

CITY OF VENTURA

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# POLICE DEPARTMENT

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**Date:** 11/07/17

09-09-16

**To:** Case file

**From:** Commander Ryan Weeks

**Subject:** 2017-INT-0009- Summary

## Summary

On 10/08/17, Officers Hartson and Hrynyk responded to [redacted] regarding a domestic disturbance. The reporting party, [redacted] indicated to the command center that her fiancée had kicked her and was attempting to force her to have sex.

Officers Hartson and Hrynyk contacted [redacted] who stated that her fiancée was attempting to force her to have sex with him. During a struggle, he tore her shirt and kicked her in the hip area. She informed the officers that she could provide them with the torn shirt.

Officers Hartson and Hrynyk also contacted the disturbing party, [redacted] who was lying in his bed. [redacted] denied that he did anything to [redacted] however, he did indicate that she hit him with an object on his upper arm.

After speaking with both parties, the officers suggested that [redacted] find another location to sleep for the evening. [redacted] left the residence for the evening and the officers left the location. Officer Hartson filed a Domestic Disturbance Incident Report on a card designed for reporting verbal disturbances only. On the card, Officer Hartson indicated that the incident was "verbal only".

On 10/12/17, Officers Alvarado and Prater responded to [redacted] residence regarding another disturbance. On that date, [redacted] alleged the same types of crimes, indicating that [redacted] demanded sex from her and kicked her. Officer Prater eventually arrested [redacted] for 243(e)(1) PC and booked him at the Ventura County Jail for the incident that took place on 10/12/17.

On 10/23/17, Commander Arroyo received a voicemail message from DA Investigator Sonia Sanchez. Sanchez indicated that she had been contacted by [redacted] who was alleging that Ventura Police Department Officers failed to investigate her sexual assault allegations when they contacted her in the early morning hours of 10/08/17. Commander

Arroyo forwarded the voicemail to Sergeant Cain, who contacted Sanchez and began looking into the call for service. Sergeant Cain viewed the body worn video from Officer Hartson from the evening of 10/08/17. After reviewing the video and finding that Officer Hartson filed a "verbal only" incident report, he contacted Commander Higgins and informed him of the circumstances. Commander Higgins then forwarded the information to Professional Standards for investigation.

Ventura Police Department Detectives took over the investigation and began following up on the incident that took place on 10/08/17. I began an administrative investigation into the actions of Officers Hartson and Hrynyk.

It should be noted that the call for service occurred at reason, Officers Hartson and Hrynyk listed narratives.

. For an unknown as the location in their report

17-13332

VENTURA POLICE DEPARTMENT  
DOMESTIC DISTURBANCE INCIDENT REPORT  
USE ONLY FOR VERBAL DOMESTICS  
(In Accordance with 13730 (c) PC)

Case# 17-13332  
Beat 3

Date of Incident 10-01-17 Time of Incident 0043 Location

INVOLVED PARTY NO 1  
Last Name First Name Middle  
DOB Home Address Phone  
ID/CDL Work Address Phone  
HBD Alcohol YES/NO UI Drugs YES/NO

INVOLVED PARTY NO 2  
Last Name First Name Middle  
DOB Home Address Phone  
ID/CDL Work Address Phone  
HBD Alcohol YES/NO UI Drugs YES/NO

VPD 702 12-03

RELATIONSHIP BETWEEN PARTIES

☐ Spouse ☒ Cohabitant ☐ Parents of Same Child  
☐ Former Spouse ☐ Former Cohabitant ☒ Dating or Former Dating

Primary Aggressor: Party # 2 Mutual Unable to Determine

Previous Response to Same Address: YES/NO  
Previous Response to Same Abuser: YES/NO  
Children Present: YES/NO If "Yes" Provide Name(s) Age(s) in Comments Section

COMMENTS/ADDITIONAL INFORMATION

PL HAD BEEN DRINKING AND ASKED PL TO HAVE SEX WHEN PL REFUSED PL GOT MAD AND RAISED VOICE VERBAL ONLY REMAIN LEFT FOR NIGHT

CHECK WHERE APPLICABLE

☒ NO VIOLENCE ☒ NO CRIME ☒ NO THREATS OF VIOLENCE  
☐ DV INFORMATION SHEET PROVIDED ☐ AUDIOTAPED ☒ NO COURT ORDER VIOLATION

Officer HANSON ID Number 403 Supervisor Initials

VPD 702 12-03

**Incident Brief Report**

Incident #: 17100800071959

**Summary**

Address:

Loc Name:

Loc Descr:

Apt/Unit:

Status: Closed

Created: 00:43:42 10/8/2017

Inc Type: DOMEST

Mod Circ:

Priority: 2

Area: PAT

Beat: B3

Report #: 1710080013332 (VE/3C1)

Disposition: RTF/DVIR FILED FOR ARGUMENT (VE/3C1),AST (VE/3K)

**Dispatch**

Unit(s): VE/3C1 (Officers: Hartson Brian) (Primary), VE/3K (Officers: Hrynyk Trevor)

**Comments**

01:28 39 10/8/2017 403 MDC41

[DISPO RTF(VE/3C1)] DVIR FILED FOR ARGUMENT

00:58 20 10/8/2017 p506 CW07

(PER 1) : CLR / CDL VLD

00:43:42 10/8/2017 p521 CW03

DOMESTIC BTWN RP AND FIANCEE, RP ADVISED DP KICKED HER AND IS TRYING  
 TO FORCE HER TO HAVE SEX, NO MED REQ. DP IS HBD COULD BE HEARD YELLING IN THE BACKGROUND  
 THAT RP WAS LYING.

