PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

January 16, 2025
AGENDA
9:00 AM

Meeting Location: 860 Stillwater Road, West Sacramento, CA 95605

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any

weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on October 17, 2024.

a. Approval of Meeting Transcript from the October 17, 2024 Meeting

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meeting.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

a. Report on Case Status Update from the November 21, 2024 Commission Meeting

This report is presented for information only. No action is required.

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for informational purposes only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2400920 - Tommy Thompson (POST ID: B81-T83) Last employing agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2302971 - Gabriel Gaxiola (POST ID: B49-S96) Last employing Agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2305109 - Joshua Satterfield (POST ID: C46-V20) Last employing agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2305781 - Blake Williams (POST ID: C57-X01) Last employing agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

e. POST2309558 - Braulio Robledo (POST ID: A83-R39) Last employing Agency: Los Angeles County Sheriff's Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- April 16-17, 2025 - POST, West Sacramento
- July 16-17, 2025 - POST, West Sacramento
- October 8-9, 2025 - POST, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: APPROVAL OF MEETING TRANSCRIPT FROM THE OCTOBER 17, 2024 MEETING

REPORT PROFILE

MEETING DATE 01/16/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meeting.

ATTACHMENT(S):
2024 10-17 POSAAB Open Session

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

VOLUME I (Pages 1-223)

THURSDAY, OCTOBER 17, 2024

9:08 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Connie J. Parchman,
California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer
(Vice Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

ELIZABETH T. BUCHEN
Senate Rules Committee Appointee
Public Member

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POST COMMISSION LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

WILLIAM DARDEN
Chief Counsel
Legal Affairs Bureau

CHRISTOPHER BECKER
Assistant Chief Counsel
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BRIAN SOUTH
Bureau Chief
Professional Conduct Central Buereau

DAVID PELETTA
Law Enforcement Consultant II
Professional Conduct Southern Bureau

BRYANT HENLEY
Attorney IV
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WILLIAM IMBODEN
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Professional Conduct Los Angeles County Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

JAMES MUTUKU
Peace Officer, POST ID C25-A69

SIFREDO CANO
Peace Officer, POST ID C03-G01

JAIME BERMUDEZ
Peace Officer, POST ID C36-U28

PAUL MATEJCEK
Peace Officer, POST ID: C65-U31

MARIE MASTERS, Attorney at Law
Rains Lucia Stern St. Phalle & Silver, PC

MARSHAL ARNWINE
ACLU, Northern California

LISA MOORE

EUGENE MOORE

ANGELA SULLIVAN

KORI McCOY

DAVID HARRISON

MICHELLE MONTERROSA

ASHLEY MONTERROSA

MELISSA NOLD

KRIS KELLY

MARIA GRAJALVA

CHRISTIAN CRUZ

PAUL WINDERS

BEATRICE JOHNSON

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Thursday, October 17, 2024, 9:08 A.M.

West Sacramento, California

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BOARD CHAIR DUDLEY: Good morning, again, everyone.

Today's Thursday, October 17th, 2024, and the time is 9:08 A.M.

Thank you all for attending the Peace Officer Standard Accountability Advisory Board Hearing.

Please note that this hearing is being live streamed, recorded and transcribed.

Further, please note that the microphones are auto on-off. Okay. This is especially important for the Board Members. So what that means is, it will come on when you begin to speak. So don't forget, then, if you are doing that, that you need to watch the crosstalk. Okay?

Given that, any questions?

Okay. Now, Chandler, please read the roll.

MR. KNAPP: Good morning, members of the Board.

Thank you, Madam Chair.

Board Member Buchen.

MEMBER BUCHEN: Present.

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.
MR. KNAPP: Board Member Doyle.
MEMBER DOYLE: Here.
MR. KNAPP: Chair Dudley.
BOARD CHAIR DUDLEY: Here.
MR. KNAPP: Professor Glaser.
MEMBER GLASER: Present.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Board Member Lara.
(No response.)
MR. KNAPP: And Board Member Pena.
(No response.)
MR. KNAPP: Thank you.
Nine members are present.
BOARD CHAIR DUDLEY: Thank you. A quorum has been established. We are a body of nine people and so five is a quorum.
We have a new member today, who's not a new member, but you've just come back and joined us.
Would you give us your name and tell us a little bit about you?
MEMBER BUCHEN: Yes, good morning. Lizzie Buchen. I work with Smart Justice California and have worked on police accountability issues for many years in

various -- with various entities.

BOARD CHAIR DUDLEY: Welcome.

MEMBER BUCHEN: Thank you.

BOARD CHAIR DUDLEY: And let me ask all of you for the court reporter -- not the court reporter, but the transcriber -- whenever you speak, just before you're about to make your point, say your last name. So in the case of Bob Doyle, he would go: Doyle. And then go on with his comment.

That's going take the pressure off her to suddenly look up, get your name, get the spelling and then go back to what she's doing. So I'm going to try to remember that too. But if we all do that, the transcript will be easier to read.

Okay. Now, speaking with the audience, the time is set aside for members of the public who wish to comment on items not on the agenda but those within the Board's jurisdiction. Public comment on matters on the agenda will be heard after each item is presented.

Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter.

Please be advised that the Board cannot take actions on items not on the agenda, but only to the extent necessary to determine whether they should be

made an agenda item at a future meeting, respond briefly to statements or questions posed, request clarification or refer the items to staff.

Please remember that the meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes. Pursuant to existing Board policy, I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and the 15-minute public comment period has expired.

So before I open public comment on matters not on the agenda, please note that if you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. And our staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation. If the Board takes action on your complaint, you will have an opportunity to address the Board at the time.

Following these rules is absolutely necessary to comply with the law and to avoid compromising the Board's mission.

So, with all that said, is there anyone present in the audience or appearing remotely who would like the address the Board during public comment?

And if so, when it is your turn, and very happy to hear from all of you, you can come up to the mike and tell us your name, what agency you represent or not.

You're just free to speak. And that's up to each of you as individuals.

So, let's start. Let's see.

Show of hands. I saw -- oh, sure, please. Go first.

You can just begin when you're ready. Look at your notes, whatever.

MARSHAL ARNWINE: Good morning. My name is Marshal Arnwine. I work for the ACLU of Northern California as a legal policy advocate.

Today we here at ACLU are making a public record to let the record reflect that we have submitted a formal complaint regarding several current and former Vallejo Police Department officers.

The complaint is publicly available on the website at the ACLUNC.org.

Public records show that there are current Vallejo officers who are alleged to have committed serious misconduct warranting the urgent decertification review by POST, as required by California Penal Code 13510.9 subdivision (a)(1) through (5). And Penal Code 13510.9 subdivision (b).

Additionally, we're calling on POST to use its discretionary power under Penal Code 13510.8 subdivision (g)(1) to initiate a decertification investigation into current and former Vallejo Police Department officers for the following conduct that occurred before January 1st, 2022, such as the use of deadly force that resulted in death or serious bodily injury and alleged physical abuse.

If POST does not use its statutory authority to review the allegations listed in the complaint, the Vallejo community will continue to suffer brutality at the hands of a department that lacks accountability.

Vallejo residents deserve to feel safe in their community and shouldn't be brutalized by those who have been sworn to protect them.

POST can help keep the community safe.

If, in fact, POST has already reviewed the officers listed in the complaint, we are requesting POST to make these findings public in the interest of transparency.

We all deserve to live in communities that are safe, and where we feel protected.

Yet far too often, the people who are tasked with protecting public safety are the very ones who compromise it.

Thank you to the entire POST staff for the incredible work that you all have been doing on these critical matters. The ACLU remains a resource for you if have any questions or clarifications.

In closing, as you see, there are a number of community members that have come many miles from Vallejo, the Bay Area and elsewhere to speak to POST on off-the-agenda comments that's within this Board's jurisdiction to be heard.

The community has agreed to limit their comments to two minutes each. And we are asking that you hear each and every one of them.

Thank you for your time and your consideration.

BOARD CHAIR DUDLEY: Thank you very much for your comments.

And I'll just call on people as I see hands raised.

Yes.

LISA MOORE: Good morning, ladies and gentlemen. Thank you for giving us this time.

This is our son, Jeremiah Moore. On

October 21st, 2012, our son Jeremiah Moore was murdered by Officer Sean Kenney. Jeremiah was autistic. They said our son was on bath salts. The tox screen was negative.

They said that he threatened their officers with a gun. Our son's fingerprints weren't found on the weapon.

A witness to the shooting tried to give them info at the scene. He was turned away.

Later he was interviewed at the station. There's no record of that interview.

There was a steady pattern of disregard for human life at the hands of the VPD. All of these officers deserve to be in prison for murder.

However -- excuse me -- we appreciate your thoughtful consideration of this complaint. Our family and those families of other murdered children, are hopeful that their pain will be mitigated somewhat by your action.

Thank you for your time.

EUGENE MOORE: My name is Eugene Moore. And as Lisa said, Jeremiah was autistic. He was just starting his career as a pipe steamfitter in the union.

He was shot and killed. She mentioned a weapon. Weapon wasn't even near him. There was no fingerprints

on it. It wasn't even near him.

He raised his hand, as most autistic kids do when they're nervous or scared. He went like that. They shot and killed him.

You know, when I was growing up it used to be on the side of police cars, protect and serve. But now it's shoot to kill and cover it up.

I don't know what happened to our police departments, but Jeremiah should be alive today. There's no reason why they needed to shoot and kill him. They could have used rubber bullets or whatever. Or talk him down.

But the police force needs to understand mental health issues. An autistic man. They got to give him a chance. And they didn't.

And on the back of my shirt, is names of all the young men that were shot and killed by the police department. And that's just a small fraction.

That is a small fraction of how the police force interacts with our communities and it's got to stop.

And we're looking to get justice for Jeremiah, which I don't think we'll get much more.

But we need to stop this. They need mental health training to understand what situation they're going into without going in blasting.

And that sucks.

Thank you for your time.

BOARD CHAIR DUDLEY: Let me just -- thank you both for coming in. And obviously what you said is profound. And has a profound effect on all of us.

I can't imagine your pain. But I do extend my best wishes to you.

EUGENE MOORE: They've got to realize the pain they put the families through.

BOARD CHAIR DUDLEY: I know.

EUGENE MOORE: They don't even care, I'm sure. But --

BOARD CHAIR DUDLEY: Thank you so much.

Good morning. Please take your time.

ANGELA SULLIVAN: Good morning. My name is Angela Sullivan. I am the MomTee of Ronell Di Angelo Foster. He was murdered February 13th, 2018, by Officer Ryan McMahon, for riding a bike. He was unarmed. He was tased in his brain and his chest.

He was beaten with a flashlight until his skull was in three pieces. He was shot seven times, four times from behind. One bullet to the back of his head while he was on his hands and knees crawling away from Ryan McMahon. Again I say he was unarmed.

He used three weapons in six minutes and 40 seconds

to kill Ronell. The gun that he used has "vigilante justice" tattooed on the butt of the gun.

He has vengeance tattoos and testimony all over his body.

He fought to come back to Vallejo to finish the job that he started.

Murder is murder. My mother died four and a half months later from a broken heart. So VPD killed my mother and my child.

Decertification is just the start. But Ryan McMahon would be the first one, and the best one to start with. It would be the easiest case. Murder is murder.

I don't know how he's not in prison or being prosecuted right now. But I can promise you, I won't stop until.

161 days later he participated in the murder of Willie McCoy. Had they got him off the streets when he killed my child, Willie would still be here, hopefully, because there was the hands involved in killing him.

Vallejo is under siege with these officers. The recurring, that -- we have officers that have killed that are still there. Kenney, Darden. It's a bunch of them.

It's just -- it's unfathomable.

And I been told that this Commission has the power to help us.

So start by decertifying and then helping us get these officers prosecuted. It -- it will start a lot of healing.

There's no such thing as recovering from this. I relive this child's death every day. Every day.

You would think looking at his body that ten people pummeled him. One man tased, flashlight, and a gun.

That's three weapons in a matter of six minutes and 40 seconds. Ryan McMahon was, and is, on a mission and if he's ever allowed to put another badge on his chest, he will kill again.

He will kill again.

That is his intention. That's his goal.

We need help. We need help.

I start trauma therapy on the 22nd of this month.

I'm trying to live every day as a fight just to get out my bed.

He left two children. His 40th birthday is November 18th and we have to celebrate him posthumously.

40 years old; 33 when he died.

Murder is murder.

I'm sure most of us here have children. If you don't, I wish this on no one. I'm a part of a family

that I wanted nothing to do with.

"Impacted" is not even the right word. It's not the right word.

We need justice. We need somebody that's strong enough and bold enough to stand up to Vallejo and the corruption that's there.

We need help. These are human being lives. You're not supposed to die at the hands of protect and serve.

They bent they badges after they killed our kids. They went to Krishna's house and had barbecues and beers and celebrated the death of these children.

These are our kids. Me and my baby. My life will never be the same. He gone. So can we get something? Can we get some kind of justice? If not, all.

I want jail or hell. That means jail or death for Ryan McMahon. And all the rest of the murderers.

Murder is murder.

And decertifying and police certified and qualified and immunity, whatever it is, that don't even make sense to me. Because that makes sure that they can't be prosecuted for the wrong that they do.

So that shouldn't even exist. It shouldn't exist.

If you going to take on the job as a police officer, that's a job that you chose. But you shouldn't have a coverage that keeps you from being prosecuted

when you do wrong.

Wrong is wrong.

The God I love and serve, I believe in. And he sits up high, he looks down low. He hears, sees all.

I pray I live to see this justice is served for all of our children that were murdered.

But we need y'all help and if this Commission really has the power to be able to hold accountability, there would be a good place to start.

BOARD CHAIR DUDLEY: I want to thank you so much for coming.

And again, express my deepest sympathy for losing your son.

Gentlemen?

Again, everybody please take your time.

KORI McCOY: Hello. Thank you for allowing us to address you this morning.

My name is Kori McCoy.

I'm the older brother of Willie McCoy, Junior, who, on February 9th of 2019, was executed by six Vallejo, California police officers when they fired 55 rounds in three and a half seconds while he was asleep behind the wheel of his car in a Taco Bell drive thru with an alleged gun on his lap, that has never been seen on any body cam.

The six officers are all being recommended for decertification. A charge of conspiracy against these officers was allowed by the federal judge in our civil trial, only to be tossed out months later due to qualified immunity.

As qualified immunity in the police officers' bill of rights are two things that must be addressed to make these officers be on an equal playing field.

A few weeks after my younger brother was murdered by these six officers, two of the same six officers conducted a traffic stop on my at-the-time 20-year-old daughter. They assaulted, tased and kidnapped her. She was taken to jail, released, and charged with absolutely nothing.

I sincerely hope this Commission was not assembled to pacify the people, but to truly protect the people.

This Commission will have to justify decertifying officers who were cleared by their departments and the district attorney's office.

Impacted families in Vallejo have been made promises by disingenuous politicians for decades.

In 2012, in fact, California's Attorney General's office made promises to come into Vallejo and investigate Vallejo's notoriously deadly police department. It never happened.

I often wonder if Willie, Ronell Foster, Angel Ramos, Sean Monterossa, and many others, would still be alive today had the DOJ kept their word back in 2012.

The decertification of these officers is in no way justice to the impacted community. But it is a mechanism to ensure that these officers will never be given a badge again to violate the constitutional and civil rights of citizens in any community.

To know now, coming off a civil trial in federal court, that these officers were literally performing blood oath rituals in murdering citizens, and they bent their badges the morning after the murder of my younger brother is sickening to me and almost everybody in our community.

We understand that the politics in place provide protections for these officers, as far as truly giving accountability for their actions.

But what you all can do is protect people in the future from not allowing these officers to relocate and appear in another community when their true agenda is to hurt people. They're not here to serve and protect.

And this has been an ongoing criminal enterprise in the City of Vallejo for more than two decades, as you have a city political structure, a District Attorney's office in the county, that all play a role in allowing

these officers to roam free.

And we know from testimony in our civil trial that there were side deals made between the Vallejo police union and the Chief of Police that officers were aware that they would never be held accountable for anything that they did, up to murder.

And this has to stop. And you guys can start a change of at least not allowing these people to be police officers.

And hopefully, at some point, you have the prestige, the power, the ability, to start making changes in qualified immunity and the Police Officers' Bill of Rights so you can actually use words like "justice," "transparency" and "accountability" when addressing policing.

Thank you.

DAVID HARRISON: My name is David Harrison. I'm the cousin of Willie McCoy, Junior. My baby cousin.

I worked with him in music and things like that before this happened.

So we worked together, and we were together on a day-to-day basis.

But I remember early on in Willie's case, I told everyone in earshot about the blood oath rituals. And the initiation ritual, which we now know is badge

bending.

The attorneys representing my family instructed my family to reel me in on conspiracy theory.

I remember thinking in that moment, when I agreed not to speak about it any further in order to not complicate our efforts to get the truth about what happened to Willie, but what my thoughts were then, and now have never differed, I now have a clear understanding of these atrocities committed against Willie and many more citizens.

Christina Abram -- Christian -- Krishna Abrams said, when asked about the ritual called badge-bending, we don't investigate rumors.

To this I say, why waste time looking for a secret society. We are that, in a society full of secrets. This society investigates us itself and creates its own facts to defend itself at all costs, from the very laws designed to protect this society and prosecute and to have -- they prosecute and discredit anyone who would bring truth to light, not excluding the penalty of death.

The perpetrators hide in plain sight as angels of light, i.e., good people, politicians, police, judges, media, conglomerates, as well as certain social justice groups, plants in the midst of the garden of grassroots

organizations, formed by true freedom fighters who had boots on the ground in the fight.

Certain institutions took so much needed donations for the fight out of the fight, putting so many impacted families in danger and without a means to defend ourselves.

I'll say it again. We are a society full of secrets, whose time is up. God is always in control and his word is law.

We are living in the time of Revelation where all will be revealed and there will be a falling away from the faith. And in this time, there will be a separation of the Children of Light and the Children of Darkness.

Why is there not a prosecution? Not one prosecution for the ritual killings of our people. Why are these people allowed to work in occupations that call for applicants to have moral and legal standards?

On the contrary, these people have been rewarded and promoted time and time again in these ritual murders.

So, what I'm asking is not just for decertification, although that this is that platform, but most of these families in here are looking for true justice because let's face it, if we as citizens had did any of those things, and it was captured on tape, there

would be no question of what would happen to those citizens.

So because you have a badge, it's just a costume and we close to Halloween with what they're doing. They are putting on police costumes and murdering people.

So we are asking for decertification and we're also asking for justice and prosecutions and accountability.

Thank you.

BOARD CHAIR DUDLEY: Thank you for coming in, gentlemen. And your pain is obvious. I'm so sorry.

MICHELLE MONTERROSA: Good morning, everyone. My name is Michelle Monterrosa. I'm the oldest surviving sister of my brother, Sean Monterossa.

ASHLEY MONTERROSA: Good morning, everyone. I'm Ashley Monterrosa, also the surviving sister of my brother, Sean Monterrosa.

MICHELLE MONTERROSA: We lost our brother during the George Floyd uprisings on June 2nd of 2020 and just a month after, we were called by a coalition of people to come advocate for SB2, police decertification. And the makeup of this Board.

We went through a lengthy process as a family, one, trying to grieve and advocate, seek answers as to what happened to our brother. But we knew that we needed to ensure that we could prevent what happened to Sean to

continue to happen and to see this committee be formed from not just our advocacy, but so many families and community members that we wanted to ensure that California was one of three states where we didn't have a process.

And here we are, we're asking you not just to see us as humans and to see us as victims, because many of us are not seen as victims, that you truly use all the power you have to ensure that officers who murdered our loved ones are held accountable and are considered for decertification and, at that, are decertified. Because none of us, none of us want the officers who harmed our loved ones to continue to harm our communities.

And our family's from San Francisco. Born and raised. My brother was just out in Vallejo one night and universe had other plans. But for our family we've taken on the community of Vallejo as a family.

And all these families opened up arms -- opened their arms opened for us. And for us, it's been four -- four years and five months where an officer, Jarrett Tonn, has not killed somebody.

But we shouldn't thank him or thank this department from harming nobody. We need to ensure that every power we have, we are doing everything to decertify these officers and --

ASHLEY MONTERROSA: For background, I'm Sean's baby sister and I wish my brother was here. I wish I didn't have to be here.

I wish I had -- for background I'm 24. I shouldn't have to be here. I should be in school living my best young life. And I can't even do that.

Our parents immigrated here from El Salvador and Argentina for the America dream, only to be faced with a complete nightmare.

We grieve Sean every day. Every day is June 2nd. I learn -- I'm learning how to process losing my brother on June 2nd, followed by my birthday on June 3rd. Imagine how hard that is to go from happy birthdays and I'm sorry for your loss, I wish your brother was here to celebrate all those monumental things with you.

Jarrett Tonn has shot at four people prior to our brother, has been bounced around from Galt to Vallejo and so on and so forth.

You all have the power here today to make that decision where Jarrett Tonn doesn't bounce to another county and continues to perpetuate harm in different communities. So we really urge you to put politics aside or whatever your feelings are and really just try to put yourself in our shoes. Humanize yourself and our experiences.

How would you react? How would you advocate for your loved one, for your sibling, for your parent, for your child?

Thank you.

MICHELLE MONTERROSA: And with that, just, again, there are nine officers are being proposed and we hope that you guys critically look at every officer and really look how, in Vallejo, it's been generations and decades. And again, we should not say, hey, because it's been four years and five months, that work is done. It's not done. Every day, all of us, all the families live that same day, day-to-day.

And as Ms. Angela said, it takes a lot of us -- it takes a lot of us to try to get up and put a smile or show up and advocate day in and day and day. So thank you.

BOARD CHAIR DUDLEY: Thank you both for coming in. Thank you for speaking. Your courage and pain are very obvious. Thank you.

MELISSA NOLD: Is it okay if I stand?

BOARD CHAIR DUDLEY: Absolutely.

MELISSA NOLD: My name is Melissa Nold and I'm a civil rights attorney in the City of Vallejo. I focus my practice on Vallejo because of how bad it is.

I'm a former law enforcement member myself. And

I've never seen anything like what's going on in Vallejo.

The cases -- been doing this for a decade, cases all over the state. I've never seen anything like this. There's no internal practice or structure to get rid of people. They refuse to investigate one another and clear one another.

The decertification process is the only way to remove some of these officers.

Some of them, who, last -- last year, we revealed to the city and to the DOJ that there are two whistleblowers that want to testify about Vallejo Police Officers -- Vallejo Police Department hiring outside of the HR Department, officers who did not meet the POST minimum standards for mental health, for physical fitness, for all of those components, for the written exam.

And Vallejo police were allowing those officers to become police officers even though they couldn't meet those standard by leaving out HR in something that can be nothing other than called corruption.

The DOJ, it was reported to their attorney team that was working on the reform, it was reported to the City of Vallejo, in writing and verbally and in public meetings, it's never been investigated. So we believe

that some of these officers did not meet and do not meet the minimum standards required by the state to be police officers.

There are two 30 year-career veterans, whistleblowers begging to be interviewed to prevent some of these people from continuing to plague the community of Vallejo.

We don't call the police for any reason in Vallejo because we don't want some guy who's stealing to get shot.

We don't call the police to help ourselves when we know who the criminals are, because we don't trust them, because we know these officers, some of them shouldn't be there, a lot of them shouldn't be there and have terrorized our community.

So, I implore you to please, when you're looking at Vallejo especially, just know that there is nobody in or outside of that department who has ever tooken any look at these officers.

You would think that the department would remove them. They won't. One of the officers on the list shot three people in five months. And he went back to work. And then he left and we rehired him.

They have an agreement that -- there's transcripts, there's testimony, the Chief of Police and the police

union agreed to not investigate some of the incidents that are now coming in front of you guys.

And so, when I say you're the last-ditch effort to try to get some reform -- one of these officers, the one who killed Willie McCoy, the one that attacked his daughter, it was like five incidents where he's attacking black women.

One, a disabled woman, who he dragged out of a car.

He's just scaring people. And like I said, some of them might not even be qualified to be police officers.

These are rogue people that are just going and policing as they want, because they know they can get away with it. I beg you guys to look closely at this.

And if you guys have any ability to get somebody to talk to these whistleblowers, they're ready, they're willing, they're able. I talked to one of them yesterday.

BOARD CHAIR DUDLEY: Let me interrupt for a second.

First of all, thank you for being here and thank you for your service as a law enforcement officer, as an advocate and attorney.

I want to remind you as an attorney, that this Board may very well be considering all of these cases and this Board has to make a decision with clean hands, if that -- I know that makes sense to you.

So I'd be careful about talking about specific facts so that that doesn't in any way stop this particular group from hearing individual cases.

Please go on.

MELISSA NOLD: I appreciate that.

BOARD CHAIR DUDLEY: Sure. Of course.

MELISSA NOLD: This is the first time we've had an opportunity --

BOARD CHAIR DUDLEY: Of course. I get it.

MELISSA NOLD: I want to make sure that you guys know Vallejo is a special place in many ways because we can't thrive, we can't build until we start getting some of these folks out. The City won't do it for us. And we implore you guys to do that.

Please, there are impacted families. Please -- please let them speak. Please let them speak. They need you guys to understand what they've gone through to understand the power of your job. Thank you.

BOARD CHAIR DUDLEY: Thank you so much, again. Yeah.

Take your time, please.

KRIS KELLY: Thank you. Good morning.

At least I hope that this will be a morning a little bit better than the morning I have woken up to for over 12 years.

I sit here today and all these families and people behind me who have lost so much in the City of Vallejo, they sit on my shoulders. They sit on my heart. I see my mother, my sisters, my family and all of them, and they have suffered so much.

They have had no voice. They have had no one to call. They live in a place called Vallejo, California, that is not in this so-called America.

My name is Kris Kelly. I am here on behalf of the murder victims of the Vallejo Police Department, including my brother, Mario Romero, who was murdered on September 2nd, 2012.

He was parked in front of his home sitting in his car. He called in to tell my sisters to answer the door.

Within a split second, a Vallejo police officer patrol car pulled up with Officers Sean Kenney and Dustin Joseph.

They did not activate their headlights.

They did not activate their overhead sirens.

BOARD CHAIR DUDLEY: Excuse me. I want to remind you the same thing I told the attorney. If you get into too many details on cases, it could tie our hands later.

So please express everything you want to express, but try to stay away from details if you can, okay?

And if not, of course, I want to give you all the time in the world to talk. Please go ahead.

KRIS KELLY: This is a matter of public record. And everything that I'm saying here is a matter of public record. And I do understand what you're saying and I appreciate that.

BOARD CHAIR DUDLEY: Sure.

KRIS KELLY: My brother was killed. He had his hands up. He was suspected of no crime. He was killed. His dead body was stolen. They tried to say that he was on drugs so they stole his organs so they couldn't be tested.

They stole his body for nearly seven weeks.

He was shot over 30 times. Sixteen of those times at least shot through the palms of his hands and I'm going to have to say this, you know, this is public record, through the palms of his hands and his wrists, by two officers who pulled up. There was no confrontation. There was no altercation. There were no words.

They merely put their hands up and were shot.

The officers later claimed to other witnesses that it was a drive by.

My family was held hostage. They witnessed this.

They had guns put to their heads and they were

forced to sit inside of their homes surrounded by officers who kept them hostage in there while they fabricated a crime scene and planted a police training replica gun, which is public record, that could only be bought by the military and the police trained with it.

And there was only one fingerprint found on there. And that was the officer's in my brother's blood.

And this is all public record. It's been extensively documented.

We -- all these -- a lot of these people behind me more than likely wouldn't be sitting here. In 2012 the Vallejo City Council decided that after an investigation, they would ask for the Department of Justice to investigate the murder of my brother.

When my brother was murdered, I was not even aware of all the other people in the city who had been murdered and they didn't have anybody to stand with them. They had been coming there and trying to get justice.

It just so happens we have a big family and a lot of supporters and people hurt, but it didn't stop the killings.

I want to try to limit what I say, but the night we buried my brother, hours later, the same murderous cop, Sean Kenney, murdered Jeremiah Moore.

I've never even met this family behind me. But three men in five months murdered. With no evidence of anything that they're saying beside their word.

Where has America been for the people of Vallejo? The destruction that has been caused, when you're a victim and you can't even call the police because they've already victimized you.

The crime is bad because people cannot trust that the police are not murderers, because they know that they are.

We are here asking for these officers to be decertified because at least they should be decertified. At the least.

The evidence, any person with a brain, any person with a heart, who looks at these things, unless you are blind or unless you are corrupt, you will be able to see what is going on. Because this police department has so much faith that you will not -- they didn't even bother to cover up effectively the murders that they did and they continued on doing them.

Although, them being decertified would be small, they -- they should, you know, I don't -- sorry.

I've had to practice for 12 years to not hate, so I will not become the monsters that they were and destroy my children and my family. And to give them hope. And

today you guys have a chance to give us some hope.

Because we deserve it.

Because we love our families. Because we care about our community. Because we deserve to be protected and to feel safe in our communities and not oppressed by the people who are supposed to protect us.

A lot of the times on the news, all you see is the anger and the hate because they don't understand what the people in this group have been through. That you're lucky that's all you're getting is tears and angry faces and frustration because the things that have happened to us are the things that turn people into bad people because nobody listens.

I have so many things that I would like to say and I know I do not have the time.

But what I do have the time to say is, I'm standing -- I'm sitting here, on behalf of all these families. I'm sitting here on behalf of all of our loved ones who have died with broken hearts because we can't get no justice.

And we don't -- we do not deserve the things that have been placed upon us. And this burden that we carry is heavy.

All around the United States, the people rose up for other people being murdered. But what about the

people in California? What about the victims here?

I ask that each and every one of you look in your hearts, look at the information, look at the evidence, and look at the people here who are our lives have been devastated and yet somehow we still keep showing up and we're still here. Because we should be able to have some slice of enjoyment in our lives even if it is just a sense that, hey, you know what? They're not going to be able to carry a badge and murder someone else, blatantly and open like they been doing.

And we'll continue to fight, but you can make a real difference in our lives by your decisions, looking at these cases, and just listening to us.

You know, we're not in power. We're not in control.

But the People are all powerful, you know.

This is going to show what this Board is made of.

If there was ever a case study case, Vallejo Police Department would be the case, because all of the elements are there to prove the things that we are saying, and that these officers should be decertified. They should be arrested.

But I'm here about them being decertified. They should never see the light again and spend the rest of their lives in jail for these murders. That's just

that.

We are victims and sometimes people ask me, well, it's been 12 years. How long are you going to keep doing this?

How long do people fight when their loved ones are missing to find them? How long do people fight for justice when it is not a police officer that murdered their loved ones?

It's no different for us. We miss them every day, we miss them every holiday, we miss them not being a part of our children's lives.

And I pray every day that the devastation does not turn my heart hard and cold as the cold hard hearts that we have seen being victims of police violence.

And I want to thank you guys for your time today.

BOARD CHAIR DUDLEY: And we want to thank you for, in your words, showing up. And we ache for your pain.

MARSHAL ARNWINE: I'm not going to make public comment again. I just wanted to clarify. I heard something mentioned.

Marshal Arnwine, ACLU, Northern California.

You had mentioned something about potential bias of hearing things. And I want to know, can you point us to the bylaws or the --

BOARD CHAIR DUDLEY: Sure. What I can explain to

you, and it's quite simple.

All or some of these cases may be investigated now. They may be being investigated now by POST staff.

When the investigations are complete, then notice is given to the person who is the center of the investigation. And then they have 30 days to appeal a decision, if the decision was to revoke their license. To decertify.

Okay. Then if people want to appeal that, they come before this Board, the group of people you see sitting here today.

And they do a full investigation. That investigation is brought to this Board. The person who was the center of that investigation can also speak, their attorney can speak, people from the community can speak.

And so we have to consider that evidence.

So just -- I was the District Attorney of Santa Barbara County and when I prosecuted a case, what we didn't do is go before the media and start discussing the facts of the case because we didn't want to contaminate the jury pool, the decision makers.

So although everybody in this Board is hanging on every word that's being spoken today, what we can't let that do is affect ourselves as the professionals who

have to view the investigation.

Does that make sense?

MARSHAL ARNWINE: Yes. And the ACLU's position, we agree with that. But where we differ is that the community -- essentially everything that has been said so far, happened before SB2 law took place.

BOARD CHAIR DUDLEY: Okay.

MARSHAL ARNWINE: And so the initial goal is to bring light to the situation and the public is speaking to their personal experience. That's public record.

And that has no -- that -- whatever is public record has no intentional effect to sway any Board. That will be upon the Board to make sure that that information is not happening.

And so that's why I had asked for clarification on a specific law or bylaw that mentions that people can't bring forth public information.

And so, yes, ACLU respects the position of not being biased. But we also want to make clear that people are speaking from what they've experienced personally and what's already public record.

BOARD CHAIR DUDLEY: And we want people to be here. We want people to speak from their heart. And we want to give them exactly what they're looking for, which is justice.

But in order to be able to give justice, we have to be fair. And I'm just trying to make sure this Board stays fair in the process, so that when we make a decision, no one comes back later and says: You were persuaded by XYZ instead of just looking at the facts and looking at it.

So we care. We listen. Anybody and everybody wants to speak today should speak. You all came a great distance to do that.

But I have to be careful, as the chair, to make sure that whatever we decide ultimately, that record isn't questioned. Okay?

MARSHAL ARNWINE: Thank you.

BOARD CHAIR DUDLEY: Thank you.

MS. DEL MUGNAIO: Good morning. Annemarie Del Mugnaio.

Just one second and then we'll take more public comment.

I just want to address Mr. Arnwine.

We're trying to avoid ex parte communication. As you know, in any proceeding, right, both sides have an opportunity to hear the comments being made or the facts or the details.

And so what we're trying to do is avoid any ex parte communication that would otherwise complicate

or compromise this Board being able to make a decision down the line, including the Commission.

I also just want to mention that we did receive the complaint from the ACLU, Northern chapter, Northern California, on October 11th, including the nine officers listed in the complaint and various allegations.

The Division is currently in the process of either reviewing each and every one of these and determining whether we currently have an investigation ongoing or if the matter has been brought before the Division for investigation.

If the matter has not been brought before the Division for investigation, we will reach out to Vallejo Police Department to obtain whatever records they may have available.

If those records are not available, then we'll have to deal with whatever course of action we can in order to obtain the information and review it for possible decertification.

So I just want the Board to be aware, we're in receipt of that. We will communicate directly with the ACLU regarding our process. Thank you.

BOARD CHAIR DUDLEY: Thank you. And Annemarie Del Mugnaio is the Assistant Executive Director for POST.

I know more people want to speak and everyone who wants to speak is going to get a chance to. But this woman here to my left has to write down everybody's words. And if I don't give her a break every hour, she'll get tired.

Okay. So I'm going to make the break as short as we possibly can.

We'll start at 10 after 10:00.

And Madam in the front row, you will be the first speaker. Okay? Thank you all.

(Break taken in proceedings.)

BOARD CHAIR DUDLEY: Okay. Let's start up.

Let me start with the -- so we're on the record?

Okay. Great.

Let me start with an issue that was brought up over there and I wanted to get some clarity and I have some clarity and it is an important issue.

Some of the cases that you've raised go back as far as 2012 and maybe even earlier than that.

Everything that's in this 49-page document that we were handed by ACLU -- I was just saying, everything within this document either is or will be investigated. Okay?

Because there was some concern, the lookback, this goes beyond the lookback period, but in this case, these

cases, because of the cases, will be or are being investigated. Okay? Just to make that perfectly clear.

Okay. Now, Mr. Darden, you were going to comment. There was a question about the authority.

MR. DARDEN: Sure. Good morning, Board Members. William Darden, Chief Counsel for the Commission.

So just responding to your question with respect to these issues of the presentation of the facts, of any facts in evidence relating to a matter that's pending before the Division and what the issues are with respect to that.

Certainly understand the need of the families to come forward and to speak their truth and to let the Board know what the issues are that they believe need to be investigated. Completely understand that.

The legal issue is this. Under the statutory scheme that we've been given by the legislature -- the legislature has set up a process whereby complaints are given to the Division. The Division will investigate those complaints. And then at some point the Division makes a finding that it is appropriate to suspend or revoke, then that recommendation comes to the Board in what we term as an investigative summary and findings.

At that point the matter is public.

Until then, the matter is not considered a public

matter under our statute and is a matter that's currently under investigation.

It's important for everyone to understand that we're trying to protect the interests of everyone. The Board is not here as -- to advocate for one side or the other. It's a neutral -- it's in effect a court, that is -- that needs to view these matters fairly.

And so what the problem would be, let's say, that in one of these matters, down the road there's an attempt made by the Division to bring to the Board a decertification case against one of these officers.

What we don't want is for there to be an argument by the officers that there was an improper, what's called -- as a lawyer, you understand that -- ex parte communication by one of the members to this proceeding to the Board and that those officers were not here and able to respond during the period of that ex parte communication.

So, we're trying to balance the right to public comment with the requirement -- you're asking for the citations. You would look really to the statutes that establish the mechanisms under Senate Bill 2. It's 13510.8, 13510.85, et cetera.

I know you're familiar with those.

But also under the APA, the Administrative

Procedure Act, these proceedings are governed by the APA. And there is a specific provision under the APA governing ex parte communications. It's Government Code 11430.10.

And that's, again, intended to protect all parties by preventing an ex parte communication.

Certainly you would hope if you had a civil proceeding or a criminal proceeding, that one party to the, you know, your opponent, was not going in and talking to the court or the judge without you being there.

And so that's really the idea. We're trying to balance the right of the public to comment with the due process protections to ensure that these matters can be brought down the road without any due process challenge.

So I hope that better answers your question.

UNIDENTIFIED AUDIENCE MEMBER: That's speculation.

MR. DARDEN: Okay.

UNIDENTIFIED AUDIENCE MEMBER: That's speculation. You're speculating that they're going to claim ex parte communications. It's speculation.

This is a venue for the public to speak.

MR. DARDEN: Of course. And we completely understand that. Which is why we certainly understand that public comment is permitted. And we're not making

any efforts to prevent that. We're not speculating.

All we're trying to do is simply provide for protection so that that argument can't be made down the road.

MARSHAL ARNWINE: May I approach briefly?

MR. DARDEN: Of course.

MARSHAL ARNWINE: Thank you so much for providing the statute.

The ACLU understands where y'all are coming from. And we will definitely take a look. So moving forward, initially we did have people that still wanted to speak. But we understand the -- what has been shared about the biases of it. And so we have asked people to not go into detail as of right now, with the hopes that in the future, if the particular officers do come back, that they come back and speak more in detail at that time because the officers then would be either represented or in person.

And so, we definitely understand that. And there might be some people that still want to speak, just generally, but we understand the aspect of not going into the details of.

MR. DARDEN: And the idea is, as I know you understand is that once these decertification matters are brought, at that point then, public comment on each

matter is permitted and at that point any comment can be made with respect to the case.

But, we're simply trying to protect the process early on so that that can happen fairly and that there is no legal challenge down the road.

MARSHAL ARNWINE: Thank you. We appreciate it.

BOARD CHAIR DUDLEY: Okay. As promised, back on the record and more public comment.

Madam, I'm sorry, I don't know your name. I said I would call on you first.

UNIDENTIFIED AUDIENCE MEMBER: Thank you.

BOARD CHAIR DUDLEY: Any order you want.

MARIA GRAJALVA: Hello, my name is Maria Grajalva. I'm here to support the ACLU team. I'm from West Sacramento, Yolo County. I'm from the Latino Information and Resource Center. We are a civil rights advocacy organization.

We brought district elections to Yolo -- or to West Sacramento. And we are the organization that shut down some human trafficking that was going on in Sacramento at a grocery store. We're proud to do that.

I'm also a retired state employee and so I feel I am among my peers because you're state employees.

I'm actually a former regulations analyst, okay?

I wrote -- I worked in legal. I wrote regulations

for ten years, okay?

This is our venue. This is ours. Okay?

I'm sorry about the -- any implications that was mentioned right now. This is our venue. Okay?

And whether he's theorizing or speculating, is speculation. It's theorizing. Okay?

I'm also a paralegal that I happen to work at a law office. But, that's just my personal thought.

I'm here to share my personal story, that is very familiar to these other stories.

Lucky for me I'm standing here.

Yolo County has the same ritual of claiming that -- police officers claiming their space, is what I'm calling it.

And in Yolo County, what the officers would do there, is they would lift their sleeve to show the local residents their tattoo, that was their unity tattoo, I'm going to call it.

And -- and the bottom line is that we need to speak about things that people don't like to speak about. And that is white supremacy, that's about the social status, the social situation that we're in, the social conditioning that all of us have, to bow ourselves to this white system and this very corrupt system.

In -- when we wrote regulations, when I wrote

regulations, there was lots of room for discretion.

But there's a merit system, okay? There's a merit that you have to check off. Just like a pontiff.

And so SB2 has given you that -- those teeth and the ammunition to decertify all of these officers, okay? And that is your obligation.

I'm not here to ask and I'm not trying to be rude in any sense of the word. I'm here to demand that you do your job. Please.

Because, number one, you're state employees. The local agencies are notorious for doing what they want to do, okay?

Yolo County District Attorney is no different.

I was falsely arrested without due cause because I donated $43,000 to the opponent, to the public defender, that was running against the county district attorney, okay? I was falsely arrested for no reason whatsoever.

And so, lucky for me, I know bureaucracy and that district attorney is now at the state bar facing whether he's going to have a bar card or not.

All of you that are legal counsel, you need to keep that in mind. You may not perpetuate wrong with your bar card. Okay?

You may not perpetuate unethical and things that are -- lack moral turpitude. It's the law.

BOARD CHAIR DUDLEY: I'm going to interrupt, just for a moment. Public comment is about things that this Board --

MARIA GRAJALVA: Correct.

BOARD CHAIR DUDLEY: -- has jurisdiction about.

MARIA GRAJALVA: Correct.

BOARD CHAIR DUDLEY: We're not the California Bar Association.

MARIA GRAJALVA: No, absolutely.

BOARD CHAIR DUDLEY: So I'm going to ask you --

MARIA GRAJALVA: Yeah.

BOARD CHAIR DUDLEY: -- to limit your comments to that.

MARIA GRAJALVA: Yeah.

BOARD CHAIR DUDLEY: And again, there's this two-, three-minute time frame, so --

MARIA GRAJALVA: Yeah, yes, and I think I'm actually up with that part of it.

But how is that related to Vallejo?

How is this related to all these folks that are -- that have dead family members? How is that related?

Well, the same happens in Woodland. We've had family members that are -- have been literally massacred and while they were -- they were handcuffed and then they got shot.

And so this goes on everywhere in central county, in central California, we have racist DAs, okay? That's no other term for that. We need to call it what it is. It's racism. It's perpetuated in -- in the state DOJ, nationally. And so, you know, that's -- that's really -- it's very much connected. All of it is connected.

BOARD CHAIR DUDLEY: Thank you.

MARIA GRAJALVA: So I appreciate your empathy and your sympathy, but unless you learn empathy, you're going to be the same as these murderers that hold the badge.

Thank you for your time.

BOARD CHAIR DUDLEY: Thank you very much. Thank you for your comments.

Okay. Is there others who would like to speak?

Yes, please. Okay. Please take your time.

UNIDENTIFIED AUDIENCE MEMBER: Good morning, everybody.

Powerful session this morning without a doubt.

BOARD CHAIR DUDLEY: Yes.

UNIDENTIFIED AUDIENCE MEMBER: I'm connected to Vallejo only through the sisters of Sean Monterrosa.

I first heard about, really, Vallejo in the news when it was financially bankrupt. After being involved in that space, I come to find out it's been morally

bankrupt. And that's far more dangerous than just being financially bankrupt.

I don't go to Vallejo. To me it's like the Bermuda Triangle. There's been too many people shot and killed who look like me.

I do not go. There's a fear that I have, maybe even a terror. And when you have to have that with you, you have to ask: Who would be the terrorist? And who are the good people doing something about it?

The reason why I still wanted to make public comment despite my statement that I had prepared today is because I have extended family in law enforcement. And I called them earlier this week and I asked them, and I told them about this meeting.

And we rarely agree on anything. I mean, if you come to our holiday dinners you would say, whoa, are they family? Right? Are they family?

But they said go. Because those are the officers that bring shame and disgrace to the badge. Those are the officers that, for decades, we have never been able to do anything about and we have to live in the image of those officers. And I was shocked.

I said, wow, we rarely agree on anything. We can't even agree on food.

But when it comes to police accountability, we can

agree on this.

So it's very important.

When I look at some of the pictures of the young brown and Black men who were shot and killed, whose lives were cut short, taken from their families, I visualize if they were in Army fatigue or in a Marine uniform or in a Navy uniform.

And I don't scratch my head, and I don't think any of you will, because those are the young men and women who go overseas to fight for the freedoms that we cherish only to be brought home too often to what is a more dangerous battlefield.

Vallejo is that battlefield.

And we've lost too many young people. We've devastated too many families.

So there's times in history where you have a moment to show leadership. I don't know who on this Board is anointed. But I know God is here. And I want you all to know that no matter what fears you face from any individual, or group of individuals, God got us. So lead with conviction.

BOARD CHAIR DUDLEY: I just want to comment before you step away, that your relatives were right. It is very important that you came and we, as a Board, appreciate it. Thank you.

CHRISTIAN CRUZ: Hello. My name is Christian Cruz. I'm from Fresno County. I'm here in support of the community of Mendota, California, in collaboration with the Libertarian Party of Fresno County.

What we heard this morning was a very serious, very serious cases of misconduct. What I'm dealing with, what I see in Mendota, I don't want to say less serious, but they're serious enough.

When I called the ACLU, I believe around two years ago, they told me we can't help you unless someone's either dead or in the hospital.

We're dealing with -- I won't get into details, but you know, cases of denial of medical service, civil harassment, sexual harassment, and excessive force.

Again, not enough force to put someone in the hospital or kill them, but still excessive force. You know, to injure someone.

So I'm here, I'm going to help my community put those complaints in. And I understand you said, you know, don't talk about details as well.

I do know it's important to fight with your heart, like we saw this morning. But also fight with the brain. Based off their comments today, I understand a bit more about the law of the land and it does agree with the laws of logic as well, so I won't, again, give

you those details or any, you know, like, people's names.

I do want to ask you, though, is this within your jurisdiction, these cases of, you know, denial of medical service, civil harassment? For me, dishonesty as well.

When I try to get a police report, I had to jump through so many hoops to get those. And so I just want to go back to my community and say -- tell them, you know, what you tell me here. You know. Are we -- do we have a shot at justice?

Or do I need to find some other avenue? So --

BOARD CHAIR DUDLEY: I'm going to ask the Assistant Executive Director to respond.

MS. DEL MUGNAIO: Thank you for your comments today.

A case doesn't have to rise to the level of SBI, serious bodily injury, or death, before POST can look at it.

So there are nine acts of serious misconduct.

It's really fact-dependent. And so for me to make a statement here today without knowing the specific facts of each of your cases as to whether or not it's jurisdictional to POST would be unwise and not helpful for you.

But I would invite you, we have members of our team here that do the complaint in-take side that can help you file those complaints, so we can at least look at them and see whether or not POST has jurisdiction over the types of complaints that you may need to submit.

BOARD CHAIR DUDLEY: I would also going to add that after public comment, we're going to discuss four cases.

And if you have time, and can, I invite any of you to stick around to hear what the process is and the kind of cases we're considering.

But I -- you shouldn't filter yourself about should I make this complaint or not?

Make the complaint and let the professionals at POST take a look at that complaint because we may see a way that we can investigate it whereas, you might step back and think, I'm just not sure. Okay? Let us do the work. Okay? Thank you.

CHRISTIAN CRUZ: Thank you, too. I do -- one last thing, I am considering using my GI bill for law school and, you know, to keep this going.

And I met a lot of people who have inspired me today. So I'm glad I came, if not just for that. Thank you.

BOARD CHAIR DUDLEY: Well, why don't you get my information later and I will further inspire you. Okay?

We need people like you.

CHRISTIAN CRUZ: Thank you.

BOARD CHAIR DUDLEY: You bet.

Yes, sir, are you coming up? Please take your time.

PAUL WINDERS: Hi. Paul Winders, born and raised in Vallejo. I just have a few notes. I have a bunch of allegations and stuff here, but I'm just going to speak from my heart a little bit.

Police are supposed to protect and serve. And Vallejo is just full of fear and distrust.

The police department is horribly understaffed. It is less than half what it should be.

They're only responding to priority one and some priority two calls.

I had to drive down -- no, excuse me, take a train down from Sacramento to help a domestic violence person who waited nine hours for service.

So that's a separate wound.

We also have a ceremony, for lack of a better word. When the police shoot somebody, they pat each other on the back. No details. But it exists, and it's deep and local attorney just swept it under the rug. But somebody's going to dig it out from under the rug.

Two other things. I don't know if they're in your

jurisdiction or not, but if a police officer gets in trouble with his department, rather than fire him, most or many, I don't know, departments are agreeing with them, hey, why don't you just quit and we're going to give you a year's pay or six months' pay or whatever, and we will seal this. We won't tell anybody about it.

So, that ex officer in city A goes to city B. He's got to lie on his application, because they ask you if you have ever been in trouble before. So he lies.

And then the chief or the information person at the former department, if they get a call, Hi, this is Jimmy from Fresno, Elmer's here and he used to work for you. They lie.

I don't know if that's anything out of your control.

BOARD CHAIR DUDLEY: I can address that.

PAUL WINDERS: Okay. I'll stop for a minute.

BOARD CHAIR DUDLEY: No, just for a moment. And then we'll start again. I'm going to address it and then I'll ask Annmarie --

PAUL WINDERS: Beautiful.

BOARD CHAIR DUDLEY: -- if she has anything further to say.

PAUL WINDERS: That's fine.

BOARD CHAIR DUDLEY: That was what we were fighting

for in terms of changing this law. Okay?

The way you described it is, in some situations, the way it used to be.

Now there are laws in place, for the last two years, that tries to avoid just that. A cop who does something in one jurisdiction merely quits and there's no investigation.

That was the way it was sometimes two, three years ago.

But this law is supposed to stop that from happening because it is duty incumbent upon the individual, the law enforcement agency, the community, to send a message to POST and then an investigation can begin.

So, I have used that many times when I've discussed about the importance of what this law change was.

But now I will turn it to Annemarie so she can tell you a little bit more about how POST handles it.

MS. DEL MUGNAIO: Thank you. Madam Chair, she is absolutely correct. Law enforcement agencies are now required to conduct investigations if allegations or complaints of any kind of serious misconduct comes before the agency.

If the individual resigns during the course of the investigation, that is reportable to POST and that's one

of the many things that POST can act upon given the circumstances of the case.

You are all familiar with what we consider an interim ITS and interim temporary suspension, Immediate Temporary Suspension, excuse me, and that is really where someone is either terminated or they resign during the course of the investigation, the Executive Director of POST has the authority to review the case. And if it's in the interest of the public health, welfare and safety, they can place that officer on an immediate temporary suspension pending a final determination.

And this was exactly to do what you're talking about, prevent an offerer from jumping from one agency to the next, escaping pending discipline.

The other --

PAUL WINDERS: So the chief or somebody in the department who lets him quit -- sometimes in the investigation's already three-quarters of the way over, so there's a lot of facts or allegations out there.

But, what's the penalty for the Department A for not doing that?

MS. DEL MUGNAIO: If we were to be aware of a department that didn't conduct an investigation and allowed the individual to resign? Is that the question?

RANDY WINDERS: Correct. Yeah. Yeah.

MS. DEL MUGNAIO: Okay. That would be something we would have to probably work with our partners, the Department of Justice, to look into the acts or actions of the agency.

PAUL WINDERS: I believe it's still going on. I listened to a podcast a few days ago about it. I think KTVU did, actually. And I have reason to believe it still is going on. And there's no rock-solid penalties for the prior agency and the person goes to agency B and applies and doesn't list any of his things, which he's supposed to do. Couple of them got caught and fired over that.

Couple of them never -- nothing happened.

So, that's --

MS. DEL MUGNAIO: Just one other comment. I don't feel like -- just -- so for the purposes of everyone here --

PAUL WINDERS: No, this is helps.

MS. DEL MUGNAIO: -- inform you that agencies are required to submit an affidavit of separation with POST now and explain the terms of the separation.

Whether they separated and they transferred, which looks very different, right, they separated and the day they separated they were already employed with another agency. Or did they separate during a pending

investigation? Did they separate for acts of misconduct?

So we now capture all of that data and actually as of recently, POST will go through and if there's not a reason listed, they won't accept the affidavit of separation and they will, in fact, return it to the agency and inquire further as to the reasons that the officer is no longer with the agency.

So that's something that's also new, as a result of, you know, implementing SB2 and fine-tuning some of these internal procedures.

I think that there is some merit to: What are the consequences?

You know, SB2 focused on the officer itself, the individual, and the certification with POST, the relationship between the officer and POST and holding a certification to perform the duties of a peace officer.

They did not essentially focus on the overall conduct of an agency.

And I think many of us are aware of that. So there are going to be some gaps in that area that I think is what you're bringing up.

PAUL WINDERS: So currently there's no penalty for the prior Chief of Police in city A for doing this, "sweeping it under the rug, get out of here," he can lie

to city B saying, hey, what happened with Jimmy over there? Is he okay?

Yeah, he's great. He just got tired and quit yesterday.

Is there any penalty on that person?

MS. DEL MUGNAIO: As an individual peace officer, that person may be held accountable for those actions. So POST could investigate something of that nature.

So we're talking about an individual and not an agency. So I want to make sure I speak to that.

PAUL WINDERS: Right. Okay. Is there a forum for, We, the People, if we smell a rat on something like that? Do we notify you? Who do we notify?

MS. DEL MUGNAIO: As I mentioned to the public speaker just before you, we have members of our complaint intake team here and they will assist you as to how to file a public complaint.

Just for the purposes of educating everyone, you can do so online, you can do so by email, you can do so by mail. But we have people here today that can help you with that, sir, and I'll make sure someone connects with you.

PAUL WINDERS: Thank you very much. Good to know that something is going to happen, we hope. We're in a really bad situation in our city. And I know we're not

alone.

BOARD CHAIR DUDLEY: And during the next break, if you want to be introduced to one of those people, just let Annemarie know and we'll introduce you. Okay?

PAUL WINDERS: I may do that.

BOARD CHAIR DUDLEY: Thank you.

Anyone else?

Yes, please.

UNIDENTIFIED AUDIENCE MEMBER: Could I ask a question?

BOARD CHAIR DUDLEY: Sure.

UNIDENTIFIED AUDIENCE MEMBER: I'm just curious, because I'm looking at the individuals on all of this, right? And if I'm being transparent, just watching what's going on in the headlines now, I think California is one of the states that will prosecute people for lyrics in their songs. We got -- we got superstars being prosecuted for Rico charges where they're lone assailants in this situation.

But these officers have exhibited every part of a Rico charge. They're in concert. And they're killing people in furtherance of an ongoing criminal conspiracy and there are people who are -- have been in court for destruction of evidence. I've been in those courtrooms.

So when you tell people that -- well, you just go

talk here and you go through this process, sounds like a lot of bureaucratic red tape.

And you got families that are suffering. Every day.

And if you've never seen an impacted mother cry every day -- my father was 75 years old -- 78, excuse me. And died in a head-on collision fighting this fight.

Before Willie was killed, I had another cousin who was a part of this Vallejo lawsuit thing because they were going to kill him. They had guns to him. And the only thing that saved him was his friend came out with a camera to -- and he put his gun back in his holster and left this man behind him without being checked, like he was never a threat and went and assaulted another man on a porch.

So, where is the protection for the people? Where is the Rico charges coming down? Where is the DOJ at in all of this?

We don't understand it, because who do we have to call for -- when something goes wrong? Who do you call -- do you call the police on the police?

I mean, what's going to happen? They show up -- when we call the police they show up and kill us.

BOARD CHAIR DUDLEY: I will make the same offer I

made to the gentleman before you. The next break, if you'd like to talk to someone and look into the process of making a complaint, there are people here that get paid state money to take your complaint.

UNIDENTIFIED AUDIENCE MEMBER: Well, I'm not even making a complaint.

BOARD CHAIR DUDLEY: But if you are --

UNIDENTIFIED AUDIENCE MEMBER: I'm asking -- I'm asking this panel, like, what is the process of this, where you can do a citizen, you can go in and you can -- you can go ahead and go after Rico charges and not even have all the evidence there.

But you have all of the evidence from all of these families giving testimony, you have videotape watching something that is irrefutable. You know, you have officers' statements and everything that's going on with this, but there's no action and people are hiding like they're being terrorized.

And some people have had to move and leave Vallejo. You know, I'm lucky. I don't live in Vallejo and I don't care to go there, like the other guy. I coast through. I make sure I gas up. So I am going through and if they pull me over it is for nothing and I know that they coming to get me because I been threatened by police for this case.

BOARD CHAIR DUDLEY: Let me just say, I hear your frustration. I understand your question about Rico. this Board does not deal with Rico issues. So the part --

UNIDENTIFIED AUDIENCE MEMBER: I heard you mention DOJ.

BOARD CHAIR DUDLEY: The point is that this Board has to -- is accepting public comment today about things that this Board can consider. You've introduced a lot of issues that aren't in the purview of this Board.

But, if you want to talk to someone about a complaint, then during the break we can do that.

And perhaps they can further help you understand what -- the Rico issue and how the Rico issue may or may not apply to decertification.

But I hear your frustration. I really do.

UNIDENTIFIED AUDIENCE MEMBER: Yeah, I mean, because they have a catch-22. They got the qualified immunity where a natural citizen doesn't have qualified immunity. You can't even -- you can't even defend yourself if someone breaks in your house, you're facing charges.

BOARD CHAIR DUDLEY: Again, I think we're getting off in areas that aren't part of public comments for this Board.

UNIDENTIFIED AUDIENCE MEMBER: Okay. Then I will leave my comment there. And hopefully that we'll get somebody one day who will see that what's right is right and what's wrong is wrong.

BOARD CHAIR DUDLEY: We get it. Thanks for your comments.

Anything else?

Yes.

MELISSA NOLD: If an officer has been, for example, a younger officer that medically retired after like a shooting or something like that, that hasn't gone to another department, if we believe there's decertification material on those officers, even though they've been medically retired, should we be submitting it to prevent them from ten years later recovering and being able to come back?

BOARD CHAIR DUDLEY: Absolutely.

MELISSA NOLD: Okay.

MS. DEL MUGNAIO: That's the answer. Thank you.

BOARD CHAIR DUDLEY: Yes, sir?

UNIDENTIFIED AUDIENCE MEMBER: Just wanted to ask a question. This is Commission on Standards and Training public hearing. How come is it -- how is it that in 12 years, I've got -- just got the autopsy report, but I do not have a police -- official police report after 12

years?

What's up with that? They still covering it up?

I'd like to have a police report before we address Sean Kennedy, next time we come up here. So if we can get that done, that would help our family.

BOARD CHAIR DUDLEY: I understand. I really do.

And again, if you want to stick around for the next break, we'll introduce you to someone that can take that complaint and look into it. Okay?

You have every right to see that.

Anything else?

Okay. Let's see.

I guess I'm going to go on --

(Sotto voce comment.)

Oh. Okay. Do we have any public comments on air? Gentlemen?

Okay. So, is there anyone appearing remotely or by phone who would like to address the Board regarding any of these issues?

Okay. Apparently not.

So what I'm going to do -- we're all emotionally drained. Appropriately so.

I'm going to push on for the next 15 minutes and then we're going to take a break and those of you that want to meet people who you can make those complaints

to, I'll ask our assistant executive director to connect you to those folks at five to 11:00. Okay?

All right. We're going to go on to the approval of the meeting minutes, okay. That would be the meeting transcript from March 21st, 20 -- excuse me, 2024, meeting.

Is there anyone who wants to put -- present or appear remotely or by phone who would like to address the Board regarding the approval of the March 21st, 2024, transcripts?

Seeing no one and hearing no one, are there any questions or comments from the Board regarding the prior minutes?

If the Board concurs, the appropriate action would be a motion to approve the meeting transcript for the March 2st, 2024, meeting. Is there a motion?

MEMBER DOYLE: Motion.

BOARD CHAIR DUDLEY: Okay. Doyle.

And second?

Okay. Glaser.

Is there any opposition?

Okay. I'm going to have to abstain because I was in the hospital that day, so I won't be voting on this.

But, I want to thank Mr. Doyle for stepping in.

So we'll now call roll call vote with the approval

of the minutes and transcripts.

Mr. Knapp, will you please take a roll call vote.

MR. KNAPP: Yes, thank you, Madam Chair.

Buchen?

MEMBER BUCHEN: Buchen abstain. I was also absent.

MR. KNAPP: Clavo.

MEMBER CLAVO: Aye

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Doyle?

MEMBER DOYLE: Aye.

MR. KNAPP: Dudley abstain.

Glaser?

MEMBER GLASER: Aye.

MR. KNAPP: And Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: The motion passes.

BOARD CHAIR DUDLEY: Motion passes and the only abstention was mine. And --

MR. KNAPP: And Buchen.

BOARD CHAIR DUDLEY: I'm sorry, who else -- yes, Lizzie. Sorry, Ms. Buchen. Okay. Thank you. Two abstentions and the motion passes.

We have five.

Thank you.

At this time, POST -- do you want to -- are ready to go?

MS. DEL MUGNAIO: Yes.

BOARD CHAIR DUDLEY: At this time POST Assistant Executive Director Annemarie Del Mugnaio would like to introduce the new business items before the Board.

MS. DEL MUGNAIO: Thank you, Madam Chair.

Members of the Board, at the last meeting, we discussed a conflict of interest statement as part of the Board policy.

This is an action to actually vacate that conflict of interest code and to delete the provision in the Board policy.

I'm going to invite our attorney, Carrie Woolley to address with you why we want to vacate that motion and the underlying facts regarding information that came to light after the fact that we asked you to adopt the conflict of interest code and also put it in your administrative policies.

So I'll turn it over to Carrie now and she can explain to us the circumstances. Thank you.

MS. WOOLLEY: Good morning, Members of the Board, Board Chair.

I'll take off my glasses so I can read what I wrote.

So, last December 14th, you adopted a conflict of interest code which was required under the Government Code since you were a brand new board and a new board agency.

And that was done even though you possibly came within an exception, but it was done under -- it was done basically to make sure that we didn't end up with a conflict of interest code that didn't really work for this Board.

So prior to that, we had submitted our conflict of interest code to the Fair Political Practices Commission for approval. And that was done in November. And we were waiting during that process to hear back from the FPPC to see if they were going to approve our conflict of interest code. And we were waiting and waiting and waiting.

And meanwhile, we got our conflict of interest code adopted.

And the question came up during this process from the FPPC as to whether or not this Board was solely advisory to the Commission. And that question was significant, as it determines whether or not the Board Members act in a decision as to whether or not they participated in any decision when hearing serious misconduct cases.

This is one of those things when, if a Board Member is solely advisory, they do not have to adopt a conflict of interest code, because they do not -- their decisions that when they act in the -- excuse me, when they -- if their decisions, opinions or recommendations are subject to significant intervening substantive review, then they're going to be deemed solely advisory by the FPPC and therefore not required to file a conflict of interest code.

This would mean that you would not be required to file a Form 700, which is your statement of economic interest.

So we responded to the staff at the FPPC and explained to them your role in the process of reviewing serious misconduct cases, which, as you know, is the initial review process. And then, of course, it goes to the Commission for substantive review. And the Commission then looks at it and decides whether it's going to move forward to the ALJ process.

The FPPC reviewed our response and responded back and decided that based off of our response, that you were, in fact, solely advisory.

So based off of that, we come back to you and advise you that they have advised us that you do not need to have a conflict of interest code, and therefore

you don't need to file a Form 700, which is good, since it is one more form you don't have to do. And you don't have to declare any potential economic interest.

This also means that there needs to be a change to the administrative requirements policy which had that particular one in there.

I do want to point out, though, that the other portions of the conflict of interest code, divisions in there, such as participating in decisions where you may have a personal conflict of interest, say if you know the officer, or if you've done work for a particular city that's involved or a county that's involved, those would still apply.

So this would really only affect the financial conflict of interest code and the filing of the Form 700.

So, with that sort of long explanation, are there any questions?

BOARD CHAIR DUDLEY: Any questions from the Board?

Okay.

So, the motion, if there was a motion to be made -- let me see, any public comment on this?

Okay. Seeing nothing, hearing nothing, the motion would be to delegate to staff the creation of the public policy or how would you phrase that?

MS. WOOLLEY: The modification.

BOARD CHAIR DUDLEY: The modification.

Okay. Is there such a motion?

MEMBER CLAVO: I would make the motion. Clavo.

BOARD CHAIR DUDLEY: Second?

MEMBER HATCHER-CRAWFORD: Second. Crawford.

BOARD CHAIR DUDLEY: Excellent.

Take roll on that, please.

MR. KNAPP: Yes.

Buchen.

MEMBER BUCHEN: Aye.

MR. KNAPP: Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Doyle.

MEMBER DOYLE: Aye.

MR. KNAPP: Dudley.

BOARD CHAIR DUDLEY: Aye.

MR. KNAPP: Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: And Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Unanimous, motion passes.

MS. WOOLLEY: Thank you very much.

BOARD CHAIR DUDLEY: Thanks, Carrie.

Motion passes unanimously.

Okay. So, we're approaching five to 11:00. I want to be sensitive to the timing of people that did want to get a chance to talk to someone about filing a complaint.

So we'll take a break now. And we'll come back at five after 11:00.

And so if anybody's interested, please talk to the Assistant Executive Director.

Thank you.

(Break taken in proceedings.)

BOARD CHAIR DUDLEY: Before we start up, I want to thank the Board members and everybody else for your patience this morning. What we did as a board is critically important. People showed up and we listened to them. And so I want to thank you all for that very much.

And for all of you.

Okay. Now we're going to go on to the next item.

Let's see. And that's POSAAB, travel and compensation policy.

So, I will turn to you.

MS. DEL MUGNAIO: Thank you.

So some of you have -- may recall, at the Board

training back in December 2023, there was a brief discussion regarding what constitutes reasonable time spent in preparing for the public hearings like you are performing today or executing today.

At the time there were only five board members present for the training and there was a limited discussion about what we would constitute as actual time spent or reasonable time spent in preparing for the cases.

So this matter is being brought back today so that we can actually discuss and perhaps determine what a reasonable policy would be regarding reimbursement for preparation of the hearings.

And so included in your binders, if you all had a chance to take a look, is the actual statutory language surrounding reimbursement, which it says that each Board Member -- and I'm going to paraphrase -- shall receive a per diem of $350 for each day actually spent in the discharge of official duties including any required time -- excuse me -- any required training and reasonable time spent in preparation for public hearings.

One -- yes.

BOARD CHAIR DUDLEY: I don't think we have those materials.

MS. DEL MUGNAIO: Okay. So it's part of the agenda packet you guys were sent and it is the cover letter for this agenda topic.

MEMBER BUCHEN: Sorry. We don't have a printed version?

MS. DEL MUGNAIO: Yeah, we don't have a printed version, but would you like me to rephrase that again so you guys have it according to the statutory language? I'm happy to do so.

MEMBER BUCHEN: That's fine.

MS. DEL MUGNAIO: Okay. All right. So again, we are clear that your $350 a day in reimbursement for your attendance at the hearing is pretty well covered here.

What we're looking at is trying to come up with a standard, perhaps reimbursement for reasonable time spent in preparation for the public hearings.

Just one caveat to all this -- and then I will turn it over to our Chair to open this for discussion -- is that as exempt employees for the state, you are paid in single-day increments.

And so, breaking this down into hours becomes a -- difficult from an accounting perspective because the payment actually comes in whole-day payments for your services, as it does for many exempt employees within the State of California.

So I just want you to keep that in mind as you discuss how to come up with a reasonable time allotment for preparation of the hearing.

And I will turn it over to your Chair. Thank you.

BOARD CHAIR DUDLEY: Thank you, Annemarie.

Does the compensation, which we will discuss in a minute, and then the issue of travel is brought up. How does that relate to the compensation issue?

MS. DEL MUGNAIO: Thank you for the question.

It's actually part of the same policy, although the travel reimbursement is set by CalHR and Department of General Services.

So, there really is no discretionary travel reimbursement before this Board, because those are governed by control agencies that set the travel reimbursement parameters for every state employee or those that travel for the state.

So what's really in question today, even though it's all part of the same policy, is the reimbursement for the preparation of the hearings. Everything else is already governed.

Thank you.

BOARD CHAIR DUDLEY: So to be clear, the time you spend traveling to get here, there's not compensation for that. Of course you get your money that you spent

traveling and your accommodations covered.

So let's discuss this issue. I think the -- we have to start off with, the question is what is a day? You know.

A day is 24 hours.

A day is eight hours. A day is 12 hours.

If you think about when you go to work, and you work for eight hours, you also have a lunch and breaks and other times like that.

So, I think we have to first reasonably discuss how many hours do you consider in a day?

Mr. Doyle?

MEMBER DOYLE: Well, I don't look at it that way.

I mean, we had discussions back in December.

BOARD CHAIR DUDLEY: Yes.

MEMBER DOYLE: And we had a difficult time, you know, coming up with -- with, especially the prep time. Not so much the travel, because it was made clear the travel was not included. And that each meeting there was a stipend of $350.

So, I think that we left December by sort of like, you know, the honesty, you know, rule, that -- that, you know, typically prep would be like a day compensation.

At least that's what I remember because as Annemarie said, we couldn't break it down by hour.

Obviously each case is going to be different. And take different times. But, I mean I didn't come on this Board to make money.

So, to me, prep for a day would be a reasonable stipend for me.

BOARD CHAIR DUDLEY: Okay. In my mind, I think of a day at work as six hours or seven hours.

I mean, but I think in order to come up with this compensation question, we can -- a day really has to be defined.

So, I would like to hear from more of you about what you consider a day to be.

MEMBER DOYLE: But the problem you have with that is the last meeting we had we were only here six days.

BOARD CHAIR DUDLEY: Say again?

MEMBER DOYLE: We were only here six hours, excuse me, not six days. So I don't know how we can define what a day is.

BOARD CHAIR DUDLEY: I'm talking about time you're preparing, not talking about a day here. A day here is a day.

MEMBER DOYLE: Okay.

BOARD CHAIR DUDLEY: We're talking about when you're home and you put in X number of hours reading a case, how many hours equals a day?

I'm sorry I wasn't clear.

Dr. Glaser?

Oh.

MEMBER HATCHER-CRAWFORD: So if you would say a work day would be eight hours, but because we're doing other things aside from it, what I started doing was writing the time that I looked at it, the time I logged off.

And keeping in mind that, you know, the data is also being imprinted when you open up the witness evidence. So, if we were to say a day -- an eight-hour work day would be eight hours. But in this case because we're doing other things and still preparation it sometimes takes a little longer than eight hours.

One of those cases I almost screamed.

BOARD CHAIR DUDLEY: Yeah. We'll discuss that. But, again, it helps me direct the conversation if I know what you all consider a day to be in terms of hours.

And does anyone else want to comment on that?

MEMBER CLAVO: The last time I commented you guys thought we were going to get rich.

So -- I -- for me, I think the day -- with these last reports, and I know we're going to get into that, but a day was almost an eight-hour day for some of these

cases. It was almost -- I mean, straight through.

BOARD CHAIR DUDLEY: There's no question that there was that.

But in general, and going into the future, what do you consider a day to be in terms of hours?

MEMBER CLAVO: I would say four or more.

BOARD CHAIR DUDLEY: Okay. So we have a four or more, and again, and we have me at six.

MEMBER JOHNSON: Johnson. I would say two for four or more. But definitely six hours, for sure.

BOARD CHAIR DUDLEY: Okay. Anybody else want to comment on that?

Yes, sir. Mr. Glaser. Dr. Glaser.

MEMBER GLASER: I think we'll have to think about also when we have multiple days, like this week.

BOARD CHAIR DUDLEY: Right.

MEMBER GLASER: And so we're going to have to come up with some scheme for, you know, how -- whether to round up or down.

BOARD CHAIR DUDLEY: Right.

MEMBER GLASER: So, I'm comfortable with four or six or eight. But, if we're going with four, if we have two days where you do four hours, is that really two days? I'm not really sure.

But I would propose that we think about it -- I

think six makes it easier to sort of split the difference between four and eight, so that if you do have 12 hours of work that you put in, that that's reasonably thought of as two days, but probably not three.

BOARD CHAIR DUDLEY: So the -- so there seems to be some thought about -- I understand four or more. I understand four or more, but definitely six. I understand six would be a good compromise.

Does six sound about right to the rest of you, if we consider a day to be six hours?

Okay. And moving from there, the question is, each of us, because of our life experience, our education, our ability to read quickly, I'm a slow reader, are going to be putting in different numbers of hours, therefore different numbers of days on a case.

I think we need to consider the effect this has on POST if we were doing -- I did what you did. This time I wrote down when I started which case and when I stopped so I have a sense of that on-off thing.

But I think we have to say as a group, we consider "X" number of hours to be a day. And then consider is it possible, given some cases take longer than others, can we come up with any kind of number that works for all of you and the amount of work you've done that would

say, a case equals a day? A case equals a half a day?

I think those are the kinds of things that POST needs in terms of the accounting. And we know some cases are going to take longer than others.

So, talk to me about that.

MEMBER HATCHER-CRAWFORD: So the first case was real interesting.

I literally spent the whole day due to the volume of evidence. And I did try to, like I said, wrote in and out.

Then I tried to quantify, like, okay, it takes me in this 155-document, you know, three hours probably to read it, I'm just at that point, yeah.

But I was sitting there really trying to quantify, you know, how much time, to be honest, about spending.

And I personally -- poor Chandler had to go back and -- I contacted him for additional questions.

BOARD CHAIR DUDLEY: Sure.

MEMBER HATCHER-CRAWFORD: That I needed to be able to kind of process some of the information.

So in saying that, I think it would be fair to say that if you have one case that has -- and the first one I think it was 15, 16 evidence, then if you consider the amount of documentation inside of the evidence, then the review if you're watching a whole video which was almost

an hour, six hours, is about right.

But honestly, that was like a -- I want to say almost a day and a half case. I stopped and went back and looked at it later on that night.

BOARD CHAIR DUDLEY: I think one of the BR1s was actually 220 pages.

MEMBER HATCHER-CRAWFORD: Yeah, that was another case.

BOARD CHAIR DUDLEY: There was a whole lot of material. Then if you're -- I don't want to discuss any of the facts of any cases we will be discussing, but sometimes watching a video -- even if it's a short video -- once, isn't going to do it because you are looking for a specific thing.

So yes, there was a lot of material this time and a lot of time was spent on it.

But again, I'm looking for, and people to sort of give some guidance to POST, and I'm just bringing up this topic, about maybe if we could do it this way.

Again, given that some cases will take 12 hours, some cases will take three hours, and two hours, is there some mathematical number that makes sense so per case, it would be one day.

Or per case, it would be a half day.

Do you want to comment?

MEMBER CLAVO: How do we determine that -- Clavo -- how do we determine that when we don't know how many cases we're going to have --

BOARD CHAIR DUDLEY: Great question.

MEMBER CLAVO: -- A lot of documentation.

BOARD CHAIR DUDLEY: So we don't determine that.

Annemarie and the POST staff will know, like, for our January meeting, let's say there are five cases. So they're going to know ahead of time. And we will know ahead of time, okay, five cases, that means our day wage for those cases will be "X". And that -- so we're not going to know that, but we'll know how many cases there are.

So if we wind up the "what is a day" to a case number, then it's going to give them something to work with.

MS. DEL MUGNAIO: In response to some of the comments today, I think Dr. Glaser brought up something that I know our Executive Director and I have discussed as well.

So if you had an odd number of cases, let's say you guys determined that a case is half a day. Two cases is a whole day. Three cases arguably is, you know, what 12 hours. We would round up; right? To the -- to the two full days.

So, it would be a rounding situation that we would end up having to do, so that you get compensated for the days' worth of work. If it's an odd number and we're not reaching that 16-hour mark or the 24-hour mark.

And that's if you decide that every case -- and again, you're right, not every case is going to take four hours. As Joyce mentioned -- excuse me, as our Chair mentioned, we have cases that are taking longer and we recognize that.

This is also something that we can revisit.

So I want to make sure you're aware that this is something that we can start standardizing, and whether it's a case is a day or case is half a day, and we can seal how well that works given the volume that you're reviewing. And we can bring this back to you, either in six months or a year and we can readjust that average if it doesn't seem like that's meeting the demands of what it takes to get you prepped for these hearings.

So, it's your policy. You can revisit this at any time, that this may not be a workable solution.

You can start with, you know, whatever we want to start with here today. And we can adjust accordingly in six months or a year.

BOARD CHAIR DUDLEY: But I think we should leave today with a plan. We can change the plan in a few

months, but it should not be confusing in anybody's mind about that.

If it's taking you more than a day, like, you know, I'm sure like many of you I would volunteer to do this job, it's so important.

But I also want to make sure that people are being compensated for their time, because it's time away from our work, from our family, from the other kinds of things we could be choosing to do with our time.

So finding that balance.

So let's think in terms of is it one day per case on the average? Is it a half day per case? Give me some thoughts on that, because I would like to leave them with a clear message.

You're nodding, what are your thoughts?

MEMBER JOHNSON: No, no. You're thinking on the right track, I believe, because we had four cases and they were pretty intense. And long.

Of course, when I think about it, the time that I spent, right, it would be like one case took really, thoroughly, three to four hours. You know, and so, given the weight of each case, because not every single case that we looked at this particular time weighed the same. But, there was still quite a bit of time that was involved.

BOARD CHAIR DUDLEY: Yeah, for me personally, I ended up with 28 hours. Four cases, 28 hours. That would be seven hours per day.

And I noted each time when I began, where I stopped, how far I got in something.

So, my total ended up being, you know, whether it is seven or six, doesn't matter to me, but it was four days.

So, I understand the two and a half, I understand that -- yes, please, go ahead.

MEMBER HATCHER-CRAWFORD: I agree with you. I basically came up with that and I was, I mean, like I said, I literally had to get up and take the break because it was so intense.

And poor Chandler got all these emails from me requesting additional information.

And to thoroughly say it. So I would say one case -- but that first one was like a day and a half.

BOARD CHAIR DUDLEY: Right.

MEMBER HATCHER-CRAWFORD: But one day would be fair to say that. And I'm okay with the system of writing in and out.

BOARD CHAIR DUDLEY: I think, you know, for me, too, it was -- if we count a day and a half maybe a day and a half or one case but a half day on another case,

so together you add those two cases, that's about a day.

Dr. Glaser, your thoughts?

MEMBER GLASER: I was -- I think I would like to propose that we have a rule of thumb of, you know, half a day per case, but with some kind of flagging mechanism for when a case is so big that it's probably going to -- it should count for more than that.

MEMBER HATCHER-CRAWFORD: I disagree.

MEMBER GLASER: Okay.

BOARD CHAIR DUDLEY: So you were saying you disagree?

MEMBER HATCHER-CRAWFORD: I disagree.

BOARD CHAIR DUDLEY: Because you think it takes more than half a day?

MEMBER HATCHER-CRAWFORD: It can cake more than half day. The volume that we're starting to see in it, in the cases, two of them were huge. Two were a little bit smaller. It still took approximately about one day.

The last time we were here, it took me two days to do the four. And so, that was kind of fair. But I'm seeing volume. Because these people, I mean, not these people.

I believe that the officers are now putting forth more evidence and being able to, you know, to affirm their case or their position, if they're filing.

And so if we had left away from her in our first initial case -- again, poor Chandler we had a book stacked like this we were supposed to be reading. I was like, no, don't send that to my house.

BOARD CHAIR DUDLEY: So you're saying a day.

MEMBER HATCHER-CRAWFORD: A day.

BOARD CHAIR DUDLEY: And you're saying half day and it sounds like Ms. Clavo has something to say about this.

MEMBER CLAVO: Well, Chair, I'm like you. I'm a slow reader. And so I want to make sure that I'm taking in all the details and the facts. So the 166-page one, that was a day and a half.

The 220 page one was definitely two days and that's me closed up and telling my staff: Don't interrupt me. And closing myself up in my office and wondering why I didn't have something sitting next to me to ease the pain.

But, I definitely say a day and a half on the larger cases. Now there was the smaller one towards the end, that was probably a half a day, if I would have sat and consistently went through the documentation. I probably could have did it in four plus hours.

But the other ones, no. Definitely a day and a half.

BOARD CHAIR DUDLEY: Ms. Buchen, this is your first time that you read cases. Do you have some thoughts to share about this?

MEMBER BUCHEN: I think so. First I do like that we're now talking about a per-case count -- accounting mechanism versus like how many hours it took everyone, because I think that just makes it simpler, more objective.

I think -- I mean, I don't feel strongly between half a day versus a day.

You know, I do like the proposal that if it's a half a day, have some mechanism, I don't know what quite what it would be, to flag that it was on the longer -- that it -- would warrant a day.

So, yeah, I don't have a strong preference between half a day --

BOARD CHAIR DUDLEY: I'm sorry?

MEMBER BUCHEN: I do not have a strong preference between half a day --

BOARD CHAIR DUDLEY: Okay.

MEMBER BUCHEN: -- versus a day.

BOARD CHAIR DUDLEY: Okay.

MEMBER JOHNSON: I would like to make a comment.

BOARD CHAIR DUDLEY: Okay. Sure.

MEMBER JOHNSON: I'm sorry. Johnson.

BOARD CHAIR DUDLEY: Then we'll get to Doyle.

MEMBER JOHNSON: I'm sorry. The way the cases were entered into evidence, wasn't consistently in order.

So, there was a searching process that had to take place.

And if you didn't mark where you were at, you totally got lost, you know. At least I did, right?

BOARD CHAIR DUDLEY: I agree with you 100 percent. I had to write it down immediately because I was lost if I didn't.

The way it lays out --

MEMBER JOHNSON: Yeah.

BOARD CHAIR DUDLEY: -- is so hard. And you have to find BR1 and then BR1 --

MEMBER JOHNSON: Exactly.

BOARD CHAIR DUDLEY: -- and BR Calvo.

MEMBER JOHNSON: Yeah.

BOARD CHAIR DUDLEY: And it's not -- it's not like a book, you turn the page --

MEMBER JOHNSON: Exactly.

BOARD CHAIR DUDLEY: -- and it is all in front of you.

MEMBER JOHNSON: Yeah -- I just thought I'd bring it up.

BOARD CHAIR DUDLEY: So there's a search every

time.

MEMBER JOHNSON: A lot of my time was spent making sure.

BOARD CHAIR DUDLEY: Me too. Yeah.

MEMBER CLAVO: So that's an interesting, you know -- Clavo.

I kind of played with the system this time. So I figured out in the top right, the arrow, will put it in chronological order.

And then I found out, after all these cases, and this was yesterday that I got this epiphany, y'all.

On the top right, it will put all the cases on the page together and so once you put it in order, you will have all the cases in order. But then you will have them all lined up in a row and you can click one by one by one of each evidence that is listed.

And so we might need training on how to use the system because I just, you know, was exhausted yesterday and I was like come on there got to be a quicker way. And I just started clicking on stuff and figured that out.

BOARD CHAIR DUDLEY: I think that, Chandler, if he wants to speak to this, or that, I think that the way you just described it, if we had a page for every case, and it was in order of how we should read it, life would

be very different when we open up our laptops to read these cases.

Dr. Glaser?

MEMBER GLASER: Oh, I --

BOARD CHAIR DUDLEY: I thought you wanted to say something.

MEMBER GLASER: I do, then I remembered Board Member Doyle was in the queue as well.

BOARD CHAIR DUDLEY: Okay.

MEMBER DOYLE: Well, since I'm technologically stunted, I probably spend more time just finding the case than I do reading them.

I have no strong opinion one way or another. All of us process things differently.

Having read hundreds, if not more, internal affairs investigations, I tend to focus what I think is important to the allegation as opposed to some of the interviews that mean absolutely nothing because they just repeat.

So I -- but I would want to say, what time I put in. Unlike you, Joyce, I didn't put in 28 hours. So I hope there's a mechanism for me to say this took me this amount of time, rather than just buying into one day for two cases, or six hours or whatever it is. So --

BOARD CHAIR DUDLEY: I think for me, as a former

prosecutor, I'm always afraid of missing the thing in the weeds. And coming here, ill prepared is the scariest thing in the world to me.

So, I tend to look in the weeds a lot.

And you've read a lot of police reports so you can find things as you're going through them.

So again that goes back to our experiences and our education.

Yes?

MEMBER HATCHER-CRAWFORD: I definitely agree with you, Chairman Doyle -- Dudley. Doyle, Dudley.

I did the same thing. Again, there were questions that I had and I looked at the video. And I can't go into it, but will go into it later. I kept questioning it.

BOARD CHAIR DUDLEY: Okay.

MEMBER HATCHER-CRAWFORD: So yeah.

BOARD CHAIR DUDLEY: So I think, yes, Doctor?

MEMBER GLASER: I did want to say, first, just with respect to this immediate discussion, I think it makes sense and it's in the public interest to create incentives for people to feel like they have enough time to work on the cases.

So, I kind of revised what I was thinking before about half a day per case.

But, we want to make sure that people feel like they have the bandwidth and the time. Because we all have opportunity costs when we can't -- you know, when we're doing this instead of something else, whether it be professional or personal.

The other suggestion I wanted to make was that -- oh, I ended up using the agenda packet and downloading it as a .pdf and then working just from that. And then if we all did that, we would have the same sequence of everything and it has live links in it, so that you can click on those and access videos and other -- and audio files and the like. So that --

BOARD CHAIR DUDLEY: Let me work with Chandler and see if we can make, next time, a way that it just kind of jumps off the page for us rather than us jumping all over the page.

MEMBER HATCHER-CRAWFORD: I guess my question is -- oh, Crawford.

BOARD CHAIR DUDLEY: Yeah, thank you.

MEMBER HATCHER-CRAWFORD: My question is, that was one of my greater concerns is downloading information and because of the confidentiality with each one of the cases. That's what I was trying to make sure I didn't do. Because of that.

BOARD CHAIR DUDLEY: Let's -- yeah, let's

consider -- and then we'll get to some kind of vote of some kind, one day per case, but putting this back on the agenda for us for our April meeting. And in April we can say, you know what, that was really more time than I was putting in on cases. Or it should be a day and a half per case.

But I think if we start with something simple like that and then agree to look at it again in April, that will make better sense of it.

Does that work for everyone?

I'm going to let both of you go.

MEMBER HATCHER-CRAWFORD: I would like to make a motion.

BOARD CHAIR DUDLEY: We don't need a motion.

MEMBER HATCHER-CRAWFORD: Okay.

BOARD CHAIR DUDLEY: But it's always fun.

MEMBER GLASER: Just to clarify on my strategy for working with the agenda packet, it arose from me asking Chandler because I was frustrated not being able to --

BOARD CHAIR DUDLEY: Yes.

MEMBER GLASER: -- download other .pdfs, because I want -- I can't just look at them, I need to be able to, mark them up --

BOARD CHAIR DUDLEY: Right.

MEMBER GLASER: And so he pointed out that you

can't do that with those.

BOARD CHAIR DUDLEY: Makes sense.

MEMBER GLASER: You cannot download those as .pdf.

But you can download the agenda packet and all that is public information, I believe. So you're kind of safe doing that and you can click on the stuff that's confidential.

BOARD CHAIR DUDLEY: Right. I think we make a motion that Chandler is an Angel. Because he deals with all of us and our computer issues.

Would either one of you like to speak to the organizational issue?

MR. KNAPP: With respect to evidence.com, your concern, Board Member Crawford, was accidentally downloading something from evidence.com.

When the evidence is shared with you, you're actually barred from downloading, so there will be no accidental downloading.

With respect to the agenda versus what you as a Board receive via evidence.com, most oftentimes those items mirror each other. Sending you items in evidence.com through Axon is just a secure way for you to see it now.

I understand that some people may have issues with the organization of it. And that's when you get into

the filter mechanisms to filter through cases.

I can confirm this separately through my test account. But you should also be able to type the POST case number into a field where it will just show you those pieces of evidence.

And then one reoccurring issue I noticed, if you're trying to access the evidence solely through the link notifications that you get in your email, it's going to take you directly to that case. And it's not going to be the most organized.

So my recommendation would be going to your my.evidence.com Axon account and going to your central dashboard that is unspecific to any case.

It's just going to show you a list of evidence that is only shared with you guys. And that's where you will find your filter mechanisms to be able to tailor to the case you're working on and hopefully keep better track of where you are at in your review.

BOARD CHAIR DUDLEY: Chandler, I'm understanding about 50 percent of the words you're using.

So, I think -- if there's a way to simplify that and send it to us in a memo, either if we can could make it more user friendly or you could have it written down for us so that when we go home we can do what you're saying. But "filters" and things like that, I'm not

quite sure how that all necessarily applies.

MR. KNAPP: You beat me to my punch line.

BOARD CHAIR DUDLEY: What's your punch line?

MR. KNAPP: The next -- my final point was I will work to put together some sort of reference document or training in which we get into the mechanics of evidence.com so it's spelled out for you.

And then as a liaison between POST and the Board, I'm available almost all the time. So if you're having issues, call me.

My job is to be of assistance to you guys at any time. So, I'm happy to help at any time.

BOARD CHAIR DUDLEY: He puts his cell number on all the emails. And I've spoken to him on Saturday and Sunday, so -- I'm afraid he's a very hard worker and we deeply appreciate it. Thank you.

MR. KNAPP: Of course.

BOARD CHAIR DUDLEY: Did you want to say something?

MS. DEL MUGNAIO: Just that we'll put this into practice, so we're okay not amending the policy at this point. We're just going to put this into practice and we'll revisit it in April and see if it's working for you all.

Thank you for being thoughtful about this.

MEMBER GLASER: I would like to move that Chandler

have a life and that on weekends he not feel like he has to respond immediately.

BOARD CHAIR DUDLEY: I try to email it, so hopefully he won't see it until Monday, but he opens his email on Saturdays and Sundays too.

Okay. That is the end of this issue unless there's any public comment on this issue?

Seeing and hearing none, let's go on.

Okay. This is a report on the outcome of case review from June 12th, '24, Commission meeting.

MS. DEL MUGNAIO: So you all received a memo from Chandler about the case outcomes. And in the interest of time, I'm just going to ask if anyone has any questions regarding the outcome from the Commission meeting's review of these cases.

No?

Okay. So it was included in the agenda packet.

For purposes of the people in the public this report is available online, as well, if anyone has an interest in reviewing it.

Thank you.

BOARD CHAIR DUDLEY: Okay. Now the data.

First, any public comment on the last comment? Okay.

Moving on to data. A report on data for serious

misconduct reporting investigations and disciplinary action outcomes.

MS. DEL MUGNAIO: I'm going to invite Bureau Chief Brian South to present some data for you.

Again in the interest of time, you have the spreadsheets that were provided. There was visuals about kind of intake investigations and outcomes.

So Mr. South is going to highlight for you different aspects of the data that I don't think get enough attention and perhaps are overlooked.

So, I'm going to turn it over to Mr. South.

BOARD CHAIR DUDLEY: Looking forward to this because again, weeds versus forest versus trees. I think your presentation is very important for us to understand the forest, the trees and the weeds. So please.

MR. SOUTH: Absolutely. Thank you, Madam Chair and Board Members. Appreciate the opportunity to discuss this important topic with the data.

As you know, the process for handling serious misconduct cases have been implemented within the Division.

And we've been receiving and reviewing these for over a year and a half now.

So, we have, pursuant to the statutory requirement,

we have the report here on these statistics. So I'll jump right in.

But before I do, I wanted to give just a little bit of a preface. Up to today, obviously, you're going to hear more today, but you've heard six cases.

What we wanted to point out is we've been looking at the numbers of certification actions that have taken -- that we have taken that don't result in Board hearings. And it's for calendar year 2024, and projected, you know, through the end of the year, somewhere in the neighborhood of 300.

So I wanted to explain that a little bit.

BOARD CHAIR DUDLEY: Yeah, exactly. Please.

MR. SOUTH: So that's what I'm going to break down.

BOARD CHAIR DUDLEY: Thank you.

MR. SOUTH: The first is what we call default and we're about 60 percent of the cases that we send a notice of intent to revoke, if the officer doesn't respond, as was noted, it goes through as what our recommendation was. It does not result in a hearing.

About 60 percent so far -- and it kind of fluctuates, but that's the number right now -- are defaulting. So those revocations are going through and we're not going to have a hearing on that.

The second thing is --

BOARD CHAIR DUDLEY: I'm going to stop you so we can break that down a little further.

So there's a decision that the person should have their certification revoked, a note goes out to them. You have to wait 30 days to see if they respond.

So sometimes we don't know if our meeting's going to be one day or two days. POST is waiting for those 30 days to pass to see how many are going to come back to us.

And now, as you see, 60 percent after 30 days don't respond. So that goes to a default revocation.

MR. SOUTH: Absolutely.

MEMBER GLASER: Can I ask clarification on that, then? Because I was under the impression, and I -- this is just an inference that I made -- that there wouldn't be a POST investigation unless there was, you know, unless the officer appealed.

Is there a POST investigation for every case even if -- okay.

MR. SOUTH: Yes.

BOARD CHAIR DUDLEY: You're getting nods from this side of the table.

MR. SOUTH: Yes. Yes. And we'll talk a little bit more later about what our investigative time frames are that we're looking at but, yes, absolutely.

MEMBER JOHNSON: Before you proceed --

MR. SOUTH: SURE.

MEMBER JOHNSON: Is there anywhere you are looking at in the packet?

MR. SOUTH: I will go through the presentation, it's that slide deck that's in there. This is just sort of a preface kind of breaking down some of the data.

We're going to get into the details on the revocations and all of that data.

The second, sort of, outcome that's unrelated to hearings that we just wanted to point out are voluntary surrenders. We've had over 60 of those. And that is when an officer voluntarily surrenders their certificate. It does the same thing as a revocation, so there's no more work that the Division would need to do and it won't result in a hearing. It does the same thing as a revocation. And we've had over 60 of those.

Also, and we'll talk about this in detail, but there's been 160 what we call 1029 disqualifications. So 1029 is the Government Code that outlines if there's a conviction for a felony, you're -- as a peace officer, you are automatically disqualified to be a peace officer.

There's more detail with that, but that's generally what it -- when you hear us say a 1029 disqualification,

it is a certification action that's based on that felony conviction. But it's not going through the serious misconduct pipeline that would result in a hearing like this.

Our Legal Bureau does reviews of those. We get court records so there's an investigative aspect to that.

But the Legal Affairs Bureau provides the Assistant Executive Director recommendation on whether or not the conviction is, in fact, disqualifying. And then it goes through that pipeline. So we're talking about 160 of those.

Again, outcomes not related to hearings.

The last thing I just kind of wanted to -- well, before I move on, one more item on the 1029s. So we can get them a couple different ways.

So we can learn of these convictions through what -- a DOJ list. So the DOJ sends us a list of convictions, but we can also learn of them through the agency misconduct reporting.

So, an agency may send us a report and say we -- there's an officer that has this qualifying conviction. Or we have an officer who is alleged to have committed an act that violates the law.

If there's a subsequent court proceeding, criminal

court proceeding, we will monitor that and if it results in a conviction that would be disqualifying, we can then put it in that pipeline that I just described.

If it goes that direction, again, it's not going to result in a Board hearing like this.

The last sort of piece that I wanted to mention is, immediate temporary suspensions. So it was mentioned earlier briefly, but we've had 120 of those immediate temporary suspensions. Now, it is temporary, so this is not a permanent action.

But it is an action against the certificate that is done within the Division through the Executive Director that, again, is not going to result in a hearing.

So you can kind of see that we have quite a few actions that are being taken and quite a bit of staff work that's being done that may not result in an actual hearing.

And as you can kind of see, so far, the majority of cases are not being appealed and resulting in the hearing.

So we just kind of wanted to point that out.

If there's no further questions on sort of my preface, I'll go -- I will start right into --

BOARD CHAIR DUDLEY: Pause for a second.

MR. SOUTH: Sure.

BOARD CHAIR DUDLEY: Any further questions?

MEMBER JOHNSON: I do have a question. Johnson.

Is all of those reported to the National Decertification Index?

MR. SOUTH: When there is a certification action taken for a revocation, voluntary surrender, et cetera, yes.

BOARD CHAIR DUDLEY: Dr. Glaser?

MEMBER GLASER: And what did you say the number was for the total number of revocations to date?

MR. SOUTH: So, we're going to get into that. Yeah, because we'll actually get into detail on whether they're 1029 revocations or whether they're default.

But just giving you an idea of some of the outcomes that were not related to hearings.

BOARD CHAIR DUDLEY: The question is on the preface. Okay. Please go on.

MR. SOUTH: Very good. So the first slide that we have is going to cover what our reports are.

And so when we say reports, these are allegations. So these are the reports that the agencies are required to send to us.

Again, these are allegation, complaint or charge of one of the nine areas of serious misconduct, we're at almost 30,000 since we started of these reports.

About 7,500 were this year in 2024. And almost 22,000 were from 2023.

Now, that's obviously due to the retroactive component, the lookback provision, that resulted in quite a few reports being made in that -- in that first year we were going.

And as you can also see, 56 percent are what we call retro. So again, these reports that the incidents occurred prior to 2023, over half are those retroactive reports.

Now, again, a little bit of context with these numbers. When you hear the number 30,000, that's a lot of allegations of serious misconduct.

What we're finding, though, and what we have found, and this trend has continued, is the vast majority of those, the agency finding, their determination is unfounded, not sustained, or exonerated.

So it's around 93 percent.

So, we still look at those. We look at every single one of those that come in. And we look at the reports. Oftentimes we'll look at the video. So we do look at all those.

We are not finding examples, so far -- never say never -- but we are not finding examples so far where there has been a finding by an agency after a thorough

IA of unfounded, for example, and we have determined, no, there needs to be an action against that officer's certificate, there's clear and convincing evidence of serious misconduct.

The rest of those -- did you have a question, Ma'am?

MEMBER BUCHEN: So there have been been zero instances of that?

MR. SOUTH: We have not had an example of that so far.

The rest of those, seven, eight percent, was sustained, and we -- we do an investigation. And it's about five percent where it's sustained and we determined it may merit some action.

But the point is, that it's a much smaller number of cases that may merit action, we're doing a full investigation. Not the 30,000 number of allegations.

So a little more on the numbers. We have specific allegations that have to be one of the nine areas of serious misconduct. So there's actually over 33,000 separate reported allegations. But it's to about 18,000 unique officers. And that's because some -- many cases might have multiple allegations, right, with the same -- with the same officer.

And then we have a little over 1,200 public

complaints. So that's where anybody in the public can logon to our website, contact POST, walk in the front door and do a POST public complaint. And we accept those and there are over 1,200 we've received so far.

Now, the next slide talks about cases.

MEMBER BUCHEN: Can you repeat the percentage that were sustained by the agency?

MR. SOUTH: It's about 7 percent.

MEMBER BUCHEN: About 7 percent. Okay.

And then of the public complaints, what percentage of those were investigated by POST?

MR. SOUTH: The way that process works is when we receive a public complaint, we refer it back to the agency. And then they're required to respond to us, just like they would when they send in an agency misconduct report. And then we review that for sufficiency. And we are always authorized to do additional investigation as needed ourselves.

MEMBER BUCHEN: So what was the outcomes of those agency investigations of the public complaints?

MR. SOUTH: I don't have specific numbers on that, but we can certainly break out the POST public complaint outcomes as well.

MEMBER BUCHEN: Okay.

MEMBER GLASER: If I may, I want to reissue my

question from earlier, which is -- and just phrase it a little differently.

What extent of investigation occurs for all 29,000 of these cases?

Because I -- I would be very impressed if an ISF report of the nature that we're getting has been done for all of those. That's kind of what I'm trying to get it.

MR. SOUTH: So when we use the term "investigation" in the context -- and Annemarie can certainly jump in at any time -- but when we use the term "investigation," in the context of sort of this licensing investigation, typically it's going to be a review, evaluation and analysis of the agency investigation.

We're obviously asking a slightly different question from a licensing perspective, but that's -- that's going to include any of the documentary evidence, that's going to include disciplinary paperwork, for example. That's going to include digital evidence like body-worn camera, surveillance camera, anything else that may be available.

And then we may do our own additional investigation that may include things like an interview if the subject officer wasn't interviewed, things of that nature.

So when we say investigation, sometimes it's really

a paper investigation, we're reviewing and doing analysis based on an internal affairs investigation that's already happened.

And then there's internal documentation that we do that supports our finding.

MS. DEL MUGNAIO: May I add one comment?

BOARD CHAIR DUDLEY: Please.

MS. DEL MUGNAIO: The ISF, as you are familiar with, is really only produced if it's a case that there is serious misconduct and clear and convincing evidence found through the analysis that Mr. South is talking about. At that point they would produce an investigative summary and findings.

Otherwise, there is closure documents that discuss why the case did not either meet serious misconduct or did not rise to the level of clear and convincing evidence.

I want to speak to Ms. Buchen's question about public complaints.

There are times that public complaints are not assigned to an agency. And it's because they're non-jurisdictional. So our Intake and Disposition Bureau would be reviewing those public complaints. If it's not something within POST purview, we would notify the public that this is not something that POST can even

investigate. And then the closure would happen before it's assigned.

So there are a fair amount of public complaints that are just nonjurisdictional for us.

MEMBER JOHNSON: I'm sorry. Johnson speaking.

Is it possible you can cite, for example, the public comments today in regards to providing POST and complaints. I don't know if it was nine officers or 21, but whatever the case, right, it stated where -- it sound like it stated that then POST didn't send it back to the agency, right?

And then the agency didn't make a determination of whether they should come up for decertification.

I think the community, with the complaints that they were making, was trying to circumvent that. Not so much circumvent it, but saying that that was the failure part.

MS. DEL MUGNAIO: Right. Thank you for the great question.

It's not so much the agency, the agency is never recommending decertification. The agency is specifically investigating it and then dealing with the employment issue of that officer.

They are required now by statute to send those reports to POST. POST does an independent review of the

agency's outcome.

And Mr. South was speaking to there are times when there's gaps in the case, obviously. Because the purpose that we're reviewing the investigation for is, in fact, decertification. And it's a different threshold of evidence.

So we may have to do additional investigation.

I think there's some notion of if an agency has sustained an allegation or sustained a finding and -- or let's say not sustained, exonerated, not sustained, unfounded, and sent it to POST, is POST going to file that and say okay, the agency's done its due diligence, and thereby the case is closed. POST independently looks at all of those cases to determine if the agency's finding is, in fact, supported by the record.

Or whether there's, again, gaps in the investigation that POST has to close.

So even though the agency is required by Senate Bill 2 to do the investigation and send it to POST, POST is required to do an independent analysis apart from the agency's policy violations and findings as to whether or not there's merit in the case for serious misconduct.

So it is somewhat separate. We do get the documents from the agency. But I can tell you that

there are many times where we're conducting independent interviews of the subject officer, or perhaps of a witness, because it is not clearly documented in the agency's IA for the purposes that we're reviewing the case for.

BOARD CHAIR DUDLEY: So I think your concern, which is all of our concern, is might an agency sweep something under the rug and give us reports?

But I think that POST is alerted to that possibility and does their own independent investigation to avoid just that.

MR. SOUTH: And the only other thing I would add is if we get a POST public complaint on something that happened in the past, we may reach out to the agency and say: What do you have on this? But we can still do our own investigation.

Versus a lot of the fresh public complaints that come in go through that referral, but like Ms. Del Mugnaio said, we're still going to be doing our own independent review.

BOARD CHAIR DUDLEY: And I think that question, the way you phrased it was very artful. What do you have on this? Not what are your conclusions, but give us what you have, then we'll make our own conclusions.

Thank you.

MR. SOUTH: Very good. Okay. Go on to the next slide which talks about cases. And just for terminology, when we say a "case," a case is created when a report is then assigned to an investigator. So then we now have a case.

And we have almost 20,000 of those cases.

Fifty-nine percent of them are open.

But there are two categories of open that I just want to touch on.

The first is "open with POST." And that means that the ball is in our court, essentially. And we're actively doing that investigation that we were talking about.

"Open with agency" means that perhaps the agency has done their ten-day reporting. They're supposed to be sending us a report within ten days of becoming aware of an allegation of serious misconduct.

But they may not have finished their internal affairs investigation and oftentimes they will not have.

So it comes in as open with the agency and we watch those. And then when they have a finding, they send it to us, and then we conduct our reviews.

So when it's open with agency, it means the ball's in the agency's court but we're aware of it and we're monitoring it.

As you can see here, 41 percent of the total cases have been closed.

The next slide talks about those closed cases a little bit. So we're trying to get a little bit more granular with this. And so what this is showing is cases with sustained agency findings that have been closed, which are 929.

But then the question is why? Why did POST close these cases?

And so we do have some disposition data in there that speaks to that.

The first is, "not serious misconduct," which you can see there on the piechart, 37 percent.

What does that mean? It could mean a few things.

Oftentimes it means that perhaps the allegation of serious misconduct didn't actually meet the definition, once we do our full analysis.

An example I can give is dishonesty, for example, is quite a specific definition.

But, oftentimes agencies are sending us a lot of cases that involve dishonesty, but when we do our analysis it doesn't actually meet the specific definition in the statute of dishonesty. That is just an example.

Not clear and convincing. We have a higher burden

of proof, right, for our work. And it's clear and convincing evidence, whereas the agency operates with their IAs at a preponderance of the evidence burden.

And so there are times where we do our analysis and determine -- sometimes with the assistance of our Legal Bureau -- that there is not clear and convincing evidence.

Perhaps there was a preponderance of the evidence but there is not clear and convincing evidence.

And then you can see here, 38 percent not actionable.

This is, I think, a critical piece to understand as we're sorting through all the retroactive cases. "Not actionable" in our parlance is going to mean that we can't take action by statute.

Meaning it's a retroactive case that is not one of the three areas of serious misconduct that the statute allows us to take action on.

We received a lot of those. We analyzed those and this means that in a high number of them, the determination is, regardless of the finding we just can't statutorily take action.

So when you see "not actionable" that's what it means.

BOARD CHAIR DUDLEY: Yes, please.

MEMBER DOYLE: I have a question. Doyle.

In general terms, under the circumstances of the agency sustaining a complaint for dishonesty, can you provide an example where POST would disagree with that?

MR. SOUTH: Well, so at an agency level, as you well know, there's very broad definition of any type of dishonesty typically in their policy.

And in our definition for serious misconduct it has to be specifically relating to the reporting, prosecution or investigation of a crime. Or relating to the investigation of misconduct.

So, I'm going to -- you know, it's -- hypotheticals are tough, but I will try to give you an example.

If an officer calls in sick when they're not sick, for example, an agency may look rather negatively at that and perhaps discipline an officer for that.

But if they're then honest in the IA and we're analyzing it, that could be one of those times where it doesn't neatly fit into our definition.

MEMBER DOYLE: Okay.

MR. SOUTH: The other thing I'll say, is that sometimes it may say sustained by the agency, but when we actually do the full deep dive into all the documents, we realize that it -- they sustained maybe discourteous conduct, but the rest of the use of force

and everything else, the reporting, all of that, may have been unfounded. And we agree with that.

And but it stills comes in as "sustained" because one of the policy violations was sustained, for example.

BOARD CHAIR DUDLEY: Let me just stop you for a minute.

Are you okay for ten minutes?

THE COURT REPORTER: I'm okay for ten minutes. Thank you for asking.

BOARD CHAIR DUDLEY: Of course.

Please go on.

MEMBER GLASER: I have a question, if I may, on the previous slide. I can understand why you would want to narrow that analysis to just sustained agency findings, because those are probably the most serious cases. And you've already observed that you've not yet encountered a case that -- that POST determined to be serious misconduct, that hadn't been sustained.

So, two points on that.

One is just that I would urge caution with using "sustained findings" as a heuristic, as a shortcut, for, you know, this is likely to be a good case.

And so analyses like these might contribute to that and we want to remember that even though IA has a lower standard of proof, they may not be administering that

standard appropriately.

And so, you know, looking at this, I would really want to know what the breakdown is among cases without sustained findings as well. Because I'm shocked that there are zero cases out of the almost 10,000 or so that have already been reviewed that zero cases where there was no sustained finding and there was a finding of serious misconduct. And --

BOARD CHAIR DUDLEY: So Dr. Glaser, just to be clear, we can make the request of POST staff to give you what you're looking for.

So say it one more time about what data is not being captured here that you would like to see.

MEMBER GLASER: I would like to know the breakdown of cases closed and the reasons for the closing of cases even for cases where there wasn't a sustained finding. That's the larger universe of the cases and we want to know about that.

And I would just -- one reason why that's important is that when we make that very valid comparison that we have a higher standard, clear and convincing, versus preponderance of the evidence, that doesn't apply as well to the cases where there isn't a sustained finding. We want to know what's going on in that whole universe of places and start to calibrate the extent to which IA

investigations are accurately and reliably picking up the kind of misconduct that we want to be --

BOARD CHAIR DUDLEY: Let me turn to Annemarie on this.

MS. DEL MUGNAIO: Thank you, Dr. Glaser.

I think there's two things going on here. You're talking about the 8,000 some odd cases that have already been closed that are not incorporated here. And we can absolutely do that.

I think there's another issue, though, that would help speak to that is not just whether or not POST essentially closed the case, there was -- it was exonerated or unfounded, but what is the percentage of cases that POST does do additional investigation to look at the reliability of the information that we receive, and perhaps that may be helpful. It's probably not a stat that our current database keeps for us.

But if there's a way for us, in the professional conduct side of things, to look at the percentage of times that our law enforcement consultants are actually doing additional investigative work, I think would be helpful for you guys to know.

MR. SOUTH: And I would just add two things, Dr. Glaser, and Board Members, in that while we haven't found an example, we don't know what we don't know.

These are reports that are being provided to POST, right?

And the other thing is we are working on the technology side to further break down so it's not just not serious misconduct, breaking that out into other outcomes that -- so we have data that is -- speaks to why, rather than just an explanation. So we're working on that as well.

BOARD CHAIR DUDLEY: I don't want to discuss a particular case that we may be talking about this afternoon, but in cases in general, if there is an action that is being looked at now and then you go back and find a report that says something was not sustained, can you go back and look at that other incident and see if that other incident is relevant? Or is it just important to deal with the case at hand and decide on revocation versus suspension, et cetera.

MR. SOUTH: I would say part of our review is always going to include any other allegations of serious misconduct in the record.

BOARD CHAIR DUDLEY: Okay. Thank you.

MR. SOUTH: Any other questions?

The next slide is getting into more of the details of the disciplinary action statistics. So we have had 32 of those notice of intent letters sent that I

referenced earlier.

And you can see here the ten appeals and 19 default actions.

One of -- we also had a voluntary surrender. I just want to point out that this, though, was a notice that was sent and the officer, rather than just not responding at all and defaulting, he responded with a surrender.

A surrender can be done at any time for any reason by an officer and at any point during the process.

But that's why we are noting it there. And then there's two that are pending a response still.

And then the next slide, you can -- the top of there is the same numbers as the last slide in terms of the notice of intent letters sent, and things like that, but what we're doing here is correlating it to the agency discipline that was imposed on those cases. So you can see on these cases that POST is moving forward with action, 19 were terminated by the agency, 12 resigned, and one was demoted, was the agency discipline.

And it's evenly split on- and off-duty conduct.

Now we'll talk a little bit about decertification cases that are before the Board, before your body. The total cases, as you know, that were heard before the

Board are six. You will obviously hear four more today.

Out of those five, the Board recommended to revoke and one the Board recommended to suspend.

And of course we have the four pending for today.

There has been one instance where the Board has reached a different determination than the Division and that was in the Diaz case.

And there's a slide later, we'll kind of show you in one slide, the cases that you've heard where they've sort of ended up and where they're at now.

But we'll talk about decertification cases before the Commission. So the next step after you hear a case, the Commission has heard six. They have determined to revoke on three. And they have determined to enter a stipulated settlement agreement on two. And in one instance, they determined to take no action. So that's three instances total that the Commission has reached a different determination than the Board.

And the next slide is the slide I was referring to where you kind of see in one place what's happened.

So that top case there, Ramirez, if we just look at that, the Division recommended to revoke.

You recommended to revoke. The Commission determined to revoke.

And the status as of September 30 is that it was a

default revocation.

So that officer defaulted at the ALJ stage.

The rest you can he here, we have two that are initiating the probationary monitoring and then two that are pending the ALJ hearing, all of which you've heard already.

MEMBER GLASER: I feel compelled to comment that it's very regrettable that the Commission did not revoke the certification of Officer Fuston.

MEMBER HATCHER-CRAWFORD: Can we go back to that screen. Crawford. I'm sorry.

Just in reading this, and it's my personal comment for the record, it seems to be half and half with our recommendation versus the Commission.

What kind of confidence, I guess we need to think about, we're giving to the community? That's my concern.

MS. DEL MUGNAIO: This doesn't tell the full story.

So later on, you are going to kind of hear some options that are before the Board.

MEMBER HATCHER-CRAWFORD: Okay.

MS. DEL MUGNAIO: That would have otherwise resolved the matter in a similar fashion that I think the Board had intended to resolve the matter.

You didn't have that option afforded to you in

terms of how we were resolving cases. So I think you'll learn more later today with some of the cases and it won't look so disjointed, if you will.

MEMBER HATCHER-CRAWFORD: Right. Because if I was to read this -- Crawford by the way -- if I was to read this, it does look very disjointed.

And even listening, I know going to start -- not talk about the public, but, just, you know, the purpose of SB2 was to give the community, you know, some -- an avenue and give them confidence that we are upholding SB2. That was just for the record.

Sorry.

MR. SOUTH: Okay. And then the next slide is certification actions based on the felony convictions. So these are the 1029 numbers that I was talking about.

So, we have 112 disqualifications based on ineligibility and another 48 based on a felony conviction.

So that's where I got that number of 160 total number of certification actions based on those felony convictions.

I don't want to make it complicated, the only thing I'll mention is 1029 does include certain misdemeanors that are also disqualifying. So when we say "felony convictions," the vast majority are felonies. But we

have had some, and it is true that there are some misdemeanor convictions that may be automatically decertifying.

MEMBER JOHNSON: Madam Chair. Johnson.

I think go back one slide.

The -- I wasn't clear in understanding the take no action. What does that mean?

MR. SOUTH: Just in that one, that was the case in which the commission opted not to take any action at all. So therefore there's no certification action against that officer's certificate.

The Fuston case that Dr. Glaser was referencing.

Okay. So we talked about the certification actions based on 1029. And these are the total revocations, Dr. Glaser, I promised to talk about that.

So 48 were based on felony convictions. And here are these 18 default revocations and one default revocation resulting from a failure to respond to the notice of defense, which is what I was referring to when I said there was a default at the ALJ stage.

He did not file a notice of defense, and therefore, was revoked.

So that's a total number of 67 revocations that have occurred.

That's the end of the statistics. Happy to answer

any questions. But I also did promise to talk about investigative time frames.

And so briefly, touch on that.

It's still somewhat of a rough number. We're working through our own internal data to try to determine what is our investigative time frame and what is an appropriate investigative time frame from one of our investigators, law enforcement consultants, having a case, working the case, to resolving it with a notice of intent to revoke, if that's the direction that we're going to recommend.

So we have started to look at that. We've been honing our work flow, certainly. We've been honing some of our technology that will help with efficiency and zeroing in on that.

And so where we've sort of landed roughly is around five and a half months from that active investigation to that notice of intent.

There's certainly factors that impact investigative time frames. We started with a high level of volume, of course, with the retroactive reporting which resulted necessarily in high caseloads.

So the investigators are and -- have and still are to a certain extent holding rather high caseloads.

As was mentioned, sometimes we will do our own

interviews. And so that will add sometimes to the time frame if we're going to do our own additional investigation.

But nonetheless, we're looking at that around five and a half months. But we're going to continue to hone in on that as we move forward.

And that is my report.

Happy to answer any other questions.

BOARD CHAIR DUDLEY: Any other questions or comments from Board Members regarding the data?

MEMBER HATCHER-CRAWFORD: Thank you.

MEMBER DOYLE: Doyle. Data. How was the hiring to staff, the unit, going?

MS. DEL MUGNAIO: So we've made some improvements in terms of numbers. We are still, in terms of full-time permanent LECs probably about 40 percent vacant.

However, we have continued to hire retired annuitants to help fill that workload or fill the need for the workforce.

And so I think in terms of retired annuitants, plus full-time permanent law enforcement consultants, we're getting to the point where we have the number of investigators to manage what's coming in currently.

So Mr. South talked about kind of all that volume

from early on with all the retroactive cases that came in.

I think it's fair to mention the Intake and Disposition Bureau put together -- because I think this will happy satisfy the question of, well, what are we going to need in the future, now that all the retro lookback stuff is -- should be kind of clearing out of queue.

We're still receiving on average about 200 reports a week.

So it's -- the volume is pretty steady.

But I think, again, with the number of retired annuitants and the other full-time permanent staff we have, we're meeting that demand.

That's not to say that we're not going to continue hiring and trying to fill those full-time permanent spots. Because, again, that's a more steady workforce and workforce we hope to see within years to come.

So we're still making strides toward that, but we have improved in terms of numbers.

BOARD CHAIR DUDLEY: Yes.

MEMBER GLASER: Moving on from the data, I would like to request -- and I don't know if I need to make a motion for this, or just request that we get similar analyses on a quarterly bases that accompany each --

BOARD CHAIR DUDLEY: A request is sufficient. We don't have to make a motion.

MEMBER GLASER: That would be really helpful. And I'm happy to talk to you more about what would be, you know, the helpful variabilities in that.

BOARD CHAIR DUDLEY: Anything else on data?

MEMBER JOHNSON: Yes, Johnson.

So I guess it's about 900 -- is it 900 or -- 90,000 officers in the State of California? About 90,000?

MR. SOUTH: Give or take, yes.

MEMBER JOHNSON: And what percentage has officially been, I guess, decertified?

MR. SOUTH: I mean we can run that, you saw the 67 revocations, 160 of the 1029 revocations. So, I mean, if you -- if you -- we can run that.

But if you look at 90,000 and even taking 300 or so, certification actions unrelated to hearings plus the revocations that have occurred as a result of our work, I mean, it's you know, we can run those numbers, but it's going to be probably not a high percentage.

BOARD CHAIR DUDLEY: Anything else? Okay. We have one housekeeping thing to do, then we're going to -- thank you so much for that presentation. Very helpful. We look forward to hearing from you quarterly.

We just need to clean up one motion and then we're

going to go to lunch and be back at 1:00.

So, I'm going to ask Annemarie just to tell us again. We need to vacate the --

MS. DEL MUGNAIO: Oh, okay. So in a prior motion we were discussing the conflict of interest code and the change to the administrative policy for the Board.

I failed this Board. I did not adequately address the motion.

The motion should have been to vacate the prior motion to adopt the conflict of interest code by regulation. And delegate to staff to amend the administrative policy of the board.

BOARD CHAIR DUDLEY: Does anyone so move?

MEMBER HATCHER-CRAWFORD: I will move.

BOARD CHAIR DUDLEY: And second?

MEMBER GLASER: Second.

BOARD CHAIR DUDLEY: Roll call, please.

MR. KNAPP: Board Member Buchen.

MEMBER BUCHEN: Aye.

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Board Member Dudley -- Doyle sorry.

MEMBER DOYLE: Aye.

MR. KNAPP: Chair Dudley.

BOARD CHAIR DUDLEY: Aye.

MR. KNAPP: Board Member Glaser.

MEMBER GLASER: Aye.

BOARD CHAIR DUDLEY: And Board Member Johnson.

MEMBER JOHNSON: Aye.

BOARD CHAIR DUDLEY: We can now go off the record and come back at 1:00.

(Luncheon recess: 12:21 P.M to 1:08 P.M.)

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BOARD CHAIR DUDLEY: Okay, everyone, we're going back on the record.

There has been some discussion about the DUI cases. And again, Annemarie's going to explain to us what's kind of -- why that's become an issue and how it's being handled. Thank you.

MS. DEL MUGNAIO: So, yeah. Thank you. So, as Chair Dudley mentioned, we've -- we talked about, I think earlier in the stats how there looks to be a different ruling from the Board to the Commission in some of these matters.

Really what it's coming down to is there's an opportunity for the Board to do something called a revocation stayed, where the revocation is set aside in the interest of perhaps coming to a settlement agreement

with the officer.

And in substance abuse cases, historically what we've seen in a few cases is that the Commission has been amendable to agreeing to a settlement agreement where the officer agrees to abstain from alcohol and drugs, is subject to biological fluid testing, must have completed an inpatient or outpatient treatment program, and must be continuing in a support program for their addiction.

And so that is something that is available to the Board as a recommendation. It is still considered a type of revocation, it is just a revocation that's set aside subject to an agreement. So I just wanted to make that, you know, kind of known that so as we look at these cases today we keep that in mind.

MEMBER CLAVO: Sorry. Clavo. That's for the DUI cases? Specific to the DUI cases?

MS. DEL MUGNAIO: Good question.

So, we have -- we've only seen it applied to substance abuse cases at this point.

The Commission has not expressed an interest in looking at settlement agreements for cases outside of substance abuse cases.

And bear in mind, that every case that comes before you is going to have a unique fact pattern and it may

not be appropriate in some cases where there's not mitigation there to suggest that the subject officer has addressed the dependency and so a stipulated settlement may not be the appropriate recommendation.

But in cases where we're seeing those that have had -- that have struggled with DUIs and have come before the Board and submitted information and it's available in the record itself where it's been several years and they have since, you know, been through recovery, and are practicing sobriety at this point, that may be an appropriate resolution.

But other cases at this stage, we have not considered stipulated settlements.

I should also add to this, in these cases, where there's been a history of the Commission being amenable to that, during the course of the notice of intent to revoke or suspend, there is information in their notice that suggests that if, in fact, they are interested in discussing settlement terms, that they can reach out to the law enforcement consultant and find out more information about what those settlement terms may possibly be.

And so you will hear a case today where that outreach did occur. So the subject officer is aware that this is a potential possibility.

Again, the Commission, or you as a Board, may find that it's not appropriate, that the public health, welfare and safety is not served, it's not in the interest of public protection to agree to that.

But, it has been, you know, the practice at this point.

MEMBER HATCHER-CRAWFORD: Crawford.

In a case of the no action one, I'm still a little bit confused on this one. This one involved excessive force and lying on a report.

MS. DEL MUGNAIO: The Commission could not, in -- excuse me.

The Division did not move forward on excessive force because it was a lookback case and it would had to have been the use of deadly force that resulted in serious bodily injury or death.

The Commission did, however -- excuse me, the Division did, however, recommend to the Board revocation based on the dishonesty.

The Commission in their review of the case, since it was not a use of force case, did not find that there was clear and convincing evidence in the Division's record to support revocation for dishonesty.

So it was difficult, I think for you -- it was difficult for the Commission, because it was clearly --

it was obvious that the use of force seemed to be the most compelling factor in the case.

But because of when the incident occurred, the Division itself, and POST, didn't have the authority to move forward on excessive use of force. And therefore, we only had the allegation of dishonesty. And the Commission did not find that we had met the burden of clear and convincing evidence.

MEMBER HATCHER-CRAWFORD: Crawford.

So, in this case, there seems to be a case of excessive force that didn't meet. Was there a change in the regulations or guidance that maybe we were not aware of?

MS. DEL MUGNAIO: No. No, again, it was -- so, for those cases that occurred before January 1st, 2022, as a matter of fact.

MEMBER HATCHER-CRAWFORD: Okay.

MS. DEL MUGNAIO: It had to be the use of deadly force --

MEMBER HATCHER-CRAWFORD: Deadly force.

MS. DEL MUGNAIO: -- that resulted in serious bodily injury or death.

Now if we were talking about a current case, it's just physical abuse, it could be unreasonable or unnecessary force.

But that wasn't the circumstances in the Fuston matter.

MEMBER HATCHER-CRAWFORD: So January 1st, 2022.

MS. DEL MUGNAIO: It was the timing.

MEMBER HATCHER-CRAWFORD: Timing.

MS. DEL MUGNAIO: And it was because it was considered -- what we call the lookback case, so from January 1st, 2020, up to January 1st, 2023, that lookback period, we could only consider use of force -- use of deadly force that resulted in SBI or death.

MEMBER HATCHER-CRAWFORD: Would that be noted in some -- moving forward in some of our records if it's a lockback case or not, because that definitely would be helpful.

MS. DEL MUGNAIO: Yes. In fact, the Division's record includes that.

So the investigative summary and findings addressed, especially in this case, addressed the fact that while the use of force here was not necessarily what we would consider compliant use of force, because of the timing of this case, it was not deemed deadly force and that was the reason it was not addressed as one of our serious misconduct findings.

MEMBER HATCHER-CRAWFORD: One last question.

MS. DEL MUGNAIO: Yeah.

MEMBER HATCHER-CRAWFORD: So the officer is still employed.

MS. DEL MUGNAIO: Correct.

MEMBER HATCHER-CRAWFORD: Okay.

MS. DEL MUGNAIO: Thank you for your questions.

MEMBER HATCHER-CRAWFORD: Thank you.

BOARD CHAIR DUDLEY: You know as a prosecutor I used to try cases and I would work my hardest and put on a case and the jury would find guilty or not guilty or the judge would not sentence the way I thought the person should have been sentenced and I always left feeling: My job is this. My job is putting on the case. And what happens after isn't my job, it's up to the jury, it's up to the judge.

But it's difficult to not involve yourselves in whether something was accepted by a Commission or not.

But the -- it just -- it should be inspiring for us that we keep doing the hard work that we're doing and we do the right thing, which this Board does.

Okay. We now move to the next item on the agenda. We have four cases to hear today.

We will only be reviewing the facts and evidence as presented by the Division.

This is not an evidentiary hearing. The rules of evidence do not apply here. Evidence is not formally

admitted into the record. There is no need to make any objections and objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this initial hearing will determine only if the matter will proceed forward to the Commission for review.

And then should the Commission approve for full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

For those commenting on each item at this early stage, the Board must only consider the facts that the Division, after investigation, believes can be proved at a later evidentiary hearing.

For that reason, today the Board will entertain arguments as to whether or not those facts, as presented by the Division, demonstrate a high probability that serious misconduct, as defined in Penal Code Section 13510.8 and Commission regulation 1205 occurred.

This finding results in the matter being moved forward. No actions by the Board or the Commission prior to a full evidentiary hearing amount to a final determination that an officer did, in fact, engage in misconduct or that revocation or suspension is ordered.

That will be determined after the evidentiary

hearing.

At the conclusion of each law enforcement consultant's presentation today, the Board will have the opportunity to ask questions. Then public comment from the subject officer and/or their counsel will be taken, followed by members of the public.

Further discussion by the Board will be allowed if necessary.

The Board may then go into closed session, deliberations, after each case, or wait until all cases have been presented and adjourn to a closed session to deliberate on all cases presented.

After reconvening into regular session, votes will be taken on each case and then we will -- so now we're going to dive into the cases.

Let me explain that again.

At the end of a case, we can do as we did the last time I chaired this, go into the back room and discuss that case, then have a vote.

Or we can wait until the end of all four cases, go in the back room, have discussion, vote.

Or we can stay here and make our discussions public.

So, I think what I will do is just ask at the end of each case which of those things you want to do or

does someone have a feeling now that they want to go there at the end, go there between cases, do it publicly?

Any general discussion? Or case by case?

MEMBER CLAVO: I move that we do as we've done in the past, and we go case by case.

BOARD CHAIR DUDLEY: Go back in the room after each case?

MEMBER CLAVO: Yes.

BOARD CHAIR DUDLEY: Is that okay with everybody?

Okay. Then that's what we'll do and you can tell me if you've changed your mind and you want to do just it publicly or wait until the end. For now we'll do the case, go back, discuss the case and vote.

At this time we will call upon Law Enforcement Consultant David Peletta, Professional Conduct Southern Bureau and Bryant Henley, Attorney V -- Legal Counsel -- excuse me, IV. Legal Counsel, Legal Affairs Bureau to provide a report -- you didn't get promoted.

To provide a report on case, POST2303451, James Mutuku, who at the time of the events at issue in the case was employed with the Riverside Police Department.

