STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, JULY 16, 2026

10:00 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:
Kathryn S. Swank
California Certified Shorthand Reporter #13061, RPR

# A P P E A R A N C E S

## POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

ROBERT DOYLE
Marin County Sheriff (Retired)
Vice Chairperson

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
California State Legislature
(Retired)

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## PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD 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 STAFF

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

GERALD FERNANDEZ
Law Enforcement Consultant
Professional Conduct Northern Division

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Analyst II
Executive Office

CHRISTINA MOORE
Law Enforcement Consultant
Professional Conduct Central Bureau

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ALSO PRESENT

PUBLIC SPEAKERS

BEATRICE JOHNSON

ANDREA SORCE

KORI McCOY

KRIS KELLY

MELISSA NOLD

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Thursday, July 16, 2026, 10:09 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning, everyone. Today is Thursday, July 16th, 2026. And the time is 10:09. Thank you for attending the Peace Officers Standards Accountability Advisory Board.

Please note this hearing is being livestreamed, recorded and transcribed.

Further, please note that the microphones are auto on/off. When you begin speaking, they will go live with you. You will need to watch your crosstalk.

We will now call the roll of board members.

MR. KNAPP: Thank you, Madam Chair.

CHAIRPERSON DUDLEY: Good morning, Mr. Knapp.

MR. KNAPP: Thank you, everybody.

CHAIRPERSON DUDLEY: Thank you. Good morning.

MR. KNAPP: Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Member Doyle.

MEMBER DOYLE: Here.

MR. KNAPP: Chair Dudley.

CHAIRPERSON DUDLEY: Here.

MR. KNAPP: Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Member Lara.
MEMBER LARA: Present.
MR. KNAPP: And Member Pena.
MEMBER PENA: Present.
MR. KNAPP: Thank you. Madam Chair, all members present.
CHAIRPERSON DUDLEY: Wonderful. A quorum has been established.
I would now like to introduce -- to my left is Christopher Beatty and POST Assistant Executive Director Annemarie Del "Munig" -- I got it this time. Del Mu- -- Del "Munio."
MS. DEL MUGNAIO: Del Mugnaio.
CHAIRPERSON DUDLEY: Del Mugnaio. I don't have it this time.
You'd think I would have memorized that by now.
All right. 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

evidentiary hearing.

At the conclusion of each LEC's presentation, the Board will have the opportunity to ask questions, then 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 go into closed session deliberations after each case or wait until all cases have been presented and adjourn into closed session to deliberate on all cases presented after reconvening into regular session. Votes will be taken on each case.

So on to the first case POST507244, Eduardo Escareno-Davila. Post Number C99-P62. Last employing agency, Mendocino County Sheriff's Department.

At this time, I will call upon Law Enforcement Consultant Gerald Fernandez, Professional Conduct Northern Division, and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on POST2507244, Eduardo Escareno-Davila, who, at the time of the events at issue -- sorry -- at the time of the events at issue in this case, employed by the Mendocino County Sheriff's Office.

Gentlemen.

MR. FERNANDEZ: Good morning, Madam Chair and

Members of the Board.

My name is Gerald Fernandez. And I'm one of the Law Enforcement Consultants assigned to the Professional Conduct Northern Bureau in the Peace Officer Standards Accountability Division.

With me today is Brian Hoffman, an attorney with our Legal Affairs Bureau.

I'm here today to present Case Number POST2507244, involving Eduardo Guadalupe Escareno-Davila. Hereafter --

CHAIRPERSON DUDLEY: Speak a little bit slower, please.

MR. FERNANDEZ: Yes, ma'am.

Hereafter referred to as "Respondent," who was employed by the Mendocino County Sheriff's Office at the time of the incident in question.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Respondent committed an act of serious misconduct as set forth in Penal Code section 13510.8, on November 13th, 2024.

Specifically, the Division has determined that Respondent committed the following act of serious misconduct: Acts that violate the law.

During this presentation, I will explain the

Division's findings of investigation in this matter.

Next slide, please.

