VALLEJO POLICE DEPARTMENT

Memorandum

To: Ryan McMahon, Police Officer, #702

From: Shawny Williams, Chief of Police

S.W.

Date: September 30, 2020

Subject: Notice of Discipline - Termination
Re: IA#2019-09, ███████████████████

321.5.1   LAWS, RULES, AND ORDERS

I have carefully reviewed the following cases: IA #2019-09███████████████████████
your personnel file, and the documents referenced below. Pursuant to the authority delegated to me
by the City Manager, this letter is to notify you that you will be terminated from employment with the
City of Vallejo Police Department on September 29, 2020.

The recommended termination is based upon findings that you have committed the following violations
of the Vallejo Police Department policy. The listed violations are based on your commission of the
following acts or omissions. Please note that this termination is based on any one of the listed violations
and need not be based upon your commission of more than one violation.

This notice is being issued based on ███████████ internal affairs investigations. Each investigation is
summarized below, and further described in the Notice of Intent to Discipline – Termination dated
March 26, 2020, which is incorporated herein by reference.

IA#2019-09-Sustained

321.5.4 SAFETY
    (a) Failure to observe or violating department safety standards or safe working practices.
321.5.4 SAFETY
    (c) Unsafe firearm or other dangerous weapon handling, either on- or off-duty.
321.5.6 EFFICIENCY
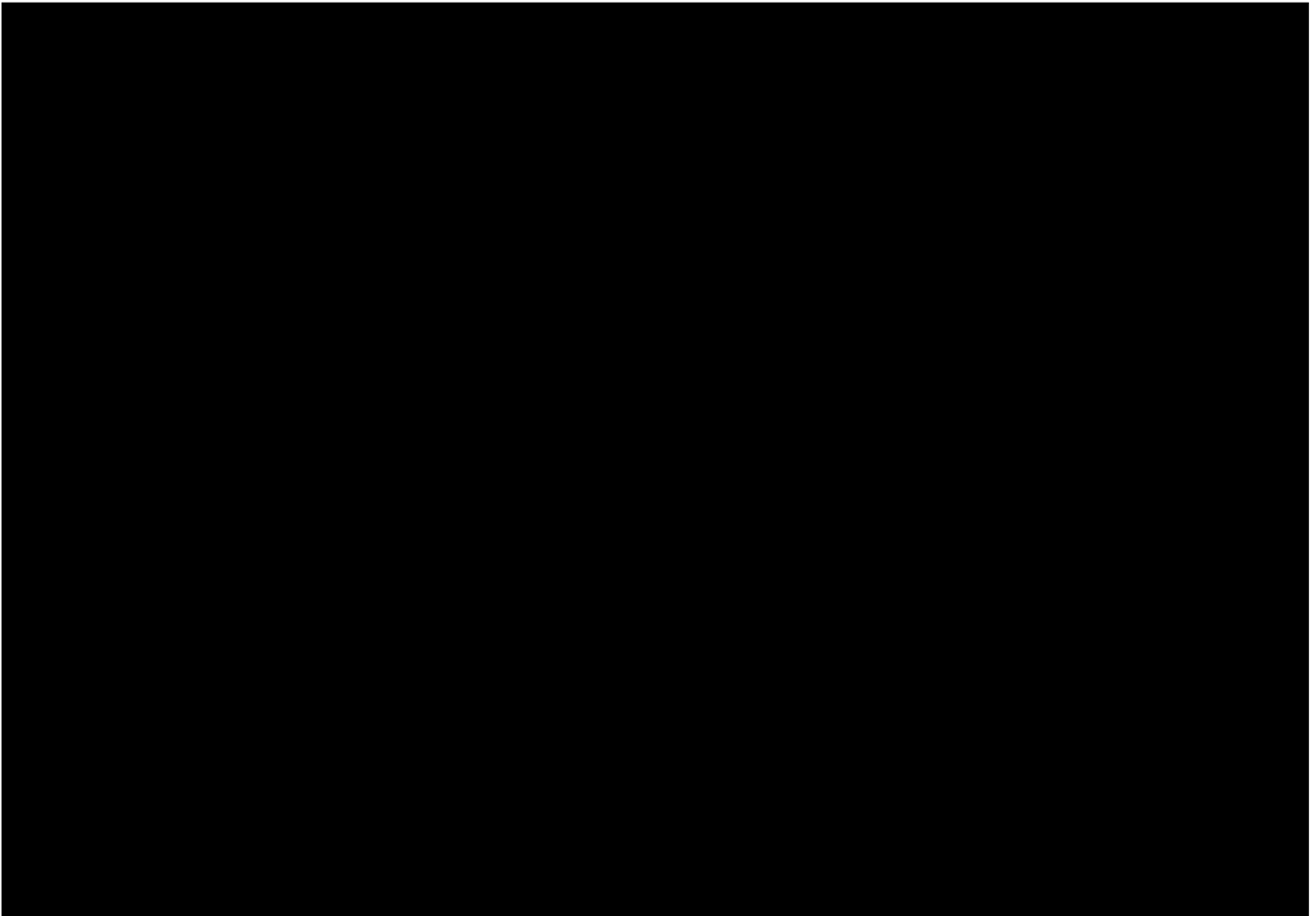   (b) Unsatisfactory work performance including, but not limited to, failure, incompetence.

