



**INTERNAL AFFAIRS INVESTIGATION
AUDIT**

CASE DETAILS	
Complainant Name	██████████
Case No.	23-C-0001
Type of Investigation	Inappropriate Relationships, Dishonesty, Bringing Discredit to the Office, Improper Phone Use
Incident Date	Dishonesty: February 23, 2022; approx. December 30, 2022 All other allegations: January to March 2022; September 2022
Date/Origin of Complaint	December 30, 2022
Date IA Sent to IOLERO	September 25, 2023
Date Preliminary Audit Returned to SCSO	December 29, 2023
Date Audit Becomes Final if SCSO Provides No Response	January 19, 2024

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SUMMARY

This Audit reviews an internal investigation and findings made by the Sonoma County Sheriff's Office (SCSO) in connection with a complaint by [REDACTED]. The complaint alleged that Dep. Jordan Puleo asked [REDACTED] to text sexually explicit photographs to him, after meeting [REDACTED] on a domestic violence call during which Dep. Puleo arrested [REDACTED].

While investigating [REDACTED]'s complaint, the Internal Affairs (IA) investigation uncovered additional allegations: that Dep. Puleo had engaged in similar conduct with two other [REDACTED] he met in his official capacity; and that Dep. Puleo gave a false statement and omitted material information during his IA interview.

As discussed below:

1. We conclude that the investigation is **COMPLETE**.
2. We **AGREE** with the Investigator that the finding on the claim that Dep. Puleo established or maintained an inappropriate personal relationship should be **SUSTAINED**.
3. We **AGREE** with the Investigator that the finding on the claim that Dep. Puleo's conduct brought discredit to the Sheriff's Office should be **SUSTAINED**.
4. We **AGREE** with the Investigator that the finding on the claim that Dep. Puleo used his department-issued cell phone inappropriately should be **SUSTAINED**.
5. We **AGREE** with the Investigator that the finding on the claim that Dep. Puleo gave a false statement and omitted material information during his Internal Affairs interview should be **SUSTAINED**.
6. We **AGREE** with the Investigator's **RECOMMENDATION** that dispatch should modify its policies and procedures to avoid identifying complainants and subjects of complaints.
7. We **NOTE** [REDACTED] deletion of one or more pieces of evidence while he was assigned to the IA investigation; note a potential improvement to evidence collection in this investigation; and note potential additional allegations or violations that IA could consider in future similar cases. We also note the high quality of the IA report and witness interviews in this case.
8. We **RECOMMEND** that SCSO reassess the training that it provides to new sergeants regarding how to handle complaints against personnel and internal investigations; and **RECOMMEND** at a minimum that [REDACTED] receive informal counseling.

MATERIALS REVIEWED

All materials provided by SCSO in the AIM system, and all body-worn camera video and cell phone evidence provided by SCSO, were reviewed in connection with this Audit. A full list of this material is attached as **APPENDIX A**.

FACTUAL BACKGROUND

SCSO personnel provide law enforcement services to the Town of Windsor. (<https://www.sonomasheriff.org/contract-cities>, accessed 12/17/2023.) Dep. Puleo was assigned to the Windsor Police Department during the relevant time period. (*Puleo Interview*.)

Complainant ██████ called dispatch on January 27, 2022 to report that ██████ had punched him in the face the night before. (*Dispatch records*.) (This report will refer to ██████ as “█████. A” in order to maintain a level of anonymity.) Dep. Puleo and Dep. Kevin McGoon were dispatched to the call. (*Police Report at p.3*.)

Dep. Puleo talked to ██████ on the phone and met him at his home. ██████ said that ██████ and ██████. A were at home, arguing about her cheating on him, when ██████ punched the left side of ██████ face with ██████ fist and grabbed at ██████ face. ██████. A left the home after that and did not return. Dep. Puleo observed and photographed injuries to ██████ lip and to the inside of ██████ cheek. (*Police Report at p.3; Puleo BWC 1 at 0:30, 4:00.*¹) ██████ declined an emergency protective order, and Dep. Puleo provided ██████ with resources. (*Puleo BWC 1 at 2:20, 13:40*.)

Dep. Puleo and Dep. McGoon then went to another residence, where they met with ██████. A. Dep. Puleo did most of the talking. ██████. A denied punching ██████ in the face – ██████ said ██████ was trying to leave the house, ██████ was following ██████ outside, and ██████ had ██████ hand up trying to stop ██████. Dep. Puleo described the injuries he saw, and ██████. A said those must be from ██████ trying to get ██████ off of ██████. ██████ demonstrated having ██████ arm out to the side, perpendicular to ██████ body with ██████ fist closed, and jerking ██████ arm and fist backwards a few times. ██████. A said that ██████ then followed ██████ outside, drunk, and put ██████ in a chokehold. ██████ said ██████ witnessed that. (*Puleo BWC 2 at 2:00*.)

Dep. Puleo then contacted the ██████, who was inside the residence. The ██████ said that ██████ wasn't there when ██████ allegedly put ██████. A in a chokehold. However, when ██████ arrived ██████. A's voice sounded similar to how someone's voice sounds when they've been choked (█████ knows from experience with other friends); ██████'s seen bruises on ██████. A before; and ██████. A has had to leave the home before because of violence. (*Id. at 8:27*.)

Dep. Puleo then met with ██████. A again and told her that the ██████ wasn't there, and asked “right?” ██████. A said “yeah.” Dep. Puleo told ██████. A that he was going to take ██████ to jail as a result of her making physical contact with ██████. He handcuffed ██████. A. (*Id.*

¹ Citations to video and audio recordings are shown in minutes and seconds, and are approximate.

at 13:25.) Dep. McGoon searched [REDACTED], and Dep. Puleo transported [REDACTED] to the jail. (*Id.* at 16:00.)

[REDACTED]. A was friendly and cooperative throughout [REDACTED] interactions with Dep. Puleo and Dep. McGoon. (*See, e.g., Dep. McGoon BWC.*) Dep. Puleo was professional when talking to [REDACTED], [REDACTED]. A, and [REDACTED] at their residences. During the drive to jail, Dep. Puleo initiated casual but personal conversation with [REDACTED]. A. For example, when [REDACTED]. A said that [REDACTED] wasn't employed anymore, Dep. Puleo commented that [REDACTED] would have to go back to work now that [REDACTED]. A isn't there to support him, and laughed. (*See, e.g., id.* at 29:00.) BWC footage doesn't show interactions between Dep. Puleo and [REDACTED]. A once they parked at the jail. (*See id.*)

[REDACTED]. A was booked for felony domestic violence under Penal Code § 273.5(a). (*Police Report.*)

COMPLAINT ALLEGATIONS

[REDACTED] made a complaint through the Sheriff's Office on December 30, 2022. [REDACTED] called dispatch, and Sgt. Jeffrey Toney returned his call.

[REDACTED] alleged that after the arrest incident, Dep. Puleo texted [REDACTED]. A asking [REDACTED] for pictures "of [REDACTED] ass" (which [REDACTED] thinks [REDACTED]. A sent), and Dep Puleo and [REDACTED]. A talked about meeting up. [REDACTED] estimates that this happened in February or March. [REDACTED] said that [REDACTED] hadn't seen the text messages, [REDACTED]. A deleted them. [REDACTED] knows it happened because [REDACTED]. A told him. Additionally, [REDACTED] said that [REDACTED] saw Dep. Puleo yesterday at the store – [REDACTED] approached Dep. Puleo and reminded him who [REDACTED] was, and [REDACTED] could tell from Dep. Puleo's face that it happened. [REDACTED] said that [REDACTED] doesn't feel safe with officers coming to [REDACTED] house anymore, not that [REDACTED] ever really did. (*Ferguson Interview.*)

THE IA INVESTIGATION

I. THE INVESTIGATIVE RECORD

Before Sgt. Toney was aware of [REDACTED]'s complaint, Dep. Puleo approached Sgt. Toney about [REDACTED] and [REDACTED]. A. Sgt. Toney spoke to Dep. Puleo; reviewed information about the domestic violence incident; and took [REDACTED]'s complaint. The next day, Sgt. Toney instructed Dep. Puleo not to delete anything from his department-issued phone, and took his phone.²

² Policy states that department-issued phones are owned solely by the Sheriff's Office, and can be inspected or monitored any time and with or without cause. (*Policy 701.4.*)

The IA investigation was first assigned to Sgt. James Percy. Sgt. Percy reviewed reports and videos from the domestic violence incident; interviewed [REDACTED]. A; and obtained one or more photos from [REDACTED]. A that [REDACTED] previously sent to Dep. Puleo.

Another IA investigator then became involved. Sgt. Percy and the IA investigator reviewed Dep. Puleo's department-issued phone and discovered evidence indicating that Dep. Puleo may have had inappropriate text conversations with a second [REDACTED]. (Listed in the phone as "Crash.") They expanded the scope of the investigation, and then interviewed Dep. Puleo together. After Dep. Puleo's interview, the investigation was reassigned to the IA investigator. That individual is referred to as "the Investigator" for purposes of this report.