**Persons**

Name:

Role: ORIG RP

Address:

Apt/Unit:

Phone:

Contact?: Yes

Gender:

DOB:

Race:

Age:

Height:

Bldg:

Hair:

Weight:

Eyes:

License #:

Misc CLR / CDL VLD

**Vehicles**

CITY OF VENTURA

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# POLICE DEPARTMENT

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Date: 11/07/17

09-09-16

To: Case file

From: Commander Ryan Weeks

Subject: 2017-INT-0009- Summary

## Summary

On 10/08/17, Officers Hartson and Hrynyk responded to [redacted] regarding a domestic disturbance. The reporting party, [redacted] indicated to the command center that her fiancée had kicked her and was attempting to force her to have sex.

Officers Hartson and Hrynyk contacted [redacted] who stated that her fiancée was attempting to force her to have sex with him. During a struggle, he tore her shirt and kicked her in the hip area. She informed the officers that she could provide them with the torn shirt.

Officers Hartson and Hrynyk also contacted the disturbing party, [redacted] who was lying in his bed. [redacted] denied that he did anything to [redacted] however, he did indicate that she hit him with an object on his upper arm.

After speaking with both parties, the officers suggested that [redacted] find another location to sleep for the evening. [redacted] left the residence for the evening and the officers left the location. Officer Hartson filed a Domestic Disturbance Incident Report on a card designed for reporting verbal disturbances only. On the card, Officer Hartson indicated that the incident was "verbal only".

On 10/12/17, Officers Alvarado and Prater responded to [redacted] residence regarding another disturbance. On that date, [redacted] alleged the same types of crimes, indicating that [redacted] demanded sex from her and kicked her. Officer Prater eventually arrested [redacted] for 243(e)(1) PC and booked him at the Ventura County Jail for the incident that took place on 10/12/17.

On 10/23/17, Commander Arroyo received a voicemail message from DA Investigator Sonia Sanchez. Sanchez indicated that she had been contacted by [redacted] who was alleging that Ventura Police Department Officers failed to investigate her sexual assault allegations when they contacted her in the early morning hours of 10/08/17. Commander

Arroyo forwarded the voicemail to Sergeant Cain, who contacted Sanchez and began looking into the call for service. Sergeant Cain viewed the body worn video from Officer Hartson from the evening of 10/08/17. After reviewing the video and finding that Officer Hartson filed a "verbal only" incident report, he contacted Commander Higgins and informed him of the circumstances. Commander Higgins then forwarded the information to Professional Standards for investigation.

Ventura Police Department Detectives took over the investigation and began following up on the incident that took place on 10/08/17. I began an administrative investigation into the actions of Officers Hartson and Hrynyk.

It should be noted that the call for service occurred at [REDACTED]. For an unknown reason, Officers Hartson and Hrynyk listed [REDACTED] as the location in their report narratives.

CITY OF VENTURA

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# POLICE DEPARTMENT

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Date: 12-28-17

**To: Case file**

**From: Commander Ryan Weeks**

**Subject: 2017-INT-0009- Hartson Interview**

On December 28<sup>th</sup>, 2017 at about 0815 hours, I called Officer Hartson into my office in order to serve him with an advisement that I was beginning an administrative investigation involving him. I explained to him that I would be investigating some allegations of department policy violations. I explained that it was regarding a domestic violence incident he responded to on October 8, 2017, and that I planned to interview him about the incident on January 4, 2018. Officer Hartson told me that he would be willing to talk to me right then without an attorney or representative. I informed him that we could do the interview right then if he so desired. He mentioned that he wanted to do the interview then, so I told him to stand by for approximately ten minutes and then we would begin the interview.

On December 28<sup>th</sup>, 2017 at 0830 hours, Sergeant Fournell and I interviewed Officer Brian Hartson in the Professional Standards Conference Room. I advised him that I would be the primary investigator and Sergeant Fournell would be the secondary investigator. I also explained to him that he was being interviewed as an accused employee and I intended to interview him about an allegation of administrative misconduct; therefore, his Miranda rights would not be read to him. Officer Hartson said he understood.

I advised Hartson of his right to have an attorney or representative present. He elected to waive the right to have an attorney or employee representative present during the interview.

The interview was audio recorded. The following is a summary of the interview, which is not verbatim, nor is it in sequential order. Refer to the recorded interview for further details.

Officer Hartson told me essentially the following:

On October 8, 2017, Officer Hartson was on-duty as a patrol officer. Between the hours of 0200-0400, he responded to a call for service of a domestic disturbance at . Hartson remembered the call coming out as a domestic violence argument and he responded with Officer Hrynyk. They arrived at the residence and

contacted \_\_\_\_\_, who met them at the front door. She invited them into the residence and then she sat down in a chair in the living room. \_\_\_\_\_ advised the officers that she was involved in an argument with her boyfriend. \_\_\_\_\_ informed the officers that the argument occurred at a family member's house in Oxnard or Port Hueneme earlier in the evening. \_\_\_\_\_ went on to tell them that she and her boyfriend were involved in an altercation and that her shirt was ripped during the altercation. \_\_\_\_\_ held up a shirt to show the officers. Hartson asked her if she was hurt in any way and she replied that she was not.

\_\_\_\_\_ informed the officers that her boyfriend, \_\_\_\_\_, was drunk and passed out in a bedroom in the residence. Hartson and Hrynyk went to the bedroom where he was sleeping and contacted him. They attempted to speak with \_\_\_\_\_ but it took them a couple of minutes to wake him up. Eventually he woke up and told them to leave his residence. They told him that they were there to investigate domestic violence. \_\_\_\_\_ told the officers that \_\_\_\_\_ hit him with a cane on his arm. He held up his right arm, but Hartson could not see any injury. \_\_\_\_\_ was intoxicated and had a strong odor of alcohol on his breath. After speaking with him briefly, the officers left him in the bedroom and returned to \_\_\_\_\_.

