

DATE: March 18, 2024

TO: Undersheriff Brown

FROM: Lieutenant Mike Vingom

SUBJECT: Review and Findings IA-2023-003

On March 15, 2024, you provided me with the final investigation and report for IA-2023-003, an investigation into multiple allegations of misconduct by Correctional Officer Arriane Aguirre. I read the investigative memorandum written by Lt. Russell Greene in which he found the following potentially applicable penal code, department policy and personnel code violations:

- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - Nevada County MOU General Employees Unit 39, Subsection (B)(6) Causes for Discipline
 - o f.) Dishonesty
 - Nevada County Sheriff's Office Corrections Lexipol Policy 108 (*Standards of Conduct*)
 - o Section 108.5.1(c) – Violation of federal, state, local, or administrative laws, rules, or regulations, the Nevada County Personnel Code, and labor memorandum of understanding agreements

- [illegible]

Additionally, upon reviewing the investigative report and memorandum, I believe the following violations are also applicable:

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- The image shows a single page from a document where almost all content has been redacted with solid black bars. The visible elements are as follows:
- A small vertical bar at the top left.
 - A horizontal bar spanning most of the width near the top.
 - A short horizontal bar below the first one.
 - A bulleted list with three items, each consisting of a small square bullet followed by a long redacted line of text.
 - A section header or separator line indicated by a dash '-' on the left margin.
 - Another bulleted list with three items, similar in format to the first one.
 - A section header or separator line indicated by a vertical bar '|' on the left margin.
 - A bulleted list with two items.
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 - A bulleted list with two items.
- The redactions are complete, leaving no legible text or figures behind the black bars.

- [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

ANALYSIS:

On July 5, 2023, the Nevada County Sheriff's Office learned of possible employee misconduct while off-duty. Specifically, Correctional Officer Aguirre was allegedly involved in a domestic violence incident within the City of Grass Valley. Lt. Russell Greene was assigned to investigate the incident and determine if there were any potential criminal or policy violations. While investigating the reported incident, he became aware of some other concerns involving C.O. Aguirre.

The original incident occurred on July 4, 2023, between C.O. Aguirre and her boyfriend, [REDACTED]. Investigation proved their relationship qualifies under the domestic violence laws in the State of California. On this evening, an uninvolved third party reported a male and female (later identified as [REDACTED] and Aguirre), were involved in some sort of physical violence. Members of the Grass Valley Police Department arrived on scene to investigate. During this contact, Aguirre identified herself as an employee of the Nevada County Sheriff's Office.

The Grass Valley Police Department officers determined [REDACTED] and Aguirre had been involved in a mutual physical altercation. In fact, this was verified not just through witness statements but also a video recording made by the reporting party. The video shows Aguirre slapping [REDACTED] across the face before [REDACTED] did a "hip thrust" and took Aguirre to the ground. The officers interviewed both [REDACTED] and Aguirre. Both lied and were adamant the argument had been verbal only and nothing physical had happened.

The Grass Valley Police Department officers did not arrest either person, and ultimately decided to separate the [REDACTED] and Aguirre for the evening. The officers wrote a report which was forwarded to the Nevada County District Attorney's Office for review. The report indicated both parties were intoxicated but both declined to provide a breath sample. As part of his investigation, Lt. Greene sought input from the District Attorney's Office for the disposition of this criminal case. His investigation revealed the D.A.'s Office elected to not pursue criminal charges against either party.

A second incident occurred while Lt. Greene was investigating the incident that occurred in Grass Valley. On July 22, 2023, deputies from the Nevada County Sheriff's Office were summoned to Aguirre's residence in Nevada City. The response was prompted by a neighbor calling for assistance after hearing a loud disturbance between a male and female. After the deputies arrived, they found Aguirre inside the residence with a head wound. Aguirre was the only person home when the deputies arrived. She claimed to not know how her injuries occurred. Aguirre was transported to the hospital and deputies took an initial report.

Detectives conducted follow-up in the days to come. Despite their efforts, Aguirre claimed to have no recollection of how her head was injured when questioned by law enforcement. However, Aguirre sent C.O. Wall a Snapchat video while she was receiving treatment at the hospital that

said, [REDACTED] did a number on me.” [REDACTED] did not confess to being involved in any type of physical confrontation.