The Investigator reviewed records showing when Dep. Puleo signed off on various SCSO policies. The Investigator used Crash's phone number to identify [REDACTED] (this report will refer to [REDACTED] as "[REDACTED]. B"). The Investigator also reviewed evidence related to a Windsor Police incident where Dep. Puleo interacted with [REDACTED]. B, and interviewed [REDACTED]. While continuing to review Dep. Puleo's phone data, the Investigator discovered evidence indicating that Dep. Puleo may have had inappropriate text conversations with a third [REDACTED] using his department-issued phone. This [REDACTED] was listed in the phone as "[REDACTED]" and the Investigator used [REDACTED] phone number to identify [REDACTED] (this report will refer to [REDACTED] as "[REDACTED]. C"). The Investigator also reviewed evidence related to a Windsor Police incident where Dep. Puleo interacted with [REDACTED]. C, and interviewed [REDACTED] too. Among other things, the Investigator asked both [REDACTED] whether they still had evidence of the conversations, and [REDACTED]. C provided photos that [REDACTED] had sent to Dep. Puleo.

Evidence related to [REDACTED]. A's arrest is summarized above in the FACTUAL BACKGROUND section. Other evidence is summarized here.

A. Dep. Puleo's Reaction to the Complaint

Dep. Puleo told interviewers that he was looking at NetViewer and saw a complaint call about himself. He ran a search for [REDACTED]'s name and the case number in order to find out what person and incident the complaint was about, and then he knew what the complaint was. (*Puleo Interview at 3:10.*)

Dep. Puleo approached Sgt. Toney about the complaint call before Sgt. Toney was aware of it. According to **Sgt. Toney's memo** documenting the conversation,

I asked Deputy Puleo what the complaint was referencing? Deputy Puleo told me it was regarding a domestic violence report he investigated in Windsor a few months ago, where he arrested the [REDACTED] half, and [REDACTED] later sent him photographs. . . .

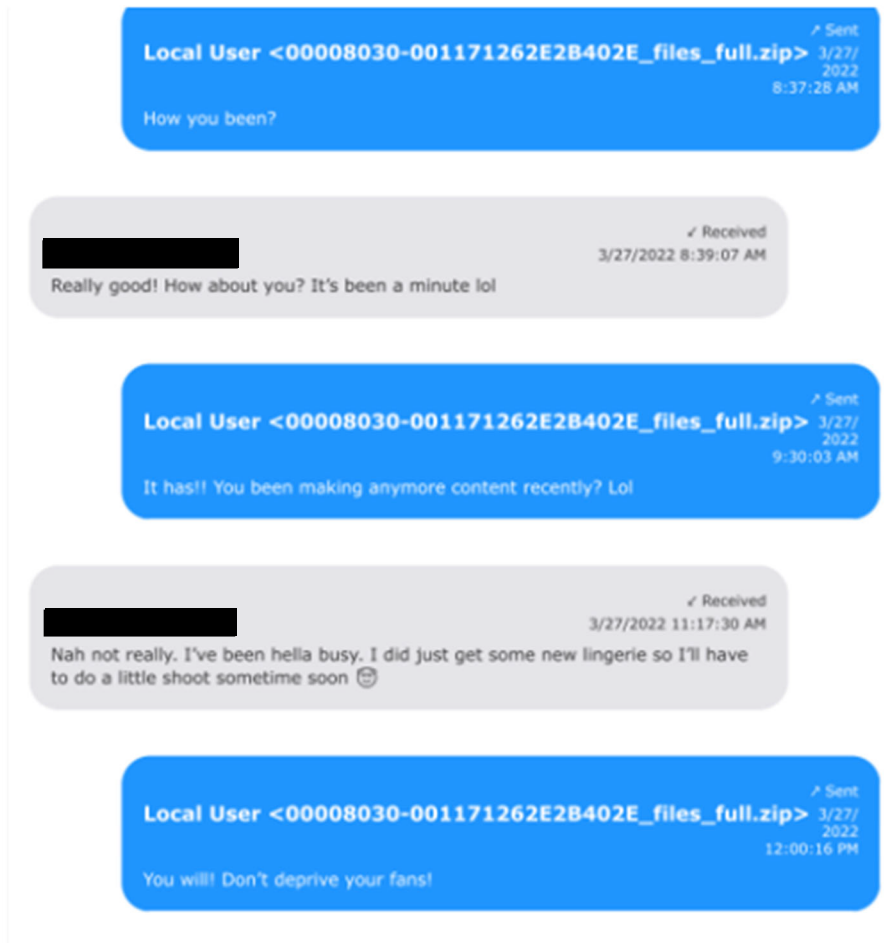
. . . . I asked Deputy Puleo if he knew what the complaint was about. Deputy Puleo explained [REDACTED] was the victim, and [REDACTED] of the arrestee of the domestic violence incident he investigated. He said [REDACTED] was probably wanting to complain about the photographs [REDACTED] had sent him. I asked Deputy Puleo what type of photographs he received, and he told me they were inappropriate photographs.

. . . . [U]nsolicited, Puleo told me what he had done was a bad decision, and that he had learned his lesson.

(Complaint Memo at p.1.)

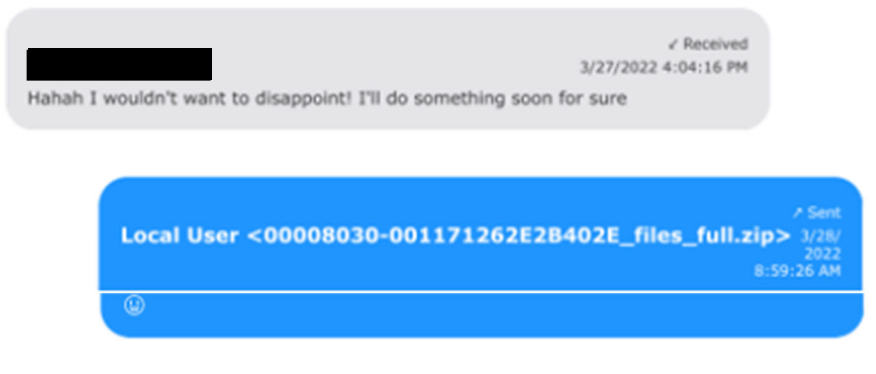
B. [REDACTED]. A: Text Messages with Dep. Puleo

The record includes limited text messages between Dep. Puleo and [REDACTED]. A: a message from [REDACTED]. A about a “crew” and catalytic converters, and then this exchange (blue messages are Dep. Puleo).³



(continued next page)

³ The IA investigation did not attribute these messages to [REDACTED]. A. However, the phone number listed on the messages is the same as [REDACTED]. A's phone number in the January 27th police report; and the messages are similar to a message that Dep. Puleo described (see his interview summary below).



█. A told interviewers that █ no longer had █ text messages with Dep. Puleo, but still had one photo that █ sent to Dep. Puleo. █ agreed to send that photo to the interviewer, but that photo is not part of the investigative record. (█. *A Interview at 3:50, 18:45.*) See the NOTES AND RECOMMENDATIONS section, below, for more information about this.

Dep. Puleo told interviewers that he texted █. A using his work phone. He said that he deleted some of his text conversation with █. A (including █ photos) before the complaint came in. He said he did this because he knew it was wrong regardless of work, and he didn't need that on his phone. (*Puleo Interview at 6:30, 52:50.*) Sgt. Toney also asked Dep. Puleo about the photos, on the day the complaint came in. "Deputy Puleo told me he received the photographs on his work cell phone, but he had since deleted them." (*Complaint Memo at p.1.*)

Dep. Puleo told interviewers that he deleted the rest of his messages with █. A, as well as her contact, after learning about the complaint. When he figured out what the complaint was about, he looked through his work phone wondering if he had anything. He found a text thread from █. A: "All it was, was like a couple texts from █ and a couple texts from me." "For some reason, just basically to be done with the whole thing, I deleted that text thread and I deleted █ contact." (*Puleo Interview at 3:10, 5:20.*) Dep. Puleo's representative asked whether he thought he was deleting the text messages out of existence, and Dep. Puleo said no.

Dep. Puleo told interviewers that he didn't know whether he deleted those remaining messages the same day the complaint came in or later. Either way, he's pretty sure he did it before Sgt. Toney said he was going to take his phone.⁴ (*Id. at 34:10, 53:10.*)

C. █. A: Related Evidence

█. A told interviewers that she first met Dep. Puleo during the January 27th arrest incident. (█. *A Interview at 00:40.*) Dep. Puleo gave █ his card when she was sitting in intake at the jail. █ reached out to him by phone – █ was trying to figure out the situation between █ self, █, and their █, and █ wanted Dep. Puleo to escort █ to home to get █. They called each other on and off about the case, and he was very

⁴ According to Dep. Puleo, this was multiple days or a week after the complaint. According to Sgt. Toney, it was the next day.

helpful. For example, ■ needed to get a restraining order and he provided ■ with a helpful website. At one point he commented about ■ appearance and ■ “ass,” and that’s when the conversation became unprofessional. ■ had already gone to court at that point and there was no reason for him to contact ■. (*Id. at 5:40.*)

■. A told interviewers that ■ and Dep. Puleo communicated almost every day, throughout the day. ■ thinks he was at work sometimes. (*Id. at 13:10, 21:40, 27:20.*) Dep. Puleo commented on ■ body and how beautiful ■ was. ■ sent him 10-15 photos. The first time, Dep. Puleo didn’t explicitly ask for a photo – he said he wanted to see ■ in a particular position, and ■ responded with a photo. Other times he asked for ■ to take photos in specific positions – he wanted ■ to “shake my ass” or take a photo “bent over with your cheeks spread.” ■ was nude in one photo. ■ didn’t ask Dep. Puleo for photos or receive any from him. (*Id. at 4:00, 17:40, 24:13.*) Twice Dep. Puleo asked ■ to meet at his hotel while he was out of town for training. One of the times this happened was February 16th. They never actually met in person. When he asked about it, though, it was like he wanted to meet and have sex with ■. (*Id. at 13:15, 24:30.*) They continued texting until mid-February. ■ eventually felt gross and disturbed and didn’t want anything to do with it. ■ just stopped responding. Dep. Puleo would start to talk to ■ and ■ wouldn’t give him anything in return, so they stopped texting. (*Id. at 4:00, 5:00, 23:30.*)

