Commission on Peace Officer Standards and Training
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On May 2, 2023, Erik Levig was interviewed in a conference room located at the California Department of Consumer Affairs, Bureau of Automotive Repair, 3331 North Sillect Avenue, Bakersfield, California by Kevin Sherburne and Darryl Elliott, Law Enforcement Consultants at the California Commission on Peace Officer Standards and Training ("POST"). Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Levig. After being advised of the identity of the interviewers and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Levig provided the following information:

Levig first met David Hubbard when the were deputies assigned to the Kern Valley substation. Hubbard had gotten into trouble and was sent there as punishment. As time passed, Levig moved to homicide and he and Hubbard were partners doing homicide investigations. Levig came from Internal Affairs ("IA"). Both promoted to sergeant at the same time. Trevino also promoted to sergeant at the same time. When Levig became a sergeant, he moved to IA and Hubbard to homicide. They both also taught the laws of arrest and search/seizure. When Hubbard promoted to lieutenant, he moved to IA. Levig moved to compliance and standards. There was a vacancy in PSU after Trevino promoted and Doug Jauch moved Hubbard to PSU.

Hubbard spent only a short amount of time in IA. There was a vacancy in PSU and Kern County Sheriff's Office ("KCSO") policy was that department needs were filled by determining if someone out there was competent and a good fit.

Levig did not know about any complaints Hubbard had made about PSU's quality of investigations. Levig recalled discussions about Hubbard not feeling like PSU was not doing the S1 case to the same extent as it could.

Levig knew that Hubbard was only getting limited information. Levig did not know what was lacking and felt PSU was on the right track. It was just not the way Hubbard would have done the investigation.

In April 2021, Levig was a direct report to the Undersheriff as leader of compliance and standards. He had worked for Nord just prior to this. Justin Weidenkopf let Levig know that Hubbard complained about the PSU investigation. Hubbard complained to Nord who then took the complaint to Jauch. It came back down. Levig did not recall meeting with Jauch. It was not a great concern.

Sometimes, people talk about cases that are not assigned to them. Hubbard did have a role on the backside of the criminal investigation because he was in IA. V1 had gone to Hubbard in confidence and asked him for help. Hubbard's statements were like, "Hey, I was talking" to V1 At first, V1 was hesitant to wear a wire. Levig told Hubbard that they could only do so much without her cooperation. Hubbard encouraged V1 PSU sanctioned her wearing a wire. Levig did not know if Hubbard volunteered to help V1 or if PSU asked him for help with her.

Weidenkopf was on board with the plan to have Hubbard talk to V1.

Levig knew that Hubbard and V1 had worked together and that his wife watched her kids.

Levig had not hear that Hubbard complained about PSU's investigative strategy to interview all of the detectives in the section.

There was no formal plan to have V1 wear a wire. It was informal in a group setting how best to approach it. It could have been Levig giving the order to Weidenkopf or the undersheriff gave the order.

Levig has never seen IA intervene in a criminal investigation before. IA tracks the criminal investigation, but the criminal investigators do not get access to the IA case. It is never IA's role to intervene in the criminal case. Levig was not aware if Hubbard intervened in any other cases.

Hubbard told Levig about meeting with Ken Russell. It was common for PSU to meet with Russell to consult. Usually, Weidenkopf or the lieutenant would go to those meetings. Levig did not attend those meetings. It was not common for the victim to show up at those meetings. There was a process where Hubbard attended in a personal capacity. Levig would have asked Hubbard if he were the representative and need to conflict him out.

In conflict of interest situations at KCSO, the only rule is collateral employment. A Kern County ordinance governing conflict of interest would have applied to Hubbard.

Levig has been to Hubbard's house. He met Hubbard's wife a couple of times. They went to college at the same time and graduated about the same time. Hubbard asked if people could come over to his house after the shooting of Phillip Campos. Damian Nord was there, too.

It would be unusual for Hubbard's wife to have access to his work phone passcode. Employees are supposed to keep that confidential. People have gotten into trouble for sharing their information.

Levig was only aware of Hubbard's marital problems in December 2021. He was not that good a friend to know when marital problems first arose.

Hubbard sent Levig a text saying he accepted employment with the Kern County District Attorney's Office. Levig thought, "I only get a text?" The text was July 1. Hubbard asked Levig to be a reference on June 24.

Up until December 2021, Levig thought Hubbard and V1 were just friends. In the detective section, there was light horseplay and jokes.

Hubbard did not think Weidenkopf did not have leadership skills.

Hubbard came to Levig to tell him he was going to be V1 direct supervisor. It related to Blue Team reporting and there was no issue from Weidenkopf. Initially, V1 did

not want to be moved away from detectives, but then she got the cold shoulder in detectives, so she moved.

Levig thought V1 was breastfeeding in the office and that's why she had doors on her cubicle. She had been using an interview room, which had cameras.

There was banter between V1 and Hubbard. Hubbard fooled Weidenkopf and Levig in thinking there was nothing more than banter.

The Kern County District Attorney's Office did not follow up on Levig's answers to questions in Hubbard's background investigation. Levig heard that KCSO tried to serve *Skelly* notice of termination, but that Hubbard told them he did not work there anymore and that the county Chief Human Resources Officer had ordered processing of the Change in Employee Status.