

**FULLERTON POLICE DEPARTMENT  
ADMINISTRATIVE INVESTIGATION**

**TO:** Chief D. Hendricks  
**FROM:** Sergeant T. Petropulos  
**DATE ASSIGNED:** 09/07/2017  
**DATE SUBMITTED:** 1/23/2018  
**CASE #:** 16-74804 / PSB# 16-0048

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**FPD PERSONNEL INVOLVED:**

Lieutenant Andrew Goodrich  
Sergeant Jeff Corbett

**FPD WITNESSES:**

Corporal Jim Boline  
Officer Tim Haid  
Officer Jonathan Ferrell  
Officer Eric Franke  
PCO Luis Rubio  
Ex-Officer Tim Gibert

**Summary and Investigator Notes/Actions**

On September 6, 2017, independent RCS Investigator, Steve Rodig presented his findings to the Fullerton PD Command Staff regarding a citizen complaint alleging employee misconduct which was connected to the incident involving the Former Fullerton City Manager, Joe Felz on November 9, 2016 (FPD case# 16-74804 / PSB# 16-0048). Please refer to the attached RCS investigation for further on what they covered as it pertains to this investigation.

On September 7, 2017, Chief Hendricks assigned this incident to me for further investigation (see attached memo).

On September 7, 2017, FPD Records personnel performed a CAD search to reveal how many DUI investigations Sergeant Jeff Corbett conducted within the last 5 years. Zero investigations were located (see attached).

In September of 2017, Sergeant Jose Arana viewed seven of Corbett's random body-worn-camera (BWC) samples in which he was a follow-up officer. In all samples, Corbett's BWC was canted to the left, similar to the BWC on the Felz incident.

On September 14, 2017, I obtained Corbett's training documentation/files from Personnel employee, Patricia Arevalo. According to those records, Corbett has received approximately 128 hours of specific training relating to detecting subjects under the influence of alcohol/drugs (see attached).

On November 9, 2017, I contacted Special Prosecutions A.D.A. Ebrahim Baytieh for an update on their investigation into Corbett's potential criminal activity. Baytieh confirmed that the O.C.D.A. investigation regarding Corbett was ongoing and would not be concluded prior to Joe Felz's court case resolution.

On January 23, 2018, Sergeant Jose Arana located records in Versadex that showed all police reports Goodrich approved from 11/08/2016 to 11/09/2016 (see attached).

On January 23, 2018, Sergeant Arana located and attached video footage of witness-Barbara Pollinger capturing her at "Public comments" during a Fullerton City Council Meeting.

A list of potential Fullerton Police Department policy violations has been added to this administrative investigation (see attached).

In addition to this narrative, please refer to the attached timeline which was formed based on interviews and other included records. Also, please refer to the attached phone records and corresponding break-downs to grasp what calls were made and when they occurred.

Below are summaries of interviews conducted by both myself and Sergeant Jose Arana.

### **Former Officer Tim Gibert's Statement**

On September 21, 2017, at approximately 1600 hours, I interviewed former Fullerton Police Officer, Tim Gibert via telephone. The statement was recorded on D.A.R. (see attached). Gibert confirmed the interview to be free and voluntary. The following is a summary of the recorded interview with Gibert.

Gibert said he had six and a half years of experience as a police officer. Gibert said he had conducted approximately 700 D.U.I. investigations and assisted in an additional 150 to 200 D.U.I. investigations. Gibert acknowledged that he was taught to enforce the law without any favor.

I asked Gibert to tell me what he recalled regarding his involvement from the collision investigation involving former City Manager, Joe Felz. Gibert told me the following:

The radio call was of a vehicle collision. While Gibert was on his way to the location, dispatch advised the vehicle was trying to leave the scene. Gibert was the first officer on-scene and as he arrived, he saw the vehicle travelling west bound. The vehicle appeared to be disabled, but was still partially moving. Gibert then initiated a vehicle stop and as a result, the vehicle came to a halt. As he was exiting his unit, the vehicle began to move again. Gibert put his unit back into drive not knowing if the vehicle was going to try to leave. They moved a very short distance and came to a complete stop. Gibert then placed the front of his police unit bumper up against the vehicle's rear bumper in case he tried to flee again. Gibert explained that he tried to pin his unit up against the vehicle so the suspect would not endanger any civilians; this also positioned Gibert to possibly conduct a P.I.T. maneuver if it were necessary.

At that point in time, the vehicle stopped. Gibert believed Corporal Jim Boline was next on-scene and walked up on his passenger side. They ordered the driver (Joe Felz) out of the vehicle. Gibert had the Felz facing away from him. As Gibert placed Felz's hands behind his back, he identified himself as Fullerton City Manager, Joe Felz. Gibert stopped his investigation or any questioning at that time and had Felz sit on the front bumper of his police unit. Gibert then requested for a Sergeant to respond to the location.

As Sergeant Jeff Corbett arrived on scene, he told Corbett Felz was "H.B.D.". Gibert told me that H.B.D. meant "Had been drinking" because he could smell the odor alcohol coming from Felz. Gibert and Corbett then walked away and had a conversation which was not captured on their body-worn-cameras (BWC). Gibert remembered telling Corbett he placed his police unit up against Felz's vehicle and explained to Corbett why he did it. Corbett told him to move his unit away from Felz's vehicle to see if there was any damage to either of one of the vehicles. I asked Gibert why he had deactivated his body-worn-camera when speaking to Corbett. Gibert said he turned off his body-worn-camera while speaking to Corbett because he understood the body-worn-camera policy was only for public contacts. As a result, he concluded that any personal conversations with other officers didn't need to be captured on his body-worn-camera. Gibert had a previous incident in which he deployed a Taser with a suspect who took a fighting stance with him. In that incident, he had a poor choice of words that were taken out of context and did not want that to happen again. Gibert indicated that he did not remember having any other conversations off body-worn-camera with Corbett.

I then asked Gibert if he recalled any conversations with other officers at the scene. Gibert remembered saying to Corporal Boline and Officer Haid this was a bad situation to be a part of.

