



SAVANNAH POLICE

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SavannahPD.org 

INTER-DEPARTMENT MEMO

TO: Lenny B. Gunther, Assistant Police Chief
THRU: Devonn, Adams, Major of Patrol Operations
FROM: George Gundich, Captain, Eastside Commander
SUBJECT: OPS Investigation Request on Officer
DATE: May 12th, 2020

This Memo is to formally request an OPS investigation be opened on Officer Luis Esquina.

Between the dates of April 30th and May 8th Sergeants Petit-Frere and Brian Smith became aware of several issues of truthfulness and conduct relating to Officer Esquina's handling of a possible on the job injury and sick leave usage.

Do to the severity of the allegations I am requesting that this investigation be handled by members of the OPS staff.

From: [David Barefield](#)
To: [Eric Smith](#)
Subject: FW: OFC Esquina injury
Date: Tuesday, May 12, 2020 10:46:54 AM
Attachments: [OPS Investigation Request Memo Esquina.docx](#)
[image001.png](#)

Sgt. Smith,

Please see the email thread below and the attachment.

Thank you sir,

Lieutenant David Barefield
Savannah Police Department
Office of Professional Standards
Office (912) 691-6237 Cell (912) 677-0440
dbarefield@savannahga.gov
SavannahPD.org | [Facebook](#) | [Twitter](#)

From: Roy Minter
Sent: Tuesday, May 12, 2020 10:44 AM
To: David Barefield <DBarefield@Savannahga.Gov>
Cc: Lenny Gunther <LGunther@Savannahga.Gov>; Devonn Adams <DAdams@Savannahga.Gov>; George Gundich <GGundich@Savannahga.Gov>; Stephenie Price <SPrice@Savannahga.Gov>
Subject: FW: OFC Esquina injury

Lt. Barefield,

Please assign this matter for a formal IA investigation.

From: Lenny Gunther
Sent: Tuesday, May 12, 2020 10:39 AM
To: Roy Minter <RMinter@Savannahga.Gov>
Subject: FW: OFC Esquina injury

Chief,

Please see the attached memorandum from Capt. Gundich requesting that the incident(s) involving Officer Esquina be investigated by IA.

Lenny B. Gunther
Assistant Chief of Police
Savannah Police Department

201 Habersham Street
Savannah, GA. 31401
Office: (912) 651-6664
lgunther@savannahga.gov
SavannahPD.org | [Facebook](#) | [Twitter](#)

From: Devonn Adams
Sent: Tuesday, May 12, 2020 10:35 AM
To: Lenny Gunther <LGunther@Savannahga.Gov>
Subject: FW: OFC Esquina injury

From: George Gundich
Sent: Tuesday, May 12, 2020 10:25 AM
To: Devonn Adams <DAdams@Savannahga.Gov>
Subject: FW: OFC Esquina injury

Major Adams

Here is the OPS investigation request.

Thank You
Captain Gundich

From: Romel Petit-Frere
Sent: Sunday, May 10, 2020 10:34 PM
To: David Barefield <DBarefield@Savannahga.Gov>
Cc: Timothy Lewis <TLewis@Savannahga.Gov>; Shamonica Badie <SBadie@Savannahga.Gov>; Brian Smith <BSmith02@Savannahga.Gov>; George Gundich <GGundich@Savannahga.Gov>
Subject: OFC Esquina injury

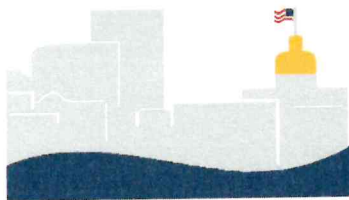
Sir,

As per our conversation, we have some areas of concern pertaining to officer Luis Esquina. The following is a timeline of events in regards to an injury and subsequent false statements to supervisor.