Gentlemen.

MR. PELETTA: Thank you, Madam Chair. Thank you,

Board Members for your time today.

My name's Dave Peletta. I'm a law enforcement consultant assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards and Training Accountability Division.

To my right today is Bryant Henley, an attorney with our Legal Affairs Bureau.

I'm here to present POST case 2303451 involving Sergeant James Mutuku, formerly with the Riverside Police Department.

During this presentation, I'm going to refer to him as Sergeant Mutuku. It's the Division's determination that clear and convincing evidence exists to demonstrate that Sergeant Mutuku committed an act of serious misconduct as set forth in Penal Code 13510.8 on January 19th, 2023, and February 21st, 2023.

The Division has determined that Sergeant Mutuku committed the following acts --

BOARD CHAIR DUDLEY: I'm going to ask you to slow down just a little for the court reporter.

MR. PELETTA: You bet.

The division determined that Sergeant Mutuku committed the following act of serious misconduct, specifically dishonesty, when he repeatedly lied during two separate internal affairs interrogations into

allegations of misconduct.

For the purposes of the Division's finding, clear and convincing evidence means there is sufficient evidence to establish that there is a high probability that the charge is true, and the evidence need not establish a fact beyond a reasonable doubt.

In this presentation, I will present a brief outline of the Division's finding of the investigation in this matter.

With that, I would like to provide a little background on this case.

Sergeant Mutuku started his law enforcement career with the Riverside Police Department on January 12th, 2009, as a full-time peace officer.

He was promoted to the rank of sergeant -- police sergeant on July 10th, 2020.

He has no other law enforcement appointments in the State of California.

Sergeant Mutuku is married to a Riverside Police Officer who I will refer to as Officer Number 1.

In July 2022, Officer Number 1 was assigned to the patrol division. On September 16th, 2022, a patrol officer, who I will refer to as the complainant, worked on Officer Number 1's team and filed an internal affairs complaint against her alleging she failed to properly

handle a call for service.

That allegation was investigated and concluded that no policy violations occurred.

On October 1st, 2022, which was about 16 days later, after the initial complaint was filed, the complainant reported encountering Sergeant Mutuku at a police station.

This marked the first time the complainant had seen Sergeant Mutuku since filing the internal affairs complaint involving his wife.

The complainant stated that he walked by -- when he walked by he greeted Sergeant Mutuku with the words, "Hi, James."

In his response, Sergeant Mutuku allegedly said, "You will see. You will see."

On October 3rd, the complainant came to work and found four separate 8 1/2 by 11 paper flyers with a picture of a large rat crossed out and the words "Rat Buster" written underneath that image. One of the flyers was placed in the complaint's work mail box, which is the photo on the left side of the screen there.

Another was placed in a vinyl casing and affixed to a bank of lockers in the area where the complainant's locker was located. And that's the photo to the right.

The remaining two were placed in various locations

in the same men's locker room.

The vinyl casing or sheet protector you see on the right had a black border with a clear plastic front cover and a magnet affixed to its rear.

The complainant researched the term Rat Busters and learned that it was a firearm used by exterminators to shoot and kill rats.

The complainant told his supervisors that he took that message on the flyer as a direct threat to is life.

On October 26, 2022, the Riverside Police Department initiated an Internal Affairs investigation and Sergeant Mutuku was the accused employee.

Investigators reviewed surveillance video from Sergeant Mutuku's police station and on October 1st, 2022, found video which showed him arriving at the police station at 4:05 P.M. in his vehicle. Oh, and then seen walking towards the entrance of the station.

Investigators determined the Rat Buster file was downloaded on a computer located in the report writing room at 4:17 P.M. That file was labeled with two capital letters, dot PNG. The two capital letters were the initials of the complainant's name. PNG stands for portable network graphic, which are images commonly found on the internet.

That file was printed at 4:36 P.M. in that same room.

The Internal Affairs investigation into Sergeant Mutuku led to two separate interrogations where Sergeant Mutuku was asked if he created, printed, saw, touched or placed the flyers.

Sergeant Mutuku repeatedly and willfully denied he had anything to do with the flyers.

During his first interrogation with Internal Affairs, Sergeant Mutuku was asked if he had heard who placed the flyers.

He said no.

Later in that same interview, he changed that answer and said he had heard rumors it was the complainant.

When investigators specifically asked if Sergeant Mutuku heard rumors he was responsible for placing the flyers, he responded, "Yes, I heard people saying I might have placed them."

When Sergeant Mutuku was directly asked if he placed the flyers, he said no. When presented with evidence from the surveillance video and the computer data, Sergeant Mutuku laughed and said okay.

Sergeant Mutuku could not offer any explanation and said he did not have a reason to use a computer in the

report writing room as they were designated for patrol officers to write reports.

Lastly, investigators asked Sergeant Mutuku if his fingerprints would be found on the paper the flyers were printed on. And he said no, they're not going to be on those.

After the first interrogation, fingerprint examiners contacted the Internal Affairs Division and reported they positively identified Sergeant Mutuku's fingerprints on the flyer that was located in the vinyl casing, once again on the right side of the screen.

Sergeant Mutuku's left thumb print was found on the upper left corner of the front of the paper where the image was printed. Sergeant Mutuku's right thumb print was found in the middle right edge of that same side of paper.

There were a total of four prints found on that sheet of paper, but two of them weren't sufficient quality to compare to Sergeant Mutuku, or anybody else for that matter.

Sergeant Mutuku's interrogation was -- second interrogation was approximately 23 minutes long.

Sergeant Mutuku was dishonest when he verbally responded no fewer than ten times that he had nothing to do with the flyers despite investigators requesting for

his honest responses.

During the second interrogation, investigators told Sergeant Mutuku that his fingerprints were found on the flyer.

I would like -- I would now like to play five excerpts from that interrogation to highlight Sergeant Mutuku's denials.

On these audio clips, you will hear the voices of three different people. The female voice is of Internal Affairs Investigator Sergeant Karla Corbett who led this investigation.

Next is Lieutenant Eric Detmer, who was there to assist Sergeant Corbett.

And lastly is the voice of Sergeant Mutuku.

The clip times on the screen represent the approximate time in which the remarks occurred during the interrogation.

This first clip we're going to play is Sergeant Mutuku's response when confronted that his prints were found on the flyer. On this clip, you will hear a brief beep during the interview. This was inserted to redact the complainant's name, which is referenced during the interrogation.

(Audio file played.)

MR. PELETTA: The next clip, clip 2, is

Sergeant Mutuku --

BOARD CHAIR DUDLEY: Hang on one second.

Do you want us to waive your typing of this recording?

THE COURT REPORTER: I assumed it was waived.

BOARD CHAIR DUDLEY: Okay. That's fine.

THE COURT REPORTER: I've always worked in a courtroom.

BOARD CHAIR DUDLEY: That's -- me too.

THE COURT REPORTER: Where it's automatically waived.

BOARD CHAIR DUDLEY: Please go on to the second clip.

MR. PELETTA: The second clip is Sergeant Mutuku admitting that he disliked the complainant.

(Audio file played.)

MR. PELETTA: Clip 3 is an investigator giving Sergeant Mutuku the opportunity to explain what occurred.

(Audio file played.)

MR. PELETTA: Clip 4 is Sergeant Mutuku reiterating to the investigators that he had nothing to do with the flyers.

(Audio file played.)

MR. PELETTA: The final clip, clip 5, is

Sergeant Corbett requesting Sergeant Mutuku's honesty and his responses.

(Audio file played.)

MR. PELETTA: The Division reviewed the internal affairs investigation, the written transcripts and audio recordings of the two interrogations with Sergeant Mutuku. And upon review of this information it was clear that Sergeant Mutuku was repeatedly dishonest with internal affairs investigators.

Sergeant Mutuku's dishonesty was clearly an intent to cover up his own misconduct.

A further aggravating fact in this investigation was Sergeant Mutuku's status as a police supervisor. At this point in time, Sergeant Mutuku had been a sergeant for over two years and as such, held a higher degree of responsibility and accountability within the Riverside Police Department.

This investigation revealed that Sergeant Mutuku had motive to place and post the flyers. And both circumstantial and direct evidence supported that he was responsible for them.

Sergeant Mutuku also admitted to internal affairs that he did not like the complainant.

There's clear and convincing evidence that Sergeant Mutuku repeatedly lied to internal affairs

investigators.

The motivation for Sergeant Mutuku to lie was to cover up his own actions at work in which he threatened another employee.

Sergeant Mutuku was terminated from the Riverside Police Department on October 20th, 2023, for dishonesty relating to the Riverside Police Department's investigation into his misconduct.

On May 13th, 2024, POST conducted an interview with Sergeant Mutuku. During the interview, Sergeant Mutuku raised concerns regarding the internal affairs investigation and its handling.

However, he was unable to provide any evidence or factual information to clarify why his fingerprints were found on the flyer inside the vinyl case. His explanations were unsupported theories.

The facts I just presented support the Division's finding that Sergeant Mutuku was involved in serious misconduct, specifically dishonesty related to the investigation of misconduct of a peace officer.

The Division asks the Board to recommend revocation of Sergeant Mutuku's certification. Revocation is the proper outcome here because Sergeant Mutuku's dishonesty was not only willful but his dishonesty also concerned a central fact in the internal affairs investigation,

specifically who posted the Rat Busters flyers in and around the Riverside Police Department.

Honesty and integrity are, of course, core values and essential role of a peace officer. There's no question that the respondent intentionally and repeatedly lied to internal affairs investigators in an effort to prevent them from learning the truth.

After investigators learned that Sergeant Mutuku's fingerprints were found on two different locations on a flyer, the investigators reinterviewed Sergeant Mutuku and again gave him the opportunity to be truthful and -- about his involvement in posting the flyers.

Instead, Sergeant Mutuku continued to impede their investigation by denying his involvement.

Given Sergeant Mutuku's rank, training and experience, Sergeant Mutuku's actions are especially egregious and warrant revocation.

I would be happy to answer any questions now.

BOARD CHAIR DUDLEY: Any questions from board members?

Hearing none, at this time, I will call upon -- I'm not sure, sorry, have a moment here.

At this time does the subject officer and/or counsel wish to make public comment?

You may state your name and organization if you

wish.

MR. MUTUKU: Yes, I do, ma'am.

Hello members of the Board, thank you very much for your time. It is very much appreciated. And your pursuit of truth finding. I did ask my attorneys not to come to this hearing because I wanted you guys to hear directly from me and ask me any questions you may have.

Chief Peletta did display a lot of facts, but the thing that worries me about his investigation, as well as internal affairs investigation is all the bias, discrimination, and racism that was going on simultaneously all throughout this investigation.

I want to highlight just a few things and again these are things that I've already brought up to his attention.

I'm aware I'm supposed to speak only to the sufficiency of this case. But it's impossible to separate the blatant bias that was displayed by the Riverside Police Department and how it is intertwined throughout the entire investigation.

Bias is a foundation of this investigation. And to ignore it would be an injustice.

I worked for Riverside P.D. since I was 22 years old. It's the only career I've ever known. And in an almost 15-year career, I did what black officers are

supposed to do, stay in your lane. I stayed in my lane my entire career until I became a sergeant and reported another officer for using the word "nigger" repeatedly on a call we were on.

That's -- that's when everything started. That's when things started from command staff going sideways and me being looked at a different way.

And prior to then, my disciplinary record would display, I had zero discipline and promoted fairly quickly through the ranks because I was staying in my lane.

Most of me truly wanted to believe that racist police departments were a thing of the past. I worked hard, and again, promoted through the ranks. However, older black officers continually warned me of the looming disgust still held by our command staff towards young black males or black males in general within the department.

They often reminded me of the many racist acts that were committed against the black community by the same department, many of which resulted in lawsuits and a consent decree imposed by DOJ for discriminatory misconduct.

I fought the case before you internally. The command staff refused to address or investigate evidence

and points I raised.

Some of these points specific to the case investigation included simple facts that could be proven or disproven with minimal investigative effort, such as the following:

Again, Chief Peletta mentioned this, but my fingerprints allegedly were on one flyer of the four that were found. So out of all four flyers my fingerprints allegedly are on one flyer. This one flyer is encased in plastic vinyl, in a plastic vinyl case. The case itself has fingerprints that were not mine.

So again, out of the four found flyers, I have two prints on one piece of paper inside vinyl that has fingerprints that are not mine.

One of the alleged flyers was even actually collected and thrown away by command staff.

Another flyer was in IA's possession and somehow got destroyed during the fingerprinting process.

There was never any clarification as to how the flyers were even ever collected or their location when found. The pictures that you have displayed up there of the poster were provided, again, the complainant took those pictures and provided them to internal affairs and left the flyers in place after they were found.

And it wasn't mentioned but the complainant's

fingerprints were found on one of the flyers as well. And that's not even mentioned.

The flyers in question were allegedly held, according to the IA investigation, for at least four months before being sent to be processed for fingerprints. They processed the flyers like evidence, but never handled them as evidence and pursuant to our PD policy.

As the IA investigation stated, they were passed from person to person, no chain of custody, no steps taken to prevent spoilage, contamination or cross contamination. And these aren't beginner investigators. Our IA investigators are former homicide investigators.

So these things that I'm pointing are very elementary when it comes to investigation, especially one that's going to basically, end my career and my life.

To my knowledge, and based on information provided to me, our PD, in its history, has never run fingerprints on an internal investigation even though actual racist, derogatory flyers have been posted and reported. It's never been -- those have never been investigated, but my case for some reason was investigated and they alleged fingerprints were found on one of the four flyers, but none of the vinyl cases

where, again, fingerprints were found.

So, to address the elephant in the room. Why are my -- two of my fingerprints on this one piece of paper?

I truly and simply do not know. No matter how much they push me on or off camera, I was not going to say a lie and I still stand by this to this day. I get how everything looks, but I do not know. However, like I say, I stand by the statements in the IA interviews that I did not create, print or hang these flyers in the station.

I've been asked to speculate as to how. All I can do is use my training and experience as an officer to speculate.

I don't know if it's because all the sergeants' office -- office printer paper is kept in a common area that is accessible to officers and civilian employees.

I don't know if the complaining officer in question took paper off my desk, which might have contained my prints and created and posted these flyers himself to set me up.

This particular officer was working that day and he was never questioned as to any IA investigation. He was never questioned as to where were you, while on the same day these flyers were printed. It's never brought up.

All I can confirm to you is that I did not lie in

my interrogations, and I was not and am not responsible for these flyers.

For reference, again, I was never even shown these flyers during the entire IA investigation. And to the Chief's credit when him and I talked, when I voluntarily talked to him, the first thing he did do was actually show me the flyer. Because I had never seen it.

My attorney had to request these flyers or pictures of these flyers after I was fired. After I was terminated. They never at any point in the investigation showed me those flyers.

I don't know why the IA investigator initially sought me out into her office before my interview, simply to dissuade me from bringing legal counsel. I trusted her advice and chose to participate in both interviews without counsel.

I must ask myself, though, why were white subject officers given questions prior to their IA investigation interviews but I never was?

And -- and this is a documented thing.

I am -- I was at that time, the only black sergeant on patrol and I was not afforded that same luxury.

I do know this, simple steps had been made to intentionally not investigate my innocence.

As regards to the station, and the video that

Chief Peletta brought up, I would like to speak about the video which references me going into the station.

I know you guys have all the evidence, but if you watch that video, I am never at any point, seen walking into the police station. The video simply shows me arriving into the police parking lot at the end of my shift at the time I would have been ending my shift. Not an irregular time. A time I was supposed to be where I was. And again it does not show me entering into the station. That's just simply incorrect.

I'm seen walking towards my car which is parked to the front of the station, so it's assumed I walked into the station.

The report by the POST consultant is simply not factual.

Not only am I never seen walking into the station as is reported and written in both reports, but the flyers were not printed minutes later as the POST consultant suggested.

The IA report showed that these flyers were actually printed 30 minutes later after arrival, not minutes after I walked into the station.

In totality, that complete statement is not true.

And for orientation purposes, this police station is a secure building that everybody has to badge into.

So you can't just walk into this building. You need badge access. Obviously badge access goes with certain individuals. And that report even though I ask asked for it to be pulled, again, these are simple things. I asked why would you not pull the badge report for who badged into the office, into the station?

You can literally have a whole list of everybody that would have badged into the station and that was not -- never checked to see who else was there, to see who else needed to be interviewed, at the time these flyers were printed.

One officer who happened to actually work for me, throughout the IA investigation, was actually identified as potentially being in the report writing room, yet he was never asked if he saw me in there.

And again, because I know y'all don't know the station geography, but it is extremely uncommon for a sergeant to go sit in the officers' report writing room and do anything beyond maybe edit a report or correct a report upon their request.

Sergeants have a completely different office on the other side of the station, and that's where they normally would be at.

The other side of that station, we all have other marked desks where we log in and out of our own

computers.

And the IA investigation suggests that somebody saved and then -- so almost 20 minutes later, a sergeant went in there, found this document, saved it on his computer, waited for almost 20 minutes and then printed it out.

It's beyond absurd. If you understand the geography of this actual police station, and it wouldn't occur without anybody who was there, as many officers there, seeing this.

It also should be noted that even though they pulled surveillance to simply prove that I was at the station at a time I was supposed to be at the station, that 60-minute clip does not show the time the flyer was actually printed.

The flyer was printed at 30 -- in 36 minutes in and they do not have surveillance showing the time that would have coincided with the flyer being printed. And I just -- it's almost like it's intentionally avoiding certain facts to paint a certain narrative, the entire investigation.

I -- Sergeant Corbett at that time said -- also stated that the vinyl sleeves that these flyers were housed in were brought in from the outside.

Again, watch the video surveillance, I'm walking

towards my car at the front of the station empty handed. There's nothing I'm carrying into the station.

And as I said before, my personal actual assigned computer was never checked to see if I was logged in to it at this time.

Sergeants in the sergeants' bay were never talked to. They identified some sergeants that were there, they were never talked to, to simply provide me a potential alibi of being in the sergeant's office where if I was inside, that's where I would have been.

Based on emails between my union attorney and the IA investigators, they have since lost my -- the GPS records of all the units and their locations at the time of the printing.

So the -- one of the main documents used to terminate me, they no longer have. And I have emails to prove that between IA and my union attorney that they no longer have these documents.

And again, this would have shown at that time that these flyers were printed where units would have been at because it has the GPS locations.

The IA investigation also references people logged in to the computers before and after the flyer was printed within the officers' report writing room.

Again, this is such a simple thing to see who's

logged in to these computers, why would you not identify or interview these people. It's just flabbergasting.

And to go into what's -- being my alleged motive. The alleged motive is this complainant officer.

I just want to put it on the record, that this officer and my wife have had issues years before this case, documented and reported issues.

And issues to the point where he's refusing or neglecting to go back her in her beat when she's fighting, when she's in physical fights with bad guys.

So this was already reported and documented.

So to suggest that him going to internal affairs, and at that time, it was already known, it was an unfounded complaint, it was a nothing, it had already been unfounded, it was a nothing complaint -- to suggest that that trivial thing would be the thing that would make me erupt is, again, it's not logical. There had been years of times where this officer and my wife had had problems. He's not backing her when she's literally -- her life is in jeopardy.

So if any -- that's the thing that would be more sensical in eruption as opposed to an unfounded claim that he went to IA about that never -- that nothing came of it. At this time I would have known that.

The alleged finger gun that's repeatedly brought up

in the POST consultant's findings, even though he didn't mention it now, but it is brought up in his findings, is not sustained by the Internal Affairs Department themselves. And the witness who the complainant alleged was there, she said that she never saw this occurred.

So again, this whole thing is based off of, including pictures presented, off of a complainant that provided these things.

Lastly, it should be noted there is no merit to anything the complainant has said. At least twice, he was found to be untruthful in IA investigation despite this, he continues to serve as a police officer with the Riverside Police Department.

One difference between the complainant and I is I told the truth in the investigation.

Another difference is he is white and a good friend of the chief. They played baseball together previously before law enforcement and I am black. That's the main difference between us.

There were so many intentional oversights. All of these things are brought up to the police chief during my Skelly hearing and despite this, never looked into.

These same facts were also presented to the POST consultant. And as you can see in his findings, they were still not addressed.

I talked to him for a prolonged amount of time with my attorney, presented numerous points of contention with the IA investigation, yet he simply just regurgitated the department's findings.

The impartial POST consultant is not intended to be an extension of Internal Affairs.

The civil lawsuit for bias and racism that I currently have against the Police Department was provided to the same consultant. This lawsuit outlines every single tactic the police department used to illegally dissuade me from legal representation during the IA investigation and proof of many other missteps and POBAR violations to include preferential treatment to white subject officers. Again, never addressed by the POST consultant.

Senate Bill 2 was meant to be utilized to uproot bias and bad apples within police departments. It's now being weaponized against me to do exactly the opposite by the same bad apples.

I am hopeful the Board would not recommend this case move forward based on the lack of a clear and convincing burden of proof. Against the advice of council, I've continuously volunteered myself for statement and questioning, twice in IA, once with the POST consultant voluntarily and here now, to the point

where I even asked my attorney not to be present.

You all are the only voice I have left.

I very much appreciate your time and I would be more than happy to answer any questions.

BOARD CHAIR DUDLEY: Thank you.

Are there any questions?

MEMBER CLAVO: I have two. One for Mr. Peletta and one for you, sir.

My first question for you, at any point did you file any EEO complaints on the fact that you felt that you were being discriminated against with either your department or with EEO outside the FEH?

MR. MUTUKU: Yes. Since this investigation, those complaints have filed.

MEMBER CLAVO: Since the investigation, but did you do any of this prior, in the years prior. You said it had been a long time coming, so did you do it before the firing or after?

MR. MUTUKU: No, ma'am. As it relates to direct racism, for -- and bias, those things I brought up to Internal Affairs, directly. Obviously some I didn't. But the one that was just egregious with this officer repeating the word "nigger" over and over and over on a call that I was supervisor on, that's the one where I made a formal complaint.

MEMBER CLAVO: And how long was that before this incident?

MR. MUTUKU: It was towards the -- more so the beginning of my sergeant career. So, if I had to to guess, I would say in 2020 or 2021. And this investigation started 2022.

MEMBER CLAVO: Mr. Peletta, if I'm recollecting what the evidence that we received, I thought I read something that spoke to TeleStaff records being pulled for the individuals who were in the area of the police station during this time.

Was that correct? Did I read that?

MR. PELETTA: That's correct.

MEMBER CLAVO: And there was only two individuals, I think, that was listed in that report.

MR. PELETTA: That's correct. Not only did they pull, the IA investigator pull the TeleStaff reports, which is basically the staffing software, she also did GPS for the cars at the station to see who potentially was logged on.

Maybe not logged on to the computer in the station, but in their car in the station.

And when they did the TeleStaff audit, they found three people that were working that day. One was Sergeant Mutuku, one was Officer 1's partner and another

one was a non-involved officer.

When they ran Officer 1's GPS, that showed her to be quite a distance away at a local high school.

I'm sorry, Officer 2.

She was at a local high school, so she was not at the station.

And then the third officer was questioned as part of this investigation, but didn't recall seeing anything. They were there on overtime.

MEMBER CLAVO: Thank you.

BOARD CHAIR DUDLEY: Any other questions?

MEMBER HATCHER-CRAWFORD: I have some questions.

How you doing, sir?

MR. MUTUKU: Hello, Ma'am.

MEMBER HATCHER-CRAWFORD: One of the things that you mentioned early on in your -- when you were talking, you had mentioned that you felt there was some type of racism, but due to, kind of, the code of just following through the steps, and not trying to rock the boat, you didn't file any previous EEO complaints?

MR. MUTUKU: That is correct.

MEMBER HATCHER-CRAWFORD: So that is correct.

You also mentioned, and maybe the attorneys can answer that, going back through what we were given, we were not given the report of who badged in and out.

There is a report of that? I mean, could that be given to us?

MR. HENLEY: Board Member Hatcher, if I may, this is Bryant Henley with the Division. I would like to address that comment.

And really address it first head-on, your question.

There is going to be an opportunity for Mr. Mutuku, if this case moves forward, if this Board recommends that the case proceed to the Commission and the Commission in turn votes to proceed to a full Administrative Procedure Act hearing, there will be a full and fair opportunity for Mr. Mutuku to put, so to speak, the money where his mouth is in terms of these facts that he has presented today.

So if he has evidence of badge reports that are no longer present, or if he has information to prove some of the many things he has said today, there will be that opportunity for him to not just say the words, but to present the evidence to prove those points.

And that's what I want to bring back, the importance here is that this is not that step of the process. And I know I've probably said this many times and so forgive me. But it's important to put in the record that the way this -- the procedure is set up, the regulations and the Section 1209, the Board -- the

purpose at this stage of the process, again it's the early stage, it's not the entire evidentiary record. It's not all of the facts that can be presented. That can happen later.

At this stage, the question for this Board is whether Mr. Peletta and the Division's investigative summary and findings are -- is that document and the materials within that document, is there sufficient evidence to find that it is highly probable that Mr. Mutuku was dishonest.

So that's the question about what the presentation is to you from the Division. That would go to the Commission. And then an administrative law judge would hold, essentially, a trial. And at that trial, questions like the one you've just raised, Board Member Hatcher, would absolutely have a full and fair opportunity to be addressed. But those questions aren't addressed today.

MEMBER HATCHER-CRAWFORD: Okay. So when you say sufficient, I'm -- you're right this is not a judicial trial and we're given evidence. And from my understanding, it is the burden of the people to be able to sustain if there's enough evidence.

But two particular things that he did mention, which later on will be brought up, were not given to

this advisory board. That's a bit concerning.

Because I personally, I'm not a techie, but one of the things is, I do rely on, if I'm looking at something, investigating it, and if those things were given to him, which I don't think he would be able to be given to, but, the badging is important. I work for the government. We have records of that.

So I'm just wondering, is this something that could have been available to us or not?

MR. HENLEY: Board Member Crawford, I fully appreciate the reason you're asking those questions. They're very fair questions. I respectfully want to say these are the characterizations Mr. Mutuku has presented to you.

Mr. Peletta and I, who don't work for the Riverside Police Department, are not here to answer what the exact badging process is, how long those record are kept, whether they are available, whether the allegations that have been made by Mr. Mutuku are, in fact, true or aren't true.

So, unfortunately, we are at a disadvantage in terms of those questions. And respectfully, that's precisely why the regulations are written the way they are. This is not an opportunity to introduce evidence or to present evidence. It's not that stage of the

process.

Mr. Mutuku, if this Board decides to move forward, will have every full, fair opportunity to present his allegations. But he'll have to prove -- he'll have to do more than say the words. He'll have to prove, for example, that there are no card badge entries that can be found or that he -- when he requested them he was unable to receive them. He'll need to present evidence to show that.

It cannot just be -- or he can present just his testimony, of course. But it will be given the weight that it deserves.

It's really about the evidence that's actually presented, is the proof in the pudding.

And respectfully, from the Division's perspective, we believe it is highly probable, and that's the standard, is there clear and convincing evidence? We do believe it is highly probable that Mr. Mutuku was dishonest when he said he did not put up those flyers.

We believe it is highly probable, not only because of the fingerprint evidence that directly ties him to the paper within a plastic folder, but that at 4:01 P.M. he was seen outside of the police station. 4:16 P.M. that same day, 15 minutes later, someone accesses a computer in the computer room and downloads this

specific flyer. That's been proven. That's in the record of the investigative summary and findings.

And by 4:36 P.M. someone has printed that flyer.

Those are all pieces of direct evidence, concrete evidence.

In addition to the fact that we have multiple occasions where Mr. Mutuku and the complainant have had heated conversations. The complainant has directly accused Mr. Mutuku of having posted the flyers. And there's a conversation where the complainant alleges Mr. Mutuku made finger like a gun and fired it twice.

Mr. Mutuku says that didn't happen. He didn't fire a gun twice with his finger. But he does admit that he, as he says, pointed at the complainant and said, you have a good day.

All of these pieces of evidence, all of this cumulatively demonstrates to us, the Division, that it is highly probable that Mr. Mutuku was dishonest when he said he did not post or print the flyers.

MEMBER HATCHER-CRAWFORD: The second question you just brought up.

You mentioned early on that there's -- what's this -- again, we're looking at the evidence.

But, was there a video showing who came in and out?

Or is that just word of mouth from other employees.

MR. PELETTA: Member Crawford, the video shows Sergeant Mutuku exiting his police vehicle, like at the end of the shift, and you see him walking towards the police building.

But at some point the camera's view doesn't capture him physically going in, like he mentioned in his testimony.

MEMBER HATCHER-CRAWFORD: So we did have that video as well.

Okay. Thank you.

MR. MUTUKU: And to your point, Board Member, majority of those issues I brought up, that is not evidence that the Riverside PD is going to happily hand over to me for me to present at the administrative law hearing. It's not ever going to happen.

That's why I presented these same facts in my Skelly hearing, hoping the chiefs would look into this. These are things that would help support their case.

Why would you not look into it?

And, again, I presented it to Chief Peletta and, again, hopes that you would go investigate these things to help substantiate your case.

Why -- I don't understand -- I would never be afforded that evidence by the police department. It just won't happen.

MR. HENLEY: Madam Chair, if I may briefly respond.

BOARD CHAIR DUDLEY: Sure.

MR. HENLEY: I just want to emphasize for this Board a little bit of -- many of you may be familiar with the Administrative Procedure Act and the hearing process or perhaps you are not.

But one thing that's important to emphasize is the Administrative Procedure Act, as I've mentioned, that's that process after, you, the Board make a decision, and the Commission makes its decision, that administrative hearing process is like a trial.

That includes a legal terminology called "discovery."

That's a process whereby Mr. Mutuku has a right, an absolute right, to say: I demand that the Riverside Police Department provide me these pieces of evidence if they possess these pieces of evidence.

The administrative law judge that presides over those proceedings will evaluate those demands, those requests, and make a ruling and can order that the other party provide the records that he's requesting.

So I want to make clear, we here, the Division, the Board, we're not in a position to extricate these pieces of evidence that Mr. Mutuku says exist. We're not in that position. We're not at that place. But the

Administrative Procedure Act hearing where the administrative law judge presides over that hearing absolutely will have the opportunity, the tools, the ability to access the records that Mr. Mutuku seeks, if the ALJ -- ALJ determines those records are appropriate for ordering and produced.

BOARD CHAIR DUDLEY: Do you want to respond any further?

MR. BEATTY: I think that's accurate. There's also the two parties in an administrative proceeding, such as this. They can issue a subpoena to obtain records on their own, independent of the administrative judge.

So the response, from Bryant is correct.

MEMBER JOHNSON: Johnson.

MEMBER HATCHER-CRAWFORD: I'm done.

BOARD CHAIR DUDLEY: Done. I think Dr. Glaser was next. And then Mr. Johnson.

MEMBER GLASER: I'll defer to Board Member Johnson.

BOARD CHAIR DUDLEY: Okay. Mr. Johnson.

MEMBER JOHNSON: I guess I'm curious too, was the Division aware of the fact that there is data collected concerning who enters the building? As well as I'm assuming whoever logs in to the computer, there's identification that can be taken from the computer to identify who that person was.

Was the Division aware of those particular facts?

MR. PELETTA: Yeah, so, the Internal Affairs investigation information that was supplied to us did not show any card key information. That wasn't contained in any information that we reviewed.

I asked the same question to the Internal Affairs Investigator Sergeant Colbert about logging in to the computer. And what was explained to me is the computers in the computer room use a generic password that all officers have access to. And that allows them to basically write reports, access the internet, just generic-type icons.

And then every officer has their own specific password and user name that logs in to a different system that pulls up applications that are specific to their assignment.

So, in essence, anybody can -- that knows that generic password can go in there and it wouldn't show that Dave Peletta logged in to it. It would just show that password was used.

MEMBER JOHNSON: My last question is -- maybe Mutuku -- is that correct?

MR. MUTUKU: Mutuku, sir. Yes, sir.

MEMBER JOHNSON: Can answer.

The complainant that has used racial epithets, has

it been known throughout the station prior to the incident that you're alleging now that he has used racial epithets in the past?

MR. MUTUKU: I just want to clarify, when I said the reporting of an another white officer that used the word "nigger" repeatedly, it wasn't the actual complainant officer, it was another officer.

I just brought that up as an -- I had never had any discipline and I was quote/unquote in good standing with command staff until that report was made. And that's when the subtle things started happening.

But as far as do I know if the complainant has ever -- I'm not aware of that. Nor do I know if he's involved, if he's ever been -- as far as pulling his IA complaints, been accused of being racist.

BOARD CHAIR DUDLEY: Dr. Glaser.

MEMBER GLASER: First, I do want to acknowledge that we do have the administrative law judge process and that there would be discovery there. And that's reassuring.

But I also want to acknowledge that today we need to make a judgment. And we need to exercise our judgment in order to do that. And that will determine whether this moves forward or not.

And so we're trying to get some greater clarity to

the extent that it's possible, recognizing that we can't get complete clarity.

But we don't have a case of a video showing Mr. Mutuku posting the flyers. We have some circumstantial evidence, we have fingerprint evidence, and we're just trying to, I think, put a finer point on that.

And to that end, I was wondering if, Mr. Peletta, if you have any information about whether there's any video evidence of Mr. Mutuku leaving the station? There's apparently video of him approaching the station after dropping off his cruiser. And then the question is, does he -- is -- do you know of any -- anything that would show the time frame during which he left the station?

MR. PELETTA: I do not have any video nor seen any video that shows him exiting the station.

BOARD CHAIR DUDLEY: Any further questions?

MEMBER BUCHEN: I was wondering if you could speak to the fingerprint issue. There were other fingerprints on these documents, were those identified?

Or were the Sergeant's fingerprints the only ones that were identified on the flyers?

MR. PELETTA: So specific to the flyer that was on the right side of the screen, posted on the locker,

there were four fingerprints contained inside, two of which were not quality to be able to compare to put a person's name to them.

The other two came back to Sergeant Mutuku.

There was one more flyer that's mentioned that was placed in the complainant's mailbox. It's an open mailbox. And his fingerprints were actually found on it.

One of the photos that's in your ISF shows a hand holding that -- that photo, or that flyer, and that's of the complainant taking a picture of it prior to sticking it back in.

So his fingerprints are found. Those are the only to flyer -- excuse me -- those are the only fingerprints that were identified on the flyers.

MEMBER BUCHEN: Thank you.

MR. MUTUKU: I just want to clarify, sir, you are not alleging that my fingerprints are found on the flyer in his mailbox; correct?

MR. PELETTA: I'm not alleging that at all, nor was I ever told that.

MR. MUTUKU: Okay. And I just want -- because you have all the evidence. If you actually pull the fingerprint report, there are 17 fingerprints found on those -- a total of those two flyers.

So 17 comparable, not including -- sorry, 17 total, nine of which are comparable. So out of the nine comparable fingerprints found on all these flyers, allegedly two are mine.

And again, fingerprints are found on this vinyl cover that were not my fingerprints. They were compared to me. And these fingerprints were only compared for me and the complainant.

MEMBER GLASER: Sorry, can I ask -- among those nine, how many of them are on the vinyl container?

MR. MUTUKU: Those are -- the nine specifically, according to fingerprint report from CalID are just specific to the paper that -- the two pieces of paper.

There's a third report, Packet 3, where it talks about them sending out the specific vinyl cover for fingerprinting. And fingerprints come back on it, as is told by Lieutenant Detmer and Sergeant Corbett, but those fingerprints were not my fingerprints on that cover.

MR. HENLEY: Madam Chair, if I may speak briefly.

BOARD CHAIR DUDLEY: Yes.

MR. HENLEY: Just for the Board's understanding, I want to emphasize that what Mr. Mutuku has represented to you just now is not consistent with the Internal Affairs report, that 155-page report, or the other

materials that we have presented to you.

And, of course, as I've mentioned before, and I don't want to belabor it, but Mr. Mutuku, if he has evidence of additional fingerprints that are beyond what isn't -- what is reported in the 155-page report, which doesn't exist there, if there is evidence of such things, if this case were to move forward to an administrative law judge, he will have every opportunity to present evidence of those statements.

But for your understanding, this record does not include them. And regulation 1209 would direct that we not consider evidence that's not part of the investigative summary and findings.

BOARD CHAIR DUDLEY: Any other questions? Okay. Hearing none.

Is there anyone from the public who would like to address the Board at this time?

BEATRICE X: Yes.

BOARD CHAIR DUDLEY: Okay.

Mr. Mutuku, you can step away.

BEATRICE X: Good afternoon. My name is Beatrice X, also affectionately known as Aunt Bea.

And I am an impacted family and three different ways. Three of my loved ones were -- two killed by police, and one white privilege.

And I have a lot of black friends who are in the police departments all over the country. And they experience this racism and white supremacy.

And I'm not even surprised that he said that he -- he really went along to get along. That's what we want our officers not to do.

But they go along to get along and then he gets to here and then he moves up and then he can't get along no more because the -- the get-back to these officers, become more like it is right now.

So, I feel, like, that to me, to me, I feel like it's not fair that the evidence, all the evidence is not here.

To me, sound like it's one-sided coming from over here. To me it sounds one-sided because if there's evidence and you say it's not going -- he can't put it in today, why put somebody through all that when you can clear it up right now?

The things that I heard him asking for is elementary. You don't have evidence that this man was inside the building.

And police have -- you have video everywhere. You have video everywhere.

I just don't believe that you can't come up with who was on that computer, when he was in that building,

when he left that building.

I just don't believe it because that's not how you operate. That's not how the police department operate.

And so, I feel like that this is, to me, this is not good. It's not good.

Because it's not -- to me, it's not fair because you don't have all the evidence here.

You haven't delivered it. And I know you say you got to wait until you do all that.

But you brought a whole bunch of stuff that asks another question that you cannot answer.

I think that's not right.

If they ask a question, so did he go inside?

You can't -- I don't know, they didn't give it to me. Because they didn't give it to you, why would they give it to you if they were setting him up?

Because to me, it sounds like a set up. But I don't know. But I know the evidence is not there.

I know that black officers experience this all -- I have so many police officers, black, that have left the police force or they got -- had to file a lawsuit. Ask 'em.

I was in Washington, D.C. with a whole crew of law enforcements from FBI, all the way down, telling their stories of how they have to deal with this.

So, that's what I want to say.

BOARD CHAIR DUDLEY: Thank you.

MEMBER CLAVO: Can I ask a question, Madam Chair?

BOARD CHAIR DUDLEY: Yes, but, I just want to clarify something. The last speaker, Mr. Johnson, was your wife?

MEMBER JOHNSON: Yes.

BOARD CHAIR DUDLEY: Go ahead.

MEMBER CLAVO: Was there anything that prohibited Mr. Mutuku's attorneys in this process -- because I do understand he was represented by an attorney -- to present any of the such evidence that he claims that exist?

MR. PELETTA: There was nothing. I spoke to his attorney the day we interviewed. And so he's aware of the case and he's aware of what was said during our interview.

But there was nothing prohibiting him being here.

MEMBER CLAVO: So just for clarity purposes for myself, so when they had the amount of days to appeal this process, or prior to the Skelly, I'm fully aware of that process, being a part of that system, that evidence, if it existed, could have been presented during those times?

MR. PELETTA: Yeah, and -- just another point,

Sergeant Mutuku chose not to be represented during his two interrogations from Internal Affairs.

But, at any point, as you know, in the process, you can get an attorney and talk about the circumstances behind the case and be represented. But I don't know if he was represented or not during his Skelly hearing.

I do know he attended it. But I don't know who was present.

I take that back, I do know that he was represented at the Skelly hearing.

MEMBER CLAVO: Thank you.

MR. HENLEY: If I may just add two points. Within the investigative summary and findings, it's reported that while Mr. Mutuku attended his Skelly hearing and started an appeal process regarding his Skelly hearing, he withdrew that process. So he did not complete the Skelly hearing process. That was a decision that's reported in the investigative summary and findings. I couldn't quickly get my fingers on it, but I'll get you the page as soon as I can.

The other point I just want to emphasize for the Board is according to Mr. Mutuku, he represented here today that his lawyers specifically advised him not to come here and speak.

I'm not going to suggest why that may have been the

case, it's for you to decide why his lawyers may have urged him not to come here and speak today. But that was, according to Mr. Mutuku, the advice his lawyers gave him, as he shared with us today.

MEMBER HATCHER-CRAWFORD: Can I have a correction?

MR. MUTUKU: My lawyers wanted to come and speak with me and I made -- I made that point earlier. Thank you.

I made that point earlier. They wanted to come and speak with me and I said I wanted you all to hear from me and not my attorneys.

MEMBER HATCHER-CRAWFORD: That's what I thought I heard. Okay. I wanted that to be clarified.

MR. HENLEY: I heard that they asked him not to speak, but that's -- the record will be what it is, what the recording says.

BOARD CHAIR DUDLEY: Any other questions? We can -- yes, please?

If you would like to identify yourself, please.

VICTORIA MUTUKU: My name is Victoria Mutuku and I appreciate you listening to my husband and the things he needed to say.

I wanted to speak to all of you on a personal level. And I value your fairness and open-mindedness.

As my husband mentioned, he was with the Riverside

Police Department for nearly 15 years.

During that time he had an unblemished career. This was until the allegation of dishonesty that is before you today.

If you were to reach out and speak to anyone at the department or community about my husband's character and work ethic, you would be hard pressed to hear anything negative about this man.

These days in law enforcement it is difficult to come across a supervisor who actually cares about the well-being and growth of their officers.

James lived and breathed finding ways to support and assist his officers to be their very best every single day. He did the same when it came to serving the community he worked for.

My husband is intelligent, selfless, wise, and honest, which is quite the contrary of how the department's Internal Affairs report and POST report painted him to be.

I will not refer to the department's IA report as an investigation because it simply was not that at all.

Everything that should have been investigated and looked into was not. I'm still baffled with how many pieces of the puzzle seem to be intentionally overlooked.

The IA report saw one thing which could be explained in a variety of ways and looked at -- and looked at and investigated no further.

They stopped there because it fit the picture and narrative that they were trying to paint.

There was no attempt to prove James' innocence, only his alleged guilt.

I do understand that James' fingerprint allegedly being on the corner of one of the flyers doesn't look good. And we both understand that.

However, there are explanations on how that could have occurred. As an investigator myself, I believe and I ask you all to consider, that if James were to have hung these flyers, his fingerprints would surely be on every single piece of paper, or flyer, or plastic case, or sleeve, that these flyers were allegedly enclosed in.

However, they were not.

There were, however, other unidentified fingerprints on the flyers.

I ask you to ask yourself why the department did not pursue the identification of these prints as they did James'.

And I cannot emphasize this enough.

I do wish this whole situation was just as simple as things being overlooked and things that could have

brought clarity; however, there are so much more to it.

As we all know, everything department has its shortcomings, cliques and politics.

I do feel it necessary to bring up a little background about who the complainant officer is in terms of his negative dynamic in the workplace, which has been condoned and allowed to continue for many years with no consequences, ramifications or accountability by command staff and its close-knit relationship to upper command staff of the department.

BOARD CHAIR DUDLEY: Excuse me.

This goes beyond the facts of this case at this time for this Board's consideration.

If I understand what you're about to do, you're about to describe your perception of the complaining witness.

VICTORIA MUTUKU: I will stop. I won't talk to that. I just think --

BOARD CHAIR DUDLEY: Okay.

VICTORIA MUTUKU: I feel like it's fair to get the whole picture of why everything started. But I won't speak on the complainant.

BOARD CHAIR DUDLEY: Okay. I will listen carefully to your words, but you understand as an investigator the area that we're talking about now. Okay. So go ahead.

VICTORIA MUTUKU: I understand.

BOARD CHAIR DUDLEY: Go ahead.

VICTORIA MUTUKU: Just to give background, after coming back to work after giving birth to our son, the complainant officer did not think I should be allowed to ride with my partner because I would be taking lactation breaks.

And again feel free to stop me, but I feel like it's important because it's the background of how this whole thing came to fruition.

BOARD CHAIR DUDLEY: The members of this Board have read the background. And everybody here's aware of that.

But, so I'm really, again, not sure where you're going, but keep going and I'll certainly let you know.

VICTORIA MUTUKU: Okay. When my direct sergeant did not succumb to the complainant officer's demand of separating me from my partner, the complaint officer proceeded to make a false claim against me and my performance as a police officer and my conformance to department policies.

Despite these false claims being without merit, there were no consequences to the complainant for making such claims.

When nothing came of these claims against me, the

complainant officer redirected his attention in making false claims against James. And here we are now.

There has never been any legitimacy to what the complainant has said and the fact the department gave those claims any room to breathe is disturbing and shouldn't have happened.

As I end, I do feel the need to emphasize these points again because the department stripped away James' livelihood and purpose, not only from this specific department, but now from any law enforcement agency.

The claims against James were without merit and inconsistent and who -- and inconsistent with who he is as a police officer, a husband, a son, a father, a community member, and as a friend.

The unusual and unheard-of lengths the department went to during this investigation to protect the complainant and vilify James are wrong.

My husband was an outstanding police sergeant who was so influential amongst his peers and officers, as well as a positive and strong role model for the community he served.

It is our hope that this decision of whether to decertify him is evaluated carefully. It's so monumental to us. And I will say having to watch the aftermath of the department's unfair firing of James has

been absolutely devastating.

To see the strongest man I know lose his sense of direction and meaning is something I wouldn't wish on anyone.

Law enforcement has been James' livelihood and purpose for so long and I'm sure you can all imagine how losing that can truly unravel one's pride, purpose and identity as a man, a husband and as a father.

But regardless, James has remained optimistic and resilient because that is who he is.

And no matter what happens here today, I know that my son has the most amazing, steadfast and honorable father and role model in the world. And our son is our motivating factor behind everything we do. He is the reason we feel the need to stand up and speak against something that isn't right, something that is unfair and something that is biased and discriminatory.

As parents and as humans, we should always strive to leave something better than how we found it. And with that said, flawed systems will never change if we remain silent.

So we are praying for you all to look at the facts of what happened as no one has yet: Fairly, logistically and with a clean and impartial lens.

Thank you for your time.

BOARD CHAIR DUDLEY: Thank you.

Any other comments from the public?

Any other questions from the Board?

MEMBER JOHNSON: Yes, I have one. Johnson.

Have there been any reports concerning dishonesty on your behalf?

MR. MUTUKU: No, sir, I've never had any discipline in my entire career.

MEMBER JOHNSON: And if I remember correctly, he's been terminated because of dishonesty.

MR. PELETTA: That's correct.

MEMBER JOHNSON: But yet never had any former dishonesty discipline in the past.

MR. PELETTA: I don't think that's relevant.

I mean, when you're looking at a case, you're looking at the facts of the case and you make a determination based on what facts you're reviewing.

So, you don't need a series of dishonest -- sustained dishonesty cases to terminate somebody.

BOARD CHAIR DUDLEY: Anything else, Mr. Johnson?

MEMBER JOHNSON: Nothing.

BOARD CHAIR DUDLEY: Anything else? Yes.

MEMBER GLASER: Counsel, on that, with respect to our criteria and whether past record is relevant to our decision?

MR. BEATTY: Yeah, I mean, it certainly could be the fact that somebody would have progressive discipline that would impact your outlook. And past acts could certainly lead one to believe something.

But, you know, it's just sort of a -- look at it like certain acts of dishonesty in and of themselves, in the context of an investigation, can justify the Board's taking action in this matter.

So that's why the case is presented for you.

It may gravitate towards the Board taking a certain decision if there are progressive discipline acts, but one act alone could suffice.

So hopefully that's helpful.

BOARD CHAIR DUDLEY: Any other questions?

Okay. So, we will now adjourn into the back room for our discussion and return when we're done.

(Time Noted: 2:23 p.m.)

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(Closed session was held from 2:25 to 2:54 P.M.)

---o0o---

(Time noted: 3:04 P.M.)

BOARD CHAIR DUDLEY: Okay. Before we get to a vote, Mr. Johnson, your wife spoke and expressed some very thoughtful and passionate feelings about this. And

all her comments are on the record.

So, I need to ask you on the record, given that your wife spoke eloquently and passionately and gave her opinion about racism and the law enforcement agency, whether there was racism involved here, do you feel that you should recuse yourself or do you feel like you should have a vote in this matter given that circumstance?

MEMBER JOHNSON: Madam Chair, I do not want to impact the Board's --

BOARD CHAIR DUDLEY: I'm sorry, I couldn't hear you.

MEMBER JOHNSON: I do not want to impact the board's decision on this matter, but I do feel that I'm capable of putting forth a vote that I believe -- that I do know is from my own position and not so much from her position on what she shared or comment made.

BOARD CHAIR DUDLEY: Okay. So, do you feel you should recuse yourself or not?

MEMBER JOHNSON: I do not.

BOARD CHAIR DUDLEY: Okay. Thank you.

Now, the question is, how many votes does it take to -- if a motion comes forward, how many votes does it take to go with that motion and the answer is four because there are seven of you today. Six -- what?

I'm floating in some cloud. Yes, there are seven people and yes it is four votes.

So, is there a motion to seek revocation in this case?

MEMBER CLAVO: I'll make a motion for revocation.

BOARD CHAIR DUDLEY: Is there a second?

MEMBER DOYLE: Doyle, second.

BOARD CHAIR DUDLEY: Okay. Any comment or questions before we go to the vote on anybody's part?

(No response.)

BOARD CHAIR DUDLEY: Okay. So, Mr. Chandler, Mr. Waller, can you please take the vote.

MR. KNAPP: Yes, Madam Chair, thank you.

Member Buchen.

MEMBER BUCHEN: Aye.

MR. KNAPP: Member Clavo?

MEMBER CLAVO: Aye.

MR. KNAPP: Member Crawford.

MEMBER HATCHER-CRAWFORD: Nay.

MR. KNAPP: Member Doyle?

MEMBER DOYLE: Aye.

MR. KNAPP: Chair Dudley?

BOARD CHAIR DUDLEY: Aye.

MR. KNAPP: Mr. Glaser.

MEMBER GLASER: Nay.

MR. KNAPP: And Member Johnson?

MEMBER JOHNSON: Nay.

BOARD CHAIR DUDLEY: So there are four votes for revocation, therefore the motion passes and the recommendation of this committee to the Commission is revocation.

Okay. On to the next case.

UNIDENTIFIED SPEAKER: Excuse me, can I just say something before you go forward?

BOARD CHAIR DUDLEY: No. It's -- this is not the time for public comment.

If you want to make a public comment when we get to the next case, you're absolutely welcome to do so. But for this case for right now there's no more public comment. Thank you.

UNIDENTIFIED VOICE: Okay.

BOARD CHAIR DUDLEY: Moving on to the second case.

At this time I will now call upon law enforcement consultant William Imboden, Professional Conduct, Los Angeles County Bureau, and Chris Becker, assistant Chief Counsel, Legal Affairs Bureau to provide a report on POST number 2307511, Sifredo Cano, who, at the time of the events at issue in this case, was employed with the Los Angeles County Sheriff's Department.

MR. IMBODEN: Good afternoon. My name's

William Imboden. I'm a Law Enforcement Consultant, one of the law enforcement consultants, assigned to the Professional Conduct Bureau, in Los Angeles County in the Peace Officers Standards Accountability Division.

With me today is Christopher Becker, an attorney with our Legal Affairs Bureau.

I'm here today to present case POST 2307511, involving Sifredo A. Cano, formerly Los Angeles County Sheriff's Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Sifredo Cano committed acts of serious misconduct as set forth in Penal Code Section 13510.8 on or between May 14, 2021, and July 22nd, 2021.

Specifically, the Division has determined that Sifredo A. Cano committed the following acts of serious misconduct.

Abuse of power, including but not limited to intimidating witnesses, knowingly obtaining a false confession and knowingly making a false arrest.

And sexual assault as described in section -- I'm sorry, subdivision (b) of section 832.7, which states quote, sexual assault means the commission of or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion,

extortion, officer -- offer of leniency or other official favor or under the color of authority.

For the purposes of this definition the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

And dishonesty relating to the reporting, investigation or prosecution of a crime or relating to the reporting of or investigation of misconduct by a peace officer or custodial officer, including but not limited to false statements; intentionally filing a false report; tampering with, falsifying, destroying or concealing evidence; perjury; and tampering with data recorded by a body-worn camera or other device, recording device, for the purposes of concealing misconduct.

In this presentation I will present a brief outline of the Division's findings of investigation in this matter.

Sifredo A. Cano began his career with the Los Angeles County Sheriff's Department on November 30th, 2007. And at the time of his termination from the Sheriff's Department held basic, intermediate and advanced certificates -- POST certificates.

LASD records indicate that Mr. Cano had one prior sustained allegation of misconduct.

In March of 2017, Mr. Cano received a two-day suspension for policies violations when he failed to document a crime and book evidence in a timely manner.

Mr. Cano received a fictitious $100 bill from a business owner, but did not write the report or book the evidence until after the victim followed up with the agency days later and it was discovered Mr. Cano still had the evidence in his position.

On May 13th, 2021, Mr. Cano met the victim in the case we are here to discuss in his capacity as a peace officer during her arrest for driving under the influence of alcohol.

He then used his position of power and influence to initiate personal contacts with the victim to leverage his position as a peace officer to obtain a romantic relationship with the victim.

On May 23rd, 2021, Mr. Cano told the victim he could make the DUI go away if she would go out with him on a date, saying he would try his best to get the arresting deputy not to show up in court.

The evidence demonstrates that Mr. Cano attempted to make good on this promise when he approached that deputy and informed him that he had spoken with the victim and learned that this was her second or third DUI.

The arresting deputy confirmed he interpreted the conversation to mean that he should not attend the court hearing.

Also on May 23rd, 2021, Mr. Cano deceitfully had his partner access the DMV database to run the registration on the victim's vehicle before meeting with her for lunch. And then later that same day, after his partner went off shift, Mr. Cano used the partner's secure login information to access CLETS to check the victim for warrants and wants while meeting with her a second time that day.

He then showed the victim the confidential results of that query.

Further, between May 14th and July 22nd, 2021, Mr. Cano initiated and maintained a text and phone relationship with the victim after getting her cellphone number from the arresting deputy's DUI report.

The initial text message from Mr. Cano to the victim was sent the day after she was released and shortly after -- I'm sorry -- arrested and shortly after she was released from the LASD jail.

Additionally, Mr. Cano's conduct amounted to sexual assault as -- amounted to sexual assault as described Penal Code Section 832.7 in that he attempted the initiation of a sexual act with a member of the public

while on duty and through offers of leniency and other official favor.

Between May 14th and July 2022 -- I'm sorry, July 22, 2021, Mr. Cano and the victim exchanged approximately 100 text messages, many of which are Mr. Cano asking the victim to meet with him, asking her out on dates, telling her how sexy she is, asking for pictures of her. And on one occasion reminding her that she was not wearing underwear the night she was arrested.

During his IA interview, Mr. Cano eventually admitted to initiating contact because he was attracted to the victim and wanted to establish a relationship with her. He said he knew it was a violation of department policy and was wrong.

On May 23rd 2021, according to the attorney representing the victim, Mr. Cano implied to the victim that he could make her DUI arrest, quote, go away if she would go out on a date with him.

At that meeting, Mr. Cano was on duty in his patrol vehicle and met the victim outside a restaurant where she was with friends.

Later that day, Mr. Cano met with the victim again while on duty in front of her friend's home. The victim got into the patrol vehicle at Mr. Cano's request, sat

in the front passenger seat while Mr. Cano accessed the computer to check the victim for warrants and wants.

At one point Mr. Cano asked the victim to go out with him and when she said no, Mr. Cano touched her face and told her he wanted to, quote, be with her, with a clear meaning, he meant in a sexual way.

He then kissed her cheek and told the victim, you're so sexy.

This account was corroborated through an audit of the MBC useage in Mr. Cano's patrol vehicle from May 23rd, 2021, and confirmed when the Division interviewed the victim on July 15th, 2024.

Finally, clear and convincing evidence supports dishonesty occurred in relation to the investigation of misconduct by a peace officer in the form of false and misleading statements made by the subject deputy, Mr. Cano.

This is supported by text messages between Mr. Cano and the victim, GPS timelines of Mr. Cano's movements and call logs from a witness cellphone, as well as statements from the victim.

This evidence is corroborated by statements from the witness deputies and the Los Angeles County Head Deputy District Attorney.

Mr. Cano was dishonest during his three compelled

interviews until he was confronted with the physical evidence contradicting his statements. The following examples highlight this pattern.

At the beginning of the administrative investigation, Mr. Cano remembered minute details of the DUI crash, including the victim's description but said he could not remember her name.

When the investigator showed him the collision report, Mr. Cano read the victim's name and said that must be the name, that must be her name, because she was listed as, quote, party one, and whoever is party one is the person who was at fault in the collision.

This despite months of text messaging the victim, requesting her Instagram contact, pursuing her romantically and providing professional favors for her.

At one point Mr. Cano mentioned offhand in the interview that he met with the victim at a specific location because she lived nearby. But he couldn't remember what her name was when confronted by IA.

Mr. Cano told internal affairs he had no contact with the victim after the night of her arrest for DUI on May 13th, 2024 -- or 2021 until she contacted him several weeks later at a traffic stop, a statement the victim later said was false.

IA then presented Mr. Cano with 28 pages of text

messages of over 100 text messages between Mr. Cano and the victim that Mr. Cano initiated, beginning within hours of her release from jail on May 14th, 2021.

Only then did Mr. Cano admit to some interactions with the victim.

Mr. Cano told IA very explicitly that he had no memory of transporting the victim to the hospital the night of her arrest. Although they showed him hospital paperwork he signed for her release, agency call logs showing he transported her to the hospital and transcripts showing he and his partner were transporting, quote, a female to the hospital.

Yet, in his very first text to the victim on May 14th, 2021, Mr. Cano reminded her that he was the deputy that transported her to the hospital.

Mr. Cano denied using the patrol vehicle computer to check the victim for warrants or run her driver's license on May 23rd, 2021.

At one point Mr. Cano asked the victim to go out with him and when she said -- I'm sorry, that's repeating myself.

In a subsequent interview, the IA investigators were able to present Mr. Cano with records showing his computer was used to check the victim for warrants and license status at a time when only Mr. Cano was using

that vehicle.

Even though the login information was Mr. Cano's off-duty partner's login information.

Mr. Cano told IA he must have, quote, ran her, but he didn't remember doing it.

In her interview, the victim stated she sat in the front seat of the patrol car on May 23rd, 2021, while Mr. Cano checked her for warrants and ran her driver's license and gave her the results.

During her interview with the Division, the victim stated she was sitting on -- in the patrol car at Mr. Cano's request while he checked her for warrants on the computer and Mr. Cano told her that her driving record was, quote, not good.

Mr. Cano stated he met the victim on three occasions but stated each time was brief only around five minutes each.

However, GPS tracking on his patrol vehicle showed Mr. Cano met with the victim on May 21, 2021, at Temple High School for 18 minutes.

He then met with the victim on May 23rd, 2021, outside the Hilton Hotel for 40 minutes.

And then again on May 23rd, 2021, in Rosemead for 21 minutes.

Mr. Cano denied speaking to the deputy that

arrested the victim for DUI in an attempt to dissuade him from testifying against the victim. Mr. Cano said he had not talked to that deputy at all or engaged in type of conversation with him since the night of the victim's arrest on May 13th, 2021.

During his IA interview, the arresting deputy stated Mr. Cano approached him in the station a few weeks after the victim's arrest and struck up a conversation with him about her prior DUI arrests.

Additionally, the deputy provided a screenshot of his cellphone showing he missed a phone call from Mr. Cano on November 14th, 2022, and a screenshot of a connected call with Mr. Cano one hour later that lasted 7 minutes, 20 seconds.

The missed call came one hour and ten minutes after Mr. Cano finished his second IA interview where he stated he had not talked to the arresting deputy about the victim or about her case.

On November 21, 2022, Mr. Cano had a third interview with IA where he changed his answer and admitted having conversations with the arresting deputy but not about the victims's case or his ongoing IA.

The facts I've just recited support the Division's finding that Sifredo A. Cano was involved serious misconduct, specifically abuse of power, sexual assault

and dishonesty.

For the purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing, so long as there is a high probability that the charge is true.

The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Sifredo A. Cano's POST certification be revoked. The Division's recommendation is based on the following serious misconduct:

Abuse of power where Mr. Cano accessed confidential records to obtain the victim's phone number in an effort to contact her to establish a personal relationship.

Deceived coworkers to surreptitiously access her criminal and driving records and attempted to dissuade the arresting deputy from appearing in court in an effort to influence her criminal case.

And sexual assault where Mr. Cano committed or attempted the initiation of sexual act with a member of the public by offer of leniency or other official favor and under the color of authority.

Specifically, Mr. Cano offered official favors, attempted to influence the victim's criminal case, and met with her while on duty, kissing her cheek and telling her how sexy she is in an effort to establish a

quid pro quo sexual relationship.

And dishonesty as it pertains to the investigation of a peace officer where Mr. Cano was repeatedly dishonest and gave misleading statements to IA investigators until presented with factual evidence of his deceptions, at which time he admitted his actions and deceptions to the extent they had been proven, but no further.

And with that I'm happy to answer any questions the Board may have.

BOARD CHAIR DUDLEY: Questions?

Okay. At this time, does the subject officer and/or counsel wish to make public comment?

MR. CANO: Hello.

BOARD CHAIR DUDLEY: Hi, can you hear us?

MR. CANO: Yes, I can.

BOARD CHAIR DUDLEY: And can you identify yourself, please?

MR. CANO: My name is Sifredo Cano.

BOARD CHAIR DUDLEY: Okay. And would you like to make a comment?

MR. CANO: Yes. Unfortunately my counsel had to go to court for another case and I've been listening in, so --

BOARD CHAIR DUDLEY: Well, let me just ask you,

your counsel was there with you. And now had to go to court on another case; is that correct?

MR. CANO: That's correct.

BOARD CHAIR DUDLEY: Do you want to go ahead and make any statements even though he's not -- he or she is not there?

MR. CANO: Yes, I do. Just -- just on some of the statements that they made.

BOARD CHAIR DUDLEY: That's absolutely fine. I just wanted to make sure the record was clear that your attorney was there, your attorney left and you've now decided to make statements without your attorney being present.

So I think you said yes to those things; is that correct, Mr. Cano?

MR. CANO: Yes, that's correct.

BOARD CHAIR DUDLEY: Okay. Please go ahead.

MR. CANO: A lot of the things that they -- that they stated are not true. And we will prove at a time that we have the -- our hearing.

I never promised anybody anything.

She was never in the car.

I did not ask for any favors to make the case disappear. I don't have that power.

And all of that would be presented when -- when we

have our hearing.

But a lot of the things that they read from that paper, it's not true. It's simply not true.

Did I talk to her? Yes, I did.

I did not get any information from any report. I wrote the traffic report. I had all the information, so I did not run her name just to get her information.

And all that will be proven when they see that I was the one that wrote the traffic report.

BOARD CHAIR DUDLEY: Is there anything else for now, Mr. Cano?

And then I will turn it over to the Board and see if anybody has any questions of you.

MR. CANO: No, I don't want to say anything else without my lawyer, but I just wanted to mention that on the record that, you know, a lot of the things they said are not true.

BOARD CHAIR DUDLEY: Okay.

Now, if a board member asks you a question, you should not feel compelled to answer it. I want to make sure you know that. So if you hear their question and you can respond or you can not respond. Okay?

MR. CANO: Okay. Thank you.

BOARD CHAIR DUDLEY: Sure. Any questions from any Board Members?

(No response.)

BOARD CHAIR DUDLEY: There doesn't appear to be any questions.

Thank you, Mr. Cano. I appreciate you calling in. We all do.

MR. CANO: Thank you.

BOARD CHAIR DUDLEY: Okay. Is there any public comment regarding this case?

Hearing none, let's go into the back room.

(Time Noted: 3:25 p.m.)

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(Closed session was held from 3:27 p.m. to 3:30 p.m.)

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(Time noted: 3:33 p.m.)

BOARD CHAIR DUDLEY: Okay. Back on the record, please.

Okay. Is there a motion for revocation in this case?

MEMBER BUCHEN: Buchen. I'll make a motion.

BOARD CHAIR DUDLEY: Is there a second?

MEMBER GLASER: Glaser. Second.

BOARD CHAIR DUDLEY: Okay. Any further discussion or comments?

(No response.)

BOARD CHAIR DUDLEY: Okay. Please take roll call, Mr. Chandler.

MR. KNAPP: Buchen.

MEMBER BUCHEN: Aye.

MR. KNAPP: Buchen, aye.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MR. KNAPP: Doyle, aye.

Dudley.

BOARD CHAIR DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

And Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

BOARD CHAIR DUDLEY: No abstentions, that motion passes.

Okay. Moving on to case number 3.

Let's see, give me one moment.

Thank you, gentlemen.

At this time, I will now call upon Law Enforcement Consultant Kevin Sherburne, Professional Conduct Central Bureau and Bryant Henley, Attorney for Legal Affairs Bureau to provide a report on case POST number 2313715, Jaime Bermudez -- or Jamie, I'm not sure which -- who at the time of the events at issue in this case was employed by the Daly City Police Department.

At this time -- okay. Gentlemen.

MR. SHERBURNE: Good afternoon. I've spoken with Mr. Bermudez. I think he goes by Jaime.

BOARD CHAIR DUDLEY: Thank you.

MR. SHERBURNE: Thank you for your time today.

My name is Kevin Sherburne. I'm the Law Enforcement Consultant to the Professional Conduct Bureau, Central District.

I served as the investigator in this case regarding Jaime Bermudez who formerly worked for Daly City Police Department.

BOARD CHAIR DUDLEY: Can I ask you speak a little slower? It's been a long day for the reporter.

THE COURT REPORTER: Thank you.

MR. SHERBURNE: Thanks for the reminder.

The case number is POST2313715.

With me today to my right is Bryant Henley, counsel for POST.

The clear and convincing evidence substantiated that Mr. Bermudez engaged in acts that violated the law, that were sufficiently egregious or repeated as to be inconsistent with the peace officer's obligation to uphold the law or respect the rights of members of the public.

For purposes of this the Division's findings, clear and convincing evidence means there is sufficient evidence to determine that there was a high probability that the charge is true and evidence need not establish a fact beyond a reasonable doubt.

Mr. Bermudez was employed as a peace officer, a police officer, with Daly City Police Department from December 26, 2012, through July 11th, 2023, when he was terminated.

Over the years, POST issued him three certificates. His basic certificate in 2014, intermediate in 2015, advanced in 2018.

Mr. Bermudez was arrested and convicted twice for drunk driving.

Mr. Bermudez's first DUI occurred in 2015. According to the Campbell California Police Department

report, Mr. Bermudez collided with a fire hydrant resulting in major damage to the driver's side of vehicle. He had a passenger in the car at the time, his blood alcohol content measured 0.19 percent by volume. He plead nolo contendere to the DUI and was convicted. The Court sentenced him to volunteer work, counseling, and fines.

In the year 2022, Walnut Creek Police Officers arrested Mr. Bermudez for DUI. At the time, he was driving a government-issued and owned vehicle, and was on call as a drug interdiction task force member. He had a civilian passenger in the car.

His BAC measured 0.269 percent by volume. And in addition to alcohol, Mr. Bermudez tested positive for tetrahedral cannabinoid, THC, at the rate of 5.9 nanograms per milliliter.

On December 6, 2023, he pled nolo contendere and was convicted. The court sentenced him under a statute that provided for a sentencing enhancement because it was his second DUI conviction within ten years.

The 2023 conviction included a sentence of 20 days in jail.

Daly City police department conducted internal affairs investigations in both situations. Because the department purged the 2015 investigative file after five

and a half years, within its policy, it is unclear whether the investigation sustained findings, what the allegations were, and if sustained, what discipline, if any, the department imposed.

In the 2022 DUI, Daly City Police Department's Internal Affairs investigation resulted in sustained policy findings that lead to a recommendation from a disciplinary review panel.

In June 2023, the Department issued a notice of intent to terminate and terminated him in July 2023.

During his internal affairs interview, Mr. Bermudez stated that he had put himself through a 30-day inpatient rehabilitation program, was undergoing outpatient treatment, was attending Alcoholics Anonymous meetings, and was at the time of the interview, 80 days sober.

The clear and convincing evidence substantiated that Mr. Bermudez engaged in conduct in 2015 and 2022, that lead to his arrest and convictions for DUI.

Impaired driving is illegal because of the inherent dangers to the drivers and to others.

Under Penal Code Section 13510.8(b)(6) and POST regulation 1205(a)(6), acts that violate the law constitute serious misconduct when they are, quote, sufficiently egregious or repeated as to be inconsistent

with the peace officer's obligation to uphold the law or respect the rights of members of the public, end quote.

Impaired driving and repeated acts of impaired driving are acts that violate the law, that are both sufficiently egregious and also sufficiently repeated as to be inconsistent with respondent's obligation to uphold the law or respect the rights of members of the public.

As an officer charged to enforce DUI laws Mr. Bermudez's actions in driving impaired on two occasions established that he committed serious misconduct.

I will turn over the remainder of my -- the Division's presentation to Mr. Henley. And then after that we're happy to answer any questions the Board Members may have.

MR. HENLEY: Thank you, Mr. Sherburne.

Good afternoon Board Members. Again Bryant Henley with the Peace Officer Standards Accountability Division.

As Mr. Sherburne explained in his investigative summary and findings which he wrote on behalf of the Division, the Division's recommendation after finding -- after its investigative findings is that there are reasonable grounds that exist for the Board to consider

revocation of Mr. Bermudez' peace officer certification in this matter.

Without taking a position, the Division in this case, me representing the Division, without the Division taking a position on whether an alternative form of resolution might be appropriate here, as you heard earlier today, before we began, with serious misconduct matters the commission, as you know, on two occasions has determined that a revocation of certification that has been stayed pending -- subject to specific terms and conditions of probation, was appropriate in two prior cases involving DUIs.

Whether this case, as Ms. Del Mugnaio mentioned earlier today, whether this is the kind of case which this board believes falls into that category or not of course is Board's determination to make.

But we wanted to identify and acknowledge that certainly we know the Commission has in two prior cases made that decision.

The other things I wanted to mention is that we did speak with, as Mr. Sherburne mentioned, we've spoken with Mr. Bermudez, who had questions about an alternative resolution process. We did our best to explain what that process is based upon the information we have from the other two prior case, where the

Commission had ultimately voted to take that action.

And so Mr. Bermudez is now aware of those factors and I understand may wish to speak with you today.

The other only topics I would make mention at this moment, of course if the Board's determination is that an alternative form of resolution is appropriate, notwithstanding the Division's recommendation in this case, of course we stand ready to assist with that process assuming, of course, that the Board and then the Commission make such an election.

Last but not least, I'm always prepared to share with this board, if it's appropriate, or if the Board would like, some of the high-level terms and conditions that we've seen from the Commission in two prior cases.

I'm happy to do that now or at another appropriate time when the Board would like to hear about those terms and conditions.

BOARD CHAIR DUDLEY: I think so that the Board can make a knowing decision in this case, it's important for them to understand what those terms and conditions might be should the Board want to go in that direction.

MR. HENLEY: Absolutely. Thank you, Madam Chair, then I'll proceed.

BOARD CHAIR DUDLEY: Please.

MR. HENLEY: With regard to the terms and

conditions we've seen from the Commission in two prior instances, the general level of the terms and conditions are as follows:

The respondent in those other cases stipulated to the filing of an accusation. That's the -- that's the pleading that goes before the Administrative Procedure Act before an ALJ, that's the beginning of that formal hearing process you heard me talk about earlier.

So the respondent would stipulate to the filing of that accusation.

The certificates of the respondent were revoked in these prior cases on that -- on that stipulation. So there was an automatic revocation.

But the revocation was then stayed immediately, meaning it was paused, subject to the completion of terms and conditions of probation that the licensees had to meet.

Those terms were generally that the respondent in those cases had to obey all federal, state and local laws.

That the respondent would provide the Commission with proof of completion of participation in all alcohol abuse treatment and counseling programs as well as the result of alcohol treatment testing that those individuals had taken to date, keeping in mind, of

course, in those cases, those were alcohol-related cases. So that was the nature of that term.

Respondent was in those case could not engage in any other act of serious misconduct as defined in the Penal Code 13510.8.

And must -- obviously would include but not be limited to acts involving substance use.

The respondent would have to provide any current, future or potential law enforcement employer with the terms and conditions of the stipulation, if the individuals wish to seek law enforcement employment elsewhere in the state or outside of the state.

And that the respondent would understand that the stipulation, the agreement, between the division and the officer, that that would be a public record. So any person could view the settlement agreement in terms of -- including the terms and conditions of probation.

And that if the respondent were to violate any of those terms and conditions during the period of probation, that the Commission could, after giving that respondent notice and an opportunity to comment, the Commission could immediately set aside the stay on the revocation, and immediately impose the revocation that was previously ordered.

That could become an automatic thing after a notice

and opportunity to be heard by the respondent.

Lastly, if the officer were to obtain new employment in these prior cases, then there was an additional term of probation, and that was that the person would have to abstain from the use of alcohol or other drugs and at their own expense would be required to participate in random biological fluid testing or drug screening programs that were subject to the Commission's approval. The length and frequency of those testing would be up to 15 times per year on a random basis and the licensee, the respondent, would have the obligation to pay for that testing.

And those are the material terms we've seen in two prior cases involving DUI incidences with officers.

With that, Madam Chair, I have nothing further unless you have questions.

BOARD CHAIR DUDLEY: Let me ask first, does anyone have any questions about the case?

I'll follow it up with questions about the terms and conditions. Does anybody have any questions about the case? Yes.

MEMBER CLAVO: Clavo. Was it -- I'm sorry, you said 30 days he did in jail or 20?

MR. SHERBURNE: The sentence -- the sentence was 20 days in jail.

MEMBER CLAVO: 20 days. And then do we know if he did any inpatient or outpatient in regards to the 2015?

MR. SHERBURNE: I don't think that the inpatient rehabilitation came until after the second one.

MEMBER CLAVO: In 2022?

MR. SHERBURNE: Right, during -- I'm sorry to interrupt you.

During his Internal Affairs interview, he stated that after the first one he did not realize that he had an alcoholic problem. But only after the second one, he thought it was like just a one off, he was celebrating.

MEMBER CLAVO: Okay. And so after the second one, he did a 30-day inpatient program. Was that only for alcohol or was that for the THC as well?

MR. SHERBURNE: I don't know.

MEMBER CLAVO: Okay.

I might have more later but that's it now.

BOARD CHAIR DUDLEY: Twenty days in custody, 30 day outpatient program. Any other questions about the case?

(No response.)

BOARD CHAIR DUDLEY: Okay. Any questions about the terms and conditions of potential probation and/or what all that means?

Yes.

MEMBER GLASER: I questions about the terms and

conditions. Glaser.

How -- how did the Commission and/or the judge come to those terms? Are those best practices? Or are there any empirical bases for those terms being effective.

MR. HENLEY: Thank you, Board Member Glaser, for the question. That was kind of like a couple of questions. So let me see if I can answer some of them. I'm not sure I can address all of them.

With regard to the terms and conditions that were agreed upon, the process was that after this Board made its recommendation and the Commission considered these cases, these prior cases, the Commission concluded, at a high level, that terms and conditions of probation would be a more appropriate option and then directed the Division to work on what terms and conditions might be best appropriate.

And so after further consultation, between the Division, the respondent, and the Commission, the set of terms that I high-level described to you were the terms that were agreed upon.

To the second part of your question, Dr. Glaser, I don't know that we have undertaken any studies or empirical evidence to determine whether, which or any of those terms and conditions have a statistical or other empirical basis in terms of effectiveness.

So I'm afraid I don't have an answer on that part of the question.

BOARD CHAIR DUDLEY: Assistant Director Del Mugnaio.

Dr. Glaser, that you for your question.

In terms of this being a best practice or a pattern, these standard terms and conditions are something that are used pretty regularly with medical professionals.

There was a legislative initiative many years ago called the Uniform Standards for Substance-Abusing Licensees, which lays out several terms and conditions to ensure safety of the public, for anyone who's licensed with the State would have to essentially agree to.

Some of that happens in a diversion program where they're diverting from discipline and then going into kind of a rehabilitative state until they can return to their profession.

In this case, it's not diversion from discipline, but it's a settlement whereby they would -- we would be confirming that they are safe to return to the profession.

MEMBER GLASER: Thank you.

MEMBER HATCHER-CRAWFORD: Can you repeat that?

Uniform Standard.

MS. DEL MUGNAIO: For Substance-Abusing Licensees.

My colleague in the audience may know -- may remember the bill number, but I'm likely to confuse it with more recent bill numbers.

But it's been out there for probably early 2000s and this is something that has been applied to licensees pretty routinely.

BOARD CHAIR DUDLEY: Any other -- please.

MEMBER BUCHEN: The -- what was the length of the probation?

MR. HENLEY: Thank you, Board Member Buchen. I don't think I mentioned that and I meant to.

Five years has the been the term of the probation for the prior two incidences that have come before the Commission.

MEMBER BUCHEN: That's --

BOARD CHAIR DUDLEY: Since you joined us, I'm assuming you have something to say.

MEMBER BUCHEN: That for all of the terms?

MR. HENLEY: That's correct, all of those terms and conditions that I outlined for this Board for the five-year period. That's how long they would take place.

And one small wrinkle, those terms, as I understand

them, in the event of an officer who took a job later, that's -- that's what would trigger the length of time. So you couldn't way wait five years, not be on the job and then start it. It required you to start the job.

MEMBER BUCHEN: Thank you.

BOARD CHAIR DUDLEY: Yes, Ms. Buchen, I didn't mean to interrupt. Was there anything else?

BOARD CHAIR DUDLEY: Okay.

MEMBER CLAVO: Is there progress reports during this five years? Who's checking up? How are we getting reports back whether they violated the probation?

MS. DEL MUGNAIO: Sure. I can answer that.

So, in terms of monitoring probation, as Mr. Henley mentioned there are portions of the terms and conditions that are considered tolled. Basically they're not -- the time is not ticking until the officer returns to work.

So that really involves the biological fluid testing that we talked about.

The other terms and conditions, they would be required to submit evidence that they've completed an inpatient or outpatient rehabilitative program or outpatient program. And also are continuing with a support group.

But, in terms of the monitoring of whether or not

they are submitting to the biological fluid testing, whether they, you know, end up testing positive for something, we have a contract, or will have a contract very soon, with a company called Vault. And Vault is essentially a management system that contracts with labs across the country who handle the biological fluid testing.

They make contact with the probationer and alert them every day as to whether they have to test or not have to test.

They also will send us any information about failure to log in to determine whether the testing needs to occur. Or whether or not there is a positive test received.

That alert comes to POST immediately.

And then we respond accordingly.

So, the monitoring happens twofold. There's that portion of the monitoring. And then within POST, we would be monitoring whether or not the individual has submitted all of the evidence of rehabilitation that's required as soon as that settlement agreement is executed by the Commission.

There are times where quarterly monitoring is part of the terms and conditions of the settlement and that's just a check-in, where the probation monitor at POST

would be contacting the officer and asking them questions about their employment, their performance reviews, whether or not they've been the subject of any, you know, discipline or had any derogatory, you know, interactions throughout the course of that quarter.

And that's something that also can be applied to terms and conditions. It has not at this point been part of the settlement agreements that we've had.

MEMBER CLAVO: Two follow-up questions.

BOARD CHAIR DUDLEY: Let me just add to that for a moment.

I also learned today and from Ms. Del Mugnaio that if someone travels internationally, so let's say that they're on a vacation someplace, this company also has international connections as well. So they go to Paris for a week, this company can have them tested.

In addition, if I'm correct about this, they have to pay for their own tests.

MS. DEL MUGNAIO: Correct.

BOARD CHAIR DUDLEY: Please go ahead.

MEMBER CLAVO: THC is part of the testing?

MS. DEL MUGNAIO: There's a wide range of tests that would be a battery of tests. It would be urine, blood, hair, nails and you alter which tests you're requiring of your probationer. So it's not always the

same type of biological testing.

THC is inclusive in many of those tests.

There are also another range of -- there's a full range of controlled substances that are randomly tested for, depending on the profession you're testing.

So I won't go into too much detail because I know time is of the essence, but the one thing I think I spoke to our Chair about today, was that there's the drug of choice which is the drug that they were found to have in their -- under the influence of, when the discipline occurred.

And then there's the what they call the drug of convenience, which is what they will come in contact with or be exposed to.

So, we test for both.

We're not testing for the substance, we're testing for the addiction. And that is part of our public protection role as a licensing agency.

MEMBER CLAVO: One more question. Be quick.

BOARD CHAIR DUDLEY: And Ms. Del Mugnaio also tells me something else, which the drug of convenience, a good way to think about that, is doctors have an ability to get prescription drugs, so even though it might not be their drug of choice, it may be the drug of convenience.

Next comment.

MEMBER CLAVO: Just real quick. These procedures are not -- these terms are not -- they don't given unless they are employed by an agency.

MS. DEL MUGNAIO: There's a portion of the terms that are basically in effect at the time the agreement is executed, so the Commission signs it, the subject officer signs the agreement. There are certain terms, they have to obey all laws, they have to submit, whether they're inpatient or outpatient confirmation that they've completed a program. These are those are immediate.

The ones that don't take effect until the officer is gainfully employed is the biological fluid testing. So that portion of it happens actually 30 days prior to employment. And then throughout the period of employment for five years.

MEMBER CLAVO: So if they're abusing alcohol or any substances prior to being hired, we would have no idea.

MS. DEL MUGNAIO: They do what's called a baseline test. That's very good question, and that baseline test tests for several months. Sometimes up to six months of any use of substances prior to that testing period.

So we would likely want to do a baseline test at the time the officer's employed and we can look at, depending on the type of biological test we do, up to a

six-month period of exposure.

BOARD CHAIR DUDLEY: Let me ask a follow-up question.

So let's say there are ten terms and conditions of this probation. Some of them will apply immediately.

Let's say someone doesn't get a job until five years later.

Does the -- does it start again, all the terms and conditions of probation? Or the ones they did during the first five years are already done?

MS. DEL MUGNAIO: So the five-year period does not start, that clock does not start until they're employed.

So while they have to submit all of that documentation to us, you know, basically satisfying that they've met those terms, the actual time does not start until the individual is employed.

BOARD CHAIR DUDLEY: Any other questions?

Yes, Mr. Johnson.

MEMBER JOHNSON: Yes, Johnson.

I guess terms and conditions, right, when he's back employed or officer's back employed. And they are -- their specialty is narcotics; right? Which I believe he was involved in.

Does he maintain that position, where he will still be involved with narcotics?

MS. DEL MUGNAIO: That's really up to the employing agency. But one of the other mandatory terms and conditions that takes effect immediately is that settlement agreement must be provided to the employer.

So the employer is aware of basically the history with the Board or the Commission and that there are terms and conditions in effect with the State of California regarding that officer's employment status.

It would be up to the employer whether or not the individual could return to work in narcotics, yes.

BOARD CHAIR DUDLEY: Yes.

MEMBER GLASER: That's a question for -- I'm sorry, were you --

MEMBER BUCHEN: No, go ahead.

MEMBER GLASER: That raises a question for me. What are the implications for this with the national index. Would the stayed revocation appear on the national index?

MS. DEL MUGNAIO: Yeah, it's a final decision, so it should be a reportable decision of the Commission. But thank you for the question. Yeah.

MEMBER BUCHEN: Buchen.

As far as the decisions that we're making today, if we were to go the stipulated settlement route, I mean, are we recommending terms?

Or is that just what POST -- what the Commission would do?

MS. DEL MUGNAIO: You would be recommending a revocation stayed, with a, you know, opportunity for the Commission to consider settlement terms.

The Commission itself would work with staff to devise those terms.

MEMBER BUCHEN: Okay. Thank you.

BOARD CHAIR DUDLEY: The motion would be a revocation.

MEMBER BUCHEN: Okay.

BOARD CHAIR DUDLEY: With terms and conditions as appropriate and delineated by staff.

So they would add in those provisions. But it would be -- the decision, should all of you make this decision -- is revoke, but stay it, terms and conditions.

MEMBER BUCHEN: Thank you.

BOARD CHAIR DUDLEY: Other questions? Comments?

MS. DEL MUGNAIO: One other comment just for clarity.

BOARD CHAIR DUDLEY: Yes. Please.

MS. DEL MUGNAIO: When someone is placed on a stipulated settlement disciplinary order, if you will, their license status is considered a conditional

license. And so I want to make that clear. It does change their license status to not just being valid. It says conditional. And that tells every person that's looking at this profile or requests information regarding their certification status as a peace officer that their certification status has changed due to some form of discipline.

MEMBER BUCHEN: And after the five-year period it would --

MS. DEL MUGNAIO: It would revert back to valid if they successfully complete probation, yes. Excellent questions.

BOARD CHAIR DUDLEY: Any other questions about the case or the potential terms and conditions of probation?

Okay.

Now let me ask, at this time, I will now call upon, does the subject officer and/or counsel wish to make public comment?

MR. BERMUDEZ: Hello. Good afternoon. My name is Jaime Bermudez. I was a former Daly City police officer for about ten years.

Today I'm not here to dispute or deny what has been presented to you in my case. I'm aware of the seriousness of my actions. And I've taken ownership over my poor decisions and continue to hold myself

accountable to this day.

I believe this last DUI arrest happened for a reason. I was headed down a path of self-destruction all because of my relationship with alcohol. I knew if I continued down this path, I was going to lose more than my job.

During the time period leading up to my DUI arrest, I was involved in a relationship that was falling apart. I was also dealing with the stress that came with the position I was assigned to at the time.

In order to escape my issues, I resorted to going out and drinking alcohol in excess.

I constantly drank to the point where I was no longer in control of my decision-making abilities.

After my DUI arrest, I realized I had to make changes in my life. In order to accomplish these changes, I knew I needed to get some help.

Having to accept that I was powerless and unable to make these changes on my own was something hard to admit.

I made the decision I never imagined I would have to make, which was to check myself into a inpatient rehab facility where I spent 30 days.

During my treatment and rehab, I realized after so many years in denial, that I had a drinking problem.

And that I was not capable of drinking like a normal person.

I recognized that -- and recognize the damage alcohol was causing in my life, and how it was affecting my personal relationships with the people I care about most.

I was able to admit this to myself and others, which started my healing process. The treatment I received in rehab allowed me to learn more about myself and what caused me to drink the way I did.

At that point in time, I decided that alcohol could no longer be a part of my life.

Rehab provided me with the support and tools I needed to overcome my addiction to alcohol.

Once I completed the 30-day inpatient rehab program, I continued to work on my personal wellbeing by enrolling in a two-week outpatient substance abuse based program.

Once I completed the outpatient rehab program, I then attended several AA meetings where I continued to receive support.

Currently I'm enrolled in an 18-month DUI program that I attend on a weekly basis.

I'm committed to the changes I've made in my life. And remain so ever since my DUI arrest.

Mentally and physically, I'm in the best shape I've been since the day I started -- I decided to stop drinking.

My priorities, which don't involve alcohol anymore, have changed in a positive way. I'm focused on being a better person, take caring of my health, and improving my personal relationships as well as starting a family of my own.

Serving the community as a police officer and seeing the impact one can make in people's lives was a passion of mine and was the reason why I decided to become a police officer.

I'm willing to do whatever it takes to prove the changes I've made in my life. I believe I still have a lot to offer to the community and hope that you're willing to consider a resolution in my case.

Thank you for allowing me to speak about who I was, who I am now and the changes I've made.

If there are any questions, please feel free to ask.

BOARD CHAIR DUDLEY: Mr. Bermudez, am I pronouncing it right, Bermudez?

MR. BERMUDEZ: Bermudez, yes.

BOARD CHAIR DUDLEY: Are you here with counsel?

MR. BERMUDEZ: No.

BOARD CHAIR DUDLEY: You didn't bring a lawyer. Okay.

So I and others may ask you questions. You should feel perfectly free to not respond to those questions. Okay?

You're here and you've made your statement about sobriety and things like that.

When -- when -- during this investigation, you were 80 days sober. Do you want to comment on your sobriety at this point?

MR. BERMUDEZ: Yes. I have remained, like I said I've remained sober since the day I was arrested for my DUI.

I have -- feel -- I'm sorry, I feel like I'm a much better person.

My mental health, my clear -- I'm clear thinking, I -- my relationship with my girlfriend at home, which wasn't working out mainly because of my alcohol problem.

BOARD CHAIR DUDLEY: Mr. Bermudez, I think I wasn't -- I didn't ask the question well.

Do you want to comment on the number of days that you've been sober or not? That's, again, completely up to you.

You talked about 80 days at the time of the investigation. Do you want to comment on how many days

you've been sober now? And again, completely up to you.

MR. BERMUDEZ: Yes. It's been over two years, about two years and two months.

BOARD CHAIR DUDLEY: My second question. And again, I'm going to tell you this again, you are -- you are under no obligation to respond to my questions.

The THC that was found in your blood during the time of this investigation, do you want to make any comments about how it is that you had THC in your blood?

MR. BERMUDEZ: Yes.

BOARD CHAIR DUDLEY: Okay. Go ahead.

MR. BERMUDEZ: I don't have a drug use problem. I don't use marijuana or THC.

The reason there was THC in my system at that time was because I used -- which was my mistake, I took some, what I thought at the time was CBD pills which don't contain THC. They help you sleep at night.

My girlfriend had those at home and I thought I -- that's what I was taking.

But, you know, I made a mistake and I took the ones that had THC, which she uses THC. But that was a one-time thing.

BOARD CHAIR DUDLEY: I'm going tell you again, please free not to respond. During the investigation I believe she was interviewed and she said that wasn't

accurate.

Do you want to comment about why she said that wasn't accurate?

MR. BERMUDEZ: That was because the person who they interviewed wasn't my girlfriend.

BOARD CHAIR DUDLEY: Okay. Thank you.

Anybody else have any other questions?

Thank you for coming in. Congratulations on your sobriety.

Everybody ready to go into the room?

(Time noted: 4:08 P.M.)

--o0o--

(Closed session was held from 4:10 to 4:14 P.M.)

--o0o--

(Time noted: 4:17 p.m.)

BOARD CHAIR DUDLEY: Back on the record, please.

We were getting -- we were discussing this case and during the discussion of the case, Ms. Clavo made some points that the Board felt that were very important.

And Ms. Clavo, if you are willing to, would you talk about what your thoughts are about this?

And Mr. Bermudez, if you want to come back to counsel table -- if you want to come back to the table, you're welcome to. Or you can just stay there.

Whatever you're more comfortable doing. Okay.

MEMBER CLAVO: Thank you, Madam Chair.

So we have reviewed in the last year or so a few DUI cases.

I'm very strong, I feel very -- I have very strong opinions about DUI cases. I've heard Mr. Bermudez's testimony or his statement. And it was very compelling. And I believe that he has taken steps to make changes.

But it always concerns me when they state that the reason why these actions occurred is because they would -- the job was stressful. Or they were in a tumultuous relationship. All these things.

Well, we're always in a relationship and jobs are always stressful.

So, it's always concerning if he gets hired again, police work is a stressful job.

And so, the next time he's stressed or his relationship or family life is not going as he would like it to go, will he relapse?

And so that's always a concern of mine, you know, and that's always a possibility in any of our lives that, you know, one day we do something that we won't be able to change and then we make that correction.

But, if we're saying that stress contributed to it, but we're still looking to be employed in the same

field, well, that's never going to end so how will we handle it the next time? What would be those steps?

BOARD CHAIR DUDLEY: So I think -- thank you.

And what was particularly poignant for me is that being a law enforcement officer is very stressful.

And it's also very powerful because you have the ability to make arrests, you're driving a law enforcement car, you have a weapon, and so your concern is that not only are you concerned about any DUI driver, but you're particularly concerned about a law enforcement officer who has this stressful job also being a DUI driver. Is that correct?

MEMBER CLAVO: Yes.

BOARD CHAIR DUDLEY: Okay. Thank you.

Mr. Bermudez, you don't need to say anything in response to her comments. Or you are welcome to. What would you prefer?

MR. BERMUDEZ: I will respond.

BOARD CHAIR DUDLEY: Yes.

MR. BERMUDEZ: In response to your question, yes, I understand that part of the reason that, you know, the job that was stressful at the time, I was assigned to the narcotics task force and, you know, I was trying to meet expectations at -- a large caseload.

And, you know, I was also dealing with my

relationship at home that wasn't working out. We were thinking of splitting up.

So, at that time, you know, like I mentioned before, the easy way for me to -- my way out was to drink and just be away.

But I feel that with rehab, I have learned how to cope with my stress. You know, I know what triggers me now. I have tools where, you know, and support that helps me keep me sober.

You know, I feel like I've -- these past two years have been some of the hardest times in my life.

The fact that I haven't relapsed since then, you know, I'm feeling pretty good about myself. I don't have a desire to drink. I think about, you know, where I was when I was drinking and, you know, you know, all the dumb stuff that I was doing back then. And that's not the place where I want to be.

Like I said, I want to start a family of my own.

And if I'm drinking the way I was, you know, I'm not in no position to start a family. And, you know, my girlfriend's explained that to me as well. And I agree with her.

But I want to be a positive role model and I understand that I can't drink the way normal people drink. So that's why I just -- I don't.

MEMBER CLAVO: Thank you, sir. I appreciate it.

MEMBER HATCHER-CRAWFORD: I have to commend you for coming here and speaking your truth.

I'm a mother. I have two sons and one of my sons also went through two DUIs.

I firmly believe that alcoholism is a disease. And that without the necessary resources and tools that we are not given as a society. I don't believe in criminalizing alcoholism. And this is on my personal side.

But at the same time, I think that there should be some measures to be able to address it. I'm speaking out for a lot of young men, period, this generation, of all the things you have to go through, just to maintain a job, just to maintain a relationship, the cycle, things that you're going through daily, you know, you have to go through. And it speaks to you more importantly as being an officer, being a role model, being a man.

So I commend you for coming here and going through this, because I know it's a task. And I actually just wrote legislation writing, hoping that people that maybe one day will start looking at alcoholism as a disease and treat it as such.

Because sometimes this DNA is generational. So I

do commend you and I wish the best for you.

BOARD CHAIR DUDLEY: Okay.

MEMBER JOHNSON: If I can?

BOARD CHAIR DUDLEY: Yes, please.

MEMBER JOHNSON: Yes, Johnson again.

I hear you speak about alcoholism. And I've heard you state that, you know, narcotics isn't your drug of choice.

However, you're an addict. And sometimes we switch our habits. And so my concern was the role that you have, if you have it five years from now, and you come up under stressful situations, you may be in total control of alcohol, but that does not mean you won't switch.

So I think you should speak about both in many ways because you will be around a drug atmosphere that can enhance or create an appetite, especially in those stressful situations.

BOARD CHAIR DUDLEY: Thank you, Mr. Johnson.

Anything else?

Anything else?

MEMBER JOHNSON: No, appreciate you. Thank you.

MR. BERMUDEZ: I just -- on what you said, I understand your concern about switching to a different drug, since, you know, there was THC found in my system.

You know, I can 100 percent tell you that I don't -- my problem was alcohol. With 100 percent.

And it was hard for me to come here and admit that in front of all you -- everyone here.

But, you know, that's what helped me get through, move on, moving forward, to admit my problems.

But as far as, like, marijuana, I don't care for it. I don't use it.

And it was just a mistake that I made that one time.

But, I understand your concern.

BOARD CHAIR DUDLEY: Thank you.

MR. BERMUDEZ: Thank you.

BOARD CHAIR DUDLEY: Is there any public comment on this case?

You can go back to your seat or stay there. Whatever you want.

Any public comment on this?

Yes, please.

BEATRICE JOHNSON: Let me just reintroduce myself. My name is Beatrice Johnson. And long before I was Mrs. Johnson I was an advocate with the impacted families. So I've been in the social justice movement for a long time.

And I actually was going to say what -- excuse me,

what's your name?

MEMBER CLAVO: Me?

BEATRICE JOHNSON: Uh-huh.

MEMBER CLAVO: Nicole.

BEATRICE JOHNSON: Nicole. Sorry, Nicole, I got a brain freeze.

I actually was on the line of her, that the concern is that police officers seem to get a lot of opportunities to continue to break the law.

And a lot of citizens, some citizens get a DUI and it ain't really a DUI. And they don't get a break. And their lives are turned upside down.

So my thing would be that I been here since this started. I've did public comment since this started. And my concern -- I've heard other cases with officers and I feel like that officers should be held at a higher standard. How do you keep getting one and two and three DUIs?

You know, because when you're in your addiction or in your alcoholism, you may stop my son or my nephew or my niece, how do you act? So, sometimes it seems like they're doing this until they get caught.

So if you are doing it until you get caught, that means you're on the job. And that means that the citizens and the people in my community may have to

encounter you. So that's a real serious issue because I know the everyday citizen, they don't get a break on a DUI. That's what I wanted to say.

BOARD CHAIR DUDLEY: I just want to make sure -- and I'm sure you probably understood this. Both times, both cases went to court. Both times he pled no contest, the same as pleading guilty for all criminal purposes. So he was held to the standard of any other DUI driver.

The question that's before us is whether his license is revoked as law enforcement officer.

But I appreciate your comments.

BEATRICE JOHNSON: Are you saying he wasn't drinking or doing drugs while he was on duty?

BOARD CHAIR DUDLEY: I'm sorry, what?

BEATRICE JOHNSON: So are you saying he wasn't drinking or doing drugs while on duty?

BOARD CHAIR DUDLEY: Am I -- I'm not going to comment on -- so you are asking me --

BEATRICE JOHNSON: Okay. So that's what I was -- that my whole comment, that if they're drinking and doing drugs on duty. I didn't -- I wasn't talking about that.

BOARD CHAIR DUDLEY: I can't say either way on that.

BEATRICE JOHNSON: Okay. Yes. That was just my point.

BOARD CHAIR DUDLEY: Okay. I appreciate that.

BEATRICE JOHNSON: And I was just saying he did go to court. And he went when he got caught; right?

So, before he got caught, he was on duty. So, that was my concern.

BOARD CHAIR DUDLEY: Thank you.

Mr. Johnson? We have to ask you again.

Your wife spoke during public comment. And you're a voting member of this hearing Board.

Do you feel you should recuse yourself in terms of this particular motion, if a motion is made, or do you feel that you don't need to?

So why don't you comment on that now.

MEMBER JOHNSON: I feel extremely confident that I can render a decision without any influence from, of course, my wife.

BOARD CHAIR DUDLEY: Thank you.

Okay. Is there a motion? Let me try.

Is there a motion that there should be revocation, but that revocation be suspended based upon the terms and conditions that are articulated by the POST staff?

MEMBER GLASER: I so move.

MEMBER BUCHEN: Buchen, second.

BOARD CHAIR DUDLEY: Now let's take a roll call.
MR. KNAPP: Board Member Buchen?
MEMBER BUCHEN: Aye.
MR. KNAPP: Buchen aye.
Board Member Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Clavo, aye.
Board Member Crawford.
MEMBER HATCHER-CRAWFORD: Aye.
MR. KNAPP: Crawford aye.
Board Member Doyle.
MEMBER DOYLE: Aye.
MR. KNAPP: Doyle aye.
Board Member Glaser.
MEMBER GLASER: Aye.
BOARD CHAIR DUDLEY: Aye.
MR. KNAPP: Oops. Glaser, aye.
I skipped you.
Board Member Dudley.
BOARD CHAIR DUDLEY: Aye.
MR. KNAPP: Dudley, aye. Still aye.
Board Member Glaser.
MEMBER GLASER: Still aye.
MR. KNAPP: Still eye.
And Board Member Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Thank you.

BOARD CHAIR DUDLEY: I'm used to always going after Doyle. So --

Okay. That motion passes. No further comment.

Okay. Now we're going to take a ten-minute break and so we'll start again at 20 to 5:00.

And we will start with the presentation of our last case.

(Brief break.)

BOARD CHAIR DUDLEY: Back on the record.

At this time, I will now call upon Law Enforcement Consultant Kevin Sherburne, Professional Conduct Central Bureau and Carrie Woolley, Attorney for Legal Affairs Bureau to provide a report on case POST number 2300017, Paul Matejcek who, at the time of the events at issue, was employed at Brentwood Police Department.

Please.

MR. SHERBURNE: Good afternoon or good evening.

Thank you, Madam Chair.

Thank you for your time again today.

I do have my prefatory statement that I will read for purposes of the record so that this case -- the transcript is considered completely separate and independent from the previous case.

So you'll hear me say some of the same things.

My name is Kevin Sherburne. I'm a law enforcement consultant within the Professional Conduct Bureau Central District. I served as the investigator in the case involving Paul Matejcek who formerly worked for Brentwood Police Department at the time of the serious misconduct.

As the chair mentioned, the case number is POST2300017.

With me to my right is Carrie Woolley, who is legal counsel for POST.

The clear and convincing evidence substantiated in this case, that Mr. Matejcek used force that was excessive and unreasonable, either or both.

For the purposes of the Division's findings, clear and convincing evidence means there was sufficient evidence to establish that, quote, there was a high probability that the charge is true, end quote, and evidence need not establish a fact beyond a reasonable doubt.

Mr. Matejcek began work as a police officer with Brentwood Police Department on August 1st, 19 -- 2017.

Mr. Matejcek obtained a basic certificate in 2019, and an intermediate certificate in 2020.

He remained with the police department until his

termination on August 31, 2022.

Mr. Matejcek appealed the termination to a hearing officer. The hearing officer upheld the finding that the use of force was unreasonable and excessive but recommended a lesser discipline than termination.

After reviewing an advisory recommendation from the hearing officer, the City Manager of Brentwood upheld the termination on January 23, 2024.

The hearing officer's rationale for recommending a lesser discipline is irrelevant here. POST may seek and the Board may recommend revocation even if an officer retains employment.

The facts underlying this case involve a call for service to a home improvement store in Brentwood.

At approximately 5:30 a.m., on April 23rd, 2022, Brentwood Police Department received a call that someone was screaming near the garden sheds at the home improvement store.

Three officers responded to the scene, Officers Josh Flynn and David Franson and Mr. Matejcek.

There, the officers found Victim 1, a homeless person who was known to Mr. Matejcek and the other officers, who was inside one of the sheds.

The officers ordered her outside where Mr. Matejcek placed Victim 1 in handcuffs behind her back and placed

her in a seated, cross-legged position in front of the open door to one of the sheds.

For about seven minutes, the officers engaged in conversation with Victim 1, who alternated between verbally abusive, using foul language, and routine conversation.

The officers later stated that she appeared to be drunk and based upon her comments about being shot in the nose by a laser, possibly under the influence of drugs, illegal drugs.

The officers positioned themselves around Victim 1, who had her back to an open garden shed. The officers stood approximately four or five feet from the victim. After about seven and one half minutes, Victim 1 started to stand up. As she was standing, her hands were still cuffed behind her back.

Officer Franson's body-worn camera -- I will refer to that as BWC sometimes -- shows that Mr. Matejcek took three quick steps toward Victim 1, kicking her with his right foot in her left midsection or upper thigh. Victim 1 fell backwards into the open door of the shed, hitting the door and falling to the ground.

Victim 1 was not injured in the encounter.

Mr. Matejcek later said he feared she would spit at him. He told the IA investigator, however, that she had

never actually hit him in the face with spit. The hearing officer rejected Mr. Matejcek's statement of fear as, quote, speculative, and the exact type of 2020 hindsight analysis the Supreme Court forbids, end quote.

After Mr. Matejcek kicked Victim 1, he brought her to her feet and escorted her to his patrol car while officers Flynn and Franson walked behind him.

They later stated they expressed surprise about the kick because there was no threat of harm or safety issues requiring the use of force or that level of force.

Mr. Matejcek did not take responsibility for his wrongful actions. In fact, Officer Flynn noted that he and Officer Franson told Mr. Matejcek they would take over after Victim 1 was at the patrol vehicle.

Mr. Matejcek's response, quote, he smiled at us.

The officers summoned an ambulance where EMTs determined Victim 1 did not require medical treatment. That Victim 1 did not sustain injury is irrelevant to whether revocation or suspension is warranted. The focus is on Mr. Matejcek's acts constituting physical abuse.

Respondent arrested Victim 1 for public intoxication and battery on a peace officer because she later spat at a community services officer who was

preparing to transport Victim 1 to the county jail.

The clear and convincing evidence substantiated that Mr. Matejcek's use of force was unreasonable or excessive, either or both.

The use of force violated California Penal Code Section 13510.8(b)(3), and POST regulation 1205(a)(3).

Taking into account Mr. Matejcek's perspective, as well as the other officers present, Victim 1 did not objectively pose a threat to Mr. Matejcek or anyone else, including the other officers, was not resisting, and was not attempting to escape.

I will show you some video footage of Mr. Matejcek's use of force. There are two video perspectives to show you.

The first video footage is from Mr. Matejcek's body-worn camera and the second video is from Officer Franson's body-worn camera.

In discussing the video, I'll refer to the time of day, rather than the time during the video. And that display of the time is in the upper right, right next to the date so you'll notice it will be approximately 5:35 in the morning and it will show the seconds.

Tobias, would you please show video one?

(Video played.)

MR. SHERBURNE: That video showed that from the

initial contact when the officers recognized Victim 1, to Mr. Matejcek's placement of the handcuffs on Victim 1, the officers had the situation under control.

Mr. Matejcek immediately recognized Victim 1 and called her by name. We heard that beeping. That was the redaction.

Victim 1 did not display any behavior or words that would indicate she posed a threat to them or a risk of escape. She was compliant to commands to sit down, although she questioned why.

She did not resist Mr. Matejcek assisting her to the ground or placing her hands behind her back.

The video showed that the physical placement of handcuffs on Victim 1 only required one officer, Mr. Matejcek. The other officers did not perceive Victim 1 to be a threat or escape risk and they stood some distance away.

One of the officers did provide light from a flashlight at Mr. Matejcek's request. And the other explored the area in the shed.

One of the officers turned off his body-worn camera as soon as he recognized Victim 1. He would not have done so if he had perceived that she was a flight risk or a threat risk.

Further, that video showed that Mr. Matejcek did

not double lock the handcuffs or conduct a pat-search of Victim 1. This is further evidence that he did not perceive her to be a flight or threat risk.

Also important to note from this video is the handcuffing process itself. When Mr. Matejcek applied the handcuffs to Victim 1's wrists, he applied light pressure at first then adjusted them to a tighter position.

The noise of the ratcheting on the video that we heard of the handcuffs shows that Mr. Matejcek did not apply them in an aggressive manner.

The audio shows that Mr. Matejcek and Victim 1 also engaged in conversation free from emotion or stress.

The audio shows that Mr. Matejcek did not ask Victim 1 if she had any weapons. Again, this is evidence that he did not, at that time, perceive her to be a risk.

The next video footage to show you is from Officer Franson's body-worn camera. This one is about five minutes long. Tobias.

(Video played.)

MR. SHERBURNE: In that video clip we saw Victim 1 and the officers engaged in conversation For about five minutes. During that conversation, Victim 1 did not attempt to resist escape or pose a threat to the

officers. The officers learned enough during the conversation that they believed Victim 1 was possibly experiencing a mental health episode.

After the officers started asking her about her personal property and her consumption of alcohol, Victim's 1 -- Victim 1's demeanor changed.

Mr. Matejcek's conversational tone bordered on mocking Victim 1 and he engaged in a sarcastic exchange with Victim 1.

She then became verbally aggressive and started yelling and cursing. Officer Franson turned off the audio to his body-worn camera at 5:39 and 43 seconds in the morning, which is the time that we had stopped that.

That video showed that the officers had triangulated Victim 1, she was effectively secured with her hands, handcuffed behind her back and seated in a cross-legged position. Her back was to the garden shed and they were several feet away from her. Victim 1 did not pose a risk of threat or escape during this time.

May we see video 3, please.

(Video played)

MR. SHERBURNE: This video shows the officers continued to guard Victim 1 in a triangulated position. While muted, the officers appeared to continue to engage her in conversation. After about eight minutes after

initially being handcuffed and seated in a seated position on the ground, Victim 1 attempted to stand up.

At this point, Mr. Matejcek immediately rushed Victim 1 in about three steps and kicked her before she had even risen to a full standing position.

The force with which respondent, Mr. Matejcek, kicked Victim 1 nearly picked her completely off the ground and backwards into the garden shed door where she fell to the ground.

At the time Victim 1 stood up, she did not reasonable pose a threat to the officers or others and was not resisting or attempting to escape.

Officers Flynn and Franson did not even flinch when they saw her movement because they did not perceive her to be a flight risk or a safety risk.

I have one final video to show you, video number 4. We're going to play this in half speed, if we could, please, Tobias.

(Video played.)

MR. SHERBURNE: This clip showed clear and convincing evidence that Mr. Matejcek's use of force was unreasonable or excessive, either or both.

In sum, these actions were unreasonable and/or excessive because Victim 1 did not present herself to be a safety risk to them, was not resisting and was not

trying to escape.

He could have used less intrusive and reasonable alternatives to force, including verbal commands, control holds or escorting her to a patrol vehicle while they discussed the plan of action, how to deal with her.

The force used was disproportionate to the circumstances the officers faced.

Before I continue, would any member of the Board like to review any of the videos again that we just saw?

(No response.)

MR. SHERBURNE: From a licensing perspective in reviewing the totality of the Mr. Matejcek's professional career, POST also reviewed the previous use of force incident and commendations that he received.

Evidence of prior misconduct and the likelihood of recurrence are two factors that shall be taken under consideration under POST regulation 1213 whether a suspension or revocation is warranted.

In Mr. Matejcek's use of force in May of 2020, although the Internal Affairs investigation did not sustain a policy violation for use of force, under Brentwood Police Department policy, it's important to note that the definition of "not sustained" includes situation where, quote, there is inefficient evidence to fully exonerate, end quote, the officer. Not simply

those situations where the preponderance of the evidence did not substantiate the allegation.

The factual circumstances are similar enough to this case to warrant mention.

That case involved a female subject who was restrained, undergoing a mental health crisis and was belligerent towards officers.

Mr. Matejcek feared spitting in that case.

Mr. Matejcek escalated the situation.

Finally, Brentwood Police Chief Thomas Hansen was the chief during both incidents. In his termination letter to Mr. Matejcek, Chief Hansen stated, quote, nothing can justify the violent force that you used under the circumstances. You employed what can fairly be described as bully tactics, end quote.

During his testimony during the hearing appealing Mr. Matejcek's termination, Chief Hansen also stated that he lacked faith that Mr. Matejcek would use the appropriate level of force in other situations in the future.

Reasonable grounds exist to either revoke or suspend Mr. Matejcek's peace officer certificates.

At this time, I'm done and if you have any question, I'm happy to answer them.

BOARD CHAIR DUDLEY: Are there any questions?

(No reponse.)

BOARD CHAIR DUDLEY: Seeing none, at this time, does the subject officer and/or counsel wish to make public comment?

MS. MASTERS: Yes.

BOARD CHAIR DUDLEY: Welcome. And if you would state your names for the record.

MS. MASTERS: Good evening. My name is Marie Masters. I'm here from RLS Lawyers.

I would like to start off by just pointing out a couple inconsistencies before I actually get into my statement that I had prepared.

It was mentioned that the victim spat at a CSO who was -- would later transport her to MDF, or Martinez Detention Facility. I just want to clarify that the victim actually spat in the CSO's mouth, so it wasn't just being spat at, it was actually -- that's why she was arrested for battery.

In addition, it was stated to some effect, that she wasn't resisting, that the victim wasn't resisting at the time she was being placed on the ground initially.

The fact that former Officer Matejcek had to use a leg sweep to place her on the ground to put her in handcuffs in itself shows that she was resisting, so he had to use that lesser amount of force to actually

overcome the resistance to get her on the ground. So it's just a -- it's a mischaracterization to say that she wasn't resisting.

He also repeated verbal commands to have her sit down or to stay seated. So he had actually used other options, other than physical force prior and they weren't working, which is evidenced by her starting to stand up.

So, getting into my statement, I would like to just take a brief time, as I we know with he try to keep this a little bit short, to address the Division's findings and why I believe they're insufficient to support decertification.

BOARD CHAIR DUDLEY: I'm going to ask you to slow down. It's been a long day for our court reporter.

MS. MASTERS: Yes, ma'am. Sorry about that.

BOARD CHAIR DUDLEY: Thank you so much.

MS. MASTERS: Specifically, I would like to highlight mitigating facts which ultimately show that reasonable grounds do not exist to revoke or suspend former Officer Matejcek's POST certificates based on clear and convincing evidence.

First, in the nearly five years at Brentwood PD prior to this incident, former Officer Matejcek served without being disciplined and/or found to be operating

outside of policy.

The Division report discusses that former Internal Affairs investigation that was -- that was just brought up. And I would like to just reiterate that that resulted in findings of not sustained. And mind you, that -- that investigation was conducted under a preponderance of the evidence standard, which is lower than the clear and convincing evidence standard that we are using here.

While we can consider, you know, prior conduct, it also needs -- a history of discipline also needs to be considered. And the reality is that he was never disciplined for that prior IA because it was not sustained. He was not found to be acting out of policy.

It's just -- it's simply improper to use conduct that was within policy to try to state that there will be potentially future out-of-policy conduct.

Second, former Officer Matejcek was actually recruited by the Brentwood Police Department during the academy. He started at the academy as a non-affiliate, which basically means that you pay your own way through the academy. And then part way through was hired after a recruit training officer who saw his daily performance, saw him as someone that he wanted to work with at Brentwood PD.

The academy involves numerous use of force scenarios. And part of that involves the recruit training officers essentially manufacturing stress to see how the recruits do under pressure.

Former Officer Matejcek was, in part, hired by Brentwood PD because one of his recruit training officers saw how he performed under pressure and through those use-of-force scenarios and, again, wanted him to be part of the team at Brentwood PD.

Even the officer who testified in part of the IA investigation that former Officer Matejcek's use of force was unreasonable said that he still trusts him, to work with him as an officer and to have his back.

That illustrates that this incident is -- on its own, does not make him unfit to do his job as a police officer.

Third, the victim was struck in a way that was intentional, in that it was to avoid injury.

There can be -- we can go back and forth all day about disagreeing whether or not the use of force was reasonable or unreasonable.

But, the fact of the matter is that former Officer Matejcek thought about his actions at the time and thought to himself, well, she's standing up, and I don't want her to run away.

And for those of us who have worked patrol, we know that people who are handcuffed can still run away. And the -- the significant risk when that happens is that they're going to fall face forward with no way to break their fall.

So part of his thought process was, well, I'm asking her to sit down, she's not listening, and so she started to stand up. And he did what he thought was the best way to get her to stay on the ground, without having to get his face closer to her where she could spit on him. Part of this is also his knowledge of her from prior contacts and from prior contacts with other officers, which I will get into in a moment.

But if she had been able -- if the victim had been able to stand -- to finish standing up and run away, she almost certainly would have either fallen face first and being in a parking lot that was asphalt that would be a very bad fall to be face first.

Or would have had to have been subdued by officers, which could have resulted, essentially, in the same sort of face-forward -- face-forward fall.

Instead, the kick was used essentially to push her away and keep her on the ground by contacting her again and you could see in the video partially her torso or upper thigh area.

Officers are also taught during their arrest and control time in the academy that's one of the permissible areas to try to target if you're using personal body weapons. You're supposed to stay away from things like someone's head and face. So Officer Matejcek was intentional in contacting an area of the victim's body that was unlikely to result in any kind of injury.

As we saw in the video, the victim fell back into the door of the shed and landed in a seated position.

She never hit her head. Contrary to what was stated earlier she was never lifted off the ground. Nor did it appear that she was close to being lifted off the ground. She was clearly pushed straight back and down into a seated position.

And then she was not injured. EMS was called and she was ultimately cleared to be transported for incarceration.

Um, next, former Officer Matejcek had extensive prior knowledge of the victim. This is based on prior encounters that he had as well as those in his department.

During his Internal Affairs interview testimony, he made it clear that the victim has a history of physically fighting with police, fleeing from them. She

had previously tried to take another officer's gun, spitting on officers, which is assault and battery.

Just in general, being combative with them.

And part of this is that people with mental health can be erratic, so this notion that because the call started off calmly with both the victim and the officers -- well the entire encounter is relevant. We can't -- it's disingenuous to say, well, it started off calm so there was no reason for it to escalate.

It's been repeated that the victim may -- may suffer from mental illness, and so that's something that needs to be considered because it can also make a person erratic.

All of this is relevant to the mindset that Officer Matejcek had at the time of this incident because he was trying to do -- he was trying to make the best decision that he could given the situation. And make the -- and he believed his course of action was the best plan.

There's no obligation for officers to subject themselves to assault and battery. Just because being spat on may not encompass the type of physical injury that we traditionally think of, like breaking your arm or getting a concussion or something like that. It doesn't -- it doesn't mean that they're obligated to essentially have that happen.

And had he done something else, which I'm hard-pressed to figure out what it would have been. I mean he -- the thought process he went through was he didn't use his TASER, he didn't use his OC, he had been using verbal commands and they just weren't working.

So the next, kind of -- the next option he had that was the least forceful was some sort of hands-on approach, is the phrase that's used. But just some sort of personal body weapon.

Lastly, the totality of the Internal Affairs investigation showed that he -- showed that former Officer Matejcek acted with candor and integrity following the incident. That was commented upon by the arbitrator at binding arbitration -- nonbinding arbitration after he had been terminated.

Former Officer Matejcek agreed that a supervisor needed to come to the scene, which is standard any time there's a use of force, whether it's something that's reasonable, unreasonable. No one knows at that moment, but it's normal for supervisors to come to the scene.

That's not anything out of the ordinary. That wasn't something that was done because anyone at the time felt like this was an exceptional situation. It's just standard.

The Division seemed to dismiss former

Officer Matejcek's description of the incident in his IA interview as illogical. And that's a quote.

But he -- former Officer Matejcek did, in fact, go into a clear explanation of why he took the action he did. It was anything but illogical. He walked everyone through the steps he took and why.

He fully cooperated with the administrative investigation and never displayed any behavior that called his integrity into question.

This incident happened quite awhile ago, as you can see, the date is in 2022. So after this period of reflection, former Officer Matejcek understands why we're here. And in hindsight, seeing where we are now, he would have handled the incident differently.

That said, that reflection doesn't mean that at the time of the incident he wasn't doing what he genuinely thought was his best option.

He chose the tactic that he thought would result in no injury, but would still keep the victim subdued where she needed to be and prevent him from being spat on.

Former Officer Matejcek isn't the type of person that we need to keep out of this profession. And he's essentially served a two-year suspension. He hasn't worked in over two years.

Following his termination, the appeal process took

him through nonbinding arbitration, and at that -- at that nonbinding arbitration, the very experienced arbitrator found that it was an abuse of discretion for Brentwood PD to fire him and recommended a week-long suspension instead.

So surely if it's an abuse of discretion and unreasonable to fire him, revoking his licensure would be even more so.

So with that, we respectfully request that no action be taken. Against either of his POST certificates.

BOARD CHAIR DUDLEY: Thank you. Questions?

MS. MASTERS: Also -- I believe Officer Matejcek also wanted to make a brief statement, but I'm not sure which order you'd like to handle --

BOARD CHAIR DUDLEY: He wants to do what?

MR. MATEJCEK: I would like to make a statement.

BOARD CHAIR DUDLEY: Go ahead.

MR. MATEJCEK: My name is Paul Matejcek. I know reading it is a little difficult especially with that fun "J" that's there.

I was a good police officer. I was trusted and respected by my peers and the community.

And I had had multiple contacts with that specific individual, of her fighting with me, spitting at me,

spitting at other officers. And like my lawyer mentioned, trying to take one of my partners' guns.

I knew this to be a violent individual who often uses methamphetamine and alcohol, which I believe she was under the influence at that time.

I did not want to hurt her. I wanted to send her to the hospital and that was the conversation that I was having with my partner at that time that she began to stand up.

I wanted to de-escalate the situation and not take her to jail. I wanted to send her to the hospital where I knew we weren't going to have to fight with her.

And at that point, that's when she started to stand up. And I gave her two commands to sit back down she didn't listen. And from my previous experiences with her, I know that she was either going to run away from me or spit on me like she's done so in the past and I did not want either of those to happen. And that's why I took the action I did.

I was trained to do exactly what I did, even though it's not pretty, that's what I was trained to do in the academy and by my police department.

If I could take back that moment, in a heartbeat I would. But I know that what I did was the right thing at that time.

If I could change it now, I would. But at that time, I know that I was with -- within the right mindset and I was trying to do the right thing.

To take away my certificates, I believe, would be a disservice to the community of Brentwood, as well as the State of California.

So thank you for your time.

BOARD CHAIR DUDLEY: Thank you.

Thank you both for being here.

MS. MASTERS: I apologize. If I may ask just one clarifying question, so I can make sure the record --

BOARD CHAIR DUDLEY: You want to ask a clarifying question?

MS. MASTERS: Yes, just -- when you say that you wanted to send her or take her to the hospital, can you explain to us what you exactly you meant by that, instead of to jail.

MR. MATEJCEK: Yeah, absolutely. So this particular individual, any time that we told her that she was going to go to jail, that she was being arrested for whatever charge it was, probation violations, drug possession, being under the influence, that's when she would get aggressive with us.

I recognized the signs and symptoms that she was under the influence of narcotics and/or alcohol. And

so, I wanted to send her to the hospital so that way she could sober up and not have to begin a fight with us if I was to tell her that she was going to go to jail, which she's done so in the past.

Does that answer your question?

MS. MASTERS: Yes, thank you.

BOARD CHAIR DUDLEY: And where did she go after this?

MR. MATEJCEK: So we took her to the Brentwood Police Department where she was then photographed, or we tried to photograph her. She was still being combative with us at the police department.

Or before that -- excuse me -- she was medically evaluated on scene by AMR and then she was taken to the police department and then from there she was transported to the Martinez Detention Facility, MDF.

BOARD CHAIR DUDLEY: Okay.

MEMBER CLAVO: I'll try not to belabor my questions.

One question for the attorney, I'm sorry, I don't know your name.

MS. MASTERS: Marie Masters.

MEMBER CLAVO: You said that the supervisor came to the scene?

MS. MASTERS: A supervisor was called and notified.

So basically any time there's a use of force, a supervisor is notified. And I don't want to misquote BPD policy, but my understanding is that it's up to the supervisor's discretion if they actually show up at the scene but they are notified every time there's a use of force.

MEMBER CLAVO: Okay. Quick question, because I thought in the records, in the documentation we received, it stated that they had talked about calling the sergeant, but they didn't actually speak with the sergeant or make contact with the sergeant until they arrived back at the department, where the three of them all conversed with the sergeant together.

Am I misunderstanding what was in the --

MR. SHERBURNE: That is correct. There was a discussion amongst all three of the officers at the scene in the home improvement lot, parking lot, and two of the officers said we need to call the sergeant. The sergeant did not come, you're correct.

MEMBER CLAVO: But did they actually call? I don't remember them saying they called at that time.

MR. MATEJCEK: I can answer that. I did call for the sergeant on the way back to the police department and I informed him that a use of force had been made and that we would meet him back at the sallyport of the

police department where we could discuss exactly what happened.

MEMBER CLAVO: So my second question would be for you, because I heard you say that you wanted to de-escalate the situation. But you were kind of bantering back and forth once she rose to a different degree of attitude, personality, or, you know, mental health situation.

Why did you continue to banter with her if you were trying to de-escalate the situation?

MR. MATEJCEK: What I was doing in that scenario was asking her questions, as far as a 5150 evaluation. Does she want to hurt herself? Does she want to hurt anybody else? Is there any reason that I can send you to the hospital for a mental evaluation instead of continuing to stand here and argue with you.

Is there a reason that I can call an ambulance to come and evaluate you, to send you to a hospital where you'd rather be?

Does that answer your --

MEMBER CLAVO: It does. So maybe I have the voices confused.

Because I was referring to the part with the softball -- the baseball --

MR. MATEJCEK: Absolutely.

MEMBER CLAVO: -- or playing softball. That was not you?

MR. MATEJCEK: So the softball was me, but there was another voice that sounds like mine and that was Officer Flynn.

MEMBER CLAVO: He was the one that was kind of going back and forth with her? Or was that you?

MR. MATEJCEK: I believe that was Officer Flynn. I would have to get the exact transcript, but I can tell you which parts were me and which parts were him.

MEMBER CLAVO: And then you also stated that in -- in the academy or in subsequent training thereafter, you were trained to kick as a part of defense.

MR. MATEJCEK: Absolutely. Yes. So in the academy, and as well as in Brentwood Police Department training, we're trained to kick people exactly that way that I had used that kick.

It's called a stomp kick, where it's less force than you would as, if you imagine like a soccer kick, style kick. And with that, that -- I mean, with you look at it, you see my leg extend and stuff like that.

What you -- when you slow it down you see that my foot, the edge of my foot, the ball of my foot, is actually the part that contacts her. So I'm creating as much distance with that leg as I could. And, yes, we

were trained to kick people that way in the academy and at the police department.

MEMBER CLAVO: Thank you.

BOARD CHAIR DUDLEY: Any other questions?

Dr. Glaser?

MEMBER GLASER: Good afternoon. Thank you for appearing today and for answering our questions.

Would you be willing to comment on whether your kick used more force than necessary given the threat and the situation?

MR. MATEJCEK: Based on the totality and circumstances in my previous contacts with her and my fear of what she was going to do, what I've known her to do, I don't believe that what I did was excessive.

Do I believe that it was outside of our policy?

Well, hindsight yes.

But at the time I believed that what I was doing was fully within my policy and was fully within the state law.

Going back to it now, I believe that it's within state law, but it is without -- or outside of our Brentwood Police Department policy.

According to what my -- our use of force policy, if I'm allowed to use my hands, then I'm also allowed to use my feet.

And the reason that I chose to use my feet in that situation was to create that distance from fear of being spat on.

Mind you that this is also during a time of COVID where any little speckle of bacteria on your face, people are in fear that they're going to get COVID and knowing that she had already told me she had potentially had AIDS and was HIV positive and throw on COVID on top of that, I had plenty of reason to keep my face as far away from her as I wanted. Or as I did.

BOARD CHAIR DUDLEY: Any other questions? Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

For the Division. I think you stated, and I saw it in the report, that there was a previous use of force investigation that occurred.

MR. SHERBURNE: That's correct.

MEMBER JOHNSON: I didn't see what it talked about, what type of use of force was it? Physical?

MR. SHERBURNE: Physical force using a forearm to press the subject's body and head down into the gurney where the individual was restrained.

MEMBER JOHNSON: And I guess the last part of my question, then, is so we're entitled to take a look at that also in making a decision going forward?

MR. SHERBURNE: That case or that report is not before us.

And if it were, given the time frame, I don't think that it would fall within -- I would have to look at it, but I don't think it would fall within our area.

MS. WOOLLEY: Board Member Johnson, it is, however, brought to you as part of the factors under 1213 for your consideration as possible prior conduct to show that it's a possibility that Officer Matejcek may, in fact, repeat this sort of conduct.

Since Mr. Sherburne did bring it in, since it is a similar incident to the incident at issue in this case.

MR. MATEJCEK: Mr. Johnson, I can elaborate on that use of force situation if you would like me to and run you through what happened.

I know you guys don't have it right now, but I can tell you what happened if you'd like. It's up to you.

MS. WOOLLEY: That would be outside the scope of these proceedings.

MS. MASTERS: And I would just like to add that POST regulation 1213 also asks for the Board to review prior discipline, of which that did not amount to. So just for clarifying purposes, an investigation was completed but there was no discipline as a result.

MS. WOOLLEY: It's prior conduct or discipline.

It's not just discipline.

MS. MASTERS: In addition to, it's -- yeah, prior conduct, discipline.

MS. WOOLLEY: But it is inclusive.

And Chair Dudley, I do have comments to make as to counsel's comments.

BOARD CHAIR DUDLEY: It's -- the Board considers prior conduct. The Board considers prior conduct in terms of people not having any violations at all, considers prior conduct in terms of action.

MS. MASTERS: Right. Of course.

BOARD CHAIR DUDLEY: It's not given the same weight as the circumstances that we're here before us. It's just something else you can or cannot consider, up to you.

And of course, in this case, it was found unsubstantiated.

Anything else?

Thank you both. You can go back. And I'm just going to ask for public comment, then we're going to go back.

MEMBER BUCHEN: She wanted to say a few words.

