



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 _____