



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 22, 1999

Deputy Robert Leyba, # [REDACTED]
[REDACTED]
[REDACTED]

Dear Deputy Leyba:

On August 12, 1999, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending discharge action against you as reported under IAB 1244290. You were also advised of your right to review the material on which the discipline was based. You did exercise your right to respond and met with Chief Curtis Spears on August 30, 1999. In consideration of your response, and in conjunction with a stipulated settlement agreement, you are advised that the Sheriff's Department has reduced you from your position of Deputy Sheriff, Item No. 2708A, to the position of Custody Assistant, Item No. 2749A, with this Department, effective at the close of business on September 2, 1999.

An investigation under File Number IAB 1244290, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/040.70, False Statements; and/or 3-01/100.35, False Information in Records, on or about February 5, 1999, you reported false information to the Department and the Pomona Police Department, alleging you were the victim of a crime when, in fact, you inadvertently stabbed yourself while attempting to cut a banner in front of a restaurant you had been patronizing, thus bringing discredit upon yourself and/or the Department.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

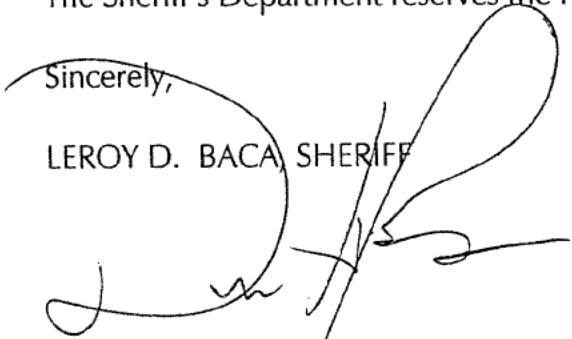
A Tradition of Service

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF


Dennis H. Burns, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DHB:GN:gn

c: Advocacy Unit
Employee Relations Unit
Personnel Administration (vault jacket)
Twin Towers Correctional Facility (unit jacket)
Curtis Spears, Chief, FORII
Internal Affairs Bureau
(File # 1244290)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

Date: August 10, 1999
File No: IAB#1244290

DISPOSITION SHEET

FROM: CURTIS L. SPEARS, CHIEF
FIELD OPERATIONS REGION II

TO: DENNIS H. BURNS, CAPTAIN
INTERNAL AFFAIRS BUREAU

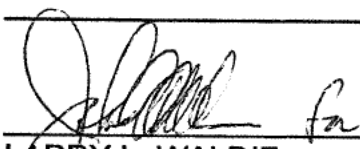
SUBJECT: Leyba, Robert # [REDACTED]
Deputy Sheriff
Transit Services Bureau
Field Operations Region I

Upon consideration of the facts developed in this investigation, I have determined that Subject Leyba is to be **discharged** from his position of Deputy Sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

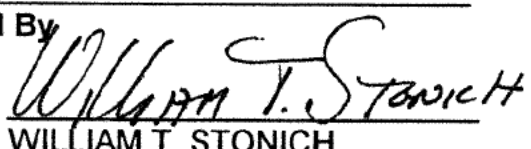

CURTIS L. SPEARS, CHIEF

8-10-99
Date

Case Reviewed By


LARRY L. WALDIE
ASSISTANT SHERIFF

8-10-99
Date


WILLIAM T. STONICH
ASSISTANT SHERIFF

8-10-99
Date


PAUL E. MYRON
UNDERSHERIFF

8/10/99
Date

DISPOSITION WORKSHEET

Case Number: I.A.B. #1244290
Subject: Robert Leyba # [REDACTED]
Investigator: Henry Romero, Sergeant
Advocate: Ronald L. Tardiff, Lieutenant

CASE SUMMARY:

Deputy Robert Leyba assigned to Transit Services Bureau, but training at Century Station, reported to both the Department and Pomona Police Department, on or about February 5, 1999, he was the victim of an assault resulting in injury to his left arm. An investigation into the facts surrounding his injury, by Pomona Police Department, revealed the incident did not occur as he deputy reported. In fact, the injury was inadvertently self inflicted. The case was presented to the District Attorney's office for filing and they declined to file the case. In the subsequent Internal Affairs investigation, the subject admitted lying about the incident because he was inebriated and he panicked.

DISPOSITION OF CHARGES

The following potential charges have been prepared by the Advocacy Services Unit. Please indicate your disposition of each potential charge, and put any additional founded charges (with references to the investigation) on an attached sheet.