Respondent began his career with the Mendocino County Sheriff's Office on June 11th, 2023, as a trainee.

On December 10th, 2023, Respondent was promoted to the position of deputy.

Respondent did not earn a POST certificate. However, he was issued a Proof of Eligibility by POST at the time of his promotion to the position of deputy.

Respondent's Proof of Eligibility expired upon his dismissal from the Mendocino County Sheriff's Office on November 21st, 2024, while he was still on probation.

Respondent's service record did not include any prior complaints, disciplinary actions, or commendations.

Next slide, please.

On November 13th, 2024, at approximately 3:17 a.m., victim telephonically contacted the Mendocino County Sheriff's Office dispatcher to request a law enforcement -- law enforcement response to her house.

When asked what was going on, Victim explained that she had woken up to her roommate trying to touch her in bed.

Victim identified her roommate as Lalo Escareno,

also known as Eduardo Escareno, i.e. Respondent.

The dispatcher sought clarification that her roommate tried to touch her inappropriately while she was in bed and the victim affirmative replied "Um-hmm."

At approximately 4:18 a.m., Mendocino County Sheriff's Office deputies responded to Victim's call for service, contacted her in front of her residence, and conducted an initial interview with her.

Victim stated that while she was sleeping on her side, she woke up to something cold touching her right between her legs. She then turned over and heard something that sounded like it had rolled off the bed. She looked over at the side of her bed and saw Respondent lying on her floor, trying to hide.

Victim confronted Respondent, turned on the light, and continued to confront him.

Respondent initially said, with slurred speech, that he was in victim's bedroom because of the kittens that she fostered, but he eventually apologized to her.

Victim then asked Respondent why he would touch her, and, again, he apologized saying, "I'm so sorry."

While Victim was sleeping, she was wearing sleep shorts with no underwear, so Respondent had direct contact with her skin when she felt him reach into her shorts from the bottom.

When asked if Respondent touched her genitalia, Victim replied affirmatively and described the location as her vaginal area.

When asked if there was any penetration, Victim explained that it felt like he was about to penetrate with his fingers, but there was no actual penetration.

When she went to bed, Victim left her door cracked open so that her cats could go in and out of her room freely.

After the incident, Respondent told Victim the reason he had gone into her room and touched her was because her door was open.

Victim and Respondent had never been in any type of romantic or sexual relationship with each other, nor had they ever kissed or done anything suggestive of such interactions.

At approximately 5:47 a.m., Victim was voluntarily transported to the Mendocino County Sheriff's Office Ukiah Station, where she was reinterviewed by an investigating detective.

Victim provided an account of the incident that was consistent with the statements she provided to the deputies who initially responded to her residence.

However, she added that when she initially saw Respondent on the floor next to her bed, his joggers

were pulled up, so she assumed he had touched her with his fingers. But since it took a moment between when she first felt the touch and when she saw Respondent, she didn't know if the joggers had been partially pulled down during the contact.

Since Victim was asleep prior to feeling the touch, she also didn't know how long he had been in her bed with her. She didn't feel him get into the bed so she was unsure if he had touched her with his fingers or his penis.

Later the same day, an emergency protective order was granted, protecting Victim from Respondent, followed by a temporary restraining order which additionally protected the third roommate from Respondent.

At approximately 10:25 a.m., the investigating detective and other deputies returned to the victim's and respondent's residence to interview Respondent, serve him with an emergency protective order, and to execute a search warrant that included a seizure of photos, DNA buccal swabs from the respondent, and digital media devices belonging to Respondent.

During his criminal investigative interview, Respondent confirmed that he and victim were not in any type of relationship or dating, nor were there any indications in that regard.

In describing the incident, Respondent said that he was intoxicated and didn't know why he walked out of his bedroom. But when he did, he saw Victim's door open, at which point he stood by her door, took a couple of steps into her room, walked back out of her bedroom, and thought to himself, quote, "What are you doing?"

Next, he reentered Victim's bedroom. This time, crawling in and lying down against her bed.

Respondent then reached up with his right hand, slid his hand under her blankets, and touched her feet.