MS. WOOLLEY: I just have a few brief comments in response to the public comments that were made.

There were a few public comments that I did want to

address.

Counsel made the argument that peace officers do not have any obligation to submit to assault or battery. That's true. That's absolutely true.

But I do want to point out in this case that was not what was happening here.

The victim here was seated on the ground and was starting to stand up. And just as she's starting to stand up, Officer Matejcek immediately starts to come towards her and violently kicks her into a garden shed. This is not a case where she is violently or actively resisting him and he needs to defend himself, which would be a case of what counsel is saying here.

MS. MASTERS: That's not what I'm saying.

BOARD CHAIR DUDLEY: This is her turn.

MS. WOOLLEY: The other instance -- the other point that she -- that's been made is that this is a kick that Officer Matejcek has been trained to use in his training. And that's true.

And POST trainings they are trained to kick towards the torso. It's a safer area to kick in the body.

But one of the things that the training's very careful to mention is that you do not kick a restrained person. It's not safe to kick somebody who's in handcuffs. And that's the point that they make in the

Brentwood Police Department investigation. And that's one of the reasons that it led to his termination in this one.

Counsel also mentioned -- counsel also mentioned that Officer Matejcek displayed candor and integrity in his Internal Investigation. And he was. He displayed a lot of candor and integrity.

But he also displays a lack of awareness of what his actions were, and how unreasonable his actions were given the totality of the circumstances in this arrest.

And partly it's because he assumed the arrestee in this situation was going to do things. And he acted on that assumption. And he thought, well, I'm going to be attacked by her and so he pre-emptively attacked her. But that's not the standard when we're looking at reasonable uses of force.

The standard is, you have to look at the totality of the circumstances, at the arrest, at the time. And it's not a subjective standard, it's a reasonable officer standard in that situation.

And in this arrest, we had three officers present. Two officers present did not think this was a reasonable use of force.

Flynn and Franson all testified consistently throughout the IA, and at the hearing, that this was not

a reasonable use of force. They did not think this was okay.

And if you watch the full video and you slow it down, you will see their faces. They have a shocked look on their face at the use of force.

The other point that's made that I wanted to address was the fact that there is a lot of effort made to say that Officer Matejcek kicked the victim with the intent not to injure her and that she was not injured. And that was a good outcome that she was not injured.

But we don't know if she suffered any injury. We know that she didn't suffer enough injury to end up in a hospital. But we also know from watching the video that she was under the influence of something.

So it's possible, if we're going to speculate, that she may, in fact, not have known that she was injured because we don't have her medical records. But suffering a kick like that probably did leave some sort of injury. She did lift off the ground. The video shows her lifting off the ground and slamming into a garden shed.

So it is highly unlikely there was no injury to this particular individual.

MEMBER GLASER: Can I ask a question on that point? Can I just ask a question on that point?

The report indicates that she wasn't injured, but I was wondering if that was based on just the absence of a report of treatable injury by the EMTs or if it was based on an affirmative inspection for bruising or anything like that?

MS. WOOLLEY: It's based off the fact that we have no records that indicate she suffered an injury.

MR. MATEJCEK: May I answer?

We tried to take pictures and ascertain if there was any bruising or anything and she wouldn't let us inspect.

We asked her if she was okay. And she just began to yell at us.

She didn't complain of any pain or anything like that, that would indicate that she did have an injury.

MS. MASTERS: And if I may just clarify, my prior position, and then I'll stop because it's I think unproductive to go back and forth. I don't think that's what the purpose of today is.

When the victim began to stand up, that, in itself, is an act of resistance. I agree, obviously watching the video, she's is not standing up and charging at former Officer Matejcek. That's not what we saw in the video.

But the act of standing up is an act of resistance.

Even starting to stand up. And it's the prior history that he had with her that caused him to decide, well, I should use a kick because I don't -- the other option, the only other conceivable option I can think of is leaning in, getting much closer to her and using hands to try to physically push her back on the ground.

But then that exposes you to being spat on, as he knew was very much -- he objected -- he had objective facts in these past encounters that showed -- that caused him to believe that that would happen.

And so it's not -- I'm not trying to represent to you that she was, you know, in the midst of running towards him, trying to attack him that way.

My explanation was a little bit more nuanced than that. So I just want to make sure that that's understood.

BOARD CHAIR DUDLEY: Any other questions?

MEMBER JOHNSON: Yes, I have a question. Johnson.

In the past incidents that you witnessed, her trying to take an officer's gun, running, spitting, was she ever assaulted or a use of force takedown took place in regards to her actions?

MR. MATEJCEK: I'm sorry, did you say was she ever assaulted to us or us towards her?

MS. MASTERS: Are you asking if there were prior

uses of force against her by Brentwood PD?

MEMBER JOHNSON: Exactly. Because, I mean, it wasn't proportional, what I saw.

So I'm asking if she did take an officer -- or attempt to take an officer gun, as stated, did he use use of force on her to prevent that?

MR. MATEJCEK: I was not present for that incident. I had only --

MEMBER JOHNSON: Oh, I thought you had stated that --

MR. MATEJCEK: I was aware that she had tried to take another officer's gun. I wasn't present for that.

MEMBER JOHNSON: Okay. Let me ask it a different way then.

Have you witnessed her attacking an officer?

MR. MATEJCEK: Yes.

MEMBER JOHNSON: Did the use of force from that officer, was it proportional? Did it inflict pain? Did he take her down? What happened?

MS. MASTERS: If you know.

MR. MATEJCEK: In the couple instances that I can think of, it took multiple officers to take her to the ground where, I mean, we had three guys on top of her trying to control her arms and legs in order to put her in what's called -- well, first we put her in handcuffs

behind her back. And then we put her in what's called a wrap, where she's basically hogtied so that way she can't move around.

In that incident we tried to put her into the back of a police car. That's when she tried to spit in my face. And luckily for moving quickly, that's why she wasn't able to spit in my mouth like you testified before.

But yes, I've seen her fight off multiple officers at one time, running on the ground, you name it.

BOARD CHAIR DUDLEY: Any other questions? Okay. Thank you.

Thank you, you can return. Appreciate you being here. Wait one second.

Appreciate you being here. And I'm going to call for anybody from the public. So if you two could leave that table.

Thank you.

MS. MASTERS: Thank you.

MR. MATEJCEK: Thank you.

BOARD CHAIR DUDLEY: Is there any public -- anybody else would like to speak? Any public comment here? Or on the phone?

(No response.)

BOARD CHAIR DUDLEY: Hearing none, we'll adjourn

for our discussion.

(Time noted: 5:49 p.m.)

---o0o---

(Closed session was held from 5:50 p.m. to 5:57 p.m.)

---o0o---

(Time noted: 5:59 P.M.)

BOARD CHAIR DUDLEY: Now we're back. Thank you so much. There was a motion?

MEMBER BUCHEN: I move, yes.

BOARD CHAIR DUDLEY: What is that motion?

MEMBER BUCHEN: Motion for revocation.

BOARD CHAIR DUDLEY: Okay. Is there a second?

MEMBER JOHNSON: I second.

BOARD CHAIR DUDLEY: Okay. Mr. Johnson.

And could we have a roll call verdict, please?

Not roll call verdict, but roll call.

MR. KNAPP: Yes. Thank you.

Board Member Buchen?

MEMBER BUCHEN: Buchen, aye.

MR. KNAPP: Buchen, aye.

Board Member Clavo?

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Board Member Doyle. For the record, Board Member Doyle is not present for this vote.

Chair Dudley.

BOARD CHAIR DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Professor Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

And Board Member Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

BOARD CHAIR DUDLEY: So no abstentions. No nayes.

The decision was unanimous for revocation.

Thank you.

Okay. Very briefly, upcoming meetings. We're going to have one January 15th and 16th.

What I want to impress upon you is it does appear that hearing will go forward and also it may very well be both days.

So warning you early that we may need to be meeting all of the 15th and 16th as well.

We also have a meeting in April. We don't have any information yet as to whether that meeting will go, but

I think for purposes of your calendar you should absolutely leave it there.

And also April we decided we would take another look at the hourly time we're spending on cases.

As this was the last item on the agenda, do any of the members of the board have any additional comments before we adjourn?

MEMBER JOHNSON: I do. I have a question. January 15th and 16th, is -- what days are that?

BOARD CHAIR DUDLEY: Wednesday and Thursday.

MEMBER JOHNSON: Okay. I'm thinking a holiday.

MEMBER HATCHER-CRAWFORD: What is April?

BOARD CHAIR DUDLEY: April is 16, 17.

Any other questions or comments?

Seeing none, I will need a motion to adjourn for the record.

MEMBER CLAVO: Make a motion.

BOARD CHAIR DUDLEY: Motion to adjourn?

MEMBER CLAVO: Yes.

BOARD CHAIR DUDLEY: Okay. Thank you. Second?

MEMBER JOHNSON: Yes.

BOARD CHAIR DUDLEY: And any opposed? Any abstentions? Okay.

Hearing none, the meeting is adjourned.

Thank you very much for a very long day.

You all worked very hard.

(Proceedings concluded at 6:01 p.m.)

--o0o--

CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Connie J. Parchman, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of October 2024.



/s/ Connie Parchman
Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137

E R R A T A S H E E T

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AGENDA ITEM REPORT

Title: REPORT ON CASE STATUS UPDATE FROM THE NOVEMBER 21, 2024 COMMISSION MEETING

REPORT PROFILE

MEETING DATE 01/16/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE 01/03/2025	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 01/03/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This report is presented for information only. No action is required.

BACKGROUND: This is a report of the outcome of cases heard at the Commission on Peace Officer Standards and Training Meeting held on November 21, 2024 in West Sacramento, CA.

ANALYSIS:

RECOMMENDATION: This report is presented for information only. No action is required.

ATTACHMENT(S):
POSAAB Memo_01.03.2025.pdf

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

MEMORANDUM

Date: January 03, 2024

From: Peace Officer Standards Accountability Division – Board Assistant, Chandler T. Knapp
To: Peace Officer Standards Accountability Advisory Board Members
Subject: Outcome of November 21, 2024 Commission Misconduct Case Hearing

Dear Esteemed members of the Board,

I trust this message finds you well amidst the winter chill following the holiday season. I wanted to take a moment to provide you with case updates following the Commission's November hearing and review of your recommendations made at the October 17, 2024 POSAAB Hearing. Below are brief summaries of the Commission's decisions and status of the four cases We will be happy to provide further clarification at the January 16, 2025 meeting at your request.

POST2303451 - James Mutuku (Board Recommendation of Revocation)

After a complete review of the record and the Division's presentation as well as public comment from the subject officer and his counsel, the Commission adjourned into closed session to discuss the case. Upon reconvening into regular session, a motion was made to adopt the Board's recommendation of revocation however the motion failed in a three to ten vote resulting in no further action in this case. Many Commissioners did not feel that the evidentiary standard of clear and convincing was met; therefore, the Commission did not vote to impose disciplinary action. The matter is now closed.

POST2307511 - Sifredo Cano (Recommendation of Revocation)

At the conclusion of the Law Enforcement Consultant's presentation and public comment from the subject officer's counsel, the Commission met in closed session to deliberate. Upon reconvening into regular session, the Commission voted unanimously to adopt the Board's recommendation of revocation. This case will now move forward to the Administrative Law Judge (ALJ) for a proposed decision.

POST2313715 - Jaime Bermudez (Recommendation of Stayed Revocation Subject to Terms and Conditions)

Following the Law Enforcement Consultant's presentation the Commission adjourned into closed session. After returning to regular session, a motion of Revocation was made but failed in a four to fourteen vote. A second motion was made and passed in a thirteen to zero vote with one abstention, directing the Division to enter into a stipulated agreement consistent with prior settlement agreements relating to DUI convictions, including an additional request to test for THC substance use. Division staff will work with the Office of the Attorney General to prepare and execute a stipulated settlement with specified terms and conditions. The settlement will be returned to the Commission for ratification at their March 06, 2025, Meeting in San Diego, CA.

POST2300017 - Paul Matejcek (Recommendation of Revocation)

At the conclusion of the Law Enforcement Consultant's presentation, the subject officer and his counsel provided public comment. The Commission then met in closed session to deliberate. Upon reconvening into regular session, a motion was made to accept the Board's recommendation of revocation and the

motion failed in a five to thirteen vote. A second motion was made and passed unanimously to suspend the subject officer's basic post certificate for a term of nine months and require Matejcek to attend and successfully complete post requalification training within the nine month term of suspension. Since this was a decision by the Commission to seek suspension, the matter has been referred to the Office of Attorney General for the filling of an accusation. Mr. Matejcek will have an opportunity to appeal the suspension, and the case will move forward for an administrative hearing. If Mr. Matejcek does not appeal, the decision of the Commission will take effect.

We understand that you may have questions regarding the outcome of the aforementioned cases. This memo aims to provide a summary of those case outcomes. However, greater details may I be provided upon request of the Board during the January 16, 2024 hearing in West Sacramento, CA.

We sincerely hope that the new year yields good health and prosperity and look forward to seeing you all on January 16, 2025. If you have any general questions or concerns about POSAAB business, please do not hesitate to reach out to me at any time.

With much appreciation,

Chandler T. Knapp
POSAAB Assistant - Executive Office

AGENDA ITEM REPORT

Title: REPORT ON DATA FOR SERIOUS MISCONDUCT REPORTING, INVESTIGATIONS, AND DISCIPLINARY ACTION OUTCOMES

REPORT PROFILE

MEETING DATE 01/16/2025	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Chelsea Wijaya		**REVIEWED BY**
REPORT DATE 09/27/2024	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This report provides updates on the operations of the Peace Officer Standards Accountability Division, as well as statistical data and outcomes of serious misconduct cases received by POST and cases that have moved forward with disciplinary action.

This report is presented for information only. No action is required.

BACKGROUND:

On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2, which established the Peace Officer Standards Accountability Division and outlined its primary responsibilities of reviewing cases of serious misconduct that could result in the revocation or suspension of a peace officer's certification, as well as presenting its findings and recommendations to the Peace Officer Standards Accountability Advisory Board and Commission on Peace Officer Standards and Training for their deliberation.

The process for handling serious misconduct cases has been implemented within the Division, which has has been receiving and reviewing cases of serious misconduct for over a year and a half. Pursuant to Penal Code section 13512, POST staff reports on the relevant statistics and outcomes related to cases of serious misconduct that will assist in the Board's evaluation of the Division's operative functions related to certification and decertification.

ANALYSIS: As the final provisions authorized under Senate Bill 2 took effect on January 1, 2023, POST staff reports out on the activities and relevant actions of the Peace Officer Standards Accountability Division, Peace Officer Standards Accountability Advisory Board, and Commission on Peace Officer Standards and Training.

RECOMMENDATION: This item is presented for informational purposes only. No action is required.

ATTACHMENT(S):
POSAAB Hearing Stats - 01.16.2025

Peace Officer Standards Accountability Division

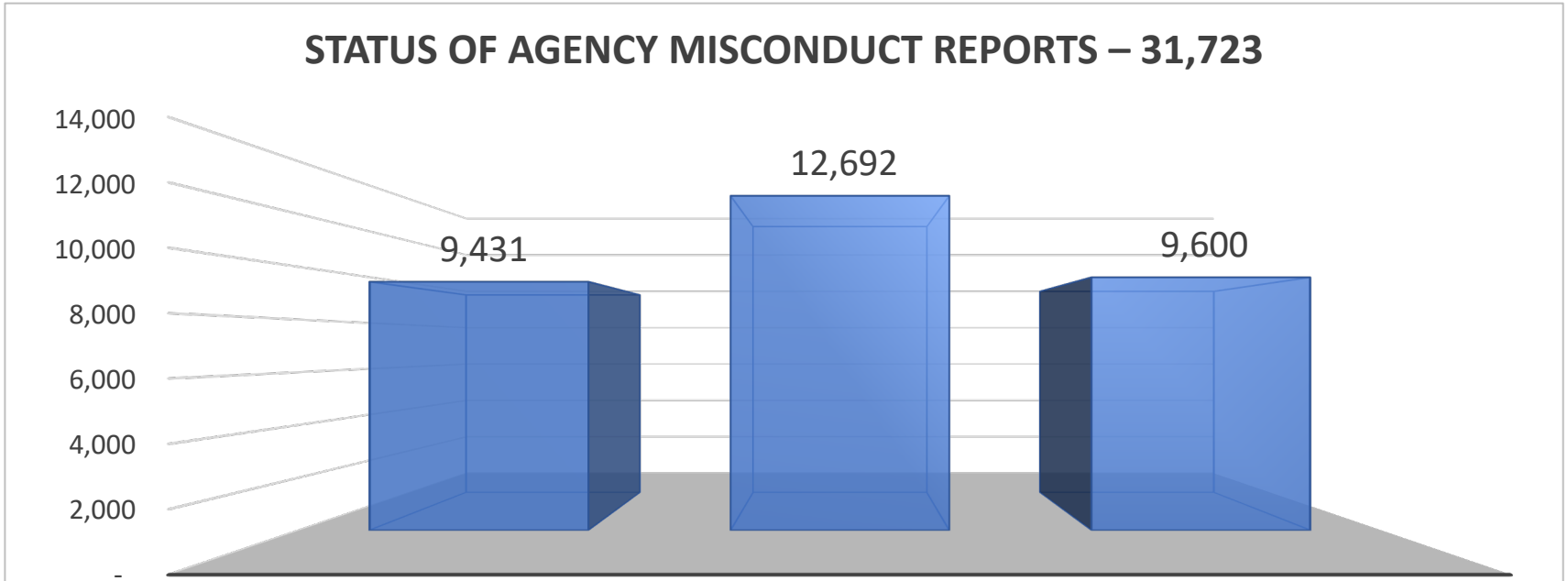
Professional Conduct Bureau Statistics

as of December 31, 2024

PROFESSIONAL CONDUCT BUREAU STATISTICS AS OF 12/31/24

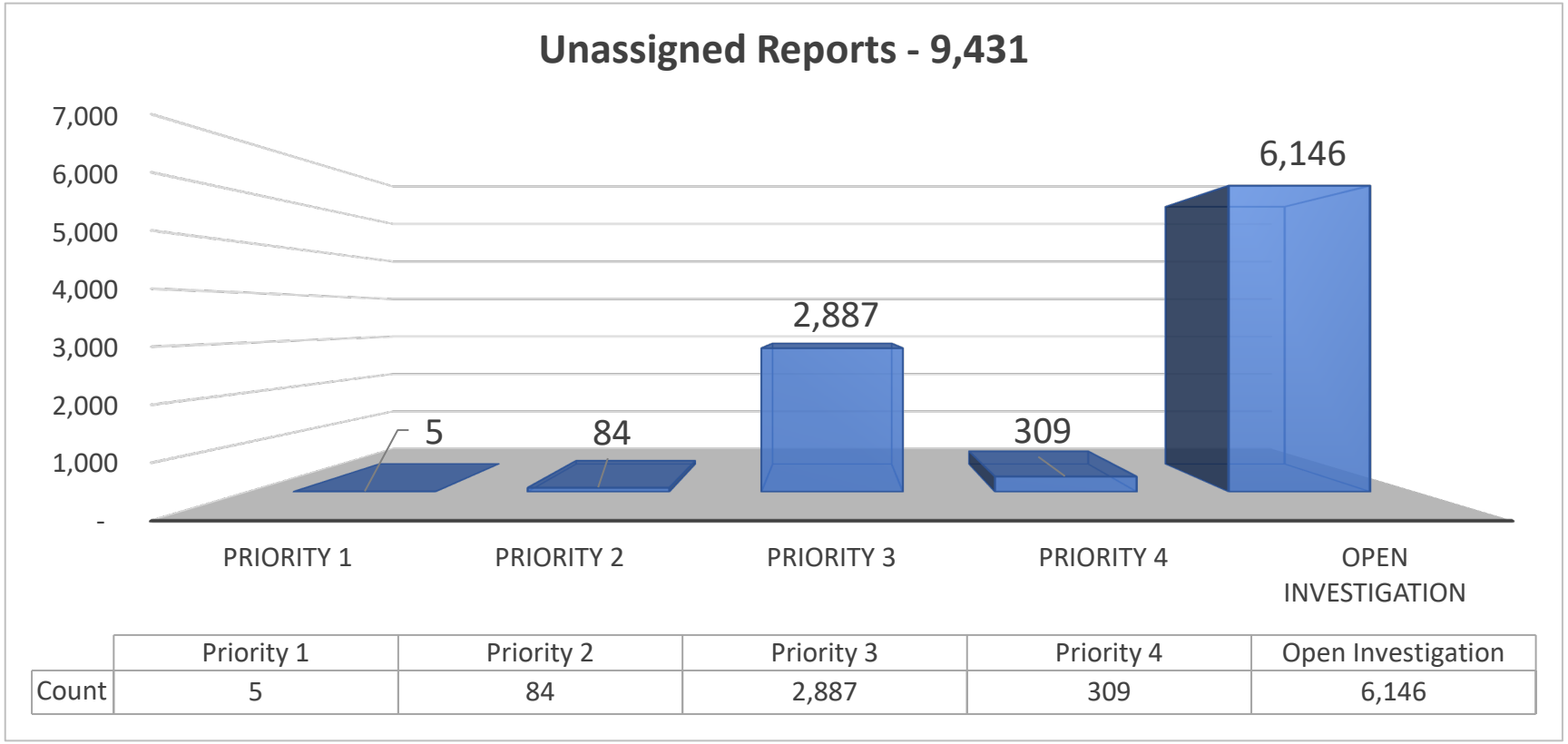
- Top 3 areas of serious misconduct allegations:
  - 37% – Physical abuse/excessive or unreasonable use of force
  - 27% – Demonstrating Bias
  - 14% – Abuse of power
- 31,723 Agency Misconduct reports received (Approved)
  - 18,942 unique Law Enforcement Officers
  - 53% are “Retro” (Prior to 01/01/2023)
- 1,459 – Public complaints (Approved)
- 9,431 Unassigned Reports
- 22,292 Total Cases
  - 12,692 Open Cases (57% of total cases)
  - 9,600 Closed Cases (43% of total cases)

AGENCY MISCONDUCT REPORTS



	Unassigned Reports	Open Cases	Closed Cases
Count	9,431	12,692	9,600

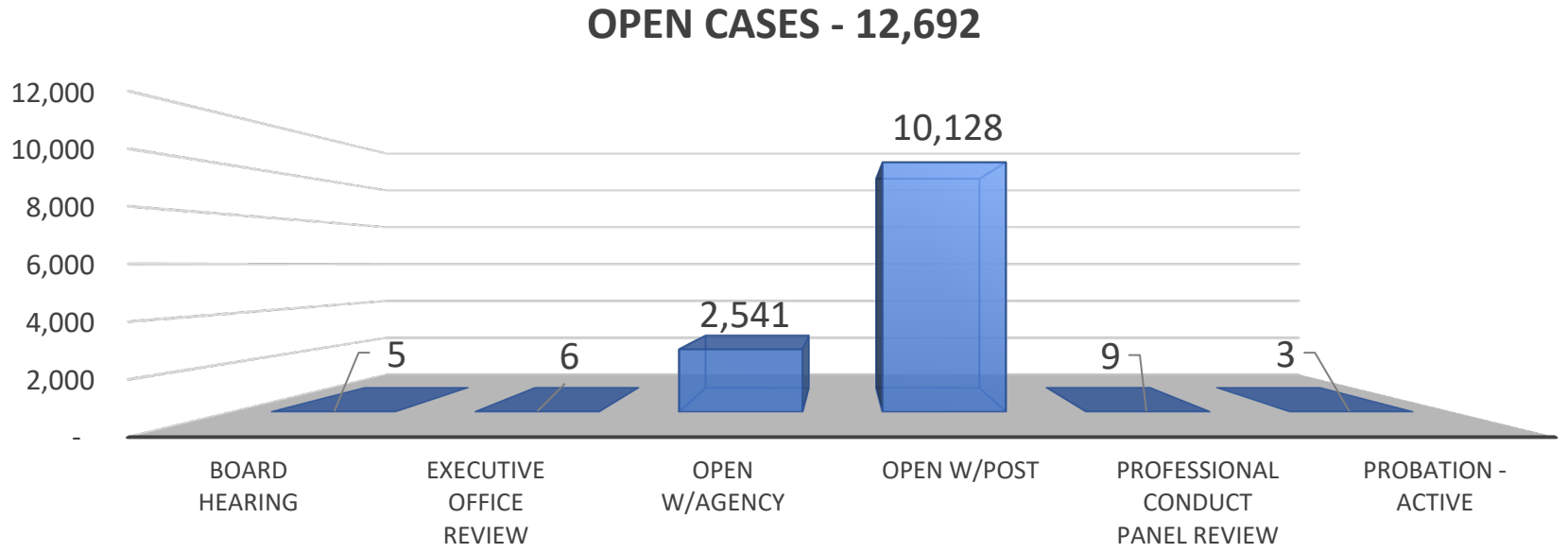
UNASSIGNED REPORTS



	Priority 1	Priority 2	Priority 3	Priority 4	Open Investigation
Count	5	84	2,887	309	6,146

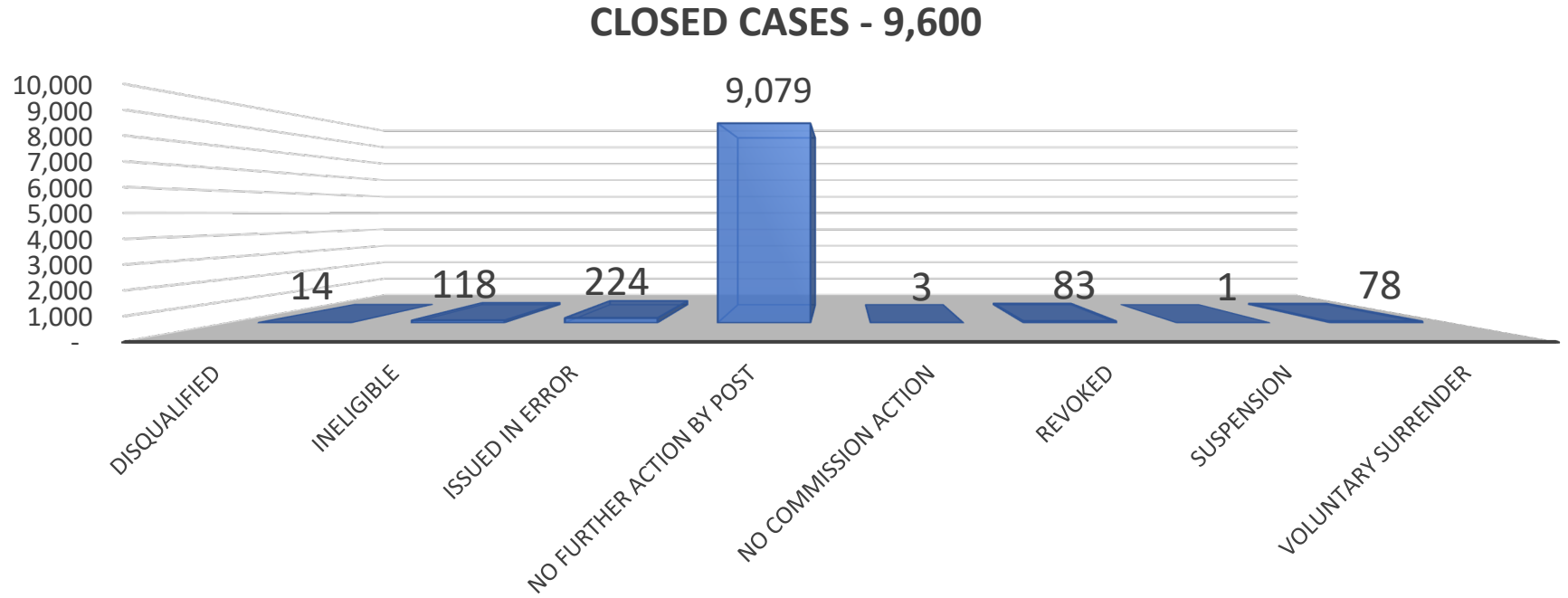
*Priority assigned to case based on type of allegation, timeframe of incident, and status of peace officer.

OPEN CASES



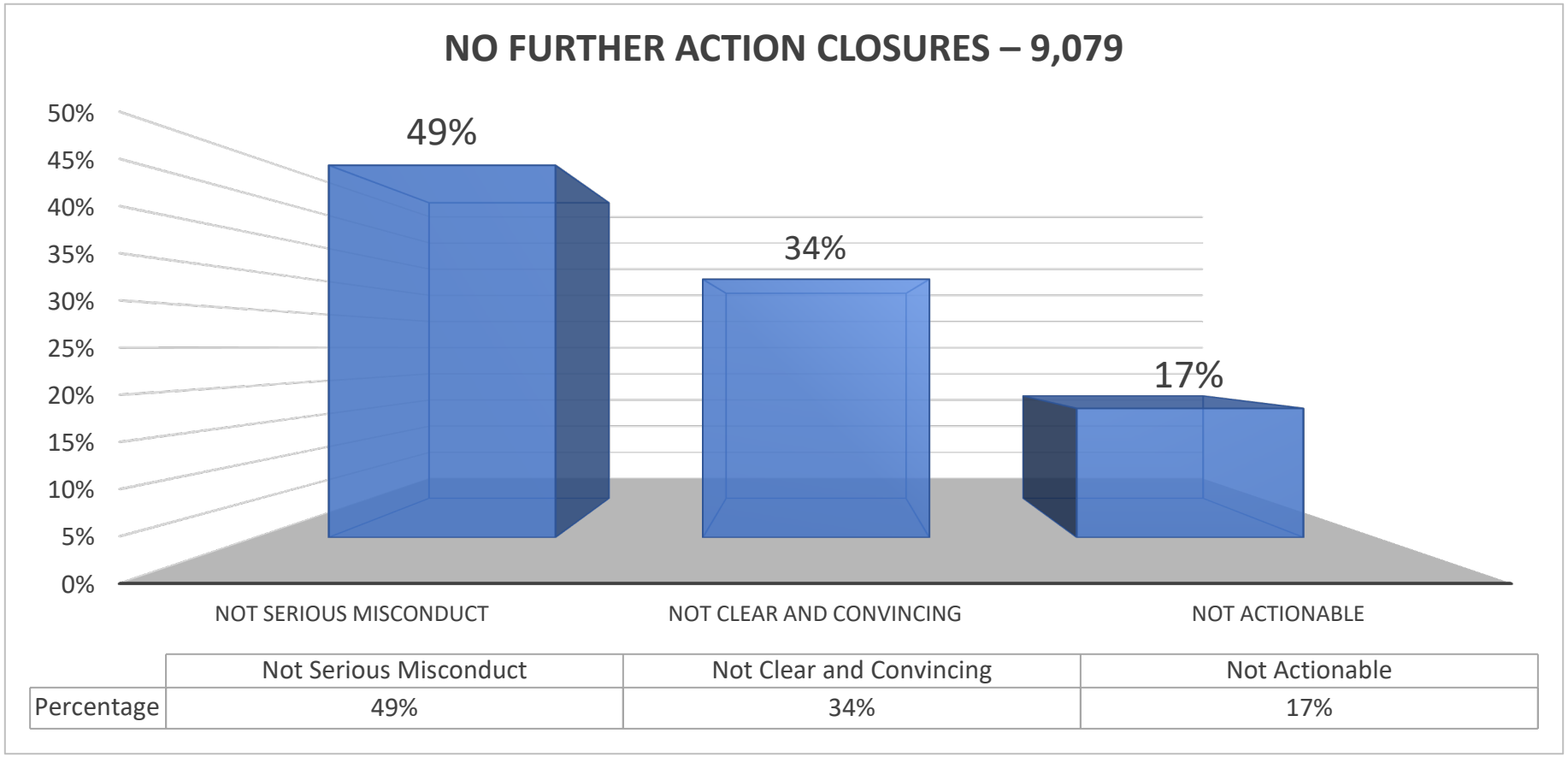
	Board Hearing	Executive Office Review	Open w/Agency	Open w/POST	Professional Conduct Panel Review	Probation - Active
Count	5	6	2,541	10,128	9	3

CLOSED CASES



	Disqualified	Ineligible	Issued in Error	No Further Action by POST	No Commission Action	Revoked	Suspension	Voluntary Surrender
Count	14	118	224	9,079	3	83	1	78

NO FURTHER ACTION CLOSURES



	Not Serious Misconduct	Not Clear and Convincing	Not Actionable
Percentage	49%	34%	17%

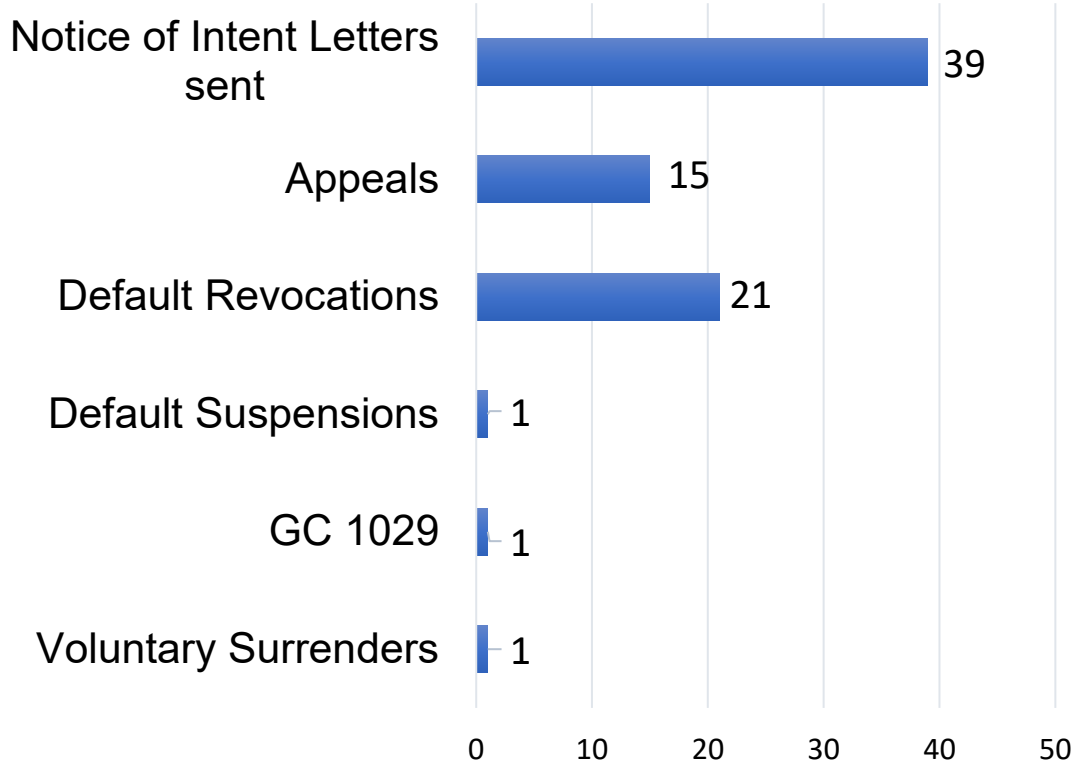
CERTIFICATION ACTIONS RESULTING FROM NOTICE OF INTENT LETTERS SENT – 39

- Resulting in:
  - Appeals: 15
  - Default Actions: 22
    - Default Revocations: 21
    - Default Suspensions: 1
  - GC 1029: 1
  - Voluntary Surrender: 1

OTHER CERTIFICATION ACTIONS

- 1029 Ineligibilities: 123
- Voluntary Surrenders: 71
- Revocations: 85

CERTIFICATION ACTIONS RESULTING FROM NOTICE OF INTENT LETTERS

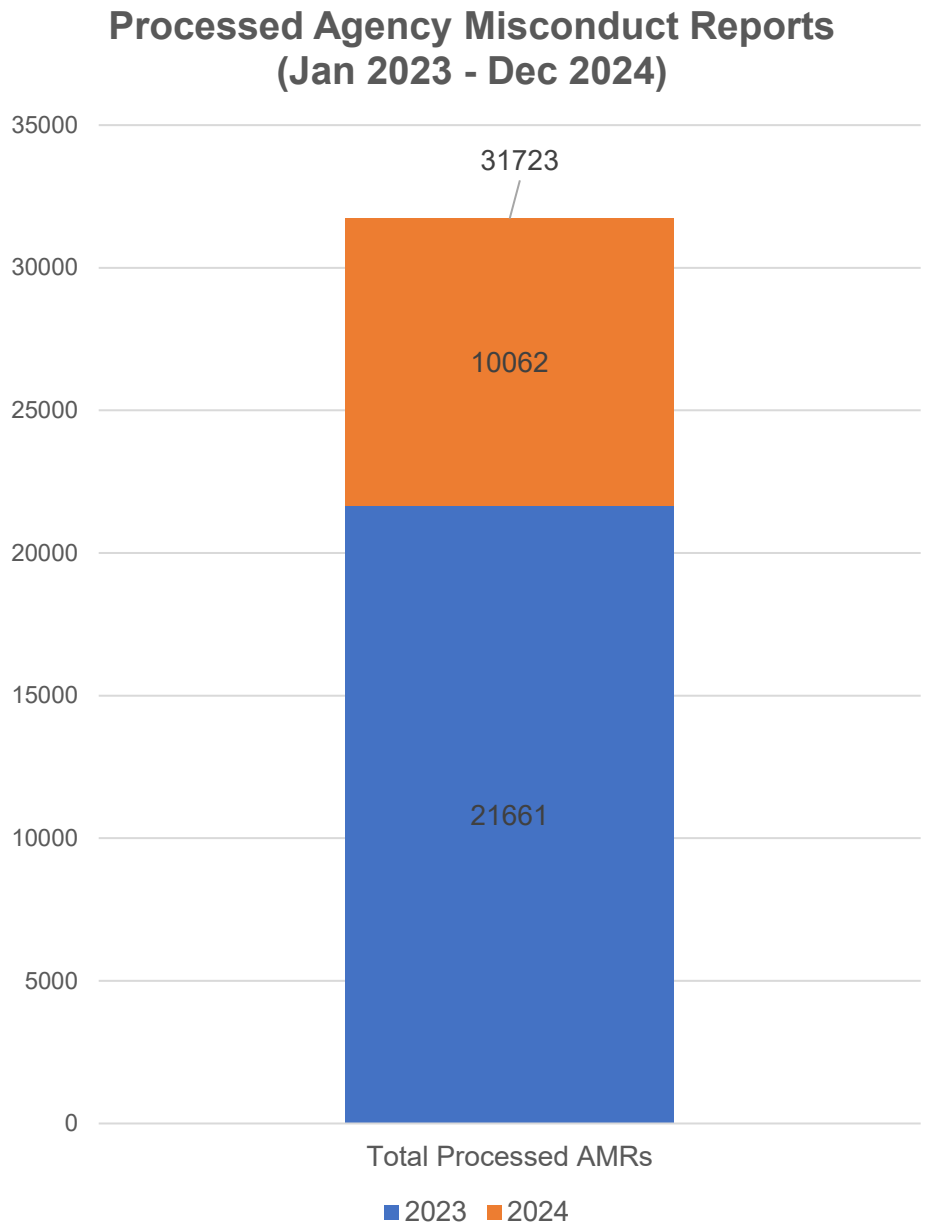


Peace Officer Standards Accountability Division

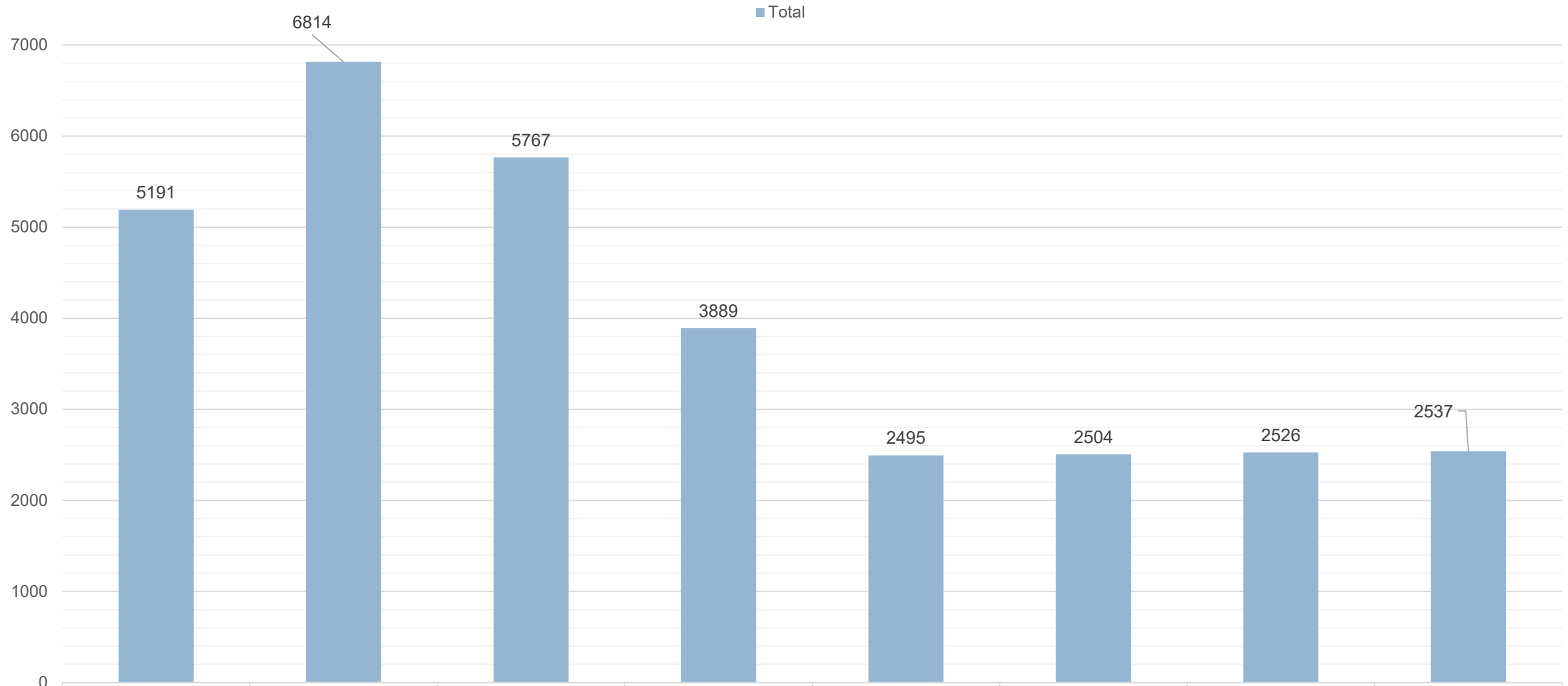
Statistical Data on the Intake of Agency Misconduct Reports and POST Public Complaints as of December 31, 2024

Agency Misconduct Report Statistics

- 31,723 Total Processed Agency Misconduct Reports
- Total Processed Agency Misconduct Reports by Year:
  - **2023**: 21,661
  - **2024**: 10,062
- The total amount of processed reports includes reports of serious misconduct submitted by law enforcement agencies, as well as reports submitted by POST staff that report on potential Government Code section 1029 violations.



Agency Misconduct Reports Processed Quarterly by Region



	Jan 2023 - March 2023	April 2023 - June 2023	July 2023 - Sept 2023	Oct 2023 - Dec 2023	Jan 2024 - March 2024	April 2024 - June 2024	July 2024 - Sept 2024	Oct 2024 - Dec 2024
Total	5191	6814	5767	3889	2495	2504	2526	2537

Agency Misconduct Reporting Trends

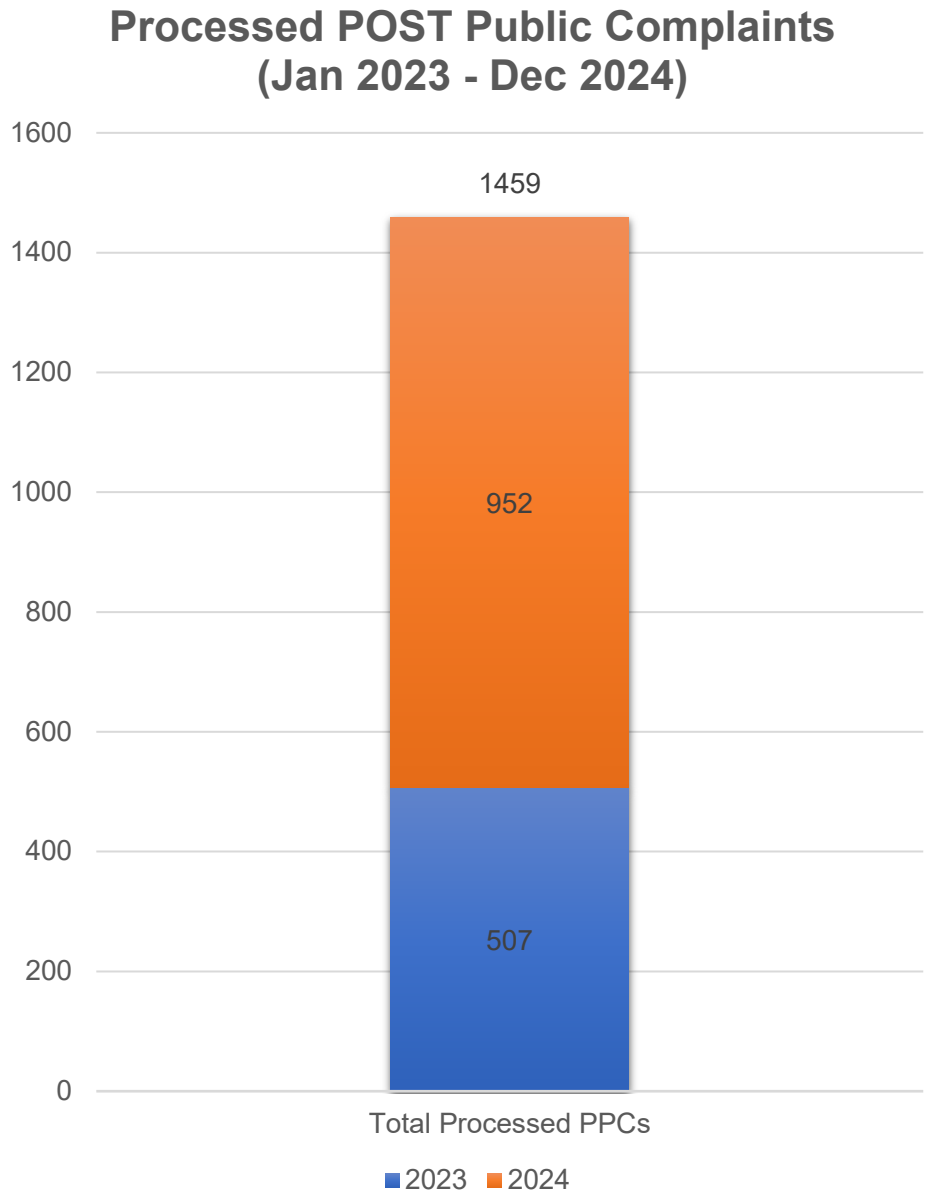
- The total number of processed Agency Misconduct Reports hit a peak of approximately 7,000 reports during the second quarter of 2023, just before the end of the mandatory retroactive reporting period deadline (July 1, 2023).

- Since the end of the retroactive reporting period, the total number of processed reports has steadily declined throughout the latter half of 2023. Although the deadline for retroactive reporting took place on July 1, 2023, agencies were still submitting retroactive Agency Misconduct Reports throughout quarters 3 and 4 in year 2023, resulting in higher totals for these quarters, respectively.

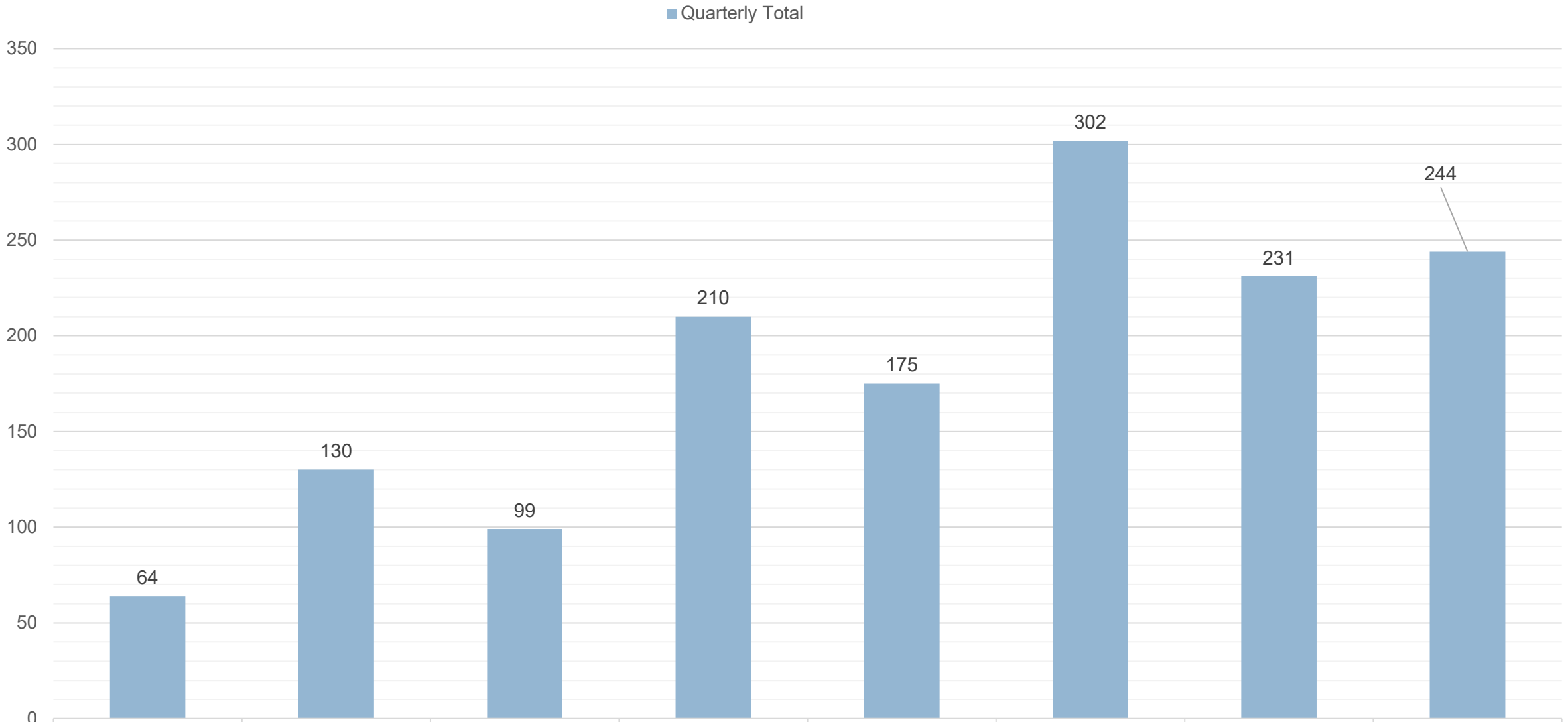
- Since 2024, the number of retroactive report submissions has decreased significantly. The total number of processed Agency Misconduct Reports has reached a consistent average of approximately 2,500 reports per quarter. The rate of report processing rates is projected to consistently reflect this average moving into 2025.

POST Public Complaint Statistics

- 1,459 Total Processed POST Public Complaints Reports
- Total Processed POST Public Complaints by Year:
  - **2023**: 507
  - **2024**: 952
- This total reflects the number of officers who have received misconduct allegations within public complaints received by POST; it does not reflect the actual number of public complaints received by POST. If there are multiple officers reported within a public complaint, a separate POST Public Complaint report is created for each subject officer.
- This total does not include complaints on individuals outside of POST's jurisdiction.

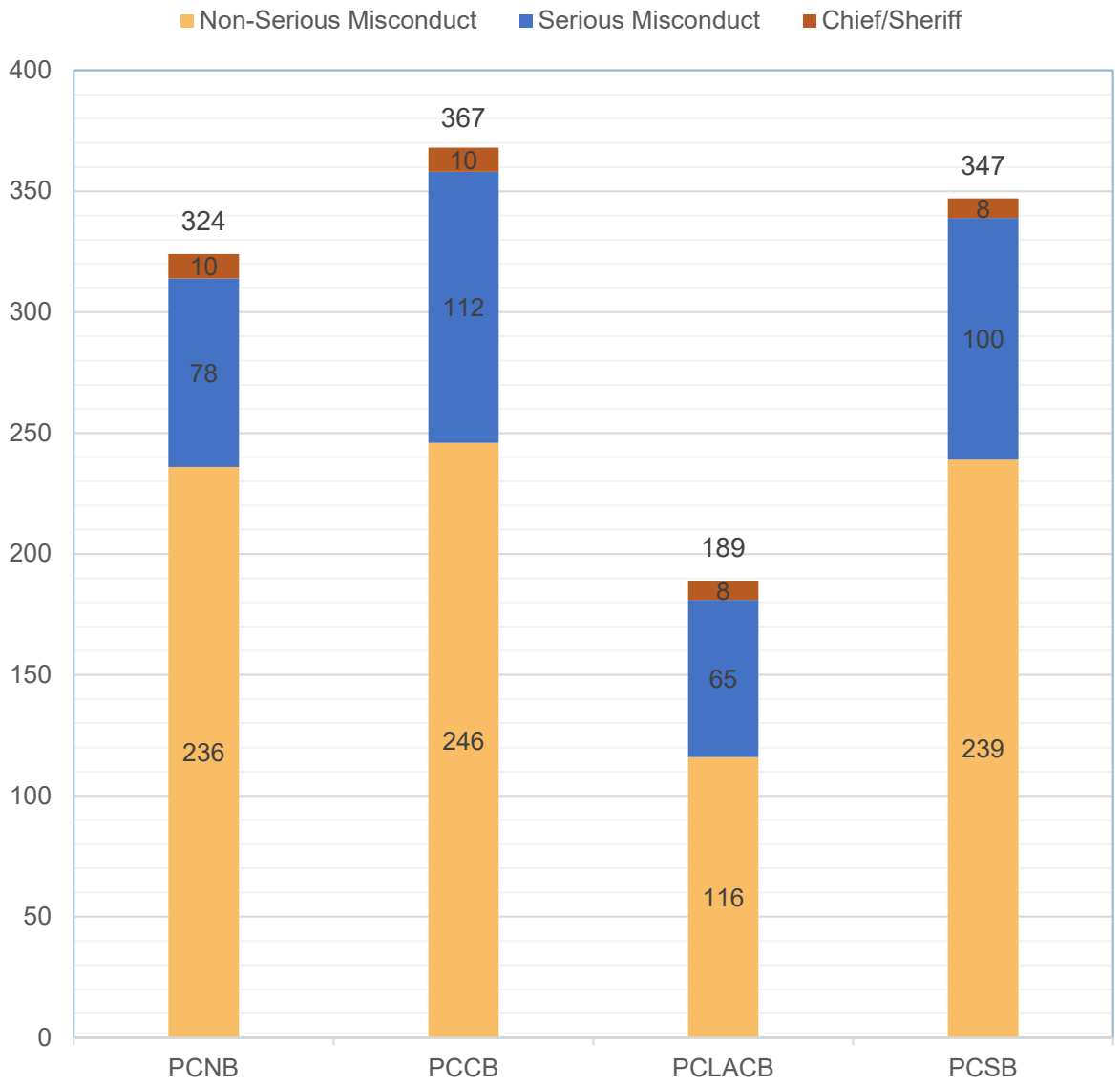


POST Public Complaints Processed Quarterly by Region

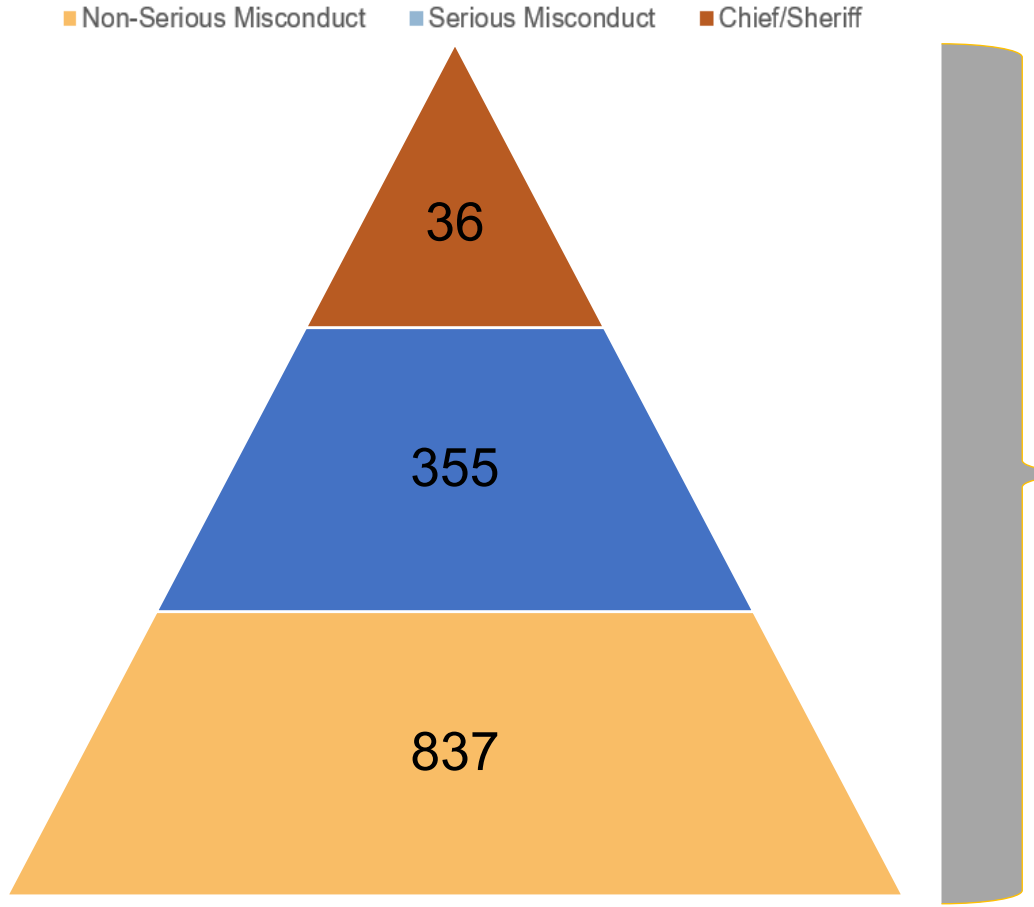


	Jan 2023 - March 2023	April 2023 - June 2023	July 2023 - Sept 2023	Oct 2023 - Dec 2023	Jan 2024 - March 2024	April 2024 - June 2024	July 2024 - Sept 2024	Oct 2024 - Dec 2024
Quarterly Total	64	130	99	210	175	302	231	244

Priority Level of Public Complaints as of October 10, 2024*



Total Number of Processed Public Complaints as of October 10, 2024*



Chief/Sheriff	36
Serious Misconduct	355
Non-Serious Misconduct	837
Total Complaints	1227

POST Public Complaint Trends

- Complaints are triaged for prioritization based on agency response and final findings.
- Increasing public awareness has resulted in a steady increase of received public complaints since the establishment of the POST public complaint process in January 2023.
    - 507 Total processed in 2023
    - 952 Total processed in 2024
- As public awareness on the POST public complaint process continues to increase, the rate of public complaint submissions is expected increase throughout 2025.

AGENDA ITEM REPORT

Title: POST2400920 - TOMMY THOMPSON (POST ID: B81-T83)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
01/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
Brad Ehrman	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department on June 10, 1996, as a full-time Police Officer. The Respondent was promoted to the rank of Detective on June 25, 2006. The Respondent promoted to the rank of Detective II (Supervisor) on November 3, 2013. At the time of the incident before the POSAAB, he was assigned as Detective II. The Respondent was demoted from the rank of Detective II to Detective I on July 30, 2023, as a result of this incident. The Respondent retired on August 31, 2024, and is not currently employed as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The circumstances surrounding the incident occurred when Respondent was arrested on March 14, 2023, for driving under the influence (DUI) and Hit and Run by the California Highway Patrol. Three days later, on March 17, 2023, Respondent was involved in a single vehicle accident and was arrested for DUI by the Los Angeles County Sheriff's Department.

ANALYSIS:

The Division found that the clear and convincing evidence

substantiated that the Respondent's conduct amounted to acts that violate the law and that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that Respondent was arrested on March 13, 2023, for DUI and Hit and Run, and again on March 17, 2023, for DUI.

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23103.5(a) Wet Reckless for the March 17, 2023, arrest and a misdemeanor violation of Vehicle Code Section 23152(a), driving under the influence of alcohol, for the March 14, 2023, arrest and admitted to a prior conviction for driving under the influence (the March 17, 2023 arrest) in Los Angeles County Superior Court.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01POST2400920_ThompsonTommy_ISF.pdf
BR02POST2400920_Thompson Tommy_ExecReviewDivisonRec.pdf
BR03POST2400920_ThompsonTommy_Attachment A IA Investigation.pdf
BR04POST2400920_ThompsonTommy_Attachment B CHP traffic report.pdf
BR05POST2400920_Thompson Tommy_Attachment C LASD traffic report.pdf
BR06POST2400920_Thompson Tommy_Attachment D - LAPD letter of Transmittal.pdf
BR07POST2400920_Thompson Tommy_Attachment E - LAPD Supplemental invest 23-000735.pdf
BR08POST2400920_ThompsonTommy_Attachment F LAPD Agreement Regarding Proposed Discipline.pdf
BR09POST2400920_Thompson Tommy_Attachment G Criminal Case Summary Case 3SC01776.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Tommy R Thompson

POST ID NUMBER: B81-T83

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2400920

WRITTEN BY: LEC Brad Ehrman

DATE: 11/1/2024

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I. Executive Summary

Tommy Thompson, hereafter referred to as "Respondent," was involved in serious misconduct, specifically, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public.

On March 14, 2023, Respondent was involved in a single vehicle, on-duty accident related to driving under the influence (DUI) of alcohol. This accident occurred while the Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant damage to the department owned vehicle and tree. The California Highway Patrol (CHP) responded to the accident and found the Respondent to be under the influence of alcohol and or drugs. The Respondent was arrested by the CHP for DUI and Hit and Run.

On March 17, 2023, Respondent was involved in a second single vehicle, on-duty accident related to driving under the influence or alcohol and drugs. This accident occurred while the Respondent was driving his personal vehicle. The Los Angeles Sheriff's Department responded to the single vehicle accident and found the Respondent displaying objective symptoms of intoxication. The Respondent was arrested for driving under the influence of alcohol and drugs. This was the Respondent's second DUI (in four days) while employed as a Detective for the Los Angeles Police Department.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Detective with the Los Angeles Police Department. This position is a peace officer pursuant to Penal Code section 830.1(a).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the Los Angeles on June 10, 1996, as a full-time Police Officer. The Respondent was promoted to the rank of Detective on June 25, 2006. The Respondent promoted to the rank of Detective II (Supervisor) on November 3, 2013. The Respondent was demoted from the rank of Detective II to Detective I on July 30, 2023.

Throughout the Respondent's career as a Los Angeles Police Officer/Detective, he has had the following sustained personnel complaints:

03-4780: 10/13/2003	Neglect of Duty	Action could be Different
03-4154: 06/02/2003	Preventable Traffic Collision	Counseling
03-4428: 11/15/2002	Unauthorized Tactics	Official Reprimand
02-2272: 5/15/2002	Unbecoming Conduct	Other Judicial Review
00-1306: 3/02/2000	Neglect of Duty	Suspension (4 days)
00-0201: 1/06/2000	Improper Remark	Not Resolved
99-3133: 7/26/1999	Discourtesy	Not Resolved
98-4154: 9/23/1998	Discourtesy	Not Resolved
98-1566: 3/13/1998	Alcohol Related	Suspension (3 days)

There were no commendations listed in the record provided by the employing agency.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID B81-T83. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #91044 (01/05/1998)
- Intermediate #75530 (09/23/2002)
- Advanced #82084(08/05/2009)
- Supervisory #85061 (02/17/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint with Agency

There was no complaint filed with the employing agency, as the allegation of serious misconduct stemmed from two arrests for driving while intoxicated.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

The Los Angeles Police Department placed Respondent on Injured on Duty status in July 2023, and recommended the Respondent be directed to a Board of Rights for with a recommendation for termination. On August 26, 2023, the Respondent was served with documents to downgrade him from the paygrade of Detective II to Detective I and subsequently administratively transferred from Operations-Central Bureau to Hollenbeck Area.

As of February 13, 2024, Respondent was relieved from duty, pending a directed Board of Rights hearing for a period of thirty (30) calendar days. On February 21, 2024, former Los Angeles Police Chief reinstated the Respondent. On February 27, 2024, the City of Los Angeles, the Los Angeles Police Department, and the Respondent entered into a settlement agreement, the Agreement Regarding Proposed Discipline ("Settlement

Agreement"), to resolve Respondent's pending case for a disciplinary penalty of 22 suspension days.

As set forth in the Settlement Agreement, the following four (4) counts were sustained against Respondent:

Count One. On or about March 14, 2023, while on-duty, [Respondent was] involved in a hit and run traffic collision while operating a department vehicle.

Count Two. On or about March 14, 2023, while on-duty, [Respondent] operated a department vehicle, while under the influence of alcohol and prescription medication, resulting in [Respondent's] arrest.

Count Three. On or about March 17, 2023, while off-duty, [Respondent] operated [his] privately owned vehicle, while under the influence of alcoholic beverages in [Respondent's] arrest.

Count Four. On or about March 17, 2023, while off-duty, [Respondent] provided an inaccurate statement to an outside agency when [Respondent] stated that [he] did not consume any alcoholic beverages prior to operating [his] personally owned vehicle.

3. Date of Receipt By POST

An allegation pursuant to California Regulation 1205(a)(6) (Acts that Violate the Law) was reported by the Los Angeles Police Department on February 1, 2024, via the Mark43 report management system.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of the Los Angeles Police Department administrative investigation, which included interviews of the Respondent by LAPD. I also reviewed the CHP arrest report from Respondent's DUI accident and arrest on March 14, 2023, and

the Los Angeles County Sheriff's Department's DUI accident and arrest report on March 17, 2023. Additionally, I reviewed the Los Angeles Superior Court records for Respondent's two DUI convictions.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

First driving under the influence event – March 14, 2023:

On March 14, 2023, at around 0936 hours, the Respondent was driving an unmarked Los Angeles police vehicle, a black Dodge Charger in the Stevenson Ranch area, County of Los Angeles. Respondent was traveling Southbound on The Old Road and made a left turn, at approximately 25 mph onto Pico Canyon Road. The weather conditions at the time of the accident were listed as active rain/roadway conditions wet. The Respondent made a left turn onto Pico Canyon Road and lost traction driving over a raised curb and crashing into a tree. The Respondent then left the scene and drove to a nearby ARCO gas station, arriving at approximately 0938 hours, where he spent approximately 40 minutes "fidgeting" with the Dodge Charger and, according to witnesses interviewed by the arresting CHP officers, appeared to be trying to fix the major crash damage to the front of the vehicle. The Respondent then left the ARCO gas station and drove to a

second gas station, a Mobil gas station at approximately 1022 hours, where he parked in a parking space for a moment before backing into a passing vehicle. Respondent then spent approximately 30 minutes attempting to again fix the damage to his vehicle and called his supervisor at 1040 hours to report the accident. Respondent then left the Mobil gas station and drove westbound on Pico Cayon Road to merge right onto The Old Road, where he became disabled on The Old Road, south of Market Drive North.

A Los Angeles County Sheriff Department (LASD) Deputy observed Respondent's Dodge Charger stalled in the number one lane at the intersection of The Old Road northbound and Market Center Drive and pulled his patrol vehicle behind Respondent's vehicle to contact him inside the Dodge Charger. The Respondent was in the driver seat of the Dodge Charger when the Deputy made contact with him. The Respondent told him he was trying to pull over, but his vehicle stalled out. The Deputy told the Respondent to stay in his vehicle until CHP arrived on scene. The Deputy relayed to the CHP officers that the Respondent seemed slow and confused.

CHP
received notification of Respondent's disable vehicle at 1055 hours and officers arrived on scene to conduct a traffic accident investigation. While interviewing the Respondent regarding the accident, CHP officers observed Respondent displaying objective signs of intoxication, including red and watery eyes, the odor of an alcoholic beverage emitting from his breath and person, slurred speech, the inability to provide the requested documents, swaying in a circular motion, and periodically nodding off while talking to the officers. The CHP officer asked Respondent if he consumed any alcohol, which he denied. He was then asked if he ingested any drugs, which he denied, but related he ingested his regular dosage of Ambien. When CHP officers attempted to have Respondent answer questions or perform tests to assess his level of impairment, he informed them he would not answer any questions or conduct any tests.

Based on the vehicle accident and the CHP Officer's observations, he formed the opinion that Respondent drove his vehicle while under the combined influence of alcohol and drugs and that this had caused his vehicle accident. The CHP Officer therefore placed Respondent under arrest for being in violation of CA Vehicle Code Section (CVC) 23152(g) (Misdemeanor- driving under the influence of a combination of alcohol and drugs) at 1203 hours. The Respondent was then transported to the CHP Newhall area Office where he submitted to a chemical breath test (at 1308 hours) with results of .03% and .03% Blood Alcohol Content. The Respondent agreed to submit to a chemical blood test and was transported to Henry Mayo Hospital where blood was drawn at 1435 to perform a chemical blood test. Respondent was medically cleared and released on his signed promise to appear in court.

The Respondent was determined to be the driver of the black Dodge Charger based on his own statement, the fact that he was the only occupant, and his possession of the keys to the Dodge Charger. The Respondent is also an employee of the registered owner of the vehicle (City of Los Angeles/Los Angeles Police Department).

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23152(a), driving under the influence alcohol, and admitted to a prior conviction for driving under the influence, in Los Angeles County Superior Court. Respondent was placed on 60 months of summary probation. The court also ordered Respondent to not drive with any measurable amount of alcohol or drugs in his blood or refuse to take or complete any blood alcohol or drug chemical test, any field sobriety test, or any preliminary alcohol screening test when requested by a peace officer, serve 4 days in the county jail, pay the assessed fines and fees, and enroll in and complete the 18-month Driving Under the Influence program.

Second driving under the influence event – March 17, 2023:

On March 17, 2023, at around 1300 hours, the Respondent was driving his personal vehicle, a black 2008 Toyota Tundra in the Santa Clarita area, County of Los Angeles. Respondent was at the intersection of Dickason Road and Newhall Ranch Road when his vehicle ran out of gas. The Respondent attempted to push his vehicle to a nearby gas station. Consequently, he lost full control of his vehicle, and the vehicle collided with a pole.

A Los Angeles County Sheriff's Department (LASD) Deputy responded to the intersection of Dickason Drive and Newhall Ranch Road regarding the traffic collision call for service. The first LASD responding officer was a Sergeant and observed a black Toyota Tundra stopped in the roadway. The LASD Sergeant was notified by several "Southern California Edison" workers who were at the scene that the driver involved in the accident, later identified as Respondent, was possibly under the influence. The LASD Sergeant contacted Respondent who was outside of the black Toyota Tundra and detected the strong odor of an alcoholic beverage emitting from his person. The LASD Sergeant detained Respondent, and he was placed in the back of his patrol vehicle.

The investigating LASD Deputy was informed of the Sergeant's observation and that Respondent was a Los Angeles Police Department Detective. The Deputy contacted Respondent in the back seat of the Sergeant patrol vehicle. While speaking to Respondent, the Deputy smelled the strong odor of an alcoholic beverage emitting from his breath and person and observed Respondent had bloodshot/watery eyes and appeared disheveled. When the Deputy had Respondent exit the patrol vehicle, he further noted the Respondent was unsteady when he walked, appeared off-balance, and rested his hand on the patrol vehicle to remain upright. The Deputy asked Respondent how the collision had occurred, Respondent stated his vehicle had lost power, become disabled

and had rolled uncontrollably to the location of the collision as he attempted to regain control of the vehicle. While talking to the Respondent, the Deputy continued to smell the strong odor of an alcoholic beverage emitting from the Respondent's person. The Deputy asked Respondent how much he had to drinking and Respondent stated he had not been drinking. The Deputy asked Respondent if he took any prescription medications and Respondent said he took a prescription medication, but the medication would not impair him. While the Deputy was talking to Respondent, the Sergeant located Respondent's firearm, which was under the backseat of the vehicle in a case. An open, and nearly empty, container of alcohol was also located in Respondent's vehicle[1].

Respondent was given a series of modified Standardized Field Sobriety Tests which he performed poorly in. Specifically, the Respondent swayed from side to side while standing on both feet and one foot, showed immediate onset of nystagmus (rapid, repetitive, uncontrolled movements) when tasked with tracking a moving object without moving his head, failed the Lack of Convergence Test by his right eye not converging, and repeatedly missed his nose when asked to close his eye and put his finger to his nose. Based on Respondent's poor performance in the modified Standardized Field Sobriety Tests and his observations, the Deputy formed the opinion that Respondent was operating his vehicle while under the influence of an alcoholic beverage (violation of CVC 23152(a)). Respondent was transported to the LASD Santa Clarita Station Jail where he provided a breath sample on the "DataMaster" Machine at approximately 1414 hours. The DataMaster machine indicated that Respondent had a Blood Alcohol Content of 0.08% and 0.09% on the two tests.

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23103.5(a) Wet Reckless for the March 17, 2023 arrest. The court placed

[1] LASD traffic report pg 1.

Respondent on 12 Months of summary probation and ordered Respondent to not drive with any measurable amount of alcohol or drugs in his blood or refuse to take or complete any blood alcohol or drug chemical test, any field sobriety test, or any preliminary alcohol screening test when requested by a peace officer. Further, the court ordered Respondent to pay the assessed fines and fees and enroll in and complete the 18-month Driving Under the Influence program, which could be completed concurrently with his conviction for the March 13, 2023 arrest.

LAPD Internal Affairs Investigation

On August 4, 2023, Respondent was interviewed by LAPD Internal Affairs and made the following statements. Below is taken from the Respondent's summarized statement in his LAPD Internal Affairs report.

Respondent was assigned to Operations Central Bureau Homicide Division on March 14, 2023. Respondent woke up at approximately 0500 hours that morning and arrived at work at approximately 0600 hours. Respondent told LAPD internal affairs investigators that he did not consume any alcoholic beverages prior to his shift and believed he was able to safely operate a vehicle. Respondent also told LAPD internal affairs investigators that he recalled eating dinner between 1900 and 2000 hours on March 13, 2023, and started drinking on the evening of March 13, 2023, at approximately 2100 hours. Respondent also told investigators he took between five and ten milligrams of Ambien before going to sleep. During the middle of the night between 0000 hours and 0400 hours, Respondent told investigators he began taking shots of vodka to calm his mind and sleep. Respondent assumed he may have woken up in the middle of the night and consumed alcohol based on his blood alcohol level in the arrest report. Respondent denied consuming any alcoholic beverage after waking up for work on March 14, 2023.

Later, after Respondent started his shift, he signed out the Department's Dodge Charger with the intention of booking property at Property Division. While enroute to Property Division, Respondent bypassed dropping the property off when he realized he left his cellular phone at home. The Respondent drove home to get his phone. Respondent retrieved his phone from home. While back enroute to book property, Respondent became involved in a traffic crash. Respondent told investigators he was eating a banana when it fell. As Respondent attempted to retrieve the banana, he collided with an unknown object on the freeway. Respondent recalled he was involved in a traffic crash, but he had no independent recollection of specific details related to the traffic crash. Respondent recalled going to one gas station. He did not recall going inside an additional gas station to purchase a red bull. Respondent claimed he received treatment for a concussion sustained due to the serious traffic crash he was involved in.[2] He contributed the concussion to his lack of recollection and the gaps in his memory.

Respondent recalled that on March 17, 2023, he was involved in a traffic crash in Santa Clarita, California, while driving his privately owned black, Toyota Tundra. On March 16, 2023, Respondent consumed vodka throughout the evening and into the early morning. He did not recall if he took any Ambien. On March 17, 2023, Respondent woke up between 0700 and 0800 hours and immediately consumed one, 12-ounce celebratory Irish Coffee (alcoholic drink containing two shots of Jamison whiskey combined with coffee) for Saint Patrick's Day. Respondent then went back to sleep for several hours. Respondent woke up at approximately 1100 hours. He was hungry and felt he needed to put some food on his stomach.

Respondent did not feel impaired after he woke up the second time. Respondent's vehicle was low on gasoline. Respondent planned to grab food from Carl's Jr. Restaurant after

[2] The CHP report does not contain any indication that Respondent reported a head injury.

he put gas in his vehicle. While enroute to the gas station, Respondent took a large sip of mouthwash because his mouth felt dry. As Respondent waited for the light to change, his vehicle ran out of gas. Respondent was at the intersection of Dickason Road and Newhall Ranch Road, in the City of Santa Clarita. He was a short distance from the gas station, so he decided to push his vehicle to the gas station nearby. Respondent exited his vehicle and began to manually push his vehicle while simultaneously guiding the steering wheel. He gained enough momentum to drive the vehicle to the gas station. Respondent was wearing loose fitting sweatpants that fell around his knees. Respondent's sweatpants prohibited Respondent from moving quickly to enter the vehicle and steer the vehicle from the driver's seat. Consequently, Respondent lost full control of the vehicle and was dragged as he held on with his right hand. Respondent tried to press the emergency brake on his vehicle, but he was unsuccessful and unable to regain control of the vehicle.

Respondent has a medical condition that prohibits him from performing the Standard Field Sobriety Test as explained and demonstrated. Respondent did not believe he was impaired at the time he operated his vehicle.

Respondent believed he experienced burnout after a long career and started drinking a lot. In June of 2022, Respondent struck his head on the top of a police shop (patrol vehicle). Respondent stated he was in the Intensive Care Unit for three to four days with a brain bleed. Respondent believed the injury damaged him. Respondent was left with excruciating headaches after the injury. Respondent accepted full responsibility for his behavior and two alcohol related arrests within four days. Respondent realized after his arrest he had a severe problem with alcohol. Respondent accepted he was an alcoholic and obtained treatment at a licensed facility (Betty Ford Clinic) and has been attending AA meetings. Respondent has not consumed alcohol since the arrest. Respondent was

remorseful and made it clear that he would accept punishment including but not limited to an alcohol contract prohibiting him from drinking.

Respondent also admitted in the LAPD internal affairs interview that during the March 17, 2023, arrest he told the LASD officers that he had not been drinking even though he knew he had consumed alcohol earlier that morning.

On February 22, 2024, Respondent signed a settlement agreement with the Los Angeles Police Department that would impose a 22-day suspension as a result of these two arrests and, while he is employed with the Los Angeles Police Department, for a period of 3 years require him to: 1) abstain from the use of all alcoholic beverages; 2) not enter any establishment whose primary business is selling alcoholic beverages while off-duty; 3) not purchase any alcoholic beverages while off-duty; 4) submit to substance testing up to (3) three times a month as directed by a supervisor; and 5) and submit to unscheduled, unannounced, directed testing for controlled substances up to (5) five times a month as directed by a department supervisor.

On August 31, 2024, the Respondent retired from the Los Angeles Police Department.

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(6) –Acts that violate the law.

Under California Regulation 1205(a)(6), serious misconduct includes, “Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer’s obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.”

During his March 17, 2023 arrest, Respondent was found with an open, and nearly empty, container of alcohol in his vehicle[i], and had difficulty standing straight when talking to the responding LASD deputies. Respondent also had difficulty completing the modified Standard Field Sobriety Tests and the responding LASD deputies noticed a pronounced odor of alcohol on Respondent's person and breath. Despite this, Respondent repeatedly denied having had any alcohol to drink that day. The results of Respondent's chemical tests, however, revealed his blood alcohol content was .08 percent and .09 percent.

Respondent's actions have put numerous lives in jeopardy on at least two occasions and resulted in the destruction of City-owned property. As a peace officer, Respondent was uniquely qualified to know the likely consequences of driving under the influence of alcohol or substances, even legal substances, both to the public and to his own person. From the statements Respondent gave in his internal affairs investigation, it appears that his problem with alcohol had progressed to the point where he was unable to determine when he was impaired and should not be driving a vehicle. Although Respondent has commendably taken it upon himself to seek treatment for his substance abuse issues, under Government Code section 1031(f), at a minimum, peace officers are expected to be "free from any physical, mental, emotional, or mental condition…that might adversely affect the powers of a peace officer." Respondent's recent arrests for driving under the influence within such a short time period show that his addiction interferes with his ability to responsibly wield the powers of a peace officer. For the above-stated reasons, I find Respondent's repeat offenses particularly egregious and inconsistent with his obligation to uphold the law and respect the rights of members of the public.

b. Does the alleged conduct violate California Regulation 1205(a)(1) – Dishonesty.

Under California Regulation 1205(a)(1), serious misconduct includes "[d]ishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting

of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct."

As discussed above, Respondent and the City agreed under Count 4 of the Settlement Agreement, that Respondent "while off-duty, provided an inaccurate statement to an outside agency when [Respondent] stated that [he] did not consume any alcoholic beverages prior to operating [his] personally – owned vehicle." Such an inaccurate statement, which occurred during the LASD's criminal investigation involving Respondent's driving under the influence arrest on March 17, 2023, could come within the definition of dishonesty as defined under California Regulation 1205(a)(1) as false statements given during the investigation of a crime.

In determining whether suspension or revocation of certification is proper for dishonesty, under California Regulation 1205(a)(1), "the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive."

Although Respondent was dishonest to LASD investigators during the criminal investigators, his dishonesty did not impede the criminal investigation as he otherwise cooperated with the investigation and participated in a modified Field Sobriety Test and chemical testing, which provided LASD with sufficient evidence to arrest and prosecute Respondent for a violation of Vehicle Code sections 23152(a) and (b). In addition, Respondent admitted during his Internal Affairs interview that he had consumed alcohol between 0700 and 0800 hours, before going back to sleep and waking up at approximately 1100 hours, and then being involved in a one car accident/DUI arrest at

approximately 1300 hours. Further, Respondent admitted during his Internal Affairs investigation that he was not forthcoming with the LASD investigating officers when he claimed he had not consumed alcohol when he knew that he had. Respondent thereafter accepted full responsibility for his behavior and two alcohol related arrests by seeking treatment in a licensed facility. Given the above, although Respondent was dishonest with LASD investigators during the criminal investigation, the Division does not feel that this dishonesty warrants suspension or revocation of Respondent's certification.

VI. Supporting Evidence and Documentation

- Attachment A – LAPD Internal Affairs Complaint Investigation CF No. 23-000735.
- Attachment B – CHP Traffic/Arrest Report, Case# LC33064
- Attachment C –LASD Traffic/DUI/Arrest Report, Case# 923-03738-0648-242
- Attachment D – LAPD Letter of Transmittal, CF No. 23-000735
- Attachment E – LAPD Supplemental Investigation, CF No. 23-000735 Dated 12/11/2023.
- Attachment F - LAPD Agreement Regarding Proposed Discipline/, CF No. 23-000735, Dated 2/22/2024.
- Attachment G – Los Angeles County Superior Court, criminal Case Summary, Case# NEW3SC01776, Date of Offense 3/14/2023.
- Attachment H – Los Angeles County Superior Court, Criminal Case Summary, Case# NEW3SC00911, Date of Offense 3/17/2023.

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • *www.post.ca.gov*

PEACE OFFICER STANDARDS ACCOUNTABILITY CERTIFICATION REVIEW PANEL RECOMMENDATION

DATE: October 29, 2024

CASE #: POST2400920

PEACE OFFICER: Tommy Thompson

POST ID#: B81-T83

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: LEC Brad Ehrman / BC Mike Radford

SYNOPSIS (INCLUDE ALLEGATION):

This case was sent to POST from Los Angeles Police Department for the allegation that Respondent was involved in Acts that violate the law. On March 14, 2023, Det Thompson was involved in a on-duty single vehicle accident in an unmarked police vehicle. A traffic accident investigation was conducted and Det. Thompson was found to be driving under the influence and was arrested for DUI and hit and run.

On March 17 2023, while on-duty (asssigned home) Respondent was involved in a single car accident in his personal vehicle. A traffic accident was conducted and Respondent was found to be driving under the influence and he was arrested for DUI.

On Feburary 22 2023, Respondent plead no contest to one count of CVC 23152(a) (Misdemeanor-Driving under the influence of Alcohol) for his first DUI arrest. He then plead No Contest to one count of CVC 23103.5(a)(Misdemeanor-Wet Reckless) for his second DUI arrest.

EXECUTIVE SUMMARY:

Tommy Thompson, hereafter referred to as “Respondent,” was involved in serious misconduct, specifically, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer’s obligation to uphold the law or respect the rights of members of the public.

On March 14, 2023, Respondent was involved in a single vehicle, on-duty accident related to driving under the influence (DUI) of alcohol. This accident occurred while the Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant damage to the department owned vehicle and tree. The California Highway Patrol (CHP) responded to the

accident and found the Respondent to be under the influence of alcohol and or drugs. The Respondent was arrested by the CHP for DUI and Hit and Run.

On March 17, 2023, Respondent was involved in a second single vehicle, on-duty accident related to driving under the influence or alcohol and drugs. This accident occurred while the Respondent was driving his personal vehicle. The Los Angeles Sheriff's Department responded to the single vehicle accident and found the Respondent displaying objective symptoms of intoxication. The Respondent was arrested for driving under the influence of alcohol and drugs. This was the Respondent's second DUI (in four days) while employed as a Detective for the Los Angeles Police Department.

On 2/22/2024, Respondents pled No Contest in Los Angeles Superior court to CVC 23152(a) (Misdemeanor-Driving under the influence of Alcohol) for the 3/14/2023 arrest and pled Nolo Contendere to CVC 23103.5(a) (Misdemean-or-Wet Reckless) for the 2/17/2023 arrest.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☐ There are reasonable grounds for revocation of a peace officer's certification.

☐ There are reasonable grounds for suspension of a peace officer's certification. The recommended term(s) for suspension are:

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

Chief Legal Counsel	Signature	Date
Assistant Executive Director	Signature	Date
Executive Director	Signature	Date

cc: Bureau Chief Mark Radford

cc: Jason Morlock for Division Report

cc: Chandler Knapp for Board/Commission Report

cc: _____

INVESTIGATIVE RESPONSIBILITY: The Investigating Officer (I/O) for this case was Sergeant II Akeyla Foster, Serial No. 40152, Internal Affairs Division (IAD), Complaint Investigation Section-Central. She can be contacted at (213) 996-2906. Any request for supplemental investigation must be approved by the Commanding Officer at IAD, via an Intradepartmental Correspondence, Form 15.02.00.

STATUTE DATE: On March 14, 2023, Detective II Tommy Thompson, Serial No. 35791, Operations-Central Bureau (OCB) Homicide, was arrested for 20002 (a)(1) California Vehicle Code (CVC), Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence, by the California Highway Patrol (CHP).

On March 17, 2023, Detective II Tommy Thompson, Serial No. 35791, Operations-Central Bureau Homicide, was arrested for 20002 (a)(1) CVC, Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence, by the Los Angeles County Sheriff's Department (LASD).

> **Note:** Both criminal cases were given separate Complaint File numbers that were consolidated and investigated under the Master Complaint File No. 23-000735.

The LASD submitted their criminal investigation to the Los Angeles County District Attorney's Office (LACDA) for filing consideration. At the time this complaint investigation was submitted, the criminal investigation was still under review by the Los Angeles County District Attorney's Office. The CHP will submit their case to the LACDA upon receipt of the toxicology report.

The criminal case disposition was unknown at the time the administrative investigation was completed. Thus, the statute date remained **March 14, 2024.**

SUMMARY: On March 14, 2023, at approximately 1203 hours, CHP Officer Hall, Serial No. 21214, Newhall Area Office, responded to a traffic collision investigation at Pico Canyon Road and The Old Road in Stevenson Ranch, California. Upon arrival, Hall located Thompson who was involved in the traffic collision. The at-scene investigation revealed Thompson was involved in an initial collision with a curb and a fixed object, then fled to a nearby gas station in the damaged City vehicle. Thompson purchased an energy drink beverage and consumed it. As Thompson left the gas station, he became involved in a second collision with another vehicle. While conducting his traffic collision investigation, Hall observed Thompson displayed objective symptoms of alcohol and drug impairment. Hall asked Thompson if he had consumed any alcoholic beverages, to which Thompson denied. Hall then asked Thompson if he had ingested any drugs and Thompson advised Hall that he had taken his regular dosage of Ambien.

> **Note:** Ambien is a class of drug known as Sedative-Hypnotics. It is used to treat insomnia and is intended for short term use.

Hall initiated a Standardized Field Sobriety Test (SFST). Hall attempted to conduct a preliminary balance test on Thompson to determine if he was impaired. Thompson refused being administered a balance test. Based on his observation and training and experience, Hall arrested Thompson for 23152 (g) CVC. Hall transported Thompson to his station and

administered a chemical breath test and his Blood Alcohol Content (BAC) returned .03% and .03%. Based on Hall's investigation, Hall arrested Thompson for 23152 (g) CVC and 20002 (a) (1) CVC.

> **Note:** This incident resulted in an IAD Call-Out response. Lieutenant II Paul Chambers, Serial No. 33097, IAD, Sergeant Maricela Vargas, Serial No. 34999, IAD, and the I/O responded to the location for an administrative complaint investigation. The I/O generated CF No. 23-000735

Thompson was cited and released to Lieutenant II Ryan Rabbett, Serial No. 33690, OCB Homicide (Addendum 1).

ALLEGATION 1. The Department alleges that on March 14, 2023, Detective Thompson, while off-duty, was involved in a hit and run traffic collision while operating a Department vehicle.

ALLEGATION 2. The Department alleges that on March 14, 2023, Detective Thompson, while off-duty, operated a Department vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 3. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, failed to notify a supervisor prior to leaving city limits in a Department vehicle.

Hall[1] responded to a call for service on March 14, 2023. The call was near Pico Canyon Road and The Old in Stevenson Ranch, in Santa Clarita, California. Hall noticed a vehicle was involved in a traffic crash and observed Thompson sitting in the vehicle. Hall met with and spoke to Thompson. During the crash investigation, Hall noticed multiple indicators of alcohol and drug impairment in Thompson, such as red and watery eyes, the smell of alcohol, slurred speech, and difficulty providing necessary documents. Despite Thompson's denial of alcohol or drug consumption, Thompson admitted he took Ambien, a prescription medication. Thompson refused a SFST and refused to answer questions, leading Hall to form the opinion that Thompson was under the influence of both alcohol and drugs, while driving. Hall concluded, Thompson's combined influence of drugs and alcohol had caused the crash and Thompson was unable to safely to operate a vehicle. Consequently, Hall arrested Thompson for misdemeanor driving under the combined influence of alcohol and drugs. Hall facilitated chemical tests, including a breath test and later a blood test at Henry Mayo Hospital.

> **Note:** The breath test revealed a .03% BAC and the blood test results were pending at the submittal of the complaint investigation.

Hall followed the necessary procedures and ensured Thompson was medically cleared prior to his arrest. Thompson was released on a signed promise to appear in court.

> **Note:** See addenda for additional details related to the arrest.

[1] Hall's statements were extracted from the report he authored.

Thompson[2] was assigned to OCB Homicide Division on March 14, 2023. Thompson woke up at approximately 0500 hours that morning. He did not consume any alcoholic beverages prior to his shift. He believed he was able to safely operate a vehicle. Thompson arrived at work at approximately 0600 hours. Later, after Thompson started his shift, he signed out the Department's Dodge Charger with the intentions of booking property at Property Division. While enroute to Property Division, Thompson bypassed dropping the property off when he realized he left his cellular phone at home. Thompson drove home to get his phone. Thompson did not notify a supervisor when he left the city of Los Angeles. Thompson did not make a notification because he lives a few miles away from Mission Patrol Division (Addendum 2).

Thompson retrieved his phone from home. While back enroute to book property, Thompson became involved in a traffic crash Thompson was eating a banana when it fell. As Thompson attempted to retrieve the banana, he collided with an unknown object on the freeway. Thompson did not notify a supervisor immediately because he felt unsafe on the freeway where the crash occurred. Thompson acknowledged the Department policy was to notify a supervisor after he was involved in an on-duty traffic crash in a Department vehicle. Thompson recalled he was involved in a traffic crash, but he had no independent recollection of specific details related to the traffic crash. Thompson recalled going to one gas station. He did not recall going inside an additional gas station to purchase a red bull. Thompson received treatment for a concussion sustained due to the serious traffic crash he was involved in. He contributed the concussion to his lack of recollection and the gaps in his memory.

Thompson worked homicide for over 20 years and the assignment made it difficult for him to sleep without his mind racing. During the middle of the night between 0000 hours and 0400 hours, Thompson began taking shots of vodka to calm his mind and sleep. Thompson did not recall consuming alcohol in the early morning of Marth 14, 2023. Thompson assumed he may have woken up in the middle of the night and consumed alcohol based on his blood alcohol level in the arrest report. Thompson recalled eating dinner between 1900 and 2000 hours on March 13, 2023. He did not recall what he ate. Thompson started drinking on the evening of March 13, 2023 at approximately 2100 hours. Thompson also took between five and ten milligrams of Ambien the night before.

Thompson denied consuming any alcoholic beverage after waking up for work on March 14, 2023. Thompson denied drinking alcohol with anyone. Thompson stated he was fully cooperative with the arresting agency during his arrest on March 14, 2023.

[2] Thompson was interviewed by the I/O and, Detective III David Mejia, Serial 32682, IAD, on August 4, 2023. The interview was uploaded into the Complaint Management System (CMS).

SUMMARY CONTINUED:

On March 17, 2023, at approximately 1300 hours, LASD Deputy Waterman, Serial No. 647475, Santa Clarita Sheriff's Station, responded to a traffic crash investigation at Newhall Ranch Road and Dickson Drive in the city of Santa Clarita, California. The comments of the call indicated a single vehicle versus a pole collision at the location.

Upon arrival, Waterman was met by one of his supervisor's, LASD Sergeant James Peterson, Serial No. 447537, Santa Clarita Sheriff's Station. Peterson advised Waterman that unknown Southern California Edison (SCE) workers witnessed a black 2008 Toyota Tundra, Pick-up Truck, with California License Plate No. 8T36167, collide into a nearby pole. The SCE workers advised Peterson that the driver, later identified as Thompson, was possibly under the influence. Peterson contacted Thompson and detected the strong odor of alcoholic beverages emitting from Thompson. Peterson detained Thompson for the investigation.

Waterman met with Thompson and asked Thompson if he had consumed any alcoholic beverages. Thompson denied he consumed alcoholic beverages but admitted to taking prescription medication. Waterman conducted an SFST on Thompson and Thompson was unable to complete the test. Waterman transported Thompson to LASD Santa Clarita Valley Station to obtain a breath sample. Watermen used the "Datamaster" machine to obtain breath samples from Thompson. The "Datamaster" machine indicated that Thompson's BAC was 0.08% on both samples. Waterman subsequently arrested Thompson for 23152 (a) CVC (Addendum 2) (Video Clip 1), (Video Clip 2), Video Clip 3), (Video Clip 4). (Video Clip 5), (Video Clip 6), (Video Clip 7).

> **Note:** Lieutenant II Yvette Garay, Serial No. 30583, Commercial Crimes Division, and Sergeant II Antonio Garcia, Serial No. 36937, IAD responded to the LASD Santa Clarita Valley Station for the administrative complaint investigation.[3] Garcia generated CF No. 23-000768 for the second arrest.

ALLEGATION 4. The Department alleges that on March 17, 2023, Detective Thompson, while off-duty, operated his privately-owned vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 5. The Department alleges that on March 17, 2023, Detective Thompson, while off-duty, provided a false statement to an outside law enforcement agency when Thompson stated that he did not consume any alcoholic beverages prior to operating his personally-owned vehicle.

Waterman[4] responded to a traffic crash on, March 17, 2023. The crash involved a single vehicle and a pole near the intersection of Dickson Drive and Newhall Ranch Road in Santa Clarita, California. Waterman's supervisor, Peterson, arrived at the scene before Waterman. Peterson contacted Thompson and suspected Thompson was under the influence of alcohol. Peterson detained Thompson until Waterman arrived. Thompson identified himself as an LAPD

[3] Lieutenant Garay was assigned to IAD at the time of this incident.
[4] Waterman's statements were extracted from the report he authored

detective and claimed his vehicle lost power, causing the accident. Waterman completed an investigation that included a SFST. The investigation indicated impairment. A breath test showed a BAC of 0.08% to 0.09%. Thompson was arrested and booked on charges of driving under the influence (23152(a) and 23152(b) CVC).

After medical clearance, Thompson was booked into Santa Clarita Station jail, Thompson's firearm was secured, LAPD was notified and took possession of the firearm. Thompson's vehicle was towed and stored as per the appropriate code and policy of LASD.

> **Note:** Thompson's had secured his Glock firearm in a locked container, inside the rear passenger area of his truck.

Thompson recalled that on March 17, 2023 he was involved in a traffic crash in the Santa Clarita, California, while driving his privately owned black, Toyota Tundra, California License Plate No. O1 License Plate. On March 16, 2023, Thompson consumed vodka throughout the evening and into the early morning. He did not recall if he took any Ambien. On March 17, 2023, Thompson woke up between 0700 and 0800 hours and immediately consumed one, 12-ounce celebratory Irish Coffee (alcoholic drink containing two shots of Jamison whiskey combined with coffee) for Saint Patrick's Day. Thompson then went back to sleep for several hours. Thompson woke up at approximately 1100 hours. He was hungry and felt he needed to put some food on his stomach.

Thompson did not feel impaired after he woke up the second time. Thompson's vehicle was low on gasoline. Thompson planned to grab food from Carl's Jr. Restaurant after he put gas in his vehicle. While enroute to the gas station, Thompson took a large sip of mouth wash because his mouth felt dry. As Thompson waited for the light to change, his vehicle ran out of gas. Thompson was at the intersection of Dickason Road and Newhall Ranch Road, in the City of Santa Clarita. He was a short distance from the gas station, so he decided to push his vehicle to the gas station nearby. Thompson exited his vehicle and began to manually push his vehicle while simultaneously guiding the steering wheel. He gained enough momentum to drive the vehicle to the gas station. Thompson was wearing loose fitting sweat pants that fell around his knees. Thompson's sweat pants prohibited Thompson from moving quickly to enter the vehicle and steer the vehicle from the driver's seat. Consequently, Thompson loss full control of the vehicle and was dragged as he held on with his right hand. Thompson tried to press the emergency brake on his vehicle, but he was unsuccessful and unable to regain control of the vehicle.

> **Note:** Thompson's vehicle was towed by the CHP official police garage at the time of the arrest, and the I/O was unable to verify if the vehicle had gas in the tank.

Thompson has a medical condition that prohibits him from performing the Standard Field Sobriety Test as explained and demonstrated. Thompson did not believe he was impaired at the time he operated his vehicle.

In hindsight, Thompson believed he experienced burnout after a long career. In June of 2022, Thompson struck his head on the top of a police shop. Thompson believed the injury damaged him. Thompson was left with excruciating headaches after the injury. Thompson accepted full

responsibility for his behavior and two alcohol related arrest within four days. Thompson realized after his arrest he had a severe problem with alcohol. Thompson accepted he was an alcoholic and obtained treatment at a licensed facility. Thompson has not consumed alcohol since the arrest. Thompson was remorseful and made it clear that he would accept punishment including but not limited to an alcohol contract prohibiting him from drinking.

INVESTIGATOR'S NOTES:

1. Full length reports are available in the attached addenda. Statements were paraphrased with pertinent information as determined by the I/O.

ADDENDA:

1. California Highway Patrol Driving Under the Influence Arrest Report.
2. Daily Sign-In Sheets for Operations-Central Bureau, Homicide Division.
3. Los Angeles Sheriff's Department Driving Under the Influence Arrest Report.
4. Video Clip No. 1.
5. Video Clip No. 2
6. Video Clip No. 3
7. Video Clip No. 4
8. Video Clip No. 5
9. Video Clip No. 6
10. Video Clip No. 7

INVESTIGATED BY:

AKEYLA FOSTER, Sergeant
Complaint Investigation Section, Central
Internal Affairs Division

9/25/2023
Date

RUTHANN CHAVEZ, Lieutenant
Officer in Charge,
Complaint Investigation Section-Central
Internal Affairs Division

10/18/2023
Date

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

DRIVING UNDER THE INFLUENCE ARREST – INVESTIGATION REPORT

CHP 202 (Rev. 10-21) OPI 066

☒ Misdemeanor ☐ Domestic Violence (Refer to HPM 100.69) ☐ Felony

LAST NAME, FIRST NAME, AND MIDDLE INITIAL: Thompson, Tommy Randell

COURT	FILE NUMBER	EVIDENCE/PROPERTY
Santa Clarita	187-540-23	☒ YES ☐ NO

AREA	BEAT	CRASH REPORT NUMBER	E-
540	012	9540-2023-00612	540E20230114

DATE/TIME OF ARREST/REPORT	DATE/TIME OF INCIDENT ☐ SAME	LOCATION OF ARREST/INCIDENT	WMVARS/MVARS	
03/14/2023 1203	03/14/2023 0935	Pico Cyn. Rd EO The Old Rd.	WMVARS	☒ YES ☐ NO

CAD NUMBER ☐ NONE	CITATION NUMBER	OFFENSE(S) CHARGED OR INVESTIGATED	JUS 8715 REQUIRED	
230314LA00187	LC33064	23152(g) VC / 20002(a)(1) VC	☒ YES ☐ NO	NUMBER:

SUBJECT NO 1 OF 1

NAME (last, first, middle)	RESIDENCE ADDRESS
Thompson, Tommy Randell	O1 Address

AKA	HOME PHONE	MAILING ADDRESS	
N/A	N/A		☒ SAME

RACE	ETHNICITY	SEX	BIRTHDATE	DISPATCH NOTIFIED
O1 PII				☒ YES ☐ NO TIME: 1542

DRIVER LICENSE NUMBER	STATE	DDL STATUS	HAIR	EYES	HEIGHT	WEIGHT	PLACE OF BIRTH (city, state, country)
O1 CDL	O1 CDL						O1 PII

EMPLOYER	BUSINESS PHONE	BUSINESS ADDRESS	MISC. (SSN, INS #, ETC.)	
LAPD	(951) 237-2299		N/A	ID: A14275

BOOKING, CII, FBI, ETC., NUMBER(S)	WHERE BOOKED/CONFINED	DATE/TIME	FINGERPRINTED
	Cited and Released	03/14/2023 1530	☐ YES ☒ NO

NOTIFICATION (Who, How, When), EXPLAIN IN NARRATIVE — NOTIFIED BY

☐ JUVENILE ☐ FOREIGN NATIONAL ☐ IMMUNITY CLAIM

VEHICLE

LICENSE	STATE	REG. YEAR	VIN/EN NUMBER	VEHICLE WAS	STORAGE AUTHORITY
1478293	CA	1999	2C3CDXAG8FH848044	☐ PARKED ☒ RELEASED ☐ STORED ☐ RECOVERED ☐ IMPOUNDED	

VEH YEAR	MAKE	MODEL	COLOR	BODY TYPE	LOCATION OF VEHICLE/RELEASED TO/ADDRESS/TELEPHONE NUMBER
2015	Dodge	Charger	Blk	4 Door	Det. D. Gersna (951) 237-2299

NAME OF REGISTERED OWNER	☐ SAME AS SUBJECT	ADDRESS	☐ SAME AS SUBJECT
LA City		260 S. Main St., L.A, CA 90012	

NAME OF LEGAL OWNER	☒ SAME AS R/O	ADDRESS	LOCATION OF KEYS
			In vehicle

WITNESS/PASSENGER/VICTIM

BIRTHDATE	SEX	NAME	ADDRESS/AGENCY	PHONE
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Deputy K. Duxbury #476466	LASD Santa Clarita	RES: BUS: (661) 260-4000
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Mandep Thino	25357 Chiquilla Ln, Stevenson Rnch, CA 91831	RES: BUS: (661) 259-9859
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Micheal Hicks	27504 Holiday Ci. Unit B, Stevenson Rnch, CA 91381	RES: (661) 260-4000 BUS:
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Mohammad Hossain	25357 Chiquilla Ln, Newhall, CA 91831	RES: BUS: (661) 259-9859

ADMONITION OF RIGHTS

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.
4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

☐ NOT ADVISED ☒ ARRESTING OFFICER ☐ OR: ID: TIME: 1247

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?	HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?	WAIVER STATEMENT
☒ YES ☐ NO	☐ YES ☒ NO	

MISDEMEANOR INCARCERATION (To be completed upon physical arrest for any misdemeanor, pursuant to Section 853.6 of the Penal Code.)
As determined by the arresting officer, the person arrested:

1. ☐ was so intoxicated as to be a danger to themself or others.
2. ☐ required medical examination or medical care or was otherwise unable to care for their own safety.
3. ☐ was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the California Vehicle Code (Note 5 and 8 if also applicable).
4. ☐ had one or more outstanding arrest warrants issued.
5. ☐ could not provide satisfactory evidence of personal identification.
6. ☐ if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
7. ☐ would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
8. ☐ demanded to be taken before a magistrate or refused to sign the citation.
9. ☐ would not appear at the time and place specified in the notice.
10. ☐ Other:

ARRESTING/INVESTIGATING OFFICER (Print name/rank)	ID NUMBER	REVIEWED BY (Print name/rank)	ID NUMBER	DATE
D.Hall	21214	T. GARRETT / SGT	16042	3/30/23

Thompson, Tommy Randell **LC33064**

* Asked prior to FSTs

INVESTIGATION INTERVIEW

DO YOU KNOW OF ANYTHING MECHANICALLY WRONG WITH YOUR VEHICLE ? DESCRIBE. ☐ YES ☐ NO			ARE YOU SICK OR INJURED? DESCRIBE. ☐ YES ☐ NO	
ARE YOU DIABETIC OR EPILEPTIC? ☐ YES ☐ NO	DO YOU TAKE INSULIN? *(Pills/Injection)* ☐ YES ☐ NO		DO YOU HAVE ANY PHYSICAL IMPAIRMENTS? DESCRIBE. *(Feet, Legs, Ankles, or Hips)* ☐ YES ☐ NO	
WHEN DID YOU LAST SLEEP?	HOW LONG?	WHEN DID YOU LAST EAT?	DESCRIBE	
WERE YOU DRIVING THE VEHICLE? ☐ YES ☐ NO ☐ N/A	IF NO, WHO?		WHERE DID YOU START DRIVING?	WHERE WERE YOU GOING?
WHERE WERE YOU STOPPED?	WHAT HAVE YOU BEEN DRINKING? "absolutely nothing"	HOW MUCH?	TIME STARTED?	TIME STOPPED?
LOCATION WHERE YOU WERE DRINKING? NAME/ADDRESS		DO YOU FEEL THE EFFECTS OF THE DRINKS? DESCRIBE. ☐ YES ☐ NO		
DID YOU BUMP YOUR HEAD? ☐ YES ☐ NO ☐ N/A	HAVE YOU BEEN DRINKING SINCE THE ACCIDENT? ☐ YES ☐ NO ☐ N/A	IF YES, WHAT?		HOW MUCH?
ARE YOU UNDER CARE OF A DOCTOR OR DENTIST? ☐ YES ☐ NO	IF YES, NAME/ADDRESS			RECENT SURGERY PERFORMED? ☐ YES ☐ NO *(Explain in Narrative)*
HAVE YOU TAKEN ANY MEDICINE OR DRUGS? ☒ YES ☐ NO	IF YES, WHAT? Ambien	HOW MUCH? "regular dose"	TIME OF LAST DOSAGE?	

DO YOU FEEL THE EFFECTS OF THE MEDICINE/DRUGS? DESCRIBE. ☐ YES ☒ NO

OBJECTIVE SIGNS/APPEARANCE/FIELD SOBRIETY TEST LOCATION

BREATH ODOR OF ALCOHOLIC BEVERAGE PRESENT:	GLASSES/LENSES	EYES (appearance)	DEMEANOR	SPEECH
Mild ☒ YES ☐ NO	☐ YES ☒ NO	Red and watery	Sluggish	Slurred

CLOTHING WORN: CONDITION AND DESCRIPTION

Blk shoes, dark blue pants, and a black jacket all in moderate condition.

DESCRIBE TEST LOCATION, SURFACE, WEATHER, AND LIGHTING

Asphalt concrete parking structure with cold, cloudy, and rainy weather during daytime hours.

PRELIMINARY ALCOHOL SCREEN INFORMATION

P.A.S. Admonition: I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and, if arrested, you will be required to give a sample of your blood, breath, or urine for the purpose of determining the actual alcoholic and drug content of your blood.

THE SUBJECT WAS ADVISED OF THE ABOVE STATEMENT BY:

☒ NOT ADVISED ☐ ARRESTING OFFICER ☐ OR ID: TIME:

PAS SERIAL NUMBER	TEMPERATURE	ZEROED	RESULTS NO. 1	TIME 1	RESULTS NO. 2	TIME 2	RESULTS NO. 3 *(if needed)*	TIME 3
		☐ YES ☐ NO	☐ Refused					

LOCATION OF TEST	BREATH SAMPLE	OFFICER ADMINISTERING PAS TEST	ID NUMBER	AREA
☐ At scene	☐ Automatic ☐ Manual	☐ ARRESTING OFFICER ☐ OR		

CHEMICAL TEST INFORMATION

☒ Implied Consent Admonishment, Section 23612 CVC ☐ Refused Test(s) (Complete DS 367)

DRUG ADMONISHMENT ☐ N/A ☒ Yes ☐ Refused (Complete DS 367)

ATTACHMENTS ☐ CHP 202 DRE ☐ OTHER

TYPE OF TEST	TIME	ID OF SAMPLE(S)	RESULTS, IF AVAILABLE	DISPOSITION OF SAMPLE(S)
1 ☒ Breath	1308 / 1311	300138	.03 / .03	Attached to report
2 ☒ Blood	1435	540E20230114	Pending	Booked into CHP Newhall Area Office
3 ☐ Urine				

TEST GIVEN	LOCATION WHERE TEST WAS CONDUCTED	NAME AND TITLE OF PERSON GIVING TEST OR TAKING SAMPLE
1	CHP Newhall Area Office	☒ ARRESTING OFFICER ☐ OR
2	Henry Mayo Hospital	☐ ARRESTING OFFICER ☒ OR RN H. Gent
3		☐ ARRESTING OFFICER ☐ OR

CHEMICAL TEST ADVISEMENT

A. The breath testing equipment does NOT retain any breath sample for later analysis by you or anyone else.
B. If you want a sample retained, you may provide a blood or urine sample that will be retained at no cost to you. If you do so, the blood or urine sample may be tested for alcoholic or drug content by either party in a criminal prosecution.
C. Do you wish to provide an additional sample? ☐ YES ☐ NO ☒ N/A

WATSON ADVISEMENT

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.

DO YOU UNDERSTAND ☒ YES ☐ NO _____ READ VERBATIM: ☐ YES ☒ NO ☐ DID NOT ADVISE (Explain in narrative)

☒ ARRESTING OFFICER ☐ OR _____ ID: _____ ☐ N/A

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03-20-2023	1228	9540	21214	F055-540-23

Refer to crash report # 9540-2023-00612.

SUMMARY

While interviewing Thompson regarding this crash, I observed the objective symptoms of a combination of alcohol and drug impairment, including red and watery eyes, the odor of an alcoholic beverage emitting on his breath and person, the slurred speech, the inability to provide the requested documents, the swaying in a circular motion and the periodically nodding off. After completing the investigation for this crash, I asked Thompson if he consumed any alcohol, which he denied. I asked Thompson if he ingested any drugs, which he denied, but related he ingested his regular dosage of Ambien. I had Thompson stand in a specified manner with his feet and toes together and his arms at his sides. He related, in essence; he was not going to answer any questions nor conduct any test. Based on this crash and my above-mentioned observations, I formed the opinion Thompson drove the Dodge while under the combined influence of alcohol and drugs, had caused this crash, and further operation would be unsafe. I placed Thompson under arrest at approximately 1203 hours for being in violation of CVC 23152(g) – Misdemeanor driving under the influence of a combination of alcohol and drugs. Thompson was advised of CVC 23612 (Implied Consent) and he initially agreed to submit to a chemical blood test but later changed to a chemical breath test. I transported Thompson to the CHP Newhall Area Office where he was read the back of the DS 367 (verbatim). He submitted to a chemical breath test with results of .03% and .03% BAC respectively. I advised Thompson of the drug admonishment (verbatim) and he agreed to the chemical blood test. Thompson was transported to Henry Mayo hospital where he submitted to a chemical blood test. I observed Thompson extend his right arm, which was cleansed with Betadine, and I observed RN H. Gent withdraw one vial of whole human blood, at approximately 1435 hours. Thompson was medically cleared and released on his signed promise to appear in court (LC33064), with the approval of Officer In Charge M. Griffith, ID 13893, to R. Rabbett, Thompson's supervisor, (B7687605) at approximately 1530 hours.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03-20-2023	1228	9540	21214	F055-540-23

EVIDENCE

#1 – One vial of whole human blood to test for BAC, full toxicology, benzodiazepines, and opioids.

#2 – Two black plastic pieces belonging to the Dodge found at the scene by me.

#3 – DVD with Thompson at local gas station (Mobil)

#4 – 56 digital images of crash scene and vehicle

#5 – DVD with Thompson at local gas station (AMPM)

All items were booked into CHP Newhall Area Office (540E20230114).

OTHER FACTUAL INFORMATION

The event involved a CHP patrol vehicle equipped with a wireless Mobile Video Audio Recording System (WMVARS) that was activated and may or may not have captured all relevant information from the event.

After the arrest of Thompson and prior to driving to Henry Mayo hospital, I drove to what I initially believed was the crash scene for this incident, located at the SE corner of Constitution Avenue and The Old Road. There was what appeared to be fresh crash damage to a pole. The damage was consistent with the damage to the Dodge, including the black scuff marks. Thompson spontaneously related repeatedly while on scene, this was not the crash site. This is not the location, and it is near the Denny's and the gas stations. I advised Thompson I would observe the location to where he believed this crash occurred. Upon further review while utilizing Google Maps, the damage sustained to the pole was prior to this crash.

While still en route, I stopped by the onramp to I-5 southbound from Lyons Avenue. At this location, there was damage to the meter pole and debris location on the dirt island of the onramp. I exited the p/v to survey the scene and noted there were black automobile plastic parts within the dirt island. However, the black plastic parts belonged to a Kia and not a Dodge. Thompson again spontaneously related while at this location, this was not the crash site. It was further down the onramp. At that moment, at approximately 1242 hours, I Mirandized Thompson, and he did not want to speak further.

After Thompson was cited and released from the local hospital, I responded to the location to ascertain the whereabouts of this crash. I located debris in front of the restaurant establishment IHOP located at 24737 Pico Canyon Road, Stevenson Ranch, CA 91381. While at the location, the debris found did not match the damage consistent with the Dodge.

After leaving where I initially thought this crash occurred, Constitution Avenue at The Old Road, I drove southbound on The Old Road, made a left at Pico Canyon Road, and observed damage to a tree on the way to the location at I-5 southbound from Lyons Avenue. This was the last location needed to be checked. Upon arrival at this location, Pico Canyon Road, east of The Old Road, I observed fresh damage to the first tree from the intersection. Upon further inspection, I observed debris associated with a crash, including black plastic pieces and small debris on the trunk of the tree. There were also two wood pieces (debris) located under the shrugs, which was consistent with this crash.

At approximately 1715 hours, Officer R. Perez, ID 23145, contacted the employee at the Mobile gas station. While watching the surveillance video, I observed Thompson arrive at the local gas station (Mobile) at approximately 1022 hours. Thompson parked in the stall near the entrance of the gas station and stood by for approximately two minutes before another vehicle pulled directly behind the Dodge. For an unknown reason, Thompson reversed the Dodge and backed into the gray Sports Utility Vehicle (SUV). After the crash, Thompson was seen pulling forward, exited the Dodge and contacted the driver of the SUV. After a short while, the driver of the SUV left the gas station. Please see attached supplemental from Officer Perez.

On March 23, 2023, at approximately 1537 hours, I contacted the manager at the local gas station (AMPM) located at 24800 Pico Canyon Road, Stevenson Ranch, CA 91381, as he provided me a digital copy of the Dodge entering the parking lot at approximately 0938 hours. He did not contact Thompson but did observe him fidgeting with the Dodge for approximately 40 minutes before leaving.

On March 28, 2023, at approximately 1105 hours, I contacted L.A County Roads via cellular phone and spoke with clerk V. Herrera, ID 530031, and she related, in essence; she will forward the information to both the tree (agriculture) and the roadway department to asses a monetary value to damage caused by this crash.

All notes taken regarding this investigation were compiled into this document and discarded upon the completion of this report.

ARREST:

Based on the following, I formed the opinion Tommy Randell Thompson drove the Dodge while under the influence of a combination of alcohol and drugs, a violation of CVC 23152(g):

- Thompson exhibited the objective signs of impairment
- Thompson admitting to driving and being involved in this crash
- Deputy observations of Thompson in the driver seat
- My opinion based on my training and experience

I arrested Thompson for being in violation of CVC 23152(g) – Misdemeanor driving under the influence of a combination of alcohol and drugs, and further operation of the vehicle would be unsafe. Thompson was advised of CVC 23612 (Implied Consent) and he initially agreed to submit to a chemical blood test but later changed to a chemical breath test. I transported Thompson to the CHP Newhall Area Office where he was read the back of the DS 367 (verbatim), and submitted to a chemical breath test with results of .03% and .03% BAC respectively. I advised Thompson of the drug admonishment (verbatim) and he agreed to the chemical blood test. Thompson was transported to Henry Mayo hospital where he submitted to a chemical blood test. I observed Thomson extend his right arm, which was cleansed with Betadine, and I observed RN H. Gent withdraw one vial of whole human blood, at approximately 1435 hours.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03-20-2023	1228	9540	21214	F055-540-23

Thompson was medically cleared and released on his signed promise to appear in court (LC33064), with the approval of Officer In Charge M. Griffith, ID 13893, to R. Rabbett, Thompson's supervisor, (B7687605) at approximately 1530 hours.

ANALYSIS AND OPINIONS

23152(g) VC – Thompson drove a motor vehicle and did so while under the combined influence of an alcoholic beverage and any drugs.

20002(a)(1) VC – Thompson, while driving a motor vehicle was involved in an accident resulting in damage to any property, including vehicle, other than his own. Thompson knew that an accident had occurred, or that he was involved in the accident, and either knew that the accident resulted in damage to another's property or knew that it was of such a nature that it probably resulted in damage to another's property and failed to stop immediately.

RECOMMENDATIONS

I recommend a copy of this report be forwarded to the Los Angeles County District Attorney's Office for review with the following charges:

23152(g) VC – Misdemeanor driving under the combined influence of alcohol and drugs
20002(a)(1) VC – Misdemeanor Hit and Run

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. Hall/ Officer	21214	03-21-2023		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/15/2021	1020	9540	023145	M0187-540-23

SUPPLEMENTAL:

On March 14, 2023, at approximately 1055 hours, I was on duty in full California Highway Patrol uniform and in a fully marked black and white patrol vehicle. I was the driver over the vehicle and my partner, Officer D. Hall #21214, was sitting in the passenger seat. Refer to Officer Hall's report for additional information.

On March 14, 2023, at approximately 1715 hours Officer Hall and I conducted follow up at the Mobil gas station at 25357 Chiquella lane in Newhall CA, 91831. I contacted Mandep Thino (W-1) who related in essence the following. W-1 came to work and as he was checking the gas pumps, his manager called him over and started to talk to him about a man, who was at the #1 gas pump of the station, who appeared confused. The vehicle (Suspect Vehicle, S/V) was described as a black car that looked like a CHP charger and like a government vehicle because of the plates on the car. W-1 described the man as a tall white male, 6'0" in height, wearing a black jacket, and about 40-50 years old. The suspect was trying to fix the front of his vehicle that had major crash damage. W-1 described the damage as unfixable and observed the suspect keep trying to fix the damage on the car for approximately an hour and a half before finally leaving the gas station.

The next day on March 15, 2023, at approximately 0723 hours, I contacted Michael Hicks (W-2) via telephone. W-2 related in essence he was travelling southbound on The Old Road near Market Center Drive when he observed a "black beefed-up charger" (S/V) travelling northbound on The Old Road with major front end crash damage. W-2 related the smoke coming from the vehicle and noise from the bumper dragging on the road was what got his attention to begin with. He related that was not normal, looked as if he was fleeing a crash scene, and turned into the Walmart lot to follow the vehicle and try to get a picture of the plate. W-2 saw the vehicle come to a stop in the left lane, at the intersection of The Old Road and Market Center Drive and remain disabled in the lane. At this point W-2 called 911 and had to leave the scene to run errands.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
PEREZ	23145	03/15/2023	T. Garrett	3/30/23

SUPPLEMENTAL CONTINUED

On March 15, 2023, at approximately 0900 hours, I returned to the Mobil gas station on Chiquella lane where I spoke to Mohammad Hossain (W-3). Hossain related in essence he was working when he observed a black charger (S/V) coming into the gas station making loud noise dragging a bumper and major crash damage to the front. He didn't think of it much and continued working, when he checked again, the driver of the black charger was talking to another party at the #1 pump. He thought to himself they must have crashed. W-3 described the suspect as a tall white male approximately 200 pounds, about 50 years old. He observed the suspect go back and forth trying to fix the damage on the front of his vehicle. He related the suspects body language appeared as if he was intoxicated, he informed me he's been working at the gas station, where they sell alcohol, for over 33 years so he knows from experience when a person is showing signs of intoxication. He related the suspect was stumbling while walking back and forth trying to fix his car, and related that a normal person would not be fixing their car getting soaking wet for approximately 30 minutes in the rain unless something else was going on.

On March 15, 2023, at approximately 1235 hours, I contacted Deputy Sheriff Kevin Duxbury (W-4) #476466, from the Santa Clarita Sheriff Station. W-4 related in essence he was travelling southbound on The Old Road when he observed a black Dodge Charger (Suspect Vehicle) with major crash damage stalled in the #1 lane at the intersection of The Old Road northbound and Market Center Drive. W-4 turned around at Pico Canyon and pulled behind the suspect vehicle and contacted dispatch to contact CHP about the incident. He contacted the driver and the driver related to him that he was trying to pull over but his car was unable to start. Upon talking with the driver, W-4 noticed the driver seemed slow and confused. He told the driver to wait in the car and that is when we showed up and W-4 handed the incident over to us.

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH REPORT

CHP 555 Page 1 (Rev. 2-22) OPI 060

SPECIAL CONDITIONS	NUMBER INJURED	HIT & RUN FELONY	CITY	JUDICIAL DISTRICT	LOCAL REPORT NUMBER
ON-DUTY EMERGENCY VEHICLE	0	☐	UNINCORPORATED	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE	9540-2023-00612
	NUMBER KILLED	HIT & RUN MISDEMEANOR	COUNTY	REPORTING DISTRICT / BEAT	DAY OF WEEK / TOW AWAY
	0	☒	LOS ANGELES	012	S M T W T F S ☒ YES ☐ NO

LOCATION

CRASH OCCURRED ON	CRASH DATE (MO. DAY YEAR)	CRASH TIME (2400)	NOTIFICATION DATE (MO. DAY YEAR)	NOTIF. TIME (2400)	NCIC #	OFFICER ID
PICO CANYON ROAD (24800 BLOCK)	03/14/2023	0936	03/14/2023	1055	9540	021214

☐ AT INTERSECTION WITH
☒ OR: 64 FEET EAST of THE OLD ROAD

STATE HWY REL: ☐ YES ☒ NO
DIGITAL MEDIA: ☒ YES ☐ NO 540E20230114

GPS COORDINATES FOR LOCATION (LOC.) AND AREA(S) OF IMPACT (AOI) ☐ SAME AS LOCATION ☒ REFER TO NARRATIVE

LOC. LAT.	LOC. LONG.	AOI 1 LAT.	AOI 1 LONG.	AOI 2 LAT.	AOI 2 LONG.
34.380840	-118.570571				

AOI 3 LAT.	AOI 3 LONG.	AOI 4 LAT.	AOI 4 LONG.	AOI 5 LAT.	AOI 5 LONG.	ADDTL. AOI(s) ☐

PARTY 1

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
O1 CDL			M	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): ON-DUTY EMERGENCY VEHICLE / TOMMY RANDELL THOMPSON

PEDESTRIAN ☐

STREET ADDRESS: O1 Address

PARKED VEHICLE ☐

CITY/STATE/ZIP: O1 Address

BICYCLIST ☐

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE (Mo. Day Year)	RACE
O1 PII						

OTHER ☐

HOME PHONE	BUSINESS PHONE
O1 PII	NONE

OPERATOR ☐

INSURANCE CARRIER	POLICY NUMBER
SELF INSURED	CITY OF LOS ANGELES

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
S	THE OLD ROAD	LT-2	2	4	45

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2015	DODG CHARGER BLK	1478293	CA

OWNER'S NAME: LOS ANGELES CITY ☐ SAME AS DRIVER

OWNER'S ADDRESS: 260 S. MAIN ST. LOS ANGELES CA 90012 ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER

LAPD TOW

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: 2C3CDXAG8FH848044

VEHICLE TYPE: 48

DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER

TOW AWAY

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 2

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.

DRIVER ☐ — NAME (FIRST, MIDDLE, LAST)

PEDESTRIAN ☐ — STREET ADDRESS

PARKED VEHICLE ☐ — CITY/STATE/ZIP

BICYCLIST ☐

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE (Mo. Day Year)	RACE

OTHER ☐

HOME PHONE	BUSINESS PHONE

OPERATOR ☐

INSURANCE CARRIER	POLICY NUMBER

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE

OWNER'S NAME: ☐ SAME AS DRIVER

OWNER'S ADDRESS: ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

PRIOR MECHANICAL DEFECTS: ☐ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE:

DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 3

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.

DRIVER ☐ — NAME (FIRST, MIDDLE, LAST)

PEDESTRIAN ☐ — STREET ADDRESS

PARKED VEHICLE ☐ — CITY/STATE/ZIP

BICYCLIST ☐

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE (Mo. Day Year)	RACE

OTHER ☐

HOME PHONE	BUSINESS PHONE

OPERATOR ☐

INSURANCE CARRIER	POLICY NUMBER

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE

OWNER'S NAME: ☐ SAME AS DRIVER

OWNER'S ADDRESS: ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

PRIOR MECHANICAL DEFECTS: ☐ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE:

DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
DIONTE HALL, 021214	☒ YES ☐ NO ☐ N/A	D M AKINS, 018759	03/30/2023

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH CODING

CHP 555 Page 2 (Rev. 2-22) OPI 060

CRASH DATE (MO. DAY YEAR)	CRASH TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

PROPERTY DAMAGE	OWNER'S NAME	OWNER'S ADDRESS
	L.A COUNTY ROADS	5530 W. 83RD ST. LOS ANGELES CA 90045

PERSON NOTIFIED	[X] SAME AS OWNER	TELEPHONE NUMBER	METHOD OF NOTIFICATION (MARK ALL THAT APPLY)	LOG / INCIDENT NUMBER
L.A COUNTY ROADS		(626) 458-4357	[ ] IN PERSON [ ] PHONE [X] DISPATCH [ ] CHP 422	230314LA00885

DESCRIPTION OF DAMAGE
DAMAGE TO TREE ON THE S/E CORNER OF PICO CYN RD.