Potential Charge #1:

That in violation of the Department's Manual of Policy and Procedures section(s) 3-01/030.05 (General Behavior), 3-01/030.10 (Obedience to Laws, Regulations, and Orders), 3-01/040.70 (False Statements) and 3-01/100.35 (False Information in Records), on or about February 5, 1999, Deputy Robert Leyba reported false information to the Department and the Pomona Police Department, alleging he was the victim of a crime when in fact he inadvertently stabbed himself while attempting to cut a banner in front of the restaurant he had been patronizing, bringing discredit upon himself and/or the Department.

Evidence Reference:

Subject Leyba's interview

Conflicting Evidence/Defenses:

None

Disposition:

- ☒ Charge founded as delineated
- ☐ Charge founded as modified
- ☐ Charge unresolved
- ☐ Charge unfounded

Assessment of Mitigating and Aggravating Factors

Intent

It is apparent by the actions of Subject Leyba that he fully intended to provide false statements to the Pomona Police Department at the time of the incident. He found himself in a situation wherein he felt that he must transfer the blame for the injury he sustained to a fictitious individual.

Past Performance

Subject Leyba's past performance has been rated as competent.

Degree of Culpability

Subject Leyba is solely responsible for the incident and the outcome.

Disciplinary History

Subject Leyba has no previous discipline.

Truthfulness

Subject Leyba was truthful when questioned by our Department's Internal Affairs but he less than truthful when he made his initial report of the incident.

Severity of Infraction

Subject Leyba's actions in this instance can only be termed as unconscionable for a Deputy Sheriff. His act of attempting to cut down the banner brings into question his respect for the property of others. This type of conduct, by a member of our Department, cannot be tolerated. Compounding the obvious disrespect for the property of others is the method by which Subject Leyba attempted to shift the cause of his self inflicted injury by lying to officers of the Pomona Police Department when filing the initial police report. Subject Leyba's conduct, in this instance, can only be seen as a total embarrassment to the Department and should be viewed as an indicator as to future potential liability, should we choose to retain this employee.

Acceptance of Responsibility

It is unclear if the Subject really accepts responsibility for his actions. In his interview with IAB he alludes to his heavy drinking the night of the incident as possibly being the cause for his conduct.. This claim is somewhat countered by his presence of mind to create such a story to cover his real actions.

DISCIPLINE ASSESSMENT

Review of Applicable "Guidelines for Discipline" Section:

The Department's "Guidelines for Discipline" (Revised July 1, 1996) lists the following analogous misconduct with associated disciplinary penalties:

CONDUCT	STANDARD DISCIPLINE	SPECIAL NOTES
Conduct which causes embarrassment to the Dept.	_____	See Note #4
Untruthful or misleading statements to a supervisor.	10-15 day suspension	See Note #1
Falsification of Official reports or records.	15 day suspension	See Note #1

Assessment of Mitigating and Aggravating Factors:

the attached pages describe the mitigating and aggravating factors in determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the Subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to this disposition worksheet.

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the Subject's response or grievance.

- ☒ Discharge
☐ Reduction in Rank
☐ Suspension with loss of pay and benefits for _____ days.
☐ Written Reprimand
☐ No discipline

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

DATE OF INCIDENT February 5, 1999		FILE NO. I.A.B. 1244290	
SUBJECTS LEYBA, Robert # [REDACTED] Deputy Sheriff Transit Services Bureau Training at Century Station Field Operations Region II			
COMPLAINANT Arthur E. Herrera, Captain Century Station			
CHARACTER OF CASE Filing a false police report			
LOCATION Scoreboard's Sports Bar and Grill 3220 Temple Street, Pomona			
REFERENCE Curtis L. Spears, Chief Field Operations Region II		INVESTIGATOR Henry M. Romero, Sergeant Internal Affairs Bureau	
SYNOPSIS It is alleged that the subject deputy fabricated an off duty incident to cover up an injury he sustained. This included lying to a supervisor and filing a false police report.			
SUBMITTED BY Dennis H. Burns, Captain Internal Affairs Bureau		REFERRED FOR RECOMMENDATION TO Kenneth Brazile, Captain Century Station	
STATUS OF SUBJECTS Relieved of duty			

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: February 5, 1999

OFFICE CORRESPONDENCE

FILE NO:

FROM: LAWRENCE DEL MESE, SERGEANT
CENTURY STATION

TO: ARTHUR E. HERRERA, CAPTAIN
CENTURY STATION

SUBJECT: SUPERVISORY INQUIRY OF DEPUTY MISCONDUCT REGARDING DEPUTY ROBERT
R. LEYBA # [REDACTED], DEPUTY RELIEVED OF DUTY

Date: February 5, 1999

Time: 0045 Hours

Location: 3220 Temple Ave., Pomona, Ca. 91766 (Scoreboard Sports Bar)

Deputy: Robert R. Leyba MH/A # [REDACTED]
[REDACTED]
[REDACTED]
11703 S. Alameda St.
Lynwood, Ca. 90261
323- [REDACTED]

Civilian Witness #1 [REDACTED] MH [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian Witness #2 [REDACTED] MW [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Pgr [REDACTED]

Civilian Witness #3 [REDACTED] MH [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian Witness #4

MW

Civilian Witness #5

MH

SUMMARY:

On February 5, 1999, at approximately 0300 hours, Deputy Robert R. Leyba, # [REDACTED] contacted the Century Station Watch Commander, Sergeant V. Lopez, via the telephone. He told Sergeant Lopez that he was slashed by an unknown assailant when exiting a bar, earlier that evening, in the City of Pomona. Deputy Leyba advised Sergeant Lopez that he sustained an injury to his left arm which required numerous stitches and staples. He was treated at Queen of the Valley Hospital for his injury and released.

INVESTIGATION:

Based on the information provided, I responded to the home of Deputy Leyba in order to conduct an inquiry into the reported incident. I responded to the location and contacted Deputy Leyba. Upon contacting Deputy Leyba, I observed a large white bandage covering a large portion of his left arm. In addition, I observed that Deputy Leyba had blood on his pants and shirt. He advised me that Pomona P.D. had just left the location and he showed me a form that indicated they had taken a 245 P.C. report File # 99-20008. Deputy Leyba indicated that the Pomona P.D. officers that responded, said they had a call at the location regarding his incident. He said they told him that he must have left prior to their arrival.

I asked Deputy Leyba what had occurred. He told me that earlier in the evening he was walking out of a bar (Scoreboard Sports Bar) when he encountered a large group of Hispanic men and women fighting. He then stated that a male Hispanic, approximately 20 yrs old, fell backwards into him, knocking him to the ground. Deputy Leyba could not describe this person further. He then stated that upon falling to the ground, he observed that he had a large cut on his left arm.

At this time I observed a person sleeping on the floor of the living room. Deputy Leyba identified this person as [REDACTED] (Civilian Witness #1), who was a witness to this event. At my request,

Deputy Leyba woke this person up and we all moved into the kitchen area. I then activated my audio cassette tape player and advised all present I was doing so. I asked Civilian Witness #1 ([REDACTED]) what happened with Deputy Leyba also present. Civilian Witness #1 ([REDACTED]) told me that he had gone to the location with Deputy Leyba and another person ([REDACTED]) Ph# [REDACTED] at approximately 2130 hrs, on 2-4-99. After spending a few hours drinking inside the location, Mr. [REDACTED] said that Deputy Leyba told him he wanted to leave. He began following Deputy Leyba out of the front of the location. Mr. [REDACTED] describes the front of the location as a smoking area where numerous people congregate.

While leaving the location, Mr. [REDACTED] said that Deputy Leyba got ahead of him walking down the walkway. He stated that by the time he got to the end of the walkway, he saw Deputy Leyba on the ground with a large cut that was bleeding profusely on his left arm. He saw numerous persons ages 22-27 running from the area, where Deputy Leyba was. It appeared to him as though a fight was dispersing. Mr. [REDACTED] stated that he is an Emergency Medical Technician. He said that because of his training in the field, he ran back into the bar and obtained a towel from the bartender. He then returned to Deputy

Leyba and applied the towel to the wound in order to stop the bleeding.

By the time Mr. [REDACTED] returned to Deputy Leyba, he was seated in the passenger side of his own vehicle. Mr. [REDACTED] said that at this time, the security from the location was asking them what had happened. He said that he told them that he had to get his friend to the hospital and didn't have time to talk. He stated that he then got in the rear of Deputy Leyba's vehicle which the other person ([REDACTED]) then drove to Queen of the Valley Hospital (1115 S. Sunset Av., West Covina, Ca. 91793 562-962-4011 [REDACTED]).