They said to each other that they could tell their was alcohol on Felz's breath but they decided to not continue their discussion.

Corbett asked Gibert for a D.U.I. investigation form. Gibert offered to handle the D.U.I. investigation, but Corbett declined. Corbett then directed Gibert to take the traffic collision report.

Gibert thinks Corbett handled the D.U.I. investigation because of Felz's high ranking position in

the City of Fullerton. Gibert also thought Corbett handled the D.U.I. investigation by himself so no one could be critical of any of the other officers at the scene. Based on where Felz's vehicle was, he did ponder whether or not this was a hit and run investigation. As he was handling the traffic collision, he chose to not mark "hit and run" on the form because of the distance from Felz's vehicle to where the initial collision occurred. The only damage he located at that time was to city property.

In Gibert's experience as a police officer, he cannot remember any other incident involving a high ranking person, where a Sergeant volunteered to handle the investigation. Gibert said Corbett either took Felz behind or to the side of the Tahoe to handle the investigation. Gibert thought Corbett handled the D.U.I. investigation out of view from anyone to protect the officers on-scene. That way, the decision would be solely on Corbett to conclude if Felz was D.U.I.

Gibert did not see Corbett's D.U.I. investigation and he did not know if the other officers viewed it either. Gibert did not remember if he was carrying a P.A.S.D. device that night. Gibert did in fact remember there was a phone call made by Corbett. After the phone call, Corbett asked Gibert for the D.U.I. investigation form. Gibert assumed Corbett contacted either the Lieutenant, Captain, or Chief and they instructed Corbett to handle the D.U.I. investigation.

Gibert does not know if anyone contacted the reporting party of the traffic collision. He admitted it was a failure on their part in not trying to contact the reporting party. They did check the area, but they did not locate any obvious witnesses. Gibert did remember having additional conversations with Corbett after the D.U.I. investigation. Corbett appeared bothered because he had to deal with the Fullerton City Manager. Gibert stated that he did not think there was anything illegal or unethical done that night. Gibert knows Corbett is a D.R.E. and he conducted the best investigation that he could have done. Gibert said that he would not have arrested Felz based on the information he had that night. Therefore, Gibert believed Corbett was making the appropriate decision based on all the facts that he gathered. Gibert did not think Corbett taking Felz behind the Tahoe was unethical or illegal.

According to Gibert, the D.U.I. forms indicate a second officer should be present, but it's more of an officer safety issue. Gibert believed Corbett treated Felz the way he would have treated anybody else. Gibert did not remember if Corbett told him to take the traffic collision report or if he volunteered to take the traffic collision report because he was the first officer on-scene. Corbett did not tell Gibert to manipulate the traffic collision report and added that he would not do that for anyone. Gibert did not check the "H.B.D." box on the traffic collision report form because he felt that was more appropriate based on the investigation.

I asked Gibert if he was aware of the email sent by C.S.I. Technician Victoria Mayhew to Lieutenant Mike Chocek. Gibert said he was not familiar with the email. As a result, I read him the content of the email. Gibert commented by stating the portion of the email involving him was accurate. Once Mayhew arrived on scene, Gibert told her to just photograph the damaged tree. Gibert said he was trying to limit the exposure of how many people were involved with this case. Gibert stated that C.S.I. would not normally photograph the vehicle since this was not a hit and run investigation.

I asked Gibert if he had any other important information related to this incident. Gibert again stated that he believed Corbett handled the investigation correctly. Gibert added that based on what he saw, he also would not have arrested Felz.

Gibert had no further information and the interview concluded.

### **Parking Control Officer Rubio's Statement**

On September 26, 2017, at approximately 1700 hours, Sergeant Jose Arana and I interviewed Parking Control Officer Luis Rubio in the Sergeant's PSB/IA office. The statement was recorded on D.A.R. (see attached). Rubio signed and dated all applicable administrative forms. The following is a summary of my interview with Rubio:

Rubio could not remember if he either dispatched himself or dispatch sent him to this radio call of a possible hit and run traffic collision.

Rubio arrived on scene at approximately 0140 hours. Rubio's intention was to assist with traffic control or set up flares if needed. Once on scene, an officer told him everything was clear and that his assistance was not needed. Rubio did not remember which officer told him to clear the scene. Rubio did not see Felz or the vehicle involved in the collision. He only took a couple of steps past his truck. Rubio also did not see any civilian witnesses.

steps past his truck. Rubio also did not see any civilian witnesses.

Rubio does not have a body-worn-camera issued to him, but does have a D.A.R. Rubio did not activate his D.A.R. for the short time he was on-scene. Rubio cleared the scene at approximately 0142 hours.

Rubio had no further information and the interview was concluded.

### **Officer Ferrell's Statement**

On September 26, 2017, at approximately 1640 hours, Sergeant Arana and I interviewed K-9 Officer Jonathan Ferrell in the Sergeant's PSB/IA office. The statement was recorded on D.A.R. (see attached). Ferrell signed and dated all applicable administrative forms. The following is a summary of my interview with Ferrell:

On the night of this incident, Ferrell heard a call broadcasted over the police radio regarding a traffic collision that occurred on the north end of Highland and Glenwood Ave. Officer Gibert and Corporal Boline had been dispatched to that call. Ferrell was in the downtown area when the call went out and remembered dispatch broadcasting that the vehicle was stuck on the sidewalk and that they could hear in the background screeching tires. Ferrell responded because he was relatively close to the location.

Upon his arrival, Gibert and Boline were already on scene. Gibert was speaking to Felz at the time and Boline was standing near the passenger side of Felz's vehicle. Ferrell did not notify dispatch he was responding to the call and also did not notify dispatch he had arrived. Ferrell was on scene for approximately one minute. Ferrell left the scene because he was dispatched to another radio call. For the minute he was on scene, he spoke to Boline. He does not remember what he discussed with Boline but they were both in shock because the incident involved Fullerton City Manager, Joe Felz. Ferrell was too far away to actually observe Felz's intoxication level.