■. A told interviewers that ■ didn’t feel like ■ had a choice except to send photos to Dep. Puleo. He never threatened ■ or offered ■ something in return, but ■ was in a vulnerable position, ■ needed the positive attention, he was law enforcement, and ■ felt like ■ needed to reciprocate because of the help and advice he had provided on ■ case. (*Id. at 4:00, 25:00.*) ■ doesn’t think Dep. Puleo’s actions were appropriate. (*Id. at 10:40.*)

Dep. Puleo told interviewers that he gave ■. A his business card after ■ asked him questions about ■ arrest. ■ reached out to him within a week. (*Puleo Interview at 12:10.*) Dep. Puleo initially said that he didn’t remember whether ■. A first contacted him about ■ case or if their first contact was more casual. Interviewers later asked how the conversation deviated from professional to unprofessional; Dep. Puleo said that he doesn’t know how it got to that point or who initiated it or got flirtatious. Dep. Puleo said he doesn’t recall ■. A reaching out to get advice about ■ case or something like child custody, it was all flirtatious. Later in the interview, Dep. Puleo said that he doesn’t think the conversation was unprofessional when ■. A first reached out – it must have started otherwise and then it transitioned to that. Interviewers noted that Dep. Puleo had said that the conversation transitioned to flirtation and also that the conversation was always flirtatious. Dep. Puleo said that it was inaccurate for him to say that the conversation was only flirtatious – it would be more accurate to say it was “mostly flirtatious.” (*Id. at 12:10, 14:45, 28:20, 30:40, 32:45.*)

Dep. Puleo said that he and ■. A texted for weeks or a month. (*Id. at 10:45.*) It’s safe to say that he texted ■ on duty, he mainly used his phone at work. (*Id. at 16:05.*) ■ sent him photos. He remembers two in particular – one where ■ was on a bed on ■ stomach wearing a thong and had ■ butt up in the air a little, and one where ■ was sitting on a bathroom counter topless in ■ underwear. He said he specifically asked ■ for inappropriate photos once – around the end of their contact, he asked “do you have any more material for your fans?” He doesn’t remember whether he explicitly asked ■. A for photos on other occasions. He can’t remember whether he was direct or just tiptoeing around the subject, but it’s definitely possible that he asked, and ■. A could have interpreted his other comments to make ■ send photos. (*Id. at 21:30, 49:20.*) Dep. Puleo said he also asked ■ to

meet him when he was away on training, or mentioned to ■■■ that he was away on training (he doesn't know which). He said the purpose of this was the same as their whole conversation – “Basically just kind of a thrill sort of thing you know, like, oh, how far can this go?” He was pushing the limit of what's appropriate for him, but it was never like “hey let's go have sex.” (*Id. at 17:40.*) He said they never met in person. (*Id. at 12:10.*)

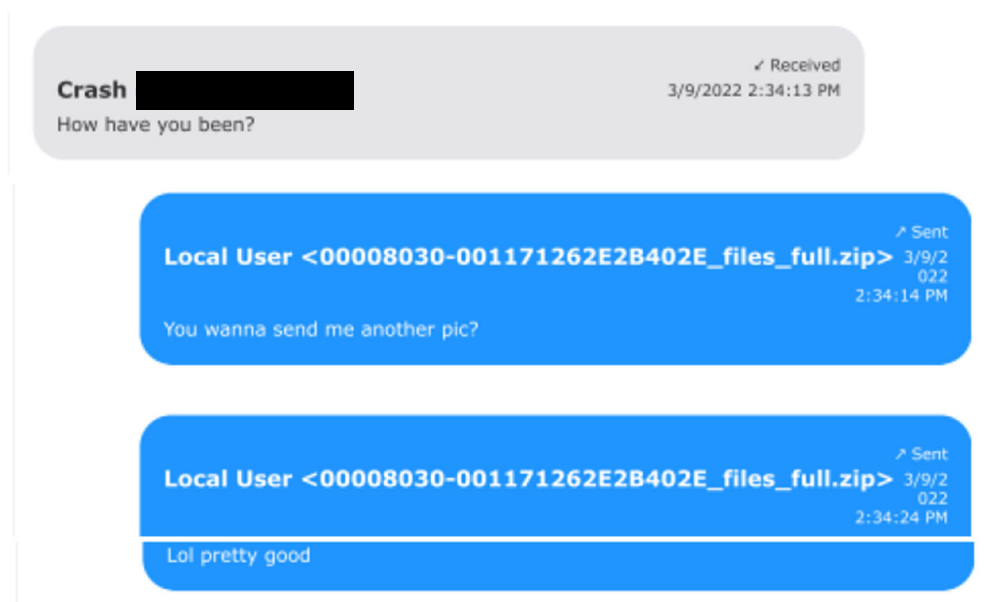
■■■. B: Initial Contact with Dep. Puleo

Dispatch records show that Dep. Puleo responded to a reported hit and run in a store parking lot on February 26, 2022, where ■■■. B was the reporting party. Dep. Puleo reviewed store video to identify the suspect car, contacted the suspect, and was present as the parties exchanged information. (*Dispatch records.*) The record contains no video or reports related to the incident.

■■■. B told interviewers that ■■■ met Dep. Puleo during that incident. (■■■. B Interview at 00:45.) He gave ■■■ his business card (including his phone number) and said that he'd be willing to help if there was anything he could do, or if ■■■ had further questions. (*Id. at 01:30.*) ■■■ reached out to him by text message pretty soon after the incident. ■■■ thanked him, and asked if he was single. (*Id. at 2:25.*)

D. ■■■. B: Text Messages with Dep. Puleo

Dep. Puleo's **work cell phone** contains 47 messages with ■■■. B, stored in his phone under the name “Crash.” The messages begin March 9th and end May 11th, 2022. Example texts:



Local User <00008030-001171262E2B402E_files_full.zip> ↗ Sent
3/9/2022 2:34:27 PM
You?

Crash [REDACTED] ✓ Received
3/9/2022 2:34:27 PM
After I get one from you ;)

[messages excerpted]

Crash [REDACTED] ✓ Received
3/9/2022 2:38:48 PM
How's work

Crash [REDACTED] ✓ Received
3/9/2022 2:38:54 PM
Living the dream?

Local User <00008030-001171262E2B402E_files_full.zip> ↗ Sent
3/9/2022 2:42:50 PM
Of course!

Crash [REDACTED] ✓ Received
3/9/2022 2:46:44 PM
Lol... getting hit on by ladies, can't be that bad lol

Local User <00008030-001171262E2B402E_files_full.zip> ↗ Sent
3/9/2022 2:53:19 PM
You're actually the only one

Crash [REDACTED] ✓ Received
3/9/2022 2:54:30 PM
Oooooohhh right!!!! Cops get hit on I'm sure all the time lol
It's the uniform, who can resist that lol

Crash [REDACTED]

✓ Received
3/9/2022 2:54:47 PM

I don't believe that ... at all lol

Local User <00008030-001171262E2B402E_files_full.zip>

^ Sent
3/9/2
022
3:00:50 PM

Occasionally maybe 😊

[messages excerpted]

Crash [REDACTED]

✓ Received
3/9/2022 3:09:44 PM



[REDACTED]

✓ Received
3/9/2022 3:09:44 PM



Crash [REDACTED]

✓ Received
3/9/2022 3:10:18 PM

I just took that in the bathroom for you, you're welcome

Local User <00008030-001171262E2B402E_files_full.zip>

^ Sent
3/9/2
022
3:12:26 PM

I feel pretty special. Looks good

Crash [REDACTED]

✓ Received
3/9/2022 3:14:43 PM

lol you should. Not something that I typically send lol

Local User <00008030-001171262E2B402E_files_full.zip>

^ Sent
3/9/2
022
3:16:50 PM

I do!!