He then started moving his hand upward toward her calf.

Respondent stated that he didn't know where else he touched her before she woke up and confronted him.

When specifically asked if he had touched Victim under her shorts with her hand, Respondent replied "No."

When asked if it was possible, he repeatedly replied, "No."

When asked if he had touched Victim's vagina, Respondent replied "No."

The rest of Respondent's account of the incident was essentially consistent with the victim's version of the event, except that Respondent said he did not get into Victim's bed at any point during the incident.

Later, during Respondent's investigative interview,

he retold the sequence of events during the incident and said that after he started moving his hand up, he, quote, "touched something else," after which Victim woke up and confronted him.

When asked what the "something else" was that he touched, Respondent replied, quote, "Just skin."

When the interviewing detective then posed the possibility that the "something else" could have been Victim's vagina, Respondent interrupted him and said, "It was just skin."

Respondent then elaborated and said, quote, "Because I, um -- honestly, we're adults here. I know what a vagina feels like and it was definitely not her vagina," end quote.

Toward the end of the interview, Respondent was asked if he could show the deputies exactly what he did throughout the incident. As he walked through his footsteps, crawling, reaching, and attempting to hide, Respondent narrated his movements each step of the way.

His demonstration was recorded on body-worn cameras and a video clip of his demonstration will now be shown to you.

Next slide, please.

(Video played.)

MR. FERNANDEZ: Obviously, the audio was difficult

to hear. I don't know if we could get that fixed or not.

But unless anyone wants to see that video clip again, possibly with the audio, we'll keep moving forward.

(No response.)

MR. FERNANDEZ: Next slide, please.

December 9th, 2024. The Mendocino County District Attorney's Office filed criminal's case with the Mendocino County Superior Court. And he was charged with one count of sexual battery, Penal Code section 243.4(e)(1), a misdemeanor.

However, on February 20th, 2026, the Mendocino County District Attorney's Office amended the complaint to add a charge of Penal Code sections 242 and 243(a), battery.

Respondent then pled guilty to battery, Penal Code sections 242, and 243(a), a misdemeanor, with proceedings suspended based on a deferred entry of judgment; and the Court dismissed the sexual battery charge.

The deferred entry of judgment included the following conditions:

Number one. Obey all laws and orders of the court, including previously issued retraining orders.

Two. Totally abstain from the use of alcohol.

Three. Submit to alcohol testing at the request of any peace officer or probation officer at any time of the day or night, with or without notice, consent, probable cause, or a warrant.

Four. Submit to search and seizure of Respondent's person, property, or any property under Respondent's control, when requested by any peace officer, probation officer, at any time of the day or night, with or without notice, consent, probable cause, or a warrant, for alcohol and firearms.

Five. Stay away from/have no contact with the victim.

Number six. Do not possess any firearms or ammunition.

Seven. Participate in and pay all fees for the following programs of counseling and/or education: AA/NA meetings, weekly, for 52 weeks, and individual therapy, monthly, for 12 months.

Number eight. 50 hours of community service.

And number nine. An apology letter to the victim addressing the victim impact.

If the respondent abides by all the conditions of his deferred entry of judgment, it is possible that the battery charge will be dismissed by the Mendocino County

Superior Court on February 19th, 2027.

On May 21st, 2026, Respondent was present for his first court hearing to submit a status report on his progress with the conditions of his deferred entry of judgment.

According to the court's docket and minutes, Respondent provided proof of carrying out the required community service, attendance at AA meetings, attendance at individual therapy, and the apology letter to the victim.

Respondent's next progress report with the court is set for August 24th -- 21st, excuse me, 2026.

Next slide, please.

Penal Code section 243.4(e)(1) says, in part, "Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery."

Penal Code section 243.4(g)(1) defines an "intimate part" as the "sexual organ, anus, groin, or buttocks of any person, and the breast of a female."

The clear and convincing evidence substantiated that Respondent violated Penal Code section 243.4(e)(1), when he touched Victim's intimate body part,

specifically her vaginal area against her will and for the specific purpose of Respondent's sexual arousal and gratification.

