PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

July 16, 2025
AGENDA
10:00 AM

Meeting Location: 860 Stillwater Road, West Sacramento, CA 95605

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any

weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo, Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on January 16, 2025.

a. Approval of Meeting Transcript from the January 16, 2025 Meeting

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meeting.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

a. Report on Case Status Update from the March 05-06, 2025 Commission Meeting

This report is presented for information only. No action is required.

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for information only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2305110 - Brian Kawamoto (POST ID: C34-D38) Last employing Agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2305111 - Christopher Allen-Young (POST ID:C46-H76) Last Employing Agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2306324 - Luke Baxter Walden (POST ID: A95-T18) Last employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- October 08-09, 2025 - POST, West Sacramento
- February 04-05, 2026 - POST, West Sacramento
- April 15-16, 2026 - POST, West Sacramento
- July 15-16, 2026 - POST, West Sacramento
- October 14-15, 2026 - POST, West Sacramento

Board meeting dates are tentative and subject to cancellation pending POST receiving requests from subject officers to have their cases heard before the Board.

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: APPROVAL OF MEETING TRANSCRIPT FROM THE JANUARY 16, 2025 MEETING

REPORT PROFILE

MEETING DATE 07/16/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meeting.

ATTACHMENT(S):
2025 01-16 POSAAB.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, JANUARY 16, 2025

9:01 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
Registered Professional Reporter

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE E. DUDLEY
(Board Chairperson)
Governor Appointee
Attorney

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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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 COMMISSION STAFF

ROBERT BRINGOLF
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

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

BRAD EHRMAN
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

CHRISTINE FORD
Bureau Chief
Professional Conduct Southern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

LORALYNNE KONG
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

SARAH WALLACE
Bureau Chief
Intake & Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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A P P E A R A N C E S C O N T I N U E D

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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ALSO PRESENT

ELIZABETH GIBBONS
Counsel for
Braulio Robledo
POST ID A83-R39
(Via videoconference)

COREY GLAVE
Counsel for
Blake Williams
POST ID C57-X01
(Via videoconference)

BEATRICE JOHNSON
Public Comment

BRAULIO ROBLEDO
POST ID A83-R39
(Via videoconference)

DANNY SANCHEZ
Public Comment
(Via videoconference)

TOMMY THOMPSON
POST ID B81-T83
(Via videoconference)

LESLIE WILCOX
Counsel for
Gabriel Gaxiola
POST ID B9-S96

A P P E A R A N C E S C O N T I N U E D

TOM YU
Counsel for
Joshua Satterfield
POST ID C46-V20
(Via videoconference)

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Thursday, January 16, 2025, 9:01 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Thank you all for being on time.

Good morning, everyone. Today is Thursday, January 16th. And the time is 9:00 a.m. Thank you all for attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that this hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this in mind, you will need to watch your cross-talk.

We will now start with our roll call for our board meetings.

Mr. Knapp, please take roll call.

MR. KNAPP: Good morning, Members of the Board. Welcome. Good to see you today.

Board Member Buchen.

(No response.)

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Board Member Doyle.
MEMBER DOYLE: Here.
MR. KNAPP: Chair Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Present.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Present.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Present.
MR. KNAPP: Thank you.
CHAIRPERSON DUDLEY: It looks like we are just missing one person, and a quorum has been established.
I would now like to introduce Board Counsel Christopher Beatty and Board Assistant Executive Director Annemarie Del Mugnaio. Right?
This time is set aside for members of the public who wish to comment on items not on the agenda but with -- excuse me -- 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 hearing of each subject matter.

Please be advised that the Board cannot take action on items not on the agenda but only to the extent necessary to determine whether they should be made an agenda item at a future meeting, respond briefly to statements or questions posed, request clarification, or refer to the items to staff.

Please remember that this meeting is being transcribed, so I may politely interrupt and ask you to repeat and speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes, pursuant to existing Board policy.

I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements, and the 15 minute set aside for public comments has expired.

You will be given four minutes to speak, and the time limits will be strictly enforced. So please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you have a specific

complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. Staff will assist you in that regard.

And I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation. If the Board takes action on your complaint, you will have an opportunity to address the Board at that time. Following these rules is necessary to comply with the law and to avoid compromising the Board's mission.

So at this point, is there anyone present in the audience or appearing remotely who would like to address the Board during public comment?

(No response.)

CHAIRPERSON DUDLEY: Looking into the audience, I see no one.

And do we have anybody online?

(No response.)

CHAIRPERSON DUDLEY: No. Okay.

Now, we're going to go on to the minutes of the meeting.

Is there anyone present or appearing remotely by phone who would like to address the Board regarding the

approval of the October 17th, 2024, transcripts?

When it is your turn, you may state your name and/or organization if you wish. Anybody want to comment on the agenda?

(No response.)

CHAIRPERSON DUDLEY: Remotely?

(No response.)

CHAIRPERSON DUDLEY: Okay. Are there any comments or questions from the Board?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, hearing none, if the Board concurs, the appropriate action would be a motion to approve the meeting transcript from the October 17th, 2024, meeting.

Is there such a motion?

MEMBER GLASER: I move.

MEMBER DOYLE: Second. Doyle.

CHAIRPERSON DUDLEY: Thank you.

Second?

MEMBER LARA: Second.

CHAIRPERSON DUDLEY: Any opposed? Any abstentions?

(No response.)

CHAIRPERSON DUDLEY: We will now call roll on the approval of the minutes and transcript.

Mr. Knapp.

MR. KNAPP: Clavo.
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: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Abstain. I wasn't present.
MR. KNAPP: Motion passes.
CHAIRPERSON DUDLEY: Okay. Thank you.

And that passes.

At this time, POST Assistant Executive Director Annemarie Del Mugnaio would like to address the Board and introduce the new business items.

Ms. Del Mugnaio.

MS. DEL MUGNAIO: Thank you, Madam Chair.

Good morning, Board Members, and thank you for your time this morning and afternoon. I think it is going to be a full day.

There are no new business items.

However, I wanted an opportunity to address the committee report that was sent to you previously regarding cases that were heard at the last Board hearing, that were heard by the Commission on November 21st, 2024, to answer any questions you may have regarding the status of those cases.

Are there any questions regarding the report?

(No response.)

MS. DEL MUGNAIO: Okay. No questions.

The only other item we have before you today in terms of administrative reports is our data report; to go over some of the statistical data profile information that we try to provide to you at each and every board meeting to give you an update on the volume, the status of complaints, charges, and allegations that come before

the Board and the Commission. And with Dr. Glaser's help, we started refining these. We have got a long way to go.

But we have done some things that we hope will help paint a better picture of the 33,000 complaints, charges, and allegations that come in. Where do all of those go? And what's the status of those reports after they are through our intake bureau?

So I would like to invite Bureau Chief Christine Ford to come forward. She will be providing the report for you today.

MS. FORD: Good morning, Chair Dudley, Board Members.

I would be happy to provide you with up to date on the statistics for the Division.

Okay. As you can see from our statistics, as of December 31st, prior -- there you go. Our top three areas of serious misconduct allegations remain: Physical abuse, excessive use of force, demonstrating bias, and abuse of power.

As you can see, we have over 31,000 agency misconduct reports that have been received, which are unique to over 18,000 law enforcement officers. We do, as of right now, have over 82,000 officers in the state.

53 percent of those 31,000 are retro or are

look-back cases.

We have taken over 1400 public complaints, 9400 unassigned reports. And I will explain a little bit about what "unassigned" means on a later slide.

22,000 of those 31,000 cases are now cases, which means that they have been assigned to personnel to actively work.

12,000 of those are open. And 9600, we have closed.

Next slide, please.

So if we look at our agency misconduct reports, as we talked about, 9400 are unassigned; 12,000 are open; and 9,000 are closed. And I will talk specifically about each one of those categories on the next slides.

Next.

Unassigned reports. The best description I can give you is that they are not actively being worked by law enforcement consultant or our staff. How we break those down right now are Priority 1, 2, 3, 4, and open cases -- open investigations, which basically means they are open with the agency.

As a reminder, our Priority 1 cases are cases where the agency has a sustained finding on the officer.

Priority 2s are the same thing. There's a sustained finding, but in a further investigation, we

find that it does not meet the definition of serious misconduct. So on some of those cases, we will not move forward with.

Priority 3s are cases where the agency has a unfounded, exonerated, or not sustained finding.

Our Priority 4s are cases where -- those were our retro cases where due to the date, we could not take action on them.

And, again, if you look at the open investigations, those are cases that the agencies have not completed their investigation.

So if you look at that slide on open investigation and on Priority 3s, they basically are 95 percent of our unassigned cases right now, or unassigned reports.

Next slide.

Our current open cases right now, as you can see, over 10,000 are open with POST. Five, you are going to be hearing today, which are going to the Board hearing. Six are pending executive review. 2500 are open with the agency. And then those other numbers show some of the progress that -- some of the other cases we have.

As you can see, the majority of the open cases right now are with POST.

Next slide.

Our closed cases, as you can see, 9,000 are no

Further Action. Some of the descriptions I want to just provide just briefly.

Disqualified means that we -- the person -- we closed the case, but they were disqualified, which means that they didn't have a basic certificate or a POE. So, basically, we revoked them, but they didn't have anything to revoke.

Ineligibles are our folks that fall under that Government Code 1029.

Issued in error. Those could be an example of where an agency submitted a case twice, which in turn we would issue that one case in error.

And then no Commission Action.

Revocation are our cases which they have been revoked.

And then suspension and voluntary surrenders.

But as you can see, the bulk of our closures are -- POST chose to review them and do an investigation, and there was no further action, and we closed it.

Next slide.

So if we break down some of our no further action closures, which we just talked about, 49 percent fall under the category of not Serious Misconduct. We did the investigation; did not meet the definitions of "serious misconduct."

34 percent we closed with not clear and convincing, which mean that is during the investigation and the completion of it, we could not get to clear and convincing evidence, which is our threshold for evidence.

And then not actionable, 17 percent. Bulk of those cases are we couldn't take action based on the date of the occurrence.

Next.

CHAIRPERSON DUDLEY: Let me interrupt for a second.

MS. FORD: Sure.

CHAIRPERSON DUDLEY: I'm a little concerned -- I'm not sure what I understand what "not actionable" is.

MS. FORD: Those would be our retro cases where, based on the date of the closure, we could not take action on it.

So as of date -- as of the date, we have 39 Notice of Intent to Revoke letters that have been sent out. To break those down, out of those 39, 15 have appealed; 22 were defaults; one was a 1029 revocation; and then one was a voluntary surrender.

Some other certification actions. Government Code 1029 ineligibilities is 123. We have had 71 voluntary surrenders thus far and 85 revocations.

Now some of these slides, I'm not going to cover.

I will take questions if you are interested in. But I do --

Yes, Member -- yes.

MEMBER HATCHER-CRAWFORD: I didn't know if it was appropriate --

MS. FORD: Sure.

MEMBER HATCHER-CRAWFORD: -- to ask. Could you go back, like, four slides? Next one.

The one right here. The 224 issued in error. It is probably like 1 percent probably of all the cases. Probably less than.

It is probably less than -- but still enough, 224 is kind of a high number of, you know, issues in error.

So I want to compliment Ms. Annemarie and Director Alvarez for taking their time at one point to come to Ventura County to talk to all of our law enforcement agencies to discuss SB 2.

And I just kind of wonder if that type of outreach is continuing, and if this would probably lessen an issued in error because that's a number that we shouldn't even have on there, if possible.

You did an excellent job on this, by the way.

Issued in error. You know, so that's -- that was my only comment about it was the 224 number.

MS. FORD: Yes. Thank you for the comment.

I know that our Mark43 trainings have begun, and we have reached out to a lot of agencies to put on Mark43 training on a monthly basis.

We also have all of our bureaus go out. And this year we have concentrated on some of the associations to go out, like you said in Ventura, to go out and continue training.

I do want to note that one of the primary reasons there's an issued in Error, which I mentioned, was a double entry. It could also be that we have had agencies input the incorrect POST ID number, where an officer is put in, and it is not really exactly the officer. So -- and that's human error.

And so we have talked to agencies about ensuring that they are putting in the correct number. So those would be examples of the issued in Error numbers.

So we look for that number to decrease as we move forward.

MEMBER HATCHER-CRAWFORD: Thank you.

MEMBER LARA: And just so you know, the POST number is also -- and I'm a former training lieutenant -- so there are oftentimes, very strange, not intuitive, assortments of like -- almost like a code password.

So if they are hand-keyed, that is going to be a place where that human error can take place. They are

not necessarily intuitive or alphabetical. They are random kind of groups of numbers. So I can see where that human keying error can happen.

MS. FORD: Thank you.

CHAIRPERSON DUDLEY: Along those same lines, there was a report by public versus a report by agency.

How often do you get a report by public which is also a report by agency? And how does that affect your statistics?

Do you understand my question?

MS. FORD: Yeah. I got your question to the last section.

CHAIRPERSON DUDLEY: Okay. Go ahead.

MS. FORD: What I wanted to -- actually, it will kind of meld into the future slides that are on here is...

So for public complaints, we take -- it is increased. We have taken over 900 public complaints from last year. And prior to that, 500. So you are looking at almost a 47 percent increase as we are moving forward.

Many of those complaints do become and are already reported by the agency, but some aren't. I don't have the specific numbers as to how many actually are reported already and which are new.

CHAIRPERSON DUDLEY: Let me just ask then. Is that number public -- so that number could be duplicative at this point?

MS. FORD: Correct.

CHAIRPERSON DUDLEY: So we are looking at that number. That number could be 50 percent already, the agency had reported. I'm just making up the 50 percent.

MS. FORD: I don't think it's that high.

MS. DEL MUGNAIO: Yeah. I don't think so, either.

Sarah, do you want to approach, please? So our Bureau Chief for Intake and Disposition Bureau, Sarah Wallace, can speak to that. If there was a duplicate entry, we would merge those cases, so that AMR would probably basically be obsolete because we wouldn't maintain two, you know, cases against the same officer from different complainants, if you will.

CHAIRPERSON DUDLEY: Got it.

MS. WALLACE: Good morning. My name is Sarah Wallace. I'm the Bureau Chief for Intake and Disposition Bureau.

So as Annemarie mentioned --

CHAIRPERSON DUDLEY: I think I need you closer to the mic or the mic closer to you. Thank you so much.

MS. WALLACE: As Annemarie mentioned, when we receive public complaints, our Intake and Disposition

Bureau does a review. We review to see if we have already received an agency misconduct report, or the agency has already reported that.

If they do, then we link -- it's called linking a report. So it comes into the same case docket, and so it is all reviewed at the same time.

If we come across a situation where we have not already been notified by the agency, then we work with the agency to get the appropriate information.

And I know, as Christine will mention in her report, there are some -- some public complaints that come in that are serious misconduct allegations, but a great majority of the complaints that we receive are not serious misconduct-related.

And so many times, those will be closed out. We will reach out to the agency, confirm nothing had happened, and move those along.

CHAIRPERSON DUDLEY: Not to create more work for you, but I think we would be interested -- first of all, when there's a duplicate reporting, I think that's a good thing. That means both the agency and the public are on the same page when they made that.

But then it would be important for us, as a hearing board, to know how many of those public complaints did not rise to the level of serious misconduct. So it will

give us a better handle on that because there's been lots of discussion since we've been created about, jeez, the agency really passing things on. Jeez, the public really communicating with you.

So I think, you know, shining a light on that would give us more information if possible.

MS. WALLACE: Definitely. We will take that back and look at what we can provide in future reports as it relates to agencies that have already reported or have linked agency misconduct reports.

And I think some of the information Christine has also sheds light on the breakdown of serious misconduct versus nonserious misconduct as well.

CHAIRPERSON DUDLEY: Thank you.

Anything else on that?

Yes.

MEMBER HATCHER-CRAWFORD: I definitely have one more thing. The report is wonderful. I would like to say something positive.

I think if you were to look at it as a quick glance for the public -- and I'm just speaking for me -- the first thing is always alarming when we see that 32 number from where we started to where we are now, where the Board has been in existence approximately about two years. It is alarming because it's a quick look. And

you don't look like we're seeing any movement.

I'm glad that you gave us this breakdown, but is there any way to create like a -- kind of something that gives the public the sense that these cases are moving along and -- at a quick glance, though?

You know, because it is like that 10-second, 30-second elevator thing.

CHAIRPERSON DUDLEY: Yeah.

MEMBER HATCHER-CRAWFORD: People see it, they look at it, and all they are going to remember is that large top number.

MEMBER GLASER: The small top member.

MEMBER HATCHER-CRAWFORD: The small top number, right.

So I'm just concerned that as -- I think we're doing an effective job. I don't think the public is seeing that.

Especially, like I said, if I have to look at that report at a quick glance, that's what's going to stick out in my mind.

And maybe I'm asking too much.

MS. DEL MUGNAIO: No, you are not. And we're continuing to kind of fine-tune the visuals on this, right?

So I think the point is exactly what you said. You

see 33,000, and that's alarming. With 82,000 peace officers, and now you see 33,000 complaints, charges, and allegations. Not cases. But the public doesn't distinguish between those two, and we shouldn't expect them to.

But that's why we are trying to break down 10,000 of those were not serious misconduct. Another 9,000 are in investigation.

And then you have that number that is unassigned because it is waiting in queue because those were the complaints, charges, and allegations that the agency investigated that were not sustained, or the officer is no longer working, so those are less priority case.

So I think just having that on one page and some sort of graph or pie chart or something will help, I think, distill that 33,000 number into something that's a little more palatable as to what the actuality is of cases that look to be serious misconduct. They fall into one of the nine categories, and they are in some stage of review by POST. And that's our end goal.

So every year, we do a report to the legislature that is supposed to do just that, right? It is kind of distilling that information so it's something that they can take in and understand the volume, the scope, the staffing levels of POST, you know, how quickly we can

really address these cases that are coming before us.

So as we work to look at different opportunities for those graphics, we will provide you perhaps different samples for you to look at to see what's the most digestible for you at a quick glance.

I think to -- a question our chair had. Chair Dudley had a question of: Of those public complaints, how many of those actually are not serious misconduct? Because the public doesn't have the full breadth and understanding of what SB 2 really is, the general public. Law enforcement is starting to get the full breadth and understanding.

So of those, you know, 1400, over 800 of them, 837 of them had nothing to do with serious misconduct.

So the public may go online and file a complaint. And they may be complaining about the city manager. They may be complaining about the lack of law enforcement officers for a particular, you know, area. Time it gets -- you know, the time it takes for them to respond to a call. And those things, obviously, outside of the realm of SB 2 and individual peace officer serious misconduct.

But that is part of this learning curve that I think we're going to continue to go through for many, many years with the general public. Because it's not as

easy for us to reach those masses. But we will continue to provide information to you. I mean, I think it is a positive that we have seen this jump 46 percent, that there's some awareness that POST is out there doing some of this work.

To the extent that they start to familiarize themselves with the type of serious misconduct that falls within our jurisdiction is going to take time.

Over the course of the next year -- and there's already many of these, I would say, presentations, you know, town halls scheduled, we're starting to do more with the line staff as opposed to just hitting kind of command staff, IA staff, the leadership in the law enforcement profession. We're trying to hit more of the masses in terms of explaining what happens if you get a complaint charge or allegation against you. What does it look like? What's the process?

And I think as we continue to do that outreach, there's going to be more familiarity with it.

But these are things still in the early stages, trying to even get familiar ourselves with the type of data we're seeing and what to do with that data to be responsible when reporting.

MEMBER HATCHER-CRAWFORD: Thank you.

MS. DEL MUGNAIO: You are welcome.

MS. FORD: Just one -- just one last comment I want to make as far as an agency misconduct trend.

So per quarter, we're taking in about 2500 reports, which is quite lower than what you are going to see for the 33,000.