E. ■. B: Related Evidence

■. B told interviewers that ■ and Dep. Puleo continued texting for a few weeks after that, and may have talked on the phone 3 times. The conversation was flirtatious on both ends. (*Id. at 4:20, 5:50, 23:30.*) Dep. Puleo asked ■ 3 or 4 times to meet up with him in the Windsor area, but they never met up. ■'s not sure if he specifically said that he wanted to have sex. It's possible, but ■ at least assumed that he intended to make out. (*Id. at 4:20, 13:00, 26:30.*) Dep. Puleo asked for photos of ■, and ■ also sent him photos unsolicited. ■ estimates that ■ sent him 3-10 photos total, and 5 of those were sexually explicit (for example, ■ sent him around 3 photos of ■ bare chest). Dep. Puleo didn't ask ■ to send photos in specific positions. ■ asked for photos of Dep. Puleo, and he also sent ■ photos unsolicited; ■ estimates that he sent ■ 3-8 photos total. This included at least one bare chest photo without his face, and maybe a photo in his uniform, but no photos of his genitalia. (*Id. at 06:50, 21:30.*) Dep. Puleo told ■ that he was at work when they texted and sent photos. Sometimes they would be in consistent communication for a few hours while he was at work. (*Id. at 12:20.*) ■ doesn't remember why they stopped texting, but ■ assumed it was because Dep. Puleo's ■ caught him. (*Id. at 17:00.*)

■. B told interviewers that ■ doesn't have the photos or their text messages anymore. (*Id. at 19:50.*) ■ never felt threatened, coerced, obligated, or forced to communicate with Dep. Puleo or send photos based on his status as a peace officer. Their communications were mutual and consensual. (*Id. at 19:24.*) When asked whether Dep. Puleo put the Sheriff's Office in a bad light, ■ said ■ thinks he was unprofessional but ■ also contributed to the situation. (*Id. at 20:30.*)

Interviewers asked **Dep. Puleo** – other than ■. A, “Have you communicated with any other suspects, victims, witnesses in an unprofessional capacity utilizing your issued cell phone as a result of your investigation?” Dep. Puleo answered “Suspects, victims, and witnesses? I don't believe so.” Interviewers then asked “Who is ‘Crash’ in your phone?” Dep. Puleo responded “Hmm. It's a – I was wondering what I had that saved under. A ■ that called in a hit and run that didn't end up being a hit and run, at Walmart.” Dep. Puleo said that he found the person in the parking lot and the parties exchanged info; he summarized the conversation he had with the suspect driver; he said he didn't take a report for the incident; and he said ■. B asked for his card and he gave it to ■. Interviewers asked and Dep. Puleo agreed that he investigated a traffic accident involving ■. B. (*Puleo Interview at 38:35, 40:20.*)

Dep. Puleo told interviewers that ■. B reached out to him first. He didn't have ■ phone number. He thinks their conversation was immediately unrelated to ■ crash, it didn't transition to something inappropriate later – she started the conversation with a message along the lines of “I find you attractive, are you single?” He doesn't recall whether he asked ■ for photos, but ■ sent more than one. He remembers one showing ■ bare chest in the shower. (*Id. at 41:25.*)

F. [REDACTED]. C: Initial Contact with Dep. Puleo

[REDACTED]. C told the Investigator that [REDACTED] met Dep. Puleo when he responded to a call related to an issue with her tenant. ([REDACTED]. C Interview at 00:00.)

Dispatch records show that Dep. Puleo responded to a disturbance call between roommates (including [REDACTED]. C) on August 31, 2022. **BWC footage** shows Dep. Puleo and another deputy outside the home, talking to [REDACTED]. C and the roommate. Their dispute is about the roommate moving out that week. During the 3-minute interaction, Dep. Puleo and [REDACTED]. C do not speak in a flirtatious or overly personal manner. (See generally Puleo BWC 3.)

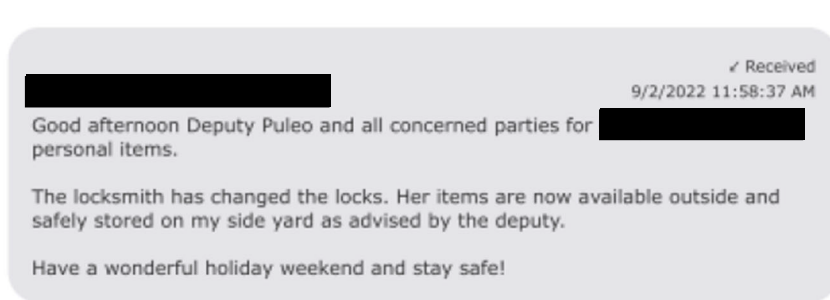
Dispatch records show that Dep. Puleo responded to the same address again on September 2, 2022, for a civil standby to keep the peace. **BWC footage** shows Dep. Puleo outside the home, talking to [REDACTED]. C and the roommate. Their dispute is about a key and a storage fee. Dep. Puleo enters the home and garage at [REDACTED]. C's request, to see the storage area. Dep. Puleo ends the visit by telling [REDACTED]. C to let "us" know if [REDACTED] needs anything else. During the 6.5-minute interaction, Dep. Puleo and [REDACTED]. C do not speak in a flirtatious or overly personal manner. (See generally Puleo BWC 4.)

[REDACTED]. C told the Investigator that [REDACTED] thinks Dep. Puleo came by [REDACTED] house one too many times, but also he was extra helpful and [REDACTED] appreciated it. ([REDACTED]. C Interview at 14:00.) [REDACTED] didn't clarify whether he visited again after the civil standby call, or whether [REDACTED] felt that the civil standby was unnecessary.

[REDACTED]. C told the Investigator that [REDACTED] doesn't remember how Dep. Puleo got [REDACTED] phone number. At one point [REDACTED] tenant was threatening [REDACTED], and Dep. Puleo ended up reaching out to [REDACTED] by text message and providing his cell phone number. ([REDACTED]. C Interview at 2:30.)

G. [REDACTED]. C: Text Messages with Dep. Puleo

Dep. Puleo's **work cell phone** contains 85 direct messages and 15 group messages with [REDACTED]. C (stored in his phone under the name "[REDACTED].") The messages begin September 2nd and end September 3rd, 2022. An example of an early group message:



An example of an early direct message:

Local User <00008030-001171262E2B402E_files_full.zip> ^ Sent
9/2/2022 10:20:37 AM
Hey [REDACTED] it's Deputy Puleo (the gentleman). Just wanted to let you know this is my cellphone in case she shows up. I left a voicemail for her

Additional examples of direct messages:

Local User <00008030-001171262E2B402E_files_full.zip> ^ Sent
9/2/2022 1:21:55 PM
Oh wow, private chef huh? That's pretty cool. Do you have a signature dish?

[REDACTED] ✓ Received
9/2/2022 1:23:04 PM
Everything?! I've been privately employed by the same family for 14 years. I'm not fancy, but I can throw down a delicious meal

[REDACTED] ✓ Received
9/2/2022 1:25:44 PM
What did you do before sheriff?

Local User <00008030-001171262E2B402E_files_full.zip> ^ Sent
9/2/2022 1:35:43 PM
I bet you can! I'm getting hungry lol

Local User <00008030-001171262E2B402E_files_full.zip> ^ Sent
9/2/2022 1:36:35 PM
Did a lot of stuff. Army, tree work, construction, restaurant...

[REDACTED] ✓ Received
9/2/2022 1:37:19 PM
So your handy too?! Not just a pretty face? 😊

Local User <00008030-001171262E2B402E_files_full.zip> 9/2/2022 1:37:48 PM
Lol I like to think so. I've been told I have good hands

Local User <00008030-001171262E2B402E_files_full.zip> 9/2/2022 1:42:11 PM
I was thinking that could be my side gig, a masseuse

[messages excerpted]

Local User <00008030-001171262E2B402E_files_full.zip> 9/2/2022 1:54:04 PM
I'm off the market as far as dating goes but I can still do massages

[messages excerpted: Dep. Puleo calls himself "technically unavailable" and █████. C says she's "looking for the real deal and you are unavailable for that :)"]

Local User <00008030-001171262E2B402E_files_full.zip> 9/2/2022 2:10:15 PM
Well let me know if you want to help me practice for my side gig

Additional examples of direct messages, after █████. C brought cookies to the station:

Local User <00008030-001171262E2B402E_files_full.zip> 9/3/2022 12:25:55 PM
These cookies are amazing! And all do respect, you looked amazing. My sergeant kinda crashed that meeting. Anyways, thank you so much that awesome cookies. Let me know if I can do anything else for you

████████████████████ 9/3/2022 12:29:38 PM
Awe! Thanks :)
We bake cookies all the time so we'll be back with other varieties.
And it's a hot day! I'm not exactly dressed up but thank you for the complement

Local User <00008030-001171262E2B402E_files_full.zip> ^{^ Sent} 9/3/2022 12:31:03 PM
You looked nice and cool, but quite attractive. Again, all due* respect

[messages excerpted: Dep. Puleo asks about [REDACTED]. C's tattoos]

[REDACTED] ^{✓ Received} 9/3/2022 12:37:47 PM
I have the late 90's butterfly on my lower back. It dates me 😞
I'll have those removed at some point.
Your heritage matched your looks :)

Local User <00008030-001171262E2B402E_files_full.zip> ^{^ Sent} 9/3/2022 12:38:50 PM
Don't remove them!

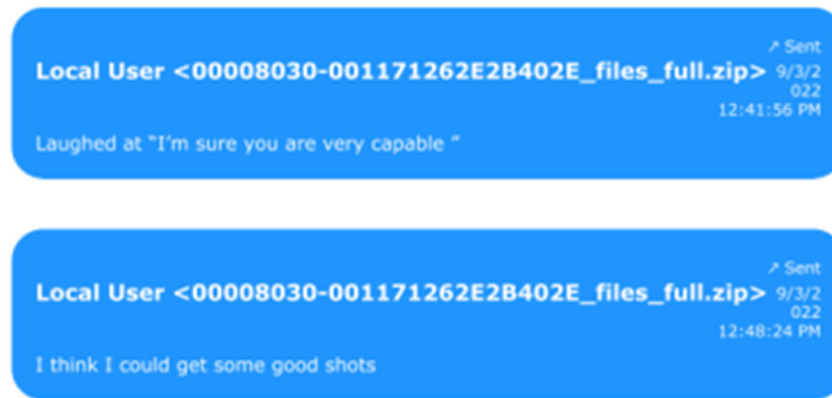
[REDACTED] ^{✓ Received} 9/3/2022 12:39:07 PM
They are faded! And need to be redone. I'm old 🙄

Local User <00008030-001171262E2B402E_files_full.zip> ^{^ Sent} 9/3/2022 12:39:23 PM
Don't look it. Can I see them?