Therefore, Respondent also violated Penal Code section 13510.8(b)(6) and POST Regulation 1205(a)(6), which define as serious misconduct, "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."

The facts I have just recited support the Division's finding that Respondent was involved in serious misconduct, specifically acts that violate the law.

For 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 revocation or suspension of Respondent's POST certification based on the following:

Respondent's excessive intoxication was a primary contributing factor that led to his poor judgment when

he sexually battered his roommate;

Respondent's actions resulted in his guilty plea to misdemeanor battery on February 20th, 2026;

As a peace officer, Respondent was sworn to protect the public, not endanger them.

When Respondent snuck into the bedroom of his sleeping roommate for his own pleasure, Respondent failed to uphold the law or respect his roommate's rights.

His actions that resulted in the execution of an emergency protective order and criminal charges are clearly inconsistent with the obligations of a peace officer.

Last Friday, July 10th, 2026, I spoke on the phone with the respondent, who acknowledged receiving notification of today's board hearing. But he said he would not be able to attend in person or remotely because he had a criminal court hearing that was scheduled in direct conflict with today's board hearing.

This concludes my presentation.

With that, I'm happy to answer any questions the Board may have.

CHAIRPERSON DUDLEY: Does the Board have any questions?

MEMBER HATCHER-CRAWFORD: You mentioned that he has

a criminal case today that he's attending. Is it in regards to this as well?

MR. FERNANDEZ: It is related to the restraining order that was ordered against him.

MEMBER HATCHER-CRAWFORD: Oh, okay. Thank you.

CHAIRPERSON DUDLEY: Yes. Please.

MEMBER PENA: Pena.

So according to the transcript, so soon after this occurred, the victim said something to the effect of, you know, "I have to call this in."

Do you know why -- why she said that? Like, why that occurred?

MR. FERNANDEZ: She wasn't asked that specific question. But I know that the respondent's response was that he said that he responded by saying, "Yes, you do."

MEMBER PENA: I just -- I just find that curious that that was, like, the first thing that --

MR. FERNANDEZ: Yeah. I'm happy to speculate but, you know, I think we can all speculate. I mean, I don't know if you want to hear my theory or my thoughts. But...

CHAIRPERSON DUDLEY: I don't think that's necessary.

MR. FERNANDEZ: Yeah.

CHAIRPERSON DUDLEY: I don't want you to speculate.

MEMBER PENA: Yeah.

So basically, his story, his version, never really changed. And her version didn't change too much either.

MR. FERNANDEZ: Correct. She gave two accounts: First to the initial responding deputies; and about an hour or two later, to the investigating detective. And they were essentially consistent.

MEMBER PENA: Was he ever represented by counsel?

MR. FERNANDEZ: No. In fact, part of my conversation with him this past Friday was that he had not retained an attorney. So he still has not, as of last Friday.

MEMBER PENA: No -- did he ever have a union attorney or a union rep at all?

MR. FERNANDEZ: I didn't ask him that question. But, again, I can speculate. I just -- I can't really answer that definitively.

MEMBER PENA: Okay. But the department -- well, you basically believed what she had to say, correct?

MR. FERNANDEZ: Yeah. The agency sustained -- they had sustained findings for all of the allegations including the sexual battery.

MEMBER PENA: One of the things I found troubling was she -- at first, she said he touched her vaginal area. But then she later said when she noticed she had

shorts on, that it could have been his penis. She wasn't sure if it was his fingers or his penis.

But, presumably, if it was his penis, he would have had to have been on the bed, straddling her in some way, which I would think would probably have -- she would have awakened if he would have been doing that.

So I just -- I found that a little bit troubling. That she was -- had sleep shorts on, a cover over her, laying on her side. And somehow he got it underneath all of that with his penis and didn't wake her up.

Just a thought. It is just what I thought about.

Was he intoxicated at the time?

MR. FERNANDEZ: Yes. She detected that he was intoxicated. He admitted he was intoxicated. He said he drank way too much. So all the evidence suggests that, yes, he was pretty intoxicated.

MEMBER PENA: Okay. Okay.

