

CONFIDENTIAL – DO NOT DUPLICATE

**San Diego Police Department
Investigator's Report**


Date of Incident: February 4, 2023
Time of Incident: 1256 Hours
Location of Incident: 4020 Murphy Canyon Road, San Diego, CA 92123
Subject: Equal Employment Opportunity Investigation - EEO 2023-003

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COMPLAINANT:



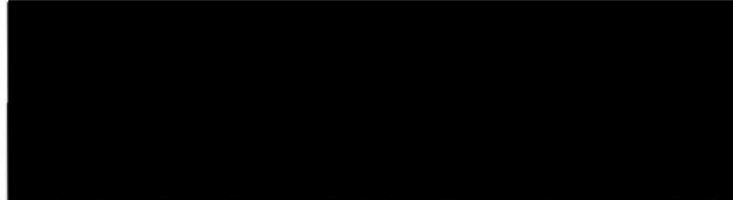
SUBJECT OFFICER:

WELSH, Dustin J., Police Officer II, ID #6461
Date of Hire: 10/19/2007
S.D.P.D., Northern Division - Patrol
(858) 552-1700 (W)
W/M, Age: 

SUBJECT OFFICER:



SUBJECT OFFICER:



Reporting Officer: John Denny, Sergeant ID: 6371 Division Internal Affairs

Approved by:  Date of Report: June 20, 2023

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WITNESS OFFICER:



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SUMMARY:

On February 4, 2023, at approximately 1256 hours, Officer [REDACTED] entered the NPD Lineup Room at Police Plaza. He was scheduled to work an overtime assignment and lineup was scheduled for 1300 hours. Detective Sergeant [REDACTED] Detective Sergeant [REDACTED] Officer Welsh #6461, and Officer [REDACTED] were in the lineup room already when Officer [REDACTED] arrived.

As Officer [REDACTED] walked into the lineup room, Officer Welsh made a comment about him being either "late" or "not late." Officer [REDACTED] responded and explained that he was actually a few minutes early. Officer [REDACTED] challenged Officer Welsh's authority to question or judge his timeliness. Officer [REDACTED] told Officer Welsh he was not his supervisor. He potentially made a comment about the fact Officer Welsh did not have "stripes." Officer Welsh responded by making a comment about having "stars" of some sort on his uniform. Officer [REDACTED] continued to challenge Officer Welsh and suggested he was acting like he had some kind of "privilege." Officer Welsh responded by making a comment about having a "White privilege card." Their interaction ended at that point and lineup began.

Approximately 40 minutes later, Officer [REDACTED] sent an email to Detective Sergeant [REDACTED] and Detective Sergeant [REDACTED]. He informed them he was offended by Officer Welsh's statement about having a "White privilege card." Officer [REDACTED] characterized it as a racist statement and a violation of our Department's EEO Procedures.

On February 4, 2023, at approximately 1504 hours, Detective Sergeant [REDACTED] and Detective Sergeant Sanchez #5560 met with Officer [REDACTED] in the Internal Affairs office for an intake interview. Detective Sergeant [REDACTED] filled out a San Diego Police Department Discrimination/Harassment Control Form to document Officer [REDACTED] allegations. Officer [REDACTED] signed a form as the Reporting Employee. Officer Welsh was served with a form as a Subject Employee.

On February 6, 2023, Officer [REDACTED] sent an email to Chief Nisleit #4303. He described the interaction he had with Officer Welsh in detail. He also alleged that Detective Sergeant [REDACTED] and Detective Sergeant [REDACTED] failed to intervene or take any immediate corrective action.

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ALLEGATIONS:

On February 8, 2023, EEO #2023-003 was assigned to me. I reviewed Officer [REDACTED] recorded intake interview and I called him to confirm he had no additional information to add to my investigation. Based on his statement, I focused my investigation on the following allegations:

1. EEO

Officer Welsh harassed Officer [REDACTED] while referencing his "White privilege card" during a conversation in the NPD Lineup Room at Police Plaza.

2. PROCEDURE

Detective Sergeant [REDACTED] and Detective Sergeant [REDACTED] failed to stop Officer Welsh, or take immediate corrective action, as he was harassing Officer [REDACTED] based on race.

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INVESTIGATION:

On February 4, 2023, at 1341 hours, Officer [REDACTED] sent the following text message to Detective Sergeant [REDACTED] and Detective Sergeant [REDACTED] (Shown as written in the text message):

It was inappropriate the way Officer Welsh ID [REDACTED] spoke with me in line-up. He accused me of being late when I arrived at line up at 12:56 pm. line-up is at 1 pm. I told him I was not late and told him he was not my supervisor he don't have stripes. Officer Welsh continued taunting me about being late in front of everyone in the room and you two said nothing. Officer Welsh said he has stars, Officer Welsh is junior to me. I said you think you have some kind of privilege. Officer Welsh stated, "I have my white privilege card." I was offended by his racist statement. Statement. **BELATINGLY VIOLATING EEO POLICY IN FRONT OF TWO SUPERVISORS** [REDACTED]
[REDACTED] The violation left unaddressed by both of you.

Detective Sergeant [REDACTED] responded to Officer [REDACTED] text message. They exchanged the following text messages:

The screenshot shows a text message exchange. The officer's messages are in white bubbles, and the supervisor's responses are in blue bubbles. The messages are as follows:

- Officer: [REDACTED] Is it even necessary to ask me that question he violated eeo policy in front of you. What does SDPD Policy state you have to do? Yes to your question
- Supervisor: I did not know you were offended. I will address Officer Welsh regarding his comments if that is what you would like to happen.
- Officer: U have to u a supervisor and he clearly violated eeo policy in front of both of u.
- Supervisor: Do you want to file an EEO complaint?
- Officer: Come to the Internal Affairs Office at 1500 and I will intake your complaint
- Supervisor: Ok
- Officer: 97 - IA office

Delivery timestamps for the supervisor's messages are: 13:45, 13:46, 13:47, 13:50, 13:59, and 15:00.

On February 4, 2023, at approximately 1504 hours, Detective Sergeant [REDACTED] and Detective Sergeant Sanchez #5560 met with Officer [REDACTED] in the Internal Affairs office for an intake interview. The interview was recorded and added to the case file.

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Detective Sergeant [REDACTED] filled out a San Diego Police Department Discrimination/Harassment Control Form. The form listed Officer [REDACTED] as the complainant. It listed Officer Welsh as the subject. It also listed Detective Sergeant [REDACTED] and Officer [REDACTED] as witnesses. The following narrative was included with the document:

On February 4, 2023, around 1256 hours, Officers Welsh #6461, [REDACTED] and Sergeants [REDACTED] and [REDACTED] were in the TSF Line-Up Room at Police Plaza when Officer [REDACTED] walked into the room. Officer Welsh said something similar to, "There he is. You're not late today." Officer [REDACTED] responded by saying he was not late, and he still had four minutes. A dialogue between Officers Welsh and [REDACTED] ensued. Officer [REDACTED] became increasingly defensive and told Officer Welsh something similar to, "You're not my supervisor. I don't see any stripes on your arms." Officer Welsh responded, "I have stars on my name tag." Officer [REDACTED] said something similar to, "You act as if you have some kind of privilege over me." Officer Welsh responded, "I brought my white privilege card with me." The conversation between the two offices [sic] ended at that point and Sergeant [REDACTED] started lineup. At 1341 hours, Officer [REDACTED] sent a text message to Sergeants [REDACTED] and [REDACTED] notifying them that he was offended by Officer Welsh's comments. Sergeant [REDACTED] asked Officer [REDACTED] if he would like to file an EEO complaint. Officer [REDACTED] said he would. Sergeants [REDACTED] and Sanchez #5560 conducted an intake interview for Officer [REDACTED] complaint. Officer [REDACTED] stated his use of the word "privilege" had nothing to do with race and Officer Welsh's use of the term "white privilege" was racist due to Officer Welsh being white and Officer [REDACTED] being black.

An EEO Control Form receipt was signed by Officer [REDACTED] (Reporting Employee) and Detective Sergeant [REDACTED] (Reporting Supervisor) on February 4, 2023. The form was signed by Captain Sainz #4907 (Commanding Officer) on February 7, 2023. Under her signature, Captain Sainz wrote, "Rec'd 2/7/23 req. to sign by Dupree."

