CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION/
ATTORNEY WORK PRODUCT

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 3/13/2025

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Contents

I. Executive Summary I-2

II. Background Information 3

a. Identity of Respondent 3

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline 3

c. Prior Employment History 3

d. Peace Officer Certification 3

e. The Present Allegations of Serious Misconduct 4

III. Investigative Methodology 4

IV. Factual Summary 5

V. Analysis and Findings 15

a. Does the alleged conduct violate California Regulation 1205(a)(1) –Dishonesty 15

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Illegal Acts 20

VI. Supporting Evidence and Documentation 23

VII. Findings 23

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I. Executive Summary

Beginning in January 2021, through March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end fuel filter for an early 1980’s Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent “Guilty” of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The thorough investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include

ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAAD) determined that in addition to an allegation of Acts that Violate the Law in violation of Penal Code section 13510.8(b)(6), an allegation of Dishonesty in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent Officer Luke Walden was employed as a Detective with the Los Angeles Police Department (LAPD).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Police Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of "Supervisor". On June 5, 2022, Respondent was demoted back to the rank of Detective.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course

- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update
- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) provide that the Commission must 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.

During Respondent's 24-year career he has received 155 Citizen and Department commendations. His service records do not show any prior discipline or complaints for similar allegations.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (1/20/2000)
- Intermediate (6/03/2008)
- Advanced (2/10/2011)
- Supervisory (10/24/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint With Agency

The parcel was intercepted on April 22, 2021, and LAPD IA responded to HSI on April 26, 2021, however, their report does not specify a notification date.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

On February 23, 2022 LAPD concluded their investigation with a recommended finding of Sustained. On February 21, 2023 The Chief of Police upheld the findings and referred the respondent to a Board of Rights for termination. On February 14, 2024 the Board of Rights upheld the findings as well but reduced the discipline to thirty (30) days of unpaid leave/suspension, with no explanation to justify the reduction.

3. Date of Receipt By POST

POST received this initial report on April 13, 2023 with a notification that the case was sent to the BOR on appeal. On January 3, 2025 LAPD notified POST that the BOR appeal was concluded and the discipline was reduced.

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 two witnesses and the subject officer, as well as summaries of the investigation conducted by Homeland Security Investigations. The LAPD investigation included conversations with agents from the Department of Homeland Security (DHS), Homeland Security Investigations, Custom and Border Patrol, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conversations were conducted for background information and factfinding, and not investigative

interviews. In addition, POSAAD interviewed several LAPD personnel involved with the investigation and conducted independent research into fuel filters and solvent traps, and how to convert them into firearms silencers and suppressors.

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

On April 22, 2021, CBP Officer Marisela Pena was assigned to the Los Angeles International Airport mail facility. While screening a bin of parcels received from the People's Republic of China using dedicated X-ray equipment, Officer Pena identified 13 objects that were consistent with firearm silencers. The objects were contained in thirteen separate parcels addressed to recipients throughout California. The parcels were declared as "fuel filters". Upon opening the parcels CBP determined that they were in fact illegal firearms silencers. [1]

CBP generated a list of the recipients and contacted HSI for possible investigation. One of the parcels was addressed to "Luke Waldon" with an address in Granada Hills, CA, and was assigned to HSI Special Agent Razmik Madoyan for follow-up.

[1] *Authority provided in Title 19, Code of Federal Regulations section 162.6 known as "Border Search Authority" allows CBP Officers to conduct examinations of all goods entering the United States. Additionally, these searches at the border do not require probable cause or a warrant as recognized in United States v. Ramsey, 431 U.S. 606, 619 (1977).*

During his initial research into “Luke Waldon”, Agent Madoyan discovered he was an active Los Angeles Police Officer. LAPD was contacted and took over the criminal investigation and initiated an administrative investigation. Prior to accepting the investigation, LAPD confirmed Respondent was a current LAPD Detective assigned to the Gang and Narcotics Division (GND). His home address of record with the Department matched the one on the shipping label in Granada Hills, CA. Respondent had been assigned to GND since April 2009 and had worked several assignments including the Buy Team, the Gun Unit, and an FBI Gang Task Force.