CHAIRPERSON DUDLEY: Anything else?

MEMBER PENA: No further questions.

CHAIRPERSON DUDLEY: Anyone else?

MEMBER JOHNSON: Johnson.

CHAIRPERSON DUDLEY: Okay.

MEMBER JOHNSON: On the, I guess, criminal case concerning the restraining order today. The event happened in 2024. I'm assuming shortly after that, she

should have applied for a restraining order. That's the question, if she did.

And then, of course, did she renew the restraining order? What's going on with that?

MR. FERNANDEZ: Yeah. So that same morning, she obtained an emergency protective order, which not only protected her from Respondent, but also ordered him to move out of the residence.

And emergency protective orders don't last more than, I don't know, maybe less than a week. So she also obtained a temporary restraining order. The expiration of which, at that time, was set for the next court hearing. But it's -- I believe it's been extended since then, but I don't know for sure. I haven't had a chance to check the record specifically on the temporary restraining order, although it sounded like, from my conversation with the respondent last Friday, that that was still in effect.

CHAIRPERSON DUDLEY: Any other questions?

(No response.)

CHAIRPERSON DUDLEY: Thank you. You can stay there in case something else comes up.

MEMBER HATCHER-CRAWFORD: I do have a question.

CHAIRPERSON DUDLEY: Okay.

MEMBER HATCHER-CRAWFORD: Trying to make sure --

okay. There was -- whatever the Penal Code 2-something-3, he has a condition -- there's a term where it goes to 2027. Is that correct?

MR. FERNANDEZ: Correct.

MEMBER HATCHER-CRAWFORD: And what was -- and so he pled no contest? Or he was found guilty?

MR. FERNANDEZ: Yeah. He pled guilty to the battery, and the sexual battery was dismissed. And so there's a deferred entry of judgment. Assuming that he meets the conditions for this next year, it is essentially a year that he has to satisfy these conditions. Then it is possible that that battery charge that he pled to will be dismissed.

CHAIRPERSON DUDLEY: Anything else?

(No response.)

CHAIRPERSON DUDLEY: Okay. So as our investigator told us, he did not respond to the notice of the Board email except for the contact he had telephonic.

And is there anyone from the public who would like to address this board at this time?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, hearing none.

At this time, does the Board wish to adjourn into closed session for deliberations on this case? Or is the Board ready to discuss it openly or have a vote?

How does the Board want to proceed?

MEMBER DOYLE: Doyle.

I'm prepared to make a motion unless my colleagues have a different path they would like to take.

MEMBER PENA: Closed session.

CHAIRPERSON DUDLEY: Anybody else?

Okay. Let me just clarify a couple of things.

She went from being asleep to being awake.

My understanding is that she didn't know -- couldn't say whether it was a finger or a penis. But wasn't she, in fact, referring to what happened before she woke up?

MR. FERNANDEZ: She was referring to what happened before she woke up when? You are saying when she --

CHAIRPERSON DUDLEY: So -- so I think the way the question was asked, and the way she answered, she could only answer as to what she was aware of at the time she woke up.

So I think that had the question been clarified, I mean, she doesn't know what happened when she was asleep. And her comment was she was certainly aware of a finger later. But it could have been a finger or a penis prior to her being awake.

MR. FERNANDEZ: Yeah. She said during -- while she was interviewed, that she didn't know when he got into

bed. Frankly, I believe she assumed that he was in bed with her, because when she woke up after feeling the contact, she heard what sounded like something falling to the floor. So I think she just kind of put two and two together based on --

CHAIRPERSON DUDLEY: Yes.

MEMBER PENA: She said -- just clarification. She said what woke her up was something cold on her --

CHAIRPERSON DUDLEY: Right.

MEMBER PENA: -- let or...

MR. FERNANDEZ: Between her legs.

CHAIRPERSON DUDLEY: But I would suggest that what the investigator is saying, that was the point of contact that she was aware of.

When someone goes from asleep to awake, there's a gray area, and then you are aware of the cold.