[REDACTED] ^{✓ Received} 9/3/2022 12:39:38 PM
I have no way to take a picture 😊

Local User <00008030-001171262E2B402E_files_full.zip> ^{^ Sent} 9/3/2022 12:40:37 PM
I can take it 😊

[REDACTED] ^{✓ Received} 9/3/2022 12:41:05 PM
I'm sure you are very capable



H. ■■■. C: Related Evidence

■■■. C told the Investigator that ■■■ conversation with Dep. Puleo started professionally and lasted for 2-3 days. (*Id. at 13:00.*) It transitioned toward flirting when Dep. Puleo asked if he could offer ■■■ a massage. That insinuated that he wanted to “get physical” and touch ■■■. (*Id. at 4:50, 6:45.*) ■■■ thought he wanted a sexual relationship with ■■■, and that he was going to see how far he could take the massage. (*Id. at 23:35.*) Dep. Puleo told ■■■ that he was at work when they were texting. (*Id. at 16:15.*) ■■■ was flirtatious too, and at one point ■■■ brought him cookies at work. (*Id. at 5:45, 8:30.*) He asked ■■■ to send him photos of ■■■ self – he specifically asked for photos of ■■■ tattoos, but not for sexually explicit photos. ■■■ never sent photos of ■■■, and he never sent ■■■ photos. ■■■ did send him one photo related to the roommate issues he had responded to, and photos about a public safety night that ■■■ was involved with. (*Id. at 18:30.*)⁵ ■■■ eventually told Dep. Puleo ■■■ wasn’t interested, because he wasn’t available. He continued hitting on ■■■ after that, but their contact ended after he offered to photograph ■■■ – neither of them reached out again. (*Ms. C Interview at 11:30, 25:20.*)

■■■. C told the Investigator that Dep. Puleo didn’t sent ■■■ photos of himself or ask to meet in person. (*Id. at 22:50.*) ■■■ didn’t feel obligated to participate in their conversation because of his law enforcement status, or feel threatened by that – ■■■ was just single and thought he was attractive. Once ■■■ knew he was unavailable, ■■■ was glad he moved on. (*Id. at 11:30, 17:30, 24:15.*) ■■■ didn’t have any specific concerns about the fact that he engaged in the conduct on-duty, or as a law enforcement officer – ■■■ thought he probably shouldn’t be doing it, but still had faith in the Sheriff’s department. (*Id. at 26:15.*)

Interviewers did not specifically ask **Dep. Puleo** about ■■■. C, because they discovered ■■■ text messages after Dep. Puleo’s interview. However, they did ask whether he had engaged in similar behavior with anyone other than ■■■. A or ■■■. B:

Interviewer: “Have you communicated with any other suspects, victims, witnesses in an unprofessional capacity utilizing your issued cell phone as a result of your investigation?”

⁵ ■■■. C sent the Investigator the three photos that ■■■ had sent to Dep. Puleo. They include a photo of ■■■ garage, and two photos of what appears to be a restaurant event calendar. (■■■. C Photos.)

Dep. Puleo: “Suspects, victims, and witnesses? I don’t believe so.”

...

Interviewer: “In regards to your phone, do you recall anybody else that you had requested to send you similar pictures to you, besides [REDACTED]. [A] and [REDACTED]. B]?”

Dep. Puleo: “Not that I recall, no.”

(Puleo Interview at 38:35, 51:15.)

I. Additional Evidence

Shift logs show that Dep. Puleo was scheduled to work 6am-4pm on March 9th, September 2nd, and September 3rd, 2022. *(Shift records.)*

Dep. Puleo had been at SCSO for 6 years at the time of his interview. *(Puleo Interview at 1:40.)* He first told interviewers that he had not looked for or read a policy about phone use, but he figured SCSO had one. He then corrected himself, saying that he signed off on the policy so he read it, but it wasn’t on his radar – otherwise he wouldn’t have been so careless. *(Id. at 7:45.)* **Policy records** show that Dep. Puleo signed off on the 2019 version of the phone policy when it was issued. *(Policy records.)* **Dep. Puleo** told interviewers that he wasn’t familiar with SCSO’s relationship policy. He’s not surprised that one exists, but he’s never read a policy like that. *(Puleo Interview at 37:20.)* **Policy records** show that Dep. Puleo signed off on the 2020 version of SCSO’s inappropriate relationship policy when it was issued. *(Policy records.)* **Dep. Puleo** said that, regardless of policy, he could assume that his relationship with [REDACTED]. A would be unprofessional and inappropriate behavior; and that he also knew not to use his work phone inappropriately. *(Puleo Interview at 7:45, 37:20.)*

Dep. Puleo told interviewers that he doesn’t think his conduct with [REDACTED]. A and [REDACTED]. B was appropriate. “I messed up” and it’s “a lesson for sure that I will learn from.” *(Puleo Interview at 45:00, 50:40.)*

II. INVESTIGATOR’S CONCLUSIONS

The Investigator considered four issues, and reached a finding of **SUSTAINED** on all four.

First, the Investigator found that Dep. Puleo violated SCSO Policy 320.5.4(c), which prohibits deputies from “Establishing or maintaining an **inappropriate personal or financial relationship**, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.” The Investigator determined that Dep. Puleo met all three [REDACTED] under the circumstances outlined in the policy language, and that afterward he sent flirtatious text messages to all three [REDACTED], requested/sent sexually explicit photos with two of them, and suggested that they come to his hotel room while he was traveling for training.

Second, the Investigator found that Dep. Puleo’s conduct violated Policy 320.5.8(i), which prohibits deputies from engaging in conduct that **discredits the Sheriff’s Office**. The Investigator considered the opinions of the three [REDACTED] on the issue, including [REDACTED]. A’s statement that [REDACTED] felt obligated to engage with Dep. Puleo.

Third, the Investigator found that Dep. Puleo's conduct violated Policy 701.6, which limits the way in which deputies can **use their phones**. The Investigator determined that Dep. Puleo used his department-issued phone to communicate with all three [REDACTED]. The Investigator found that these communications happened while Dep. Puleo was on duty, in violation of subsection (a)'s prohibition on conducting personal business on duty; and that having flirtatious conversations and sending/receiving explicit photos violated subsection (e)'s prohibition on using department phones to engage in inappropriate conduct.

Fourth, the Investigator found that Dep. Puleo violated Policy 320.5.8(c), which prohibits deputies from giving **false/misleading statements** or misrepresenting/omitting material information in connection with an investigation. The Investigator determined that Dep. Puleo gave a false statement and omitted material information when giving his Internal Affairs interview:

- He gave contradictory statements about whether his first text messages with [REDACTED]. A were professional or strictly flirtatious.
- He was given the opportunity to tell interviewers about his text messages with [REDACTED]. B, but only told them after he was confronted with specifics.
- He was given two opportunities to tell interviewers about his text messages with [REDACTED]. C, but did not tell them about that.
- He deleted a text message thread with [REDACTED]. A when he learned that [REDACTED] was making a complaint about him, which "indicated that he attempted to destroy, or at minimum withhold, potentially incriminating evidence." (*Quoted from IA Report at p.27.*)

Finally, the Investigator **recommended a policy/procedure change**. The Investigator noted that when [REDACTED] called to make a complaint, dispatch entered information that allowed Dep. Puleo to learn that the complaint was about him and identify the complainant; and that this gave Dep. Puleo the opportunity to erase evidence from his phone before he was ordered not to. The Investigator recommended that dispatch modify its policy/procedure to avoid this situation in the future.

Dep. Puleo was placed on administrative leave on February 23, 2023, while the investigation was still pending. (*Admin Leave Notice.*) On April 27, 2023, a Notice of Intended Disciplinary Action was issued to Dep. Puleo, informing him that the Sheriff intended to **terminate his employment with cause** based on the sustained findings. This discipline was confirmed after a Skelly hearing in June 2023. Dep. Puleo **resigned** on July 31, 2023. (*See generally Notice of Intended Disciplinary Action; Skelly Hearing findings; Letter of Resignation.*)

APPLICABLE POLICIES⁶

I. General Standards of Conduct

Policy 320 addresses Standards of Conduct for the Sheriff's Office. It states that "Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline." (*Policy 320.4.*)

In addition to this general rule, the policy provides a non-exhaustive list of prohibited conduct. Among other things, it prohibits "Any act on- or off-duty that brings discredit to this office" (*id. at 320.5.8(i)*) and "Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office . . . or tends to reflect unfavorably upon this office or its members." (*id. at 320.5.9(m)*).

II. Relationships

Policy 320 specifically addresses relationships, and provides a non-exhaustive list of prohibited conduct. Among other things, it prohibits "Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact." (*Id. at 320.5.4(c)*).

III. Dishonesty

Policy 320 specifically addresses dishonesty, and provides a non-exhaustive list of prohibited conduct. This includes:

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement . . . during the course of any work-related investigation.

...

⁶ IOLERO applies the SCSO policies that were in effect at the time of the alleged incidents.

The relevant dates for policies regarding relationships, cell phone use, and general standards of conduct would be when Dep. Puleo engaged in allegedly inappropriate conversations with the three [REDACTED]: January 27, 2022 through the end of February [REDACTED] (A); for a few weeks beginning February 26, 2022 through March 9 [REDACTED] (B); and for two days at the beginning of September 2022 [REDACTED] (C). The relevant date for policies regarding truthfulness would be when Dep. Puleo gave his IA interview (February 23, 2023) and when Dep. Puleo deleted [REDACTED] A's information from his phone (approximately December 30, 2022).