Hartson asked \_\_\_\_\_ if she wanted to stay at the house or go somewhere else. \_\_\_\_\_ opted to call her sister and ask to go to her house for the rest of the evening. The officers stayed there as \_\_\_\_\_ prepared to go to her sister's residence. As they were waiting, \_\_\_\_\_ appeared from the bedroom and told the officers to leave the residence. \_\_\_\_\_ then attempted to go to the kitchen, but the officers told him not to. They instructed him to sit on a couch in the entry area of the residence. \_\_\_\_\_ ignored their instruction and went into the kitchen. \_\_\_\_\_ took a beer from the refrigerator and then sat down on a couch. Hartson did not want to put his hands on \_\_\_\_\_ due to the fact that he believed they were only investigating a verbal domestic.

\_\_\_\_\_ retrieved some clothing and prepared to leave the residence. \_\_\_\_\_ went out on the front porch and started to smoke a cigarette. As \_\_\_\_\_ was leaving and the officers prepared to leave, \_\_\_\_\_ began to complain that the officers shouldn't be letting \_\_\_\_\_ go after she hit him with a cane. Hartson again looked at \_\_\_\_\_ arm but saw no injury. Based on the fact that they couldn't prove the allegations from either party, the officers left the residence. Despite the fact that \_\_\_\_\_ held up a shirt that she said was ripped off, she had no visible injury so they decided to leave. Hartson recalled \_\_\_\_\_ saying that the shirt was ripped off of her person, but since he couldn't find any injury, they could not prove a crime.

After leaving the residence, Hartson and Hrynyk had a brief discussion about what report should be filed. They both agreed that a domestic violence verbal "green card" would be appropriate.

When questioned further about the ripped shirt, Hartson stated that \_\_\_\_\_ did show them the shirt; however, Hartson did not investigate how the shirt was ripped. Hartson believed that it was possible \_\_\_\_\_ offered up the shirt as evidence, but he couldn't remember for sure.

Hartson did establish, during the call for service, that [redacted] and [redacted] met the criteria for a domestic relationship due to the fact that they were cohabitants. Hartson could not remember if he asked [redacted] if she would like [redacted] arrested for domestic violence. He did not believe that he asked [redacted] if he wanted [redacted] arrested for domestic violence.

When asked if he knew the protocol for making a 243(e)(1) PC arrest, Hartson stated that if a couple are in a certain type of relationship, and there is any type of injury, officers need to make an arrest.

After speaking with [redacted] and [redacted] Hartson believed that the altercation between them was verbal only. Based on his experience and time on the job, he knows that people often make things up to get other people in trouble. Without some sort of proof, he could not come to the conclusion that the altercation was more than just verbal in nature. Hartson is of the belief that in order to make an arrest for misdemeanor domestic violence, there must be some sort of proof of an assault.

I specifically asked Hartson if he is aware that the Ventura County Domestic Violence Protocol requires officers to notify the alleged victim in a domestic violence situation that they have the right to have the other party arrested. Hartson indicated that he was unaware of that protocol.

I specifically asked Hartson about the allegations [redacted] made about [redacted] attempting to force himself sexually upon her. Hartson remembered her mentioning that, but he did not ask any questions about the attempt, nor did he ask any questions about how her shirt was ripped.

I asked Hartson if he would change anything about the way he handled this call for service if given the chance. He indicated that he would change "everything". He would call family members to see if they witnessed anything, talk to [redacted] in more detail, investigate more, figure out how the shirt was ripped, and ask more questions about the alleged rape. I asked Hartson why he didn't do any of those things while handling the call for service. He indicated that he has been having a rough time with his personal life, particularly with his wife being pregnant and his new baby having issues. He has been operating on very little sleep and it causes him to forget things. He has also been trying to work on his report writing skills and that has been stressing him out. He believes that a lot of different things are "catching up" to him.

I asked Hartson if his investigation and his report were lacking. He admitted that they were. Hartson stated that he should have done more to investigate the allegations made by [redacted]

CITY OF VENTURA

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# POLICE DEPARTMENT

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Date: 01/04/18

**To:** Case file

**From:** Commander Ryan Weeks

**Subject:** 2017-INT-0009- Hrynyk Interview

On December 28<sup>th</sup>, 2017 I notified Officer Hrynyk via email that I intended to interview him regarding his response to a domestic violence call involving \_\_\_\_\_ on 10/08/17. I informed him that I would be interviewing him regarding possible department policy violations. I informed him that I intended to interview him on January 4, 2018 and that he had the right to bring a representative with him for the interview. Officer Hrynyk responded to my email, stating that he received the notice.

On January 4, 2018 at 1428 hours, Sergeant Fournell and I interviewed Officer Hrynyk in the Professional Standards Conference Room. I advised him that I would be the primary investigator and Sergeant Fournell would be the secondary investigator. I also explained to him that he was being interviewed as an accused employee and I intended to interview him about an allegation of administrative misconduct; therefore, his Miranda rights would not be read to him. Officer Hrynyk said he understood.

Officer Hrynyk elected to waive the right to have an attorney or employee representative present during the interview.

The interview was audio recorded. The following is a summary of the interview, which is not verbatim, nor is it in sequential order. Refer to the recorded interview for further details.

