



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 12, 2023

Alberto Leos
1133 Augusta Pl
Chula Vista, CA 91915

RE: **Notice to Complainant**
CRD Matter Number: 202310-22308813
Right to Sue: Leos / San Diego Police Department et al.

Dear Alberto Leos:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 12, 2023

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202310-22308813
Right to Sue: Leos / San Diego Police Department et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 12, 2023

Alberto Leos
1133 Augusta Pl
Chula Vista, CA 91915

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202310-22308813
Right to Sue: Leos / San Diego Police Department et al.

Dear Alberto Leos:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 12, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Alberto Leos

CRD No. 202310-22308813

8 Complainant,

9 vs.

10 San Diego Police Department

11 David Nisleit

12 Terrence Charlot

13 Respondents

14
15 1. Respondent **San Diego Police Department** is an **employer** subject to suit under the
16 California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

17 2. Complainant is naming **David Nisleit** individual as Co-Respondent(s).
18 Complainant is naming **Terrence Charlot** individual as Co-Respondent(s).

19 3. Complainant **Alberto Leos**, resides in the City of **Chula Vista**, State of **CA**.

20 4. Complainant alleges that on or about **October 12, 2023**, respondent took the
21 following adverse actions:

22 **Complainant was harassed** because of complainant's ancestry, national origin (includes
23 language restrictions), other, race (includes hairstyle and hair texture).

24 **Complainant was discriminated against** because of complainant's ancestry, national
25 origin (includes language restrictions), other, race (includes hairstyle and hair texture) and
26 as a result of the discrimination was denied hire or promotion, demoted, asked
27 impermissible non-job-related questions, denied any employment benefit or privilege, other,
28 denied work opportunities or assignments, denied or forced to transfer.

-1-

Complaint – CRD No. 202310-22308813

Date Filed: October 12, 2023

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, participated as a witness in a discrimination or harassment
3 complaint and as a result was denied hire or promotion, demoted, asked impermissible non-
4 job-related questions, denied any employment benefit or privilege, other, denied work
opportunities or assignments, denied or forced to transfer.

5 **Additional Complaint Details:** Captain Alberto Leos has been a police officer for over
6 thirty-six years, with thirteen years of experience as a Sergeant and Detective-Sergeant,
7 four years as a Police Lieutenant and over seven years as a Captain. Throughout his
8 tenure, Captain Leos has been an exceptional employee with the Department, earning
9 numerous commendations and awards throughout his employment.

10 Throughout his tenure, Captain Leos has applied for Assistant Chief of the
11 Department on six separate occasions, and each time was turned down without a clear
12 explanation, despite his long successful tenure with the department. In fact, despite San
13 Diego's heavy Hispanic presence, the vast majority of the San Diego Police Department's
14 Chief Executive Committee's throughout the years have been non-Hispanic, a perplexingly
15 inaccurate representation of the community at large. Notably, since Captain Leos became
16 Captain, he repeatedly watched the Department promote less-experienced, White Captains
17 over him. Each time Captain Leos inquired about why the Department did not promote him,
18 he was given pretextual excuses, such as "keep doing what you're doing" or "maybe next
19 time."

20 Though Captain Leos has always felt that the Department's consistent exclusion of
21 him from Assistant Chief positions were a result of him being singled out due to his race, he
22 has continued to keep his head down and put everything he has into his work, continuing to
23 conduct exemplary work, receiving commendations and community praise for his dedication
24 to law enforcement.

25 In 2021 however, these issues began to come to a head when he discovered documents
26 were illegally forged under his name and attempted to address the situation to protect
27 himself and his integrity. On or about June 8, 2021, official city documents were prepared for
28 Officer Katherine Lonthair ("Officer Lonthair") with findings of a Cat-III collision (punishment
for a Category III finding is 240 hours of suspension (24 workdays) and an 8-hour traffic
class). Officer Lonthair, with the assistance of her attorney, appealed the collision findings.
On August 6, 2021, Lieutenant Duane Voss ("Lieutenant Voss") upheld the Cat-III findings.

