Officer Michael Vincent. It is not believed that that you are or may be a principal in the investigation. However; if you have reasonable belief at this time or any time in the future that you are or may be a principal, please advise me.

You are going to be interviewed regarding this incident. **You are directed to meet with me on June 8, 2023, at 1400 hours in the Chico Police Professional Standards office.**

Administrative investigations are confidential. It is strongly encouraged that you do not discuss this administrative investigation or contact any complainant, witness, or officer involved in the incident, except for myself, your representative and /or attorney, or the appropriate individual in the chain of command.

If you have any questions about this memo or the process related to this investigation, please do not hesitate to contact me.

Sergeant Peter Durfee
Professional Standards

Issuance information:
On June 6, 2023 at 1335 hours hours, I, Sergeant Peter Durfee contacted CSO Alyssa Varao via telephone and told her about this memorandum. It was given to her prior to the interview

CHICO POLICE DEPARTMENT

ADMINISTRATIVE INTERVIEW ADMONITION

The date of this interview is June 8, 2023. The time is 1400 hours. The location is the City of Chico Police Department Professional Standards Unit office.

This investigation is being conducted by Sergeant Peter Durfee.

Present in the room is myself and Community Service Officer Alyssa Varao.

This interview is in reference to IA# 23-0016, in which it is believed that you may have pertinent information. Although it is not believed that you are or may be a principal in the investigation, if you have reasonable belief at this time or any time in the future that you are or may be a principal, please immediately advise me so we can stop this interview.

This interview is being recorded. You are reminded of the Chico Police Department Policy 340.3.6, regarding Rules of Conduct as it relates to honesty and an employee providing false or inaccurate information in a report, investigation or testimony. You are admonished that you are to answer all questions asked of you completely, that all your answers are to be truthful, and that knowingly making false or misleading statements during this interview will be considered an offense that could result in discipline up to and including termination. Do you understand this admonishment?" *(Verbal response is needed.)*

NOW BEGIN THE INTERVIEW, making sure to address all issues and concerns thoroughly.

The ending time is 1404 hours.

CHICO POLICE DEPARTMENT:

CITY OF CHICO MEMORANDUM

TO: Case File IA# 23-0016 DATE: 3/6/2024

FROM: Sergeant Peter Durfee FILE: IA# 23-0016

SUBJECT: Mark 43 Reporting

On March 6, 2024, IA# 23-0016 was updated to Peace Officers Standard in Training via the online Mark 43 portal. The investigation was closed, and the final disposition was classified as SUSTAINED.

Sergeant Peter Durfee
Professional Standards Unit

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Chico Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on duty subject to the following conditions:

(a) Carrying an individually-owned personal communication device is optional.

(b) The device shall be purchased, used and maintained at the employee's expense.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance). The passcode to any department issued or funded PCD will be set by the PCD administrator and shall not be changed.

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702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty,work related performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

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(f) Members will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.7 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Chico to provide assigned take-home vehicles.

706.2 POLICY

The Chico Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.2.1 SHIFT ASSIGNED VEHICLES

(a) Personnel assigned to field duties shall log into the in-car computer, providing the required information prior to going on duty, if practical. If the vehicle is not equipped with a working in-car computer, they shall notify Communications for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

(b) The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

(c) Vehicle Inspection:

1. Members and employees shall thoroughly inspect their assigned vehicles prior to going in-service.
2. Damage or needed repair or service shall be reported immediately to the shift supervisor and documented as appropriate.
    (a) Upon being notified of fresh or unreported damage, the shift supervisor shall personally inspect the vehicle.
    (b) If the damage is serious enough to warrant it, the shift supervisor shall initiate an investigation to be made into its origin. The investigation's conclusions shall be submitted to the Division Commander in writing.
    (c) Whenever vehicle damage is found and has not been properly reported, it shall be the last member/employee using the vehicle that will be assumed responsible for the damage.

706.2.2 OTHER DUTY VEHICLE USE

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the on-duty supervisor of the reasons for use, such as travel to court. A notation will be

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made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives).