Ferrell believed the reporting party was a female who lived on the south side of the street. Ferrell did not see or contact the reporting party but did remember the reporting party being a female. Ferrell did not speak to anyone else on-scene that night.

After Ferrell left the scene, he heard from a co-worker that a traffic collision was taken and Felz had been taken home. Ferrell did not remember who he heard that from. Ferrell did not receive any type of direction from Corbett that night.

### **Officer Franke's Statement**

On September 27, 2017, at approximately 1528 hours, Sergeant Arana and I interviewed Fullerton PD Traffic Officer Eric Franke in the Sergeant's PSB/IA office. Franke is a certified Drug Recognition Expert (D.R.E.) Instructor and agency coordinator. The statement was recorded on D.A.R. (see attached). Franke signed and dated all applicable administrative forms. The following is a summary of my interview with Franke.

Franke's D.R.E. experience goes back to 1998 which is when he completed L.A.P.D.'s D.R.E. program. Approximately one year later, he attended and completed L.A.P.D.'s D.R.E. Instructor school. Franke had approximately 16-17 years of D.U.I./Drug Enforcement experience prior to becoming a D.R.E. He has attended several classes since becoming a D.R.E. and has an extensive amount of courtroom testimony experience. Franke has conducted approximately 3,000 D.U.I. investigations in his law enforcement career. Franke has testified approximately 43-44 times which also includes appearance before Federal Grand Jury.

Franke was one of the instructors and agency coordinators in March of 2009, where Corbett attended the 24-hour Standardized Field Sobriety Tests (S.F.S.T.) course. Franke was also one of the instructors and course coordinator in December of 2009 where Corbett attended D.R.E. training. According to Franke, specialized training such as S.F.S.T. school is the cornerstone of proving impairment of an individual who is suspected of being under the influence of an intoxicating substance. The S.F.S.T. and D.R.E. investigative process ultimately aids the officer to provide information and testimony in the court of law as to the intoxicating substance(s) involved.

Before the interview, Franke had accessed his D.R.E. training records and told me that Corbett officially decertified as a D.R.E. on 12/1/2013. Between 12/1/2009 and 12/1/2013, Corbett attended a recertification D.R.E. course. The D.R.E. recertification course is an 8-hour class that has to be completed every two years. Corbett was decertified as a D.R.E. because he did not

submit the required recertification paperwork to Sacramento. To Franke's knowledge, Corbett has not attempted to get recertified as a D.R.E. since then.

I then had Officer Franke view Corbett's body-worn-camera video footage that captured some of the tests Felz was asked to perform in the field. This was done to see if Corbett utilized or deviated from his past S.F.S.T. / D.R.E. training.

In the beginning, Corbett had Felz standing with his back towards his black and white police unit. Franke said that it appeared Corbett was trying to get Felz into the Modified Romberg stance to measure his internal clock. Franke said it was kind of hard to see because Corbett has his body-worn-camera offset towards Felz's right side. During the Modified Romberg stance, Felz's feet were not together and it appeared Felz was starting too soon, which is contrary to the way it should be performed and can be considered an indicator which reveals impairment.

When the test began, even from the disadvantaged body-worn-camera view, Franke observed some significant lateral sway of Felz's right arm, probably from below the elbow and all the way down to his wrist. It looks like Felz had a wallet in his left hand at some point. Stimulus wise, that can either aide or be a disadvantage in the subjects ability to perform the test. The proper way would to have had Felz's hands down at his side with his feet, heels, and toes together. Franke said it seemed almost as if the test was conducted just as a cursory sampling as to what degree Felz's level of intoxication was. Franke added that Corbett's assessment seemed too casual and was not satisfactory in collecting evidence for an eventual court prosecution.

Next, Corbett did not conduct the Romberg test the way he was taught in D.R.E. school. Franke indicated that Corbett would not have passed his training if he displayed the Romberg instructions/test like he saw in the body-worn-camera video footage.

Franke could not tell how close Felz was standing to the police unit. Felz could have possibly been leaning against the back of the unit, using the back bumper for support.

In regards to the Walk & Turn test, Franke's overall feeling was as if Corbett was conducting a cursory, "Lets hurry up and get this done; I want to see what you're able to do and not do" type of investigation.

Franke said this test was certainly not administered correctly. The results were not interpreted the way they should have been. From what Franke could see, there were no notes being taken by Corbett. During the Walk & Turn test, the instructions given by Corbett were also incorrect. Corbett did not explain the caveats at the end where Felz needed to look at his feet while performing the test. Once Felz began the test, he was not supposed to stop. Felz was supposed to look at his feet and count out loud. None of these instructions were given by Corbett. There was no mention of walking the nine steps in a straight line, which should have happened. Corbett's wording such as, "Try to do this as close as you can get" is not proper language for the specific test.

Franke also made mention that Corbett was holding a clipboard which blocked the camera view of Felz. Franke saw that Corbett had a pen, but did not see anything being noted. It seemed to Franke that the clipboard was there to possibly shield the body-worn-camera view. About halfway through administered tests, Franke heard Corbett instruct Felz to try again. Franke did not know what that meant. Franke could not hear Felz counting out loud because he was not instructed to do so by Corbett. Towards the end of the Walk & Turn test, it was plainly visible that Felz grossly missed the heel to toe. After the Walk & Turn test, Corbett directed Felz to the passenger side of his police unit. When Felz slowed down his walk to sit down in a backwards motion toward the cab of the unit, Franke noticed there was gross motor impairment. Franke mentioned seeing Felz on the video stumbling, showing hesitation and an almost backwards fall into the passenger side of the compartment.