So as the numbers trend down, it will give staff more time to address and tackle the 33,000 as we reduce that number. So that will obviously help.

That's all I have. If there's any questions about any of the slides.

MEMBER GLASER: Yeah. First, you know, thank you to the staff for improving this data presentation and for your responsiveness to the Board's needs and the public's needs. I just want to commend that and express my appreciation.

I think on the topic of the public complaints what could be very useful would be a separate breakdown of disposition and status, just for the public complaints because I think, you know, with regard to being responsive to the public, it would be -- it would be really useful to know that. I know that there's duplication, but maybe even breaking out the ones that aren't duplicates and seeing what happens as a result of those.

And I think in general on a -- with respect to

reporting out on the disposition of these cases, to the extent that the decision-making can be made transparent. Because when we -- that will, I think, benefit everybody. When we say that a lot of these public complaints just warrant serious misconduct, you know, that's pretty opaque. And that's a determination made by a staff member that is -- or members who are unknown to the public.

And so in terms of valid feedback, to the extent that that can be broken down even more.

So, for example, you know, it doesn't fall into one of the nine categories or, you know, what else goes into a determination of not serious. So that would be useful.

And then one very specific data question that I had. On one of the slides, it says that there have been 83 revocations on the closed cases slide. But then there have only been 39 Letters of Intent to Revoke. So how do we reconcile those two numbers?

MS. FORD: Many of those could be voluntarily surrenders.

MS. WALLACE: They also include our 1029 revocations. And so those 1029 -- so for disqualifiers, through Government Code section 1029, those cases do not come to the Board because they are automatic. And so

those revocations are also included in that total count.

MEMBER GLASER: So letters of intent for -- would just be cases where there is a determination of serious misconduct reaching clear and convincing evidence. And then -- but there hasn't been voluntary surrender or a 1029?

MS. WALLACE: Correct.

So we have two separate pathways. So we have the 1029 revocations, but then for those 39 Letters of Intent to Revoke, that's the letter that triggers the potential to have a Board hearing.

If they do not appeal, then they do end up in a default revocation status. Again, those cases do not go to the Board because they fail to appeal. Those that do appeal would move forward to the Board.

MS. DEL MUGNAIO: Dr. Glaser, one other thing just to qualify 1029 primarily felony convictions, some qualifying misdemeanors. So when we talk about 1029, this is by operation of law; that if a officer is charged with a felony or a qualifying misdemeanor, which there's -- they are enumerated in 1029, they cannot be a peace officer. They are disqualified.

And the law essentially says, through Senate Bill 2, that POST shall revoke. So there's no discretion on the part of the Board and the Commission.

They just -- they are revoked automatically based upon operation of law.

CHAIRPERSON DUDLEY: Dr. Glaser, when you are talking about the further breakdown of public, I'm envisioning something like a checklist. But I understand shining a light on it, there would still be some confusion about that.

But, you know, if there were six different things, and one of them was "did not meet the elements of serious misconduct," another was "outdated," things like that, were you thinking something like that that? Or were you thinking of highlighting more depth?

MEMBER GLASER: You know, I wouldn't know it until I saw it. We've had some conversations about this.

I -- you know, at the very least, I think it would be useful just to provide a separate breakdown of disposition of cases that come in through public comment.

But then within that, yeah, some -- some specification of the causes of the determination, of for example, it doesn't rise to serious misconduct, or it's not clear and convincing.

CHAIRPERSON DUDLEY: So what I'm sort of envisioning -- and again, I have no idea if this is possible -- is if it is a checklist, you would come up

with the criteria of that checklist; and then beneath that would be something that you could republish every month or every quarter, whenever you do that, which is reminding people what the serious crimes are, reminding what the statute of limitations is, if there is one, reminding about the difference between a felony and a misdemeanor. That, every time you publish stats, could come out. But the checklist would relate to that. So it's a possible way of quickly getting to that.

I think the reason I'm so supportive of this is it gives the public confidence that why decisions are made, because if not, they are going to think it is just made on this wild discretion, and they will be offended one way or another. That's a little more linear and possible. But in your good hands.

Is that what you had in mind?

(No verbal response.)

CHAIRPERSON DUDLEY: Excellent. Thank you.

Anything else?

MS. WALLACE: Thank you.

We will take that feedback, and we will put some documents together and bring it back to the Board.

CHAIRPERSON DUDLEY: Did you want to comment on that or not?

MS. DEL MUGNAIO: No. I think we're good.

CHAIRPERSON DUDLEY: Is there anyone present or appearing remotely, by phone, who would like to address the Board regarding the data for serious misconduct reporting, investigations, and the outcome of cases that we talked about ten minutes and disciplinary outcomes?

When it comes to your turn, you may state your name, organization, etc.

So we just handled two areas. One is the result of the outcomes. The other was data.

Anybody look -- here or remote who would like to comment on either one of those things?

(No response.)

CHAIRPERSON DUDLEY: Okay. Moving on -- do you have anything else?

MS. DEL MUGNAIO: I'm good. Thank you.

CHAIRPERSON DUDLEY: Okay. I think we will take a half hour and start. We will stop at 10:00.

We will now move to the next items on the agenda. We have four [sic] cases to hear today. We will only be reviewing the facts and evidence as presented by the Division. This is not an evidentiary hearing. The rules of evidence do not apply here. Evidence is not formally admitted into the record. There is no need to make any objections, and objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this initial hearing will determine only if the matter will proceed forward were the Commission's review. And then should the Commission approve for a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

For those commenting on each item at this early stage, the Board must only consider the facts that are -- that the Division, after investigation, believes can be proved at a later evidentiary hearing.

For that reason today, the Board will entertain arguments as to whether or not those facts as presented by the Division demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Commission Regulation 1205, occurred.

This finding results in a matter being moved forward. No action by the Board or the Commission prior to a full evidentiary hearing amounts to a final determination that an officer did, in fact, engage in misconduct or that revocation or suspension is ordered. That will be determined after the evidentiary hearing.

At the conclusion of each law enforcement consultant's presentation, the Board will have the

opportunity to ask questions; then public comment from the subject officer and/or their counsel will be taken; followed by members of the public. Further discussion of the Board will be allowed, if necessary.

The Board may then go into closed session, deliberate 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 a couple of things:

One is: In the past, you as a Board has decided after each case you want to go discuss them. We have the option to discuss it in public, go ahead and do that after each case, or discuss them all after all four cases have been presented.

How would you like to proceed?

MEMBER CLAVO: Discuss each one separately.

CHAIRPERSON DUDLEY: I'm sorry? Separately? Okay. So the way we have done it in the past.

Okay. Anybody disagree with that?

(No response.)

CHAIRPERSON DUDLEY: Okay. Fine.

Okay. One more -- a couple more things. These cases are all from the Los Angeles area. I live in

Santa Barbara. And we have been living what -- in a very soft way with what Los Angeles has been going through. It is an unbelievable, unbelievable disaster.

For those of you that have come up from Los Angeles, I'm sure your hearts are very heavy in terms of what is happening to your communities. For those calling in, again, please know that you have our empathy, our concern, our love from POST and from everybody here today.

So we're going to proceed, but understanding that this is a very difficult time for all of you.

The other thing is later on, we're going to have some cases with alleged statements of bias in texts. Some of those are very difficult for people to hear, very difficult for people to consider. And I just want to, again, acknowledge that it is difficult to read those texts, to see the words, and to make decisions on them.

So, again, our empathy for those people that are feeling those sense of violation if, in fact, anyone is going through that.

Tough cases require a tough board, and we have got you here today for that.

So at this time, I will call upon Law Enforcement Consultant Brad Ehrman, Professional Conduct Los Angeles

County Bureau; and Carrie Woolley, Attorney IV, Legal Affairs Bureau, to provide a report on Case POST2400920, Tommy Thompson, who at the time of the events at issue in this case, were employed with the Los Angeles Police Department.

Thank you.

Please go ahead whenever you are ready.

MR. EHRMAN: Good morning, Chair and Members of the Board.

My name is Brad Ehrman. I'm a -- I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau Los Angeles County in the Peace Officer Standards and Accountability Division. With me today is Carrie Woolley, an attorney with our Legal Affairs Bureau.

I am here today to present Case POST2400920, involving Tommy Thompson, formerly with the Los Angeles Police Department.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Mr. Thompson committed an act of serious misconduct, as set forth in Penal Code section 13510.8(b)(6) on March 14th, 2023, and March 17th, 2023.

Specifically, the Division has determined that Mr. Thompson committed the following acts of serious

misconduct:

Acts that violate the law and that -- and that are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law when he drove under the influence of alcohol and drugs on two separate occasions during work hours.

In this presentation, I will present a brief outline of the Division's findings of investigations in this matter.

Mr. Thompson began his career with the Los Angeles Police Department on June 10th, 1996. On June 25th, 2006, Mr. Thompson was promoted to the position of Detective I. On November 3rd, 2013, Mr. Thompson was promoted to the position of Detective II. On July 30th, 2023, Mr. Thompson was demoted to the position of Detective I.

Mr. Thompson holds the following POST certificates: He has a basic, intermediate, advanced, and supervisory.

Mr. Thompson has a prior alcohol-related discipline from March 13th, 1998, for which he received a three-day suspension.

Mr. Thompson's other disciplinary matters are not relevant in these proceedings.

As set forth in the ISF, Mr. Thompson was arrested for a DUI twice in a four-day period while on duty.

The first incident occurred on March 14th, 2023, at approximately 9:30 a.m. According to the California Highway Patrol report, Mr. Thompson, who was driving an unmarked LAPD vehicle, was involved in a single-vehicle accident after he attempted to make a U-turn and lost traction. He drove over a raised curb and struck a tree located on the side of the roadway.

Mr. Thompson left the scene of the accident and drove to a nearby ARCO gas station where he spent approximately 40 minutes attempting to fix the damage to the front of his vehicle.

Mr. Thompson then left the ARCO gas station and drove to a Mobil gas station where he continued -- where he contacted the supervisor about the accident and that he was involved in -- sorry.

And then he was involved in a second minor vehicle accident when he backed into another vehicle at the gas station.

Mr. Thompson then spent approximately 30 minutes trying to fix the damage to his vehicle.

Mr. Thompson left the Mobil gas station, and his vehicle became disabled in the roadway. A LA sheriff deputy discovered him stalled in the roadway and called the CHP to respond.

The CHP -- the CHP officer conducting the

investigation conducted -- conducted the investigation and determined that Mr. Thompson was under the influence of alcohol or drugs, prescription Ambien, and arrested Mr. Thompson.

At approximately 1308 hours, Mr. Thompson submitted to a chemical breath test, which showed he had a blood alcohol content of .03 percent. The CHP also took a blood sample from Mr. Thompson to test him for the admitted prescription drugs.

Since Mr. Thompson's sample showed a drug -- drugs in his system, the Los Angeles County District Attorney's Office charged him with a violation of Vehicle Code section 23152(g), driving under the combination and influence of any alcohol and drug.

On February 22nd, 2024, Mr. Thompson pled no contest to one misdemeanor count of Vehicle Code section 23152(a), driving under the influence of alcohol.

The conviction included the sentence of 14 days' time served, fines, and he was ordered to complete an 18-month driver -- driving under the influence program.

The second incident occurred on March 17th, 2023, while assigned to home duty because of the March 14th DUI arrest. Mr. Thompson was driving his personal vehicle and lost control when the vehicle ran out of gas. The vehicle then hit a pole.

Los Angeles sheriffs responded and conducted an investigation, which found that Mr. Thompson was operating his vehicle while under the influence of alcohol. Mr. Thompson provided a breath sample, which showed that he had a BAC of .08 and .09.

On February 22nd, 2024, Mr. Thompson pled no contest to one misdemeanor count of wet reckless driving.

Mr. Thompson was assessed fines, fees, and ordered to complete an 18-month driving-under-the-influence program, which he could complete concurrent with his first DUI conviction.

The Los Angeles Police Department conducted an Internal Affairs investigation on both DUI arrests. The Internal Affairs investigation resulted in five sustained policy violations with a recommendation that Mr. Thompson be directed to a Board of Rights hearing, with the proposed penalty of termination.

During Mr. Thompson's Internal Affairs interview, Mr. Thompson stated that after his -- after his two DUI arrests, he checked himself into the Betty Ford clinic for treatment and was attending anonymous -- Alcohol [sic] Anonymous meetings.

On February 22nd, 2024, Mr. Thompson signed a settlement agreement with the Los Angeles County Police

Department that imposed a 22-day suspension as a result of the two DUI arrests; and while employed with the Los Angeles Police Department for a period of three years, required him to:

One, abstain from the use of alcohol -- alcoholic beverages;

Two, not enter any establishment whose primary business is selling alcoholic beverages while on off-duty;

Not purchase any alcoholic beverages while off-duty;

Four, submit to a substance test up to three times a month as directed by a supervisor;

And, five, submit to unscheduled, unannounced directed testing for controlled substances up to five times a month as directed by a department supervisor.

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

For the purpose of this -- for the purpose of the Division's analysis, clear and convincing evidence means evidence of -- 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 Mr. Thompson's POST certificate be revoked. The Division recommends this based on the following:

Between March 14th and March 17th, 2023, Mr. Thompson engaged in conduct that would lead to two separate arrests and convictions for DUI. Impaired driving is illegal because of inherent dangers to the drivers themselves and to others.

Under Penal Code section 13510.8(b)(6), and POST Regulations 1205(a)(6), acts that violate the law constitute serious misconduct when they are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligations to uphold the law or respect the rights of the members of the public.

Impaired driving and repeated acts of impaired driving are acts that violate the law and are both sufficiently egregious and sufficiently repeated as to be inconsistent with Mr. Thompson's obligation to uphold the law, respect the rights of the members of the public.

As a homicide detective charged with investigating our most serious crimes, Mr. Thompson's actions and driving impaired on two occasions established that he committed serious misconduct.

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

CHAIRPERSON DUDLEY: I have a few. Thank you so much.

I may have misheard this.

In '98, was there a first DUI?

MR. EHRMAN: It was a alcohol-related. It didn't say DUI.

CHAIRPERSON DUDLEY: What was it?

MR. EHRMAN: We don't know.

CHAIRPERSON DUDLEY: Okay.

MR. EHRMAN: I think it's based on the time --

CHAIRPERSON DUDLEY: I'm sorry, what?

MR. EHRMAN: It was over 20 years ago.

CHAIRPERSON DUDLEY: Okay. In the future, if it's ever possible to get more information about if we're looking at a second DUI but, in fact, it is somehow related a prior alcohol offense, it's helpful for the Board to know more about that.

And I really appreciate the timeline there. That is very helpful.

I'm trying -- now could you -- Chandler, are you controlling that? Whoever is controlling that, can we start at the beginning there? I can't see it from here.

Okay. Great.

Now, this is for the second DUI; is that right?
MR. EHRMAN: No.
MS. WOOLLEY: This is for the first DUI.
CHAIRPERSON DUDLEY: The first DUI. Or -- right.
So this is the one where he hit the tree --
MS. WOOLLEY: Yes.
CHAIRPERSON DUDLEY: -- correct?
MS. WOOLLEY: Yes.
CHAIRPERSON DUDLEY: Okay. So -- okay. Respondent arrives at -- keep it there. Don't move it. Take it back to the beginning.
Who is controlling that? I can't -- oh, okay. You guys are.
So is that the time that he arrived at work, 6:00 a.m.?
MS. WOOLLEY: Yes, Chair Dudley. That's the time he arrived at work that morning. He arrives at work at 6:00 a.m. He takes an LAPD car out sometime that morning, and then he is coming back from retrieving his cell phone in Santa Clarita. Hits a tree at around 9:35.
CHAIRPERSON DUDLEY: Okay. Now, I want to go slower.
MS. WOOLLEY: Sorry.
CHAIRPERSON DUDLEY: That's okay.

We don't have any information that he had been drinking prior to coming to work at 6:00 a.m.?

MS. WOOLLEY: Well, his blood alcohol is .03 when they take it at 1:00 p.m.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: And he does have drugs in his system.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: Generally, if you have a blood alcohol at .03 at 1:00 p.m., you have probably consumed alcohol at some point earlier in the day.

It is unknown when he consumed it. His statements at the IA were that he had consumed alcohol earlier in the morning. I believe it was somewhere in the neighborhood of 4:00 a.m.

CHAIRPERSON DUDLEY: Name of what?

MS. WOOLLEY: Neighborhood of 4:00 a.m.

CHAIRPERSON DUDLEY: 4:00 a.m.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And that would be inconsistent with the blood alcohol level at 1:00 of .03, correct?

MS. WOOLLEY: Well, if he had stopped drinking at about 4:00 a.m., his blood alcohol could have gone down to .03 because it would have continued to lower.

There's a formula that LAPD could have applied to determine what his blood alcohol would have been at

9:35.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: They just did not do so.

CHAIRPERSON DUDLEY: Was there any information when he arrived at work at 6:00 a.m. that he was -- that anyone made any comments about him being under the influence of alcohol?

MS. WOOLLEY: There was no indication in the IA investigation that that was done.

CHAIRPERSON DUDLEY: Okay. So the next thing we have is he allegedly had left his cell phone at home.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And we're going to assume there's alcohol in his home because he said he consumed some before 4:00 a.m. So what we know is that after he received his cell phone, this hit-and-run occurred?

MS. WOOLLEY: There's our information, yes.

CHAIRPERSON DUDLEY: Okay. So the alleged hit-and-run.

And then what is the distance between -- okay, let me just start with that alleged hit-and-run there at 9:38.

Oh, no -- that's when he arrived at the ARCO station. We don't know what time the hit-and-run happened.

MR. EHRMAN: The bottom square.
MS. WOOLLEY: Right. It's about 9:35. It's probably three minutes or so before.
CHAIRPERSON DUDLEY: Okay.
MS. WOOLLEY: The ARCO station is right around the area of where that tree was.
CHAIRPERSON DUDLEY: Okay. So let me say that again, then.
From the -- the distance between the tree that was hit and the ARCO station was about a three-minute drive?
MS. WOOLLEY: About, yes.
CHAIRPERSON DUDLEY: Okay. So then he gets -- now, would -- if he had left the car where the tree was, would that have created a -- an issue in terms of safety for other drivers?
MS. WOOLLEY: That would require speculation on the part of the Division at this point.
CHAIRPERSON DUDLEY: Okay.
MS. WOOLLEY: It wasn't something that LAPD had looked at in their investigation.
CHAIRPERSON DUDLEY: Okay.
MS. WOOLLEY: It wasn't something that the Division looked at in our investigation.
CHAIRPERSON DUDLEY: Okay.
MS. WOOLLEY: It was something, though, that was

sustained that it was a hit-and-run. He was --

CHAIRPERSON DUDLEY: Last part again?

MS. WOOLLEY: It was sustained as a hit-and-run as part of the sustained findings.

CHAIRPERSON DUDLEY: Okay. We will get back to --

MS. WOOLLEY: He was charged with that, yes.

CHAIRPERSON DUDLEY: I'm just trying to take it piece by piece.

Then during that 40-minute encounter, there is some information about him spending some time dealing with the car.

And then he drives from the ARCO station to the Mobil station. And that's about 40 minutes apart?

MS. WOOLLEY: He spends approximately 40 minutes at that ARCO station, and then goes to the Mobil station, which is also nearby.

CHAIRPERSON DUDLEY: Okay. Then at the Mobil station, tell me about the minor incident with another car.

MS. WOOLLEY: He pulls into a parking spot at the Mobil station. He is there for about a minute or two. This is all in surveillance camera footage.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: He then pulls out of that parking space and backs into a Kia that has pulled in behind

him, causing some minor damage. He does get out of the car. The CHP investigation says that it appears that he has -- exchanges some information with that driver, but neither LAPD nor CHP did any further investigation to determine if they exchanged, like, insurance information or something.