- Thursday April 30th: Officer Esquina reported, landing on his "knee wrong" while making an arrest. The officer was instructed by Sgt. B Smith to fill out a first report of injury form. Officer Esquina left for the day without filling out the form.
- Sunday May 3rd: Officer Esquina leaves a message for Sgt. Smith that he will be checking off for Monday May 4th to rest his knee. He also calls the Sergeant on Duty Brian Spence and informed him of the check off. SGT Spence inquires had Esquina done a first report of injury. Esquina tells Sgt. Spence "I didn't fill it out".


- Monday May 4th: Esquina calls Sgt. Smith and informed him that he would be reporting to work Tuesday May 5th. Sgt. Smith ask him why he had not completed the first report of injury form. He stated that he forgot to do it.
- Tuesday May 5th: Esquina works a shift a shift without incident concerning his knee.
- Thursday May 7th: Esquina emails Sgt. Smith and I and states that he will be taking a sick day for Friday may 8th.
- Friday May 8th: 1920 hours Esquina calls Sgt. Smith and stated that he would be returning to work on Saturday May 9th. He stated he went to the doctor's office and he was told he sprained his knee and to take Motrin and return to work. At that time Sgt. Smith asked Esquina which doctors office he went to. He stated he went to St. Joseph's immediate med on Canal St. in Pooler. At that time Sgt. told Esquina since he saw the doctor, a have to do a workman's Comp folder would have to be completed. He was asked for the paperwork given to him by the doctor's office. Esquina stated that left without taking the paperwork. Over several phone conversations through this period Esquina was asked did he have the receipt from where he paid the co-pay, he stated he did pay a co-Pay cause he used his insurance from New York. He was asked which Doctor he saw he stated that he could not remember. He was also asked what time did he see the Doctor , he stated he couldn't remember but he think it was about 1830 hours.
- Friday May 8th : 1925 Hours: Sgt. Smith makes contact with Ben Lewis with Risk management. Ben Lewis then calls Esquina. Esquina calls and states that he is returning the clinic. It was determined he would need a drug screen. I headed to the clinic in order to ensure the screening was completed and to collect the paperwork.
- Friday May 8th: 2000 hours; I arrived at the clinic and made contact with Esquina who was in the process of being discharge. I asked him to wait for me as I spoke to the staff. I spoke to Briana Dingle (Medical Assistant) I asked Ms. Dingle if Officer Esquina had come to the office earlier in the day. She stated No as matter fact he asked a Staff member to lie and say the he had been there.
- Friday May 8th 2030 hours: I asked Esquina for the paperwork from the doctor's office. He further asked me was he going to get an OPS number for the incident today. I asked him why he thinks he would get an OPS number, he stated for being injured. I then asked him directly, had he been to the clinic when he stated he was there. Esquina said he came earlier and sat down in the lobby and called his wife's doctor in New York. He then stated he didn't go inside but sat in the parking lot. He then changed the story to say that he was in a different parking lot thinking about going but didn't do it. He stated he instead called Dr. Adodo in New York who told him to ice his Knee.

Eastside PCT
(912) 658-7930



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NOTIFICATION OF ADMINISTRATIVE INVESTIGATION

TO: Officer Luis Esquina Payroll #63510

FROM: Sergeant Eric Smith

DATE/TIME: May 18, 2020

RE: OPS #20-0031

You are hereby notified that an administrative investigation is being conducted to determine if your actions in the incident outlined below constitute a violation of Department Policy and/or Procedures.

COMPLAINANT'S NAME: Inter-Departmental

LOCATION OF INCIDENT: 107 Canal Street Pooler GA

DATE OF INCIDENT: May 8, 2020

ALLEGATION(S):

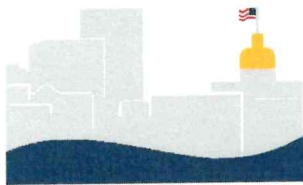
GARRITY WARNING

You are being questioned as part of an official administrative investigation by the Savannah Police Department. You will be asked questions specifically, directly, and narrowly related to the performance of your official duties or fitness for duty. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental discipline that could result in the termination of your employment. If you do answer questions, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings regarding the matter being investigated. However, if you provide false or misleading statements or information in this investigation, such evidence may be used against you in any subsequent criminal proceeding. All statements may be used against you in relation to any subsequent disciplinary action.