As a result, IOLERO applies policies dated December 2020. (IOLERO is not aware of any policy revisions between December 2020 and the various incident dates.)

- (c) Failure to participate in, or 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

(*Id at 320.5.8.*)

Policy 1010 specifically addresses Internal Affairs investigations, and requires that “All members shall provide complete and truthful responses to questions posed during interviews.” (*Policy 1010.6.2(i).*)

IV. Cell Phone Use

Policy 701 governs deputies’ on-duty use of personal and department-issued phones. The policy calls these “Personal Communication Devices;” this discussion calls them “phones” for clarity. Among other things, the policy says:

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

. . . .

- (e) Using [phones] to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. . . .

(*Policy 701.1, 701.6.*)⁷

DISCUSSION AND CONCLUSIONS

I. INVESTIGATIVE STANDARDS

A. Burden of Proof – “Preponderance of the Evidence”

In an employee investigation, a claim of misconduct may be “sustained” and discipline imposed if a preponderance of the evidence shows the employee violated law or agency policy. *See Sonoma County Civil Service Commission Rule 10.5(I)(2).* “Preponderance” is defined as evidence that “has more convincing force and the greater probability of truth” than the opposing evidence. (*Id.*) “Sustained” claims may be retained in the employee’s general

⁷ Dep. Puleo signed off on the 2019 version of this policy. (*Policy records.*) IOLERO does not have access to a version dated 2019, in order to determine whether there are any differences from the 2020 version quoted here. However, Dep. Puleo’s policy records do not suggest that changes were made between 2019 and 2020.

personnel records and could be (in some circumstances) subject to public records requests. (See Penal Code §§ 832.5, 832.7, 832.8.)

B. Complete Investigative Record – “Clearly Establish”

Where a preponderance of the evidence shows that the allegations are untrue or that the employee complied with law or policy, punitive action may not be imposed.

In addition, California Penal Code §§ 832.5, 832.7 and 832.8 segregate unsustained claims from the employee’s personnel file and/or exempt them from public records requests. These are claims found to be (i) “frivolous” because they are “totally and completely without merit or for the sole purpose of harassing”, (ii) “unfounded” because the allegation was determined to be “not true”, and (iii) claims in which the employee was “exonerated” because the actions were “not violations of law or department policy”. (Penal Code § 832.5(c), (d); Code of Civ. Proc. § 128.5(b)(2).)

To qualify as “unfounded” or “exonerated”, Penal Code § 832.5 requires that the “investigation *clearly establish*” that the allegations are “not true” or that the actions “are not violations of law or department policy”. (*Italics added.*) To find a claim to be frivolous, the investigation must establish that any reasonable person would agree it is “*totally and completely* without merit” or was made for the “*sole* purpose of harassing”. (Code Civ. Proc. § 128.5 (*italics added.*))

We interpret “clearly establish” as used in Penal Code §§ 832.5, 832.7 and 832.8 to mean the investigation was sufficiently thorough to establish a *complete* factual and analytic record. Only when the investigation is “complete” can determinations properly be made as to whether the claim is or is not supported by a preponderance of the gathered evidence.

In compliance with Penal Code §§ 832.5, 832.7 and 832.8, SCSO Policy § 1010.6.4 requires that all personnel complaints be classified as “unfounded”, “exonerated”, “not sustained”, or “sustained”. The definition of “unfounded” and “exonerated” in SCSO Policy 1010.6.4 differs in some respects from Penal Code §§ 832.5 and 832.7 (e.g., investigation “discloses” rather than “clearly establishes”). We assume SCSO intends its definition to match the statutory criteria and therefore apply the statutory standard here.⁸

II. THE INVESTIGATION WAS COMPLETE.

IA initiated this investigation based on [REDACTED]’s allegation that Dep. Puleo had engaged in an inappropriate relationship with [REDACTED]. A. As the evidence suggested additional allegations, however, IA expanded the scope of its investigation to match. By reviewing all text messages on Dep. Puleo’s phone and matching them to Windsor Police incidents, IA

⁸ SCSO Policy 1010.6.4 defines “not sustained” as “the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member”. “Not sustained” is not a category referenced or defined in Penal Code §§ 832.5, 832.7 or 832.8. The U.S. Dep’t of Justice defines “not sustained” as “the allegations cannot be proven true or untrue by a preponderance of the evidence”. (See U.S. Dep’t of Justice, *Office of Community Oriented Policing Services, Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* at 50.)

identified and proved two more instances of misconduct that Dep. Puleo failed to disclose to investigators. This strengthened the investigation by further corroborating [REDACTED]. A's experience. It also provided a more complete picture of the extent of Dep. Puleo's conduct, and allowed interviewers to ask Dep. Puleo more pointed questions about his conduct. This led to an additional finding related to his dishonesty. Sheriff's Office personnel also began preserving potential evidence within 24 hours after learning of the allegations; and investigators obtained meaningful testimony by asking witnesses direct, thorough questions about sensitive topics. As a result, IOLERO determined that the IA investigation was **COMPLETE**.

III. IOLERO AGREES THAT THE PREPONDERANCE OF EVIDENCE SHOWS THAT DEP. PULEO ESTABLISHED AND MAINTAINED INAPPROPRIATE PERSONAL RELATIONSHIPS.

The evidence in this record shows that Dep. Puleo met [REDACTED]. A, [REDACTED]. B, and [REDACTED]. C as the result of official contacts he made on behalf of the Windsor Police Department. Testimony and records show that his relationship with each [REDACTED] began as professional (investigating a domestic violence call, investigating a reported hit and run, responding to a disturbance and providing a civil standby) and then transitioned to something unprofessional. Between the three [REDACTED], he complimented their appearance, offered a massage, offered to photograph their body, asked for photos of their body (some explicitly sexual), sent them photos, and suggested that they meet at a hotel. In two of the three relationships, Dep. Puleo was the one who initiated the sexually charged conversation. Evidence of these conversations was found on Dep. Puleo's phone, and all three [REDACTED] testified to his unprofessional relationships with them. Dep. Puleo also admitted many of these details in his interview, although he regularly recalled less detail than the [REDACTED] did.

The language of SCSO's policy clearly prohibits these relationships, and there is no evidence in this record excusing or mitigating Dep. Puleo's conduct. In particular, the nature of the relationships does not depend upon whether Dep. Puleo directly asked the [REDACTED] for things, or "tiptoed around" the sex-related aspects of the conversation. As a result, a preponderance of the evidence in this record shows that Dep. Puleo established and maintained inappropriate personal relationships with all three [REDACTED], and IOLERO **AGREES** that the finding on this allegation should be **SUSTAINED**.

IV. IOLERO AGREES THAT THE PREPONDERANCE OF EVIDENCE SHOWS THAT DEP. PULEO'S CONDUCT BROUGHT DISCREDIT TO THE SHERIFF'S OFFICE.

The evidence in this record shows a pattern of Dep. Puleo making contact with [REDACTED] in his official capacity, providing his phone number to them, and then using that official contact as a source of personal relationships. This alone reflects very poorly on the Sheriff's Office.

In addition, Dep. Puleo knew that one of the [REDACTED] ([REDACTED]. A) was in an apparently vulnerable position at the time – he had just arrested [REDACTED], [REDACTED] told him that [REDACTED] was physically abusive, and [REDACTED] asked for his official help while dealing with child custody issues. Moreover, one of the [REDACTED] (again [REDACTED]. A) reported that [REDACTED] felt obligated to engage with Dep.

Puleo and send him sexually explicit photos when he asked, *because* he worked for law enforcement and [REDACTED] needed to reciprocate for the law enforcement assistance he provided [REDACTED]. In this context, Dep. Puleo's conduct appears more calculated – as if he specifically leveraged his status as a law enforcement officer and his access to information, for his own gratification. The evidence also shows that he spent his on-duty time doing this, instead of doing his job.

As a result, the preponderance of evidence in this record shows that Dep. Puleo engaged in conduct that brought discredit to the Sheriff's Office, and IOLERO AGREES that the finding on this allegation should be **SUSTAINED**.

V. IOLERO AGREES THAT THE PREPONDERANCE OF EVIDENCE SHOWS THAT DEP. PULEO VIOLATED THE CELL PHONE POLICY.

The evidence in this record shows that Dep. Puleo conducted all three inappropriate relationships on his department-issued cell phone. Messages from [REDACTED]. B and [REDACTED]. C appear on that phone; he admitted deleting [REDACTED]. A's messages from that phone; and when asked, the [REDACTED] said that they only texted (and sent pictures to) Dep. Puleo at one phone number. The evidence in this record also shows that Dep. Puleo regularly conducted these relationships during work hours. Text messages on his phone show sent and received times during his shift. The [REDACTED] testified that he told them he was working when they texted; and one said they would be in communication for hours at a time.

Using a department-issued phone for inappropriate conduct violates policy; and so does using a department-issued phone for personal business during work hours. As a result, the preponderance of evidence in this record shows that Dep. Puleo violated the Sheriff's Office cell phone policy, and IOLERO AGREES that the finding on this allegation should be **SUSTAINED**.

VI. IOLERO AGREES THAT THE PREPONDERANCE OF EVIDENCE SHOWS THAT DEP. PULEO WAS DISHONEST DURING THE IA INVESTIGATION.

The evidence in this record shows that Dep. Puleo gave false or misleading statements, or misrepresented or omitted material information, during the IA investigation. For simplicity, this Audit refers to that range of conduct as “dishonesty.”