During the S.F.S.T. and D.R.E. School, Franke said that the Romberg and the Walk & Turn tests are not to be done just by themselves. It is also not taught to just conduct those two specific tests. Franke said that when evaluating a cooperative subject, it is taught to give them as much chance to provide exculpatory or incriminating evidence as to their innocence or guilt. In other words, it is taught to give a variety of options or abilities to do well. The three National Highway Traffic Safety Administration (N.H.T.S.A.) tests that are taught in the S.F.S.T. school are horizontal gaze nystagmus (H.G.N.), the Walk & Turn, and the one leg stand. The Fullerton "502" form is used to help document D.U.I. investigations if the officer is not D.R.E. trained. The Fullerton 502 form is designed to ask pre-Miranda questions, get some background information of the subject such as indications of mental or physical illness, the time of the last drink, the amount of the last

such as indications of mental or physical illness, the time of the last drink, the amount of the last drink, head injuries, where did they come from, where they are going, vehicle problems, etc.

After the S.F.S.T. tests, there are other conclusion type questions, which are followed up by a discussion pertaining to chemical testing. If someone is D.R.E. trained, they use the D.R.E. forms.

Franke saw Corbett asking Felz if he had been drinking after the tests were performed. Franke said that generally those questions are going to be asked first. Felz admitted to Corbett that he had been drinking alcohol. In Franke's opinion, it was out of the ordinary to not ask Felz additional questions after he had admitted to consuming alcohol. Franke said that normally, after an officer obtains an admission of drinking, he or she might know what the impairing substance is, but still not know important information such as the dosing and the time. Franke said it is considered to be out of the ordinary to conduct S.F.S.T. or D.R.E. examinations without a partner because of officer safety concerns as well as the safety of the individual performing the tests. Ideally, the follow-up officer could be taking notes and observations of what the subject was doing. It leaves the officer administering the test to instruct and observe without the encumbrance of taking his or her eyes off the subject. Generally, Franke instructs to always have a partner during a D.U.I. assessment.

Franke said that there is no doubt the test should have included Modified Romberg, Horizontal Gaze Nystagmus, Walk & Turn, One Leg Stand, and Finger to Nose tests. According to Franke, it would have been fair for the people of California to see if Felz was or was not intoxicated. It would have also offered the opportunity to offer exculpatory evidence that would have been fair to Felz. What Corbett did on scene, was a "Gross deviation" of the training he received in the past from Franke and the D.R.E. Program. Franke stated that it seemed as though the test was stopped to prevent any more incriminating evidence to be revealed.

Officer Franke had no other information to add and the interview was then concluded.

### **Corporal Boline's Statement**

On October 11, 2017, at approximately 1912 hours, I interviewed Corporal Jim Boline in the Sergeant's PSB/IA office. The statement was recorded on D.A.R. (see attached). I showed Boline the FPD forms he signed prior to his first interview with Investigator Rodig from RCS Boline acknowledged the forms that he signed and I asked if he had any questions. Boline understood and had no questions.

The following is a summary of the recorded interview with Boline:

Boline said that remembered the radio call came out as a possible hit and run. Once Boline arrived, he saw that the person who was driving turned out to be Fullerton City Manager, Joe Felz. When Felz stepped out of the car, he immediately declared that he was the City Manager and to call Chief Hughes. Felz's statement angered Boline because he believed that the intoxicated Felz had no business telling him how to do his job. Boline did not want to get in trouble for doing something wrong so he waited for a supervisor to arrive to the scene for further instructions.

Boline's initial observations were that Felz had been drinking alcohol. Boline did not proceed into a full D.U.I. investigation for the reasons he previously stated. However, Boline did believe that Felz was possibly D.U.I. Boline thought if Felz was going to get away with the D.U.I. that would be "bullshit" and shared that view with Officer Haid.

Boline again stressed that he did not conduct a full investigation, so he could not say if this radio call could have been a 100% hit and run investigation as well. Boline indicated that it could have been a hit and run because it was obvious there had been a collision and it was also obvious that Felz was trying to drive away from that collision. Boline could not say if it was a criminal hit and run because he did not look at the damage. Initially, the collision appeared to be a hit and run.

Boline did not know if anyone contacted the actual reporting party of the radio call.

Boline had no further information and the interview came to a conclusion.

### **Officer Tim Haid's Statement**

On October 26, 2017, at approximately 1151 hours, Sergeant Arana and I interviewed Officer Tim Haid in the Administrative Conference room. The statement was recorded on D.A.R. (see attached). I showed Haid the FPD forms he signed prior to his first interview with Investigator Rodig from R.C.S. Haid acknowledged the forms that he signed and I asked if he had any

questions. Haid understood and had no questions.

The following is a summary of the recorded interview with Haid:

At the start of the interview, I had Haid view a portion of his body-worn-camera footage where he told Sergeant Corbett that the downside was that there was a witness to Joe Felz's collision. I had Haid watch two times so he could carefully explain to me what he meant by those words. Haid responded to me by saying that he was "playing it off" and was glad there was a witness/caller so the incident could not be covered-up. Haid then said that he used his body-worn-camera and walked the whole area in order to document the crime scene in its entirety. Haid then said that he believed the situation was out of his and Corbett's hands because Felz was a political figure. Haid said that Chief Hughes was calling the shots via the phone. Haid had no proof of that but did not trust the supervision regime when Hughes worked at Fullerton PD as Chief. Haid then began to go off topic and onto a tangent about how he felt wronged in the past by FPD supervisors, which had nothing to do with my questioning or the incident being investigated.

Haid said he would have arrested Felz for D.U.I. based on the objective symptoms that he witnessed that night. Although it should be noted that Haid witnessed none of the S.F.S.T.s.

Haid said that based on what he saw at the scene, it was clear to him that Felz committed a hit and run. I then asked Haid what he thought Corbett meant when he commented about no FSTs and no breathalyzer had been done. Haid said it was still early in the investigation and did not know for sure what Corbett exactly meant, but expected nothing was going to be done.

I had Haid again view another portion of his body-worn-camera footage for clarification where he mentions a phone. Haid said he was joking with the other officers that he was going to use his cell phone to capture the body-worn-camera footage from the application on the MDC. Haid said that he was concerned the video might "disappear" if a cover-up happened later by the FPD Command Staff and that's why he made the joke.

