

# The San Diego Union-Tribune

## Women claim deputy was allowed to carry on with groping long after first complaint

Jeff McDonald

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It was two days before Thanksgiving 2015, early in the morning and K.P. was exhausted. She'd spent hours clearing out her storage shed and made a snap decision to grab a snack from 7-Eleven on the way to pick up her boyfriend.

Maybe the bright pink running lights on her aging Honda are what drew attention from the sheriff's deputy whose cruiser was passing the parking lot, K.P. isn't sure.

"Clearly, I'm a woman," she said in a telephone interview this past week.

The cruiser made a swift U-turn and lurched into the parking lot, just behind K.P. What followed was a 12-hour ordeal that left the 29-year-old hotel worker shaken to this day.

According to a San Diego Superior Court lawsuit filed last month, the woman identified only through her initials was arrested for possession of a trace amount of drugs and repeatedly groped by Deputy Richard Fischer.

"This second search Fischer conducted was prolonged and invasive," the lawsuit said.

Later, the deputy transported the woman to the Las Colinas jail in Santee by way of the old entrance, where lighting was scarce and a fence shielded oncoming cars from view, the complaint said.

"Fischer was chuckling and asked K.P. if she was scared yet and then remarked that he wanted to get to know her better," the lawsuit states. "When they pulled up at the entrance of Las Colinas, Fischer unbuckled K.P.'s seatbelt and smirked at her as he ran his hands across her breast."

K.P. scraped together \$500 and bailed out by mid-afternoon, but the deputy continued to stalk her, the lawsuit alleged.

"Fischer would drive by K.P.'s home slowly at night, shining his lights into her home ensuring that his presence there was known," the complaint says. "On another occasion, Fischer pulled up to K.P. while she was at a stoplight, revved his engine loudly next to her, then raced past her when the light turned green and flickered his lights."

Since K.P.'s encounter with Fischer two years ago, eight more women have come forward with complaints about sexual misconduct by the Sheriff's Department veteran of almost six years.

Fischer was placed on leave last month while officials investigate the accusations on two tracks: as an administrative matter and as a criminal case.

Sheriff's Department officials say they are responding to the complaints appropriately and as expediently as possible. They pledge to figure out what happened and take whatever steps are necessary to protect the public.

"We've taken any allegations of this nature extremely seriously," spokesman Ryan Keim said by telephone. "At the end of the day, it's important to realize and understand we acted immediately, decisively and effectively."

Most of the alleged unwanted attention and groping occurred when the victims were in a vulnerable state, just after a medical emergency or burglary or other call for help. K.P. was so afraid of Fischer's stalking, she says, that she warned the Sheriff's Department by letter six months after her arrest.

"Please contact me for more details, as it's not fair to be taken advantage of and he is a predator not an officer," her handwritten note concludes.

The Sheriff's Department said it has no record of receiving the letter, which K.P. kept a copy of. Fischer, 31, has not responded to multiple calls seeking comment about the investigation.

Experts say officer misconduct is as old as law enforcement itself. The best police and sheriff's departments adopt tough standards and policies aimed at limiting any abuse of authority and, perhaps more important, responding appropriately when complaints are leveled.

"You have to have a robust internal-affairs function," said Chief Louis Dekmar of the LaGrange Police Department in Georgia and president of the International Association of Chiefs of Police. "Whenever any complaint is mishandled it undermines the confidence the public has in the department."

Dekmar said improper police behavior is relatively rare. He said most departments, including his own, generate one complaint for every 1,000 or so recorded contacts. The majority of those come from citizens who feel an officer was rude or unfair, or otherwise treated them poorly.

More serious misconduct accusations are reported far less frequently, Dekmar said — about one of every 10,000 contacts. The majority of those, he said, up to 70 percent, result in the officer being exonerated or the allegations being found unsubstantiated.

"Generally officers do what they are supposed to be doing," Dekmar said. "But when they aren't, it has to be addressed quickly and it has to be addressed competently."

The San Diego Police Department has not always addressed allegations of impropriety by its officers as quickly as it might have.

In 2015, the department released a yearlong independent review that cited 17 cases of officer misconduct over a five-year period. The 85-page audit was commissioned after a spate of cases cost the city millions of dollars in legal settlements. Reviewers found internal weaknesses in department practices and included 40 recommendations for improvement.

San Diego police Lt. Scott Wahl said Chief Shelley Zimmerman implemented all 40 suggestions — and terminated 11 employees within her first year on the job.

“While this isn’t something to be proud of, it is something that had to be done,” Wahl wrote in an email. “I can tell you this, no one wants a bad cop held accountable more than a good cop.”

Among the changes Zimmerman made after taking over as chief in 2014 was reinstatement of the professional standards unit, the team charged with investigating criminal wrongdoing by officers, Wahl said. She also implemented a mandatory reporting policy for employees who witness or learn about officer misconduct.

“Having the systems and structures in place to hopefully identify and prevent employees from becoming derailed is our goal,” Wahl said. Also, “being able to quickly address those that choose to dishonor our profession and hold them accountable should they step outside the law.”

The warning K.P. sent the Sheriff’s Department in May 2016 was a single-paged note addressed only to unnamed investigators. It had difficult-to-read handwriting squeezed onto line after line and ended with a thank you, two phone numbers and an email address.

The department could not explain what happened to the letter, but said its appearance should not have affected how it was handled.

“We have done a very thorough investigation and we have no record of any complaint prior to late October 2017,” Keim said. “Most likely, it was forwarded to Internal Affairs and looked at.”

K.P. says she never got a response. Fischer remained on patrol.

In early 2016, a husband and wife were driving home from Arizona when Fischer pulled them over, according to another claim. The woman had placed her medicine into baggies — absent the prescription bottles — and Fischer ended up arresting her for drug possession.