SUMMARY OF FINDINGS

- On February 9, 2019 you responded to the Taco Bell on Admiral Callaghan Lane with other Vallejo Police Officers. You and other officers became involved in an officer involved shooting there. During this incident, you engaged in unsafe conduct with your handgun with neglect for basic firearm safety and Vallejo Police firearms training. The tactics you employed by running and shooting from a rearward position into the forward line of fire where officers were already engaged with the suspect, without communicating with Officer Glick was dangerous.

Internal Affairs Sergeant Ramrakha recommended a finding of <u>sustained</u> as to the above policy violations. I concurred with those findings.
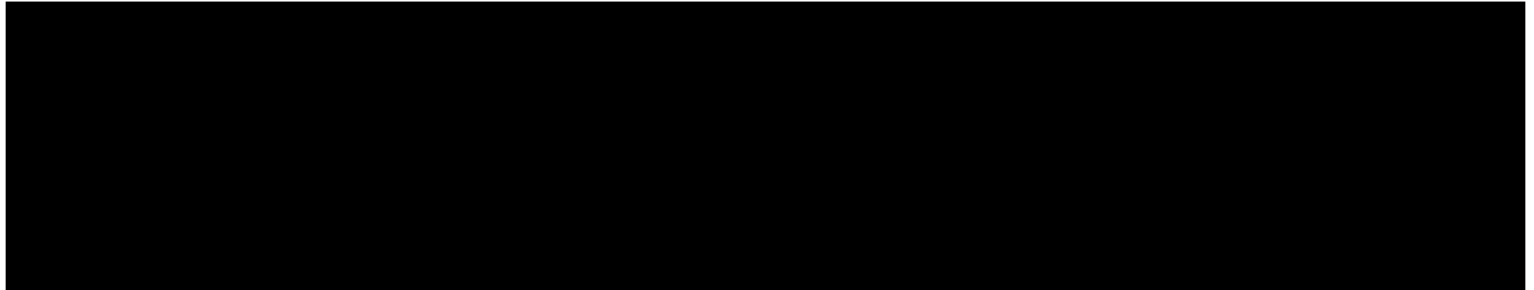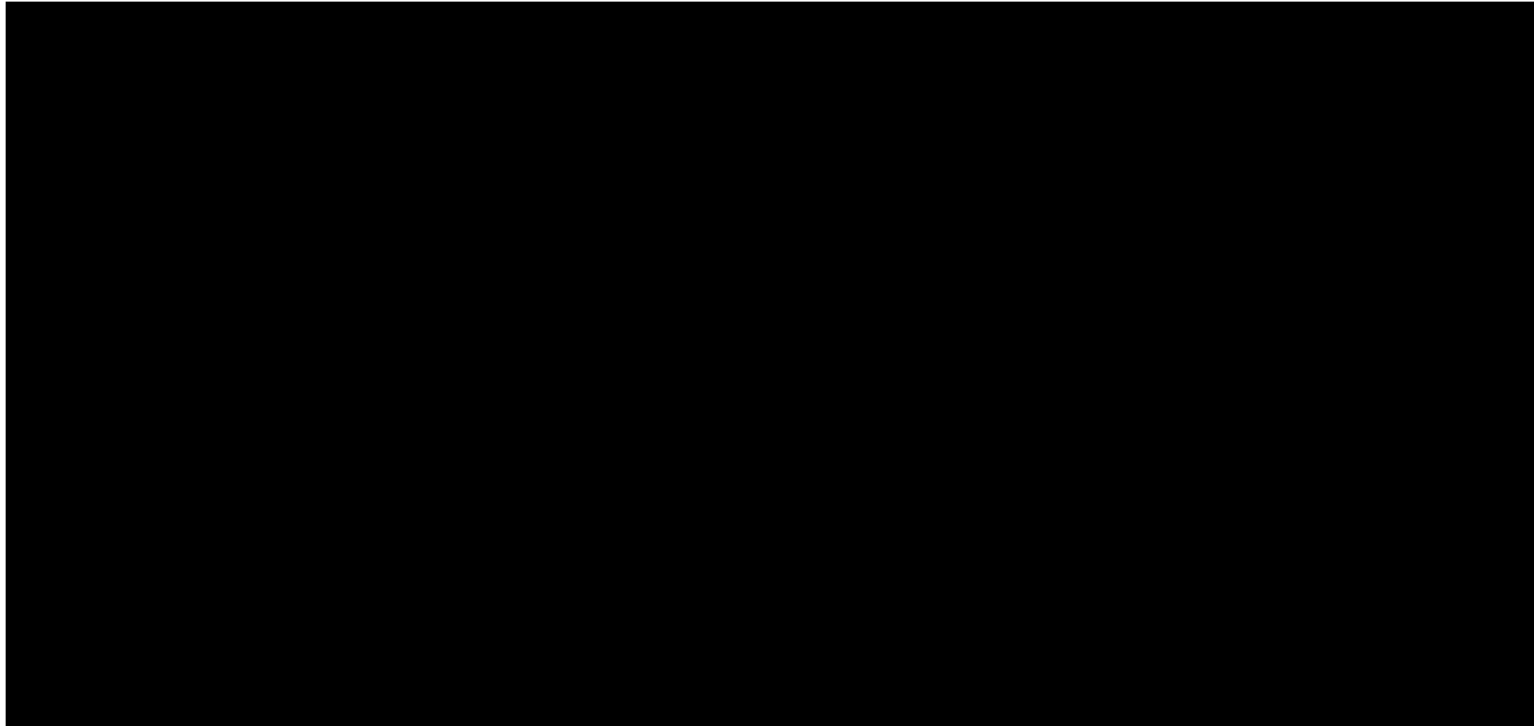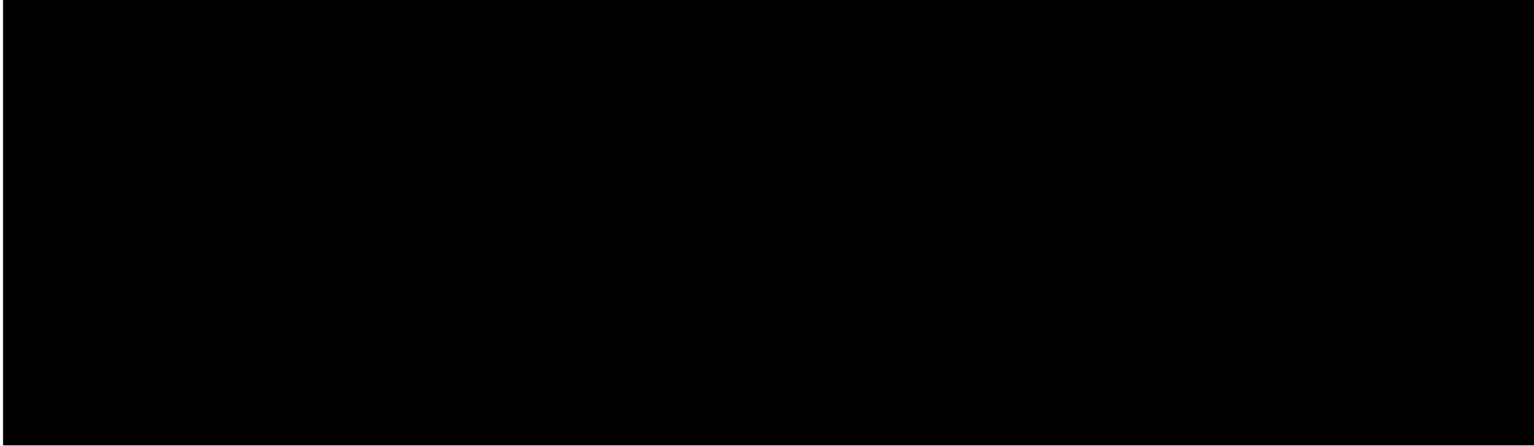
CITY OF VALLEJO
POLICE DEPARTMENT