During this taped interview, Deputy Leyba assisted Mr. [REDACTED] in telling me the story. He interjected often and it was a joint interview. I asked Deputy Leyba what the Suspect description was. He said it was a male Hispanic. He could not describe this person other than to say he was not a cholo type. He said the group of persons involved in this fight were college types and that once they realized he was injured, they dispersed rapidly.

Having ascertained the story from Deputy Leyba and Civilian Witness #1, I took the opportunity to photograph Deputy Leyba's clothing. This was done in order to show that it was clean except for the blood. The bandages on his arm were also photographed.

Due to the fact that this was an off duty incident and that both Deputy Leyba and Mr. [REDACTED] admitted to drinking alcohol, I took polaroid pictures of Deputy Leyba's face to show that he had no trauma and did not appear to have been involved in a fight. This was done by me to document his condition so that any future allegations could be proven or disproven. In addition, I took numerous 35mm pictures of Deputy Leyba's clothing and the passenger side of his vehicle which had a large amount of blood on the seat and floorboard.

I then left the location ([REDACTED]) and responded to the location of the occurrence (3220 Temple Av.). At that location, based on the story told to me, I searched the walkways and surrounding areas for any blood evidence. Although it was slightly raining, I was unable to locate any. I documented the front of the location and walkway areas by taking 35mm photographs. I also contacted an employee ([REDACTED] FW/A) who provided me with the phone number and name of the [REDACTED] who was working the previous evening (Civilian Witness #2 [REDACTED]).

Based on the version of the events provided and the fact that they matched the evidence I observed, I returned to Century Station and debriefed the Day Shift Watch Commander, Lieutenant Taylor. On 2-5-99, at approximately 1335 hrs, I called the [REDACTED] of the location (Scoreboard Sports Bar) [REDACTED]. I asked him if he was aware of any incidents which occurred the previous evening wherein a person was stabbed. He told me that it was his understanding that no one was stabbed. He told me that the person who sustained the injury did so while attempting to cut down a "Winter Nationals" banner, which had been hanging over the entrance to the location. It was his understanding that the injury was self inflicted and that no fights had taken place. He further stated that his [REDACTED] (Civilian Witness #2) could provide me with more accurate information. I then advised Mr. [REDACTED] that I would be responding to the location and would like to interview any witnesses.

I responded to the location and contacted Civilian Witness #2 ([REDACTED]). I taped my interview of all Civilian Witnesses using my micro cassette recorder. Each Witness was advised they were being recorded.

Prior to my interview with Mr. [REDACTED], he went to a closet and removed a plastic banner and gave it to me. He told me that this was the banner that the person (Deputy Leyba) had attempted to cut down, before injuring himself. He indicated where the banner had ripped in the corner and showed me the location on the front of the building where it had been attached. He showed me where the strings were hanging from the eyebolts and told me they are usually taken down carefully without breaking the strings or ripping the banner.

I subsequently took polaroid pictures of the eyebolts, the banner and the way leading to the front of the location. In addition, I observed a dried red substance that appeared to be dried blood on the banner that was given to me.

I then conducted my interview of Civilian Witness #2 [REDACTED]. He told me that on the previous evening, at approximately 0045 hrs., he was contacted by numerous employees that told him a male Hispanic adult cut himself in the arm while attempting to cut down the banner. Although he did not personally see this person commit this act, he was told what happened by both employees and patrons. He then directed me to Civilian Witness #3 [REDACTED].

Civilian Witness #3 [REDACTED] told me that he walked outside the previous night, to have a cigarette, when he saw a person (Deputy Leyba) with a cut to his left arm. He was sitting inside a parked vehicle. He then saw another person [REDACTED] run into the location and return with a towel. Mr. [REDACTED] followed the person with the towel to the car where he saw him place it on the wound. Mr. [REDACTED] advised these persons that the towel was dirty and that was bad for the wound. He then told these persons to wait and he would get them a clean towel from the location. He said at this time, the Victim (Deputy Leyba) and the other two occupants of the vehicle became hostile towards him. They then left the location and said they were going to a hospital.

I asked Mr. [REDACTED] if he saw any fights or crowds of people in the parking lot area. He told me that there were very few people in the parking lot and that those who were there were attempting to help Deputy Leyba and ascertain what had occurred. He told me that he was advised that the person

(Deputy Leyba) had cut himself, while attempting to cut down a banner which was hanging over the front door. I asked him if there was any indication that a fight had taken place prior to his coming out of the location. He said that he was sure no fight had taken place.