I have read and understand the information above. My statement is being given pursuant to a Departmental administrative investigation.

SIGNATURE:  DATE: 5/18/20 TIME: 1037AM

WITNESS:  DATE: 5/18/20 TIME: 1037



SAVANNAH POLICE

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NOTIFICATION OF GENERAL ORDER # OPS-016 OFFICE OF PROFESSIONAL STANDARDS

May 18, 2020
Officer Luis Esquina
OPS #20-0031

You have been notified that an administrative investigation is being conducted to determine if your actions constitute a violation of Department Policy and/or Procedures. Pursuant to General Order # OPS-016: Office of Professional Standards, you are hereby notified that under sections:

V. INVESTIGATION PROCEDURES

H. All complaint investigations will be completed, regardless if the employee retires or resigns prior to the conclusion of the investigation.

1. When an employee retires or resigns prior to the conclusion of the investigative findings, the employee's separation status will reflect either:
 - a. Retired – Pending IA Investigation
 - b. Resigned – Pending IA Investigation

VII. DISPOSITION

- C. Investigative findings for those employees that have since retired or resigned will be forwarded to the Chief of Police or designee. Depending upon the final disposition of the investigation the Chief of Police or designee will change the former employee's separation status accordingly.
- D. Upon conclusion of the investigation, the involved employee(s) will receive, in writing, notification of the results of the investigation.
1. This will also include those employees that have retired or are no longer employed with the Savannah Police Department.
 - a. This notification will be done by certified mail and with a return receipt.

I have read and understand the above information.

SIGNATURE: 

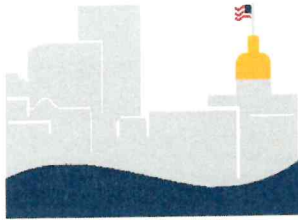
DATE: 5/18/20

TIME: 1037AM

WITNESS: 

DATE: 5/18/20

TIME: 1037



SAVANNAH POLICE

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SavannahPD.org 

Officer Luis Esquina PR #63510
Savannah Police Department
Patrol Division
Savannah, Georgia

Officer Luis Esquina,

Effective **May 22, 2020**, you were placed on Administrative Leave with pay until further notice from the **Internal Affairs Unit** in reference to **OPS #20-0031**. During the time you are on Administrative Leave with pay, you are directed to remain at your residence during duty hours: 8:00 a.m. to 5:00 p.m., Monday through Friday. Any periods of absence from your residence during your duty hours must be preauthorized, by the Internal Affairs Office, Commander David Barefield, or designee.

You are not allowed to discuss this case with anyone except members of the Internal Affairs Unit. You are not allowed to enter any SPD City facility. You are only authorized entry into these facilities under the escort of a member from the Internal Affairs Unit, or their designee.

You are to notify the Internal Affairs Unit if anyone attempts to discuss this case with you.

Officer L Esquina

DATE:

5-22-20

Department Head or Bureau Chief
Savannah Police Department

DATE:

05-22-20

SAVANNAH



Risk Management Department
Post Office Box 1027
Savannah, Georgia 31402

Stephanie Mitchell - (912) 644-7798
FAX (912) 525-1666

Bryan Hollis, Risk Manager
(912) 651-6404

WORKER'S COMPENSATION MEDICAL AUTHORIZATION FORM

Date: 05-12-2020 New Injury: Date:
Employee's Name: Luis Esquivel SS#:
Supervisor's Name: Ben Lewis Phone #:
TPA: Gallagher Bassett Services, Inc. Phone #: 1-678-514-7283 or 7274
Address: Post Office Box 2831 Clinton, IA 52733-2832 (678) 802-0591 Fax
Drug Test Required? Yes (10-panel) No Breath Alcohol Test (BAT) Requested? Yes No
Authorization for treatment given by: Ben Lewis (verbal)
Would you like to be notified prior to the employee being seen? Yes No