Upon inspection of the parcel, LAPD noted that it was shipped by Xu Shi Ming, from Wuhan, China. The packing described the item as a “fuel filter” with a value of 10 dollars. The label also contained graphics in Chinese, which when translated stated, “Spiral ½ - 28 single-core automobile fuel filter (6-inch ½”- 28-black spiral P0171289910).”[2]

> **Note:** ATF published a Technical Bulletin on October 30, 2019, titled “*Inline Filter” Firearms Silencers* which stated among other things that a ½ - 28 righthand bolt thread can be applied to the following firearms: AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 Tactical Rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

LAPD further described the item as a black colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked endcap, a threaded ring and a plastic tube. After the item was booked into Evidence, LAPD criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Criminalist Biraimah’s report stated the following:

[2] “1/2 – 28” and “5/8 – 24” as seen throughout this report refers to thread size and count (e.g. ½” diameter shaft with 28 threads per inch (tpi))

> "The external inspection revealed the assembly to be in good condition. It has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish. There is an internally threaded collar at one end and an unthreaded opening at the other. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. The internal inspection revealed a well-made single piece (monocore) baffle with an open channel from end to end. The monocore baffle divides the tube volume into 8 chambers which are open to the central channel. The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point. These features are conspicuous suppressor/ silencer design elements that substantiate the classification as a silencer."

He concluded by writing in his report that the assembly, as received, was a firearm silencer as described in California Penal Code section 17210.[3]

LAPD contacted the California Department of Justice (Cal DOJ) and obtained a list of all the firearms that were registered to Respondent. With assistance from Cal DOJ and through further investigation, LAPD determined Respondent had fifty-four (54) registered firearms (41 handguns, 12 rifles, 1 shotgun), many of which were compatible with a ½ - 28 barrel thread size.

LAPD conducted an internal audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021. The audit contained keyword searches for "Silencer", "Fuel Filter", "Solvent Trap", "China", "Threaded Barrel", "Firearm", "Barrel", "33410" (California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer) and "Rifle". The audit determined Respondent searched numerous websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that were registered to Respondent, a rifle that was registered to him, and threaded barrels for weapons not registered to

[3] California Penal Code section 17210 defines a "silencer" as any device or attachment designed to silence, diminish, or muffle the report of a firearm, or any parts intended for their assembly or fabrication

him. The audit determined that Respondent conducted twenty-one (21) internet searches using LAPD computers between December 21, 2020, and April 28, 2021, as follows:

www.kimberamerica.com

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005
- 9mm Stainless Steel Threaded Barrel SKU: 4000006
    - Respondent had 2 Kimber .45 cal. handguns registered to him
    - Respondent did not have a Kimber 9mm handgun registered to him.

www.brownells.com

- 1911 Threaded Barrel
- Handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels

www.opplanet-trybe.com

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel
- TRYBE Defense Glock 23/32 9mm Threaded Conversion Pistol Barrel
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel
- TRYBE Defense AR Pistol Barrel 9mm
- TRYBE Defense Sig Sauer P320
    - Respondent had a Glock 22 registered to him
    - Respondent did not have a Glock 23/32 registered to him
    - Respondent had a Glock 34 registered to him
    - Respondent had an AR 9mm Pistol registered to him
    - Respondent did not have a Sig Sauer P320 registered to him

www.pealtier.com

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator
    - Respondent had a Ruger .22 rifle registered to him

The LAPD audit also revealed that Respondent searched websites that advertised the sale of "fuel filters". The search focused on filters that had an inner thread size of ½ - 28 converting to an outer thread size of 5/8 – 24. The ½ - 28 thread size would apply to many of the weapons registered to Respondent.

www.pealtier.com

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com

- WIX WF10429 Fuel Filter (unknown thread size)

www.yhothe.com

- Fuel Filter for 4002 WIX ½ - 28 5/8 – 24

www.rallyset.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent for Napa 4003 WIX 24003

www.bupuff.com

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ - 28 5/8 -24

www.kikogift.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com

- Fuel Filter Solvent Trap

www.goopuff.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

Respondent was interviewed by LAPD for the administrative investigation on January 11, 2022, and stated he was in the process of rebuilding two vehicles: a 1983 Toyota Celica and a 1985 Toyota Celica. The respondent stated he ordered a fuel filter for the 1985 which never arrived. He could not recall the vendor, or when he ordered the filter. He later ordered another fuel filter through Amazon.com (on August 21, 2021) which he did receive. Respondent denied ordering or attempting to obtain a firearm silencer. He provided pictures of the vehicles he was restoring along with pictures of the type of fuel filter he ordered, and the bracket used to install it.