An EEO Control Form receipt was signed by Officer Welsh (Subject Employee) and Detective Sergeant [REDACTED] (Reporting Supervisor) on February 4, 2023. The form was signed by Captain Manansala #6010 (Commanding Officer) on February 7, 2023.

On February 6, 2023, Captain Sainz filled out a San Diego Police Department Discrimination/Harassment Control Form. The form listed Officer [REDACTED] as the complainant. It listed Officer Welsh and Detective Sergeant [REDACTED] as subjects. It also listed Detective Sergeant Sanchez as a witness. The following narrative was included with the document:

Today, I opened my email to discover a formal EEO Complaint by Officer [REDACTED]. Attached were five attachments that included the following: A letter written by Officer [REDACTED] SDPD Procedure 5.03, document defining the word privilege, WP EEOC audio.xs.pf, Googled Privilege. I also want to request a formal investigation on formal City EEO Form that Officer

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██████ alleges was falsely represented to him as filled out by me, which I never granted anyone to represent as my document. I am requesting an investigation into misconduct by Sergeant ██████ in relation to this specific document. Integrity remains at the top of my priorities. Additional Subject Officer: Sergeant ██████ Under duty to report I am submitting this form being hand delivered to the Internal Affairs Unit Immediately (2/6/23)

An attached EEO Control Form receipt was signed by Officer ██████ (Reporting Employee) and Captain Sainz (Reporting Supervisor & Commanding Officer) on February 6, 2023.

(Captain Sainz' allegation of "misconduct by Sergeant ██████ was based on the fact her name and ID number were typed in the "Please Print" section, next to "Commanding Officer" on the EEO Control Form Receipt that was served to Officer ██████ at the time of his intake interview. Her "Signature" section remained blank until it was forwarded to her to sign on February 7, 2023. There was no misconduct and there was no further investigation related to her allegation.)

On February 8, 2023, Lieutenant Sayasane #5680 assigned EEO 2023-003 to me for investigation.

I reviewed the completed control forms. I reviewed Officer ██████ letter to Chief Nisleit (Dated 2/6/2023). I also reviewed the printed definitions of "White privilege" and "Privilege" provided by Officer ██████ I attached the documents to the case file.

Officer ██████ described the incident by writing the following in his letter to Chief Nisleit:

On 02/04/23 at approximately 1256 hours, I was in the hallway walking towards the Neighborhood Policing Division (NPD) line-up room. I was scheduled to work a second watch shift which begins at 1300 hours. As I approached the doorway, I saw Officer Welsh sitting at a table inside the line-up room near the door. Officer Welsh looked in my direction and said, "██████ coming" or something to that effect. When I walked into the room, I saw Officer ██████ ID ██████ Sergeant ██████ Sergeant ██████ and Officer Welsh.

Officer Welsh said, "You made it on time." I responded to him by saying, "What are you talking about? I'm three minutes early. Officer Welsh said, "I was ten minutes early," or something to that effect. I said, "What do you get for being early." Officer Welsh said, "Less stress and less anxiety." I told Officer Welsh I was not late; you are not my supervisor, and you don't have any sergeant stripes on your shirt. Officer Welsh said, "I have stars." I said, you are not my supervisor why do you feel you have privilege to tell me I'm late and I'm not late. Officer Welsh said, "I have my White Privilege Card."

I was offended when Officer Welsh said, "I have my White Privilege Card." Officer Welsh implied when he said, I have my "White Privilege Card," that he has privilege over me solely

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because he was born white, and I am black. Officer Welsh is a Police Officer II, [REDACTED] therefore my rank is higher. I served over twenty-eight years on the San Diego Police Department (SDPD), at least three years senior than anyone in the room. Yet Officer Welsh spoke to me as if I was inferior to him solely because he is white, and I am black.

I have attached the Urban Dictionary and Wikipedia definition of "White Privilege," for your review.

Sergeant [REDACTED] was the supervisor for the shift. I later discovered Sergeant [REDACTED] requested to work with Officer Welsh as a partner.

Sergeant [REDACTED] and Sergeant [REDACTED] did nothing to stop Officer Welsh from taunting me. They both allowed the situation to escalate. They made no effort to stop or take immediate corrective action. Both sergeants knew or should have known when Officer Welsh stated, "I have my White Privilege Card," that the statement in the context used, is a clear violation of federal, state, city and SDPD Equal Employment Opportunity (EEO), laws or procedures. If they did not know Officer Welsh statement is a violation of EEO law, they should not be supervisors.

Officer [REDACTED] included segments of Department Procedure 5.03 – Equal Employment Opportunity in his letter. He also included the text message communication between him, Detective Sergeant [REDACTED] and Detective Sergeant [REDACTED]. After describing the text message communication, Officer [REDACTED] wrote the following:

I arrived at the Internal Affairs Office at 1500 Hours. I thought Sgt. [REDACTED] was going to issue me an EEO Control form. When I walked inside the Office Sgt. [REDACTED] was inside the office, with Sgt. Jesus Sanchez ID #5560, whom he described as his partner. Sgt. [REDACTED] told me Sgt. Sanchez will be present during the interview. I did not know I was about to have a sit-down recorded interview by a subject officer. I asked Sgt. [REDACTED] to print out a copy of the SDPD procedure 5.03 EEO. Sgt. [REDACTED] directed me to an interview room where I sat in a chair. Sgt. Sanchez and Sgt. [REDACTED] sat on the opposite side of the table. Sgt. [REDACTED] asked me to sign an EEO Control Form. I signed the form and discovered Captain Martha Sainz name was printed on the form without her signature. After signing the form Sgt. [REDACTED] told me he would record the interview. Since Sgt. [REDACTED] was recording the interview, I told him I was going to record as well.

I have attached a recording of the interview so you can listen to it first-hand.

During the interview Sgt. [REDACTED] acknowledged he in fact heard Officer Welsh statement. Sgt. [REDACTED] offended me during the interview by implying I was wrong because I said the word, "Privilege."

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I googled the definition of privilege, and it states the following:

(Especially in a parliamentary context) the right to say or write something without the risk of incurring punishment or legal action for defamation.

I have attached the definition of the word, "Privilege" for your review.

I used the correct word to describe Officer Welsh's behavior when he was taunting me. Somehow Sgt. [REDACTED] thinks I did something wrong by merely saying the word "Privilege." Sgt. [REDACTED] then tries but fails to present himself as an unbiased fact finder. Sgt. [REDACTED] and Sgt. [REDACTED] should be subject in an investigation for failure act.

A high percentage of black citizens are killed by police officers in this country because law enforcement management fails to act, when it comes to holding officers accountable for racism. Officer Welsh has a well-documented history of racist behavior, and the San Diego Police Department management has failed to properly hold him accountable.

I have attached one of Officer Welsh's sustained complaints case 2018-018 for your review.

Thank you

[REDACTED]

I reviewed the audio recording of Officer [REDACTED] intake interview from February 4, 2023.

On February 13, 2023, at approximately 0520 hours, I called Officer [REDACTED] I spoke with him over the phone, and I notified him I would be handling the EEO investigation. I informed Officer [REDACTED] I listened to the recording of his intake interview. He told me he was satisfied with the information he provided during his intake interview with Detective Sergeant [REDACTED] and Detective Sergeant Sanchez. He told me he did not believe it was necessary to meet with me for an additional intake interview. Officer [REDACTED] confirmed I received a copy of the control form Captain Sainz submitted. I welcomed Officer [REDACTED] to contact me if he had any additional information or questions about the investigation.

On February 14, 2023, I sent an email to Officer [REDACTED] I informed him he was a witness officer in an EEO Investigation. I scheduled him for an interview on February 15, 2023, at 0530 hours.

On February 15, 2023, at 0535 hours, I interviewed Officer [REDACTED] in Interview Room1 in the Internal Affairs office. I recorded the interview. I later uploaded it to the case file.

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On February 16, 2023, I spoke with Detective Sergeant [REDACTED] in person in the Internal Affairs office. I informed him I would need to interview him as a subject officer in my investigation. He told me he wanted to do the interview as soon as possible. He also informed me he did not want a representative. I agreed to interview him later that day.