DISPOSITION

TIME IN: a m / p m TIME OUT: a m / p m

Diagnosis: Knee Contusion
Treatment Plan: Rest, Ice, elevate, knee brace, walk around every 2 hrs.
Medications: Otc. Ibuprofen / Tylenol Meds for USE AT HOME ONLY:
Employee has been given instructions/copy of this information to return to his/her supervisor.

Employee Signature:

RETURN TO WORK STATUS

- Return to work without restrictions on (date) Negative Drug Test Negative BAT
 Unable to return to work until 5/15/20 (date) Follow-up date & time: 5/15/20 am before work.
 Modified or transitional work until 5/15/20 (date) (If not available, then unable to return to work.)
 Crutches/ Sling/ Splint to be used Limited use of:
 No prolonged standing or walking No Climbing
 No bending or stooping No operating heavy equipment/vehicles
 No lifting over 5 pounds Other: No Running

REFERRAL

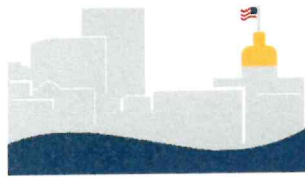
Refer to Therapy (specify type): # Visits/wk: # Weeks:

Refer to/for: Orthopedics Neurology MRI CT EMG Other (specify):

Facility/Specialist Name: App't Date & Time:

Medical Provider Signature:

DISTRIBUTION: WHITE - MEDICAL PROVIDER (Fax to Risk Mgmt - 525.1666) YELLOW - SUPERVISOR PINK - EMPLOYEE



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ADMINISTRATIVE INVESTIGATION Incident Report

OPS NUMBER:	20-0031
EMPLOYEE:	OFC Luis Esquina
DATE:	5-21-2020
INVESTIGATOR:	Sergeant Eric B. Smith

May 12, 2020

I was assigned to investigate this complaint by Lieutenant David Barefield, Commander of the Internal Affairs Unit.

I was briefed on a conduct complaint of an Eastside Precinct officer. Officer Luis Esquina reported that he was injured on the job on April 30, 2020. He initially did not complete a first report of injury as instructed by his supervisor, Sergeant Brian Smith. Officer Esquina allegedly was not truthful about his visit to the doctor for the reported injury. It was also reported by his supervisor that he had asked a medical staff member to lie to his supervisor on his behalf about whether or not he had visited the doctor regarding the injury. I was made aware that an employee at the St. Joseph's/Candler Urgent Care Center in Pooler alerted Officer Esquina's supervisor about asking her colleague to lie. I arrived at the Urgent Care Center in Pooler to conduct a follow up investigation. The following is a synopsis of that visit.

May 12, 2020

Candace Beaver Interview

The following is a synopsis of an interview with a citizen by the name of Candace Beaver. The interview was audio recorded only at the St. Joseph's/Candler Urgent care Center in Pooler, GA.

I conducted a follow up at the St. Joseph's/Candler Urgent Care Center to locate the medical staff member whom Officer Esquina had asked to lie on his behalf to his supervisor. I arrived at the center and identified myself with the staff. The person I spoke with, Ms. Briana Dingle, remembered the incident and told me that the nurse he asked to lie for him was there. I requested to speak with her if she was available. Shortly after arriving, contact was made with Ms. Candace Beaver. I advised her that I was conducting an administrative investigation of an employee with the SPD about whether he asked her to speak on his behalf. She agreed to speak with this