Certainly, in my experience as a prosecutor of sexual assault crimes, it is not an unusual response from -- "Was it is a penis? Was it a finger?"

"Well, all I knew is was something cold and it was there."

So I just wanted to clarify that.

Now, you made a comment that the excessive intoxication was potentially the cause; is that right?

MR. FERNANDEZ: Correct.

CHAIRPERSON SALAZAR: But you have known many people who become excessively intoxicated who don't commit offenses; is that correct?

MR. FERNANDEZ: Correct.

CHAIRPERSON DUDLEY: So we don't know what the cause was except that we know that lots of people go out and get drunk and don't commit offenses. Is that fair?

MR. FERNANDEZ: That's fair.

CHAIRPERSON DUDLEY: Okay. Yes. Please.

MEMBER HATCHER-CRAWFORD: Also, in the report -- and please, I'm going back over this. She had also took a sleep aide prior to going --

MR. FERNANDEZ: Correct.

MEMBER HATCHER-CRAWFORD: She had one -- she also had one beer and took a sleep aide. Am I correct?

MR. FERNANDEZ: She said that she took Trazodone, which is -- and she said specifically it was to help with -- help her sleep.

And I have done a little research myself and that is a common -- common use of it --

MEMBER HATCHER-CRAWFORD: Oh, okay.

MR. FERNANDEZ: -- for insomnia and that she -- she said that she had a glass of wine. One glass of wine. Yeah.

MEMBER HATCHER-CRAWFORD: So that is probably --

I'm thinking about her sleeping and probably sleeping a little bit harder than normally.

CHAIRPERSON DUDLEY: I think that would be speculative.

MEMBER PENA: You can't -- you can't make that assumption.

CHAIRPERSON DUDLEY: Some people take that every night.

MEMBER HATCHER-CRAWFORD: And that was my question is I'm trying to -- trying to follow the story.

Watching the film, he doesn't indicate that he was ever in the bed. But she assumes that he may have been in the bed, then fell on floor. That's what I was trying to wrap my mind around.

Is that speculative?

CHAIRPERSON DUDLEY: Well, she -- and, please, correct me if I'm wrong. She didn't say he was in the bed. What she said is he may have been in the bed.

And that was her speculating as to where he was. And she based that speculation on the fact that she thought she heard a thump when he was on the ground. Not that she said he was in the bed.

Is that correct?

MR. FERNANDEZ: Yeah. She heard the thump immediately after she woke up and kind of jolted, which

is what caused him to then pull away and then try to hide under her bed, which he couldn't do because she has rails that prevented him from getting under her bed.

The point is that she heard the noise. Him, like -- you know, respond to her waking up. And that's what she assumed was him falling off the bed.

CHAIRPERSON DUDLEY: The other thing I wasn't sure of is it does sound like he did change his story a little bit.

Initially, he said, "I just touched her foot."

And then when there were continuous questions about whether he touched her vagina, I thought he changed his explanation to I just cut -- "I just touched her skin." And that he knows what it is to touch a vagina and that -- but prior, it was just a foot. And then it changed to just skin.

Was that a change?

MR. FERNANDEZ: No. That was -- so one thing he was consistent about was that he touched the heel of her foot. And he did say he moved his hand upward.

Where he changed it was that, at one point, he indicated he touched her calf.

And then when he was asked, okay, so then you touched her calf. At one point, he said, "I don't know what else I touched."

When he said "just skin," it was when he was retelling the sequence of events during the interview and said that after he moved his hand up, he touched, quote, "something else."

And that's when the detective asked him, "Well, is it possible that that something else was her vagina?"

And that's when he said, "No. It was just skin."

So it was kind of in response to specifically whether or not he made -- that "something else" may have been her vagina.

CHAIRPERSON DUDLEY: I thought he told the first reporting officer that he just touched her foot.

MEMBER PENA: No. I don't think so.

MR. FERNANDEZ: No. He said he moved his hand upward afterwards.

CHAIRPERSON DUDLEY: So he --

MR. FERNANDEZ: Toward the calf.