Interviewers gave Dep. Puleo the opportunity to disclose his relationship with [REDACTED]. B. He did not. Specifically, interviewers asked “Have you communicated with any other suspects, victims, witnesses in an unprofessional capacity utilizing your issued cell phone as a result of your investigation?” Dep. Puleo answered “Suspects, victims, and witnesses? I don't believe so.” When investigators immediately confronted Dep. Puleo about [REDACTED]. B, however, he didn't say that he had forgotten about that relationship. He also didn't say that he had omitted it because he thought it was outside the question. Instead, he said that he had forgotten *what name* he used to save that conversation. He was also immediately able to recall the details of [REDACTED]. B's call – what it was about, where it was located, the conversations he had on scene, whether he took a report, how the incident resolved, and how [REDACTED]. B got his number – even though the call appears to have been relatively uneventful. This is not consistent with

forgetfulness. Under the circumstances, the evidence shows that Dep. Puleo intentionally omitted [REDACTED]. B from his testimony.

Dep. Puleo also did not disclose his relationship with [REDACTED]. C in response to that question, or a later question by investigators as to whether he requested similar photos from anyone else. Regarding [REDACTED]. C, Dep. Puleo's responses may not have *technically* been entirely dishonest – based on the nature of the incidents where Dep. Puleo met [REDACTED]. C, [REDACTED] may not *technically* have been a victim or suspect in an investigation; and Dep. Puleo asked [REDACTED]. C for photos of [REDACTED] body, but *technically* not sexually explicit ones like he had described for [REDACTED]. A and [REDACTED]. B. But these technicalities don't justify failing to disclose the conversation with [REDACTED]. C. The nature of IA's investigation was clear, and so was the intent of IA's questions. After confronting Dep. Puleo with [REDACTED]. A and [REDACTED]. B, a reasonable person would have understood that IA wanted to know about all inappropriate conversations he had using his department-issued phone. Nevertheless, the record does not establish whether Dep. Puleo remembered his conversation with [REDACTED]. C at the time of his interview – he was not specifically asked, because IA had not yet discovered the text messages; and their conversation was brief and somewhat uneventful compared to the others. As a result, his failure to disclose [REDACTED]. C is not enough to establish dishonesty on its own. However, it is enough to corroborate the other evidence of dishonesty.

Lastly, Dep. Puleo intentionally deleted evidence that he knew was relevant to a pending complaint against him. He admitted this. The exact timing does not matter: once he knew what the complaint was about, he would have known that [REDACTED]. A's text messages and contact were relevant, and that deleting them would interfere with the investigation and obscure his conduct. Dep. Puleo's alternate explanation for deleting the messages – that he just wanted “to be done with the whole thing” – was not credible. Among other things, he admitted that he had a confrontation with [REDACTED] the day before about the same series of messages; but it was only after [REDACTED] reported his conduct that Dep. Puleo wanted to be done with it. This further corroborates the evidence of dishonesty.

As a result, the preponderance of evidence in this record shows that Dep. Puleo was dishonest during the IA investigation, and IOLERO AGREES that the finding on this allegation should be **SUSTAINED**.

VII. IOLERO AGREES WITH THE INVESTIGATOR'S RECOMMENDATION REGARDING DISPATCH POLICY AND PROCEDURE.

The Investigator noted that dispatch personnel entered specific information that allowed Dep. Puleo to learn that he was the subject of a complaint, identify the complainant, and erase potentially incriminating evidence before he was ordered not to. As a result, the Investigator recommended “modifying dispatch's policy and/or procedures when receiving a call for service involving a complaint of Sheriff's Office personnel, to prevent the destruction of evidence in the future.” (*IA Report at p.30.*)

IOLERO agrees with the Investigator's characterization of what happened with the complaint against Dep. Puleo. IOLERO also agrees with the Investigator that it is important for SCSO dispatch to avoid entering future complaints in dispatch logs in a manner that makes them identifiable. In addition to the potential destruction of evidence, IOLERO notes that Penal Code § 832.7 indirectly prohibits putting identifying information about the *complainant*

in dispatch records (*subsection (b)(6)(B)*); and including identifying information about the *subject deputy* in dispatch records could also give the subject cause to sue the SCSO.

As a result, IOLERO **AGREES** with the Investigator's **RECOMMENDATION** that SCSO should modify its dispatch policy and procedure.

VIII. A NOTE ABOUT THE CELL PHONE EVIDENCE

The IA investigation downloaded all data from Dep. Puleo's work cell phone. The Investigator reviewed all text messages from the phone. The Investigator also asked another IA staff member to "review the Axiom download of Dep. Puleo's department-issued cellphone [*sic*]," and that person reported that "there was no other inappropriate content." (*IA Report at pp.19-20.*)

For purposes of this Audit, the Auditor independently reviewed all text messages from Dep. Puleo's phone. The Auditor determined that it was not necessary to independently review additional cell phone data in order to thoroughly and accurately audit this investigation.

First: The Auditor's independent review of text messages uncovered no additional instances of similar misconduct by Dep. Puleo, among more than 150 text conversations.⁹ This confirmed IA's diligence in reviewing cell phone data and identifying and pursuing potential misconduct.

Second: The overall evidence showed a pattern of Dep. Puleo developing and maintaining relationships via text message. IA appears to have reviewed the non-text data as a secondary matter – to foreclose the possibility of additional evidence, not necessarily because they expected to find something outside the text messages. This additional level of review reflected IA's overall diligence in investigating this case, and the record provides no basis for questioning IA's diligence when specifically reviewing the non-text data.

Third: Dep. Puleo appeared to use his work phone heavily, and the IA report does not specify how IA reviewed the non-text data – whether they reviewed all data, or used review method that was randomized or focused on certain types of data. As a result, there was likely a large amount of non-text data on the phone, requiring substantial time to review; and the Auditor would be unable to tell whether they were unnecessarily reviewing data that was not part of the record that IA reviewed.

As a result, this Audit did not consider the non-text data that was downloaded from Dep. Puleo's phone even though some or all of it was reviewed during the IA investigation.

NOTES AND RECOMMENDATIONS

IOLERO noted that [REDACTED] **apparently deleted evidence** that he received from [REDACTED]. A while he was assigned to this investigation. [REDACTED] asked [REDACTED]. A to share the photographs that [REDACTED] had sent to Dep. Puleo and that were still in her possession. [REDACTED]. A

⁹ The Auditor discovered one short text message chain between Dep. Puleo and [REDACTED]. A that was not noted in the IA investigation, but these messages were described in other evidence and therefore would not have expanded the scope of the IA investigation or the findings.

agreed. Based on information received from the Investigator, [REDACTED]. A emailed one or more photos to [REDACTED] after [REDACTED] interview, [REDACTED] reviewed them, and [REDACTED] then deleted them. [REDACTED] reportedly deleted them intentionally but without bad intent: he told the Investigator that after viewing them he felt “gross,” as if he had engaged in the same conduct as Dep. Puleo by asking [REDACTED]. A to send them. This explanation is plausible. (For example, it’s substantially more logical than having [REDACTED]. A describe the photos on the record, getting [REDACTED]. A’s agreement on the record to send the photos, and then deleting the photos in an effort to interfere with the investigation.) Additionally, this Audit finds that the IA investigation was complete and its sustained findings were supported without [REDACTED]. A’s photo(s). However, [REDACTED] still intentionally deleted relevant evidence of Dep. Puleo’s misconduct; and the Investigator did not view the photo(s) before they were deleted and could not recover them from Dep. Puleo’s phone.¹⁰ This is sufficiently concerning to warrant an **Internal Affairs investigation** of [REDACTED]’s actions, despite his plausible explanation. This would be the appropriate response in most situations where an SCSO member intentionally deleted evidence. At the least, however, [REDACTED] should have received **informal counseling** on the necessity of preserving *all* evidence, regardless of his personal feelings. It’s not clear that this happened. At a minimum, IOLERO **recommends** that [REDACTED] receive this counseling now.

* * *

IOLERO noted that Sgt. Toney could have **collected Dep. Puleo’s department-issued phone** when Dep. Puleo first approached him. SCSO can inspect a department-issued phone at any time without notice and without cause. (*Policy 701.4.*) By the end of his conversation with Dep. Puleo, Sgt. Toney had substantial reasons to believe that Dep. Puleo’s phone might contain evidence relevant to an IA investigation: Dep. Puleo admitted that he had received inappropriate photographs from someone he had met in his official capacity, admitted that he had done this with his department-issued phone, and admitted there was a complaint call pending that probably related to this conduct. Sgt. Toney didn’t actually need these reasons under policy, but they should have alerted him to collect the phone immediately. That would have been around 2:25pm to 3:00pm on December 30th. Instead, Sgt. Toney notified Dep. Puleo the next day around 11:21am and collected the phone around noon.

It is commendable that Sgt. Toney realized so early in the complaint/investigation process that he needed to collect Dep. Puleo’s phone; that he directed Dep. Puleo not to delete anything until he could collect it; and that he drove to Dep. Puleo’s home rather than wait for Dep. Puleo to drive the phone to the station. If Sgt. Toney had collected the phone almost 24 hours earlier, however, he could have avoided giving Dep. Puleo the chance to delete evidence of his conversations with Ms. A and others.

* * *

Based on the two notes above, IOLERO **recommends that SCSO reassess the training that it provides to new sergeants** regarding how to handle complaints against personnel and internal investigations. In particular, sergeants may need additional training on (1) the early stages of investigation and (2) the collection and preservation of evidence.