On February 16, 2023, at 0944 hours, I sent an email to Detective Sergeant [REDACTED] to memorialize my notification. I informed him he was a subject officer in an EEO Investigation related to an incident that took place on February 4, 2023, prior to lineup for an overtime assignment at Neighborhood Policing Division. I scheduled him for an interview on February 16, 2023, at 1000 hours.

On February 16, 2023, at 0949 hours, I interviewed Detective Sergeant [REDACTED] in Interview Room 1 in the Internal Affairs office. I recorded the interview and added the recording to the case file.

Detective Sergeant [REDACTED] provided me with a copy of the written statement he read from at the end of his interview. I added it to the case file. It reads as follows:

I would like to add that the conversation between Officer Welsh and Officer [REDACTED] in the TSF lineup room happened very quickly and lasted for only a few seconds. At first, their conversation sounded like friendly banter between coworkers. It wasn't until Officer [REDACTED] took a defensive tone that it became apparent that he didn't find the conversation to be playful. In the moment, I found Officer [REDACTED] use of the word "privilege" to be odd. The word privilege means to have a special right, advantage, or immunity granted or available only to a particular person or group. The word privilege did not fit the context in which Officer [REDACTED] used it. Instead, it would have made more sense for him to use the word authority, since Officer [REDACTED] was accusing Officer Welsh of acting like his supervisor.

In hindsight, I believe Officer [REDACTED] use of the word privilege was intentional and calculated to provoke, or bait, an unprofessional response from Officer Welsh. In today's culture, the term privilege is often and commonly associated with racially suggestive comments. By using the word privilege, Officer [REDACTED] was indirectly introducing the concept of racial disparity into the conversation. Officer Welsh's response, although uncouth, was not discriminatory or harassing of Officer [REDACTED] race. Rather, his response was a quick-witted quip meant to show Officer [REDACTED] ridiculous and provocative use of the word privilege.

Nothing in the conversation between Officers Welsh and [REDACTED] had the appearance of discrimination or harassment. Nothing in their conversation had the potential of creating unequal treatment or result in a discriminate employment decision. In the brief moment this conversation occurred, I did not see an actual or potential violation of EEO policy and procedure, therefore there was no behavior for me, as a supervisor, to stop. There was nothing to indicated in Officer Welsh or Officer [REDACTED] that either one of them were offended or in distress. The conversation

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between Officers Welsh and [REDACTED] started suddenly and ended quickly. It did not create a hostile or discriminatory work environment. Nor did it create any unreasonable intimidation, ridicule, or insult.

Once Officer [REDACTED] notified me that he was offended by Officer Welsh's comment, I took immediate, documented, and corrective action. I contacted Lieutenant Sayasane and notified him of Officer [REDACTED] complaint. I documented Officer [REDACTED] complaint on an EEO Control Form and recorded his intake interview. I took corrective action by addressing Officer Welsh regarding his comment. By taking these steps, I fulfilled my role and responsibility as a supervisor.

On February 16, 2023, at 1407 hours, I sent an email to Detective Sergeant [REDACTED] I informed him he was a subject officer in an EEO Investigation related to an incident that took place on February 4, 2023, prior to lineup for an overtime assignment at Neighborhood Policing Division. I scheduled him for an interview on February 28, 2023, at 1000 hours.

On February 16, 2023, at 1409 hours, I sent an email to Officer Welsh. I informed him he was a subject officer in an EEO Investigation related to an incident that took place on February 4, 2023, prior to lineup for an overtime assignment at Neighborhood Policing Division. I scheduled him for an interview on February 28, 2023, at 1430 hours.

On February 28, 2023, at 1206 hours, I interviewed Detective Sergeant [REDACTED] in Interview Room 1 in the Internal Affairs office. I recorded the interview and added the recording to the case file.

On February 28, 2023, at 1428 hours, I interviewed Officer Welsh in Interview Room 1 in the Internal Affairs office. I recorded the interview and added the recording to the case file.

On March 24, 2023, at 1246 hours, I received an email from Officer Welsh that read:

“letting you know about the complaint about Officer [REDACTED] and how it was somehow leaked to the media. Thanks Dustin Welsh”

This was attached to an email Officer Welsh forwarded me. The following is the original message he received from Jill Castellano, an Investigative Data Reporter with inewsourc:

Hi Officer Welsh,

I'm a journalist working on a story for KPBS and inewsourc, a nonprofit newsroom in San Diego. We're working on a project about discrimination at SDPD, and I was hoping I could speak with you about some claims that were brought against you regarding discrimination.

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According to records released under SB 16, it appears there was a sustained finding of discrimination against you following comments made about a Somali and Muslim officer in 2017. I'm also aware of a complaint filed recently by Officer [REDACTED] regarding a comment you made about having a "white privilege card."

If you'd like to speak with me about these instances or add any context I should know, you can reach out to me via email or at [REDACTED]. If you can please let me know by the end of the day Wednesday, I would appreciate it.

Many thanks,
Jill Castellano

On April 11, 2023, Jill Castellano published an article on inewssource.org titled, "Longtime officer says 'culture of anti-Black racism' plagues San Diego Police force." Aside from Officer [REDACTED] no officers involved in my investigation provided statements for the article. This case was specifically discussed in the article. An audio clip from Officer [REDACTED] intake interview with Detective Sergeant [REDACTED] was attached to the online article. I added a copy of the article to the case file.

On June 20, 2023, I forwarded my investigation and the associated documents and recordings to the San Diego City Equal Employment Investigations Office (EEIO). This investigation was transferred to their office.

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DOCUMENTATION:

The results of this investigation are based on the following items:

1. San Diego Police Department Discrimination/Harassment Control Form (2/4/2023)
2. EEO Control Form Receipt – Reporting Employee – Officer [REDACTED] (2/4/2023).
3. EEO Control Form Receipt – Subject Employee – Officer Welsh (2/4/2023).
4. San Diego Police Department Discrimination/Harassment Control Form (2/6/2023) – Submitted by Captain Sainz.
5. Audio Recording of Officer [REDACTED] intake interview.
6. Audio Recording of Officer [REDACTED] interview.
7. Audio Recording of Detective Sergeant [REDACTED] interview.
8. Audio Recording of Detective Sergeant [REDACTED] interview.
9. Audio Recording of Officer Welsh's interview.
10. Officer [REDACTED] letter to Chief Nisleit.
11. Definitions of "White Privilege" and "Privilege" provided by Officer [REDACTED]
12. Screen shots of text message communication between Officer [REDACTED] Detective Sergeant [REDACTED] and Detective Sergeant [REDACTED]
13. Email sent to me by Officer Welsh.
14. inewsourc article titled, "Longtime officer says 'culture of anti-Black racism' plagues San Diego Police force."

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THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: July 6, 2023
TO: David Nisleit, Chief, Police Department
FROM: Erin Houston, Equal Employment Investigations Manager, Personnel Department
SUBJECT: Discrimination Complaint Findings – [REDACTED]

On June 20, 2023, the Police Department's Internal Affairs Unit provided our office with a complaint that was filed with them on February 4, 2023, by [REDACTED] a Police Officer [REDACTED] with the Police Department. The complaint alleged discrimination based on race by Dustin Welsh, Police Officer II, and failure to uphold the City's Equal Employment Opportunity Policy by Detective Sergeants [REDACTED] and [REDACTED]. Pursuant to Personnel Regulations Index Code K-2, the City of San Diego Equal Employment Opportunity Policy, the U.S. Equal Employment Opportunity Commission (EEOC) anti-discrimination guidelines, and the State of California Civil Rights Department (CRD) anti-discrimination guidelines, the EEIO investigated the allegations.

Per the request of the Police Department, please find a summary of our investigation findings below.

Summary

On February 4, 2023, at approximately 12:56 p.m. in the Neighborhood Patrol Division line-up room, an exchange occurred between [REDACTED] Police Officer [REDACTED] and Dustin Welsh (Welsh), Police Officer II. All parties agreed that Welsh made a comment when [REDACTED] entered the line-up room about not being late to line-up this time, and [REDACTED] responded that he wasn't late. This began a back-and-forth that others in the room described as "collegial banter." Both [REDACTED] and Welsh agreed that [REDACTED] said something to the effect of, "You think you have some kind of privilege over me," and that Welsh responded, "Yeah, I brought my White privilege card." All parties agreed that the conversation immediately stopped, and Sergeant [REDACTED] began line-up.