I then contacted Civilian Witness #4 [REDACTED]. He said that he was working in the bar area on the previous evening. At that time, he saw a person run into the bar and identify himself as a Law Enforcement Officer. He showed him an ID badge and requested a towel for his friend who was outside. Mr. [REDACTED] stated that he then gave this person (later I'd as [REDACTED]) a towel which he took to the parking lot. Mr. [REDACTED] was informed by numerous customers that the person had cut his arm while attempting to take down a banner, which was hanging up over the front door.

I was then contacted by Civilian Witness #5 [REDACTED]. He told me that he was also working the bar on the previous night. On that evening, he observed a male Hispanic, approximately 22 yrs, run into the bar area and show him an ID badge. He identified himself as a police officer and asked for a towel for his friend, who had been injured. Mr. [REDACTED] followed this person as he ran outside. He described this person regarding age, height, weight and clothing description as [REDACTED].

Mr. [REDACTED] explained to me that his job, as bar [REDACTED] is to ascertain if an incident presents a liability to the bar. He then is charged with documenting any such incident by contacting witnesses. As he followed this person, who had obtained a towel to treat his friend's injury, he asked this person what happened. The person [REDACTED] told him that his friend had cut his arm while attempting to cut down a banner.

Before Mr. [REDACTED] could obtain any names, the persons involved became belligerent and left the location in a small two door vehicle. Mr. [REDACTED] then presented me a copy of his daily planner page where he documented the fact that a person injured themselves outside the location, while attempting to cut down a banner. I had him sign his name below the entry on my copy.

Based on the information provided to me by the witnesses, I contacted Captain Herrera at Century Station. I informed him of the conflict in the version of the incident provided by the deputy and the version provided by the witnesses. He advised me to respond to Pomona Police Department and obtain a copy

of the police report that Deputy Leyba had made the previous night.

I then responded to Pomona P.D. and obtained a copy of their report DR #99-20008. While reading the report which was written by the Pomona police officer, I observed that it was basically the story that Deputy Leyba had told me, but there were some inconsistencies. When interviewing Deputy Leyba, he was hesitant to describe any actions he saw prior to receiving the injury. In the Pomona report, he describes a fight taking place right outside the front door and his attempt to walk around it. During my interview, it was my understanding that the incident occurred at the end of the walkway adjacent to the parking lot, not at the top of the walkway outside the front door.

In the Pomona P.D. report, it indicates that his friends or members of his group were attempting to walk around the altercation when the incident occurred. In my interview, it was my understanding that Deputy Leyba was well ahead of his friends on the walkway when the incident occurred. In this report, it indicates that there were no calls for service at the location, on this date. This conflicts with Deputy Leyba's statements to me during my interview with him.

I then contacted Captain Herrera again and advised him of my findings. He instructed me to respond to the home of Deputy Leyba and relieve him of duty.

I responded to the location and contacted Deputy Leyba. He was on the phone with Greg Tanner from the Law Firm of Green and Shinee. I spoke with Mr. Tanner and explained the allegations against Deputy Leyba. I also advised Mr. Tanner and Deputy Leyba that I would need to enter Deputy Leyba's locker, at Century Station, in order to obtain his uniform badge. I advised them that Deputy Leyba was welcome to meet me at Century Station to monitor the entry of his locker and that no search would take place. He declined this offer.

Deputy Leyba provided me with his departmental issued firearm, his Identification card, and his flat badge. I provided him with a receipt for these items and left the location.

I responded to Century Station and contacted Lieutenant Taylor. He accompanied me while I entered Deputy Leyba's locker and obtained his uniform badge from inside. These items were booked by me into the Watch Commanders Safe at Century Station.

At Century Station, I obtained an audio cassette tape recording of Deputy Leyba's phone call to Sergeant Lopez on 2-5-99 at 0300 hrs. In addition, the banner, photographs, film and audio tapes along with all other accompanying documentation were placed into the Century Station Watch Commanders safe.

CONCLUSION:

Based on my investigation of the above described incident, it is my conclusion that the witness statements refute the version of the events provided by Deputy Leyba and his friend (Civilian Witness #1).

RECOMMENDATIONS:

It is my recommendation that this investigation be forwarded to Internal Criminal Investigation Unit of the Los Angeles County Sheriff's Department.

ATTACHMENTS:

Copy of Pomona P.D. report DR# 99-20008
Copy of Civilian Witness #5 day planner page
Copy of relieved of standard duty form signed by Deputy Leyba
Copy of Chiefs memo written by Sergeant Lopez