I have reviewed the following materials in connection with this recommendation:

1. The contents of IA file IA#2019-09

In addition to the above specific violations, I have also reviewed and considered your entire personnel file with the Vallejo Police Department in making the above recommendation.

PRE-DISCIPLINARY PROCEDURE

In addition to reviewing the above materials, pursuant to *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, on July 22, 2020 at 2:00 pm, I conducted a pre-disciplinary meeting with you and your appointed legal representative (Justin Buffington, *Esq.*) on charges related to the imposition of discipline, and I have also considered the responses you and Mr. Buffington (collectively referred to as "you" *infra*) provided at this meeting. Below is a brief summary of your responses provided at the meeting:

- Regarding IA#2019-09, you stated that the existence of an imminent threat justified your decision to fire shot in a rear position in relation to Ofc. Glick.

CONCLUSION

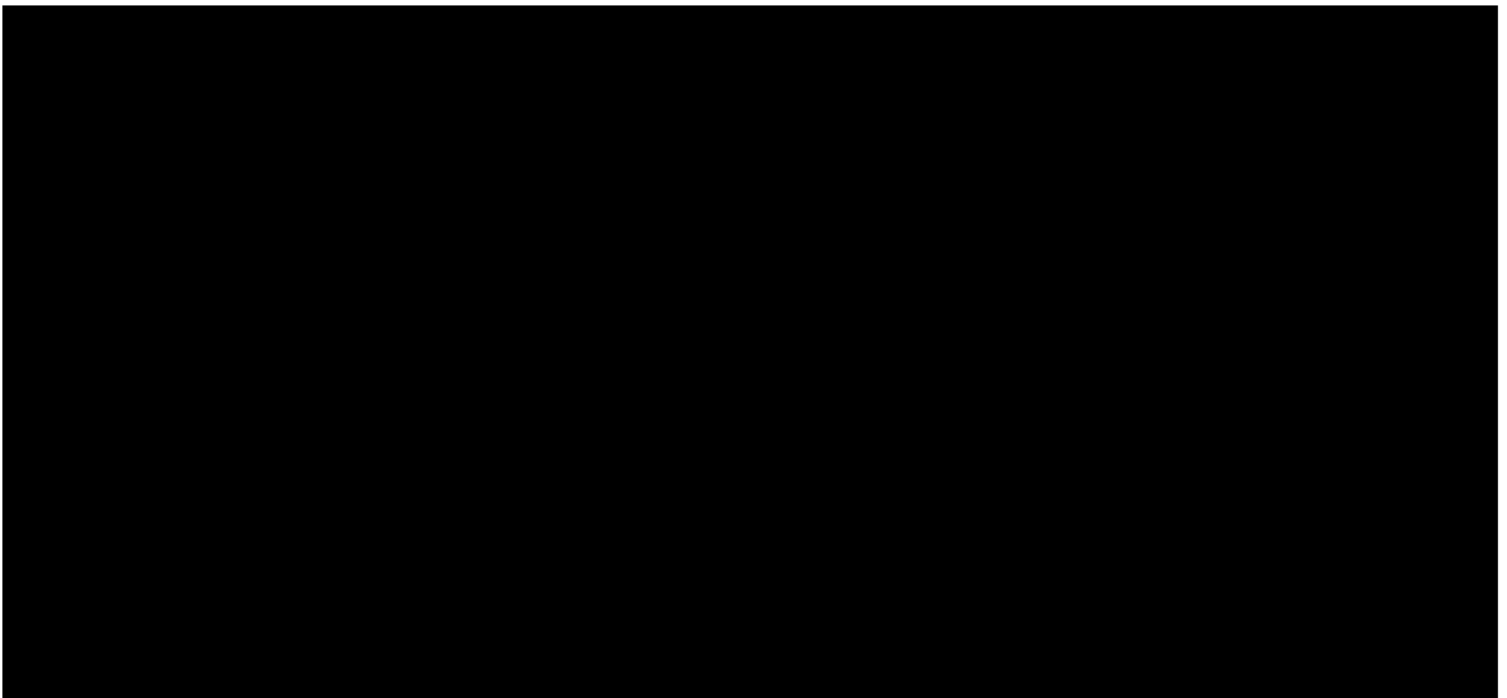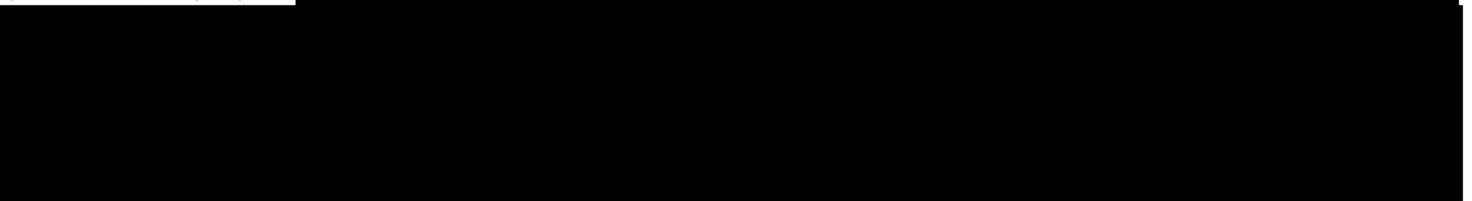After carefully considering your responses provided at the *Skelly* meeting, as summarized above, I do not find that the mitigating factors and reasoning provided to be compelling enough to modify the proposed discipline of termination.
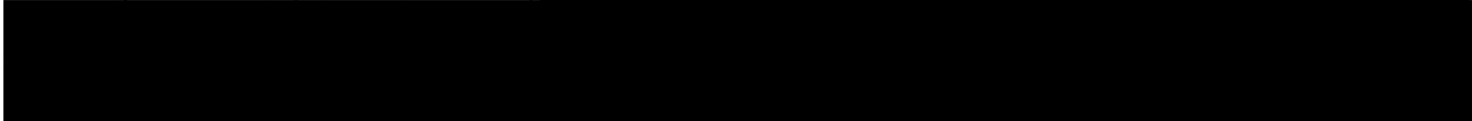
Importantly, with regards to IA#2019-09, the tactics you employed by running and shooting from a rearward position into the forward line of fire where officers were already engaged with the suspect, without communicating with Officer Glick, was dangerous, and your conduct endangered fellow officers and violated safety norms of firearms handling.