When interviewed, Welsh said that he made the comment as a type of comeback or a quick retort to [REDACTED] claim that he had some kind of privilege. Welsh stated that he did not believe his words had any meaning because he does not believe White privilege exists. He stated, "There is no privilege based on skin tone or upbringing," and one of the ways he cited for knowing this is that the United States does not have a White History Month. He did, however, acknowledge that he knew the words had meaning in a political sense and with protests.

When interviewed, Detective Sergeant [REDACTED] stated that he was not paying attention to the conversation between [REDACTED] and Welsh because he had to start line-up and was looking for the email with the day's assignments. His feeling about the exchange was that they had recently worked together and were giving each other grief. He didn't sense any displeasure in the conversation, so he didn't stop searching for the email.

Detective Sergeant [REDACTED] was sitting next to Welsh and witnessed the entire exchange. He stated that he saw and heard [REDACTED] become "defensive," but he also described the conversation as "collegial banter." He said that he felt Welsh's comment about his White privilege card was a "quick-witted quip," "sarcastic," and "uncouth," and he did not take immediate action because he did not believe the statement was discriminatory or derogatory and was not about [REDACTED] race.

[REDACTED] and [REDACTED] received a text message from [REDACTED] on February 4, 2023, at 1:41 p.m. reporting that [REDACTED] was offended by Welsh's statement. In the text message exchange, [REDACTED] asked [REDACTED] if he wanted to file an EEO complaint, and [REDACTED] confirmed that he did. [REDACTED] met with [REDACTED] at 3:00 p.m. to complete and sign the San Diego Police Department Discrimination/Harassment Control Form.

Conclusion

Based on the documentation gathered and witnesses interviewed by the Police Department's Internal Affairs Unit, the EEIO investigation found sufficient evidence to support the allegations against Welsh and [REDACTED]

The Equal Employment Opportunity (EEO) Policy – Annual Statement dated July 1, 2022, states, "Harassment includes any unwelcome, unsolicited, or unwanted conduct because of a person's protected classification that offends, demeans...or otherwise causes the person distress..." Harassment is also, "when the harassing conduct sufficiently offends, humiliates, distress, or intrudes upon the person as to disrupt the person's emotional tranquility in the workplace ... Some examples of harassment include derogatory comments...[and] demeaning jokes." The EEIO found facts to support that Welsh made a derogatory comment based on [REDACTED] race as a comeback in a verbal exchange; therefore, Welsh's actions are in violation of the EEO Policy.

The City's EEO Policy also states:

Managers and supervisors must understand the importance of EEO principals and standards, support, adhere to, and enforce them, and work diligently to provide every City employee ... with fair and equal treatment in the workplace, equal opportunities to succeed, and a work environment free of discrimination, harassment, and retaliation. Managers and supervisors will be held accountable to ensure that EEO practices and standards are adhered to in their work units.

Managers or supervisors who receive a report or complaint, observe, or otherwise become aware of possible discrimination, harassment, or retaliation against an employee... must report the alleged conduct to their department management and the department's Human Resources Department liaison, and take prompt corrective action, as appropriate. Managers or supervisors who fail to properly report possible misconduct or fail to respond and take prompt

Page 3
David Nisleit, Chief, Police Department
July 6, 2023

corrective action, when appropriate, may be disciplined even if the harassment did not take place in their work units.

Although Detective Sergeant [REDACTED] completed the Police Department's Discrimination/Harassment Control Form once a complaint was made, the EEIO found facts to support that he failed to recognize the racially inappropriate nature of Welsh's statement and failed to take prompt action to ensure EEO practices and standards were upheld. Therefore, [REDACTED] actions are in violation of the EEO Policy.

The investigation found that while Detective Sergeant [REDACTED] was present, he did not hear the conversation because he was preoccupied with another task and could not have reasonably recognized Welsh's EEO Policy violation.

If you have questions, please feel free to contact me at [REDACTED]

Sincerely,

[REDACTED]
Erin Houston
Equal Employment Investigations Manager

cc: Douglas Edwards, Personnel Director
Silvia Satrom, Deputy Director, Police Department
Anthony Dupree, Police Captain, Police Department Internal Affairs

Date: February 6th, 2023

Dear Chief David Nesleit,

I am writing you this letter to inform you of what occurred this weekend. I would like to file a formal complaint against Officer Dustin Welsh ID #6461, for violation of The City of San Diego and the San Diego Police Department (SDPD) Equal Employment Opportunity (EEO) Policy. In addition, I am filing a formal complaint against Sergeant [REDACTED] and Sergeant [REDACTED] for failure to take immediate and corrective action. They both violated The City of San Diego and the SDPD EEO Policy.

On 02/04/23 at approximately 1256 hours, I was in the hallway walking towards the Neighborhood Policing Division (NPD) line-up room. I was scheduled to work a second watch shift which begins at 1300 hours. As I approached the doorway, I saw Officer Welsh sitting at a table inside the line-up room near the door. Officer Welsh looked in my direction and said, [REDACTED] coming" or something to that effect. When I walked into the room, I saw Officer [REDACTED] Sergeant [REDACTED] Sergeant [REDACTED] and Officer Welsh.

Officer Welsh said, "You made it on time." I responded to him by saying, "What are you talking about? I'm three minutes early. Officer Welsh said, "I was ten minutes early," or something to that effect. I said, "What do you get for being early." Officer Welsh said, "Less stress and less anxiety." I told Officer Welsh I was not late; you are not my supervisor, and you don't have any sergeant stripes on your shirt. Officer Welsh said, "I have stars." I said, you are not my supervisor why do you feel you have privilege to tell me I'm late and I'm not late. Officer Welsh said, "I have my White Privilege Card."

I was offended when Officer Welsh said, "I have my White Privilege Card." Officer Welsh implied when he said, I have my "White Privilege Card," that he has privilege over me solely because he was born white, and I am black. Officer Welsh is a Police Officer II, [REDACTED] therefore my rank is higher. I served over twenty-eight years on the San Diego Police Department (SDPD), at least three years senior then anyone in the room. Yet Officer Welsh spoke to me as if I was inferior to him solely because he is white, and I am black.

I have attached The Urban Dictionary and Wikipedia definition of "White Privilege," for your review.

Sergeant [REDACTED] was the supervisor for the shift. I later discovered Sergeant [REDACTED] requested to work with Officer Welsh as a partner.

Sergeant [REDACTED] and Sergeant [REDACTED] did nothing to stop Officer Welsh from taunting me. They both allowed the situation to escalate. They made no effort to stop or take immediate corrective action. Both sergeants knew or should have known when Officer Welsh stated, "I have my White Privilege Card," that the statement in the context used, is a clear violation of federal, state, city and SDPD Equal Employment Opportunity (EEO), laws or procedures. If they did not know Officer Welsh statement is a violation of EEO law, they should not be supervisors.

San Diego Police Department Procedures 5.03 Equal Employment Opportunity states as follows:

B. Supervisory responsibility - it is the responsibility of all supervisors to establish and maintain a non-hostile, non-discriminatory work environment free from intimidation, ridicule, or insult. Specifically, supervisors shall: 1. Educate and train employees on EEO policy and ensure they are aware of the procedures for reporting potential violations; 2. Monitor the workplace for actual or potential violations of EEO policy and procedure; 3. Stop behavior in violation of this policy when directly observed or upon obtaining direct knowledge thereof; 4. Notify their Equal Employment Liaison Officer (EEO) of suspected cases of discrimination or sexual harassment, unless circumstances exist which necessitate reporting the conduct directly to the Department's EEO Office; DP 5.03 - Equal Employment Opportunity 9/02/2021 8 of 16 5. Manage the effect of an EEO complaint in the workplace by protecting confidentiality, discouraging rumors, and ensuring participants are not subjected to retaliation; and 6. Follow through with all complaints of discrimination and harassment by taking immediate, documented, and corrective action. The complaint will be handled in accordance with the "Informal Reporting Process", or the "Formal Investigative Process" as set forth in this procedure.

I have attached a copy of the San Diego Police Department Procedures 5.03 Equal Employment for your review.

