

CHULA VISTA POLICE DEPARTMENT
PROFESSIONAL STANDARDS UNIT

PS# 18-0284
Confidential Document

Date: June 22, 2018
To: Michael Ingley, ID# 1191
From: Captain Vern Sallee
Subject: NOTICE OF INTENDED DISCIPLINE
(TERMINATION)

This notice is to advise you that I will be recommending to the Chief of Police that you be terminated from your employment as a Peace Officer with the City.

The recommendation is based upon PSU investigation No. 18-0284, which is hereby fully incorporated by reference in this notice, which determined that you engaged in the following misconduct:

On April 8, 2018, at about 4:30 am, you met [REDACTED] a civilian with whom you were having a dating relationship, at the 300 block of Moonview Avenue, Chula Vista. The location was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct. You were in full uniform, on duty, and driving a marked police vehicle. Prior to meeting Ms. [REDACTED] at that location, she had been texting you sexually explicit content.

You and Ms. [REDACTED] exited your respective vehicles. The two of you walked together toward a small path which led up a hill and to a water tower. You then engaged in oral sex and intercourse with Ms. [REDACTED]. After about twenty-five minutes, you and Ms. [REDACTED] returned to your respective vehicles and left. A citizen observed you and Ms. [REDACTED] go up the path and return. The citizen was offended by your conduct, knowing the type of activity that occurred at that location. She subsequently reported her observations to the City. You admitted you went to that location and had oral sex and intercourse as described above.

Your misconduct, as detailed above, violated the below Civil Service Rules and City and Police Department Policies, including PDM:

1. You violated **PDM § 340.5.1 [Laws, Rules and Orders, Section (c): Violation of federal, state, local or administrative laws, rules or regulations]** in that in that you, as described above, violated **Penal Code Section 647(a) [An individual who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view]** when you engaged in on-duty sexual activity (sexual intercourse and oral sex) in a public place (which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public.

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2. You violated **PDM § 340.5.4 [Relationships, Section (b): Engaging in on-duty sexual activity, including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact]** in that you, as described above, engaged in on-duty sexual activity (sexual intercourse and oral sex) in a public place(which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public.
3. You violated **PDM § 340.5.9 [Conduct, Section (h): Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department]** in that you, as described above, engaged in on-duty sexual activity (sexual intercourse and oral sex) in a public place(which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct)with a female you had been dating and which was reported by a member of the public.
4. You violated **PDM § 340.5.9 [Conduct, Section (m): Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department, is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members]** in that you did not conduct yourself in a manner expected of this department's members or consistent with its values and mission by, as described above, engaging in on-duty sexual activity (sexual intercourse and oral sex) in a public place(which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public. As described above, your conduct was unprofessional and unbecoming. Your actions and behaviors were contrary and detrimental to the morale of the department.
5. You violated **Civil Service Rule ("CSR") 1.08(A)(3) [Commission of a criminal offense related to the job including moral turpitude or conduct amounting to a any felony or conviction for an offense requiring registration under PC 290]** in that in that you, as described above, as a peace officer you are expected to obey all laws, particularly since you enforce such laws, and you violated **Penal Code Section 647(a) [An individual who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view]** when you engaged in on-duty sexual activity (sexual intercourse and oral sex) in a public place(which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public.
6. You violated **CSR 1.08(A) (5) [Conduct of such a nature that it causes discredit to the agency or the employee's position]** in that you, as described

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above, engaged in on-duty sexual activity (sexual intercourse and oral sex) at a public place (which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public.

7. You violated **CSR 1.08(A) (16) [violation of any department rule, regulation, or policy]** in that you violated, as described above, the following CVPD Policies when you engaged in on-duty sexual activity (sexual intercourse and oral sex) at a public place (which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public:

- **PDM § 340.5.1 [Laws, Rules and Orders, Section (c): Violation of federal, state, local or administrative laws, rules or regulations];**
- **PDM § 340.5.4 [Relationships, Section (b): Engaging in on-duty sexual activity, including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact];**
- **PDM § 340.5.9 [Conduct, Section (h): Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department]; and**
- **PDM § 340.5.9 [Conduct, Section (m): Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department, is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members]**

A review of your personnel file, including performance evaluations, shows that you have received overall "satisfactory" evaluations.

All written reports, materials and documents, upon which this action is based, are attached. Your personnel file, which contains your performance evaluations, is available for your review. If you wish to review your file, you can do so by contacting Lt. Miriam Fox or Sgt. John English in the Professional Standards Unit.

Before a final determination is made regarding the recommended termination, you have an opportunity to respond to this action. You have the right to be represented and may respond orally at your "Skelly" meeting set forth below. You may also respond in writing. Any written response must be delivered to me prior to the date and time of the "Skelly" meeting. Failure to respond to me by the date and time indicated will be deemed waiver of your opportunity to respond.