Officer Hrynyk told me essentially the following:

Officer Hrynyk was working a patrol shift on 10/08/17 as a city-wide K-9 unit. He was dispatched to a domestic disturbance call at \_\_\_\_\_. He was sent to the call with Officer Hartson. Hrynyk wasn't positive which unit was considered the primary unit, but usually the beat unit is the primary rather than the K-9 unit. He remembered the call indicating that the reporting party and her fiancée were in an argument. The fiancée had kicked her and attempted to force sex on her. It also indicated that the fiancée was intoxicated.

As the officers arrived on scene, they entered the residence and Officer Hartson began speaking with \_\_\_\_\_. \_\_\_\_\_ indicated that the male subject, \_\_\_\_\_ was in the back

bedroom. She also stated that [redacted] was intoxicated and he was a Vietnam veteran. Hrynyk positioned himself near the hallway so he could watch for [redacted] as Hartson spoke with [redacted]. Hrynyk was watching for [redacted] while still attempting to listen to what [redacted] was telling Hartson.

Hrynyk heard [redacted] state that she and [redacted] were engaged and live together. [redacted] stated that [redacted] is a raging alcoholic and he drinks every day. [redacted] told Hartson that earlier in the day, [redacted] wanted to have sex with her, but she didn't want to engage. They had an altercation and during that altercation, her shirt was ripped. Hrynyk didn't remember seeing the ripped shirt while at the residence; however, since the incident, Hrynyk has had the opportunity to see his body worn video and he noticed in the video that she did show them a shirt. Hrynyk was approximately 20 feet away from [redacted] when she showed them the shirt.

Hrynyk did not remember [redacted] telling the officers that [redacted] kicked her. He also did not remember if either officer questioned [redacted] about how her shirt was ripped or how [redacted] forced himself upon [redacted] sexually.

Hrynyk heard Hartson ask [redacted] what she wanted help with, or what she wanted the officers to do for her. [redacted] responded that she wanted [redacted] to understand that he can't just have her sexually anytime he wants it. Hrynyk didn't remember Hartson asking [redacted] if she wanted [redacted] arrested and he didn't recall [redacted] stating that she wanted [redacted] arrested. Hrynyk was unaware that our department policy and domestic violence protocol dictate that officers shall inform a victim of their right to have a suspect arrested for domestic violence.

Hrynyk believed that [redacted] seemed like a reasonable person on the date in question. He believed that [redacted] was intoxicated and adversarial on the date in question.

After [redacted] left the residence to go to her daughter's house, Hrynyk and Hartson left the residence. They had a discussion in the street about the outcome of the call. Hartson asked Hrynyk if he was satisfied with the results of the call. Hrynyk was not completely satisfied with how it went, but the situation was already over. Hrynyk did not relay his feelings to Hartson, but he did feel that the incident should have been investigated in more depth. Hartson had already completed the domestic violence "green card" and they did not specifically discuss how the incident should be reported. Looking back on the incident, Hrynyk wishes that they would have at least done a long form incident report to document everything.

Hrynyk is aware that the "green card" is for a domestic argument where no physical violence is involved. Looking back at the incident, he realizes that there was more than just an argument between [redacted] and [redacted]. He was shown a ripped shirt and both parties made statements that there was violence involved. Hrynyk believes that filing a "green card" was a mistake. At a minimum, Hrynyk believes that they should have called a supervisor and filed at least a full long form incident report, or possibly made an arrest.

I asked Hrynyk what he would have done differently if he were to handle this call again. Hrynyk indicated that he would have controlled the situation better tactically and they

should have gone into greater investigative depth about the attempt rape and the other violence. He also indicated that he would have asked specifically if she wanted arrested. Hrynyk admitted that asking an open ended question, such as "What do you want done?" presents problems because she may not know what her options are. Hrynyk admitted that he followed Hartson's lead and he did not speak up about the way he felt the call should have been handled.

Our interview ended at approximately 1457 hours.

CITY OF VENTURA

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# POLICE DEPARTMENT

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Date: 01-26-18

**To:** Case File

**From:** Commander Ryan Weeks #288

**Subject:** 2017-INT-0009 - Officer Brian Hartson

**Opinions and Conclusions:**

**Summary of Allegations**

**Allegation #1: Violation of Department Manual Section 340.3.5 (c) PERFORMANCE**  
– Unsatisfactory work performance

**Finding:** Sustained

The facts that support a sustained allegation are as follows:

On 10/08/17, at about 0043 hours, Officer Hartson responded to a domestic violence disturbance at . The CAD call indicated that there was a domestic between the reporting party and her fiancée. The reporting party advised that her fiancée kicked her and was trying to force her to have sex. Furthermore, the disturbing party could be heard yelling in the background.

Officer Hartson responded to the address along with Officer Hrynyk. Upon arrival, Officer Hartson began talking with the reporting party, , as Officer Hrynyk stood by and watched for . told Hartson that earlier in the evening (10/07/17) attempted to force to have sex with him. refused and they had an altercation. During that altercation, ripped shirt off of her. indicated that she had the ripped shirt to show the officers. went on to tell Officer Hartson that kicked her in the hip area earlier that evening also. also indicated that just prior to the call for service, was again trying to force to have sex with him. indicated that was intoxicated and was now in the back bedroom of the residence. Officer Hartson asked what she wanted done. indicated that she wanted to understand that he can't just do whatever he wants with her when he feels like it.