investigator. She began by stating that an SPD employee arrived after calling and making an authorized appointment. Once he arrived she had him wait in one of the vacant rooms. While she was in the hallway putting his information into the system, he stepped out into the hallway and asked if he could speak with her. She agreed to speak with him after she completed the information input. She stepped into the room and he asked her if *"there was any way you can tell my work that I was here earlier"*. She asked him what he meant and he said *"earlier"*. She responded by telling him *"no"*, that she could not do that. She then said that Officer Esquina said, *"I told them that I had already been here"*. I said to her that Officer Esquina wanted her to just simply lie for him and she said *"exactly"*. According to Ms. Beaver, the Care Provider walked into the room and asked what was going on? Ms. Beaver told her what Officer Esquina had asked of her and she too said *"no"* that they were not going to do that. She said the provider said *"I'm sorry you lied to your job and now you are in trouble, but we're not doing anything"*. She said she did not remember the officer's name but she would remember if she saw his name. I asked if she would remember if she saw a photo and she said she would. I showed her a picture of Officer Luis Esquina and she identified him as the officer who asked this of her. ***This concluded the interview with Ms. Beaver.***

Sergeant Petit-Frere BWC Review

Sergeant Petit-Frere made me aware of his contact with Officer Esquina while at the Urgent Care facility. He said that this body worn camera footage would show that Officer Esquina was not truthful about his visit to the doctor.

I reviewed the BWC footage of Sergeant Petit-Frere's video and observed the following.

Sergeant Romel Petit-Frere made contact with Officer Esquina at the St. Joseph's/ Candler Urgent Care Center in Pooler. While at this location he asked to speak with one the employees who was later identified as Briana Dingle. Once they were inside the building, Sergeant Petit-Frere asked Ms. Dingle had Officer Esquina been to their office earlier in the day and she shook her head no. Then on her own accord, she proceeded to tell Sergeant Petit-Frere that Officer Esquina had asked one of her colleagues (**Later determined to be CANDACE BEAVER**) to lie on his behalf to his superiors about being there earlier in the day. She allowed him to photograph her I. D. before leaving the building to document that he had spoken with her. He then walked outside to speak with Officer Esquina about being there earlier. Sergeant Petit-Frere made no further inquiries about Officer Esquina to Ms. Dingle nor did he request any medical information regarding the visit.

He never shared with Officer Esquina he learned he asked a staff member to lie on his behalf. Officer Esquina can be seen on the footage on his own accord, telling Sergeant Petit-Frere that he came to the medical center earlier in the day and called his wife's doctor (from New York). Sergeant Petit-Frere then asked him directly, *"did you come here and sit in this lobby?"* Officer Esquina then said, *"No"* he sat in the parking lot. Sergeant Petit-Frere then asked him directly did he sit in the parking lot and Officer Esquina shook his head no again, while pointing to another location across the street. He said he was just sitting over across the street *"just thinking about it"*, but never visiting the care facility. ***Sergeant Petit-Frere's BWC is included in this case file.***

May 18, 2020

Officer Esquina Interview

The following is a synopsis of an interview with Officer Luis Esquina. The interview was audio recorded only. Prior to the interview, Officer Esquina was provided a copy of the Garrity warnings to which he read, signed and dated, confirming he understood the contents therein.

Officer Esquina started the interview by telling me how he sustained the injury that initiated this investigation. He said that he was assisting on a call for service for a signal 28 (CRN-200430045). Once he and other officers had spoken with the complainant, she provided a description of the suspect and he proceeded through the complex to locate him. He soon located someone who matched the physical description. Once he called out to the subject, he ran and eventually gave up after he tripped and fell. As he was making the arrest he hit his knee on the ground. I asked him when he realized he was injured. He said it was the same day. Sergeant Brian Smith asked him when he hurt and he told the sergeant "no". However he said he was in fact hurting and said that he iced his knee when he got home, but he did not think it was serious. He was asked to complete a first report of injury form by Sergeant Smith but he did not complete it. He said the next day when he came in to work, his knee was burning. The day after that he checked off and did not return until Tuesday of the following week, after his regular days off.