We were dismissed from line-up, so I walked to my car. I was upset about what had occurred during line-up. Therefore, I decided to text Sgt. [REDACTED] and Sgt. [REDACTED] to let them know how I felt.

I sent the following text message to Sgt. [REDACTED] and Sgt. [REDACTED] (1341 hours):

It was inappropriate the way Officer Welsh ID [REDACTED] spoke with me in line-up. He accused me of being late when I arrived at line-up at 12:56 PM. Line-up is at 1 PM. I told him I was not late and told him he was not my supervisor he doesn't have stripes. Officer Welsh continued taunting me about being late in front of everyone in the room and you two said nothing. Officer Welsh said he has stars; Officer Welsh is junior to me. I said, you think you have privilege. Officer Welsh stated, "I have my White Privilege Card." I was offended by his racist statement. Blatantly violating EEO policy in front of two supervisors [REDACTED] The violation left unaddressed by both of you.

Sgt. [REDACTED] response, (1345) hours:

I did not know you were offended. I will address Officer Welsh regarding his comments if that is what you would like to happen.

I responded to Sgt. [REDACTED] text message, (1346 hours):

You have to you a supervisor and he clearly violated EEO policy in front of both of you.

Sgt. [REDACTED] replied to the text, (1347 hours):

Do you want to file an EEO complaint?

I responded, (1349 hours):

Is it even necessary to ask me that question? He violated EEO policy in front of you. What does SDPD Policy state you have to do? Yes, to your question.

Sgt. [REDACTED] replied, (1350 hours):

Come to the Internal Affairs Office at 1500 and I will intake your complaint.

I arrived at the Internal Affairs Office at 1500 Hours. I thought Sgt. [REDACTED] was going to issued me an EEO Control form. When I walked inside the Office Sgt. [REDACTED] was inside the office, with Sgt. Jesus Sanchez ID #5560, whom he described as his partner. Sgt. [REDACTED] told me Sgt. Sanchez will be present during the interview. I did not know I was about to have a sit-down recorded interview by a subject officer. I asked Sgt. [REDACTED] to print out a copy of the SDPD procedure 5.03 EEO. Sgt. [REDACTED] directed me to an interview room where I sat in a chair. Sgt. Sanchez and Sgt. [REDACTED] set on the opposite side of the table. Sgt. [REDACTED] asked me to sign an EEO Control Form. I signed the form and discovered Captain Martha Sainz name was printed on the form without her signature. After signing the form Sgt. [REDACTED] told me he would record the interview. Since Sgt. [REDACTED] was recording the interview, I told him I was going to record as well.

I have attached a recording of the interview so you can listen to it first-hand.

During the interview Sgt. [REDACTED] acknowledged he in fact heard Officer Welsh statement. Sgt. [REDACTED] offended me during the interview by implying I was wrong because I said the word, "Privilege."

I googled the definition of privilege, and it states the following:

(Especially in a parliamentary context) the right to say or write something without the risk of incurring punishment or legal action for defamation.

I have attached the definition of the word, "Privilege" for your review

I used the correct word to describe Officer Welsh's behavior when he was taunting me. Somehow Sgt. [REDACTED] thinks I did something wrong by merely saying the word "Privilege." Sgt. [REDACTED] then tries but fails to present himself as an unbiased fact finder. Sgt. [REDACTED] and Sgt. [REDACTED] should be subject in an investigation for failure act.

A high percentage of black citizens are killed by police officers in this country because law enforcement management fails to act, when it comes to holding officers accountable for racism. Officer Welsh has a well-documented history of racist behavior, and the San Diego Police Department management has failed to properly hold him accountable.

I have attached one of Officer Welsh's sustained complaints case 2018-018 for your review.

Thank you

White privilege

Article Talk

- **Language**
- **Watch**
- **Edit**

"White Privilege" redirects here. For other uses, see White Privilege (disambiguation).

White privilege, or **white skin privilege**, is the societal privilege that benefits white people over non-white people in some societies, particularly if they are otherwise under the same social, political, or economic circumstances.^{[1][2]} With roots in European colonialism and imperialism,^[3] and the Atlantic slave trade, white privilege has developed^[4] in circumstances that have broadly sought to protect white racial privileges,^[5] various national citizenships, and other rights or special benefits.^{[6][7]}

In the study of white privilege and its broader field of whiteness studies, both pioneered in the United States, academic perspectives such as critical race theory use the concept to analyze how racism and racialized societies affect the lives of white or white-skinned people.^{[8][9]} For example, American academic Peggy McIntosh described the advantages that whites in Western societies enjoy and non-whites do not experience as "an invisible package of unearned assets".^[10] White privilege denotes both obvious and less obvious passive advantages that white people may not recognize they have, which distinguishes it from overt bias or prejudice. These include cultural affirmations of one's own worth; presumed greater social status; and freedom to move, buy, work, play, and speak freely. The effects can be seen in professional, educational, and personal contexts. The concept of white privilege also implies the right to assume the universality of one's own experiences, marking others as different or exceptional while perceiving oneself as normal.^{[11][12]}

Some scholars say that the term uses the concept of "whiteness" as a substitute for class or other social privilege or as a distraction from deeper underlying problems of inequality.^{[13][14]} Others state that it is not that whiteness is a substitute but that many other social privileges are interconnected with it, requiring complex and careful analysis to identify how whiteness contributes to privilege.^[15] Other commentators propose alternative definitions of whiteness and exceptions to or limits of white identity, arguing that the concept of white privilege ignores important differences between white subpopulations and individuals and suggesting that the notion of whiteness cannot be inclusive of all white people.^{[16][15]} They note the problem of acknowledging the diversity of people of color and ethnicity within these groups.^[15] Some commentators have observed that the "academic-sounding concept of white privilege" sometimes elicits defensiveness and misunderstanding among white people, in part due to how the concept of white privilege was rapidly brought into the mainstream spotlight through social media campaigns such as Black Lives Matter.^[17] As an academic concept that was only recently brought into the mainstream, the concept of white privilege is frequently misinterpreted by non-academics; some academics, having studied white privilege undisturbed for decades,

have been surprised by the recent opposition from right-wing critics since approximately 2014.[18]

Definition

White privilege is a social phenomenon intertwined with race and racism.[1] The American Anthropological Association states that, "The 'racial' worldview was invented to assign some groups to perpetual low status, while others were permitted access to privilege, power, and wealth." [19] Although the definition of "white privilege" has been somewhat fluid, it is generally agreed to refer to the implicit or systemic advantages that people who are deemed white have relative to people who are not deemed white. Not having to experience suspicion and other adverse reactions to one's race is also often termed a type of white privilege.[2]

The term is used in discussions focused on the mostly hidden benefits that white people possess in a society where racism is prevalent and whiteness is considered normal, rather than on the detriments to people who are the objects of racism.[20][21] As such, most definitions and discussions of the concept use as a starting point McIntosh's metaphor of the "invisible backpack" that white people unconsciously "wear" in a society where racism is prevalent.[22][8][23]

Dictionary

Definitions from [Oxford Languages](#) · [Learn more](#)

Search for a word

priv·i·lege

/ˈprɪv(ə)lɪʒ/

Learn to pronounce

See definitions in:

All
Law
Parliament
Commerce

noun

• (especially in a parliamentary context) the right to say or write something without the risk of incurring punishment or legal action for defamation. noun: absolute privilege; plural noun: absolute privileges; noun: parliamentary privilege; plural noun: parliamentary privileges
"a breach of parliamentary privilege"

• the right of a lawyer or official to refuse to divulge confidential information.

•

verb FORMAL

• exempt (someone) from a liability or obligation to which others are subject.

I would like to add that the conversation between Officer Welsh and Officer ██████ in the TSF lineup room happened very quickly and lasted for only a few seconds. At first, their conversation sounded like friendly banter between coworkers. It wasn't until Officer ██████ took a defensive tone that it became apparent that he didn't find the conversation to be playful. In the moment, I found Officer ██████ use of the word "privilege" to be odd. The word privilege means to have a special right, advantage, or immunity granted or available only to a particular person or group. The word privilege did not fit the context in which Officer ██████ used it. Instead, it would have made more sense for him to use the word authority, since Officer ██████ was accusing Officer Welsh of acting like his supervisor.