Later in the video, Boline and Haid talk about how they wanted to fry Felz. I asked Haid to explain. Haid said that he and Boline were talking about how they wanted to arrest Felz for a crime and he was probably being treated favorably because of his Fullerton City Manager status. I asked Haid if he ever approached Corbett and expressed his concerns how he feared the call was going to be handled. Haid said no because he believed his opinion did not matter. Haid said the Captains did not like him and he had just recently returned from being on administrative leave. Haid just wanted to, "Do his job and get the hell out of there."

Haid said he did not think anybody contacted the witness when he was on scene and did not know for sure if it happened after he left the call. I asked Haid if anybody told him not to contact any witnesses and he said no.

That concluded my interview with Haid.

### **Lieutenant Goodrich's Statement**

On October 12, 2017, at approximately 1643 hours, Sergeant Arana and I conducted a supplemental interview with Lieutenant Andrew Goodrich. Goodrich's attorney, Bill Hadden was also present during the recorded interview. I produced all administrative forms (800A, 800C, 800D, 800F & 800G) that were signed prior to the original RCS interview with Goodrich on July 20, 2017. I explained to Goodrich that those forms were still valid and in effect as it pertained to this administrative investigation (PSB# 16-0048). The following is a summary of my interview with Goodrich:

Initially, I explained to Goodrich that I had additional questions for him that the RCS administrative investigation did not cover. I also added that I planned to ask further questions on newly received phone records related to this administrative investigation.

I then produced a call summary derived from cell phone records regarding the calls made at the scene of the incident (see attached). The calls were numbered from 1 to 9. The following is Goodrich's description of the below listed calls.

- **0139:** Corbett notified Goodrich that the traffic collision involved Joe Felz. Goodrich told Corbett he was going to call Chief Hughes and then he would call back for further instructions. Goodrich did not recall Corbett mentioning a tree was damaged or that it was a potential hit and run investigation.
- **0141:** Goodrich called Chief Hughes who was woken from a "Dead sleep" to notify him

that Felz was involved. Goodrich indicated to Hughes that Corbett was the supervisor at the scene.

- **0146:** Corbett called Goodrich to let him know that Felz appeared to be “H.B.D.”
- **0151:** Goodrich called Corbett to notify him that Hughes was going to call for more information.
- **0213:** Chief Hughes called Goodrich. Hughes told Goodrich that Corbett was going to make an on-scene assessment of Felz’s sobriety. Goodrich offered to respond to the scene and Hughes indicated that it was not necessary. Goodrich asked Hughes if he should call Captain Siko and Hughes said no. Discussion of what police reports were needed, notifications to Mayor Fitzgerald and the rest of the Fullerton City Council was also mentioned.
- **0235:** No memory of what was exactly said between him and Chief Hughes.
- **0250:** No memory of what was exactly said between him and Chief Hughes.
- **0259:** No memory of what was exactly said between him and Chief Hughes.
- **0300:** Chief Hughes discussed with Goodrich about what outside agencies might have needed to respond if Felz was D.U.I. Notifications to city council was again mentioned in the conversation.

Goodrich did not remember the specifics of a text message sent to him at 0237 hours, from Corbett.

I asked Goodrich why he chose not to respond to the scene first, before notifying Chief Hughes. Goodrich said he did not respond to the scene prior to calling Chief Hughes because the minute he had the information that the city manager had been involved in something, he believed his duty was to make notifications as soon as possible. Goodrich believed the information provided by Corbett to be reliable.

Goodrich then made reference to a previous officer-involved-shooting where Corporal Jim Boline was shot. Goodrich, who was the on-duty Watch Commander, said during that critical incident, he did not wait to go to the scene to see if Boline was in fact shot and injured. Instead, Goodrich immediately made his notifications. Any other critical incident he has been a part of followed the same general protocol.

Initially, Corbett called Goodrich’s cell phone and not the Watch Commander landline. Goodrich said that he couldn’t speak as to why Corbett called that line first. However, Goodrich did mention the numerous Sergeants who have worked for him would often communicate with him via cell phone. Goodrich did not think Corbett attempted to conceal the content of his conversation with him when Corbett called his cell phone and not the recorded Watch Commander line.

Goodrich did admit to meeting with Chief Hughes later that day but he did not remember what they talked about. Goodrich then said that the meeting with Chief Hughes probably took place in the mid-afternoon. Goodrich has not spoken to anyone in regards to this investigation between his first interview with RCS and this interview.

Attorney Hadden stated the length of the phone conversations have been referred to in minute time frames. Hadden stated on the record that the minute conversations did not reflect the exact time of the phone calls because phone calls in seconds were rounded out to the minute by the phone companies.

The interview with Goodrich concluded.

### **Sergeant Corbett’s Statement**

On October 12, 2017, at approximately 1643 hours, Sergeant Arana and I conducted a supplemental interview with Sergeant Jeff Corbett. Corbett’s attorney, Bill Hadden was also present during the recorded interview. I produced all administrative forms (800A, 800C, 800D, 800F & 800G) that were signed prior to the original RCS interview with Corbett on July 20, 2017. I explained to Corbett that those forms were still valid and in effect as it pertained to this administrative investigation (PSB# 16-0048). The following is a summary of my interview with Corbett:

Initially, I explained to Corbett that I had additional questions for him that the RCS administrative investigation did not cover. I also added that I planned to ask further questions on



newly received phone records related to this administrative investigation.

I asked Corbett to tell me how he remembered the Felz radio call being broadcasted via the Green-1 communications radio channel. Corbett said he heard a 901-injury traffic collision call which had occurred in the area of Glenwood Dr. and Highland Ave. I asked Corbett if he remembered any information about the reporting party (Barbara Pollinger). Corbett responded by stating he believed there was no detailed information provided via the radio specific to a reporting party. Although, during this interview, Corbett did acknowledge there in fact had to have been a witness/reporting party that called the incident in to Fullerton PD Dispatch for the call to generate.

I then asked Corbett if anybody attempted to contact the reporting party, Barbara Pollinger while at the scene of the collision. Corbett said he did not know. I then asked Corbett why he had not directed his personnel to contact Pollinger that night for a statement. Corbett said he wasn't "Connecting the dots" at the scene; meaning he didn't know or was not thinking of the caller's involvement with the collision itself.