When evaluating your actions in the above detailed 2019 incidents as well as your job performance, you have displayed

As officers of the Vallejo Police Department, we owe a duty to the community of which we serve to act in a diligent and responsible manner,

WARNING AGAINST RETALIATION

This provision is to notify you that it is illegal and inappropriate to retaliate against any person who has participated in complaining or providing information regarding allegations of your misconduct. You may not contact or in any other manner retaliate against any individual who has provided information to the City of Vallejo regarding your above described conduct.

RIGHT TO APPEAL

If you choose to appeal this termination, you must notify Human Resources Director, Heather Ruiz, in writing, within five (5) calendar days from the date of this document to exercise your Administrative Appeal rights per section 30(J) of the Memorandum of Understanding between the City of Vallejo and the Vallejo Police Officers Association, Civil Service Rules 18 and 19 and 3304.5 POBAR. Attached to this notice are excerpts from the appropriate section of MOU and the City's Civil Service Rules related to filing an administrative appeal. Failure to appeal within the time specified shall constitute a waiver of your right to appeal.

All materials upon which this proposed disciplinary action is based have been previously provided to you including complete copies of all reports, notes, transcripts, and audio recordings, and are incorporated herein by reference.

Attachments

cc: Heather Ruiz, Director of Human Resources

        Personnel File