SEATING POSITION

1 2 3
4 5 6
7 8 9
10

1 TO 9 – STANDARD SEATING POSITION
10 - REAR OCC. TRK., VAN, STATION WAGON, ETC.*
11 - POSITION UNKNOWN*
0 - OTHER*

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP/SHOULDER HARNESS USED
H - LAP/SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

M / C BICYCLE - HELMET
DRIVER: V - NO, W - YES
PASSENGER: X - NO, Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELLPHONE HANDHELD
B - CELLPHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY CRASH FACTOR LIST NUMBER (#) OF PARTY AT FAULT

1

A CVC SECTION VIOLATED: VC 23152(a) CITED [X] YES [ ] NO
B OTHER IMPROPER DRIVING*:
C OTHER THAN DRIVER*
D UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)

A CLEAR
X B CLOUDY
X C RAINING
D SNOWING
E FOG / VISIBILITY FT.
F OTHER*:
G WIND

LIGHTING

X A DAYLIGHT
B DUSK - DAWN
C DARK - STREET LIGHTS
D DARK - NO STREET LIGHTS
E DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE

A DRY
X B WET
C SNOWY - ICY
D SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)

A HOLES, DEEP RUT*
B LOOSE MATERIAL ON ROADWAY*
C OBSTRUCTION ON ROADWAY*
D CONSTRUCTION - REPAIR ZONE
E REDUCED ROADWAY WIDTH
F FLOODED*
G OTHER*:
X H NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES

A CONTROLS FUNCTIONING
B CONTROLS NOT FUNCTIONING*
C CONTROLS OBSCURED
X D NO CONTROLS PRESENT / FACTOR*

TYPE OF CRASH

A HEAD - ON
B SIDE SWIPE
C REAR END
D BROADSIDE
X E HIT OBJECT
F OVERTURNED
G VEHICLE / PEDESTRIAN
H OTHER*:

MOTOR VEHICLE INVOLVED WITH (MARK 1 TO 2 ITEMS)

A NONCOLLISION
B PEDESTRIAN
C OTHER MOTOR VEHICLE
D MOTOR VEHICLE ON OTHER ROADWAY
E PARKED MOTOR VEHICLE
F TRAIN
G BICYCLE
H ANIMAL:
X I FIXED OBJECT: CURB
J OTHER OBJECT:
X K ADDITIONAL OBJECT(S) STRUCK

PEDESTRIAN'S ACTIONS

X A NO PEDESTRIANS INVOLVED
B CROSSING IN CROSSWALK AT INTERSECTION
C CROSSING IN CROSSWALK - NOT AT INTERSECTION
D CROSSING - NOT IN CROSSWALK
E IN ROAD - INCLUDES SHOULDER
F NOT IN ROAD
G APPROACHING / LEAVING SCHOOL BUS

1	2	3	VEHICLE AUTOMATION LEVEL
X			A SAE LEVEL - 0
			B SAE LEVEL - 1
			C SAE LEVEL - 2
			D SAE LEVEL - 3
			E SAE LEVEL - 4
			F SAE LEVEL - 5
			G UNKNOWN*

1	2	3	VEHICLE AUTOMATION ENGAGED
X			A NO AUTOMATION
			B DRIVER ASSISTANCE
			C PARTIAL AUTOMATION
			D CONDITIONAL AUTOMATION
			E HIGH AUTOMATION
			F FULL AUTOMATION
			G UNKNOWN*

1	2	3	OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)
X			A CVC SECTION VIOLATION: VC 22350 CITED [ ] YES [X] NO
			B CVC SECTION VIOLATION: CITED [ ] YES [ ] NO
			C CVC SECTION VIOLATION: CITED [ ] YES [ ] NO
			D [redacted]
			E VISION OBSCUREMENT:
			F INATTENTION*:
			G STOP & GO TRAFFIC
			H ENTERING / LEAVING RAMP
			I PREVIOUS CRASH
			J UNFAMILIAR WITH ROAD
			K DEFECTIVE VEH. EQUIP.: CITED [ ] YES [ ] NO
			L UNINVOLVED VEHICLE
			M OTHER*:
			N NONE APPARENT
			O RUNAWAY VEHICLE

1	2	3	SOBRIETY - DRUG - PHYSICAL (MARK ALL THAT APPLY)
			A HAD NOT BEEN DRINKING
X			B HBD - UNDER INFLUENCE
			C HBD - NOT UNDER INFLUENCE*
			D HBD - IMPAIRMENT UNKNOWN*
X			E UNDER DRUG INFLUENCE* :
			DRE EXAM. CONDUCTED
			STIMULANT
			HALLUCINOGEN
			DISSOCIATIVE ANESTHETICS
			NARCOTIC ANALGESIC
			INHALANT
			CANNABIS
X			DEPRESSANT
			F IMPAIRMENT - PHYSICAL*
			G IMPAIRMENT NOT KNOWN
			H NOT APPLICABLE
			I SLEEPY / FATIGUED*

1	2	3	SPECIAL INFORMATION
			A HAZARDOUS MATERIAL
			B CELL PHONE HANDHELD IN USE
			C CELL PHONE HANDSFREE IN USE
X			D CELL PHONE NOT IN USE
			E CELL PHONE USE UNKNOWN
			F SCHOOL BUS RELATED

1	2	3	BIKEWAY FACILITY
			A SHARED ROADWAY
			B CLASS I - BIKE PATH*
			C CLASS II - BIKE LANE*
			D CLASS III - BIKE ROUTE*
			E CLASS IV - SEPARATED BIKEWAY*

SKETCH

REFER TO SKETCH PAGE(S)

INDICATE NORTH

MISCELLANEOUS

[ ] REFER TO NARRATIVE FOR ADDITIONAL INFORMATION

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESS / PASSENGERS

CHP 555 Page 3 (Rev. 2-22) OPI 060

CRASH DATE (MO. DAY YEAR)	CRASH TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)						PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER	OPER.					
[X] # 1	[ ]		M	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]					

NAME / D. O. B. / ADDRESS
DEPUTY DUXBURY #476466 26201 GOLDEN VALLEY ROAD SANTA CLARITA CA 91350

TELEPHONE
(661) 260-4000

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

[ ] VICTIM OF VIOLENT CRIME NOTIFIED

[ ] #

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

[ ] VICTIM OF VIOLENT CRIME NOTIFIED

[ ] #

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

[ ] VICTIM OF VIOLENT CRIME NOTIFIED

[ ] #

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

[ ] VICTIM OF VIOLENT CRIME NOTIFIED

[ ] #

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

[ ] VICTIM OF VIOLENT CRIME NOTIFIED

[ ] #

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

[ ] VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
DIONTE HALL	021214	03/14/2023	D M AKINS, 018759	03/30/2023

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

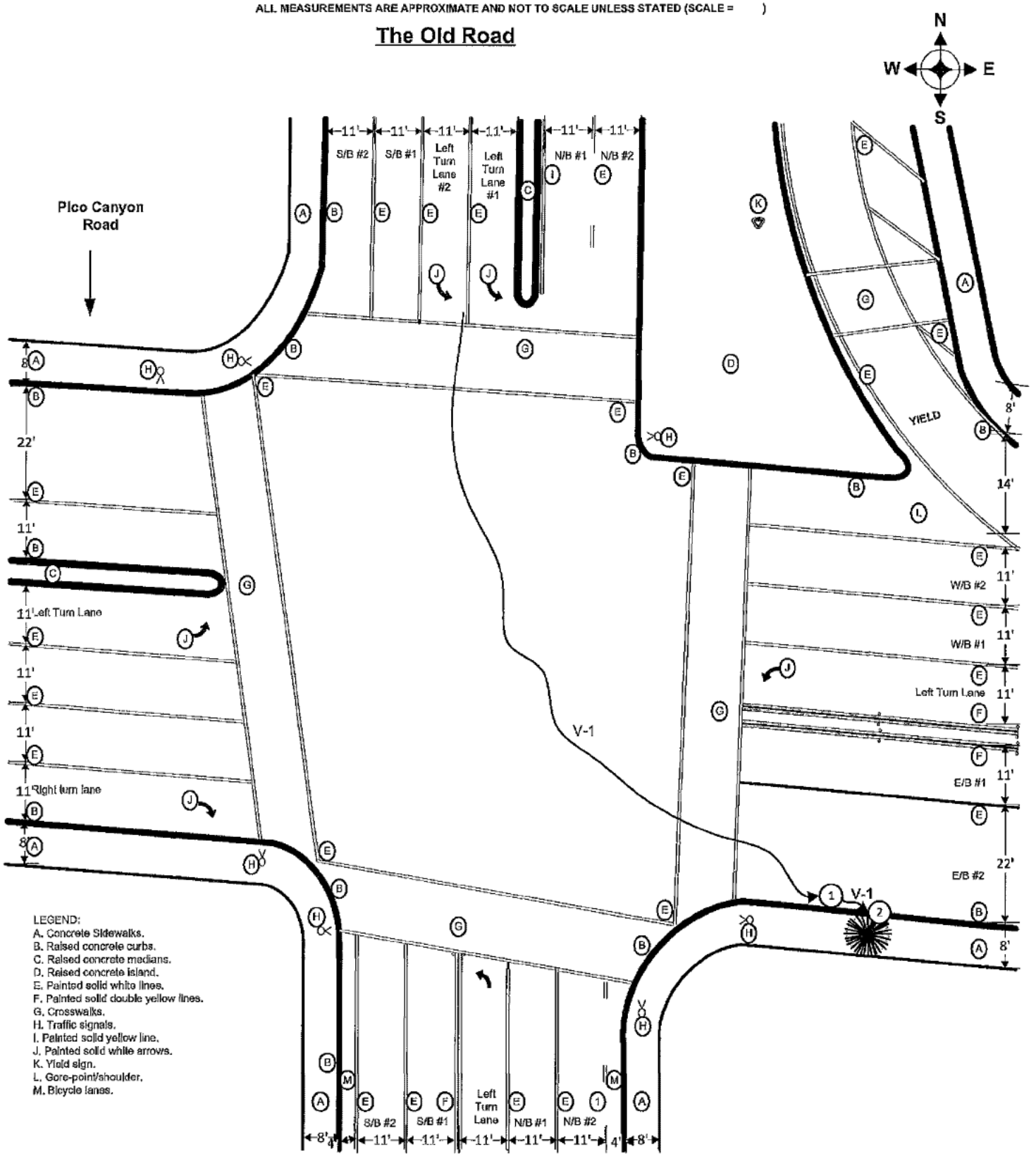
SKETCH DIAGRAM

CHP 555 Page 4 (Rev. 3-20) OPI 060

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

The Old Road



PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
DIONTE HALL	021214	03/14/2023	D M AKINS, 018759	03/30/2023

An Internationally Accredited Agency

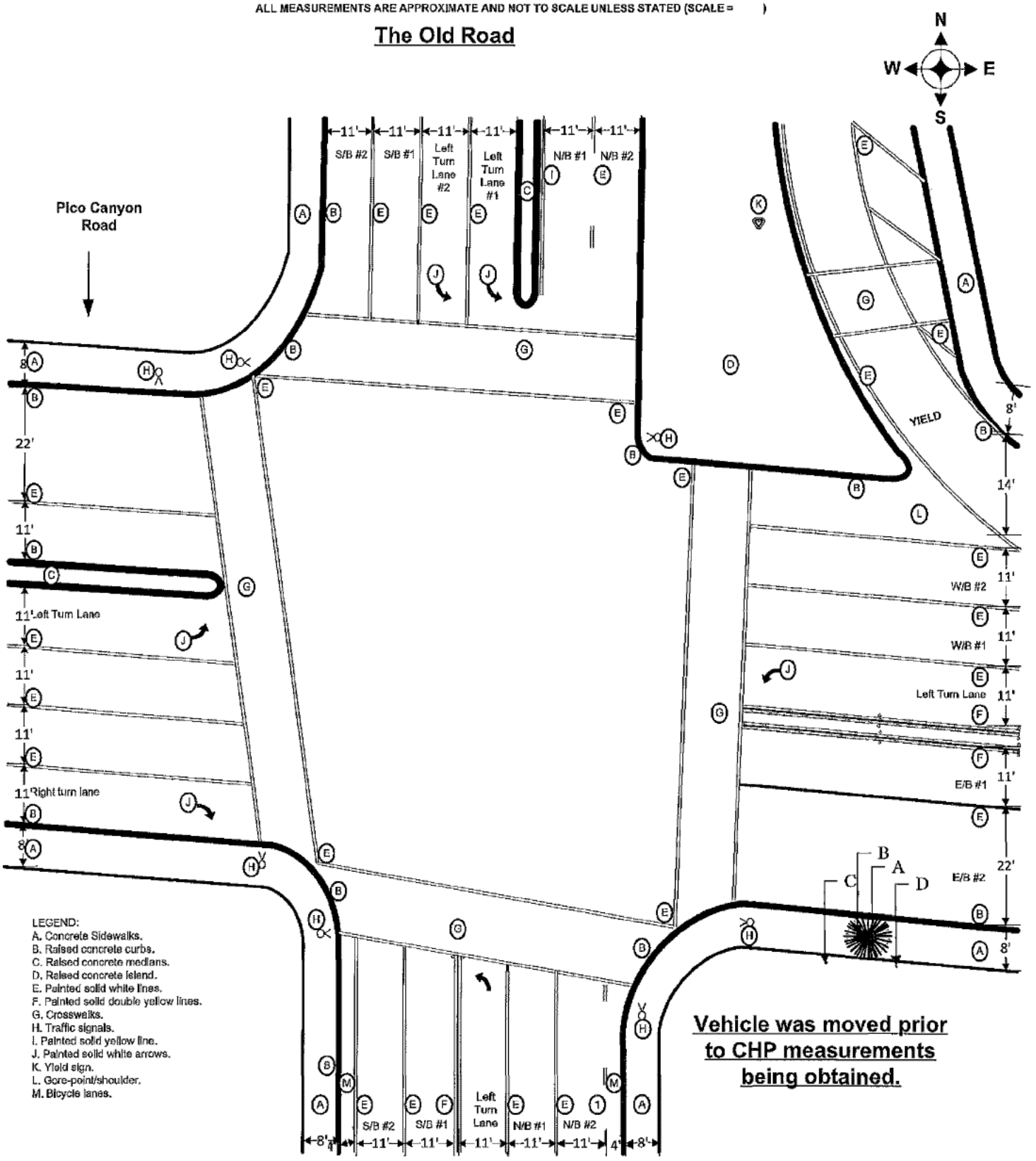
STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

FACTUAL DIAGRAM

CHP 555 Page 4 (Rev. 3-20) OPI 060

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
DIONTE HALL	021214	03/14/2023	D M AKINS, 018759	03/30/2023

An Internationally Accredited Agency

FACTUAL LEGEND

All measurements were taken from the east roadway edge of The Old Road and the south roadway edge of Pico Canyon Road. Measurements were obtained utilizing visual estimation.

PHYISCAL EVIDENCE

A – Black plastic piece

B - Black plastic piece

C – Wood debris

D – Wood debris

PHSYICAL EVIDENCE LOCATION

A – was located 65' east of the east roadway edge prolongation of The Old Road and 6' south of the south roadway edge of Pico Canyon Road.

B - was located 64' east of the east roadway edge prolongation of The Old Road and 4' south of the south roadway edge of Pico Canyon Road.

C - was located 60' east of the east roadway edge prolongation of The Old Road and 14' south of the south roadway edge of Pico Canyon Road.

D - was located 70' east of the east roadway edge prolongation of The Old Road and 14' south of the south roadway edge of Pico Canyon Road.

All times, speeds, and measurements throughout this report are approximate. Measurements were obtained using visual estimation and GPS unless otherwise stated. All opinions and conclusions were based on evidence and/or statements.

FACTS

SCENE DESCRIPTION

This crash occurred east of the intersection of The Old Road and Pico Canyon Road, in the unincorporated area of Los Angeles County. The Old Road intersects Pico Canyon Road at an oblique angle. The roadway is maintained by Los Angeles County Roads. The speed limit at this location is 40 MPH. The Old Road at this location is north/south and consists of an asphalt paved roadway. There are two northbound lanes, a bike lane and left turn lane. There are two southbound lanes, a bike lane and two left turn lanes. The intersection is controlled by a Tri-Phase traffic control signal and was green at time of the crash. The east roadway edge is bordered by a concrete sidewalk. The west roadway edge is bordered by a concrete sidewalk. Pico Canyon Road at this location is east/west and consist of an asphalt paved roadway. There are two westbound lanes and a left turn lane and right turn lane. There are two eastbound lanes, a left turn lane and a right turn lane. The intersection is controlled by a Tri-Phase traffic control signal and was red at the time of this collision. East of this intersection, there are two lanes delineated by broken white lines. The east/west lanes are separated by two solid yellow lines. The north roadway edge is bordered by a concrete sidewalk. The south roadway edge is bordered by a concrete sidewalk (aligned with multiple trees). The weather was cold, cloudy, and actively raining during daytime hours. There were no visual obstructions noted or claimed. Refer to Factual Diagram for further details.

PARTIES

Party 1 (P-1, Thompson) was located in the driver seat of Vehicle 1 (V-1, Dodge), stalled in the #1 lane northbound on The Old Road at Market Drive North. He was located by a deputy from the Los Angeles County's Sheriff's Department, Santa Clarita Station, prior to my arrival. P-1 is a peace officer, defined in the Penal Code commencing with section 830 PC. Party-1 was in business attire and is employed by the Los Angeles Police Department (LAPD). Party-1 was identified by his valid California driver license as Tommy Randell Thompson. Party-1 was determined to be the driver of Vehicle-1 based on his own statements, he was the only occupant, and possessed the keys to Vehicle-1, he is also an employee of the registered owner of Vehicle-1. Party-1 verbally identified himself as a Peace Officer.

Vehicle 1 (V-1, Dodge) was located stalled in the northbound #1 lane on The Old Road at Market Drive North facing a northly direction on its wheels with its code 3 windshield mounted lights activated. The safety restraint system showed no signs of defect, and no mechanical defects were noted or claimed. Vehicle-1 was an "On-duty emergency vehicle" as defined in section 165 of the California Vehicle Code. It was driven by an on-duty peace officer, at the direction of his department. Vehicle-1 was an unmarked all-black LAPD patrol vehicle with windshield mounted lights, which were not active at the time of this crash. Vehicle-1 sustained the following moderate damage: a dented hood, a displaced front bumper, and a crumbled front grille.

PHYSICAL EVIDENCE

There were two small black plastic pieces found at the crash scene, located in the tree bed, on the sidewalk. They are parts belonging to Vehicle-1's front bumper and/or grille.

There were approximately 56 digital photos taken of Party 1 (Party-1, Thompson), Vehicle 1 (Vehicle-1, Dodge), the crash scene, and arrest location by Officer M. Griffith, ID 13893 and I. There is a video of Vehicle-1 taken after the crash, at approximately 0938 hours. It shows Party-1 parking at the ARCO gas station located at 24800 Pico Canyon Road, Stevenson Ranch, CA 91381. At approximately 1022 hours, there is a second video of Party-1 as he drove to and parked at the Mobil gas station located at 25357 Chiquella Lane, Stevenson Ranch, CA 91381. This video shows Vehicle-1 backing into a parked vehicle in the gas station. You can observe Party-1 exit Vehicle-1 and converse with the driver of the parked vehicle before leaving the scene.
All items were booked into evidence at the CHP Newhall Area Office (540E20230114)

HIT AND RUN

After the crash, Party 1 (Party-1, Thompson), drove to two gas stations near Denny's, bought a "red bull" and then called his supervisor, Detective III D. Gersna, ID 32941, via cellular phone at approximately 1040 hours. Detective Gersna advised him to contact CHP for a report. Party-1 starts work at 0600 hours and works downtown Los Angeles for LAPD Homicide Division. He had forgotten his cellular phone and had to go back home. He claimed he is not familiar with the area but has lived here in the Santa Clarita Valley for approximately one year. He left the scene of the crash due to the fact he believed Vehicle-1 would be a roadway traffic hazard.

OTHER FACTUAL INFORMATION

Vehicle 1 (Vehicle-1, Dodge) code 3 lights and hazard lights were activated upon my arrival, and I moved Vehicle-1 to expediate the flow of traffic.

STATEMENTS

Party 1 (Party-1, Thompson) related, in essence: He was driving vehicle 1 (Vehicle-1, Dodge) on The Old Road and made a left turn, at approximately 25 mph and crashed into a pole. It was actively raining at the time of the crash. After the impact, he drove to a gas station near Denny's, bought a "red bull" and then called his supervisor, Detective III D. Gersna, ID 32941, via cellular phone at approximately 1040 hours. Detective Gersna advised him to contact CHP for a report. He starts work at 0600 hours and works in downtown Los Angeles for LAPD Homicide Division. He had forgotten his cellular phone and had to go back home. He is not familiar with the area but has lived here in the Santa Clarita Valley for approximately one year. He left the scene of the crash due to the fact he believed Vehicle-1 would be a roadway traffic hazard.

Witness 1 (Witness-1, Duxbury) related, in essence: He was driving southbound on The Old Road when he observed a black Dodge Charger with major crash damage, stalled in the #1 lane, at the intersection of The Old Road at Market Center Drive. He turned around at Pico Canyon Road stopped directly behind Vehicle 1 (Vehicle-1, Dodge), and contacted his dispatch to advise CHP of this incident. Upon his contact with Party 1 (Party-1, Thompson), in the driver seat, he related, Party-1 had tried to pull over, but Vehicle-1 was unable to start. He also noticed Party-1 was slow to respond and was confused. He advised Party-1 to wait in Vehicle-1 until CHP arrival.

OPINIONS AND CONCLUSIONS

AREA(S) OF IMPACT

AOI 1 (Vehicle-1 vs curb) was located approximately 64' east of the east roadway edge prolongation of The Old Road and at the south roadway edge of Pico Canyon Road.

AOI 2 (Vehicle-1 vs tree) was located 66' east of the east roadway edge prolongation of The Old Road and 3' south of the south roadway edge of Pico Canyon Road.

The AOI's in this investigation were determined by vehicle damage and statements.

INTOXICATION NARRATIVE

While contacting Party 1 (Party-1, Thompson) I observed the objective symptoms of alcohol and drug impairment including red and watery eyes, the mild odor of an alcoholic beverage emitting from his breath and person, unsteady balance, slurred speech, and the difficulty providing the requested documents and information. For example, he later had difficulty recalling his physical home address and phone number. Party-1 related, in essence; he did not recently consume any alcoholic beverage but did ingest his regular dosage of Ambien the previous night. He did not feel the effects of impairment prior to this crash. After investigating this crash, I requested Party-1 to stand in a specified manner, while I conduct a DUI investigation with his feet and toes together and his arms at his side. Party-1 stated, "I'm not doing any field sobriety test." Based on my above-mentioned observation and Party-1's statements, I arrested Party-1 for being in violation of CVC 23152(g) – Misdemeanor driving under the influence of a combination of alcohol and drugs. Party-1 was advised of 23612 (Implied Consent) and initially agreed to a chemical blood test. While en route to the local hospital, Party-1 advised he would rather submit to a chemical breath test. Party-1 was transported to the CHP Newhall Area Office where he was read the back of the DS367 (verbatim) and he agreed to a chemical breath test. While at the breath machine, I observed Party-1 "on the nod" several times and swayed in a circular manner as he responded slowly to my verbal stimulus on several occasions. After the breath test, Party-1 was advised of the drug admonishment on the back of the DS367 (verbatim) and agreed to submit to a chemical blood test. Party-1 was transported to the Henry Mayo Hospital where he voluntarily submitted to a chemical blood test, where I observed Party-1 extend his right arm, and RN H. Gent withdrew one vial of whole human blood, at approximately 1435 hours. Party-1 denied any further testing and was released on his signed promise to appear in court (LC33064) at approximately 1530 with the approval of Office in Charge M. Griffith, ID 13893.

SUMMARY/CAUSE

Party 1 (Party-1, Thompson) was driving Vehicle 1 (Vehicle-1, Dodge) and making a left turn from The Old Road, in the #2 left turn lane, at approximately 25 mph, and onto Pico Canyon Road. Due to his impairment (CVC 23152(a) and his unsafe speed (CVC 22350) for the weather conditions (active rain) and roadway conditions (wet), Party-1 caused this crash. Party-1 lost control of Vehicle-1 by accelerating from a complete stop, making a left turn and losing traction. Vehicle-1 continued in a southeasterly direction directly into the raised curb (AOI 1). The impact caused Vehicle-1 to continue in a southeasterly direction over the curb and the front of Vehicle-1 crashed into the tree (AOI 2). Following the crash, Party-1 fled the scene of the crash, and drove to a local gas station (AMPM) at approximately 0938 hours. He left the gas station and drove to another local gas station (Mobil) at approximately 1022. He left the gas station and drove westbound on Pico Canyon Road before merging right onto The Old Road. Vehicle-1 became disabled on The Old Road south of Market Drive North. There he awaited CHP arrival.

RECOMMENDATIONS

I recommend a copy of this report be forwarded to the Los Angeles District Attorney's Office for review with the following recommendations:

- 23152(a) VC – Misdemeanor driving under the influence alcohol
- 20002(a)(1) VC – Misdemeanor hit and run

CONFIDENTIAL

RECORDS & INFORMATION BUREAU'S USE ONLY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

COMPLAINT REPORT

TRAFFIC

DATE 03-17-23 PAGE 1 OF 6

ACTION: Active [X] Inactive [ ] | Traffic Collision: Yes [X] No [ ] | No. of Adults Arrested: 1 | No. of Juv. Detentions: 0 | URN (File No.): 923-03738-0648-242

Classification: DRIVING UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE 23152(a) CVC/M/242

Classification: DRIVING UNDER THE INFLUENCE OF ALCOHOL BAC OVER .08% 23152(b) CVC/M/243

Classification:

Classification:

Classification:

Date, Time, Day of Occurrence: 03-17-2023, 1300 HOURS, FRIDAY | D.M.V. Record Requested: Yes [ ] No [X] | By: — | D.M.V. Record Submitted: Yes [ ] No [X]

Location of Occurrence: NEWHALL RANCH ROAD / DICKASON DRIVE | City: SANTA CLARITA | Type of Location: CITY STREET

CODE: V - VICTIM, W - WITNESS, I - INFORMANT, R - REPORTING PARTY

Code	No.	Last Name	First	Middle	Sex	Race	D.O.B.	Check Day Phone Below
I	1 of 1	DEPUTY ROBERT WATERMAN #647475						

Residence Address: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT | City | Zip | RES. PHONE (AREA CODE)

Business Address: 26201 GOLDEN VALLEY ROAD | City: SANTA CLARITA | Zip: 91350 | BUS. PHONE (AREA CODE): 661-260-4000 ✓

CODE: S - SUSPECT, SJ - SUBJECT, M - PATIENT, S/V - SUSPECT/VICTIM, SJ/V - SUBJECT/VICTIM

Code	No.	Last Name	First	Middle	Driver's License (State & No.)
S	1 of 1	THOMPSON	TOMMY	RANDELL	O1 CDL

Residence Address: O1 Address | City | Zip | Res. Phone (Area Code): O1 Ph#

Business Address: 100 W 1ST ST | City: LOS ANGELES | Zip: 90012 | Bus. Phone (Area Code): 213-486-1000

Sex | Race | Hair | Eyes | Height | Weight | D.O.B. | Age | Birthplace: O1 PII | SSN, INS#, etc.: O1 PII

Observable Physical Oddities: NONE OBSERVED | AKA / Nickname: NONE | Where Detained: SANTA CLARITA STATION

Clothing Worn: BLUE JACKET, GRAY SWEATPANTS, BLACK LOAFERS | Booking No.: 6570214

Charge(s): 23152(a) CVC 23152(b) CVC | Citation No.: AD136291

TIME of Interview: 1331

* * * INITIAL OBSERVATIONS & PRE-S.F.S.T. INVESTIGATIVE QUESTIONS * * *

BREATH	SPEECH	EYES	ATTITUDE	COORDINATION	CLOTHING
[X] Strong	[ ] Incoherent	[X] Bloodshot	[ ] Belligerent	[ ] Staggering	[X] Disarranged
[ ] Moderate	[X] Slurred	[X] Watery/ Glassy	[ ] Combative	[ ] Swaying	[ ] Soiled
[ ] Weak	[ ] Mumbled	[ ] Droopy/ Sleepy	[ ] Argumentative	[X] Poor Dexterity	[ ] Orderly
[X] Alcoholic Bev.	[X] Slow/ Thick	[ ] Dilated	[X] Excited/ Calm	[X] Unsteady	[ ]
[ ] Marijuana	[ ] Loud/ Soft	[ ] Constricted	[ ] Uncooperative	[ ] Fair	OTHER
[ ] None	[ ] Rapid/ Talkative	[ ] Normal	[X] Cooperative	[ ] No Impairment	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

CORRECTIVE LENSES: [ ] Glasses [ ] Contacts [X] None

PUPIL SIZE: [X] Equal [ ] Unequal Size: 3.0

BLINDNESS: [X] None [ ] Left Eye [ ] Right Eye

EYE TRACKING: [X] Equal [ ] Unequal

Are you sick or injured? [ ] Yes [X] No Explain: (PREVIOUS HEAD INJURY)

Do you have any physical defects or injury? [X] Yes [ ] No Explain: BAD HIPS - BONE DIMINISHMENT

Are you diabetic or epileptic? [ ] Yes [X] No

Do you take insulin? [ ] Yes [X] No

Are you under the care of a Doctor / Dentist? [X] Yes [ ] No Name: PRIMARY CARE

Are you taking medication? Type: DID NOT SPECIFY [X] Yes [ ] No Amount: When:

Recent surgery performed? [ ] Yes [X] No

Do you wear dentures? [ ] Yes [X] No

Were you driving? [X] Yes [ ] No

Were you involved in a collision? [X] Yes [ ] No

Did you bump your head? [ ] Yes [X] No

Have you been drinking since the collision? [ ] Yes [X] No [ ] N/A

Where did you start driving? BRIDGEPORT

Where are you going? 7-11

Where are you now? VALENCIA BLVD

When did you last eat? HALF HOUR AGO

What did you eat? BANANA

When did you last sleep? 2200-0900 L.N

How long? 5HR

Are you tired? [ ] Yes [X] No

What have you been drinking / brand? —

How much /size? —

Time started? —

Time stopped? —

Where were you drinking? —

Do you feel the effects of the drinks? [ ] Yes [ ] No Explain: —

Have you taken any drugs / type? —

How much? —

Time last used? —

How often do you use? —

Do you feel the effects of the drugs? [ ] Yes [ ] No Explain: —

Do you have any vehicle defects? [X] Yes [ ] No Explain: VEHICLE DISABLED

Open container? [X] Yes [ ] No Type: PLASTIC VODKA BOTTLE (ALMOST EMPTY)

What time is it now? / Actual: 1320 / 1341

Veh was:	Year	Make	Model	Body Type	Color	By Deputy	Employee No.
[ ] Parked [ ] Released [X] Stored [ ] Impounded	2008	TOYT	TUNDRA	PK	BLK	WATERMAN, ROBERT	647475

License (No. & State): O1 CDL | V.I.N. / Frame No.: O1 Vehicle Info | Deputy: — | Employee No.: —

Registered Owner: THOMPSON TOMMY R | Station: SCT | Unit / Car No.: 6471 | Shift: PM

Identifying Characteristics: NONE OBSERVED | Approved: ELIZONDO | Employee No.: 515551 | Time: 3/19/23

C.H.P. 180 Submitted: [X] Yes [ ] No | Garage Name or Released to: FREEWAY TOWING | Assignment: SCT TRAFFIC | Vehicle & Property Released

Suspect / Subject Release Approved By | Time | Arrest Review Submitted: [ ] Yes [ ] No | Special Request Distribution

P. Dobrzanski

Date: 3-19-23

76S558B-SH-R-221-REV. 7 / 06

TRAFFIC

CONFIDENTIAL

Date	Time Rec'd	OBS	DET	CALL	URN (file No.)
03-17-2023	1300		TAG 125	☒	923-03738-0648-242

EVIDENCE: Yes ☐ No ☒ Marked, tagged, sealed & placed in Station evidence locker ☐ Blood ☐ Urine ☐ Inside ☐ Outside ☐ Narco ☐ Refrig. ☐ Currency ☐ Other ☐ Safe By – Ledger Page No. –

TIME 1344

* * * STANDARDIZED FIELD SOBRIETY TESTS * * *

	Right Eye	Left Eye
Horizontal Gaze Nystagmus*		
Lack of Smooth Pursuit	Y	Y
Maximum Deviation	Y	Y
Angle of Onset	Y	Y

Vertical Gaze Nystagmus present ? ☐ Yes ☒ No

Lack of Convergence — Right Eye / Left Eye

Test given by (Name & Employee No.): WATERMAN, R #647475

Test witnessed / translated by: –

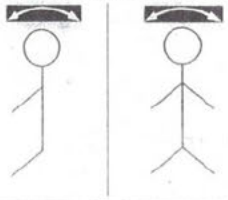
Type of surface: CONCRETE

Type of lighting: DAYLIGHT

Type of footwear: LOAFERS

Type of weather: CLEAR/SLIGHT WIND

ROMBERG BALANCE TEST



31 INTERNAL CLOCK Estimated as 30 Seconds

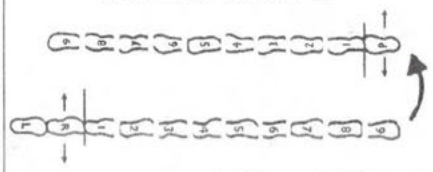
What did you count too? 30

How did to count?

☐ 1-1000, 2-1000 ☒ 1,2,3,etc ☐ Estimated ☐ Guessed

66 30J Heart Rate: 132 B.P.M Normal (60-90)

WALK AND TURN TEST*



1st Nine 2nd Nine

Stops Walking

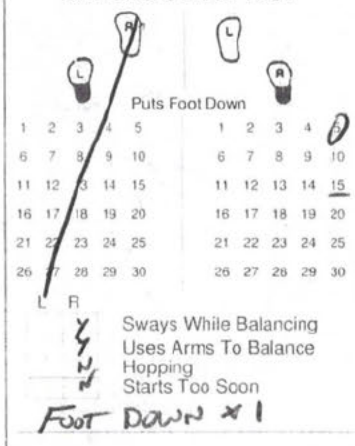
Raises Arms

Actual Steps Taken

☐ Cannot Keep Balance ☐ Starts too Soon

Describe Turn: SKIPPED

ONE LEG STAND TEST*



Y Sways While Balancing

Y Uses Arms To Balance

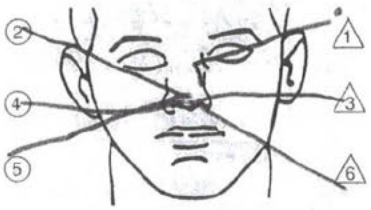
N Hopping

N Starts Too Soon

FOOT DOWN x 1

FINGER TO NOSE TEST

Right Index Left Index (draw line to spots touched)



N Starts Too Soon

N Opens Eyes

Y Does Not Return Hand To Side

N Uses Wrong Hand

N Eye Lid Tremors

MISSED TIP OF NOSE x3

USED PADX6

REMINDED x3

Preliminary Breath Test Advisement

☒ The subject has been under continuing observation of at least 15 minutes during which time the subject has not ingested any food or liquid, smoked, vomited, regurgitated, or burped.

☒ I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and if you are arrested, you will be required to give a sample of your blood, breath, or urine for the purpose of determining the actual alcoholic and/or drug content of your blood (23612 (i) CVC).

☐ You are under the age of 21 years. If you fail to give or complete a preliminary breath test as requested, your driving privilege will be suspended for a period of one year (23136 CVC) .

The above statement was read to the subject by: ☒ N/A ☐ Arresting Deputy ☐ Or _____ Emp #: _____

				1ST ATTEMPT	2ND ATTEMPT	3RD ATTEMPT		
Temp.	Start Time	Test Record #	PAS Zeroed ☐ Yes ☐ No	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	Sample Type ☐ Auto ☐ Manual	Results #1:
Temp.	Start Time	Test Record #	PAS Zeroed ☐ Yes ☐ No	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	Sample Type ☐ Auto ☐ Manual	Results #2:
Temp.	Start Time	Test Record #	PAS Zeroed ☐ Yes ☐ No	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	Sample Type ☐ Auto ☐ Manual	Results #3:

REFUSED

PAS Model:	PAS Serial #	PAS Manufactured by :	Deputy administering test : ☐ Arresting Deputy ☐ Or:	PAS Operating Properly? ☐ Yes ☐ No
–	–	–	–	

Time of Arrest:	Location of Arrest:	Arresting Deputy :
1320	NEWHALL RANCH RD / DICKSON DR	WATERMAN, R #647475

Implied Consent Law (23612 CVC)

You must submit to a blood test, urine, breath test, or urine & breath test per California Vehicle Code 23612. Failure to submit to, or the failure to complete, the required chemical testing will result in a fine, mandatory imprisonment if convicted of a 23152 or 23153, and the suspension of your privilege to operate a motor vehicle for one year. You do not have the right to an attorney present before starting, deciding, or refusal to a test. A refusal may be used against you in a court of law.

Breath Test Advisement (23614 CVC)

If you choose the breath test, the breath-testing equipment does not retain any sample of the breath and that no breath sample will be available after the test which could be analyzed later by any other persons or yourself. Because no breath sample is retained, and you have the opportunity to provide a blood sample that will be retained at no cost to you so that there will be something retained that may be subsequently analyzed for the alcoholic content of your blood. If you choose blood or urine, your sample may be tested by either party in any criminal prosecution.

The subject stated he/she understands, and wish to submit to a: ☐ Blood Test ☐ Urine Test (drugs only) ☐ Breath Test ☐ Refuses testing (Complete DS 367)

BASED ON THE ABOVE INFORMATION, I ARRESTED/DETAINED THOMPSON, TOMMY ON THE INDICATED CHARGE(S). HE/SHE WAS REQUESTED TO SUBMIT TO A CHEMICAL TEST OF HIS/HER BLOOD, BREATH, OR URINE, AND WAS ADVISED OF THE REQUIREMENTS OF 13353 C.V.C.

TEST: ☐ Blood ☒ Breath ☐ Urine ☐ Refusal ☐ DS 367 Completed	Location of Test	Name / Title of person giving test or taking sample	Intoximeter No.
	SANTA CLARITA STATION	WATERMAN, R #647475 / DEPUTY SHERIFF	300168

Results (if available)	Time (s)	Disposition of Sample	Sterilizing solution used
.08 / .09	1416/1419	RESULTS ATTACHED	☒ N/A

THE ABOVE LISTED PERSON WAS TRANSPORTED TO AND BOOKED AT SANTA CLARITA STATION ON THE INDICATED CHARGES WITH THE APPROVAL OF WATCH COMMANDER LT. MOLINA ☐ ADMIN-PER-SE FORM SUBMITTED

* National Highway Traffic Safety Administration Approved

This report is a summary of events that occurred.

On 03-17-2023, I responded to the intersection of Dickason Drive and Newhall Ranch Road in the City of Santa Clarita regarding a traffic collision call for service. The call stated there was a single vehicle vs pole collision at the location.

Prior to my arrival to the location, I heard Sergeant James Peterson #447537 (Unit 64) notify the main dispatch that he was on scene and detaining the driver. Sergeant Peterson then advised me via radio he had the driver detained and indicated the driver was possibly under the influence of an alcoholic beverage.

I arrived to the scene and observed Sergeant Peterson's patrol vehicle stopped behind a black Toyota Tundra which was stopped blocking the designated right turn lane for eastbound traffic just west of the intersection facing west.

I contacted Sergeant Peterson who told me the following:

Sergeant Peterson stated he arrived to the scene of the collision and observed the black Toyota Tundra stopped in the roadway. Sergeant Peterson stated he was notified by several "Southern California Edison" workers, who he stated were at the scene, that the driver was possibly under the influence. Sergeant Peterson stated he contacted the driver of the vehicle outside of the vehicle and detected the strong odor of an alcoholic beverage emitting from the driver's person. Sergeant Peterson stated he then detained the driver in the backseat of his patrol vehicle. Sergeant Peterson then informed me the driver had told him he was a Detective for the Los Angeles Police Department and had informed him his identification was in his wallet in the vehicle. Sergeant Peterson provided me with the driver's wallet.

I then contacted the driver (Suspect) in the back seat of Sergeant Peterson's patrol vehicle. The suspect stated he was a Detective for the Los Angeles Police Department. I handed the suspect his wallet and asked him to provide his department identification card. The suspect removed the identification card and provided it to me. I asked the suspect if he was armed. The suspect stated he did not have any firearms on his person, however, informed me there was a firearm underneath the backseat of the vehicle. While speaking to the suspect, I smelled the strong odor of an alcoholic beverage emitting from his breath and person. I also observed the suspect had bloodshot/watery eyes and appeared disheveled.

I called field Sergeant Cabrera #448045 to notify him of the incident and to inform him I would be conducting a driver under the influence investigation. Sergeant Cabrera later responded to the scene.

I again contacted the suspect in the back seat of Sergeant Peterson's patrol vehicle and requested him to exit the vehicle. The suspect began to exit the vehicle and stated he had bad knees. The suspect stated he would be unable to perform field sobriety tests and stated I could take him to jail and have him provide a breath sample. The suspect then exited the back seat of the patrol vehicle and I escorted him to my patrol vehicle and asked him how the collision had occurred. I observed the suspect appeared unsteady as he walked. The suspect stated his vehicle had lost power, become disabled, and had rolled uncontrollably to the location of the collision as he attempted to regain control of the vehicle. As I spoke to the suspect, I continued to smell the strong odor of an alcoholic beverage emitting from his person. I also observed he appeared off balance and was resting his hand on the side of my patrol vehicle. I asked the suspect how much he had to drink. The suspect stated he had not been drinking. I asked the suspect if he would participate in a field sobriety test. The suspect stated he would not participate in a field

sobriety test. I asked the suspect if he took any prescription medications. The suspect stated he took prescription medications and added none of his medications would impair him. Based on my observations of the suspect and the objective signs of impairment the suspect displayed, I formed the opinion the suspect had been operating a motor vehicle while under the influence of an alcoholic beverage (violation of 23152(a) CVC) and placed him under arrest. I then handcuffed the suspect and seated him in the back seat of my patrol vehicle.

Sergeant Peterson located the firearm the suspect informed me of underneath the back seat of the vehicle. Sergeant Peterson removed the firearm, which was in a case, from the vehicle and provided it to me. I took possession of the firearm and observed it was a Glock pistol with a serial O1 Personal Firearm. The firearm was registered to the suspect. I secured the firearm in my patrol vehicle.

I then advised the suspect of his Miranda Rights using my department issued SH-AD-477 card. The suspect stated he understood each right as I read them to him. I confirmed with the suspect he would not submit to a field sobriety test and that he would provide a breath sample. I also informed the suspect his vehicle would have to be towed, due to the fact it was disabled blocking traffic. The suspect then stated he would submit to a field sobriety test. The suspect stated concern over the testing due to a previous medical history of bad hips. I informed the suspect I would modify testing for him and the suspect agreed.

I began asking the suspect the Pre-S.F.S.T. Investigative Questions. See page one for the suspect's answers during the questionnaire. During the questionnaire, the suspect told he had been the driver of his registered vehicle. The suspect declined consuming any alcoholic beverages on today's date. The suspect also informed me he took prescription medications, however, did not specify which medications he was prescribed and added he had not taken any medications on today's date. As I spoke to the suspect, I continued to smell a strong odor of an alcoholic beverage emitting from his breath and person.

After asking the suspect the questions, I removed him from the back seat of my patrol vehicle, removed the handcuffs and advised him I was going to demonstrate and administer a series of Standardized Field Sobriety Tests. I then instructed the suspect to perform the test as instructed after he indicated he understood the instructions.

I began administering and demonstrating the Horizontal Gaze Nystagmus Test. I instructed the suspect to stand with his feet together (heels and toes touching) and follow the tip of my pencil with his eyes without moving his head. As I began the test, I was able to see the immediate onset of nystagmus. I also observed nystagmus at maximum deviation and nystagmus prior to 45 degrees. During the Lack of Convergence Test, the suspect's right eye did not converge.

During the Modified Romberg Test, I observed the suspect swaying slightly from side to side. The suspect estimated 31 seconds to be 30 seconds.

The suspect stated he was concerned with the Walk and Turn Test due to his bad hips. I asked the suspect if he would be willing to try the test. The suspect stated he would not be able to perform the test and I skipped the test for safety.

During the One Leg Stand Test the suspect was swaying from side to side. The suspect put his foot down once and held his right arm out away from his body.

During the Finger to Nose Test I observed the suspect use the pad of his finger instead of the tip of his finger on every attempt and missed the tip of his nose on four attempts. I also had to remind the suspect to return his hand to his side three times.

I then took the suspect's pulse via his left radial artery. I counted 66 beats in 30 seconds (132 beats per minute).

See page two for further regarding my observations and notes during the S.F.S.T.'s.

As per title 17, article 5, section 1219.3, I had the suspect under my continuous observation for at least fifteen minutes. During this time, the suspect had not ingested any alcoholic beverages or other fluids, vomited, eaten or smoked. I administered the preliminary breath test advisement and requested the suspect take a breath test utilizing a PAS device. The suspect refused to provide a breath sample on the PAS device.

Based on the above, coupled with my observations, I formed the opinion the suspect was operating a motor vehicle while under the influence of an alcoholic beverage (violation of 23152(a) CVC). I handcuffed him and escorted him to the back seat of my patrol vehicle.

The suspect was advised that he must submit to a blood test or breath test per 23612 CVC and a refusal per 13353 CVC would result in a suspension of the suspect's driving privilege to operate a motor vehicle for one year. The suspect stated he would submit to a breath test.

I then transported the suspect to the Santa Clarita Station Jail where he provided a breath sample on the "DataMaster" machine. The machine indicated the suspect had a BAC of 0.08% and 0.09% on two tests respectively. I attached the Breath Alcohol Analysis Report printed after the test to this report.

During the investigation, I formed the opinion the suspect had been operating a motor vehicle while under the influence of an alcoholic beverage with a BAC over .08% (violation of 23152(b) CVC). I additionally charged him for the violation.

After the breath test, I placed the suspect in a holding cell and began the booking procedure. The suspect notified me he had scraped his knees during the collision. The suspect pulled his pant legs up and I observed scrapes to both knees consistent with road rash. I then transported the suspect to Henry Mayo Newhall Hospital for medical clearance for booking. The suspect declined medical treatment for his legs and was cleared for booking by medical staff.

I then transported the suspect back to Santa Clarita Station jail where I booked him into custody for the above indicated charges.

After the arrest, I notified Watch Commander Lieutenant Molina, Luis #488343 of the incident. Lieutenant Molina notified the Los Angeles Police Department of the incident. Lieutenant Ryan Rabbett from the Los Angeles Police Department Central Bureau Homicide responded to the Santa Clarita Sheriff Station and took possession of the suspect's firearm.

A citation under #AD136291 was left with the jailer pending the suspect's release.

The vehicle the suspect was stored per 22651(H)(1) CVC. For further information regarding the disposition of the suspect's vehicle, refer to the CHP-180 form under the above indicated file number by Deputy Thomas Earley #625432.

For further information regarding the traffic collision. Refer to the CHP-555 collision report under the above indicated file number.

During my investigation, I was wearing my department issued body camera and the camera was activated. I uploaded the footage to evidence.com.

I reviewed my body worn camera footage prior to writing this report.

923-03738-0648-242



923-03738-0647-242

Los Angeles County Sheriff's Department

BREATH ALCOHOL ANALYSIS REPORT

Subject Name: TOMMY R THOMPSON
License #: O1 CDL
State:

Date of Birth: O1 PII
Sex: O1 PII

PRECAUTIONARY CHECKLIST

- ✓ The subject must be continuously observed for at least fifteen minutes prior to the collection of the breath sample, during which time the subject must not ingest alcoholic beverages or other fluids, regurgitate, vomit, eat or smoke.
- ✓ Begin test.
- ✓ Enter subject information.
- ✓ Enter operator information.
- ✓ Insert new mouthpiece into the breath tube.
- ✓ Request breath samples from the subject when the instrument displays "Please Blow."
- ✓ Remove mouthpiece.
- ✓ The report shall be retained by arresting agency.
- ✓ Print report. Report shall be signed for identification.

BREATH ALCOHOL ANALYSIS

DataMaster DMT #: 300168
Location: Santa Clarita STN

Date: 03/17/2023
Time: 14:14:27

Tests	Results (g/210L)	Time
Blank Test	0.00 %	14:16:01
Internal Standard	VERIFIED	14:16:07
Subject Breath Sample (1)	0.08 %	14:16:32
Blank Test	0.00 %	14:17:33
Standard Check	VERIFIED	14:17:46
Blank Test	0.00 %	14:18:58
Subject Breath Sample (1)	0.09 %	14:19:25
Blank Test	0.00 %	14:20:25

RESULTS

The two samples had a breath alcohol concentration of 0.08% and 0.09%, respectively.

OPERATOR COMMENTS

X

ROBERT P WATERMAN, 647475
LASD

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CRIME ANALYSIS SUPPLEMENTAL FORM -- SUSPECT / SUBJECT INFORMATION

URN 923-03738-0648-242

BY DEP GATERMAN, ROBERT EMPLOYEE # 647475

SUSPECT / SUBJECT # 1 NAME THOMPSON, TOMMY

SUSPECT / SUBJECT # ____ NAME ____

CLOTHING DESCRIPTION	
ITEM TYPE	DESCRIPTION
JACKET	BLUE JACKET
PANTS	GRAY SWEAT PANTS
SHOES	BLACK LOAFERS

ITEM TYPES
CAP / HAT
COAT / JACKET
DRESS / SKIRT
GLASSES
GLOVES
JEWELRY
PANTS
SHIRT / BLOUSE
SHOES
SHORTS
OTHER

CLOTHING DESCRIPTION	
ITEM TYPE	DESCRIPTION

L R UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES

SUSPECTED GANG MEMBER NAME OF GANG

L R UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES

SUSPECTED GANG MEMBER NAME OF GANG

HAIR LENGTH
- COLLAR
- LONG
- ✓ SHORT
- SHOULDER

HAIR TYPE
- BALD
- RECEDING
- ✓ THICK
- THINNING
- WIG

HAIR STYLE
- AFRO / NATURAL
- BRAIDED / DREDLOCKS
- BUSHY
- BUTCH
- COMBED BACK
- CURLERS
- CURLY
- FLAT TOP
- GREASY
- JHERI CURL
- MILITARY
- NETS
- PONY TAIL
- PROCESSED
- PUNK
- SHAVED
- ✓ STRAIGHT
- WAVY

COMPLEXION
- ACNE / POCKED
- ALBINO
- DARK
- FRECKLED
- ✓ LIGHT / FAIR
- MEDIUM
- PALE
- RUDDY
- SALLOW
- TANNED
- WEATHERED
- WRINKLED

FACIAL HAIR
- BEARD
- CLEAN SHAVEN
- FUZZ
- GOATEE
- LOWER LIP
- MOUSTACHE
- SIDE BURNS
- ✓ UNSHAVEN

TEETH
- BROKEN / CHIPPED
- BRACES
- BUCK
- ✓ CROOKED
- DECAYED
- FALSE
- GAP / SPACE
- GOLD CAP
- JEWELED
- MISSING
- NONE
- SILVER CAP
- STAINED

SPEECH
- ACCENT
- DISGUISE
- LISPS
- MUMBLES
- RAPID
- RASPY
- SLOW
- ✓ SLURRED
- STUTTER

HANDED
- LEFT
- ✓ RIGHT
- BOTH

WEAPON

FIREARM

Style:
- MULTIPLE
- BB / PELLET
- HANDGUN
- RIFLE
- SAWED-OFF
- SHOTGUN
- SIMULATED
- ZIP GUN

Action:
- DERRINGER
- FULLY AUTO
- PUMP
- REVOLVER
- SEMI AUTO
- SINGLE SHOT

Barrel Type:
- SINGLE BARREL
- DOUBLE BARREL
- THREE BARREL
- 4 OR MORE BARREL

Color / Finish:
- BLUE STEEL
- CHROME / NICKEL
- DULL BLACK
- RUSTED
- STAINLESS STEEL

Grip / Stock:
- ALTERED
- BONE / PEARL / IVORY
- COLLAPSES / FOLDS
- METAL / PLASTIC
- NO GRIP
- RUBBER / VINYL
- TAPED
- THUMB HOLE
- WOOD

GAUGE ____ / ____

CALIBER ____

KNIFE

Style:
- MULTIPLE
- BUCK
- BUTCHER / KITCHEN
- DIRK / DAGGER / STILETTO
- HUNTING / BOWIE
- SIMULATED
- SWITCHBLADE
- TOY

Blade:
- FIXED
- FOLDING

CHEMICAL
- CAUSTIC
- INFECTIOUS
- MACE
- PEPPER SPRAY
- SIMULATED
- TEAR GAS
- TOXIC

BLUNT INSTRUMENT
- BASEBALL BAT
- BILLY CLUB
- BRASS KNUCKLES
- BRICK / ROCK / BOTTLE
- CLUB / BLUDGEON
- HAMMER / TOOL
- NUNCHAKUS
- TIRE IRON

CUT / STAB
- BAYONET / SWORD
- BOTTLE / GLASS
- ICE PICK
- MACHETE
- RAZOR
- SCREWDRIVER
- THROWING STARS

EXPLOSIVE / INCENDIARY
- FIREWORKS
- MOLOTOV COCKTAIL

OTHER WEAPON
- BODILY FORCE
- LIGATURE
- SLING SHOT
- SYRINGE
- TASER / STUN GUN

RELATIONSHIP OF VICTIM TO SUSPECT:

V# ____ V# ____ ACQUAINTANCE
V# ____ V# ____ BABYSITTEE (PERSONS WATCHED / BABY)
V# ____ V# ____ BOYFRIEND / GIRLFRIEND
V# ____ V# ____ CHILD
V# ____ V# ____ CHILD OF BOYFRIEND OR GIRLFRIEND
V# ____ V# ____ COMMON - LAW SPOUSE
V# ____ V# ____ EMPLOYEE
V# ____ V# ____ EMPLOYER
V# ____ V# ____ EX - SPOUSE
V# ____ V# ____ FRIEND
V# ____ V# ____ GRANDCHILD
V# ____ V# ____ GRANDPARENT
V# ____ V# ____ HOMOSEXUAL RELATIONSHIP
V# ____ V# ____ IN - LAW
V# ____ V# ____ NEIGHBOR
V# ____ V# ____ OTHER FAMILY MEMBER
V# ____ V# ____ OTHERWISE KNOWN
V# ____ V# ____ PARENT
V# ____ V# ____ RELATIONSHIP UNKNOWN
V# ____ V# ____ SIBLING (BROTHER OR SISTER)
V# ____ V# ____ SPOUSE
V# ____ V# ____ STEPCHILD
V# ____ V# ____ STEPPARENT
V# ____ V# ____ STEPSIBLING (STEPBROTHER OR STEPSISTER)
V# ____ V# ____ VICTIM WAS OFFENDER

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CRIME ANALYSIS SUPPLEMENTAL FORM -- M. O. FACTORS

URN 923-03738-0648-242

AREA
- AIRPORT
- BEACH / OCEAN
- COMMERCIAL
- CONSTRUCTION SITE
- DESERT
- DRIVEWAY
- FREEWAY / HIGHWAY
- GOLF COURSE
- HARBOR
- INDUSTRIAL / WHOLESALE
- MOUNTAINS / FOOTHILLS
- PARK
- RESIDENTIAL
- RIVER
- RURAL / ISOLATED
- SCHOOL GROUNDS
- SHOPPING CENTER
- SIDEWALK
- STREET / ALLEY
- TRAIN RIGHT-OF-WAY / TRACKS
- VACANT LOT / OPEN FIELD
- WATER / LAKE

STRUCTURE: RESIDENTIAL
- APARTMENT
- CONDOMINIUM / TOWNHOUSE
- CONVALESCENT HOSPITAL
- DUPLEX
- MOBILE HOME
- SINGLE FAMILY
- VACANT
- VESSEL / BOAT

STRUCTURE: NON - RESIDENTIAL
- BANK / FINANCE
- BAR
- BUSINESS OFFICE
- CARGO CONTAINER
- CATERING TRUCK
- ENTERTAINMENT / RECREATION
- FAST FOOD
- GAS STATION
- HOSPITAL
- HOTEL / MOTEL
- INDUSTRIAL / MANUFACTURING / WAREHOUSE
- JAIL / PRISON
- JEWELRY / COIN / PAWN
- LIQUOR
- MARKET
- MINI MART
- NURSING FACILITY
- PARKING LOT / STRUCTURE
- PASSENGER STATION / PLATFORM (PAX)
- PHARMACY / MEDICAL / DENTAL
- PUBLIC BUILDING
- RELIGIOUS BUILDING
- RESTAURANT
- RETAIL GOODS
- RETAIL SERVICE / REPAIR
- SCHOOL
- STORAGE / RENTAL
- TRAIN - FREIGHT
- TRAIN - PASSENGER - LIGHT RAIL
- TRAIN - PASSENGER - HEAVY RAIL
- VACANT
- VEHICLE - COMMERCIAL
- VESSEL / BOAT
- VIDEO / MUSIC

TARGET: RESIDENTIAL
- ATTIC
- BEDROOM
- DINING ROOM
- GARAGE / PARKING AREA
- HALLWAY
- KITCHEN
- LAUNDRY ROOM
- LIVING / FAMILY ROOM
- MAIL BOX
- PATIO / PORCH
- SAFE / BOX
- STORAGE / SHED
- STABLES / TACK ROOM
- VEHICLE

TARGET: NON - RESIDENTIAL
- AUTOMATED TELLER
- CASH REGISTER / DRAWER
- CLASSROOM / SUPPLIES
- COIN OP MACHINE
- DISPLAY ITEMS
- OFFICE
- SAFE / BOX
- SNACK BAR
- STORAGE LOCKER
- VEHICLE
- VESSEL
- BICYCLIST
- CUSTOMER
- ELDERLY / SENIOR CITIZEN
- DISABLED PERSON
- OWNER / EMPLOYEE
- PEDESTRIAN
- HOMELESS
- VICTIM IN VEHICLE

POINT OF ENTRY / EXIT

IN	EX	
☐	☐	FRONT
☐	☐	REAR
☐	☐	SIDE
☐	☐	GROUND LEVEL
☐	☐	UPPER LEVEL
☐	☐	ADJACENT BUILDING
☐	☐	BASEMENT
☐	☐	DOOR / SCREEN
☐	☐	DUCT / VENT
☐	☐	FENCE / GATE
☐	☐	FIREPLACE
☐	☐	FLOOR
☐	☐	GARAGE
☐	☐	GLASS DOOR
☐	☐	HOUSE BEING FUMIGATED
☐	☐	LOUVRE
☐	☐	MAIL SLOT
☐	☐	PET DOOR
☐	☐	ROOF / SKYLIGHT
☐	☐	SLIDING GLASS DOOR
☐	☐	WALL
☐	☐	WINDOW / SCREEN

VEHICLE ENTRY / EXIT

IN	EX	
☐	☐	CAMPER / SHELL / MOTORHOME
☐	☐	CONVERTIBLE
☐	☐	DOOR
☐	☐	DRIVER SIDE
☐	☐	HOOD
☐	☐	PASSENGER SIDE
☐	☐	SUNROOF
☐	☐	TRUCK BED
☐	☐	TRUNK
☐	☐	WINDOW
☐	☐	WINDWING

METHOD OF ENTRY
- ☐ ATTEMPT ONLY
- ☐ BODILY FORCE
- ☐ CUT
- ☐ HID IN BUILDING
- ☐ KICKED
- ☐ KNOB TWIST
- ☐ LET IN / RUSE
- ☐ LOCK BOX
- ☐ LOCK CUT / BROKEN
- ☐ LOCK PUNCHED
- ☐ LOCK SLIP / KEY / PICK
- ☐ NO FORCE
- ☐ OPEN FOR BUSINESS
- ☐ OPEN / UNLOCKED
- ☐ PHONE
- ☐ PRIED
- ☐ REMOVED
- ☐ SMASHED
- ☐ TUNNELED
- ☐ UNBOLTED GATE

METHOD OF ENTRY: TOOLS USED
- BODILY FORCE
- BOLT CUTTER
- BRICK / ROCK
- CHANNEL LOCK / PLIERS
- CUTTING INSTRUMENT
- ELECTRONIC DEVICE
- GLASS CUTTER
- KEY
- PRY TOOL
- SAW / BURN / DRILL
- SLIDE HAMMER
- SLIP DEVICE
- VEHICLE

SECURITY SYSTEM
- NONE
- AUDIBLE ALARM
- CAMERA
- CRIME WATCH
- DOG
- FENCE / BARS
- GUARD SERVICE
- OPERATION ID
- OUTSIDE LIGHTING
- SECURITY SIGN / STICKER
- SILENT ALARM
- SPECIAL LOCKS / DEADBOLT
- WINDOW BARS

SUSPECT ACTIONS
- ATE / DRANK ON PREMISES
- CASED LOCATION
- COSTUME / DISGUISE WORN
- DEFECATED / URINATED
- DEMAND NOTE USED
- DEMANDED DRUGS / MONEY / ETC.
- DISABLED PHONE
- DISABLED POWER
- DISABLED SECURITY SYSTEM
- DISABLED VEHICLE
- EXCESSIVE FORCE
- FIRED WEAPON
- FONDLED SELF
- GRAFFITI
- HID IN BUILDING
- IGNITION PUNCHED
- JUMPED THE COUNTER
- KNEW LOCATION OF HIDDEN CASH
- MASK WORN
- MASTERBATED / EJACULATED
- PHOTOGRAPHED / VIDEOTAPED
- PILLOWCASE TAKEN / USED
- POLICE SCANNER USED
- RANSACKED
- RECORDED / LOGGED EVENTS
- RIPPED / CUT CLOTHING
- SELECTIVE PROPERTY TAKEN
- SMOKED
- TAKEOVER
- TOOK CONCEALABLES
- USED MULTIPLE WEAPONS
- VEHICLE USED TO REMOVE PROPERTY
- VANDALIZED
- VICTIM'S NAME USED
- VICTIM'S TOOLS USED
- WASHED CLOTHING / BEDDING
- WIPED SCENE AFTER CRIME

SUSPECT WAS / HAD:
- ☑ ALCOHOL ON BREATH
- ☐ ANGRY
- ☐ APOLOGETIC
- ☐ BAD BREATH
- ☐ BODY ODOR / UNUSUAL ODOR
- ☐ GANG - RELATED
- ☐ HOMELESS
- ☐ INTIMIDATED / COERCED
- ☐ NEVER SPOKE / QUIET
- ☐ POLITE / KIND
- ☐ PROFANITY
- ☐ QUOTES, UNUSUAL
- ☐ RAGE
- ☐ TRUST VIOLATION
- ☐ UNDER INFLUENCE

SUSPECT PRETENDED TO BE:
- BUSINESS PERSON
- CONVERSATION / BEFRIENDED
- CUSTOMER
- DELIVERY PERSON
- FAMILY MEMBER
- FIND MONEY
- HANDICAPPED
- HOMELESS
- LEND ASSISTANCE
- NEED ASSISTANCE OR EMERGENCY
- NEED TOILET / PHONE / WATER
- OFFERED GOODS / SERVICES
- POLICE / SECURITY
- POSITION OF TRUST
- REPAIR PERSON
- SALES PERSON
- SEEK EMPLOYMENT
- SOLICIT DONATIONS
- UTILITY EMPLOYEE

VICTIM WAS:
- ASKED TO POSE / MODEL
- BLINDFOLDED
- BOUND / GAGGED
- BURNED
- CUT / STABBED
- DISTRACTED
- DRUGGED / SEDATED
- EXPLOITED
- FACE COVERED
- FOLLOWED
- FONDLED
- FORCED TO DISROBE
- FORCED TO FONDLE SUSPECT
- FORCED TO LIE ON FLOOR
- FORCED TO MASTURBATE
- FORCED TO MOVE
- FORCED TO ORALLY COPULATE SUSPECT
- GANG RELATED
- HANDCUFFED
- HOMELESS
- INJURED / HIT
- LOCKED IN
- MADE TO COUNT
- PINCHED
- PISTOL WHIPPED
- SHOT
- SLAPPED
- THREATENED
- TORTURED / MUTILATED

BIAS - MOTIVATED INCIDENT:

RACIAL
- ANTI - WHITE
- ANTI - BLACK
- ANTI - AMERICAN INDIAN / ALASKAN NATIVE
- ANTI - ASIAN / PACIFIC ISLANDER
- ANTI - MULTIRACIAL GROUP

RELIGIOUS
- ANTI - JEWISH
- ANTI - CATHOLIC
- ANTI - PROTESTANT
- ANTI - ISLAMIC (MUSLIM)
- ANTI - OTHER RELIGION
- ANTI - MULTIRELIGIOUS GROUP
- ANTI - ATHEISM / AGNOSTICISM

ETHNICITY / NATIONAL ORIGIN
- ANTI - HISPANIC
- ANTI - OTHER ETHNICITY / NATIONAL ORIGIN

SEXUAL
- ANTI - MALE HOMOSEXUAL (GAY)
- ANTI - FEMALE HOMOSEXUAL (LESBIAN)
- ANTI - HOMOSEXUAL (GAYS & LESBIANS)
- ANTI - HETEROSEXUAL
- ANTI - BISEXUAL

GENDER
- ANTI - MALE
- ANTI - FEMALE
- ANTI - TRANSGENDER

DISABILITY
- ANTI - MENTAL DISABILITY
- ANTI - PHYSICAL DISABILITY

AGE 21 AND OLDER OFFICER'S STATEMENT

California Vehicle Code (CVC) §§13353, 13353.1, 13353.2 & 13389

A Public Service Agency

LAW ENFORCEMENT AGENCY CASE NUMBER: 923-03738-0647-242

DETENTION/ARREST DATE: 03-17-2023

FOR DMV USE ONLY

DRIVER NAME (LAST, FIRST, M.I.): THOMPSON, TOMMY R

O1 CDL

O1 Address

O1 PII

Arrest Type (For statistical purposes only. Check all that apply.)
- [x] Alcohol Use
- [ ] Cannabis Use
- [ ] Other Drug Use

LICENSE: [ ] Suspended/Revoked [x] Surrendered (*Attached*) [ ] Not in Possession [ ] Unlicensed

VIOLATION: [x] 0.08% or more BAC Chemical Test Results [ ] 0.01% or more BAC (*DUI Probation*) [ ] 0.04% or more BAC (*Commercial Vehicle*)
[ ] Chemical Test Refusal (*Complete Reverse*) [ ] PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

VEHICLE: License Number or VIN: O1 Veh Info
[ ] **Commercial Vehicle:** Vehicle requires a commercial driver license (CVC §15210). [ ] **Hazardous Materials:** Transporting materials requiring placards/markings (CVC §27903).

NARRATIVE: Describe in detail the facts, observations, and circumstances that led to the stop or contact with the driver in ***Narrative*** section on **Page 2** of this form.

Contact: On date: 03/17/23 at 1311 [ ] AM [x] PM in City/County SANTA CLARITA / LOS ANGELES CA, the above driver was contacted.

DRIVING: [ ] Driving observed by this officer **or** [ ] Driving observed by another observer (complete ***Observation/Arrest*** section on **Page 2**)
Admission of Driving: [x] Driver admitted to driving the vehicle **Collision:** [x] Driver involved in a collision

TIME: (If driving not observed by an officer.) What time did you stop driving **or** how long after driving/collision did you wait for law enforcement to arrive? **Driver Response:** 5 [ ] AM [ ] PM [ ] HR [x] MIN

ARREST OR DETENTION STATEMENT: I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the ***Observation/Arrest*** section on Page 2, on date 03/17/23 at 1320 [ ] AM [x] PM for violation of CVC §§23152, 23153, or 23154.

OBJECTIVE SYMPTOMS OF INTOXICATION: [x] Bloodshot/watery eyes [x] Odor of alcoholic beverage [x] Unsteady gait [x] Slurred speech [ ] PAS results (*complete below*)
[ ] Other: _____ Observed by, [x] This officer [ ] Another observer

PRELIMINARY ALCOHOL SCREENING TEST (PAS)

DUI Probation: Required. Non-DUI Probation: Optional. Always complete section if PAS results available.

Driver submitted to and completed a PAS test with the results of: REFUSED

Test 1 _____ % BAC on ___/___/___ (DATE) at _____ (TIME) [ ] AM [ ] PM Test 2 _____ % BAC on ___/___/___ (DATE) at _____ (TIME) [ ] AM [ ] PM

OFFICER CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that: **(1)** I obtained the above PAS test results in the regular course of my duties, **(2)** I used PAS Model (*Name/Number*) _____, Serial# _____, Manufactured by _____, **(3)** I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, **(4)** I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and **(5)** the device was functioning properly at the time of the test.

Date / / Signature X Badge/ID Number Agcy./Div

CHEMICAL TEST

Breath Test Results: Attach copy of the results, if available.

Test 1 .08 % BAC on 03/17/23 (DATE) at 1416 (TIME) [ ] AM [x] PM Test 2 .09 % BAC on 03/17/23 (DATE) at 1419 (TIME) [ ] AM [x] PM Test 3 _____ (WHEN APPLICABLE) % BAC on ___/___/___ (DATE) at _____ (TIME) [ ] AM [ ] PM

BREATH TEST MACHINE OPERATOR CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the *California Code of Regulations*.

Date 03/17/23 Signature X [signature] Badge/ID Number 647475 Agcy./Div LASD/SCT

BLOOD TEST RESULTS: Blood test on date: / / at [ ] AM [ ] PM

URINE TEST RESULTS: First void on date: / / at [ ] AM [ ] PM Test on date: / / at [ ] AM [ ] PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 03/17/23 in City SANTA CLARITA County LOS ANGELES

OFFICER'S PRINTED NAME	BADGE/ID NUMBER	TELEPHONE NUMBER
WATERMAN, ROBERT P.	647475	(661) 260-4000
AGENCY	**AREA**	**COURT CODE (IF UNKNOWN, COURT NAME)**
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT	SCT	NEWHALL

I [x] **did** [ ] **did not** personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 03/17/23 Signature of **Arresting** Officer X [signature]

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by **another Officer** have that officer complete this section.
I personally served a copy of the order to the driver on the date shown below:

Date / / Serving Officer's *Printed* Name Badge/ID Number Signature Of Serving Officer X

continued on reverse

DMV
A Public Service Agency

AGE 21 AND OLDER OFFICER'S STATEMENT

CVC §§13353, 13353.1, 13353.2 & 13389

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Page 2

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
923-03738-0413-242	03-17-2023	

DRIVER NAME (LAST, FIRST, M.I.): THOMPSON, TOMMY R

DRIVER LICENSE NUMBER: O1 CDL | COMMERCIAL? | STATE

MAILING ADDRESS: O1 Address | STATE | ZIP CODE

DATE OF BIRTH | SEX | HAIR | EYES | HEIGHT | WEIGHT: O1 PII

Arrest Type
For statistical purposes only.
Check all that apply.
- [x] Alcohol Use
- [ ] Cannabis Use
- [ ] Other Drug Use

LICENSE: [ ] Suspended/Revoked [x] Surrendered (*Attached*) [ ] Not in Possession [ ] Unlicensed

VIOLATION: [x] 0.08% or more BAC Chemical Test Results [ ] 0.01% or more BAC (*DUI Probation*) [ ] 0.04% or more BAC (*Commercial Vehicle*)
[ ] Chemical Test Refusal (*Complete Reverse*) [ ] PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

OBSERVATION/ARREST: If driving or collision was observed by someone other than the arresting officer, **or** if arrest was completed by another officer or person, input that person's information.

[ ] Driving or Collision observed by: [x] Arrest made by: [x] Officer [ ] Citizen	[ ] Driving or Collision observed by: [ ] Arrest made by: [ ] Officer [ ] Citizen
NAME (PLEASE PRINT): DEPUTY ROBERT P. WATERMAN	NAME (PLEASE PRINT):
ADDRESS: 2620 GOLDEN VALLEY RD SANTA CLARITA CA 91350	ADDRESS:
TELEPHONE NUMBER: (661)260-4000 / BADGE/ID NUMBER: 647475 / AGENCY/DIVISION: LASD/SCT	TELEPHONE NUMBER: ( ) / BADGE/ID NUMBER: / AGENCY/DIVISION:

NARRATIVE

Describe in detail the facts, observations, and circumstances that led to the stop or contact. Print or write directly on this page.
A portion of another report may be **cut and pasted** below but should be dated and contain an original signature.
Attach arrest, collision, and/or supplemental report(s) if available.
If arrest was made per CVC **§40300.5** state the facts and circumstances that support the arrest.
DUI Probation Violations: Indicate below how you determined the driver was on DUI probation.

THE SUSIECT WAS INVOLVED IN A SINGLE VEHICLE TRAFFIC COLLISION AFTER HIS VEHICLE WAS DISABLED. THE SUSPECT ADMITTED TO BEING THE DRIVER OF THE VEHICLE AT THE TIME OF THE COLLISION. UPON CONTACTING THE SUSPECT, I OBSERVED HE HAD BLOODSHOT/WATERY EYES, AND AN UNSTEADY GAIT. I ALSO DETECTED THE STRONG ODOR OF AN ALCOHOLIC BEVERAGE EMITTING FROM HIS BREATH AND PERSON. THE SUSPECT AGREED TO PARTICIPATE IN A SERIES OF STANDARDIZED FIELD SOBRIETY TESTS AND THE TESTS WERE ADMINISTERED. AT THE CONCLUSION OF THE TESTING I FORMED THE OPINION THE SUSPECT HAD BEEN OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE. HE WAS ARRESTED FOR THE VIOLATION.

[redacted]

continued on reverse

AGE 21 AND OLDER ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE

DMV — A Public Service Agency

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Page 3

Driver must be given a copy of this order. DMV telephone number (916) 657-0214.

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
923-03738-0417-242	03-17-2023	

DRIVER NAME (LAST, FIRST, M.I.): THOMPSON, TOMMY R

[redacted] O1 CDL

MAILING ADDRESS

[redacted] O1 Address

DATE OF BIRTH | SEX | HAIR | EYES | HEIGHT | WEIGHT

[redacted] O1 PII

Arrest Type
For statistical purposes only. Check all that apply.
- [x] Alcohol Use
- [ ] Cannabis Use
- [ ] Other Drug Use

LICENSE: [ ] Suspended/Revoked [x] Surrendered (*Attached*) [ ] Not in Possession [ ] Unlicensed

VIOLATION: [x] 0.08% or more BAC Chemical Test Results [ ] 0.01% or more BAC (*DUI Probation*) [ ] 0.04% or more BAC (*Commercial Vehicle*)
[ ] Chemical Test Refusal (*Complete Reverse*) [ ] PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

You are hereby notified that your privilege to operate a motor vehicle will be suspended or revoked effective 30 days from the issue date of this order as shown below, and until you pay a $125 reissue fee and file proof of financial responsibility as shown on the reverse.
For additional information call (916) 657-0214.

TEMPORARY DRIVER LICENSE

This document must be carried with you and shall serve as your temporary California driver license. It is subject to the same class(es) and all restrictions as your permanent driver license. **This temporary driver license does not provide you with any driving privileges if you do not have a California driver license or your license is expired, suspended, revoked, canceled, or denied.** It expires at midnight 30 days from the issue date of this order shown below.

This action is taken under authority of *California Vehicle Code* (CVC) §§13353, 13353.1, 13353.2 and 13389 because you were arrested or detained for driving under the influence of alcohol and/or drugs and:

BAC 0.01% PAS, Breath, Blood or Urine Test DUI Probation	You completed a PAS, breath, blood, or urine test and the officer believes the results will show 0.01% BAC or more. If the laboratory results show your BAC was less than 0.01%, this suspension will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.08% Breath, Blood, or Urine Test	You completed a breath test with 0.08% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.08% BAC or more. If the laboratory results show that your BAC is less than 0.08%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.04 % Breath, Blood or Urine Test while driving a Commercial Vehicle	You completed a breath test with 0.04% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.04% BAC or more. If the laboratory results show that your BAC is less than 0.04%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
Chemical Test Refusal	You refused to submit to, or failed to complete, a chemical test of the alcohol and/or drug content of your blood.

COMMERCIAL DISQUALIFICATION

A commercial disqualification action will be taken due to any of the following: if you refused a chemical test, if you had a 0.04% BAC or more while operating a commercial motor vehicle as defined in CVC §15210 or while transporting hazardous materials, or held a commercial driver license and were driving any vehicle when you had a 0.08% BAC or more.

HEARING INFORMATION

YOU HAVE 10 DAYS FROM RECEIPT OF THIS NOTICE TO REQUEST A HEARING TO SHOW THAT THE SUSPENSION OR REVOCATION IS NOT JUSTIFIED. ***The suspension or revocation will not be stayed (delayed) unless you request a hearing within 10 DAYS from the issue date of this order and DMV cannot provide a hearing before the effective date of the suspension or revocation and make a determination.*** Hearings are conducted only to determine questions of fact as described on the reverse. Your need for a license cannot be considered at a hearing. **If you want a hearing or have questions regarding this matter, contact the DMV at (916) 657-0214.** A telephone hearing will be conducted unless you request an in-person hearing. Before the hearing you may see or obtain copies of the department's evidence. ***You must request copies of the department's evidence at least 10 DAYS prior to the date set for commencement of the hearing in order to receive them prior to the hearing date.*** If you want the information released to someone else, give them signed permission. ***You have the right to have a sign or language interpreter present at your hearing. If you require the service of an interpreter, immediately notify DMV of the need for such service.*** ***During the hearing*** you may present oral testimony and/or other evidence. Testimony is taken under oath or affirmation, and the hearing is recorded. You may be represented by legal counsel, or you may represent yourself. The arresting officer(s) may be subpoenaed in this matter, if it is determined that his or her testimony is needed. If you wish to question the arresting officer(s), you have the right to have subpoenas issued on your behalf. You may subpoena any other witness(es) you feel may help your case, and you have the right to cross-examine any opposing witness(es). Blank subpoenas may be obtained on the internet at the following address ***http://www.dmv.ca.gov/portal/dmv/detail/forms/formsds*** or provided to you by the hearing officer upon request prior to the hearing. You are responsible for service of your subpoena(s) and any witness fee required by law. ***After the hearing,*** the hearing officer shall make findings and render a decision.

OFFICER'S PRINTED NAME	BADGE/ID NUMBER	TELEPHONE NUMBER
WATERMAN, ROBERT P	649475	(661) 260-4000
AGENCY	**AREA**	**COURT CODE (IF UNKNOWN, COURT NAME)**
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT	SCT	NEWHALL

I [x] did [ ] did not personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 03/17/23 Signature of Arresting Officer X

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by another Officer have that officer complete this section.
I personally served a copy of the order to the driver on the date shown below:

Date	Serving Officer's *Printed* Name	Badge/ID Number	Signature Of Serving Officer
/ /			X

HEARING ISSUES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation or lawfully arrested?
- Were you driving a motor vehicle when you had: **0.01% BAC** or more by weight of alcohol while on DUI probation; **0.04% BAC** or more by weight of alcohol while driving a commercial vehicle; or **0.08% BAC** or more by weight of alcohol?

Refusal to submit to or failure to complete a chemical test.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation, or lawfully arrested?
- Were you told that your driving privilege would be suspended, or revoked for one, two, or three years if you refused to submit to, or failed to complete a chemical test?
- Did you refuse or fail to complete a chemical test, or PAS test (DUI Probation), after being requested to do so by a peace officer?

APPEAL RIGHTS

Following the hearing decision, you may request a department review in writing within 15 days from the date on the bottom of the notice telling you the results of your hearing. The fee for the department review is $120. You may also appeal a DMV decision by filing a writ of mandamus at the superior court in your county of residence within 30 days from the date on the bottom of the notice telling you the results of your hearing.

PENALTIES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC. (CVC §§13353.2 and 13353.3)

- **First Offense** of driving with a BAC of 0.08% or more **or** 0.04% or more BAC in a commercial motor vehicle will result in a **4-month suspension**, or a **1-year suspension** if 0.01% or more BAC while on DUI probation.
- **Second or Subsequent Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **or** a BAC of 0.04% or more in a commercial motor vehicle at any age, or you refused a test, will result in a 1-year suspension.

Refusal to submit to or failure to complete a chemical test or a preliminary alcohol screening. (CVC §§13353 and 13353.1)

- **First Offense** will result in a **1-year suspension, or a 2-year revocation if on DUI probation.**
- **Second Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **or** a BAC of 0.04% or more in a commercial vehicle at any age, or you refused a test, will result in a **2-year revocation, or a 3-year revocation while on DUI probation**.
- **Three or More Offenses** within 10 years of any combination of the above violations, convictions or separate administrative determinations will result in a **3-year revocation**.

ADDITIONAL INFORMATION

An administrative review will automatically be conducted. You will be notified in writing only if the suspension or revocation is set aside. Before the suspension or revocation can be ended and a driver license issued or returned to you, a $125 reissue fee must be paid to DMV (CVC §14905), and you must file proof of financial responsibility by a California Insurance Proof Certificate (SR 22/1P), $35,000 cash deposit, or surety bond, or self insurer certificate (CVC §16430). You must maintain proof of financial responsibility for three years. If you drive while your driving privilege is suspended or revoked, you may be arrested and, if convicted, jailed and/or fined and your vehicle can be impounded or sold.

THE ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ACTION IS INDEPENDENT OF ANY COURT SANCTIONS.

continued on next page

FORWARD THIS DOCUMENT TO THE DMV WITHIN 5 BUSINESS DAYS OF THE ARREST.

Forward pages 1, 2 and 3 to your local Driver Safety Office.
The Driver Safety addresses and telephone numbers are listed below.
White—***DMV*** Yellow—***Law Enforcement*** Pink—***Driver***

DEPARTMENT OF MOTOR VEHICLES — DRIVER SAFETY OFFICES

LOCATION	TELEPHONE	FAX	ADDRESS
Bakersfield	(661) 833-2103	(661) 833-2102	5800 District Blvd., Ste. 100-B, 93313
City of Commerce	(323) 724-4000	(323) 724-9262	5801 E. Slauson Ave., 2nd Flr., Ste. 250, 90040
City of Orange	(714) 703-2511	(714) 703-2526	790 The City Dr., Ste. 420, 92868
Covina	(626) 974-7137	(626) 974-7118	1365 N. Grand Ave., Ste. 101, 91724
El Segundo	(310) 615-3500	(310) 615-3581/3582	390 N. Pacific Coast Hwy., Ste. 2075, 90245
Fresno	(559) 445-6399	(559) 445-6379	2510 S. East Avenue, Ste. 310, 93706
Oakland	(510) 563-8900	(510) 563-8950/8951	7677 Oakport St., Ste. 220, 94621
Oxnard	(805) 988-3050	(805) 988-1420	2051 N. Solar Dr., Ste. 125, 93036
Redding	(530) 224-4755	(530) 224-4737	2650 Churn Crk. Rd., Ste. 200, 96002
Sacramento	(916) 227-2970	(916) 227-0174/2901	4700 Broadway, 2nd Flr., 95820
San Bernardino	(909) 383-7413	(909) 383-7439	1845 Business Center Dr., Ste. 212, 92408
San Diego	(619) 220-5300	(619) 220-5418	1455 Frazee Rd., Ste. 400, 92108
San Francisco	(415) 557-1170	(415) 557-7375	1377 Fell Street, 2nd Flr., 94117
San Jose	(408) 229-7100	(408) 229-7128/7129	90 Great Oaks Blvd., Ste. 104, 95119
Santa Rosa	(707) 576-2710	(707) 543-7154	2570 Corby Ave., 95407
Stockton	(209) 948-7715	(209) 463-4858	710 N. American St., 95202
Van Nuys	(818) 376-4217	(818) 376-4215/4216	6150 Van Nuys Blvd., Ste. 205, 91401

continued on next page

CHEMICAL TEST ADMONITION

(CVC §§23154, 23612)

I admonished the driver on date: ____/____/____ at _____ ☐ AM ☐ PM

1. You are required by state law to submit to and complete a chemical test to determine the alcohol and/or drug content of your blood.
2. Because I believe you are under the influence of alcohol or a combination of alcohol and drugs, you have a choice of taking a breath or blood test. If you are on DUI Probation you are required to submit to a Preliminary Alcohol Screening Test.
3. Availability of Tests. (*Read only when applicable.*)
   - ☐ **When Applicable:** Since the breath and blood tests are unavailable; you are incapable of completing a breath or blood test; or you are afflicted with hemophilia or are using an anticoagulant medication, you are deemed to have given your consent to chemical testing of your urine.
   - ☐ **When Applicable:** Since you need medical treatment, your choice is limited to the (*check all available*) ☐ blood, ☐ breath, and/or ☐ urine test(s), the only test(s) available at _____.
4. If you refuse to submit to, or fail to complete a chemical test, your driving privilege **will** be administratively suspended for **one year** or administratively revoked for **two or three years** by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21; or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
5. Refusal or failure to complete a chemical test may be used against you in court.
6. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
7. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.
8. If you cannot, or state you cannot, complete the test you choose, you must submit to and complete a remaining test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Preliminary Alcohol Screening Test?** (*DUI Probation*) _____

☐ **Will you take a Breath Test?** _____

☐ **Will you take a Blood Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ PAS test unavailable ☐ Breath test unavailable ☐ Blood test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language (*specify*): _____

Admonition Read by a Different Officer: If the above Chemical Test Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY /DIVISION	TELEPHONE NUMBER
			( )

DRUG ADMONITION

1. Because I believe you are under the influence of drugs or a combination of drugs and alcohol, you are required by state law to submit to a blood, breath, or urine test. A urine test is available only if you are afflicted with hemophilia or are using an anticoagulant medication.
   - ☐ **When Applicable:** Because you have already submitted to or refused or failed to complete a breath test **or** a breath test is unavailable, your choice is limited to a blood test or a urine test, when applicable.
2. If you refuse to submit to, or fail to complete a chemical test, your driving privilege **will** be administratively suspended for **one year** or administratively revoked for **two or three years**, by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21, or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
3. Refusal or failure to complete a chemical test may be used against you in court.
4. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
5. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Blood Test?** _____

☐ **Will you take a Urine Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ Blood test unavailable ☐ Urine test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language (*specify*): _____

Admonition Read by a Different Officer: If the above Drug Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY/DIVISION	TELEPHONE NUMBER
			( )

continued on next page

LETTER OF TRANSMITTAL
CF NO. 23-000735
COMMANDING OFFICER'S ADJUDICATION

ADJUDICATION

Department Complaint

Complaint Investigation, CF No. 23-000735, resulted in 5 allegations of misconduct against one Department employee:

Detective I Tommy Thompson — Hollenbeck Area
Serial No. 33086[1]

The allegations are listed below with a recommendation for classification and supporting rationale.

ALLEGATION 1. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, was involved in a hit and run traffic collision while operating a Department vehicle.

ALLEGATION 2. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, operated a Department vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 3. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, failed to notify a supervisor prior to leaving city limits in a Department vehicle.

CLASSIFICATION

It is recommended that Allegations 1-3 be classified as **SUSTAINED.**

RATIONALE

The investigation revealed that on March 14, 2023 at approximately 1203 hours, Detective Thompson, while on-duty, was driving a city owned vehicle when he was involved in a traffic collision in the City of Santa Clarita (Stevenson Ranch). Pursuant to the collision, Thompson drove off the freeway to a gas station parking lot. While in the lot, Thompson was involved in a secondary/separate traffic collision.

[1] At the time this Complaint Investigation was initiated, Detective Thompson was a Detective II assigned to Operations-Central Bureau, Central Bureau Homicide.

The California Highway Patrol (CHP) responded and began an investigation into the collisions. During their interview with Thompson, the investigating officer recognized signs and symptoms that Thompson was under the influence of alcohol and/or drugs. Additionally, the investigation revealed Thompson had essentially fled the scene of the first collision. As a result, Thompson was arrested for 23152 (g) CVC, DUI (drugs and alcohol) and 20002(a)(1) CVC, (Misdemeanor) Hit and Run.

The CHP investigation revealed that Thompson drove away from the location of his traffic collision to a secondary location, failing to stop and provide his information.

Thompson admitted to consuming alcohol and taking prescription medication Ambien the evening prior to being arrested. Additionally, Thompson submitted to a breath test upon his arrest, which revealed a .03% Blood Alcohol Content (BAC).

Thompson admitted he left the city limits to retrieve his cellular phone from his residence. Thompson explained the lack of notification or seeking approval for being outside city limits was because only lived a few miles outside city.

Based upon a review of the related reports completed by the CHP and Thompson's statements, there is evidence to support the allegations did in fact occur, as stated. It is therefore recommended that Allegations 1-3 be classified as **SUSTAINED.**

ALLEGATION 4. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, operated his privately-owned vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 5. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, provided a false statement to an outside agency when Thompson stated he did not consume any alcoholic beverages prior to operating his personally-owned vehicle.

CLASSIFICATION

It is recommended that Allegations 4 and 5 be classified as **SUSTAINED.**

RATIONALE

On March 17, 2023, Thompson was involved in a traffic collision when he lost control of his privately-owned vehicle. Fortunately, there were no injuries as a result of the accident. This collision occurred while Thompson was assigned home due to his arrest for Driving Under the Influence (DUI) arrest just three days earlier. In this incident, the responding Los Angeles Sheriff's Department (LASD) Deputies conducted their investigation and observed Thompson to display objective symptoms of being under the influence of alcohol. This suspicion was confirmed upon Thompson's subsequent BAC results of 0.08 and 0.09 during the booking process.

In review of the Body Worn Camera (BWC) footage of the responding LASD Deputies and supervisor, Thompson's behavior, actions and conduct is questionable of being impaired. Based upon the traffic collision and DUI investigation, which was documented by Deputies, proved beyond any doubt Thompson was operating his personal vehicle while under the influence of alcohol.

Regarding Allegation No. 5, Thompson is depicted on BWC telling LASD Deputies that he had nothing to drink, when asked. Based upon their observations of Thompson, the Deputies formed the opinion Thompson had been drinking. Additionally, in his subsequent interview with Internal Affairs, Thompson admitted he had in fact consumed alcohol earlier in the day before driving his personal vehicle in celebration of Saint Patrick's Day.

Based upon the evidence presented in this case, inclusive of the LASD Deputies traffic and DUI investigation, the BAC test results and the BWC video footage related to Thompson's detention and arrest, it is recommended that Allegations 4-5 be classified as **SUSTAINED**.

ADMINISTRAIVE INSIGHT (Thompson, Tommy, Serial No. 33086)

DIGITAL IN-CAR VIDEO / BODY WORN VIDEO / AUDIO RECORDINGS

The digital recordings associated with this investigation, inclusive of the interviews of the accused employee and witnesses(s), were reviewed. Body Worn Video from the Los Angeles County Sheriff's Department and any other captured recordings related to this investigation were also reviewed.

EMPLOYEE DEVELOPMENT PLAN

Upon his first arrest for DUI, Thompson was directed to and met with both Behavioral Science Section (BSS) and the Department's Addiction Prevention Unit (APU). During his interview with Internal Affairs, Thompson took responsibility for his actions and demonstrated remorse for his arrests. Furthermore, Thompson admitted to having a substance abuse dependency and volunteered himself to be enrolled in a treatment center for his alcohol use.

Based on the totality of the investigation, Thompson is being directed to a Board of Rights with a recommendation for removal, therefore, there will be no further recommendation(s) for a development plan.

PENALTY

The Department's allegations against Detective Thompson are serious in nature. The investigation has proven Thompson was arrested twice for DUI, both incidents occurred while Thompson was on-duty. In both cases, Thompson was involved in traffic collisions, the cause for these collisions were (presumably) based on his impairment. Fortunately, there were no reported injuries in either instance. In his first arrest, Thompson was also charged with Misdemeanor Hit and Run by the CHP. Additionally, the investigation proved Thompson provided a false statement(s) during the investigation of his second DUI arrest when he told investigators he had nothing to drink.

Thompson's conduct and actions are cause for significant concern. Thompson's behavior is not commensurate of a tenured homicide Detective. His decision making, actions and conduct not only tarnishes Thompson's reputation as a Los Angeles Police Officer, but also reflects poorly on the Los Angeles Police Department.

It is recommended that Detective Thompson be directed to a Board of Rights with the proposed penalty of removal.

TRAINING ISSUES

This was an off-duty incident, so no training issues were noted.

WORKPLACE ISSUES

None

WORK/COMPLAINT HISTORY ANALYSIS

Detective Thompson's complaint history was reviewed via TEAMS II for any complaint patterns.

03-4780	Date: 10/13/2003	NOD	Actions Could be Different
03-4154	Date: 06/02/2003	PTC	Counseling
03-4428	Date: 11/15/2002	Unauthorized Tactics	Official Reprimand
02-2272	Date: 05/15/2002	Unbecoming Conduct	Other Judicial Review
00-1306	Date: 03/02/2000	NOD	Suspension (4 days)
00-0201	Date: 01/06/2000	Improper Remark	Not Resolved
99-3133	Date: 07/26/1999	Discourtesy	Not Resolved
98-4154	Date: 09/23/1998	Discourtesy	Not Resolved
98-1566	Date: 03/13/1998	Alcohol Related	Suspension (3 days)

DEMOTION/DOWNGRADE CONSIDERATIONS

On August 26, 2023, Thompson met with Lieutenant II Ryan Rabbett, Officer-in-Charge, Central Bureau Homicide, at which time was served with documents to downgrade him from the paygrade of Detective II to Detective I. Thompson was subsequently administratively transferred from Operations-Central Bureau to Hollenbeck Area.

RELIEF FROM DUTY CONSIDERATIONS

Thompson has been placed on Injured on Duty (IOD) status since July 2023. Relief from Duty will be considered once Thompson has been served with this investigation.

ACTIONS TAKEN

None

RECOMMENDATIONS

It is recommended that Thompson be directed to a Board of Rights.

RESPONSE TO COMPLAINANT

N/A. This was a Department generated complaint.

This letter of transmittal was written by:

RYAN RABBETT, Lieutenant
Officer-in-Charge, Central Bureau Homicide
Operations-Central Bureau

APPROVED BY:

MICHAEL A. OREB, Deputy Chief
Commanding Officer
Operations-Central Bureau

INTRADEPARTMENTAL CORRESPONDENCE

December 11, 2023
13.5

TO: Commanding Officer, Operations Central-Bureau

FROM: Commanding Officer, Internal Affairs Division

SUBJECT: SUPPLEMENTAL INVESTIGATION, CF NO. 23-000735

BACKGROUND

On March 14, 2023, Detective II Tommy Thompson, Serial No. 33086, Operations-Central Bureau (OCB) Homicide, was arrested by the California Highway Patrol for 20002 (a)(1) California Vehicle Code (CVC), Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence. Thompson was on-duty at the time of his arrest.

On March 17, 2023, Thompson, was arrested by the Los Angeles County Sheriff's Department for 20002 (a)(1) CVC, Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence. Thompson was on-duty at the time of his arrest.

SUMMARY

During the Adjudication process, Lieutenant II Ryan Rabbett, Serial No. 33690, Officer-In-Charge, OCB Homicide, identified concerns within the investigation and requested that Internal Affairs Division complete a Supplemental Investigation to address said concerns. The Investigating Officer for this supplemental investigation was, Sergeant II Akeyla Foster, Serial No. 40152, Internal Affairs Division, Complaint Investigation Section-Central. As a reminder, the statute date for this investigation remains, **March 14, 2024.**

CONCERN 1:

Inaccurate Serial No. for accused: The accused employee, Detective II Tommy Thompson has the incorrect Serial No. listed on the first page of the investigation (Line No. 7). The Serial No. reads "35791". Thompson's Serial No. is actually "33086".

RESPONSE:

The serial number was corrected as indicated in the concern: Thompson's Serial No. is, 33086.

CONCERN 2:

Inaccurate duty status on allegations: Thompson's duty status on Allegations Nos. 1, 2, 4 and 5 is listed as off-duty. Thompson's duty status on both March 14 and 17, 2023 was, "on-duty". On March 14, 2023, Thompson was on-duty when he was involved in the hit and run traffic collision and his driving under the influence arrest. Additionally, on March 17, 2023, Thompson's was on-duty, and had just completed his directed referral (telephonic) appointment with one of the Department's Behavioral Science Service Psychologist. Thompson was assigned home in the Deployment Planning System. Thompson was listed as "Special Detail" at the direction of Deputy Chief Michael Oreb, Serial No. 25109 Commanding Officer, OCB.

RESPONSE:

All allegations were reframed to reflect Thompson's accurate duty status as listed in the badge note, "On-Duty." The allegations were reframed as listed below:

ALLEGATION 1. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, was involved in a hit and run traffic collision while operating a Department vehicle.

ALLEGATION 2. The Department alleges that on May 14, 2023, Detective Thompson, while on-duty, operated a Department vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 4. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, operated his privately-owned vehicle while under the influence resulting in a traffic collision and his arrest.

ALLEGATION 5. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, provided a false statement to an outside law enforcement agency when Thompson stated that he did not consume any alcoholic beverages prior to operating his personally-owned vehicle.

KIRK KELLEY, Captain
Acting Commanding Officer
Internal Affairs Division

AGREEMENT REGARDING PROPOSED DISCIPLINE

This document represents an agreement between the City of Los Angeles, the Los Angeles Police Department and the Chief of Police Michel R. Moore (hereinafter collectively referred to as "the City") and Detective I Tommy Thompson, Serial No. 33086, a member of the Los Angeles Police Department (hereinafter referred to as "Thompson")

WHEREAS the City has conducted an investigation regarding alleged misconduct involving Thompson, which has resulted in personnel complaint, CF No. 23-000735 being brought against Thompson, and,

WHEREAS the parties desire to reach a settlement in the above-referenced disciplinary proceedings in lieu of further administrative or judicial adjudication of the charge, and,

WHEREAS the parties agree that this AGREEMENT REGARDING PROPOSED DISCIPLINE (AGREEMENT) is not an admission by either party to any unlawful or wrongful acts by themselves, their agents or representatives;

NOW THEREFORE, the City and Thompson, in consideration of the mutual covenants within, agree as follows:

1. The City shall amend personnel complaint, CF No. 23-000735 as follows:

Count One. On or about March 14, 2023, while on-duty, were involved in a hit and run traffic collision while operating a Department vehicle.

Count Two. On or about March 14, 2023, while on-duty, operated a Department vehicle, while under the influence of alcohol and prescription medication, resulting in your arrest.

Count Three. On or about March 17, 2023, while off-duty, operated your privately-owned vehicle, while under the influence of alcoholic beverages in your arrest.

Count Four. On or about March 17, 2023, while off-duty, provided an inaccurate statement to an outside agency when you stated that you did not consume any alcoholic beverages prior to operating your personally-owned vehicle.

The City will find said charge, Counts 1-4 to have been **SUSTAINED** against Thompson and will re-classify Counts 1-4 from **Sustained /Directed BOR** to a **disciplinary penalty of 22 Suspension Days** (working days), The penalty of 22 (working days) suspension will be served upon execution of this **AGREEMENT**.

I have read this page & agree with its terms & conditions: Initials: T.T. ***Date:*** 2/21/24

BY STEWART POWELL, WITH PERMISSION. SPW

2. By acceptance of the above charge and sustained and the penalty imposed, Thompson agrees that there is factual basis for said discipline. Thompson acknowledges that the charges sustained, and the discipline imposed will be reflected in his personnel record and TEAMS report.

3. Thompson by signing this AGREEMENT, acknowledges that he has been apprised of his due process rights and the procedures available to contest such action, and, that he hereby explicitly waives all rights and remedies available either under the Los Angeles City Charter or state law in order to effectuate this AGREEMENT.

4. Thompson understands and agrees that effective February 13, 2024, he was Relieved From Duty (RFD) pending a directed BOR hearing for a period of thirty (30) calendar days thereafter, he did not suffer any loss of compensation.

5. Thompson will not initiate or pursue any further legal remedy of whatever kind against the City or its employees, any claims against the City and its employees, any appeals or other administrative proceedings, nor seek any other remedies available under the Los Angeles City Charter, state or federal law arising from the facts and circumstances which gave rise to the investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT. Notwithstanding any language to the contrary herein, the parties expressly agree that Thompson shall retain all legal rights and remedies to which he is entitled as a matter of law in any Workers Compensation action or to receive such Workers Compensation benefits as are allowed by law resulting from the incident which gave rise to the investigation.

6. Thompson agrees to, and does, fully release, acquit, and forever discharge the City, and all present and former officers, employees and agents of the City from any liability for any and all claims arising out of or in connection with the facts and circumstances which gave rise to this investigation, the personnel complaint, and the proposed disciplinary action.

7. Thompson agrees and acknowledges that any or all of the documents described in this AGREEMENT (including this AGREEMENT) shall be entered into his "general" personnel file (as defined in Penal Code §832.5) or any other file used for personnel purposes, and that said documents can be construed as comments adverse to his interests. Therefore, Thompson understands and acknowledges that these documents will be part of his personnel record as comments adverse to his interests.

In addition, he understands that he holds certain due process rights under the Los Angeles City Charter, state and federal law and that both the Los Angeles City Charter and

I have read this page & agree with its terms & conditions: Initials: TT ***Date:*** 2/22/2024

state law provide specific due process procedures to be accorded an employee when such disciplinary actions are taken.

Thompson agrees to participate in the following terms and conditions (paragraphs 8, 9, 10, 11) as part of this Settlement Agreement and Rehabilitation Program:

For the period of (3) YEARS, while employed with the Los Angeles Police Department and after signing this AGREEMENT, Thompson agrees to:

8. Abstain from the use of all alcoholic beverages while employed by the Los Angeles Police Department.

9. While off-duty, do not enter any establishment whose primary business is selling alcoholic beverages.

10. While off-duty, do not purchase any alcoholic beverages.

11. Submit to a substance testing up to three times a month, on the request of a supervisor. The testing can include breath, blood or urine, as directed by a supervisor. If a breath test is given and the results indicate the presence of alcohol, Thompson agrees to immediately provide a blood or urine sample, as directed by a supervisor, to confirm results. Thompson further agrees to participate in these tests on both an on and off duty basis and will cooperate fully with Department Supervisor in the administration of any on or off duty test. Thompson's cooperation would include providing a breath sample to a supervisor who may respond to his residence. If that breath sample indicates the presence of alcohol, Thompson will be placed on-duty and accompany the supervisor to conduct further alcohol testing. Thompson's off-duty participation in the breath test process is part of his acceptance of this contract and will not be subject to compensation by the Department.

12. **Submit to unscheduled, unannounced, directed testing for controlled substances up to (5) five times a month, by a Department supervisor.** The testing may include blood or urine, and/or hair samples as directed by a supervisor. Thompson further agrees to participate in these tests on and off duty and will cooperate fully with Department supervisor in the administration of any on or off duty test. **However, nothing in the AGREEMENT shall be interpreted to interfere with Thompson's necessity to use prescribed medication as directed by his physician;** and complying with usage of prescribed medication at the prescribed levels and dosages indicated by his physician. Furthermore, Thompson shall refrain from operating a vehicle or heavy machinery when taking prescribed

medication with side effects that may cause drowsiness, and/or the ability to carefully operate a motor vehicle or machinery when using the prescribed medication as indicated.

13. Thompson understands and agrees that the consideration provided for this AGREEMENT is intended to release and discharge any and all claims or damages under the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621, et seq. Thompson represents that before signing this AGREEMENT, he has consulted with an attorney of his own choosing regarding the release of any such claims that he may have as a result of the alleged acts or omissions of the City and Thompson has been advised that he has twenty-one (21) days to consider this AGREEMENT and that he has seven (7) days after the date on which he signs this AGREEMENT within which to revoke it. Thompson knowingly and intentionally waives the twenty-one (21) day period for consideration of this AGREEMENT and the seven (7) day revocation period.

14. In consideration for the City doing the actions set forth herein and for the City's acting in compliance with the promises and representations set forth in this AGREEMENT, Thompson hereby releases and forever discharges the City, its past, present and future officers, directors, attorneys, agents, servants, representatives, and employees, and its past, present and future boards, commissions, departments, subsidiaries, affiliates, partners, predecessors, successors-in-interest and assigns, and all other persons, firms, or corporations, of and from any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, expenses, and compensation of any nature whatsoever, whether for compensatory, punitive or any other form of damages, which he now has, or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of or related to, any matters, acts or omissions arising out of, or related to, the claims which are the subject of this investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT, including, but not limited to, any and all known or unknown claims for bodily and personal injuries to Thompson, and the consequences thereof, which have resulted or may result from the alleged acts or omissions of the City. This release and discharge shall be a fully binding and complete settlement between the parties to this AGREEMENT and all parties represented by or claiming through such parties.

Thompson further understands and agrees that the actions taken, are intended to release and discharge any and all claims or damages which Thompson does not know or suspect to exist at the time of his execution of this AGREEMENT and Thompson hereby waives any rights under Section 1542 of the Civil Code of the State of California which reads as follows:

I have read this page & agree with its terms & conditions: Initials: TT ***Date:*** 2/22/2024

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

15. This AGREEMENT contains the entire AGREEMENT between Thompson and the City with regard to the matters set forth in it and shall be binding upon and inure to the benefit, jointly and severally, of Thompson and the City and the executors, administrators, personal representatives, heirs, successors and assigns of each. Any prior agreements, promises, negotiations or representations, whether written or oral, relating to the subject matter of this AGREEMENT which are not expressly set forth in this AGREEMENT are of no force or effect. Any amendment or modification of this AGREEMENT must be in writing and signed by both parties.

16. In entering into this AGREEMENT, each of the parties' represent that he has had the opportunity to seek the advice of his counsel of choice regarding the terms of this AGREEMENT, that those terms are fully understood and voluntarily accepted by each of the parties.

17. The parties agree that this AGREEMENT shall not be used as evidence in any future proceedings except in the event either party claims a breach of the AGREEMENT or desires to enforce the provisions of the AGREEMENT in litigation and/or administrative proceedings. In addition, the parties agree that this AGREEMENT shall not have precedential value in any other proceedings or for any other sworn employee employed by the City.

18. The parties also agree that this AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same AGREEMENT.

19. Should any provision of this AGREEMENT be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby and shall remain with full force and effect, and said illegal or invalid part, term, or provision shall be deemed not to be part of the AGREEMENT.

20. This AGREEMENT shall be effective on the date of execution by Thompson and the
Chief of Police and if those signatures are on different dates, the effective date of this

AGREEMENT shall be the latest of those dates.

21. Jurisdiction over any disputes arising from the AGREEMENT shall be in the Superior Court of the County of Los Angeles.

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I have read this page & agree with its terms & conditions: Initials: TT *Date:* 2/22/24

This AGREEMENT consists of seven pages.

I, THE UNDERSIGNED EMPLOYEE OF THE LOS ANGELES POLICE DEPARTMENT HAVE CAREFULLY READ AND CONSIDERED EACH PROVISION IN THIS AGREEMENT. IN ADDITION, I ACKNOWLEDGE THAT THE DEPARTMENT HAS ENCOURAGED ME TO CONSULT WITH LEGAL COUNSEL OF MY CHOICE AND I HAVE DONE SO. I HAVE ALSO CAREFULLY CONSIDERED BOTH THE ADVANTAGES AND DISADVANTAGES THE AGREEMENT WOULD GIVE ME. IN RECOGNITION OF THOSE ADVANTAGES, I HEREBY KNOWINGLY AND VOLUNTARILY WAIVE MY RIGHT TO AN ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW OF THE DEPARTMENT'S ADJUDICATION OF OR PENALTY FOR THE ALLEGED MISCONDUCT UNDERLYING THIS AGREEMENT.

Dated: 2/22/2024

TOMMY THOMPSON, DETECTIVE I
Los Angeles Police Department

Dated: 2.21-24

MICHEL R. MOORE, Chief of Police
Los Angeles Police Department

APPROVED AS TO FORM AND CONTENT:

Dated:

Stewart Powell, Attorney
Attorney for Thompson

Dated: 2/22/24

Representative for the City of Los Angeles

I have read this page & agree with its terms & conditions: Initials: TT ***Date:*** 2/22/2024

HOBK

LOS ANGELES POLICE DEPARTMENT
OFFICE OF THE CHIEF

BF No. 32171
CF No. 23-000735

IN THE MATTER OF
Tommy Thompson, # 33086

AMENDED
COMPLAINT AND RELIEF FROM DUTY
PROPOSED REMOVAL, SUSPENSION, OR DEMOTION

I, MICHEL R. MOORE, Chief of Police, complain against you, a member of the Los Angeles Police Department, and I hereby

☐ Direct you to a Board of Rights with the proposed penalty of removal from your employment with the Department. I also temporarily relieve you from duty as a Detective I, Code no. 2223-1 effective _____. This proposed removal and temporary relief from duty are made pending a hearing before and decision by a Board of Rights on the charge(s) set forth below. You shall not suffer a loss of compensation for thirty calendar days after the date on which you were served with the charge(s), except as provided for in subsection (q) of Charter Section 1070.

☐ Direct you to a Board of Rights with a proposed penalty of up to removal from your employment with the Department. I do not relieve you of duty pending the Board of Rights hearing. This directed action is made pending a hearing and decision by a Board of Rights for the charge(s) set forth below.

☒ Suspend you from your position as a Detective I, Code no. 2223-1 for a period of 22 working days with total loss of pay.

☐ Demote you from your position as a Detective I, Code no. 2223-1, to the position of _____, Code no. _____, effective _____.

This complaint and relief from duty, proposed removal, suspension, demotion, or suspension and demotion is made to promote the efficiency of the Los Angeles Police Department for the charge(s) set forth below:

Count 1 On or about March 14, 2023, you, while on-duty, were involved in a hit and run traffic collision while operating a Department vehicle.

Count 2 On or about March 14, 2023, you, while on-duty, operated a Department vehicle, while under the influence of alcohol and prescription medication, resulting in your arrest.

Count 3 On or about March 17, 2023, you, while off-duty, operated your privately-owned vehicle, while under the influence of alcoholic beverages resulting in your arrest.

Count 4 On or about March 17, 2023, you, while off-duty, provided an inaccurate statement to an outside agency when you stated that you did not consume any alcoholic beverages prior to operating your personally-owned vehicle.

I certify, under penalty of perjury, that the foregoing, to the best of my information, is true and correct.

Executed at Los Angeles, CA Date 2.21.24

Chief of Police

THE CHARTER OF THE CITY OF LOS ANGELES PROVIDES FOR A HEARING ON THESE CHARGES AND/OR APPEAL FROM THIS ACTION. SEE THE ATTACHED FORM 1.61.2 FOR SUCH PROVISIONS.

HOBK

LOS ANGELES POLICE DEPARTMENT
OFFICE OF THE CHIEF

BF No. 32171
CF No. 23-000735

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon Tommy Thompson, # 33086, at 1404 hours, on FEB 22 20 24

☑ By handing the Officer a copy thereof personally at 201. N. FIGUEROA ST LOS ANGELES 90012.

☐ By forwarding a copy thereof by mail addressed to the Officer at his/her last known address at _____ in accordance with the policy established for service by mail of a Complaint and Relief From Duty, Proposed Removal, Suspension, or Demotion, Form 1.61.0.

☐ By leaving a copy at _____, the last known address.

NOTE: Attach a copy of the Form 1.61.2 to the original Complaint and Relief From Duty, Proposed Removal, Suspension, or Demotion, Form 1.61.0; to the accused Officer's copy of Form 1.61; and to any copy of those forms forwarded to Personnel Division.

Member of the Los Angeles Police Department

DET II K 3584 MERRIN

BF No. 32171

REINSTATEMENT OF EMPLOYEE

In the matter of:

Tommy Thompson, Serial Number 33086, Hollenbeck Division, who was temporarily relieved from duty effective 2/13/24 pending a hearing before a Board of Rights.

I hereby request reinstatement in this matter pending the outcome of the Board of Rights hearing currently set for —.

Tommy Thompson — **Accused Officer** | 2/22/24 — **Date** | [signature] 35814 — **Witness**

On 2.21.24 the following decision was made:

✓ The employee is reinstated effective 2.21.24

___ The employee is to remain on Relief From Duty status.

MICHEL R. MOORE
Chief of Police

The following were notified of the above decision:

(Rank, Name - Employee's Division)	(Date/Time)	(Notified By)
CAPT I CELINA ROBLES HQBC	2/22/24 1015AM	MERRILL
STEWART POWELL (Defense Representative)	2/21/24 1411	MERRILL
(Other)	(Date/Time)	(Notified By)

original - IAD
copy to - Employee
Division of assignment
Defense Representative

DEPUTY MERRILL — (Distributed By) | 2/22/24 1410 — (Date/Time)

Aug 2018

FILED
Superior Court of California
County of Los Angeles

OCT 24 2023

David W. Slayton, Executive Officer/Clerk of Court
By: A. Miller, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **TOMMY RANDELL THOMPSON** **(DOB: O1 DOB)** Defendant(s).	**CASE NO. 3SC01776** ***MISDEMEANOR COMPLAINT***

130

The undersigned is informed and believes that:

COUNT 1

On or about March 14, 2023, in the County of Los Angeles, the crime of DRIVING UNDER THE COMBINED INFLUENCE OF ALCOHOL AND A DRUG, in violation of VEHICLE CODE SECTION 23152(g), a Misdemeanor, was committed by TOMMY RANDELL THOMPSON, who did drive a vehicle while under the combined influence of an alcoholic beverage and drug.

* * * * *

COUNT 2

On or about March 14, 2023, in the County of Los Angeles, the crime of HIT AND RUN DRIVING RESULTING IN PROPERTY DAMAGE, in violation of VEHICLE CODE SECTION 20002(a), a Misdemeanor, was committed by TOMMY RANDELL THOMPSON, who was driving a vehicle involved in an accident resulting in property damage and failed to immediately stop and either (1) locate and notify the owner or person in charge of the damaged property of his name and address and of the owner of the vehicle and present his driver's license and vehicle registration to the other driver, property owner or person in charge of that property; or (2) leave in a conspicuous place on the vehicle or property damaged a written notice giving his name and address and of the owner of the vehicle, along with a statement of the circumstances, and then notify law enforcement.

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1 if the defendant has suffered a prior felony conviction. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendant(s) TOMMY RANDELL THOMPSON for the above-listed crimes.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 2 COUNT(S).

Executed at VALENCIA, County of Los Angeles, on October 23, 2023.

#20527

G. BRUEMMER
DECLARANT AND COMPLAINANT

GEORGE GASCÓN, DISTRICT ATTORNEY BY: MARK HAN LEE, DEPUTY

AGENCY: CHP - NEWHALL STATION I/O: G. BRUEMMER ID NO.: 20527 PHONE : (661) 600-1620

DR NO.: F18754023 OPERATOR: BB

DEFENDANT	CII NO.	CITATION NO.	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
THOMPSON, TOMMY RANDELL	O1 PII	LC33064			11/13/2023

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 2 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 2

NEW3SC01776-01 **November 13, 2023**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Gary Micon, Judge
K. Olivarez, Judicial Assistant

Proceedings Electronically Recorded, Court Reporter

NATURE OF PROCEEDINGS: Arraignment

The following parties are present for the aforementioned proceeding:

Shea J. Sanna, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Arraignment.

The Defendant is arraigned.

Advisement of statutory and constitutional rights is waived.

Reading of the accusatory pleading is waived.

The Defendant pleads not guilty to Count 001, VC23152(g).
The Defendant pleads not guilty to Count 002, VC20002(a).

The Defendant denies any and all allegations.

The court orders as a condition of own recognizance defendant is ordered to attend at least 2 12-step meetings per week, not more then 1 per day.

On Defendant's motion, Pretrial Conference Day 0 of 45 is set for **Friday, January 19, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 2.**
The Defendant waives time.

Defendant Released on Own Recognizance.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 10/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 2

NEW3SC01776-01 **January 19, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Daviann L. Mitchell, Judge
L. Kunz, Judicial Assistant

Proceedings Electronically Recorded, Court Reporter

VC23152(g), VC20002(a)

NATURE OF PROCEEDINGS: Pretrial Conference

The following parties are present for the aforementioned proceeding:

Shea J. Sanna, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Pretrial Conference.

Defendant also appears on case 3SC00911-01.

Proof of alcohol program filed for O.R. condition filed.

On Defendant's motion, Pretrial Hearing day 34 of 45 is set for **Thursday, February 22, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 2.**

The Defendant is ordered to return on the above date.

Defendant Remains on Own Recognizance.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 10/10/24 By: _____, Deputy

A Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 2

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Daviann L. Mitchell, Judge
J. Grodell, Judicial Assistant

VC23152(g), VC20002(a)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

TOMMY RANDELL THOMPSON, Defendant
Shea J. Sanna, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The matter is called for Pretrial Hearing.

The Court and Counsel confer.

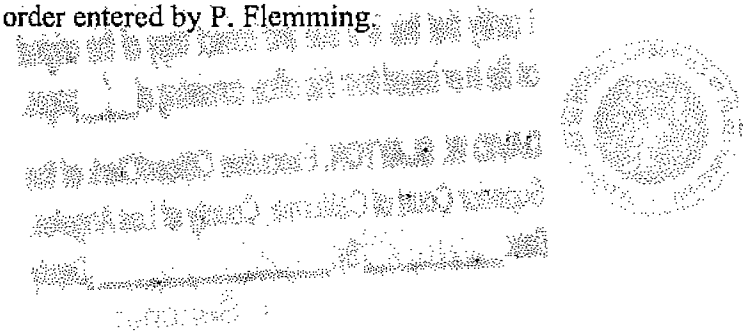
Affidavit of Prejudice pursuant to Code of Civil Procedure section 170.6 has been filed against Judge, Daviann L. Mitchell, by Defendant, TOMMY RANDELL THOMPSON.

The Court finds it is in proper format, and timely filed. By order of the Supervising Judge/Site Judge, the case is ordered reassigned and transferred forthwith to Judge, Michelle E. DeCasas.

On Court's motion, Pretrial Hearing is set for **Thursday, February 22, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 3.**, forthwith.

The matter is assigned to Judge Michelle E. DeCasas, in Department 003, for all purposes, including trial.

Minute order entered by P. Flemming.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 3

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Michelle E. DeCasas, Judge
P. Flemming, Judicial Assistant

Proceedings Electronically Recorded, Court Reporter

VC23152(g), VC20002(a)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

TOMMY RANDELL THOMPSON, Defendant
Nikki Respicio, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The matter is called for Pretrial Hearing.

The matter is called with case number 3SC00911-01.

On People's Motion, Complaint is amended by interlineation to add Count 003, a violation of VC23152(a), a Misdemeanor.

The Defendant is arraigned.

Advisement of statutory and constitutional rights is waived.

Reading of the accusatory pleading is waived.

The Defendant waives advisement of military rights pursuant to Penal Code section 858.

Defendant states true name as charged.

The Defendant is advised of, understands, and personally waives the following rights, the right against self incrimination, the right to confront and cross examine witnesses, the right to produce evidence and present a defense, and the right to a Trial by Court or Jury.

The Defendant is advised of the nature of charges, elements of the offenses, and possible defenses to such charges. The Defendant is advised of the possible consequences of a plea of guilty or nolo contendere, including maximum penalty and administrative sanctions and the possible legal effects and maximum penalties incident to subsequent convictions for the same or similar offenses.

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

The Defendant is advised that if not a United States citizen, a conviction of the offense charged will have the consequences of deportation, exclusion from admission or reentry to the United States, and denial of naturalization and amnesty. Defendant declines additional time to re-consider plea or to further discuss immigration consequences of plea.

The Defendant is advised of the effects of probation.

Counsel for the Defendant joins in the waiver and concurs in the plea.
The Court finds that each waiver is knowingly, understandingly, voluntarily, and explicitly made.
The Court finds there is a factual basis for the Defendant's plea.
The Court accepts the plea.

Written Advisement of Rights and Waivers is filed.

As to Count 003: VC23152(a), Misdemeanor, the Defendant enters a plea of Nolo Contendere with the approval of the Court. The Court finds the Defendant guilty.

Disposition as to Count 001, VC23152(g), Misdemeanor: Dismissed 1385 PC
Disposition as to Count 002, VC20002(a), Misdemeanor: Dismissed 1385 PC

Disposition as to Count 003, VC23152(a), Misdemeanor: Conviction After Plea

The Defendant admits 1 prior.

The Defendant waives time for sentencing.

The Defendant waives arraignment for judgment and states there is no legal cause why sentence should not be pronounced. The Court orders the following judgment:

SUPERVISION:

As to Count 003 VC23152(a), Misdemeanor: Imposition of Sentence Suspended
Defendant is placed on **Summary Probation** for a period of **60 Months** upon the following terms and conditions:

CONDITIONS OF SUPERVISION:

FIN01: Make restitution to the victim per Penal Code section 1202.4(f) in an amount to be determined at a hearing. Liability is admitted but amount disputed.

DUI22: Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer.
DUI15: Do not drive a motor vehicle without a valid driver's license in your possession or without liability insurance in at least the minimum amounts required by law.
FIN04: A probation revocation restitution fine in the same amount as the restitution fine is imposed, pursuant to Penal Code section 1202.44, payment is stayed until probation is revoked and sentence imposed.
PROB12: Obey all laws and orders of the Court.
PROB26: Defendant acknowledges that they understand and accept each term and condition of probation

Any mandatory and non-punitive fees or assessments ordered in this case are not conditions of supervision.

Unless otherwise specified, this order constitutes a single grant of supervision for multiple counts, and all terms and conditions imposed apply to all counts.

CONFINEMENT/FINE:

As to Count 003 VC23152(a), Misdemeanor:
The Defendant is ordered to serve 4 Days in Los Angeles County Jail. (Mandatory)
The Defendant is to pay a fine of $390.00 plus penalty assessments or in default thereof serve 3 additional days in County jail or perform 3 days of Community Labor or perform 26 hours of approved Community Service with credit of 2 days actual or $250.00 toward fine for jail time already served.
The Defendant may serve 3 Days in County Jail in lieu of the fine at the rate of $125.00 per day.

Defendant elects to pay the fine.

The Defendant is given total credit of 2 Days as follows:
2 Days Actual Custody Credit

Defendant to surrender at I.R.C. on March 22, 2024, by 12:00 p.m., Noon.

Commitment order issued.

PROGRAM(S):

- Enroll within 21 days from today or release from custody and successfully complete an approved 18 month(s) **licensed Driving Under the Influence program**

The 18-month Alcohol Program is to run concurrent with case number 3SC00911-01.

DRIVER'S LICENSE CONDITION(S):

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

At the time of the offense the Defendant was under the influence of alcohol, with a blood alcohol level of .03%.

The Defendant is advised and understands that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle, and is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. Defendant is further advised that if as a result of driving under the influence of alcohol or drugs, or both, and someone is killed, the Defendant can be charged with murder.

Ability to pay hearing is waived by Defense Counsel.

Proof of Surrender (set as a non-appearance) is set for **Monday, March 25, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 3.**

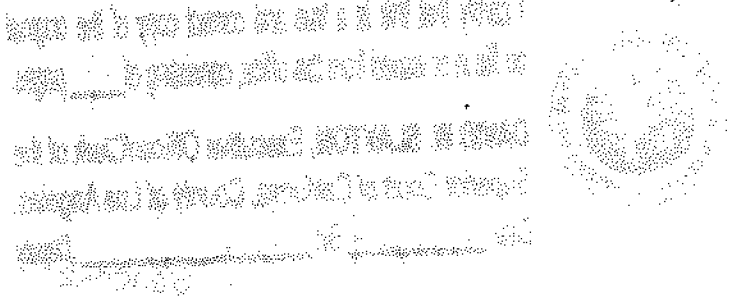
Restitution Hearing Setting and Proof of Enrollment in the Alcohol Program is set for **Friday, April 5, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 3.**

The Defendant is ordered to return on the above date.

Case total fines and/or fees in the amount of $878.00 are due on or before Monday, February 24, 2025.

Defendant On Probation.

Commitment order issued for Surrender to I.R.C. on March 22, 2024, by 12:00 p.m.





I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 4 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: A. Sanchez Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 3

NEW3SC01776-01 **March 25, 2024**

The People of the State of California **8:30 AM**

vs.

THOMPSON, TOMMY RANDELL

Honorable Michelle E. DeCasas, Judge
P. Flemming, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(g), VC20002(a), VC23152(a)

NATURE OF PROCEEDINGS: Proof of Completion of Surrender.

The following parties are present for the aforementioned proceeding:

Nikki Respicio, Deputy District Attorney

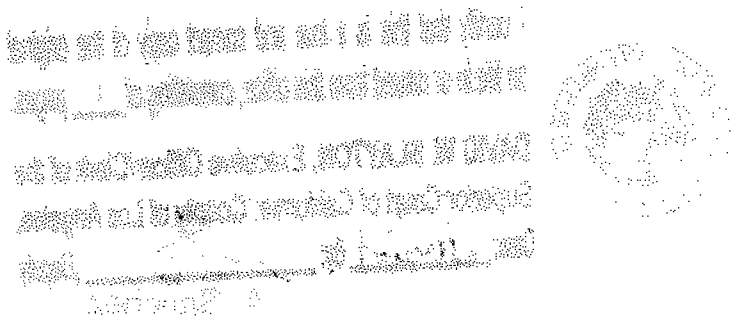
The Defendant is not present (non-appearance matter).

The matter is called for Proof of Completion.

Proof of Surrender is received. Booking number 6777500.

The next hearing date previously set for Restitution Hearing on April 5, 2024, remains on calendar in this department.

Defendant On Probation.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____ Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 3

NEW3SC01776-01 **April 5, 2024**

The People of the State of California **8:30 AM**

vs.

THOMPSON, TOMMY RANDELL

Honorable Michelle E. DeCasas, Judge
S. Torres, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(g), VC20002(a), VC23152(a)

NATURE OF PROCEEDINGS: Restitution Hearing

The following parties are present for the aforementioned proceeding:

TOMMY RANDELL THOMPSON, Defendant
Nikki Respicio, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The matter is called for Restitution Hearing.

On People's motion the restitution hearing set for today is taken off calendar without prejudice..

Proof of progress of 18 month alcohol program is received and filed this date.

Proof of payment in full of outstanding court fines/fees is received this date.

On Court's motion, Clerk's Office - Proof of Completion - 18 Month Alcohol Program is set for **Friday, August 29, 2025,** at **8:30 AM** in **Santa Clarita Clerk's Office.**

The Defendant is ordered to return on the above date.

Defendant On Probation.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA	Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles FEB 22 2024 David W. Slayton, Executive Officer/Clerk of Court By: P. Flemming, Deputy
COUNTY: COUNTY OF LOS ANGELES	
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT: Tony Thompson	
DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))	CASE NUMBER: 3SC01776 DEPARTMENT: 3

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS↓
1.	**23152(a)** – Driving under the influence of alcohol	1. TT
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2.
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6. TT
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13. ☐ Driving a vehicle when my BAC was at _____ percent or above.
☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle.

13.

14. **If applicable** – I understand that I am also charged with the following **other offense(s):**

20002(a) VC

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

14. TT

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

_____
LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

_____
CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself .....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt .....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me .....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination .....

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge .....

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.) .....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses .....
27. I give up my right to remain silent and to not incriminate myself .....
28. I give up my right to produce evidence and witnesses on my own behalf.....

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization .....

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30. II

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31. II

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32. II

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay.** I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33. II

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34. II

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed. If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153.	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38. TT

39. If applicable - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- 23103(a) V.C. | 1 year | $500 | $1,000 | 1 year
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.
  OTHER CONSEQUENCES: _____

- _____ | _____ | _____ | _____ | _____
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.
  OTHER CONSEQUENCES: _____

- _____ | _____ | _____ | _____ | _____
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.
  OTHER CONSEQUENCES: _____

- _____ | _____ | _____ | _____ | _____
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.
  OTHER CONSEQUENCES: _____

TT

39.

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40.

41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41.

42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42.

43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court.** If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43.

44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44.

45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45.

46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46.

47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47.

48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48.

49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49.

50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50.

51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51.

52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52.

PLEA(S)

53. I hereby freely and voluntarily plead No contest to:
GUILTY OR NO CONTEST

23152(A) 23103 (A) V.C. (Lwt)
LIST CHARGE(S)

53.

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☐ I drove a vehicle when my BAC was at _____ percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54.

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me.....

55.

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).....

56.

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.....

57.

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58.

DEFENDANT'S SIGNATURE: _____ **DATE:** 2/22/2024

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his ~~or her~~ constitutional rights.

_____ 2/22/24
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

☒JUDGE OF THE SUPERIOR COURT ☐TEMPORARY JUDGE OF THE SUPERIOR COURT	2/22/24 DATE

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 8 pages.
DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.
Date: 6/10/24 By: _____, Deputy
A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE

Defendant: THOMPSON, TOMMY RANDELL			Case No: 3SC01776
Date: 2/22/24	Dept.: 3	Prosecutor: SANNA	Defense: ROLLINS
Judge: DECASAS	Clerk: FLEMMING	Reporter: ER	Interpreter/Language:

As to Count 3, a violation of Vehicle Code § 23152(a) [ ] 23103 per 23103.5 [ ] 14601.__ [ ] 12500(a) [ ] _____ with __ admitted priors.