CHAIRPERSON DUDLEY: Okay. Then he hits another vehicle 10:24.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Let's stop it again.

So after he's hit the tree, gone to the ARCO station, gone to the Mobil station, and hit the second vehicle, that is when he calls his supervisor?

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And that's from the Mobil station?

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Okay. Then after that, he -- his car becomes disabled, and it's on the side of the road, on the roadway?

MS. WOOLLEY: It's in the number one lane of a roadway. And LASD deputy sees him, is going the opposite direction, makes a U-turn, comes up behind him, determines his car is disabled, blocking traffic, calls CHP.

CHAIRPERSON DUDLEY: Okay. What information, if any, do you have about the nature of the conversation he had with his supervisor about whether he should proceed, stay there, come into the station, if they discussed the damage to the car at that point.

Any ideas?

MS. WOOLLEY: We do not have any information in regards to that conversation.

CHAIRPERSON DUDLEY: Okay.

MR. EHRMAN: I think the only thing that was said was to contact CHP for the report.

MS. WOOLLEY: Oh, I'm sorry. Thank you, Mr. Ehrman.

CHAIRPERSON DUDLEY: Say it again.

MR. EHRMAN: It said -- the only thing in the IA report it said for him -- the supervisor requested him call CHP to come investigate -- to do a traffic report.

CHAIRPERSON DUDLEY: Okay. But he doesn't, as far as we know, call CHP. CHP sees the car in the roadway?

MS. WOOLLEY: They are notified by LASD.

CHAIRPERSON DUDLEY: Okay. So I'm assuming then the supervisor or somebody notified CHP?

MS. WOOLLEY: No. LASD notified CHP.

MR. EHRMAN: There was nothing stated that anyone from LAPD --

CHAIRPERSON DUDLEY: All right. And then the CHP arrives. I may have been confused about this .

At some point, was the respondent asked about the tree incident?

MS. WOOLLEY: He was asked where he -- what he hit and where the accident occurred.

The CHP -- or it appears from the CHP investigation that he was asked that. But it is not very clear in the CHP investigation at what point that question happened.

What is in the investigation is that the CHP officer, who was conducting the investigation, made some assumptions that he thought the accident may have occurred in a couple of locations.

And so he took the respondent to two different locations that involved a pole that had been hit.

Mr. Thompson was able to categorically tell the CHP officer, no, that was not what I hit. That's not where the accident occurred.

They then took Mr. Thompson to a hospital to get him medically cleared and then cited and released him.

CHAIRPERSON DUDLEY: Okay. Go back to that.

MS. WOOLLEY: Sure.

CHAIRPERSON DUDLEY: I want to understand this a little bit more.

The respondent has some discussion with the

investigating CHP officer. And as a result of that discussion, they go to two -- three places.

MS. WOOLLEY: Two different places at this point.

CHAIRPERSON DUDLEY: Two different. And then is it the second or the third place that ends up being the tree?

MS. WOOLLEY: It ends up being a fourth place. So they go two places with Mr. Thompson. Mr. Thompson is able to exclude both places. They then take Mr. Thompson to a hospital to get him medically cleared since he's been in an accident, and he is under the influence. It also appears they take the blood sample at that time.

CHAIRPERSON DUDLEY: So we have no idea what led the CHP officer to take Mr. Thompson to place one or place two?

MS. WOOLLEY: The CHP officer states in his report that he believes, based on damages he had seen from the poles, that he suspects those may have been where the accidents were.

So they are basing it off of the damage to the car and where he is seeing damage to objects that look like they could have caused damage to the vehicle.

CHAIRPERSON DUDLEY: Just so I can understand this better, there's some discussion prior to going to place

one and place two that it was a pole versus a tree?

MS. WOOLLEY: It's not clear --

CHAIRPERSON DUDLEY: If you don't know, that's fine.

MS. WOOLLEY: Right. It's not clear how the CHP drew that conclusion.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: But that's what they did.

MR. EHRMAN: I believe there was damage at those locations.

MS. WOOLLEY: Right.

MR. EHRMAN: So he naturally thought, okay, there's damage, we're going to go to that location. Previous.

Then after that he goes back, and he is able to determine that those other locations were prior accidents and not this vehicle.

And then he locates the other location of the actual accident.

CHAIRPERSON DUDLEY: Okay. So why this is interesting to me is if we're looking at dishonesty as one of the issues here, I don't know -- the Board doesn't know whether it was as a result of dishonesty that they ended up at those two prior locations and even the third location, and then it wasn't until the fourth.

So that's where there's some confusion. I'm not

even sure we can answer that question at this point.

MR. EHRMAN: That wasn't in the CHP report what they specifically asked him --

CHAIRPERSON DUDLEY: Right.

MR. EHRMAN: -- or what he answered.

CHAIRPERSON DUDLEY: Okay.

MR. EHRMAN: Besides the -- that's not it. He -- when he gave the -- when they rolled up, and he gave the answer to that, "This is not the location; it's further down," those are the only statements that they wrote in the report.

CHAIRPERSON DUDLEY: Okay. So then am I also to understand that both the second -- excuse me, the -- we'll call it -- no, we don't know about the prior alcohol-related offense.

So the first DUI and the second DUI both had to do with the hit-and-run issues, right?

MS. WOOLLEY: No. The second DUI, he stayed at the scene. His vehicle, which was his personal vehicle, ran out of gas. And he was pushing it to get to a gas station. And it got away from him. It hit a pole in front of some Southern Cal Edison employees.

CHAIRPERSON DUDLEY: And he stayed there?

MS. WOOLLEY: And he stayed at the scene.

CHAIRPERSON DUDLEY: Okay. So as to the first DUI,

the arrest was made, including the DUI and the hit-and-run. And the District Attorney's Office did not proceed on the hit-and-run?

MS. WOOLLEY: No. They did charge him with a hit-and-run, but the plea deal was just DUI -- a straight DUI under subdivision (a).

CHAIRPERSON DUDLEY: Okay. Those are my questions. By the way, again, thank you for this timeline.

MS. WOOLLEY: Of course.

CHAIRPERSON DUDLEY: Other questions from the Board?

MEMBER LARA: Yes.

CHAIRPERSON DUDLEY: Yes.

MEMBER LARA: So these are for Brad.

So is it clear -- I believe it's clear --

CHAIRPERSON DUDLEY: Would you move the mic a little closer?

MEMBER LARA: Okay. It appears clear to me, but I want to ask you as the investigator: Did the -- did Mr. Thompson have the ability after the first collision to immediately notify his supervisor?

MR. EHRMAN: It is not clear exactly what his condition was.

We're assuming that based on his alcohol content that he wasn't making rash decisions on that. And he

didn't make it -- I don't know if -- we would -- we couldn't figure out if he was trying to see if he could fix the car enough where he -- you know, he could get away.

But it was, obviously, that the car was not in that condition. So he could have --

CHAIRPERSON DUDLEY: Was your question whether he had a phone?

MEMBER LARA: Yes.

CHAIRPERSON DUDLEY: Yes. That's what I thought.

MR. EHRMAN: Oh, sorry.

CHAIRPERSON DUDLEY: He's not talking about his mental state. He's merely saying, did he have a phone in order to do it?

MR. EHRMAN: Yes. Because he called later on.

MEMBER LARA: And because the point of my question is, is one of, you are in a hole, and you have the ability to stop digging, then you should probably do so.

If he had the means immediately at his disposal, rather than attempting to repair his vehicle, and move -- and then ultimately cause yet another collision at another scene and impair people further, I wanted to see if there was some way at that point he could stop digging.

And he -- your answer is, yes, he had the means.

MR. EHRMAN: He had a phone.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Thank you.

Other questions?

Yes.

MEMBER DOYLE: I just wanted clarification.

I saw somewhere -- and I think it was in the court notes -- that on the 17th, was a wet reckless. The 14th was DUI, no contest. And an admission of a previous DUI, so that had to have been in the 1990 --

MS. WOOLLEY: No. That's not how they did it.

What they did was, is they had him admit to -- I'm going to get this wrong -- the -- they had him admit to the March 17th incident first.

MEMBER DOYLE: Right.

MS. WOOLLEY: It was part of the plea deal.

So what they did was, they had him admit to the March 17th deal first, and then the March 14th deal second. And because the admission for the March 17th deal came in first, it became a prior conviction that he had had to admit for the March 14th one.

So they did --

MEMBER DOYLE: But that was a wet reckless; that was not a DUI.

MS. WOOLLEY: But that can be a prior conviction for a DUI. A wet reckless can be, yes.

MEMBER DOYLE: Okay.

CHAIRPERSON DUDLEY: Can we go back to the timeline again?

What I'm looking for here is, we can extrapolate what his blood alcohol level was at the time of the first -- let's go to -- move over to the left a little more if you would, please. I want to see. Yeah. Thank you. And then if you can close in -- do a close-up. Thank you.

So at approximately 9:38, he arrived at the ARCO station. We said it was three minutes away.

So 9:35 a.m. would have been about the time that he hit the tree. And the blood alcohol of .03, was that based on blood or breath?

MS. WOOLLEY: That was a breathalyzer test.

CHAIRPERSON DUDLEY: I'm sorry?

MS. WOOLLEY: That was a breathalyzer test.

CHAIRPERSON DUDLEY: Okay. And the breathalyzer -- how much time went by between 9:35 and the blood -- and the PAS device?

MS. WOOLLEY: It's three and a half hours.

CHAIRPERSON DUDLEY: Okay. So regardless of when he started the drinking, can you give the Board a sense

of what his blood alcohol level was at the time, 9:35 -- assuming he had nothing alcoholic to drink between the 9:35 and the PAS device?

MS. WOOLLEY: There is a formula that the DMV has as part of the driver's manual. However, the application of that formula really does require special training, which none of us have. That would be something if this went to hearing, we would hire an expert -- employ an expert to present at trial as part of the evidence, to say, you know, whether or not Mr. Thompson was over the legal limit at the time he had his accident.

So at this time, we would not be in the position to opine what his blood alcohol would have been at.

CHAIRPERSON DUDLEY: Okay. Fair enough.

And then the blood sample, what was that result?

MS. WOOLLEY: We do not have the blood sample. But we do know, because the DA, the Los Angeles District Attorney's Office, charged him with the (g) count of 23152, that he would have had some form of a drug in his system as well, because in order for the DA to be able to charge him with that, he had to have had alcohol plus a drug in his system.

CHAIRPERSON DUDLEY: Okay. So allegedly he took the Ambien --

MS. WOOLLEY: Yes.
CHAIRPERSON DUDLEY: -- the night before and had a prescription for that.
Do we know if the blood test would show the percentage of the drug Ambien?
MS. WOOLLEY: It probably did, but we do not have that information.
CHAIRPERSON DUDLEY: Okay.
Thank you.
MS. WOOLLEY: You're welcome.
CHAIRPERSON DUDLEY: Other questions from other hearing officers?
MEMBER HATCHER-CRAWFORD: Hi, Counsel.
For clarification, the wet and reckless law is not really familiar to many. I have a little bit of knowledge of it.
Could you give us a little bit of summary about the wet and reckless law and why it was applied?
And to my second question of the wet and reckless law, from my understanding in that, in the first arrest, which was March 14th, if I'm correct, March 14th; and then he had a second incident, March 17th. But the wet and reckless was applied to the March 17th --
MS. WOOLLEY: Yes.
MEMBER HATCHER-CRAWFORD: -- and not the

March 14th?

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: That was my confusion.

MS. WOOLLEY: It's --

MEMBER HATCHER-CRAWFORD: Go ahead.

MS. WOOLLEY: It will make more sense when I explain what wet and reckless means.

MEMBER HATCHER-CRAWFORD: Okay. Thank you.

MS. WOOLLEY: So wet and reckless is something that is available to prosecutors as a plea -- as a plea deal, essentially.

So a prosecutor has some discretion to offer a wet and reckless to those defendants who are close to the legal limit.

So on the March 17th incident, Mr. Thompson was at a .08, .09. So he was close to the legal limit.

As far as we know, he only had alcohol in his system.

So the prosecutor had the discretion to offer what is known as a wet reckless, which means you had alcohol in your system, and you were driving, and you engaged in conduct that ended up being reckless on the streets. Because, by definition, if you are driving with any alcohol in your system you are, in fact, reckless under the law. So that's what wet and reckless means.

And it ends up being a driving under the influence of alcohol conviction on your record for purposes of, like, prior convictions for DUI and that sort of thing. So that's where that comes in.

And Chair Dudley can correct me if I'm wrong about any of this, since she's got such a history of being -- well, a lot of experience, obviously, of being a district attorney.

For the March 14th incident, however, that probably was not available to the district attorney, or just wasn't something the district attorney would have been interested in offering because of that drug that was in Mr. Thompson's system.

And under that one, the (g) count, if you have any alcohol in your system and you have a drug, it is a -- it's a DUI just full stop under (g).

So if you have got something that's a controlled substance, such as Ambien. Xanax would be another one that's common. People will get some alcohol in their system and have something like a Xanax. It's a DUI. It is a full-on DUI misdemeanor under (g).

And frequently, it's not uncommon for a district attorney to not offer wet reckless in that situation because you are so impaired at that point for driving.

MEMBER HATCHER-CRAWFORD: And so in a wet reckless,

because of the accidents -- this is where I was kind of confused on -- is both of them involved accidents, 14th and the --

MS. WOOLLEY: They did.

MEMBER HATCHER-CRAWFORD: They both involved that.

And the district attorney has a discretion to apply.

Now, here's the next question. On a wet and reckless -- because to me, it sounded like it was a DUI, and because I'm not familiar with either/or.

But what is the purpose of even offering the wet and reckless? I mean, what is -- is the penalty different or less --

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: -- or same?

MS. WOOLLEY: The fines and fees for a wet reckless are significantly less. There's less jail time. I believe, but I would have to check, there may, in fact, not be a mandatory jail sentence for a wet reckless.

The DUI program's usually less for a wet reckless for the first offender. Since he had two in a row, that's how he got the 18-month program. And he also had a drug in his system, which is probably also why the 18-month was imposed.

So there are significantly less penalties imposed

for somebody with a wet reckless.

So that's one of the reasons why it gets offered in those kinds of cases and why defendants will take that. Even though there's a consequence of it being a prior conviction if you get a second.

MEMBER HATCHER-CRAWFORD: So the wet reckless is not really held -- held as high as regard compared to the DUI. But he was offered it. That's...

MS. WOOLLEY: For criminal penalties, yes. But on your driver's record, it is going to have a similar effect, is my understanding. Yes.

MEMBER HATCHER-CRAWFORD: Thank you.

MS. WOOLLEY: You are welcome.

CHAIRPERSON DUDLEY: Any other questions or comments?

Yes, Dr. Glaser.

MEMBER GLASER: Thank you. One question. There was some contradiction or inconsistencies among the various documents that we reviewed about when he was on duty and when he was off duty.

And I just wanted to get clarification. I think he was on duty on the 14th and off duty on the 17th?

MS. WOOLLEY: He --

MEMBER GLASER: No?

MS. WOOLLEY: There was some contradiction in the

records.

So LAPD initially said in their IA documents he was off duty on the 17th. That is incorrect. He was actually on duty on the 17th as well, but he was on what they call "home duty."

So a lot of agencies will call it, like, administrative leave. He was sent home. But he was supposed to be on duty. He was just at home. So he wasn't coming into the office. He wouldn't be like what they would consider active.

There's a follow-up memorandum in his IA investigation that said he had to report in. I think he had a meeting with another department. He had just finished at that point right before he left to go get food, and then ended up in the accident. So he was on duty.

MEMBER GLASER: And then on the 17th --

CHAIRPERSON DUDLEY: Let me respond to that a little further.

So even though he was at home, the concept of being on duty relates to the fact that they could call him in and, therefore, could call him in. And being at that blood alcohol level is part of this whole scenario.

MS. WOOLLEY: Correct. Yes.

MEMBER GLASER: And on the 17th, there was also an

indication that he had a nearly empty open container in his vehicle. And I was just wanting to know if we could get some clarification on how nearly empty. But also an open container that is empty is problematic anyway.

MS. WOOLLEY: Right.

The police report from Los Angeles Sheriff's Department said there was an open vodka container that was nearly empty, yes.

CHAIRPERSON DUDLEY: Thank you.

Any other questions?

Yes.

MEMBER JOHNSON: Yes. Johnson.

I had heard you mention something about dishonesty. And you didn't go into the detail of that.

Then Board Member Charles talked about, at some point, when do you stop digging a hole for yourself?

CHAIRPERSON DUDLEY: I'm sorry. Could you move the mic closer?

MEMBER JOHNSON: Yes.

CHAIRPERSON DUDLEY: Thank you.

MEMBER JOHNSON: Board Member Charles spoke about, at some point, when do you stop digging a hole for yourself?

So we do know that he lied to the officer in the first incident that he wasn't drinking. Three days

later, he got pulled over, and he lied to that officer that he wasn't drinking.

I mean, it is obvious that the facts show that he was under the influence.

At some point, it is troubling that an officer consistently can try to fabricate a situation that he's in. Now, he has signed a document that I believe is supposed to save his job. And so we're here gathered today to discuss on whether to decertify him even though he has signed is this document.

Is there a conflict with that?

MS. WOOLLEY: The civil settlement that he filed with LAPD is separate from these proceedings. POST has independent jurisdiction as to Mr. Thompson's certification. So there's no conflict.

POST can proceed separate from any actions that LAPD chose to take.

MEMBER JOHNSON: So he can still be decertified?

MS. WOOLLEY: Yes.

MEMBER JOHNSON: Even though he made an agreement with LAPD that if I do this, this, this, and that, can I keep my job?

MS. WOOLLEY: Absolutely, yes.

MEMBER JOHNSON: So now I guess I'm jumping ahead. How would an administrative judge look at that?

MS. WOOLLEY: The administrative judge would give it the weight that they felt was appropriate. So they could take it and decide it had no weight. They could take it and decide that it should be given great weight.

One of the things that they would be looking at is the terms that Mr. Thompson had agreed to. So the terms that he had agreed -- the agency had proven -- it would just depend upon the administrative law judge.

But, again, these proceedings are entirely independent, so POST's position would be that it really does not have much weight, since the agency acts independently from POST.

MEMBER JOHNSON: And I guess the last follow-up question.

I think it's been a history that POST normally would grant the right for that officer to continue on his job if he signs off on an agreement.

So even though we may feel he should be decertified because of the history that has been established, that most officers that sign an agreement to stay on the job, if they follow this, this, this, and this, normally is granted that at the POST level.

So I'm trying to see if we can break that cycle.

But, anyhow, yes, I'm listening to figure this out.

MS. WOOLLEY: The Board will make its

recommendation, and it will go to the Commission, who will be able to either adopt the recommendation or do what the Commission wants to do.

This particular case is a bit different than the other DUI cases we have taken.

As you have -- as everybody has pointed out, these particular DUIs did happen on duty. There was some concealing conduct. I don't -- we don't know how the Commission is going to respond to this particular case.

But the Board does make its own recommendation.

MR. BEATTY: Board Member Johnson, I think it's productive just to remind ourselves of sort of the grounding trajectory that we're supposed to be taking as a Board.

And it's, you know, 13510.85, right, which is to say, basically does the investigation, summary of findings, and the recommendation by the Division, does that justify decertification under the Board's perspectives?

And so, you know, not getting outside the four squares of what we have in the investigation, and based on the presentation, I think we should really be guided by those perspectives.

CHAIRPERSON DUDLEY: And I -- I would like to call upon our Assistant Executive Director for some comments.

MS. DEL MUGNAIO: Thank you, Board Member Johnson, for the questions. I would like to speak to all of them if I can.

In terms of the settlement agreement that the respondent signed, he subsequently retired from Los Angeles Police Department on August 31st, 2024. He's not currently working.

Second, apart from that, you asked about ALJ weighing the employment agreement versus the certification status, that would be the interest of the state.