I asked Corbett in retrospect, if he thought Pollinger *should* have been contacted at the scene. Corbett responded by saying, she "*could*" have been contacted. I then responded to Corbett agreeing it was obvious that it *could* have happened, but asked if he thought it *should* have been done. Again, he said, she "*could*" have been contacted. Corbett went on to say that, "We could have got her statement as far as what she had seen and what she had heard." I again specifically asked if he thought she *should* have been contacted. Corbett then replied with, "Typically we would get any type of witness information if they saw the accident, yes."

I asked Corbett if he ever told Chief Hughes over the phone about the existence any witnesses. Corbett said that he did not remember. I asked Corbett if he told Chief Hughes about the tree that Felz struck with his vehicle. Corbett said yes he did. I informed Corbett that Chief Hughes said he did not know about the tree until 4pm the next day and that I was trying to get the most accurate story. Corbett again said that the damaged tree was included in his brief to Chief Hughes during one of the phone calls made from the scene.

I asked Corbett if he thought this was a possible hit and run investigation while he was on-scene. Corbett said, "No sir. Hit and run never even crossed my mind."

I asked Corbett what he and Officer Gibert were discussing when both of their body-worn-cameras were deactivated. Corbett said that Gibert was showing him the scene. I also asked Corbett if he ordered Gibert to deactivate his body-worn-camera and he said no. I then asked if Gibert had contacted Corbett since my interview with him on September 21, 2017. Corbett said no.

I informed Corbett that according to body-worn-camera footage, Gibert told him that Joe Felz was, "HBD." I asked Corbett to tell me what that meant to him and he said, "Had been drinking." I asked Corbett if he remembered Gibert explaining to him that he boxed Felz's vehicle in order to stop him from attempting to leave the scene. Corbett said he remembered and interpreted that as "in-case" and not that he already tried to leave the scene. I asked Corbett at that point if it registered to him that this was a possible hit and run investigation. Corbett again said no and that a hit and run investigation had not entered his mind because Joe Felz was still at the scene and in his car when contacted by the officers. Corbett also thought it was not a potential hit and run investigation due to the first area of impact being only several houses away.

I then asked what Corbett meant when he told Officer Haid, "*Nobody has done any FSTs, nobody's done a breathalyzer, so technically we don't have to go deuce, we can just do a TC and drive him back.*" Corbett said he had already spoken to the Watch Commander (Lieutenant Goodrich) and Chief Hughes at that point and he was explaining to Haid that he was not aware what part of the incident was to be handled by Fullerton PD. Corbett added that he did in fact know that Fullerton PD was at least going to handle the traffic collision report portion of the incident. I asked Corbett to elaborate on what he meant because his answer was not directly answering my question, nor was it making sense. Corbett then added that he was trying not to reveal too much too Haid of what he and Chief Hughes spoke about via telephone. At that point in the interview, I told Corbett that phone records indicated his conversation with Haid was in fact after his first call to Goodrich, but before his calls to Chief Hughes. Corbett then said that did not change anything because he was still waiting on a call back to see what direction the Chief wanted the investigation to take.

I then produced a call summary derived from Corbett's department issued cell phone records

regarding the calls made at the scene of the incident (see attached). The calls were numbered from 1 to 14. The following is Corbett's description of the listed calls using his Fullerton PD issued cell phone.

- **0139:** Notification to Goodrich that the traffic collision involved Joe Felz and a brief assessment of the scene.
- **0146:** No memory of what was said between he Goodrich.
- **0152:** Goodrich asking Corbett if he had heard from Chief Hughes yet. Then Goodrich advising Corbett to call Chief Hughes.
- **0153:** Corbett gave Chief Hughes a brief as to the specifics of the incident while on-scene. This included vehicle information, personnel on-scene before and after Corbett's arrival. Also, who had and had not already spoken to Joe Felz. Lastly, Felz' current location.
- **0226:** Chief Hughes asked Corbett to conduct a preliminary assessment in the form of a couple tests to acquire Felz' intoxication level. Corbett gave Felz his FPD issued cell phone per Chief Hughes' request. Corbett claimed to not hear anything regarding the conversation between Felz and Chief Hughes. Felz then handed the phone back to Corbett. Chief Hughes told Corbett that Joe Felz had consented to a couple FSTs (Field Sobriety Tests) but not going to participate in a PASD (Preliminary Alcohol Screening Device) test.
- **0243:** No memory of what was exactly said between him and Chief Hughes.
- **0251:** Corbett reporting his conclusions regarding Joe Felz' intoxication level after the FSTs.
- **0300:** Corbett notifying Chief Hughes that he had just dropped off Felz at his home.
- **0307:** Chief Hughes communicating to Corbett that he wanted Joe Felz to call him back once he was home.
- **0323:** No recollection about the content between Corbett and Corporal Jon Miller.
- **0406:** No recollection about the content between Corbett and Officer Tim Gibert.
- **0425:** No recollection about the content between Corbett and an unknown number.
- **0430:** No recollection about the content between Corbett and an unknown number.
- **0505:** No recollection about the content between Corbett and an unknown number.

I asked Corbett if he recalled or had access to any text messages sent or received containing content relating to this incident and he said no.

I asked Corbett to explain his relationship with Joe Felz prior to this incident. Corbett replied by saying he knew Felz as the Fullerton City Manager who he had taken on a couple of ride-alongs in the past to tour the downtown bar area. I asked Corbett if he considered Joe Felz a friend and he said no. Corbett indicated that his relationship with Joe Felz was purely professional.

I asked Corbett why he chose to call Goodrich's cell phone as opposed to the Watch Commander landline. Corbett said he calls all of his supervisors' cell phones when contacting them via telephone instead of the landlines. Corbett added that he can't remember the last time he called a landline when attempting to contact his supervisors.