Captain Leos was not part of the original findings or the appeal process.
Understandably, he was surprised when on December 16, 2021, Captain Jeffery Peterson
("Captain Peterson") called him into his office thanking him for changing Officer Lonthair's
Cat-III findings (in contradiction of the appeal findings), to a Cat-II (reprimand with 8-hour
traffic class). Captain Leos reviewed the documents and discovered that they were in fact
changed from Cat-III to Cat-II without his knowledge or permission, and the documents were
fraudulently prepared with his name on the documents. Captain Leos called his subordinate
Sergeant Brandy Sorbie ("Sergeant Sorbie") to inquire further. Sergeant Sorbie informed
him that Captain Leos' direct supervisor, Chief Terrence Charlot ("Chief Charlot") instructed
Sergeant Sorbie to change Officer Lonthair's collision from a Cat-III to a Cat-II and to sign
with Captain Leos' name.

1 Captain Leos, shocked at this admission, inquired whether there were other, similar
2 situations. Sergeant Sorbie advised him there was another case involving Officer Victoria
3 Hickman (“Officer Hickman”) on or around October 21, 2021, wherein Chief Charlot
4 instructed Sergeant Sorbie to reduce Officer Hickman’s report from a Cat-III to a Cat-II
5 collision. Sergeant Sorbie memorialized Chief Charlot’s request via email. At the end of the
6 conversation, Captain Leos requested Sergeant Sorbie re-submit Officer Lonthair’s
7 documents with Chief Charlot’s name instead of Captain Leos’ name. Sergeant Sorbie
8 made the changes and re-sent the updated document to Chief Charlot.
9 On January 12, 2022, Executive Chief Chris McGrath (“Chief McGrath”) and Chief Charlot
10 emailed Captain Leos inviting him to a meeting the following day. There was no reason
11 given for the meeting in the calendar invite. Captain Leos inquired about the reason for the
12 meeting and asked if he was in trouble. At approximately 4 p.m. Chief Charlot responded to
13 Captain Leos inquiry with an ambiguous and illusive ‘Maybe yes, maybe no.’ At that point,
14 Captain Leos understood he would need to memorialize all communications moving forward
15 to maintain a clear record of events in order to preserve his integrity.
16 The next day, Chief McGrath and Chief Charlot met with Captain Leos and began berating
17 him, accusing him of being unsupportive of Unit #1, referring to Chief Dave Nisleit (“Chief D.
18 Nisleit”). Chief McGrath referred to the Cat-III documents and demanded that Captain Leos
19 ‘go along with the program.’ Captain Leos told Chief McGrath that the documents were
20 changed by Chief Charlot without his permission after being upheld on appeal, and that this
21 was illegal. Chief McGrath said he did not care whether Captain Leos had knowledge of
22 what was on the documents, and that he should ‘go along with the program.’ Captain Leos
23 requested Chief McGrath investigate Chief Charlot’s illegal acts. Chief McGrath responded,
24 “No, we are just having a conversation here.”
25 After the meeting, Chief Charlot stepped out of the office and Captain Leos again requested
26 Chief McGrath investigate the situation and interview Captain Leos’ Lieutenants about the
27 illegally altered documents. Chief McGrath refused, stating that an investigation would be
28 unnecessary and inappropriate. Captain Leos understood there was nothing further he could
do to address the situation and continued on with his duties to the best of his ability.
On February 14, 2022, another similar issue came up relating to Chief D. Neisleit when
several community members went to the media and social media and demanded an
investigation into Chief D. Nisleit for changing police collision from Cat-III to Cat-II.
Additionally, community members demanded a formal investigation into Chief D. Nisleit’s
son, Officer Ryan Nisleit (“Officer R. Nisleit”), for a collision he was involved in and was
never disciplined for on or around April 3, 2020.
By way of background, Chief D. Nisleit’s friend, Captain Danny Grubbs (“Captain Grubbs”),
was the Captain at the Central Division where Officer R. Nisleit was assigned at the time of
the collision. Furthermore, after Captain Leos gave Captain Grubbs the documents
recording a Cat-III collision finding, Captain Grubbs called Captain Leos stating that he
disagreed with the findings. Captain Leos informed Captain Grubbs he should not get
personally involved and there was an appeal process Officer R. Nisleit could follow.
On March 8, 2022, Captain Leos received a call from David McKean, Supervising
Investigator with City Attorney’s Office, Fraud/Criminal Division (“Investigator McKean”)
requesting to ask a few questions in a confidential investigation regarding the allegations
made by the community activist. Captain Leos told Investigator McKean that to his