He said he then called the sergeant and advised him that he had gone to the doctor about his injury. On his own accord, Officer Esquina said "I told him I went to the doctor, when I really didn't go to the doctor". He said that he only spoke to a doctor over the phone that his wife knew from New York. Before addressing this further, I had him provide clarity on the days he called off versus when he completed the First Report of Injury Form. I asked him whom had he notified when he checked off the first time. He said he sent an email to both of his sergeants (Smith, Petit-Frere). He said he eventually completed the injury report on Tuesday of the following week (May 5, 2020). I reminded him that his supervisor told him to complete the form due to being injured on the job and he failed to do so. He said it was a mistake on his part and he just forgot. On Thursday, May 7th, Officer Esquina notified his sergeants that he was taking a sick day for Friday, May 8th.

I asked him had he told his supervisors that he had gone to the doctor and he said, "Yes". I asked had he actually gone to the doctor and he said "No"; that he just spoke to someone over the phone. I asked him why had he told them this if he didn't go. He said because he spoke with someone over the phone. I told him that was different than going to the actual doctor. He then said that "but with all of the Covid and all that stuff going on". I again reminded him one had nothing to do with the other. He said he was told by a doctor over the phone to ice his knee and take some Ibuprofen. I then said to him after he told them he visited a doctor, did they ask you which doctor you visited in order to complete a workmen's comp package. He said he told them that he went to the Immediate Med in Pooler on Canal St. I asked him was that the truth and he said "No", because he did not want to go to the doctor and be placed on leave.

According to the Memo that had been provided by Sergeant Petit-Frere regarding Officer Esquina, they had also asked him for the paperwork from the alleged visit but he told them he left without getting any paperwork. Eventually, Officer Esquina received authorization through Risk Management after filing the proper paperwork to receive care. He visited the Immediate Med (St.

Joseph's Urgent Care) in Pooler for treatment to include a drug screen according to Officer Esquina. He said Sergeant Petit-Frere arrived just after his visit (**captured on Petit-Frere's BWC**). He spoke with him briefly after the visit while in the parking lot. He said that his interaction with Sergeant Petit-Frere was on the sergeant's BWC. Officer Esquina said that he returned for a follow up visit and learned from the lady at the front desk that Sergeant Petit-Frere was asking her questions about him that was in violation of the EEOC; that it was patient confidentiality. He said that after his visit with the doctor that the nurse made an attempt to contact Lt. Nowinsky regarding their request for him to rest his knee. I asked him while at the doctor's office, did he ask one of the medical staffers to say that he had visited the doctor earlier in the day. He said that he did not remember. I then asked him once more and before I could ask the question, he said "*I can't remember*". I asked him once more did he ask someone from the Immediate Med to say that he was there earlier when he was not and he said, "*Yes, I did*". He said he thought I was asking had he asked someone from the department to lie for him. He said he did it because he did not want to get in trouble. I asked him to tell me exactly what he asked her to do and he said he asked to tell his supervisors that he was there earlier so he would not get in any trouble. I then said to him that he asked someone to lie for him to his supervisors and he said "*10-4*". I asked him did he eventually speak with Sergeant Petit-Frere at the Immediate Med and he said he did.

When I asked him why not just complete the injury report initially and avoid all this. He said he did not want to miss work because he loved his job so much and serving the citizens of Savannah. I explained to him that reporting the injury does not automatically mean he would have to miss work. The injury report only documents the injury in case it gets to the point that he needs treatment from a physician. He said he really just forgot to do the first report of injury because he has filled them out before when he was assigned to the Northwest Precinct and should have remembered.