In my experience with administrative law judges, what they are looking at is: Does this individual pose a threat to the public health, safety, and welfare through his inability to make choices that pose an immediate threat?

In this situation, the employment status and the agreement, what the judge would be looking at is any rehabilitative efforts on the part of the individual to prevent this from happening again.

And the respondent would have to demonstrate that he no longer poses this threat. And it would be difficult for us to assess whether or not he can make those claims at this point.

The employment status is not what's considered,

if you will, from the administrative law judge. It's whether or not this individual still poses a threat because the behaviors and judgments and decisions made that has brought this case before us today.

In terms of making a decision on a stipulated settlement, I think you have talked about in previous DUI cases, it's not POST that is making the decision. The Commission itself can make the decision to enter into a stipulated settlement.

Again, those are not perfunctory. They do not happen in every case, and they have to examine the very specific circumstances of each and every case to determine whether the public would be well served by entering into an agreement with the individual who has overcome whatever those issues with and has proven, for a period of time, that they can, in fact, engage in the professional conduct of a peace officer safely, effectively, and without issue of controlled substances in their system.

So it is not an automatic. It is not perfunctory. And the Commission would have to weigh those very same things in this case and make the determination that they do not believe that the public would be at risk by allowing this individual to return to the profession.

CHAIRPERSON DUDLEY: Thank you.

MS. DEL MUGNAIO: You are welcome.

CHAIRPERSON DUDLEY: We're going to need a break. But I want to say are there any other questions for -- yes, please.

MEMBER PENA: How long of a delay was there between the time he encountered, I guess it was, CHP that came on the scene and when he was actually tested?

It was a -- it was a lengthy period of time, correct?

MS. WOOLLEY: CHP got on the scene at around 11:05, and he doesn't take the alcohol screening test until 1:00 o'clock, a little after 1:00 o'clock.

So, yes, it takes them some time.

MEMBER PENA: Is that -- is that typical?

MS. WOOLLEY: I wouldn't be able to answer that question. I think each investigation is unique. It probably depends upon the facts and circumstances.

CHAIRPERSON DUDLEY: Anything else? Any other questions?

Yes.

MEMBER JOHNSON: So -- Johnson.

He has retired in August. What -- I don't want to say what bearings would it have with the settle- -- with the agreement that he's made. To me, it becomes a moot

point, I mean, because he's no longer employed by the LA Police Department.

So I guess I'm saying that being that there was an egregious act and a violation of law, it should be pretty simple. It is like him not appealing the issue. So there should not be no reason, I believe, for him to be so much concerned of whether he's certified or decertified. He's no longer a police agent -- a police officer in the state of California, anyway.

So this should be an easy fix by simply decertifying him for the egregious act that the Division, as well as the agency, saw that he had acted in.

MS. WOOLLEY: Mr. Thompson is available by phone. I believe he would be able to answer that question best.

CHAIRPERSON DUDLEY: Anything else for now? Otherwise, we will take a ten-minute break and then come back and ask if Mr. Thompson or his attorney has any comments for us.

Okay. So the time is now 10:21. If you could come back at 10:30.

(Break taken in proceedings.)

CHAIRPERSON DUDLEY: At this time, does the subject officer and/or their counsel wish to make public comment? If so, you will each be given four minutes to

speak, and the time limits will be strictly enforced. So please ensure that you are -- complete your comments within the allotted time. There will be a clock on the screen that will start counting down from three minutes.

Because the discussion this morning was so lengthy, I'm going to extend it, at my discretion, to four minutes to ensure that each of you get to say what you want to say.

So while commenting, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defense at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do these facts demonstrate a high probability that serious misconduct, as defined by Penal Code section 13510.8, and Commission Regulation 1205 occurred?

So is there anyone from the public who would like to address the Board at this time? When it is your turn, you may state your name and the organization you wish.

And we will limit it to three or four minutes, depending who you are, in terms of this case. And I said, it's generally three minutes, but leaving

additional time for the respondent and his counsel. The time limits will be strictly enforced. So please ensure you complete your comments within the allotted time.

So is there anyone here on this case?

Remote or in person?

MR. THOMPSON: Ma'am, I'm the officer involved in this incident.

Can you hear me?

CHAIRPERSON DUDLEY: Is this Mr. Thompson?

MR. THOMPSON: Yes, ma'am.

CHAIRPERSON DUDLEY: Yes. We can hear you. Please go on.

MR. THOMPSON: I'm sorry. If I could, I would just like to summarize a couple things.

CHAIRPERSON DUDLEY: Sure.

MR. THOMPSON: First and foremost, I want to -- I want to thank the Board for giving me the opportunity to speak and kind of maybe hopefully clear some things up if needed.

I understand why the Board needs to convene on this matter and what's led for us to be here today.

And just a brief summary:

I'm a 28-year veteran with LAPD. I was hired in 1996. I have worked in South LA for all but one year of that.

I have been one of the highest, if not the highest, producer in all areas of works. I received hundreds of commendations for productivity. I patrolled areas troubled by gun -- gang violence. And I've made hundreds of observational felony arrests, including many gun arrests, of armed gang members.

I received a Master 10851 Award from the CHP, all of which were occupied stolen vehicles, several of them being used for the purpose of drive-by shootings.

I always wanted to be a detective and started -- started in it working the due diligence unit, which finds suspects of 187, of homicides that have warrants.

I then linked into being investigator and within a few years received a Detective of the Year from my division and also Detective of the Bureau -- for essentially the bureau in Los Angeles.

I received several mayor -- several citations from the mayor for my clearance of homicides. And I have been involved in arresting and convicting hundreds of murder -- homicide suspects.

I promoted to supervisor and received -- as you know, I'm -- I have supervisor POST certificate.

I was on call for several years working homicides, and it took its toll. It all came to a head March 14th and 17th where these incidents occurred.

I did -- I did understand that -- that the development of alcoholism, and I checked myself into Betty Ford. And I'm still in -- I go to AA meetings, and I'm still in the DUI program with the state.

I have a sponsor. I have a very good support system. My partner, who I live with, she's a superior court judge with the state of California. I've been with her for 13 years. My mother, who has been sober for over 40 years. I have two children, Isabella and Shae (phonetic). Bella finished her college and is pursuing her law degree. My second -- my younger child is in her third year of college.

I'm very proud of the badge that I wore, and I'm sad that I tarnished it.

I did -- I did retire from the department. I did so after I did my suspension days because I wanted to retire honorably. And, you know, during this process and working so long, over 20 years as a homicide investigator took its toll, which led into -- to the events that happened in these two days.

I developed a sleep disorder that -- because of it -- because of the hours I worked. I worked several days straight, and that's why I was prescribed Ambien.

I did -- again, I did and do acknowledge that I am an alcoholic. I have quit drinking since, and continue

with my -- with my efforts to remain sober and, again, I have a very good support system that assures that I am.

In conclusion, if the Board needs any clarification on any of the matters or -- I would be happy to speak on that.

CHAIRPERSON DUDLEY: Okay. Let me just, on behalf of the Board, thank you for your years of public service. Thank you for calling us. Clearly, you do have a distinguished career. And to extend our understanding and appreciation of the actions you have taken to deal with your alcoholism.

So aside from that, I will see if the Board has any other comments or questions.

MEMBER CLAVO: Board Member Clavo.

Are you attending AA? Do you have a sponsor? What are you doing to --

MR. THOMPSON: Yes, I do go to several AA meetings a week and I do have a sponsor.

MEMBER CLAVO: How long have you been sober?

MR. THOMPSON: Since this incident.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Anything else?

(No response.)

CHAIRPERSON DUDLEY: Okay. Mr. Thompson, are you being represented by counsel, or are you here by

yourself today on the phone?

MR. THOMPSON: I'm here by myself, ma'am.

CHAIRPERSON DUDLEY: Okay. I think there are no other questions.

Is there anyone from the public who would like to address this matter? Anybody on the phone? Anybody here with us?

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none and hearing none, Mr. Thompson, thank you for calling in, and we wish you the best.

MR. THOMPSON: Thank you, ma'am.

CHAIRPERSON DUDLEY: Okay. So at this time, the Board's -- we can adjourn into closed session and discuss this case. Ready? Where are we going today?

MR. KNAPP: The executive conference room.

CHAIRPERSON DUDLEY: Okay. Mr. Chandler is going to show us where to go. Thank you. Okay. We'll be back.

This meeting will adjourn into closed session for deliberation on this case. The board members will now exit the room and be back for regular session shortly.

(Time noted: 10:43 a.m.)

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(Closed session was held:
10:48 a.m. to 11:20 a.m.)
---o0o---
(Time noted: 11:25 a.m.)
CHAIRPERSON DUDLEY: We will now reconvene to regular session to take a vote on the Board's recommendation in the matter of Case POST Number 2400920, Tommy Thompson, who, at the time of the events at issue in this case, was employed with the Los Angeles Police Department.
What comments does the Board have on this matter?
Please. Dr. Glaser.
MEMBER GLASER: Oh, I'm ready to make a motion unless there are people who want to make comments prior to that.
CHAIRPERSON DUDLEY: I'm sorry. I couldn't hear you.
MEMBER GLASER: I'm ready to make a motion unless there are people who want to make comments prior to that.
CHAIRPERSON DUDLEY: Does anybody want to make any comments before a motion is called?
(No response.)
CHAIRPERSON DUDLEY: Okay. Go ahead. Is there a motion -- excuse me. Is there a motion to make a

recommendation to the Commission on this matter?

MEMBER GLASER: Yes.

CHAIRPERSON DUDLEY: Okay. What is that motion?

MEMBER GLASER: I move that we recommend to the Commission that Mr. Thompson's certification be revoked, and that that revocation be stayed contingent on a settlement agreement between Mr. Thompson and POST that would suspend his -- or that would put him in a period of probation of ten years, during which he would have to submit to the standard agreement that we have seen unfold in the past.

And I defer to counsel to provide any further detail on that, but I have no pride of memory on that matter.

And that should he violate the terms of that settlement during that period, that there would be automatic revocation.

CHAIRPERSON DUDLEY: Okay. Thank you. Is there a second?

MEMBER PENA: I second.

CHAIRPERSON DUDLEY: Okay. The second was?

MEMBER PENA: Margaret Pena.

CHAIRPERSON DUDLEY: Ms. Pena. Okay.

Now, Mr. Knapp, if you would call for a roll call vote on that.

MR. KNAPP: Yes, Madam Chair. Thank you.
Clavo.
MEMBER CLAVO: Nay.
Clavo, nay.
MR. KNAPP: Crawford.
MEMBER HATCHER-CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Doyle.
MEMBER DOYLE: No.
MR. KNAPP: Doyle, nay.
Dudley.
CHAIRPERSON DUDLEY: No.
MR. KNAPP: Dudley, nay.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Nay.
MR. KNAPP: Johnson, nay.
Lara.
MEMBER LARA: Nay.
MR. KNAPP: Lara, nay.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Motion fails.

CHAIRPERSON DUDLEY: I'm sorry? Motion failed?
MR. KNAPP: Motion failed.
CHAIRPERSON DUDLEY: Okay. And the numbers, for the record?
MR. KNAPP: We had two yes -- I'm sorry. Three yeses and six -- or five noes.
CHAIRPERSON DUDLEY: Okay. That motion failed.
Is there another motion?
MEMBER DOYLE: Doyle. Motion to decertify.
CHAIRPERSON DUDLEY: Doyle made a motion to decertify.
Is there a second?
MEMBER LARA: I second.
CHAIRPERSON DUDLEY: Okay. Lara seconded.
Would you please call roll call now.
MR. KNAPP: Yes.
Clavo.
MEMBER CLAVO: Aye.
Clavo, aye.
MR. KNAPP: Crawford.
MEMBER HATCHER-CRAWFORD: No.
MR. KNAPP: Crawford, Nay.
Doyle.
MEMBER DOYLE: Yes.
MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Yes.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MR. KNAPP: Lara, Aye.

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

The motion carries.

CHAIRPERSON DUDLEY: Okay. That motion -- so there was not a unanimous motion. There were, in fact, three negatives, but there were five positives. So that motion does, in fact, pass.

Okay. No?

MEMBER HATCHER-CRAWFORD: Everyone else agreed.

MEMBER GLASER: There was only one no.

CHAIRPERSON DUDLEY: Oh, I'm sorry. So on the second vote?

MR. KNAPP: Madam Chair, for the record, that motion carried with seven yeses and two noes.

CHAIRPERSON DUDLEY: Okay. Seven and two. All right. Thank you very much. Thanks for clarifying that.

MEMBER DOYLE: There's only eight of us here. How could it be 7-2?

CHAIRPERSON DUDLEY: I couldn't hear you.

MEMBER DOYLE: Sorry.

MR. KNAPP: It's one of those mornings. Seven ayes. One nay vote.

MEMBER HATCHER-CRAWFORD: For the record, I wanted to say -- (inaudible) -- I'm sorry.

CHAIRPERSON DUDLEY: I can't hear you.

MEMBER HATCHER-CRAWFORD: For the record, I meant to say "abstain," but I said "no."

MEMBER PENA: She meant to say "abstain."

CHAIRPERSON DUDLEY: Okay. You know, this has gotten a little too confusing for the record, so we're going to do that one again. Okay.

I want to make sure everybody votes what they want to vote.

MR. KNAPP: I think that's a good idea.

CHAIRPERSON DUDLEY: So there was a motion to decertify. And that was made by Doyle and that was

seconded by Lara.

So let me ask you again, would you please take that vote.

MR. KNAPP: Yes, Madam Chair.

CHAIRPERSON DUDLEY: No, not your fault.

MR. KNAPP: Clavo.

MEMBER CLAVO: Yes.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Crawford, abstain.

Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Yes.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Yes.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
CHAIRPERSON DUDLEY: Now, would you give us the final record on that, please.
MR. KNAPP: We have seven ayes and one abstention.
CHAIRPERSON DUDLEY: There were no noes?
MR. KNAPP: No noes.
CHAIRPERSON DUDLEY: Okay.
Okay. Moving on to the next case, and, again, we will break at noon.
At this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles Bureau; and Carrie Woolley, Attorney, Legal Affairs Bureau, to provide a report on Case POST2302971, Gabriel Gaxiola, who, at the time of the events at issue in this case, was employed by the Los Angeles Police Department.
Please.
MR. BRINGOLF: Good morning, everybody. My name is Robert Bringolf. I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Los Angeles County.
With me today is Carrie Woolley, an attorney with

our Legal Affairs Bureau.

I'm here to present Case 232971 [sic], involving LAPD Sergeant Gabriel Gaxiola.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Sergeant Gaxiola committed an act of serious misconduct, as set forth in Penal Code section 13510.8, being arrested -- by being arrested while off duty for driving under the influence of alcohol on May 13th, 2022.

Specifically, the Division has determined that Sergeant Gaxiola committed the following acts of serious misconduct:

And that would be acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with the peace officer's obligation to uphold the law or respect the rights of a member of the public, as determined by the Commission.

And that's Penal Code section 13510.8(b), as in boy, sub (6).

So this morning, I'm going to present a brief outline of the Division's findings of my investigation in this matter.

Sergeant Gaxiola was hired by LAPD on October 26th, 1998. He was promoted to Sergeant July 7th, 2019.

On May 13th, 2022, Sergeant Gaxiola was arrested

for his second DUI while employed as a peace officer for the Los Angeles Police Department. He was off duty and driving his personal vehicle on State Route 110 in the area of North Avenue 52 overpass.

His vehicle collided with a stopped vehicle, which, in turn, collided with another vehicle that had been stopped in the Number 3 lane of traffic.

Just so everybody is on the same page, the lanes are numbered from the inside of the roadway to the outside: 1, 2, and 3.

Gaxiola immediately contacted emergency services, which resulted in the California Highway Patrol responding to the scene.

The CHP officer observed Sergeant Gaxiola had red watery eyes; an odor of alcoholic beverages emitting from his breath and person; he had an unsteady gait, and that was observed while he was walking around the accident scene. He had slurred and delayed speech. And when one of the officers asked for his insurance card, he handed him his debit card instead.

A CHP officer conducted a standard field sobriety test and determined Mr. Gaxiola had been driving while under the influence of alcohol. He was arrested for driving under the influence in violation of 23152(a) VC; that's the Vehicle Code.

Sergeant Gaxiola refused to submit to a chemical test, at which time a search warrant was sought for a sample of his blood.

The warrant was granted and executed on May 14th, 2022, at 0122 hours. That's approximately five hours after the accident occurred.

And he was also arrested for section 23152(b) of the Vehicle Code.

On May 17th of that same year, 2022, the lab report came back and showed that the analysis of the blood sample for Mr. Gaxiola resulted in an average of 0.155 percent blood alcohol concentration; or BAC, as you might hear me say. The legal limit is 0.08 BAC.

An LAPD subject matter expert later calculated that an average male of Gaxiola's build would have had an approximate BAC of .23 five hours prior to the collection of that .155 sample.

As an aggravating factor, Sergeant Gaxiola was found to be carrying his handgun in his waistband at the time of his arrest while he was driving intoxicated.

In relation to that case, on February 9th, 2024, Sergeant Gaxiola pled no contest to and was convicted of one misdemeanor count of driving under the influence of alcohol, with a BAC of over 0.08 percent. That's a violation of California Vehicle Code section 23152(b).

During that same proceeding, Sergeant Gaxiola admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court. That's related to a 2016 case, or arrest, case 16HM08811. And that is from January of 2017.

On February 9th, 2024, Mr. Gaxiola was placed on summary probation for a period of 60 months. The conditions of that probation are that he not operate a motor vehicle with any measurable amount of alcohol in his blood;

He's not to drive a motor vehicle without a valid driver's license in his possession, or without liability insurance in the minimum requirements by law;

He is to comply, if ordered, by Department of Motor Vehicles, to install an ignition interlock device as a condition of probation;

He's ordered to make restitution to the victim per Penal Code section 1202.4(f) in an amount determined at the hearing;

He is to pay a probation revocation restitution fine pursuant to Penal Code section 1202.44, which might be enforced in the manner provided for the enforcement of money judgment in the amount of $150;

He is to obey all laws and orders of the court;

He was also ordered to serve four days in city jail

as a condition of his probation;

And to pay a fine of $500 plus penalty assessments;

And enroll within 21 days from the date of his court hearing or his release from custody; and successfully complete an approved, licensed 18-month driving under the influence program;

As well as enroll in and complete a MADD, M-A-D-D, Victim Impact Program;

And attend 52 Alcoholics or Narcotics Anonymous meetings at a rate of two per week.

In addition to those court proceedings, on January 26, 2024, Gaxiola signed a rehabilitation agreement with the LAPD in relation to the second DUI case.

In that agreement, he admitted he engaged in misconduct that warranted discipline, and he agreed he understood the Board of Rights was agreeing to hold his discipline in abeyance until he completed the terms of his rehabilitation agreement.

The Division has also examined and considered his first DUI arrest as a peace officer, and that case was considered pursuant to California Code of Regulations, Title 11, section 1213.

Brief summary of that:

On July 10th, 2016, around zero-two hours, Sergeant

Gaxiola, then Officer Gaxiola, was off duty in the city of Laguna Beach, California. He was driving his assigned police vehicle. He had been assigned to the SWAT team at the time of this event. And he had taken his city vehicle to a wedding in Huntington Beach, California.

At the wedding, he had consumed mixed drinks, but didn't know how many.

After leaving the wedding in his City vehicle, he was stopped for a traffic violation by an on-duty Laguna Beach police officer.

During that traffic stop, he displayed objective signs of alcohol intoxication and was given a horizontal gaze nystagmus test and was arrested for violation of section 23152(a), VC, which is driving under the influence. And it's a misdemeanor.

After his arrest, he refused to submit to a preliminary alcohol screening test, but did submit to a blood test. He was found to have a blood alcohol content, or BAC, of 0.202 percent.

