



## Law Offices of Danuta W. Tuszynska

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August 30, 2013

Ms. Julie Garland  
Office of the Attorney General  
110 W. A Street, Suite 1100  
San Diego, Ca. 92101-3702

*Re: Complaint and Request for Investigation of the Riverside Police Department*

Dear Ms. Garland,

Please be advised that this office represents the interests of Ms. Karen Aquino, Riverside Police Administrative Service Manager, the highest ranking civilian employee of the Riverside Police Department. Ms. Aquino has been on administrative leave from her position for four months, and wishes to bring to the attention of the Attorney General malfeasance and the misappropriation of City Funds by the administration of the Police Department, and the Chief of Police, Sergio Diaz.

### **Chief's Foundation**

One of Chief Diaz's top priorities was the creation of a foundation to help underprivileged youth in the community, and he created the Riverside Police Foundation [www.riversidepolicefoundation.org](http://www.riversidepolicefoundation.org). The Chief chose a board of directors and soon meetings were on going. Chief Diaz delegated the operation of the Foundation to Assistant Police Chief Chris Vicino, who continually ran the Foundation on City time. It soon was apparent that Vicino would not follow established policies and practices when it came to spending money. A substantial amount of city funds and staff time were dedicated and funded to the Foundation, at the expense of the on- going, day to day police operations. Catered luncheons were provided using police general funds. When Ms. Aquino objected, Assistant Chief Vicino told Ms. Aquino to use Asset Forfeiture funds. She indicated this was also not an allowable expense; Assistant Chief Vicino was disbelieving and he wanted proof, so Ms. Aquino provided the policy sections pertaining from the asset forfeiture manual. Ms. Aquino also had her senior accountant verify the information with her asset forfeiture contacts. Ultimately, he relented after several months of lunches, but made it clear that he thought Aquino was obstructing the Chief's wishes. Ms. Aquino repeatedly told Deputy Chief Mike Blakely about her concerns, who seemed to share them, yet was not forthcoming as to whether he was relaying that concern to Diaz and Vicino. Chief Blakely's mobile number is 951.318.3993.

Letter to <insert name>

<date>

Re: <matter>

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A new Bureau was established, the Community Services Bureau (hereinafter "CSB"). Expenses kept mounting for the new CSB with no budget in place, and Aquino repeatedly asked for a meeting so that her staff could meet with the CSB staff and Vicino, to clarify his directions. When the meeting finally occurred, Vicino berated Aquino in front of her subordinates and the CSB staff. It was very clear after that budget meeting that Vicino meant to send a message of intimidation and that the CSB could do as they pleased. Riverside Police employees Karen Haverkamp, Celeste Barden, John Pedroza and the entire CSB staff has all worked on the Chief's Foundation events on the city's time, being paid their city salaries. John Pedroza, Police Program Coordinator, was the only person that worked in Aquino's command, and she told Vicino that his CSB staff (particularly Haverkamp) must stop having him work on their website and other technology projects for the Foundation on City time, to no avail.

Staff from the CSB was expected to attend the Foundation events and, if on overtime, received either pay or were allowed to adjust their shifts. Julian McLaughlin was one of those complaining about this practice; she is also presently on administrative leave. Many of the sworn members of the Department were also complaining that they were being forced to attend events, and even pay for dinners and lunches out of their pockets.

Members of the expanded command staff (Lt.'s and Captains) were told they were expected to attend the Chief's fund raiser events and many felt it was an order and did not want to attend on their off time. Most complied. Police Program Coordinator John Pedroza was given a lot of Foundation work to do in setting up their website, which he performed on City of Riverside time. Judy Cunningham, Foundation Board Member, would call him directly and assign him Foundation projects.

Aquino's administrative analyst Lori Ray was tasked with trying to capture costs for CSB and report them by usage categories. This was a difficult task for her since the CSB staff would not cooperate, as they felt like they were a "special" unit and did not have to follow rules like the rest of the department. The entire police accounting office was under pressure from Vicino to do whatever he or his CSB staff told them to do.

After the first year of the Foundation, Chief Diaz asked Aquino several times about auditing the Foundation; she said that should be done by an outside CPA firm. Aquino is uncertain as to whether any independent audit occurred.