706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.4 CRIMINAL INVESTIGATIONS SECTION VEHICLES

(a) Criminal Investigations Section vehicle use is restricted to detective personnel unless approved by the Criminal Investigations Lieutenant or a Detective Supervisor. Vehicles not being utilized by detective personnel will generally be made available to other department personnel unless unusual circumstances exist.

(b) If unmarked vehicles of the Criminal Investigations Section are necessary to accomplish a patrol mission after hours approval must be granted by the patrol shift supervisor. Use of Criminal Investigations Section vehicles shall be for a specific criminal investigative purpose.

(c) "On-call" Criminal Investigations Section members may take an unmarked vehicle home at the end of their shift due to their "on-call" status.

706.2.5 AUTHORIZED PASSENGERS

(a) Authorized passengers in departmental vehicles include:

1. Departmental personnel.
2. City of Chico employees.
3. Law enforcement personnel from outside jurisdictions.
4. Ride-Along program participants.
5. Witnesses.
6. Arrestees.
7. Other citizens transported for a police purpose such as:
   (a) Citizens involved in disabling vehicle accidents, or whose vehicle has become disabled leaving the citizen afoot when there is no other reasonable means of transportation available.
   (b) Citizens cited and released by members for a violation requiring they park their vehicle and/or surrender their driver's license.
8. Supervisors approval shall be obtained prior to transporting citizens with consideration for the time of day, location and the citizen's safety.
9. Injured persons shall not be transported in departmental vehicles, except in cases of extreme emergency.
10. Transportation of children for a police purpose, subject to the following conditions:

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(a) Transportation of infants/toddlers shall occur in a manner that complies with the Vehicle Code as it relates to child passenger safety seats. If a child passenger seat cannot be properly installed in a vehicle, that vehicle shall not be used to transport a child.

(b) No child under the age of twelve (12), including infants/toddlers in child passenger safety seats, shall be transported in the front passenger seat of a vehicle if that vehicle is equipped with a passenger side air bag.

706.2.6 UNATTENDED RUNNING VEHICLES

Leaving the engine of a Chico Police Vehicle running for an extended period can be detrimental to the vehicle, is an unnecessary use of fuel, can reduce the operational life of the vehicle and in some situations can be a security risk. Drivers or persons in charge of Police vehicles shall ensure that the vehicle engine is turned off and the vehicle is secured when the vehicle is unattended. This policy shall apply regardless of whether the vehicle is parked at the Police facility or in the field.

Exceptions:

This policy does not apply when the vehicle must be left running due to a concern for the safety of any occupants of the vehicle (to include animals) or to ensure that necessary emergency lighting is activated as appropriate for the situation. This policy does not apply when the driver or person in charge of the police vehicle is in the immediate vicinity of the vehicle such as during a traffic stop or other enforcement action. This policy shall not restrict or preclude any officer(s) from engaging in enforcement action if outside of an unattended and running Police vehicle and may draw the officer away (such as a foot pursuit or emergent situation).

706.2.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.2.8 OPERATION OF DEPARTMENT VEHICLES

(a) Seat belts shall be utilized whenever a departmental vehicle is in operation.

(b) Members and employees operating departmental vehicles on a routine basis shall exemplify the best driving techniques, strictly complying with the Vehicle Code.

(c) Departmental vehicles shall not be:

1. Used to push other vehicles except in emergency or hazardous situations and then only far enough to abate the hazard. Caution must be exercised to preclude activation of airbags.
2. Used to jump-start other vehicles by use of the battery.
3. Used to tow other vehicles.

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4. Towed, except by authorized equipment.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

706.3.2 TRAFFIC UNIT VEHICLES

(a) Traffic Unit vehicles are permanently assigned to members of the Traffic Unit.

(b) Traffic Unit vehicles should not be used by other members except with supervisory approval.

706.3.3 CANINE UNIT VEHICLES

(a) Canine Unit vehicles are permanently assigned to members of the Canine Unit.