Lt. Greene’s investigation uncovered additional acts of misconduct / policy violations. Prior to interviewing Aguirre, he discovered the following:

- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

As part of his investigation, Lt. Greene interviewed multiple co-workers and jail staff. I noted some common themes as I read through his report. Many co-workers said Aguirre was a good employee, [REDACTED]. Several co-workers mentioned Aguirre would [REDACTED]. In one instance, [REDACTED].

Aguirre’s co-workers mentioned [REDACTED]. In fact, Aguirre admitted [REDACTED]. Rumors made their way around the jail after [REDACTED] was arrested for domestic violence against Aguirre [REDACTED]. Aguirre missed several weeks of work after this incident. She returned to live with [REDACTED], despite several people offering her a place to stay. One supervisor had taken time to speak with Aguirre, offered help and provided an EAP packet. However, it seemed Aguirre was in denial of the situation and declined assistance.

Several co-workers knew Aguirre was living with [REDACTED]. At least one person (Correctional Officer Hare) had heard rumors [REDACTED] was facing criminal charges in another jurisdiction (and was possibly on probation). [REDACTED].

Lt. Greene and Lt. Scales interviewed Aguirre on November 16, 2023. Aguirre was accompanied by her representative. I noted the following from her interview:

- [REDACTED]
 - [REDACTED]
 - Aguirre admitted she knowingly lied to the Grass Valley Police officers regarding the physical altercation.
 - [REDACTED]
 - [REDACTED]
- [REDACTED]
 - [REDACTED]
- Aguirre admitted she had lived at her current address for one year.
 - She moved into the house in November of 2022
 - Aguirre claimed ignorance on how to update her address, although she said she had done it once before.
- Aguirre claimed she ended the dating relationship after the July 4, 2023, incident, although she remained living with Alcorn because she had nowhere else to go.
- Aguirre admitted knowledge of [REDACTED] criminal sentence and probation status for DUI and carrying a concealed firearm.
 - Despite initially trying to minimize and obfuscate the timeline, once confronted, Aguirre admitted [REDACTED] had been sentenced to [REDACTED] and she did not end their dating relationship until [REDACTED]. She remained living with him afterwards.
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [REDACTED]
 - [REDACTED]
- Aguirre reviewed Penal Code 148(a)(1) and said she may have violated it by lying to the Grass Valley officers.

In summation, Aguirre was clearly in a volatile relationship that seemed co-dependent on alcohol consumption. The investigation indicated all the incidents involved copious amounts of alcohol. Aguirre struck [REDACTED] on July 4, 2023, and later was dishonest and lied to officers about her actions. She admitted [REDACTED]

[REDACTED] During that incident she identified herself as a member of the Nevada County Sheriff's Office to the investigating officers. Given the totality of circumstances, I believe Aguirre informed officers of her employment to gain favoritism and influence the outcome of the call.

[REDACTED]
[REDACTED]
[REDACTED]

Later the same month Aguirre sustained suspicious injuries that required treatment at the hospital. Aguirre was adamant with deputies and detectives that she did not know how she received her injuries, yet while receiving treatment at the hospital she sent a Snapchat message to C.O. Wall ([REDACTED] did a number on me”) in which she insinuated [REDACTED] had caused them. This casts doubt in my mind whether she was completely forthcoming in that incident about what she recalled.

[REDACTED]

After reviewing the investigation and memorandum I reviewed the applicable policies and personnel codes. I considered each section applying the facts discovered during this investigation and came to my conclusions.

FINDINGS:

- [REDACTED]
 - [REDACTED]
- [REDACTED]
 - [REDACTED]
- **Penal Code 148.5(a) – UNFOUNDED** (Aguirre did not initiate nor report a violation of law. In fact, the opposite happened. She knowingly lied to cover up a violation of law.)
 - Every person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, the Attorney General, or a deputy attorney general, or a deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor. (*File false police report*)
- [REDACTED]
 - [REDACTED]
- **Nevada County MOU General Employees Unit 39, Subsection (B)(6) - SUSTAINED**
 - Causes for Discipline
 - f.) Dishonesty
 - [REDACTED]

- [illegible]

[illegible]