

Santa Maria Police Skewered for Firing Whistle-Blower



Arbitrator Orders Lt. Dan Ast Reinstated, Knocks Chief Ralph Martin for Faulty Investigation

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Two years ago, Chief Ralph Martin took charge of an embattled Santa Maria Police Department after its former chief was forced to step down in the wake of an officer's death and a vote of no confidence by his troops. It was hoped Martin would help reform the agency long riddled by accusations of corruption and misconduct, but if this week's ruling in a bitter employment dispute is any indication, that rehabilitation may still be out of reach.

In a 46-page decision issued February 4, an outside arbitrator named Catherine Harris lambasted the SMPD and Martin for [firing Lt. Dan Ast](#) over his supposed role in the death of Officer Albert Covarrubias, who was shot and killed by fellow officers when they attempted to arrest him for statutory rape. Chief Martin and other Santa Maria officials blamed the botched arrest on Ast, claiming he gave a premature and ill-advised order to take Covarrubias into custody and that he was motivated by jealousy of a rival supervisor.



Paul Wellman

Catherine Harris, a neutral hearing officer, took serious issue with Chief Ralph Martin and city officials

Ast challenged his termination, and during an emotionally charged weeklong hearing this summer — which Ast and his attorneys chose to hold publicly — he countered that his firing was retaliation for a whistleblower complaint he and two other veteran lieutenants filed against the department. The complaint was submitted to city officials 12 days before the Covarrubias incident and claimed, among other things, that one officer emailed pictures of his penis to a civilian, another received oral sex in public, weapon permits were issued to unqualified individuals, documents were falsified, personnel used the shooting range while drunk, and officers were often forced to work excessive overtime. Before he was fired, Ast, a 17-year veteran of the department, had a clean disciplinary record.

In her judgment vindicating Ast, Harris didn't tiptoe around her criticism of Martin and other city officials. "Chief Martin's insistence on his purported right to embellish the charges [against Ast] after the fact is astonishing, given his long experience handling discipline and discharge cases involving police officers," Harris wrote. Martin joined the SMPD in December 2012 after 35 years with the Los Angeles County Sheriff's Department where he oversaw internal affairs investigations.

He maintained Ast ordered Covarrubias's arrest at an inopportune time and location — a late night DUI checkpoint Covarrubias was helping conduct — because he wanted to embarrass a lieutenant managing the checkpoint. Martin claimed Ast was jealous of the other lieutenant's overtime pay and take-home vehicle, and wanted to get back at him. Ast's attorneys successfully countered that his role in the incident was very minor and he was taking orders from other supervisors that night.

"Particularly troubling to the hearing officer," Harris went on, "is the [current] Chief's firm conviction, unsupported by the record, that Appellant was motivated to go forward with the arrest of Covarrubias as part of a 'sinister scheme' (the Chief's words) to discredit [another officer]." The notion that Ast's actions were tainted by motives of personal gain or retribution "is a far-fetched and fanciful construct that has no relationship to hard evidence," she said.



Paul Wellman

“Albert Covarrubias did not deserve the death penalty,” Santa Maria Police Chief Ralph Martin tells Lt. Dan Ast

Harris said Martin and the city’s investigators appeared to look for facts to support their theory, rather than letting available information lead them to an objective conclusion. “The city’s argument ... is, at best, unrealistic, and at worst, an after-the-fact theory developed in an effort to justify an unwarranted termination,” she wrote.

Harris’s recommendation that Ast be reinstated with back pay has been submitted to City Manager Rich Haydon, who has 30 days to uphold or overrule the decision. Should he choose to overrule it, Ast’s attorney Jonathan Miller said they have the option of amending a pending federal lawsuit against the city to include allegations of further retaliation by Haydon. The other two whistle-blowing lieutenants are also plaintiffs in the lawsuit. Though they weren’t fired, they’ve been harassed and reprimanded for speaking out, the suit states.

Miller has said that when Ast and his colleagues originally submitted their complaint, Haydon, former Deputy City Manager Alicia Lara (who was also head of Human Resources), and City Attorney Gil Trujillo immediately notified then-chief Danny Macagni instead of following whistle-blower protection procedures. Macagni encouraged officers to file false grievances against Ast, Miller said, explaining his client has suffered severe anxiety and depression as a result of his mistreatment.

In the lawsuit are additional allegations that Martin was aware at least four of his officers “knew or were highly suspicious” Covarrubias was carrying on an affair with an underage member of the SMPD’s Explorer Program and that they didn’t report the illegal activity. Those are crimes that have never been prosecuted, Miller said.

Haydon, Martin, and other members of the Santa Maria Police Department did not return multiple requests for comment.



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