The deputy “rubbed L.R.’s breasts up and down” a half dozen times during the arrest, the claim said. At one point, her blood pressure was so high from stress she required medical attention, her complaint states.

Fischer was tasked with driving her to a hospital, but that’s not where they went.

“L.R. was terrified, wondering why Fischer was parking where he did,” the claim said. He assaulted her once more before writing her a ticket and telling her to go, the complaint states.

In August 2016, a San Marcos woman whose home was burglarized said Fischer returned to her house hours after completing his initial report. He said he wanted to make sure she was all right and requested a hug.

“Fischer’s hug was unsolicited and unwanted,” the lawsuit said.

In November 2016, Fischer responded to a 911 call accidentally placed by a San Marcos woman whose mother had just suffered a stroke and whose father died two days earlier.

“Fischer walked in and quickly assessed the vulnerability of his next victim,” states a claim filed against the department last month. “Without her consent, he then hugged (the woman) with a full embrace that included fondling of her buttocks with his hands and inappropriate massaging of her breasts with his own chest.”

The alleged victim said she pushed Fischer away but he persisted, and tried to kiss her. She insisted he leave, the claim adds, but before he complied he said he would be in the neighborhood “watching out for her.”

This past May, a Vista woman was pulled over for a missing taillight and claims she was hugged against her will. Her claim says Fischer followed her home — for her own safety, he said — then walked toward her front gate and backed off only when the woman’s male landlord appeared.

“Claimant entered the building and then returned outside to gather some belongings and Dep. Fischer was still present,” the claim said. “After some further conversation, Dep. Fischer eventually left the claimant’s house.”

A week later, a 58-year-old nurse claims, Fischer handcuffed her in Escondido and sat her on a curb. Then he “shoved his groin area close to her and said ‘You don’t look 58. If I was older would you date me?’,” her claim said.

In June, another claims alleges, Fischer stopped a woman for a missing taillight, discovered she had a suspended license and rubbed her genitals and backside during a search.

Then he had her drive her car to a nearby parking lot, followed in his own car and asked if she wanted to “make out,” the claim said. The woman declined; just then, a timely radio call summoned Fischer away.

The deputy sexually assaulted another woman in August after he responded to a call seeking a welfare check, her claim alleges.

“Fischer’s hands rubbed and fondled Jane Doe’s torso, shoulders, arms, back and buttocks,” the claim said. “After the hug was over, Fischer looked at her and commented again that he thought she was good looking.”

Days before he was placed on desk duty in October, according to yet another claimant, Fischer answered a 911 emergency call. He ended up groping the 61-year-old woman and running her hand over his genitals, she claimed.

Law enforcement officers carry more than a badge and gun.

They shoulder incredible responsibility because they are vested with the right to stop and interrogate people, to deprive citizens of their liberty as they see fit and to subdue anyone who fails to cooperate or threatens their personal safety. Police and sheriff’s deputies also enjoy professional benefits that protect them from vengeful crooks and false allegations.

Jonathan Blanks, a research associate at the Cato Institute Project on Criminal Justice, has studied police misconduct for years. He said sheriffs and police chiefs need to work early to identify problem officers and weed them out before they pass probation and secure the protections negotiated by their unions.

“The leadership wants to get bad cops out — don’t get me wrong, they are a liability,” he said in a telephone interview. “However, due to the police-union protections they can’t easily be fired.”

San Diego sheriff’s Lt. Karen Stubkjaer rejected the idea that the local Deputy Sheriffs Association can influence any decision in disciplinary proceedings.

“The decision whether or not to discipline a deputy sheriff and how to discipline a deputy sheriff is far too important to allow political interests to interfere,” she wrote in an email. “Addressing instances of misconduct decisively and appropriately is in the best interest of the community at large and the department.”

The department employs about 4,000 people. According to Stubkjaer, the sheriff disciplined 13 employees for misconduct so far this year, only one for sexual harassment. One worker was fired.

In the four previous years the department disciplined 80 people, three of them for sexually related misconduct. Over the same period, seven employees were fired for general misconduct.

Sheriff’s deputies recorded more than 435,000 contacts in 2016, about evenly split between calls for service and deputy-initiated meetings. In 2012, deputies reported just over 512,000 public contacts.

The vast majority of deputy encounters are routine traffic stops, emergencies, witness and suspect interviews and assorted arrests and bookings.

The department does not publish specific reports of deputy misconduct. But according to its annual statistical reports, the department has been making fewer arrests while the numbers of internal-affairs and use-of-force cases are climbing.

Arrests in the budget year ending June 30, 2016 totaled 25,386 — an 11 percent slide from 2012, the department reported. Over the same period, the number of internal-affairs cases opened by the department rose 49 percent, to 119 from 80.

While more internal investigations are being opened, fewer of those complaints are being validated. In 2016, for example, 45 cases were sustained, a 15 percent decline from four years earlier.

Stubkjaer said such statistics fluctuate from year to year due to the nature of the work.

“Law enforcement is both reactive and proactive,” she said. “The number of arrests for any given year depends on the reported or observed crimes committed for which probable cause can be developed to effect an arrest.”

San Diego attorney Dan Gilleon represents the nine women who filed claims and lawsuits resulting from their contacts with Fischer. He says he sees at least one constant.

“I’ve been dealing with these law enforcement agencies and officers for quite a while,” Gilleon said by telephone. “The one theme that comes back time and time again is that sex in the workplace is a lot more common than in most organizations.

“There’s some sort of adrenaline rush, a lot of power and it’s a very male-dominated industry,” he said.

Each claim against the county seeks in excess of \$6 million in damages. They also request punitive damages against Fischer himself “in an amount sufficient to punish him and his evil conduct, and to deter others from doing what he did.”