Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

NOTICE OF DETERMINATION

CASE NO.: POST2304758 **SUBJECT OFFICER:** Marlon MARTINEZ

POST ID: C65-S42 **EMPLOYING AGENCY:** Los Angeles County Sheriff

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POST INVESTIGATOR: LEC Dave Sieber

NOD DATE OF ISSUANCE: 11/10/2025

ALLEGED MISCONDUCT: PC §13510.8(b)(2) / 11 CCR §1205(a)(2) – Abuse of power; and PC §13510.8(b)(1) / 11 CCR §1205(a)(1) – Dishonesty

EXECUTIVE SUMMARY: On December 8, 2022, while off-duty, Los Angeles County Deputy Marlon MARTINEZ, hereinafter "Respondent", entered the "Pharmacy Boardshop" inside the Antelope Valley Mall, in Palmdale, California. Respondent was pushing a stroller carrying his two-year-old son. While inside the store, Respondent selected a T-shirt, concealed it under a blanket and walked out of the store without attempting to pay for the item. As he exited the store, the security alarm system activated. The store manager politely asked Respondent to stop and pass back through the security sensor; however, Respondent refused. Respondent ignored the manager and continued to walk out of the store into the mall. The manager approached Respondent outside the store and once again asked him to pass through the security scanner, but Respondent refused.

While standing outside the store, Respondent spontaneously stated *"What, you think I put something in my stroller?"* The manager noticed a bulge in Respondent's waistband and asked what it was, suspecting it could be stolen merchandise. Respondent replied, "*Don't worry about what's in my pants,"* and then proceeded to identify himself as a deputy sheriff, while showing the manager his department-issued "flat badge." In addition, Respondent lifted the front of his shirt, exposing a firearm centered in his waistband. Once the manager saw the badge and firearm, he became confused and disengaged from Respondent, fearing the situation could escalate.

After separating from Respondent, the manager returned to the store and reviewed in-store closed circuit television (CCTV) recordings. The recordings depicted Respondent selecting a T-shirt from the children's clothing rack and placing it on top of his son's stroller, moving behind a clothing rack, rolling the T-shirt and surreptitiously pushing it under a blanket on top of the stroller. After observing the digital evidence and considering Respondent's actions outside the store, the manager filed a robbery/brandishing report with the Los Angeles County Sheriff's

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Department's (LASD's) Palmdale Station. During Palmdale Station's investigation, additional witnesses were identified, and CCTV recordings were reviewed. Respondent was positively identified as an employee of LASD's North County Correctional Facility (NCCF) and the store manager positively identified Respondent.

In response, LASD initiated an Internal Affairs Bureau (IAB) investigation into the allegations against Respondent. The investigation sustained multiple violations of LASD's Manual of Policy and Procedures (MPPs). The evidence cited in the IAB finding included: stealing merchandise from Pharmacy Boardshop, concealing it and then lying to the store manager and LASD investigators about doing so; using his position, i.e., his badge and firearm, to impede the store manager's efforts to determine if a theft of merchandise had occurred; being named as a suspect and arrested for a violation of California Penal Code §484(a), petty theft, and/or having charges filed and/or presented to the Los Angeles County District Attorney's (LADA's) Office for filing consideration and telling IAB investigators that the store manager reached for his waistband, in contrast to CCTV recordings. The case was submitted to the LADA's Office for filing consideration; however, on April 18, 2023, the case was dismissed pursuant to California Penal Code §1385(a) - furtherance of justice.

Despite the LADA's declination, on April 2, 2024, LASD terminated Respondent for the aforementioned MPP violations. Based on a review of the IAB report, specifically Respondent's statements during his administrative interview, CCTV data, supporting documents and an assessment of the aggravating and mitigating factors, the Division assesses that clear and convincing evidence exists to suggest Respondent committed serious misconduct in violation of the following California Penal Code §13510.8(b)(2) – Abuse of power, and California Penal Code §13510.8(b)(1) – Dishonesty.

ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code §13510.8(b)(2) and Title 11, California Code of Regulations §1205(a)(2) – Abuse of Power**

Penal Code §13510.8(b)(2) and Commission Regulation §1205(a)(2) defines as serious misconduct: "Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest."

Respondent abused his power as a peace officer when he identified himself as an LASD Deputy Sheriff to the Pharmacy Boardshop store manager and brandished his duty weapon to effectuate the perpetration of an unlawful act. Respondent's actions intimidated the store manager and impeded

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the manager's efforts to determine if Respondent had stolen merchandise. In the interview of the manager, the manager states: *"he [Respondent] lifted his shirt and said it's a gun."* The manager says he then "whipped out his badge," identified himself as a LASD Deputy and said, *"I wouldn't steal from you."* Analysis of in-store and mall CCTV recordings and the manager's testimony provide clear and convincing evidence to suggest Respondent committed serious misconduct in violation of Penal Code §13510.8(b)(2) and Commission Regulation §1205(a)(2), when he abused his power as a peace officer to effectuate petty theft, intimidate the store manager and impede efforts to detect his theft of store merchandise.

2. **The alleged misconduct violated Penal Code §13510.8(b)(1) and Title 11, California Code of Regulations §1205(a)(1) – Dishonesty**

Penal Code §13510.8(b)(1) and Commission Regulation §1205(a)(1) defines as serious misconduct "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 repeatedly made dishonest and misleading statements during his official IAB interview when he did the following: denied intentionally stealing a T-shirt from the Pharmacy Boardshop, denied intentionally concealing the T-shirt under a blanket on top of his son's stroller, and when he denied leaving the store without paying for the T-shirt. Respondent was dishonest when he claimed the store manager reached for his waistband and when he denied that he brandished his firearm to the store manager outside the store in the mall area.

During his IAB interview, Respondent initially admitted the security alarm activated when he exited Pharmacy Boardshop, and later during the same interview, told investigators he never heard the security alarm activate. He first stated: *"I heard alarm sensors going off,"* claiming alarm sensors often went off when he exited stores. A few minutes later he stated: *"I don't remember if it [the alarm] went off or not."* He repeated later in the interview, *"I can't recall if I did hear it go off or not."* When confronted with his earlier statement that he heard the alarm sensors go off, Respondent *again* changed his statement to say, *"yes"* he believed the alarms went off.

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During his IAB interview, he initially stated he did not recall what item he grabbed. He later admitted he found the item he grabbed – a Carhartt beanie – two to three weeks later. Initially he stated: *"I may have grabbed something."* When specifically asked what he may have grabbed, he stated: *"I'm not too sure. I can't recall exactly what it was the item that I grabbed."* This contradicts with his later admission that *"approximately two to three weeks after the Pharmacy's incident"*, he was clearing out his trunk and removed his stroller and *"this beanie fell out onto the floor."*

During his IAB interview, he stated that he placed the unknown item on top of the stroller. He stated that whatever was in his hand, *"I think I put it on top of the stroller."* The CCTV footage shows this is not true as it shows him concealing the clothing item under a blanket covering the stroller.

He lied to IAB investigators when asked if he stole an item, he said *"No, not intentionally."*

He told IAB investigators he never displayed his firearm. The statement from Manager Joseph Gonzalez rebutted this.

He told IAB investigators that Manager Joseph Gonzalez *"reached for his firearm"* and the statement from Manager Joseph Gonzalez contradicted this.

Analysis of in-store and mall CCTV recordings and testimony provided by the store manager verified that all three statements were demonstrably false, providing clear and convincing evidence that Respondent committed serious misconduct in violation of Penal Code §13510.8(b)(1) and Commission Regulation §1205(a)(1), when he was dishonest during his IAB interview.

FINDINGS

Respondent abused his power as a peace officer when he identified himself as an LASD Deputy Sheriff to the Pharmacy Boardshop store manager and brandished his duty weapon to effectuate the perpetration of an unlawful act. In addition, Respondent repeatedly made dishonest and misleading statements during his official IAB interview. As such, the Peace Officer Standards Accountability Division assesses that clear and convincing evidence exists to seek suspension or revocation of the Respondent's certification.