The respondent said he had some knowledge of silencers which he obtained during his assignments, however he was not an expert. He knew that firearm silencers were illegal to possess. Furthermore, he did not dispute the results of the internet search audit. Respondent stated he used department computers to research silencers for work related purposes only, however he couldn't provide specific cases or reports that required the specific searches he conducted.

LAPD consulted their Acting General Automotive Supervisor, Gregory Field, who reviewed the websites Respondent visited that advertised the sale of fuel filters, and the item CBP seized. It was his opinion, based on the dimensions of the items Respondent researched that none of them were consistent with any fuel filter for a vehicle and the

item seized could not be used as a fuel filter because it had no internal filtration component.[4]

Because the Respondent was under criminal investigation simultaneously LAPD did not conduct any follow-up administrative interviews. They did try to contact the vendor of the intercepted item only to discover all of the contact information in the package was fraudulent (the phone number was not correct for Wuhan, China; the address does not exist on a Google Maps® search), and the Chinese mail service did not provide any information on the sender's information.

During the criminal investigation of Respondent, LAPD served a search warrant on Respondent's PayPal® account. The search revealed that on March 17, 2021, at 0828 hrs. a transaction was completed for $45.96 for the purchase of a "Napa 4003 WIX 24003-1/2-28 5/8-24 Fuel Filter Aluminum Solvent Trap / ½-28-XH". The recipient of the payment was: "Xu Shi Qi International Limited" in Hong Kong, China.

At the conclusion of their criminal investigation, LAPD obtained an arrest warrant for Respondent, who was subsequently booked into the LA County Jail on November 14, 2022. On November 16, 2022, the LA County District Attorney's Office filed one Felony count of Attempted Possession of a Silencer in violation of Penal Code sections 664 and 33410.

In April 2023, LAPD sustained the allegation of attempting to possess a firearm silencer, referred Respondent to a Board of Rights, and recommended termination as the

[4] In-line automobile fuel filters work by trapping dirt, rust, and other debris as fuel flows through them, preventing these contaminants from reaching the engine's fuel system. The filter contains a pleated paper element or other filter medium that captures particles and contaminants as the fuel passes through. Modern fuel filters are designed to trap all particles larger than 30 microns (0.03 millimeters).

appropriate discipline. A the BOR hearing LAPD Criminalist Biraimah stated that “Napa 4003” is a code word for suppressors known to firearms buyers. After examining the seized item, he determined it was a firearm suppressor compatible with a number of firearms. After examining the list of firearms possessed by Respondent Mr. Biraimah found a number of them could be used with the silencer if modified with a threaded barrel.

Respondent’s supervisor, LAPD Lieutenant Eric Bixler, testified at the BOR hearing that one of Respondent’s job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item’s purpose as a suppressor.

At the conclusion of the BOR hearing the board unanimously agreed that Respondent was guilty of the allegation that he, “attempted to obtain a firearm silencer”. However, the board did not impose the recommended termination and instead reduced the discipline to 30 days of unpaid suspension. At the conclusion of which Respondent was restored to full duty with LAPD. The board did not offer any written explanation for the reduction in discipline.

With respect to the criminal charges, on March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, Respondent pled Nolo Contendre (No Contest) to the misdemeanor charge of Attempt to Possess an Assault Weapon and sentenced to one day in jail, one year of informal probation, community service and $150 in fines. The Felony charge was dismissed as part of the plea agreement.

During the criminal investigation, LAPD’s Internal Criminal Investigations Bureau , consulted Agents and Officers of the Department of Homeland Security, Department of

Justice, Homeland Security Investigations, Custom and Border Protection and Bureau of Alcohol, Tobacco, Firearms, and Explosives in an effort to gain an understanding of the market for illegal silencers, the influx of illegal silencers coming into the country, and how importers and purchasers are attempting to skirt the laws and evade detection. As of the time of their report, LAPD learned that CBP had intercepted thousands of suppressors or parts of suppressors, being shipped into the United States from various vendors based out of China.