A "Skelly" meeting with Chief Kennedy has been scheduled. The Skelly meeting has been scheduled for:

CHULA VISTA POLICE DEPARTMENT
PROFESSIONAL STANDARDS UNIT

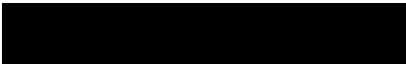
PS# 18-0284
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Date: July 12, 2018
Time: 02:00 pm
Location: Chief's Conference Room

I acknowledge receiving this Notice of Intended Discipline (Termination) and attachments.

 1191
Michael Ingley, ID# 1191

6-28-18
Date

On JUNE 28, 2018, I VAN SAUSE witnessed the personal delivery of this Notice and attachments to Michael Ingley. 

Attachments:

1. PSU Investigation PS#18-0284, including attachments and recording of interviews.

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PS# 18-0284
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Date: July 31, 2018
To: Michael Ingley, ID# 1191
From: Chief Roxanna Kennedy [REDACTED]
Subject: NOTICE OF DISCIPLINE
(TERMINATION)

This notice is to advise you that that will you be terminated from your position as a Police Officer for the City of Chula Vista effective August 1, 2018.

On July 12, 2018, a Skelly meeting was held. You and your attorney, Brittany Collet, were present. During the Skelly meeting, Ms. Collet and yourself had the opportunity to discuss the proposed discipline. Ms. Collet explained you had been with the Department for 2 years and that you had been in the Navy for 6 years. Ms. Collet stated that you had no history of discipline and that you admit you made a bad decision. She felt the discipline was too harsh. She also disagreed that Penal Code section 647(a) had been violated. You admitted you made a bad decision in a weak/low moment in your life. Capt. Sallee discussed the seriousness of the violations. The Skelly meeting then concluded.

After a review of Penal Code section 647(a), I am dismissing the charges involving PDM § 340.5.1 and Civil Service Rule ("CSR") 1.08(A) (3). However, I find that the remaining allegations specified in the Notice of Intended Discipline dated June 22, 2018 are sustained and that a termination is warranted. This action is based upon PSU investigation No. 18-0284, which is hereby fully incorporated by reference in this notice, which determined that you engaged in the following misconduct:

On April 8, 2018, at about 4:30 am, you met [REDACTED] a civilian with whom you were having a dating relationship, at the 300 block of Moonview Avenue, Chula Vista. The location was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct. You were in full uniform, on duty, and driving a marked police vehicle. Prior to meeting Ms. [REDACTED] at that location, she had been texting you sexually explicit content.

You and Ms. [REDACTED] exited your respective vehicles. The two of you walked together toward a small path which led up a hill and to a water tower. You then engaged in oral sex and intercourse with Ms. [REDACTED]. After about twenty-five minutes, you and Ms. [REDACTED] returned to your respective vehicles and left. A citizen observed you and Ms. [REDACTED] go up the path and return. The citizen was offended by your conduct, knowing the type of activity that occurred at that location. She subsequently reported her observations to the City. You admitted you went to that location and had oral sex and intercourse as described above.

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Your misconduct, as detailed above, violated the below Civil Service Rules and City and Police Department Policies, including PDM:

1. You violated **PDM § 340.5.4 [Relationships, Section (b): Engaging in on-duty sexual activity, including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact]** in that you, as described above, engaged in on-duty sexual activity (sexual intercourse and oral sex) in a public place(which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public.
2. You violated **PDM § 340.5.9 [Conduct, Section (h): Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department]** in that you, as described above, engaged in on-duty sexual activity (sexual intercourse and oral sex) in a public place(which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct)with a female you had been dating and which was reported by a member of the public.
3. You violated **PDM § 340.5.9 [Conduct, Section (m): Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department, is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members]** in that you did not conduct yourself in a manner expected of this department's members or consistent with its values and mission by, as described above, engaging in on-duty sexual activity (sexual intercourse and oral sex) in a public place(which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public. As described above, your conduct was unprofessional and unbecoming. Your actions and behaviors were contrary and detrimental to the morale of the department.
4. You violated **Civil Service Rule ("CSR") 1.08(A) (5) [Conduct of such a nature that it causes discredit to the agency or the employee's position]** in that you, as described above, engaged in on-duty sexual activity (sexual intercourse and oral sex) at a public place (which was the subject of many public complaints involving sexual activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public.
5. You violated **CSR 1.08(A) (16) [violation of any department rule, regulation, or policy]** in that you violated, as described above, the following CVPD Policies when you engaged in on-duty sexual activity (sexual intercourse and oral sex) at a public place (which was the subject of many public complaints involving sexual

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activity and other inappropriate/unlawful conduct) with a female you had been dating and which was reported by a member of the public:

- PDM § 340.5.4 [Relationships, Section (b): Engaging in on-duty sexual activity, including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact];
- PDM § 340.5.9 [Conduct, Section (h): Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department]; and
- PDM § 340.5.9 [Conduct, Section (m): Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department, is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members]

A review of your personnel file, including performance evaluations, shows that you have received overall "satisfactory" evaluations.