After listening to \_\_\_\_\_ the officers went to the back bedroom and contacted \_\_\_\_\_ was either asleep or passed out on the bed. Officer Hrynyk woke him and began asking him questions. \_\_\_\_\_ was uncooperative and stated that he had done nothing to \_\_\_\_\_ stated that \_\_\_\_\_ had hit him with a cane on the arm. The officers didn't see any injuries to \_\_\_\_\_ and they returned to \_\_\_\_\_ in the main living area of the residence.

\_\_\_\_\_ again told Officer Hartson about \_\_\_\_\_ alcohol problems and she explained again how \_\_\_\_\_ tried to force her to have sex with him and he tore her shirt off of her. \_\_\_\_\_ then held up her torn shirt and showed it to Officer Hartson. Officer Hartson spoke with \_\_\_\_\_ for several more minutes and then informed her that he would document the fact that the officers were there. Officers Hartson and Hrynyk stood by, while \_\_\_\_\_ gathered some belongings and left the residence to go to her daughter's house.

Officer Hartson ultimately filed a domestic violence incident report on a card designed for verbal domestics only. On the back of the report card Officer Hartson wrote, "P2 had been drinking and asked P1 to have sex. When P1 refused P2 got mad and raised voice. Verbal only. Female left for night."

\_\_\_\_\_ told Officer Hartson that \_\_\_\_\_ twice attempted to force her to have sex with him and he tore her shirt off of her during one of those instances. She also clearly stated that he kicked her in the hip area. Additionally, \_\_\_\_\_ indicated that \_\_\_\_\_ hit him with a cane in his forearm area. Both parties alleged physical abuse during this incident, yet Officer Hartson indicated in his original report that it was verbal only. When questioned about why he filed a 'verbal only' report, Hartson indicated that he didn't have proof that physical violence occurred. He stated that anybody could make up a story or rip a shirt and say somebody else did it.

Officer Hartson failed to conduct any type of investigation other than talking to \_\_\_\_\_ and \_\_\_\_\_. At no time did Officer Hartson or Officer Hrynyk ask \_\_\_\_\_ how exactly the shirt was ripped off of her, how \_\_\_\_\_ kicked her in the hip, or how \_\_\_\_\_ attempted to force sexual contact with her. \_\_\_\_\_ showed Officer Hartson her torn shirt on at least two occasions and she mentioned the torn shirt on at least three occasions during the contact. Officer Hartson did not inspect the shirt or take it as evidence.

\_\_\_\_\_ indicated that she sustained no injuries during \_\_\_\_\_ attacks, but she clearly articulated the elements of a misdemeanor domestic battery. Officer Hartson asked \_\_\_\_\_ what she wanted done, but he never advised her of her right to have arrested for domestic battery. During my interview with Officer Hartson, it was clear that he did not understand domestic violence law or investigation protocol. He was unaware of the fact that department policy and domestic violence protocol indicate that he should have advised \_\_\_\_\_ of her right to have \_\_\_\_\_ arrested.

When I interviewed Officer Hartson, I asked him if he would change anything about the way he investigated this incident. He indicated that he would change everything. He admitted that he would have gone into much greater detail in questioning \_\_\_\_\_ about the possible rape, the ripped shirt, and the battery.

Officer Hartson failed to conduct a professional investigation into serious domestic violence allegations made by [REDACTED]. Furthermore, he failed to comply with Ventura Police Department Policy Section 320.9.1(b) which states in part, "An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest."

The end result of Officer Hartson's response to this call for service was that a victim of domestic violence was encouraged to leave her residence for the evening while the intoxicated and uncooperative suspect was allowed to remain in the residence, and very little investigation was conducted. Officer Hartson failed to collect physical evidence provided by the victim, and he failed to advise a domestic violence victim that she had a right to have the suspect arrested.

These actions demonstrate a poor work performance and violated section 340.3.5(c) of the Police Department Manual

**Allegation #2: Violation of Department Manual Section 340.3.5(p) PERFORMANCE**  
– Failure to disclose or misrepresenting material facts

Finding: Sustained

The facts that support a sustained allegation are as follows:

Officer Hartson responded to a domestic disturbance on 10/08/17. The CAD call indicated that there was a domestic between the reporting party and her fiancée. The reporting party, [REDACTED], advised that her fiancée kicked her and was trying to force her to have sex. Furthermore, the disturbing party had been drinking alcohol and could be heard yelling in the background during the call.

Officer Hartson and Officer Hrynyk responded to the call for service. They arrived and contacted [REDACTED]. Officer Hartson did the majority of the talking with [REDACTED] as she explained what had transpired. [REDACTED] clearly told Officer Hartson that her fiancée, [REDACTED], had kicked her in the hip, tried to physically force her to have sex with him, and tore her shirt during the altercation. [REDACTED] also showed the torn shirt to Officer Hartson. During my interview with Officer Hartson, he recalled [REDACTED] stating that [REDACTED] tried to force her to have sex with him and that her shirt was torn during the altercation. He did not recall [REDACTED] stating that [REDACTED] kicked her.

During the call for service, the officers contacted [REDACTED]. [REDACTED] appeared to be intoxicated and uncooperative with the officers; however, he did state that [REDACTED] hit him with a cane on his forearm.

Despite the fact that [REDACTED] told Officer Hartson that [REDACTED] kicked her, attempted to force her to have sex with him, and tore her shirt during the altercation, Officer Hartson filed a domestic disturbance "green card" that is to be used for verbal altercations only. On the card, Officer Hartson wrote, "P2 had been drinking and asked P1 to have sex. When P1 refused P2 got mad and raised voice. Verbal Only. Female left for night."

Additionally, Officer Hartson checked boxes on the card indicating that there was no crime and no violence during the incident.

Officer Hartson's report was not consistent with the statements that                      made during the call for service. Both                      and                      made accusations of violence and                      offered physical evidence in the form of her torn shirt.