In hindsight, I believe Officer ██████ use of the word privilege was intentional and calculated to provoke, or bait, an unprofessional response from Office Welsh. In today's culture, the term privilege is often and commonly associated with racially suggestive comments. By using the word privilege, Officer ██████ was indirectly introducing the concept of racial disparity into the conversation. Officer Welsh's response, although uncouth, was not discriminatory or harassing of Officer ██████ race. Rather, his response was a quick-witted quip meant to show Officer ██████ ridiculous and provocative use of the word privilege.

Nothing in the conversation between Officers Welsh and ██████ had the appearance of discrimination or harassment. Nothing in their conversation had the potential of creating unequal treatment or result in a discriminate employment decision. In the brief moment this conversation occurred, I did not see an actual or potential violation of EEO policy and procedure, therefore there was no behavior for me, as a supervisor, to stop. There was nothing to indicated in Officer Welsh or Officer ██████ that either one of them were offended or in distress. The conversation between Officers Welsh and ██████ started suddenly and ended quickly. It did not create a hostile or discriminatory work environment. Nor did it create any unreasonable intimidation, ridicule, or insult.

Once Officer ██████ notified me that he was offended by Officer Welsh's comment, I took immediate, documented, and corrective action. I contacted Lieutenant Sayasane and notified him of Officer ██████ complaint. I documented Officer ██████ complaint on an EEO Control Form and recorded his intake interview. I took corrective action by addressing Officer Welsh regarding his comment. By taking these steps, I fulfilled my role and responsibility as a supervisor.



**SWORN PERSONNEL ADMONISHMENT
(WITH LYBARGER/GARRITY WARNING)
SUBJECT**

This is a confidential sworn personnel investigation.

You may be subject to discipline as a result of this confidential sworn personnel investigation, should the findings indicate that such action is warranted. Therefore, you have the right to have a representative present at this time.

The purpose of this confidential sworn personnel investigation is to obtain information to assist the City of San Diego in determining whether administrative disciplinary action is warranted against you. The City is not questioning you for the purpose of bringing or substantiating any criminal charge against you.

You are directed to answer all of the questions posed to you completely, truthfully, and to the best of your knowledge. You may consult with your representative before answering any question, but your representative may not answer the question for you. If you refuse to answer a question, it will be considered insubordination and you may be subject to discipline.

If information indicates that you may be or have been charged with a criminal offense, you have the right to remain silent and the right to the presence and assistance of counsel. However, you do not have the right to refuse to answer any question during this confidential sworn personnel investigation, including on self-incrimination grounds. While you have the right to remain silent and not incriminate yourself generally, your silence or refusal to answer during this administrative confidential sworn personnel investigation will be considered insubordination and may lead to administrative discipline, up to and including termination.

Therefore, any statement made by you during this confidential sworn personnel investigation, compelled by the threat of discipline, as well as any fruits of those statements, cannot be used against you in any criminal proceeding.

The City of San Diego has a strong interest in protecting the integrity of its confidential sworn personnel investigations, preserving evidence, preventing fabrication, and protecting witnesses from harassment, intimidation, and retaliation. You are directed not to engage in any harassing, intimidating, or retaliatory conduct toward anyone. You also must not try to interfere with the investigation in any way. Any violation of these directives may result in discipline.

If you fully understand these instructions, please sign your name below.

 Officer Dustin Welsh #6461

07-28-2022
 Date

SGT [Redacted] #0371

2/28/23
 Date



**SWORN PERSONNEL ADMONISHMENT
(WITH LYBARGER/GARRITY WARNING)
SUBJECT**

This is a confidential sworn personnel investigation.

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If you fully understand these instructions, please sign your name below.

[Redacted Signature] _____
Detective Sergeant
[Redacted Signature] #0371 _____
[Redacted Signature] _____

2/28/23

Date
2/28/23.

Date



**SWORN PERSONNEL ADMONISHMENT
(WITH LYBARGER/GARRITY WARNING)
SUBJECT**

This is a confidential sworn personnel investigation.

You may be subject to discipline as a result of this confidential sworn personnel investigation, should the findings indicate that such action is warranted. Therefore, you have the right to have a representative present at this time.

The purpose of this confidential sworn personnel investigation is to obtain information to assist the City of San Diego in determining whether administrative disciplinary action is warranted against you. The City is not questioning you for the purpose of bringing or substantiating any criminal charge against you.

You are directed to answer all of the questions posed to you completely, truthfully, and to the best of your knowledge. You may consult with your representative before answering any question, but your representative may not answer the question for you. If you refuse to answer a question, it will be considered insubordination and you may be subject to discipline.

If information indicates that you may be or have been charged with a criminal offense, you have the right to remain silent and the right to the presence and assistance of counsel. However, you do not have the right to refuse to answer any question during this confidential sworn personnel investigation, including on self-incrimination grounds. While you have the right to remain silent and not incriminate yourself generally, your silence or refusal to answer during this administrative confidential sworn personnel investigation will be considered insubordination and may lead to administrative discipline, up to and including termination.

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If you fully understand these instructions, please sign your name below.

	2/16/23
Detective Sergeant	Date
SGT. [redacted] #0321	2/16/23
	Date



**SWORN PERSONNEL ADMONISHMENT
WITNESS**

This is a confidential sworn personnel investigation. You are considered a witness.

It is not anticipated that you will be subject to any discipline as a result of this confidential sworn personnel investigation. However, if during your interview, information comes to light indicating that you may be subject to discipline, we will stop the interview, let you know that you may be subject to discipline, and you will have the right to representation at that time.

You are directed to answer all questions completely, truthfully, and to the best of your knowledge. If you refuse to answer a question, it will be considered insubordination and you may be subject to discipline.

The City of San Diego has a strong interest in protecting the integrity of its confidential sworn personnel investigations, preserving evidence, preventing fabrication, and protecting witnesses from harassment, intimidation, and retaliation. You are directed not to engage in any harassing, intimidating, or retaliatory conduct toward anyone. You also must not try to interfere with the investigation in any way. Any violation of these directives may result in discipline.

If you fully understand these instructions, please sign your name below.

Officer [REDACTED]

02-15-2023
Date

501. [REDACTED] #0371

Date

2/15/2023
Date

**SAN DIEGO POLICE DEPARTMENT
DISCRIMINATION/HARASSMENT CONTROL FORM**

FOR EEO USE ONLY		
EEO CASE NUMBER _____	FORMAL <input type="checkbox"/>	INFORMAL <input type="checkbox"/> NON-EEO <input type="checkbox"/>

Date of Incident: February 4, 2023
Date Reported: February 4, 2023

Basis of Complaint: Race

Complainant: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]

Complainant:	ID Number:
Division:	Phone:

Subject: Dustin Welsh	ID Number: 6461
Division: Northern Division	Phone: [REDACTED]

Subject:	ID Number:
Division:	Phone:

Witness: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]

Witness: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]


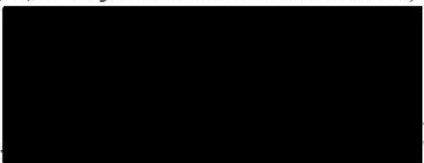

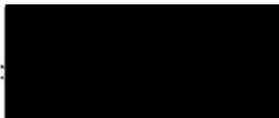

Provide a brief description of the alleged Equal Employment Opportunity violation:

On February 4, 2023, around 1256 hours, Officers Welsh #6461, [REDACTED] and Sergeants [REDACTED] and [REDACTED] were in the TSF Line-Up Room at Police Plaza when Officer [REDACTED] walked into the room. Officer Welsh said something similar to, "There he is. You're not late today." Officer [REDACTED] responded by saying he was not late, and he still had four minutes. A dialogue between Officers Welsh and [REDACTED] ensued. Officer [REDACTED] became increasingly defensive and told Officer Welsh something similar to, "You're not my supervisor. I don't see any stripes on your arms." Officer Welsh responded, "I have stars on my name tag." Officer [REDACTED] said something similar to, "You act as if you have some kind of privilege over me." Officer Welsh responded, "I brought my white privilege card with me." The conversation between the two officers ended at that point and Sergeant [REDACTED] started the lineup. At 1341 hours, Officer [REDACTED] sent a text message to Sergeants [REDACTED] and [REDACTED] notifying them that he was offended by Officer Welsh's comments. Sergeant [REDACTED] asked Officer [REDACTED] if he would like to file an EEO complaint. Officer [REDACTED] said he would. Sergeants [REDACTED] and Sanchez #5560 conducted an intake interview for Officer [REDACTED] complaint. Officer [REDACTED] stated his use of the word "privilege" had nothing to do with race and Officer Welsh's use of the term "white privilege" was racist due to Officer Welsh being white and Officer [REDACTED] being black.