In terms of the information you provided at the Skelly meetings and your history in the Department, they are significantly outweighed by your actions in this matter. Your actions in this matter, as set forth above, are incompatible with and contrary to being a police officer and support the termination. The City, Department, and Public demand and expect more of a Chula Vista Police Officer.

All written reports, materials and documents, upon which this action is based, are attached. Your personnel file, which contains your performance evaluations, is available for your review. If you wish to review your file, you can do so by contacting Lt. Miriam Foxx or Sgt. Jason Deaner in the Professional Standards Unit.

In accordance with Civil Service Rule 1.08(B), you have the right to appeal this action to the Civil Service Commission. If you wish to appeal, your written request to appeal must be delivered within ten (10) days after receipt of this Notice of Discipline (Termination) to the Human Resources Director, located at 276 Fourth Avenue, Building C, Chula Vista, CA 91910. Failure to submit a written appeal to the Civil Service Commission within ten (10) days shall be deemed a waiver of your right to appeal and forfeiture of your right to a hearing before the Civil Service Commission.

I acknowledge receiving this Notice of Discipline (Termination) and attachments.


Michael Ingle, ID# 1191

8-1-18
Date

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On 8-1-18, 2018, I VEEN SALVEE, [REDACTED] D [REDACTED]
Notice and attachments to Michael Ingley.

Attachments:

1. PSU Investigation PS#18-0284, including attachments and recording of interviews.
2. Skelly Audio (CD) and Transcript.



CHULA VISTA POLICE DEPARTMENT PROFESSIONAL STANDARDS UNIT

Protecting today. Securing tomorrow.

w w w . c h u l a v i s t a p d . o r g

Roxana Kennedy
Chief of Police

Division Commander
Captain Eric Thunberg
619-691-5230

PSU
Lieutenant Miriam Fox
619-476-2454

IA/Training
Sergeant John English
619-691-5217

Training Program
Specialist
Justine Talavera
619-476-2334

Backgrounds/Recruiting
Sergeant Jason Deaner
619-476-2499

Agent Patrick White
619-476-5336

Officer Michael St. Clair
619-476-5371

Civilian Background
Investigator
Heather Alvarez
619-476-5370

Recruiting
Officer Jason Lee
619-585-5652

June 27, 2018

To: Officer Michael Ingley ID #1191

From: Chief Roxana Kennedy ID #486

Re: Administrative Leave

This is to inform you that administrative investigation PS# 18-0284 has concluded. Based on the findings of the investigation, it has been determined that your conduct was unbecoming an officer, a violation of Police Department Policies. As a result of the investigation, the Department is providing you with a "Notice of Intended Discipline" (Termination).

Based on the recommended discipline, you are being placed on administrative leave. While on administrative leave, you are not entitled to the provisions of California Penal Code § 832. I am directing you to immediately surrender your Chula Vista Police Department firearm, badge (including flat badge), identification card and proximity card directly to Sergeant John English.

You are reminded that you are officially ordered not to discuss this investigation or the allegations with anyone other than Sergeant English, your designated Police Association representative, and/or an attorney representing you in this matter. This includes but is not limited to, any conversation, either in person or by telephone, or any written communication, either on or off duty. Your failure to abide by this order will be deemed insubordination and may result in administrative discipline up to and including termination of employment.

You are being reassigned to the Administrative Services Division effective immediately. You will be compensated forty hours of pay per week during this leave time. You are further ordered to contact Sergeant John English at (619) 691-5217 every day, Monday through Friday, at 0930 hours. You may leave a message for Sergeant English at his telephone number in the event he does not answer.

You will be notified of further action on this matter by the Administrative Services Division of this Police Department or other proper authority.

[Redacted signature area]

Roxana Kennedy
Chief of Police

[Redacted signature area]

Presented by

[Redacted signature area]

Employee signature

6/27/18 1:53pm

Date/time

6-28-18 1000

Date/time

6-28-18 1000

Date/time

Skelly Hearing

Admonishment

Today is July 12, 2018. The time is _____. This is a predisposition hearing consistent with the findings and recommendation contained in a Notice of Intended Discipline, dated June 22, 2018, addressed to Officer Michael Ingley ID 1191. Present at the hearing are Chief Roxana Kennedy, Captain Vern Sallee, Acting Lieutenant John English, Officer Michael Ingley, and Attorney Brittany Collet.

