



THE CITY OF

SAN DIEGO

POLICE DEPARTMENT • 801 WEST MARKET STREET • SAN DIEGO, CALIFORNIA 92101

(619) 236-6566

OFFICE OF
WM. B. KOLENDER
CHIEF OF POLICE

APPEAL Avrech
APPOINTING AUTHORITY

IN REPLYING
PLEASE GIVE
OUR REF. NO. 202

EXHIBIT 26

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February 1, 1985

Mr. L. S. Avrech
9863 Via Rita
Santee, California 92071

CERTIFIED MAIL #P489 962 270
RETURN RECEIPT REQUESTED

Dear Mr. Avrech:

This letter serves as notification of my findings concerning your administrative appeal hearing conducted January 3, 1985, and January 22, 1985, regarding your termination from the San Diego Police Department. The termination was based upon allegations that you committed violations of Civil Service Rule XI, Section 3(i) (That the employee has been guilty of any conduct unbecoming an officer or employee of the City) and violations of Civil Service Rule XI, Section 3(d) (That the employee has violated any lawful official regulations...) To wit: the following violations of the Rules & Regulations of the Department:

1. Section 1.06, "Unbecoming Conduct"
2. Section 1.07, "Immoral Conduct"
3. Section 1.09, "Abuse of Position"
4. Section 1.11, "Association"
5. Section 1.14, "Public Statement and Appearance"
6. Section 1.18, "Performance of Duty"
7. Section 1.24, "Neglect of Duty"
8. Section 1.37, "Dissemination of Information"
9. Section 1.38, "Investigations"
10. Section 1.44, "Truthfulness"
11. Section 1.04, "Obedience to Lawful Orders"
12. Violation of Department Instruction 3.21, Section IV(J)
"Informants"

As indicated earlier, your appeal was conducted January 3, and January 22, 1985, in the presence of your attorney, Mr. Don Peterson and Lieutenant W. Skinner.

I find that the Command's recommendation for termination is reasonable and proper and have implemented your termination effective January 22, 1985. I base this decision on the following:

*MOTION
Denied*

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- o Investigative reports by Sergeant Goudarzi, Sergeant Breitenstein and Lieutenant Skinner (copies of which you possess).
- o Statements made by you and your attorney, Mr. Peterson At your appeal hearings.
- o Tape recordings of conversations between you and Donna Gentile (copies of transcripts furnished you).
- o Subsequent interviews requested by you and your attorney, and conducted by Lieutenant Skinner between January 3 and 22, 1985 (copies furnished you on January 22, 1985).

All of the evidence indicates you are in violation of Civil Service Rule XI, Section 3(i), that you displayed unreasonable and embarrassing conduct as a City employee in your association with a convicted prostitute, both on and off duty and further that you violated Civil Service Rule XI, Section 3(d) (The employee has violated any lawful official regulations...) To wit: The following violations of the Rules and Regulations of the Department:

- o Section 1.06, "Unbecoming Conduct" - Your overall conduct with your association with a convicted prostitute and your indiscriminate activities as subsequently outlined.
- o Section 1.07, "Immoral Conduct" - Contents of conversations with a convicted prostitute, with sexual overtones and statements.
- o Section 1.09, "Abuse of Position" - Your attempt to influence a judge and probation officer in the sentencing of a convicted prostitute, your providing official law enforcement information to an unauthorized person, and other acts as defined in investigative reports.
- o Section 1.11, "Association" - Cavorting with a convicted prostitute.
- o Section 1.14, "Public Statements and Appearance" - As displayed by your disparaging remarks regarding ranking officers and unsubstantiated allegations of "cover-up" by administrative officers as reflected in the investigative reports and tapes.
- o Section 1.18, "Performance of Duty" - Your on-duty activities with a convicted prostitute, numerous unauthorized and time-consuming telephone conversations with a convicted prostitute and other acts as described in the investigative reports.

*5/12/85
L.S.A.*

- o Section 1.24, "Neglect of Duty" - All related to your on-duty activities with a convicted prostitute as outlined in the investigative reports.
- o Section 1.37, "Dissemination of Information" - Information provided by you to a convicted prostitute regarding vehicle registrations and ownerships, police officer assignments in the area the prostitute worked and information regarding an ongoing homicide investigation.
- o Section 1.38, "Investigation" - Your self-initiated investigation of a ranking officer without authorization from your command.
- o Section 1.44, "Truthfulness" - Your providing false information to a judge and probation officer for the purpose of influencing the sentencing of a convicted prostitute and other acts as revealed by the total investigation.
- o Section 1.04, "Obedience to Lawful Orders" - Failure to comply with the order given by Lieutenant Skinner on October 8, 1984, to not discuss the case under investigation and your subsequent conversation of October 16, 1984, with Officer Massey. I find that the allegation of violation of Section 1.04 as to an order given by Sergeant Breitenstein is unfounded and should not be charged or included in this matter.

and

Violation of Department Instruction 3.21, Section IV(j) as indicated in the investigative reports concerning your unprofessional and inappropriate conduct with a person described by you as an informant.


The violations in total display unreasonable and unprofessional conduct on your part. This, and your lack of judgment lead me to believe you are unacceptable to continue in the role of a police officer.

Although not available to me during the hearings and not considered by me, the attached interview of Michael Hughes is being furnished to you and your attorney per your request.

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If you have any questions concerning this matter, please feel free to contact me.

Sincerely,



K. J. O'Brien
Deputy Chief

cc: Capt. Thorburn, Personnel
✓ Capt. T. Hall, Eastern
Mr. D. Peterson, Attorney