The intercepted packages are often mislabeled and incorrectly manifested. Senders often identify the contents of the packages as “filter”, “machine filter nozzle”, “motorcycle filter”, “fuel filter”, or other items with the word “filter” or “solvent trap” in the commodity description.

ATF provided Technical Bulletins regarding the detection and identification of firearm silencers which have been marketed as “in-line filters” and “solvent traps”. A legitimate solvent trap is a device that is attached to a firearm muzzle to catch or “trap” dirty cleaning solvent as it is pushed through the barrel. One end of the trap must be solid and have no hole that will allow a projectile to pass through. Devices that have a hole or an index mark for a hole in the endcap are classified as a “firearm silencer” under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered (illegal) silencers by simply coring a hole into the enclosed/indexed end, which would prevent the device from trapping dirt or solvents. Some devices marketed as “solvent traps” and “fuel filters” have an index mark showing where to drill a hole to modify the device into a silencer. Some also include silencer baffles, which are common in firearm silencers but serve no purpose in a solvent trap or fuel filter.

Title 18, USC 921(a)(24) defines a firearm silencer or “suppressor” as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or a firearm muffler, any part intended only for use in such assembly or fabrication. The state of California defined the term “silencer” as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer.

In order to legally possess a silencer in the United States an individual must apply for and receive advanced approval from the ATF. The silencer must have a registered serial number and bear that number. An individual who had received advanced permission to possess a silencer would appear on the National Firearms Registration and Transfer Record.

The National Firearms Act prohibits the importation of suppressors unless they are for the use by the United States for research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. United States Code, Title 26, section 5844. Additionally, the United States maintains an arms embargo against China making it illegal to import silencers from that country according to the Code of Federal Regulations, Title 27, sections 447.21 and 447.52.

At the conclusion of reviewing the LAPD investigation, POSAAD conducted a simple search of YouTube using the keyword sentence “firearm silencer from fuel filter”. The ensuing search resulted in dozens and dozens of YouTube videos ranging from several seconds to over 45 minutes, discussing the purchasing, packaging, manufacturing and quality of “1/2 – 28 5/8 – 24 fuel filter / solvent traps”, and many not only explained how to easily modify them to silencers, but some showed the silencers in use after modification.

https://www.youtube.com/watch?v=qktwL8KNdw8

https://www.youtube.com/watch?v=R1i0JrRaWPo&t=676s

https://www.youtube.com/watch?v=fMZMbLg2MBc

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(1) –Dishonesty?

11 CCR §1205(a)(1) defines Dishonesty 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.

Clear and convincing evidence exists to show that Respondent was dishonest in his answers during the Administrative Investigation into his alleged misconduct.

During the Administrative Investigation into the alleged serious misconduct of "Acts That Violate the Law" (attempting to purchase an illegal firearm silencer, a Felony), the Respondent stated he did not try to purchase a firearm silencer.

I.A. Interview conducted on January 11, 2022

At 5 minutes and 19 seconds (5:19):

Q: [describing the package label to Respondent] "… saying half inch to twenty-eight single core automobile fuel filter. Your name, Luke Walden, and home address were on the shipping label. Do you recall ordering such an item?"

A: "I ordered a fuel filter in the past, I don't remember when. It never got to my house, so I went on Amazon and bought another one ..."

Q: "Who was the vendor… for the fuel filter, do you remember?"

A: "No. I [unintelligible]"

Q: "Can you give me an approximate time frame of when you ordered it"

A: "No. I'm being honest. I can't remember."

At 11:08

Q: "Did you ever order a firearm silencer or suppressor?"

A: "Hell no"

Q: "You do understand what a firearm silencer or suppressor is, is that correct?"

A: "I understand the concept… I've shot them (at department training) but I'm not one hundred percent on how they work … I'm not really well versed."

At 12:56

Q: "Did you ever buy an object or a product that was sold to you under the guise of it being a fuel filter but in actuality it was a firearm suppressor or silencer?"

A: "No"

At 17:17

Q: "have you done internet searches on silencers or firearm suppressors on your department computer?"

A: "yes."

Q: "Why don't you expand on that?"