To further aggravate that situation, his City-owned vehicle had to be towed to Laguna Beach Police Department and secured in their sally port as the vehicle contained department-issued equipment and weapons.

And while that victim [sic] was being secured, officers located an open bottle of beer in the front passenger compartment.

He ultimately received a 22-day suspension without pay for that 2016 DUI arrest.

And in 2017, he received a misdemeanor conviction for violation of section 23152(b). The charge of 23152(a) was dismissed. And he received three years of informal probation; $140 fine; a mandated six-month first offender's program; and some victim impact counseling.

So the facts, as I have just recited, support the Division's finding that Mr. Gaxiola was involved in a -- in serious misconduct, specifically 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.

For purpose of our findings at the Division, 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 Sergeant Gaxiola's POST certifications be revoked. And the Division's recommendation is based on the following:

He had been arrested for violating the law on two occasions during his employment as a police officer. More specifically, both arrests have occurred while Sergeant Gaxiola has held the rank of sergeant. While a repeated violation of the law alone may not always rise to the level of serious misconduct, it's the nature of these arrests and the aggregating factors that led the Division to find clear and convincing evidence exist to prove he had been involved in serious misconduct; specifically that described in 13510.8(b)(6) and California Regulation 1205(a)(6).

The public has a right to expect high moral and ethical standards from the police. And Sergeant Gaxiola's wanton disregard for public safety on more than one occasion merits decertification.

Further, the public has the right to be policed by individuals who are held to a higher standard. Sergeant Gaxiola's actions and arrests do not meet this standard.

Sergeant Gaxiola's blood alcohol concentration at each arrest was remarkably high. Expert opinion indicated that at the time of Gaxiola's recent accident, his blood alcohol content was likely around .23 percent, which is approximately three times the legal limit.

Evidence from Gaxiola's previous arrests for driving under the influence of alcohol showed his blood

alcohol at the time of the sample was .202 and then .200.

For his part in these arrests and incidents, Gaxiola put number -- numerous lives in jeopardy on at least two occasions: Once in a City vehicle filled with his SWAT gear and weapons; and once in his personal vehicle while armed off duty.

The latter of the two resulted in a vehicle accident which caused damage to Gaxiola's vehicle and two additional vehicles.

For these reasons, the Division finds the repeat offenses particularly egregious.

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

CHAIRPERSON DUDLEY: Can you give me a couple of answers, please.

When was the first DUI?

MR. BRINGOLF: The question was when was the first DUI?

CHAIRPERSON DUDLEY: Yeah. Because you said something about 2016, and then you said '17. Was '17 the plea, or when did the event occur?

MR. BRINGOLF: Yes, ma'am. Good question.

'17 was the plea. '16 was the arrest. July 10th, 2016, at 2:07 in the morning was the -- was the stop.

CHAIRPERSON DUDLEY: Okay. A couple more questions about that.

MR. BRINGOLF: Okay.

CHAIRPERSON DUDLEY: Do you have any information as to why he took a City vehicle to the wedding?

MR. BRINGOLF: I don't have any information, and it would just be supposition on my part.

I can tell you that as a SWAT team member he is likely on call. Though why he would drink on call is beyond me. So...

CHAIRPERSON DUDLEY: The other question is, thank you for your description of -- on the 5/17/22, that the assessment is at the time of the driving, he was at a .23.

Can you tell me about the time discrepancy and what the time would have been at the driving of the 2016 event where he got a .2?

MR. BRINGOLF: He was -- that was an on-view arrest. And I don't know how long it took for him to get a blood test.

CHAIRPERSON DUDLEY: Okay. So there was some time between the time that he was driving and the time that he got a blood test, but we don't know how much time?

MR. BRINGOLF: Yeah. And I don't know that it is necessarily remarkable outside of other DUI arrests.

On the second DUI, it was remarkable in the sense they had to seek a search warrant, and then that protracted the amount of time.

CHAIRPERSON DUDLEY: Right.

MR. BRINGOLF: But in the first arrest, there was no indication that there was a protracted amount time that would have been abnormal for a DUI arrest.

CHAIRPERSON DUDLEY: Okay. But generally, blood tests are not done in the field.

MR. BRINGOLF: Blood tests, generally, are not done in the field.

CHAIRPERSON DUDLEY: Did you say this was a blood test --

MR. BRINGOLF: A blood alcohol test -- it is sort of a misnomer.

CHAIRPERSON DUDLEY: Okay.

MR. BRINGOLF: It is testing one's blood alcohol concentration.

CHAIRPERSON DUDLEY: Right. Right.

MR. BRINGOLF: It can be done by drawing blood --

CHAIRPERSON DUDLEY: Right.

MR. BRINGOLF: -- or by taking a breath sample.

CHAIRPERSON DUDLEY: And what happened in 2016?

MR. BRINGOLF: It's -- I don't know.

CHAIRPERSON DUDLEY: Okay. So we don't know

whether it was a bled -- excuse me -- breath, blood, or urine test. We just know that there was a -- when it was tested, it ended up being a .2.

MR. BRINGOLF: I believe it is in the record, and I can look at it.

Did you have that answer, Carrie?

MS. WOOLLEY: It's a blood test in 2016.

MR. BRINGOLF: Okay. There you go.

CHAIRPERSON DUDLEY: I thought it was a blood test.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And so generally, again, blood tests are not done in the field.

MR. BRINGOLF: Blood tests are --

CHAIRPERSON DUDLEY: So some time goes by.

MR. BRINGOLF: -- typically not done in the field, yeah. I don't want to say never, but --

CHAIRPERSON DUDLEY: Okay. No. Definitely, there's some jurisdictions where ambulances were allowed. But in general. Okay.

All right. Those are my specific questions.

Members of the Board? Questions?

Yes.

MEMBER LARA: So this is for the investigator.

The second collision, when he was a supervisor, he collided with another citizen's vehicle. I want to make

sure I'm clear about that.

MR. BRINGOLF: That's right.

My understanding of the accident. I believe there's a diagram in the -- in the attachments that you received. The accident diagram.

My understanding is he's coming around a corner on an offramp. And there were two vehicles that were disabled on the side of that offramp or "exitway" from the highway. And he collided with the rear of the vehicle in the back of that two-vehicle --

CHAIRPERSON DUDLEY: Which then collided with the one in front of him?

MR. BRINGOLF: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Okay.

MR. BRINGOLF: And then that moved it forward and collided with the rear of the vehicle in front.

Does that help, Captain?

MEMBER LARA: Very much so. Thank you.

MR. BRINGOLF: Okay.

CHAIRPERSON DUDLEY: Yes. Dr. Glaser.

MEMBER GLASER: Hi. Thank you. A couple of questions.

One is: On his record of disciplinary action within the department, there are three cases of discourtesy, and they are all -- there's an indication

on all of them that they were not resolved.

And I'm wondering if we can get some clarification on what that means.

MR. BRINGOLF: We may be able to, but not from me. And that wasn't included in the record, specifically.

So those cases were -- when we asked for previous work history and any discipline history, sometimes these things are pretty old, and they may not have those.

In this case, I don't remember specifically, but I didn't find that it was necessarily probative to the DUI, so I didn't look into it anymore.

So, yeah, that -- the discourtesy didn't necessarily lend me to think the DUI was --

MEMBER GLASER: We don't have a clear sense of what LAPD means when they say "not resolved"?

MR. BRINGOLF: No. And I also, again, don't want to -- I don't want to speak for LAPD. I have an idea that maybe -- I can tell you in general terms that there are instances where they can't get ahold of the complainant a second time.

Sometimes, they -- sometimes the complainant decides they don't want to do anything.

Sometimes the -- they handle it administratively because maybe it wasn't necessarily outside of their policy, but it needed to be addressed if somebody is

rude.

But so it's really hard to say. But, again, it wasn't necessarily important to the DUI part of this.

MEMBER GLASER: A question that is probably for Counsel, for Christopher Beatty.

And that's: We're supposed to be making determinations here based on egregiousness and repetition. And I'm just wondering how we treat the 2016 offense when it predates the law.

CHAIRPERSON DUDLEY: Let me interrupt for a second. I think the standard is either/or.

MEMBER GLASER: Yeah.

CHAIRPERSON DUDLEY: I don't think it's -- okay.

MEMBER GLASER: But we're -- I -- you know, whichever we're thinking about --

CHAIRPERSON DUDLEY: Yeah.

MEMBER GLASER: If we're thinking about repeated, are we allowed to consider 2016, which predates the period that the law covers?

MR. BEATTY: I think it is appropriate for consideration. But it can be a factor of whether -- how much weight that the board members want to give it.

In other words, there's both the passage of time, and then sort of the jurisdictional limit there, that the Board can factor into its calculation -- board

members can factor into their individual calculations and give that the weight that they individually -- so I don't want to dodge the question, but I think it's appropriate to consider those factors.

Is that helpful?

MEMBER GLASER: Yeah.

MS. WOOLLEY: And from the Division's standpoint, we just brought this in because it's evidence of prior conduct that's similar to the evidence that's brought before you today.

MEMBER DOYLE: Just for information, typically "not resolved" means the complaint can't be proved or disproved.

MS. WOOLLEY: That would be consistent with my experience, as well, as an agency attorney, yes.

CHAIRPERSON DUDLEY: Any other comments or questions from hearing board members?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, thank you very much.

At this point, does the subject officer and/or their counsel wish to make a public comment?

MS. WILCOX: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. If so, you will each be given four minutes to speak, and time limits will be

strictly enforced. Please sit down.

So please ensure that you complete your comments within the allotted time while commenting. Keep in mind that the Board will only consider the facts as presented by the Division today, and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8, and Commission Regulation 1205, occurred?

Please.

MS. WILCOX: Thank you. Good morning, still. I wanted to point out just a couple of things. I believe that --

THE COURT REPORTER: Please state your name.

MS. WILCOX: Oh, I'm sorry. Leslie Wilcox, W-I-L-C-O-X. I'm a union attorney for the Los Angeles Police Protective League.

CHAIRPERSON DUDLEY: Would you mind also moving the mic a little closer. Thank you.

Welcome and please go on.

MS. WILCOX: Do you need me to repeat any of that?

CHAIRPERSON DUDLEY: Yes, thank you.

MS. WILCOX: Okay. I'm a union attorney for the Los Angeles Police Protective League, and I represent Sergeant Gaxiola for this particular POST hearing.

He was planning on being here today remotely, but he's been assigned to the Palisade fires for the next few days, which I'm sure you all know, is something that's happening regularly with LAPD.

He is back at work as a sergeant in relation to the rehab agreement that Mr. Bringolf mentioned.

That is separate from a settlement agreement, so if anyone has questions about that, let me know.

I just wanted to clarify he was not promoted to sergeant until 2019. So the 2016 DUI did not occur while he was a supervisor.

And I wanted to answer the question about "not resolved."

Sir, you were correct. LAPD did not have body-worn cameras until 2015 is when they first came. And so a lot of the discourtesy allegations of that type were deemed not resolved, because there was no way to show if a person did or did not say what was alleged. Those are adjudicated slightly differently now that we have cameras recording everything.

I wanted to point out to you that you do have information in the documents that the Division provided

to you specifically in the Internal Affairs investigation that LAPD provided to POST showing what Sergeant Gaxiola has done since this incident. That particular investigation indicated that he had completed a 90-day rehabilitation program. It was specifically for first responders and dealing with post-traumatic stress disorder.

He did the Alcoholics Anonymous meetings as a result of not only his criminal case in 2022, but for his own betterment as well, and continues that to this day.

And he participates in the alcohol abuse unit through the behavioral science services at LAPD, which is meetings with psychologists, as often as they deem necessary, as well as a peer support member through that specific unit.

So the information that you have in front of you from the Division already shows the work that he has done since this incident occurred, which was in 2022, which is almost three years now, that that has occurred.

I believe you also have the information of the rehabilitation agreement. It is not through the department. It is through the Board of Rights, which are three civilian members selected by the LA Police Commission to hear his case. And they are the ones that

entered into that rehabilitation agreement with him and requires at least two times a month that he be tested for alcohol use, in addition to the rehabilitation programs that he's done separate from the 90-day one, the Alcoholics Anonymous meetings, his -- maintaining his relationship with his sponsor and meeting with him regularly.

As you see in that agreement, he's required to report quarterly back to the Board of Rights with his progress.

And the next Board date for that is actually next week, and they will be making a determination at that point as to whether or not he has lived up to his end of the bargain. And then they will make a decision about discipline for this 2022 DUI, just so you are aware of that.

So I wanted to bring that to the Board's attention. I know you have those documents, but I wanted to bring those to your attention and see if there was any other questions that I could answer for you.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Also please thank him for the service he's providing now for the fire victims.

MS. WILCOX: I will do that.

CHAIRPERSON DUDLEY: Thank you.

Questions?

Questions for Counsel?

Yes, please. Ms. Pena.

MEMBER PENA: How long is this agreement in effect?

MS. WILCOX: So this agreement is in effect for one year typically. However, there's a caveat in the agreement that if the Board -- sorry, not the Board.

On January 24th, when they have their meeting, they will make a determination about discipline. They can either choose to terminate him, or they can give him a number of suspension days up to 65 days. Whatever they decide, if they don't determine to terminate him, if they give him some amount of suspension days, then LAPD itself has the option to extend that same rehabilitation agreement for another two years.

So with the Board of Rights, it's one-year agreement, and they have held that penalty in abeyance. They will make the penalty decision. And then the department can determine if they want to keep him on that same agreement for another two years.

And he is required to agree to that if they choose it.

MEMBER PENA: If that -- you may not be able to answer this. But if that agreement goes away, if he serves his one year under that agreement, does he

continue going to AA and have a sponsor and participate in the programs that work?

MS. WILCOX: He will, because it has proved to be very beneficial to him in this time period. He has learned a lot since 2022.

So he will continue going because he now understands that he is an alcoholic and will need to maintain that level of sobriety for the rest of his life.

And the department has provided him a lot of support in reality. They have done a very good job of supporting him through this and providing a lot of resources, both at the police station where he works, in Newton Division, as well as just department-wide with their behavioral science services, which provides a lot of supports to officers with addiction.

MEMBER PENA: And he's held accountable? I mean, people are making sure that he's attending two AA meetings a week?

MS. WILCOX: Yes. For the Board of Rights, he has to provide proof of that, and they do a quarterly report. I made some notes about it. I know you don't have that yet.

But in the first quarter, he attended 98 Alcoholics Anonymous meetings; the second quarter, he attended 39;

the third quarter, he attended 42.

He is -- the next report will be given to the board next week, and I assume it will be similar numbers to that. I believe he goes at least two times a week.

And he is tested twice a month for alcohol. It is twice a month, but it is randomly. Sometimes it's six days apart. Sometimes it's four weeks apart. But it is a random test where he's tested, and those have all -- and he has passed all of those.

MEMBER PENA: Have they all been negative --

MS. WILCOX: Yes.

MEMBER PENA: -- for alcohol?

MS. WILCOX: Yes. Every one.

And he gave me a list of things that he's doing in relation to your question:

He meets and speaks with one of the peer-support members from the alcohol abuse unit on a regular basis.

There are two people that he became friends with and supports with that first responder group that he meets with weekly to work out, as well as discuss their stresses.

He has another support group made up of five officers from the Task Force Heroes program that he participated in, that he has a group chat with where they text each other regularly for support.

He has a live-in partner that he cohabitates with, and she is his main pillar of support.

And then he relies on his family, his church, and he does a lot of physical activity to keep himself at a lower stress level so that he can maintain his sobriety.

And he intends on doing that for the rest of his life.

MEMBER PENA: Thank you.

MR. BEATTY: Just as a kind of reminder to the board members, the things that are outside the four squares of the investigation report, such as things that prospectively might mitigate or trend towards a rehabilitation, are not really in front of us now and shouldn't be given weight. Rather, we're looking at what the investigation report recommendation by the Division is.

And that's -- you know, and also consider this point: There could be things that could be brought in front of the ALJ that would militate towards a rehabilitation outlook. But those would need to be developed factually, and can't be infused into the report by Counsel's statements.

So that's just something to keep our eye on.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Yes. Mr. Lara.

MEMBER LARA: All right. What is the ascension and how rapid is it if he fails any of these alcohol tests right now?

MS. WILCOX: The agreement that he has with the Board of Rights?

MEMBER LARA: Yes.

MS. WILCOX: It would be on the 24th of January. Then they would make a decision that they believed he violated that agreement. And my experience in that area is that they would terminate him on that day.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Any other questions for Counsel by any other member of the Board?

MEMBER JOHNSON: Johnson.

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes. I'm not clear on -- maybe you can explain the Board of Rights. Who are they?

MS. WILCOX: So LAPD's discipline system has a Board of Rights to adjudicate any discipline that is intended to be imposed by the Chief of Police. It is similar to a civil service hearing or an arbitration in other agencies.

In LAPD's system, it's under their city charter. They can either choose to have civilians that are appointed by the Police Commission, or they can choose

to have sworn law enforcement members of their own department decide their case.

And it's like a little trial but not like in front of a jury.

MEMBER JOHNSON: The other part of the question: I have heard an agreement with the Board of Rights. But did I also hear he had a second agreement?

MS. WILCOX: I was just clarifying that that rehabilitation agreement that was mentioned by Mr. Bringolf was not like a settlement agreement in the previous case that you had heard about from LAPD. They are different types of agreements.

But it is essentially like a probationary term to see if he can behave.

MEMBER JOHNSON: And the Board of Rights agreement is just for one year?

MS. WILCOX: Correct.

With the caveat that if the Board of Rights determines that he, in fact, followed all of the parts of that agreement, and they want to suspend him instead of fire him, then the department has the option to extend that agreement for up to two years at their discretion.

CHAIRPERSON DUDLEY: Thank you, Mr. Johnson.

Any other questions or comments at this point?

MS. WILCOX: May I just add one: I just meant to say that Sergeant Gaxiola is not disputing that this is a problem and that POST has the right to look at his actions on -- I think it was May of 2022. He is just requesting that the Board recommend a suspension instead of a revocation.

He is not asking that nothing happen. He understands that his actions have consequences. I just wanted to be clear about that.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Okay. Thank you so much.

MS. WILCOX: You are welcome.

CHAIRPERSON DUDLEY: Is there anyone in the public that would like to address the Board at this time?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone who would like to do so?

(No response.)

CHAIRPERSON DUDLEY: Okay. Well, we are going to take a break. It is now 12:01. Although the Board will be meeting in the room next door, we are not going to discuss this case at all because the court reporter will not be in the room with us.

So what we will do is -- do you think a half hour is enough time for lunch everybody? Yeah.

And does that give you enough time, Court Reporter?

THE COURT REPORTER: Yes.

CHAIRPERSON DUDLEY: Okay. So let's plan on not talking about this case for the next half hour, eating our lunch, and then asking the reporter to join at 12:31.

Thank you.

(Time noted: 12:01 p.m.)

---o0o---

(Break taken in proceedings:
12:01 p.m. to 12:39 p.m.)

---o0o---

(Closed session was held:
12:40 p.m. to 1:02 p.m.)

---o0o---

(Time noted: 1:06 p.m.)

CHAIRPERSON DUDLEY: Back on the record.

We are now convened -- reconvened to regular session to take a vote on the Board's recommendation in the matter of Case POST2302971, Gabriel Gaxiola, who, at the time of the events at issue in the case, was employed with the Los Angeles Police Department.

Any comments on the matter?

(No response.)

CHAIRPERSON DUDLEY: Is there a motion?

MEMBER DOYLE: Yes. I would like to make a motion, Madam Chair.

I will need some help from staff.

And my motion would be along the lines of what the POST Commission has -- has proposed with the DUI cases. And I don't know exactly every element of that. But that's what I -- that's my motion, and that's what I support.

CHAIRPERSON DUDLEY: Is that for a five- or a ten-year period?