(b) Canine Unit vehicles shall not be used by other members except in emergency situations, and then only with supervisory approval.

(c) Canine patrol units may be taken home by the assigned Canine Officers. Take-home vehicles are to be used for official business only, and may not be used for personal business. Use must be within the provisions of City of Chico AP&P 11-28.

706.3.4 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.6 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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706.3.7 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.8 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.9 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing (City Property Damage or Loss form) through the employee's chain of command.

706.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

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(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Chico City limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

706.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Chico is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Chico may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Captain gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Captains and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Captains.
4. When the vehicle is being used by the Chief of Police, Captains or members who are in on-call administrative positions.

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5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

706.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Chico Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department.

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Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Operations Captain.

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706.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Standards of Conduct

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Chico Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

339.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

339.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

339.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the

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opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

If necessary, the person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

339.3.2 CONDUCT TOWARDS OTHERS

(a) Constitutional rights exercised by persons in a peaceful and lawful manner shall be protected.

(b) Rude, threatening, harsh, insulting, profane, insolent or demeaning language shall be avoided. A professional bearing shall be maintained regardless of provocation to do otherwise.

(c) Name and badge number shall be provided to any citizen who seeks such identification.

(d) Reasonable requests from the public shall be attended to quickly and accurately, avoiding unnecessary referral to other parts of the department.

(e) All persons should be addressed by their appropriate title followed by their last name, unless they are known personally or are very youthful.

(f) Superior officers, subordinates and peers shall be treated with respect, maintaining courtesy and civility at all times in their relationships with one another.

(g) When on duty and in the presence of others, superior officers should be referred to by rank title.

(h) Orders from superior to subordinate members and employees shall be given in a civil manner, without the use of profane or derogatory language.

(i) Loyalty to the Department and to associates is an important factor in Departmental morale and efficiency. Members and employees shall maintain a loyalty to the Department and their associates as is consistent with this policy.

(j) All members and employees are strictly charged with establishing and maintaining a high level of cooperation within the department.

(k) All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

(l) Within the City of Chico, while on duty, members shall at all times take action whenever necessary to:

- Protect life and property.
- Preserve the peace.
- Prevent Crime.

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- Detect and arrest violators of the law.
- Assist persons in emergency situations.
- Enforce federal, state, and city laws and ordinances within departmental jurisdiction.

339.3.3 GENERAL CONDUCT

(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(c) Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d) Engaging in horseplayresulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-departmental business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in criminal prosecution and/or discipline under this policy (Penal Code § 146g).

(j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.

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

(l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.

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

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339.3.4 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

(b) Any member or employee who has knowledge that another member or employee has engaged in discriminatory or racist acts is strictly charged with the responsibility for reporting the fact to his/her supervisor, command officer or to the Chief of Police.

339.3.5 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

339.3.6 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

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

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

(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 position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

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(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.

(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.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(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.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of departmental property or the property of another person.

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

(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.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.

(r) Substantiated, active, continuing association with or membership in organized crime and/or criminal syndicates with knowledge thereof, except as specifically directed and authorized by the Department.

(s) Offer or acceptance of a bribe.

(t) The Chief of Police, at his/her discretion, can authorize the acceptance of gifts of appreciation by members of the department from members of the public to include

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individuals, businesses and institutions. The acceptance of gifts of appreciation will be limited by the Chief of Police as to quantity, value and/or duration. No gifts shall be accepted by any member of the department without prior approval of the Chief of Police.

(u) Misappropriation or misuse of public funds.

(v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(w) Unlawful gambling or unlawful betting on department premises or at any work site.

(x) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(y) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(z) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(aa) Violating any misdemeanor or felony statute.

(ab) 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.

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

(ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

(ae) 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.

339.3.7 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

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(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating departmental safety standards or safe working practices.

339.3.8 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

339.3.9 SUPERVISOR RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and with all laws.

(b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

339.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

339.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action

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for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

339.5.1 ETHICS

(a) Using or disclosing one's status as a member of the Chico Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

339.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This *Skelly* response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the *Skelly* response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

(f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police

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determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

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