AGENDA ITEM REPORT

Title: POST2505112 - KEVIN SMITHMATUNGOL (POST ID: C88-T32) LAST EMPLOYING AGENCY: DALY CITY POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 09/17/2026	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Christina Moore	**REVIEWED BY** Brian South	
REPORT DATE	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent began his employment with the Daly City Police Department on January 3, 2022, as a trainee, becoming a full-time Police Officer on July 11, 2022. At the time of the events at issue, Respondent was employed as a Police Officer with the Daly City Police Department. After receiving the Notice of Intent to Terminate, the Respondent resigned effective October 1, 2025. At the time of this incident, Respondent held 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).

On June 2, 2024, the Respondent contacted a female subject, who was detained by Target security for shoplifting, and cited and released the party. On the day of the incident, when

questioned by his supervisor regarding how the party was identified, the Respondent stated he obtained the subject's fingerprint, when he had not. The Daly City Police Department initiated an internal affairs investigation and confirmed the Respondent did not obtain the female subject's fingerprint. During his Internal Affairs interview on January 31, 2025, the Respondent falsely stated he obtained the subject's fingerprint. During his interview with POST conducted on January 13, 2026, the Respondent admitted he did not obtain a fingerprint from the subject at any time and was dishonest in his internal affairs interview.

On June 20, 2024, when asked by his supervisors as to why the Respondent had arrived late for his scheduled training day, the Respondent explained he was addressing some outstanding evidence with the Property Room Manager. Then, the Respondent sent the Property Room Manager a text message which stated, *"If Karen or Jerel* [supervisors] *asks can you please let them know I was handling evidence with you!"* The Daly City Police Department initiated an internal affairs investigation and determined the Respondent was approximately 30 minutes late for training and had not been working on outstanding evidence that morning. During his internal affairs interview on January 31, 2025, the Respondent falsely stated that he had been handling evidence for the Property Room Manager and denied the purpose of the text message was to create an alibi. During his interview with POST conducted on January 13, 2026, the Respondent admitted he claimed in his internal affairs interview that he was handling evidence for the Property Room Manager when he had not been. The Respondent admitted he sent the text to the Property Room Manager that morning, despite not having worked on evidence with her, but he had not intentionally asked the Property Room Manager to lie on his behalf.

On October 25, 2024, the Respondent was assigned two (2) subpoenas to serve. Respondent informed his supervisor and wrote on the subpoena return slip that he had attempted to serve each subpoena when he had not. The Daly City Police Department initiated an internal affairs investigation and confirmed the Respondent did not attempt to serve either subpoena. During his Internal Affairs interview on January 31, 2025, the Respondent falsely stated he had attempted to serve the subpoenas. After being presented evidence which indicated he never attempted service of either subpoena, the Responded explained "maybe I didn't do it." During his

interview with POST conducted on January 13, 2026, the Respondent admitted he did not attempt to serve either subpoena and was dishonest in his internal affairs interview to avoid disciplinary action.

Following the conclusion of the three (3) internal affairs investigations, the Respondent was served a Notice to Intent to Terminate. On August 15, 2025, the Respondent attended an administrative meeting, where he resigned effective October 1, 2025.

ANALYSIS:

Clear and convincing evidence substantiated that the Respondent violated California Penal Code §13510.8(b)(1) and Commission Regulation §1205(a)(1), Dishonesty. The Respondent admitted to POST he knowingly and deliberately provided false information to an internal affairs investigator during three (3) investigations into his own misconduct.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2505112_Smithmatungol Kevin_ISF.pdf
BR012_POST2505112_Smithmatungol Kevin_Att.K_Division Interview Transcript.pdf
BR02_POST2505112_Smithmatungol Kevin_Executive Review Division Recommendation.pdf
BR03_POST2505112_Smithmatungol Kevin_POST Profile.pdf
BR04_POST2505112_Smithmatungol Kevin_Att.C_Administrative Investigative Memorandum Excerpts 24-04.pdf
BR05_POST2505112_Smithmatungol Kevin_Att.D_Administrative Interview Transcript 24-04.pdf

BR06_POST2505112_Smithmatungol Kevin_Att.E_Administrative Investigative Memorandum Excerpts 24-06.pdf
BR07_POST2505112_Smithmatungol Kevin_Att.F_Administrative Interview Transcript 24-06.pdf
BR08_POST2505112_Smithmatungol Kevin_Att.G_Administrative Investigative Memorandum Excerpts 24-07.pdf
BR09_POST2505112_Smithmatungol Kevin_Att.H_Administrative Interview Transcript 24-07.pdf
BR010_POST2505112_Smithmatungol Kevin_Att.I_Notice of Intent to Terminate.pdf
BR011_POST2505112_Smithmatungol Kevin_Att.J_Letter of Resignation.pdf
POST2505112_Smithmatungol_Kevin_July_2026_POSAAB_Agenda_Record.pdf
POST2505112 _Smithmatungol_Kevin_Board_Hearing_Public_Comment
POST2505112_Smithmatungol_Kevin_Board_Hearing_Public_Comment_Follow Up
POST2505112_Smithmatungol_Kevin_Board_Recommendation_Signed.pdf
POST2505112_Smithmatungol_Kevin_Transcript_Board_07.16.26..pdf