MEMBER DOYLE: Five-year.

CHAIRPERSON DUDLEY: Okay. So that's the motion.

Is there a second?

MEMBER LARA: Second.

CHAIRPERSON DUDLEY: Okay.

MEMBER GLASER: Can I get some clarification?

CHAIRPERSON DUDLEY: Please.

MEMBER GLASER: Because there are several versions of this.

Is this decertify with a stay of the decertification?

CHAIRPERSON DUDLEY: What was your motion?

MS. DEL MUGNAIO: I'm sorry.

CHAIRPERSON DUDLEY: Go ahead.

MS. DEL MUGNAIO: To answer your question,

Dr. Glaser, it would be deemed a revocation stayed for an order of stipulated settlement.

CHAIRPERSON DUDLEY: Okay.

MEMBER DOYLE: Yes.

CHAIRPERSON DUDLEY: Is that your understanding?

MEMBER DOYLE: That is my understanding.

CHAIRPERSON DUDLEY: Okay. And the second that you made, Mr. Lara, is that based on what was just stated?

MEMBER LARA: Yes.

CHAIRPERSON DUDLEY: Okay. Fine.

So now we have a first; we have a second. And we got clarification.

Would you please call the roll vote.

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

Clavo.

MEMBER CLAVO: No.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Johnson.

MEMBER JOHNSON: Not in agreement.
CHAIRPERSON DUDLEY: Mr. Johnson, I think he needs a "no" or a "yes" from you, please.
MEMBER JOHNSON: I'm sorry. No.
MR. KNAPP: Lara.
MEMBER LARA: Aye.
MR. KNAPP: Pena.
MEMBER PENA: Aye.
MR. KNAPP: Motion fails. That's four yeses; three noes; and one abstention.
CHAIRPERSON DUDLEY: Motion fails.
Okay. So more discussion? Or do people just want to take a second vote?
MEMBER DOYLE: I have a question. How does the Board -- how does it fail?
CHAIRPERSON DUDLEY: Well, because we didn't get a majority.
MEMBER DOYLE: Oh, okay.
CHAIRPERSON DUDLEY: We have to have five.
MEMBER DOYLE: Okay.
CHAIRPERSON DUDLEY: So I guess we could -- now that everybody knows that, we can just take another vote, see if that changes anything. Or we could start looking at new motions.
Let's try it again.

Let's revote on the last motion that was made by Doyle and seconded by Lara.

And if you could take a vote, please, again.

MR. KNAPP: Clavo.

MEMBER CLAVO: No.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Glaser.

MEMBER GLASER: Yes.

MR. KNAPP: Johnson.

MEMBER JOHNSON: No.

MR. KNAPP: Lara.

MEMBER LARA: Yes.

MR. KNAPP: And Pena.

MEMBER PENA: Yes.

CHAIRPERSON DUDLEY: Okay. So the votes came out the same. And, therefore, that motion doesn't pass.

Is there any further discussion?

MEMBER LARA: Can another motion be brought forward?

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER LARA: Can another motion be brought forward?

CHAIRPERSON DUDLEY: Yes. Absolutely. That motion failed, and we have no motion before us now.

Go ahead.

MEMBER LARA: Then I would move that if we could consider the same revocation stayed and ten years in the alternative, in terms of the additional time for it.

MEMBER DOYLE: Is that a motion?

MEMBER LARA: That was a motion. Sorry.

MEMBER DOYLE: I will second.

CHAIRPERSON DUDLEY: Okay. So now if you could take another vote.

MR. KNAPP: Okay. Clavo.

MEMBER CLAVO: Yes.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Dudley, nay.

Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
CHAIRPERSON DUDLEY: 6-1.
So there were no abstentions this time.
Okay. That motion passes six to one.
Did I get that right?
MS. DEL MUGNAIO: 7-1.
CHAIRPERSON DUDLEY: 7-1, and that motion passes. No abstentions. One no.
Okay. Thank you, everyone.
Okay. Moving on to case 3.
At this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles County Bureau; and Bryant Henley, Attorney IV, Legal Affairs Bureau, to provide a report on case

POST2305109, Joshua Satterfield, who, at the time of the events at issue in this case, was employed with the Torrance Police Department.

Please begin.

MR. BRINGOLF: Thanks. Good afternoon, everybody. I am still Robert Bringolf, and next to me is Bryant Henley.

I just want to put a little disclaimer out in front of this case. There's going to be some offensive language. So allegedly racist terms, some racist terms. So I want to put that out there and just kind of forewarn everybody.

As I said, I'm still Robert Bringolf. This is Bryant Henley. I'm assigned to PCLA.

I'm here today to present Case 235109 [sic] involving Joshua Satterfield.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Joshua Satterfield committed an act of serious misconduct, as set forth in Penal Code section 13510.8, while sending text messages to coworkers between August 2018 and April 2019.

Specifically, the Division has determined that Joshua Satterfield committed the following acts of serious misconduct:

Demonstrating bias as defined in section 13510.8(b)(5) of the Penal Code.

This afternoon I'm going to present a brief outline of our findings. And I will begin doing that now.

So Mr. Satterfield began his law enforcement career with the Los Angeles County Sheriff's Office as a deputy trainee on January 9th of 2014.

After that, he was promoted to deputy sheriff on June 1st of 2014.

He had ten days off between working as a deputy sheriff and starting as a police officer at the Torrance Police Department.

And he holds a POST basic certificate, which was issued July 14th, 2015.

On March 26, 2023, Torrance Police Department -- or TPD as I may refer to them -- reported allegations of serious misconduct against Mr. Satterfield to POST, pursuant to California Penal Code section 13510.9(a)(3).

The allegations stem from the discovery of homophobic, transphobic, and racist texts sent between members of the TPD between May 2018 and February 2022.

When analyzing the serious misconduct allegation of Penal Code section 13510.8(b)(5), and Regulation 1205(a)(5), demonstrating bias, the Division evaluates whether the subject officer through words, action, or

other conduct, showed prejudice, intolerance, contempt, or hatred towards a protected class of persons.

If the subject officer did show prejudice, intolerance, contempt, or hatred towards a protected class of persons, the Division then considers whether the words, action, or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the officer's law enforcement duties.

If so, serious misconduct is shown if the officer's words, action, or conduct either: One, violate applicable law; two, violate department policy; or, three, are inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the guidelines I just mentioned to determine whether the allegation of bias was true to a clear and convincing standard.

Regarding a message sent an August 23rd, 2018, Torrance Police Officer Chavez sent a text to Officer Satterfield that was a link to an article titled, quote, "Grand Rapids Man Accused of Urinating on Black Child, Calling her N-word," end quote.

Chavez wrote: "Josh when he's older."

Satterfield wrote: "What's the crime," end quote.

The exchange between Officer Chavez and Officer Satterfield is inherently offensive and racist. Satterfield's conduct in sending the message "what's the crime" in response to an article describing allegations of an adult male urinating on a female child and calling her the N-word clearly shows prejudice.

Even when viewed in the light most favorable to Officer Satterfield, the "what's the crime" response shows his indifference towards a specific protected class. This necessarily erodes the public's confidence in his ability to fairly perform his law enforcement duties. This message constitutes a demonstration of bias.

It is also highly probable that a reasonable person would conclude that Mr. Satterfield's August 23rd message -- in which he asked "What's the crime" in response to an article entitled "Grand Rapids Man Accused of Urinating on a Black Child, Calling Her the N-word" -- demonstrates that Mr. Satterfield has not or will not fairly and impartially perform his law enforcement duties when interacting with a protected class of persons.

The message exchange in respondent's -- sorry about

that.

I just lost my spot here. My computer was helping me in going back to the top of the page. So give me a second.

Okay. The message exchanged in Respondent's "what's the crime" response violated several of the Torrance Police Department's policies, including but not limited to, TPD's Anti-Harassment Policy, which is 34.05, et seq., and General Orders 1.10, 1.10.3(B), and 2.33.1(D).

Accordingly, the Division finds that Satterfield demonstrated bias with the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5), when he responded "what's the crime" to Chavez's message.

On December 13th, 2018, Officer Chavez sent a group text thread a photo from the social media account of a T Flats rapper that contained an image of an assault rifle sitting upright on a table with a target underneath.

Under some discussion, Satterfield messaged the group: "You happen to notice the rounds put through that target on the table? I'm confident he won't be hitting any of us with that unzeroed Eotech." E-O-T-E-C-H. "Kinda reminds me of Chandler's targets by evidence of" --

And then he named a member of the Torrance

community that I refer to as IP1 in the Division's Investigative Summary and Findings.

Officer Chandler responded, "I'm a deadeye shot, biotch. Who is IP1?"

Officer Satterfield replied: "That nigglet you failed to kill. Grandma said you need to be a better shot," end quote.

Mr. Satterfield's message clearly shows prejudice and intolerance. Satterfield refers to a member of the Torrance community as "that nigglet" and goes on to criticize Officer Chandler because he, quote, "failed to kill" the individual during a previous police encounter.

Even when viewed in the light most favorable to Mr. Satterfield, his racist epithet used to describe a member of the Torrance community, and statement that Officer Chandler failed to kill the Torrance community member shows his indifference toward a specific protected class.

Again, this necessarily erodes the public's confidence in his ability to fairly perform his law enforcement duties. And a reasonable person would conclude that Mr. Satterfield's message shows he has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of the persons -- sorry, protected

classes of persons in the Torrance community.

Further, the specificity of the language in this exchange is severe. And Satterfield asserts that Officer Chavez failed to kill a member of the Torrance community, an individual Satterfield identified using an offensive term associated with that community member's apparent race.

Coupling the racist epithets with the implication that the appropriate outcome through a use of lethal force is the death of the suspect, rather than stopping the threat, also suggests a reasonable person could conclude Satterfield's statement reveals Satterfield's predisposition to use force in an unfair or unbiased manner. I'm sorry. Unfair or biased manner.

Stated another way, a reasonable person would also conclude that Satterfield believes the appropriate use of force will depend on the suspect's race.

This type of statement violates several department policies and discredits the Torrance Police Department in potentially irreparable ways.

His remarks violated several of the TPD policies, including but not limited to TPD's Anti-Harassment Policy in General Orders. Accordingly, the Division finds that Mr. Satterfield demonstrated bias with the meaning of Penal Code section 13510.8(b)(5) and

Regulation 1205(a)(5) when he wrote "That nigglet you failed to kill. Grandma said you needed to be a better shot."

On April 30th, 2019, Torrance Police Officer Nelson shared a Black Lives Matter Instagram post to, quote, "The Boys" group chat.

The post read, quote, "Torrance, California, police shot and killed" -- and then we have omitted the decedent's name -- "within 15 seconds."

"Just released bodycam footage shows police murder" -- decedent's name is omitted -- and then there's ellipses, end quote.

Mr. Satterfield replied, "Aww" and "His little son will grow up without a father now. Oh wait, that's standard for any African American family to be absent a father. He'll be fine," end quote.

Mr. Satterfield's April 30th message shows prejudice, intolerance, contempt, and hatred toward a protected class of persons.

Mr. Satterfield facetiously laments the death of a member of the Torrance community by messaging "Aww." He then goes on to reinforce racist stereotypes and expresses a callous indifference concerning the future of the decedent's child, when he states, quote, the decedent's "little son will grow up without a father

now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine." End quote.

Satterfield reacted to the death of a member of the Torrance community by using racist stereotypes while, at the same time, displaying no empathy for the decedent's young son.

A reasonable person would conclude that Satterfield's message demonstrates he has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

Further, the April 30th message is another message that discredits the Torrance Police Department in potentially irreparable ways.

His remarks violated a number of their policies, to include but not limited to, TPD's Anti-Harassment Policy, as I have mentioned before; the General Orders 1.10, 1.10.3(B) and 2.33.1(D).

And accordingly, the Division finds that Mr. Satterfield demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he wrote, "Aww" and when he wrote, quote, "His little son will grow up without a father now."

The facts I have just recited support the Division's finding that Joshua Satterfield was involved in serious misconduct, specifically demonstrating bias.

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 Joshua Satterfield POST's certification be revoked.

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

CHAIRPERSON DUDLEY: Okay. Does anybody have any questions?

(No response.)

CHAIRPERSON DUDLEY: Is there anyone in the public that would like to address the Board at this time?

Yes.

And let me just say that -- pardon me?

MS. DEL MUGNAIO: We have the officer's attorney on the line.

CHAIRPERSON DUDLEY: Okay. We haven't gotten to that.

You may state your name and organization if you wish. You will be given three minutes to speak, and the

time limits will be strictly enforced, so please ensure that you complete your comments within that allotted time.

MS. JOHNSON: My name is Beatrice Johnson. And I'm here with Families United for Justice, which is a network of families who have lost loved ones to police killing. And some have actually had racial epithets before they were killed, including Oscar Grant.

I want to talk about the mindset. It's devastating that in 2025, 2024, this kind of mindset still exists, and it still exists in the police department.

As you know, for the community like mine, we understand that policing started with slavery. Catching slaves. That mentality that still exists today is very heartbreaking. It is painful. It was very painful to hear this case in reading this case. I really wasn't prepared for it today.

Because we do have a network of over 1500 families who have lost loved ones to police, and a lot have experienced these racial epithets before their loved ones was killed.

So I feel like if we're going to change the culture of policing, that mindsets like this should not be tolerated in any way. In any way.

That's all I want to say.

CHAIRPERSON DUDLEY: Thank you, Mrs. Johnson.

At this time, does the subject officer and/or their counsel wish to make a public statement?

If so, you will each be given four minutes to speak, and the time limit will be strictly enforced. So please ensure that you complete your comments within the allotted time.

While commenting, keep in mind that the Board will only consider the facts presented from the Division today, and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at later hearing, do these facts demonstrate a high probability that serious misconduct, as defined in Penal Code section 13501.8 [sic] and Commission Regulation 1205 occurred?

So do we have the attorney or the respondent?

MR. YU: Yes. Can you hear me?

CHAIRPERSON DUDLEY: Yes, we can. Thank you.

MR. YU: Yes. Hi. Good afternoon.

My name is Tom Yu. I am Officer Satterfield's legal counsel.

I just want to make sure my sound bite is coming in because it's not -- it's not -- I don't see myself on

the Zoom meeting.

CHAIRPERSON DUDLEY: I'm hearing you --

MR. YU: Okay.

CHAIRPERSON DUDLEY: -- and the Board is hearing you perfectly well. Thank you for checking.

MR. YU: Okay. Very well.

I wanted to comment on three things, and I will go in turn. If the facts proven in this allegation is true, there is not a amount of evidence that would tend to prove that any of these text messages, number one, was sent by my client, Officer Satterfield. Nothing in the record would show that Officer Satterfield, himself, sent this message.

The standard is: Words of tolerance or contempt for hatred of a protected class and whether or not that -- those action would implicate any type of effect that my client cannot perform his official duties in a manner consistent with department policy.

There has been zero evidence of all the investigations that Officer Satterfield had any racial bias towards any minority groups.

The T Flats case that the law enforcement consultant was talking about was a Hispanic gang member that was killed after the confrontation with Officer Chavez and Concannon.

That was the separate incident that my client was not involved in. The facts in this case tends to conflate that Officer Satterfield had some involvement in that shooting. In fact, my client had zero involvement in that shooting. And nothing here demonstrated or would tend to prove that Officer Satterfield took any enforcement actions that were biased or had any kind of ill will towards any race -- of any minority races.

The Anti-Harassment Policy that the Commission has referred to does not apply here. If proven at a hearing, the Anti-Harassment Policy for the Torrance Police Department is not to use any race, gender, or otherwise protected class to engage in inappropriate behavior of city employees.

So when the consultant is talking about this Anti-Harassment Policy, that is very misleading. The Anti-Harassment Policy is not to prevent off- -- I'm not saying the officer should harass the citizens. But the policy that he cited does not apply to this case. Nor is there any kind of evidence that tends to point out the disposition that my client has any kind of ill will towards minority groups.

That type of reasonable person predisposition is founded on nothing but speculation. It is speculation

that my client did something to a citizen of the Torrance community because of their race.

In fact, if you look at Officer Satterfield's arrest, most of the people he arrested were Caucasian. They are not Blacks or Hispanics.

I think to end the public comment, what is shameful for the Torrance Police Department is how they got these messages. They illegally searched another officer's phone and extracted private text messages that they would not otherwise be in possession of.

I think it should not be lost on this Commission that law enforcement officers in all fronts should uphold the law, and they cannot break a law to enforce a law.

Thank you for your time.

CHAIRPERSON DUDLEY: Thank you.

And just a comment back. There has been no designation -- no lawful designation that the taking of those -- that messages was illegal.

Okay. Any other questions or comments from the Board for Mr. Yu?

MEMBER DOYLE: Yes. So Mr. Yu, so it is your position that there's no proof that your client sent those text messages?

MR. YU: Correct.

MEMBER DOYLE: Thank you.

CHAIRPERSON DUDLEY: Anything else?

MR. YU: It is my position for the purpose of public comment with the evidence presented.

Yes, Mr. Doyle.

MEMBER DOYLE: Thank you.

CHAIRPERSON DUDLEY: Okay. Ms. Pena.

MEMBER PENA: So just to follow up on that, because I'm a little bit confused.

So your first argument is Satterfield didn't send these messages, and there's no evidence to prove that. But your second argument is even if he did, it doesn't show he doesn't have racial bias?

MR. YU: No. The second argument I have is from the messages presented by the consultant to -- in this hearing. Those messages, themselves, do not demonstrate the second prong of whether these words or actions or conduct have an impact of my client's official performance of his duties as a law enforcement officer.

His comment and plain jokes of African Americans or Hispanics, whatever race, there's no evidence that is linked to any of his performance as a law enforcement officer or whether or not those text messages were or statements purportedly made by him had any impact on him performing his duties as a police officer.

CHAIRPERSON DUDLEY: I'm not sure that Ms. Pena is done. Hang on.

Ms. Pena, did you have anything else?

MEMBER PENA: That's fine. I'm fine.

CHAIRPERSON DUDLEY: Thank you.

Board Member Clavo.

MEMBER CLAVO: As a Black female, as a Black woman, as the mother of a Black child, I'm having difficulty understanding or hearing that you think or you believe that racial epithets in a text message has no weight or bearing on how a person goes about their daily responsibilities in completing their job.

I, as a citizen, tax-paying citizen, could not put my trust in any organization, be it police, fire, any type of public service, medical, into a person who thinks it's okay to have those type of conversations.

CHAIRPERSON DUDLEY: I don't think that was a question for you, Mr. Yu. I think that was a statement as to her feelings.

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Thank you.

So moving on to Ms. Crawford.

MEMBER HATCHER-CRAWFORD: Thank you.

She pretty much said the same thing I'm thinking, as a mother, as a community leader, as a community

citizen.

One of the things that I find insulting is that he hisself did not appear before this Board. What you -- what we read and what we seen in evidence is serious.

I am a mother of two sons and a daughter, and I have a grandson now. And I pray every day that my children do not come before an officer with that type of mindset or spirit or in their heart.

It would have been better for him to come before this Board. Because as we know, you are a paid attorney. And the best attorneys who tell -- who may project a story is not always evidence to truly how he felt. He did himself a disservice because if he truly believed this, or it wasn't him, he should have been before this Board, and that was my comment.

CHAIRPERSON DUDLEY: Let me just make sure everybody understands.

He had no duty to appear before this Board. We don't know why he's not appearing before this Board. It just is that he's not appearing before this Board.

Any other questions or comments?

Dr. Glaser.

Then Mr. Lara.

MEMBER GLASER: Just for clarification, given that Mr. Yu implied or insinuated that there would need to be

evidence linking the expression of these racial -- of racial bias with actual performance, or actual behavior, the Penal Code -- the relevant Penal Code language says:

"An officer is demonstrating bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions, or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform" their law enforcement duties.

And that is our guiding language.