(Respondent explained that based on sources through the FBI, "bad guys" are going to sell them weapons, mostly ghost guns.)

A: "If you build a gun with a threaded barrel, it becomes an assault pistol at the State level. Me looking that stuff up is based on what I work on."

Respondent claimed to be restoring two old cars, neither of which would use a fuel filter like the item that was seized by CBP. He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The picture of this item, purchased on Amazon in 2021, is vastly different than the item seized by CBP, and is clearly meant to be used as an in-line fuel filter. Additionally, this fuel filter was purchased on August 21, 2021, well after Respondent knew he was under investigation for purchasing the "fuel filter" from China.

At 6:41

Q: "Okay, you're saying you ordered a fuel filter for a vehicle, is that correct?"

A: "yes, sir."

Q: "And that never arrived, right?"

A: "Yes, sir."

Q: "What was the purpose of this fuel filter?"

A: "I have two cars I am rebuilding. One with my son and one for myself …. One is an '83 Celica …. I've done a bunch of suspension and body work to it … we're doing a family project, its something I learned from my dad … and then I have the '85 Celica … on the '85 I'm going to switch the motor to get a bigger engine in there … a super engine … I'm trying to update the fuel system so the car can take the fuel. If you put a bigger engine in you need more gas."

Q: "The fuel filter that you say you ordered that never arrived, was that for the '85 Toyota Celica?"

A: "Yes."

At the **8:10** mark the Respondent stated he was buying a universal fuel filter.

Q: "So you're buying a universal fuel filter you said?"

A: "Yeah. Universal fuel filter. Um, since the one never came, I purchased another one on Amazon. I have photos of all that."

At 20:40

Q: "And you never did any internet searches on your work computer looking to buy a firearm suppressor or silencer shipped to you. Is that correct?"

A: "No. That's correct."

The item CBP seized, which was addressed to Respondent at his home address, while it might be advertised on the internet as a fuel filter (or solvent trap), as manufactured it is functionally inoperable as a fuel filter (it had no filtering

properties), and there are dozens upon dozens of internet sites discussing and showing how to convert this item into a firearm silencer. The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was determined to fit many of the firearms Respondent owned. Additionally, the exact name, type, and size are listed on ATF training documents to help law enforcement recognize illegal firearms silencers.

The item purchased using the Respondent's PayPal account was sold by "Xu Shi Qi" in China. The item seized by CBP addressed to Respondent was shipped by "Xu Shi Ming" from China.

The respondent was asked about his internet searches for fuel filters and solvent traps on department computers during his I.A. interview:

Q: "What about fuel filters? Do you recall doing internet searches for that?"
A: "Not independently. No."
Q: "What about solvent traps?"
A: "Not independently."

Respondent's supervisor at LAPD testified at his Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. However, at the 11 minute and 24 second mark during his I.A. interview when asked if he knew what a firearm silencer or suppressor was, the Respondent stated, "I understand the concept …. I'm not really well versed", in an attempt to downplay his knowledge.

During his I.A. interview on January 11, 2022, in closing, the Respondent stated, "I've been doing this for twenty-three years. There's no way in heck I'm going to jeopardize a twenty-three-year career and a Top Secret FBI security clearance for something that is illegal and could be a felony."

The Board of Review unanimously found the Respondent guilty of the allegation of trying to purchase a firearm silencer, despite the respondent repeatedly denying this fact during the BOR hearing and claiming he only tried to purchase a fuel filter.

> *"Detective Walden maintained that he intended to purchase a high-performance fuel filter. Detective Walden explained that he is a car enthusiast, who Rebuilds cars and has a number of pending and Incomplete projects" – B.O.R. Rationale of Findings Page 2, lines 20 - 24*

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts That Violate the Law?

11 CCR § 1205(a)(6) defines Acts That Violate the Law as "*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*".

On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); *Attempt to Possess an Assault Weapon*. The Felony charge was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer, in violation of California Penal Code section 33410, a Felony. This conduct occurred despite his extensive firearms training through POST, in-service training, and on the job exposure to firearm crimes both generally and as part of LAPD's Gun Unit. Although the investigation was turned over to local law enforcement for prosecution, Respondent violated Federal law under section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act (USC, Title 26, section 5844).