I asked why Corbett decided to have Joe Felz conduct the FSTs with the Supervisor Tahoe vehicle blocking the view of the other officers on-scene. Corbett indicated that he did not intend to conceal Joe Felz's FST performance from others on-scene. Corbett added that he chose that area because it was stable with ideal conditions to conduct the tests. Corbett added that at no point in time did he order the officers on-scene to keep away from the FSTs which were taking place.

I asked why it took approximately 1-hour to start the FSTs. Corbett replied stating that the back and forth phone calls caused the delay in having Felz start the tests. I asked Corbett when he last conducted a DUI investigation on his own. Corbett said about 1-year prior to the incident. Corbett felt it necessary to add that he evaluates individual's sobriety almost on a nightly basis when at work contacting the public.

I asked Corbett why he specifically chose the "Walk & Turn" and "Romberg" tests to evaluate Felz's intoxication level. Corbett replied by stating those particular tests were valuable because it measured divided attention, internal clock and other physical indicators which help determine if somebody is too impaired to drive.

I asked Corbett why he stood stationary instead of walking around to see all angles of the “Walk & Turn” test. Corbett said that he had always done it that way in the past. I communicated to Corbett that since he decided to stay in one place during that test, it was not captured on the body-worn-camera in its entirety. I specifically asked Corbett if he did that to conceal Joe Felz’s performance of the “Walk & Turn” test and he said no. Corbett again explained as he did in the RCS interview that he has always kept his gun side away when contacting the public for safety reasons.

I asked Corbett why he chose not to utilize the most common test, “Horizontal Gaze Nystagmus” (H.G.N.) when assessing Felz’s intoxication level. Corbett said he has never been comfortable with the “H.G.N.” test and preferred the “Walk & Turn” and “Romberg” tests.

I then asked if Corbett has ever had a person perform just those two tests (Romberg/Walk & Turn) in the past when investigating D.U.I. or assessing sobriety levels. Corbett replied by stating, “Yes.” I asked Corbett when he last had somebody perform just those two tests and he could not remember. I asked Corbett if Chief Hughes told him to specifically administer the “Walk & Turn” and “Romberg” tests and he said no.

I asked how many times Corbett utilized just these two tests during past investigations and he could not remember. I then asked if Corbett was trained as a D.R.E. to only have subjects perform those two tests. Corbett said no he was not trained that way, but was only asked by Chief Hughes to obtain a preliminary assessment and that’s why he only had Joe Felz do those two tests. Corbett went on to say that if it was a full D.U.I. investigation, he would have had Joe Felz perform additional FSTs which would also accompany questions that are listed on the Fullerton PD D.U.I. form or “502 form”. Corbett stated that he specifically remembered Chief Hughes requesting either a “couple” or a “few” tests for the “assessment”. I asked Corbett if he interpreted that as two tests and he said yes. I asked Corbett if he has ever witnessed somebody else choose just the “Walk & Turn” and “Romberg” test when assessing intoxication levels. Corbett said he had seen it done by others as well. I asked when he had seen others use those tests only and Corbett could not remember.

I asked Corbett if at any point he explained to the officers why he assumed the lead in the investigation and he said no. I then asked if anyone asked him why he took the call over and he said, “Not that night.” I asked when and by whom and Corbett said that he could not recall.

I asked Corbett if he thought he was the most qualified on the scene to conduct the D.U.I. investigation. Corbett said yes because he had the most years of experience as law enforcement officer, was a previous D.R.E., and probably made more arrests than the other sworn personnel on the scene. I asked Corbett if he had knowledge of the on-scene officers’ expertise as it relates to D.U.I. investigations. Corbett stated yes, but Chief Hughes instructed him to be the lead.

I asked Corbett if he could recall other cases or incidents where his body-worn-camera did not capture the whole contact and he could not.

I then asked Corbett to estimate how many D.U.I. investigations he had witnessed by other officers. Corbett said, “Hundreds.”

I asked Corbett if he remembered asking Joe Felz if he had recently been drinking alcohol that morning and he said yes. I asked Corbett if he could remember Joe Felz’s response and it was, “Yes.” Corbett said he asked this question because he could actually smell alcohol on Felz’s breath. I then asked why Corbett did not have any follow-up questions after Joe Felz admitted to have consumed alcohol. Corbett again stressed that he was not conducting a full D.U.I. investigation and only wanted to obtain basic information to report back the Chief Hughes. I then asked Corbett why he didn’t ask Joe Felz if he had been drinking prior to the two tests he had him perform. Corbett again said he did not ask Joe Felz prior to the FSTs because he was only asked to do a preliminary assessment.

Corbett said the purpose for that one question was to see if Joe Felz was telling the truth, which Corbett believed he was. I asked if that was the first time Corbett smelled the alcohol on Felz and he said no. I asked when Corbett first smelled the alcohol on Felz and he said, once he took a seat in his Tahoe, which was before the FSTs. I again asked Corbett why he didn’t ask the simple question of how much alcohol Joe Felz had to drink. I asked Corbett if he thought it would have assisted his assessment if he had asked that question. Sergeant Corbett replied, “No.” Corbett added that typically people who drink alcohol are not truthful. Corbett went on to say that “It doesn’t change my opinion if they’ve had 1 drink or 20 drinks. I base my opinion on when I’m

doing field sobriety tests and like I said the indicators, then I make my evaluation between that.” I then asked Corbett why bother asking if he had anything to drink in the first place if he only expected a lie. His response was to see where they’re (drinker) is at in terms of sobriety. I then asked if Corbett has ever terminated his questioning after asking the subject if they had been drinking like he did with Felz in the past. Corbett did not directly answer my question and again said he was only asked by Chief Hughes to get a physical assessment. I asked Corbett if Chief Hughes instructed him to not specifically ask Joe Felz how much alcohol he consumed. Sergeant Corbett replied, “No sir.”

I reminded Corbett that in his previous interview with RCS, he admitted to using a Fullerton PD 502 form while making the assessment of Joe Felz’s intoxication level. Corbett said he remembered. I asked Corbett what he documented on that form. Corbett said he did not remember. I asked Corbett if he remembered turning the 502 form in with the police report and he responded by saying that there was “no need to.” I asked Corbett to explain why he thought it was not necessary to turn in the form. Corbett said it was irrelevant because there was no arrest.

