

# Riverside

## Deputies union cleared of crime

RIVERSIDE COUNTY: U.S. prosecutors end a probe into claims that funds were misappropriated.

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By LISA O'NEILL HILL and KIMBERLY TRONE  
The Press-Enterprise

Federal prosecutors will not file criminal charges and have closed an investigation into allegations that Riverside Sheriffs' Association officials misused more than \$100,000 of union funds on attorney fees for a fired sheriff's deputy, lawyers involved in the case said Thursday.

The decision to close the probe ends an inquiry that lasted at least a year and began after anonymous faxes showed up at sheriff's stations in Riverside County alleging embezzlement and corruption within the union, which represents more than 3,000 deputies and other county law-enforcement personnel.

The criminal probe involved the federal grand jury, a search of sheriff's union headquarters in September and interviews with union officials who maintained they had done nothing wrong and that a disgruntled former employee had smeared their names.

The decision to end the investigation exonerates and vindicates the union and its Legal Defense Trust, their attorneys said.

Assistant United States Attorney Thomas O'Brien this week issued a two-line letter saying the investigation is over but that the office reserved the right to reopen it. Attorneys for the union and the Legal Defense Trust said that is standard language.

"This is about as great of a letter as you will ever get from the federal government," said Michael J. Proctor, an attorney representing the Legal Defense Trust. "On a scale of 1 to 10, this is a 10 in exoneration."

Thom Mrozek, spokesman for the U.S. attorney's office in Los Angeles, said his office does not comment on private communications sent from his office. Prosecutors have never commented on the investigation.

Riverside County Undersheriff Neil Lingle said his department had not received official word from the U.S. Attorney's Office that the case has been closed.

"However, we have learned preliminarily that they are not going to seek federal charges because of a lack of resources," he said, without elaborating. "As with all of these types of cases, we will now have to determine if there have been any violations of departmental policy and move forward accordingly."

Proctor said union attorney Manny Abascal said federal prosecutors gave up on the case because the union did nothing wrong and for no other reason.

Federal authorities had been investigating whether officials with the union misused money from its Legal Defense Trust, a separate body from the union that makes decisions about coverage for union members. Members pay dues into

the trust. Union members are given legal representation in criminal, civil and administrative matters that arise within a scope of a member's employment, according to a description of the Legal Defense Trust on the Riverside Sheriffs' Association Web site.

The investigation stemmed from allegations in the faxes that union funds were being misused on legal expenses for fired Deputy Duane Evan Winchell, who pleaded no contest in 2004 to two misdemeanors in connection with trespassing on and vandalizing his girlfriend's home.

The faxes alleged that the union should not have paid for Winchell's legal fees because his criminal conduct occurred off duty. They also alleged that the union paid his legal fees in a civil lawsuit and in an attempt to get his job back. Winchell was fired in 2003 and sentenced to two years' probation the following year. His criminal record has since been expunged, Danuta Tuszynska, the lawyer who represented him in the criminal case has said.

The faxes singled out union president Pat McNamara, who later filed a defamation lawsuit against former employee Scott Teutscher, alleging Teutscher distributed the faxes. Teutscher was the union's legal operations manager until he was fired in September 2005.

Neither Teutscher nor his attorney could be reached for comment Thursday. McNamara also could not be reached by phone. Teutscher's attorney has said that his client denies the allegations in McNamara's lawsuit. Court records show that Teutscher provided information to federal investigators.

In a written statement issued Thursday, McNamara said the union did nothing wrong and provided a strong and vigorous defense for a member who was entitled to receive benefits.

"We will never allow anonymous faxes, politics or unwarranted investigations to stop us from defending and protecting the rights of our members," he said.

Abascal said Thursday the allegations have caused irreparable damage. He said the union cooperated with the inquiry and said seven members gave voluntary interviews to authorities.

"I think some people came to the U.S. Attorney's Office with false information and said we made an improper decision for coverage for a member," Abascal said. "They were just wrong and frankly they just lied."

Reach Lisa O'Neill Hill at 951-368-9462 [loNeillhill@PE.com](mailto:loNeillhill@PE.com)

Reach Kimberly Trone at 951- 368-9456 [ktrone@PE.com](mailto:ktrone@PE.com)

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