Officer Ingley, you were provided copies of all reports in this investigation and if you would like me to, I will read the Notice of Intended Discipline. You can waive this reading and get right to the discussion of the facts in this case if you want to?

(Employee gives a response – either waive it or read it. If the employee does not waive the reading then you must read the Notice of Discipline in its entirety).

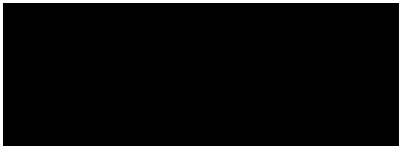
Officer Ingley, a recommendation has been made by Capt. Sallee that you be terminated from employment. This is your opportunity to explain your point of view on this discipline matter.

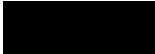
The employee, employee's representative, and hearing officer control the meeting from this point on.



Police Department

December 5, 2018



Dear Ms. 

RE: 18-0284

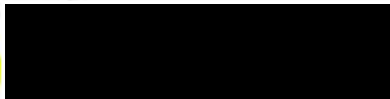
Thank you for bringing to our attention your concerns regarding your Service Complaint Form for the incident that occurred on June 28, 2018.

The Chula Vista Police Department continues to encourage members of the community to express concerns, which may need to be addressed. As part of our commitment to the community, it is our goal to work with you in resolving this issue the best we can. An investigation has been conducted by Sergeant John English. The outcome of the investigation is as follows:

- **Sustained:** The Employee committed all or part of the alleged violations.

If you need to contact Sergeant John English, he can be reached at (619) 691-5217.

Sincerely,



Vern Sallee
Patrol Captain

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CITY OF CHULA VISTA

COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

IN THE MATTER OF THE CIVIL SERVICE)
APPEAL OF:)

MICHAEL INGLEY)

) SETTLEMENT AND RELEASE
)
)
)
)
)
)

A. RECITALS

WHEREAS, Mr. Michael Ingley was employed as Peace Officer for the City of Chula Vista;

WHEREAS, Mr. Ingley was timely served a Notice of Intended Discipline dated June 22, 2018, recommending termination;

WHEREAS, Mr. Ingley was provided a "Skelly" meeting with the Chief of Police on July 12, 2018 and, after said meeting, the Chief of Police affirmed the recommended termination;

WHEREAS, Mr. Ingley was subsequently timely served a Notice of Discipline (Termination) dated July 31, 2018 and Mr. Ingley separated from City Service on August 1, 2018;

WHEREAS, Mr. Ingley timely filed a notice of appeal to the Chula Vista Civil Service Commission of said termination; and

WHEREAS, Civil Service Rule ("CSR") 1.08(C)(1)(d) provides that the parties, after meeting, may agree to an alternate discipline.

B. SETTLEMENT

NOW THEREFORE, pursuant to CSR 1.08(C)(1)(d) and for valuable consideration, the City and Mr. Ingley agree as follows:

- 1. The above recital are true and correct and are hereby incorporated into this Settlement and Release.
- 2. The action to terminate is modified to a suspension of one year (365 days), effective August 1, 2018. Mr. Ingley shall not be eligible to receive or receive any compensation, benefits, or remuneration of any kind from the City during this time period.

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d. No admission of liability by either party. It is understood and agreed that this is a compromise settlement of disputed claims, or potential disputed claims, and the furnishing of the consideration for this Agreement shall not be deemed or construed as an admission of liability or responsibility at any time for any purpose.

6. Each party to bear own costs. The parties agree that each party shall be responsible for the payment of its own costs, attorneys' fees, and all other expenses in connection with this Agreement and any claims released herein.

By their Signatures below, Mr. Ingley and the City of Chula Vista (via its police department) agree to the above terms of this Settlement and Release agreement.

For Mr. Ingley:

For the City:

 11/29/2018

 12/3/18

Michael Ingley, Appellant Date

Roxana Kennedy, Police Chief Date

MEMORANDUM

From: Michael Ingley
To: Roxanna Kennedy, Police Chief
Date: November 30, 2018.
Re: Resignation

This letter is to notify you that I am resigning my position as a Police Officer effective November 30, 2018. I understand that Civil Service Rule 1.09, section A, permits me to withdraw my resignation by submitting a written request to withdraw my resignation within 14 calendar days from the effective date of my resignation. To effectuate my resignation immediately, I waive my right to withdraw my resignation and confirm that my irrevocable resignation is effective November 30, 2018.

Respectfully submitted,

A solid black rectangular box used to redact the signature of Michael Ingley.

Michael Ingley