1 knowledge, many of the allegations had truth to them, and that he had evidence and
witnesses to back the allegations against Chief Nisleit and the other Chiefs.
2 Several months passed with no feedback from Investigator McKean. Captain Leos emailed
him requesting an update on his investigation. Investigator McKean responded that did not
3 find any substantiation to the allegations. Captain Leos reiterated that he had evidence
which was never reviewed and witnesses who were never interviewed. In response,
4 Investigator McKean stated he was “looking out for the department heads and the city.”
5 Shocked by the conversation, Captain Leos memorialized a synopsis of the phone
conversation.

6 On February 15, 2022, Chief D. Nisleit called Captain Leos regarding the community
activists on social media. Chief D. Nisleit requested to meet at a Starbucks in La Mesa to
7 discuss the community activist and insinuated that Captain Leos leaked the information.
Chief D. Nisleit inquired about Officer R. Nisleit’s prior collision and why Captain Leos
8 disagreed about the Cat-III collision; although Captain Leos did not feel comfortable talking
about the collisions. Captain Leos provided Chief D. Nisleit with the background of his
9 issues with Chief Charlot, the fraudulent collision reports, and his pushback on the issues,
creating a stressful, hostile work environment at the Traffic Division. Captain Leos also
10 advised him that Chief Charlot had threatened Captain Leos on many occasions for not
being “loyal” to him and the 7th floor. Additionally, Captain Leos detailed undermining by
11 Captain Laura McLane (“Captain McLane”), whom many in the department believed was
(and is) having an affair with Chief Charlot, and the January 13, 2022, meeting. In response,
12 Chief D. Nisleit told Captain Leos that he directed Chief Charlot to change the discipline on
Cat-III documents, but not to change them to Cat-II’s. Chief D. Nisleit claimed he would
13 never ask anyone to change collision categories that were upheld on appeals as that would
be wrong. The meeting concluded and Captain Leos memorialized the exact conversation in
14 his calendar.

15 The following few months were hostile and passive aggressive towards Captain Leos. Chief
Charlot rarely spoke with Captain Leos and began regularly skipping him in the chain of
16 command --- going directly to his Lieutenants for information on cases, and openly excluding
Captain Leos from the conversations. This furthered and exacerbated the hostile work
17 environment Captain Leos was already experiencing and added to his emotional distress.
On June 8, 2022, Assistant Chief Bernie Colon (“Chief Colon”) informed Captain Leos that
18 Chief McGrath and Chief Charlot were upset with Captain Leos regarding the Cat-III collision
documents. Chief Colon informed Captain Leos that Chief Charlot was going on vacation for
19 the week and that Captain was not going to be allowed to cover for him as Acting Assistant
Chief during his absence. Captain Leos understood that any time as Acting Assistant Chief
20 would have been invaluable experience and an opportunity to show himself as competent
and able to handle the Assistant position when it became available. Captain Leos quickly
21 understood this stolen opportunity was an adverse employment action in retaliation for
speaking up against Chief Charlot’s illegal actions. Shocked, distressed, and discouraged,
22 Captain Leos memorialized the conversation with Chief Colon.

23 The unfairness of the situation bothered Captain Leos to no end, and later that week, he
requested a meeting with Chief Colon, during which time, he explained the Cat-III
24 documents and showed Chief Colon the altered documents. Chief Colon was left without
words as a former Captain at the Traffic Division with immense knowledge of the traffic
25 appeals process. Captain Leos explained how the adverse treatment from his superiors