Arraignment For Judgment

Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] **Probation is denied.** Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $_____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] **Execution of the foregoing sentence is suspended, on the following terms and conditions.**

Conditional Sentence (PC §1203b/Order of Probation (PC §1203a)

Imposition of sentence is suspended (ISS) [ ] With supervision by county probation officer (formal probation)
For a period of 60 months upon the following terms and conditions:

1. **Serve 96 days/hours in the Los Angeles County jail,** [ ] consecutive [ ] concurrent with _____. Defendant to receive credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution.
   [ ] Time may be served on consecutive weekends of two days each, beginning _____. **(772)**
   [ ] Time may be served in any city jail having actual confinement, at defendant's expense. **(021)**
   [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). **(771)** [ ] Work furlough / early release not allowed.
   [ ] Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. **(002)** Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. **(013)** If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. **(013)**
   [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.
2. **Pay a fine of $ 390 plus penalty assessments or** in default thereof serve 3 additional days in County jail, consecutive or perform 3 days of Community Labor/_____ or perform 24 days/hours of approved Community Service with credit for 2 days actual or $250 toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $_____. **(124)** [ ] Defendant to report to Financial Evaluator to work out a payment plan.
   [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other time; credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor/_____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. **Make restitution to victim** _____ per PC §1202.4(f). **(048)** in an amount to be determined at a hearing. **(067)** [ ] *Harvey* waiver taken.
   [ ] in the stipulated sum of $_____ **(048)** [ ] per any final civil judgment against you. **(100)** Liability is admitted but amount is disputed.
5. **Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved:** Defendant's BAC: .03 %. [ ] **Refusal**
   [ ] 12 hour (SB 1176) [ ] 3 mo. (AB541)(**327**) [ ] 6 mo. (AB 762) [ ] 9 mo. (AB1353) 18 mo. (SB38)(**328**) [ ] 30 mo. alcohol education program.
   The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer.
6. [ ] Attend ____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of ____ times per week, IN ADDITION to those required as part of the alcohol education program. **(246)** Concurrent
7. **Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood,** or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. **(711)**
8. Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. **(374)**
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. **(300)** **Watson advisement given. (710)**
10. [ ] Enroll in and complete the [ ] Hospital and Morgue ("HAM") Program. **(471)** [ ] MADD Victim Impact Program **(472)** [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. **(249)**
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of ____ months ____ years. [ ] **"M" service given in open court. (283)** You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. **(263)**
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. **(248)** [ ] as ordered by the DMV
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. **(926)**
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. **(576)**
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594(a). **(703)**
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. **(474)**
20. **Pay all of the following (check all that apply):** PP2 WAIVED

A restitution fine of $ 150, per PC §1202.4(b) through (e). (098)	[ ] **An administrative screening fee of $25 per PC 1463.07/GC §29550(f) (released OR.)**
A court security fee of $40.00 per PC §1465.8(a)(1). (per count) (SA:CA)	[ ] **A citation processing fee of $10.00 per PC §1463.07 and GC §29550(f)** (If cited and released in field or at jail facility.)
A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a). (SA:CC)	[ ] An alcohol abuse education and prevention penalty assessment of $_____ ($50 max.) per VC §23645
A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $_____ ($100.00 max.) per VC §23649.
[ ] **A criminal fine surcharge of $_____ per Penal Code §1465.7 (20% of base fine). (SA:AB)**	[ ] A drug program fee of $150.00 (per drug count except §11357(b)) per H&S §11372.7(a).
[ ] **A criminal justice administration fee of $_____, payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost).**	[ ] A crime lab fee of $50.00 plus penalty assessment per H&S Code §11372.5. **(184)**
[ ] **Cost of probation services per PC 1203.1b,** [ ] as determined by the Probation Officer, subject to a hearing if requested [ ] in the amount of $_____ per month.	[ ]

21. [ ] _____
22. **Obey all laws** and orders of the Court **(541)** [ ] and rules and regulations of the Probation Department. **(542)**
    Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)
    [ ] Defendant ordered to pay attorney fees [ ] in the amount of $_____ [ ] in the amount determined by the Financial Evaluator.
    Counts/allegations CEM **are dismissed/stricken** on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] *Cruz* waiver taken:	3/22/24 @ IRC by 12pm	Restitution Hearing in Dept. 3 at 8:30 a.m.	4/5/24 @ 8:30
Pay fine/fees in full by: [ ] installments allowed	2/24/25 @ 0	POE/Proof of Completion of Alcohol Program:	4/5/24 @ 8:30
Complete jail/work/c-s by:	POS NA 3/25/24	Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: [redacted] Attorney for Defendant: [redacted]

Defendant's Address: _____

Defendant's Telephone: _____

Judge/Commissioner of the Superior Court

DISTRIBUTION: Pink - Court Copy; White - Defendant Copy



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

AGENDA ITEM REPORT

Title: POST2302971 - GABRIEL GAXIOLA (POST ID: B49-S96)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
01/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
Robert Bringolf	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department (LAPD) on October 26, 1998, as a full-time Police Officer. The Respondent was promoted to the rank of Sergeant on July 7, 2019. At the time of the incident before the POSAAB, he was assigned as a sergeant. The Respondent is currently employed with the LAPD as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The circumstances surrounding the incident occurred when Respondent was arrested off-duty for driving under the influence of alcohol on May 13, 2022. As an aggravating consideration, Respondent had been previously arrested for driving under the influence of alcohol on July 10, 2016, a case for which he received a misdemeanor conviction for 23152(b)VC and three years' informal probation.

ANALYSIS:

The Division found that clear and convincing evidence substantiated that Respondent's conduct amounted to acts that violate the law that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that

Respondent was arrested for violating the law on two occasions during his employment as a peace officer, more specifically, both arrests have occurred while Respondent held the rank of Sergeant.

Respondent received a misdemeanor conviction for a violation of section 23152(b)VC for the DUI on July 10, 2016.

On January 26, 2024, Respondent signed a Rehabilitation Agreement with the LAPD regarding the discipline for this second DUI, in which he agreed that he committed misconduct and would complete certain specified terms in rehabilitation. LAPD agreed to hold any discipline in abeyance pending Respondent's successful completion of these terms.

On February 9, 2024, Respondent pled no contest to (and was convicted of) one misdemeanor count of driving under the influence of alcohol with a blood-alcohol content of over 0.08% - a violation of California Vehicle Code Section 23152(b). During that same proceeding, Respondent admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court Case 16HM08811. The Court placed the Respondent on 60 months of probation and ordered him to install an Ignition Interlock Device on his vehicle as a condition of probation, serve 4 days in the "City Jail," complete an 18-month Driving Under the Influence program and attend 52 AA/NA meetings, and pay the assessed fines and fees.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR1_POST232971_Gaxiola_ISF.pdf
BR2_POST232971_Gaxiola_A_AdmiistrativeInsight.pdf
BR3_POST232971_Gaxiola_B_EDI Profile.pdf
BR4_POST232971_Gaxiola_C_Accident Report.pdf
BR5_POST232971_Gaxiola_D_Sobriety Test Report .pdf
BR6_POST232971_Gaxiola_E_Warrant Affidavit .pdf
BR7_POST232971_Gaxiola_F_LA Cnty Court Records.pdf
BR8_POST232971_Gaxiola_G_Rehab Agreement.pdf
BR9_POST232971_Gaxiola_H_Arrest Report.pdf

BR10_POST232971_Gaxiola_I_LAPD IA Report .pdf
BR11_232971_Gaxiola_Attachement J_LAB Reports .pdf
BR12_232971_Gaxiola_Attachment K_ OC Court Records_Redacted.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

****AMENDED 09/27/2024****

PEACE OFFICER NAME: Gabriel Mercado Gaxiola

POST ID NUMBER: B49-S96

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: 2302971

WRITTEN BY: LEC Robert Bringolf

DATE: 8/19/2024

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b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline 3

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d. Peace Officer Certification 4

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b. Does the alleged conduct violate Penal Code 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that Violate the Law? 9

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VII. Findings 10

I. Executive Summary

This case was submitted by the Los Angeles Police Department (LAPD) which alleged the subject officer, Sergeant Gabriel Mercado Gaxiola, hereinafter "Respondent", was arrested off-duty for driving under the influence of alcohol on May 13, 2022. As an aggravating consideration, Respondent has been previously arrested for driving under the influence of alcohol on July 10, 2016, a case for which he received a misdemeanor conviction for 23152(b)VC and three years' informal probation.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a sergeant with the Los Angeles Police Department. This position is a peace officer as defined under Penal Code section 830.1(a).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent's LAPD disciplinary record[1] shows the following previous discipline at the Los Angeles Police Department:

- CF No. 01-4443 – Unbecoming Conduct – Admonishment
- CF No. 03-1751 – Failure to Appear – Admonishment
- CF No. 04-1816 – Unbecoming Conduct – Official Reprimand
- CF No. 04-1441 – Discourtesy – Not Resolved
- CF No. 09-3836 – Discourtesy – Not Resolved
- CF No. 13-3352 – Discourtesy – Not Resolved
- CF No. 16-1876 – DUI Arrest in LAPD Vehicle – 22-day suspension

[1] "Attachment A" – 2022 Letter of Transmittal - Page 3

Respondent has been listed as the subject officer in one other serious misconduct allegations:

- POST-2200163 – Demonstrating Bias – Unfounded at Agency Level

c. Prior Employment History

Respondent was hired by the Los Angeles Police Department on 10/26/1998. Respondent promoted to Sergeant on 07/07/2019. There are no other promotions or demotions listed in Respondent's EDI Profile Report[2].

d. Peace Officer Certification

Respondent is assigned POST ID B49-S96. He received the following peace officer certificates from Peace Officer Standards and Training (POST):

- Basic #99416 (04/28/2000)
- Intermediate #70050 (11/15/2000)
- Advanced #100133 (02/28/2005)

e. The Present Allegations of Serious Misconduct

1. *Penal Code Section 13510.8(b)(6) and Commission Regulation 1205(a)(6) – Acts that Violate the Law*

Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included the review of LAPD's administrative investigation, which contained interviews of witness officers and the subject officer.

[2] "Attachment B" - Respondent's EDI Profile – downloaded from POST on 08/19/2024.

Information obtained was analyzed by clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that the Division finds establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

Second driving under the influence event – May 13, 2022:

On May 13, 2022, Respondent was off duty and driving his personal vehicle on State Route 110 in the area of the North Avenue 52 overpass. Respondent's vehicle collided with a stopped vehicle, which, in-turn, collided with another vehicle that had been stopped in the number 3 lane of traffic.[3] Respondent immediately contacted emergency services, which resulted in the California Highway Patrol (CHP) responding to the scene. The CHP officer observed Respondent had red, watery eyes, an odor of alcoholic beverages emitting from his breath and person, had an unsteady gait while walking around the traffic scene, and had slurred and delayed speech. Also, when one of the officers asked for his insurance card, Respondent handed him his debit card.

A CHP officer conducted a standardized Field Sobriety Test and determined Respondent had been driving while under the influence of alcohol. Respondent was arrested for Driving Under the Influence in violation of section 23152(a)VC[4].

[3] "Attachment C" - 2022 CHP Collision Report Page 1
[4] "Attachment D" - 2022 CHP Arrest Report Pages 4 through 11

Respondent refused to submit to a chemical test, at which time a search warrant was sought for a sample of Respondent's blood. The warrant was granted and executed on May 14, 2022 at 0122 hours (approximately five hours after the accident occurred).[5] Respondent was arrested for violation of section 23152(b)VC.

On May 17, 2022, a laboratory report showed that analysis of the blood sample from Respondent resulted in an average of 0.155% Blood Alcohol Concentration (BAC).[6] The legal limit is 0.08% BAC. An LAPD Subject Matter Expert later calculated that an average male of Respondent's build would have had an approximate BAC of .23% five hours prior to the collection of a .155% sample.[7]

As an aggravating factor, Respondent was found to be carrying a handgun in his waistband at the time of his arrest, while he was driving while intoxicated.[8]

On February 9, 2024, Respondent pled no contest to (and was convicted of) one misdemeanor count of driving under the influence of alcohol with a blood-alcohol content of over 0.08% - a violation of California Vehicle Code Section 23152(b).[9] During that same proceeding, Respondent admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court Case 16HM08811, from January 25, 2017.

[5] "Attachment E" - 2022 Search Warrant for Respondent's blood.
[6] "Attachment J" - Lab report DR# 22-99-13551
[7] "Attachment I" - 2022 IA Report #CF 22-001392, Pg. 2.
[8] "Attachment D" - 2022 CHP Arrest Report - Page 7, Line 29.
[9] "Attachment F" - Court Records from LA County Superior Court (Municipal Division) – Case # LAM2MN02194-01

On February 9, 2024, Respondent was placed on summary probation for a period of 60 months. The conditions of that probation are that Respondent not operate a motor vehicle with any measurable amount of alcohol in his blood, do not drive a motor vehicle without a valid driver's license in his possession or without liability insurance in the minimum amounts required by law, comply if ordered by Department of Motor Vehicles to install an Ignition Interlock Device as a condition of probation, make restitution to the victim per Penal Code Section 1202.4(f) in an amount determined at the hearing, pay a probation revocation restitution fine pursuant to Penal Code Section 1202.44, which may be enforced in the manner provided for the enforcement of money judgment, in the amount of $150.00, obey all laws and orders of the court. Respondent was also ordered to serve four (4) days in "City Jail" as a condition of his probation and to pay a fine of $500.00 plus penalty assessments, and enroll within 21 days from the date of his court hearing or his release from custody, and successfully complete an approved, licensed, 18-month Driving Under the Influence program, as well as enroll in and complete a MADD Victim Impact Program, and attend 52 Alcoholics/Narcotics Anonymous meetings (at a rate of two per week).

In addition to his court proceedings, on January 26, 2024, Respondent signed a Rehabilitation Agreement with the Los Angeles Police Department in relation to this second DUI case. In that agreement, Respondent admitted he engaged in misconduct that warranted discipline and agreed he understood the Board of Rights was agreeing to hold his discipline in abeyance until he completed the terms of his Rehabilitation agreement.[10]

[10] "Attachment G" - Rehabilitation Agreement from LAPD BOR.

First DUI Event

(Considered pursuant to California Code of Regulations, Title 11, Section 1213).

On July 10, 2016, around 0207 hours, Respondent was off duty in the city of Laguna Beach, CA driving his assigned police vehicle. Respondent had been assigned to the SWAT team at the time of this event and had taken his city vehicle to a wedding in Huntington Beach, CA. At the wedding, Respondent had consumed mixed drinks but did not know how many. After leaving the wedding in his city vehicle, Respondent was stopped for a traffic violation by an on-duty Laguna Beach Police Officer.

During the traffic stop Respondent displayed objective signs of alcohol intoxication and was given a horizontal gaze nystagmus test and was arrested for violation of section 23152(a)VC, driving under the influence – a misdemeanor. After his arrest Respondent refused to submit to a preliminary alcohol screening test but did submit to a blood test. Respondent was found to have a blood alcohol content (BAC) of 0.202%

To further aggravate this situation, Respondent's city-owned vehicle had to be towed to Laguna Beach Police Department and secured in their sally port as the vehicle contained department-issued equipment and weapons. While the vehicle was being secured officers located an open bottle of beer in the front passenger compartment.[11]

Respondent ultimately received a 22-day suspension without pay[12] for the 2016 DUI arrest. In 2017, Respondent received a misdemeanor conviction for violation of section 23152(b)VC – the charge of 23152(a)VC was dismissed[13]. Respondent received three

[11] "Attachment H" - Laguna Beach Police Department Arrest Report – Case# 16-02672
[12] "Attachment A" - 2022 Letter of Transmittal - Page 3
[13] Orange County Court Documents, Case # 16HM08811

years of informal probation, a $140.00 fine, a mandated six-month first offenders' program, and victim impact counseling.

V. Analysis and Findings

a. Establishing Jurisdiction

The Commission on POST may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022, if the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.[14] Respondent signed a Board of Rights Rehabilitation Agreement on 01/26/2024.

b. Does the alleged conduct violate Penal Code 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that Violate the Law?

Respondent has been arrested for violating the law on two occasions during his employment as a peace officer, more specifically, both arrests have occurred while Respondent has held the rank of Sergeant. While a repeated violation of the law alone may not always rise to the level of serious misconduct, it is the nature of these arrests and the aggravating factors that lead the Division to find clear and convincing evidence exists to prove Respondent has been involved in serious misconduct as described in Penal Code 13510.8(b)(6) and California Regulation 1205(a)(6).

The public has a right to expect high moral and ethical standards from the police. Respondent's wanton disregard for public safety on more than one occasion merits decertification. Further, the public has the right to be policed by individuals who are held to a higher standard. Respondent's actions and arrests do not meet this standard.

Respondent's blood alcohol concentration at each arrest was remarkably high. Expert opinion indicated that at the time of Respondent's recent accident, his blood alcohol content was likely around 0.23% - over three times the legal limit. Evidence from

[14] California Penal Code 13510.8(g)(1)(B) – Not attached.

Respondent's previous arrest for driving under the influence of alcohol showed his blood alcohol at the time of the sample was .202/.200%

For his part in these arrests and incidents, Respondent put numerous lives in jeopardy on at least two occasions - once in a city vehicle filled with his SWAT gear and weapons, and once in his personal vehicle while armed off-duty. The latter of the two resulted in a vehicle accident which caused damage to Respondent's vehicle and two additional vehicles. For these reasons I find the repeat offenses particularly egregious.

VI. Supporting Evidence and Documentation

Attachment "A" – 2022 Letter of Transmittal - Page 3

Attachment "B" – Respondent's EDI Profile – downloaded from POST on 08/19/2024

Attachment "C" – 2022 CHP Collision Report Page 1

Attachment "D" – 2022 CHP Arrest Report Pages 4 through 11

Attachment "E" – 2022 Search Warrant (and return) for Respondent's blood

Attachment "F" – Court Records from LA County Superior Court (Municipal Division) – Case # LAM2MN02194-01

Attachment "G – Rehabilitation Agreement from LAPD BOR.

Attachment "H" – Laguna Beach Police Department Arrest Report – Case# 16-02672

Attachment "I" – LAPD 2022 IA report # CF 22-001397, Page 2

Attachment "J" – LAPD Forensic Lab report DR# 22-99-13551

Attachment "K" – Court Records from Orange County Superior Court – Case #16HM08811

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation of Respondent's POST certification.

ADMINISTRATIVE INSIGHT FOR SERGEANT GAXIOLA

Employee Development Plan

Captain Alex Baez, Serial No. 26623, Newton Area, Commanding Officer, conducted an employee interview with Gaxiola. Gaxiola was reminded of the Department's expectations of it's personnel pertaining alcohol consumption. His development plan will consist of his continuance of attending both AA (Alcoholics Anonymous) and Behavior Science Service (BSS) to help in his recovery.

Penalty

After a complete review of the investigation and Gaxiola's work and complaint history it is recommended that he be ordered to a **BOARD OF RIGHTS (BOR)**. Gaxiola has a previous incident of Driving Under the Influence where he received a 22-Days Suspension. In accordance with the Department's Penalty Guide, a BOR is appropriate in this matter.

Work History Analysis

Sergeant I Joseph Scida, Serial No. 36457, Newton Area Complaint Unit, reviewed the Gaxiola's TEAMS II report. Gaxiola has been with the Department since October 26, 1998 and has been assigned to Newton Area since August 30, 2020. He currently has four sustained complaints.

CF No. 16-001876. Date of Incident: July 10, 2016. Alcohol Related-Driving While Impaired. **Sustained/22-Days Suspension.**

CF No. 04-1816. Date of Incident: April 19, 2004. Department alleges that Gaxiola inappropriately transported a citizen and submitted an in accurate Daily Field Activity Report (DFAR). **Sustained/Official Reprimand.**

CF No. 03-1751. Date of Incident: May 12, 2003. Failure to Appear. **Sustained/Admonishment.**

CF No. 01-4443. Date of Incident: September 9, 2001. CP alleged Gaxiola damaged their door when he knocked on it **Sustained/Admonishment** and failed to provide a business card upon request. **Not Resolved.**

CF No. 13-003352. Date of Incident: December 6, 2013. Unbecoming Conduct and Discourtesy. CP alleged that Gaxiola stated, "Like I give a shit" and dropped CP's phone, causing damage. **Not Resolved.**

CF No. 09-003863. Date of Incident: September 20, 2009. CP alleged Gaxiola stated, "Turn the fucking music down and step out of the fucking car" and "You're an ass hole foreman." **Not Resolved.**

POST PROFILE NAME:

GAXIOLA, GABRIEL MERCADO

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 08/19/2024

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
B49-S96	LOS ANGELES PD	[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
99416	B	04/28/2000		53.00		
70050	I	11/15/2000	BA			[redacted]
100133	A	02/28/2005	BA			[redacted]

Total Number of Certificates: 3

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
10/26/1998	07/07/2019	7	PO	10/26/1998	19420	LOS ANGELES PD	F	P	
10/26/1998			SGT	07/07/2019	19420	LOS ANGELES PD	F	P	

*Reason for Separation: 7 = Promotion/Demotion

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
09/23/1995	K	1850-20680-95-026	8		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
12/12/1995	A	1850-00110-94-001	737	X	Y	19420	LAPD		BASIC COURSE-EXTENDED
04/27/1997	K	1850-29900-96-574	4		Y	19420	LAPD		S&K-BLOODBORNE PATHOGENS
09/14/1997	K	1850-20990-97-011	40	X	Y	19420	LAPD		ARREST & CONTROL TECH - BASIC
09/14/1997	K	1850-20990-97-014	40	X	Y	19420	LAPD		ARREST & CONTROL TECH - BASIC
12/21/1998	K	4890-23272-98-168	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
05/14/1999	A	1850-00100-98-005	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
06/07/1999	K	1850-20680-98-229	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
09/08/1999	K	1850-23761-99-023	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
05/17/2000	K	1850-29900-99-570	8		Y	19420	LAPD		S&K-OFCER RAPID DEPLOYMENT
05/18/2000	K	1850-29900-99-663	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
10/23/2000	K	1850-29900-00-209	8		Y	19420	LAPD		S&K-#181
12/15/2000	K	1850-23820-00-004	40		Y	19420	LAPD		BICYCLE PATROL
02/14/2001	K	1850-29900-00-317	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
03/09/2001	K	1850-21460-00-004	40	X	Y	19420	LAPD		FIREARMS/HANDGUN INSTR. (HITS)
05/21/2001	K	1850-32095-00-021	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/01/2001	K	1850-22405-01-019	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
11/06/2001	K	1850-21025-01-034	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
02/14/2002	K	1850-22405-01-109	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
03/07/2002	K	1850-32075-01-043	40		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
03/14/2002	K	1850-31801-01-001	40		Y	19420	LAPD		FIREARMS/LONG RIFLE INSTRUCTOR
04/24/2002	K	1850-22680-01-003	8		Y	19420	LAPD		RISK MANAGEMENT-PROACT
05/22/2002	K	1850-32075-01-053	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
08/08/2002	K	1850-22405-02-004	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
08/14/2002	K	1850-32075-02-006	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/17/2002	K	1850-29900-02-063	8		Y	19420	LAPD		S&K-MANAGING WRK ENVIRO #248
11/12/2002	K	1850-32075-02-017	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
11/13/2002	K	1850-22405-02-022	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
01/21/2003	K	1850-29900-02-218	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
02/26/2003	K	1850-32075-02-036	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/01/2003	K	1850-29900-02-450	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
08/12/2003	K	1850-32075-03-004	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
09/16/2003	K	4890-23284-03-050	6		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/06/2003	K	1850-29900-03-042	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
10/16/2003	K	1850-31810-03-095	16		Y	19420	LAPD		FIREARMS/SEMI-AUTO PISTOL
11/11/2003	K	1850-32075-03-016	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
03/10/2004	K	1850-32075-03-026	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
03/16/2004	K	1850-21025-03-061	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
05/25/2004	K	1850-32075-03-048	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
08/03/2004	K	1850-32075-04-002	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
08/31/2004	K	1850-23161-04-008	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
02/10/2005	K	1850-32075-04-021	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
02/23/2005	K	1850-23761-04-007	4		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/23/2005	K	1850-24180-04-006	5		Y	19420	LAPD		RAPID DEPLOY.1ST RESPONDER
06/16/2005	K	1850-23161-04-024	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
10/07/2005	K	1850-20875-05-001	40	R	Y	19420	LAPD		ARREST/CONTROL TECH INSTR #1
10/14/2005	K	1850-20885-05-001	40	R	Y	19420	LAPD		ARREST/CONTROL TECH INSTR #2
11/14/2005	K	1850-31767-05-038	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/15/2006	K	1850-32095-05-003	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
02/15/2006	K	1850-29900-05-101	4	R	Y	19420	LAPD		S&K-#116 FIREARMS COMBAT TRG
02/21/2006	K	1850-29900-05-080	4	R	Y	19420	LAPD		S&K-#208 NARCOTICS DYN ENTRY
05/10/2006	K	1850-32075-05-025	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
07/14/2006	K	8470-28000-06-001	25	X	Y	19420	CGIA		TRAINING CONFERENCE
10/25/2006	K	1850-32693-06-035	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
04/20/2007	K	1850-31725-06-006	40		Y	19420	LAPD		FIELD TRAINING OFFICER
05/17/2007	K	1850-32075-06-048	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
06/25/2007	K	1850-20662-06-025	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
06/28/2007	K	1850-29502-06-317	4	X	Y	19420	LAPD	*	DRIVING(PSP)
06/28/2007	K	1850-21124-06-120	4	R	Y	19420	LAPD	*	FOOT PURSUITS
08/15/2007	K	1850-32075-07-012	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
09/04/2007	K	1850-21752-07-006	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
10/26/2007	K	1850-29000-07-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
10/26/2007	K	1850-21065-07-045	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
12/11/2008	K	1850-31713-08-008	8	X	Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 2
01/18/2009	K	1850-31789-08-096	8	X	Y	19420	LAPD		WMD UPDATE
03/04/2009	K	1850-21647-08-069	8		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
04/25/2009	K	1850-23002-08-001	120	X	Y	19420	LAPD	*	SPECIAL OPERATIONS
06/03/2009	K	1850-21647-08-081	8		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
09/02/2009	K	1850-23090-09-011	2	X	Y	19420	LAPD		ELECTRONIC WEAPONS
10/28/2009	K	1850-21752-09-003	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/30/2009	K	1850-21647-09-075	8		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/17/2010	K	1850-21647-09-063	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/20/2010	K	1850-21647-09-064	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/24/2010	K	1850-31789-09-099	8	X	Y	19420	LAPD		WMD UPDATE
03/01/2010	K	1850-32078-09-001	10	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
03/10/2010	K	1850-21647-09-077	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/29/2010	K	1850-31714-09-027	8	X	Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 3
04/26/2010	K	1850-32078-09-019	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
04/29/2010	K	1850-21752-09-002	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
04/29/2010	K	1850-29000-09-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
06/22/2010	K	1850-20147-09-049	10		Y	19420	LAPD		MACTAC BASIC
06/23/2010	K	1850-29502-09-165	4	X	Y	19420	LAPD	*	DRIVING(PSP)
06/23/2010	K	1850-21124-09-092	4		Y	19420	LAPD	*	FOOT PURSUITS
09/13/2010	K	1850-32095-10-008	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
09/13/2010	K	1850-29000-10-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
11/11/2010	K	1850-31712-10-011	8		Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 1
09/08/2011	K	1850-31713-11-004	8	X	Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 2
01/10/2012	K	1850-32078-11-022	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/01/2012	K	1850-32095-12-096	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/17/2012	K	1850-21752-12-015	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
11/19/2012	K	1850-31789-12-061	8	X	Y	19420	LAPD		WMD UPDATE
02/22/2013	K	1850-21705-12-014	40	X	Y	19420	LAPD		ACADEMY INSTRUCTOR CERTIFICATION COURSE (AICC)
03/06/2013	K	1850-32078-12-078	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
05/16/2013	K	1850-31715-12-003	24	X	Y	19420	LAPD		FIELD TRAINING OFFICER UPDATE
06/25/2013	K	1850-31809-12-007	30		Y	19420	LAPD	*	FIREARMS SEMI-AUTO PISTOL 1911
10/16/2013	K	1850-21647-13-037	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
11/13/2013	K	1850-21647-13-047	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/05/2013	K	1850-21752-13-004	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/12/2013	K	1850-21647-13-058	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/18/2013	K	1850-31789-13-115	8	X	Y	19420	LAPD		WMD UPDATE
01/08/2014	K	1850-32095-13-052	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
01/08/2014	K	1850-32085-13-002	4		Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
01/22/2014	K	1850-20147-13-021	10		Y	19420	LAPD		MACTAC BASIC
02/11/2014	K	1850-20167-13-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
03/18/2014	K	1850-32078-13-131	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
04/02/2014	K	1850-21647-13-101	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
04/30/2014	K	1850-21647-13-114	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/28/2014	K	1850-21647-13-131	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
06/12/2014	K	1850-21775-13-003	16	X	Y	19420	LAPD		FIRST AID FOR FIRST RESPONDERS-INTERMEDIATE
06/25/2014	K	1850-29000-13-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
06/25/2014	K	1850-21647-13-117	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
07/30/2014	K	1850-21647-14-012	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
08/27/2014	K	1850-21647-14-027	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
10/15/2014	K	1850-21647-14-059	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
11/12/2014	K	1850-21647-14-065	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/22/2014	K	1850-21647-14-069	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/13/2015	K	1850-20773-14-001	40	R	Y	19420	LAPD	*	CRISIS NEGOTIATION
04/21/2015	K	1850-21647-14-119	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/19/2015	K	1850-21647-14-093	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
06/04/2015	K	1850-23000-14-001	80	R	Y	19420	LAPD	*	SPECIAL WEAPONS & TACTICS
08/05/2015	K	1850-21647-15-011	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
08/19/2015	K	9180-25554-15-050	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)

POST PROFILE NAME:

GAXIOLA, GABRIEL MERCADO

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 08/19/2024

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
09/08/2015	K	1850-21647-15-004	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
10/07/2015	K	1850-21647-15-032	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/01/2015	K	1850-21647-15-053	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/16/2016	K	1850-29503-15-108	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2016	K	1850-29502-16-086	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/07/2017	K	1850-21185-16-103	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
08/18/2017	D	1850-00400-17-002	80		Y	19420	LAPD		SUPERVISORY COURSE
09/12/2017	K	1850-29303-17-041	4	X	Y	19420	LAPD		BELOW 100
09/12/2017	K	1850-20268-17-040	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
02/28/2018	K	1850-21647-17-091	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/27/2018	K	1850-29502-17-093	4	X	Y	19420	LAPD	*	DRIVING(PSP)
09/11/2018	K	1850-29503-18-044	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
09/12/2018	K	1850-21647-18-024	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
10/02/2018	K	1850-30985-18-002	8	X	Y	19420	LAPD		LESS LETHAL WEAPON INSTR.
10/10/2018	K	1850-21647-18-044	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
11/07/2018	K	1850-21647-18-054	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/03/2018	K	9180-25586-18-156	8	X	Y	19420	POST		FIRST AID/CPR/AED (WEB)
12/05/2018	K	1850-21647-18-069	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/02/2019	K	1850-21647-18-075	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/24/2019	K	1850-21647-18-068	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/25/2019	K	1850-21647-18-090	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/27/2019	K	1850-21647-18-099	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
04/24/2019	K	1850-21647-18-113	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/22/2019	K	1850-21647-18-121	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/04/2020	K	1850-21025-19-019	10		Y	19420	LAPD	*	ARREST/CONTROL TECHN UPD
08/24/2020	K	1850-20799-20-030	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
05/26/2021	K	1850-23216-20-005	8	X	Y	19420	LAPD		GANG INTERVENTION, INTRO
10/01/2021	K	1850-23090-21-240	4	X	Y	19420	LAPD		ELECTRONIC WEAPONS
10/26/2021	K	1850-21647-21-043	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/16/2022	K	1850-20182-21-002	9	X	Y	19420	LAPD	*	DE-ESCALATION & TACTICAL DECISION MAKING
03/31/2024	K	1850-21772-23-060	8	X	Y	19420	LAPD		TACTICAL EMERG. FIRST AID/TRAUMA CARE
03/31/2024	K	1850-34490-23-015	8	X	Y	19420	LAPD		LEADERSHIP DEVELOPMENT PROGRAM
03/31/2024	K	1850-33886-23-029	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
04/30/2024	K	1850-29502-23-245	4		Y	19420	LAPD	*	DRIVING(PSP)

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH REPORT

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SPECIAL CONDITIONS	NUMBER INJURED	HIT & RUN FELONY	CITY	JUDICIAL DISTRICT	LOCAL REPORT NUMBER
	1	☐	LOS ANGELES	LOS ANGELES SUPERIOR COURT CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER	9590-2022-02624
	NUMBER KILLED	HIT & RUN MISDEMEANOR	COUNTY	REPORTING DISTRICT / BEAT	DAY OF WEEK / TOW AWAY
	0	☐	LOS ANGELES	012	FRIDAY / ☐ YES ☒ NO

LOCATION

CRASH OCCURRED ON	MO. DAY YEAR	TIME (2400)	NCIC #	OFFICER ID
STATE ROUTE 110 NORTHBOUND (ARROYO SECO PARKWAY)	05/13/2022	2028	9590	022088

MILEPOST INFORMATION | GPS COORDINATES: LATITUDE 34.037158 LONGITUDE -118.275193 | PHOTOGRAPHS BY: ☒ NONE

☐ AT INTERSECTION WITH
☒ OR: 90 FEET NORTH of AVENUE 52 O/C

STATE HWY REL: ☒ YES ☐ NO

PARTY 1

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
[redacted] (EXP)	CA	U	M	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): [redacted]

PEDESTRIAN ☐ — STREET ADDRESS: [redacted]

PARKED VEHICLE ☐ — CITY/STATE/ZIP: LOS ANGELES CA [redacted]

BICYCLIST ☐ — SEX: [redacted] HAIR: [redacted] EYES: [redacted] HEIGHT: [redacted] WEIGHT: [redacted] BIRTHDATE Mo. Day Year: [redacted] RACE: [redacted]

OTHER ☐ — HOME PHONE: [redacted] BUSINESS PHONE: NONE

OPERATOR ☐ — INSURANCE CARRIER: NONE POLICY NUMBER: NONE

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
N	SR-110	3	3	3	55

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2001	GMC YUKON BLK	[redacted]	CA

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER

OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER LOS ANGELES CA [redacted]

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER
AAA-(UNKNOWN PROVIDER)

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: [redacted]

VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA
07	☐ UNK. ☐ NONE ☒ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER	TOP VIEW

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 2

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
[redacted]	CA	C	L	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): [redacted]

PEDESTRIAN ☐ — STREET ADDRESS: [redacted]

PARKED VEHICLE ☐ — CITY/STATE/ZIP: LOS ANGELES CA [redacted]

BICYCLIST ☐ — SEX: [redacted] HAIR: [redacted] EYES: [redacted] HEIGHT: [redacted] WEIGHT: [redacted] BIRTHDATE Mo. Day Year: [redacted] RACE: [redacted]

OTHER ☐ — HOME PHONE: [redacted] BUSINESS PHONE: NONE

OPERATOR ☐ — INSURANCE CARRIER: ALLSTATE POLICY NUMBER: [redacted]

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
N	SR-110	3	3	3	55

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2005	HOND CIVIC SIL	[redacted]	CA

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER

OWNER'S ADDRESS: ☒ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER
PEPE'S TOWING SERVICE - (323)268-1609

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA
01	☐ UNK. ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER	TOP VIEW

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 3

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
[redacted]	CA	C	L	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): GABRIEL GAXIOLA

PEDESTRIAN ☐ — STREET ADDRESS: [redacted]

PARKED VEHICLE ☐ — CITY/STATE/ZIP: LOS ANGELES CA [redacted]

BICYCLIST ☐ — SEX: [redacted] HAIR: [redacted] EYES: [redacted] HEIGHT: [redacted] WEIGHT: [redacted] BIRTHDATE Mo. Day Year: [redacted] RACE: [redacted]

OTHER ☐ — HOME PHONE: [redacted] BUSINESS PHONE: NONE

OPERATOR ☐ — INSURANCE CARRIER: UNKNOWN POLICY NUMBER: UNKNOWN

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
N	SR-110	3	3	3	55

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2022	TESL S BLK	[redacted]	CA

OWNER'S NAME: ☒ SAME AS DRIVER

OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☒ OFFICER ☐ DRIVER ☐ OTHER
METRO TOW: (323)342-0602

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: [redacted]

VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA
01	☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER	TOP VIEW

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
ERIC HERNANDEZ, 022088	☒ YES ☐ NO ☐ N/A	ERIK HERNANDEZ, 021583	05/28/2022

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH CODING

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DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

PROPERTY DAMAGE | OWNER'S NAME | OWNER'S ADDRESS

PERSON NOTIFIED ☐ SAME AS OWNER | TELEPHONE NUMBER | METHOD OF NOTIFICATION (MARK ALL THAT APPLY) ☐ IN PERSON ☐ PHONE ☐ DISPATCH ☐ CHP 422 | LOG / INCIDENT NUMBER

DESCRIPTION OF DAMAGE

SEATING POSITION

A
1 2 3
4 5 6
7 8 9
10

1 TO 9 - STANDARD SEATING POSITION
10 - REAR OCC. TRK, VAN, STATION WAGON, ETC.*
11 - POSITION UNKNOWN*
0 - OTHER*

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP / SHOULDER HARNESS USED
H - LAP / SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

MC / BICYCLE - HELMET
DRIVER: V - NO, W - YES
PASSENGER: X - NO, Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELL PHONE HANDHELD
B - CELL PHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY CRASH FACTOR LIST NUMBER (#) OF PARTY AT FAULT

3 — A CVC SECTION VIOLATED: VC 23152(a) CITED ☒ YES ☐ NO
B OTHER IMPROPER DRIVING*:
C OTHER THAN DRIVER*
D UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)

X A CLEAR
B CLOUDY
C RAINING
D SNOWING
E FOG / VISIBILITY FT.
F OTHER*:
G WIND

LIGHTING

A DAYLIGHT
B DUSK - DAWN
C DARK - STREET LIGHTS
X D DARK - NO STREET LIGHTS
E DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE

X A DRY
B WET
C SNOWY - ICY
D SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)

A HOLES, DEEP RUT*
B LOOSE MATERIAL ON ROADWAY*
C OBSTRUCTION ON ROADWAY*
D CONSTRUCTION - REPAIR ZONE
E REDUCED ROADWAY WIDTH
F FLOODED*
G OTHER*:
X H NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES

A CONTROLS FUNCTIONING
B CONTROLS NOT FUNCTIONING*
C CONTROLS OBSCURED
X D NO CONTROLS PRESENT / FACTOR*

TYPE OF CRASH

A HEAD - ON
B SIDE SWIPE
X C REAR END
D BROADSIDE
E HIT OBJECT
F OVERTURNED
G VEHICLE / PEDESTRIAN
H OTHER*:

MOTOR VEHICLE INVOLVED WITH (MARK 1 TO 2 ITEMS)

A NONCOLLISION
B PEDESTRIAN
X C OTHER MOTOR VEHICLE
D MOTOR VEHICLE ON OTHER ROADWAY
E PARKED MOTOR VEHICLE
F TRAIN
G BICYCLE
H ANIMAL:
I FIXED OBJECT:
J OTHER OBJECT:
K ADDITIONAL OBJECT(S) STRUCK

PEDESTRIAN'S ACTIONS

X A NO PEDESTRIANS INVOLVED
B CROSSING IN CROSSWALK - AT INTERSECTION
C CROSSING IN CROSSWALK - NOT AT INTERSECTION
D CROSSING - NOT IN CROSSWALK
E IN ROAD - INCLUDES SHOULDER
F NOT IN ROAD
G APPROACHING / LEAVING SCHOOL BUS

1	2	3	VEHICLE AUTOMATION LEVEL
X	X		A SAE LEVEL - 0
			B SAE LEVEL - 1
		X	C SAE LEVEL - 2
			D SAE LEVEL - 3
			E SAE LEVEL - 4
			F SAE LEVEL - 5
			G UNKNOWN*

1	2	3	VEHICLE AUTOMATION ENGAGED
X	X		A NO AUTOMATION
			B DRIVER ASSISTANCE
			C PARTIAL AUTOMATION
			D CONDITIONAL AUTOMATION
			E HIGH AUTOMATION
			F FULL AUTOMATION
		X	G UNKNOWN*

OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)

1	2	3	
			A CVC SECTION VIOLATION: CITED ☐ YES ☐ NO
			B CVC SECTION VIOLATION CITED ☐ YES ☐ NO
		X	C CVC SECTION VIOLATION: VC 22350 CITED ☐ YES ☒ NO
			D
			E VISION OBSCUREMENT:
			F INATTENTION*:
			G STOP & GO TRAFFIC
			H ENTERING / LEAVING RAMP
			I PREVIOUS CRASH
			J UNFAMILIAR WITH ROAD
			K DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO
			L UNINVOLVED VEHICLE
			M OTHER*:
X	X		N NONE APPARENT
			O RUNAWAY VEHICLE

1	2	3	MOVEMENT PRECEDING CRASH
X	X		A STOPPED
		X	B PROCEEDING STRAIGHT
			C RAN OFF ROAD
			D MAKING RIGHT TURN
			E MAKING LEFT TURN
			F MAKING U TURN
			G BACKING
			H SLOWING / STOPPING
			I PASSING OTHER VEHICLE
			J CHANGING LANES
			K PARKING MANEUVER
			L ENTERING TRAFFIC
			M OTHER UNSAFE TURNING
			N XING INTO OPPOSING LANE
			O PARKED
			P MERGING
			Q TRAVELING WRONG WAY
			R OTHER*:
			S LANE SPLITTING

1	2	3	SOBRIETY - DRUG - PHYSICAL (MARK ALL THAT APPLY)
X	X		A HAD NOT BEEN DRINKING
		X	B HBD - UNDER THE INFLUENCE
			C HBD - NOT UNDER INFLUENCE*
			D HBD - IMPAIRMENT UNKNOWN*
			E UNDER DRUG INFLUENCE*
			DRE EXAM. CONDUCTED
			STIMULANT
			HALLUCINOGEN
			DISSOCIATIVE ANESTHETICS
			NARCOTIC ANALGESIC
			INHALANT
			CANNABIS
			DEPRESSANT
			F IMPAIRMENT - PHYSICAL*
			G IMPAIRMENT NOT KNOWN
			H NOT APPLICABLE
			I SLEEPY / FATIGUED*

SKETCH

REFER TO SKETCH PAGE(S)

MISCELLANEOUS

1	2	3	SPECIAL INFORMATION
			A HAZARDOUS MATERIAL
			B CELL PHONE HANDHELD IN USE
			C CELL PHONE HANDSFREE IN USE
X	X	X	D CELL PHONE NOT IN USE
			E CELL PHONE USE UNKNOWN
			F SCHOOL BUS RELATED

1	2	3	BIKEWAY FACILITY
			A SHARED ROADWAY
			B CLASS I - BIKE PATH*
			C CLASS II - BIKE LANE*
			D CLASS III - BIKE ROUTE*
			E CLASS IV - SEPARATED BIKEWAY*

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESS / PASSENGERS

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DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)						PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER	OPER.					
#		42	F				X		X					3	3	L	G	0

NAME / D.O.B. / ADDRESS: [redacted]
TELEPHONE: [redacted]

(INJURED ONLY) TRANSPORTED BY: DECLINED AT THE SCENE
EMS RUN NUMBER:
TAKEN TO: NOT TRANSPORTED

DESCRIBE INJURIES

COMPLAINT OF PAIN TO RIGHT ARM AND RIGHT KNEE

VICTIM OF VIOLENT CRIME NOTIFIED

#		52	F											1	3	M	G	0
#																		
#																		
#																		
#																		

NAME / D.O.B. / ADDRESS: [redacted]
TELEPHONE: [redacted]

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
ERIC HERNANDEZ	022088	05/13/2022	ERIK HERNANDEZ, 021583	05/28/2022

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
SKETCH DIAGRAM
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DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

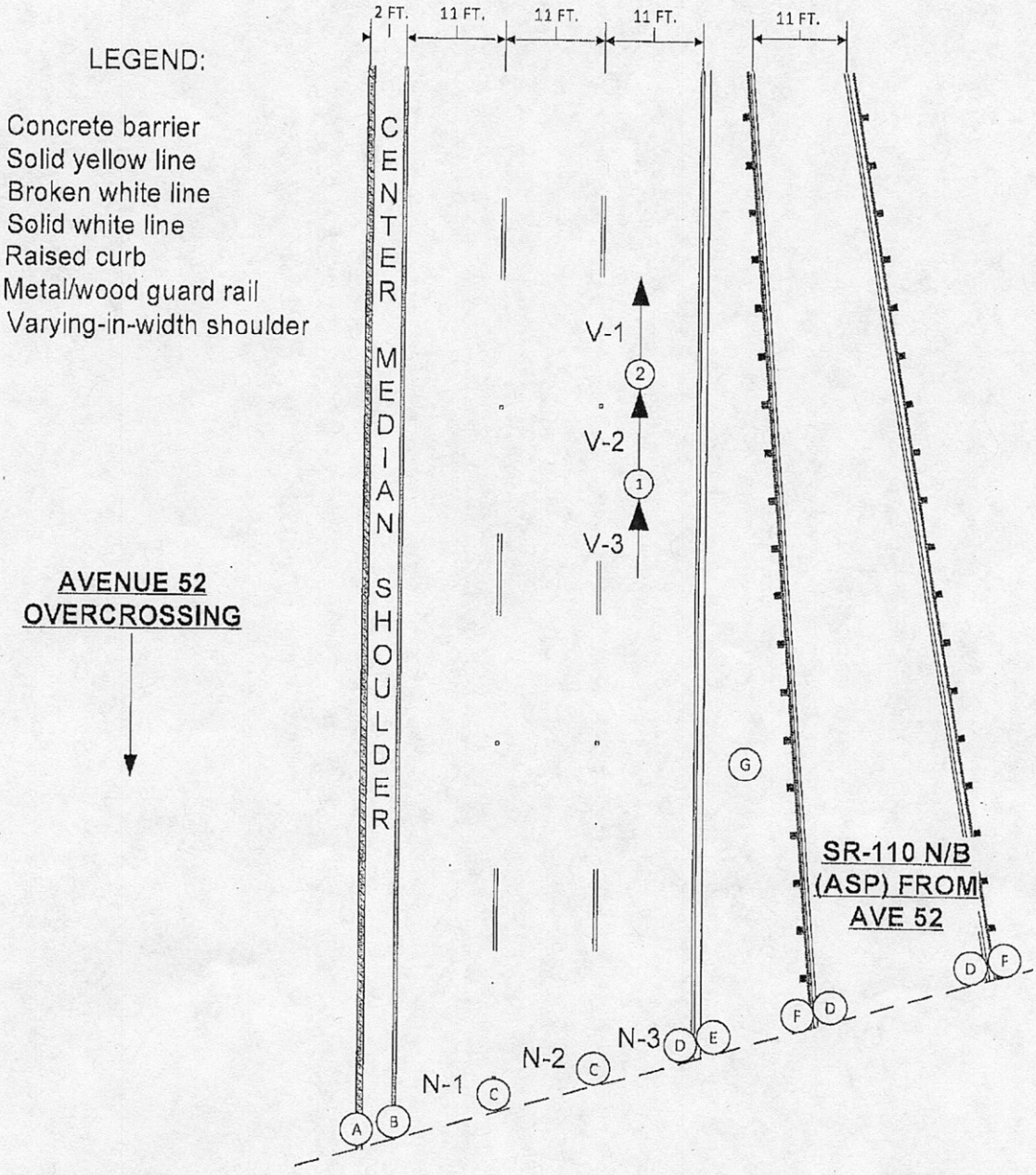
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

STATE ROUTE 110 NORTHBOUND (ARROYO SECO PARKWAY)

N

LEGEND:

A) Concrete barrier
B) Solid yellow line
C) Broken white line
D) Solid white line
E) Raised curb
F) Metal/wood guard rail
G) Varying-in-width shoulder



PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
ERIC HERNANDEZ	022088	05/13/2022	ERIK HERNANDEZ, 021583	05/28/2022

An Internationally Accredited Agency

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

FACTUAL DIAGRAM

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DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

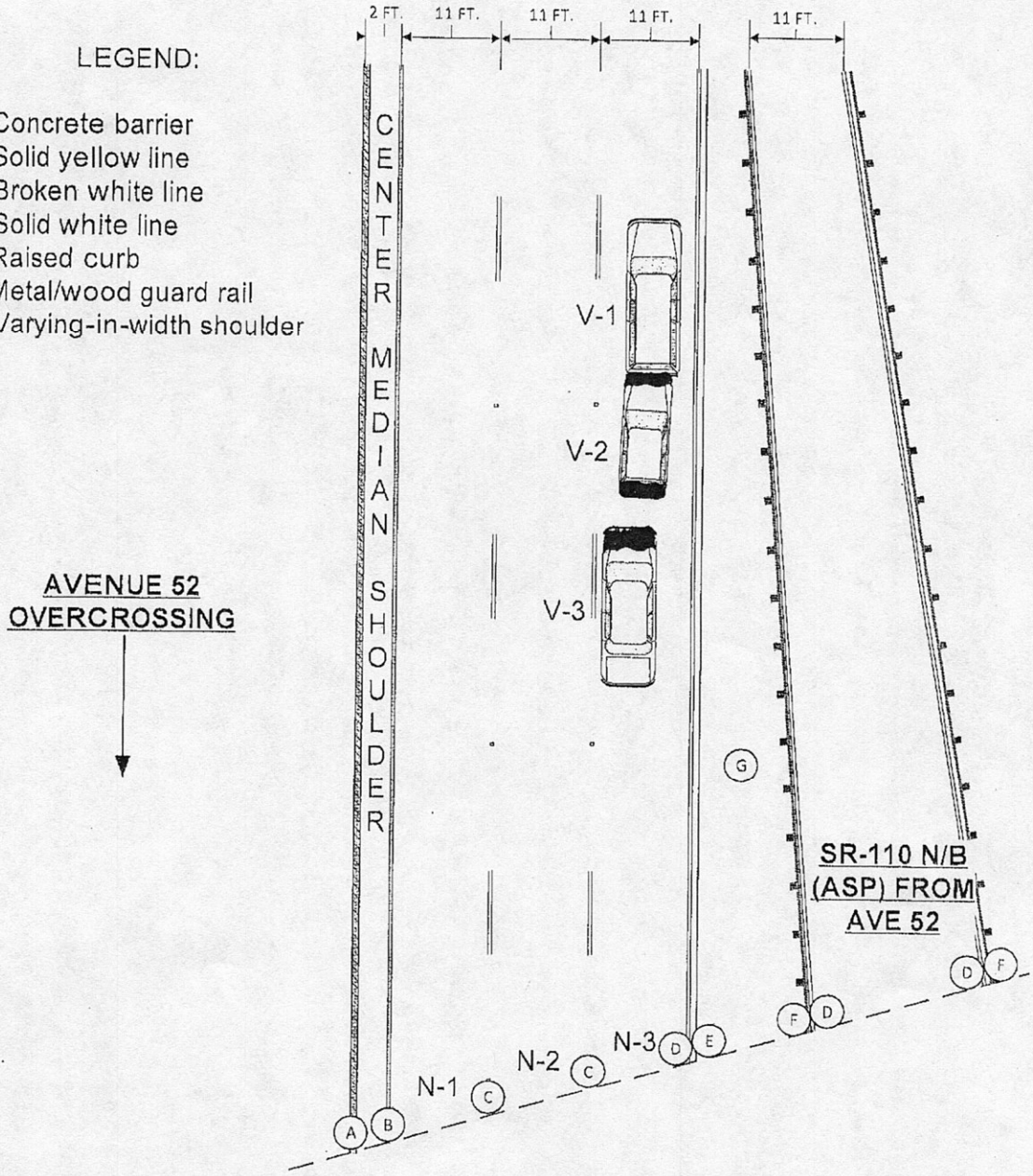
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

STATE ROUTE 110 NORTHBOUND (ARROYO SECO PARKWAY)

N

LEGEND:

A) Concrete barrier
B) Solid yellow line
C) Broken white line
D) Solid white line
E) Raised curb
F) Metal/wood guard rail
G) Varying-in-width shoulder



PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
ERIC HERNANDEZ	022088	05/13/2022	ERIK HERNANDEZ, 021583	05/28/2022

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

FACTUAL DIAGRAM LEGEND:

VEHICLE POINTS OF REST:

L/F tire of V-1 located approximately 150 feet north of the north road edge of Avenue 52 overcrossing and 10 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/R tire of V-1 located approximately 141 feet north of the north road edge of Avenue 52 overcrossing and 10 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/F tire of V-2 located approximately 138 feet north of the north road edge of Avenue 52 overcrossing and 9 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/R tire of V-2 located approximately 130 feet north of the north road edge of Avenue 52 overcrossing and 9 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/F tire of V-3 located approximately 125 feet north of the north road edge of Avenue 52 overcrossing and 11 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/R tire of V-3 located approximately 116 feet north of the north road edge of Avenue 52 overcrossing and 11 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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FACTS

NOTIFICATIONS:

On May 13, 2022, at approximately 2035 hours, CHP Dispatch advised me of a traffic collision resulting in property damage on State Route 110 northbound (Arroyo Seco Parkway) at Avenue 52. I responded from the Central Los Angeles CHP Office and arrived on scene at approximately 2045 hours. Upon further investigation, I determined this to be a traffic collision resulting in complaint of pain injuries.

All times, speeds, and measurements in this investigation are approximate. All measurements were obtained by visual estimation.

SCENE DESCRIPTION:

This collision occurred on SR-110 northbound (n/b) (Arroyo Seco Parkway) (ASP) north of Avenue 52 overcrossing. At this location, SR-110 n/b (ASP) is a northerly-aligned, relatively straight, inclining in grade, fully-controlled-access freeway that is in the city and county of Los Angeles. At this location, SR-110 n/b (ASP) is comprised of three-11-foot-wide traffic lanes that are delineated by broken white lines. The traffic lanes are bordered to the west by a solid yellow line, a two-foot-wide center median shoulder and a concrete wall. The lanes are bordered to the east by a solid white line, a six-inch raised curb, a varying-in-width raised concrete shoulder and the entrance of SR-110 northbound (ASP) from Avenue 52. This collision occurred during the hours of nighttime under cool and calm conditions. For visual description refer to Factual Diagram.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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PARTIES:

Party #1 (P-1) [redacted] was contacted on scene standing outside of Vehicle #1 (V-1) (GMC). P-1 was identified by a photograph provided by P-1 of his California driver license. P-1 was determined to be the driver of V-1 by his statement of being the driver of V-1, P-1's passenger [redacted] placing him in the driver seat at the time of the collision and P-1 is the registered owner of V-1.

Vehicle #1 (V-1) (GMC) was located on scene facing a northerly direction on all wheels. V-1 sustained minor damage including but not limited to, a dented, scuffed and dislodged rear bumper.

Party #2 (P-2) [redacted] was contacted standing outside of Vehicle #2 (V-2) (Honda) on the right shoulder. P-2 was identified by his California driver license. P-2 was determined to be the driver of V-2 by his statement of driving V-2, and he was the sole occupant to V-2.

Vehicle #2 (V-2) (Honda) was located on scene facing a northerly direction, on all wheels. V-2 sustained moderate damage consisting of but not limited to, a dislodged front bumper, dislodged/crumpled hood, a dislodged/crushed rear bumper, dislodged rear taillights, dislodged trunk, deployed airbags and a dislodged muffler.

Party #3 (P-3) (Gaxiola) was contacted standing outside of Vehicle #3 (V-3) (Tesla). P-3 was identified by his California driver license. P-3 was determined to be the driver of V-3 by his statement of driving V-3 at the time of the collision, P-3 is the registered owner of V-3, P-3 was in possession of the keys to V-3. P-2 observing P-3 exiting from the driver side of V-3 after the collision and P-3's passenger ([redacted] placing P-3 as the driver of V-3.

Vehicle #3 (V-3) (Tesla) was located on scene, facing a northerly direction, on all wheels. V-3 sustained major damage consisting of but not limited to, a dislodged/crushed hood, a dislodged front bumper, crushed headlight assembly, crushed front right bumper and deployed airbags.

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STATEMENTS:

STATEMENTS ARE NOT VERBATIM AND ARE WRITTEN IN SUMMARY FORM. THE STATEMENTS WERE READ BACK TO THE INVOLVED PARTY FOR VERIFICATION.

Party #1 (P-1) [redacted] related the following regarding the collision: P-1 was disabled in Vehicle #1 (V-1) (GMC) in the #3 lane of SR-110 n/b (ASP) north of avenue 52 overcrossing, in light traffic. P-1 was disabled for approximately ten minutes with his hazard lights activated. P-1 was looking in his rearview mirror and observed Vehicle #2 (V-2) (Honda) had come to a complete stop behind V-1. P-1 related V-2 was stopped for approximately 2-3 seconds when he observed Vehicle #3 (V-3) (Tesla) collide into V-2. P-1 felt V-2 get pushed into and collide with V-1. After the collision, P-1 exited V-1, checked on all parties involved and waited for assistance. P-1 related he waited approximately 15 minutes for CHP arrival and did not observe who was driving V-3.

Party #2 (P-2) [redacted] related the following regarding the collision: P-2 was driving Vehicle #2 (V-2) (Honda) in the #3 lane of SR-110 n/b (ASP) north of Avenue 52 overcrossing, at approximately 55 mph in moderate traffic. P-2 observed V-1 was at a complete stop and came to a complete stop behind V-1. P-2 was attempting to change lanes into the #2 lane while stopped behind V-1 for approximately 2-3 seconds. As P-2 was stopped, he suddenly felt an impact to the rear of V-2, causing V-2 to be propelled into the rear of V-1. After the collision, P-2 checked on everyone involved and waited for assistance. P-2 related he waited approximately 5-10 minutes for CHP arrival. P-2 related after the collision, he observed Party #3 (P-3) (Gaxiola) exit V-3 from the driver side door.

Party #3 (P-3) (Gaxiola) related the following regarding the collision: P-3 was driving Vehicle #3 (V-3) (Tesla) in the #3 lane of SR-110 n/b (ASP) north of Avenue 52 overcrossing, at approximately 50-55 mph, in light traffic. P-3 was driving in his lane when he observed the #3 lane had come to a complete stop. P-3 slammed on the brakes to V-3 and skidded into the rear of V-2. After the collision, P-3 exited V-3, called 911 and waited for CHP assistance. P-3 related he waited for approximately 20 minutes prior for CHP arrival.

OPINIONS AND CONCLUSIONS:

SUMMARY:

This collision occurred on SR-110 northbound (Arroyo Seco Parkway) north of Avenue 52 overcrossing. Party #1 (P-1) [redacted] was disabled and at a complete stop in Vehicle #1 (V-1) (GMC) in the #3 lane, ahead of Vehicle #2 (V-2) (Honda). Party #2 (P-2) [redacted] was at a complete stop in Vehicle #2 (V-2) (Honda) ahead of Vehicle #3 (V-3) (Tesla) and to the rear of V-1. Party #3 (P-3) (Gaxiola) was driving Vehicle #3 (V-3) (Tesla) in the #3 lane at approximately 50-55 mph, to the rear of V-2. Due to P-3's level of intoxication, coupled with his unsafe speed for traffic conditions, P-3 was unable to stop V-3 in time prior to colliding into the rear of V-2, causing V-2 to be propelled into the rear of V-1. After the collision, all parties waited on scene for CHP assistance.

AREAS OF IMPACT (A.O.I's):

A.O.I. #1 (V-3 vs. V-2) was located approximately 90 feet north of the north road edge of Avenue 52 overcrossing and 6 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway).

A.O.I. #2 (V-2 vs. V-1) was located approximately 100 feet north of the north road edge of Avenue 52 overcrossing and 6 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway).

The Areas of Impact were determined by statements obtained and vehicle damage observed.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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INTOXICATION NARRATIVE:

Upon arrival to the collision scene, Party #3 (P-3) (Gaxiola) was standing outside of Vehicle #3 (V-3) (Tesla). I contacted P-3 and he related he was involved in the collision. P-3 was determined to be the driver of V-3 by:

- His statement and admission to driving V-3 at the time of the collision.
- P-3 is the registered owner of V-3.
- P-3's passenger placing him as the driver of V-3.
- P-2 observed P-3 exiting the driver side door of V-3 after the collision.
- P-3 was in possession of the keys to V-3.

Upon contacting P-3, I immediately noticed P-3's speech appeared slurred/delayed, his eyes appeared red/watery, he displayed an unsteady gait while walking around the scene and I smelled an odor of an alcoholic beverage emitting from his breath and person. I gathered a statement regarding the traffic collision. After completing the traffic collision, I conducted a driving under the influence (DUI) investigation. I asked P-3 a series of Pre-Field Sobriety Test (Pre-FST) questions. When I asked P-3 how much he had to drink, he related he had two glasses of wine in the downtown Los Angeles area. I administered a series of explained and demonstrated field sobriety tests (FST's) to which P-3 did not perform as explained and demonstrated.

Based on P-3's objective signs and symptoms of intoxication, his poor performance of the FST's, his admittance to consuming alcohol prior to driving and my training and experience, I formed the opinion P-3 had been driving V-3 while under the influence of alcohol and was unable to safely operate a motor vehicle. I arrested P-3 for 23153 (a) VC, at approximately 2135 hours.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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CAUSE:

Party #3 (P-3) (Gaxiola) caused this collision by driving Vehicle #3 (V-3) (Tesla) in violation of 23152 (a) VC, (DUI) with an associated factor of 22350 VC, (Unsafe speed) which states:

No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Due to P-3's level of intoxication, coupled with his unsafe speed for traffic conditions, P-3 was unable to stop V-3 in time prior to colliding into the rear of V-2, causing V-2 to be propelled into the rear of V-1. The cause was determined by statements obtained and vehicle damage observed.

RECOMMENDATIONS:

I recommend that a copy of this report be submitted to the Los Angeles District Attorney's Office and Gabriel Gaxiola be charged the following violations:

- 23153 (a) VC-Driving while under the influence of alcohol (DUI) causing injuries
- 23153 (b) VC- DUI with a BAC of .08% or greater (Pending blood)

Upon successful conviction, I recommend the following enhancement penalties:

- 23578 V.C.- BAC greater than .15% (pending blood)
- 23540 (a) VC-2nd DUI within 10 years
- 23560 VC-DUI resulting in injuries within 10 years of prior DUI
- 23577 (a) (2) VC-Refusal to submit to a chemical test

STANDARDIZED FIELD SOBRIETY TESTS (SFST'S):

All SFST's were explained and demonstrated in English. The subject acknowledged he understood each test before he performed them. All times were accounted for by using my wristwatch. All SFST's were conducted on State Route 110 northbound (Arroyo Seco Parkway) north of Avenue 52 over crossing. This location is a relatively flat, slightly inclined roadway. The area was lit with ambient lighting and my flashlight. For this investigation, I utilized the three scientifically validated SFST's validated through the National Highway Traffic Safety Administration (NHTSA) along with a Non-Validated FST.

HORIZONTAL GAZE NYSTAGMUS (HGN):

Prior to starting the test, I advised the subject to stand with his feet together and hands along his sides. The subject appeared to have trouble standing as directed. I asked him if he had allergies or was fatigued due to his eyes being red/watery. He related he did not have allergies and was not fatigued. I asked the subject to follow the stimulus with his eyes only and leave his head in a forward fixed position. I asked the subject if he wore contacts or lenses. He related no. While administering the test, I advised the subject multiple times to keep his head straight. The subject displayed lack of smooth pursuit in both eyes and distinct and sustained nystagmus at maximum deviation in both eyes. While attempting to complete the test, the subject was advised to keep following the stimulus with his eyes. The subject stated, "We're still doing this?" The subject began to blink multiple times which did not allow me to administer the test properly. I advised the subject that we would terminate the testing. The subject displayed equal tracking and pupil size. I observed a minimum of 4 of the 6 scientifically validated clues which indicated a 88% accuracy that the subject had a BAC of .08% or greater.

WALK AND TURN (WAT):

During the instructional portion, the subject was unable to maintain his fixed position prior to conducting the test. The subject was re-advised on how to stand prior to conducting the test. The subject began the test prior to being advised to. During the subject's first series of steps, he missed heel-to-toe contact on step 3, stepped off the line and to his left and used his arms for balance. On step 5, the subject briefly lost his balance and stepped to his left with his right foot. The subject missed heel-to-toe contact on step 7, 8, 9. On the subject's ninth step, he continued walking and counted in the following manner, five, four, six, eight, nine, ten. On the subject's recount of steps, five, four, six and eight, he missed heel-to-toe contact on each step. On the turning portion, the subject did not leave his front foot on the line and turned around by lifting both feet and turning to his left. On the second series of steps, the subject missed heel-to-toe contact on step 2. During step 2, the subject briefly raised his arms away from his sides in a "T" manner to and placed them back down. On steps 3 and 4, the subject missed heel-to-toe contact. On step 6, the subject lost his balance, stepped off the line and to his right with his left foot and stated, "Sorry."

STANDARDIZED FIELD SOBRIETY TESTS (SFST'S) (CONTINUED):

The subject continued and counted step 8, missing step number 7. On his count of step 8, he missed heel-to-toe contact. The subject took another step forward without counting his step and missed heel-to-toe contact. The subject missed heel-to-toe contact on his count of 9 and 10. The subject continued walking and took two additional steps forward without counting out loud. After completing the test, I asked the subject if he felt comfortable with the outcome of the test and he shrugged his shoulders. I asked the subject if he would like to move on to the next test or redo the same test, and he related he wanted to move on to the next one. I observed a minimum of 6 of the 8 scientifically validated clues which indicated a 79% accuracy that the subject had a BAC of .08% or greater.

BASED ON ORIGINAL RESEARCH, COMBINING FOUR OR MORE CLUES OF HGN ALONG WITH TWO OR MORE CLUES OF WAT, SUBJECTS CAN BE CLASSIFIED AS ABOVE .10% BAC, 80% OF THE TIME.

ONE LEG STAND (OLS):

While placing the subject into position for the test, I advised him multiple times to have his feet touching and his hands along his sides. While advising the subject of the instructions for the test, he advised me he did not understand the instructions. I re-advised the subject of the instructions prior to beginning the test. The subject nodded his head when asked if he understood the instructions. I asked the subject if he had any question and he related no. The subject advised that he would raise his left foot for the test. On the subject's count of 1000-2 and 1000-5, he dropped his raised foot onto the roadway. The subject counted 1000-8, twice. The subject continued and counted 10 and 11. On 11, he placed his raised foot onto the roadway. I advised the subject to keep going and he stated, "More?" The subject continued and counted 11, dropped his raised foot onto the roadway and then counted 1000-11. The test was terminated at 30 seconds. I asked the subject if he felt comfortable with the outcome of the test and he related he just wanted to do more. I asked the subject if he wanted to move on to the next test and he related he just wanted to do more. I observed a minimum of 2 of the 4 scientifically validated clues which indicated a 83% accuracy that the subject had a BAC of .08% or greater.

MODIFIED ROMBERG BALANCE TEST:

At 55 seconds on my watch, the subject lifted his head up and stated, "30 seconds." I asked the subject how much time it was and he related 30 seconds had elapsed.

PRELIMINARY ALCOHOL SCREENING (PAS) TEST:

The subject was admonished regarding the PAS test at approximately 2134 hours. The subject related he did a "good FST" and declined to take the test.

ARREST – INVESTIGATION REPORT NARRATIVE (CONTINUED)

TRAFFIC COLLISION SUMMARY:

The subject was involved in a three vehicle traffic collision and was determined to be the driver of the involved vehicle (2022 Tesla Model S assigned a California license plate of [redacted]. The subject was identified by his valid California driver license as Gabriel Gaxiola [redacted]. The subject was determined to be the driver of the Tesla Model S at the time of the collision by the following: his statement and his admission to driving and being involved in a collision, he is the registered owner to his Tesla Model S, his passenger placing him as the driver of the Tesla, the other involved party observed the subject exiting the driver side door after the collision, and the subject being in possession of the keys to his Tesla. A DUI investigation was conducted, and it was determined that the subject was driving under the influence of alcohol. Refer to Central Los Angeles CHP traffic collision report number 9590-2022-02624.

FIRST OBSERVATIONS:

When I arrived on scene at approximately 2045 hours, I observed three vehicles located within the #3 lane of State Route 110 northbound (Arroyo Seco Parkway) north of Avenue 52 over crossing, with all parties involved standing outside of their respective vehicles.

OBSERVATIONS UPON CONTACT:

After my arrival, I contacted the subject, identified as Gabriel Gaxiola at approximately 2045 hours on scene. He related that there was a three vehicle traffic collision and that everyone appeared okay. I notified dispatch of my location and requested additional units to the scene to assist with scene management. I managed to make the scene safe by utilizing flares and my patrol vehicle, and began to investigate the traffic collision by checking on all parties involved and gathered information regarding the collision. While gathering information from the other involved parties, I did not observe any objective signs and symptoms of intoxication on scene.

As I spoke with Gaxiola regarding the traffic collision, I observed objective signs and symptoms of intoxication including red and watery eyes, an odor of an alcoholic beverage emitting from his breath and person, his unsteady gait while walking around the traffic collision scene and his slurred and delayed speech. While investigating the traffic collision, Officer K. Biedermann, ID 21040 arrived to assist. Officer Biedermann asked Gaxiola to produce a copy of his insurance. Gaxiola initially handed Officer Biedermann a debit/credit card.

OBSERVATIONS UPON CONTACT (CONTINUED):

Officer Biedermann advised Gaxiola that was not the insurance and requested to see proof of insurance. Gaxiola opened his cellular device and showed Officer Biedermann photographs that he took of the information of the other parties involved. Officer Biedermann again requested a copy of the Tesla's insurance. Gaxiola opened his cellular device and showed Officer Biedermann his phone. Officer Biedermann advised Gaxiola that there was no information on the phone and he had only opened his camera application.

Once finished with the traffic collision investigation, I conducted a DMV records check of Gaxiola's driver license. The DMV returned revealed Gaxiola's driver license was valid with one prior DUI conviction on 01/25/17. I returned to Gaxiola and advised Gaxiola that I smelled the odor of an alcoholic beverage emitting from his breath and person and that I wanted to ask him questions pertaining to the alcohol. He immediately stated, "I'm good." I asked Gaxiola what time did he begin drinking and he related approximately two hours prior. I asked Gaxiola if he felt good enough to drive home and he stated, "I'm absolutely good." I asked Gaxiola if he felt like he would hurt anyone and he related no. I asked Gaxiola if he had children to which he replied, "Yes." I asked Gaxiola if he felt comfortable enough to drive his kids home in his condition and he stated, "Yes." I asked him if he was sure and he stated, "Yes." I began to ask Gaxiola a series of Pre-Field Sobriety Test (Pre-FST's) questions. I explained and demonstrated a series of Field Sobriety Tests, to which Gaxiola did not perform as explained and demonstrated.

Based upon Gaxiola's involvement in this collision, his objective signs and symptoms of intoxication, his admission to drinking alcoholic beverages prior to driving his Tesla, his performance on the Field Sobriety Tests, my training and experience, and the totality of the circumstances, I determined Gaxiola had been driving his Tesla while under the influence of alcohol and was unable to safely operate a motor vehicle.

ARREST AND BOOKING:

At approximately 2135 hours, I arrested Gabriel Gaxiola for 23153 (a) VC. I handcuffed the subject utilizing departmentally approved handcuffing techniques. I searched the subject incident to arrest and asked him if he had any weapons on him. The subject related he had a firearm in his waistband. I removed the firearm from his persons and transferred possession of it to Officer Biedermann. After completing a full-standing search, I placed the subject into the right front passenger seat of the p/v. The subject's vehicle was towed from the scene by Metro Tow under the authority of 22651(h) Vehicle Code. Prior to leaving the scene, I attempted to speak with the subject's passenger, identified as [redacted] to advise her of the situation. [redacted] stated, "You guys are all cops, he does so much for LAPD. He's gang unit. You would think, like...he didn't even, we only had..." I advised [redacted] I would not be speaking further about the incident and needed to transport her to a safer location. Once done on scene, I drove the subject to the Central Los Angeles CHP Office.

ARREST – INVESTIGATION REPORT NARRATIVE (CONTINUED)

ARREST AND BOOKING (CONTINUED):

Officer Anderson transported [redacted] to the Central Los Angeles CHP Office where she was released to a responsible party. Once at the office, I told the subject he was required to submit to a chemical test to determine his blood alcohol level/concentration. I offered him his choice of blood or breath and the subject refused to submit to either test. I asked Sergeant S. Nielsen, ID 19271 to assist me with advising the subject of the Department of Motor Vehicles (DMV) 367. At approximately 2300 hours, I advised the subject of the Department of Motor Vehicles (DMV) 367. The subject was asked if he would submit to either a breath or blood test and he stated, "No." I advised the subject that we would obtain a warrant to obtain a vial of blood from him. The subject became belligerent and began to yell at Sergeant Nielsen and myself about the arrest. The subject requested I activate my Personal Worn Body Camera (PWBC) and record within the office. With the subject's permission, I activated my PWBC and placed it on the table in front of the subject. While activated, the subject made various complaints. The subject asked multiple times what the probable cause to arrest him was. The subject stated, "You know what? You do an FST, prior to the FST, you have to have probable cause to arrest. What is your probable cause to arrest? I'm going to ask it one more time, so the video will have it. What is your probable cause to arrest me, Officer Hernandez?" Sergeant Nielsen asked the subject if he would like him to answer his question and the subject agreed. Sergeant Nielsen related he suspected it had to do with objective symptoms of intoxication, which he was able to observe. The subject stated, "I'm standing right in front of you. I have no symptoms of, of subjective, uhh, intoxication. The video is right in front of me. I have no symptoms." Sergeant Nielsen advised the subject of some objective signs and symptoms of intoxication. The subject stated, "I don't have slurred speech, I don't have watery eyes, and I don't have symptoms of, uh, intoxication. I don't, do not have any symptoms of intoxication. That is your opinion." The subject continued and asked why I believed he was intoxicated. He stated, "Give me your probable cause. Why did you believe I was intoxicated. Give me your probable cause, right now. You're not giving it to me. Speak, you're right in front of me, you're in front of your paperwork. I'm sorry Sergeant. I'm asking Sergeant Hernandez, in front of his video, to give me his probable cause, why he believed I was intoxicated, cause that's why he's taking my video." Sergeant Nielsen advised the subject that I would not be answering his questions and he would have time to ask them at a later date. Sergeant Nielsen advised the subject that he, the subject, has 25 years of experience, so he should know how it works. The subject stated, "It would actually be appropriate to fucking answer my questions." Sergeant Nielsen advised the subject he already answered his question and the subject related, "No, Hernandez, he's arresting me, you're not arresting me. Sir, you're not arresting me. Hernandez is arresting me. So he should, you need to, you know, stay your lane. Hernandez will address me. Sergeant, whoever you are, stay your lane. Let him address me and let him advise me of why he's arresting me." Sergeant Nielsen advised the subject that based on his training and experience that he could observe signs/symptoms of intoxication.

ARREST AND BOOKING (CONTINUED):

The subject stated, "So you're arresting me from your probable cause? Just from looking at me right now? This video is on right now. And this video is, if this video is like, if anyone is looking at this video, oh, okay, he is under the influence. That's what you're doing. You're addressing this video and you're saying anyone that looks at this video is saying I'm under the influence. That's what your training and experience is like...So you're telling me I'm under the influence just by looking at me, for your training and experience. And you have 15 years on, I have 25 years on, I've seen way more DUI's than you have." Sergeant Nielsen advised the subject that he was being arrested for felony DUI due to his passenger being injured. The subject stated, "Hernandez, was she transported? Hernandez? Was the person in my passenger seat transported, for injuries? So she was not transported for injuries? So she was not injured? So there is not felony injury? So what the Sergeant is saying is false." The subject continued and stated, "She was not transported by a DUI, for a DUI, felony injury, to a hospital, and she was just transported here, for transport reasons. Why is there an allegation of felony DUI hit-and-run?" The subject stood up, and grabbed my PWBC that was placed on the table and turned it toward my direction. I immediately stood up and faced the PWBC back towards his direction and advised the subject that I had been more than cooperative and compliant with him and he needed to calm down and not stand up. The subject stated, "Why is there allegations of a DUI TC hit-and-run, with injuries?" I advised the subject I do not have to answer at that moment. The subject stated, "Yeah you do! Actually, you do. Yes sir, you do. Boss, you do have to answer it. You have to answer why your alleging a hit-and-run DUI TC?" Sergeant Nielsen advised the subject that his passenger had complained of injuries. The subject asked if his passenger was transported and Sergeant Nielsen advised the subject that his passenger could have complaints of pain and not be transported from the scene. The subject asked Sergeant Nielsen if he could assist and find out where his passenger was at. The subject stated, "I'm being alleged of actual big allegations. I would appreciate, if you would facilitate as a Sergeant, to figure out what's going on here." Sergeant Nielsen advised him that he already advised him of what was going on and the subject replied, " No you didn't. You said she was, she alleged injury. Well, find out where she's at. Did she get transported? Well then find out. Talk to her. Where is she? Get her number. Find out. Did you get injured from the injury? Or were you already injured? What's going on here?" The subject continued and asked, "Hernandez, did you fail to request an RA on scene, when someone told you they were injured? Hernandez! You're standing right in front of me! You failed to request an RA right in front of me while someone said they were injured? Are you kidding me?" Sergeant Nielsen attempted to calm the subject and advised him that his behavior was not benefiting him. Sergeant Nielsen asked the subject, "Do you think you behaving like this on a video benefits you in any way?" The subject replied, "Yeah, absolutely. You know what? When my command looks at it, I'm going to tell, no, no, no, they are not. They are going to say, look, a guy that's demanding his rights, look I'm not being disrespectful to you." The subject began to ask why I did not conduct FST's on the other involved parties on scene if he saw signs of intoxication on them.

ARREST AND BOOKING (CONTINUED):

At approximately 2245 hours, I obtained a search warrant signed by Judge Steven D. Blades to obtain a sample of blood from the subject. At approximately 2318 hours, I advised the subject of his Miranda Rights. The subject declined by stating, "No." The subject continued to ask questions and asked if I had failed to request an RA for a person that stated they were injured. Th subject stated, "Officer Hernandez, so did you fail to do an FST on all parties? Party one, party two and party three? You failed to do an FST on party one that obviously was intoxicated, bloodshot eyes, unsteady gait, was unbalanced from my observations from when I arrived on scene prior to you. Prior to you, I arrived on scene, probably 20 minutes prior to you and completely investigated the situation. I obtained information from party 1. I obtained the information from party 2, and I completely observed from my investigation from 25 years of law enforcement that they were intoxicated and I informed you that they possibly might have been intoxicated."

At an unknown time, Gaxiola's Lieutenant from Los Angeles Police Department (LAPD) Newton Division arrived at the Central Los Angeles CHP Office. Sergeant Sanchez, ID 20291 arrived to assist with watching the subject. While Sergeant Sanchez was in the room with the subject, the subject asked what the purpose of the PWBC was. Sergeant Sanchez related that he was not going to answer his questions and the subject related that he did not want the PWBC on him while he was sitting in the office. The subject asked me if I had asked him on scene if he was on DUI probation. He related that he was not on probation and did not know where I retrieved that information. He related that information might have led me to conduct a DUI investigation on the subject. The subject related that he wanted me to put in the report that I misidentified the fact that he was on DUI probation, that I failed to conduct a DUI investigation on Party 1 and Party 2 which he identified as being under the influence from his history. Later in the evening, Captain Humprey from LAPD Newton Division arrived on scene.

At approximately 0122 hours, I observed Phlebotomist, [redacted] CPT 1, draw one blood vial from the subject's right arm after having cleaned the area with Hydrogen Peroxide. [redacted] CPT 1, handed me the blood vial where I retained possession of it and shook the vial vigorously. With the approval of Sergeant S. Nielsen, ID 19271, Gaxiola was issued a CHP 215 (Notice to Appear) and released to Captain Humprey. I relinquished possession of the blood packet to Officer R. Cazares, ID 22673 who booked the blood at LAPD 77th Street Jail.

EVIDENCE:

This incident may or may not have been captured on Wireless Mobile Video Audio Recording (WMVARS) system. This incident was also captured on a Personal Worn Body Camera (PWBC) disc #12 and #13. Due to an internal error with the PWBC, the times and date indicated on disc #13 recordings do not reflect the actual times and date with this incident.

ARREST – INVESTIGATION REPORT NARRATIVE (CONTINUED)

ANALYSIS AND OPINIONS:

Based on my investigations, the following charges can be established against Gabriel Gaxiola:

-23153(a) Vehicle Code-*It is unlawful for a person, while under the influence of any alcoholic beverage, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.*

This was established by my observation of Gaxiola's objective signs and symptoms of intoxication, his performance on the FST's, his admittance to consuming alcohol prior to driving and my training and experience. Gaxiola was involved in traffic collision which resulted in his passenger, [redacted] becoming injured as a result of the collision.

23153 (b) Vehicle Code-*It is unlawful for a person, while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.*

This will be established by Gaxiola's blood test revealing his blood alcohol content (BAC) at the time was above .08%. (pending blood results).

RECOMMENDATIONS:

I recommend a copy of this report be forwarded to the Los Angeles District Attorney's Office for review and Gabriel Gaxiola be charged with the following:

-23153(a) V.C- Driving under the influence of alcohol (DUI)

-23153 (b) V.C.-DUI with a BAC of .08% or greater (Pending blood).

Upon successful conviction, I recommend the following enhancement charges:

-23578 VC-DUI with BAC over .15% (pending blood).

-23540 (a) VC-2nd DUI within 10 years

-23560 VC-DUI resulting in injuries within 10 years of prior DUI

-23577 (a)(2) VC- Refusal to submit to a chemical test

SUPERIOR COURT OF CALIFORNIA
County of Los Angeles

Warrant No.

SEARCH WARRANT RETURN

Officer E. HERNANDEZ, ID 22088, being sworn, says that he / she conducted a search pursuant to the below described search warrant:

Issuing Magistrate: STEVEN D. BLADES
Magistrate's Court: Los Angeles
Date of Issuance: 05/13/2022
Date of Service: 05/13/2022

and searched the following location(s), vehicle(s), and person(s) and seized the items

☐ described in the attached and incorporated inventory.
☒ described below:

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offense in respect to which the seized property is triable.

(Signature of Affiant)

Sworn to and subscribed before me this 2 day of AUGUST 2022.

Anne Hwang
(Signature of Magistrate)

Judge of the Los Angeles Superior Court.

List all items seized, including those not specifically listed on the warrant.

Location #1: One vial of human blood was taken from GABRIEL GAXIOLA

at 0122 hours on the date of service.

The blood draw was obtained at the Central Los Angeles CHP Office located at 777 W. Washington Blvd., LA, CA.

The blood vial was booked into evidence at the LAPD 77th Street Jail and will be tested. Blood test results are pending.

STATE OF CALIFORNIA – COUNTY OF LOS ANGELES

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

SW No. _____

1) I, OFR. HERNANDEZ # 22088 am a peace officer, employed by CALIFORNIA HIGHWAY PATROL.

2) I have been employed as a peace officer for approximately 4 year(s) 2 month(s) and received training in investigating impaired driving (alcohol and/or drug(s)) and investigating traffic collisions.

3) On 5/13/2022, at approximately 2030 hours, in the County of Los Angeles, I (or ☐ _____):
☐ conducted an enforcement stop; ☑ responded to a traffic collision involving: ☐ fatality, ☐ injuries, ☑ property damage only; ☐ conducted other investigation; _____.
☐ I (or ☐ _____) saw Suspect (identified below) ☐ driving, ☐ stopped, ☐ inside vehicle. ☐ While driving, the Suspect was: ☐ speeding, ☐ weaving, ☐ driving slowly, ☐ failed to stop at red light/stop sign, ☐ made unsafe lane change, ☐ failed to signal, ☐ other: _____.

4) Upon investigating, I (or ☐ _____) contacted Suspect: ☑ standing next to the vehicle, ☐ while in the vehicle's driver's seat, ☐ while being medically treated at the scene by fire personnel, ☐ at another location approximately 15 ☐ minutes/☐ hours after the collision ☐ other: _____.

5) Suspect is believed to have been the driver because: ☑ witness statements, ☑ Suspect's statement, ☑ Suspect is the vehicle's registered owner, ☑ Suspect is in possession of the vehicle's keys, ☐ seatbelt mark across Suspect's chest/injuries present, ☐ other: _____.

6) Upon contacting the Suspect, the following objective symptoms of driving under the influence were observed:

☐ fumbling with vehicle controls	☐ fumbling with documents	☑ slurred speech
☐ rapid speech	☑ reddened eyes	☑ watery eyes
☐ dilated pupils	☐ constricted pupils	☑ unsteady gait

☑ odor of ☑ alcoholic beverage ☐ marijuana/cannabis emitting from Suspect's breath and/or person
☑ admitted to ☑ drinking ☐ using marijuana/cannabis ☐ taking other drug(s) _____
☑ was unable to perform Field Sobriety Tests as explained and demonstrated
☑ refused to perform Field Sobriety Tests
☐ BAC measured _____% on: ☐ Preliminary Alcohol Screening (PAS) test or ☐ breathalyzer ☐ refused PAS test
☐ other subjective findings: _____.

7) ☑ After being read verbatim the Chemical Test Admonition per CVC 23612-Implied Consent, Suspect: ☑ refused to submit to breath or blood test or ☐ was unable to consent due to medical condition.

8) Based upon my training and experience, it is my opinion Suspect was operating a motor vehicle while under the influence of alcohol and/or drug(s). It is my opinion that unless a blood sample is obtained promptly, dissipation of blood alcohol and/or drug(s) content may result in destruction of evidence.

9) Suspect to be searched is described as: Susp's Name: GABRIEL GAXIOLA;
☑ male ☐ female ☐ non-binary; DOB or Approx. Age: [redacted]; Driver's License or ID #: [redacted] CA or _____ State CII # _____; Approx. Height: [redacted]; Approx. Weight: [redacted]; Hair Color: [redacted]; Eye Color: [redacted], ☑ now being detained at: CENTAL CHP; ☐ now being treated at _____ under Patient or Medical Record Number _____; other information: _____.

10) Night Service requested: ☑ Yes ☐ No (Night Service is between 10 P.M. and 7 A.M.)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 05/13/2022 in Los Angeles County, California. Signed: _____

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: Proof having been made before me this day by the incorporated affidavit above, that there is probable cause to believe that a sample of the blood of the person described in section 9) above, will furnish evidence of the violation of Vehicle Code: 23153, 23152 or 23140. You are therefore commanded to search Suspect's person by extracting, in a medically approved manner, a blood sample to be submitted by you for laboratory analysis and to be retained by you, subject to order of the court.

Dated 5-13-22 at 2245 hrs ☐ A.M. ☐ P.M. Night Service Approved: ☒ Yes ☐ No

Steven D. Blades
Judge of the Superior Court, County of Los Angeles

Steven D. Blades
Printed Name of Magistrate

(12/23/20)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 2MN02194 PAGE NO. 1
THE PEOPLE OF THE STATE OF CALIFORNIA VS. CURRENT DATE 05/02/24
DEFENDANT 01: GABRIEL GAXIOLA
LAW ENFORCEMENT AGENCY EFFECTING ARREST: CHP - CENTRAL L.A. STATION

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER

CASE FILED ON 08/24/22.
COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 05/13/22 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:
COUNT 01: 23152(A) VC MISD
COUNT 02: 23152(B) VC MISD
COUNT 03: 16028(C) VC INF
DL
ALLEGED PRIOR CONVICTION ON COUNT 01 FOR 23152(B) VC ON 01/25/17 IN ORANGE COUNTY HARBOR JUDICIAL DISTRICT UNDER CASE NUMBER 16HM0881.
ALLEGED PRIOR CONVICTION ON COUNT 02 FOR 23152(B) VC ON 01/25/17 IN ORANGE COUNTY HARBOR JUDICIAL DISTRICT UNDER CASE NUMBER 16HM0881.
NEXT SCHEDULED EVENT:
09/07/22 830 AM ARRAIGNMENT DIST METROPOLITAN COURTHOUSE DEPT 066

ON 09/07/22 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 066

CASE CALLED FOR ARRAIGNMENT
PARTIES: E. CARLOS DOMINGUEZ (JUDGE) NELSON CONTRERAS (CLERK)
ELECTRONIC RECORDING (REP) BRADFORD HARRISON (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY BILL H. SEKI PRIVATE COUNSEL
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
MATTER IS CONTINUED TO THE DATE, TIME AND PLACE INDICATED BELOW FOR ARRAIGNMENT AND PLEA.
.
AS A CONDITION OF OWN RECOGNIZANCE, DEFENDANT IS ORDERED NOT

TO DRIVE WITHOUT A VALID CALIFORNIA DRIVER'S LICENSE AND NOT TO DRIVE WITH ANY MEASURABLE AMOUNT OF ALCOHOL IN SYSTEM.
.
DEFENDANT HAS COMPLETED A 90-DAY TREATMENT PROGRAM.
.
DEFENDANT WILL CONTINUE ATTENDING A.A. MEETINGS.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
10/25/22 830 AM ARRAIGNMENT AND PLEA DIST METROPOLITAN COURTHOUSE DEPT 066

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 10/25/22 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 066

CASE CALLED FOR ARRAIGNMENT AND PLEA
PARTIES: MICHAEL D. ABZUG (JUDGE) NELSON CONTRERAS (CLERK)
ELECTRONIC RECORDING (REP) BRADFORD HARRISON (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE

COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
BILL H. SEKI PRIVATE COUNSEL
MATTER IS CONTINUED TO THE DATE AND TIME INDICATED
BELOW FOR ARRAIGNMENT AND PLEA.
.
AS A CONDITION OF OWN RECOGNIZANCE RELEASE, DEFENDANT IS ORDERED
NOT TO DRIVE WITHOUT A VALID CALIFORNIA DRIVER'S LICENSE AND NOT
TO DRIVE WITH ANY MEASURABLE AMOUNT OF ALCOHOL IN SYSTEM.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
11/29/22 830 AM ARRAIGNMENT AND PLEA DIST METROPOLITAN COURTHOUSE DEPT
066

ON 11/29/22 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 066

CASE CALLED FOR ARRAIGNMENT AND PLEA
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) BRADFORD HARRISON (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE
COUNSEL
DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 23152(A) VC.
DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 23152(B) VC.
DEFENDANT PLEADS NOT GUILTY TO COUNT 03, 16028(C) VC.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
-DO NOT DRIVE A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE IN
YOUR POSSESSION OR WITHOUT LIABILITY INSURANCE IN AT LEAST THE
MINIMUM AMOUNTS REQUIRED BY LAW.
-DO NOT DRIVE ANY VEHICLE WITH ANY MEASURABLE AMOUNT OF ALCOHOL
OR DRUGS IN YOUR BLOOD OR REFUSE TO TAKE AND COMPLETE ANY BLOOD
ALCOHOL OR DRUG CHEMICAL TEST, ANY FIELD SOBRIETY TEST, AND ANY
PRELIMINARY ALCOHOL SCREENING TEST, WHEN REQUESTED BY ANY PEACE
OFFICER.
DEFENDANT DENIES PRIOR CONVICTION ON COUNT 01 FOR CASE 16HM0881.

DEFENDANT DENIES PRIOR CONVICTION ON COUNT 02 FOR CASE 16HM0881.
MATTER IS CONTINUED FOR PRE-TRIAL IN DEPARTMENT 74 AT 8:30 A.M.
ON JANUARY 23,2023.
.
TCIS ENTRY MADE BY D.GONZALEZ.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
01/23/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 45

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 01/23/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: MARTHA MATTHEWS (JUDGE) RONALD SEGALINI (CLERK)
ELECTRONIC RECORDING (REP) JOSEF A. CASTIEL (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE

COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
BILL H. SEKI PRIVATE COUNSEL
ON DEFENSE MOTION PRETRIAL HEARING IS CONTINUED TO 2/9/23, AT
8:30AM, IN DEPARTMENT 74, AS DAY 0 OF 30, WITH LAST DAY 3/13/23.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
02/09/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/09/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING

PARTIES: MARTHA MATTHEWS (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
PRETRIAL HEARING IS TRAILED TO FEBRUARY 22, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 13 OF 30.
.
LAST DAY REMAINS: 03-13-2023.
.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
NEXT SCHEDULED EVENT:
02/22/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 13 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/22/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: MARTHA MATTHEWS (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
'(1)NOTICE OF MOTION AND MOTION TO CONTINUE TRIAL DATE PURSUANT
TO PENAL CODE SECTION 1050; (2) MEMORANDUM OF POINTS AND
AUTHORITIES; AND (3) DECLARATION OF BILL H. SEKI IN SUPPORT
THEREOF' IS SUBMITTED AND FILED THIS DATE.
.
DEFENSE 1050 MOTION IS GRANTED.
.
PRETRIAL HEARING IS CONTINUED TO MARCH 30, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 0 OF 30.
.
NEW LAST DAY: 05-01-2023.

.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
03/30/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 03/30/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: MARTHA MATTHEWS (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
PRETRIAL HEARING IS CONTINUED TO APRIL 26, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 0 OF 30.
.
NEW LAST DAY: 05-26-2023.
.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
04/26/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/26/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING

PARTIES: FREDERICK ROTENBERG (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
PRETRIAL HEARING IS CONTINUED TO MAY 25, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 0 OF 30. DEFENDANT WAIVES TIME.
.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
05/25/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 05/25/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: FREDERICK ROTENBERG (JUDGE) ERIK BUSTOS (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY BILL H. SEKI PRIVATE COUNSEL
MATTER IS CONTINUED FOR PRETRIAL HEARING TO JULY 13, 2023, AT 8:30 A.M., IN DEPARTMENT 074 AS DAY 0 OF 30.
.
NO FURTHER CONTINUANCES.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/13/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 07/13/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: JERRY B. MARSHAK (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
APPEARING BY WEBEX(AUDIO).
PRIVATE COUNSEL BILL H. SEKI IS RELIVED AS DEFENSE COUNSEL.
.
PRIVATE COUNSEL DAVID DIAMOND IS APPOINTED AS DEFENSE COUNSEL.
.
'NOTICE OF MOTION AND MOTION TO SUPPRESS EVIDENCE; POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE 1538.5 AND NOTICE OF MOTION TO TRAVERSE WARRANT

(FRANKS V DELAWARE)' IS SUBMITTED AND FILED THIS DATE.
.
CASE IS TRANSFERRED TO DEPARTMENT 71 FOR 1538.5/FRANKS MOTION.
.
PRETRIAL HEARING AND 1538.5 MOTION IS CONTINUED TO AUGUST 03, 2023, AT 8:30 A.M., IN DEPARTMENT 71, AS DAY 0 OF 11.
.
DEFENDANT IS ORDERED TO APPEAR ON THE NEXT COURT DATE OR APPEAR 977(A) BY COUNSEL.
.
OR IS CONTINUED ON THE SAME TERMS AND CONDITIONS.
.
LAST DAY: 08-14-2023.
.

ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
08/03/23 830 AM PRETRIAL AND MOTION DIST METROPOLITAN COURTHOUSE DEPT 071
DAY 00 OF 11

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 07/20/23 AT 830 AM :

BENCH BRIEF FILED

ON 08/03/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 071

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE TO REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.
CASE CALLED FOR PRETRIAL AND MOTION
PARTIES: MARAL INJEJIKIAN (JUDGE) KIMBERLEY CROSBY (CLERK)
YVETTE BONILLA (REP) KAELEE EPSTEIN (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
PEOPLE OPPOSE THE MOTION BEING HEARD TODAY
.
MATTER TRANSFERRED FORTHWITH TO DEPARTMENT 74.
NEXT SCHEDULED EVENT:
08/03/23 900 AM PRETRIAL AND MOTION DIST METROPOLITAN COURTHOUSE DEPT 074

ON 08/03/23 AT 900 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL AND MOTION
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
THE MATTER IS CALLED FOR HEARING ON MOTION PURSUANT TO PENAL CODE SECTION 1538.5.
.
WITNESS ERIC HERNANDEZ IS PLACED UNDER OATH AND TESTIFIES ON BEHALF OF THE PEOPLE.
.
THE MOTION IS HEARD, ARGUED, AND PLACED UNDER SUBMISSION.
.
THE MATTER IS CONTINUED FOR PRETRIAL AND MOTION HEARING TO AUGUST 09, 2023 AT 8:30 A.M., IN DEPARTMENT 74.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
08/09/23 830 AM PRETRIAL AND MOTION DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 08/09/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL AND MOTION
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL APPEARING BY WEBEX
JOSEF CASTIEL (CA)
ORDER DENYING DEFENSE MOTION TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE SECTION 1538.5 AND MOTION TO TRAVERSE SEARCH WARRANT

IS FILED.
.
LAST DAY FOR TRIAL IS AUGUST 24, 2023.
.
ALL PARTIES HAVE ANNOUNCED READY.
.
TRIAL TIME ESTIMATE IS 07 DAYS.
.
THERE IS NO OUTSTANDING DISCOVERY.
.
THE PARTIES ARE ORDERED TO APPEAR IN DEPARTMENT 71 FOR TRIAL SETTING ON AUGUST 14, 2023 AT 8:30 A.M., AS DAY 05 OF 15.
NEXT SCHEDULED EVENT:
08/14/23 830 AM JURY TRIAL DIST METROPOLITAN COURTHOUSE DEPT 071
DAY 05 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 08/09/23 AT 1000 AM :

NOTICE OF APPEAL CR-132 IS RECEIVED
MATTER PREV SET/REMAIN ON CLDR

ON 08/10/23 AT 830 AM :

MOTION FOR CONTINUANCE FILED

ON 08/10/23 AT 130 PM :

NOTICE OF MOTION AND MOTION TO STAY PROCEEDINGS PENDING APPEAL FILED.
.

ON 08/11/23 AT 400 PM IN METROPOLITAN COURTHOUSE DEPT CLK

CASE CALLED FOR NTC OF APPEAL FILED-DEFNDNT
PARTIES: NONE (JUDGE) NONE (CLERK)
NONE (REP) KAELEE EPSTEIN ()
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
NOTICE OF APPEAL RECEIVED AND FILED. L.C.
NEXT SCHEDULED EVENT:
MATTER PREV SET/REMAIN ON CLDR

ON 08/14/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 071

CASE CALLED FOR JURY TRIAL
PARTIES: JANA M. SENG (JUDGE) KIMBERLEY CROSBY (CLERK)
YVETTE BONILLA (REP) KAELEE EPSTEIN (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

DAVID DIAMOND PRIVATE COUNSEL
NOTICE OF MOTION AND MOTION TO STAY PROCEEDINGS PENDING APPEAL FILED.
.
DEFENSE 1050 MOTION HEARD, ARGUED AND GRANTED OVER THE PEOPLE'S OBJECTION AS INDICATED IN THE OFFICIAL COURT TRANSCRIPTS.
.
LAST DAY FOR TRAIL 10-11-23.
.
DEFENSE MOTION TO STAY PROCEEDINGS ID DENIED ISSUE WAS HEARD AND LITIGATED IN DEPT. 74 PREVIOUSLY.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
09/26/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

ON 09/12/23 AT 200 PM :

NOTICE OF MOTION TO MOTION TO QUASH SUBPEONA FILED.

ON 09/19/23 AT 230 PM :

CALIFORNIA HIGHWAY PATROL'S OPPOSITION TO MOTION FOR PRETRIAL DISCOVERY IS FILED THIS DATE.
.
ENTRY BY: C. GONZALEZ.

ON 09/26/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: DAVID BERGER (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL

JENNIFER M. YANG, OFFICE OF THE ATTORNEY GENERAL, APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS
.
NAREK SHAMORADIAN, OFFICE OF THE ATTORNEY GENERAL, APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS
ON COURTS OWN MOTION, THE MATTER IS CONTINUED FOR PRETRIAL HEARING TO OCTOBER 12, 2023 AT 8:30 A.M., IN DEPARTMENT 74.
.
LAST DAY: OCTOBER 27, 2023
.
ALL PARTIES ARE ORDERED TO APPEAR ON THE NEXT COURT DATE.
.
PREVIOUSLY ORDERED OWN RECOGNIZANCE CONDITIONS REMAIN IN EFFECT.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
10/12/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 09/27/23 AT 400 PM IN METROPOLITAN COURTHOUSE DEPT CLK

CASE CALLED FOR NTC-REPORTER PREP TRNSCRIPT
PARTIES: NONE (JUDGE) NONE (CLERK)
NONE (REP) MATTHEW P C BENHAM ()
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
FOR THE RECORD UPLOADED TO SHAREPOINT. L.C.
NEXT SCHEDULED EVENT:
MATTER PREV SET/REMAIN ON CLDR

ON 10/11/23 AT 830 AM :

CALIFORNIA HIGHWAY PATROL'S NOTICE OF MOTION AND MOTION TO QUASH DEFENSE SUBPOENA DUCES TECUM ID FILED THIS DATE.
.
.

MATTER PREV SET/REMAIN ON CLDR

ON 10/12/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
APPEARING BY PAUL GELLER
JENNIFER M. YANG OFFICE OF THE ATTORNEY GENERAL APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS
.
NAREK SHAMORADIAN OFFICE OF THE ATTORNEY GENERAL APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS
.
DEFENDANT'S MOTION FOR PRETRIAL PITCHESS DISCOVERY IS GRANTED.
.

PEOPLE'S MOTION TO QUASH SUBPOENA DUCES TECUM IS GRANTED.
.
CALIFORNIA HIGHWAY PATROL'S MOTION TO QUASH DEFENSE SUBPOENA
DUCES TECUM IS GRANTED.
.
IN-CAMERA REVIEW OF CALIFORNIA HIGHWAY PATROL DOCUMENTS IS HELD.
.
THE MATTER IS SET FOR PRETRIAL HEARING ON OCTOBER 24, 2023
AT 8:30 A.M., IN DEPARTMENT 74.
.
LAST DAY: NOVEMBER 08, 2023
.
PREVIOUSLY ORDERED OWN RECOGNIZANCE CONDITIONS REMAIN IN EFFECT.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
10/24/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 10/24/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: JERRY B. MARSHAK (JUDGE) MELISSA GARRIDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DAVID DIAMOND PRIVATE
COUNSEL APPEARING BY WEBEX
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
DAVID DIAMOND PRIVATE COUNSEL APPEARING BY WEBEX
DEFENSE COUNSEL'S ORAL REQUEST TO CONTINUE THIS MATTER IS HEARD
AND GRANTED.
.
PRETRIAL HEARING IS CONTINUED TO NOVEMBER 28, 2023 AT 8:30 A.M.,
IN DEPARTMENT 74 AS DAY 0 OF 15.
.
LAST DAY: 12/13/2023.

COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
11/28/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01

November 28, 2023

The People of the State of California
vs.
GAXIOLA, GABRIEL

8:30 AM

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

David Douglas Diamond, Private Counsel via WEBEX
Matthew Peter Benham, Deputy City Attorney via WEBEX
Jennifer Mei Yang, California State Deputy Attorney General

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Pretrial Hearing.

Code of Civil Procedures 170.3 Statement of Disqualification is stricken pursuant to Courts order dated November 27, 2023.

Pretrial and Motion day 00 of 30 is continued to **Tuesday, December 19, 2023**, at **8:30 AM**, **Metropolitan Dept. - 74**.
The Defendant waives time.

Last Day: 01/18/2024

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **December 19, 2023**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

David Douglas Diamond, Private Counsel via WEBEX
Matthew Peter Benham, Deputy City Attorney
Narek Shahmoradian, California State Deputy Attorney General

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Pretrial Hearing.

Motion to quash testimony of DCA Tang is heard, argued, and granted.

California Highway Patrol's Motion To Quash Defense Subpoena Duces Tecum is heard, argued, and granted.

Order Requiring Discovery pursuant to Penal Code Section 1054.5 is conducted and completed.

Pretrial Hearing day 00 of 15 is continued to **Monday, January 8, 2024**, at **8:30 AM**, **Metropolitan Dept. - 74.**
The Defendant waives time.

Last Day: 01/23/2024

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **January 8, 2024**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Salgado, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

GABRIEL GAXIOLA, Defendant
David Douglas Diamond, Private Counsel via Webex
Matthew Peter Benham, Deputy City Attorney

The matter is called for Pretrial Hearing.

On Defendant's motion, Pretrial Hearing as Day 00 of 15 and Defense's Motion to Compel Discovery is continued to **Tuesday, January 30, 2024**, at **8:30 AM**, **Metropolitan Dept. - 74**.
The Defendant waives time for trial.
The Defendant is ordered to return on the above date.

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **January 30, 2024**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

GABRIEL GAXIOLA, Defendant
David Douglas Diamond, Private Counsel
Matthew Peter Benham, Deputy City Attorney

The matter is called for Pretrial Hearing.

Defense written Motion To Compel is heard, argued, and denied.

Pretrial Hearing day 00 of 20 is continued to **Friday, February 9, 2024**, at **8:30 AM, Metropolitan Dept. - 74.**
The Defendant waives time.
The Defendant is ordered to return on the above date.
Last Day: 02/29/2024

Previously ordered own recognizance conditions remain in effect.

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **February 9, 2024**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

GABRIEL GAXIOLA, Defendant
David Douglas Diamond, Private Counsel
Matthew Peter Benham, Deputy City Attorney

The matter is called for Pretrial Hearing.

Written Advisement of Rights and Waivers is filed.

The Defendant is advised of, understands, and personally waives the following rights, the right against self incrimination, the right to confront and cross examine witnesses, the right to produce evidence and present a defense, the right to a Preliminary Hearing, and the right to a Trial by Court or Jury.

The Defendant is advised of the nature of charges, elements of the offenses, and possible defenses to such charges. The Defendant is advised of the possible consequences of a plea of guilty or nolo contendere, including maximum penalty and administrative sanctions and the possible legal effects and maximum penalties incident to subsequent convictions for the same or similar offenses.

The Defendant is advised that if not a United States citizen, a conviction of the offense charged will have the consequences of deportation, exclusion from admission or reentry to the United States, and denial of naturalization and amnesty.

The Defendant is advised of the effects of probation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 **February 9, 2024**

The People of the State of California **8:30 AM**

vs.

GAXIOLA, GABRIEL

Counsel for the Defendant joins in the waivers pursuant to People vs. West.
The Court finds that each waiver is knowingly, understandingly, voluntarily, and explicitly made.
The Court finds there is a factual basis for the Defendant's plea.
The Court accepts the plea.

Counsel for the Defendant joins in the waivers pursuant to People vs. Alford.

The Defendant admits a prior conviction in case number 16HM08811 on January 25, 2017 in Orange County.

As to Count 002: VC23152(b), Misdemeanor, the Defendant enters a plea of Nolo Contendere with the approval of the Court. The Court finds the Defendant guilty.

Disposition as to Count 002, VC23152(b), Misdemeanor: Conviction After Plea

The Defendant waives time for sentencing.

The Defendant waives arraignment for judgment and states there is no legal cause why sentence should not be pronounced. The Court orders the following judgment:

SUPERVISION:

As to Count 002 VC23152(b), Misdemeanor: Imposition of Sentence Suspended
Defendant is placed on **Summary Probation** for a period of **60 Months** upon the following terms and conditions:

CONDITIONS OF SUPERVISION:

DUI08: Not operate a motor vehicle with any measurable amount of alcohol in blood system.
DUI15: Do not drive a motor vehicle without a valid driver's license in your possession or without liability insurance in at least the minimum amounts required by law.
DUI16: Defendant advised to comply if ordered by Department of Motor Vehicles to install an Ignition Interlock Device as a condition of probation.
FIN01: Make restitution to the victim per Penal Code section 1202.4(f) in an amount to be determined at a hearing.
FIN13: Pay probation revocation restitution fine pursuant to Penal Code section 1202.44, which may be enforced in the manner provided for the enforcement of money judgment, in the amount of $150.00
PROB12: Obey all laws and orders of the Court.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 **February 9, 2024**

The People of the State of California **8:30 AM**

vs.

GAXIOLA, GABRIEL

PROB24: The Defendant is handed a copy of the conditions of probation in open court.
PROB26: Defendant acknowledges that they understand and accept each term and condition of probation.

Any mandatory and non-punitive fees or assessments ordered in this case are not conditions of supervision.

Unless otherwise specified, this order constitutes a single grant of supervision for multiple counts, and all terms and conditions imposed apply to all counts.

CONFINEMENT/FINE:

As to Count 002 VC23152(b), Misdemeanor:
The Defendant is ordered to serve 4 Days in City Jail as a condition of probation.
The Defendant is to pay a fine of $500.00 plus penalty assessments.

The Defendant is ordered to surrender to City Jail to serve 4 days in custody.

The Defendant enters a waiver in re People vs. Cruz.

PROGRAM(S):

- Enroll within 21 days from today or release from custody and successfully complete an approved **licensed 18 month Driving Under the Influence program**
- Enroll in and complete **MADD Victim Impact program**
- Attend 52 **Alcoholics/Narcotics Anonymous meetings** (at a rate of 2 times per week)

The Defendant submits and files proof of enrollment in the SB-38 Alcohol Education program.

DRIVER'S LICENSE CONDITION(S):

At the time of the offense the Defendant was under the influence of alcohol, with a blood alcohol level of .15%.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 **February 9, 2024**

The People of the State of California **8:30 AM**

vs.

GAXIOLA, GABRIEL

The Defendant is advised and understands that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle, and is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. Defendant is further advised that if as a result of driving under the influence of alcohol or drugs, or both, and someone is killed, the Defendant can be charged with murder.

Pay a restitution fine in the amount of $150.00 pursuant to Penal Code section 1202.4(b).

Case total fines and/or fees in the amount of $2,454.00 are due on or before Friday, August 9, 2024.

Progress Report is set for **Friday, April 12, 2024,** at **8:30 AM** in **Metropolitan Dept. - 74.**

The Defendant is ordered to return on the above date.

The matter is further set for Restitution Hearing Setting on the next court date.

The matter is set for Non-Appearance Proof of Jail Time on March 01, 2024.

Non-Appearance Hearing is set for **Friday, March 1, 2024,** at **8:30 AM** in **Metropolitan Dept. - 74.**

Disposition as to Count 001, VC23152(a), Misdemeanor: Dismissed Due to Plea Negotiation

Disposition as to Count 003, VC16028(C), Infraction: Dismissed Due to Plea Negotiation

Refusal allegation is stricken by request of the People.

Defendant On Probation.

Commitment issued.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **March 1, 2024**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Non-Appearance Hearing

The following parties are present for the aforementioned proceeding:

No Appearances

The matter is called for Non-Appearance Hearing.

The matter is calendared in error.

The matter previously set for April 12, 2024 at 8:30 AM in Department 74, remains on calendar.

Defendant On Probation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01

April 12, 2024

8:30 AM

The People of the State of California
vs.
GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
R. Segalini, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Progress Report

The following parties are present for the aforementioned proceeding:

David Douglas Diamond, Private Counsel

The Defendant's presence is waived pursuant to Penal Code section 977(a).
Nishi Dayal standing in for defense counsel.

The matter is called for Progress Report.

Defense counsel appears via webex. Proof of madd program and 4 days serve in custody is submitted.

On Court's motion, Progress Report is continued to **Wednesday, October 9, 2024**, at **8:30 AM**, **Metropolitan Dept. - 74**.

The Defendant is ordered to return on the above date.

Defendant On Probation.

COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,

VA 09/07/2022 Bkg no.

Plaintiff,

vs.

GABRIEL GAXIOLA [redacted] M
DBA/AKA:

VC23152(a)/77/40

VC23152(b)/77/40,VC16028(c)

Defendant(s).

MISDEMEANOR COMPLAINT

CCMS Case No.: 2MN02194
Court Case No.:

FILED
SHERRI R. CARTER
Executive Officer/Clerk

By_____
Deputy Clerk

FILED
Superior Court of California
County of Los Angeles
AUG 2 - 2022
Sherri R. Carter, Executive Officer/Clerk of Court
By _____ Deputy
Dawn Long

Issued by
MICHAEL N. FEUER
City Attorney

TALEEN TERTZAKIAN
Supervising Attorney

By: JOYCE YAMAMOTO
Deputy City Attorney
(AL)

Comes now the undersigned and states that he/she/they is/are informed and believe(s), and upon such information and belief declare(s):

COUNT I

That on or about 05/13/2022 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit, violation of Subdivision (a) of Section 23152 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully drive a vehicle while under the influence of an alcoholic beverage.

It is further alleged that at the time of arrest for the above offense, the defendant willfully refused a peace officer's request to submit to, and to complete, a chemical test and tests, of his and her blood, and breath, and urine to determine the alcoholic content and the drug content of his and her blood, as required by Subdivision (a) of Section 23612 of the California Vehicle Code and is thus subject to the additional punishment provided for in Vehicle Code Section 23577.

ALLEGATIONS OF PRIOR CONVICTIONS

It is further alleged, pursuant to Vehicle Code section 23540, that within 10 years of the above offense, the above-named defendant(s), (whose true name(s) to affiant is(are) unknown) committed a separate violation of the Vehicle Code that resulted in a conviction having occurred on and about the following date(s):

Code Section	Violation Date	Conviction Date	Docket No.	Court No.
VC23152B	07/10/2016	01/25/2017	16HM08811	30460

MCI 23152(a)/23577/23540/29

COUNT II

For a further, separate and second cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges that on or about 05/13/2022 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit, violation of Subdivision (b) of Section 23152 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully drive a vehicle while having 0.08 percent and more, by weight of alcohol in his and her blood.

It is further alleged that at the time of arrest for the above offense, the defendant willfully refused a peace officer's request to submit to, and to complete, a chemical test and tests, of his and her blood, and breath, and urine to determine the alcoholic content and the drug content of his and her blood, as required by Subdivision (a) of Section 23612 of the California Vehicle Code and is thus subject to the additional punishment provided for in Vehicle Code Section 23577.

ALLEGATIONS OF PRIOR CONVICTIONS

It is further alleged, pursuant to Vehicle Code section 23540, that within 10 years of the above offense, the above-named defendant(s), (whose true name(s) to affiant is(are) unknown) committed a separate violation of the Vehicle Code that resulted in a conviction having occurred on and about the following date(s):

Code Section	Violation Date	Conviction Date	Docket No.	Court No.
VC23152B	07/10/2016	01/25/2017	16HM08811	30460

MCI 23152(b)/23577/23540/29

COUNT III

For a further, separate and third cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges that on or about 05/13/2022 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a infraction, to wit, violation of Subdivision (c) of Section 16028 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is (are) unknown), who at the time and place last aforesaid, did willfully and unlawfully fail to furnish written evidence of financial responsibility upon the request of a peace officer, and regularly employed and salaried employee of a city and county who had been trained as a traffic collision investigator who was summoned to the scene of an accident described in Section 16000 of the California Vehicle Code.

It is further alleged that the defendant was the driver of a motor vehicle that was involved in the accident.

TCIS 16028(c)/29

All of which is contrary to the law and against the peace and dignity of the People of the State of California.

I declare under penalty of perjury, based on information and belief, under the laws of the State of California that the foregoing is true and correct.

Declarant and Complainant

8/9/22

Date

[Signature of Reviewing Deputy City Attorney]

Joyce Yamamoto

[Print Name of Reviewing Deputy City Attorney]

INFORMAL DISCOVERY NOTICE

TO THE ABOVE-NAMED DEFENDANT(S) AND/OR ATTORNEY(S) FOR DEFENDANT(S):

Plaintiff, the People of the State of California, hereby requests discovery/disclosure from the defendant(s) and his or her attorney(s) in this case pursuant to Penal Code Sections 1054.3 and 1054.5.

YOU ARE HEREBY NOTIFIED that if complete disclosure is not made within 15 days of this request, plaintiff will seek -- on or before the next court date, or as soon as practicable thereafter -- a court order enforcing the provisions of Penal Code Section 1054.3, subdivision (a). This is an ongoing request for any of the listed items which become known to the defendant(s) and his or her attorney(s) after the date of compliance.

The written statements and reports attached hereto constitute discoverable materials designated in Penal Code Section 1054.1. Any additional material discoverable pursuant to Penal Code Section 1054.1 that becomes known to plaintiff will be provided to the defense.

If, prior to or during trial, as a result of this request plaintiff obtains additional evidence or material subject to disclosure under a previous defense request or court order pursuant to Penal Code Section 1054.1, plaintiff will disclose the existence of that evidence or material within a reasonable time.

DISCOVERY MATERIALS SHOULD BE DELIVERED TO A DEPUTY CITY ATTORNEY IN MASTER CALENDAR COURT ON THE FIRST TRIAL DATE.

In the matter of	)	
GABRIEL GAXIOLA	)	
SERGEANT	)	BF NO. 31586
Serial No. 35056	)	CF NO. 22-001392

REHABILITATION AGREEMENT

I, GABRIEL GAXIOLA, Serial No. 35056 hereby admit that I have engaged in misconduct that warrants the imposition of discipline. I understand that after reviewing my personnel complaint, the Board in this Board of Rights is willing to hold my penalty in abeyance while I participate in a rehabilitation program. I also understand that at the successful conclusion of such program, the Board will then determine an appropriate penalty.

I further understand that should I fail to comply with any of the conditions of this Rehabilitation Agreement (this "Agreement"), the Board will immediately impose discipline that could include my termination. I have been apprised of my right to an immediate penalty recommendation and of the reasons for holding the penalty recommendation in abeyance. Additionally, I agree to accept the penalty as determined by the Board upon my successful completion of the terms of this Agreement.

I hereby agree that I will:

1. Involve myself in an alcoholic rehabilitation program advised by the Alcohol and Substance Prevention Unit, resume therapy through Behavioral Sciences Services Section ("BSSS") no later than one week following my signing of this Agreement. Such Program shall in no way limit but expand, the conditions set forth in this Agreement.

2. Enroll in and attend an Alcoholics Anonymous 12-Step Program, attending 90 sessions in 90 days.

3. Upon completion of the program identified in item 2 above, while off-duty attend for the duration of the one year from the date of this Agreement, AA meetings three times each week for the first six months and at least two times each week for the next six months.

4. Involve myself in a post-traumatic stress rehabilitation program as directed by BSSS. Enrollment shall be no later than one week following signing of this Agreement. Such program shall in no way limit, but may expand, the conditions set forth in this Agreement.

5. Maintain records of attendance and provide proof of attendance at the above programs and meetings as well as certification of completion thereof, upon

completion, to my designated supervisor and commanding officer on a quarterly basis no later than two weeks prior to a scheduled appearance before the board of rights. Such records shall be promptly provided to the Board by the Department Advocate.

6. Identify and maintain regular contact with an Alcoholics Anonymous sponsor for one year from the date of this Agreement.

7. Provide proof of contact with an Alcoholics Anonymous sponsor to my designated supervisor and commanding officer on a quarterly basis no later than two weeks prior to a scheduled appearance before the board of rights. Such proof of contact shall be promptly provided to the Board by the Department Advocate.

8. Abstain from use of any and all alcoholic beverages, regardless the percentage alcohol content, for the period of one year from the date of this Agreement.

9. While off-duty not frequent any establishment, whose primary business is selling alcoholic beverages.

10. Submit to a breath substance test a minimum of twice a month, at random. Officer acknowledges and agrees that such testing, as directed by a supervisor, may take place either at work or at home.

11. Submit to a special rating report on my duty performance prior to the scheduled quarterly follow-up telephonic meetings of this Board, set for 9 a.m. April 18, 2024 (1st Qtr), July 25, 2024 (2nd Qtr), and October 24, 2024 (3rd Qtr).

12. The final meeting in-person on January 24, 2025, at 9:00 am. The rating report will provide information on the following:

    a. Timeliness in reporting to work;
    b. Sick days;
    c. Appearance; and
    d. Attitude toward public, peers and supervisors

    A copy of each rating report will be provided to the Employee Assistance Unit and to the Board via the Internal Affairs Group.

13. Participate in any *additional counseling or rehabilitation group* as directed by BSSS or other psychological service from which I have sought counseling. I understand I have to pay a fee for any counseling provided by an outside service.

14. By signing the attached waiver, authorize the release of the results of the counseling program or programs to my commanding officer.

15. Agree to obtain special days off, sick days, or IOD days only through my immediate supervisor or commanding officer.

    A copy of each rating report will be provided to Employee Assistance Unit and to the Board via the Internal Affairs Group.

16. At the Discretion of the Addiction Prevention Unit, participate in roll call training or other training programs concerning alcoholism, prost-traumatic stress disorder and /or anger management.

17. Agree to my command officer submitting a report to the Board of Rights at least once each quarter for one year from the date of this Agreement, via Internal Affairs Group, on my duty performance and adherence to this Agreement. The first such report shall be provided two days before each quarterly review meetings as referenced in paragraph 11, above.

18. At the conclusion of this Agreement, I agree that the Department shall have the right to seek an additional period of monitoring not to exceed two years. I agree to cooperate with whatever extension is proposed, if any.

I understand that the Board of Rights has requested the Chief of Police to direct my commanding officer to monitor my compliance to the conditions of this Agreement and to notify the Department Advocate, Internal Affairs Group, should I fail to comply with any of the above conditions. I further understand that the Advocate will cause the Board of Rights and the Chief of Police to be notified of such failure to comply with any of the above conditions.

Finally, understand that my failure to comply with the conditions of this Rehabilitation Agreement may be deemed by the Board of Rights to be insubordination and will lead to termination from the Department.

SGT 35056 — 1/26/24
Rank GABRIEL GAXIOLA, Serial No. 35056 — Date

Approved as to form: — 1/26/2024
BILL SEKI, Attorney for ACCUSED — Date

ANGELA OH, Board Chair — 1/26/24 Date

JENNIFER LEVINE, Associate Board Member — Date: 1/26/24

PATRICIA STRONG FARGAS, Associate Board Member — Date: 1/26/24

Department Advocate
Lieutenant Javier Sanchez — Date: 1/29/24

Department Associate Advocate
Sergeant Peter Pak — Date: 01-26-2024

WAIVER
CF NO. 22-001392

I, ACCUSED, GABRIEL GAXIOLA, Serial No. 35056, hereby authorize the release of information about the results of my participation in counseling to my commanding officer and the commanding officer of any division to which I may be loaned, pursuant to my participation in a rehabilitation program. I further authorize my designated supervisor, commanding officer, and Behavioral Science Services or other psychological service to retain a copy of my rehabilitation agreement for the purpose of monitoring my compliance with the stated conditions. I hereby waive my right of privacy and confidentiality as to the rehabilitation agreement and the investigation from which it arose for the purpose of assisting me in completing this agreement.

35056 1/26/24

GABRIOLA GAXIOLA , Serial No. 35056 Date

PAC 32478 1/26/24

Witness

16-001876

Los Angeles Police Department

Detective II K. Merrill #35814
The Bradbury Building
Suite 225
Office 213-473-4256
Fax 213-473-6700

TO:

FAX

Date: 7/20/16

Page 1 of 1

From: Detective II Merrill Internal Affairs Group.

To: Laguna Beach Records

FROM

Fax #: 949-497-0772

Phone#: (949) 497-0701

Re: **I am requesting a copy of DUI arrest report #16-02672**
Thank you.
*****
I can be reached at 213-473-4256 and fax is 213-473-6700

Incident/Investigation Report

Agency: LBPD Case Number: 16-02672 Date: 07/20/2016 21:41:58

Incident Information

Date/Time Reported	Date/Time Found	Date/Time Found	Officer
07/10/2016 02:07	07/10/2016 02:07	07/10/2016 02:07	(31348) MCGUIRE, THOMAS

Incident Location	
COAST HWY / VISTA DEL SOL, LAGUNA BEACH, CA 92651	

Charges

	Charge Type	Description	Statute	UCR	
1	State	MISD - DUI ALCOHOL	23152 (A) VC	90D	☐ Att ☑ Com

Alcohol, Drugs or Computers Used	Location Type	Premises Entered	Forced Entry	Weapons
☑ Alcohol ☐ Drugs ☐ Computers	HIGHWAY/ROAD/ALLEY		☐ Yes ☑ No	1. 2. 3.

Entry	Exit	Criminal Activity

Bias Motivation	Bias Target	Bias Circumstances	Hate Group

Victims

Seq #	Type	Injuries	Residency Status	Ethnicity
1	SOCIETY/ PUBLIC	None		

Name(Last, First, M)	Race	Sex	DOB	Age
STATE OF CALIFORNIA				

Address	Home Phone

Employer Name/Address	Business Phone

Victim of Crimes	
1	

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Type	Name(Last, First, M)
INDIVIDUAL	GAXIOLA, GABRIEL

AKA	Race	Sex	DOB	Age	Height	Weight
	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Address	Home Phone
[redacted]	

Employer Name/Address	Business Phone
LAPD LOS ANGELES, CA	

Scars, Marks, Tatoos or other distinguishing features

Physical Characteristics

Suspect Details

Description	Serial Number	Make/Model
EMPTY 12OZ MICHELOB ULTRA BEER BOTTLE		ANHEUSER-BUSCH /

Owner	License / State	Color
GAXIOLA, GABRIEL		BROWN

Status	Status Officer	Quantity	Units of Measure	Value
EVIDENCE	(31348) MCGUIRE, THOMAS	1.00		$1.00

Gun Type	Caliber	Finish	Grip	Gun Stock

Condition	Gun Test	Test Type	Sight Test	Sight Type
	☐ Yes ☑ No		☐ Yes ☑ No	

Property Notes

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Vehicle

Year	Color	Style	Make	Model
2016	BLACK	SUV	FORD	EXPLORER

VIN	License Plate Type	License / State	License Year	Owner
[redacted]9745	REGULAR	[redacted] / CA	0	CITY OF LOS ANGELES

Status	Status Date	Value
		$0.00

Vehicle Notes

Assisting Officer(s)

[redacted]

Incident/Investigation Report

Agency: LBPD Case Number: 16-02672 Date: 07/20/2016 21:41:58

[redacted]

On July 10, 2016, at approximately 0207 hours, I was working uniformed patrol in marked patrol unit 858, which is equipped with an emergency siren and an overhead light bar with a steady, forward facing red light. I was driving southbound in the number two lane of Coast Hwy., approaching West St., when I began monitoring the driving of the vehicle in front of me, a black Ford SUV with no license plates.

As the Ford passed through the intersection of Coast Hwy. and West St., the vehicle suddenly changed from the number two lane to the number one lane, in front of another vehicle, without signaling, a violation of CVC 22107-unsafe lane change. The Ford then quickly accelerated and changed back into the number two lane, in front of another vehicle. I continued following the Ford, and as it passed the intersection of 7th Ave. and Coast Hwy., I paced the vehicle at 70 mph in a 40 mph zone, a violation of CVC 22350-basic speed law, and CVC 22349-maximm speed.

I activated my overhead emergency lights and siren as the Ford approached the Coast Hwy./Vista Del Sol intersection. As the vehicle neared the Coast Hwy. and Via Mentone intersection, the driver signaled, slowed to approximately 30 mph. The vehicle briefly pulled to the shoulder, then reentered the number two lane and continued driving southbound before ultimately yielding at the intersection of Coast Hwy. and Crown Valley Pkwy.

Once the vehicle yielded, I believed the Ford was an unmarked police unit. Upon contacting the driver and sole occupant of the vehicle, he identified himself via his California driver license as Gabriel Gaxiola. Gaxiola informed me he was a Police Officer with the Los Angeles Police Department, and was currently assigned to the SWAT team.

While speaking with Gaxiola, I noticed his eyes were bloodshot and watery, his speech was slow and slurred, and I smelled an odor of an alcoholic beverage emanating from the vehicle.

Sergeant Cota and Officer Drake arrived on scene to assist me.

I instructed Gaxiola to exit his vehicle and he met with me at the entrance to the Monarch Bay gated community.