* * *

¹⁰ This information was provided by the Investigator. The Investigator did not re-contact [REDACTED]. A to ask [REDACTED] to resend the photo(s) – this did not affect the investigation’s completeness, considering the amount of other available evidence (including [REDACTED]. A’s and Dep. Puleo’s descriptions of the photos she sent).

IOLERO noted that interviewers conducted **particularly strong interviews** of [REDACTED]. A, [REDACTED]. B, and [REDACTED]. C. Interviewers allowed the women to describe their interactions with Dep. Puleo in their own words, but asked follow-up questions to clarify euphemisms; clarified statements like “I knew what that meant,” in order to fully document the conversations with Dep. Puleo; and asked direct questions after establishing rapport. Interviewers also specifically asked the [REDACTED] not to delete evidence.

IOLERO also noted the **quality of the investigation report**. Specifically, it clearly detailed which tasks were undertaken by which investigators and in which order, which was important for understanding how investigators uncovered new evidence and new allegations. This is not necessary in all cases, but it strengthened this report because substantial aspects of this case were built on discovered evidence and discovered allegations.

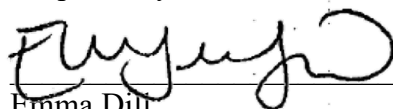
IOLERO also noted that in future investigations of a similar nature, Internal Affairs could consider **additional allegations or violations**:

- IA could have considered a separate allegation related to some of Dep. Puleo’s actions after he discovered the complaint. Dep. Puleo learned that there was a complaint about him, and then used Sheriff’s Office resources to look up the complainant and figure out what the complaint was about. Dep. Puleo used that information to approach Sgt. Toney for his own benefit, before Sgt. Toney talked to the complainant. Specifically, Dep. Puleo was able to frame the issues of the complaint and apologize for his conduct before the IA investigation even began. *(See Policy 320.5.6(c), prohibiting “The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain”.)*
- IA could have considered one additional text message chain on Dep. Puleo’s phone, unrelated to inappropriate personal relationships. In those messages, the person [REDACTED] Dep. Puleo’s [REDACTED] says “Your next [REDACTED] is on the house if you can get me the name of the owner to this dirt bike I just bought,” so that they don’t have to use the DMV process. Dep. Puleo looks up the VIN for them. The person also asks Dep. Puleo to run a license plate to make sure that it’s safe for them to approach the car, and Dep. Puleo appears to run the plate. *(Text messages with “[REDACTED],” March and May 2022; see Policy 320.5.6(c), prohibiting the use of information for personal gain.)*
- In the future, IA could consider a separate allegation related to a subject’s destruction of evidence, rather than combining that issue with a dishonesty allegation. Policy 320.4 allows that “Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline.” Intentional destruction of evidence that’s relevant to a pending complaint of misconduct would certainly constitute good cause.

Date: 12/29/2023

Respectfully Submitted:

BY:



Emma Dill
Law Enforcement Auditor III

APPENDIX A

MATERIALS REVIEWED

- [REDACTED]'s Complaint Interview
- Complaint Memo
- Response Letter

- IA Notice to Dep. Puleo
- Dep. Puleo's Acknowledgement of IA Notice
- Dep. Puleo's Acknowledgement of Updated IA Notice
- Admin Leave Notice
- Dep. Puleo's Interview
- Dep. Puleo's Administrative Admonishment
- Email re: Cell Phone Passcode
- Text messages from Dep. Puleo's Cell Phone (approx. 187 sets of messages)

- [REDACTED]. A's Interview
- Dispatch Record for Event #WI220 [REDACTED] (*all dispatch records are collectively referred to as "Dispatch records"*)
- Police Report
- Dep. Puleo BWC 2022-01-27 at 9:17am (*"Puleo BWC 1"*)
- Dep. Puleo BWC 2022-01-27 at 10:36am (*"Puleo BWC 2"*)
- Dep. McGoon BWC 2022-01-27

- [REDACTED]. B's Interview
- Dispatch Record for Event #WI220 [REDACTED]

- [REDACTED]. C's Interview
- Dispatch Records for Events #WI222 [REDACTED] and WI222 [REDACTED]
- Dep. Puleo BWC 2022-08-31 (*"Puleo BWC 3"*)
- Dep. Puleo BWC 2022-09-02 (*"Puleo BWC 4"*)
- Photos provided by [REDACTED]. C

(continued next page)

- Dep. Puleo’s Policy Sign Off (*with the next item, collectively referred to as “Policy records”*)
- Dep. Puleo’s Policy Acknowledgement Report
- Shift Logs

- Final IA Investigation Narrative
- Notice of Intended Disciplinary Action
- Skelly Findings
- Letter of Resignation
- Closure Letter

APPENDIX B

**IOLERO COMPLETENESS CHECKLIST
FOR AUDITING IAD INVESTIGATIONS**

PRELIMINARY ITEMS	Mark when Completed
Identify and list the issues/allegations reasonably raised by the incident.	X
FACT DEVELOPMENT	
Timely gather documentary / video / audio evidence, including BWC files and Dispatch files. If any are missing, explain why in the report.	X
Timely interview subjects, complainants, witnesses (recorded by audio/video)	X
<p>** Explore and where necessary, challenge, factual assertions to ensure objective record; eliminate shorthand use of phrases/terms of art, and/or require they be substantively explained on the record. Interviews need not be adversarial, but they do need to be probative. Avoid leading questions and questions suggesting justifications for the deputy's conduct. Obtain non-interrupted narratives from interviewees when possible and clarify/elaborate with targeted follow up questions.</p> <p>** Have deputies identify with as much specificity as possible the facts known to or perceived by the deputy at the time actions were taken, and the source of those facts, as they relate to the incident under review</p>	X
<i>Use of Force Matters</i> (in addition to the foregoing)	N/A
Establish whether (and specifically how) use of force factors listed in policy were considered by deputy(s)	N/A
Establish whether (and specifically how) <u>proportionality</u> was considered by deputy(s)	N/A
Establish whether (and specifically how) <u>de-escalation</u> was considered by deputy(s)	N/A

Establish specific facts which deputy believed showed reasonableness of the force under the Fourth Amendment.	N/A
<i>Critical Incident Protocol Matters</i> (when SCSO is Employing Agency)	N/A
Check for compliance with the SCSO policy, not just assessing whether the deputy committed a crime. For example, check for compliance with the Critical Incident Protocol at the scene and for deputy compliance with SCSO de-escalation policy and training. This will often require a separate interview of involved deputies/witnesses to address SCSO policy, not just reliance on the investigating agency's interviews.	N/A
Remember that the District Attorney or Attorney General's decision not to file criminal charges does not tell us whether there was a violation of policy.	N/A
EVALUATION OF LAW / POLICY	
Explain SCSO's interpretation of the law/policy in issue.	X
Summarize training, if relied on by deputy.	N/A
Summarize experience, if relied on by deputy.	N/A
Summarize deputy understanding of law/policy.	X
APPLY LAW / POLICY TO FACTS	
Analyze facts under the law/policy as interpreted by SCSO.	X
Identify ambiguity in law/policy.	N/A
Identify and address factual contradictions and credibility issues, such as the impact of missing BWC or contradictions in witness testimony.	X
Address whether deputy was directed by superiors to take specific action.	N/A
<i>Use of Force Matters</i> (in addition to the foregoing)	N/A

Provide complete analysis of balancing of interests under <i>Graham v. Connor</i> .	N/A
Provide complete analysis of relevant use of force factors in SCSO Policy and California statutes.	N/A
Provide complete analysis of <u>proportionality</u> balance.	N/A
Provide complete analysis of <u>de-escalation</u> considerations.	N/A
Critical Incident Protocol Matters (when SCSO is Employing Agency)	N/A
Do not rely solely on the District Attorney’s evaluation of whether charges will be filed <u>criminally</u> ; conduct separate analysis of whether deputy followed SCSO <u>policy</u> . This will often involve separate administrative interviews.	N/A
WRITTEN REPORT	
All the facts and analysis used to reach a conclusion should be stated here, so the reader does not have to go elsewhere to understand the report.	X
Avoid terms-of-art, or otherwise explain such terms. For example, instead of writing “the deputy de-escalated,” instead write “The deputy stepped back a few paces, and told the man to take his time to explain what was going on.”	X
Summary of how record supports the finding of sustained, exonerated, unfounded, or not sustained, based on statutory and policy definitions. Use the “Allegation, Policy, Facts, Conclusion” four-sentence paragraph as a start.	X

PRESERVATION OF RECORD	
Place all materials and evidence in AIM. ¹¹	PARTIAL
Retain all BWC files in Evidence.com.	X

¹¹ The following materials were not uploaded to AIM when IOLERO began its audit: the interview of Mr. Ferguson; the dispatch printout for Event#WI220127002 (Ms. A/Ferguson incident); and three photos provided by Ms. C. These were later uploaded at IOLERO's request.

Additionally, one or more photos provided by Ms. A were never uploaded to AIM; Sgt. Percy deleted these after receiving them and viewing them. (*See the NOTES AND RECOMMENDATIONS section.*)

Lastly, Dep. Puleo's cell phone data was never uploaded to AIM, because it was too large to be uploaded. (This includes his text messages with the women and the approximately 151 text message threads that the Investigator reviewed.) At IOLERO's request, the Investigator found an alternative way to share all text message threads. The Auditor told the Investigator that it was not necessary to find an alternative way to share the remaining cell phone data with IOLERO. (*See the DISCUSSION section, Part VIII.*)