Major Crimes Detectives were tasked with investigating this incident after the fact. During that investigation, Sergeant Cain asked Officer Hartson and Officer Hrynyk to write narratives regarding their response to this call for service. In his narrative, Officer Hartson wrote that                      told him that                      tried to force her to have sex and tore her shirt during the altercation.

Based on these facts, it is clear that Officer Hartson failed to disclose material facts in his original report. He failed to mention in his original report that both parties indicated that violence had occurred at the residence. He failed to mention that                      alleged physical violence, including a domestic battery, a torn shirt, and potentially an attempted rape.

These actions demonstrate a failure to disclose material facts and violated section 340.3.5(p) of the Police Department Manual

CITY OF VENTURA

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# POLICE DEPARTMENT

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Date: 01/29/18

09-09-16

**To:** Case File

**From:** Commander Ryan Weeks

**Subject:** 2017-INT-0009- Investigation

On 10/23/17, Commander Arroyo received a voicemail message from DA Investigator Sonia Sanchez. Sanchez indicated that she had been contacted by \_\_\_\_\_, who was alleging that Ventura Police Department Officers failed to investigate her sexual assault allegations when they contacted her in the early morning hours of 10/08/17. Commander Arroyo forwarded the voicemail to Sergeant Cain, who contacted Sanchez and began looking into the call for service. Sergeant Cain viewed the body worn video from Officer Hartson from the evening of 10/08/17. After reviewing the video and finding that Officer Hartson filed a "verbal only" incident report, he contacted Commander Higgins and informed him of the circumstances. Commander Higgins then forwarded the information to Professional Standards for investigation.

Ventura Police Department Detectives took over the investigation and began following up on the incident that took place on 10/08/17. In order for the major crimes detectives to be able to investigate this case thoroughly, Sergeant Cain instructed Officers Hartson and Hrynyk to complete full narratives of their actions and observations from the call for service. I began an administrative investigation into the actions of Officers Hartson and Hrynyk.

I read the CAD history from the original call for service on 10/08/17 and I read the reports filed by Officers Hartson and Hrynyk, including the original "green card" verbal domestic filed by Officer Hartson and the narratives filed by both officers after the fact. I also interviewed both officers and watched the body worn video from both officers' cameras. From those documents and videos, I was able to observe the following.

On 10/08/17, Officers Hartson and Hrynyk responded to \_\_\_\_\_ regarding a domestic disturbance. The reporting party, \_\_\_\_\_, indicated to the command center that her fiancée had kicked her and was attempting to force her to have sex.

Officer Hartson began talking to \_\_\_\_\_ who clearly stated that her fiancée was attempting to force her to have sex with him. During a struggle, he tore her shirt and

kicked her in the hip area. She informed the officers that she could provide them with the torn shirt. As Officer Hartson spoke with [redacted] Officer Hrynyk acted as a cover officer and watched for [redacted]

Officers Hartson and Hrynyk also contacted the disturbing party, [redacted] who was lying in his bed. [redacted] denied that he did anything to [redacted] however, he did indicate that she hit him with an object on his upper arm.

After speaking with both parties, Officer Hartson returned to [redacted] and suggested that she find another location to sleep for the evening. During his second contact with [redacted] she stated two additional times that her shirt was torn off of her. She held up the shirt at one point and showed it to Officer Hartson.

[redacted] left the residence for the evening and the officers left the location. Officer Hartson filed a Domestic Disturbance Incident Report on a card designed for reporting verbal disturbances only. On the card, Officer Hartson indicated that the incident was "verbal only".

On 10/12/17, Officers Alvarado and Prater responded to [redacted] residence regarding another disturbance. On that date, [redacted] alleged the same types of crimes, indicating that [redacted] demanded sex from her and kicked her. Officer Prater eventually arrested [redacted] for 243(e)(1) PC and booked him at the Ventura County Jail for the incident that took place on 10/12/17.

CITY OF VENTURA

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# POLICE DEPARTMENT

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**PERSONNEL ORDER**

**Date:** February 12, 2018

**To:** Officer Brian Hartson

**From:** Assistant Chief Darin Schindler

**Subject:** Notice of Intent to Discipline

The purpose of this Notice of Intent to Discipline is to inform you that I am recommending to the office of the Chief of Police that you receive a 10-hour reduction in pay. My recommendation is in accordance with the City of San Buenaventura Personnel Rules and Regulations, Rule XII, Disciplinary Action, Sections 1: Cause for Disciplinary Action and Section 3: Demotion/Reduction in Pay.

Cause for Disciplinary Action:

- Disobedience of Department Rules: Specifically, Violation of Police Department Manual Section 340.3.5 (c) and 340.3.5 (p).

I am making this recommendation based on the sustained allegations of misconduct identified by Commander Weeks's Administrative Investigation 2017-INT-0009. I reviewed Commander Weeks's investigation and agree with his findings. These sustained allegations arise from your handling of a call for service regarding a domestic violence incident on October 8, 2017.

**Allegation #1: Violation of Department Manual Section 340.3.5 (c) PERFORMANCE** – 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 a reasonable and bona fide excuse.

**Finding:** Sustained

**Allegation #2: Violation of Department Manual Section 340.3.5 (p) PERFORMANCE** - Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

**Finding:** Sustained

On 10/08/17, you responded to a domestic violence disturbance at [redacted]. The CAD call indicated that there was a domestic between the reporting party and her fiancée. The reporting party advised that her fiancée kicked her and was trying to force her to have sex. Furthermore, the disturbing party could be heard yelling in the background.

