

BEFORE  
THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MADERA  
STATE OF CALIFORNIA

In the Matter of	)	Resolution No.: 2017 - _____
	)	
DISTRICT ATTORNEY DAVID A. LINN	)	A RESOLUTION OF THE BOARD OF
	)	SUPERVISORS OF THE COUNTY OF
	)	MADERA TO CENSURE DISTRICT
	)	ATTORNEY DAVID A. LINN
	)	
_____	)	

**WHEREAS**, the Board of Supervisors of Madera County is committed to ensuring that all County employees work in an environment free of discrimination, harassment, or abusive conduct, and that all current and prospective employees are evaluated in an environment free of discrimination or harassment; and

**WHEREAS**, the Board is profoundly disappointed by, and disapproving of, the conduct of District Attorney David A. Linn; and

**WHEREAS**, accounts of Mr. Linn’s workplace misconduct have been verified by multiple witnesses during the course of a thorough, independent professional investigation, a summary of which is attached hereto as Exhibit A; and

**WHEREAS**, Mr. Linn’s conduct includes regularly making offensive, degrading, and/or sexually suggestive comments to or about women, including crime victims; and

**WHEREAS**, multiple documented sources give accounts of frequent outbursts of anger and inappropriate behavior with his staff members, including threatening remarks and offensive comments about their physical appearance, race or gender; and

**WHEREAS**, Mr. Linn regularly uses vulgar and offensive slang terms in reference to racial minorities and women; and

**WHEREAS**, no person or public official is above the law, and Mr. Linn's conduct does not comport with the Board's adopted policy on workplace discrimination, harassment, and abusive conduct, nor state and federal laws prohibiting employee discrimination and harassment.

**WHEREAS**, Mr. Linn's conduct is unbecoming of an elected District Attorney and has tarnished the reputation of the Madera County District Attorney's Office.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Supervisors of Madera County, a political subdivision of the State of California, does hereby censure District Attorney David A. Linn for his repeated actions contrary to the County's policies, and state and federal laws, prohibiting workplace harassment, discrimination and abuse.

**BE IT FURTHER RESOLVED**, the Board of Supervisors of Madera County demands that Mr. Linn immediately cease all abusive, harassing or discriminatory actions toward his staff or any other County employees.

**BE IT FURTHER RESOLVED**, as Mr. Linn has abused the staff of the District Attorney's Office, of whom he was entrusted to lead, and tarnished the reputation of that Office, the Board of Supervisors calls on him to acknowledge his past behavior and resign immediately.

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The foregoing Resolution was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

by the following vote:

Supervisor Frazier voted: \_\_\_\_\_

Supervisor Rogers voted: \_\_\_\_\_

Supervisor Poythress voted: \_\_\_\_\_

Supervisor Rodriguez voted: \_\_\_\_\_

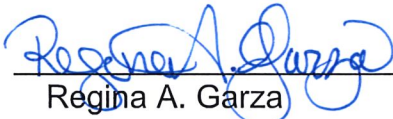
Supervisor Wheeler voted: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Approved as to Legal Form:  
COUNTY COUNSEL

By:   
\_\_\_\_\_  
Regina A. Garza

**EXHIBIT A**

November 20, 2017

**VIA PERSONAL DELIVERY**

Adrienne Calip  
Deputy County Administrative Officer  
Human Resources/Operations Director  
200 W. Fourth Street  
Madera, CA 93637

**Re: *Summary of Investigative Findings into Allegations of Discrimination,  
Harassment, and Discourteous Conduct at the County District Attorney's Office***

Dear Ms. Calip:

As you know, the County of Madera ("County") recently undertook an investigation into allegations raised by Senior Deputy District Attorney John Baker regarding inappropriate workplace conduct at the County District Attorney's Office, including specific allegations against District Attorney ("DA") David Linn. I was retained by the County as a neutral, independent investigator to conduct an investigation into Baker's allegations. I have completed my investigation. Pursuant to your request, below are a summary of my investigative findings regarding allegations against DA Linn:

1. DA Linn made repeated sexist or sexually explicit comments to and about employees and female crime victims: **SUSTAINED**;
2. DA Linn made repeated racist or racially insensitive comments in the workplace: **SUSTAINED**; and
3. DA Linn engaged in abusive or threatening conduct in the workplace: **SUSTAINED**.

The County's Anti-Harassment and Discrimination Policy does not provide for production of the investigation report to employees and it should not be produced. The investigation report in this matter should be considered a confidential attorney-client communication and attorney work product.

Re: *Summary of Investigative Findings into Allegations of Discrimination, Harassment, and Discourteous Conduct at the County District Attorney's*

November 20, 2017

Page 2

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

LIEBERT CASSIDY WHITMORE

A handwritten signature in black ink, appearing to read 'K. A. Horiuchi', written over the typed name.

Kimberly A. Horiuchi

KAH:slp