CHAIRPERSON DUDLEY: So he was interviewed by the same person. So he initially said, "I just touched her foot." And then he changed it to, "I moved up my hand and may have touched her calf and -- but not her vagina." Is that correct? Same officer, same night, same everything?

MR. FERNANDEZ: Yeah. It was one interview.

CHAIRPERSON DUDLEY: Okay.

MR. FERNANDEZ: Yeah. So --

CHAIRPERSON DUDLEY: All right.

MR. FERNANDEZ: Yeah.

CHAIRPERSON DUDLEY: Thank you.

MEMBER HATCHER-CRAWFORD: I do have one more question.

So there was a difference between sexual battery and battery. And the difference is the sexual battery would have been if he had, in fact, and was able to prove that he touched her upper part versus her leg.

CHAIRPERSON DUDLEY: Well, sexual battery would be touching of the breast, the vagina, or the buttocks.

MEMBER HATCHER-CRAWFORD: Right. Okay.

CHAIRPERSON DUDLEY: So those are very specific areas with an intent.

MEMBER HATCHER-CRAWFORD: Okay. So that's the difference between the sexual battery charge and the battery charge.

So he agreed to plead to the battery minus the sexual battery because we were not able to determine if he had, in fact, or not, in fact, correct?

CHAIRPERSON DUDLEY: No. It is -- it is -- so the determination would have to be if you could prove it to the jury beyond a reasonable doubt.

So it doesn't mean he did or didn't do it. It's

the district attorney who reviewed the case made a determination that based upon the evidence that he had, or she had at the time, they couldn't prove that.

Or it can also be a plea bargain.

Now, sexual battery requires registration under 290. And sometimes plea bargains occur, if you are willing to accept the responsibility for a 290.

So we would be speculating as to what this particular deputy district attorney thought.

MEMBER HATCHER-CRAWFORD: And that was concerning, because we -- it was two charges initially. And then somewhere in between there, like you said, the DA may have made that determination, or took a plea bargain and went for the battery. But the battery is almost lesser than if he stays within those terms of February 2027. And then it would be completely dismissed.

CHAIRPERSON DUDLEY: The battery, yes.

MEMBER HATCHER-CRAWFORD: The battery. So all of it would be gone.

CHAIRPERSON DUDLEY: Correct.

MEMBER HATCHER-CRAWFORD: Okay. That is -- thank you.

CHAIRPERSON DUDLEY: Yes.

MEMBER JOHNSON: Johnson.

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER PENA: Just a --

CHAIRPERSON DUDLEY: Yeah.

MEMBER PENA: Was she -- did she go to the hospital at all? Was there any type of a rape kit or --

MR. FERNANDEZ: She declined.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Yes.

MEMBER JOHNSON: Johnson.

So we couldn't really hear what he was saying in the video.

So upon entering into the room, I'm not sure if she said that he immediately went to the floor, crawled up to the bed, and then reached into the bed? He didn't ever stand over her. He never said he stood over her.

MR. FERNANDEZ: Stood over her, no.

He said that -- for first he goes in. He backs out. Asks himself, "What are you doing?"

The second time he goes in, he crawls in. He says -- he's narrating this, if you could have heard it. And then he said, yeah, he reaches. But he never stood over her.

But to be clear, the respondent's and the victim's accounts of the event were essentially consistent except for two things. The most critical being that he denied touching her vagina, although he kind of contradicted

himself a few times, as I mentioned.

And he said he never got into her bed. And she essentially assumed that he was in bed based on her observations after she woke up.

CHAIRPERSON DUDLEY: She said he may have been in her bed. What he -- what she knows is she heard a sound that sounded like the thumping.

MR. FERNANDEZ: Correct.

MEMBER JOHNSON: Okay. Now, I guess I wanted to finish. So he crawled to the bed.

MR. FERNANDEZ: To the side of her bed.

MEMBER JOHNSON: To the side of her bed. I'm assuming the lights is off.

MR. FERNANDEZ: Yes.

MEMBER JOHNSON: So it is a dark room. And he just reaches up into the bed and starts feeling until he finds her feet.

MR. FERNANDEZ: Correct.