You responded to the call along with Officer Hrynyk. Upon arrival, you began talking with the reporting party, [redacted], as Officer Hrynyk acted as a cover officer. [redacted] told you that earlier in the evening (10/07/17) attempted to force her to have sex with him. [redacted] refused, and they had an altercation. During that altercation, [redacted] ripped [redacted] shirt. [redacted] indicated that she had the ripped shirt to show you. [redacted] went on to tell you that [redacted] kicked her in the hip area earlier that evening in addition to ripping her shirt. [redacted] also indicated that just prior to the call for service, [redacted] again tried to force her to have sex with him. [redacted] indicated that [redacted] was intoxicated and was now in the back bedroom of the residence. You asked [redacted] what she wanted done. [redacted] indicated that she wanted [redacted] to understand that he can't just do whatever he wants with her when he feels like it.

After listening to [redacted] you went to the back bedroom and contacted [redacted] who was passed out on the bed. Officer Hrynyk woke him and began asking him questions. [redacted] was uncooperative and stated that he had done nothing to [redacted] stated that [redacted] had hit him with a cane on the arm. You didn't see any injuries to [redacted] and you returned to [redacted] in the main living area of the residence.

[redacted] again told you about [redacted] alcohol problems and she explained again how [redacted] tried to force her to have sex with him and he tore her shirt. [redacted] then held up her torn shirt and showed it to you. You spoke with [redacted] for several more minutes and then informed her that you would document the fact that you were there. Officer Hrynyk and you stood by, while [redacted] gathered some belongings and left the residence to go to her daughter's house.

You ultimately filed a domestic violence incident report on a card designed for verbal domestic incidents only. On the back of the report card you wrote, "*P2 had been drinking and asked P1 to have sex. When P1 refused P2 got mad and raised voice. Verbal only. Female left for night.*"

[redacted] told you that [redacted] twice attempted to force her to have sex with him and he tore her shirt during one of those instances. She also clearly stated that he kicked her in the hip area. Additionally, [redacted] indicated that [redacted] hit him with a cane in his forearm area. Both parties alleged physical abuse during this incident, yet you indicated in your original report that it was verbal only. When questioned about why you filed a 'verbal only' report, you indicated that you didn't have proof that physical violence occurred. You stated that anybody could make up a story or rip a shirt and say somebody else did it.

You failed to conduct any type of investigation other than talking to [redacted] and [redacted]. At no time did you or Officer Hrynyk ask [redacted] how exactly the shirt was

ripped, how [redacted] kicked her in the hip, or how [redacted] attempted to force sexual contact with her. [redacted] showed you her torn shirt on at least two occasions and she mentioned the torn shirt on at least three occasions during the contact. You did not inspect the shirt or take it as evidence.

[redacted] indicated that she sustained no injuries during [redacted] attacks, but she clearly articulated the elements of a misdemeanor domestic battery. You asked [redacted] what she wanted done, but you never advised her of her right to have [redacted] arrested for domestic battery. During Commander Weeks's interview with you, it was clear that you did not understand domestic violence law or investigation protocol. You were unaware of the fact that department policy and domestic violence protocol indicate that you should have advised [redacted] of her right to have [redacted] arrested.

When Commander Weeks interviewed you, he asked you if you would change anything about the way you investigated this incident. You indicated that you would change everything. You admitted that you would have gone into much greater detail in questioning [redacted] about the possible rape, the ripped shirt, and the battery.

You failed to conduct a professional investigation into serious domestic violence allegations made by [redacted]. Furthermore, you failed to comply with Ventura Police Department Policy Section 320.9.1(b) which states in part, "An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest."

The end result of your response to this call for service was that a victim of domestic violence was encouraged to leave her residence for the evening while the intoxicated and uncooperative suspect was allowed to remain in the residence, and very little investigation was conducted. You failed to collect physical evidence provided by the victim, and you failed to advise a domestic violence victim that she had a right to have the suspect arrested.

Despite the fact that [redacted] told you that [redacted] kicked her, attempted to force her to have sex with him, and tore her shirt during the altercation, you filed a domestic disturbance "green card" that is to be used for verbal altercations only. Additionally, you checked boxes on the card indicating that there was no crime and no violence during the incident.

Your report was not consistent with the statements that [redacted] made during the call for service. Both [redacted] and [redacted] made accusations of violence and [redacted] offered physical evidence in the form of her torn shirt.

Based on these facts, it is clear that you failed to disclose material facts in your original report. You failed to mention in your original report that both parties indicated that violence had occurred at the residence. You failed to mention that [redacted] alleged physical violence, including a domestic battery, a torn shirt, and potentially an attempted rape.

Four days after this incident, on 10/12/17, VPD responded to [redacted] residence regarding another disturbance. On that date, [redacted] alleged the same types of crimes, indicating that [redacted] demanded sex from her and kicked her. [redacted] was arrested for 243(e)(1) PC and booked at the Ventura County Jail.

On 10/23/17, Commander Arroyo received a voicemail message from a District Attorney Investigator who indicated that she had been contacted by [redacted] who was alleging that Ventura Police Department Officers failed to investigate her sexual assault allegations when they contacted her in the early morning hours of 10/08/17.

### **Prior Incidents or Discipline**


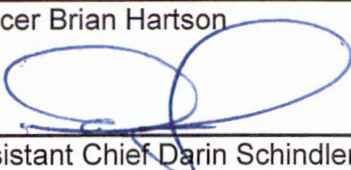
On 2/25/16, you received a documented counseling memo and were counselled by Sergeant Harbert for poor work performance arising out of your failure to investigate and appropriately document a potential stalking and annoying phone calls complaint. As with this current domestic incident, your failure to properly investigate the stalking complaint resulted in the need for officers to later return and address continuing criminal behavior.

