

County of Santa Clara
Office of the Sheriff
Internal Affairs Unit



55 West Younger Avenue
San Jose, California 95110-1721
PH: (408) 808-4931 FX: (408) 279-3596

Laurie Smith
Sheriff

MEMORANDUM

To: Assistant Sheriff T. Beliveau
From: Lieutenant N. Valenzuela
Date: March 22, 2016
Subject: Statement of Findings Review IAU 2015-037

The Internal Affairs Unit has completed the attached Internal Affairs investigation IA #2015-027 It is necessary for the Statement of Findings to be reviewed by a Division Commander, a Division Captain and a Division Lieutenant.

Please review the Statement of Finding and note CONCUR or DO NOT CONCUR with the findings regarding Correctional Deputy Rene Lucero:

Merit System Rule A25-301(a)(1)	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
Merit System Rule A25-301(b)(1)	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
Merit System Rule A25-301(b)(2)	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
DOC Policy 3.31.IV.B	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
DOC Policy 3.31.IV.G	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
DOC Policy 3.31.IV.J.1.a	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
DOC Policy 3.31.IV.J.9.a	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
DOC Policy 1.05	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
DOC Policy 1.35	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding
DOC Standards of Performance	- <input checked="" type="checkbox"/> Concur with finding	<input type="checkbox"/> Do not concur with finding

Santa Clara County Code of Ethical Conduct

- Concur with finding

Do not concur with finding

Santa Clara County BOS Policies on Harassment and Discrimination

- Concur with finding

Do not concur with finding

Chief's Policy Statement Regarding Sexual, Racial and Other Harassment or Aspersions

- Concur with finding

Do not concur with finding

Assistant Sheriff T. Beliveau:

T. Beliveau

Date: March 22, 2016

In Review:

Capt. Heilman

Capt. Sepulveda

Det. Taylor

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MEMORANDUM

To: Captain M. Doty - Personnel and Training

From: Lt. N. Valenzuela - Internal Affairs

Date: March 28, 2016

Subject: IA 2015-037 One-Year Time Limit

Involved Employee: Correctional Deputy Rene Lucero

This memo is intended to serve as a guide for the time line outlined in POBAR and California Government section 3304(d), which reads in part:

No punitive action shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that year.

California Government section 3304(d) does list some exceptions, which can be referred to for extenuating circumstances.

The Sheriff's Office became aware of this matter on June 12, 2015 which starts the one-year time limit.



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MEMORANDUM

To: Personnel and Training

From: Assistant Sheriff T. Beliveau
Chairman, Discipline Review Board

Date: March 28, 2016

Subject: Discipline Action, IA 2015-0037

It is the recommendation of the Sheriff's Office Discipline Review Board that the following action/s shall take place regarding Internal Affairs Investigation IA 2015-037, involving Correctional Deputy Rene Lucero.

1. *Termination effective: March 28, 2016
2. *Demotion to the rank of: _____ Effective: _____
3. *Suspension for the period of: _____
commencing on or about: _____
4. *Written reprimand and/or counseling.
5. Verbal reprimand and/or employee counseling.
6. "Employee Unfavorable Report" to be completed no later than: _____
for non-badge personnel.
7. Additional information: _____

I concur with the above recommendation.

Reviewer

In Review: Cpt. M. Doty, Cpt. K. Heilman, Cpt. B. Hoyt, Cpt. D. Sepulveda, Lt. E. Taylor and
Lt. N. Valenzuela.

* Send to the Commander of Personnel and Training Division for Statement of Charges and Notice to Terminate, Demote, or Suspend.