While preparing to conclude this interview, Officer Esquina began bringing up other issues about him being "*pulled*" into his supervisors' office about several other issues that did not coincide with this investigation. I encouraged him to take any concerns he might have through his proper chain of command. He then asked how Sergeant Petit-Frere obtained the information with medical professionals. He said that he would call EEOC about this. He was told he had the right to do whatever he thought was necessary regarding this investigation. He felt like Sergeant Petit-Frere should not have requested information regarding his visit. I told him to the best of my knowledge, no one had discussed his medical history. According to Officer Esquina, at the time of this interview, he had been cleared to return to work. *This concluded the interview with Officer Esquina.*

FACTS AND FINDINGS

- ❖ Officer Esquina injured his knee while pursuing a subject after responding to a call for service on April 30, 2020. He was asked by his supervisor, Sergeant Brian Smith whether he was injured or not. Officer Esquina told him he was **not injured** but then told him he

would ice his knee. He was instructed by Sergeant Smith to complete a first report of injury form. He did not complete the form.

- ❖ Officer Esquina checked off work for Monday, May 4th. He later informed Sergeant Smith that he would return to work on May 5th.
- ❖ Thursday, May 8th, he informed his supervisor he was taking a sick day for Friday May 8th. On May 8th, he informed Sergeant Smith that he had gone to the doctor and was told his knee was sprained.
- ❖ Sergeant Smith inquired about which doctor he had seen so that proper documentation can be completed as well as provide any paperwork he might have received from the doctor.
- ❖ Officer Esquina told him he visited the Urgent Care Center in Pooler on Canal St. and that he left without obtaining any paperwork and that he did not remember the doctor who provided care.
- ❖ The proper paperwork was eventually completed and he was told to return to the clinic for care. Sergeant Petit-Frere arrived at the clinic to assure he was there. Upon arrival, a staff member told Sergeant Petit-Frere that Officer Esquina was not at the clinic earlier as he had stated and went on say that Officer Esquina had asked her colleague to say he was there earlier.
- ❖ I reviewed Sergeant Petit-Frere's BWC and observed Officer Esquina told him he had been to the doctor earlier in the day. Then he said he had not, once he was pressed by Sergeant Petit-Frere. He said that he had only contacted a doctor from New York over the phone and that he did that in a parking lot across the street from the clinic.
- ❖ I spoke with Officer Esquina and he said he just forgot to do the first report of injury. He later stated that he did not want to go to the doctor because he did not want to be placed on leave.
- ❖ Officer Esquina confirmed that he was not truthful about his alleged doctor's visit. He said *"I told him I went to the doctor, when I really didn't go to the doctor"*.
- ❖ When I inquired as to whether he asked medical personnel to lie on his behalf he said *"Yes, I did"*.

END OF REPORT



LETTER OF TRANSMITTAL

TO: Roy Minter, Chief of Police

**THRU: Lenny Gunther, Assistant Chief of Police
David Barefield, Commander Office of Professional Standards**

FROM: George Gundich, Precinct Commander

DATE: June 3rd, 2020

SUBJ: LETTER OF TRANSMITTAL / OPS # 20-0031 (Officer Luis Esquina)

COMPLAINT:

On May 12th, 2020 an OPS investigation was requested to be opened on complaints against Officer Luis Esquina. Between the dates of April 30th and May 8th Sergeants Petit-Frere and Brian Smith became aware of several issues of untruthfulness and conduct relating to Officer Esquina's handling of a possible on the job injury and sick leave usage. An OPS investigation was conducted by sergeant Eric Smith of Office of Professional Services. The investigation was completed, and a disciplinary review board was conducted on June 3rd, 2020 at 1000hrs to determine any policy violations related to the complaints.

ALLEGATION(S):

Officer Luis Esquina
SPD GO# ADM-004 Conduct Unbecoming
ADM-004 Insubordination
ADM-004 Truthfulness/Honesty

RECOMMENDATIONS:

SUSTAINED on SPD GO# SPD GO# ADM-004 Conduct Unbecoming, ADM-004 Insubordination and ADM-004 Truthfulness/Honesty

Rationale:

In reference to the above referenced OPS investigation, I submit the following in regard to Officer Luis Esquina.