I asked if Corbett still had the 502 form or if he discarded it. Corbett said it was discarded. I asked when he threw the form away and Corbett said that shift when he returned the police station. I asked what exact time and Corbett could not remember.

I asked why there was a delay in Corbett downloading his body-worn-camera and he did not recall or explain why that occurred.

I asked Corbett if he remembered when his police report was drafted. Corbett said he completed the report a couple days after the incident. I asked why he had not completed the report immediately and Corbett said the report was not done because no arrest was made. He understood Officer Gibert was writing a traffic collision report. A couple days later, all personnel involved were ordered by Chief Hughes or Lieutenant Goodrich to write reports and that’s when he did his.

I asked Corbett if he remembered meeting with Chief Hughes in his office at approximately 1900 hours on November 9, 2016. Corbett said that he did remember. I then asked him to describe the nature of the conversation during that meeting. Corbett said he discussed the events regarding the Joe Felz vehicle accident but could not remember any other specific details.

I asked Corbett if he remembered showing Chief Hughes a printed copy of his police report draft. I asked why he showed the report to Hughes prior to it being sent through the normal Versadex chain. Corbett said Chief Hughes requested it. I asked if it was normal operating procedure for him to show a draft of the police report on a Word document as opposed to submitting it via the internal report database (Versadex). Corbett said it was normal because that is how it was requested by Chief Hughes.

I asked Corbett if he had spoken to anybody else about the specifics of this case since he provided his last statement with RCS and he said no.

Corbett wanted to make it clear that his actions were just a “preliminary assessment” of Joe Felz’s intoxication level. Corbett said that if he was conducting a full D.U.I. investigation, he would have had Felz perform more tests and the 502 form would have been completed which included all associated questions found on the form. Corbett did not go that route because he was directed by Chief Hughes who only wanted a simple “assessment of Felz’ intoxication level”. Corbett was asked by Chief Hughes to perform a couple tests and that’s what he did. Once Corbett obtained the assessment, he called Chief Hughes to relay the information. Corbett then was waiting to see if he was going to handle the rest of the investigation or relinquish the incident to another agency. Corbett again said that he would have done more if he was told to investigate further.

Sergeant Arana then asked Corbett if he remembered dispatch stating on Green-1 that Felz was trying to flee the scene. Corbett did not remember if that was said; however did acknowledge it being a possibility. Sergeant Arana then asked Corbett if he remembered anybody on-scene asking dispatch about the witness/reporting party and he did not remember.

Sergeant Corbett had no other information to add which ended my interview with him.

## **Conclusions**

### **340.5.1 LAWS, RULES AND ORDERS**

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or

City manuals.

**Lieutenant Goodrich:** See below FPD policy sections.

**Sergeant Corbett:** See below FPD policy sections.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

**Sergeant Corbett:** Corbett purposely failed to conduct a proper investigation and provided false information under FPD case# 16-74804, in violation of PC – 118.1 False Report by a Peace Officer.

### **340.5.2(g) ETHICS**

(g) Any other failure to abide by the standards of ethical conduct.

**Sergeant Corbett:** Corbett purposely failed to conduct a proper investigation which compromised the integrity of an attempted prosecution of Felz for his crimes committed in the City of Fullerton.

### **340.5.7 EFFICIENCY**

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

**Lieutenant Goodrich:** Goodrich initially did not hear the radio traffic because he was admittedly watching TV (the election) and reviewing reports. Instead, it took a dispatcher to call him with the notification that the Fullerton City Manager, Joe Felz had been in a collision and trying to flee the scene.

**Sergeant Corbett:** Corbett purposely failed to conduct a proper investigation which compromised the integrity of an attempted prosecution of Felz for his crimes committed in the City of Fullerton.

### **340.3.2 SUPERVISOR RESPONSIBILITIES**

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

**Lieutenant Goodrich:** Goodrich initially did not hear the radio traffic because he was admittedly watching TV (the election) and reviewing reports. Instead, it took a dispatcher to call him with the notification that the Fullerton City Manager, Joe Felz had been in a collision and trying to flee the scene.

**Sergeant Corbett:** Corbett was the highest ranking employee at the scene and was tasked by Chief Hughes to handle the incident in an appropriate manner. Under Corbett's supervision, the one and only witness to this collision (Barbara Pollinger) was not contacted at the scene and had to be interviewed several days later by Sergeant Jeff Stuart after she complained about not being contacted during "Public comments" at a Fullerton City Council meeting.

### **340.5.8 PERFORMANCE**

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

**Sergeant Corbett:** Corbett purposely failed to conduct a proper investigation which compromised the integrity of an attempted prosecution of Felz for his crimes committed in the City of Fullerton.

(i) Any act or omission occurring on or off-duty that brings discredit to this department.

**Sergeant Corbett:** Corbett purposely failed to conduct a proper investigation which compromised the integrity of an attempted prosecution of Felz for his crimes committed in the City of Fullerton.

### **340.5.9 CONDUCT**

(h) Criminal, dishonest, or disgraceful conduct, whether on or off-duty.

**Sergeant Corbett:** Corbett purposely failed to conduct a proper investigation and provided false information under FPD case# 16-74804, in violation of PC – 118.1 False Report by a Peace Officer.

(m) Any other on or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

**Sergeant Corbett:** Corbett purposely failed to conduct a proper investigation which compromised the integrity of an attempted prosecution of Felz for his crimes committed in the City of Fullerton.

### **469.1 USE of BODY WORN CAMERA RECORDERS**

(a) All field contacts and calls for service. Recordings shall remain in the record position throughout the entire contact or until otherwise directed by a supervisor.

**Sergeant Corbett:** Corbett had recorded a total of 2 BWC files related to this case. Corbett failed to capture a substantial portion of the contact with Felz due to not activating his BWC when appropriate.