I administered a Horizontal Gaze Nystagmus (HGN) test on Gaxiola, during which, I observed a lack of smooth pursuit. During the test, it appeared as though Gaxiola was not following the stimulus.

Officer Drake also administered an (HGN) test. Officer Drake informed me that during his test, he observed a lack of smooth pursuit, HGN was distinct and sustained at maximum deviation, and the onset of HGN was prior to 45 degrees.

I asked Gaxiola the preliminary investigative questions from the DUI arrest, and recorded his answers on the face page of the form.

Next, I explained and demonstrated a series of NHTSA validated Standardized Field Sobriety Tests (SFSTs) to Gaxiola. Prior to attempting each test, Gaxiola confirmed he understood my instructions. My observations of Gaxiola's performance on the SFSTs is recorded on the above referenced DUI arrest form.

I offered Gaxiola the opportunity to submit to a Preliminary Alcohol Screening (PAS) test, but he declined to take the test.

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Based upon the objective symptoms of alcohol intoxication observed, his performance on the SFSTs, and his impaired driving, I placed Gaxiola under arrest for CVC 23152(a)-DUI, and handcuffed him without incident.

Per CVC 23612, I informed Gaxiola of his option to submit to a chemical test of his breath or blood, and he elected to submit a blood sample.

I placed Gaxiola in the rear seat of my patrol car and transported him to the Laguna Beach Jail, where he was booked and later released on his own recognizance. Gaxiola was later released to LAPD Lieutenant L. McMillion.

During the booking process, a representative from CFP, Laurel Rodin, CPT-1, responded to the Laguna Beach Jail to withdraw the blood sample. At 0325 hours, Rodin withdrew a sample of Gaxiola's blood from Gaxiola's right arm and subsequently placed it into vial number 650518. Rodin retained the vial as evidence.

Since the vehicle Gaxiola was driving contained his department issued weapons, it was driven to the Laguna Beach Police Department and secured in the sally port.

Officer Drake later informed me he located an open Michelob Ultra beer bottle in the front of the passenger compartment of the Ford. Officer Drake later booked the beer bottle as evidence.

This contact was digitally recorded via the MVS in units 858 and 853.

ARREST REPORT

Fingerprinted: [X] Yes [ ] No | R84 Completed: [ ] Yes [ ] No

IDENTIFICATION

1 ORI #	2 AGENCY NAME	3a ARREST #	3b CASE #	4 SFX
[redacted]	LAGUNA BEACH POLICE DEPARTMENT	2016001178	16-02672	

5 LAST, FIRST, MIDDLE NAME: Gaxiola, Gabriel

6 ALIAS AKA:

7 [redacted]	9 HGT.	10 WGT.	11 EYE	12 HAIR	13 SKIN	14 [ ] SCARS [X] MARKS [X] TATTOOS [ ] AMPUTATIONS
	[redacted]	[redacted]	[redacted]	[redacted]		

15 PLACE OF BIRTH (CITY, COUNTY, STATE)	16 SSN	17 DATE OF BIRTH	18 AGE	19 MISCELLANEOUS ID #
[redacted]	[redacted]	[redacted]	[redacted]	

20 SID #	21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL	22 DL #	23 ST
	HENRY CLASS	[redacted]	CA
24 FBI #	NCIC CLASS	25 IDENTIFICATION COMMENTS	

26 [ ] RESIDENT [X] NON-RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP)	28 RESIDENCE PHONE	29 OCCUPATION (BE SPECIFIC)
	[redacted]		Police Officer

30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 BUSINESS PHONE
Lapd	Los Angeles, Ca	

ARREST

33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)	34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION? [X] YES [ ] NO (IN STATE / OUT STATE AGENCY)
Vista Del Sol / Coast Hwy Laguna Beach, Ca		

36 CONDITION OF ARRESTEE: [ ] DRUNK [ ] SOBER [ ] DRINKING [ ] DRUGS	37 RESIST ARREST? [ ] YES [ ] NO	38 INJURIES? [ ] NONE [ ] OFFICER [ ] ARRESTEE	39 ARMED? [ ] Y [X] N	40 DESCRIPTION OF WEAPON

41 DATE OF ARREST	42 TIME OF ARREST	43 DAY OF ARREST	44 TYPE ARREST OFFICER...	45 ARRESTED BEFORE?
07/10/2016...	02:38 [ ] 1. AM [X] MIL. [ ] 2. PM	[X] M [ ] T [ ] W [ ] T [ ] F [ ] S [ ] S		[ ] YES [ ] NO [X] UNKNOWN

CHARGE	[ ] FEL [X] MISD	47 UCR CODE	50 STATE CODE/LOCAL ORD.	51 WARRANT #	DISPOSITION	52 DATE ISSUED
46 CHARGE-1	[ ] FEL [X] MISD	90D	23152 (A) VC			
48 CHARGE-2	[ ] FEL [ ] MISD	49 UCR CODE	53 STATE CODE/LOCAL ORD.	54 WARRANT #	DISPOSITION	55 DATE ISSUED
56 CHARGE-3	[ ] FEL [ ] MISD	57 UCR CODE	60 STATE CODE/LOCAL ORD.	61 WARRANT #	DISPOSITION	62 DATE ISSUED
58 CHARGE-4	[ ] FEL [ ] MISD	59 UCR CODE	63 STATE CODE/LOCAL ORD.	64 WARRANT #	DISPOSITION	65 DATE ISSUED

65 ARRESTED WITH (1) ACCOMPLICE (FULL NAME):

66 ARREST DISPOSITION: Misdemeanor

67 ARRESTED WITH (2) ACCOMPLICE (FULL NAME):

VEHICLE

70 VYR	71 VMA	72 VMO	73 VBT	74 VCO TOP / BOTTOM	75 TAG #	76 LIS	77 LIY

78 VIN	79 IMPOUNDED? [ ] YES [ ] NO	80 STORAGE LOCATION/IMPOUND #

VEHICLE RELATED TO: VEHICLE RELATION:

81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED [ ] CONTINUED IN NARRATIVE

JUVENILE

82 JUVENILE DISPOSITION: [ ] HANDLED AND RELEASED [ ] REF. TO WELFARE AGENCY [ ] REF. TO ADULT COURT [X] REF. TO JUVENILE COURT [ ] REF. TO OTHER POLICE AGENCY

83 RELEASED TO:

84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)	85 ADDRESS (STREET, CITY, STATE, ZIP)	86 PHONE

87 PARENTS EMPLOYER	88 OCCUPATION	89 ADDRESS (STREET, CITY, STATE, ZIP)	90 PHONE

RELEASE

91 DATE AND TIME OF RELEASE	92 RELEASING OFFICER NAME	93 AGENCY/DIVISION	94 ID #
[ ] AM [ ] PM [ ] MIL			

96 RELEASED TO	98 AGENCY/DIVISION	97 AGENCY ADDRESS

98 PERSONAL PROPERTY RELEASED TO ARRESTEE [ ] YES [ ] NO [ ] PARTIAL	99 PROPERTY NOT RELEASED/HELD AT:	100 PROPERTY #

101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE):

LOCAL USE

102 SIGNATURE OF RECEIVING OFFICER	103 SIGNATURE OF RELEASING OFFICER	STATE USE

MULTIPLE CASES CLOSED	104 CASE #	105 SFX	106 CASE #	107 SFX	108 CASE #	109 SFX	110 ADDITIONAL CASES CLOSED (NARRATIVE) [ ] Y [ ] N

111 ARRESTING OFFICER (LAST, FIRST, M.I.)	112 ID #	113 ARRESTING OFFICER (LAST, FIRST, M.I.)	114 ID #	115 SUPERVISOR	116 WATCH CMDR. ID #
Mcguire, Thomas	31348			Ramos ID # 26834	

Los Angeles Police Department

Complaint Adjudication Form

12/27/2016 <== Date on the IAG, ARS-Communication Slip, or on the chain of command investigation (Manual Section 3/824).	CF No. 16-001876

EMPLOYEE: ☐ Multiple Employees

LAST NAME, FIRST M.I.	SERIAL NO.	RANK AT TIME OF INCIDENT	AREA/DIV. AT TIME OF INCIDENT	DUTY STATUS	ARRESTED
GAXIOLA, Gabriel ☐ UNKNOWN	35056	P-3	Metropolitan	☐ ON ☑ OFF	☑ YES ☐ NO

ASSIGNMENT TYPE AT TIME OF INCIDENT: ☐ PATROL ☐ AREA DETECTIVE ☐ ADMIN/COVETED ☑ SPECIALIZED DIV ☐ UNIFORM GED

COMPLAINANT (LAST NAME, FIRST, M.I.) ☑ DEPARTMENT

ADJUDICATION SUMMARY: Enter allegation number(s) under the respective dispositions. Check Military endorsement for the disposition recommended.

	SUSTAINED	NOT RESOLVED	UNFOUNDED	EXONERATED	INSUFFICIENT EVIDENCE TO ADJUDICATE	OTHER JUDICIAL REVIEW	PENALTY: No Penalty	Admon	OR	Susp Days	Demotion	Discharge or Term on Probation	BOR
Division Commanding Officer	1, 2, 3						☐	☐	☑		☐	☐	☐
Area Commanding Officer							☐	☐	☐		☐	☐	☐
Group Commanding Officer							☐	☐	☐		☐	☐	☐
Bureau Commanding Officer							☐	☐	☐		☐	☐	☐
Chief of Police							☐	☐	☐		☐	☐	☐

PENALTY RATIONALE: (Explain, if recommendation deviates from Penalty Guide.) ☐ PTC (See attached Form 1.13 for findings and penalty recommendation.)

☐ Continued on back

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE (ADMONISHMENT ONLY)	SERIAL NO.	DATE
Captain Greg D. McManus #33931		1/20/17			
GROUP/AREA COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	☐ Concur ☐ Military Endorsement (See back page.)		
Captain Greg D. McManus #33931		1/20/17			
BUREAU COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	☐ Concur ☑ Military Endorsement (See back page.)		
Bruce E. [illegible]	25958	3/31/17			

FINAL DEPARTMENT ACTION — Internal Affairs Group Use Only

10-5 05-22 500 1 CO? 6/5/17 — NTP REPLY — SEE 15.2 GTD, 6/1/17 — NTP 3rd 7/25/17

☐ CSC OVERULE ☐ BOR - GUILTY (Counts:) ☐ BOR - NOT GUILTY (Counts:)

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
Gaxiola, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:** June 20, 2017

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

- GG I have received a copy of the investigation materials.
- ☐ I have waived my right to receive a copy of the investigative material.
- GG I was informed of my right to respresentation prior to discussing this matter.
- ☐ I intend to submit a response.
- GG I do not intend to submit a response.
- ☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.	Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.
DIVISION COMMANDING OFFICER'S SIGNATURE SERIAL NO. DATE 26086 6/14/17	EMPLOYEE'S SIGNATURE SERIAL NO. DATE 35056 6/14/17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- ☐ No employee response was submitted by the date specified.
- ☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.
- ☐ A review of the employee's response has caused me to take the following actions: (See below).

RECEIVED
JUN 22 2017 RJ
ADVOCATE SECTION
INTERNAL AFFAIRS GROUP

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
GAXIOLA, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:** 4/17/2017

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

GG I have received a copy of the investigation materials.	GG I intend to submit a response.
☐ I have waived my right to receive a copy of the investigative material.	☐ I do not intend to submit a response.
GG I was informed of my right to respresentation prior to discussing this matter.	☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE	SERIAL NO.	DATE
	26086	3/16/17		35086	3-16-17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

☐ No employee response was submitted by the date specified.

☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.

☐ A review of the employee's response has caused me to take the following actions: (See below).

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

RE: Skelly

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
GAXIOLA, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

FEBRUARY 23RD, 2017

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:**

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

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- ☐ I have waived my right to receive a copy of the investigative material.
- ☑ I was informed of my right to respresentation prior to discussing this matter.
- ☑ I intend to submit a response.
- ☐ I do not intend to submit a response.
- ☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE	SERIAL NO.	DATE
	31055	1/23/17		35056	1-23-17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- ☐ No employee response was submitted by the date specified.
- ☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.
- ☐ A review of the employee's response has caused me to take the following actions: (See below).

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

INVESTIGATIVE RESPONSIBILITY

The Investigating Officer (I/O) for this case was Sergeant I Zackery Wechsler, Serial No. 39792, Internal Affairs Division (IAD), Workplace Investigation Section (WIS). The I/O can be telephonically contacted, at (213) 996-2764. Any requests for supplemental investigation must be approved by the Commanding Officer (C/O), IAD, via an Intradepartmental Correspondence, Form 15.02.00.

STATUTE

On May 13, 2022, Captain I Clifford Humphris, Serial No. 31226, C/O Newton Patrol Division (NEWT) was notified that Sergeant I Gabriel Gaxiola, Serial No. 35056, NEWT, had been arrested by the California Highway Patrol (CHP). As such, the statute date was established as **May 13, 2023**.

INTERVIEWS[1]

1. On October 31, 2022, the I/O interviewed Gaxiola.

BACKGROUND

On May 13, 2022, at approximately 2000 hours, Gaxiola, while off-duty, consumed alcoholic beverages at a restaurant in downtown Los Angeles. Shortly after, while driving home, he became involved in a traffic collision on State Route 110.

SUMMARY

On May 13, 2022, at approximately 2030 hours, Gaxiola drove his privately-owned vehicle northbound on State Route 110 in the area of the north Avenue 52 overpass. Gaxiola's vehicle collided with two vehicles that were stopped in the number three lane of traffic. Gaxiola then contacted emergency services. CHP Officer Eric Hernandez, Identification No. 22088, responded to the collision and determined that based on his training and experience that Gaxiola had been driving while under the influence of alcohol and was unable to safely operate a motor vehicle. Gaxiola was placed under arrest.

ALLEGATION 1. The Department alleged that on May 13, 2022, Sergeant Gaxiola, while off-duty, operated his private vehicle while under the influence of an alcoholic beverage resulting in his arrest.

Officer Hernandez[2] was employed by the CHP for approximately four years and was assigned to Central Los Angeles (CLA). On May 13, 2022, at approximately 2035 hours,

[1] All interviews were recorded and subsequently uploaded into the Complaint Management System (CMS).
[2] Hernandez' statements were paraphrased from the reports he completed. The I/O determined interviewing him was unnecessary for the completion of this investigation because it would have little probative value and to avoid any effect on the pending criminal charges.

he was on-duty and dispatched to a traffic collision on State Route 110 north of the Avenue 52 overcrossing. Hernandez arrived on scene at approximately 2045 hours and observed three vehicles which appeared to have been involved in a collision along with several people standing in the area. Hernandez observed major damage to the front of Gaxiola's private vehicle, moderate damage to the front and rear of the vehicle he collided with, and minor damage to the rear of the frontmost vehicle. His investigation revealed that the front vehicle was disabled in the lane of traffic with the middle vehicle stopped directly behind it prior to Gaxiola's vehicle colliding with the rear of the middle vehicle causing its front end to impact the rear of the front-most vehicle. (Addendum 1) (Addendum 2)

During Hernandez' investigation he spoke with Gaxiola and observed Gaxiola displayed signs and symptoms of intoxication including red and watery eyes, an odor of an alcoholic beverage emitting from his breath and person, unsteady gait while walking around the traffic collision scene, and delayed slurred speech. Hernandez did not observe any signs or symptoms of intoxication on any of the other involved parties in the collision. Gaxiola's passenger [redacted] advised Hernandez that Gaxiola was an employee of the Los Angeles Police Department. [redacted] also complained of pain to her knee from the traffic collision at the time. [redacted] was asked if she wished a Rescue Ambulance to be called to the scene and declined.

> **Note:** [redacted] later stated that she was not injured in the collision. (See Addendum 1M). The I/O made multiple attempts to contact her for interview and did not receive any response.

Gaxiola told Hernandez that he had consumed alcohol prior to driving and becoming involved in the traffic collision. Hernandez conducted Standardized Field Sobriety Tests on Gaxiola at the scene. Hernandez determined that based on his training and experience that Gaxiola had been driving while under the influence of alcohol and was unable to safely operate a motor vehicle.

Gaxiola was placed under arrest by Hernandez who also recovered a handgun in a holster from Gaxiola's waistband. Gaxiola later refused to submit to chemical testing leading to Hernandez completing and executing a search warrant to obtain a blood sample. (Addendum 3)

On May 14, 2022, at 0122 hours, approximately five hours after the collision, a blood sample was taken from Gaxiola. On May 17, 2022, Hernandez received a Laboratory Report indicating that analysis of the blood sample from Gaxiola resulted in an average of 0.155 Blood Alcohol Concentration (BAC). (Addendum 4)

> **Note:** The I/O contacted Department Subject Matter Expert Sergeant I+II Greg Fuqua, Serial No. 30581, Traffic Group, Officer In Charge Drug Recognition Expert (DRE) Unit, who calculated that an average male would have had an approximate BAC of .23 five hours prior to a .155 sample being collected. This

was based on scientific research and his experience in conducting over 200 wet labs. Fuqua had been a DRE and a DRE Instructor for over 20 years.

Sergeant Gaxiola was assigned Newton Division Gang Enforcement Detail. On May 13, 2022, at approximately 2000 hours, he was off-duty and went out to DAMA Restaurant at 612 East 11th Street, Los Angeles, with [redacted], who is not a Department employee. At the restaurant, he ate appetizers and oysters. Gaxiola drank two margaritas and two shots of whiskey over the course of approximately one hour. He did not recall what kind of whiskey he consumed. A little after 2100 hours, he left the location and drove his vehicle with [redacted] in the front passenger seat intending to go to his residence. At the time he believed he was in a condition where he could drive but had later realized in retrospect the that he was too intoxicated to drive. Gaxiola believes that drinking may have influenced his perception of how intoxicated he was at the time.

Note: Gaxiola' s recollection of the time he left the restaurant is inconsistent with the time of the traffic collision as determined by Hernandez' investigation which revealed that the collision occurred at approximately 2035 hours.

Approximately five minutes after leaving the restaurant, Gaxiola became involved in a traffic collision. Gaxiola was driving, at approximately 55-60 miles per hour, northbound on State Route 110 and transitioned into the number three lane intending to exit. The State Route 110 has a blind curve near the north Ave 52 overpass. Two disabled vehicles with their lights off suddenly appeared around the curve in front of Gaxiola' s vehicle creating a situation where he was unable to stop in time and collided with the rear of one of the vehicles. Gaxiola observed that the two disabled vehicles appeared unoccupied and individuals were standing on the shoulder alongside the vehicles. Gaxiola believes that the two vehicles may have been involved in a collision prior to him colliding with them. Gaxiola observed significant damage to the front of his vehicle. Gaxiola was not injured in the collision. After the collision, Gaxiola asked his passenger, [redacted], if she was injured and she said she was not. Gaxiola then checked with all of the individuals on scene and verified no other people were injured before he called 911 for emergency services to respond.

Upon the arrival of CHP officers, Gaxiola was given a Field Sobriety Test. He was later placed under arrest by CHP. Gaxiola recalled refusing to submit to a breath test, but he did not recall being asked to submit to a blood test or refusing to submit to it. Gaxiola recalled having a blood sample taken from him. Gaxiola had no reason to believe that the blood sample analysis would be inaccurate.

Note: Body Worn Video shows Hernandez ask, "Will you take a breath test?" Gaxiola replied, "No." Hernandez then asks, "Will you take a blood test?" Gaxiola also replied, "No."

Gaxiola weighed approximately 200 lbs. Prior to the incident, Gaxiola drank on days off, approximately two or three times a month, to the point of intoxication. Whiskey was his drink of choice. He considered himself to have a moderate tolerance for alcohol.

Gaxiola believed that in retrospect his assumptions of how he interacted with alcohol prior to the incident were incorrect. Gaxiola believed that he has a drinking problem and shortly after the incident he checked into a 90-day recovery program for alcohol addiction. He discovered that he had been in denial about his addiction and has been regularly attending Alcoholics Anonymous meetings since the incident. Gaxiola has also been meeting with Behavioral Services Section and a Department Peer Support Member from the Alcohol Abuse Unit since the incident. (Addendum 5) (Addendum 6)

Gaxiola apologized for his actions and provided a letter to the Department he wished to be included with this investigation. (Addendum 7)

INVESTIGATOR'S NOTES

1. On May 14, 2022, at approximately 0256 hours, the I/O ordered Gaxiola to submit to an Administrative Chemical Test at CHP CLA Station. Police Office III Jason Cho, Serial No. 33452, Central Traffic Division, conducted two Pass Kit Breath Tests resulting in the results of 0.112 BAC and 0.111 BAC, approximately six and a half hours after the collision.

2. The Los Angeles City Attorney's Office filed the following charges on Gaxiola under case number 2MN02194:
   - One count of California Vehicle Code (CVC) Section 23152 (A), Driving Under the Influence (DUI) of Alcohol,
   - One count of CVC Section 23152 (B), Driving with a Blood Alcohol Level of .08 or higher,
   - One count of CVC 16028 (C), Failure to Provide Evidence of Financial Responsibility at Scene of Traffic Collision

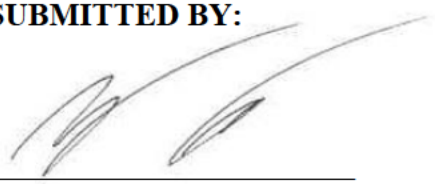
   As of the completion of this investigation the criminal case is in Discovery.

3. I/O reviewed the recordings of the incident from Hernandez' police vehicle's Wireless Mobile Video Audio Recording System and his Body Worn Video. They were consistent with what was described in the CHP reports and Hernandez' statements. CHP provided the Department with a disclaimer which indicated that the video recordings should be protected as confidential and not released without a court order. Due to this disclaimer and the pending criminal case, the recordings have not been included in this investigation. The recordings will be stored in the investigation package.

ADDENDA

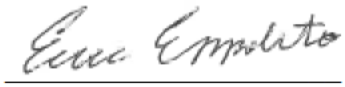
1A-M.	Copy of CHP Arrest Report, Case No. 202200766590
2A-M.	Copy of CHP Collision Report, Case No. 9535-2018-01835
3A-B.	Copy of Search Warrant and Search Warrant Return
4A-B.	Copy of Laboratory Report, Division of Record No. 2299-13551
5.	90-Day Recovery Program Completion Letter
6A-E.	Log for Alcoholics Anonymous and Behavior Science Service
7.	Letter from Gaxiola

SUBMITTED BY:



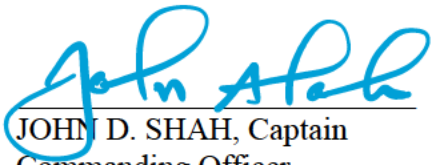
ZACKERY WECHSLER, Sergeant — October 31, 2022
Workplace Investigation Section — DATE
Internal Affairs Division

APPROVED BY:



ERIC EPPOLITO, Lieutenant — October 31, 2022
Officer in Charge — DATE
Complaint Investigation Section, WIS-II
Internal Affairs Division

APPROVED BY:



JOHN D. SHAH, Captain — November 3, 2022
Commanding Officer — DATE
Internal Affairs Division

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-22-006372 / Req. # 0001
Report finalized: May 17, 2022

DR #:	22-99-13551	**Name Associated:**	GABRIEL GAXIOLA
Requested By:	Not Requested #00000	**Offense:**	DUI
Contact:	N/A	**Service:**	Toxicology - Alcohol Analysis

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 1 (LIMS #1-1): BLOOD

Dates of Laboratory Activity: 5/16/2022 — 5/17/2022

Specimen Description
Specimen Collection Tube: BD Vacutainer® Grey Top 10 mL Tube with Sodium Fluoride and Potassium Oxalate
Tube Lot Number: 1040916
Tube Expiration Date: 2/28/2023
Approximate Specimen Volume: 9 mL

Conclusion(s)

Item 1 (LIMS #1-1):	Concentration	% Blood Alcohol	Analysis Date	Performed By
	Headspace GC-FID Result 1	0.156	5/16/2022	E. Haw
	Headspace GC-FID Result 2	0.155	5/16/2022	E. Haw
	Average % Blood Alcohol	0.155		

I, the analyst, certify under penalty of perjury, under the laws of the State of California, that this analysis was performed during the regular course of my duties as a Forensic Alcohol Analyst, pursuant to Title 17 of the California Code of Regulations.

I further certify, the equipment used to perform the analysis was in proper working order at the time the analysis was performed, and the recording of the results was done at the time of analysis. The transfer of data for reporting purposes was entered into the Laboratory Information Management System (LIMS) following laboratory policies and procedures. The date under each electronic signature is the date of draft, technical, and administrative reviews.

For Average % Blood Alcohol concentrations between 0.141g% and 0.183g%, the expanded measurement uncertainty is ±0.004g% at an approximate 99% confidence level. (k=2.576)

Analyst: E. Haw #N6295 323-415-8185 5-17-22

Admin Review: M. Kramer-Sarrett #N3464 5-17-22

Tech Review: M. Kramer-Sarrett #N3464 5-17-22

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, HARBOR JUSTICE CENTER
NEWPORT BEACH FACILITY

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
08/05/2016
12:55 PM
ALAN CARLSON, Clerk of the Court
16HM08811

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. GABRIEL GAXIOLA [redacted] [redacted] AKA GABRIEL GAXIOLA MERCADO GABRIEL MERCADO GAXIOLA Defendant(s)	COMPLAINT No. LBPD 16-02672 BAC .20 BL

The Orange County District Attorney charges that in Orange County, California, the law was violated as follows:

COUNT 1: On or about July 10, 2016, in violation of Section 23152(a) of the Vehicle Code (DRIVING UNDER THE INFLUENCE OF ALCOHOL), a MISDEMEANOR, GABRIEL GAXIOLA did unlawfully drive a vehicle while under the influence of an alcoholic beverage.

COUNT 2: On or about July 10, 2016, in violation of Section 23152(b) of the Vehicle Code (DRIVING WITH BLOOD ALCOHOL .08% OR MORE), a MISDEMEANOR, GABRIEL GAXIOLA did unlawfully drive a vehicle while defendant's blood alcohol concentration was 0.08 percent (%) or more by weight of alcohol in defendant's blood.

OTHER ALLEGATION(S)

As to Count(s) 1 and 2, it is further alleged pursuant to Section 23538(b)(2) of the Vehicle Code (BLOOD ALCOHOL .20 PERCENT) that defendant GABRIEL GAXIOLA had a blood alcohol concentration of .20 percent or more, by weight.

/

MISDEMEANOR COMPLAINT E-FILED (DA CASE# 16H07517) 08-23-2016
OC DNA NOT ON FILE: GABRIEL GAXIOLA

I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated 08-05-2016 at Orange County, California.
DM/LV 16H07517

TONY RACKAUCKAS, DISTRICT ATTORNEY

by: /s/ DANIELLE MOSH
DANIELLE MOSH, Deputy District Attorney

RESTITUTION CLAIMED

[X] None
[ ] $_____
[ ] To be determined

NOTICES:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, and without further request or order.

Pursuant to Welfare & Institutions Code §827 and California Rule of Court 5.552, notice is hereby given that the People will seek a court order to disseminate the juvenile case file of the defendant/minor, if any exists, to all parties in this action, through their respective attorneys of record, in the prosecution of this case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

Court Use Only

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
HARBOR JUSTICE CENTER

JAN 25 2017

DAVID H. YAMASAKI, Clerk of the Court

BY: D. VALLE, DEPUTY

CASE NO. 16HM 0884 PEOPLE vs. Gabriel Gaxiola

1. My true full name is Gabriel Gaxiola [redacted]

2. I understand that I am pleading ☒ *GUILTY* / ☐ *NOLO CONTENDERE* and admitting the following offenses, prior convictions and special punishment allegations, with the maximum punishment indicated below:

CT	CHARGE	PRIORS (Date)	ALLEGATIONS	MAX SENTENCE JAIL/FINES
1	23152(a) VC	dismiss	23538(b)(2)	~~6 M~~
2	23152(b) VC		1 strike	6 Mo / $1000

3. I understand I am also charged with a violation of probation in Case No. _____ 3. ☒

RIGHTS AND WAIVERS

4. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation: 4 GG

4a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself and there may be a value in obtaining advice from an attorney in this matter but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.) 4a GG

4b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right. 4b GG

4c. I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right. 4c GG

4d. I have the right to testify on my own behalf but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right. 4d GG

4e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right. 4e GG

4f. Under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. If I am granted probation, I waive and give up this right. I agree to submit my person and property, including any residence, premises, container, or vehicle under my control, to search and seizure at any time of the day or night by any law enforcement or probation officer, with or without a warrant, and with or without reasonable cause or reasonable suspicion. 4f. ☒

5. I understand I have the right to appeal an adverse ruling on a Penal Code section1538.5 suppression motion. I waive and give up this right. 5 GG

6. I understand that I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time. 6 GG

7. ***Arbuckle waiver:*** I understand I have the right to be sentenced by the judge who accepts this plea. I waive and give up this right. 7 GG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. 16HM08811 PEOPLE vs. Garibay

8. I understand that I have the right to be present for the entry of the plea of guilty or nolo contendere, and I hereby waive and give up that right. 8. GG

9. I understand I have the right to reject probation, and I hereby waive and give up that right and accept probation on the terms and conditions ☐ as imposed by the court, or ☒ as contained in the attached Sentence Recommendation form. 9. GG

9a. If the judge does not wish to follow the Prosecutor's sentence recommendation, I may withdraw my plea. 9a. GG

9b. If I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated in 2 above. 9b GG

10. I have been advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, I can be charged with murder. 10 GG

CONSEQUENCES

11. I understand some of the possible consequences of my plea and admissions are as follows:

11a. I have read the attached punishment chart and understand the minimum and maximum penalties and consequences listed therein. 11a GG

11b. There will be state penalty assessments added to any fines imposed by the court. 11b GG

11c. I will be ordered to pay a minimum of $~~100~~ 150 and a maximum of $1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 11c GG

11d. I will be ordered to pay a minimum of $~~100~~ 150 and a maximum of $1,000 probation revocation restitution fine pursuant to PC 1202.44. The restitution fine will be stayed but will be payable upon revocation of probation. 11d GG

11e. If I am not a citizen of the United States the conviction for the offense(s) charged may or, with certain offenses, will have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. 11e GG

11f. If I am charged and convicted of a similar offense in the future, my plea today may be used to increase my punishment for the new offense. 11f. GG

11g. If I am presently on probation or parole for any previous conviction, my plea today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment. 11g GG

11h. If I am convicted of driving under the influence and I was UNDER 21 at time of arrest, my driver's license will be suspended for one year. If I do not have a license, the Department of Motor Vehicles will delay issuing a license for one year after I become eligible to drive. 11h. ~~GG~~

11i. If I am convicted of driving under the influence and it involved a REFUSAL/OR BAC (Blood Alcohol Content) OVER .20; I will be required to attend a first offender program of at least nine months duration. 11i. GG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. 16HM0884 PEOPLE vs. Gaxiola

11j. **IGNITION INTERLOCK:** If I am convicted of a first or subsequent offense for driving under the influence, the court may order the installation of an ignition interlock device (IID) on any vehicle owned or operated by me for up to a three year period. If I am convicted of driving on a suspended license under Vehicle Code section(s) 14601.2, 14601.4 or 14601.5, with a prior conviction for same offenses or for violation of Vehicle Code section(s) 23103.5, 23152, or 23153, the Department of Motor Vehicles will require the installation of an ignition interlock device (IID) as a condition of a restricted license separate from any action by this court. 11j. GG

11k. The DMV may restrict or suspend my driver's license separate from any action by this court. 11k. GG

11l. If the court determines that it would be unsafe for me to operate a motor vehicle during a suspension period, the court may prohibit the issuance of a restricted driver license. 11l. GG

11m. For a conviction of Vehicle Code sections 23152 or 23153: the DMV will require completion of an alcohol/drug program in order to have my driving privilege reinstated, even if the court did not order such a program. 11m GG

11n. My driving privilege may not be restored until I provide the DMV satisfactory proof of successful completion of a licensed DUI program of the appropriate length required by law. 11n. GG

12. I understand that if I am the registered owner of the vehicle used in the offense and the offense is:

12a. Vehicle Code sections 23152 or 23153 (first conviction), the court may order my vehicle impounded up to 30 days at my expense. Upon a second conviction for violation of Vehicle Code sections 23152 or 23153, the court is **required** (absent unusual circumstances) to order my vehicle impounded for at least one day, but not more than 30 days; the court may also declare the vehicle a nuisance and order it sold after a hearing. 12a GG

12b. Vehicle Code sections of 23152 or 23153 (third conviction or more), the court may order my vehicle impounded up to 90 days at my expense. The court may declare the vehicle to be a nuisance and order it sold after a hearing. 12b GG

12c. Driving on a suspended license (Vehicle Code section 14601) or without a license (Vehicle Code section 12500), my vehicle will be subject to impoundment by the police and court for 6 months and up to one year, and may be subject to forfeiture as a nuisance. 12c GG

13. I understand I have the right to enter my plea before, and be sentenced by a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a commissioner or temporary judge: 13 GG

as assigned (enter name of Commissioner or Temporary Judge).

PLEA

14. I offer my plea and admit the listed priors and allegations freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as on the Sentence Recommendation form. M. GG

15. I make my plea with a full understanding of all the matters set forth in the charging document and in this form. I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded ☒ ***GUILTY*** / ☐ ***NOLO CONTENDERE*** to the charges set forth. 15. GG

16. Discussion with my attorney (*Leave this box blank if you are not represented by an attorney*). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. 16. GG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. 16HM08814 PEOPLE vs. Garcia

17. I offer the following as a factual basis for my plea: On 7/10/16, in Orange County, I willfully and unlawfully drove a motor vehicle under the influence of alcohol, with a blood-alcohol content above .08%, to wit .20%.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 1-25-17 SIGNED: X _____ (Defendant)

DEFENDANT'S ATTORNEY: I am the attorney of record for the defendant. I have explained each of the above rights to the defendant and answered all of the defendant's questions with regard to the plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), the possible defenses, and the sentence to be imposed. I concur in this plea and in the defendant's decision to waive his/her constitutional rights.

DATED: 1-25-17 SIGNED: _____ (Attorney of Record)

INTERPRETER'S STATEMENT: Having been sworn or having a written oath on file, I certify that I translated this form to the defendant in the _____ language. The defendant stated that (s)he understood the contents of this form and then (s)he initialed and signed the form.

DATED: _____ SIGNED: _____ (Court Interpreter)

FOR THE PEOPLE:

DATED: 1/25/17 SIGNED: _____

Right Thumb Print

_____ (Bailiff's Signature and Badge #)

SENTENCE RECOMMENDATION FORM – VEHICLE CODE

CASE NO. _____ PEOPLE vs. _____

SENTENCING CONSEQUENCES FOR SELECTED VEHICLE CODE VIOLATIONS

VEHICLE CODE VIOLATION	MINIMUM SENTENCE	MAXIMUM SENTENCE
23152(a) or (b)* 23152(e) 23152(f)	If probation granted, either option A) or B) may be imposed in addition to penalty C): A) 48 hours in jail, a fine of $390 and attendance at an alcohol/drug program B) a fine of $390 and attendance at an alcohol/drug program C) 6 month suspension of license Without probation: 96 hours in jail, a fine of $390, and 6 month license suspension. *Jail time not to interfere with work schedule. *Commercial driver's license shall be suspended for 12 months if the offense occurred in a vehicle requiring a class A or B driver's license.	6 months jail and $1000 fine
23152(a), (b), (e), or (f) * - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 10 days in jail, a fine of $390 and 2 year suspension of license B) 96 hours in jail, a fine of $390 and attendance at an 18 month alcohol/drug program and 2 year suspension of driver's license Without probation: 90 days in jail and a fine of $390 and 2 year suspension of license. * Commercial driver's license shall be revoked for life if the offense occurred in a vehicle requiring a class A or B driver's license.	1 year jail and $1,000 fine
23152(a), (b), (e) or (f) - within 10 years of two prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted either option A) or B) may be imposed: A) 120 days in jail, a fine of $390, habitual traffic offender designation for 3 years and an 18 month alcohol/drug program, if not previously completed, 3 year revocation of license and habitual traffic offender designation for 3 years. B) 120 days in jail, a fine of $390, habitual traffic offender designation for 3 years and an 18 month alcohol/drug program, if not previously completed and 3 year revocation of license. 30 months in driving under the influence program upon special request and good cause shown. 30 days in jail in lieu of the 120 days. Without probation: 120 days in jail, a fine of $390, 3 year revocation of driver's license and habitual traffic offender designation for 3 years.	1 year jail and $1,000 fine; habitual traffic offender designation for 3 years
23152(a), (b), (e) or (f) - within 10 years of three prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted: 180 days in jail, a fine of $390, habitual traffic offender designation for 3 years and may require an 18 month alcohol/drug program, if not previously completed and 4 year revocation of license. Without probation: 180 days in jail, a fine of $390 and habitual traffic offender designation for 3 years and 4 year revocation of license.	1 year jail and $1,000 fine; habitual traffic offender designation for 3 years
23153(a), (b), (e) or (f)	If probation granted: 6 days jail, a fine of $390 and attendance at an alcohol/drug program and 1year suspension of license. *If Blood Alcohol Content (BAC) is less than.20% - 3 months with 30 hours of education, counseling and interview program required. *If Blood Alcohol Content (BAC) is more than .20% or if defendant refused to submit to test, 9 months with 60 hours of education, counseling and interview program required. Without probation: 90 days in jail and a fine of $390 and 1 year suspension of license.	1 year jail and $1,000 fine
23153(a), (b), (e) or (f) - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 120 days in jail and a fine of $390 and 3 year revocation of license B) 30 days in jail, a fine of $390 and18 or 30 month attendance at a driving-under –the –influence program and 3 year revocation of license. Without probation: 120 days in jail, a fine of $390 and 3 year revocation of license.	1 year jail and $5,000 fine Option B) $1000 max fine
23103 pursuant to V.C. 23103.5 * *This conviction will serve as a prior DUI conviction if I commit one or more DUI offenses within 10 years.	If probation granted: 9 month participation in an alcohol and drug treatment program If probation not granted: 5 days in jail and/or a fine of $145	90 days jail and/or $1,000 fine

Defendant's Signature

SENTENCE RECOMMENDATION FORM – VEHICLE CODE

CASE NO. _____ PEOPLE vs. _____

DRIVING WHILE UNDER THE INFLUENCE ENHANCEMENTS	INCREASE IN PUNISHMENT
Willful refusal to submit to or to complete a blood-alcohol chemical test. [V.C. 23577]	First offense of V.C. 23152 - 48 hours in jail added to any other sentence Second offense of V.C. 23152 - 96 hours in jail added to any other sentence Third offense of V.C. 23152 - 10 days in jail added to any other sentence Fourth or subsequent offense - 18 days in jail added to any other sentence First offense of V.C. 23153 - 48 hours in jail added to any other sentence Second offense of V.C. 23153 - 96 hours in jail added to any other sentence
Driving a vehicle 30 or more miles per hour over the speed limit on a freeway in a reckless manner OR driving a vehicle 20 or more miles per hour over the speed limit on any street or highway in a reckless manner. [V.C. 23582]	On 1st offense defendant must attend an education and counseling program. 60 days in jail in addition to any other sentence
One or more passengers in the vehicle was/were a minor under the age of 14 years. [V.C. 23572]	First offense of V. C. 23152 – 48 continuous hours in jail added to any other sentence – no stay of sentence allowed. Second offense of V.C. 23152 – 10 days in jail added to any other sentence – no stay of sentence allowed Third offense of V.C. 23152 – 30 days in jail added to any other sentence – no stay of sentence allowed Fourth or subsequent offense – 90 days in jail added to any other sentence – no stay of sentence allowed.
Multiple victims injured or killed [V.C. §23153]	1 year state prison addition on any felony conviction.
Blood Alcohol Content [V.C §23578]	3 months of 30 hours program activities, educational counseling, interview sessions, in addition to enhanced penalties and conditions of probation that may be taken into consideration.

VEHICLE CODE VIOLATION	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSE
14601.3(a)	30 days jail and $1000 fine	If within 7 yrs. of prior conviction of 14601.3(a) 180 days jail and a fine of $2,000

VEHICLE CODE VIOLATION	MINIMUM SENTENCE	MAXIMUM SENTENCE
14601(a)	5 days jail and $300 fine	6 months jail and $1,000 fine
14601(a) - within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $500 fine 10 days jail required if probation granted	1 year jail and $2,000 fine
14601.1(a)	$300 fine	6 months jail and/or $1,000 fine
14601.1(a) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	5 days jail and $500 fine	1 year jail and $2,000 fine
14601.2(a) or (b)	10 days jail, $300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and $1,000 fine
14601.2(a) or (b) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	30 days jail, $500 fine and ignition interlock device 30 days jail required if probation granted DMV will require ignition interlock device *If I was designated as a habitual traffic offender within three years of this conviction, I will serve an additional 180 days jail and pay a fine of $2,000.	1 year jail and $2,000 fine
14601.2(a) or (b) within 7 yrs., but over 5 yrs., from a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and $1,000 fine
14601.4(a)	Shall be imprisoned in county jail and shall not be released upon work release, community service, or other release program before the minimum period of time prescribed in 14601.2 is served. If probation is granted, shall serve at least the minimum time of imprisonment specified under 14601.2 as a term of probation. DMV will require ignition interlock device.	
14601.5(a) or (b)	$300 fine or 6 months jail With prior conviction for certain offense(s), DMV will require IID	6 months jail and $1,000 fine
14601.5(a) or (b) within 5 yrs.of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $500 fine With prior conviction for certain offense(s), DMV will require IID	1 year jail and $ 2,000 fine
20002(a)	None required under the statute	6 months jail and/ or $1000 fine
12500(a)	None required under the statute	6 months jail and $1,000 fine

_____
Defendant's Signature

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION

Court Use Only

(optional)

CASE NUMBER 16HM08911 PEOPLE VS Gaviola, Gabriel

☒ Count(s) _____ dismissed on motion ~~of the~~ people. court

☐ Count(s) _____ sentence suspended.

☒ Count(s) 1 ~~stayed pursuant to PC 654.~~

TERMS

☒ Imposition ☐ Execution of sentence is suspended. 3 years

☐ Formal ☒ Informal PROBATION as to Count(s) 2.

☒ Violate no laws ☒ Obey all orders and rules of Court, Probation Department & Jail.

☐ Submit to search and seizure.

☐ Consume no alcoholic beverages and do not be present in any establishment where alcohol is primary item of sale.

☐ Do not drive with a measurable amount of alcohol in blood system.

☒ Submit to a chemical test of blood on demand of any peace officer or probation officer.

☐ Use no unauthorized drugs, narcotics or controlled substances and submit to chemical testing on demand of probation officer or police officer.

☐ Cooperate with Probation Department in any plan for counseling or treatment.

☐ Seek training, schooling, employment and maintain residence as approved by the Probation Department.

☐ Do not associate with anyone disapproved of by your probation officer.

☐ Do not knowingly own, use or possess any type of dangerous or deadly weapon ☐ Term of 10 years .

☐ Court orders weapon destroyed.

☒ Do not drive without a valid driver's license in your possession.

☒ Do not drive without valid insurance.

☒ Use TRUE NAME and Date of Birth at all times.

☒ Carry valid government issued identification card at all times.

☐ Provide the Court with your current address, telephone number, employer's name, address and telephone number. Immediately notify the Court of any changes.

☒ Disclose probation terms upon request of Probation or Law Enforcement Officer.

FINES AND FEES

Credit for jail time served

☒ Pay a fine of $ 390 + Penalty Assessment on count 2.

☐ Pay a fine of $_____ + Penalty Assessment on count _____.

☒ Commit on fine(s) on count(s) 2 for 2 days.

☐ Pay $_____ Court Costs on count(s) _____.

☒ Pay $50 Alcohol Abuse Education Fee. (VC 23645)

☒ Pay $50 Alcohol Testing Penalty (PC 1463.14)

☒ Pay $100 Alcohol Assessment Fee. (VC 23649)

☐ Pay $50 Lab fee + Penalty Assessment (PC 1463.14/HS 11372.5)

☐ Pay $150 Drug Program Fee + Penalty Assessment (HS 11372.7)

☐ Pay $ _____ Domestic Violence Discretionary Fee for all Orange County Domestic Violence Shelters. (PC 1203.097)

☐ Pay $_____ Domestic Violence Prevention Fund. (PC 1203.097(a)(5))

THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION:

☒ Pay $ 150 State Restitution Fine (minimum of $100.00) on count(s) 2. (PC 1202.4(b)(1))

☒ Pay $ 150 Probation Revocation Restitution Fine (minimum of $100.00). Restitution fine stayed. Effective upon revocation of probation. (PC 1202.44)

☒ Pay the following fees:

- Criminal Conviction Assessment Fee(s) $30/misdemeanor; $35/infraction (per convicted count). (GC 70373(a)(1))
- $40.00 Court Operations Fee (per convicted count) (PC 1465.8)
- Additional fees as required by law

☐ $10 Local Crime Prevention Fund (PC 1202.5)

☒ Pay Booking Fees as ordered by the Court.

☐ Pay costs of formal probation as directed by Probation Officer.

☐ Fines/Fees to be paid forthwith.

☒ Fines/Fees to be paid through Court Collections ☒ forthwith

☐ by _____.

☐ Fines/Fees to be paid through Probation.

Additional program fees may be applicable and paid through the program.

JAIL

☐ Serve _____ days Orange County Jail on Count _____.

☐ Serve _____ days Orange County Jail on Count _____.

☐ Jail to be served through the City of _____.

☒ Credit for 2 actual + ~~2~~ = total 4.

☒ Work release denied ☒ Electronic Confinement denied

☒ County Work Program denied

☐ JAIL STAYED to _____ at _____am/pm. Report to ☐ Theo Lacy ☐ Orange County Jail-Intake Release Center.

☐ May be released to an authorized representative of the _____ program to serve remainder of jail sentence.

☐ Serve _____ weekends at _____ Jail (no good time or work time to be applied to original sentence).

☐ Sentence(s) to run consecutive / concurrent to each other /any other sentence / Case No:_____.

☐ Jail stayed to_____ pending successful completion of

☐ DUI Court (except any statutory minimum term which may be served on SEC during the term of DUI Court as imposed by the Court.)

☐ Probation ☐ Community Service ☐ Cal Trans

☐ Cal Trans/Physical Labor by _____.

☐ Receive day for day credit. If program not completed, full jail sentence to be imposed with no credit for time served.

☐ To be served in State Prison concurrently.

☐ Book and release and show proof by _____.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION

CASE NUMBER 16HM0884 PEOPLE VS Gaxiola

COMMUNITY SERVICE / OTHER PROGRAMS

☐ Complete _____ ☐ hours ☐ days of ☐ Comm. Service
☐ Cal Trans ☐ Cal Trans/Physical Labor
☐ In lieu of fines ☐ In lieu of jail
☐ Complete Graffiti Removal as to count(s) _____.
☐ Proof of completion due to the Clerk's Office by_____.

ALCOHOL & DRUG/PROGRAMS/DRIVERS LICENSE

Complete 1st Offender Program:
☐ 3 month program ☒ 6 month ☐ 9 month OK L.A. CO. class
☐ Complete Multiple Offender – 18 month
☐ 12 hour program

☒ Attend Victim Impact Counseling. Proof of completion due to the Clerk's Office by May 10, 17
☐ Attend and complete _____ ☐ self help and/or Alcoholics Anonymous meetings ☐ self help and/or Narcotics Anonymous meetings ☐ per day ☐ per week ☐ per month. Proof due by _____.
☐ Court designates defendant a Habitual Offender. (VC 13350(b))
☐ Driving privilege suspended for 1 year pursuant to:
☐ VC 13202 (Vehicle conviction related to controlled substances)
☐ VC 13202.5 (Alcohol / Drugs under the age of 21)
☐ VC 13202.6 (Vandalism)
☐ Driving privilege suspended for _____ year(s) pursuant to VC 13352(a)(3) (2nd DUI conviction w/in 10 years)
☐ Driving privilege revoked for _____years pursuant to VC 13352(a)(5)
☐ Complete Youthful Alcohol & Drug Deterrence Program and show proof to the Clerk's Office by _____.
☐ Enroll and complete PC 1210 program. Proof of enrollment due by _____. Refer to PC 1210 Addendum
☐ Register with local law enforcement within 5 days from today or within 5 days upon release from custody pursuant to:
☐ HS 11590 (narcotics offense)
☐ PC 186.30 (gang related offense)
☐ PC 457.1 (arson offense) – Lifetime registration
☐ PC 290 (sex offense) – Lifetime registration
☐ Submit to AIDS testing. Proof due to Department _____ by _____.
☐ Attend and complete AIDS Prevention Education. Proof of completion due to the Clerk's Office by_____.

DOMESTIC VIOLENCE

☐ Complete Batterers' Treatment Program. (52 weeks active participation required)
☐ Alcohol/Drug Component
☐ Total abstinence from alcohol and drugs
☐ Test alcohol and drugs (blood or urine only)
☐ Parenting component
☐ One year Child Abuser's Program.
☐ Health Care Agency Perinatal Program.

DOMESTIC VIOLENCE, continued

☐ Other program(s) _____ ☐ weeks ☐ months ☐ years active participation required.
☐ Proof of enrollment due to the Court by_____.
☐ Comply with Court protective order.
☐ Defendant owns/possesses firearm(s). Relinquishment hearing set on _____.
☐ Surrender all firearms within 24 hours as required by law and file proof of surrender form within 48 hours with the Court.

RESTITUTION

☐ Make Restitution in the amount of $ _____ or as determined through ☐ Victim Witness ☐ Probation, with interest at the rate of 10% ☐ from the date of sentencing ☐ from the date of loss.
☐ Pay $ _____ to Victim Witness Emergency Fund by _____. (PC 1203.1(j))
☐ Pay cost of counseling to the victim and/or children in the amount of $_____.
☐ Submit a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. File the form with the court at least 90 days before the scheduled release from probation.
☐ Complete and return Statement of Assets form by _____.

ADDITIONAL TERMS & CONDITIONS

☐ Have no contact with _____.
☐ Stay _____ ☐ miles ☐ yards away from _____.
☐ Obey all rules of Court ordered program. Do not leave the program without Court approval.
☐ Probation to ☐ terminate ☐ be modified to informal status upon_____.

ADDENDUMS

☐ PC 1210 with Disclosure ☐ Gang ☐ Graffiti ☐ DUI Court
☒ DNA terms
☐ _____

DEFERRED ENTRY OF JUDGMENT (PC1000)

☐ All checked terms and conditions will be imposed, if terminated from the PC1000 Program.

REPORT ☒ forthwith ☐ by stay date to:

☒ Collections	☐ Clerk's Office	☐ Probation
☐ OneOC	☒ Alcohol Liaison	☒ DNA
☐ District Attorney	☐ Victim Witness	

OTHER _____

NOTICE TO DEFENDANT: After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code Section 1203.4. This notice does not apply to any protective orders.

I have read, I understand, and I accept these terms and conditions of probation.

Date: 1-25-17 Defendant's Signature: _____ D.A. / C.A. Signature: _____

Defense Counsel Signature: _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
07/26/16	1	FIFCI	Own Release Recognizance filed.
08/05/16	1	FLDOC	**Original Complaint filed on 08/05/2016 by Orange County District Attorney.**
	2	FLNAM	Name filed: Gaxiola, Gabriel
	3	FLCNT	MISDEMEANOR charge of 23152(a) VC filed as count 1. Date of violation: 07/10/2016.
	4	FLCNT	MISDEMEANOR charge of 23152(b) VC filed as count 2. Date of violation: 07/10/2016.
	5	FLALG	23538(b)(2) VC added as other allegation as to count 1.
	6	FLALG	23538(b)(2) VC added as other allegation as to count 2.
	7	CLADD	**At the request of People, case calendared on 08/23/2016 at 08:30 AM in H8 for ARGN .**
	8	FI959	Accusatory pleading filed by the prosecutor pursuant to Penal Code section 959.1.
08/10/16	1	TXBKF	**Request for Booking Fees Received from Laguna Beach Police Department in the amount of $195.00, date of arrest 07/10/2016.**
08/23/16	1	HHELD	**Hearing held on 08/23/2016 at 08:30:00 AM in Department H8 for Arraignment .**
	2	OFJUD	Judicial Officer: Richard Pacheco, Commissioner
	3	OFJA	Clerk: J. Ramos
	4	OFBAL	Bailiff: L. Abbott
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by Anthony Schlehner, Deputy District Attorney, present.
	7	AP856	Appearance made by Felipe Plascencia, Retained Attorney, by telephone, pursuant to Rule 856.
	8	APDNC	Defendant not present in court.
	9	WVDFP	Defendant's presence is waived .
	10	ADWRA	Defendant waives reading and advisements of legal and constitutional rights.
	11	PLNGA	**To the Original Complaint defendant pleads NOT GUILTY to all counts.**
	12	CLSET	**Pre Trial set on 09/14/2016 at 08:30 AM in Department H1.**

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
08/23/16	13	CLSET	**Jury Trial set on 09/20/2016 at 08:30 AM in Department H1.**
	14	FIDOC	Informal Arraignment by Attorney filed.
	15	CPGTO	Copy of Informal Arraignment by Attorney form mailed to attorney of record.
	16	COACL	Attorney advised of requirement to send confirmation letter within 3 days.
	17	DSROR	Court orders defendant released on own recognizance.
	18	NTPRT	Prosecuting Attorney Notice printed.
	19	OFMCD	Minutes entered by D. Valle on 08/23/2016.
09/14/16	1	HHELD	**Hearing held on 09/14/2016 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Julian W Bailey, Judge
	3	OFJA	Clerk: L. Sanchez
	4	OFBAL	Bailiff: C. H. Joyce
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by Nathaniel Wayne Barrett, Deputy District Attorney, present.
	7	APNDC	Defendant not present in Court represented by Felipe Plascencia, Retained Attorney.
	8	FICON	Request for Continuance - Misdemeanor filed.
	9	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	10	CLVAC	**Jury Trial vacated for 09/20/2016 at 08:30 AM in H1.**
	11	CLCON	**Pre Trial continued to 10/27/2016 at 08:30 AM in Department H1 at request of Defense.**
	12	WVTGN	Defendant enters general time waiver.
	13	DSOCN	Defendant's release on own recognizance continued.
10/27/16	1	HHELD	**Hearing held on 10/27/2016 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Carlton P. Biggs, Judge
	3	OFJA	Clerk: K. Rodriguez
	4	OFBAL	Bailiff: C. H. Joyce
	5	OFREP	Court Reporter: None

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
10/27/16	6	APDDA	People represented by Anthony Schlehner, Deputy District Attorney, present.
	7	APNDC	Defendant not present in Court represented by Felipe Plascencia, Retained Attorney.
	8	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	9	FICON	Request for Continuance - Misdemeanor filed.
	10	CLCON	**Pre Trial continued to 12/14/2016 at 08:30 AM in Department H1 at request of Defense.**
	11	WVTGN	Defendant enters general time waiver.
	12	DSOCN	Defendant's release on own recognizance continued.
12/14/16	1	HHELD	**Hearing held on 12/14/2016 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Julian W Bailey, Judge
	3	OFJA	Clerk: L. Sanchez
	4	OFBAL	Bailiff: T. Hartman
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by David McMurrin, Deputy District Attorney, present.
	7	APNDC	Defendant not present in Court represented by Felipe Plascencia, Retained Attorney.
	8	FICON	Request for Continuance - Misdemeanor filed.
	9	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	10	CLCON	**Pre Trial continued to 01/25/2017 at 08:30 AM in Department H1 at request of Defense.**
	11	CLSET	**Jury Trial set on 04/11/2017 at 08:30 AM in Department H1.**
	12	WVTDT	Defendant waives time to 04/11/2017.
	13	TEXT	Day 0 of 10
	14	DFOTN	Defense Counsel to notify defendant appear on 04-11-17.
	15	DSOCN	Defendant's release on own recognizance continued.
01/25/17	1	HHELD	**Hearing held on 01/25/2017 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Julian W Bailey, Judge

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	3	OFJA	Clerk: L. Sanchez
	4	OFBAL	Bailiff: J. Pritchard
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by Gordon Valiant Dunn, Deputy District Attorney, present.
	7	APDWRA	Defendant present in Court with counsel Plascencia, Felipe , Retained Attorney.
	8	ADAWV	Defendant advised of and waives the following:
	9	ADCAP	- The right to court appointed counsel if financially unable to retain counsel.
	10	ADRTT	- The right not to testify, be called as a witness, or admit guilt.
	11	ADRTF	- The right to testify in own defense.
	12	ADJCT	- The right to a trial by Court or Jury.
	13	ADCXW	- The right to confront and cross-examine witnesses.
	14	WVRSI	- The right against self-incrimination.
	15	WVRSP	Defendant waives the right to subpoena and present evidence.
	16	ADMAX	Defendant advised of maximum possible sentence.
	17	ADCSQ	Defendant advised of consequences of violating probation.
	18	ADCZS2	The defendant understands that, if he/she is not a citizen of the United States the conviction for the offense(s) charged may or, with certain offenses, will have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
	19	ADCRWG	The defendant has been advised of constitutional rights, waivers and consequences in writing pursuant to the guilty plea form. The defendant makes the plea with a full understanding of all the matters set forth in the charging document and in the guilty plea form, that defendant has read, understood and personally initialed each item herein. Defendant understands that the signing and filing of the guilty plea form is conclusive evidence that defendant has pleaded GUILTY to the charges set forth.

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	20	PLPAFV	The defendant offers his/her plea, and admits the listed priors and allegations freely and voluntarily. No one has made any threats, used any force against the defendant or his/her family or loved ones, and no one has made any promises to him/her other than as on the Sentence Recommendation form.
	21	PLWTH	**Defendant's motion to WITHDRAW NOT GUILTY PLEA to count(s) 1, 2 granted.**
	22	PLTXT	Upon Court's own motion:.
	23	CDCDM	Count(s) 1 DISMISSED - Other reason.
	24	PLGCT	**To the Original Complaint defendant pleads GUILTY as to count(s) 2.**
	25	PLTXT	Other Allegations of Vehicle Code 23538(b)(2) as to Count 1 and 2 are Stricken by the People. .
	26	PLFBA	Court finds factual basis and accepts plea.
	27	PLFWR	Court finds defendant intelligently and voluntarily waives legal and constitutional rights to jury trial, confront and examine witnesses, and to remain silent.
	28	DFSIS	Defendant states that the initials and signature on the Waiver of Rights form are his.
	29	FIWWR	Defendant's written waiver of legal and constitutional rights for guilty plea received and ordered filed.
	30	WVTIM	Defendant waives statutory time for Sentencing.
	31	PLRIS	Defendant requests immediate sentencing.
	32	ADDUI	Pursuant to Vehicle Code Section 23593(a), defendant was advised that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.
	33	PRISS	No legal cause why judgment should not be pronounced and defendant having Pled Guilty to count(s) 2, Imposition of sentence is suspended and defendant is placed on 3 Year(s) INFORMAL PROBATION on the following terms and conditions:

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	34	PRVNL	Violate no law.
	35	PROBY	Obey all orders, rules, and regulations, and directives of the Court, Jail, and Probation.
	36	PRSCT	Submit to a chemical test of your blood on demand of any peace officer, probation officer, or mandatory supervision officer.
	37	PRVDL	Do not drive without a valid driver's license in your possession.
	38	PRINS	Do not drive without proof of valid auto liability insurance or financial responsibility as required by law.
	39	PRTNO	Use true name and date of birth only at all times.
	40	PRCVP	Carry valid government issued identification at all times.
	41	PRDTC	Disclose terms and conditions of probation when asked by any law enforcement or probation officer.
	42	PRFIN	Pay FINE of $390.00 plus penalty assessments as to count(s) 2.
	43	FSCJF	**$250.00 credited for time served on $390.00 fine as to count(s) 2.**
	44	PRSRF	Pay mandatory state restitution fine of $150.00 pursuant to Penal Code 1202.4 or Penal Code 1202.4(b).
	45	PRFAA	Pay $50.00 Alcohol Abuse Education FEE pursuant to Vehicle Code section 23645.
	46	PRFBP	Pay $50.00 DUI Lab/Blood Alcohol Penalty pursuant to Penal Code 1463.14(b).
	47	PRFEE	Pay $100.00 Alcohol & Drug Assessment Program fee pursuant to Vehicle Code 23649.
	48	PRRFS	Pay $150.00 Probation Revocation Restitution Fine pursuant to Penal Code 1202.44. Restitution fine stayed, to become effective only upon revocation of probation.
	49	SESEC	Pay $40.00 Court Operations Fee per convicted count pursuant to Penal Code 1465.8.
	50	SECCA	Pay Criminal Conviction Assessment Fee per convicted count of $30.00 per misdemeanor/felony and $35.00 per infraction pursuant to Government Code 70373(a)(1).
	51	PROTC	Defendant ordered to report to the Harbor - Newport Beach Facility Collections Department forthwith. Defendant ordered to cooperate with and pay as directed by the Collections Department.

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	52	FIDOC	Request for Booking Fees filed.
	53	COBKG	Court grants booking fees paid to Laguna Beach Police Department $195.00.
	54	PRAP1	Attend and complete 6 month Level 2 First Offender Alcohol Program as to count(s) 2.
	55	DFOAP	Defendant may attend an equivalent out of county alcohol program.
	56	PRMAD	Attend and complete Victim Impact Counseling as to count(s) 2.
	57	STPRF	Victim Impact Counseling stayed to 05/10/2017 for proof of completion.
	58	STMLD	Proof of Victim Impact Counseling to be mailed or submitted to Harbor Justice Center - Newport Beach Facility, 4601 Jamboree Road, Newport Beach, CA 92660 or placed in the "Drop Box" at any Superior Court of California, County of Orange, Justice Center. Proof must be received no later than 05/10/2017.
	59	PRDNAC	As a condition of my plea and for the purpose of crime prevention and detection, I voluntarily consent and agree to provide a state DNA sample and prints for the State DNA Database pursuant to Penal Code 296.1 and a local DNA Database sample, prints and photograph for the local Orange County District Attorney DNA Database with the understanding that my DNA samples will be forensically analyzed and will be permanently retained, along with my DNA profile(s), prints and photograph, all of which will be subject to continual searches, anytime in the future, against other DNA profiles, prints and photographs in any local, state, national or international law enforcement database. I also voluntarily agree to provide sample(s) immediately or, if in custody, within 72 hours of my release.
	60	FIPSA	Addendum to Defendant's Terms and Conditions of Probation "DNA Terms" filed.
	61	DFRPT2	Defendant ordered to report to Alcohol Liaison and Room 102A to provide DNA sample forthwith.
	62	PRATC	Defendant accepts terms and conditions of probation.
	63	DSTUP	Defendant's release status updated to reflect: Released.
	94	OFMCD	Minutes entered by D. Valle on 01/25/2017.

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	95	REMRC	Remittance from receipt # 15301056 received in the amount of $999.00.
	96	DMABS	DD1-CGQ sent to DMV. Return Code: 800
	97	FXDACT	Collections Referral activity deleted from case.
	98	DOJABS	DOJ Initial Abstract sent.
02/09/17	1	FIENR	Proof of Enrollment filed as to 6 months First Offender Alcohol Program imposed on 01/25/2017.
05/02/17	1	FICOM	Proof of Completion filed as to Victim Impact Counseling imposed on 01/25/2017.
07/19/17	1	FICOM	Proof of Completion filed as to 6 months First Offender Alcohol Program imposed on 01/25/2017.
01/24/20	1	PBCMP	Case evaluated for expired probation(s). Probation updated for applicable grant(s) of probation.
	2	CSCLS	**Case closed.**
09/08/22	1	FIPPV2	Notice of possible probation violation from Los Angeles, case number 2MN02194, filed.
	2	CONAT	No action taken.
09/09/22	1	CSCLS	**Case closed.**
12/22/22	1	TXRNF	Copy request received, not filed.
	2	CPGTO	Certified Copy of Prior packet mailed to T. Tertzakian Metropolitan Operations Office of the City Attorney Hydee Felstein Soto Los Angeles, CA .
12/23/22	1	CSCLS	**Case closed.**
10/05/23	1	TXRNF	Request for Records Search and/Or Copies received, not filed.
	2	CPGTO	Copy of Prior packet mailed to State of California, Department of Justice.Commission on Peace Officer Standards and Training.
10/06/23	1	CSCLS	**Case closed.**

AGENDA ITEM REPORT

Title: POST2305109 - JOSHUA SATTERFIELD (POST ID: C46-V20)
LAST EMPLOYING AGENCY: TORRANCE POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
01/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
Robert Bringolf	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent Joshua Satterfield began his employment with the Los Angeles Sheriff Department (LASD) on June 1, 2014, as a full-time Police Officer. Respondent resigned from LASD on February 12, 2016, and began employment with Torrance Police Department (TPD) on February 22, 2016. At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. Respondent was discharged from his position with TPD on September 22, 2022. The Respondent is not currently employed as a peace officer in the State of California.

This position is a peace officer position defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The case before the Board alleges the Respondent, on three separate occasions, sent group messages which constituted demonstrating bias as defined in Commission Regulation 1205(a)(5).

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent's conduct amounted to demonstrating bias as described in Commission Regulation 1205(a) (5), in that on three separate occasions, Respondent

either sent or replied to text messages, which are inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner. The Division finds all of the messages were examples of the Respondent's repetitive misconduct which confirms the Respondent violated TPD's policies on several occasions relating to inappropriate speech and unprofessional conduct. In addition to violating the Department's policies with regard to prohibited speech, expression, and conduct, clear and convincing evidence exists that Respondent violated California Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5) - Demonstration of Bias.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2305109_Satterfield, Joshua_ISF_Redacted.pdf
BR03_POST2305109_Satterfield,_Joshua_Attachment_A_Redacted_Termination_Letter.pdf
BR04_POST2305109_Satterfield,_Joshua_Attachment_B_Redacted_POST_Report_Summary
BR05_POST2305109_Satterfield,_Joshua_Attachment_C_Redacted_EDI_Report.pdf
BR06_POST2305109_Satterfield__Joshua_Attachment_D_Redacted_Transcripts_Page_5_Re
BR07_POST2305109_Satterfield,_Joshua_Attachment_E_Transcripts_Page_6.pdf
BR08_POST2305109_Satterfield,_Joshua_Attachment_F_Redacted_TextsByDate.pdf
BR09_POST2305109_Satterfield,_Joshua_Attachment_G_Policies.pdf
BR10_POST2305109_Satterfiled,_Joshua_Attachment_H_DivisionRecommendation.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Joshua G. Satterfield

POST ID NUMBER: C46-V20

EMPLOYING AGENCY: Torrance Police Department

POST CASE NUMBER: POST2305109

WRITTEN BY: LEC Robert Bringolf

DATE: 9/20/2024

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I. Executive Summary

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Joshua Satterfield, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and transphobic sentiments which demonstrated his bias and inability to fairly and impartially perform his duties as a peace officer.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. The Respondent was terminated from the TPD on September 22, 2022.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline[1]

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) authorize the Commission to consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

Respondent's TPD disciplinary record[2] shows a written reprimand issued December 13, 2019, for policy violations associated with leaving his assigned beat and failing to advise dispatch of his location.

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[1] In addition to the discipline summarized here, Respondent is the subject officer in seven (7) other serious misconduct allegations, which the Torrance Police Department reported to POST. As of the date of the Investigative Summary and Recommendation in the present case (POST2305109) some, but not all, of the seven unrelated cases remain open with the Division. The Division stands ready to provide additional details about these other allegations; however, the allegations are unrelated to the facts in the present case and were not relied upon in making the Division's recommendation here.

[2] Summarized in the Findings Letter sent to Respondent upon his termination (pg. 11 of 14)

On January 22, 2019, Respondent was issued a 30-day suspension for an event that occurred on April 10, 2018, wherein he committed policy violations associated with missing court.[3] That same day, another 30-day suspension was issued to Respondent for a separate incident that occurred on August 20, 2018, wherein Respondent, while off-duty and intoxicated, used a LASD deputy's radio to broadcast an "officer needs help" radio call and then immediately turned off the radio. This particularly egregious offense resulted in a county-wide status check /roll call on the radio.[4]

While employed as a peace officer, or deputy trainee, Respondent received the following training relevant to this allegation:

- Workplace harassment Prevention – 8 hours – 01/13/2014
- Cultural Diversity – 8 hours – 04/23/2014
- Basic Police Academy
- Racial Profiling
- Racial Profiling Update – 4 Hours – 05/29/2019

c. Prior Employment History

Respondent began his law enforcement career with the Los Angeles County Sheriff's Office as a deputy trainee on January 9, 2014; he was promoted to deputy sheriff on June 1, 2014. Respondent had ten days off between working as a deputy sheriff and starting as a police officer at the Torrance Police Department.[5]

[3] Per a telephone conversation with TPD Sgt. James Kyle on 05/19/2023~1300 hours.
[4] Per a telephone conversation with TPD Sgt. James Kyle on 05/19/2023~1300 hours.
[5] Respondent's EDI Report

d. Peace Officer Certification

Respondent is assigned POST ID C46-V20. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #180699 (Issued: July 14, 2015)

e. The Present Allegations of Serious Misconduct

1. Penal Code Section 13510.8(b)(5), as clarified by Commission Regulation 1205(a)(5)[6] – Demonstrating Bias:

> (a)(5) Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.
>
> (A) An officer is "demonstrating" bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and

[6] See 11 Cal. Code Regs. § 1205(a)(5) (as modified on April 18, 2024).

impartially performed, or will not fairly and impartially perform, their law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included the review of TPD's administrative investigation which contained interviews of witness officers and the subject officer. The TPD also provided the Peace Officer Standards Accountability Division (Division) the raw data seized from the cellular telephones of other Torrance Police Officers during a criminal investigation.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments.[7] It does, however,

[7] The Division, as described further below, received information concerning approximately 390 WhatsApp messages exchanged between several peace officers. Respondent was one of the members of a group chat called "The Boys," and Respondent both received and responded to a certain subset of these 390 messages. The Division also reviewed instances where Respondent's words, acts or other conduct did **not** demonstrate bias by clear and convincing evidence. The Division's Investigative Summary and Findings in this case does not attempt to summarize every single instance in which Respondent participated in a WhatsApp message, however. Instead, the Division's Investigative Summary and Findings addresses specific instances within the group chat where Respondent's words, acts or other conduct demonstrated bias within the meaning of Penal Code section 13510.8(b)(5).

contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On March 26, 2023, Torrance Police Department (TPD) reported allegations of serious misconduct against Respondent to POST pursuant to California Penal Code Section 13510.9(a)(3). The allegations stemmed from the discovery of homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

On January 27, 2020, two other Torrance Police Officers, Christopher Tomsic and Cody Weldin, were the subject of a criminal investigation wherein it was alleged they had vandalized an arrestee's vehicle by, among other means, spray painting a swastika and a smiley face on the interior of the arrestee's vehicle during an inventory/search.[8]

As a result of the criminal investigation, Torrance Police Detectives obtained a search warrant for Tomsic's and Weldin's DNA and their personally owned cellular telephones.

The data from the cellular telephones was provided to an analyst at the Los Angeles County District Attorney's Office for review and with the intent to determine whether the two suspect officers had any ties to white supremacy.

During the review of the data, the District Attorney's analyst discovered around 390 messages that were believed to contain or reference antisemitic, homophobic, racist, or transphobic remarks. Those messages were sent between Tomsic, Weldin and several other officers, including Respondent.

[8] Tomsic and Weldin were charged with felony vandalism and felony conspiracy. As of the date of this Investigative Summary and Recommendation, those criminal charges are still pending in Los Angeles County Superior Court.

One of the WhatsApp group texts was titled, “The Boys” and consisted of approximately 15 members from the TPD.

On **August 23, 2018**, Officer Anthony Chavez (hereafter “Officer Chavez”) sent a text to Respondent that was a link to an article titled, “Grand Rapids Man Accused of Urinating on Black Child, Calling Her N-word.” Respondent responded, “What’s the crime [?]”

On **December 13, 2018**, Officer Chavez sent a photo from the social media account of a T Flats rapper that contained an image of an assault rifle sitting upright on a table with a target underneath. After some discussion, Respondent messaged the group, “You happen to notice the rounds put through that target on the table? I’m confident he won’t be hitting any of us with that unzeroed Eotech… Kinda reminds me of Chandler’s targets… by Evidence of IP1 Officer David Chandler (hereafter “Officer Chandler”) responded, “I’m a deadeye shot biotch. Who’s IP1 Respondent replied, “That nigglet you failed to kill. Grandma said you need to be a better shot.”

On **April 30th, 2019**, Officer Lance Nelson (hereafter “Officer Nelson”) shared a Black Lives Matter Instagram post to “The Boys” group chat. The post read, “TORRANCE, CA POLICE SHOT AND KILLED IP2 WITHIN 15 SECONDS. Just released bodycam footage shows police murder IP2 Respondent responded, “Aww,” and, “His little son will grow up without a father now. Oh way [sic] that’s standard for any African American family to be absent a father. He’ll be fine.”

On April 25, 2022, Respondent was interviewed as part of a large-scale internal affairs investigation stemming from the discovery of the above-mentioned messages. During the interview Respondent was advised of his Constitutional Rights per 3303(h) of the Government Code. Respondent invoked his right to remain silent and was compelled to

provide a statement. A sergeant from TPD admonished Respondent pursuant to *Lybarger*[9] and then the interview continued.

During the internal affairs investigation Respondent provided his cellular telephone number to the investigator[10]. Respondent advised he did not have another phone number while he worked for TPD[11]. Respondent was not aware of anyone else using his cellular telephone while he had that number. During Respondent's internal affairs interview, his counsel instructed him not to answer any questions related to information or data seized as a result of the search warrant written for the personal telephones of Officers Tomsic and Weldin.[12]

Because Respondent was refusing to answer questions related to the digital evidence, Respondent was admonished by TPD Sergeant James Kyle that his continued refusal to answer the specific questions presented to him by Internal Affairs Investigator Stauffer could result in an additional policy violation of insubordination which could result in further discipline, up to and including termination. Respondent continued to refuse to answer questions directly related to the messages located on the telephones of Officers Tomsic and Weldin. Respondent stated that he refused to answer these questions based on the advice of his counsel.[13]

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[9] *Lybarger v. City of Los Angeles,* 40 Cal. 3d 825 (1985).

[10] Respondent Transcripts 4/25/22 Interview Pg 5.

[11] Respondent Transcripts 4/25/22 Transcript Pg 6.

[12] Respondent's counsel contended that TPD's use of cellular phone information or data seized as a result of the search warrant for Officers Tomsic and Weldin was a violation of Penal Code section 1546.1. Respondent's counsel's contentions were later determined to be erroneous as a matter of law. On August 26, 2022, L.A. Superior Court Judge William Ryan rejected Respondent's motion to suppress evidence, and concluded TPD was permitted to use the cellular phone information and ask questions of Respondent concerning the information. Respondent appealed this ruling; however, the appeal was dismissed by order of the 2nd Appellate District Court of Appeal on January 29, 2024. (See *Chavez et al. v. Torrance Police Department et al.* (California Court of Appeal Case No. B324472).)

[13] Depending upon the facts in a given case, an officer's refusal to answer questions, even when based on the advice of counsel, could constitute a failure to cooperate with an investigation into potential police misconduct within the meaning of Penal Code section 13510.8(b)(9). The Division did not find clear and convincing evidence of a failure to cooperate in this case.

City of Torrance and TPD Policies

Penal Code Section 13510.8(b)(5) and Commission Regulation 1205(a)(5) both establish that the demonstration of bias in violation of department policy constitutes serious misconduct. The City of Torrance and the TPD enforce several policies relating to the conduct of their employees. What follows is a summary of some of the most relevant policies which relate directly to Respondent's conduct in this case:

- The Law Enforcement code of Ethics, Policy 104 states "I WILL keep my private life unsullied as an example to all…. I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service."

- The City's Anti-Harassment Policy 34.10a, Protected Classifications prohibits harassment or discrimination because of an individual's protected classification. This classification includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim.

- The City's Anti-Harassment Policy 34.10d, Visual or Written Harassment prohibits the display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may

include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

- The City's Anti-Harassment Policy 134.05 requires that all City employees shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division.

- The City's Anti-Harassment Policy 134.15 states it is the employee's responsibility to report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

- General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D) explain the Department's philosophy and expectations of personnel in their service to the community. Section 1.10.3(B) Service to the Community, emphasizes the rules and regulations of the Department such as maintaining a professional attitude and demeanor that will not in any manner communicate any personal prejudices. In addition, members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public. General Order 2.01.1(A) explains it is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. General Order 2.33.1(D) defines prohibited speech, expression, and conduct which tends to compromise or damage the mission, function, reputation, or professionalism of the TPD or its employees, such as speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as

a witness, and additionally speech or expression that is contrary to the Mission Statement or Core Values of the TPD.

- TPD policies 319.4, 319.5.7(i), 319.5.8, 319.5.9, 401.2, 401.3, 1021.4 - TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

On September 22, 2022, the City of Torrance, CA sent Respondent a letter of intent to terminate his employment as a police officer with TPD. In the letter, authored by then-Assistant City Manager Danny E. Santana, Respondent's involvement in the above-listed messages was classified as racist, and TPD terminated Respondent on the basis of Respondent's violation of several Torrance Police Department Policies, "..any of which, standing alone, or in combination warrant[ed Respondent's] termination."

On May 3, 2023, The Commission on POST's Assistant Executive Director, Annemarie Del Mugnaio issued an immediate temporary suspension for Respondent's POST Basic Certification[14].

V. Analysis and Findings

a. Establishing Jurisdiction

The Commission on POST may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022 if the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.[15]

The final determination in this allegation of serious misconduct resulted in Respondent's termination, which occurred on September 22, 2022.[16] The investigation was still ongoing after January 1, 2022 as evidenced by Respondent's internal affairs investigation interviews on April 25, 2022 and June 29, 2022.[17] Because the TPD made its final determination regarding its investigation of Respondent after January 1, 2022, the Commission on POST has jurisdiction to consider this serious misconduct action.

b. Does the alleged conduct violate Penal Code 13510.8(b)(5) and California Regulation 1205(a)(5) – Demonstration of bias on the basis of race?

When analyzing the serious misconduct allegation of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5), "demonstrating bias," the Division evaluates whether the subject officer, through words, action or other conduct showed prejudice, intolerance, contempt or hatred towards a protected class

[14] ITS Packet uploaded to Mark 43.
[15] California Penal Code 13510.8(g)(1)(B).
[16] Termination letter date.
[17] Compendium file, Respondent's Interview Transcripts.

of persons. If the subject officer did show prejudice, intolerance, contempt or hatred towards a protected class of persons, the Division then considers whether the words, action or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the officer's law enforcement duties. If so, serious misconduct is shown if the officer's words, action or conduct either: 1) violates applicable law, 2) violates department policy, or 3) is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the above guidelines to determine whether the allegation of bias was true to a clear and convincing standard.

Regarding a message on **August 23, 2018**: Officer Chavez sent a text to Respondent that was a link to an article titled, "Grand Rapids Man Accused of Urinating on Black Child, Calling Her N-word." Chavez wrote, "[Respondent] when he's older." Respondent replied, "What's the crime [?]"

The exchange between Officer Chavez and Respondent is inherently offensive and racist. Respondent's conduct, in sending the message "What's the crime [?]" in response to an article describing allegations of an adult male urinating on a female child and calling the child the "N-word" shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Even when viewed in the light most favorable to Respondent, the "What's the crime [?]" response shows Respondent's indifference toward a specific protected class, which necessarily erodes the public's confidence in Respondent's ability to fairly perform his law enforcement duties. This message constitutes the demonstration of bias.

It is highly probable a reasonable person would conclude that Respondent's August 23 message, in which Respondent asked "What's the crime[?]" in response to an article entitled: "Grand Rapids Man Accused of Urinating on Black Child, Calling Her N-word" demonstrates that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with a protected class of persons. The message exchange, and Respondent's "What's the crime[?]" response violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policy (34.05, et seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D)[18]. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he responded "What's the crime[?]" to Officer Chavez's message.

Regarding the **December 13, 2018**, message where Officer Chavez sent a photo from the social media account of a T Flats rapper that contained an image of an assault rifle sitting upright on a table with a target underneath. After some discussion, Respondent messaged the group, "You happen to notice the rounds put through that target on the table? I'm confident he won't be hitting any of us with that unzeroed Eotech… Kinda reminds me of Chandler's targets… by Evidence of IP1 Officer Chandler responded, "I'm a deadeye shot biotch. Who's IP1 Respondent replied, "That nigglet you failed to kill. Grandma said you need to be a better shot."

Respondent's message above shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Respondent refers to a member of the Torrance community as "[t]hat nigglet" and goes on to criticize Officer

[18] Torrance Policies

Chandler because he “failed to kill” the individual during a previous police encounter. Even when viewed in the light most favorable to Respondent, his racist epithet used to describe a member of the Torrance community and statement that Officer Chandler “failed to kill” the Torrance community member shows Respondent’s indifference toward a specific protected class, which necessarily erodes the public’s confidence in Respondent’s ability to fairly perform his law enforcement duties. A reasonable person would conclude that Respondent’s message shows Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

The specificity of the language in this exchange is severe as Respondent asserts that Officer Chavez failed to kill a member of the Torrance community, an individual Respondent identified using an offensive term associated with that community member’s apparent race. Coupling the racist epithets with the implication that the appropriate outcome to a use of lethal force is the death of the suspect (rather than stopping the threat) also suggests a reasonable person would conclude Respondent’s statement reveals Respondent’s predisposition to use force in an unfair or biased manner. Stated another way, a reasonable person would also conclude that Respondent believes the appropriate use of force will depend on the suspect’s race.

Further, this type of statement violates several department policies and discredits the Torrance Police Department in potentially irreparable ways. Respondent’s remarks violated several of the Torrance Police Department’s policies, including but not limited to: TPD’s Anti-Harassment Policy (34.05, et

seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D).[19] Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he wrote: "That nigglet you failed to kill. Grandma said you need to be a better shot."

Regarding the **April 30, 2019** message where Officer Nelson shared a Black Lives Matter Instagram post to "The Boys" group chat: The post read, "TORRANCE, CA POLICE SHOT AND KILLED # IP2 WITHIN 15 SECONDS. Just released bodycam footage shows police murder IP2 …" Respondent replied, "Aww," and, "His little son will grow up without a father now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine."

Respondent's April 30 message shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Respondent facetiously laments the death of a member of the Torrance community by messaging "Aww". Respondent goes on to reinforce racist stereotypes and expresses a callous indifference concerning the future of the decedent's child when he states: "[the decedent's] little son will grow up without a father now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine."

Respondent reacted to the death of a member of the Torrance community by using racist stereotypes, while at the same time displaying no empathy for the decedent's young son. A reasonable person would conclude that Respondent's message demonstrates Respondent has not or will not fairly

[19] Torrance Policies

and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

Further, the April 30 message is another message that discredits the Torrance Police Department in potentially irreparable ways. Respondent's remarks also violated a number of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policy (34.05, et seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D).[20] Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he wrote: ""Aww," and, "His little son will grow up without a father now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine."

VI. Supporting Evidence and Documentation

Attachment "A" – Termination Letter
Attachment "B" - POSAD Mark 43 Report Summary – 2 pages
Attachment "C" - Respondent's EDI Report
Attachment "D" - Respondent Transcripts 4/25/22 Interview Pg 5
Attachment "E" - Respondent Transcripts 4/25/22 Transcript Pg 6
Attachment "F"- Text messages –sorted by date
Attachment "G" - Applicable Torrance Policies
Attachment "H" - Executive Review and Peace Officer Standards Accountability Division Recommendation

[20] Torrance Policies

VII. Findings

Based on the evidence that Respondent sent multiple unequivocally bigoted group messages in violation of TPD policies, and a reasonable person would conclude that Respondent has not or will not perform his duties fairly and impartially as a result, the Division finds there is clear and convincing evidence that Respondent engaged in serious misconduct, to wit demonstrating bias in violation of Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5). Therefore, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of suspension or revocation of Respondent's POST certification in accordance with the Executive Review and Peace Officer Standards Accountability Division Recommendation.[21]

[21] See Attachment "H".

ATTACHMENT “A”

Termination Letter

14 pages

CITY OF
TORRANCE

OFFICE OF THE CITY MANAGER

Aram Chaparyan
City Manager

Danny E. Santana
Assistant City Manager
310/618-5880
DSantana@TorranceCA.Gov

September 22, 2022

Sent via USPS First Class Mail

Joshua Satterfield
Personal Address

Dear Officer Satterfield:

RE: LETTER OF FINDINGS

Upon the authority of the City Manager, I am the designated Administrative Conference Chair in this matter. The purpose of this letter is to inform you that I concur with the recommendation of the Police Chief that you should be terminated. **Your termination is effective September 22, 2022.**

I. AUTHORITIES UPON WHICH THE DISCIPLINE IS BASED

Your termination is based on your violation of the following rules, regulations, orders and/or policies, any of which, standing alone, or in combination, warrants your termination:

A. RULES THAT APPLY REGARDLESS OF DATE CONDUCT OCCURRED

1. Torrance Municipal Code, Chapter 4, Article 47, Section 14.47.1

A department head, with approval of the City Manager, for misconduct, incompetency, inefficiency, failure to perform duties or to observe the rules and regulations of his [or her] department or of the City: c) May discharge any such employee.

2. Law Enforcement Code of Ethics, Policy 104

I WILL keep my private life unsullied as an example to all…

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

3. City of Torrance Anti-Harassment Policy

a. 34.10a- Protected Classifications

> …Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim…

b. 34.10d- Visual or Written Harassment

> The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

c. 134.05- Anti-Harassment Procedure

> All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division…

d. 134.15- Employees' Responsibilities

> Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

B. FOR CONDUCT OCCURRING ON OR BEFORE APRIL 7, 2019

4. General Order 1.10 – Policing Philosophy

a. 1.10.3(B)- Service to the Community

The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:

2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices;

4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.

5. General Order 2.01.1(A) – Employee Rules and Regulations

It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:

4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.

6. General Order 2.33 – Social Media

a. 2.33.1(D)- Prohibited Speech, Expression, and Conduct

To meet the Department's safety, performance, and public-trust needs, the following is prohibited unless the speech is otherwise protected…:

2. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Torrance Police Department or its employees;

3. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior;

5. Speech or expression that is contrary to the Mission Statement or Core Values of the Torrance Police Department

C. FOR CONDUCT OCCURRING ON OR AFTER APRIL 9, 2019

7. Standards of Conduct (General Standards) Lexipol Policy 319.3

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

8. Standards of Conduct (General Standards) Lexipol Policy 319.4

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority. Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

9. Standards of Conduct (Causes for Discipline) Policy 319.5.1(a) – Laws, Rules and Orders

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

10. Standards of Conduct (Performance) Lexipol Policy 319.5.7(i) – Actions that Discredit Torrance Police Department

Any act on or off duty that brings discredit to this department.

11. Standards of Conduct (Conduct) Lexipol Policy 319.5.8

(f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

12. Employee Speech, Expression, and Social Networking Lexipol Policy 1021.4 -- (Prohibited Speech, Expression and Conduct)

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Torrance Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Torrance Police Department.

II. FACTS SUPPORTING THE CHARGES

I base my decision on the facts and circumstances that were established by the administrative investigation, and summarized here:

Between February and March 2020, detectives from the Torrance Police Department (TPD) conducted an investigation into a vandalism report filed by an individual whose vehicle was vandalized in the process of being impounded. Detectives determined that two TPD officers – Cody Weldin and Christopher Tomsic - were suspects for the vandalism. On March 3, 2020, the investigation was reassigned to Crimes against Persons Sergeant J. Masalcas who was assisted by Special Investigations Unit Sergeant J. Taylor. During Sergeant Masalcas' investigation, he obtained a search warrant for the contents of the personal cellphones of Weldin and Tomsic. Upon the successful extraction of information from the phones, Sergeants Masalcas and Taylor found evidence implicating both officers in the vandalism incident. Detectives submitted the completed criminal investigation to the Los Angeles District Attorney's Office and requested the filing of criminal charges on both officers.

On or about August 16, 2021, the Los Angeles County District Attorney's Office ("LADA") notified TPD that concerning electronic messages were discovered on the officers' cellphones. Allegedly, multiple TPD officers exchanged these concerning electronic messages. The LADA's analysis revealed approximately 390 messages containing or referencing discriminatory topics, including but not limited to anti-Semitic, racist, homophobic, and transphobic remarks. The LADA identified you as one of the officers involved in the exchange of these messages. TPD subsequently opened an administrative investigation into the LADA's concerns.

The data revealed that during the period from approximately May 2018 through September 2019, while both on and off duty, you sent or interacted with (for example, by 'liking', commenting upon, or otherwise reacting to) multiple text messages that contained biased, discriminatory, racially/ethnically insensitive, and otherwise inappropriate text messages to other members of TPD.

The texts were as follows: [1]

[1] This does not represent an exhaustive list of the text messages that you exchanged or that are inappropriate on multiple levels. This is however a list of messages that were most clearly inappropriate and in which you actively participated.

5/29/2018	In a WhatsApp group chat of which you were a member, "*The Boys*"[2], several officers discussed a recent wrestling challenge that Officer Young lost. The discussion progressed into a discussion of Officer Chavez and Officer Young wrestling naked in Crisco oil next time. You commented, "I love it when you talk dirty." Officer Williams then messaged a video of two men without shirts on appearing to be involved in a sexual act, accompanied by the message, "Cody [Weldin], this is a non butthurt zone. Additionally, you must prove proficiency with your rifle. That includes putting it back together without the ranges [sic] help." Officer Chavez then messaged the group an image containing two photos. The first photo depicted two males that appeared to be soldiers holding hands. The second photo depicted two seemingly Muslim older males kissing. The caption to the images read "72 Shades of Gray". Officer Williams responded, "War on terror? Naw dog it was the war on gays."
8/18/2018	Officer Chandler messaged "*The Boys*" an image of a soccer/football field that included cheerleaders, officials, and a subject holding a flag, with the caption, "Dempsey…you could have been a professional flag thrower man". Dempsey replied, "Now I work with a professional fag thrower." You responded, "Lol."
12/13/2018 **(on-duty)**	Officer Chavez sent a photo from the social media account of a T Flats[3] rapper that contained an image of an assault rifle sitting upright on a table with a target underneath. After some discussion, you messaged the group, "You happen to notice the rounds put through that target on the table? I'm confident he won't be hitting any of us with that unzeroed Eotech…kinda reminds me of Chandler's targets…by evidence of [redacted IP1]." Officer Chandler responded, "I'm a deadeye shot biotch. Who's [redacted IP1]?" You replied, "That nigglet you failed to kill. Grandma said you needed to be a better shot."
4/30/2019	Officer Nelson shared a Black Lives Matter Instagram post to The Boys group chat. The post read, "TORRANCE, CA POLICE SHOT AND KILLED [redacted IP2] WITHIN 15 SECONDS. Just released bodycam footage shows police murder [redacted IP2]…" You responded, "Aww." "His little son will grow up without a father now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine." Officer Williams responded, "Job security."

[2] Current members of "The Boys" list at this period in time included Officers Tomsic, Dempsey, Nelson, Gonzales, Williams, Weldin (owner of list), Wallace, Chavez, Kawamoto, Alonso, Satterfield, Young, Concannon, Chandler and Santaella.

[3] Torrance Tortilla Flats, or T Flats, is a prominent Hispanic Torrance street gang.

8/31/2019-9/1/2019 (late-night conversation continued to next day)	Officer Chavez texted you, Officers Gonzalez, Tomsic, Williams, Fermano and McKewen a video of an apparent crossdresser in a very short skirt standing in a dooryway. It then cuts to Tom Hanks as "Bubba Gump" on his boat waiving and then back to the crossdresser. The crossdresser starts to dance in place and causes something under the skirt to sway back and forth left to right, causing the skirt to noticeably move as a result. While the video does not show what is under the skirt, it is implied to be a penis. The video then cuts back to the Tom Hanks clip and he uncomfortably backs away.

Investigators interviewed you on April 25 and June 29, 2022. You claimed you did not believe you had ever sent any messages to your coworkers that contained discriminatory content, including discriminatory content based upon sexual orientation. You further claimed you did not believe you had ever received any racially inappropriate messages from the TPD employees you were questioned about. You stated generally that this was a group of coworkers who were not being racist, homophobic, or otherwise inappropriate, but that it was all just "humor". However, you admitted that your personal cell phone number throughout the time you worked for TPD was Phone Number Redacted, the same number that is associated with the discriminatory text messages above. You also admitted you were the sole user of that phone. You admitted that you regularly used your personal cell phone to send and receive text messages, including using the application 'WhatsApp', with TPD co-workers for both official and un-official matters. You also admitted to exchanging messages with Officers Chavez, Dempsey, Fermano, Gonzalez, McKewen, Tomsic, Williams, and Young. You further admitted that you did know that IP1 was a suspect in an officer involved shooting with Officer Chandler.

On April 25, 2022 you received a verbal and written admonishment of your rights by both investigator Ben Stauffer and Sergeant Ryan Galassi. Your counsel, Mr. Tom Yu, registered an ongoing objection against the use of the cellular phone data obtained from the the cell phones of Officers Tomsic and Weldin. Your counsel also advised you not to answer any questions based upon information retrieved in the cellular phone data downloads from Tomsic and Weldin. Sergeant Kyle then entered the interview room and provided additional admonitions regarding potential insubordination consequences for refusing to answer any further questions. You still refused to answer any such questions.

During your second interview on June 29, 2022, you verbally confirmed your understanding of the admonishment of your rights from the first interview. You were again verbally admonished by Sergeant Kyle, but were initially willing to give a compelled statement as ordered again by Sergeant Kyle. Your counsel again objected to you reviewing any exhibits or answering any questions relating to the exhibits or their contents. You then refused to answer any questions based upon the cellular phone evidence. After your first refusal, Sergeant Kyle again read you the admonishment and ordered you to answer all questions or face a separate insubordination charge. You refused to answer the investigator's questions fourteen times. You further refused to even look at any of the exhibits or other evidence. You refused to comply three more times and were again admonished by Sergeant Kyle. In spite of these admonishments, you stated you would continue to refuse to participate in any evidence review for the remainder of the interview. The interview subsequently concluded.

III. ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*) In your particular case, the principles set forth in *Skelly* amply support your proposed discipline. In fact, the period between May 2018 through September 2019 establishes an ongoing pattern of misconduct and policy violations.

A. YOU ENGAGED IN INEXCUSABLE MISCONDUCT

1. You Exchanged Discriminatory and Inappropriate Text Messages with TPD Coworkers

Your involvement in discriminatory text messaging with other TPD officers demonstrates an extreme lack of sound decision-making and unbecoming conduct that calls into question your fitness for duty as a police officer. You sent, received, and otherwise interacted with/responded to multiple blatantly discriminatory text messages from other members of TPD for over a year. You used racial slurs, as well as the "N" word in conversations with your colleagues, and engaged in homophobic and transphobic "jokes". The casual use of these terms between you and the other officers indicates that this type of conduct was not unusual between you. Particularly alarming, you made multiple jokes about Black individuals from real Torrance police officer –involved shootings. In one, you state the officer should have been a better shot so he could have killed the Black individual. In another you state the deceased's surviving son will be fine because it is the "norm" in Black communities to grow up without a father.

Such racist, homophobic, and inappropriate content has no place in this Department. Whether or not these messages were intended as "jokes" does not exempt them from the City's harassment policies. In fact, the policy clearly defines visual/ written harassment as " The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry…" among other protected classifications. The content contained within the text messages in question here clearly fall within these parameters. By engaging in these messages, you engaged in inappropriate speech and unprofessional conduct in violation of multiple City policies, including Policy Nos. 319.5.1(a), 319.5.7(i), 319.5.8(f),(g),(m), and 1021.4(b), and former General Orders 1.10.3(B), 2.01.1(A), and 2.33.1(D). This conduct also violated the City's Anti-Harassment Policy. Moreover, you should have reported any discriminatory messages you received by a fellow Officer as soon as you received it.

This Department relies on its officers to uphold the highest standards of conduct to maintain positive relationships and preserve the trust we have with the community we serve. You demonstrated bias here that erodes that trust and smears the reputation of this Department. This Department already experienced the damage to its reputation when the news media published what were then unverified accounts of these text messages starting in August 2021. Now that the investigation has substantiated at least some of the allegations, the breach in community trust is cemented.

2. **Your Failure to Follow a Direct Order to Provide Answers During an Administrative Interview Constituted Insubordination**

You were ordered by Sergeant Ryan Galassi and Sergeant James Kyle to answer the investigators questions. Yet, during your interview with Mr. Stauffer on April 25 and June 29, 2022, you refused to answer any questions related to the information retrieved in the cellular phone data downloads from Tomsic and Weldin, which were the very subject matter of your administrative interview. In fact, even after providing you with the potential consequences for failing to comply, you continued to refuse to answer approximately *seventeen more times* in spite of Sergeant Kyle's admonishments. You further stated you intended to continue refusing through the end of the interview, and accordingly the interview had to be concluded prematurely.

Your conduct on these occasions was disobedient and insubordinate in violation of Department Policies 319.3 and 319.5.8(f) and (m).

B. YOUR MISCONDUCT WARRANTS TERMINATION OF YOUR EMPLOYMENT

Peace officers are held to the highest standards of conduct. (See, e.g., *Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 440. Your conduct in this case causes irreparable harm to the public service and reveals that you are unfit to serve as a peace officer.

Torrance Police Department Policy 401.2 notes that it is the policy of this Department to serve the community equally, fairly, and objectively in both the enforcement of the law and provision of law enforcement services. Policy 401.3 strictly prohibits bias-based policing. These provisions are consistent with the growing number of laws being enacted by the California Legislature that also aim to curtail bias in peace officers. Notably, recently enacted Senate Bill 2 ("SB 2[4]") modifies the definition of "serious misconduct" to include at a minimum, "Demonstrating bias on the basis of any legally protected status, in violation of law or department policy, or in a manner inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner".

Though you stated in your administrative interview that you are not racist or homophobic, based on the record of text messages you sent, received, and responded to, your assertion is unreliable at best, and dishonest at worst. As a result, I and the public can no longer rely on your fitness to serve in a bias-free manner. Rather, I now fear that there are discriminatory motivations behind all your actions, which could open the Department to liability, and moreover, subject innocent members of the public to unfair treatment due to your own personal prejudices. It is clear you do not know what lines not to cross and how to abide by workplace boundaries. You and certain other officers openly mocked Black victims of Torrance police officer- involved shootings, and insinuated a fellow officer should have had better aim so he could kill a Black individual he had shot.

[4] Penal Code Section 13510.8(a)(5).

It is self-evident that messaging like that which you participated in is inconsistent with peace officer employment. You also received training and policies covering this type of conduct. Notwithstanding the training and policies you received, you proceeded to engage in discriminatory messaging on numerous occasions for over a year, including using the "N word". Lesser disciplinary measures are inadequate under the circumstances.

SB 2 also supports my recommendation that termination is the necessary consequence under the circumstances. Under Penal Code section 13510.8(a)(2), "A peace officer may have their POST certification suspended or revoked if the person has been terminated for cause from employment as a peace officer for, or has while employed as a peace officer, otherwise engaged in, any serious misconduct as described in subdivision (b). Subdivision (b) subsection (8) includes as part of the definition of serious misconduct, "Failure to cooperate with an investigation into potential police misconduct..." By refusing to answer the investigator's questions during your administrative interview, in spite of being repeatedly admonished to do so, you failed to cooperate with an investigation constituting serious misconduct and warranting possible suspension or revocation of your POST certification under this statute.

Furthermore, the content of these messages damages your credibility as a witness and therefore your usefulness as an officer. An officer who lacks the ability to be a credible witness is unable to perform one of the essential functions of the job, i.e., to testify truthfully and competently in a court of law. Because the records of an officer's bias is potentially discoverable pursuant to a *Pitchess* motion under Evidence Code sections 1043-1045, and even potentially pursuant to a Public Records Act request under Penal Code section 832.7(b)(1)(D), it is reasonable to conclude that your conduct renders you ineffective as a prosecution witness.

In sum, you have breached the public's trust and I can no longer count on you to engage in professional conduct or to act in an unbiased-manner when carrying out your duties. You have demonstrated a willingness to engage in inappropriate, unprofessional, and offensive conduct despite admittedly knowing it was a violation of your training. For these reasons, I have lost all confidence in you and I concur that termination is the appropriate discipline for your misconduct.

IV. WORK HISTORY

You were hired by the City on February 22, 2016 as a Police Officer. Your last performance review indicates that your performance has been rated as "meet standards" to "above standards".

V. DISCIPLINARY RECORD

Discipline	Date Issued	Date of Incident & Sustained Violations
Written Reprimand	December 13, 2019	June 29, 2019 incident Violation of TPD Policy 800.6.4(g)-Radio Transmission (Leaving Assigned Beat) Violation of TPD Policy 800.6(c)-Radio Communications (Keeping dispatcher/police officer advised of status and location) Violation of Patrol Bureau Operations Manual Section III D-11 (Staying in assigned beat during shift)

Discipline	Date Issued	Date of Incident & Sustained Violations
30-Day suspension	January 22, 2019	April 10, 2018 incident Violation of TPD General Order 2.21.4(G)(1)- Neglect of duty Violation of TPD General Order 2.21.4(G)(2)- Violation of department policies, rules or regulations Violation of TPD General Order 2.21.4(G)(3)- Conduct which may be detrimental to the Department Violation of TPD General Order 2.17.4(E)- "On Call" status
30-Day suspension	January 22, 2019	August 20, 2018 incident Violation of TPD General Order 2.21.4(G)(2)- Violation of department policies, rules or regulations Violation of TPD General Order 2.21.4(G)(3)- Conduct which may be detrimental to the Department

VI. EMPLOYEE'S RESPONSE AND ADMINISTRATIVE CONFERENCE CHAIR ASSESSMENT

An in person administrative conference was held on this matter on August 24, 2022. You, your attorney, Tom Yu of the Law Offices of Pelayes and Yu, APC, Police Chief Jeremiah Hart, Lt. Charles Fisher, and Senior Human Resources Analyst Robert Weinmeister, were all in attendance. At the administrative conference, I offered both you and your attorney an opportunity to provide me with additional information to consider before making my decision. Your attorney stated that he would be presenting on your behalf.

While your attorney made various arguments, his comments focused primarily on the warrant that was associated with the origin of the text messages that he claimed were "…ill gotten evidence" and he alleged that the Police Chief and the Torrance Police Department violated the California Electronic Communications Privacy Act. However, my understanding is that all of the arguments raised by Mr. Yu were set forth in a Motion to Suppress which was recently denied in its entirety by the Court. A true and correct copy of the Judge's Memorandum of Decision is attached hereto as Attachment A and incorporated by reference herein. In summary, the Court found that Penal Code section 1546.4 does not require suppression of the evidence in this matter, that the search warrant at issue did not violate section 1546.1(d)(1), that the Department's pending administrative investigation does not violate section 1546.1(d)(2), and that the City did not violate Judge Carter's order by reviewing Petitioners' messages or providing the messages to the DA's office. The Court also ruled that Attorney Corey Glave was not entitled to the return of his attorney-client communications which were captured in the search warrant data.[5] Irrespective of Mr. Yu's arguments regarding the source of the text messages, the evidence demonstrates that you violated numerous Department policies, as outlined above and your misconduct cannot be excused. Any future appeals of the Motion to Suppress would not change my determinations regarding your misconduct contained within.

In response to the violation of the City's Anti-Harassment Policy (Policy 34), Mr. Yu contended that there was no victim and that no one was offended by the associated texts. Additionally, your attorney stated that "…everyone has a bias." As defined in Policy 34, the content of the cited text messages for which this discipline is recommended are clearly related to protected classifications (Section 34.10a), they represent visual and/or written harassment (Section34.10d) that was circulated amongst police officers that were not reported to a supervisor, manager or to the Human Resources Division (Section 134.05) or to their immediate supervisor or appropriate authority figure (Section 134.15). It is documented that you completed requisite Anti-Harassment Training and signed acknowledgment of both City and Department Policies. Biases that may or may not exist in the greater society are no excuse for the violation of these standards put into place to promote a hostile free work environment and unbiased approach to a police officer's interaction with the public you swore to serve and protect. However, my understanding is that all of the arguments raised by Mr. Yu were set forth in a Motion to Suppress which was recently denied in its entirety by the Court.

[5] It should be noted that the Administrative Conference Chair did not rely upon any attorney-client privileged communications in making the decision to terminate Satterfield's employment.

A true and correct copy of the Judge's Memorandum of Decision is attached hereto as Attachment A and incorporated by reference herein. In summary, the Court found that Penal Code section 1546.4 does not require suppression of the evidence in this matter, that the search warrant at issue did not violate section 1546.1(d)(1), that the Department's pending administrative investigation does not violate section 1546.1(d)(2), and that the City did not violate Judge Carter's order by reviewing Petitioners' messages or providing the messages to the DA's office. The Court also ruled that Attorney Corey Glave was not entitled to the return of his attorney-client communications which were captured in the search warrant data.[6]

Finally, following the administrative conference your attorney also sent me an email with the following subject line: "SUPPLEMENTAL SKELLY RESPONSES FROM OFFICERS SATTERFIELD & [NAME PURPOSELY OMITTED]." The email listed a litany of alleged rule violations of the Department asserting that a "double standard that is currently being placed at the Torrance Police Department." To paraphrase, Mr. Yu alleged that the Torrance Police Department, via their social media accounts, posted a video that included a rap song and that the lyrics to that song contain numerous sexual insinuations and racist words that you and another Officer are being accused of using as part of your respective notices of intent to terminate your employment. Mr. Yu then went on to utilize all capital letters in his email to highlight some of the vulgar words allegedly associated with the song.

Mr. Yu's email further conceded *"that the post only contained the instrumental portion of this song"* (emphasis added) yet simultaneously insisted that it "is common knowledge that the lyrics contained in the song are sexually explicit, incite violence, and contain racist words." Moreover, he further insinuated that "posting the instrumentals was functionally equivalent to playing the Star Spangled Banner or the Halls of Montezuma . . ." and that "everyone knows the words." Mr. Yu's contention is equally tenuous as it is absurd. Most importantly, such posting, does not alleviate any responsibility you bear for sending, receiving and responding to discriminatory and homophobic messages.

VII. ADMINISTRATIVE CONFERENCE CHAIR FINDING

Officer Satterfield, I am wholeheartedly disappointed as the Administrative Conference Chair in rendering this decision in a case involving a Torrance Police Department Police Officer sending, receiving and responding to discriminatory and inappropriate messaging. In your role as a police officer, the City and the public entrusted you to follow the regulations and policies of the Torrance Police Department, and the City of Torrance. All members of the public, no matter, their race, religion, creed or sexual orientation (among other protected classifications), rely on police officers for assistance in emergencies and life-threatening situations. Your engagement in the above-described behavior calls into questions your ability to deliver such services in an unbiased manner.

You betrayed the trust instilled in you as a Police Officer and displayed a blatant disregard of your duty to uphold values so paramount to law enforcement and basic human dignity. As a Police Officer, you swore to protect and serve not just select members of the Torrance community, but the entire community, all differences aside. Your conduct is unacceptable and unbecoming of a Police Officer. Therefore, I concur with the recommendation of the Police Chief that you be **terminated from employment as a Police Officer effective September 22, 2022.**

VIII. ATTACHMENT

Attachment A: *Anthony Chavez, et al. v. Torrance Police Department, Case No. BH014005* Memorandum of Decision

IX. APPEAL RIGHTS

You have the right to appeal this decision to the Civil Service Commission pursuant to Section 14.47.8 of the Torrance Municipal Code. A request to have this matter reviewed must be submitted to Ms. Brianne Cohen, Civil Services Manager, in writing within ten (10) days of the date of this letter.

You may submit your written response by email; U.S. first class mail, overnight mail, delivery courier or other personal delivery; or fax: CivilServiceCommission@TorranceCA.Gov; City of Torrance, Civil Service Commission, ATTN: Brianne Cohen, Civil Service Manager, 3231 Torrance Blvd., Torrance, CA 90503; FAX (310) 618-2726.

Sincerely,

Danny E. Santana
Assistant City Manager
Administrative Conference Chair

cc: Jeremiah Hart, Police Chief
Hedieh Khajavi, Human Resources Manager
Brianne Cohen, Civil Services Manager
Tom Yu, Attorney for Employee
Human Resources Division – Personnel File

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF TORRANCE)

I am employed with the City of Torrance, California.

I am over the age of eighteen and not a party to the attached action. My business address is 3031 Torrance Boulevard, Torrance, California 90503.

On **September 22, 2022,** I deposited in the United States mail a letter and attachment regarding Administrative Conference Findings to:

Joshua Satterfield

by placing a true and correct copy thereof in a sealed, postage prepaid envelope,

first class mail, addressed as follows:

Personal Address
[redacted]

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 22nd day of September 2022 at Torrance, California.

Danny E. Santana
Administrative Conference Chair

ATTACHMENT “B”

POST Report Summary

2 pages

Commission on Peace Officer Standards & Training
860 STILLWATER RD | WEST SACRAMENTO, CA 95605 | P: 916.227.3909

PERSON PROFILE

FIRST NAME	LAST NAME	MIDDLE NAME	DOB / ESTIMATED AGE RANGE
JOSHUA	SATTERFIELD	G	Date of Birth

RACE / ETHNICITY	SEX	DECEASED	POST ID
[redacted]	[redacted]	☐ YES ■ NO	C46-V20

HOME ADDRESS-1	ENTERED DATE
Personal Address	Mar 21, 2023

PHONE NUMBER

Personal Phone (primary, Mobile Phone)

REPORT HISTORY

EVENT START DATE / TIME	REPORT #	REPORT TYPE	INVOLVEMENT	PRIMARY REPORTER
07/12/2023 00:00	POST2311149	POST Supplement: POST2311149-2	Subject Officer/Deputy	John Tomasello
11/02/2022 09:56		EDI Import Index Report: 007430	Involved Person	
07/03/2021 00:00	POST2311149	Agency Misconduct POST2311149-1	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)	Jason Masalcas
03/18/2021 00:00	POST2311044	Agency Misconduct POST2311044-1	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)	Jason Masalcas
08/02/2020 16:00	POST2311371	Agency Misconduct POST2311371-1	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)	James Kyle
04/30/2020 16:00	POST2309810	Agency Misconduct POST2309810-1	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)	James Kyle
12/25/2019 08:37	POST2302199	Agency Misconduct POST2302199-1	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)	James Kyle
06/13/2019 18:08	POST2312524	Agency Misconduct POST2312524-1	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)	James Kyle

EVENT START DATE / TIME	REPORT #	REPORT TYPE	
04/29/2019 02:26	POST2311399	Agency Misconduct POST2311399-1	
	INVOLVEMENT		PRIMARY REPORTER
	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)		James Kyle
EVENT START DATE / TIME	REPORT #	REPORT TYPE	
11/04/2018 18:19	POST2305109	Agency Misconduct POST2305109-1	
	INVOLVEMENT		PRIMARY REPORTER
	SUBJECT OF INVESTIGATION: (ONLY ONE(1) OFFICER OR AGENCY)		James Kyle

ATTACHMENT “C”

POST Profile Report

2 pages

POST PROFILE NAME:

SATTERFIELD, JOSHUA G.

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

AKA: N/A

DATE: 08/16/2023

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C46-V20		[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
180699	B	07/14/2015	[redacted]	[redacted]	[redacted]	[redacted]

Total Number of Certificates: 1

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
01/09/2014	06/01/2014	6	TRN	01/09/2014	19000	LOS ANGELES CO SD	F	P	
06/01/2014	02/12/2016	1	DPTY	06/01/2014	19000	LOS ANGELES CO SD	F	P	
02/22/2016	09/22/2022	2	PO	02/22/2016	19720	TORRANCE PD	F	P	

*Reason for Separation: 1 = Resigned, 2 = Discharge, 6 = Other

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
01/13/2014	K	1820-28411-13-009	8	X	Y	19000	LASD		WORKPLACE HARASSMENT PREVENTION
04/23/2014	K	4890-23272-13-073	8		Y	19000	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY)
05/30/2014	A	1820-00100-13-005	760		Y	19000	LASD		BASIC COURSE-INTENSIVE
05/25/2015	K	9180-25579-14-329	3	X	Y	19000	POST		GANGS: PC 186.22 FOR PATROL (WEB)
05/14/2016	K	2800-29502-15-011	8		Y	19720	TPD	*	DRIVING(PSP)
06/18/2016	K	9180-25554-15-354	2	X	Y	19720	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
06/23/2016	K	2800-29503-15-007	8		Y	19720	TPD	*	ARSTCTL(PSP)
06/24/2016	K	2800-23500-15-007	8	X	Y	19720	TPD		WEAPONLESS DEFENSE AND BATON
02/23/2017	K	2800-29501-16-004	8		Y	19720	TPD	*	FIREARM(PSP)
04/06/2017	K	2800-29503-16-007	8		Y	19720	TPD	*	ARSTCTL(PSP)
04/06/2017	K	9180-25585-16-280	2	X	Y	19720	POST	*	TACTICAL COMMUNICATION (WEB)
04/07/2017	K	2800-23500-16-006	8	X	Y	19720	TPD		WEAPONLESS DEFENSE AND BATON
05/03/2017	K	9180-25557-16-307	2	X	Y	19720	POST		BEST PRACTICES OF GOOD TRAINING (WEB)
05/06/2017	K	2800-29502-16-013	8		Y	19720	TPD	*	DRIVING(PSP)
07/13/2017	K	2800-21798-17-001	8		Y	19720	TPD		FIRST AID/CPR UPDATE
04/12/2018	K	2800-22405-17-002	8	X	Y	19720	TPD		OFFICER SAFETY/FIELD TACTICS UPDATE
08/21/2018	K	2800-20315-18-001	8	X	Y	19720	TPD		DRUG ALCOHOL RECOGNITION UPDATE
10/06/2018	K	9180-25587-18-098	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
12/16/2018	K	9180-25580-18-169	4	X	Y	19720	POST		DOMESTIC VIOLENCE: IT'S YOUR CALL, VOL. 1 (WEB)
04/03/2019	K	1820-23601-18-011	4		Y	19720	LASD		SCENARIO EVALUATOR TRAINING
05/29/2019	K	4890-23287-18-036	4	X	Y	19720	M TOLERNCE		RACIAL PROFILING UPDATE
09/24/2019	K	1820-23161-19-008	8		Y	19720	LASD		GANGS-CAL GANG COMPUTER SYSTEM
11/19/2019	K	1120-28000-19-001	7	X	Y	19720	ESPD		TRAINING CONFERENCE
12/13/2019	K	9180-25587-19-166	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
11/02/2020	K	9180-25589-20-125	2	X	Y	19720	POST		DV RESPONSE & LETHALITY ASSESSMENT (WEB)
11/05/2020	K	9180-25587-20-128	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
11/21/2020	K	2800-29502-20-004	8		Y	19720	TPD	*	DRIVING(PSP)

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
03/03/2021	K	2800-29501-20-001	8		Y	19720	TPD	*	FIREARM(PSP)

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

ATTACHMENT “D”

Respondent’s Transcripts

Pg. 5

1 page

SATTERFIELD: Patrol.

YU: His current assignment, he's not working right now.

STAUFFER: Prior to being placed on admin leave, what was your assignment?

SATTERFIELD: Patrol.

STAUFFER: Have you held any other assignments outside of patrol with Torrance PD?

SATTERFIELD: Just like the gang enforcement team and then like our SRT team, [inaudible] collaterals.

STAUFFER: So, when you say those are collaterals, those were additional assignments, like overtime assignments in in addition to your patrol assignment?

SATTERFIELD: Correct.

STAUFFER: And SRT, is it special response?

SATTERFIELD: It's like, yeah, like a riot team.

STAUFFER: As a member of Torrance PD, is it your responsibility to be aware of the Department's rules and regulations?

SATTERFIELD: Yes.

STAUFFER: As a member of Torrance PD, is it your responsibility to abide those rules and regulations?

SATTERFIELD: Yes.

STAUFFER: Do you have a personal cellular phone?

SATTERFIELD: Yes.

STAUFFER: What's the phone number?

SATTERFIELD: Personal Number.

STAUFFER: At any time going back to 2018, have you had a different personal cell phone number?

SATTERFIELD: No.

STAUFFER: How long have you had this particular phone number?

ATTACHMENT “E”

Respondent’s Transcripts

Pg. 6

1 page

SATTERFIELD: Couldn't even tell you. It's been a long time, though. Several, I mean --

STAUFFER: An estimate of years.

SATTERFIELD: Since before I came to Torrance PD, so more than six years.

STAUFFER: Does anyone else use your phone for any reason?

YU: If you know.

SATTERFIELD: I don't know. I mean, it's possible.

STAUFFER: Are you aware of anyone else using your phone?

SATTERFIELD: Not that I'm aware of.

YU: That assumes that whoever used his phone told him that the person was using his phone.

STAUFFER: Or that he discovered it.

YU: No one has told you neither have you discovered?

SATTERFIELD: No.

STAUFFER: Do you have use your personal cell phone to get messages from the Department?

SATTERFIELD: Yes.

STAUFFER: And do you use it to get messages from other members of the Department?

SATTERFIELD: Yes.

STAUFFER: Do you use your personal cell phone to communicate with coworkers by text, phone calls and other means?

SATTERFIELD: Yes, sir.

STAUFFER: Would those means include the WhatsApp app?

SATTERFIELD: Yes, sir.

STAUFFER: Do you have a work cellular phone number?

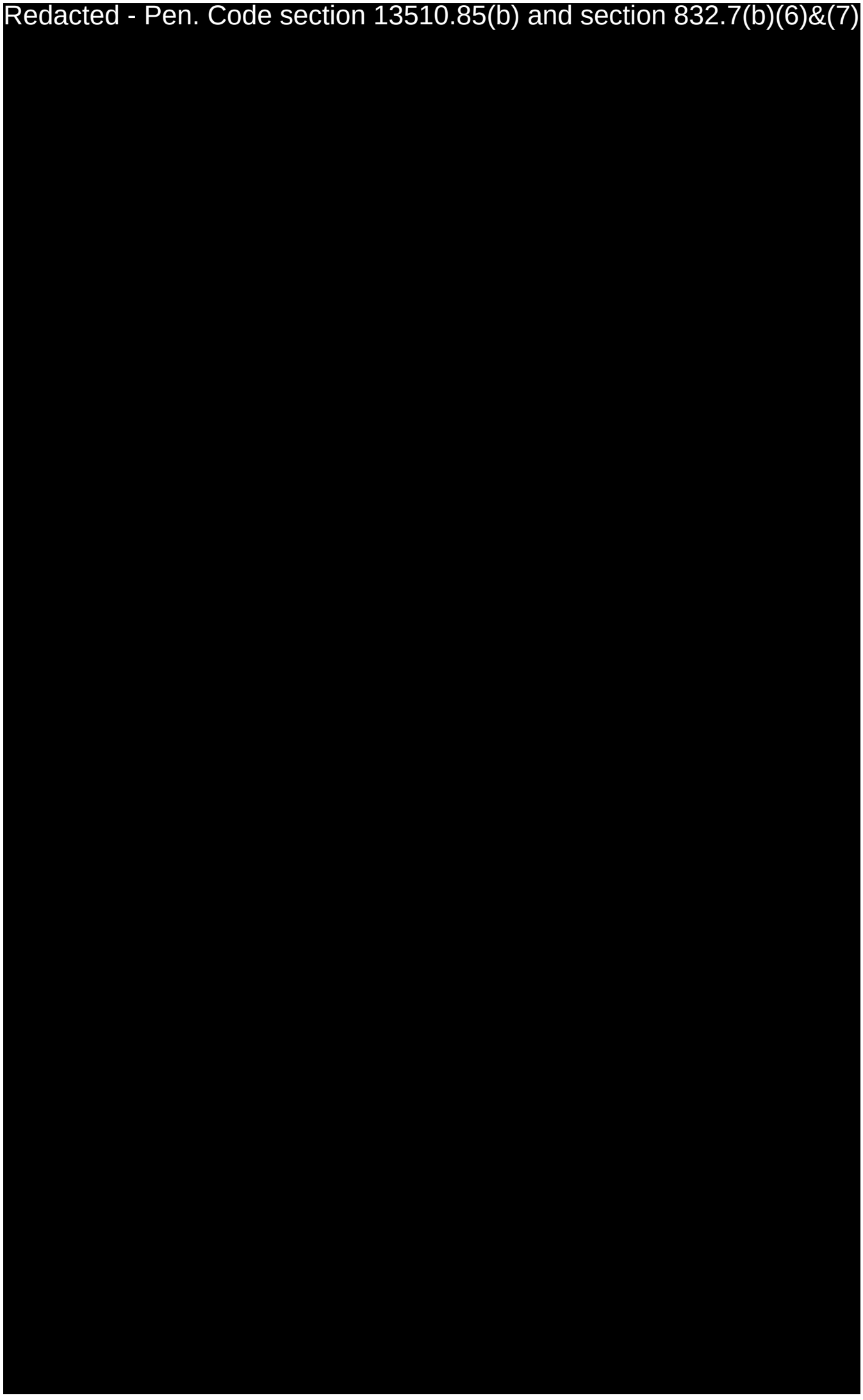
SATTERFIELD: No, sir.

ATTACHMENT “F”

Text Messages

Sorted by date

12 pages


Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

From: [redacted]@s.whatsapp.net Officer Tony Chavez

https://losangeles.cbslocal.com/2018/08/23/grand-rapids-man-accused-of-urinating-on-black-child-calling-her-n-word/

Josh when he's older

Attachments:



Title: Grand Rapids Man Accused Of Urinating On Black Child, Calling Her N-Word
Size: 5712
File name: 2722f0c4-404c-4778-a6ee-b4912e354b9a.thumb
Path: https://losangeles.cbslocal.com/2018/08/23/grand-rapids-man-accused-of-urinating-on-black-child-calling-her-n-word
2722f0c4-404c-4778-a6ee-b4912e354b9a.thumb

Status: Read

Platform: Mobile

8/23/2018 23:00(UTC-7)

Source Info:
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1fb7ce37154796cfb9b92688c8507046faf81d20_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/9B1062E8-D1BB-4679-ACDE-F5D9CAF205EA/ContactsV2.sqlite : 0x14827 (Table: ZWAADDRESSBOOKCONTACT; Size: 184320 bytes)
1fb7ce37154796cfb9b92688c8507046faf81d20_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/9B1062E8-D1BB-4679-ACDE-F5D9CAF205EA/Message/Media/[redacted][redacted]@g.us/2/7/2722f0c4-404c-4778-a6ee-b4912e354b9a.thumb : (Size: 5712 bytes)

From: [redacted]@s.whatsapp.net Officer Joshua Satterfield

What's the crime

Status: Read

Platform: Mobile

8/23/2018 23:00(UTC-7)

Source Info:
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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

[redacted]@s.whatsapp.net Officer Tony Chavez

Attachments:



Title: Sarge will also be more than thrilled to see this I'm sure..tflats rapper
Size: 113383
File name: 4fb49f64-afc4-40e1-9602-d930ea8e136d.jpg
Path: https://mmg-fna.whatsapp.net/d/f/Akqe-WFnDTmccvs_NeSTQ55R6UuPgow_zFrTPXHxc-v4.enc
4fb49f64-afc4-40e1-9602-d930ea8e136d.jpg

Status: Read
Platform: Mobile

12/13/2018 6:32:05 PM(UTC-8)

Source Info:
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1fb7ce37154796cfb9b92688c8507046faf81d20_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/9B1062E8-D1BB-4679-ACDE-F5D9CAF205EA/Message/Media[redacted][redacted]@g.us/4/f/4fb49f64-afc4-40e1-9602-d930ea8e136d.jpg : (Size: 113383 bytes)

[redacted]@s.whatsapp.net Officer Joshua Satterfield

Yea I saw that dudes profile this morning

Status: Read
Platform: Mobile

12/13/2018 6:56:21 PM(UTC-8)

Source Info:
1fb7ce37154796cfb9b92688c8507046faf81d20_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/9B1062E8-D1BB-4679-ACDE-F5D9CAF205EA/ChatStorage.sqlite : 0x508643 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13406208 bytes)

Personal Number@s.whatsapp.net Officer Tony Chavez

Sarge will be hot in no time

Status: Read

Platform: Mobile

12/13/2018 6:57:14 PM(UTC-8)

Source Info:
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Personal Number@s.whatsapp.net Officer Joshua Satterfield

"Detain thith bitch"

Status: Read

Platform: Mobile

12/13/2018 7:03:39 PM(UTC-8)

Source Info:
1fb7ce37154796cfb9b92688c8507046faf81d20_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/9B1062E8-D1BB-4679-ACDE-F5D9CAF205EA/ChatStorage.sqlite : 0x5089D8 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13406208 bytes)

Personal Number@s.whatsapp.net Officer Joshua Satterfield

You happen to notice the rounds put through that target on the table?? I'm confident he won't be hitting any of us with that un-zeroed eotech... kinda reminds me of Chandler's targets

Status: Read

Platform: Mobile

12/13/2018 7:30:49 PM(UTC-8)

Source Info:
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Personal Number@s.whatsapp.net Officer Joshua Satterfield

By evidence of IP1

Status: Read

Platform: Mobile

12/13/2018 7:30:59 PM(UTC-8)

Source Info:
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Personal Number@s.whatsapp.net Officer David Chandler

Im a dead eye shot biotch. Who's IP1

Status: Read

Platform: Mobile

12/13/2018 8:04:28 PM(UTC-8)

Source Info:
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Personal Number@s.whatsapp.net Officer Joshua Satterfield

That nigglet you failed to kill. Grandma said you needed to be a better shot

Status: Read

Platform: Mobile

12/13/2018 8:05:27 PM(UTC-8)

Source Info:
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Personal Number@s.whatsapp.net Officer David Chandler

Oh yeah. Maybe if we did ANY kind of shooting on the move or at moving targets...