And then I would like to say, as researcher of prejudice and discrimination who has been studying that for over 30 years, that attitudes do affect behavior, and it is a reasonable inference that if somebody expresses these kinds of hateful, racist attitudes in one context, it could very well influence their behavior in another.

CHAIRPERSON DUDLEY: Thank you, Dr. Glaser.

Yes. Mr. Lara.

MEMBER LARA: Just a question, again, for the

investigator.

Robert, the -- the -- it is being said by the attorney that the -- it was not established that Mr. Satterfield sent these messages.

Could you just lay out to us how you established that he sent these messages.

MR. BRINGOLF: I would direct your attention to Attachment E, which are transcripts from his interview with Internal Affairs.

We were able to correlate the phone number that was on the WhatsApp messages to his personal cell phone number.

And then in his interview -- I could read it to you, or you could just take a look at Attachment E. But essentially they ask him about, "Have you had this cell phone? How long have you had this cell phone prior to working at Torrance? Did anybody else use your cell phone?"

So his attorney, Mr. Yu, I believe, at the time, said, "Well, that assumes that person told him that they used his cell phone."

But then it was clear -- cleared up so that no one has told you or that no -- he hadn't discovered that anybody else used his cell phone to send these messages.

There's no indication to believe that somebody else

sent those messages.

So I believe the clear and convincing evidence standard has been met. So, yeah, I would bring your attention to Attachment E. There's not a doubt from this investigator's standpoint that those messages were sent by his phone and likely sent by him.

MEMBER LARA: I asked the question. I saw the attachment. I asked the question in the vein of just making it clear for the listeners who may not be privy to that material.

MR. BRINGOLF: Yeah. Thank you.

CHAIRPERSON SALAZAR: Thank you, Mr. Lara.

MR. YU: Madam Chair, may I respond to the comments that were made?

CHAIRPERSON DUDLEY: Not yet.

Let me make sure there aren't any more comments.

Looks like Mr. Johnson has a comment.

MEMBER JOHNSON: I do. And I believe this is also for the Division.

The particular group that his number and his association with, what -- do we know what this particular group was formed for, and were there other racial epithets used in this same group?

MR. BRINGOLF: Yeah, there were.

I don't know why it was formed, necessarily. I

think it was just a communication platform. So it was like a group of people from an agency that would all text and communicate on the same platform. I think they used WhatsApp in one of these instances. Other instances where they are just texts, like iChat texts.

Yes. There were other racial epithets used.

You will hear another case today. A case following mine is another case that the case came -- was borne out of the same incident. Right? So same agency, and a different officer and different text messages that are all related to one another. That's the next case that you will be hearing.

So, yes, there are others.

Does that answer your question, Mr. Johnson?

MEMBER JOHNSON: It does to a degree.

What about the size of the group? How big was the group?

MR. BRINGOLF: Oh, gosh, I don't remember specifically. But so the one thing -- yeah, the one thing to remember is not all of these messages happened in the same group.

So some of these text messages were sent in smaller groups of texts sent between different people. They all have a common person, though, or common people. And those people were two officers who were subject to a

search warrant.

And so those people had to be involved in the text chains. We don't know what texts happened outside of those. And so these are different groups that all involved two specific officers.

MR. HENLEY: If I may.

MR. BRINGOLF: Please, yeah.

CHAIRPERSON DUDLEY: Please, go ahead.

MR. HENLEY: Madam Chair, if I may --

CHAIRPERSON DUDLEY: Sure.

MR. HENLEY: -- just to add to Mr. Bringolf's answer, Board Member Johnson.

This particular -- these threads of texts that you have heard today came from a group chat. There's -- so WhatsApp being one of the applications that you can communicate via text. These were handled on WhatsApp.

There was a group of 15 police officers, either former or current police officers, working for the Torrance Police Department that were part of this group. The group was labeled "The Boys," quote/unquote. And the messages were communicated to quote/unquote "The Boys." Respondent, Officer Satterfield, former Officer Satterfield, was among the 15 persons who were part of that messaging thread.

MEMBER JOHNSON: Right. Okay.

CHAIRPERSON DUDLEY: Any other comments before I turn it back over to Mr. Yu for a minute?

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none.

Mr. Yu, I will give you one minute to respond.

MR. YU: Thank you very much, Madam Chair.

The standard of what would lead a reasonable person to conclude is purely speculative. The evidence before this Commission has zero evidence that would lead a reasonable person to believe that Officer Satterfield used some kind of racial bias when he was performing his job as a police officer.

You would think the Torrance Police Department would go back through years and years of arrests, citizens' complaint, nothing to that sort. You are looking forward where you should be looking backwards. Looking forward is speculation. When you are looking forward, you are saying what might happen. What could happen, as Dr. Glaser could say.

What could this officer have done? But what did happen was nothing happened. Nothing of racial discrimination. Nothing of racial harassment occurred.

Torrance Police Department did an in-depth investigation on the entirety of all of Officer Satterfield's arrests, and they came up with nothing.

Zero evidence to show that race was even a factor in his previous arrests.

CHAIRPERSON DUDLEY: Okay. Thank you, Mr. Yu. You did get your minute.

And everybody heard the piece that Dr. Glaser read, and you also heard from Mr. Yu.

Mr. Yu, thank you.

Are there -- would you like to deliberate or not?

MR. HENLEY: Madam Chair --

CHAIRPERSON DUDLEY: Yes.

MR. HENLEY: If appropriate, I would like to respond to Mr. Yu's comments.

CHAIRPERSON DUDLEY: Sure. Absolutely.

MR. HENLEY: I defer to you. Thank you.

There are really two points.

And Mr. Glaser of your Board has already addressed one, and I don't want to belabor it.

But I respectfully want to submit that Mr. Yu has mischaracterized what the statute and the regulations say.

And just to try to bring us back to what the regulation says, it is important to emphasize, it is not a question of whether Mr. Yu or his client believe that they are engaging in racial behavior -- racist behaviors. The question is whether through the words,

acts, or other conduct, would a reasonable person conclude that the officer has not fairly and impartially performed or will not fairly and impartially perform their law enforcement duties.

We would respectfully submit to you that the evidence is much higher than clear and convincing. There is a monument of evidence to demonstrate that a reasonable person reading these text messages among 15 officers would easily conclude this officer cannot fairly and impartially perform his duties.

The last point I would just like to make briefly is, Mr. Yu references that there is no evidence that these texts resulted in any racial or discriminatory behavior. And I think it is worth mentioning at this point -- it is in the Investigative Summary and Findings. The reason these text messages came to light started with two other peace officers: Officers Weldin and Tomsic, former officers. They are currently under a criminal prosecution for their conduct.

What led to these texts being found was that a swastika was spray-painted on a victim's car.

It turns out that, right now, those individuals, Officer Tomsic and Weldin, are being prosecuted for the spray painting and vandalism in a felony case; spray painting that swastika on a vehicle. Precise --

precisely the types of behaviors that are abhorrent and can be found within the text messages that were found following that investigation.

And so I respectfully, but strongly, disagree with Mr. Yu's characterization as to whether these messages have any importance or not.

CHAIRPERSON DUDLEY: Okay. So here's my question:

Would anybody like to go in the back room and deliberate on this case?

(Noes.)

CHAIRPERSON DUDLEY: There is a "no" response from everybody.

So now let me ask if there's a motion.

MEMBER LARA: I would like to make a motion to revoke.

CHAIRPERSON DUDLEY: Okay.

MEMBER HATCHER-CRAWFORD: I second it.

MEMBER JOHNSON: Second.

CHAIRPERSON DUDLEY: Okay. Discussion? Comments? Questions?

(No response.)

CHAIRPERSON DUDLEY: All right. Please take a roll call.

MR. KNAPP: Thank you, Madam Chair.

Clavo.

MEMBER CLAVO: Yes.
MR. KNAPP: Clavo, aye.
Crawford.
MEMBER HATCHER-CRAWFORD: Yes.
MR. KNAPP: Crawford, aye.
Doyle.
MEMBER DOYLE: Yes.
MR. KNAPP: Doyle, aye.
Dudley.
CHAIRPERSON DUDLEY: Yes.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
Motion passes unanimously.
CHAIRPERSON DUDLEY: Thank you.

Are you ready for a break?

THE COURT REPORTER: Yes.

CHAIRPERSON DUDLEY: Let's take a break now. It is 1:45. And if I could please ask everybody to come back at 1:55. We still have three [sic] more cases. And it is close to 2:00 o'clock. Thank you.

(Break taken in proceedings.)

CHAIRPERSON DUDLEY: It is now 1:55. Thank you all for being on time.

And let's move on to the next case. That is Blake Williams.

At this time, I will now call upon Law Enforcement Consultant Loralynne Kong, Professional Conduct Los Angeles County Bureau; and Bryant Henley, Attorney IV, Legal Affairs Bureau, to provide a report on Case POST2305781, Blake Williams, who, at the time of the events at issue in this case, was employed by the Torrance Police Department.

Thank you.

MS. KONG: Good afternoon, Chair Dudley and members of the Board. My name is Loralynne Kong. I'm one of the law enforcement consultants assigned to the Professional Conduct Los Angeles County Bureau in the Peace Officer Standard and Accountability Division.

With me today, again, is Bryant Henley, an attorney

with our Legal Affairs Bureau.

I'm here today to present Case Number POST2305781 involving Blake Williams and the Torrance Police Department.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Blake Williams committed acts of serious misconduct as set forth in Penal Code section 13510.8, between July 2028 -- July 2018, sorry -- and September 2019.

Specifically, the Division has determined that Blake Williams committed the following acts of serious misconduct:

Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5), demonstrating bias on the basis of race, religion, and sexual orientation.

The serious misconduct in this case is -- in this case not only violated the Torrance Police Department's policies, the misconduct was completely inconsistent with the peace officer's obligation to carry out the officer's duties in a fair and unbiased manner.

In this presentation, I will present a brief outline of the Division's findings of investigation in this matter.

Blake Williams began his career with the Torrance Police Department on June 9, 2016, as an officer. Blake

William holds POST certification, their basic certificate, which was issued in June -- on June 12th, 2017.

He has two previous incidents of discipline: One was for an incident that occurred on July 5th, 2018, related to policy violations associated with a vehicle pursuit. Respondent was issued a one-day suspension.

The other was for an incident that occurred on May 11, 2020, related to policy violations associated with discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of the Torrance Police Department or the City of Torrance.

On May 20th, 2020, Respondent was issued a written reprimand.

The courteous -- the discourteous treatment at issue did not involve bias.

Just to give you a little background on this investigation, I know some of it is a little repetitive from the last one.

In 2000 -- in January 2020, two Torrance police officers were the subjects of a criminal investigation, wherein it was alleged they had vandalized an arrestee's vehicle by, among other things, spray painting a swastika on the interior of the arrestee's vehicle.

As a result of the criminal investigation, Torrance

Police detectives obtained a search warrant for the officer's personally-owned cellular telephones.

The data extracted from the cellular telephones was forensically analyzed by an investigator with the intent to determine whether the two suspect officers had any ties to white supremacy.

During the review of that data, it was discovered that approximately 390 messages were sent between the two officers, as well as other officers, including respondent.

Several of the messages were believed to contained -- contain or reference racist, discriminatory, and/or anti-Semitic remarks.

The forensic review revealed Respondent was part of a WhatsApp group text titled "The Boys," which included approximately 15 members of the Torrance Police Department. WhatsApp is a cellular telephone app used for sending text messages.

Based on this information, the Torrance Police Department utilized Norman A. Traub & Associates to conduct the administrative investigation.

This investigation was separate from the other two officers' criminal investigation. The administrative investigation as it relates to Respondent focused on 13 messages that were received, sent, or responded to by

Respondent while on- and off-duty, that were alleged to demonstrate bias.

Of the 13 messages, all but one were sustained as being policy violations related to receiving, sending, and responding to discriminatory text messages.

Six of these messages are described in further detail within the Investigative Summary and Findings, and are the subject of today's meeting.

I will review the actual text messages and photos with you and then address each one.

Please be advised, the content about to be shown contains offensive material due to the topic of the allegations.

Next slide.

In July 4th, 2018, in a WhatsApp message to "The Boys" group, Respondent mentions Officer David Chandler needing to get off probation.

Officer Chandler responds, "I'll eat sweaty ass at this point with dingleberries," end quote.

Slide 4.

A few minutes later, Respondent replied with an image of a male adult in blackface.

Respondent's post: "I googled dingle berry and this popped up. Way funnier."

According to the Merriam-Webster dictionary,

blackface is a dark makeup worn to mimic the appearance of a Black person and especially to mock or ridicule Black people. Note: The wearing of blackface by white performers was from early 19th through mid-20th centuries, a prominent feature of minstrel shows and similar forms of entertainment featuring exaggerated and inaccurate caricatures of Black people. The use of blackface is considered deeply offensive.

The Division believes the respondent's statement that the blackface photo is way funnier than other Google search results he obtained for the term "dingleberry" shows his disregard for a specific protected class of persons and is inconsistent with the respondent's obligation to carry out his duties in a fair and unbiased manner.

It is highly probable if a reasonable person saw or heard about this message, they would conclude that the officer will not fairly and impartially perform their law enforcement duties.

The Torrance Police Department found the message violated several of the Department's policies, including but not limited to the prohibited use of obscene, indecent, profane, or derogatory language while on-duty or in uniform, and the prohibition against bias-based policing.

It is the Torrance Police Department policy to provide law enforcement services and to enforce the law equally, fairly, and objectively, and without discrimination toward any individual group.

Torrance Police Department reviewed several text messages, including the same text messages which are part of this Division's Investigative Summary and Findings. The department concluded that the respondent's involvement in sending, receiving, and responding to discriminatory messaging constituted grounds for Respondent's termination.

Next slide.

On July 5th, 2018, Respondent sent a WhatsApp group message to "The Boys." The message contained an image of two muscular Black males fighting or wrestling.

Respondent's captioned message was as follows: "Hey Young, everyday you don't work out, just know some gorilla looking fuck is getting it in over in the shadow lands."

Young is believed to be Torrance Police Department Officer Young, a member of "The Boys" group chat.

The Division believes the reference "gorilla looking fuck" is referring to the two muscular Black males in this photo.

This message is racist and offensive -- and an

offensive characterization of the individuals in this photograph.

It is also inconsistent with the respondent's obligation to carry out his duties in a fair and unbiased manner. It is highly probable if a reasonable person saw or heard about this message, they would conclude that the officer will not fairly or im- -- and impartially perform the officer's law enforcement duties.

The Torrance Police Department found this message violated several of the Department's policies, including but not limited to the prohibited use of obscene, indecent, profane, or derogatory language while on-duty or in uniform; and the prohibition against bias-based policing.

It is the Torrance Police Department's policy to provide law enforcement services to enforce the law equally, fairly, and objectively, and without discrimination toward any individual group.

The department concluded that this message, along with other discriminatory message that -- messages that Respondent either sent, received, or responded to, constituted grounds for Respondent's termination.

On August 23rd, 2018, one of the messages to "The Boys" mentioned Omar, who was believed to be a Torrance

Police Department Omar Alonso, who was one of the members of the text group.

The message string began with Respondent: "Omar was though."

"Jam him up."

Officer Joshua Satterfield responds, "I'll Superman punch Omar on the run and then just keep going and see if they chase me."

Respondent replied: "Bro ... not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused."

Officer Satterfield responds: "I can out run Omar. I would have to be careful hopping fences though. That's where he'd gain his ground."

Respondent replied: "Omar's people excel at fence hopping -- at fence hopping to."

Officer Satterfield replied: "Oh, shit lol sick burn."

The Division's analysis is, the Division believes this message is a stereotypical and derogatory reference toward Latin Americans. The use of stereotypical and demeaning descriptions of Latin-American persons as means of amusement or any joking manner are inconsistent with an officer's obligation to carry out his duties when interacting with this protected class of persons in

the Torrance community.

It is highly probable if a person -- if a reasonable person saw or heard about this message, they would be offended by the stereotyping of Latin-American field workers and/or the reference to Latin American fence hopping.

The Torrance Police Department found this message violated several of the Department's policies, including but not limited to prohibited acts on- or off-duty that brings discredit to the department; and prohibition against bias-based policing.

It is the Torrance Police Department's policy to provide law enforcement services and to encourage the law -- to enforce the law -- sorry -- equally, fairly and objectively, and without discrimination toward any individual group.

The Department included that this message, along with other discriminatory messages that respondent either sent, received, or responded to, constituted grounds for respondent's termination.

Next slide.

On November 4th, 2018, members of "The Boys" chat group were discussing the types of inappropriate content that might be found on other Torrance police officers' social media accounts.

The text message from Officer David Chandler to "The Boys" WhatsApp group reads: "Dude, you have no idea. I am literally on fire right now. I can't believe we hired a racist cock like this. Don't we check facebooks and shit. WTF is this."

Next slide.

Shortly after, the respondent sent a message that contained the image of a scene of a lynching, including two apparently deceased Black males who had been hung, and a third apparently deceased Black male down on the ground. There was a group of older white males looking on.

Respondent commented: "They missed this on mine."

Officer Chandler responds: "Geezus Blake haha.

"That's history though. There's knowledge in that."

Short after -- shortly after that message, Respondent sent another message: "Hanging with the homies."

According to the NAACP, a lynching --

CHAIRPERSON DUDLEY: Ms. Kong, let me just stop you for one second.

MS. KONG: Yes.

CHAIRPERSON DUDLEY: I want to ask the board members: Is there anybody who hasn't read all this and

considered all this? Do you need this reiterated in any way, shape, or form; the evidence that was in your binder?

Yes. Dr. Glaser.

MEMBER GLASER: I will say that some of the context is somewhat helpful. I didn't understand the reference previously to "They missed this one on mine," for example.

CHAIRPERSON DUDLEY: Okay.

MEMBER GLASER: That just was the beginning of the quote.

So if there's any context like that, that explains and clarifies some of this, that would be welcome.

Otherwise, I think we get the point.

CHAIRPERSON DUDLEY: Okay. Anybody else have any -- we'll keep going, then. Because I want you to feel that you have gotten all the information.

Okay. Thank you, Ms. Kong. Please go ahead.

MS. KONG: Okay.

I will just go through the slides.

According to the NAACP, the lynching is a public killing of an individual who has not received any due process. They were violent, public acts with white people used to terrorize and control Black people in the 19th and 20th Centuries, particularly in the South.

CHAIRPERSON DUDLEY: Again, the message for the Board was if there's any context, additional context.

So Dr. Glaser, just to be clear, you don't need anything reiterated that was in your binder. It is just if there's anything additional.

So given the nature of this information, given that the Board has seen it, let me just ask you to shorten your comments to just include anything along the lines that Dr. Glaser was requesting.

MR. HENLEY: Thank you, Madam Chair. I think with that, we will -- because I think this Board understands the regulation and how it applies with regard to these messages, I don't think we will have to describe how we concluded that.

But, of course, we're prepared to answer any questions you may have.

And Lora, with that, I think kind of moving through the rest of the slides. I would just go to the next slide for context.

Maybe we can just allow the Board to read it. It is -- this provides the context for the messaging. We'll give the Board some time to read this message, and we'll move on to the next one if that's appropriate.

If the Board -- we have one more slide to show. And if the Board is finished reading this slide. Okay.

This is the final message that is within the Investigative Summary and Findings. Of course, if there are -- if there are questions, the slide speaks for itself.

But if there are any questions, we are prepared to answer any questions.

CHAIRPERSON DUDLEY: Okay. Again, I think you have all seen this.

So are there any questions about context or anything else?

Yes.

MEMBER PENA: I just have one. In an earlier slide, there's a reference in one of the messages to "shadow lands." Is that -- does that have any significance, or does that mean something?

MR. HENLEY: Thank you, Board Member Pena.

Yeah, it is certainly speculation.