MEMBER JOHNSON: He then he runs his hands up her feet, maybe to her calves.

MR. FERNANDEZ: Correct.

MEMBER JOHNSON: That's -- well, okay. That's all I need to know.

CHAIRPERSON DUDLEY: Just to be clear, touching her feet and touching her calves is, in fact, a battery. It

is a nonconsensual battery.

MEMBER JOHNSON: Yeah. I just --

CHAIRPERSON DUDLEY: Got it.

Any other questions for the investigator or for the attorney who has just been overwhelming us with information today?

(No response.)

Let me just ask you a question.

Lunch is here. Do you want to deliberate and then come back? Or deliberate after lunch and then come back? What would you like to do?

MEMBER DOYLE: Can we do both?

CHAIRPERSON DUDLEY: Can we do both? I'm not sure.

MEMBER DOYLE: Can we deliberate and eat lunch at the same time? Deliberate and eat lunch at the same time.

CHAIRPERSON DUDLEY: I'm not sure. What do you think?

MS. DEL MUGNAIO: The court reporter needs a break.

CHAIRPERSON DUDLEY: I know that. I know that.

But should we just -- so would it be appropriate then to come back at 12:45? Anybody have a problem with that? Okay.

MEMBER DOYLE: So what -- I didn't hear what you --

CHAIRPERSON DUDLEY: We're going to eat lunch and

deliberate and be back here at 12:45. You have to be in while we're deliberating?

THE COURT REPORTER: Yes.

CHAIRPERSON DUDLEY: Yes. So why don't we do this. Why don't you come in at 12:30. That gives you a 15-minute break. Is that enough or do you want longer?

THE COURT REPORTER: Not for lunch.

CHAIRPERSON DUDLEY: So why don't you come in at 12:45. Is that enough time?

THE COURT REPORTER: Yes.

CHAIRPERSON DUDLEY: Okay. So we're not going to deliberate or discuss the case until 12:45. Then we'll come back after lunch.

(Break taken in proceedings.)

(Time noted: 12:14 p.m.)

---o0o---

(Closed session was held: 12:48 p.m. to 12:53 p.m.)

---o0o---

(Time noted: 12:59 p.m.)

---o0o---

CHAIRPERSON DUDLEY: Back on the record.

We will now reconvene to regular session to take a vote on the Board's recommendation.

And in the matter of Case POST2507244, Edward

Escareno-Davila, who, at the time of the events at issue in this case, was employed with the Mendocino County Sheriff's Office.

Any comments the Board wants to make?

MEMBER DOYLE: Sure. Doyle.

Motion to decertify.

MEMBER CLAVO: Clavo. Second.

CHAIRPERSON DUDLEY: Any further discussion?

(No response.)

CHAIRPERSON DUDLEY: Okay. Mr. Knapp.

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

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.

CHAIRPERSON DUDLEY: Yes.

MR. KNAPP: Dudley, aye.

Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MR. KNAPP: Lara, aye.

Pena.

MEMBER PENA: No.

MR. KNAPP: Six in favor. Motion carries.

Okay. Moving on to the next case.

Thank you very much.

Okay. This is, at this time -- let's see. At this time, I will now call upon Law Enforcement Consultant Chrintina [sic] --

MS. MOORE: Christina.

CHAIRPERSON DUDLEY: Moore, Professional Conduct Central Bureau; and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on POST2505112.

And can you pronounce the last name for me?

MS. MOORE: Christina Moore.

CHAIRPERSON DUDLEY: No. Not your last name. Your last name, I got.

MS. MOORE: Kevin Smithmatungol.

CHAIRPERSON DUDLEY: Say it again.

MS. MOORE: Kevin Smithmatungol.

CHAIRPERSON DUDLEY: Smithmatungol.

MS. DEL MUGNAIO: Joyce, can you hold for one second?

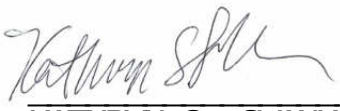
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, 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, Kathryn S. Swank, a 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 4th day of August 2026.



KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061