### **Asset Forfeiture Funds**

Aquino was repeatedly told by Assistant Chief Vicino to use Asset Forfeiture funds inappropriately. Each time she would refuse and go to Blakely for direction when she thought Vicino was upset when she wouldn't agree to usurp asset forfeiture monies. RPD administration sees Asset Forfeiture funds as a way to avoid using general funds; in other words, supplanting, which is not allowed.

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Aquino has always been a strong advocate for following the established rules and procedures for asset forfeitures, knowing that they have very specific purposes and that she would be the first person blamed if any findings were made in an audit. The City of Riverside Asset Forfeiture funds should be audited by an independent entity.

### **COPS \$5.1 Million Grant**

In 2010 the Riverside Police Department was awarded a \$5.1 million federal COPS grant to hire 15 police officers for a three year period, with a requirement to retain these positions for at least one year with the local funds at the end of the three year period. The Department was expected to maintain the same level of funded officers at the time of the grant application and these 15 new positions were meant to supplement, not supplant, existing positions. Unfortunately, this did not occur as mandated by the terms of the grant, and Ms. Aquino has repeatedly provided documentation to the Chiefs as well as the Finance and City Manager's office explaining the need to provide the appropriate level of funding for the officer positions. The Police budget continued to be cut while the Fire Department and others were allowed to increase funding and positions. The City Managers Budget and Finance Department's "budgeted" figures never were accurate and would be represented falsely at the budget hearings. This issue was a constant battle for Aquino within her own department as well as the City Manager's Office and Finance.

For this reason she believes she was often excluded from meetings in the City Manager's office when budget issues were being discussed.

In the few meetings she attended Chief Diaz would give Assistant Finance Director Scott Catlett kudos and never any acknowledgement for the real work that was being done by RPD staff. Throughout the budget process Aquino's staff continuously had to correct misinformation and errors made by the Budget office.

### **Baker to Vegas**

During the last Baker to Vegas law enforcement relay, the former Assistant Chief John De La Rosa and Management Analyst Lori Mackey were given a city vehicle and city gas cards to participate in the event in Las Vegas. (De La Rosa drove and took Lori Mackey and her sister who is not an employee). During the trip the light bars flew off, and this was documented in a memo written by De La Rosa. (Chief Blakely has memo) Aquino was shocked to discover that De La Rosa was provided with a vehicle and gas cards since she oversees the Fleet and no one in her command was aware that he was given a vehicle and gas cards.

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### **Golf Tournaments**

Assistant Chief Vicino would tell Aquino to pay for golf tournaments (\$500-800 each) that he and his usual foursome (consisting of Lieutenants) would enter. Most of these were local, some out of the City. Many of these were on workdays and Vicino would be gone the entire day, or, if on a weekend, he would count it as a workday and take an ADO (adjusted day off) at a later date. Aquino contacted the City's Director of Finance and explained her concerns regarding City funds paying for golf tournaments, but was told by Finance Manager Brent Masson that if the Chief approved he had no problem with using city money for golf tournaments. Thousands of City dollars were expended so that Vicino could play in golf tournaments.

### **Assistant Chief Chris Vicino – inappropriate use of city copier**

On several occasions Aquino found copies of papers that Assistant Chief Chris Vicino would print out on city copy machine for the class he taught at Pasadena Community College. On one occasion Aquino asked Captain Wallace to whom the papers belonged, and he suggested they were Vicino's. Later, when Aquino was conducting an audit of the color copier one of her accounting specialists, Hung Pham, came out as one of the highest users. Surprised, Aquino inquired as to his usage, and he sheepishly told her that Vicino had been using his code number.

### **Contracts**

All contracts are required to be reviewed by the City Attorney's Office for proper format and legal content. As the manager overseeing all contracts, Aquino would remind the Chief and Vicino of this requirement and be met with great scorn. One of the last contracts she was working on in April (Parole And Corrections Team) was simply signed by the Chief without proper review; when she questioned why that happened she was once again simply dismissed.

Thank you for your courtesy and consideration of this complaint and request for investigation.

Regards,

QuickTime™ and a  
TIFF (Uncompressed) decompressor  
are needed to see this picture.

Danuta W. Tuszynska  
Attorney at Law