Status: Read

Platform: Mobile

12/13/2018 8:31:33 PM(UTC-8)

Source Info:
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Personal Number@s.whatsapp.net Officer Joshua Satterfield

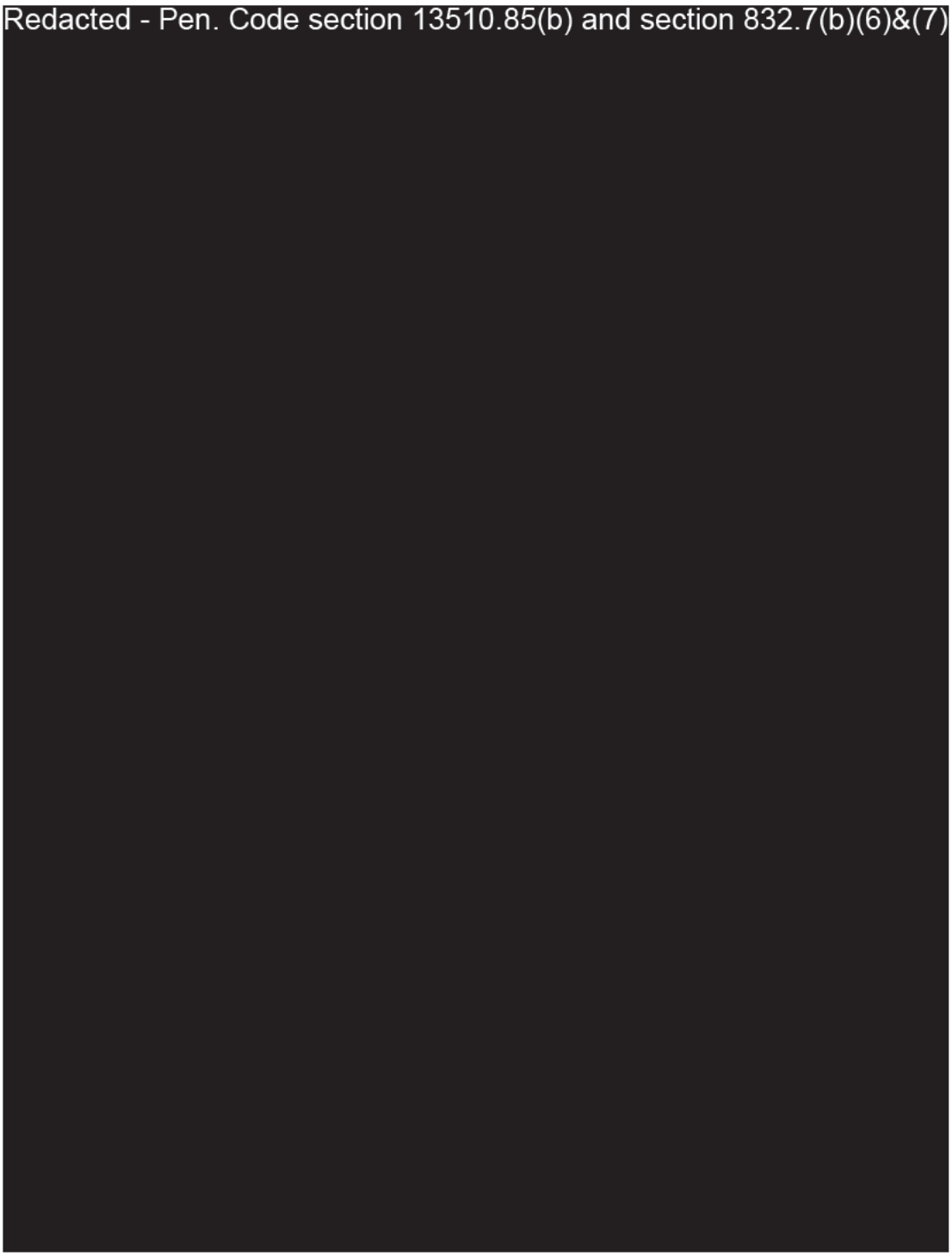
It's weird that Alhambra dude said he taught you everything he knew about shooting

Status: Read

Platform: Mobile

12/13/2018 8:39:30 PM(UTC-8)

Source Info:
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[redacted]@s.whatsapp.net Officer Lance Nelson

https://www.instagram.com/p/Bw4ep4dgFa-/?utm_source=ig_share_sheet&igshid=17f3cvph781l8

Attachments:



Title: Black Lives Matter Los Angeles on Instagram: "TORRANCE, CA POLICE SHOT AND KILLED [redacted] WITHIN 15 SECONDS. Just released bodycam footage shows police murder [redacted]..."
Size: 1821
File name: 55e9d811-7759-4854-b050-9eff0332573d.thumb
55e9d811-7759-4854-b050-9eff0332573d.thumb

Status: Read
Platform: Mobile

4/30/2019 10:05:28 PM(UTC-7)

Source Info:
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1fb7ce37154796cfb9b92688c8507046faf81d20_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/9B1062E8-D1BB-4679-ACDE-F5D9CAF205EA/Message/Media[redacted][redacted]@g.us/5/5/55e9d811-7759-4854-b050-9eff0332573d.thumb : (Size: 1821 bytes)

[redacted]@s.whatsapp.net Officer Lance Nelson

The comments are pretty entertaining

Status: Read
Platform: Mobile

4/30/2019 10:05:44 PM(UTC-7)

Source Info:
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[redacted]@s.whatsapp.net Officer Joshua Satterfield

Aww

Status: Read
Platform: Mobile

4/30/2019 10:07:06 PM(UTC-7)

Source Info:
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[redacted]@s.whatsapp.net Officer Joshua Satterfield

His little son will grow up without a father now. Oh way that's standard for any African American family to be absent a father. He'll be fine

Status: Read
Platform: Mobile

4/30/2019 10:08:17 PM(UTC-7)

Source Info:
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[redacted]@s.whatsapp.net Officer Blake Williams

Job security

Status: Read
Platform: Mobile

4/30/2019 10:08:54 PM(UTC-7)

Source Info:
1fb7ce37154796cfb9b92688c8507046faf81d20_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/9B1062E8-D1BB-4679-ACDE-F5D9CAF205EA/ChatStorage.sqlite : 0x6EE3DB (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13406208 bytes)

ATTACHMENT “G”

Relevant Torrance Policies

18 pages

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

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34.05 **ANTI-HARASSMENT POLICY**

The City is committed to providing a workplace free of discriminatory harassment. This Policy defines discriminatory harassment and sets forth a companion procedure for the investigation and resolution of such complaints by or against any City employee, applicant or contractor. This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunity and compensation.

Discriminatory harassment will not be tolerated and employees who violate this Policy may be subject to appropriate disciplinary action. Retaliation against any individual for making a complaint of such harassment or for participating in a harassment investigation constitutes a violation of this Policy. However, knowingly false accusations of retaliation or harassment similarly will not be tolerated.

34.10 **Definitions**

34.10a Protected Classifications: This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

34.10b Verbal Harassment

Inappropriate or offensive remarks, slurs, jokes or innuendoes based on race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist,

patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

34.10c Physical Harassment

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

34.10d Visual or Written Harassment

The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

34.10e Work Environment

A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile work environment can arise from the following circumstances:

A. An unwarranted focus on sexual topics or sexually suggestive statements.
B. An unwelcome sexual behavior directed specifically at an individual.
C. The individual merely witnesses unlawful harassment in his or her immediate surroundings.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as:

A. The frequency of the conduct.
B. The severity of the conduct.
C. Whether the conduct is humiliating or physically threatening.
D. Whether the conduct unreasonably interferes with an individual's work.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Torrance.

34.15 **Relationships between Supervisors and Subordinate Employees**

Romantic or sexual relationships between supervisors and employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships which may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

34.20 **Prohibited Supervisory or Managerial Behavior**

No supervisor, manager or other authority figure shall:

A. Condition any employment, employee benefit or continued employment in the City of Torrance on an applicant's or employee's acquiescence to any of the behavior defined above.

B. Retaliate against any applicant, or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

C. Destroy evidence relevant to an investigation of harassment.

34.25 **Behavior Prohibited by All Persons**

No employee in the City of Torrance shall:

A. Create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of another employee.

B. Assist any individual in doing any act which constitutes discriminatory harassment against any other employee of the City of Torrance.

134.05

ANTI-HARASSMENT PROCEDURE

All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment, to their supervisor, manager, or to the Human Resources Division. Any supervisor or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the Human Resources Division, followed by written documentation of the complaint.

134.10

Supervisors/Managers Responsibilities for Preventive Action

A. A copy of the Anti-Harassment Policy shall be provided to all employees in the City of Torrance, as well as displayed in prominent locations throughout the City.

B. A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all City of Torrance employees upon request.

C. New employees shall be provided a copy of the Anti-Harassment Policy during New Employee Orientation.

D. The Human Resources Division shall make available information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.

E. A copy of the Anti-Harassment Policy and Procedure is in the City of Torrance Policy, Procedure and Protocol Manual posted on the Policies and Procedures web page on the Torrance Employee Network (TEN).

F. Employees of the City of Torrance shall receive periodic training on the policy.

134.15

Employees' Responsibilities

A. Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure. This includes conduct of non-employees, such as sales representatives or service vendors or harassing conduct toward such contractors. Under no circumstances shall an employee of the City of Torrance who believes that he or she has been the victim of discriminatory harassment be required to first report that harassment to a supervisor or other authority figure who has done the harassing.

B. Cooperate with any investigation of any alleged act of harassment conducted by the City of Torrance.

C. Maintain confidentiality to the extent possible in investigating any claims of alleged harassment.

134.20

Human Resources Reporting Procedures for Investigative/Corrective Action

A. Human Resources shall conduct a fair, timely and thorough investigation of any incident of alleged discriminatory harassment reported to them. The investigation shall be conducted in a way to maintain confidentiality, to the extent possible.

B. The person designated to investigate shall report in writing the findings of any investigation to the Human Resources Division. The Human Resources Administrator shall determine whether there is a violation of Policy and communicate the conclusion to the complainant.

C. Remedial action including discipline taken by any supervisor or manager shall be decided in accordance with Policy and after consultation with the Human Resources Administrator.

Employees who have questions about their rights and obligations described within this policy should contact the Human Resources Division.

Historical Record

Original Publication

04/2001

Revisions

07/2001 Reformat

06/2002

05/2009 Reformat

11/2012

12/2017

03/2018 Updated

04/2018 Updated

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 1.10 POLICING PHILOSOPHY

DATE ISSUED: January 14, 2010

JOHN J. NEU
CHIEF OF POLICE

PURPOSE

This General Order establishes the Department's policing philosophy and the expectations of personnel in their service to the community.

1.10.1 FOCUS BASED POLICING

A. Philosophy: Focus Based Policing is a distinct management philosophy based upon the need for continuous improvement through employee growth and development, as well as a general dissatisfaction with the status quo. Focus Based Policing empowers Area Commanders and Division Commanders to look for opportunities to address crime problems, quality of life issues and unexpected challenges in conjunction with their everyday responsibilities. We promote fresh thinking and creativity by pushing down the organization chart and distributing power to the line level officers. This philosophy enables our managers to formulate and assess new methods and approaches to not only how we police, but also how we handle routine tasks, with the goal of truly expanding the future of policing in the City of Torrance. In short, our belief and approach is simply "things can always be done better throughout the entire organization."

Our Focus Based Policing philosophy provides the following fundamental benefits:

1. Mission and vision clarification
2. Enhanced service to the community
3. Results orientation with a focus on outcomes rather than outputs
4. Resource flexibility
5. Focus on problem solving and relentless follow-up
6. Information exchange driven decision making
7. Employee growth and development

1.10.2 TEAM POLICING

A. GENERAL: In support of our Focus Based Policing management philosophy, the Patrol Division is deployed on a Team Policing model. The four basic components of Team Policing are:

1. A deployment model that meets organizational needs for accountability and consistency.
2. A beat system that creates consistent and equitable areas for patrol officers to work.
3. A scheduling system that balances the needs of the employees and workload demands.
4. An effective patrol structure to meet increased demands and expectations while supporting our historical patrol practices.

The Department structures its Patrol operations around fixed Police Teams assigned to a specific region of the City during a team-specific day and hourly schedule. Patrol personnel are committed to their team, area and schedule for an entire deployment cycle. Police Teams report to an Area Commander who is responsible for monitoring all activities occurring within the area of the City that Team patrols. Area Commanders act as Patrol's central liaison to the community, actively participating in or organizing community meetings and events within the Area Commander's designated area of the City.

Our Team Policing model allows us to deploy officers in a more efficient and effective manner while addressing the ongoing need to respond to calls for service, creating additional opportunities for proactive work where and when it is needed, and providing sufficient time and support for officers to complete and implement operation plans; all of which enhances our Focus Based Policing efforts.

1.10.3 SERVICE TO THE COMMUNITY

A. GENERAL: The most important factor in gaining the goodwill and confidence of the people is an attitude of courtesy and objectivity toward them. It is important that the Department, through its personnel, demonstrate the ability and capacity to provide the type of police service that the people have a right to expect.

Each member of the Department should be prepared to meet the responsibility of police service through continuous education and training. Self-confidence comes from experience gained through the diligent performance of duty. Courtesy, patience and tact are characteristics expected of each employee.

To most people, the individual employee is representative of the entire Department, and to residents and visitors, is the public representative of the City. Demeanor in dealing with the public creates favorable or unfavorable impressions of the employee, the Department, and the City.

Employees must realize that their activities are matters of particular interest, not only to those with whom there are direct dealings, but also the general public, because official duties are closely related to every phase of community life. Employees must maintain habits of acceptable conduct that will merit public approval.

The use of offensive language by department employees is objectionable and as demoralizing to human dignity as physical abuse. Everyone is entitled to respect and dignity in the treatment they receive.

B. POLICY: The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:

1. Tact, patience, and courtesy shall be strictly observed in all cases of public contact.
2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices.
3. Managers and supervisors shall, by example, demonstrate, and instruct subordinates in proper demeanor and desirable attitudes in dealing with the public.
4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.
5. Officers shall diligently perform their duties with impartiality, uphold the constitution, and be mindful that they are the protectors of the people's lives and property.
6. Officers shall be aware of the problems that exist in various areas and take appropriate, affirmative action to correct them without indifference or neglect.

JOHN J. NEU
CHIEF OF POLICE

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 2.01 EMPLOYEE RULES AND REGULATIONS

JOHN J. NEU
CHIEF OF POLICE

DATE ISSUED: April 6, 2009

PURPOSE

Department personnel are expected to conduct themselves in a manner that reflects the Mission, Vision, and Core Values of our Department. This General Order establishes rules and regulations governing employee conduct.

2.01.1 EMPLOYEE RULES AND REGULATIONS

A. EMPLOYEE RESPONSIBILITY. It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:

1. Obey all local, state, and federal laws.
2. Render service to the community with pride, integrity, compassion, and excellence.
3. Enforce the law equitably and without regard to race, color, religion, sex, marital status, sexual orientation, national origin, age, disability, or veteran status. Laws and regulations issued by the United States and the State of California require equal treatment of all persons.
4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.
5. Perform their duties in a manner that will not reasonably result in the impairment or disruption of public service or Department business. This includes the knowing and willful failure to perform a required duty or task.
6. Maintain in good working order the equipment and supplies issued to them, taking all reasonable care to prevent loss or damage.

B. FALSE REPORT PROHIBITED. No employee shall make false official reports, or knowingly enter, or cause to be entered, in any Department book, record, report, or log, any inaccurate, false, or improper information, evidence or material.

2.01.2 WORKPLACE CONDUCT

A. DEPARTMENT IDENTIFICATION CARD. The primary, official means of identifying Department members is the Torrance Police Department identification card. The issuance of an identification card is only authorized by the Chief of Police, or a designee, and is intended to be used only for official authorized purposes. Department members shall relinquish their identification card upon the direction of the Chief of Police or designee.

1. WEARING IDENTIFICATION. All personnel not in uniform are required to wear identification while inside the Police facility. Police Officers and Services Officers shall wear badges or Department identification cards. All other employees and volunteers shall wear Department identification cards. Identification shall be conspicuously worn on the employee's person, using a clip or lanyard.
2. POSSESSION OR USE. All personnel are required to have their identification card in their possession when they are on duty and displayed when there is a need to identify themselves as a Department member. The Identification Card is to be worn, displayed and/or offered only for Department business.

B. EFFICIENCY. Employees shall direct and coordinate their efforts in such a manner as will tend to establish and maintain the highest standard of efficiency.

C. PUNCTUALITY. Employees shall be punctual in reporting for duty, and shall work their complete tour of duty, unless relieved by a supervisor.

D. SMOKE-FREE ENVIRONMENT. Smoking is prohibited in the Police station. Outside the Police station, smoking is prohibited within 25 feet of the building. Smoking in City Vehicles is prohibited. Any disputes or grievances on the no-smoking policy shall go first to the Administrative Bureau Commander for resolution. In any dispute arising under this no-smoking policy, the rights of the non-smoker shall be given precedence.

E. ALCOHOL CONSUMPTION. Alcoholic beverages shall not be consumed by on-duty personnel. Exceptions can be authorized only by the Chief of Police or his designee.

F. EMPLOYEE PARKING. Employees shall park their personal vehicles only in designated spaces. Personal vehicles shall not be parked in spaces reserved for City vehicles. Long-term storage of personal vehicles on City property is prohibited.

G. KEYS. Upon transfer or reassignment, employees shall submit their programmable keys to the Services Division for reprogramming. All regular keys for offices or work areas shall be relinquished to the Commander of the concerned Division upon reassignment. Missing or damaged keys shall be reported to the Services Division on a TPD 41. Upon separation of employment, employees shall return all keys to the Personnel Division.

2.01.3 RESPECT FOR COMMAND

A. ADDRESSING RANKING OFFICER. When in the presence of the public, employees of the Department shall address supervisors by their proper titles.

B. OBEDIENCE TO ORDERS. Employees shall obey the lawful orders of any Department supervisor.

C. INSUBORDINATION. Insubordination is the refusal to follow a lawful work order, or a challenge to authority. Additionally, insubordination includes the use by any employee of coarse, profane, or insolent language or behavior toward any supervisor, or willfully lying to any supervisor in any matter having to do with the course and scope of employment.

2.01.4 DEPARTMENT SENIORITY

A. SWORN. Seniority of officers is determined by Classified Service rating and further by the length of continuous service in the Classified Service Rate, according to Departmental service. If date of appointment is the same for two or more officers, the one occupying the higher position on the Classified Service eligible list is considered the senior officer.

B. CIVILIAN. Seniority of civilian employees is according to the Classified Service rating whereby one position is classified as being higher in grade than another, and the length of continuous service in that class.

2.01.5 TAKING CHARGE OF A SCENE

A. OFFICER IN CHARGE. The officer assigned to an incident shall take charge. In routine performance of duties, or at the scene of a police incident, officers shall recognize and respect the position of the officer-in-charge by effectively and efficiently carrying out lawful orders issued by that authority.

B. SENIOR OFFICER ASSUMING COMMAND. A senior officer may take command of a situation by informing the officer in charge and others involved in the incident of his intent. Such assumption of command shall be undertaken whenever the situation appears to the senior officer to be beyond the control of the officer in charge, or when both officers are involved in the same duty.

C. JUNIOR OFFICER ASSUMING COMMAND. An officer of equal or junior rank may take command by informing the officer then in charge of his intent. Such assumption of command shall be undertaken only when the officer in command is unable to perform his duties because of physical or mental inability. An officer, regardless of rank, shall assume command of a situation when so instructed by an officer of superior rank. An officer in command of an operation shall maintain that responsibility until relieved by competent authority.

2.01.6 CIVILIAN PERSONNEL

A. PERFORMING POLICE DUTIES. A civilian employee shall not be assigned to duties of police nature, except for Services Officers assigned to specific duties. This section does not restrict any employee from assisting, defending, or protecting other employees who are in need of emergency assistance in the performance of their duties. If an emergency exists and a female officer is not immediately available, a female civilian employee may:

1. Temporarily act as an observer during the care or detention of a female.
2. Act as a witness during the photographing of a female crime victim.

2.01.7 EMPLOYEE ORGANIZATION

A. EMPLOYER-EMPLOYEE RELATIONS. Employees have the right to form, join, and participate in activities of employee organizations for the purpose of representation on all matters of employer-employee relations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of his exercise of these rights.

B. MOU PROVISIONS. Wages, hours, and working conditions are governed by the existing Memorandum of Understanding provisions for each of the various employee organizations.

2.01.8 SWORN MEAL AND BREAK PERIODS

A. Uniformed officers may take a thirty-minute meal, exclusive of transportation, during the course of the employee's normal working hours.

1. Meals shall be taken only after receiving clearance to do so from Communications.
2. Meals and breaks shall be taken in such a manner that the officer can respond in a timely manner.
3. Meals and breaks shall be taken within their assigned beat. Any exceptions will be with the express approval of a field supervisor, on a day-to-day basis.
4. No more than two marked units or four uniformed officers, excluding supervisors, may be out at any one location. Motors paired after dark will be considered to be one unit.

2.01.9 WEIGHT ROOM

A. EMPLOYEES ONLY. The physical training room is for the use of current Department employees only.

B. USE AT OWN RISK. Employees using the physical training room do so at their own risk. Personnel using these facilities must recognize that an injury incurred on- or off-duty is not automatically considered a work-related injury.

C. RULES FOR USE. Unsafe conditions or acts that may cause damage or injury will not be tolerated. Employees shall use the physical training room in a safe manner.

2.01.10 PROPERTY DAMAGE

A. DEPARTMENT PROPERTY. An employee shall report promptly, through channels, to his Division Commander or other responsible person, the loss or unserviceable condition of, or damage to, any Department property issued or assigned to him.

B. OTHER PROPERTY. Whenever possible, employees should request supervisory approval prior to taking actions that may result in property damage. If there is an incident where property damage occurs, the employee shall notify a supervisor of the incident and any actions taken, and write a TPD 41 documenting how the property was damaged, the extent of the damage, any notifications made, and efforts to secure the property.

C. SUPERVISORY RESPONSIBILITY. When notified of property damage, supervisors shall make a notation in their log of the damage, any approvals given, and any action taken, including completion of the Notification Card. The Supervisor shall make note of the employee's TPD 41 and forward it to the Personnel Division Commander. Photographs should be taken whenever practical.

2.01.11 MISUSE OF PUBLIC RESOURCES

A. Department employees may not use or permit others to use public resources for personal purposes or campaign activity. "Public resources" means any property or asset owned by the City of Torrance, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and on-duty time.

2.01.12 MEMBERSHIPS AND SUBSCRIPTIONS

A. The Department will fund memberships and subscriptions in those professional organizations that contribute to the exchange of related information in the furtherance of the mission and goals of the Department. Involvement in organizations such as L.A. County Peace Officers Association, California Peace Officers Association, International Association of Chiefs of Police, California Narcotics Officers Association, California Juvenile Officers Association, California State Division of International Association for Identification, Fraternal Order of Police, and California Sexual Assault Investigators Association, are strongly supported and encouraged, regardless of whether their cost is covered by the Department.

B. Whenever possible, subscriptions should be listed by rank/position rather than by named individuals. Memberships in professional associations shall be limited to necessary personnel actually assigned to related specialized duties.

C. Memberships in and attendance at annual training conferences of International Association of Chiefs of Police are limited to captains and above; and Federal Bureau of Investigation National Academy Associates is limited to those who have completed the FBI National Academy program.

JOHN J. NEU
CHIEF OF POLICE

ATTACHMENT "H"

Executive Review and
Peace Officer Standards Accountability
Division Recommendation

2 pages

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: September 6, 2024

CASE #: POST2305109

PEACE OFFICER: Joshua Satterfield

POST ID#: C46-V20

AGENCY: Torrance Police Department

POST CONSULTANT / BC: Robert Bringolf/Mike Radford

ALLEGATION(S):

California Regulation 1205(a)(5) – Demonstrating Bias.

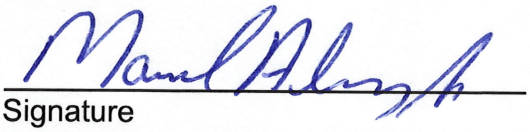
In the course of a criminal investigation, Torrance Police Department (TPD) uncovered the existence of a WhatsApp group among members of the TPD, which included Respondent. This group chat contained approximately 390 electronic messages that contain or reference antisemitic, homophobic, racist, or transphobic remarks. Respondent received, sent, or responded to several of these electronic messages, while both on and off duty.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show that by participating in receiving, sending, and responding to several of the electronic messages, Respondent demonstrated bias pursuant to penal code section 13510.8(b)(5)

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	 Signature	9/10/24 Date
Annemarie Del Mugnaio Assistant Executive Director	Annemarie Del Mugnaio Signature	09/06/2024 Date
Manny Alvarez Executive Director	 Signature	09/17/2024 Date

cc: Bureau Chief Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

AGENDA ITEM REPORT

Title: POST2305781 - BLAKE WILLIAMS (POST ID: C57-X01)
LAST EMPLOYING AGENCY: TORRANCE POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
01/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
Loralynn Kong	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent Blake Williams began his employment with Torrance Police Department (TPD) on November 9, 2015, as a full-time Police Officer. At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. Respondent was discharged from his position with TPD on March 15, 2023. The Respondent is not currently employed as a peace officer in the State of California.

This position is a peace officer position defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The case before the Board alleges the Respondent, on six separate occasions, either sent or replied, text messages which were deemed as demonstrating bias as defined in Commission Regulation 1205(a)(5).

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent’s conduct amounted to demonstrating bias as described in Commission Regulation 1205(a) (5), in that on six separate occasions, Respondent either sent or replied to text messages, which are inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner. The Division finds all of the messages were

examples of the Respondent's repetitive misconduct which confirms the Respondent violated TPD's policies on several occasions relating to inappropriate speech and unprofessional conduct. In addition to violating the Department's policies with regard to prohibited speech, expression, and conduct, clear and convincing evidence exists that Respondent violated California Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5) - Demonstration of Bias.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2305781_WILLIAMS_BLAKE_ISF.pdf
BR02_POST2305781_WILLIAMS_BLAKE_EXECUTIVE REVIEW RECCOMENDATION
BR03_POST2305781_WILLIAMS_BLAKE_ATTACHMENT_A_TEXT_MESSAGES_Redacted.
BR04_POST2305781_WILLIAMS_BLAKE_ATTACHMENT_B_LE_Code_TPD_Policies_TPD_
BR05_POST2305781_WILLIAMS_BLAKE_ATTACHMENT_C_TPD_Policy_319_401.pdf
BR06_POST2305781_WILLIAMS_BLAKE_ATTACHMENT_D_FINDINGS.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Blake Williams

C57-X01

EMPLOYING AGENCY: Torrance Police Department

POST CASE NUMBER: 2305781

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I. Executive Summary

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Blake Williams, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and antisemitic sentiments which demonstrated his bias and inability to perform his duties fairly and impartially as a peace officer.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. The Respondent was terminated from the TPD on March 15, 2023.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline[1]

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) authorize the Commission to consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

Respondent's TPD disciplinary record shows a 1-day suspension issued in January 2019, and a written reprimand issued in May 2020, for policy violations associated with a vehicle pursuit and discourteous comments, each of which are summarized below.

[1] In addition to the serious misconduct allegation summarized here, Respondent is the subject officer in one other serious misconduct allegation, which the Torrance Police Department reported to POST. The other case concerns an incident that occurred in 2020, and is not the type of allegation that might be actionable under the retroactivity provisions of Penal Code section 13510.8(g). The Division stands ready to provide additional details about the other allegation; however, the allegation is unrelated to the facts in the present case, and was not relied upon in making the Division's recommendation here.

On January 17, 2019, Respondent was issued a 1-day suspension for an event that occurred on August 5, 2018, wherein Respondent committed policy violations associated with a vehicle pursuit. The policy violations indicated the Respondent drove with no regard or caution for the safety of all persons using the highway by driving at speeds that were unsafe and which exceeded the driving ability of the officer.

On May 20, 2020, Respondent was issued a Written Reprimand for an event that occurred on May 11, 2020, wherein Respondent committed policy violations associated with discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of the TPD or the City of Torrance.

While employed as a peace officer, Respondent received the following training relevant to this allegation:

- Basic Police Academy
- Communication: Keeping your Edge
- Racial Profiling Update – 4 Hours – 03/12/2019

c. Prior Employment History

Respondent began his law enforcement career with the TPD as a police officer on November 9, 2015.

d. Peace Officer Certification

Respondent is assigned POST ID C57-X01. Respondent received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #189476 (Issued: 06/12/2017)

e. The Present Allegations of Serious Misconduct

1. Penal Code Section 13510.8(b)(5) and Commission Regulation 1205(a)(5) – Demonstrating Bias:

Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is "demonstrating" bias for purposes of this regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, their law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included the review of TPD's administrative investigation which contained interviews of witness officers. The TPD also provided the Peace Officer Standards Accountability Division (Division) with the Raw data seized from the cellular telephones of other TPD Officers during a criminal investigation.

Information obtained was analyzed by the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that the Division believes establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On April 4, 2023, the TPD reported allegations of serious misconduct against Respondent to POST pursuant to California Penal Code Section 13510.9(a)(3). The allegations stemmed from the discovery of racist, homophobic, and antisemitic texts that had been sent between members of the TPD between July 2018 and September 2019.

On January 27, 2020, two other Torrance Police Officers, Christopher Tomsic and Cody Weldin, were the subject of a criminal investigation wherein it was alleged they had

vandalized an arrestee's vehicle by, among other means, spray painting a swastika and a smiley face on the interior of the arrestee's vehicle during an inventory/search.[2]

As a result of the criminal investigation, Torrance Police Detectives obtained a search warrant for Tomsic's and Weldin's DNA and their personally owned cellular telephones.

The data from the cellular telephones was provided to an analyst at the Los Angeles County District Attorney's Office for review and with the intent to determine whether the two suspect officers had any ties to white supremacy.

During the review of the data, the district attorney's analyst discovered approximately 390 messages that were believed to contain or reference antisemitic, homophobic, racist, or transphobic remarks. Those messages were sent between Tomsic, Weldin and several other officers, including Respondent.

The review of the messages revealed Respondent was part of a WhatsApp group text titled "The Boys", which included approximately 15 members of the TPD. The Division obtained the administrative investigation from TPD which was completed by Norman A. Traub & Associates (NATA), Investigator Craig Junginger. Due to the approximately 15 TPD officers involved, the TPD utilized NATA to conduct several other related administrative investigations. Of the approximately 390 electronic messages, the internal investigation focused on thirteen (13) messages that were received, sent, or responded to by Respondent, while on and off duty that were alleged to demonstrate bias. Six (6) of these messages are described in further detail below and are the subject of this Investigative Summary and Findings(Attachment A). [3]

[2] Tomsic and Weldin were charged with felony vandalism and felony conspiracy. As of the date of this Investigative Summary and Recommendation, those criminal charges are still pending in Los Angeles County Superior Court.

[3] As noted above, the Division received information concerning approximately 390 WhatsApp messages exchanged between several peace officers. Respondent both received and responded to a certain subset of these 390 messages. The Division also reviewed instances where Respondent's words, acts or other conduct did not demonstrate bias by clear and convincing evidence. The Division's Investigative Summary and Findings in this case does not attempt to summarize every single instance in which Respondent participated in a WhatsApp message,

1. **On July 4, 2018,** Officer David Chandler posted in a WhatsApp message to "The Boys" group, "I'll eat sweaty ass at this point with dingleberries." A few minutes later Respondent responded with an image of a male adult in Blackface. Respondent captioned his post, "I googled dingleberry and this popped up. Way funnier." TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was on duty when the messaging took place.

2. **On July 5, 2018,** Respondent sent a WhatsApp group message to "The Boys". The message contained an image of two muscular black males, fighting or wrestling. Respondent's captioned message was as follows: "Hey [Officer Chris] Young, every day you don't work out, just know some gorilla looking fuck is getting it in over in the shadow lands." TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was on duty when the messaging took place.

3. **On August 23, 2018,** one of the messages to "The Boys" mentioned "Omar" who is possibly TPD Officer Omar Alonso who was one of the members of the text group. The message string began with Officer Joshua Satterfield, "Omar was though." Respondent replied, "Bro…not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused." "Omar's people excel at fence hopping to (sic)." TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

4. **On November 4, 2018,** Respondent sent a SMS text message to "The Boys" WhatsApp group. The message contained the image of a scene of a lynching, including one or more black males who had been hung, and one apparently deceased black male down on the ground. There was a group of older white males looking on. Respondent commented, "They missed this on mine." Shortly after, that message, Respondent sent

however. Instead, the Division's Investigative Summary and Findings addresses specific instances within the group chat where Respondent's words, acts or other conduct demonstrated bias within the meaning of Penal Code section 13510.8(b)(5).

another message, “hanging with the homies.” TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

5. **On November 8, 2018,** Respondent engaged in messaging within a WhatsApp “The Boys” message string when the group had been discussing the department’s hiring of new officers. Respondent commented, “Did we hire a fhagget,” and “A Faggola?” when referring to the hiring of new officers. TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

6. **On March 27, 2019,** Respondent sent a WhatsApp message to the group containing a smiling animal with the caption, “When you fart next to a Jewish kid, and realize you just gassed the Jews.” TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

Investigator Junginger made several attempts to schedule an interview with Respondent regarding this matter; however, the Respondent was on military leave from TPD. Additionally, Respondent’s attorney Corey Glave wrote that Respondent, “on advice of counsel, and given his current military status (and the legal impact of that status/order), declines your invite to participate in an interrogation related to this matter.” [4]

Although Respondent refused to be interviewed regarding the WhatsApp messages posted, the criminal investigation determined Respondent sent, received or responded to these messages based on the data extracted from Mr. Tomsic’s and Mr. Weldin’s cellular telephones.

The administrative investigation was sustained based on the facts that Respondent sent, received, and responded to discriminatory messages with TPD employees. All messages analyzed above were determined to be violations of the TPD Policy. The department

[4] Depending upon the facts in a given case, an officer’s refusal to answer questions, even when based on the advice of counsel, could constitute a failure to cooperate with an investigation into potential police misconduct within the meaning of Penal Code section 13510.8(b)(9). The Division did not find clear and convincing evidence of a failure to cooperate in this case.

found Respondent violated the Law Enforcement Code of Ethics, Policy 104, City of Torrance Anti-Harassment Policy, General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D)(Attachment B), and TPD Policies 319.4, 319.5.7(i), 319.5.8, 401.2, and 1021.4(Attachment C), TPD violations relating to inappropriate speech and unprofessional conduct. The Respondent also failed to report receiving discriminatory messages from fellow officers. Respondent was terminated on March 15, 2023 for the policy violations related to "Discriminatory Text Messaging" and for policy violations from a separate incident in which Respondent used a PIT maneuver outside of policy.

City of Torrance and TPD Policies

Penal Code Section 13510.8(b)(5) and Commission Regulation 1205(a)(5) both establish that the demonstration of bias in violation of department policy constitutes serious misconduct. The City of Torrance and the TPD enforce a number of policies relating to the conduct of its employees. What follows is a summary of some of the most relevant policies which relate directly to Respondent's conduct in this case:

- The Law Enforcement code of Ethics, Policy 104 states "I WILL keep my private life unsullied as an example to all…. I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service."

- The City's Anti-Harassment Policy 34.10a, Protected Classifications prohibits harassment or discrimination because of an individual's protected classification. This classification includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim.

- The City's Anti-Harassment Policy 34.10d, Visual or Written Harassment prohibits the display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

- The City's Anti-Harassment Policy 134.05 requires that all City employees shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division.

- The City's Anti-Harassment Policy 134.15 states it is the employee's responsibility to report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

- General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D) explain the Department's philosophy and expectations of personnel in their service to the community. Section 1.10.3(B) Service to the Community, emphasizes the rules and regulations of the Department such as maintaining a professional attitude and demeanor that will not in any manner communicate any personal prejudices. In addition, members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public. General Order 2.01.1(A) explains it is the duty of all employees to familiarize themselves with and abide by Department rules and

regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. General Order 2.33.1(D) defines prohibited speech, expression, and conduct which tends to compromise or damage the mission, function, reputation, or professionalism of the TPD or its employees, such as speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness, and additionally speech or expression that is contrary to the Mission Statement or Core Values of the TPD.

- TPD policies 319.4, 319.5.7(i), 319.5.8, 319.5.9, 401.2, 401.3, 1021.4 - TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

City of Torrance Letter of Findings

On March 15, 2023, the City of Torrance sent Respondent a Letter of Findings advising him of the City's intent to terminate his employment as a police officer with TPD.

In the letter, authored by then Assistant City Manager Danny E. Santana, the City of Torrance found Respondent violated the Law Enforcement code of Ethics (Policy 104),

the City's Anti-Harassment Policy, former General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D), and TPD policies 319.4, 319.5.7(i), 319.5.8, and 1021.4, violations relating to inappropriate speech and unprofessional conduct.

Assistant City Manager Santana's letter went on to explain why he has no confidence in Respondent's ability to carry out peace officer duties fairly and without bias, which the Assistant City Manager explained as follows:

> Based on the record of text messages [Respondent] sent, received, and responded to, [Respondent's] fitness to serve in a bias-free manner can no longer be relied upon. Rather I share Chief Hart's fear that there are discriminatory motivations behind all of [Respondent's] actions, which could open the Department to liability, and moreover, subject innocent members of the public to unfair treatment due to [Respondent's] own personal prejudices.

The City of Torrance's letter further explained that Respondent's "willingness to engage in racist, unprofessional, and offensive conduct … undercuts the mission of the Department". As noted above, the City of Torrance therefore terminated Respondent's employment, which became effective March 15, 2023(Attachment D).

On May 8, 2023, the Commission on POST's Executive Director, Manuel Alvarez, Jr. issued an immediate temporary suspension for Mr. Williams' POST Basic Certification.

V. Analysis and Findings

a. Establishing Jurisdiction

The Commission on POST may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022, if the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.[5]

[5] California Penal Code section 13510.8(g)(1)(B).

The final determination in this allegation of serious misconduct was Respondent's termination, which occurred on March 15, 2023. The investigation was still ongoing after January 1, 2022, as evidenced by Investigator Junginger's interviews conducted with TPD Officer AJ Kissinger on April 27, 2022, and Junginger's July 20, 2022 signature on his investigation report.

b. Does the alleged conduct violate Penal Code 13510.8(b)(5) and California Regulation 1205(a)(5) – Demonstration of bias on the basis of race/religion/sexual orientation?

When analyzing the serious misconduct allegation of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5), "demonstrating bias," the Division evaluates whether the subject officer, through words, action or other conduct showed prejudice, intolerance, contempt or hatred towards a protected class of persons. If the subject officer did show prejudice, intolerance, contempt or hatred towards a protected class of persons, the Division then considers whether the words, action or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the officer's law enforcement duties. If so, serious misconduct is shown if the officer's words, action or conduct either: 1) violates applicable law, 2) violates department policy, or 3) is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the above guidelines to determine whether the allegation of bias was true to a clear and convincing standard.

1. Regarding the **July 4, 2018** message, Officer David Chandler shared a WhatsApp message to "The Boys" group, which stated "I'll eat sweaty ass at this point with dingleberries." A few minutes later, Respondent replied to "The Boys" WhatsApp group

with an image of a male adult in Blackface.[6] Respondent captioned his post, "I googled dingleberry and this popped up. Way funnier."[7]

Respondent's July 4, 2018 message shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Respondent's decision to post a picture of an individual in Blackface is deeply offensive. Additionally, Respondent's statement that the Blackface photograph is "way funnier" than other Google search results he obtained for the term "dingleberry" serves to reinforce the stereotypes and racist underpinnings associated with the photograph. The photograph, and Respondent's written expression relating to that photograph, reflects Respondent's disregard for a specific protected class of persons and is inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner.

Respondent's decision to post the image, and Respondent's characterization of the image as "way funnier" than other Google search results for "dingleberry" also violated several of the Torrance Police Department's policies, including but not limited to TPD Policies 319.58(i), 319.5.9(g), 319.5.9(m), 401.2 and 401.3**.** TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably

[6] According to Merriam-Webster Dictionary online at https://www.merriam-webster.com/dictionary/blackface?utm_campaign=sd&utm_medium=serp&utm_source=jsonld, Blackface is "a dark makeup worn to mimic the appearance of a Black person and especially to mock or ridicule Black people. NOTE: The wearing of blackface by white performers was, from the early 19th through the mid-20th centuries, a prominent feature of minstrel shows … and similar forms of entertainment featuring exaggerated and inaccurate caricatures of Black people. The use of Blackface is considered deeply offensive."

[7] The image of the male adult in Blackface that Respondent sent to "the Boys" group was of Al Jolson, a singer and musical stage performer who gained popularity in the 1920s and was known to perpetuate black stereotypes. Notably, a recent Google search for the term "dingleberry" did not pull up an image of Mr. Jolson in blackface. Additionally, a reverse search of the blackface image of Mr. Jolson that Respondent texted to "the Boys" did not return results that included the term "dingleberry."

upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

It is highly probable that a reasonable person would conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with this protected class of persons. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he posted a photograph of a person in Blackface, and again when he described the photograph as "way funnier" than other Google search results for the term "dingleberry."

2. Regarding the **July 5, 2018** text, Respondent sent a WhatsApp group photograph to "The Boys" along with a descriptive message. The message contained an image of two muscular black males, fighting or wrestling, along with Respondent's captioned message, "Hey [Officer Chris] Young, every day you don't work out, just know some gorilla looking fuck is getting it in over in the shadow lands."

Respondent's use of an image of two black males as a visual aid to convey Respondent's written message that "some gorilla looking fuck is getting it in over in the shadow lands" is a patently racist, offensive characterization of the individuals in the photograph. The image, coupled with Respondent's written message, is inconsistent with an officer's obligation to carry out his duties in a fair and unbiased manner. Respondent's message violated several of the TPD's policies, including but not limited to TPD Policies 319.58(i), 319.5.9(g), 319.5.9(m), 401.2 and 401.3**.** TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the

use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing. Respondent's violations of these policies through his messaging discredits the Torrance Police Department in potentially irreparable ways.

It is highly probable a reasonable person would conclude that Respondent, who proactively sent the July 5, 2018, message in addition to other bigoted messages to "The Boys" chat group has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he posted his July 5, 2018, photograph and message.

3. Regarding **August 23, 2018,** Respondent responded to a message which mentioned "Omar." TPD Officer Omar Alonso is one of the members of "The Boys" group. The message string began with Officer Joshua Satterfield stating: "Omar was though." Respondent replied, "Bro…not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused." "Omar's people excel at fence hopping to (sic)."

Respondent's characterization of "Omar's people" as a class of persons who "excel at fence hopping" is inherently offensive and racist. Additionally, Respondent's suggestion

that Officer Alonso's knees are "numb and calloused" due to "[g]enerations of field work" in Officer Alonso's lineage is a stereotypical and derogatory reference to Latin Americans. Even when viewed in the light most favorable to Respondent, this use of stereotypical and demeaning descriptions of Latin American persons as a means of amusement reinforces biased and discriminatory sentiments. These stereotypes are inconsistent with an officer's obligation to carry out his duties in a fair and unbiased manner. Respondent's characterization of Latin Americans in his message about Officer Omar Alonso also violated a number of the Torrance Police Department's policies, including but not limited to TPD Policy 319.5.8(i), 319.5.9(m), 401.2 and 401.3. The TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

Respondent's statements, particularly when considered along with Respondent's many other derogatory messages, would lead a reasonable person to conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with this protected class of persons in the Torrance community. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he messaged "The Boys" WhatsApp group: "Bro…not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused." "Omar's people excel at fence hopping to (sic)."

4. Regarding **November 4, 2018,** Respondent sent a text message to the members of "The Boys" WhatsApp group. The message contained what appears to be an actual photograph of a scene of a lynching, in which multiple deceased black males were hung, including one deceased black male lying on the ground. Beyond the center of the photograph is a large group of older white males, some of whom are smiling for the photograph.

The members of "The Boys" WhatsApp group were discussing the types of inappropriate content that might be found on other TPD officers' social media accounts. Respondent attached the photograph of the lynching and wrote: "They missed this on mine." Shortly after, that message, Respondent sent another message, which read: "hanging with the homies."

A photograph of a lynching in which multiple black males were murdered is an image depicting some of the most depraved and disturbing acts of racism fathomable. Respondent's decision to post the photograph in support of Respondent's "joke" about content on Respondent's own social media account displays hatred and contempt for a protected class of persons. Respondent's contempt and hatred for this protected class of persons was further exemplified by Respondent's additional decision to also add to the photograph the note which read: "hanging with the homies."

Respondent's use of the photograph along with Respondent's writings relating to the photograph discredit not only himself, but also threaten to discredit the Torrance Police Department in potentially irreparable ways. A reasonable person who views this photograph of a lynching along with Respondent's posted written remarks would conclude that Respondent has not and will not fairly and impartially perform his law enforcement duties. Respondent's conduct violated a number of TPD policies, including but not limited to, TPD Policies 319.5.8(i), 319.5.9(m), 401.2 and 401.3. The TPD Policy Manual

319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon the TPD or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

Not only are Respondent's actions in violation of TPD policies, but they are also entirely inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he posted a photograph of a lynching as a source for amusement and again when he commented: "they missed this on mine," and once again when he wrote: "hanging with the homies."

5. Regarding **November 8, 2018,** Respondent replied within a WhatsApp "The Boys" message string when the group had been discussing the department's hiring of new officers. Respondent commented, "Did we hire a fhagget," and "A Faggola?" when referring to hiring the new officers.

Respondent's message was derogatory and homophobic. Respondent's conduct, in sending the messages: "Did we hire a fhagget," and "A Faggola?" in response to "The Boys" group discussion about hiring new officers shows prejudice, intolerance and contempt towards a protected class of persons. This message, particularly when viewed along with the other bigoted remarks described within this Investigative Summary and Findings, constitutes the demonstration of bias.

It is highly probable a reasonable person would conclude that Respondent, who proactively sent multiple bigoted messages to "the Boys" chat group, including the November 8 message, which contained derogatory references about a person's sexual orientation, has not or will not fairly and impartially perform his law enforcement duties when interacting with this protected class of persons. Respondent's messages violated several of the Torrance Police Department's policies, including but not limited to TPD TPD Policy 319.5.8(i), 319.5.9(m), 401.2 and 401.3 (Attachment D). The TPD Policy Manual 319.5.8(i) prohibits performance that is any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he wrote "Did we hire a fhagget," and "A Faggola?" as part of "The Boys" group discussion about recent hiring at TPD.

6. Regarding **March 27, 2019,** Respondent sent a WhatsApp message to the group containing a drawn image of a smiling animal with the caption, "When you fart next to a Jewish kid, and realize you just gassed the Jews."

Respondent's comment appears to have been intended as a joke about the Holocaust, an event in history in which the Nazis slaughtered millions of Jewish civilians, along with

Roma and other people derogatorily labeled as “Gypsies”, gay men, people with dark skin, Jehova’s Witnesses and other Nazi-targeted groups or persons by killing them in gas chambers using poisonous gas. Respondent’s message, however, appears directed towards ‘the Jews’ and is a display of antisemitism. Such a message shows prejudice towards a protected class of persons. This message, particularly when considered along with Respondent’s other bigoted messages, would lead a reasonable person to conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties. Additionally, Respondent’s antisemitic message violated several of the Torrance Police Department’s policies, including but not limited to TPD Policy 319.5.8(i), 319.5.9(m), 401.2 and 401.3. The TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

The message is inconsistent with Respondent’s obligation to carry out his duties in a fair and unbiased manner. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when Respondent posted a drawing of a smiling animal with the caption, “When you fart next to a Jewish kid, and realize you just gassed the Jews.”

VI. Supporting Evidence and Documentation

Attachment "A" – Text messages

Attachment "B" – Law Enforcement Code of Ethics/City of Torrance Anti-Harassment Policy

Attachment "C" – Torrance Police Department General Orders and Policies

Attachment "D" – City of Torrance Letter of Findings

Attachment "E" – Executive Review and Peace Officer Standards Accountability Division Recommendation

VII. Findings

After thorough analysis, the Division has concluded Respondent's messages itemized as 1 through 6 in this Investigative Summary and Findings constitute a demonstration of bias. As a law enforcement officer, one is held to a higher standard of conduct which is consistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. Use of racist, homophobic, and antisemitic language by a police officer also leads to an erosion of trust between that officer's agency and the community the agency serves. All of the messages were examples of the Respondent's repetitive misconduct which confirms the Respondent violated the TPD's policies on several occasions relating to inappropriate speech and unprofessional conduct including the City's Anti-Harassment Policy. In addition to violating the Department's policies with regard to prohibited speech, expression, and conduct, clear and convincing evidence exists that Respondent violated California Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5) - Demonstration of Bias. Therefore, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for revocation of Respondent's POST certification, in accordance with the Executive Review and Peace Officer Standards Accountability Division Recommendation.[8]

[8] See Attachment "E" – Executive Review and Peace Officer Standards Accountability Division Recommendation

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: September 6, 2024

CASE #: POST2305781

PEACE OFFICER: Blake Williams

POST ID#: C57-X01

AGENCY: Torrance Police Department

POST CONSULTANT / BC: Loralynne Kong/Mike Radford

ALLEGATION(S):

California Regulation 1205(a)(5) – Demonstrating Bias.

In the course of a criminal investigation, Torrance Police Department (TPD) uncovered the existence of a WhatsApp group among members of the TPD, which included Respondent. This group chat contained approximately 390 electronic messages that contain or reference antisemitic, homophobic, racist, or transphobic remarks. Respondent received, sent, or responded to several of these electronic messages, while both on and off duty.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show that by participating in receiving, sending, and responding to several of the electronic messages, Respondent demonstrated bias pursuant to penal code section 13510.8(b)(5)

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	 Signature	9/16/24 Date
Annemarie Del Mugnaio Assistant Executive Director	Annemarie Del Mugnaio Signature	09/06/2024 Date
Manny Alvarez Executive Director	 Signature	09/17/2024 Date

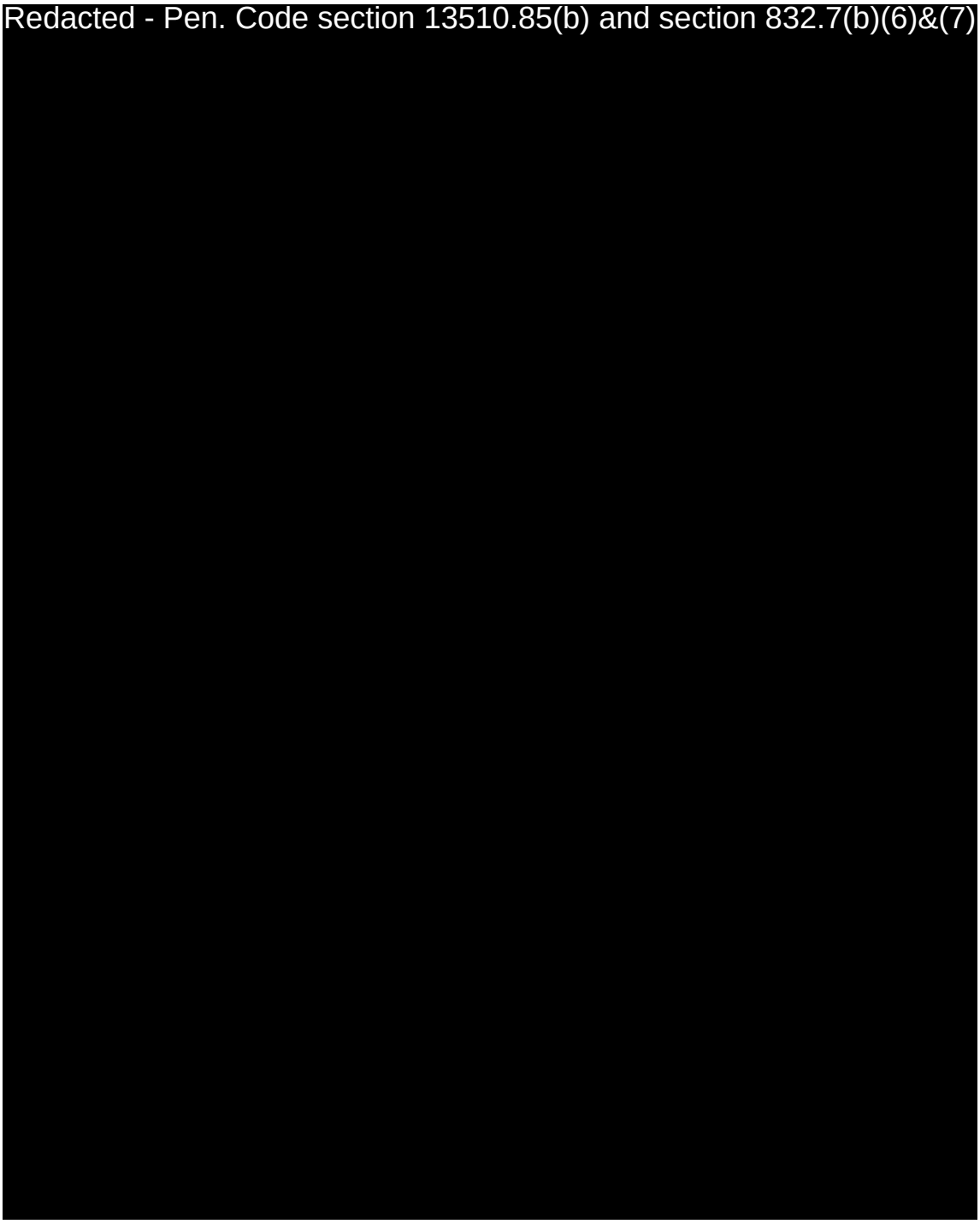
cc: Bureau Chief Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc: _____

Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)



Phone Number@s.whatsapp.net Officer David Chandler

I'll eat sweaty ass at this point with dingleberries

Status: Read

Platform: Mobile

7/4/2018 8:37:48 PM(UTC-7)

Source Info:
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[redacted]@s.whatsapp.net Officer Blake Williams

Attachments:



Title: I googled dingle berry and this popped up. Way funnier
Size: 7090
File name: 3e27d3ec-7691-43da-987d-2222a5a16cd5.jpg
Path: https://mmg-fna.whatsapp.net/d/f/AsddUvJQL1xDjl1dUR7yThdhXUlmMeOGDxTKxAxgqXWT.enc
3e27d3ec-7691-43da-987d-2222a5a16cd5.jpg

Status: Read

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7/4/2018 8:39:23 PM(UTC-7)

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[redacted]@s.whatsapp.net Officer Matthew Dempsey

Attachments:



Size: 11660
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Path: https://mmg-fna.whatsapp.net/d/f/AqdDUb6T1H3TKgj1Z-GgXy3-FN9ecZQWe4N2Iv8tTxLF.enc
a6eb3e51-98e6-49a8-ab17-067cdfa8deac.jpg

Status: Read

Platform: Mobile

7/4/2018 8:40:13 PM(UTC-7)

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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

[redacted]@s.whatsapp.net Officer Blake Williams

https://youtu.be/7JVCNmCJzjs

Hey young, everyday you don't work out, just know some gorilla looking fuck is getting it in over in the shadow lands

Attachments:



Title: The AFRICAN national STRUGGLE! They would be in the UFC
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Status: Read

Platform: Mobile

7/5/2018 9:45:23 AM(UTC-7)

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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

[redacted]@s.whatsapp.net Officer Blake Williams

No

Status: Read

Platform: Mobile

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[redacted]@s.whatsapp.net Officer Joshua Satterfield

Ah fuck I was in the area gonna come spring through and throw a wrench in the scenario

Status: Read

Platform: Mobile

8/23/2018 9:12:34 PM(UTC-7)

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[redacted]@s.whatsapp.net Officer Blake Williams

Omar was though.

Status: Read

Platform: Mobile

8/23/2018 9:12:47 PM(UTC-7)

Source Info:
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[redacted]@s.whatsapp.net Officer Blake Williams

Jam him up

Status: Read

Platform: Mobile

8/23/2018 9:12:53 PM(UTC-7)

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[redacted]@s.whatsapp.net Officer Joshua Satterfield

I'll Superman punch Omar on the run and then just keep going and see if they chase me

Status: Read

Platform: Mobile

8/23/2018 9:13:17 PM(UTC-7)

Source Info:
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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

Phone Number@s.whatsapp.net Officer Blake Williams

Bro...not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees Numb and calloused

Status: Read

Platform: Mobile

8/23/2018 9:14:24 PM(UTC-7)

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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

Phone Number@s.whatsapp.net Officer Joshua Satterfield

I can out run Omar

Status: Read

Platform: Mobile

8/23/2018 9:14:39 PM(UTC-7)

Source Info:
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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

Phone Number@s.whatsapp.net Officer Joshua Satterfield

I'd have to be careful hopping fences tho that's where he'd gain his ground

Status: Read

Platform: Mobile

8/23/2018 9:15:10 PM(UTC-7)

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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

[redacted]@s.whatsapp.net Officer Blake Williams

Omar's people excel at fence hopping to.

Status: Read

Platform: Mobile

8/23/2018 9:17:19 PM(UTC-7)

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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

[redacted]@s.whatsapp.net Officer Joshua Satterfield

Oh shit lol sick burn

Status: Read

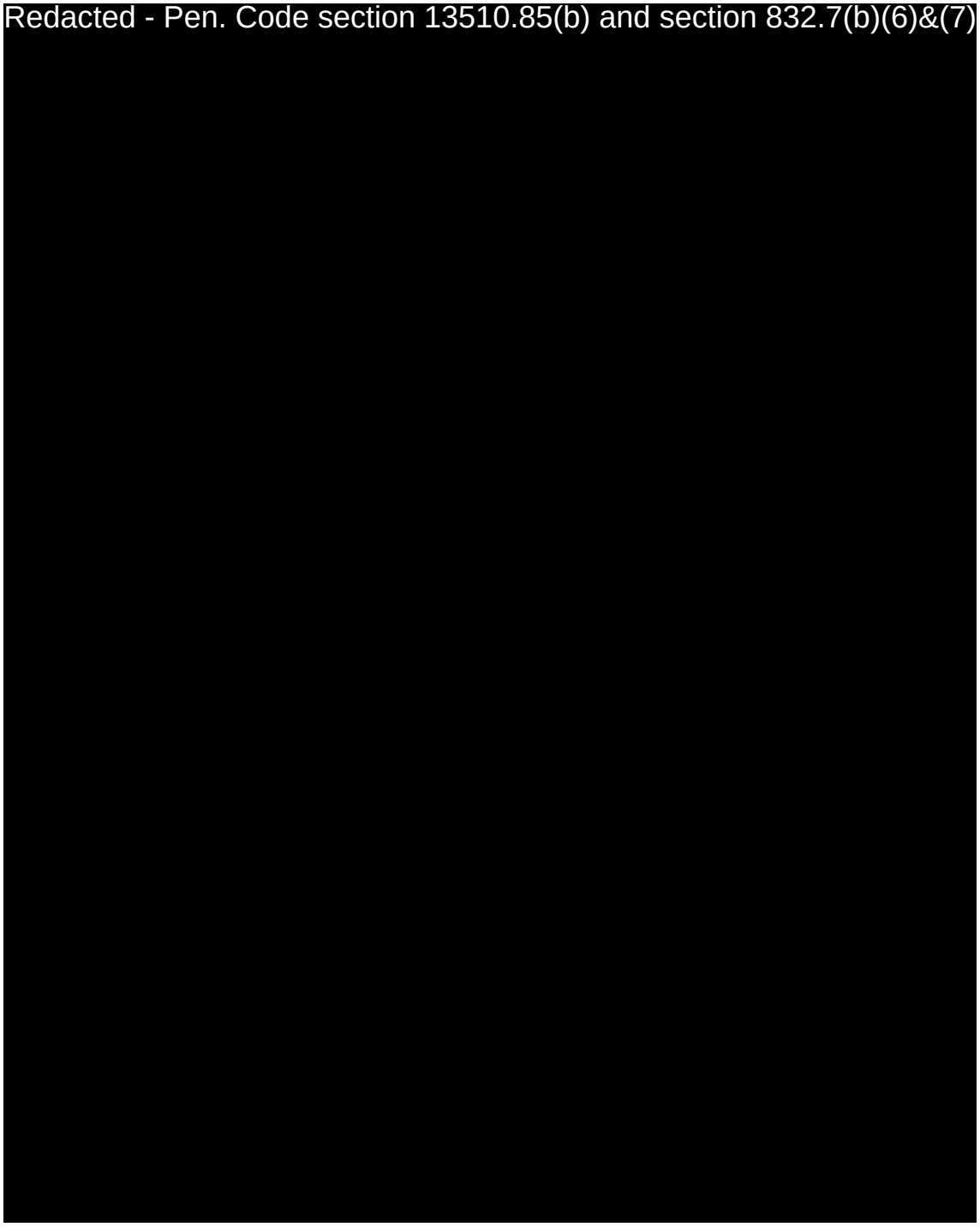
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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)



Phone Number@s.whatsapp.net Officer David Chandler

Dude you have no idea. I'm literally on fire right now. I can't believe we hired a racist cock like this. Don't we check facebooks and shit. Wtf is this

Status: Read

Platform: Mobile

11/4/2018 6:18:00 PM(UTC-8)

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[redacted]@s.whatsapp.net Officer Blake Williams

Attachments:



Title: They missed this on mine
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Platform: Mobile

11/4/2018 6:19:04 PM(UTC-8)

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[redacted]@s.whatsapp.net Officer David Chandler

Geezus Blake haha

Status: Read

Platform: Mobile

11/4/2018 6:19:26 PM(UTC-8)

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[redacted]@s.whatsapp.net Officer David Chandler

That's history though

Status: Read

Platform: Mobile

11/4/2018 6:19:52 PM(UTC-8)

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[redacted]@s.whatsapp.net Officer David Chandler

There's knowledge in that

Status: Read

Platform: Mobile

11/4/2018 6:19:59 PM(UTC-8)

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[redacted]@s.whatsapp.net Officer Blake Williams

"hanging with the homies"

Status: Read

Platform: Mobile

11/4/2018 6:21:18 PM(UTC-8)

Source Info:
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Phone Number@s.whatsapp.net Officer Matthew Dempsey

Hiring staff is picking some real winners

Status: Read

Platform: Mobile

11/8/2018 12:49:37 PM(UTC-8)

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Phone Number@s.whatsapp.net Officer Joshua Satterfield

It's ok once Rea gets up there he's about to hire some pipe hitters

Status: Read

Platform: Mobile

11/8/2018 12:50:29 PM(UTC-8)

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Phone Number@s.whatsapp.net Officer Blake Williams

Wait

Status: Read

Platform: Mobile

11/8/2018 12:51:03 PM(UTC-8)

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Phone Number@s.whatsapp.net Officer Blake Williams

Did we hire a fhagget

Status: Read

Platform: Mobile

11/8/2018 12:51:20 PM(UTC-8)

Source Info:
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Phone Number@s.whatsapp.net Officer Blake Williams

A faggola?

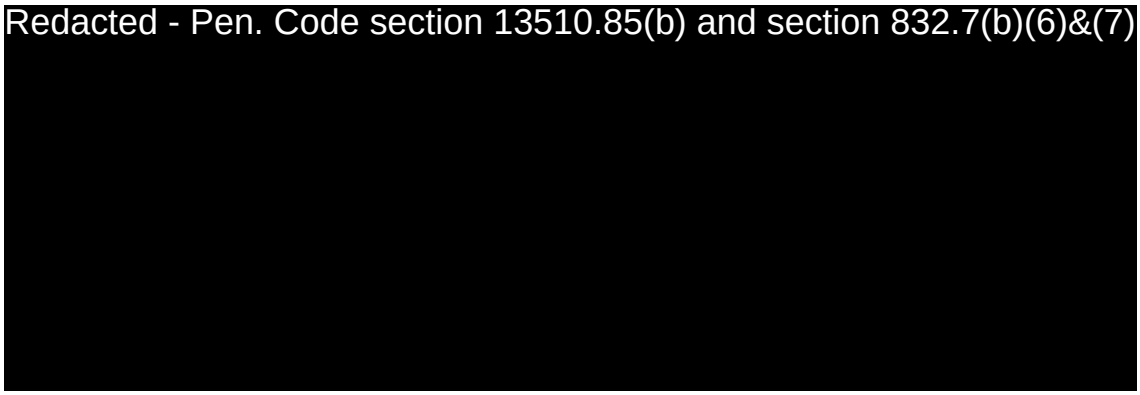
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Platform: Mobile

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Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)



Redacted - Pen. Code section 13510.85(b) and section 832.7(b)(6)&(7)

[redacted]

Phone number @s.whatsapp.net Officer Blake Williams

Attachments:



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Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

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34.05 **ANTI-HARASSMENT POLICY**

The City is committed to providing a workplace free of discriminatory harassment. This Policy defines discriminatory harassment and sets forth a companion procedure for the investigation and resolution of such complaints by or against any City employee, applicant or contractor. This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunity and compensation.

Discriminatory harassment will not be tolerated and employees who violate this Policy may be subject to appropriate disciplinary action. Retaliation against any individual for making a complaint of such harassment or for participating in a harassment investigation constitutes a violation of this Policy. However, knowingly false accusations of retaliation or harassment similarly will not be tolerated.

34.10 **Definitions**

34.10a Protected Classifications: This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

34.10b Verbal Harassment

Inappropriate or offensive remarks, slurs, jokes or innuendoes based on race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist,

patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

34.10c Physical Harassment

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

34.10d Visual or Written Harassment

The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

34.10e Work Environment

A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile work environment can arise from the following circumstances:

A. An unwarranted focus on sexual topics or sexually suggestive statements.
B. An unwelcome sexual behavior directed specifically at an individual.
C. The individual merely witnesses unlawful harassment in his or her immediate surroundings.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as:

A. The frequency of the conduct.
B. The severity of the conduct.
C. Whether the conduct is humiliating or physically threatening.
D. Whether the conduct unreasonably interferes with an individual's work.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Torrance.

34.15 **Relationships between Supervisors and Subordinate Employees**

Romantic or sexual relationships between supervisors and employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships which may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

34.20 **Prohibited Supervisory or Managerial Behavior**

No supervisor, manager or other authority figure shall:

A. Condition any employment, employee benefit or continued employment in the City of Torrance on an applicant's or employee's acquiescence to any of the behavior defined above.

B. Retaliate against any applicant, or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

C. Destroy evidence relevant to an investigation of harassment.

34.25 **Behavior Prohibited by All Persons**

No employee in the City of Torrance shall:

A. Create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of another employee.

B. Assist any individual in doing any act which constitutes discriminatory harassment against any other employee of the City of Torrance.

134.05

ANTI-HARASSMENT PROCEDURE

All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment, to their supervisor, manager, or to the Human Resources Division. Any supervisor or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the Human Resources Division, followed by written documentation of the complaint.

134.10

Supervisors/Managers Responsibilities for Preventive Action

A. A copy of the Anti-Harassment Policy shall be provided to all employees in the City of Torrance, as well as displayed in prominent locations throughout the City.

B. A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all City of Torrance employees upon request.

C. New employees shall be provided a copy of the Anti-Harassment Policy during New Employee Orientation.

D. The Human Resources Division shall make available information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.

E. A copy of the Anti-Harassment Policy and Procedure is in the City of Torrance Policy, Procedure and Protocol Manual posted on the Policies and Procedures web page on the Torrance Employee Network (TEN).

F. Employees of the City of Torrance shall receive periodic training on the policy.

134.15

Employees' Responsibilities

A. Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure. This includes conduct of non-employees, such as sales representatives or service vendors or harassing conduct toward such contractors. Under no circumstances shall an employee of the City of Torrance who believes that he or she has been the victim of discriminatory harassment be required to first report that harassment to a supervisor or other authority figure who has done the harassing.

B. Cooperate with any investigation of any alleged act of harassment conducted by the City of Torrance.

C. Maintain confidentiality to the extent possible in investigating any claims of alleged harassment.

134.20

Human Resources Reporting Procedures for Investigative/Corrective Action

A. Human Resources shall conduct a fair, timely and thorough investigation of any incident of alleged discriminatory harassment reported to them. The investigation shall be conducted in a way to maintain confidentiality, to the extent possible.

B. The person designated to investigate shall report in writing the findings of any investigation to the Human Resources Division. The Human Resources Administrator shall determine whether there is a violation of Policy and communicate the conclusion to the complainant.

C. Remedial action including discipline taken by any supervisor or manager shall be decided in accordance with Policy and after consultation with the Human Resources Administrator.

Employees who have questions about their rights and obligations described within this policy should contact the Human Resources Division.

Historical Record

Original Publication

04/2001

Revisions

07/2001 Reformat

06/2002

05/2009 Reformat

11/2012

12/2017

03/2018 Updated

04/2018 Updated

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 1.10 POLICING PHILOSOPHY

DATE ISSUED: January 14, 2010

JOHN J. NEU
CHIEF OF POLICE

PURPOSE

This General Order establishes the Department's policing philosophy and the expectations of personnel in their service to the community.

1.10.1 FOCUS BASED POLICING

A. Philosophy: Focus Based Policing is a distinct management philosophy based upon the need for continuous improvement through employee growth and development, as well as a general dissatisfaction with the status quo. Focus Based Policing empowers Area Commanders and Division Commanders to look for opportunities to address crime problems, quality of life issues and unexpected challenges in conjunction with their everyday responsibilities. We promote fresh thinking and creativity by pushing down the organization chart and distributing power to the line level officers. This philosophy enables our managers to formulate and assess new methods and approaches to not only how we police, but also how we handle routine tasks, with the goal of truly expanding the future of policing in the City of Torrance. In short, our belief and approach is simply "things can always be done better throughout the entire organization."

Our Focus Based Policing philosophy provides the following fundamental benefits:

1. Mission and vision clarification
2. Enhanced service to the community
3. Results orientation with a focus on outcomes rather than outputs
4. Resource flexibility
5. Focus on problem solving and relentless follow-up
6. Information exchange driven decision making
7. Employee growth and development

1.10.2 TEAM POLICING

A. GENERAL: In support of our Focus Based Policing management philosophy, the Patrol Division is deployed on a Team Policing model. The four basic components of Team Policing are:

1. A deployment model that meets organizational needs for accountability and consistency.
2. A beat system that creates consistent and equitable areas for patrol officers to work.
3. A scheduling system that balances the needs of the employees and workload demands.
4. An effective patrol structure to meet increased demands and expectations while supporting our historical patrol practices.

The Department structures its Patrol operations around fixed Police Teams assigned to a specific region of the City during a team-specific day and hourly schedule. Patrol personnel are committed to their team, area and schedule for an entire deployment cycle. Police Teams report to an Area Commander who is responsible for monitoring all activities occurring within the area of the City that Team patrols. Area Commanders act as Patrol's central liaison to the community, actively participating in or organizing community meetings and events within the Area Commander's designated area of the City.

Our Team Policing model allows us to deploy officers in a more efficient and effective manner while addressing the ongoing need to respond to calls for service, creating additional opportunities for proactive work where and when it is needed, and providing sufficient time and support for officers to complete and implement operation plans; all of which enhances our Focus Based Policing efforts.

1.10.3 SERVICE TO THE COMMUNITY

A. GENERAL: The most important factor in gaining the goodwill and confidence of the people is an attitude of courtesy and objectivity toward them. It is important that the Department, through its personnel, demonstrate the ability and capacity to provide the type of police service that the people have a right to expect.

Each member of the Department should be prepared to meet the responsibility of police service through continuous education and training. Self-confidence comes from experience gained through the diligent performance of duty. Courtesy, patience and tact are characteristics expected of each employee.

To most people, the individual employee is representative of the entire Department, and to residents and visitors, is the public representative of the City. Demeanor in dealing with the public creates favorable or unfavorable impressions of the employee, the Department, and the City.

Employees must realize that their activities are matters of particular interest, not only to those with whom there are direct dealings, but also the general public, because official duties are closely related to every phase of community life. Employees must maintain habits of acceptable conduct that will merit public approval.

The use of offensive language by department employees is objectionable and as demoralizing to human dignity as physical abuse. Everyone is entitled to respect and dignity in the treatment they receive.

B. POLICY: The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:

1. Tact, patience, and courtesy shall be strictly observed in all cases of public contact.
2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices.
3. Managers and supervisors shall, by example, demonstrate, and instruct subordinates in proper demeanor and desirable attitudes in dealing with the public.
4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.
5. Officers shall diligently perform their duties with impartiality, uphold the constitution, and be mindful that they are the protectors of the people's lives and property.
6. Officers shall be aware of the problems that exist in various areas and take appropriate, affirmative action to correct them without indifference or neglect.

JOHN J. NEU
CHIEF OF POLICE

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 2.01 EMPLOYEE RULES AND REGULATIONS

JOHN J. NEU
CHIEF OF POLICE

DATE ISSUED: April 6, 2009

PURPOSE

Department personnel are expected to conduct themselves in a manner that reflects the Mission, Vision, and Core Values of our Department. This General Order establishes rules and regulations governing employee conduct.

2.01.1 EMPLOYEE RULES AND REGULATIONS

A. EMPLOYEE RESPONSIBILITY. It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:

1. Obey all local, state, and federal laws.
2. Render service to the community with pride, integrity, compassion, and excellence.
3. Enforce the law equitably and without regard to race, color, religion, sex, marital status, sexual orientation, national origin, age, disability, or veteran status. Laws and regulations issued by the United States and the State of California require equal treatment of all persons.
4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.
5. Perform their duties in a manner that will not reasonably result in the impairment or disruption of public service or Department business. This includes the knowing and willful failure to perform a required duty or task.
6. Maintain in good working order the equipment and supplies issued to them, taking all reasonable care to prevent loss or damage.

B. FALSE REPORT PROHIBITED. No employee shall make false official reports, or knowingly enter, or cause to be entered, in any Department book, record, report, or log, any inaccurate, false, or improper information, evidence or material.

2.01.2 WORKPLACE CONDUCT

A. DEPARTMENT IDENTIFICATION CARD. The primary, official means of identifying Department members is the Torrance Police Department identification card. The issuance of an identification card is only authorized by the Chief of Police, or a designee, and is intended to be used only for official authorized purposes. Department members shall relinquish their identification card upon the direction of the Chief of Police or designee.

1. WEARING IDENTIFICATION. All personnel not in uniform are required to wear identification while inside the Police facility. Police Officers and Services Officers shall wear badges or Department identification cards. All other employees and volunteers shall wear Department identification cards. Identification shall be conspicuously worn on the employee's person, using a clip or lanyard.
2. POSSESSION OR USE. All personnel are required to have their identification card in their possession when they are on duty and displayed when there is a need to identify themselves as a Department member. The Identification Card is to be worn, displayed and/or offered only for Department business.

B. EFFICIENCY. Employees shall direct and coordinate their efforts in such a manner as will tend to establish and maintain the highest standard of efficiency.

C. PUNCTUALITY. Employees shall be punctual in reporting for duty, and shall work their complete tour of duty, unless relieved by a supervisor.

D. SMOKE-FREE ENVIRONMENT. Smoking is prohibited in the Police station. Outside the Police station, smoking is prohibited within 25 feet of the building. Smoking in City Vehicles is prohibited. Any disputes or grievances on the no-smoking policy shall go first to the Administrative Bureau Commander for resolution. In any dispute arising under this no-smoking policy, the rights of the non-smoker shall be given precedence.

E. ALCOHOL CONSUMPTION. Alcoholic beverages shall not be consumed by on-duty personnel. Exceptions can be authorized only by the Chief of Police or his designee.

F. EMPLOYEE PARKING. Employees shall park their personal vehicles only in designated spaces. Personal vehicles shall not be parked in spaces reserved for City vehicles. Long-term storage of personal vehicles on City property is prohibited.

G. KEYS. Upon transfer or reassignment, employees shall submit their programmable keys to the Services Division for reprogramming. All regular keys for offices or work areas shall be relinquished to the Commander of the concerned Division upon reassignment. Missing or damaged keys shall be reported to the Services Division on a TPD 41. Upon separation of employment, employees shall return all keys to the Personnel Division.

2.01.3 RESPECT FOR COMMAND

A. ADDRESSING RANKING OFFICER. When in the presence of the public, employees of the Department shall address supervisors by their proper titles.

B. OBEDIENCE TO ORDERS. Employees shall obey the lawful orders of any Department supervisor.

C. INSUBORDINATION. Insubordination is the refusal to follow a lawful work order, or a challenge to authority. Additionally, insubordination includes the use by any employee of coarse, profane, or insolent language or behavior toward any supervisor, or willfully lying to any supervisor in any matter having to do with the course and scope of employment.

2.01.4 DEPARTMENT SENIORITY

A. SWORN. Seniority of officers is determined by Classified Service rating and further by the length of continuous service in the Classified Service Rate, according to Departmental service. If date of appointment is the same for two or more officers, the one occupying the higher position on the Classified Service eligible list is considered the senior officer.

B. CIVILIAN. Seniority of civilian employees is according to the Classified Service rating whereby one position is classified as being higher in grade than another, and the length of continuous service in that class.

2.01.5 TAKING CHARGE OF A SCENE

A. OFFICER IN CHARGE. The officer assigned to an incident shall take charge. In routine performance of duties, or at the scene of a police incident, officers shall recognize and respect the position of the officer-in-charge by effectively and efficiently carrying out lawful orders issued by that authority.

B. SENIOR OFFICER ASSUMING COMMAND. A senior officer may take command of a situation by informing the officer in charge and others involved in the incident of his intent. Such assumption of command shall be undertaken whenever the situation appears to the senior officer to be beyond the control of the officer in charge, or when both officers are involved in the same duty.

C. JUNIOR OFFICER ASSUMING COMMAND. An officer of equal or junior rank may take command by informing the officer then in charge of his intent. Such assumption of command shall be undertaken only when the officer in command is unable to perform his duties because of physical or mental inability. An officer, regardless of rank, shall assume command of a situation when so instructed by an officer of superior rank. An officer in command of an operation shall maintain that responsibility until relieved by competent authority.

2.01.6 CIVILIAN PERSONNEL

A. PERFORMING POLICE DUTIES. A civilian employee shall not be assigned to duties of police nature, except for Services Officers assigned to specific duties. This section does not restrict any employee from assisting, defending, or protecting other employees who are in need of emergency assistance in the performance of their duties. If an emergency exists and a female officer is not immediately available, a female civilian employee may:

1. Temporarily act as an observer during the care or detention of a female.
2. Act as a witness during the photographing of a female crime victim.

2.01.7 EMPLOYEE ORGANIZATION

A. EMPLOYER-EMPLOYEE RELATIONS. Employees have the right to form, join, and participate in activities of employee organizations for the purpose of representation on all matters of employer-employee relations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of his exercise of these rights.

B. MOU PROVISIONS. Wages, hours, and working conditions are governed by the existing Memorandum of Understanding provisions for each of the various employee organizations.

2.01.8 SWORN MEAL AND BREAK PERIODS

A. Uniformed officers may take a thirty-minute meal, exclusive of transportation, during the course of the employee's normal working hours.

1. Meals shall be taken only after receiving clearance to do so from Communications.
2. Meals and breaks shall be taken in such a manner that the officer can respond in a timely manner.
3. Meals and breaks shall be taken within their assigned beat. Any exceptions will be with the express approval of a field supervisor, on a day-to-day basis.
4. No more than two marked units or four uniformed officers, excluding supervisors, may be out at any one location. Motors paired after dark will be considered to be one unit.

2.01.9 WEIGHT ROOM

A. EMPLOYEES ONLY. The physical training room is for the use of current Department employees only.

B. USE AT OWN RISK. Employees using the physical training room do so at their own risk. Personnel using these facilities must recognize that an injury incurred on- or off-duty is not automatically considered a work-related injury.

C. RULES FOR USE. Unsafe conditions or acts that may cause damage or injury will not be tolerated. Employees shall use the physical training room in a safe manner.

2.01.10 PROPERTY DAMAGE

A. DEPARTMENT PROPERTY. An employee shall report promptly, through channels, to his Division Commander or other responsible person, the loss or unserviceable condition of, or damage to, any Department property issued or assigned to him.

B. OTHER PROPERTY. Whenever possible, employees should request supervisory approval prior to taking actions that may result in property damage. If there is an incident where property damage occurs, the employee shall notify a supervisor of the incident and any actions taken, and write a TPD 41 documenting how the property was damaged, the extent of the damage, any notifications made, and efforts to secure the property.

C. SUPERVISORY RESPONSIBILITY. When notified of property damage, supervisors shall make a notation in their log of the damage, any approvals given, and any action taken, including completion of the Notification Card. The Supervisor shall make note of the employee's TPD 41 and forward it to the Personnel Division Commander. Photographs should be taken whenever practical.

2.01.11 MISUSE OF PUBLIC RESOURCES

A. Department employees may not use or permit others to use public resources for personal purposes or campaign activity. "Public resources" means any property or asset owned by the City of Torrance, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and on-duty time.

2.01.12 MEMBERSHIPS AND SUBSCRIPTIONS

A. The Department will fund memberships and subscriptions in those professional organizations that contribute to the exchange of related information in the furtherance of the mission and goals of the Department. Involvement in organizations such as L.A. County Peace Officers Association, California Peace Officers Association, International Association of Chiefs of Police, California Narcotics Officers Association, California Juvenile Officers Association, California State Division of International Association for Identification, Fraternal Order of Police, and California Sexual Assault Investigators Association, are strongly supported and encouraged, regardless of whether their cost is covered by the Department.

B. Whenever possible, subscriptions should be listed by rank/position rather than by named individuals. Memberships in professional associations shall be limited to necessary personnel actually assigned to related specialized duties.

C. Memberships in and attendance at annual training conferences of International Association of Chiefs of Police are limited to captains and above; and Federal Bureau of Investigation National Academy Associates is limited to those who have completed the FBI National Academy program.

JOHN J. NEU
CHIEF OF POLICE

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Torrance Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors. This policy is not intended to cover every possible type of misconduct.

319.2 POLICY

The continued employment or appointment of every member of the Torrance Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

319.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

319.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Torrance Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

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(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state. Refer to the City of Torrance Gift and Gratuity Policy. See attachment: Gift_and_Gratuity-30_2018.pdf

(e) Misappropriation or misuse of public funds, property, personnel or services.

(f) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

319.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

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(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Torrance Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

(f) All requests for records shall be directed to the Records Division by using the Application for Release of Information, (TPD 263). The form may be filled out by the person requesting the report or by the Department employee accepting the request, and forwarded to Records Division for fulfillment.

319.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department of any change in residence address and contact telephone numbers,within 7 days or as soon as practicable.

(f) In order for the Department to contact employees when needed, and due to the designation of all City employees as emergency workers, employees are required to maintain personal telephone service and to provide current telephone numbers to the Department.

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319.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place and legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while onduty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officers official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Inappropriate improper political activity including:

1. Unauthorized attendance while onduty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on or offduty that brings discredit to this department.

319.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while onduty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action, unless the Chief of Police is the subject.

(m) Any other on or offduty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

(n) Employees shall park their personal vehicles only in designated spaces. Personal vehicles shall not be parked in spaces reserved for City vehicles. Long-term storage of personal vehicles on City property is prohibited.

(o) Any employee contacted by an outside investigating agency on matters concerning arrests, incidents, or allegations against the Department or its personnel shall report this contact immediately to the Personnel Division Commander. Nothing in this section prevents any employee from retaining legal counsel.

319.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

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(c) Unsafe or improper driving habits or actions in the course of employment or appointment.

(d) Any personal action contributing to a preventable traffic collision.

(e) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Torrance Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

320.2 POLICY

It is the policy of the Torrance Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Torrance Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The Torrance Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

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401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Commencing April 1, 2023, unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Torrance Police Department is the primary agency, the Torrance Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Personnel Division Commander shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and

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provided to the Records Administrator for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Division Policy.

Supervisors should ensure that data stop reports are provided to the Records Administrator for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Government Code 12525.5 requires this collection of data for agencies with sworn officers between 1-333 beginning in January of 2022. The first report shall be issued by April 1, 2023.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards Division.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST) approved training on the subject of racial profiling.

(b) Pending participation in such POST approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial racial profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

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CITY OF TORRANCE

OFFICE OF THE CITY MANAGER

Aram Chaparyan
City Manager

Danny E. Santana
Assistant City Manager
310/618-5880
DSantana@TorranceCA.Gov

March 15, 2023

Sent via USPS First Class Mail

Blake Williams
[redacted]

RE: LETTER OF FINDINGS

Dear Officer Williams:

Upon the authority of the City Manager, I am the designated Administrative Conference Chair in this matter. The purpose of this letter is to inform you that I concur with the recommendation of the Police Chief that you should be terminated from your employment as a Police Officer with the City of Torrance Police Department.

I. AUTHORITIES UPON WHICH THE DISCIPLINE IS BASED

Your termination is based on your violation of the following rules, regulations, orders and/or policies, any of which, standing alone, or in combination with any other, warrants your termination:

1. **Torrance Municipal Code, Chapter 4, Article 47, Section 14.47.1**

   A department head, with approval of the City Manager, for misconduct, incompetency, inefficiency, failure to perform duties or to observe the rules and regulations of his [or her] department or of the City: c) May discharge any such employee.

A. CHARGES REGARDING MAY 17, 2021 USE OF FORCE

2. **General Operations (Use of Force) Lexipol Policy 300.3**

   Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a). [Department Policy defines deadly force as, "Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a), See Definitions, Lexipol Policy 300.1.1.]

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

3. General Operations (Use of Force to Effect an Arrest) Lexipol Policy 300.3.1

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

4. Deadly Force Applications Lexipol Policy 300.4

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

5. General Operations (When Pursuit Intervention is Authorized) Lexipol Policy 307.6, Intervention Standards, Lexipol Policy 307.6.2 (b)

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/ supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Officers should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(b) The PIT [Pursuit Intervention Technique: "A low speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit." See Definitions, Lexipol Policy 307.3.1] should only be used after giving consideration to the following: 1. The technique should only be used by officers who have received training in the technique, including speed restrictions. 2. Supervisory approval should be obtained before using the technique. 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public. 4. It reasonably appears the technique will terminate or prevent the pursuit.

B. CHARGES FOR DISCRIMINATORY TEXT MESSAGING

RULES THAT APPLY REGARDLESS OF DATE CONDUCT OCCURRED:

1. Law Enforcement Code of Ethics, Policy 104

I WILL keep my private life unsullied as an example to all…

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

2. City of Torrance Anti-Harassment Policy

a. 34.10a- Protected Classifications

> …Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim…

b. 34.10d- Visual or Written Harassment

> The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

c. 134.05- Anti-Harassment Procedure

> All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division…

d. 134.15- Employees' Responsibilities

> Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

RULES THAT APPLY TO CONDUCT OCCURRING ON OR BEFORE APRIL 7, 2019:

3. General Order 1.10 – Policing Philosophy

a. 1.10.3(B) – Service to the Community

The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:

2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices;

4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.

4. General Order 2.01.1(A) – Employee Rules and Regulations

It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:

4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.

5. General Order 2.33 – Social Media

a. 2.33.1(D) – Prohibited Speech, Expression, and Conduct

To meet the Department's safety, performance, and public-trust needs, the following is prohibited unless the speech is otherwise protected…:

2. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Torrance Police Department or its employees;

3. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior;

5. Speech or expression that is contrary to the Mission Statement or Core Values of the Torrance Police Department.

RULES THAT APPLY TO CONDUCT OCCURRING ON OR AFTER APRIL 9, 2019:

6. Standards of Conduct (General Standards) Lexipol Policy 319.4

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority. Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

7. **Standards of Conduct (Causes for Discipline) Policy 319.5.1(a) – Laws, Rules, and Orders**

   (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

   Standards of Conduct (Performance) Lexipol Policy 319.5.7(i) – Actions that Discredit Torrance Police Department Any act on or off duty that brings discredit to this department.

8. **Standards of Conduct (Conduct) Lexipol Policy 319.5.8**

   (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.

   (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.

   (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

9. **Employee Speech, Expression, and Social Networking Lexipol Policy 1021.4 – (Prohibited Speech, Expression and Conduct)**

   (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Torrance Police Department or its employees.

   (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

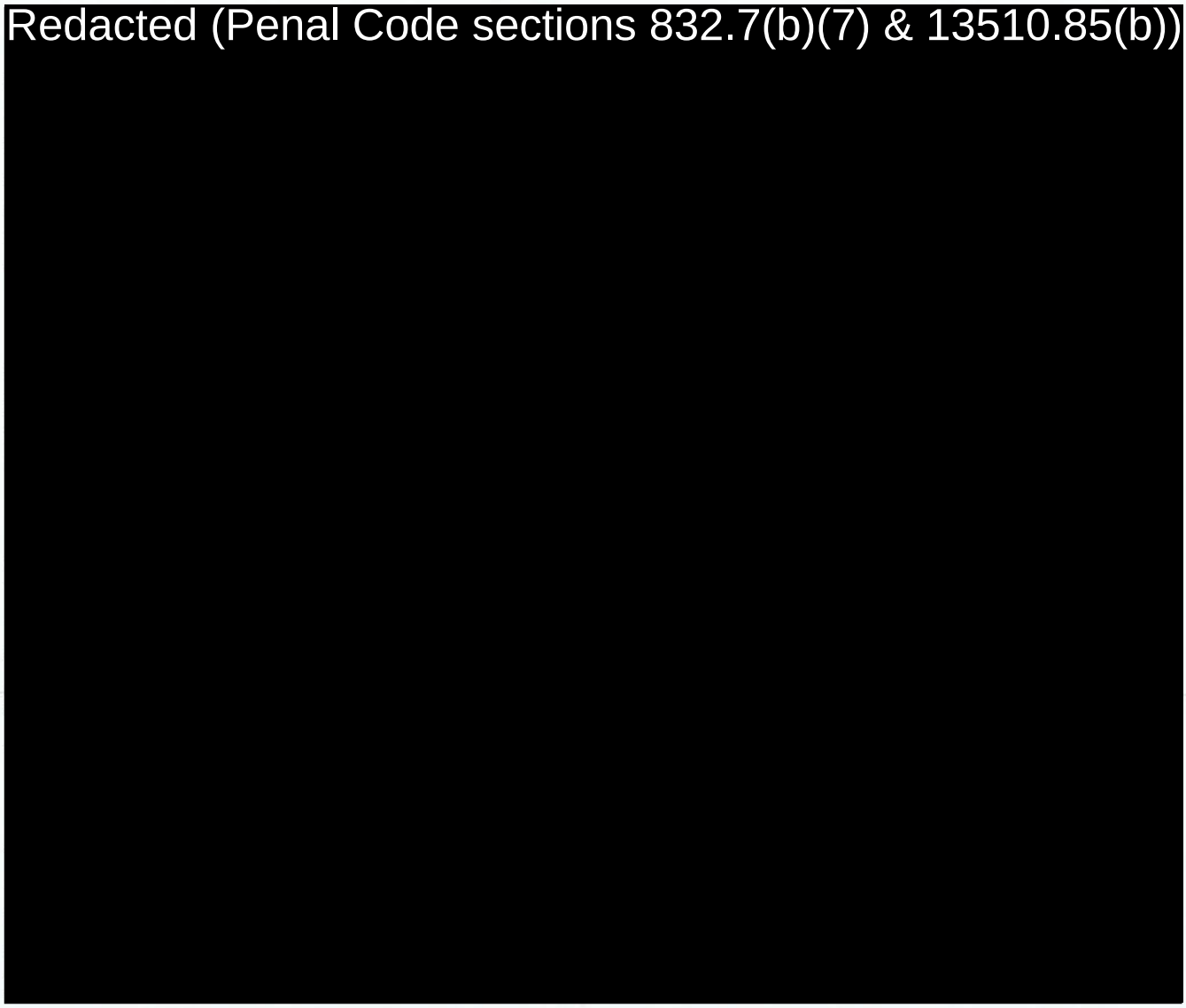
   (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Torrance Police Department.

II. FACTS SUPPORTING THE CHARGES

A. FACTS RELATED TO MAY 17, 2021 USE OF FORCE

I base my decision on the facts and circumstances that were established by the administrative investigation PD2021-006, which are summarized here:

Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b))



B. FACTS RELATED TO YOUR DISCRIMINATORY TEXT MESSAGING

Between February and March 2020, TPD detectives conducted an investigation into a vandalism report filed by an individual whose vehicle was vandalized in the process of being impounded. Detectives determined that two TPD officers - Cody Weldin and Christopher Tomsic - were suspects for the vandalism. On March 3, 2020, the investigation was reassigned to Crimes Against Persons Sergeant J. Masalcas who was assisted by Special Investigations Unit Sergeant J. Taylor. During Sergeant Masalcas' investigation, he obtained a search warrant for the contents of the personal cellphones of Weldin and Tomsic. Upon the successful extraction of information from the phones, Sergeants Masalcas and Taylor found evidence implicating both officers in the vandalism incident. Detectives submitted the completed criminal investigation to the Los Angeles District Attorney's Office and requested the filing of criminal charges on both officers.

On or about August 16, 2021, the Los Angeles County District Attorney's Office ("LADA") notified TPD that concerning electronic messages were discovered on the officers' cellphones. Allegedly, multiple TPD officers exchanged these concerning electronic messages. The LADA's analysis revealed approximately 390 messages containing or referencing discriminatory topics, including but not limited to anti-Semitic, racist, homophobic, and transphobic remarks. The LADA identified you as one of the officers involved in the exchange of these messages. TPD subsequently opened an administrative investigation into the LADA's concerns.

The data revealed that during the period from approximately June 2018 through September 2019, while both on and off duty, you sent or interacted with (for example, by 'liking', commenting upon, or otherwise reacting to) multiple text messages that contained biased, discriminatory, racially/ethnically insensitive, and otherwise inappropriate text messages to other members of TPD. The texts were as follows:[1]

6/21/2018	Officer Dempsey messaged "*The Boys*"[2] a meme of an image altered to appear as if it were from then President Donald Trump's Twitter account. The image contained a photo of a young Hispanic boy in a cage with the caption, "The first Space Force cargo containers are already being loaded for orbital storage. Godspeed Alejandro." You responded, "Awesome".
7/4/2018 (on-duty)	You messaged *The Boys* an image of an adult male in Blackface. You captioned the post, "I googled dingleberry and this popped up. Way funnier."
7/5/2018 (on-duty)	You messaged *The Boys* an image of two Black males fighting or wrestling, with the caption, "Hey [Officer Chris] Young, every day you don't work out, just know some gorilla looking fuck is getting it in over in the shadow lands."
7/19/2018	You messaged *The Boys*, "Lance prob called him a motor fag too".
8/23/2018	You messaged *The Boys*, "Bro…not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused." You subsequently texted, "[Officer] Omar [Alonso]'s people excel at fence hopping too".
10/9/2018	Officer Alonso posted a photo of an officer appearing to be joyfully walking, with the caption "Actual video of Tomsic leaving ITS this morning". You responded, "Fact". Officer Chandler replied, "What is ITS", to which you responded, "Computer fags".

[1] This does not represent an exhaustive list of the text messages that you exchanged or that are inappropriate on multiple levels. This is however a list of messages that were most clearly inappropriate and in which you actively participated.

[2] Current members of "The Boys" list at this period in time included Officers Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b))

Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b))

11/2/2018	Officer Young messaged *The Boys* an image of Amy Schumer with the caption, "Posting a pic of Amy Schumer to help my niggas stay strong for No Nut November (day 2/30)." You replied, "Hahaha that is an ugly snob of a cunt".
11/4/2018	You messaged *The Boys* an image of the scene of a lynching, stating: "They missed this on mine", in a text thread discussing an image you had posted on Facebook that had not been discovered by TPD. The image included one or more Black males who had been hung, and one apparently deceased Black male down on the ground, with a group of older White males looking on. You followed up the image with a second text that said, "hanging with the homies".
11/8/2018	Officers in *The Boys* were discussing the department's hiring of new officers. You messaged, "Did we hire a fhagget" and "A faggola"?
3/27/2019	You messaged *The Boys* an image of a cartoon mouse with the caption, "When you fart next to the Jewish kid, and realize you just gassed the Jews."
8/20/2019	You messaged *The Boys* a cartoon of one person offering another person shrimp. In the photo, the person being offered the shrimp says "Sorry, I'm Jewish." The person offering the shrimp says, "No, it's free." Officer Alonso replied, "lol".
9/10/2019 (on-duty)	You texted Officers Alonso, Kamischke, Satterfield, Uh, and Weldin the link to a WikiHow article titled, "How to Tie a Noose".

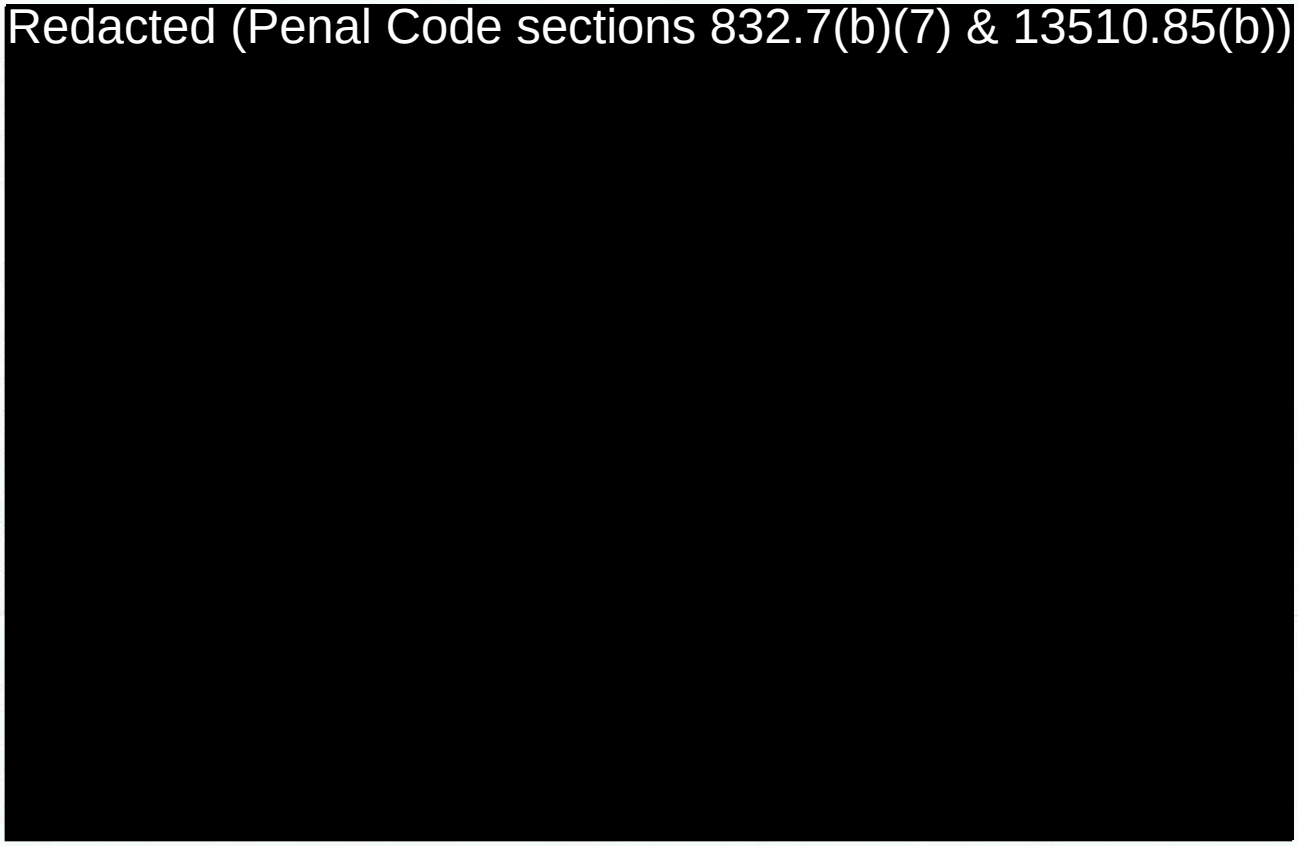
To obtain your responses to the allegations, interviewers attempted several times to schedule an interview with you. Your attorney, Mr. Corey Glave, wrote on your behalf that, "on advice of counsel, and given his current military status (and the legal impact of that status/order), [you declined investigators'] invite to participate in an interrogation related to this matter." The investigation was completed based on the information available.

III. ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*) In your particular case, the principles set forth in *Skelly* amply support your termination. In fact, the period between June 2018 and September 2019 establishes an ongoing pattern of misconduct and policy violations, which is compounded by your misconduct on or about May 17, 2021.

A. YOU ENGAGED IN INEXCUSABLE MISCONDUCT

Your Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b)) and involvement in discriminatory text messaging with other TPD officers demonstrates a lack of sound decision-making and reckless conduct that calls into question your fitness for duty as a police officer.



You further demonstrated your disregard for your duties to the public through your engagement in blatantly discriminatory text messages with other TPD officers. You sent, received, and otherwise interacted with/responded to multiple blatantly discriminatory text messages from other members of TPD for over a year. You made "jokes" about photos of blackface and lynching and regularly used homophobic slurs in conversation with your colleagues. The casual use of these terms between you and the other officers indicates that this type of conduct was not unusual between you. Such racist and homophobic language has no place in this Department. Whether or not these messages were intended as "jokes" does not exempt them from the City's harassment policies. In fact, the policy clearly defines visual/written harassment as "The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry…" among other protected classifications. The content of the text messages in question here clearly fall within these parameters. By engaging in these messages, you engaged in inappropriate speech and unprofessional conduct in violation of multiple City policies, including Policy Nos. 319.5.1(a), 319.5.7(i), 319.5.8(f),(g),(m), and 1021.4(b), and former General Orders 1.10.3(B), 2.01.1(A), and 2.33.1(D). This conduct also violated the City's Anti-Harassment Policy. Moreover, you should have reported any discriminatory messages you received by a fellow officer as soon as you received it.

This Department relies on its officers to uphold the highest standards of conduct to maintain positive relationships and preserve the trust we have with the community we serve. Your [redacted] and demonstrated bias in the text messaging erodes that trust and smears the reputation of this Department. This Department already experienced the damage to its reputation when the news media published what were then unverified accounts of these text messages starting in August 2021. Now that the investigation has substantiated at least some of the allegations, the breach in community trust is cemented.

B. YOUR MISCONDUCT WARRANTS TERMINATION OF YOUR EMPLOYMENT

Peace officers are held to the highest standards of conduct. (See, e.g., *Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 440. Your conduct here causes irreparable harm to the public service and reveals that you are unfit to serve as a peace officer.

"In determining whether a penalty imposed on a government employee is appropriate, the overriding consideration is the actual or potential harm to the public service." (*Schmitt v. City of Rialto* (1985) 164 Cal.App.3d 494, 503; *Boctor v. Los Angeles Metropolitan Transit Authority* (1996) 48 Cal.App.4th 560, 574-575.) [redacted]

[redacted]

[redacted]

Furthermore, regarding your discriminatory text messaging, TPD Policy 401.2 notes that it is the policy of this Department to serve the community equally, fairly, and objectively in both the enforcement of the law and provision of law enforcement services. Policy 401.3 strictly prohibits bias-based policing. These provisions are consistent with the growing number of laws being enacted by the California Legislature that also aim to curtail bias in peace officers. Notably, SB 2[3] modifies the definition of "serious misconduct" to include at a minimum, "Demonstrating bias on the basis of any legally protected status, in violation of law or department policy, or in a manner inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner".

Based on the record of text messages you sent, received, and responded to, your fitness to serve in a bias-free manner can no longer be relied upon. Rather, I share Chief Hart's fear that there are discriminatory motivations behind all your actions, which could open the Department to liability, and moreover, subject innocent members of the public to unfair treatment due to your own personal prejudices. You and certain other officers openly discussed lynching Black people, "joked" about racial stereotypes involving Hispanic people, and used homophobic slurs.

[3] Penal Code Section 13510.8(a)(5).

It is self-evident that messaging like that which you participated in is inconsistent with peace officer employment. You also already received cultural awareness training covering this type of conduct. Notwithstanding the training, you proceeded to engage in discriminatory messaging on numerous occasions for over a year, including using homophobic slurs and sending images of Blackface. Lesser disciplinary measures are inadequate under the circumstances.

Moreover, the content of these messages damages your credibility as a witness and therefore your usefulness as an officer. An officer who lacks the ability to be a credible witness is unable to perform one of the essential functions of the job, i.e., to testify truthfully and competently in a court of law. Because the records of an officer's bias is potentially discoverable pursuant to a *Pitchess* motion under Evidence Code sections 1043-1045, and even potentially pursuant to a Public Records Act request under Penal Code section 832.7(b)(1)(D), it is reasonable to conclude that your conduct renders you ineffective as a prosecution witness.

In summary, you have breached the public's trust and I can no longer count on you to Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b)) nor engage in professional conduct or to act in an unbiased-manner when carrying out your duties. Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b))

Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b))

Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b)) On top of that, you have demonstrated a willingness to engage in racist, unprofessional, and offensive conduct that undercuts the mission of this Department. For these reasons, Chief Hart indicated that he lost all confidence in you and believes that termination is the appropriate discipline for your misconduct. I agree that termination is the appropriate level of discipline in light of the facts and circumstances present here.

IV. WORK HISTORY

You were hired by the City on November 9, 2015 as a Police Officer. Your last performance review indicates that your performance has been generally rated as "outstanding".

V. DISCIPLINARY RECORD

Discipline	Date Issued	Date of Incident & Sustained Violations
1-Day Suspension	January 17, 2019	August 5, 2018 - vehicle pursuit Violation TPD Policy 307.2 - Drive with due regard and caution for the safety of all persons using highway as required by 20156 VC.

Discipline	Date Issued	Date of Incident & Sustained Violations
		Violation TPD Policy 307.2.3(a) – Pursuit speeds have become unreasonably unsafe for the surrounding conditions. Violation TPD Policy 307.2.3(b) – Pursuit speeds have exceeded the driving ability of the officer.
Written Reprimand	May 20, 2020	May 11, 2020 – discourteous comments Violation TPD Policy 319.5.7(i) – Conduct: Any act on or off duty that brings discredit to the department. Violation TPD Policy 319.5.5 (f) – Conduct: Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.

VI. EMPLOYEE'S RESPONSE AND ADMINISTRATIVE CONFERENCE CHAIR ASSESSMENT

An in-person administrative conference was held on this matter on February 14, 2023. You, your attorney, Corey W. Glave, Police Chief Jeremiah Hart, and Lt. Michael Chance were all in attendance. At the administrative conference, I offered both you and your attorney an opportunity to provide me with additional information to consider before making my decision.

After reserving further discovery rights and alleging that I would not likely be changing Chief Hart's recommendation, your attorney turned his attention to the warrant that was associated with the origin of the text messages, stating that Court orders and the Police Officer Bill of Rights were violated by the Police Department. Although the City of Torrance cannot speak to the actions of the LADA, it is my understanding that in *Anthony Chavez, et al. v. Torrance Police Department (Case No. BH014005* Memorandum of Decision) most, if not all, of the arguments raised by Mr. Glave during your administrative conference were set forth in a Motion to Suppress which was denied in its entirety by the Court last August. A true and correct copy of the Memorandum of Decision is attached hereto as Attachment A and incorporated by reference herein. In summary, the Court found that Penal Code section 1546.4 does not require suppression of the evidence in this matter, that the search warrant at issue did not violate section 1546.1(d)(1), that the Department's pending administrative investigation does not violate section 1546.1(d)(2),

and that the City did not violate Judge Amy N. Carter's order by reviewing Petitioners' messages or providing the messages to the DA's office. The Court also ruled that Mr. Glave was not entitled to the return of his attorney-client communications which were captured in the search warrant data.[4]

Mr. Glave commented that you did not receive materials other officers had, including the compendium elements related to interviews of Sergeants Masalcas and Taylor and a PowerPoint presentation[5].

Mr. Glave asserted that you are being disciplined for conduct that is not illegal, that took place two to three years ago and for actions that do not reflect who you are, resulting in "knee jerk reactions" despite outstanding marks on your evaluations and work ethic. I note that the threshold for employee discipline is not illegal conduct but violation of City and/or Department policy.

Lastly, Mr. Glave reiterated that this case should not result in termination and that you should be given a chance to see if you repeat such behavior.

VII. ADMINISTRATIVE CONFERENCE CHAIR FINDING

Officer Williams, I am wholeheartedly disappointed as the Administrative Conference Chair in rendering this decision in a case involving a Torrance Police Department Officer, Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b)) and for the sending, receiving and responding to discriminatory messaging. You made some regrettable decisions in the manner in which you Redacted (Penal Code sections 832.7(b)(7) & 13510.85(b)) and in actions to send, receive, and respond to such messaging, and you also failed to report the misconduct of others. In your role as a Police Officer, the City and the public entrusted you to follow the regulations and policies of the Torrance Police Department and the City of Torrance. The City and the Department expect you to follow policy and training and to regard all members of the public with the same level of respect, no matter their race, religion, creed or sexual orientation (among other protected classifications). The public relies on police officers for assistance in emergencies and life-threatening situations. Your engagement in the above-described behavior calls into question your ability to deliver such services in a safe and unbiased manner. You betrayed the trust placed in you as a Police Officer and displayed a blatant disregard of your duty to uphold values so paramount to law enforcement and basic human dignity. As a Police Officer, you swore to protect and serve not just select members of the Torrance community, but the entire community, all differences aside. Your conduct is unacceptable and unbecoming of a Police Officer. Therefore, I concur with the recommendation of the Police Chief that you be terminated effective March 15, 2023.

[4] It should be noted that I did not rely upon any attorney-client privileged communications in making the decision to uphold your termination.

[5] After the administrative conference, I inquired whether you received the alleged missing material and it was confirmed that you were, in fact, provided with *all* materials upon which the recommendation for discipline was based.

VIII. ATTACHMENTS

Attachment A: *Anthony Chavez, et al. v. Torrance Police Department, Case No. BH014005* Memorandum of Decision

IX. APPEAL RIGHTS

You have the right to appeal this decision to the Civil Service Commission pursuant to Section 14.47.8 of the Torrance Municipal Code. A request to have this matter reviewed must be submitted to Ms. Brianne Cohen, Civil Services Manager, in writing within ten (10) days of the date of this letter.

You may submit your written response by email; U.S. first class mail, overnight mail, delivery courier or other personal delivery; or fax: CivilServiceCommission@TorranceCA.Gov; City of Torrance, Civil Service Commission, ATTN: Brianne Cohen, Civil Service Manager, 3231 Torrance Blvd., Torrance, CA 90503; FAX (310) 618-2726.

Sincerely,

Danny E. Santana
Assistant City Manager
Administrative Conference Chair

cc: Jeremiah Hart, Police Chief
Hedieh Khajavi, Human Resources Director
Brianne Cohen, Civil Services Manager
Corey Glave, Attorney for Employee
Human Resources Division – Personnel File

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF TORRANCE)

I am employed with the City of Torrance, California.

I am over the age of eighteen and not a party to the attached action. My business address is 3031 Torrance Boulevard, Torrance, California 90503.

On **March 15, 2023,** I deposited in the United States mail a letter and attachment regarding Administrative Conference Findings to:

Blake Williams

by placing a true and correct copy thereof in a sealed, postage prepaid envelope,

first class mail, addressed as follows:

[redacted]

I declare under penalty of perjury under the laws of the State of California and of

the United States of America that the foregoing is true and correct.

Executed this 15th day of March 2023 at Torrance, California.

Danny E. Santana
Administrative Conference Chair

AGENDA ITEM REPORT

**Title: POST2309558 - BRAULIO ROBLEDO (POST ID: A83-R39)
LAST EMPLOYING AGENCY: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT **

REPORT PROFILE

MEETING DATE 01/16/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY Mark Evenson		**REVIEWED BY** Mike Radford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND: Respondent began his employment with the Los Angeles County Sheriff's Department on March 11, 2005, as a full-time Deputy Sheriff. At the time of the events at issue, Respondent was employed as a Deputy Sheriff with the LASD. Respondent was terminated from the Los Angeles County Sheriff's Department on August 2, 2024.

This position is a peace officer position defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The case before the Board alleges the Respondent committed serious misconduct when he lied to his supervisors about a traffic stop that he conducted in front of the Commerce Casino and later lied to investigators during the Internal Affairs investigation.

The circumstances surrounding the incident occurred when a citizen called the Los Angeles County Sheriff's Department East Los Angeles Station and stated he was stopped by an unknown officer in the early morning of January 2, 2020, immediately after leaving the Commerce Casino. During the stop, the citizen alleged that the officer searched his vehicle

and stole five (5) poker chips worth $100 each. When asked directly by his supervisors (a Sergeant and Lieutenant) if he made a traffic stop in front of the Commerce Casino, Respondent adamantly stated he did not. It is alleged that Respondent lied to his supervisors on the day in question and lied during his IA interviews.

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that the Respondent's conduct amounted to dishonesty as described in Commission Regulation 1205(a)(1) in that Respondent lied to his supervisors about the traffic stop and subsequently repeatedly lied during his IA interviews. The facts fully support Respondent knew exactly which traffic stop his supervisors were inquiring about and lied to them about his involvement. In addition, Respondent lied several times during his IA interviews when he:

- Stated his supervisors never asked him specifically about the traffic stop he conducted in front of the Commerce Casino.
- Stated he was not aware that the Watch Sergeant was trying to contact him.
- Stated he deleted the MDC messages from the Watch Sergeant without reading them.
- Stated he never responded to any of the Watch Sergeant’s MDC messages.
- Stated he received MDC messages about a stop in “Montebello.”
- Stated he was told by Deputy Palacios that there was an inquiry being made about a stop that occurred in “Montebello.”
- Stated he did not call and speak to Deputy Strelow.
- Stated that no one gave him information that the Watch Sergeant was inquiring about a stop that occurred in front of the Commerce Casino.

There is clear and convincing evidence to support Respondent committed serious misconduct as defined in Commission Regulation 1205(a)(1) – Dishonesty when he lied to his supervisors and provided false and misleading statements during his IA interviews.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01 POST2309558_Robledo Braulio_ISF.pdf
BR02 POST2309558_Robledo Braulio_ExecReviewDivisonRec.pdf
BR03 POST2309558_Robledo Braulio_Attachment A Trascript MDC Msg.pdf
BR04 POST2309558_Robledo Braulio_Attachment B Respondents Unit History Report.pdf
BR05 POST2309558_Robledo Braulio_Attachment C Resp-Sterlow's Phone Conv Transpt.pdf
BR06 POST2309558_Robledo Braulio_Attachment D Watch Sgt ICIB Trnscpt.pdf
BR07 POST2309558_Robledo Braulio_Attachment E Watch Commander ICIB Int Transc.pdf
BR08 POST2309558_Robledo Braulio_Attachment F Watch Sgt 1st IA Intv.pdf
BR09 POST2309558_Robledo Braulio_Attachment G Watch Commander 2nd IA Intv.pdf
BR10 POST2309558_Robledo Braulio_Attachment H Respondent GST Tracker Report.pdf
BR11 POST2309558_Robledo Braulio_Attachment I Email from Compl to LASD.pdf
BR12 POST2309558_Robledo Braulio_Attachment J Email from Respondents Atty.pdf
BR13 POST2309558_Robledo Braulio_Attachment K LAC DA Charge Evaluation.pdf
BR14 POST2309558_Robledo Braulio_Attachment L Respondents 1st IA Intv Transcript.pdf
BR15 POST2309558_Robledo Braulio_Attachment M Dpty Palacios IA Intv Transcript.pdf
BR16 POST2309558_Robledo Braulio_Attachment N Respondent 2nd IA Intv Transcript.pdf
BR17 POST2309558_Robledo Braulio_Attachment O Respondents POST Profile.pdf
BR18 POST2309558_Robledo Braulio_Attachment P Copies of LASD Policies.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Braulio J. Robledo

POST ID NUMBER: A83-R39

EMPLOYING AGENCY: Los Angeles County Sheriff's Department

POST CASE NUMBER: POST2309558

WRITTEN BY: LEC Mark Evenson

DATE: 11/4/2024

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I. Executive Summary

The Los Angeles County Sheriff's Department (LASD) submitted this case to POST, in which they alleged the subject officer, Deputy Braulio J. Robledo, hereinafter "Respondent," was involved in serious misconduct when he lied to his supervisors and lied during an internal affairs investigation regarding a complaint that Respondent conducted a traffic stop in front of the Commerce Casino and during a search of the vehicle, stole $500 in poker chips.

After reviewing this investigation, I have determined Respondent committed serious misconduct as defined in Penal Code section 13510.8(b)(1) and California Regulation 1205(a)(1) – Dishonesty. The Respondent committed serious misconduct when he lied to his supervisors when he denied any knowledge of a traffic stop that he clearly conducted just a few hours earlier, and he lied during his IA interviews when he: 1) claimed his supervisors never asked him about the specific traffic stop near the Commerce Casino; 2) claimed he received information that supervisors were inquiring about a stop that occurred in Montebello; 3) claimed he deleted the MDC messages sent by the Watch Sergeant without reading them; 4) claimed he never responded to the Sergeant's MDC messages; 5) claimed he had no knowledge of why the Watch Sergeant was trying to get a hold of him; and 6) denied he called into the East LA Sheriff's Station and spoke to Deputy Strelow about the traffic stop in front of the Commerce Casino. The evidence overwhelmingly supports Respondent did stop the complainant at Telegraph Road and Washington Blvd and lied to his supervisors about the traffic stop. The evidence also overwhelmingly supports that Respondent lied to IA investigators during his IA interviews.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Deputy Sheriff with the Los Angeles County Sheriff's Department. This position is a peace officer as defined under Penal Code section 830.1(a), which is required to be certified under Penal Code section 13510.1(a).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the Los Angeles County Sheriff's Department on March 11, 2005, as a full-time Deputy Sheriff. Respondent was terminated from the Los Angeles County Sheriff's Department on August 2, 2024.

Penal Code section 13510.8(c)(5) provides that the Commission "*shall* consider the peace officer's prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation."

Prior Allegations of Dishonesty

Respondent has a prior sustained finding for Dishonesty. On April 11, 2023, the Los Angeles County Sheriff's Department found that the Respondent violated Department Policy and Procedures: 1) Sections 3-01/030.10, Obedience to Laws, Regulations, and Orders for misusing department resources to query a subject's name on the Mobile Digital Computer (MDC) for unauthorized and non-official business purposes; 2) Sections 3-01/050.10, Performance to Standards by admitting to spending approximately 40 minutes socializing with three females, while on duty, in a secluded, dark parking lot and having a conversation which was personal in nature with one of the females and admitting to using the MDC to conduct a "wanted persons" check on the female's ex-husband to verify if there was a restraining order; and 3) Section 3-01/040.70, Dishonesty/False Statements and/or section 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations. During his administrative interview with the Internal Affairs Bureau, Respondent contradicted his Unit History Report by stating he did not run the name of one of his female companions on his MDC on the night in question. The preponderance

of evidence supported that the Respondent did run the female's name on his MDC and lied about it during his IA interview.

Respondent received a 30-Day suspension.

The agency reported this case to POST on April 25, 2023, as a possible violation of POST Regulation1205(a)(1) – Dishonesty (POST2306952). On November 9, 2023, POST closed the case with a status of No Further Action (NFA) because the conduct did not meet the clear and convincing standard for serious misconduct as defined in Penal Code 13510.8.

Prior Allegations of Being a Member of a Law Enforcement Gang

On October 19, 2021, the LASD Undersheriff conducted an audit of misconduct investigations and found that Respondent had two separate investigations, one in 2018 and one in 2019, where a fellow LASD Deputy alleged that Respondent was a member of a law enforcement gang called the "Banditos." Each incident involved a different deputy making the allegation. Based on this information, the Undersheriff directed that the agency to conduct an administrative investigation into the allegations. The investigation was unable to substantiate the allegations, and the investigation was closed on July 19, 2024, as unresolved.

Respondent received no discipline.

The agency reported this case to POST on May 25, 2023, as a possible violation of POST Regulation 1205(a)(7) – Participation in a Law Enforcement Gang (POST2309109). On October 8, 2024, POST closed the case with a status of No Further Action (NFA) because there was no evidence presented to support the allegation that the Respondent was a member of a law enforcement gang. The case did not meet the standard for serious misconduct as defined in Penal Code 13510.8.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A83-R39. He received the following peace officer certificate from the Peace Officer Standards and Training (POST):

- Basic #123206 (03/11/2006)

e. The Present Allegations of Serious Misconduct

A citizen called the Los Angeles County Sheriff's Department East Los Angeles Station and stated he was stopped by an unknown officer in the early morning of January 2, 2020, immediately after leaving the Commerce Casino. During the stop, the citizen alleged that the officer searched his vehicle and stole five (5) poker chips worth $100 each. When asked directly by his supervisors (a Sergeant and Lieutenant) if he made a traffic stop in front of the Commerce Casino, Respondent adamantly stated he did not. It is alleged that Respondent lied to his supervisors on the day in question and lied during his IA interviews.

1. Filing of Complaint With Agency

A citizen filed the complaint with the agency on January 2, 2020.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

Theft – Unresolved.
Dishonesty – Lying to Supervisors – Sustained.
Dishonesty – False Statements during IA interviews – Sustained.

The Respondent was terminated on August 2, 2024.

There are no current appeals.

3. Date of Receipt By POST

June 1, 2023.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of the LASD criminal and administrative investigations, a review of video and audio recordings, a review of interview transcripts, a review of MDC transcripts, and a review of other related investigative documents.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

Allegations

Respondent committed serious misconduct when he lied to his supervisors about a traffic stop that he conducted in front of the Commerce Casino and later lied to investigators during the Internal Affairs investigation.

Citizen Complaint

On January 2, 2020, at approximately 0501hrs, the complainant called the Los Angeles County Sheriff's Department's (LASD) East Los Angeles Station and filed a complaint with the on-duty Watch Sergeant. The complainant stated that immediately after pulling out of the parking lot of the Commerce Casino a few hours earlier, he was stopped by an unknown officer. The complainant stated the stop occurred between 0255hrs and 0320hrs. The Commerce Casino is located near the intersection of Telegraph Road and Washington Boulevard.

The complainant alleged that during the stop, the officer removed him from his vehicle, patted him down, placed him in the back of the patrol car, searched his vehicle, and then released him with a warning for having an expired vehicle registration. The complainant alleged that when he arrived home, he discovered that he was missing five (5) poker chips worth $100 each. The poker chips were missing from his backpack that was sitting on the front passenger seat when he was stopped.

Timeline of Events

At 0508hrs, the Watch Sergeant sent a Mobile Digital Computer (MDC) message to the 3 patrol units assigned to work the City of Commerce. The 3 patrol units included the Respondent and two other deputies. The MDC message stated, "Did any of you stop [complainant] at Washington/Telegraph Earlier A.T…."[1] The other two deputies responded immediately stating they had not. Respondent did not respond. At 0521hrs, the Watch Sergeant sent another MDC message directly to Respondent. That message stated, "Did you pull over [complainant] at Washington/Telegraph a few hours ago…."[2] Respondent did not reply with an answer.

At approximately 0522hrs, the Watch Sergeant conducted a Unit History Report (UHR) to check the patrol activity of the Respondent and the two other deputies working in the

[1] Attachment A – Transcript of MDC Messages.
[2] Attachment A – Transcript of MDC Messages.

City of Commerce. The Watch Sergeant discovered that Respondent's UHR indicated he conducted a license plate inquiry of the complainant's vehicle at 0301hrs, which matched the approximate time the complainant claimed he was stopped.[3]

At 0525hrs, Respondent called the East Los Angeles (ELA) Station and spoke to a Deputy Bruce Strelow who was working the desk in dispatch. The conversation was captured on a recorded line. Respondent told the desk officer that the purpose of the call was to speak to the Watch Sergeant regarding a message that was typed to him and the other Commerce units.[4] The desk officer told Respondent that the Watch Sergeant's inquiry was regarding a traffic stop that occurred in front of the Commerce Casino.[5]

At 0533hrs, Respondent replied via MDC message to the Watch Sergeant's message stating, "Called You Sarge."[6] At 0537hrs, the Watch Sergeant replied via MDC message instructing Respondent to call his personal cell phone.[7] Respondent did not call the Watch Sergeant's cell phone.

At approximately 0600hrs, Respondent entered the ELA Station Watch Sergeant's office and was escorted to the Watch Commander's office.[8] In the presence of the Watch Commander, the Watch Sergeant asked Respondent if he had conducted a traffic stop of a vehicle around Telegraph Road and Washington Blvd, and the Respondent stated he had not.[9] The Watch Commander was present and confirmed that Respondent was adamant he did not stop the vehicle.[10] The Watch Sergeant was adamant Respondent clearly understood he was asking about the specific traffic stop that occurred in front of

[3] Attachment B – Respondent's Unit History Report.
[4] Attachment C – Respondent and Strelow's Phone Conversation Transcript.
[5] Attachment C – Respondent and Strelow's Phone Conversation Transcript.
[6] Attachment A – Transcript of MDC Messages.
[7] Attachment A – Transcript of MDC Messages.
[8] Attachment D – Watch Sergeant's ICIB Interview Transcript, Pg 7, Paragraph 17.
[9] Attachment D – Watch Sergeant's ICIB Interview Transcript, Pg 8, Paragraph 11.
[10] Attachment E – Watch Commander's ICIB Interview Transcript, Pg 3, Paragraph 12 and Pg 4, Paragraph 1.

the Commerce Casino.[11] The Watch Commander also reinforced there was no ambiguity as to which traffic stop they were referring to.[12]

Agency's Preliminary Investigation

Based on the complaint of theft and the fact that the evidence showed that Respondent was lying about stopping the complainant near the Commerce Casino, the Watch Commander directed a Field Sergeant to conduct a Supervisory Inquiry, which is a preliminary investigation. The Field Sergeant was able to collect additional evidence to support Respondent did conduct a traffic stop on the complainant near the Commerce Casino. First, the Field Sergeant obtained surveillance video from 3 separate businesses. Though it was difficult to see details in the videos, the videos showed a SUV type patrol vehicle conducting a traffic stop on a vehicle around Telegraph Road and Washington Blvd. Respondent was the only Commerce unit driving a SUV type patrol vehicle at the time of the stop.

The Field Sergeant also obtained a Geospatial Tracker (GST) report of Respondent's patrol vehicle, which provided a Global Positioning System (GPS) recording of Respondent's patrol location and movements. The report indicated that at 0301hrs, Respondent's patrol vehicle traveled eastbound on Telegraph Road and came to a stop at Washington Blvd at 0302hrs. Respondent left the location at 0310hrs.[13] This was consistent with the Unit History Report (UHR), which showed that Respondent ran the complainant's license plate at 0301hrs.

Agency's Criminal Investigation

LASD's Internal Criminal Investigation Bureau (ICIB) conducted a criminal investigation into the allegation that Respondent stole $500 worth of poker chips from the

[11] Attachment F – Watch Sergeant's First IA Interview Transcript, Pg 8.
[12] Attachment G – Watch Commander's Second IA Interview Transcript, Pg 5.
[13] Attachment H – Respondent's GST (GPS) Tracker Report.

complainant's vehicle. It is important to note that the investigation revealed the complainant only had thirteen (13) $100 poker chips when he left the casino, not fifteen (15) as he originally reported. Investigators were not able to follow up with the complainant regarding this discrepancy because he sent an email to investigators indicating he did not want to participate any further in the investigation. The complainant stated he was in fear of "deputy gangs," better known as "Los Banditos," and noted his fear was due to published news articles.[14] As part of this complaint, there was no specific allegation that Respondent was a member of a law enforcement gang. In an unrelated case, Respondent was investigated for allegations he was a member of a law enforcement gang. However, the agency was not able to substantiate the allegations. The case was reported to POST, and POST found the case did not provide any evidence that the Respondent was a member of a law enforcement gang. That case (POST2309109) is discussed in section II(b) of this report.

At the direction of his attorney, Respondent declined to be interviewed by ICIB investigators.[15] ICIB investigators submitted their criminal investigation to the DA's Office requesting a charging decision for PC 484(a) – Petty Theft. The Justice System Integrity Division of the Los Angeles County District Attorney's Office declined to file charges due to a lack of sufficient evidence.[16]

Agency's Internal Affairs Investigation

After the conclusion of the criminal investigation, LASD went forward with an Internal Affairs investigation into the allegations Respondent stole $500 in poker chips and lied to his supervisors about stopping the complainant.

[14] Attachment I – Email from Complainant to LASD Dated February 26, 2020.
[15] Attachment J – Email from Respondent's Attorney dated January 30, 2020.
[16] Attachment K – Los Angeles County District Attorney Charge Evaluation Sheet.

During his IA interviews, Respondent denied stealing any poker chips but admitted to stopping the complainant near the Commerce Casino.[17] Respondent claimed he did not document the traffic stop at Telegraph Road and Washington Blvd on his MDC because he was having MDC problems and didn't remember if he documented the 3-5 traffic stops that morning. However, he did remember documenting them in his personal "notepad."[18]

When asked about the stop of complainant, Respondent stated he did conduct a traffic stop on the complainant at Telegraph and Washington for expired registration. Respondent had complainant exit the vehicle, patted him down, placed the contents of his pockets on the hood of his car that included some poker chips, placed him in the back of the patrol vehicle, and then searched the car. Respondent stated he had consent to search the car. During the search, the Respondent stated he searched under a sweater and a backpack that was sitting on the front passenger seat. After the search, Respondent released the complainant with a warning.[19] When asked if he went "into the backpack…" to search, Respondent stated, "No, sir."[20]

In his first IA interview on December 14, 2023, Respondent claimed he never read the MDC messages from the Watch Sergeant. The IA investigator had Respondent read the MDC message that the Watch Sergeant sent him directly. The MDC message stated, "Did you pull over [complainant] at Washington and Telegraph a few hours ago?" The investigator asked, "So when you go to the station and Sergeant Inital is asking you about this traffic stop…what do you believe he's asking you?" Respondent replied, "At that point, sir…I was going up to the station, I wasn't reading the messages…So when I went up to the station, he said that it was you, I didn't know what he was referring to because I had not read the messages." The investigator stated, "So you're

[17] Attachment L – Respondent's First IA Interview Transcript, Pg 6, Paragraph 7.
[18] Attachment L – Respondent's First IA Interview Transcript, Pg 7, Paragraphs 1-7.
[19] Attachment L – Respondent's First IA Interview Transcript, Pg 6, Paragraph 2.
[20] Attachment L – Respondent's First IA Interview Transcript, Pg 19, Paragraphs 13-14.

saying…when you go to speak to Sergeant Inital, you're unaware that his specific message to you, Unit 27, asking if you pulled over [the complainant] at Washington and Telegraph…that you don't know what he's referring to?" Respondent replied, "No, I didn't read the messages…that was my mistake…I had the MDC down and then when I'm going up to the station, I'm clearing the messages. I'm not reading any of the messages. I never…read the messages or even other messages that were probably sent out before…and when I went up to the station, I was unaware of those messages that were sent out. So that's why when he asked me, "it was you," I said, it was me what? It's because I never read the message."[21]

When asked if he received any messages from the Watch Sergeant, Respondent stated, "I want to say the first message was from the Watch Deputy…if anyone had pulled a car over and I want to say the location was somewhere in Montebello…I don't remember the Watch Sergeant's message or if he did send a message, but whomever sent the message, the first one, I'm assuming it was the Watch Deputy because it said Watch Deputy…the location they sent out was, like, a Montebello location…it was not the guy that I had pulled over's name…the location was somewhere in Montebello."[22]

The Respondent also stated he assumed the supervisors were asking him about a stop that occurred in Montebello and told investigators that the supervisors did not ask him about the stop involving the complainant, either by name or location.[23] When asked why he thought they were inquiring about a stop in Montebello, Respondent stated he received 1 or 2 MDC messages earlier in the day indicating an inquiry about a Montebello stop.[24] In addition, Respondent stated that he called a Watch Deputy named Manny Palacios on his cell phone, and Deputy Palacios told him that supervisors were

[21]Attachment L – Respondent's First IA Interview Transcript, Pg 30-31.
[22]Attachment L – Respondent's First IA Interview Transcript, Pg 20, Paragraphs 6-9.