EEO CONTROL FORM RECEIPT –REPORTING EMPLOYEE

Thank you for coming forward with your concern regarding potential Equal Employment Opportunity violation (s). This notification is provided to you as assurance that prompt and appropriate action will be taken on the issues you raised. The City of San Diego and the San Diego Police Department (SDPD) officially advise you of the following:

1. You have the right to report any conduct which you believe violates City and San Diego Police Department Equal Employment Opportunity policies. Your complaint is taken seriously and will be resolved pursuant to procedures detailed in Department Procedure 5.03.
2. You also have the right to file a complaint directly with any of the following agencies: the City's Labor Relations Office (619) 236-6316; the City's Equal Employment Opportunity Program Manager (619) 235-5802; the City's Equal Employment Investigations Office (619) 236-7133; the State of California Department of Fair Employment and Housing (800) 884-1684; or the US Equal Employment Opportunity Commission (619) 557-7235. You should contact these agencies directly to determine the time frames for complaint filing.
3. The information you reported will be confidential to as great a degree as legally permissible and reasonably practical. Your desire for confidentiality must be weighed against: 1) the City's responsibility to investigate possible EEO violations and to take corrective and preventative action where appropriate, and 2) the right of the subject employee to obtain information about the allegation. During any investigation, the subject employee has a right to the name of the reporting employee and the information related to the alleged conduct. However, your report will be discussed with those who have a legitimate responsibility for investigating or resolving the issues identified.
4. You have a responsibility to protect the confidentiality of this complaint by not discussing these issues in the workplace. Questions regarding what follow-up action has or will occur should be directed to the person with whom you filed this complaint, your Commanding Officer, your Assistant Chief, or the EEO Manager. By doing so, you help to minimize workplace disruptions, preserve the reputations of all parties involved, and help to preserve the integrity of any investigation which may follow.
5. You will be notified of the resolution of this complaint. Should you not receive such notice within 120 days, you should follow up with your Commanding Officer, Assistant Chief or the EEO Manager. Information regarding what, if any, disciplinary action has been or will be taken against other individuals will not be disclosed.
6. Retaliation is illegal and will not be tolerated. If you feel that you are being retaliated against, please contact your Commanding Officer, Assistant Chief, the EEO Manager, or any of the contacts listed in 2, above.

Reporting Employee:	 Please Print	Signature: 	Date: <u>2/4/23</u>
Reporting Supervisor:	 Please Print	Signature: 	Date: <u>2/4/23</u>
Commanding Officer:	<u>Martha Sainz #4907</u> Please Print	Signature: 	Date: <u>2/7/23</u>

Rec'd 2/7/23 reg. to sign by Dupre.

The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

**SAN DIEGO POLICE DEPARTMENT
DISCRIMINATION/HARASSMENT CONTROL FORM**

FOR EEO USE ONLY

EEO CASE NUMBER _____ **FORMAL** **INFORMAL** **NON-EEO**

Date of Incident: February 4, 2023
Date Reported: February 4, 2023

Basis of Complaint: Race

Complainant: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]

Complainant:	ID Number:
Division:	Phone:

Subject: Dustin Welsh	ID Number: 6461
Division: Northern Division	Phone: [REDACTED]

Subject:	ID Number:
Division:	Phone:

Witness: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]

Witness: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]

Provide a brief description of the alleged Equal Employment Opportunity violation:

On February 4, 2023, around 1256 hours, Officers Welsh #6461, [REDACTED] and Sergeants [REDACTED] and [REDACTED] were in the TSF Line-Up Room at Police Plaza when Officer [REDACTED] walked into the room. Officer Welsh said something similar to, "There he is. You're not late today." Officer [REDACTED] responded by saying he was not late, and he still had four minutes. A dialogue between Officers Welsh and [REDACTED] ensued. Officer [REDACTED] became increasingly defensive and told Officer Welsh something similar to, "You're not my supervisor. I don't see any stripes on your arms." Officer Welsh responded, "I have stars on my name tag." Officer [REDACTED] said something similar to, "You act as if you have some kind of privilege over me." Officer Welsh responded, "I brought my white privilege card with me." The conversation between the two officers ended at that point and Sergeant [REDACTED] started the lineup. At 1341 hours, Officer [REDACTED] sent a text message to Sergeants [REDACTED] and [REDACTED] notifying them that he was offended by Officer Welsh's comments. Sergeant [REDACTED] asked Officer [REDACTED] if he would like to file an EEO complaint. Officer [REDACTED] said he would. Sergeants [REDACTED] and Sanchez #5560 conducted an intake interview for Officer [REDACTED] complaint. Officer [REDACTED] stated his use of the word "privilege" had nothing to do with race and Officer Welsh's use of the term "white privilege" was racist due to Officer Welsh being white and Officer [REDACTED] being black.


EEO CONTROL FORM RECEIPT – SUBJECT EMPLOYEE

This is notification that you are a subject employee in an Equal Employment Opportunity complaint. Prompt and appropriate action will be taken on the issues reported. The City of San Diego and the San Diego Police Department (SDPD) officially advise you of the following:

1. You have been named as a subject employee in an Equal Employment Opportunity (EEO) complaint. You are ordered to stop any actions that violate Department Procedure or Administrative Regulations related to EEO. The complaint is taken seriously and will be resolved pursuant to procedures detailed in Department Procedure 5.03.
2. The information reported will be confidential to as great a degree as legally permissible and reasonably practical. Your desire for confidentiality must be weighed against the City's responsibility to investigate possible EEO violations and to take corrective and preventative action where appropriate. As a subject employee you have the right to obtain information about the allegation. During any investigation, the subject employee has a right to the name of the reporting employee and the information related to the alleged conduct. The report will be discussed with those who have a legitimate responsibility for investigating or resolving the issues identified.
3. You have a responsibility to protect the confidentiality of this complaint by not discussing these issues in the workplace. Questions regarding what follow-up action has or will occur should be directed to the person with whom you filed this complaint, your Commanding Officer, your Assistant Chief, or the EEO Manager. By doing so, you help to minimize workplace disruptions, preserve the reputations of all parties involved, and help to preserve the integrity of any investigation which may follow.
4. You will be notified of the resolution of this complaint. Should you not receive such notice within 120 days, you should follow up with your Commanding Officer, Assistant Chief or the EEO Manager. Information regarding what, if any, disciplinary action has been or will be taken against other individuals will not be disclosed.
5. Retaliation is illegal and will not be tolerated.

Subject

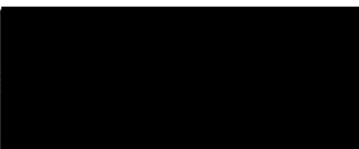
Employee: Dustin Welsh #6461
Please Print

Signature: 

Date: 02-01-2023

Reporting
Supervisor

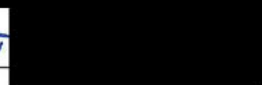

Please Print

Signature: 

Date: 2/4/23

Commanding
Officer

Benjerwin Manansala #6010
Please Print

Signature: CAPT 

Date: 02/07/23

The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

**SAN DIEGO POLICE DEPARTMENT
DISCRIMINATION/HARASSMENT CONTROL FORM**

FOR EEO USE ONLY

EEO CASE NUMBER _____ **FORMAL** **INFORMAL** **NON-EEO**

Date of Incident: February 4, 2023
Date Reported: February 6, 2023

Basis of Complaint: Race

Complainant: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]

Complainant:	ID Number:
Division:	Phone:

Subject: Officer Welsh	ID Number: [REDACTED]
Division: Central Division	Phone: [REDACTED]

Subject: [REDACTED]	ID Number: [REDACTED]
Division: [REDACTED]	Phone: [REDACTED]