On Wednesday, June 3rd, 2020, 1000 hours a Disciplinary Review Board convened via conference call to review this investigation and make recommendations.

The board consisted of the following members:

Assistant Chief Lenny B. Gunther, Patrol operations Commander
Major Devonn Adams, Patrol Operations Major
George Gundich, Eastside Commander and Scribe
Shamonica Badie, Eastside Executive Officer
Timothy Lewis, Eastside Shift Commander
Romel Petit-Frere, Eastside Alpha Watch Supervisor

The board met via electronic conference call to review the OPS case file. Sergeant Eric Smith of OPS was available to present the case. All parties had prior opportunities to view the investigation. Assistant Chief Lenny Gunther moderated the proceedings for the board. The board was given the opportunity to question or discuss evidence to determine whether officer Esquina was in or out of policy for ADM-004 Conduct Unbecoming, ADM-004 Insubordination and ADM-004 Truthfulness/Honesty.

No questions were submitted from the board for discussion. When determined that all board members had full understanding of the case a vote was completed by all board members to decide if the officer was within or out of policy for ADM-004. Votes and findings were unanimous for all board members.

After the vote was completed and Officer Esquina was found to be out policy, recommended discipline was discussed. Major Adams recommended termination of employment and all board members agreed with the suggestion. Assistant Chief Gunther then convened the meeting.

CORRECTIVE MEASURES:

- Termination of Employment

ADMINISTRATIVE INSIGHT:

1190W Dec 2016

Training Issues- None

Workplace Issues- None

Work / Complaint History- unknown

Demotion / Downgrade Considerations- NA

Relief from Duty Considerations- YES

Douglas Factors

- 1) **GCG** The nature and seriousness of the offense, and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated; **The decision to be dishonest was premeditated and the officer attempted to employ civilians to be dishonest on his behalf with his supervisors.**
- 2) **GCG** The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position; **Numerous contacts with the public as a precinct beat/patrol officer.**
- 3) **GCG** The employee's past disciplinary record; **Unknown**
- 4) **GCG** The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability; **Officer Esquina was recently rehired by the Savannah Police department and still under probationary status. Recent issues upon his return with coworkers in the Northwest precinct gave him an opportunity for a fresh start in the Eastside Precinct which resulted in conflicts with his Eastside Supervisors and the current complaints.**
- 5) **GCG** The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties; **Due to Dishonesty issues he could no longer serve the city of Savannah in this capacity.**
- 6) **GCG** Consistency of the penalty with those imposed upon other employees for the same or similar offenses: **Termination due to Integrity and honesty issues should be the standard and has been on multiple occasions with the savannah Police department.**
- 7) **GCG** Consistency of the penalty with any applicable agency table of penalties; **Appropriate due to the public image of the city and the police department.**

- 8) **GCG** The notoriety of the offense or its impact upon the reputation of the agency; **High notoriety due to any officer's ability to testify in court after being found to be dishonest.**
- 9) **GCG** The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question; **Officer was knowledgeable that honesty and integrity were staples of law enforcement and held in regard with the SPD.**
- 10) **GCG** Potential for the employee's rehabilitation; **Termination was recommended.**
- 11) **GCG** Mitigating circumstances surrounding the offense such as unusual job tension, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; **None that would have affected the actions.**
- 12) **GCG** The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others; **NONE**

I hereby certify that I have considered the twelve (12) Douglas Factors as indicated above (with my initial next to each factor) for possible mitigation of the penalty.

NAME: Captain George Gundich

DATE: 06/03/20

CAPTAIN'S COMMENTS:

See Rationale Comments

SIGNATURE: Captain George Gundich

DATE 06/03/20

MAJOR'S COMMENTS:

SIGNATURE _____

DATE _____

ASSISTANT CHIEF'S COMMENTS:

SIGNATURE _____

DATE _____

CHIEF'S COMMENTS:

SIGNATURE _____

DATE _____