[23] Attachment L – Respondent's First IA Interview Transcript, Pg 24.
[24] Attachment L – Respondent's First IA Interview Transcript, Pg 21.

inquiring about a stop in Montebello.[25] Respondent repeatedly denied calling into the station to inquire about what the Watch Sergeant was looking for and being told by another deputy, even when specifically asked whether he called into a recorded line.[26]

During his second IA interview, Respondent reiterated that he did not have a phone conversation with Deputy Strelow, and that he did not receive information that supervisors were inquiring about a stop in front of the Commerce Casino.[27] Instead, Respondent continued to assert that he believed supervisors were asking him about a traffic stop in Montebello.[28] Later in the interview when confronted with his recorded phone conversation with Deputy Strelow, Respondent stated he did not recall the conversation.[29] Respondent then contradicted his first IA statement when he changed his story about what Deputy Palacios allegedly told him. In his first statement, Respondent claimed Palacios told him about a stop in Montebello. After listening to his recorded phone conversation with Strelow, Respondent changed his story and stated Palacios told him it was regarding a stop in front of the Commerce Casino.[30]

Respondent was terminated from employment at the Los Angeles County Sheriff's Department on August 2, 2024. The LASD cited several policy violations that supported Respondent's termination and supported allegations of serious misconduct pursuant to Penal Code Section 13510.8(b)(1) – Dishonesty.

LASD Policy 3-01/040.69 – Honesty Policy

Department members are held to the highest standards of integrity and ethics. In particular, honesty and trustworthiness are of paramount importance to the credibility

[25] Attachment L – Respondent's First IA Interview Transcript, Pg 34.
[26] Attachment L – Respondent's First IA Interview Transcript, Pg. 22.
[27] Attachment N – Respondent's Second IA Interview Transcript, Pg. 5.
[28] Attachment N – Respondent's Second IA Interview Transcript, Pg 4-7.
[29] Attachment N – Respondent's Second IA Interview Transcript, Pg 18.
[30] Attachment N – Respondent's Second IA Interview Transcript, Pg 18-23.

and integrity of all department members. Honesty and maintaining the trust of those we serve depend on candor, forthrightness, sincerity, and accuracy.

Dishonesty destroys trust and violates Department policy. Examples of dishonesty and violations of trust include not only false statements, but also deliberate distortions of the truth; intentional exaggerations, concealment of or failure to disclose material facts, observations, or recollections, and failure to make full, complete and truthful statements when required.

Department members who violate this section are subject to discipline up to and including discharge.

LASD Policy 3-01/040.70 – Dishonesty / False Statements

Members shall not make false statement or commit any other violations of the honesty policy, section 3-01/040.69, when questioned, interviewed, or in reports or documents submitted. Department members who violate this section are subject to discipline up to and including discharge.

LASD Policy 3-01/040.75 – Dishonesty / Failure to Make Statements And / Or Making False Statements During Departmental Internal Investigations

False Statements and any other form of Dishonesty during an official Department internal investigation or inquiry shall, absent extenuating circumstances, result in discharge.

Failure or refusal to make statements when ordered during Department internal investigations constitutes insubordination and shall, absent extenuating circumstances, result in discharge.

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(1) – Dishonesty?

California Regulation 1205(a)(1) defines serious misconduct as, "Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct…."

Respondent lied to his supervisors.

While investigating a citizen's complaint alleging that an unknown officer or deputy stole $500 worth of poker chips during a traffic stop, supervisors asked Respondent if he had stopped the complainant around the Commerce Casino. Respondent adamantly denied he was the one who stopped the vehicle. This conversation took place approximately 3 hours after the time of the traffic stop. There is indisputable evidence that Respondent was the one who conducted the traffic stop. This evidence included a Unit History Report showing that Respondent ran the complainant's license plate, a GPS tracking report showing Respondent stopped his vehicle at the exact time and location alleged by the complainant, and video surveillance footage confirming that it was the Respondent's patrol car making the traffic stop.

Though Respondent later admitted to making the traffic stop during his IA interviews, Respondent claimed supervisors never specifically asked him about the stop in front of the Commerce Casino and assumed they were asking him about a stop that occurred in "Montebello." These statements are refuted by clear and convincing evidence as described below.

Respondent lied to IA investigators when he stated he did not know his supervisors were asking about a traffic stop that occurred in front of the Commerce Casino.

During his IA interviews, Respondent tried to claim that that he had no idea that his supervisors were asking him about the traffic stop in front of the Commerce Casino. The evidence supports that this is a false statement. Both the Watch Commander and Watch Sergeant made it abundantly clear that they were inquiring about the specific stop that occurred in front of the Commerce Casino, and there was no question Respondent understood which stop they were referring to. There is no reason why the Watch Commander and Watch Sergeant would lie in their statements, and their statements are more credible than the Respondent's.

Respondent received two MDC messages from the Watch Sergeant inquiring about a traffic stop in front of the Commerce Casino around Washington Blvd and Telegraph Rd. The first MDC message was sent to the three deputies working the City of Commerce to include the Respondent. It stated, "DID ANY OF YOU STOP [complainant] AT WASHINGTON/TELEGRAPH EARLIER A.T…." Two other deputies replied immediately, but Respondent did not respond. The second MDC message was sent directly to Respondent and stated, DID YOU PULL OVER [complainant] AT WASHINGTON/TELEGRAPH A FEW HOURS AGO…." Again, Respondent did not answer the question, but approximately 12 minutes after receiving the second MDC message, Respondent sent the Watch Sergeant an MDC message stating, "CALLED U SARGE." This provides clear and convincing evidence that Respondent did receive and read the Sergeant's MDC messages and was fully aware of what traffic stop his supervisors were inquiring about. Respondent's refusal to answer the Sergeant's MDC messages supports the conclusion that Respondent was being deceitful in trying to hide the fact that he was the one who stopped the complainant in front of the Commerce Casino.

Respondent's claim that he had no idea what traffic stop his supervisors were asking him about is further refuted by the fact that approximately 35 minutes prior to meeting with his supervisors, Respondent called the ELA Station and spoke to Deputy Strelow on a recorded line. Deputy Strelow told Respondent that the Watch Sergeant was inquiring about a stop in front of the Commerce Casino. This provides clear and convincing evidence that Respondent knew exactly what traffic stop he was being asked about during his meeting with his supervisors. Respondent's claim during his second IA interview that he did not remember the conversation with Deputy Strelow is not believable, particularly as Respondent was able to provide details about a conversation he claimed to have with Deputy Palacios earlier during that same shift about a different stop allegedly in Montebello.

Respondent lied to IA investigators when he stated he received information that supervisors were inquiring about a traffic stop that occurred in "Montebello."

During his IA interviews, Respondent tried to claim that he didn't lie to his supervisors because he thought they were asking him about a stop that occurred in "Montebello." It has already been established that based on the supervisors' testimony, the MDC messages, and Respondent's phone conversation with Deputy Strelow, Respondent knew his supervisors were inquiring about a stop in front of the Commerce Casino. When asked by IA investigators why he thought they were talking about a stop in Montebello, Respondent stated he received one or two MDC messages inquiring about a Montebello stop. He also claimed that he called Deputy Manuel Palacios on his cell phone, and Palacios told him that someone was calling in about a stop in Montebello. Respondent's statements are refuted by indisputable facts. One, there is no record of any MDC messages being sent out about a stop that occurred in Montebello. Two, when Deputy Palacios was interviewed, he stated he had no recollection of a phone conversation with Respondent.[31] There is clear and convincing evidence to support the conclusion that Respondent created a narrative about a fictitious "Montebello" traffic

[31] Attachment M – Deputy Palacios' IA Interview Transcript, Pg. 2-3.

stop to cover up the fact that he lied to his supervisors and to disingenuously claim to IA investigators that his previous denial to his supervisors did not constitute dishonesty because he allegedly believed they were asking him about a stop in “Montebello.” However, the clear and convincing evidence shows that Respondent lied to IA investigators when he claimed he received MDC messages about a “Montebello” stop, and when he later claimed that Deputy Palacios gave him information about a “Montebello” traffic stop. Outside of the Respondent, no one else had any knowledge of an alleged traffic stop in Montebello.

Respondent lied to IA investigators when he stated he was not aware the Watch Sergeant was trying to contact him.

Respondent told IA investigators that he was not aware that the Watch Sergeant was trying to contact him. This statement is refuted by indisputable facts. One, Respondent sent an MDC message to the Watch Sergeant stating, “CALLED YOU SARGE.” This message was sent approximately 12 minutes after Respondent received a direct MDC message from the Watch Sergeant asking if he had recently stopped the complainant in front of the Commerce Casino. Two, during his recorded phone conversation with Deputy Strelow, Respondent stated he and the other Commerce units received a text from the Watch Sergeant. This provides clear and convincing evidence that Respondent lied when he said he was not aware the Watch Sergeant was trying to contact him.

Respondent lied to IA investigators when he stated he deleted the MDC messages from the Watch Sergeant without reading them.

The evidence proves that Respondent did read the MDC messages from the Watch Sergeant. One, approximately 12 minutes after receiving the Watch Sergeant’s second MDC message, Respondent sent an MDC message to the Watch Sergeant stating,

"CALLED YOU SARGE." Two, during his recorded conversation with Deputy Strelow, Respondent told Strelow that he and the other Commerce Units received a text from the Watch Sergeant. This provides clear and convincing evidence that Respondent lied to IA investigators when he stated he deleted the Sergeant's MDC messages without reading them.

Respondent lied to IA investigators when he stated he never responded to any of the Sergeant's MDC messages.

Approximately 12 minutes after receiving the Watch Sergeant's second MDC message, Respondent replied via MDC stating, "CALLED U SARGE." This provides clear and convincing evidence that Respondent lied when he stated he never responded to any of the Sergeant's MDC messages.

Respondent lied to IA investigators when he stated he never called the ELA Station and spoke to a deputy on a recorded line regarding a traffic stop in front of the Commerce Casino.

During his first IA interview, Respondent was repeatedly asked by IA investigators if he called the ELA Station that morning and spoke to a deputy, including whether he spoke to a deputy on a recorded line, and each time he responded with a "No Sir…."[32] These denials are refuted by the fact that there is a recorded phone conversation proving that Respondent did call the ELA Station and received information that the Watch Sergeant was inquiring about a traffic stop in front of the Commerce Casino. This provides clear and convincing evidence that Respondent lied to IA investigators. Respondent attempted to explain away his prior denials during his second IA interview after the IA investigator played the recording by claiming that he did not recall the conversation. However, Respondent's claim is not credible, particularly given his clear recollection of the details of the stop at issue, including, but not limited to, such details as whether he

[32] Attachment L – Respondent's First IA Interview Transcript, Pg. 22.

lifted the backpack and whether the backpack looked like it could have contained a weapon, and his clear recollection of his conversation with Deputy Palacios, which Respondent repeatedly cited as his explanation for why he thought his supervisors were asking him about a stop in Montebello. The evidence is thus clear and convincing that Respondent lied to IA investigators when he denied calling into the ELA Station.

Credibility Assessment

Under Evidence Code section 780, a witness's credibility may be determined based on "any matter that has any tendency in reason to prove or disprove the truthfulness of this testimony…" and includes the following factors: the witness's demeanor and manner while testifying; the character of his testimony; the extent of the witness to perceive, recollect, or to communicate any matter about which he testifies; the extent of the witness's opportunity to perceive any matter about which he testifies; the witness's character for honesty or veracity or their opposites; the existence or nonexistence of bias, interest, or other motive; a witness's prior consistent or inconsistent statements; the existence or nonexistence of a fact testified by the witness; the witness's attitude; and the witness's admission of untruthfulness.
Based on the above standard, all witnesses interviewed were credible. Their statements were consistent and sincere, and there is no evidence to suggest that any of the witnesses provided false information, had a motive to lie, or had a bias against Respondent.

Respondent is not credible. In addition to the lies and false statements directly refuted by the evidence, there are several other factors that contributed to this assessment:

- Respondent did not notify dispatch that he was conducting a traffic stop of [complainant] in front of the Commerce Casino.
- Respondent did not properly document and log his traffic stop of [complainant].

- Respondent conducted at least 4 traffic stops on the morning in question, but [complainant] was the only person he decided to search. Based on the facts surrounding all the stops, [complainant's] stop was the least likely one to warrant a vehicle search.
- Respondent stated he stopped [complainant] for expired registration but gave no adequate explanation for why he decided to search his car. Without this justification, it is difficult to understand why Respondent chose to search [complainant's] vehicle based on a very minor traffic infraction.
- Respondent stated he was given consent by [complainant] to search his car but did not search the backpack sitting on the front passenger seat. If what Respondent stated is true, this would be outside of normal "Search" practices. It is more likely that Respondent did not want to admit he opened the backpack during the search. Given the fact that the missing poker chips were allegedly taken from the backpack, Respondent's statements regarding the search are suspicious and inconsistent.
- Respondent provided inconsistent statements between his first and second IA interviews. In his first interview, Respondent stated he was never told the Watch Sergeant was looking for him regarding a stop he conducted in front of the Commerce Casino. After being confronted with his recorded phone conversation with Deputy Strelow, Respondent changed his story and stated Deputy Palacios told him the Watch Sergeant was looking for him regarding a stop in front of the Commerce Casino. This inconsistency reinforces the conclusion that Respondent provided false statements during his IA interviews.
- Respondent provided statements that are refuted by the factual evidence. For example, Respondent stated that he received MDC messages concerning a stop in Montebello, but there is not evidence of such MDC messages were sent. Respondent also stated that he never saw the MDC messages from the Watch Sergeant, despite the fact that he responded to one of those messages and called into the ELA station to inquire about said messages. Finally, Respondent denied calling into the ELA station to

inquire about the messages, which is directly refuted by the audio recording of the call with Deputy Strelow.

Conclusion

There is not clear and convincing evidence Respondent stole $500 in poker chips from the complainant during the traffic stop because it is unclear how many poker chips the complainant had when he left the casino, and that the complainant stopped cooperating with the investigation. However, there is clear and convincing evidence that Respondent lied to his supervisors about the traffic stop and subsequently repeatedly lied during his IA interviews. The facts fully support Respondent knew exactly which traffic stop his supervisors were inquiring about and lied to them about his involvement. In addition, Respondent lied several times during his IA interviews when he:

- Stated his supervisors never asked him specifically about the traffic stop he conducted in front of the Commerce Casino.
- Stated he was not aware that the Watch Sergeant was trying to contact him.
- Stated he deleted the MDC messages from the Watch Sergeant without reading them.
- Stated he never responded to any of the Watch Sergeant's MDC messages.
- Stated he received MDC messages about a stop in "Montebello."
- Stated he was told by Deputy Palacios that there was an inquiry being made about a stop that occurred in "Montebello."
- Stated he did not call and speak to Deputy Strelow.
- Stated that no one gave him information that the Watch Sergeant was inquiring about a stop that occurred in front of the Commerce Casino.

There is clear and convincing evidence to support Respondent committed serious misconduct as defined in Government Code 1205(a)(1) – Dishonesty when he lied to his supervisors and provided false and misleading statements during his IA interviews.

A zero-tolerance policy towards dishonesty is founded in the core principle articulated in *Christal v. Police Commission of the City and County of San Francisco* (1939) 33 Cal.App.2d 564 567:[33]

> [Peace] officers are the guardians of the peace and security of the community, and the efficiency of our whole system, designed for the purpose of maintaining law and order, and depends upon the extent to which such officers perform their duties and are faithful to the trust reposed in them.

Courts have repeatedly emphasized that honesty and integrity are essential requirements for any peace officer position:

> "A deputy sheriff's job is a position of trust, and the public has the right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer. Honesty, credibility, and temperament are crucial to the performance of an officer's duties. Dishonesty is incompatible with the public trust."*34*

Peace officers are routinely placed in situations that the normal civilian may never experience. The officer's ability to remain unbiased, objective, and truthful is critically important. Integrity is not only an issue of police witness credibility in a court of law; it strikes to the core of the ability to perform essential functions effectively. Peace officers are required to draft truthful and objective reports based upon their investigations and observations. Those reports and an officer's testimony are relied upon to further investigations or provide critical evidence in a variety of hearings.[35]

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[33] https://www.law.berkeley.edu/files/Honesty is the Best Policy.pdf.
[34] Kolender v. San Diego Civil Service Commission (2005) 132 Cal. App. 4th 716.
[35] https://www.law.berkeley.edu/files/Honesty is the Best Policy.pdf.

Dishonesty is one of the most dangerous and severe factors in the erosion of public trust. In this case, Respondent lied to his supervisors about his involvement in possible misconduct and repeatedly provided false and misleading statements during his IA interviews to cover up his lies. Although peace officers are not expected to be perfect, they are necessarily held to a higher standard, especially as it relates to honesty. The Law Enforcement Code of Ethics, which must be administered to all peace officer trainees during the POST basic course, emphasizes the importance of a peace officer being truthful and reads in part:

> I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department.[36]

Finally, another consideration in this case is the fact, as a result of the sustained findings in this case and in POST2306952, the Respondent's name will need to be included on a *Brady* List. California Government Code Section 3305.5 defines a Brady List as, "any system index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias, which is maintained by a prosecutorial agency or office in accordance with the holding in *Brady v. Maryland* (1963) 373 U.S. 83."[37] Under *Brady*, the prosecutor must disclose material exculpatory evidence, including potential impeachment evidence concerning the credibility of witnesses, whether in the prosecutor's possession or in the possession of individuals or agencies operating on the prosecutor's behalf, including, but not limited to, law enforcement officials.[38]

VI. Supporting Evidence and Documentation

- Attachment A – Transcript of MDC Messages.

[36] 11 Cal. Code Regs. § 1013.
[37] California Government Code Section 3305.5(e).
[38] People v. Superior Court (Johnson) (2015) 61 Cal. 4th 696, 709.

- Attachment B – Respondent's Unit History Report (UHR).
- Attachment C – Respondent and Strelow's Phone Conversation Transcript.
- Attachment D – Watch Sergeant's ICIB Interview Transcript – Selected Pages.
- Attachment E – Watch Commander's ICIB Interview Transcript – Selected Pages.
- Attachment F – Watch Sergeant's First IA interview Transcript – Selected Pages.
- Attachment G – Watch Commander's Second IA Interview – Selected Pages.
- Attachment H – Respondent's GST (GPS) Tracker Report.
- Attachment I – Email from Complainant to LASD dated February 26, 2020.
- Attachment J – Email from Respondent's Attorney dated January 30, 2020.
- Attachment K – Los Angeles County District Attorney Charge Evaluation Sheet.
- Attachment L – Respondent's First IA Interview Transcript – Selected Pages.
- Attachment M – Deputy Palacios' IA Interview Transcript – Selected Pages.
- Attachment N – Respondent's Second IA Interview Transcript – Selected Pages.
- Attachment O – Respondent's POST Profile.
- Attachment P – Copies of LASD Policies mentioned in Report.

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: October 28, 2024

CASE #: POST2309558

PEACE OFFICER: Braulio J. Robledo

POST ID#: A83-R39

AGENCY: Los Angeles County Sheriff's Department

POST CONSULTANT / BC: Mark Evenson / Mike Radford

ALLEGATION(S):

The Los Angeles County Sheriff's Department (LASD) submitted this case to POST, in which they alleged the subject officer, Deputy Braulio J. Robledo, hereafter "Respondent," was involved in serious misconduct when he lied to his supervisors and lied during an internal affairs investigation regarding a complaint that Respondent conducted a traffic stop in front of the Commerce Casino and during a search of the vehicle, stole $500 in poker chips. After reviewing this investigation, the Division has determined Respondent committed serious misconduct as defined in Penal Code section 13510.8(b)(1) and California Regulation 1205(a)(1) – Dishonesty.

The Respondent committed serious misconduct when he lied to his supervisors denying any knowledge of a traffic stop that he clearly conducted just a few hours earlier, and further, Respondent was dishonest during the Internal Affairs (IA) interviews when he: 1) claimed his supervisors never asked him about the specific traffic stop near the Commerce Casino; 2) claimed he received information that supervisors were inquiring about a stop that occurred in Montebello; 3) claimed he deleted the MDC messages sent by the Watch Sergeant without reading them; 4) claimed he never responded to the Sergeant's MDC messages; 5) claimed he had no knowledge of why the Watch Sergeant was trying to get a hold of him; and 6) denied he called into the East LA Sheriff's Station and spoke to Deputy Strelow about the traffic stop in front of the Commerce Casino.

Clear and convincing evidence exists to show Respondent did stop the complainant at Telegraph Road and Washington Blvd and lied to his supervisors about the traffic stop, and that Respondent lied to IA investigators during his IA interviews.

California Penal Code (CPC) § 13510.8(a)(2) states a peace officer may have their peace officer certifcation suspended or revoked if that peace office has engaged in serious misconduct, such as dishonesty, as described n CPC § 13510.8(b)(1).

CPC § 13510.8(b)(1) defines dishonesty as "relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct."

With the completion of the Commission on Peace Officer Standards and Training (POST) investigation and review, reasonable grounds exist to submit this case to the Peace Office Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to CPC § 13510.8.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent, pursuant to penal code section 13510.8(b)(1), was dishonest during an internal affairs investigation.

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	11/6/24 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	11/05/2024 Date
Manny Alvarez Executive Director	Signature	11/06/2024 Date

cc: Bureau Chief Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

CERTIFICATION OF RECORDS

I hereby certify that the attached Los Angeles County Sheriff's Department records are full, true and correct of the originals on file and of record in my Office.

ADMINISTRATIVE MESSAGES AND CLETS/JDIC INQUIRIES AND RETURNS FOR 27 EMS 01/02/20 0500 TO 0600 HRS

Alex Villaneuva, SHERIFF
County of Los Angeles
State of California

Certified By: **SANDY POOLE**

Employee **#223498**

Signature: _____

Date: May 7, 2020

SH-R-357 (REV. 2/92)

POST230955B-1-SB2

```
TMFREADK run on \KDV.  05/06/20   11:00:07

**********************  U S E R    S E L E C T I O N S  **********************


   Report Type........  TMFREAD
   Record Type........  BOTH INPUT & OUTPUT
   Beginning Date.....  01/02/20   (2020)       Beginning Time.....  05:00:00
   Ending Date........  01/02/20   (2020)       Ending Time........  06:00:59
   Program Names......  ADMN
   Source Names.......  MDC10256
   Destination Names..  MDC10256
   Audittrail.........  $OPER.TMFRST.AA
   Beginning Seq No...  020873                  Ending Seq No......  020873
   Search Text........
   Transaction ID.....
   Display Option.....  PRINTER                 Spooler Location...  $S.#STMFA




FIRST audittrail -  $OPER.TMFRST.AA020873
    FIRST record   date/time -   01/02/20 (20002)   04:37:21
    LAST  record   date/time -   01/02/20 (20002)   07:18:41

LAST  audittrail -  $OPER.TMFRST.AA020873
    LAST  record   date/time -   01/02/20 (20002)   07:18:41


RBA - 064109300    Transid = 001002 010662 031355 000000      Message type = O
Message date/time  = 01/02/20 (20002)   05:08:17
Program name = ADMN                              Destination terminal = MDC10256
Message body (78 bytes per line):
01/02/20  0508  TO: 27, 27T, 27H .FROM: ELAWS.DID ANY OF YOU STOP MR. [V1]
 AT WASHINGTON/TELEGRAPH EARLIER A.T..

RBA - 089156548    Transid = 001002 010662 032432 000000      Message type = O
Message date/time  = 01/02/20 (20002)   05:21:47
Program name = ADMN                              Destination terminal = MDC10256
Message body (78 bytes per line):
01/02/20  0521  TO: 27 .FROM: ELAWS.DID YOU PULL OVER MR. [V1] AT WASHINGT
ON/TELEGRAPH A FEW HOURS AGO..

RBA - 115003332    Transid = 001005 040276 126471 000000      Message type = I
Message date/time  = 01/02/20 (20002)   05:33:25
Program name = ADMN                                Source terminal = MDC10256
Message header (78 bytes per line):
```

POST-230558-1-SB2

```
M870A180DEF 0000    000ELA27    /120002   00000-0000   00000-000000 0000000000
000 0000000000000 0000000000000 0000000000000 0000000000000 0000000000000 0000
000000000    0000000000000 00000
Message body (78 bytes per line):
TO ELAWS/CALLED U SARGE .. .

RBA - 122057436    Transid = 001002 010662 034327 000000      Message type = O
Message date/time  = 01/02/20 (20002)   05:37:14
Program name = ADMN                              Destination terminal = MDC10256
Message body (78 bytes per line):
01/02/20  0537   REPLY TO: 27 .FROM: ELAWS [redacted]..


*********************  U S E R   S E L E C T I O N S  *********************


   Report Type........  TMFREAD
   Record Type........  BOTH INPUT & OUTPUT
   Beginning Date.....  01/02/20   (2020)       Beginning Time.....  05:00:00
   Ending Date........  01/02/20   (2020)       Ending Time........  06:00:59
   Program Names......  ADMN
   Source Names.......  MDC10256
   Destination Names..  MDC10256
   Audittrail.........  $OPER.TMFRST.AA
   Beginning Seq No...  020873                  Ending Seq No......  020873
   Search Text........
   Transaction ID.....
   Display Option.....  PRINTER                 Spooler Location...  $S.#STMFA




FIRST audittrail -  $OPER.TMFRST.AA020873
    FIRST record   date/time -   01/02/20 (20002)   04:37:21
    LAST  record   date/time -   01/02/20 (20002)   07:18:41


LAST  audittrail -  $OPER.TMFRST.AA020873
    LAST  record   date/time -   01/02/20 (20002)   07:18:41


TMFREADK run on \KDV.  05/06/20   11:04:22
```

POST230958-1-SB2

```
TMFREADK run on \KDV.  05/06/20   11:06:58

**********************  U S E R    S E L E C T I O N S  **********************


   Report Type........  TMFREAD
   Record Type........  INPUT
   Beginning Date.....  01/02/20   (2020)       Beginning Time.....  05:00:00
   Ending Date........  01/02/20   (2020)       Ending Time........  06:00:59
   Program Names......  RFMT
   Source Names.......  MDC10256
   Destination Names..  ALL
   Audittrail.........  $OPER.TMFRST.AA
   Beginning Seq No...  020873                  Ending Seq No......  020873
   Search Text........
   Transaction ID.....
   Display Option.....  PRINTER                 Spooler Location...  $S.#STMFR




FIRST audittrail -  $OPER.TMFRST.AA020873
    FIRST record   date/time -   01/02/20 (20002)   04:37:21
    LAST  record   date/time -   01/02/20 (20002)   07:18:41

LAST  audittrail -  $OPER.TMFRST.AA020873
    LAST  record   date/time -   01/02/20 (20002)   07:18:41


**********************  U S E R    S E L E C T I O N S  **********************


   Report Type........  TMFREAD
   Record Type........  INPUT
   Beginning Date.....  01/02/20   (2020)       Beginning Time.....  05:00:00
   Ending Date........  01/02/20   (2020)       Ending Time........  06:00:59
   Program Names......  RFMT
   Source Names.......  MDC10256
   Destination Names..  ALL
   Audittrail.........  $OPER.TMFRST.AA
   Beginning Seq No...  020873                  Ending Seq No......  020873
   Search Text........
   Transaction ID.....
   Display Option.....  PRINTER                 Spooler Location...  $S.#STMFR
```

PCCT23095558-1-SB2

```
FIRST audittrail -  $OPER.TMFRST.AA020873
    FIRST record   date/time -   01/02/20 (20002)   04:37:21
    LAST  record   date/time -   01/02/20 (20002)   07:18:41


LAST  audittrail -  $OPER.TMFRST.AA020873
    LAST  record   date/time -   01/02/20 (20002)   07:18:41


TMFREADK run on \KDV.  05/06/20   11:11:10
```

POST2309558-1-SB2

```
TMFREADK run on \KDV.  05/06/20   12:18:00

**********************  U S E R    S E L E C T I O N S  **********************


   Report Type........  TMFREAD
   Record Type........  OUTPUT
   Beginning Date.....  01/02/20   (2020)       Beginning Time.....  05:00:00
   Ending Date........  01/02/20   (2020)       Ending Time........  06:00:59
   Program Names......  CLETS    JDIC
   Source Names.......  ALL
   Destination Names..  MDC10256
   Audittrail.........  $OPER.TMFRST.AA
   Beginning Seq No...  020873                  Ending Seq No......  020873
   Search Text........
   Transaction ID.....
   Display Option.....  PRINTER                 Spooler Location...  $S.#STMFC




FIRST audittrail -  $OPER.TMFRST.AA020873
    FIRST record   date/time -   01/02/20 (20002)   04:37:21
    LAST  record   date/time -   01/02/20 (20002)   07:18:41

LAST  audittrail -  $OPER.TMFRST.AA020873
    LAST  record   date/time -   01/02/20 (20002)   07:18:41


**********************  U S E R    S E L E C T I O N S  **********************


   Report Type........  TMFREAD
   Record Type........  OUTPUT
   Beginning Date.....  01/02/20   (2020)       Beginning Time.....  05:00:00
   Ending Date........  01/02/20   (2020)       Ending Time........  06:00:59
   Program Names......  CLETS    JDIC
   Source Names.......  ALL
   Destination Names..  MDC10256
   Audittrail.........  $OPER.TMFRST.AA
   Beginning Seq No...  020873                  Ending Seq No......  020873
   Search Text........
   Transaction ID.....
   Display Option.....  PRINTER                 Spooler Location...  $S.#STMFC
```

PGT23000558-1-SB2

```
FIRST audittrail -  $OPER.TMFRST.AA020873
    FIRST record   date/time -   01/02/20 (20002)   04:37:21
    LAST  record   date/time -   01/02/20 (20002)   07:18:41

LAST  audittrail -  $OPER.TMFRST.AA020873
    LAST  record   date/time -   01/02/20 (20002)   07:18:41

TMFREADK run on \KDV.  05/06/20   12:22:12
```

POST2309558-1-SB2

Message print requested by terminal:ELAWC 01/05/20 07:17:26 P01

01/05/20 07:17 From DMV:
POSSIBLE FILE CODES: A([redacted]) S([redacted])
REG VALID FROM: 12/12/18 TO 12/12/19
LIC# [redacted] YRMD:09 MAKE:LEXS BTM :4D VIN [redacted]
R/O : [redacted], OR [redacted]
CITY: [redacted]

01/05/20 07:17 From SVS:
LIC/[redacted].LIS/
NO HITS-SVS
01/05/20 07:17 From CWS:
IW *INFO* - VLN# [redacted] CA NO HIT-CWS

EXHIBIT C
POST2309558 – Braulio J. Robledo

Transcript of phone call between the Subject Robledo and an on-duty desk officer, Deputy Strelow, on Thursday, January 22, 2020 at 0525hrs.

Strelow: "…Sheriffs, Strelow"

Robledo: "Hey sir, uh, Watch Sergeant I guess there is, uh…"

Strelow: "You know, I don't know if they're on another line or what. Let me put you on hold for a second make sure they're back there just a sec."

Robledo: "Thank you."

Strelow: "Yeah, they're not in right now, uh, do you want me to switch you over to the Watch Commander or.."

Robledo: "Uh, I think the Watch Sergeant had typed, not sure.."

Strelow: "The Watch Sergeant what?"

Robledo: "He had typed, uh, he had typed me and I guess the Commerce units that's why were trying to get a hold of them,,,"

Strelow: "Ah, ok, um, oh I think um, yeh, hang on a sec here, um, you, can you call, let's see here, we got a non-taped line here, is there a non-taped line at the desk, do you know?"

Robledo: "I'm not sure."

Strelow: "I'm working COMP here." I think it's regarding a possible traffic stop or something. We had somebody call on, so, hang on and let me put you on hold."

Robledo: Alright."

Placed On Hold

Second conversation begins at 0528hrs

Strelow: "Hey ya, I'm back, yeah, Inital is the Watch Sergeant, but I think that's what it's about. He's not in the office right now, um, you probably don't want to talk to him on a taped line anyway, um…"

Robledo: "Yeah."

Strelow: “So, it’s regarding…some guy had called and said that he was pulled over in front of the Commerce Casino and first he didn’t know, you know, he first he was saying it was a somebody, officer with a brown pants and brown shirt, so I said ok tan shirt tan pants that’s probably CHP and then he’s claiming well I’ve never seen CHP with a SUV, so, anyways, regarding that. Now he’s claiming that somethings missing from his vehicle, so, might want to just call back a little bit later, or, or, get a hold on the…”

Robledo: “I’ll get a hold of once we go into the station..cause I had someone on Fidelia and Washington and it was a kid..a kid that works, that lives on Washington.”

Strelow: Yeah, well, like I say, he original says it was all tan, so it might not even be our agency, so, but anyway,,,”

Robledo: “Yeah.”

Strelow: “That’s what that’s about.”

Robledo: “Alright.”

Strelow: “I’m guessing, ha, ha, so, ok, bye.”

Robledo: “Bye.”

Inital: I think she's the one who picked up the phone and then, but then, I don't know, maybe five minutes.

Salazar: So, within five minutes of you –

Inital: Yeah, within –

Salazar: - of Deputy Robledo denying –

Inital: Because she works, excuse me to interrupt. She worked the field sergeant that day.

Salazar: Right.

Inital: And I worked the watch sergeant. So, we worked hand in hand, we help each other.

Salazar: Okay. So, within five minutes of Deputy Robledo denying that he conducted this traffic stop, Sergeant Escobedo spoke to you and you provided that information to her?

Inital: Uh huh.

Salazar: Saying that he denied the traffic stop?

Inital: Right.

Salazar: Okay.

Inital: In fact, I think she may have even been there. Because I remember it was her, maybe she was, maybe she's not. But even the watch commander was there.

Salazar: Okay. So, this conversation with Deputy Robledo took place in front of the watch commander?

Inital: Right. In the watch commander's office.

Salazar: Do you remember –

Inital: Because I remember, I was in the watch sergeant's office, it was just right there. He came in and then I took him to the watch commanders' office.

Salazar: Okay. Do you remember who the watch commander was?

POST230958-1-SB2

LASD-000173 RELEASE DATE: 7/29/2024

Inital: Easter.

Salazar: Okay, Lieutenant Easter, okay. Okay.

Inital: Yeah, all the conversation between me and Robledo was in front of another supervisor. Either Easter or Nancy Escobedo. I'm not sure which one, but I know for sure at least one of them was present.

Salazar: Okay. But for the most part you were the one conducting the –

Inital: At the beginning, yes.

Salazar: Asking the questions, correct?

Inital: At the beginning, yes. And then after that –

Salazar: Yeah, but with the conversation regarding the conversation with Deputy Robledo?

Inital: I think we all did.

Salazar: Okay.

Inital: Some, because the conversation was, the first was, "Did you stop this vehicle?" And then he said, "I didn't." and then someone said, "If you stopped the vehicle, if you didn't put an obs -." Because at the same time, at the time we were (inaudible) the obs. We can (inaudible) create an obs and then clear it, and then what you did, let us know what happened. And he said he didn't stop the car. And we're like, "Are you sure you didn't stop the car?", "No, we did not stop, I did not stop the car."

Salazar: Okay.

Morris: Earlier you said that, and you were unsure if either Robledo or maybe one of the other two units that were also working Commerce that night, said that they may have stopped or they told you that they had stopped somebody else?

Inital: Right, they had stopped two cars.

Morris: Right. But you didn't know if that was Robledo or the other two units?

Inital: Right.

POST 25 0958-1-SB2

LASD-000174 RELEASE DATE: 7/29/2024

Salazar: Okay. And so, so, when Sergeant Inital, he sent MDC messages out to the Commerce Units; and do you know if Deputy Robledo responded to those MDC messages?

Easter: I do not. In fact, I think, I mean I'm not a hundred percent sure that he sent an MDC message, but I know for a fact he did run the units that worked that area their unit detail.

Salazar: Okay.

Easter: And that's how the license plate to this gentleman's car came up associated with Deputy Robledo's car.

Salazar: Okay. And Deputy Robledo was working, do you know what shift he was working?

Easter: He worked earlies.

Salazar: Early morning shift?

Easter: Yeah. So, we relieve the watch commander, relieve at like four in the morning. That's why I wasn't sure I worked; sometimes I work graveyard. But I was there in the morning. So, it kind of overlaps with the day shift and the early morning shift.

Salazar: Okay. And so, at the end of Deputy Robledo's shift, he came in; he came into the office and spoke to Sergeant Inital?

Easter: I'm not a hundred percent sure if it was the ending of his shift, but I know it was between the time that I got in and the time that he was supposed to leave. So, I don't know if he got off at 7 or 6, for that matter. But me and Inital work. So, it would have had to have been I'm assuming after 5, because Inital gets there at 5. His relief, he relieves at 5. I'm there at 4, he's there at 5. So, it had to happen somewhere between 5 and whatever time Robledo got off.

Salazar: Okay. And so, when Sergeant Inital and Deputy Robledo came into your office, do you remember that conversation specifically? I know –

Easter: Well, some time had lapsed and I think the questions were asked that, "Hey, did you stop this vehicle?" And I'm not sure what kind of vehicle it was, but we had the information.

Salazar: Uh huh.

POSS2005558-1-SB2

LASD-000181 RELEASE DATE: 7/29/2024

Easter: And he was adamant that he didn't stop the vehicle.

Salazar: Okay.

Easter: He didn't have any recollection. But he did recall, he made mention that he ran a bunch of plates that night; and that's how we got the you know, there was unit details that he did run this particular plate. But he didn't have, he didn't have any recollection of running a plate and he didn't have any recollection of doing a T stop.

Salazar: Okay. And I know it's been several months, I know it's been a while; but do you remember if the time that the plate was ran, if it was right around the same time of the person alleged the incident occurred?

Easter: Yes, it was around the same time. Yes. I believe I, I'm not sure, I know I've read a document sometime after that. I don't know if the guy filed a civil claim or something like that. Because I work Operations now.

Salazar: Okay.

Easter: So, but it was within that same time period.

Salazar: Okay. And then did you direct Sergeant Escobedo to conduct an inquiry on this incident?

Easter: Yes. Uh huh.

Salazar: Okay.

Morris: I think the only question I have is the, where Robledo came into the watch commander's office that morning, the fact that he ran the, we'll call him the victim, the victim's plate; was that before or after your conversation with Robledo?

Easter: I'm not understanding. You said –

Morris: The fact that Robledo ran a plate that was in his unit details.

Easter: Uh huh.

Morris: Was that knowledge known before Robledo went into your office or is that afterwards?

Easter: We knew before. That was the whole reason for bringing him in.

LASD-000182 RELEASE DATE: 7/29/2024

POST230955-1-SB2

Cardenas: Okay. And in your opinion at that time did Deputy Robledo have information such as the name, the vehicle, license plate, vehicle description of Mr. [redacted] so that when he's answering your questions there's no ambiguity?

Inital: No. He should know.

Cardenas: He knew exactly the person and the vehicle that you were asking about?

Inital: Yes.

Cardenas: So, there - so him saying no I didn't stop a car in this area or I didn't stop or forget that. So, when he says I didn't stop that car he knows you're specifically asking about Mr. [redacted] and M[redacted]'s vehicle?

Inital: He said he did not remember all the vehicles and the people he conducted a stop on - that he made contact that he made.

Cardenas: He didn't remember all of the people that he stopped?

Inital: Yes.

Cardenas: Are you saying then it's possible that he stopped this car or did he say I did not stop that car?

Inital: He said I did not stop that car.

Cardenas: He did say that?

Inital: Right.

Cardenas: Okay. And again just my question was when he says that car you gave him enough information to know that you're talking about only Mr. [redacted]'s --

Inital: Yes.

Cardenas: - and his vehicle?

Inital: Yes.

Cardenas: Did Robledo give you any indication that he might have been mistaken or confused as to what you guys were asking him about?

Easter: No, not at all.

Cardenas: That is all the questions I have. Is there anything else you feel would be relevant to this investigation?

Easter: No, I don't have anything else.

Cardenas: Okay, sir, and at this time, we'll go off record. The time is 10:48 a.m.

POST230558-1-SB2

SH-AD-32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: January 6, 2020
FILE NO:

OFFICE CORRESPONDENCE

FROM: RICHARD MEJIA, A/CAPTAIN
EAST LOS ANGELES STATION

TO: JUDY A. ANDERSON, CAPTAIN
COMMUNICATIONS AND FLEET
MANAGEMENT BUREAU

SUBJECT: REQUEST FOR FORENSIC DATA FROM MDC & GPS COORDINATES

East Los Angeles Station is currently conducting a confidential criminal allegation inquiry.

In furtherance of this inquiry, please provide Sergeant Nancy Escobedo with a forensic review of data generated, to include Global Positioning System for the Mobile Digital Computer in vehicle #SD6454.

We are specifically looking to determine if the above vehicle was involved in a traffic stop at, or near, Telegraph Road / East Washington Boulevard, city of Commerce, on January 2, 2020, between 0245 hours and 0330 hours.

Should you have questions concerning this request, please contact Sergeant Nancy Escobedo at [redacted].

RM:NE:ne

POST 23-00558-1SB2

Escobedo, Nancy

From: Escobedo, Nancy
Sent: Tuesday, January 07, 2020 12:51 PM
To: Kaufman, Michael B
Subject: MDC Request
Attachments: COMM FLEET.pdf

Hello Sir,

The vehicle mentioned on the attached memo is incorrect. The correct vehicle # is SH6454.

Thank you,

Sergeant Nancy Escobedo
East Los Angeles Station
5019 E. 3rd Street
Los Angeles, CA 90022
[redacted] – Office

Los Angeles County
Sheriff's Department

POST2309558-1-SB2

Escobedo, Nancy

From: Kaufman, Michael B
Sent: Tuesday, January 07, 2020 2:11 PM
To: Mejia, Richard; Escobedo, Nancy
Cc: Anderson, Judy A.; Guerrero, Mark A; O'Brien, Lynette R.
Subject: GST Map History Request ELA

Sir,

The ELA request for map history report has been completed. The official request memo and data is available here. The handling investigator(s) have been granted access to the folder here. I am sending you this email on behalf of Judy A. Anderson, Captain CFMB.

If I can be of further assistance, please call.

-Mike

POST230955B-1-SB2

LASD-000054 RELEASE DATE: 7/29/2024

GST Trailed Image LASD ELA Patrol Vehicle SH6454 01022020 0245HRS-0330HRS



POST230558-1-SB2

GST Tracker® Report

Activity Report [01/02/2020 02:45 - 01/02/2020 03:30]

SH6454

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 02:45:36 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:45:44 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:45:56 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:46:06 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:46:16 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:46:26 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:46:37 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:46:47 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:46:57 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:47:07 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:47:18 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:47:28 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:47:37 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:47:48 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:47:58 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:48:08 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:48:19 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:48:30 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:48:39 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:48:50 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:49:00 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:49:10 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:49:20 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:49:31 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:49:41 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N

LASD-000056 RELEASE DATE: 7/29/2024

POST230SFT-SB2

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 02:49:51 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:50:01 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:50:11 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:50:21 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:50:31 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:50:41 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:50:53 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:51:03 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:51:14 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:51:24 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:51:36 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:51:46 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:51:56 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:52:05 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:52:15 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:52:25 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:52:36 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:52:46 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:52:56 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:53:05 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:53:16 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:53:26 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:53:36 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:53:46 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:53:56 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:54:06 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:54:17 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:54:27 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:54:37 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N

LASD-000057 RELEASE DATE: 7/29/2024

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 02:54:47 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:54:58 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:55:09 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:55:19 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:55:28 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:55:39 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:55:49 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:55:58 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:56:08 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:56:19 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:56:28 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:56:39 [PST]		GPS 0 N Stopped	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:56:46 [PST]		GPS 327 NW 20 mph	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 02:56:48 [PST]		GPS 320 NW 34 mph	[COMMERCE, CA] TELEGRAPH RD/NONAME ST | S TUBEWAY AV
01/02/2020 02:56:50 [PST]		GPS 319 NW 42 mph	[COMMERCE, CA] TELEGRAPH RD/NONAME ST | S TUBEWAY AV
01/02/2020 02:56:52 [PST]		GPS 320 NW 51 mph	[COMMERCE, CA] TELEGRAPH RD/NONAME ST | S TUBEWAY AV
01/02/2020 02:56:54 [PST]		GPS 320 NW 58 mph	[COMMERCE, CA] TELEGRAPH RD/TRAVERS AV | NONAME ST
01/02/2020 02:56:56 [PST]		GPS 320 NW 62 mph	[COMMERCE, CA] TELEGRAPH RD/TRAVERS AV | NONAME ST
01/02/2020 02:56:58 [PST]		GPS 321 NW 57 mph	[COMMERCE, CA] TELEGRAPH RD/TRAVERS AV | NONAME ST
01/02/2020 02:57:00 [PST]		GPS 321 NW 49 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 02:57:03 [PST]		GPS 321 NW 44 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 02:57:07 [PST]		GPS 321 NW 32 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 02:57:09 [PST]		GPS 321 NW 24 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 02:57:11 [PST]		GPS 322 NW 16 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:57:13 [PST]		GPS 321 NW 5 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:57:23 [PST]		GPS 322 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:57:27 [PST]		GPS 322 NW 8 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:57:30 [PST]		GPS 321 NW 16 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:57:41 [PST]		GPS 325 NW 18 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV

LASD-000058 RELEASE DATE: 7/29/2024

POST2309SEIZ1SP2

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 02:57:43 [PST]		GPS 321 NW 12 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:57:46 [PST]		GPS 316 NW 4 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:57:58 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:58:10 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:58:20 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:58:30 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:58:41 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:58:51 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:59:01 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:59:10 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:59:18 [PST]		GPS 279 W 6 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:59:29 [PST]		GPS 139 SE 17 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:59:38 [PST]		GPS 140 SE 9 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:59:42 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 02:59:52 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 03:00:02 [PST]		GPS 141 SE 5 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 03:00:06 [PST]		GPS 140 SE 13 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 03:00:08 [PST]		GPS 140 SE 18 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 03:00:10 [PST]		GPS 141 SE 19 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 03:00:13 [PST]		GPS 140 SE 26 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 03:00:20 [PST]		GPS 141 SE 31 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 03:00:22 [PST]		GPS 141 SE 33 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV
01/02/2020 03:00:27 [PST]		GPS 141 SE 35 mph	[COMMERCE, CA] TELEGRAPH RD/TRAVERS AV | NONAME ST
01/02/2020 03:00:34 [PST]		GPS 141 SE 36 mph	[COMMERCE, CA] TELEGRAPH RD/NONAME ST | S TUBEWAY AV
01/02/2020 03:00:42 [PST]		GPS 141 SE 32 mph	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 03:00:46 [PST]		GPS 141 SE 26 mph	[COMMERCE, CA] TELEGRAPH RD/NONAME ST | S TUBEWAY AV
01/02/2020 03:00:48 [PST]		GPS 141 SE 20 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:00:52 [PST]		GPS 141 SE 9 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:00:54 [PST]		GPS 141 SE 3 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N

LASD-000059 RELEASE DATE: 7/29/2024

POST2395-ISB2

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 03:00:56 [PST]		GPS 141 SE 2 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:01:01 [PST]		GPS 142 SE 10 mph	[COMMERCE, CA] I-5 N/EXIT WASHINGTON BL | ENTER I-5 N
01/02/2020 03:01:07 [PST]		GPS 140 SE 18 mph	[COMMERCE, CA] TELEGRAPH RD/S TUBEWAY AV | ENTER I-5 N
01/02/2020 03:01:13 [PST]		GPS 140 SE 10 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:01:16 [PST]		GPS 141 SE 2 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:01:26 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:01:32 [PST]		GPS 141 SE 8 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:01:35 [PST]		GPS 140 SE 23 mph	[COMMERCE, CA] EXIT WASHINGTON BL/I-5 N | TELEGRAPH RD
01/02/2020 03:01:37 [PST]		GPS 140 SE 31 mph	[COMMERCE, CA] EXIT WASHINGTON BL/I-5 N | TELEGRAPH RD
01/02/2020 03:01:38 [PST]		GPS 140 SE 34 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:41 [PST]		GPS 139 SE 40 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:43 [PST]		GPS 140 SE 40 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:46 [PST]		GPS 141 SE 35 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:49 [PST]		GPS 143 SE 28 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:51 [PST]		GPS 146 SE 20 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:53 [PST]		GPS 148 SE 14 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:54 [PST]		GPS 150 SE 13 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:01:58 [PST]		GPS 143 SE 6 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:02:00 [PST]		GPS 141 SE 1 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:02:03 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:02:13 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:02:22 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:02:33 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:02:43 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:02:53 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:03:03 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:03:13 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:03:23 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:03:33 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL

LASD-000060 RELEASE DATE: 7/29/2024

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SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 03:03:43 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:03:54 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:04:04 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:04:14 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:04:23 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:04:34 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:04:44 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:04:54 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:05:04 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:05:14 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:05:24 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:05:34 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:05:46 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:05:56 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:06:07 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:06:16 [PST]		GPS 141 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:06:27 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:06:38 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:06:49 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:06:59 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:07:10 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:07:20 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:07:30 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:07:40 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:07:50 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:08:01 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:08:12 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:08:22 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:08:32 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL

LASD-000061 RELEASE DATE: 7/29/2024

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 03:08:42 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:08:53 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:09:04 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:09:14 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:09:24 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:09:34 [PST]		GPS 140 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:09:44 [PST]		GPS 139 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:09:55 [PST]		GPS 139 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:10:06 [PST]		GPS 139 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:10:17 [PST]		GPS 139 SE Stopped	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:10:26 [PST]		GPS 117 SE 8 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:10:36 [PST]		GPS 110 E 5 mph	[COMMERCE, CA] E WASHINGTON BL/TELEGRAPH RD
01/02/2020 03:10:43 [PST]		GPS 324 NW 14 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:10:47 [PST]		GPS 320 NW 21 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:10:52 [PST]		GPS 320 NW 26 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:11:02 [PST]		GPS 321 NW 26 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:11:05 [PST]		GPS 321 NW 19 mph	[COMMERCE, CA] TELEGRAPH RD/EXIT WASHINGTON BL | E WASHINGTON BL
01/02/2020 03:11:14 [PST]		GPS 321 NW 21 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:11:21 [PST]		GPS 321 NW 12 mph	[COMMERCE, CA] TELEGRAPH RD/S TUBEWAY AV | ENTER I-5 N
01/02/2020 03:11:25 [PST]		GPS 320 NW 2 mph	[COMMERCE, CA] TELEGRAPH RD/S TUBEWAY AV | ENTER I-5 N
01/02/2020 03:11:35 [PST]		GPS 320 NW 16 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:11:37 [PST]		GPS 320 NW 19 mph	[COMMERCE, CA] ENTER I-5 N/TELEGRAPH RD | I-5 N
01/02/2020 03:11:41 [PST]		GPS 321 NW 26 mph	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 03:11:43 [PST]		GPS 321 NW 28 mph	[COMMERCE, CA] I-5 N/ENTER I-5 N | EXIT ATLANTIC BL N
01/02/2020 03:11:46 [PST]		GPS 321 NW 31 mph	[COMMERCE, CA] TELEGRAPH RD/NONAME ST | S TUBEWAY AV
01/02/2020 03:11:50 [PST]		GPS 321 NW 33 mph	[COMMERCE, CA] TELEGRAPH RD/NONAME ST | S TUBEWAY AV
01/02/2020 03:11:56 [PST]		GPS 321 NW 32 mph	[COMMERCE, CA] TELEGRAPH RD/TRAVERS AV | NONAME ST
01/02/2020 03:12:04 [PST]		GPS 320 NW 31 mph	[COMMERCE, CA] TELEGRAPH RD/TRAVERS AV | NONAME ST
01/02/2020 03:12:12 [PST]		GPS 322 NW 31 mph	[COMMERCE, CA] TELEGRAPH RD/GASPAR AV | TRAVERS AV

LASD-000062 RELEASE DATE: 7/29/2024

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 03:12:18 [PST]		GPS 323 NW 23 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 03:12:20 [PST]		GPS 325 NW 14 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 03:12:23 [PST]		GPS 349 N 10 mph	[COMMERCE, CA] TELEGRAPH RD/CITADEL DR | GASPAR AV
01/02/2020 03:12:29 [PST]		GPS 44 NE 19 mph	[COMMERCE, CA] GASPAR AV/TELEGRAPH RD
01/02/2020 03:12:41 [PST]		GPS 341 N 11 mph	[COMMERCE, CA] GASPAR AV/TELEGRAPH RD
01/02/2020 03:12:50 [PST]		GPS 47 NE 12 mph	[COMMERCE, CA] Off Street
01/02/2020 03:12:59 [PST]		GPS 12 N 4 mph	[COMMERCE, CA] Off Street
01/02/2020 03:13:01 [PST]		GPS 3 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:13:12 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:13:22 [PST]		GPS 310 NW 3 mph	[COMMERCE, CA] Off Street
01/02/2020 03:13:32 [PST]		GPS 303 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:13:42 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:13:52 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:14:01 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:14:13 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:14:22 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:14:33 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:14:43 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:14:53 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:15:03 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:15:13 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:15:23 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:15:32 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:15:43 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:15:54 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:16:04 [PST]		GPS 315 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:16:15 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:16:25 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:16:35 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street

LASD-000063 RELEASE DATE: 7/29/2024

POST2309558-1-SB2

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 03:16:44 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:16:55 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:17:05 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:17:14 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:17:25 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:17:35 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:17:45 [PST]		GPS 316 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:17:55 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:18:05 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:18:14 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:18:24 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:18:35 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:18:45 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:18:54 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:19:05 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:19:16 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:19:26 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:19:35 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:19:47 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:19:58 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:20:08 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:20:17 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:20:28 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:20:38 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:20:46 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:20:58 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:21:09 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:21:19 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:21:28 [PST]		GPS 317 NW Stopped	[COMMERCE, CA] Off Street

POST23035581-SB2
LASD-000064 RELEASE DATE: 7/29/2024

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 03:21:42 [PST]		GPS 318 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:21:52 [PST]		GPS 318 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:22:02 [PST]		GPS 318 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:22:11 [PST]		GPS 318 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:22:23 [PST]		GPS 318 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:22:33 [PST]		GPS 318 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:22:43 [PST]		GPS 318 NW Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:22:54 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:23:04 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:23:15 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:23:23 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:23:35 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:23:45 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:23:56 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:24:05 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:24:16 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:24:26 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:24:36 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:24:45 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:24:56 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:25:07 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:25:17 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:25:27 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:25:38 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:25:48 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:25:58 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:26:08 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:26:20 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:26:29 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street

POST230558-SB2
LASD-000065 RELEASE DATE: 7/29/2024

SH6454

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
01/02/2020 03:26:40 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:26:50 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:27:00 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:27:10 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:27:22 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:27:32 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:27:42 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:27:53 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:28:05 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:28:15 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:28:26 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:28:34 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:28:46 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:28:56 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:29:06 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:29:16 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:29:26 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:29:36 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:29:46 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:29:57 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:30:07 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:30:18 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street
01/02/2020 03:30:29 [PST]		GPS 0 N Stopped	[COMMERCE, CA] Off Street

LASD-000066 RELEASE DATE: 7/29/2024

POST230558-1-SB2

Salazar Jr., Alfredo

From: Escobedo, Nancy
Sent: Wednesday, February 26, 2020 5:41 PM
To: Salazar Jr., Alfredo
Subject: FW: For: Sergeant Salazar

Hi Al,

I just received this email from [redacted].

Nancy

From: [redacted]
Sent: Wednesday, February 26, 2020 5:34 PM
To: Escobedo, Nancy
Subject: For: Sergeant Salazar

Hello Ms.Escobedo,

Can you please forward this to Sergeant Salazar.

I respectfully decline a further interview. There is no incentive for me to give another interview other than the hopes that justice will be served. Me furthering an investigation would do nothing but leave my life endangered. My brother who was a police officer for Inglewood P.D. does not think its a good idea to go further.

My main reason is because rumor has it, East L.A. Sheriffs are known for having 'deputy gangs' or better known as Los Banditos; This is nothing new and their are fresh articles that were published in 2019.

Thank you for your time and consideration.

[redacted]

Salazar Jr., Alfredo

From: Morris, William B. (Sgt.)
Sent: Thursday, January 30, 2020 9:35 AM
To: Salazar Jr., Alfredo
Subject: FW: Robledo Interview Declination

Deputy Robledo's interview declination.

From: Elizabeth Gibbons [mailto:egibbons@thegibbonsfirm.com]
Sent: Thursday, January 30, 2020 9:34 AM
To: Morris, William B. (Sgt.) <W2Morris@lasd.org>
Subject: Re: Robledo Interview Declination

Dear Sgt. Morris

I apologize for my delayed response. This will confirm, as stated in our telephone conversation of January 28, 2020, that Deputy Robledo, on the advice of counsel, has declined to participate in a voluntary interview.

Thank you for your assistance in this matter.

Elizabeth J. Gibbons
THE GIBBONS FIRM, P.C.
811 Wilshire Boulevard, 17th Floor
Los Angeles, CA 90017
[redacted]

On Wed, Jan 29, 2020 at 12:34 PM Morris, William B. (Sgt.) <W2Morris@lasd.org> wrote:

Good Afternoon Ma'am,

During our telephone conversation on January 27, 2020, you indicated you represented Deputy Robledo and that, upon your advice, he had declined to participate in a voluntary interview. Would it be possible for you to respond to this email to confirm Deputy Robledo's decision?

Respectfully,

Sergeant William B. Morris #462149

POST230955B-1-SB2

Los Angeles County
Sheriff's Department

Internal Criminal Investigations Bureau

13001 Dahlia Avenue

Downey, CA 90242

(562) 392-7200, ICIB Main

(323) 415-1031, ICIB Fax

[redacted]

[redacted]

(323) 415-3827, Fax

w2morris@lasd.org

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POST23-0958-1-SB2

LASD-000122 RELEASE DATE: 7/29/2024

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY / MISDEMEANOR	AGENCY NAME: LASD - INTERNAL CRIMINAL	DA CASE NO.: 43568020	DATE: 07/14/2023
	AGENCY FILE NO. (DR OR URN): 920-00011-2003-441	DA OFFICE CODE: J.S.I.D. #20-0226R	VICTIM ASSISTANCE REFERRAL: ☐ YES – NOTIFY VWAP ☒ NO

SUSP NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)): ROBLEDO, BRAULIO	PC	211	01/02/2020	B
	DOB:	SEX (M/F): [redacted]	BOOKING NO.:	VIP -- Yes X No	
	___ Gang Member Name of Gang:		___ Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		
2	NAME (LAST, FIRST MIDDLE)):				
	DOB:	SEX (M/F):	BOOKING NO.:	VIP -- Yes -- No	
	___ Gang Member Name of Gang:		___ Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		
3	NAME (LAST, FIRST MIDDLE)):				
	DOB:	SEX (M/F):	BOOKING NO.:	VIP -- Yes -- No	
	___ Gang Member Name of Gang:		___ Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
SAEED TEYMOURI/map		249495	

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SGT. ALFREDO SALAZAR JR FILING OFFICER (SIGNATURE): mailed 7/18/23 SERIAL #: 451507

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)

A. Lack of Corpus
B. Lack of Sufficient Evidence
C. Inadmissible Search/Seizure
D. Victim Unavailable/Declines To Testify
E. Witness Unavailable/Declines to Testify
F. Combined with Other Counts/Cases
G. Interest of Justice
H. Other (indicate the reason in Comments section)
I. Referred to Non-California Jurisdiction
J. Deferred for Revocation of Parole
K. Further Investigation
L. Prosecutor Prefiling Deferral

DISTRICT ATTORNEY'S REASON CODES

M. Probation Violation filed in lieu of
N. Referred to City Attorney for Misdemeanor Consideration

LASD-000024 RELEASE DATE: 7/29/2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Department (LASD) Deputy Braulio Robledo, Serial #503648, committed the crime of Robbery in violation of Penal Code § 211. We are unable to prove the corpus delicti of the crime because the alleged Victim is uncooperative. Therefore, this Office is unable to initiate criminal proceedings against Robledo.

The following analysis is based upon documents submitted by the LASD through Sergeant Alfred Salazar, Internal Criminal Investigations Bureau.

STATEMENT OF FACTS

On January 2, 2020 at approximately 3:00 a.m., V1 left the Commerce Casino in his car and was immediately pulled over for an expired registration at the intersection of Telegraph Road and Washington Boulevard. V1 stated that he was pulled out of his vehicle by an unknown deputy, patted down for weapons, and placed in the back of a black and white police SUV.[1] The deputy searched V1 vehicle then let him go with a warning for the vehicle violation.

Imelda T. is an employee at the Commerce Casino and is familiar with V1. On January 2, 2020, Imelda T. ended her shift and as she headed home she observed a traffic stop take place on Telegraph Road, across the street from the casino. As she drove past the vehicle being pulled over, she immediately recognized V1 as the driver. She did not see the deputy, nor did she remember if the patrol vehicle was a sedan or an SUV. Imelda T. then called her co-worker V1, who is friends with V1, and informed her that V1 had just been pulled over.

Kami P. told investigators that she had worked at the Commerce Casino for over five years and came to know V1 through his play at the casino. Kami P. considered V1 a personal friend. Kami P. stated on January 2, 2020 she received a phone call from Imelda T. at approximately 3:11 a.m., advising her that V1 had been contacted by law enforcement after leaving the Commerce Casino. Kami P. told investigators that she spoke to V1 by telephone immediately after his contact with law enforcement. V1 informed Kami P. that he was pulled over, taken out of his vehicle, and searched. Kami P. told investigators that V1 sounded angry and he told her he was shaken up, scared, and felt violated.

Kami P. recalled that V1 told her earlier that evening, while he was still playing poker at the casino, that he had poker chips in his backpack. She told V1 that he should check his backpack to make sure the poker chips were still there. V1 then advised her over the phone that he was missing $500 in poker chips. Kami P. urged V1 to file a police report.

---

[1] V1 described the deputy as a male Hispanic, mid 30s, approximately 5'9" in height, weighing approximately 180 to 200 pounds.

LASD-000025 RELEASE DATE: 7/29/2024

At about 5:01 a.m., V1 called the East Los Angeles Sheriff Station and spoke to Sergeant Initial to report this incident. V1 asked Initial for the name of the deputy who conducted the traffic stop. Initial informed V1 that he would look into the matter.

Initial sent a Mobile Digital Computer (MDC) message to units assigned to patrol the city of Commerce inquiring if any of the deputies contacted V1.[2] There were three deputies assigned to the area: Braulio Robledo, Israel Martinez, and Eric Chinarian. Martinez and Chinarian both responded to the message indicating they had not contacted V1. Robledo did not respond to the message.

Initial conducted a Unit Details check of the three deputies and discovered Robledo conducted a license plate check of V1 vehicle through California DMV database at 3:01 a.m.[3]

At approximately 6:00 a.m., Initial contacted Robledo in the Watch Sergeant's Office and asked him if he conducted a traffic stop of Michael D.'s vehicle. Robledo denied conducting a traffic stop of V1's vehicle, denied contacting V1, and denied stopping any vehicles near the area of Telegraph Road and Washington Boulevard, in the City of Commerce.

At approximately 9:00 a.m., Sergeant Escobedo responded to the Chevron gas station located across the street from the Commerce Casino and reviewed surveillance footage. The surveillance footage revealed that on January 2, 2020 at 3:01 a.m., an SUV-type patrol vehicle initiated a traffic stop of a black sedan. The conclusion of the traffic stop is not observed on the surveillance footage as both cars continued driving past the surveillance camera's viewing angle.

[2] The MDC is a fully functioning computer capable of processing a variety of applications, such as automated report writing, mapping systems, suspect photos, automated fingerprint identification, live video from surveillance cameras, automated license plate recognition systems, crime analysis, and other law enforcement tools. The MDC is also paired with the LASD Computer Aided Dispatch (CAD) system, which enables complaint/desk personnel to dispatch calls for service and type information to patrol units.
[3] The Unit Details is a document chronologically listing the activities of each patrol unit logged on for that shift as it occurred via the Mobil Digital Terminal. The captured activity includes, but is not limited to: calls for service, times of arrival and completion of calls, database inquiries such as wanted persons or vehicles, and requests for report and booking numbers.

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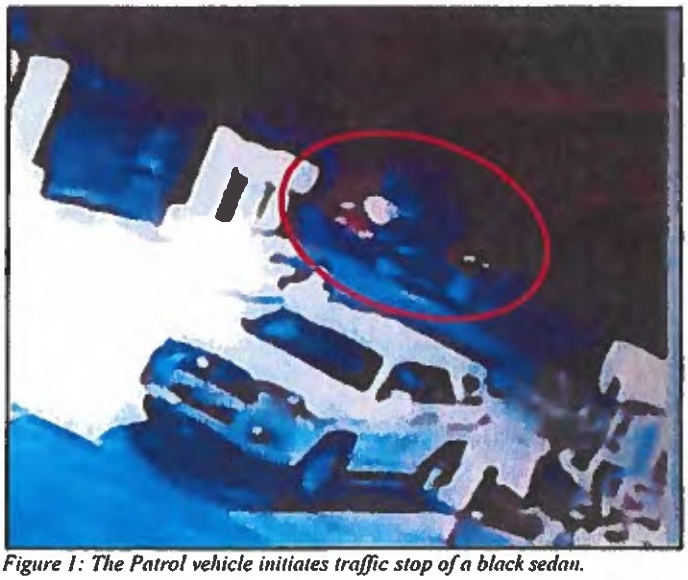


Figure 1: The Patrol vehicle initiates traffic stop of a black sedan.

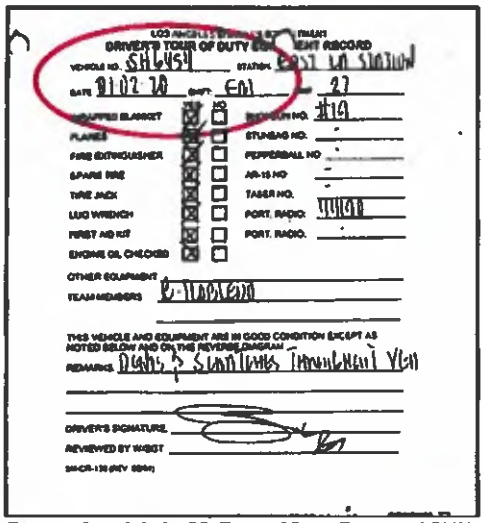
Escobedo also located a video surveillance camera outside of the Central Basin Municipal Water District, located across the street from the Commerce Casino. The surveillance footage captured an SUV-type patrol vehicle conduct a traffic stop on Telegraph Road on January 2, 2020 at approximately 3:01 a.m.



Figure 2: The police vehicle appears to pull over a vehicle.

It is hard to discern what is happening on the footage due to the red and blue flashing police lights that blind the camera footage as the lights rotate. Nevertheless, the video appears to show a deputy pull over a vehicle and remove the occupant from the driver's side door.

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Figures 5 and 6: LASD Tour of Duty Form and SUV reflecting the same vehicle number.

The forensic data obtained from the vehicle's MDT showed the vehicle traveled east on Telegraph Road, approached Washington Boulevard, and came to a stop at 3:02 a.m. The police vehicle was stopped on the street until it began moving again at 3:10 a.m.

[redacted] Interviews

On January 7, 2020, at approximately 7:13 p.m., Escobedo and Lieutenant Geoffrey Chadwick interviewed [redacted] at the LASD East Los Angeles station.

[redacted] stated he was a professional poker player. On January 1, 2020, at approximately 12:29 p.m. he arrived at the Commerce Casino and played at the "No Limit Hold'Em" poker section. He remained at that section of the casino until he cashed out his chips at the cashier's office. [redacted] stated he did not drink any alcoholic beverages during this period of time.

[redacted] stated that he triple counted the amount of chips he had in his possession at an empty poker table prior to cashing out. [redacted] assured the investigators that the Commerce Casino security cameras captured this. [redacted] stated that he used a poker income tracker application on his cell phone to track his loses and earnings while he played at the Casino. [redacted] showed the investigators the application.

Escobedo noted that the application showed that [redacted] stopped gambling on January 2, 2020 at 2:51 a.m. and that [redacted] cashed out in the amount of $2,636.

noting any damage or missing items, and provide a statement of the vehicle's general condition. The completed form is submitted to the watch sergeant.

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Figure 7: Screenshot of Michael D.'s poker tracker application.

[redacted] explained that he only cashed out a portion of his poker chips. Prior to exiting the casino, he placed $1,036 in U.S. Currency and fifteen $100 white poker chips inside a small black pouch.[5] He then closed the zipper and placed the pouch inside his black backpack. [redacted] exited the casino and entered his vehicle, a black 2009 Lexus IS 250, that was parked in the casino parking lot. [redacted] placed his backpack on the front passenger seat of his vehicle and drove away.

[redacted] exited the Commerce Casino parking lot by turning left onto eastbound Washington Boulevard. Within seconds a black and white patrol vehicle pulled him over in front of a Chevron gas station. [redacted] merged into the number one lane and stopped his vehicle directly in front of an unknown building located at the corner of Telegraph Road and Washington Boulevard.

[redacted] stated a Hispanic deputy, 5'09" or 5'10", weighing about 180 to 190 pounds with spiked brown hair, exited the black and white SUV and approached [redacted]'s vehicle. The deputy advised [redacted] that he was stopped for expired registration.[6] [redacted] retrieved his driver's license from his wallet and handed it to the deputy. The deputy removed [redacted] from the vehicle, placed his hands behind his back, and escorted him to the front hood of the patrol vehicle. The deputy conducted a pat down search of his person. Either [redacted] or the deputy removed the contents of [redacted] pocket—a cell phone, a wallet, and two casino chips valued at $1 each—and placed them on the hood of the patrol vehicle. The deputy then placed [redacted] in the back of the patrol vehicle. [redacted] was not handcuffed.

[redacted] stated he was placed in the back of the vehicle via the back-passenger patrol door and the deputy closed the door. The deputy then entered the front driver's side door

[5] [redacted] reiterated multiple times that he placed 15 white $100 poker chips in his backpack.
[6] [redacted] registration expired on December 12, 2019.

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The deputy then directs the single occupant of the vehicle to the back passenger door of the patrol vehicle where the deputy conducts a pat down search of the driver. The deputy then places the driver in the back seat of the police vehicle and closes the door. The deputy then appears to open both front doors of the civilian vehicle and appears to search the vehicle.



Figure 3: The video appears to show someone place another person in the back of an SUV patrol vehicle.



Figure 4: The video appears to show someone open the front passenger door and search the vehicle.

Escobedo determined that the only SUV-type patrol vehicle assigned to the City of Commerce at the time of the incident was assigned to Robledo. Prior to his shift, Robeldo completed and signed a Driver's Tour of Duty Equipment Record form which reflected the SUV vehicle number SH6454.[4]

[4] The Driver's Tour of Duty Equipment Report form contains the deputy's name, employee number, assigned vehicle number, mileage, and any special equipment assigned to the deputy. Using this form, every patrol deputy is required to inventory and inspect his assigned vehicle prior to the start of a shift,

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of V1's vehicle. Although V1's vehicle had tinted windows, V1 was able to see illumination from a flashlight come from the inside of his vehicle. The deputy then exited the driver's side door, walked around the vehicle, and entered the front passenger side door. V1 estimated that the deputy searched the inside of his vehicle for approximately two to three minutes. V1 did not give the deputy permission to search his vehicle.

The deputy completed the search and entered the passenger side of the patrol vehicle and swiped V1 driver's license through the card reader in the police vehicle. V1 stated he saw a green font on the computer screen appear with his name and address on it. The deputy then recited V1's address and asked him to confirm the information. V1 acknowledged that he still resided at that address. The deputy stated he was going to let Michael D. off with a warning and advised V1 that his vehicle could be towed if he did not pay the registration within the next three months. V1 acknowledged this information and he was then released without a citation.

V1 entered his vehicle and drove home. Once he arrived home, he took the items out of his backpack and noticed that five $100 white commerce casino poker chips were missing. He added that chips were the "only thing that's missing. No cash." V1 returned to his vehicle to search for the chips, however, he did not find them.

V1 immediately drove back to the Commerce Casino and inquired if they had video surveillance which would depict that he had 15 white poker chips in his possession when he left the casino. The casino personnel advised V1 that the situation was now a law enforcement issue and they would not let V1 see any of the footage.

Commerce Casino Surveillance Footage

At approximately 2:40 a.m., casino surveillance video shows V1 leave a poker table with his chips and backpack.



Figure 8: V1 stops playing poker and leaves the table.

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[redacted] V1 walks to an empty poker table and proceeds to count his money and poker chips.

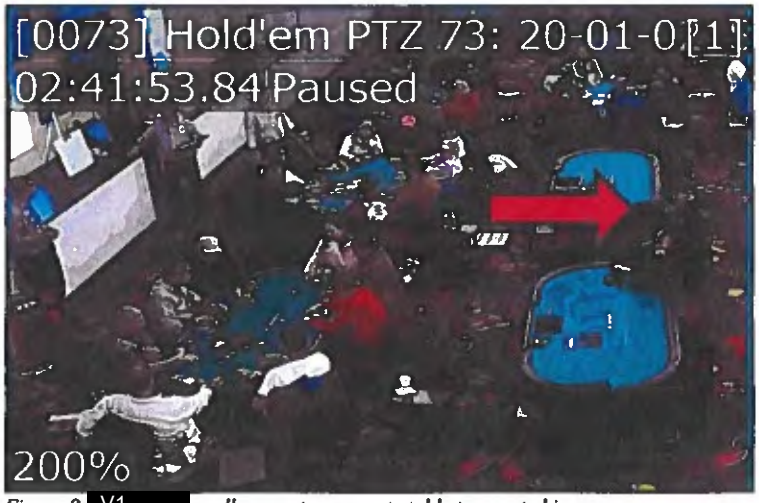


Figure 9: [redacted] V1 walks over to an empty table to county his money.

After counting his money, [redacted] V1 places some chips and money in a small black bag and places the bag in the backpack. The rest of the chips he kept in a chip tray. At approximately 2:54 a.m., [redacted] V1 walks to a cashier window and hands the chips in the tray to the cashier. The cashier spreads out the chips and pays $834 to [redacted] V1 which [redacted] V1 places in his left outside pocket of his sweatshirt.



Figure 10: [redacted] V1 cashed out the remaining chips he did not place in his backpack.

[redacted] V1 exits the north casino doors and walks through the parking lot.

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Figure 11: V1 walked out of the Casino into the parking lot

V1 . enters his vehicle and drives on Tubeway Avenue to the intersection of Telegraph Road. V1 then turns left (eastbound) onto Telegraph Road.

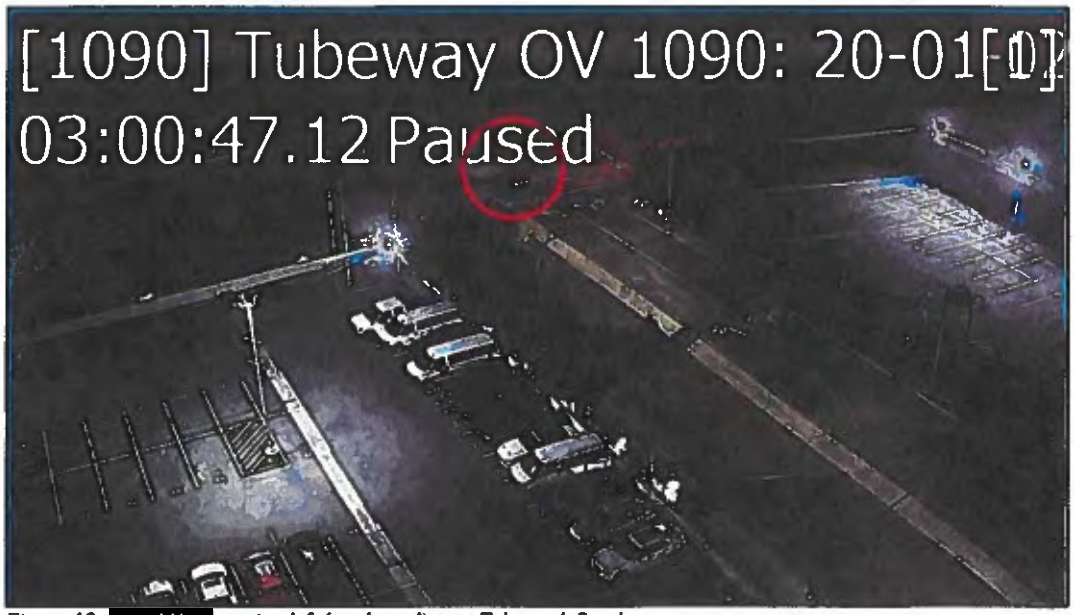


Figure 12: V1 turning left (eastbound) onto Telegraph Road.

A few seconds after V1 turns left, an LASD SUV is seen driving eastbound on Telegraph Road behind V1 's vehicle.

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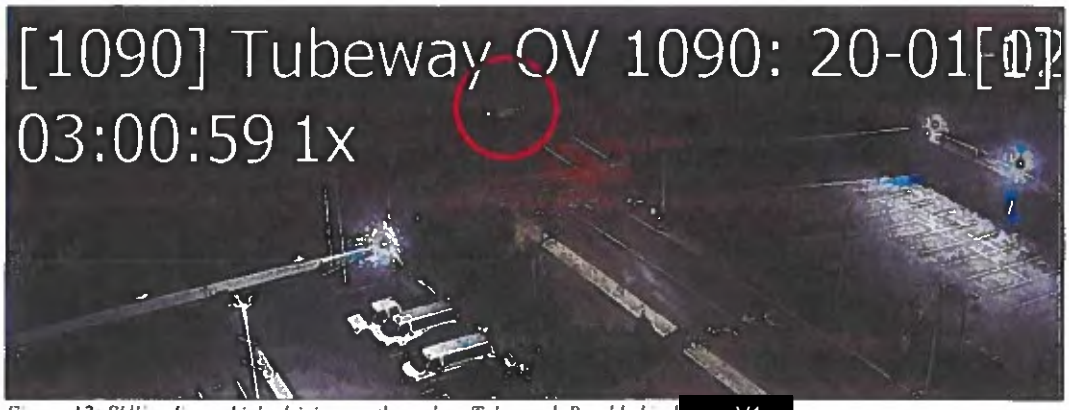


Figure 13: SUV police vehicle driving eastbound on Telegraph Road behind [redacted] V1

[redacted] V1 approaches a stop light at the northbound on/off ramp for the 5 freeway. The police SUV stops behind [redacted] V1 's vehicle in the adjacent lane.



Figure 14: The police SUV is behind [redacted] V1 ***'s vehicle.***

The light turns green and both vehicles drive through the intersection. At 3:01 a.m., the light bar on the SUV begins to flash red/yellow/blue as the SUV approaches [redacted] V1 's vehicle.



Figure 15: The police SUV overhead lights turned on.

At approximately 4:29 a.m., [redacted] V1 walks into the Commerce Casino security office.

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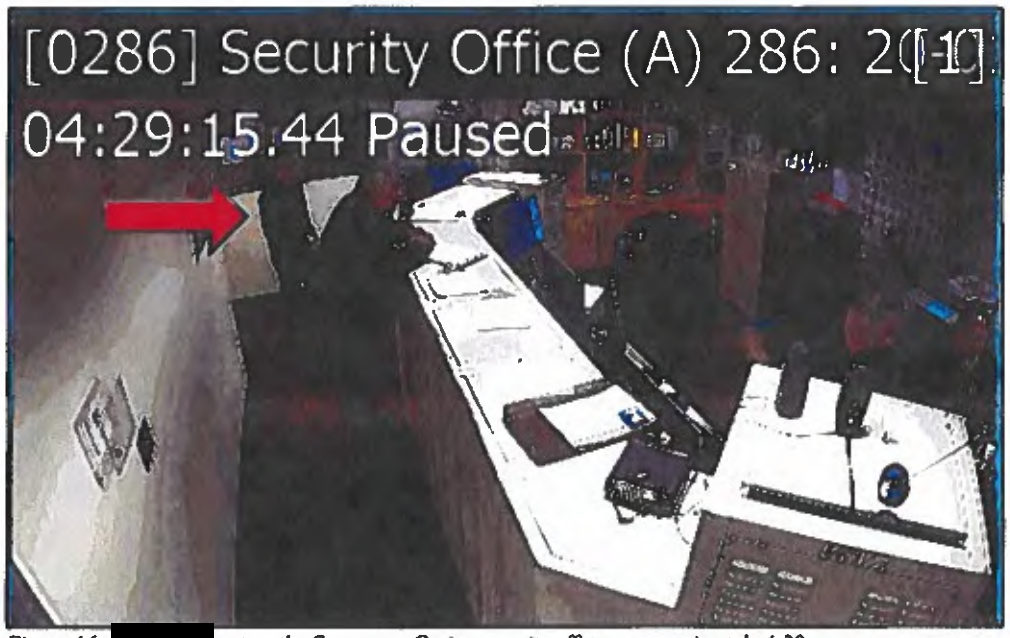


Figure 16: [V1] enters the Commerce Casino security office at approximately 4:29 a.m.

Commerce Casino Report

Steven C., an employee of the Commerce Casino Surveillance Department, authored a report in this case. Steven C. noted that patron [V1] entered the security office at the Commerce Casino on January 2, 2020 at approximately 4:29 a.m. [V1] described how an unknown police deputy pulled him over after he left the casino. [V1] stated he was released and went home. When [V1] arrived home, he noticed $500 in $100 chips was missing from his backpack. [V1] was advised that this incident occurred off casino property and that [V1] should file a police report. [V1] came back to the casino around 4:50 a.m. and advised security personnel that he had called LASD and filed a police report.

[V1] further explained that before the theft, prior to leaving the casino, [V1] went to an empty table to count his money. Prior to counting his money, [V1] removed additional chips and cash he had stored in his backpack. [V1] then proceeded to count the total amount of money in his possession. The total he counted was derived from three sources: the chips he was gambling with that were outside his backpack, the chips that were stored in his backpack, and the cash that was stored in his backpack.

The Commerce security personnel advised [V1] that no review of the surveillance footage would take place until such a review was requested by law enforcement.

At approximately 10:10 p.m., LASD requested that Commerce Casino conduct a review of the surveillance videos to see if they support [V1] s claims.

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Security Review of [redacted] Counting his Money

The security footage shows that on January 2, 2020, at approximately 2:40 a.m., [redacted] left Table 35, seat 2, with his rack of chips and his backpack. [redacted] walked over to an empty Table 5 and began to count his chips and cash.

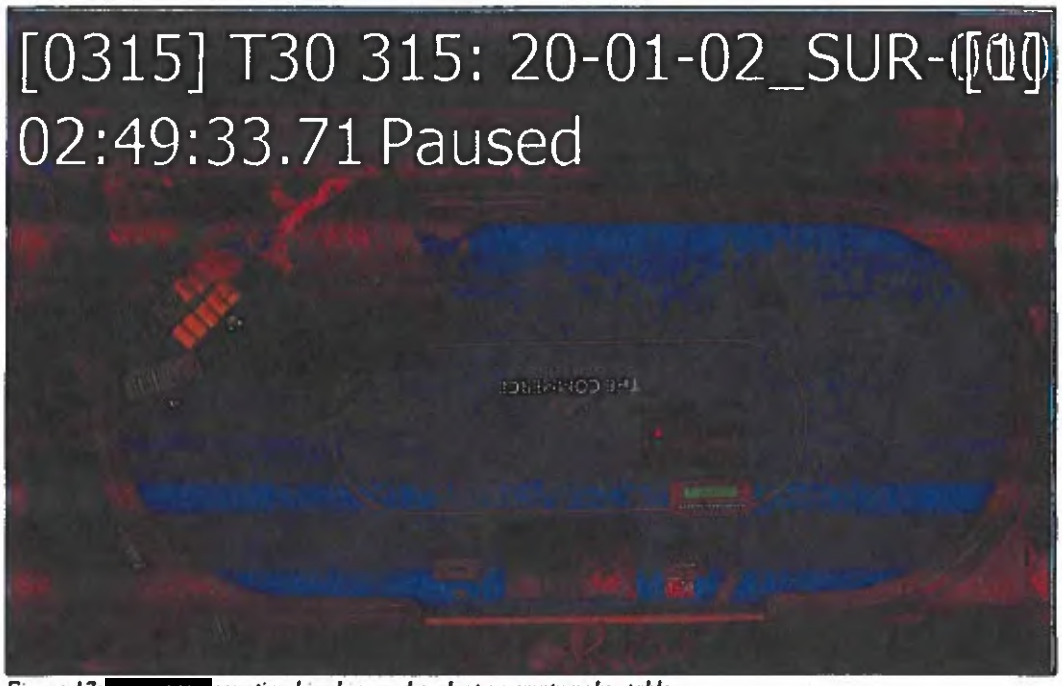


Figure 17. [redacted] *counting his chips and cash at an empty poker table.*

The security personnel calculated the chips from [redacted] chip rack as follows: $795 in five-dollar chips, $100 in a single one hundred dollar chip, and $41 in single-dollar chips.

[redacted] then removed five $100 bills in cash and $1200 in twelve one hundred dollar chips from a small black bag that he retrieved from inside the backpack. [redacted] took the single $100 chip from the chip rack and added it to the twelve one hundred dollar chips he removed from the bag. [redacted] then put the thirteen one hundred dollar chips and the five $100 bills back in the small black bag. [redacted] then put the small bag back in the backpack.

The total value of cash and chips located inside of his backpack at this time was $1,800.

The total value of the chips [redacted] had left on the chip rack was $836.

Surveillance video shows that [redacted] walked over to the cashier and produced all the chips from the rack, excluding two $1 chips. In exchange, the cashier handed [redacted] $834 in cash. [redacted] folded the cash and placed it in his left outside pocket of his sweatshirt.

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Based on the Commerce security personnel's review of the surveillance footage, the total amount of chips and cash in his possession when V1 exited the casino was $2,636—the exact amount V1 had listed in his poker tracker application.

V1's Refusal to Cooperate

On February 18, 2020, Salazar left V1 a voicemail requesting a call back.

On February 20, 2020, a certified letter was mailed to V1 requesting V1 to contact Salazar.

On February 26, 2020, Salazar left V1 a second voicemail asking for a return call. Shortly thereafter, Salazar received an email from V1. The email stated that V1 was no longer desirous of prosecution and did not want to participate in any future interviews. He specified that he declined any further participation in the case due to fear of "deputy gangs," better known as "Los Banditos." V1 stated he "would be putting his life in danger" if he cooperated.

On March 5, 2020, Salazar sent V1 an email requesting that he participate in an interview and asking if he would review a series of photographs to see if he could identify the deputy. V1 responded to the email reiterating his position to not be involved "period."

On July 1, 2021, the reviewing Deputy District Attorney (DDA) and District Attorney Investigator (DAI) Adam B. door knocked V1's listed residence in Whittier. They spoke to V1's parents and informed the parents that the District Attorney's Office is currently reviewing this case and requesting to interview V1. The DDA and DAI both left their business cards with their cell phone numbers. The handling DDA later left a voicemail for V1 requesting a call back. V1 never called either the DDA or DAI.

On July 12, 2021, the reviewing DDA sent an email to V1 requesting a call back. V1 never called or emailed the DDA in response.

On July 22, 2021, the DAI emailed the DDA and advised that V1 had not called him back. Additionally, the DAI indicated that he would continue to utilize department resources to try and locate V1 whose current residence was unknown.

On August 1, 2021, V1 emailed the DAI back and reiterated, "I am not interested in investigating the case."

On August 10, 2021, the DAI informed the DDA that he had a possible address for V1 in San Diego. However, when the DAI called the number associated with that address, he was informed that V1 did not reside there.

On September 9, 2021, the DAI updated the DDA that he was unable to locate the current address for V1

On October 5, 2021, the DDA emailed Salazar inquiring if Salazar can again attempt to locate V1

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On October 19, 2021, Salazar emailed the DDA back stating that he was unable to locate a current address for [redacted] V1

On January 6, 2022, the DAI emailed the DDA and informed him that there was still no known residential address for [redacted] V1, that [redacted] V1 was not returning any phone calls, and that "we were pretty much out of options with this case."[7]

LEGAL ANALYSIS

The Law

A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves the jury with an abiding conviction that the charge is true. CALCRIM No. 220.

In evaluating a witness's testimony, jurors may consider anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors that jurors may consider are:

1. How well was the witness able to remember and describe what happened?
2. Did other evidence prove or disprove any fact about which the witness testified?
3. Did the witness make a statement in the past that is consistent or inconsistent with his or her testimony?

CALCRIM No. 105.

The testimony of only one witness can prove any fact. Before you conclude that the testimony of one witness proves a fact, you should carefully review all the evidence. CALCRIM No. 301.

All of the following elements must be proven before Robledo may be found guilty of robbery:

1. Robeldo took property that was not his own;
2. The property was in the possession of [redacted] V1;
3. The property was taken from [redacted] V1 or his immediate presence;
4. The property was taken against [redacted] V1 's will.;
5. Robledo used force or fear to take the property or to prevent [redacted] V1 from resisting; and
6. When Robledo used force or fear, he intended to deprive [redacted] V1 of his property permanently.

CALCRIM No. 1600.

[7] On March 9, 2023, the DAI texted [redacted] V1 to make one final attempt to contact him. As of March 22, 2023, [redacted] V1 did not respond.

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With the current state of the evidence, there is insufficient evidence to prove beyond a reasonable doubt that Robledo stole from [redacted].

The only evidence that a theft occurred comes from [redacted]'s statements. [redacted] confirmed at his house, away from any cameras or other witnesses, that he was a victim of theft. He based his conclusion on the total amount of white chips he believed he had when he left the casino compared to how many white chips he had when he arrived home.

Although the law allows a single witness to prove a fact, jurors are specifically directed to "carefully review all the evidence" prior to concluding a fact is proven by a single witness. Additionally, jurors are directed to look at whether "other evidence proves or disproves any fact about which the witness testified to" in evaluating the accuracy of a witness's testimony.

[redacted] stated multiple times that he placed 15 white poker chips in his bag. He stated that he triple counted his money and that the Commerce Casino surveillance cameras would corroborate this fact. Armed with this knowledge, [redacted] stated he knew the deputy took five white poker chips since he only had ten left over when he arrived home.

[redacted], however, was wrong. The casino surveillance appears to show that [redacted] had 13 white chips, not 15, when he left the Commerce Casino. Thus, Robledo may not have taken five white poker chips if [redacted] still had ten in his possession after the traffic stop. Therefore, [redacted] may have been wrong about how many $100 white chips were missing after the traffic stop. Further, [redacted] specifically stated that no cash was taken. Since [redacted] had an app tracker that counted the amount of money with which he walked away from the casino, it is possible that [redacted] was confused as to the source of the missing $500. It is possible that [redacted] thought he had 15 white chips, when in fact he had 13. It is possible that the additional two white chips [redacted] believe he had were actually accounted for in cash and that Robledo actually stole a combination of chips and cash totaling $500. On the other hand, it is also possible that [redacted] simply miscounted the amount of cash and chips he had when he returned home, similar to his miscalculation of the number of white chips in his possession when he left the casino, and that, in fact, no money was stolen during the police encounter.

As such, a follow up interview with [redacted] is necessary to determine if he can sufficiently explain his error in calculations. As noted in detail above, the LASD and the District Attorney's Office have made many attempts to locate [redacted] [redacted]'s whereabouts remain unknown. Further, there is no indication that even if located, [redacted] will cooperate with law enforcement, as evidenced by [redacted]'s clear refusals in past email communications to participate with law enforcement interviews.

Based on [redacted].'s potential error in what was missing after the traffic stop, his subsequent refusals to cooperate with law enforcement, his unknown location, and his

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status as the sole witness who can testify to the theft, the People cannot prove beyond a reasonable doubt that Robledo stole from [redacted].

CONCLUSION

Given the Victim's lack of cooperation and availability, there is insufficient evidence for the People to prove beyond a reasonable doubt that Robledo committed a robbery.

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Robledo: Yes, sir.

Cardenas: Other than those issues with the MDC, then, any calls for service or traffic stops conducted?

Robledo: No. I mean, traffic stops, yeah. I think I had maybe three or four traffic stops. I wanted to conduct more, but I couldn't get my MDC running. So I actually did about what I call, like, pretty much, like a doorjamb on the side where you -- you can't run the car but you want to see who is in the car to see what's going on. You're, like, hey, everything good? This and that. Cause, like, I couldn't get the -- I couldn't get the plate running.

Cardenas: So you're saying you made three or four traffic stops?

Robledo: Yes. No more than five that night. I know that.

Cardenas: And did you document those traffic stops?

Robledo: I documented the -- I think it -- what were they? I think one of them was two teenagers that were in their car. There's one, I -- I'm not sure the name of the street. He was a marine with his girlfriend. And then, obviously, the traffic stop that I had with that gentleman on Telegraph.

Vanden Berg: But in going back to those incidents, the question was did you document them --

Robledo: Yes.

Vanden Berg: -- and you're familiar with the MDC?

Robledo: Yes, yes, yes.

Vanden Berg: And, typically, when we create observation stops or do you typically create a call, like, through an observation?

Robledo: Yeah, you usually create a call. You create your "obs", obviously, then you put it in the -- in the MDC as your traffic stop or your pedestrian stop.

Vanden Berg: On this night for these, you said three to four, no more than five, traffic stops, did you create observation calls for these contacts?

Robledo: For two, I believe I did. The third one, I -- I couldn't get it going at all.

Cardenas: How are you so certain that you did that?

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Robledo: Did what, sir?

Cardenas: Documented those stops?

Robledo: Because I wrote it down on my -- on my -- what do you call it? On my notepad.

Cardenas: So you documented the stops in your notepad.

Robledo: Yes, sir.

Cardenas: Did you document those stops in your MDC?

Robledo: I don't recall if I documented all three to five of them, but I documented it on my notepad, yeah.

Cardenas: One stop had two teenagers in the car.

Robledo: Yes.

Cardenas: One stop had a marine and his girlfriend.

Robledo: Yes.

Cardenas: Another stop you said, obviously, the gentleman on Telegraph. Any other stops?

Robledo: No, not that I contacted them and brought them out or anything like that. It was just, pretty much, side by side contact and said, hey, everything okay? Where you guys headed, pretty much, because there's four gentlemen in the car and I was, like, oh, who's in here? I look at it. I said where are you guys coming from? They're, like, oh, we're coming from having dinner. Okay. You guys good to drive? Yeah, we're good and then they went about their business.

Cardenas: What do you mean four gentlemen in the car? What --

Robledo: Yeah, there's four guys that were coming -- I guess they had --

Cardenas: So is this a separate stop?

Robledo: Separate, yeah.

Cardenas: When you say --

Cardenas: Did you not proceed forward but make a U-turn and then travel westbound on Telegraph?

Robledo: That I recall, no. I want to say I dove in right away, sir. From what I believe I remember, I want to say that's when I dove in. Yeah.

Cardenas: What else do you recall taking out of his pockets and putting onto the front of the -- your vehicle?

Robledo: Maybe some change. Obviously, he had the ID, but nothing that stands out as far as -- yeah, just pretty miscellaneous things, I want to say he had. Nothing major.

Cardenas: Did you -- you searched his vehicle, you said?

Robledo: Yes, sir.

Cardenas: Can you tell me in what order did you search that vehicle?

Robledo: The way I'm -- I was trained from the front: Driver's side to the back driver's side to the rear passenger to the passenger's seat.

Cardenas: Did you use your flashlight?

Robledo: Yes.

Cardenas: Approximately, how long do you think you searched that vehicle?

Robledo: Five minutes, no more than seven minutes.

Cardenas: Did you go into the backpack at all?

Robledo: No, sir.

Vanden Berg: Did he have any other items -- any other bags or containers that you searched in the car?

Robledo: No. It was, pretty much, a clean car. There wasn't too much to look at. Like I said, when I was searching the driver's side there, it looked like it was a sweater jacket, like, next to the backpack so just, pretty much, left both items there. As I'm looking there then I'm coming back, I see there's nothing in the back seat. So hit the side of -- the side panel of the door a little bit. Like I said, it was a clean car. There was nothing, no trash or anything like that.

Cardenas: Do you recall what kind of car it was?

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Robledo: No, sir.

Cardenas: You said that he gave you permission to search him?

Robledo: Yes, sir.

Cardenas: And you said he gave you permission to search his vehicle?

Robledo: Yes, sir.

Cardenas: Did you receive on that shift any messages from the watch sergeant?

Robledo: I want to say the first message was from the watch deputy.

Cardenas: And what was that message?

Robledo: If anyone had pulled a car over and I want to say the location was somewhere in Montebello. I don't know if that was the message from -- I don't remember the watch sergeant's message or if he did send a message, but whoever sent the message, the first one, I'm assuming it was the watch deputy because it said watch deputy. They -- the location they sent out was, like, a Montebello location. Did anyone pull over then -- it was not the guy that I had pulled over's name and the message, the location was somewhere in Montebello.

Cardenas: The guy you pulled over, you had his ID?

Robledo: Yes.

Cardenas: Did you put his name or information into your notebook?

Robledo: Yes.

Cardenas: And do you recall what his name was?

Robledo: No, sir.

Cardenas: And so you pull him over at Washington and Telegraph.

Robledo: Yes, sir.

Cardenas: You run his vehicle and you say that his RO information is different than his name on his --

Robledo: Yes.

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Cardenas: -- driver's license.

Robledo: Yes, sir.

Cardenas: And you say you get a message from what you believe to be the watch deputy and the location asked is in Montebello.

Robledo: Yeah, the -- I don't know if it was a first message that they indicated that, but I know one of the messages said somewhere in Montebello.

Cardenas: Okay.

Robledo: And I'm, like --

Cardenas: Did you get any other message?

Robledo: I just -- from what I remember, there was only two messages.

Cardenas: What was the other message?

Robledo: Pretty much, the same thing. Did anyone pull over whoever -- whatever name they gave in -- not the city. On one of the messages they did indicate the location. On the second message, from what I recall, they didn't indicate a location.

Cardenas: Did they indicate a name?

Robledo: Yes.

Cardenas: And was that the name of the person you pulled over?

Robledo: From what I remember, no. It was the RO of the vehicle that they had -- that the -- I want to say that's the name that they gave.

Cardenas: And did you reply to those messages?

Robledo: No, sir.

Cardenas: What -- what did you do?

Robledo: I didn't reply to those message.

Cardenas: At some point, do you go into the East LA Sheriff's Station?

Robledo: Yes, sir.

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Cardenas: And is there any specific reason that you're going into that station?

Robledo: Yeah, pretty much, unloading my stuff and everything, sir.

Cardenas: Are you aware that Sergeant Inital, -- and that's I-n-i-t-a-l, -- Sergeant Inital, was trying to get a hold of you?

Robledo: Through the radio or messages, sir, cause they were not getting a hold of me through the radio?

Cardenas: Did you call into the East LA Sheriff's Station?

Robledo: No, sir.

Cardenas: Did you call in and ask what the watch sergeant was looking for you for?

Robledo: No, sir.

Cardenas: Did you call in on a recorded line and ask what the watch sergeant was looking for you for?

Robledo: No, no, sir, not that I recall, sir.

Cardenas: Were you given information as to why the watch sergeant was looking for you?

Robledo: No, sir.

Cardenas: On that recorded line, were you told the reason the watch sergeant was looking for you?

Robledo: No, sir.

Cardenas: Do you then at some point go into the East LA Sheriff's Station at the end of your shift?

Robledo: Yes, sir.

Cardenas: Had you gone to the East LA Sheriff's Station prior to the end of your shift?

Robledo: No, sir.

Cardenas: So when you go into the East LA Sheriff's Station, do you speak to Sergeant Inital?

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Robledo: I don't know. I said, "What car?" I asked him, "What car?" He's, like, "You ran this car." I said, "Which car, Sarg?" He's, like, "This car." He's, like, "We sent a message." And I said -- I said, "You guys said Montebello." I said, "I never pulled anyone over in Montebello, Sarg."

Cardenas: What car is he referring to?

Robledo: I don't know. At that point, I don't know what call or car--

Cardenas: Is he showing you? Is --

Robledo: No.

Cardenas: -- he telling you?

Robledo: No. He's not showing me. He just pointed at his -- his monitor and I'm leaning on the threshold of the -- of the -- of the wall, like, where his office is at and I'm, like, "What are you talking about, Sarg?" He's, like, "You pulled this car over." I said, "What car?" And he's, like, "The car." And I said the one that we sent the message out to. I said, "You guys said Montebello, sir." I said, "And that's not even the guy. You guy sent a different name." I said, "I didn't pull anybody over in Montebello." He's, like, "Oh, come with me. Come with me." So my "convo" with him was, like, 20 seconds.

Cardenas: Let me -- let me ask you. Did Sergeant Inital ask you if you stopped the car at Washington and Telegraph?

Robledo: No.

Cardenas: Did Sergeant Inital ask you if you had stopped the name of the person in that vehicle?

Robledo: No.

Cardenas: And did you tell Sergeant Inital and Lieutenant Easter that you did not stop that particular car?

Robledo: No, and that's what bothers me.

Cardenas: And did you tell Sergeant Easter -- or Lieutenant Easter and Sergeant Inital that you did not stop the given name of the person?

Robledo: No, sir.

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Cardenas: And, again, at 5:21 a.m. a unit -- specifically to Unit 27. Is that you?

Robledo: Yes, sir.

Cardenas: So it's not to any other units and it's from the ELAWS, which is, again, the watch sergeant?

Robledo: Yes, sir.

Cardenas: And can you read what the message says.

Robledo: "Did you pull over [redacted V1] at Washington and Telegraph a few hours ago?"

Cardenas: So when you go to the station and Sergeant Inital is asking you about this traffic stop --

Robledo: Yes, sir.

Cardenas: -- what do you believe he's asking you?

Robledo: At that point, sir, you have to remember, at that point when I was going up to the station, I wasn't reading the messages. I was driving up to the station at that time. So I was going up to the station and clearing my box. So when I went up to the station he said that it was you, I didn't know what he was referring to because I had not read the messages. Earlier, a couple of hours earlier when -- does it show the other message? They don't show of any other messages in regards to the watch deputy saying that they sent out a message?

Cardenas: Asking if someone stopped someone in Montebello?

Robledo: Yes, sir.

Cardenas: Okay.

Robledo: That's what I'm referring to, that part of it.

Cardenas: So you're saying -- are you telling me, then, when you go to speak Sergeant Inital, you're unaware that his specific message to you, Unit 27, asking if you pulled over a [redacted V1] at Washington and Telegraph --

Robledo: Yes, I --

Cardenas: -- that you don't know what he's referring to?

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Robledo: No, I know what he -- but I didn't read the message, sir. That's what -- that was my mistake. I didn't read that message. I was going up -- when I was in my vehicle, I was with two other guys, right? I was out of my car and I guess the first message had gone out. I didn't go in. I didn't read anything like that. They didn't say did anybody pull over anybody over here. I was in the back of the black and white. I was eating and I want to say I was scratching a report there. I wasn't inside my black and white. So when I went back inside, I had the MDC down and then when I'm going up to the station, I'm clearing the messages. I'm not reading any of the messages. I never -- I never read the messages or even other messages that were probably sent out before. So --

Cardenas: Okay.

Robledo: -- and when I went up to the station, I was unaware of those messages that were sent out. So that's why when he asked me, "It was you," I said, "It was me what?" It's because I never read the message --

Cardenas: Okay.

Robledo: -- I never read those messages.

Cardenas: And even though he's giving the name and the location, you're telling me at no point did he tell you the name of the person and the location of the stop and ask if you had done that traffic stop?

Robledo: Obviously on the MDC, yeah.

Cardenas: But not in person?

Robledo: Not in person, no, sir, not in person. When I walked up to -- like I said, to get the keys for the shotgun, all he said was, "It was you. You pulled that car over." And I said, "What car, Sarg?" And he's, like, "This car. The car here." I said "What car? Where?" I said, "You guys had said Montebello, sir."

Cardenas: So how do you know that he's referring to the car in Montebello and not what he's referring to in front of him?

Robledo: Because that's the -- earlier in the -- in that shift before I guess these messages were sent out, they had sent a message and I had spoken to the watch deputy in regards to, hey dude, is there any -- any calls that are gonna come up pending for Commerce? He's, like, no, everything's chill. He told me. He's, like, hey, this guy keeps calling if anybody pulled him over and he gave me the location. I said, no, dude. What are we gonna

Robledo: Yeah. I said are you guys -- cause it was Manny Palacios --

Vanden Berg: Okay.

Robledo: -- and I know Manny Palacio.

Vanden Berg: Then while talking, they said there's no calls and then they also mentioned that traffic stop on the phone?

Robledo: They mentioned that a --

Vanden Berg: In Montebello?

Robledo: -- guy's calling -- yeah. Yeah. They mentioned, hey, this guy's been calling. Did you guys pull anybody over in Montebello?

Vanden Berg: Okay.

Robledo: I said, "No, bro. No one in Montebello."

Cardenas: But in addition to the phone call, did the desk send out an MDC message regarding the stop in Montebello as well?

Robledo: I don't recall. I want to say they did. I want to say from what I remember, they had mentioned Montebello. That's why I was -- I was under the impression it was Montebello because after speaking to the watch deputy, he had said, hey, this guy's been calling, dude. Did you guys pull anybody over in this location? I said, no. He's, like, yeah, this guy doesn't know where he -- where he got pulled over but he keeps on calling. So I'm, like, no. I said -- I said do we have anything going on cause I'm gonna hit the back of the car. I'm gonna grab a bite and just chill. He's, like, no, everything's good. Bro everything's quiet right now. And I said, all right.

Cardenas: And just -- just so we're clear, are you saying that when you called into the station, they did not tell you about a traffic stop at Washington and Telegraph?

Robledo: No, not -- yeah. The only person that I spoke to was the watch deputy and he's, like, dude this guy keeps calling in regards to being stopped. And I said, no, we didn't -- I go I didn't stop anybody in Montebello bro. I said -- but at no point did he say Washington and, like, hey, dude, did you stop someone on Washington and Telegraph? No. So that's why when I went up to the station, I was surprised when he said it was you. I was, like, what are you referring to me because I never read the message.

LASD-000108 RELEASE DATE: 6/24/2024

From there, I came here to Aero Bureau where I'm at now as a tactical flight deputy. I've been here for almost two years.

Cardenas: Excellent. On January -- on the day of the incident, which is gonna be January 2nd, you worked early mornings. What was your position there?

Palacios: Watch deputy.

Cardenas: And what were your hours?

Palacios: I believe it was 10:00 to 5:00 or 10:00 to 6:00 or something like that.

Cardenas: Would it have been 21 to 05?

Palacios: Oh, yes.

Cardenas: Are you normally a watch deputy there?

Palacios: No.

Cardenas: What is your normal position there?

Palacios: My normal position was patrol. It could have been any unit like between 21, 25.

Cardenas: And why were you working watch deputy?

Palacios: It was either overtime or just a County double. I don't remember exactly if it was overtime or County double, but it was just one of the rare occasions I was in the desk.

Cardenas: It was a rare occasion you were at the desk?

Palacios: Correct.

Cardenas: Did a call come in that day?

Palacios: Yes.

Cardenas: And what happened?

Palacios: It was an unknown caller saying that he got pulled over somewhere on Telegraph or somewhere near the Commerce Casino. He, however, he didn't know by whom or which agency pulled him over.

Cardenas: And that morning, did you talk to Deputy Robledo?

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POST209558-1-SB2

Palacios: Not that I recall.

Cardenas: Did Deputy Robledo -- did you call Deputy Robledo?

Palacios: Not that I recall.

Cardenas: Did Deputy Robledo call you?

Palacios: Again, not that I recall.

Cardenas: And did you discuss -- so do you remember the name of the guy that called in?

Palacios: I do not.

Cardenas: Do you recall discussing that phone call with Deputy Robledo?

Palacios: I do not recall.

Cardenas: And would you have any record of -- on your cell phone whether you had a phone call with Deputy Robledo or not?

Palacios: No. Since it's been four years, I've replaced my phone a few times.

Cardenas: So you don't -- so just -- just so I have this clear, it's one of the few -- few times you worked the watch deputy desk.

Palacios: Correct.

Cardenas: And you -- you recall that this guy called talking about a traffic stop near the Commerce Casino and not knowing what agency had pulled him over?

Palacios: Correct.

Cardenas: And you do not recall speaking to Deputy Robledo about that at all.

Palacios: Correct.

Cardenas: Then that's all the questions I have. Do you -- do you have any information you feel might be relevant to this investigation?

Palacios: No, sir.

Cardenas: I'm gonna go off record. That's gonna conclude this interview. The time is 1420.

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POST230958-1-SB2

Cardenas: So then, on your transcript, page 22, and about a third of the way down, I asked you, "Did you call in and ask what the watch sergeant was looking for you for?" Here.

Robledo: Yes, sir.

Cardenas: Okay. And you said, "You did not." And then, I asked you, "If, when you called in, if you were given information as to why the watch sergeant would be looking for you?" And you said, "You did not."

Robledo: Yes, sir.

Cardenas: Okay. So, you're, you're then saying that you didn't call in, you weren't given information as to why the watch sergeant, specifically, would be looking for you?

Robledo: No, sir.

Cardenas: Okay. You said that, "Messages had gone out to you and Commerce units, but they were talking about a Montebello traffic stop?"

Robledo: The location given was like a Montebello location. It wasn't -- it wasn't a Commerce location.

Cardenas: Okay. And when you called in and spoke to the watch deputy, did he tell you the traffic stop was in front of the Commerce Casino?

Robledo: No, sir.

Cardenas: Okay. And had he given you that simple information, would it have been --

Robledo: Yeah.

Cardenas: Would you have told him, "Oh, I stopped the guy in front of Commerce Casino"?

Robledo: Yeah. Yeah, that would have been me. Yeah, that simple. It would have been, "Oh, that's me."

Cardenas: It would have been that simple?

Robledo: Yeah.

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Cardenas: Okay. Can you jump to page 30, please, of your transcript, and on the bottom of page 30, and the topic I'm jumping to is now you've come back to the station?

Robledo: Yes, sir.

Cardenas: It's at the end of your shift, and approximately your shift ended at 0600. Correct?

Robledo: Yes, sir.

Cardenas: Approximately what time are you walking into the station, at this point in time?

Robledo: Maybe about 5:45, 5:50-ish. Somewhere around there.

Cardenas: Somewhere around there?

Robledo: Yeah.

Cardenas: So, close to the end of shift?

Robledo: Yeah. Right before 6.

Cardenas: Somewhere right before 6:00?

Robledo: Yes.

Cardenas: Okay. And, at this point in time, it's about a quarter to 6:00, the end of your shift. You've deleted your MDC messages?

Robledo: Yes, sir.

Cardenas: So, in your mind, you don't know that they're talking about a guy from Commerce Casino?

Robledo: No, sir.

Cardenas: Okay. You talked to the watch deputy at this point, or you've called into the station, and no one has told you we're talking about a Commerce Casino traffic stop?

Robledo: Yes, sir. No one.

Cardenas: So, we're going to talk about then, the conversation you had with Sergeant Inital?

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Robledo: Uh-huh.

Cardenas: And are you saying, in your mind, you are unaware that they were referring to a Commerce Casino traffic stop?

Robledo: Yes, sir.

Cardenas: Okay. So, about a quarter of the way down, I kind of reiterate, I say, "So, you're saying -- you're telling me then, when you speak to Sergeant Inital, you're unaware of the specific information -- or message to you, Unit 27, asking if you've pulled over a Mr. [redacted] at Washington and Telegraph, and I ask you, "And you don't know what he's referring to?" And your answer is, "No." Is that correct?

Robledo: Yes, sir.

Cardenas: Okay. And then, on page 31, you say, "And I went up to the station. I was unaware those messages were sent out. So, that's why, when you ask me, 'It was you,'" I said, 'It was me what'"?

Robledo: Yes, sir.

Cardenas: And that's still correct?

Robledo: Yes, sir.

Cardenas: Basically, what I'm getting is you have no idea what you're walking into, so to speak?

Robledo: Yes, sir.

Cardenas: Okay. At the bottom of page 31, it's referring to the phone call that you made, into the station. Your last statement on the page of 31?

Robledo: Uh-huh.

Cardenas: "Earlier in the shift, before, I guess, these messages were sent out, they had sent out a message and I had spoken to the watch deputy in regards to, 'Hey, dude, is there any -- any calls that are going to come up pending for Commerce?'" He's like, "No. Everything's chill." He told me, "Hey, this guy keeps calling, if anybody pulled him over, and he gave me the location." My question to you is what location did he give you?

Robledo: The Montebello location.

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Cardenas: Montebello location?

Robledo: Yeah. I don't remember, specifically, the streets, but it was not in Commerce RD.

Cardenas: Okay. And it continues, and you said -- I said, "No, dude. What are we gonna do in Montebello?" He's like, "Apparently he's calling the station saying that they pulled him over." And, again, you're referring to Montebello?

Robledo: Yes, sir.

Cardenas: Okay. And then, I asked you on page 32, "Do you refer -- do you remember anyone referring to" -- excuse me. "Do you recall anybody telling you that they're referring to this person, across the street from the Commerce Casino?"

Robledo: Uh-huh. No.

Cardenas: No? Okay. And your answer is still, "No"?

Robledo: Yes.

Cardenas: Okay. I'm going to jump back to just that evening. You're conducting your traffic stop, across the street from the Commerce Casino. You're searching the vehicle?

Robledo: It's not in front of the Commerce Casino, yeah.

Cardenas: Excuse me, down the street?

Robledo: Yes.

Cardenas: Let's call it the -- would that be the southwest?

Robledo: Southwest corner of Telegraph and Washing -- Washington, I believe it is?

Cardenas: I would agree with that statement.

Robledo: Yes.

Cardenas: Southwest corner of Washington and Telegraph. Okay. You described the - [redacted] You described his vehicle as "clean, no trash," and from what I gathered only one item in his car and that was sitting on

Cardenas: Okay. So, you're given information that someone is looking for you?

Robledo: At that time, I didn't know who was looking for me. But, apparently, after calling Manny and saying, "Hey, dude, they're saying that they're looking for someone in Commerce. That someone had pulled someone over. I thought it was Montebello. And he's like, "Yeah. I don't know. I think the watch sergeant's looking for somebody."

Cardenas: Okay. So, Manny tells you, essentially, somebody's looking for you?

Robledo: Yes, sir.

Cardenas: Okay. So, why do you call on this call? The one that we just listened to?

Robledo: I don't even remember that call, sir. But, yeah, I called into the station. At that point, I'm assuming that I have to call, to speak to the watch sergeant, if that's the case, if he's, I mean, looking for someone in Commerce.

Cardenas: Okay. So, you're aware they're looking for someone now in Commerce?

Robledo: Yes.

Cardenas: Okay. You listened to this audio and you hear yourself talking?

Robledo: Yes.

Cardenas: Okay. And do you hear the information that you're given? Because you said, "The watch sergeant typed to me." And now you're calling into, presumably, look for the watch sergeant?

Robledo: Yes.

Cardenas: To see like, why you looking for me?

Robledo: Well, I'm assuming, he typed all of us, because I didn't read the message. Yeah.

Cardenas: Okay. So, are you aware then, that the watch sergeant is now looking for you, at this point in time?

Robledo: Yes. But I'm under the impression it's over a Montebello traffic stop still.

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Cardenas: Okay. So now, you're given information, during that phone call, that someone said they were pulled over in front of the Commerce Casino. And that something's missing from the vehicle. Yes?

Robledo: Yes. That's what I hear, right now. I don't recall the conversation but --

Cardenas: Okay.

Robledo: And that's what I heard.

Cardenas: You don't recall that conversation?

Robledo: No, sir.

Cardenas: But that's what you heard?

Robledo: Yes, sir.

Cardenas: Then you were given information, about that, and you say, "I'll speak to him once I go into the station."

Robledo: Yes, sir.

Cardenas: Okay. This call occurred at 5:25 AM?

Robledo: Yes, sir.

Cardenas: You go into the station, approximately, as you said, 5:45, 5:50?

Robledo: Yes, sir.

Cardenas: Maybe 20 minutes after this conversation.

Robledo: Yes, sir.

Cardenas: Okay. And do you still contend that you have no idea why Sergeant Inital is looking for you?

Robledo: Well, because I'm under the impression it's the Montebello call, at that point.

Cardenas: If you're given information that they're looking to find out who stopped someone from the Commerce Casino, who is now missing property, why do you say, "They're looking for a Montebello traffic stop?"

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Robledo: Because that's the original complaint that was coming into, that they were -- that someone was pulled over in Montebello. That was the original complaint, from what I understand, and speaking to Manny, that's where the incident had occurred.

Cardenas: And what would you say if Manny says, "That's not what he told me."

Robledo: If Manny said, "That's not what he told me," then that's what Manny's saying, but that's the impression -- the conversation I had with Manny, with the watch deputy was, "Someone's made a complaint. He doesn't even know where they pulled him over. He indicated somewhere in Montebello." And I'm like why would we be pulling anybody over in Montebello? That's not me. So, that's the first conversation I had with him. This conversation was after I spoke with him again, and he's like, "Well, I'm out of here already, bro. I don't know but, apparently, this guy's either a sarge is looking for somebody, or one of you guys is down in Commerce." And that's when I made this phone call.

Cardenas: So, you get this -- again, you get this information, "Sergeant Inital is looking for you." You say, "I'll go in and I'll talk to him when I get to the station?"

Robledo: Yes.

Cardenas: Okay. But yet, you say, when you run into Sergeant Inital at the station, you're surprised that he's looking for you. Why did you say that?

Robledo: Because he said, "It was you." And I'm like, "It was me what?" I was surprised he's asking it was, that it was me. But it's like, "It's me what?" I never pulled anybody over in Montebello, because that's the impression I'm getting, that it was me, the one -- because I don't know what the complaint is from the Commerce Casino, and I don't know what the complaint is from whatever the gentleman they're giving me, as far as Montebello goes.

Cardenas: Uh-huh.

Robledo: So, I'm telling him, "It was me what?" He's like -- he points at the screen. He's like, "Dude, you pulled over that car." I'm like, "What car?" Because, at this point, I'm like, "Which one are you talking about?"

Cardenas: Did you, specifically, say, "Montebello?"

Robledo: Yes, sir.

Cardenas: Okay.

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Robledo: That was my whole -- my whole thing, from that morning, was this guy doesn't know where he got pulled over from. According to Manny and according to Lieutenant Easter, this guy was wearing tan over tan, this guy then changed the uniform color. He doesn't know where he got pulled over. He stated Montebello, he's giving different locations. That's the reason I gave Manny, I'm like, "Dude, I didn't pull anybody over in Montebello. Why would I be over there?" So, I'm assuming there's another complaint. There's two different complaints.

Cardenas: So, you're assuming there's two complaints? One out of Montebello and one out of Commerce Casino?

Robledo: Yeah. Because this is the first time in hearing from it. I don't recall this conversation.

Cardenas: Okay.

Robledo: But --

Cardenas: But you walk into the station at 5:45, 5:50?

Robledo: Yes, sir.

Cardenas: Armed with this information, that maybe there's a complaint out of Montebello and possibly a complaint out of the Commerce Casino, and when they talked to you, and you say, "I never pulled anybody over at Montebello," you don't correct them, at all? Or they don't correct you, at all?

Robledo: No. Because I -- if you listen to that, I indicated where I had pulled someone over, like on Fidelia, and all that stuff.

Cardenas: Uh-huh. Why would you say that if you did, in fact, pull somebody over in front of the Commerce Casino?

Robledo: Because that -- he wasn't asking me, specifically, "Did you pull this guy over?" He mentions the Commerce Casino but, at that point, I'm like, I remember it, but I didn't bring it up, at that point.

Cardenas: Do you see how, at the end of this, it's odd to understand? That a complaint is coming out of the Commerce Casino, and you're the only one person saying, "What do you mean Montebello?"

Robledo: No. But I'm not denying that traffic stop, sir. I'm not denying it.

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Cardenas: I'm not saying that. I'm not saying that.

Robledo: If, if, if Sergeant Initial --

Gibbons: All he's saying is that he was confused, at the time.

Robledo: Yeah.

Gibbons: Somebody said something about Montebello. That's what he thought that they were talking about. When he talks to Inital, he doesn't tell him which contact it was.

Cardenas: I just want to hear his answer.

Robledo: Yeah, no.

Gibbons: He's told you four times.

Robledo: I'm telling you, sir.

Gibbons: You keep asking the same thing.

Robledo: In having the conversation with the watch deputy, I'm under an understanding that there's a complaint coming out of Montebello.

Cardenas: Okay. That's the conversation with the watch deputy. The watch deputy says, "There's a complaint coming out of Montebello."

Robledo: Yes.

Cardenas: Then you talk to this deputy, at 5:25, and he tells you, "There's a complaint coming out of the Commerce Casino traffic stop."

Robledo: Yeah.

Cardenas: Then, --

Robledo: But I don't have a conversation with him. He brings it up.

Cardenas: He brings it up?

Robledo: Yeah.

Cardenas: So, he's telling you, "There's someone who has the same complaint. They don't know where they got stopped. It's an officer wearing tan on

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tan, and you're telling me, with your 10 years of experience, you're not connecting the dots?

Robledo: I'm connecting the dots. There's so many traffic stops that could occur, sir, people could make complaints five, six times throughout a day.

Cardenas: Okay. But we're talking about that night, and yet, the similarity between the two traffic stops is both people are saying they don't know where they were stopped. Both people are saying they're not sure if it's tan on tan, blue on blue. And you don't think they're talking about your Commerce Casino stop. That's what you're telling me?

Robledo: At that point? No, sir. I'm assuming --

Cardenas: No? That's your answer?

Robledo: Yeah. I'm assuming that the complaint is coming out of -- that there's a complaint coming out of the Montebello area. I don't know the extent of this Commerce Casino complaint or what happened in that -- in that traffic stop. At that point, I'm not -- I don't know what the complaint was. I understand he brings it up, but I don't recall that conversation.

Cardenas: Okay. Okay. That's what I want to know. And you do not know Deputy Strelow?

Robledo: No, sir.

Cardenas: S-T-R-E-L-O-W?

Robledo: No, sir.

Cardenas: And that the phone calls that we just listened to, do they refresh your memory, at all, of the incident?

Robledo: Of my conversation? I mean, I don't recall the conversation. Yeah.

Cardenas: Okay. And why is it then, when you learn from Lieutenant Easter, that someone is calling in, "They don't know where they were stopped. They're claiming the officer is wearing tan on tan." How come you didn't know that he was asking about a Commerce Casino traffic stop?

Robledo: Because when Inital said, "It was you." I said, "It was me what, sir?" "Like you pulled over that car." I said, "I didn't pull anybody over in Montebello." He's like -- and he's looking down at a paper. Right? He's just pointing at the screen. I'm on the threshold of the door, and he's not even making eye contact with me. Okay? And he's like, "It was you. It

POST PROFILE NAME:

ROBLEDO, BRAULIO J.

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: OBLEDO, BRAULIO J

DATE: 10/28/2024

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A83-R39		[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
123206	B	03/11/2006		36.00		

Total Number of Certificates: 1

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
03/11/2005	08/02/2024	8	DPTY	03/11/2005	19000	LOS ANGELES CO SD	F	P	

***Reason for Separation: 8 = Involuntary Separation**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
11/05/2004	K	1820-29900-04-198	8		Y	19000	LASD		S&K RESPECT BASED LDRSP MOD#92
03/11/2005	A	1820-00100-04-002	720	R	Y	19000	LASD		BASIC COURSE-INTENSIVE
01/26/2006	K	9260-22020-05-013	8		Y	19000	DOJ		ELECTRONIC SURVEIL-WIRETAP
05/24/2006	K	1820-23161-05-033	16		Y	19000	LASD		GANGS/CAL GANG COMPUTER SYSTEM
10/23/2009	C	1820-00310-09-003	80	X	Y	19000	LASD		ADVANCED OFFICER COURSE (FTC)
02/18/2010	K	1820-20301-09-016	4	X	Y	19000	LASD		BREATH ALCOHOL TESTING DEVICE
07/31/2012	K	1270-20290-12-003	16		Y	19000	CHP		DUI DETECTION-FIELD SOBRIETY
06/25/2014	K	1820-23161-13-033	8	X	Y	19000	LASD		GANGS-CAL GANG COMPUTER SYSTEM
12/08/2014	K	1820-22386-14-005	8	X	Y	19000	LASD		DECISION-MAKING/BASIC
03/19/2015	K	1820-29000-14-255	2	X	Y	19000	LASD		MENTAL HEALTH UPDATE
04/20/2015	K	1820-21155-14-005	8		Y	19000	LASD	*	DRIVER TRAINING (EVOC) UPDATE
06/23/2015	K	1820-31810-14-066	8		Y	19000	LASD	*	FIREARMS/SEMI-AUTO PISTOL
06/24/2015	K	1820-29515-14-081	8		Y	19000	LASD	*	ARSTCTL/DRVTNG(PSP)
06/25/2015	K	1820-21055-14-085	8		Y	19000	LASD		FIREARMS/LASER TRAINING UPDATE
12/16/2015	K	5890-30252-15-004	4	X	Y	19000	OPD		VEHICLE RACING/MOD.VEH.ENFORC
09/19/2017	K	1820-20147-17-002	8	X	Y	19000	LASD		MACTAC BASIC
12/13/2017	K	4890-23287-17-014	4	X	Y	19000	M TOLERNCE		RACIAL PROFILING UPDATE
04/29/2019	K	1820-20801-18-016	32	X	Y	19000	LASD	*	CRISIS INTERVENTION

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific ***** = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

3-01/040.69 - Honesty Policy

Department members are held to the highest standards of integrity and ethics. In particular, honesty and trustworthiness are of paramount importance to the credibility and integrity of all Department members. Honesty and maintaining the trust of those we serve depend on candor, forthrightness, sincerity, and accuracy.

Dishonesty destroys trust and violates Department policy. Examples of dishonesty and violations of trust include not only false statements, but also deliberate distortions of the truth; intentional exaggerations, concealment of or failure to disclose material facts, observations, or recollections, and failure to make full, complete and truthful statements when required.

Department members who violate this section are subject to discipline up to and including discharge.

3-01/040.70 - Dishonesty/False Statements

Members shall not make false statements or commit any other violations of the honesty policy, section 3-01/040.69, when questioned, interviewed, or in reports or documents submitted. Department members who violate this section are subject to discipline up to and including discharge.

3-01/040.75 - Dishonesty/Failure to Make Statements And/Or Making False Statements During Departmental Internal Investigations

False statements and any other form of dishonesty during an official Department internal investigation or inquiry shall, absent extenuating circumstances, result in discharge.

Failure or refusal to make statements when ordered during Department internal investigations constitutes insubordination and shall, absent extenuating circumstances, result in discharge.