Witness: Sergeant Sanchez	ID Number: 5560
Division: Internal Affairs	Phone: 619531-2000

Witness:	ID Number:
Division:	Phone:



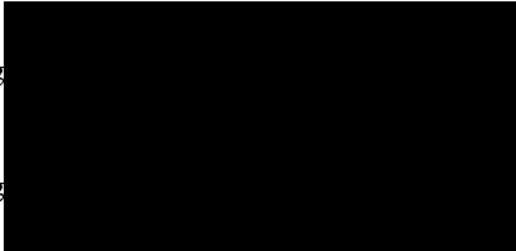
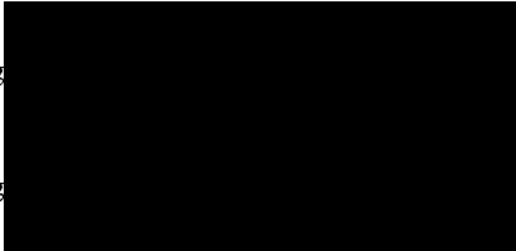
Provide a brief description of the alleged Equal Employment Opportunity violation:

Today, I opened my email only to discover a formal EEO Complaint by Officer [REDACTED]. Attached were five attachments that included the following: A letter written by Officer [REDACTED] SDPD Procedure 5.03, document defining the word privilege, WP EEOC audio.xs.pf, Googled Privilege. I also want to request a formal investigation on formal City EEO Form that Officer [REDACTED] alleges was falsely represented to him as filled out by me, which I never granted anyone to represent as my document. I am requesting an investigation into misconduct by Sergeant [REDACTED] in relation to this specific document. Integrity remains at the top of my priorities. Additional Subject Officer: Sergeant [REDACTED]. Under duty to report I am submitting this form being hand delivered to the Internal Affairs Unit immediately (2/6/23)

EEO CONTROL FORM RECEIPT –REPORTING EMPLOYEE

Thank you for coming forward with your concern regarding potential Equal Employment Opportunity violation (s). This notification is provided to you as assurance that prompt and appropriate action will be taken on the issues you raised. The City of San Diego and the San Diego Police Department (SDPD) officially advise you of the following:

1. You have the right to report any conduct which you believe violates City and San Diego Police Department Equal Employment Opportunity policies. Your complaint is taken seriously and will be resolved pursuant to procedures detailed in Department Procedure 5.03.
2. You also have the right to file a complaint directly with any of the following agencies: the City's Labor Relations Office (619) 236-6316; the City's Equal Employment Opportunity Program Manager (619) 235-5802; the City's Equal Employment Investigations Office (619) 236-7133; the State of California Department of Fair Employment and Housing (800) 844-1684; or the US Equal Employment Opportunity Commission (619) 557-7235. You should contact these agencies directly to determine the time frames for complaint filing.
3. The information you reported will be confidential to as great a degree as legally permissible and reasonably practical. Your desire for confidentiality must be weighed against: 1) the City's responsibility to investigate possible EEO violations and to take corrective and preventative action where appropriate, and 2) the right of the subject employee to obtain information about the allegation. During any investigation, the subject employee has a right to the name of the reporting employee and the information related to the alleged conduct. However, your report will be discussed with those who have a legitimate responsibility for investigating or resolving the issues identified.
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6. Retaliation is illegal and will not be tolerated. If you feel that you are being retaliated against, please contact your Commanding Officer, Assistant Chief, the EEO Manager, or any of the contacts listed in 2, above.

Reporting Employee:	 Please Print	Signature: 	Date: <u>2/6/23</u>
Reporting Supervisor	<u>Martha G. Sainz</u> Please Print	Sig 	Date: <u>2/6/23</u>
Commanding Officer	<u>Martha G. Sainz</u> Please Print	Sig 	Date: <u>2/6/23</u>

The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

EEO CONTROL FORM RECEIPT – SUBJECT EMPLOYEE

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5. Retaliation is illegal and will not be tolerated.

Subject
Employee: Dustin Welsh #6461 Signature: _____ Date: _____
Please Print

Reporting
Supervisor [REDACTED] Signature: _____ Date: _____
Please Print

Commanding
Officer Benjerwin Manansala #6010 Signature: _____ Date: _____
Please Print

The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

EEO CONTROL FORM RECEIPT –REPORTING EMPLOYEE

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Reporting Employee: _____ Signature: _____ Date: _____
Please Print

Reporting Supervisor: _____ Signature: _____ Date: _____
Please Print

Commanding Officer: Martha Sainz #4907 Signature: _____ Date: _____
Please Print

The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

[REDACTED]

From: Welsh, Dustin
Sent: Friday, March 24, 2023 12:46 PM
To: Denny, John
Subject: Fw: [EXTERNAL] Media inquiry

letting you know about the complaint about Officer [REDACTED] and how it was somehow leaked to the media.
Thanks Dustin Welsh

From: Jill Castellano [REDACTED]
Sent: Friday, March 24, 2023 11:49 AM
To: Welsh, Dustin [REDACTED]
Subject: [EXTERNAL] Media inquiry

Hi Officer Welsh,

I'm a journalist working on a story for KPBS and inewssource, a nonprofit newsroom in San Diego. We're working on a project about discrimination at SDPD, and I was hoping I could speak with you about some claims that were brought against you regarding discrimination.

According to records released under SB 16, it appears there was a sustained finding of discrimination against you following comments made about a Somali and Muslim officer in 2017. I'm also aware of a complaint filed recently by Officer [REDACTED] regarding a comment you made about having a "white privilege card."

If you'd like to speak with me about these instances or add any context I should know, you can reach out to me via email or at [REDACTED]. If you can please let me know by the end of the day Wednesday, I would appreciate it.

Many thanks,
Jill Castellano

--
Jill Castellano
Investigative Data Reporter, *inewssource*
Email: [REDACTED]
Phone: [REDACTED]
Twitter: [REDACTED]
PGP: [Public Key](#)



13:41, Feb 4

(No subject)

It was inappropriate the way Officer Welsh ID [REDACTED] spoke with me in line-up. He accused me of being late when I arrived at line up at 12:56 pm. line-up is at 1 pm. I told him I was not late and told him he was not my supervisor he don't have stripes. Officer Welsh continued taunting me about being late in front of everyone in the room and you two said nothing. Officer Welsh said he has stars, Officer Welsh is junior to me. I said you think you have some kind of privilege. Officer Welsh stated, "I have my white privilege card." I was offended by his racist statement. statement. BELATINGLY VIOLATING EEO POLICY IN FRONT OF TWO SUPERVISORS [REDACTED]

[REDACTED] The violation left unaddressed by both of you.



Copy text



Share



More



Mass text 2



me about being

View all



MMS 13:41

I did not know you were offended. I will address Officer Welsh regarding his comments if that is what you would like to happen.

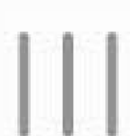
MMS Delivered 13:45

U have to u a supervisor and he clearly violated eeo policy in front of both of u.

MMS 13:46

Do you want to file an EEO complaint?

MMS Delivered 13:47



Mass text 2

Do you want to file an EEO complaint?

MMS Delivered 13:47

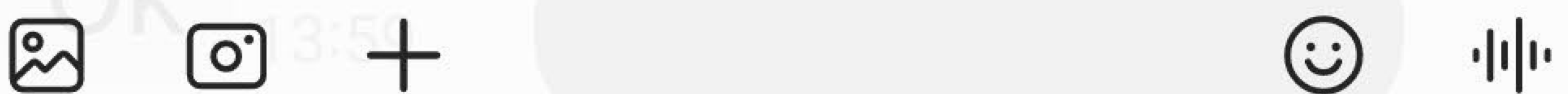
Is it even necessary to ask me that question he violated eeo policy in front of you. What does SDPD Policy state you have to do? Yes to your question

MMS 13:49

Come to the Internal Affairs Office at 1500 and I will intake your complaint

MMS Delivered 13:50

Ok MMS 13:50



< Mass text 2



necessary to ask me that question he violated eeo policy in front of you. What does SDPD Policy state you have to do? Yes to your question

MMS 13:49

Come to the Internal Affairs Office at 1500 and I will intake your complaint

MMS Delivered 13:50

Ok MMS 13:59

97 - IA office MMS 15:00



[Text input field]