Respondent spent several weeks between December 21, 2020, and April 28, 2021, searching the internet for "fuel filter" and/or "solvent trap" with some variation of the words and numbers "Napa", "WIX", "1/2", "28", "5/8", "24", "24003", and "4003" as well as various sites advertising threaded pistol barrels. All of these key search words are identified in ATF Technical Bulletin 20-01 "Inline Filter Firearms Silencers" dated October 30, 2019, and/or ATF Technical Bulletin 17-02 "Solvent Traps" dated April 20, 2017. Additionally, LAPD Criminalist Biraimah testified at Respondent's BOR hearing that "Napa 4003" is a well known code for firearms suppressors among firearms enthusiasts. Respondent's searches for Fuel Filter or Solvent Trap ended on March 15, 2021 – two days prior to his purchase of the silencer.

On March 17, 2021, Respondent used his personal PayPal account to purchase a "Napa 4003 WIX 24003 ½ - 28 5/8 -24 Fuel Filter Aluminum Solvent Trap" while off duty. After that date the LAPD internet use audit into Respondent's web searches showed he only searched for websites that sold threaded firearm barrels. His searches for Fuel Filter or Solvent Trap ended on March 15, 2021. On April 22, 2021, a CBP Officer intercepted a package addressed to Respondent at Respondent's home address with the customs description of "Fuel Filter" on the outside. The shipping label also contained the description, "Spiral ½ - 28 single-core automobile fuel filter".

An LAPD Criminalist inspected the item and stated it was his professional opinion that the item was a firearm silencer. An LAPD automotive supervisor inspected the item and stated not only would the item not fit a Toyota Celica, but the item was also incapable of being used as a fuel filter as it had no internal filtering capabilities; it was an open core.

During his career as a peace officer, Respondent served on the LAPD's Gang and Narcotics Division's Gun Unit. Respondent's supervisor at LAPD testified at his personnel Board of Rights hearing that one of Respondent's job

responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. Additionally, Respondent has qualified as a gun expert for purposes of testifying in State court proceedings[5]. During his IA interview, Respondent claimed to have used department computers to research silencers for work related purposes only, although he could not provide specific cases or reports that required the specific searches he conducted. Even assuming Respondent's statement to be true, it demonstrates that he was fully aware that these products – the same type as the one he ordered for himself shortly thereafter – were firearm silencers.

Respondent is an experienced peace officer with almost twenty-seven years in the LAPD. In his position as an LAPD Officer, Respondent was not only charged generally with getting illegal guns off the streets but had been a part of the LAPD's Gun and Narcotic Division's Gun Unit for approximately three years. By illegally purchasing a silencer from China, Respondent was in effect, committing the same type of crime that he was sworn to prevent.

During Respondent's IA interview on January 11, 2022, beginning at the 14 minute and 11 second mark, he was asked by his attorney to explain why he never owned any firearm suppressors or silencers, he stated, "Because that's illegal". This, together with Respondent's training, knowledge, and admitted research, demonstrates that his purchase of the silencer was an intentional violation of the law.

At the 22 minute and 55 second mark of the interview the I/O asked, "So you're telling me you're obviously aware a firearm suppressor or silencer is illegal in California, is that correct?". To which the Respondent replied, "Yeah, and apparently parts as well, based on the law." This response shows not only Respondent's culpability, but also a persistent lack of accountability by continuing to refer to the silencer as a "part."

Based on the facts and analysis presented, this intentional violation of the law committed by the respondent peace officer is egregious.

[5] Noted by the Board of Rights in its Rationale on Findings, dated February 14, 2024; pg 2, line 24 – pg 3, line 1.

VI. Supporting Evidence and Documentation

- Attachment A – Respondent's POST Profile Report
- Attachment B – Picture of Package as Addressed
- Attachment C – ATF Technical Bulletins
- Attachment D – Picture of Seized Item
- Attachment E – DOJ Printout of Registered Weapons
- Attachment F – LAPD Internal Audit Report
- Attachment G – Search Warrant Supplement (PayPal)
- Attachment H – Amazon Purchase Picture
- Attachment I – Criminal Court Documents
- Attachment J – BOR Rationale Documents
- Attachment K – IA Interview Audio
- Attachment L – LAPD Criminalist 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.