1 since the situation arose had affected him. Captain Leos suffered immense emotional
2 distress as a result of the situation and was understandably concerned for his own well-
3 being in light of the same. He made an effort to memorialize his feelings in writing:
4 I am feeling the STRESS and have put up with this for the past 2 years. I am tired and I
5 need to find an outside agency to assist with some type of formal investigation into this
6 unethical/illegal behavior and for the double standards in treatment I have had to put up with
7 as the other “Good old boys” SWAT/GANG Captains get preferential treatment. I am
8 documenting all of this on email in case something happens to me, at least the investigators
9 will know what was going on at the time of my mishap. Chief Nisleit created this type of
10 atmosphere with his “inner circle of managers and executives” that he promoted causing all
11 of this undue harm and STRESS on my life and other Captain’s lives (Captain Sainz,
12 Captain Holden, Captain Del Toro). This is the first time in my 30+ career I feel I am being
13 treated differently because of my ethnicity (Hispanic). I do not see or hear of this type of
14 treatment happening to the “Good Old SWAT Boys” in Chief Nisleit’s inner circle.
15 On June 29, 2022, upon Chief Charlot’s return from vacation, he met with Captain Leos and
16 expressed disappointment with Captain Leos for informing Chief Colon of the Cat-III
17 document alterations. Chief Charlot stated he was not allowing Captain Leos to cover as
18 Acting Chief because Chief Charlot “could not trust” him, in reference to the Cat-III
19 document alterations. Chief D. Charlot further informed Captain Leos that he could not cover
20 as Acting Chief in the coming weeks when Chief D. Charlot was going to Virginia for
21 management school—notably, another retaliatory action with a substantial adverse effect on
22 Captain Leos’ long term career. No clear substantive reason was given for this unfair
23 decision.
24 For the sake of his mental health, Captain Leos attempted to ignore the situation and
25 continue his job duties with his head down, despite the unfairness of the circumstances that
26 had transpired against him. However, the hostile work environment against him, and the
27 emotional distress resulting from the same, continued.
28 On or around May 9, 2023, Captain Leos became ill with a virus, requiring him to take
several days off work to recover. Chief Charlot called Captain Leos to scold him for not
attending the CIB line-up the previous day where Chief Nisleit presented an award to CIB
Officer Zirpolo. Chief Charlot stated, “Just because you have a baby boy, doesn’t mean you
can’t meet your obligations!” Chief Charlot further criticized Captain Leos for not attending
the Line-up while he was sick.
In August 2023, there was an opening for an Assistant Chief Position. The interview was for
a new position created for an Assistant Chief for Government Affairs and for two more
positions that were going to be available once two Assistant Chiefs, who were expected to
retire soon, retired. Captain Leos applied and was chosen for an interview.
On August 18, 2023, Captain Leos was interviewed by Chief D. Nisleit and Chief McGrath.
At the conclusion of the interview, Chief D. Nisleit brought up the prior year’s situation with
the collision categories and said that there was nothing illegal regarding what Chief D.
Nisleit instructed Chief Charlot to do in changing the collision categories from Cat-III’s to
Cat-II’s. Chief D. Nisleit pointed to the stars on his collar and said that as the Chief of Police,
he could make changes to any documents he wanted to. Captain Leos quickly understood
what was on the forefront of the mind of the interviewers, and that as a result, he was not
going to be considered for the position in light of his complaints of illegal activity.

1 In fact, since the time since Captain Leos became aware of the illegal changes to the
2 collision findings from Cat-III's to Cat-II's on Officer Lonthair and Officer Hickman's
3 collisions, Captain Leos has been the only Captain in the entire department excluded from
4 the opportunity to act as an Acting Assistant Chief when his direct supervisor Chief Charlot
5 went on vacation, in training, or when the Executive Chief is gone, and Captain Leos'
6 supervisor has been Acting Executive Chief. As a result, Captain Leos has not had the
7 opportunity to gain valuable experience or prove his capabilities in this position. Meanwhile,
8 other Captains junior to Captain Leos, with less experience and tenure, have had the
9 opportunities to cover for their superiors when they have been out of the office, allowing the
10 other Captains to grow and gain experience at the Executive level.
11 Despite Captain Leos' numerous complaints to supervisors within the Department, to date,
12 nothing has been done to address the harassment, hostile work environment, and retaliatory
13 denials of crucial opportunities to grow and develop within the Department. Captain Leos'
14 continues to remain in a chronic state of anxiety, uncertainty, confusion, and extreme
15 emotional distress. Feeling consummated with the issues in the past years, and feeling left
16 with no alternative, Captain Leos recently filed a Worker's Compensation claim to receive
17 treatment for emotional issues related to the situation.
18
19
20
21
22
23
24
25
26

1 VERIFICATION

2 I, **Emilia Arutunian**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On October 12, 2023, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **San Diego, California**

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

Date Filed: October 12, 2023

28