### **Conclusion**

Your actions are in violation of sections 340.3.5 (c) and 340.3.5 (p) of the Police Department Manual. The above stated acts and the attached supporting documents justify the recommended action. I have attached copies of all documents used in determining this proposed action. I have read and adopted these as my own findings and conclusions of the investigation into this matter.

If you do not agree with my findings and decision, you have a right to an administrative appeal through the formal grievance process by submitting a request to Chief Ken Corney, within seven (7) calendar days after receipt of this Notice of Intent to Discipline. The formal grievance procedures are in the Memorandum of Understanding between the City of San Buenaventura and the Ventura Police Officers' Association, Article 22, and a copy is attached.

Your response will be considered before final action is taken. Your failure to provide a written response or to submit a request for an administrative appeal in accordance with the formal grievance procedure will constitute a waiver of your right to appeal. In that event, the decision to sustain, modify or reject this recommendation will be based upon a review of this Notice of Intent to Discipline and its attachments.

	2-12-18
Officer Brian Hartson	Date
	2/12/18
Assistant Chief Darin Schindler	Date

Attachments:

1. Investigation Report
2. Personnel Rule XII "Disciplinary Action"
3. VPOA MOU, Article 22
4. Ventura Police Department Manual Section 340 "Disciplinary Policy", Sections: 340.3.5
5. Ventura Police Department Manual Section 320 "Domestic Violence"

CITY OF VENTURA

# POLICE DEPARTMENT

**PERSONNEL ORDER**

**Date:** March 2, 2018

**To:** Officer Brian Hartson

**From:** Police Chief Ken Corney

**Subject:** Notice of Imposition of Discipline

The purpose of this Notice of Imposition of Discipline is to inform you that I concur with the findings of Assistant Chief Schindler dated February 12, 2018. My decision is in accordance with the City of San Buenaventura Personnel Rules and Regulations, Rule XII, Sections 1 and 3 as well as the below specified sustained violations of the Ventura Police Department Manual set forth below.

My decision is based on the allegations, sustained in Administrative Investigation 2017-INT-0009, related to your conduct in the incidents outlined in this administrative investigation and your subsequent statements during Ventura Police Department's administrative investigation. The administrative investigation supports the following sustained allegations:

## **Allegations**

**Allegation #1: Violation of Department Manual Section 340.3.5 (c) PERFORMANCE** – 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 a reasonable and bona fide excuse.

**Finding:** Sustained

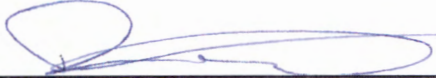
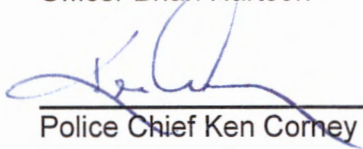
**Allegation #2: Violation of Department Manual Section 340.3.5 (p) PERFORMANCE** - Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

**Finding:** Sustained

After thoroughly reviewing the investigation and later meeting with you about your discipline on February 25, 2018, I have decided Assistant Chief Schindler's recommendation of a 10-hour pay reduction is appropriate. However, I will hold the 10-hour pay reduction in pay in abeyance for the period of one year — until March 1, 2019. If during this one-year time period, you have no sustained allegations of negligence or misconduct related to your performance, the 10-hour pay reduction held in abeyance will be dismissed. However, if during the abeyance period you have any sustained allegation of negligence or misconduct related in your performance, incident which results in a sustained allegation, the 10-hour pay reduction will be imposed without any further appeal rights. In addition, you will be subject to any additional discipline that may arise out of any new sustained allegation.

The Notice of Intent to Discipline and all of its attachments are incorporated herein by this reference. Attached is a copy of Assistant Chief Schindler's Notice of Intent to Discipline (without its attachments) that you received on September 1, 2017.

If you do not agree with my findings and decision, you have a right to request a final level of review of this discipline through the formal grievance process by submitting a written request to the City Manager, Dan Paranick, within (7) calendar days after receipt of this decision.

	#403 3-3-18
Officer Brian Hartson	Date
	3-9-18
Police Chief Ken Corney	Date

Attachments:

1. Personnel Rule XII "Disciplinary Action", Sections 1 and 3

CITY OF VENTURA  
PERSONNEL RULES AND REGULATIONS

RULE XII. DISCIPLINARY ACTION

Section 1: CAUSE FOR DISCIPLINARY ACTION. Regular employees may be suspended without pay, demoted, reduced in pay, admonished, reprimanded or discharged for any of the following causes: Unauthorized absence without leave, abuse of sick leave privileges, fraud in securing appointment, incompetency, inefficiency, insubordination, dishonesty, mishandling of public funds, falsifying the City records, conviction of a criminal offense, illegal political activity, negligence in the use of City tools and equipment, unauthorized use of City equipment, willful disobedience of these Rules and Regulations, Administrative Regulations, or of any department rules and regulations which have been formally approved by the City Manager, or any other act or acts which are incompatible with or inimical to the public service.

Section 3: DEMOTION/REDUCTION IN PAY. The appointing authority may demote or reduce in pay any employee whose ability to perform his required duties falls below standard, or for other disciplinary purposes. Such demotion/reduction in pay may be for a specified period of time with the understanding that the employee may be reinstated to the class from which he was demoted provided that agreed upon conditions set by the appointing authority are met to the satisfaction of the appointing authority. No employee shall be demoted to a position for which he does not possess the minimum qualifications.