But the reference to "shadow lands" meaning sort of a darker area, it is really derived -- derogatory towards persons of a certain race. That's, I think, how some reasonable persons could construe it.

I defer to every board member to interpret it as they will.

But I think there's -- it is certainly an implication there: "Shadow lands" was meant as a

reference to persons of a certain color who are not in the open, but in the shadows.

MEMBER PENA: It is not a specific location?

MR. HENLEY: Certainly, I don't think either of us construed it to be a specific location, no.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Any other questions for either the consultant, Ms. Kong, or the attorney, Mr. Henley?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you, both.

At this time, does the subject officer and/or their counsel wish to make public comment? If so, you will each be given four minutes to speak, and the time limits will be strictly enforced. So please ensure that you complete your comments within the allotted time.

While commenting, keep in mind that the Board will only consider the facts as presented by the Division today, and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Commission Regulation 1205, occurred?

Now, is there anyone what would like to make a comment?

(No response.)

CHAIRPERSON DUDLEY: Either the Respondent or Counsel?

MR. HENLEY: We may have Counsel online. I'm looking to our colleagues here.

CHAIRPERSON DUDLEY: Okay.

MR. GLAVE: Good afternoon. Corey Glave is online. My mic is open, but my video is not.

CHAIRPERSON DUDLEY: Now, Mr. Glaves [sic]. Joyce Dudley here. We can hear you.

MR. GLAVE: All right. Thank you, Chair Dudley. It is nice to see you again.

CHAIRPERSON DUDLEY: Yes.

MR. GLAVE: Honorable Board Members, thank you for the opportunity to address you.

This matter comes before you without a final decision from the employer, as the appeal process for the discipline is still pending.

We would ask that you do not attribute other officers' conduct to my client, as it's not relevant, and he did not participate in those other activities for which you heard discussed.

The search warrant that brought the messages here

had a specific order from the court that has been reaffirmed by the court. They could not use, review, or disclose, yet here we are using the same messages.

Even if the facts are true, there is no actual conduct for POST to act on. No evidence the officer acted inconsistent with peace officer obligations to carry out his duties in a fair and unbiased manner.

No allegations of bias, other than certain memes.

No allegations of excessive force or any other allegation that falls under Penal Code section 13510.8(b).

There is no comments here directed towards any community members or anybody of the community.

The investigator has analytical gaps that the use of memes created by others in access -- accessible on the internet would lead a reasonable person that Respondent has not acted or will not act fairly in his law enforcement duties.

In fact, there's no evidence of any bias. The department looked into it on his arrest and his actions and determined there was no other bias.

I understand you are now using a regulation that has recently been enacted, and it appears using a law that doesn't go into effect until January 2026.

Importantly, supposition and belief, or

speculation, does not constitute facts, let alone clear and convincing evidence. And throughout this, you have heard suppositions.

There is no evidence -- and it is important to note that these are messages from 2018, one in 2019, before the laws that you are now acting under. And there's no exception of -- excuse me -- 1315 -- 13510.8(g), as far as the subsections.

You have heard a reference to other cases that aren't before you in the arguments. And in one case, there was a shooting. My client showed no bias and, in fact, he was the officer that moved forward in front of other officers, pulled the suspect out of the car, and tried to save his life.

On multiple occasions, he's tried to save people's lives. He was a combat medic. He treats people without regard to bias, both American soldiers and enemy combatants.

As POST trains, all persons have bias: Myself, my client, everybody on this board; some of them have been expressed today.

The problem is only where you show that you act on that bias and it interferes with one's profession.

There is no evidence of that in this case.

CHAIRPERSON DUDLEY: Mr. Glaves, you have another

25 seconds.

MR. GLAVE: I have much more than that, but I know how the Board is going to vote and probably won't even deliberate. So I will allow them to take the actions that they need, so that we can get to appeal hearing.

CHAIRPERSON DUDLEY: Okay. That's your choice.

Thank you.

Any -- any comment from either of the attorneys at this point?

MR. HENLEY: I would address a couple of -- there are obviously a litany of arguments that were presented here; maybe only a couple that are worth emphasizing.

There was -- there's a suggestion that there hasn't been a final decision from the employer. That's incorrect, as the Investigative Summary and Findings shows.

That finding -- the way that the City of Torrance policies work, they have -- they have an ordinance that they impose. It is Torrance Municipal Code section 14.47.1. It provides the city manager with the authority to make a final decision on termination. The city manager, indeed, has made that determination. It is among the attachments you have to this Investigative Summary and Findings.

What Mr. Glave, I believe, is referring to is the

fact that his client has appealed that decision.

But, again, that is of no matter, as the Penal Code provides in Penal Code section 13510.8(c)(6), that an action by an agency or a decision that results from appeal -- from an appeal of an agency's decision does not preclude action by the Commission.

So suffice it to say, even were this -- it is under appeal. That has no import on whether this Board and the Commission can take action, irrespective of some appeal that may be existing.

Keeping in mind that from these are -- this is conduct. The first was discovered in 2020. We're now in 2025, and that begs the question how long we should wait to take action in this case.

The only other matter I would address is there is a discussion about a search warrant. The fact that the search warrant -- that there were orders from the court regarding how that search warrant could be used.

As Chair Dudley has already referenced -- and it's in your Investigative Summary and Findings -- Mr. Glaves and his colleague, Mr. Yu, on behalf of their clients, went to the court, attempted to make the very arguments they are making for you today. The trial judge rejected those arguments. Mr. Yu and Mr. Glave appealed that decision. The court of appeal summarily denied those

arguments.

And if Mr. Glave and Mr. Yu wish to make those arguments again, if this Board recommends revocation, and the Commission concurs, there will certainly be another opportunity for them to brief it in more fulsome detail if they wish to do so.

The other last piece I will say -- and, again, I don't want to belabor it, but it's really important to emphasize, since these are the first two bias cases that have been presented to this Board; there's been a lot of argument and suggestion that somehow if you can prove that you have acted on your bias, that's what's required for this regulation. That seems to be the argument we're hearing.

That is absolutely incorrect. That's a mischaracterization of what the regulation says. And I see heads nodding, so I won't belabor it.

But I will finally say, for the record, the question here, for this Board, is: Would a reasonable person believe, after seeing the messages, the communications, would they believe that that officer who communicates in these ways could fairly and impartially perform their duties?

We respectfully submit, absolutely not. And that's why we have brought this case to you today.

And with that, Madam Chair, I have no further comment.

CHAIRPERSON DUDLEY: Thank you.

Yes. Please, Ms. Crawford.

MEMBER HATCHER-CRAWFORD: I would like to have a discussion quickly with Christopher, if that's okay.

CHAIRPERSON DUDLEY: You want to ask a question of the attorney?

MEMBER HATCHER-CRAWFORD: Offline, for a second, real quick.

CHAIRPERSON DUDLEY: Well, there's nothing offline. But you can certainly ask a question.

MEMBER HATCHER-CRAWFORD: Okay. So that is -- it is publicly known, I am a representative of the NAACP.

MR. GLAVE: Madam Chair, if we could ask her to bring her mic down. I can't hear her.

CHAIRPERSON DUDLEY: Sure. Yeah.

MEMBER HATCHER-CRAWFORD: You know I hate this thing.

It is known that I am a representative of the NAACP, serving in several different capacities.

I do not want to taint the counselor's position or POST. So I don't know if I should recuse myself from this or not.

And so, Christopher, I'm looking for your advice.

MR. BEATTY: Yeah. I mean, I think in an abundance of caution, that when somebody feels like a presence of potential bias could impact the progress of a case -- without specific to this one individually -- I think it may be that a recusal makes sense.

And so in that context, without like analysis of if there's an actual issue of bias, and you're -- because I have not heard enough from you to make a determination of law, right? Like, this is what I advise as legal counsel.

But based on the potential, sometimes recusal is a wise decision. So that's my knee-jerk reaction. And, you know, potentially some of your other colleagues -- well, that's what I would say.

CHAIRPERSON DUDLEY: I think you described it beautifully.

And I think you could make that internal decision. Thank you.

Other questions or comments?

MEMBER DOYLE: I just wanted to clarification with POST Counsel.

In the appeal to the city manager, it really doesn't matter how that appeal comes out because SB 2 is independent of any finding, correct?

MR. HENLEY: That's exactly correct, Board Member

Doyle.

The statute and Senate Bill 2, that statute I referenced -- 13510.8 -- specifically says that regardless of what happens on an appeal or ultimate outcome of a termination decision of a local agency, it is of no import or consequence for the Board or the Commission to take action.

The only exception to that is -- and it's not true in this case -- but there could be a circumstance where a agency has a hearing, that hearing concludes, and there's a finding based on that hearing.

That procedure could have some collateral estoppel effect. That's a legal term that basically says, can you retry something that's been heard by another body? So that's the one exception. It's not applicable here.

And so you said it more succinctly than I, and I probably should have gone with your interpretation because that's correct. That is -- that is true. This Board can proceed irrespective of what happens with any appeal.

CHAIRPERSON DUDLEY: Thank you.

Yes.

MEMBER CLAVO: I wanted to ask the attorney what law was he referring to that is not in place until 2026. I'm not familiar with --

CHAIRPERSON DUDLEY: Okay. Are you asking Corey Glaves that question?

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Okay. Please.

Mr. Glaves.

MR. GLAVE: Yes, thank you.

We -- in researching for this hearing, we noticed that there was a regulations by your board created, I believe it's December of 2024, and then Penal Code 13510.6, which goes into the standards for bias. It is not operative until January 1, 2026.

MR. HENLEY: And Madam Chair, I'm happy to comment on that, if you would like.

Well, first and foremost, I will have to go back and look at the statute that Mr. Glave is referring to. But it is really not important to look at it because it is not the authority upon which this regulation was adopted.

This regulation was adopted based upon Senate Bill 2. The regulation was in effect prior to this case coming to POST. And so the statute, 13510.6, whether it was adopted in 2024 or not -- I can go back and look -- but either way, it's not the statute that resulted in this regulation. It's not relied upon for this regulation. And so it has no application to this case.

CHAIRPERSON DUDLEY: Thank you.

Any other questions of Mr. Glaves or the attorney or Investigator Kong?

Yes. Dr. Glaser.

MEMBER GLASER: Before -- there's a motion or a further comment?

CHAIRPERSON DUDLEY: Right now it's just --

MEMBER GLASER: I'm going to make a motion.

CHAIRPERSON DUDLEY: Okay. What I'm going to tell you is that there's also a caller on the line. So we have more.

So just as to my question related just to Glaves, Attorney Glaves, or the attorneys here or Ms. Kong, Investigator Kong.

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you. Thank you, Mr. Glaves.

And we have another call on public comment.

MR. SANCHEZ: Hi there. Hi everyone. My name is Danny Sanchez (phonetic). I'm a 19-year veteran in law enforcement.

And it's been an interesting hearing today, especially this -- this sort of hearing.

I would like to add that this type of behavior is very, very common in law enforcement. It's also very

common within law enforcement, within departments. You know, not only do -- do some of us have to deal with employees who think this way, privileged employees and entitled employees, you know, but we also have to deal with it when retaliation happens against some of us who are minorities who speak out. You know, like I said, it's a very, very common behavior.

Public perception is very important. I mean, officers like this make the rest of us look like bad -- bad employees. And it is very hard to convince the public that we're doing the right thing when we have -- when we have employees who do -- who behave in this manner.

Now, to add to the comment from earlier in regards to, you know, clear and convincing evidence and the nexus between this behavior and interfering with a person's career, there are many other ways that a person can act out when they have these kind of thoughts, and one of them is use of force.

If a person has these biases, they will tend to act out in a more aggressive manner when it comes to use of force against specific type of person or protected person.

You know, in my experience, I have crossed paths with employees who are biased, who seem to target only a

certain group of people and who seem to be more aggressive with a certain group of people.

Again, I think that the work that you are doing is great work and is very interesting. I appreciate what you guys are doing.

I think that these things -- things like this need to come out more often. I think that you guys are giving us officers who work in law enforcement the ability to report these kind of things wherever we come across them.

You know, there's something that didn't exist in the past. And a lot of times, you know, we were basically taking steps and nobody would listen to us or hold anybody accountable for this kind of behavior.

Again, it's a very common behavior. It's happening within the organization that I work with. It still happens. It's changed over time because of SB 2 and because of the DOJ follow -- coming into the departments and investigating them. It is changing this whole -- this whole behavior.

And again, thank you. I appreciate you guys. Keep doing the good work. Keep doing this kind of work. It is necessary.

And, you know, this whole behavior in law enforcement, the wrong behavior in law enforcement needs

to change. And it is changing slowly, but it is happening.

And I want the public to understand that, that law enforcement has come a long way, considering how it used to behave decades ago. We are advancing little by little. We are changing.

And, again, it is kind of root out all these people who have been destroying law enforcement for years. It's time to get rid of them.

Thank you.

CHAIRPERSON DUDLEY: Thank you for your call. Very much appreciate it.

Any other public comment either on the lines or here? Did I see a hand raised?

(No response.)

CHAIRPERSON DUDLEY: Okay. It appears there is no further public comment.

Would you like to -- would any individual like to deliberate privately on this case? Any member of the Board?

(No response.)

CHAIRPERSON DUDLEY: Okay. Is there a motion?

MEMBER DOYLE: I will make a motion to decertify. Doyle.

MEMBER LARA: Second.

CHAIRPERSON DUDLEY: Second. Lara.

Okay. Any further discussion? Questions?

(No response.)

CHAIRPERSON DUDLEY: Okay. Would you take the roll call, please.

MEMBER GLASER: Can I provide some discussion?

CHAIRPERSON DUDLEY: Yes, please.

MEMBER GLASER: One of my roles as an appointee on this Board is as an academic. That's an official capacity that I serve.

And I am -- I specialize my research in prejudice, discrimination, and hate crime. And I want to reflect on the evidence that we have seen and to say that the combination of image of blackface, of the very -- I don't even want to say insensitive -- but the indifferent view of lynchings of Black men and the approving response of the surrounding white men, and the sub-humanization of Black men and the reference to the gorilla-like people, this is a recognizable pattern of bigotry that is quite potent and should not be dismissed by any means.

I have seen this before, and it is quite predictive of behavior. I'm not saying that this officer engaged in biased behavior on the job, but this is not a trivial constellation of evidence. This is quite, quite

dramatic.

CHAIRPERSON DUDLEY: Thank you, Dr. Glaser.

MEMBER HATCHER-CRAWFORD: And so --

CHAIRPERSON DUDLEY: Yes, please.

MEMBER HATCHER-CRAWFORD: I'm going to -- only simply because the NAACP's name was used in your presentation. I do not want to taint anything.

But my personal comment: As the professor said, this is what SB 2 was built on, to -- to outsource the officers who are taking this type of bigotry stance.

And as a representative of the NAACP, I'm sorry, I'm appalled. But I do not want to taint it. So, therefore, I'm going to recuse myself so I have confidence in my colleagues.

So I guess I have to go outside during the vote, correct?

CHAIRPERSON DUDLEY: No. You don't have to go outside during the vote.

MEMBER HATCHER-CRAWFORD: Okay. Thank you.

CHAIRPERSON DUDLEY: But you can -- when the roll is called, you can then articulate what your position is or just say "abstain" or whatever you would like to do.

MEMBER HATCHER-CRAWFORD: Okay.

CHAIRPERSON DUDLEY: If there was a discussion that you would ultimately make a decision on, then you would

step outside, but since you have already said you are not making a decision, you can stay.

Now, anybody else have anything else to say?

(No response.)

CHAIRPERSON DUDLEY: So what we have is a first and a second.

Yes. Mr. Johnson.

MEMBER JOHNSON: I'm just thinking -- and I believe the attorney stated that in deed or in an action -- there has been no "demonstratable" biases.

So are we being asked to exclude texts and words when a person utilized those?

CHAIRPERSON DUDLEY: No.

MEMBER JOHNSON: I mean, according to the -- to the regulation, it states that we can consider the words in the texts.

CHAIRPERSON DUDLEY: That's right.

MEMBER JOHNSON: And that's what we're looking at today.

CHAIRPERSON DUDLEY: You can consider the words in the text.

If I understood the attorney's argument, it was based upon the fact that there wasn't any discernible action beyond the words and the texts.

But, absolutely, for purposes of your vote, you can

consider the texts because they are written, and written is part of the criteria.

Thank you.

Any other questions?

(No response.)

CHAIRPERSON DUDLEY: Comments?

(No response.)

CHAIRPERSON DUDLEY: Okay. We have a first. We have a second. We have had some discussion. It appears that there's no further discussion.

So Chandler, please go ahead with the vote.

MR. KNAPP: Thank you, Madam Chair.

Clavo.

MEMBER CLAVO: Yes.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: I recuse myself.

MR. KNAPP: Crawford, recused.

Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
Seven yeses; one recusal. Motion passes.
CHAIRPERSON DUDLEY: Thank you.
Just checking with the reporter. How are you doing?
THE COURT REPORTER: I'm okay.
CHAIRPERSON DUDLEY: You're okay. Keep going.
Okay, then we are on to the last case.
One moment, please.
In the matter case of POST 2305781, Blake Williams, who, at the time of the event at issues in this case, was employed with the Torrance Police Department.
(Commotion.)
CHAIRPERSON DUDLEY: We just did that one.
As soon as I said that, I thought, no, that's not

right.

Now we're going to go on to Braulio Robledo. Thank you.

In the matter of Case POST2309558, Braulio Robledo, who, at the time of the events at issue in the case, was employed with the Los Angeles County Sheriff's Department.

Let's hear from -- sorry, everybody. We'll move this along.

Okay.

MR. BRINGOLF: It's just me again, ma'am. Law Enforcement Consultant Robert Bringolf.

CHAIRPERSON DUDLEY: Okay. Nice to see you again.

MR. BRINGOLF: Thank you, ma'am.

CHAIRPERSON DUDLEY: It's been a while.

MR. BRINGOLF: I'm here to provide a familiar face.

CHAIRPERSON DUDLEY: And, Counsel, would you restate --

MR. BRINGOLF: Counsel is Carrie Woolley.

CHAIRPERSON DUDLEY: Okay.

MR. BRINGOLF: Again, I'm one of the consultants assigned to the bureau that takes care of Los Angeles County for professional conduct.

You have all met Carrie Woolley.

I'm here today to present Case 23-9958 [sic],

involving former Los Angeles County Deputy Braulio Robledo.

Of note, and as a point for your consideration, this case was originally assigned to Law Enforcement Consultant Mark Evenson for investigation. About a month ago, Mr. Evenson left POST to enjoy his retirement and time with his growing number of grandchildren. And as such, this case was assigned to me for presentation.

So I'm going to try my best to answer questions related to the record provided by Mr. Evenson, but I may call on Ms. Woolley, as she had been prepping this case with Mr. Evenson prior to his departure from POST.

So that said, it's the Division's determination that clear and convincing evidence exists to demonstrate that Deputy Braulio Robledo committed an act of serious misconduct, as set forth in Penal Code section 13510.8, when he lied to his supervisors and IA investigators about his actions related to a citizen's complaint of theft.

Specifically, the Division has determined that Deputy Robledo committed the following acts of 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 a 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.

Just to be really clear, that's the entire statute. We're not saying he did all those things.

So that's Penal Code section 13510.8(b)(1).

I will present a brief outline as follows:

Deputy Robledo was hired by the Los Angeles County Sheriff's Department on March 11th, 2005. He was terminated from the Los Angeles County Sheriff's Department on August 2nd, 2024.

Penal Code section 13510.8(c)(5) provides that the Commission shall consider the peace officer's prior conduct and service record and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation.

As such, there's a couple prior instances that we considered:

The respondent has a prior sustained finding for dishonesty. On April 11th, 2023, the Los Angeles County

Sheriff's Department found that the respondent violated department policy and procedures.

Number 1, sections 3-01030.10.

I might just say that he violated some procedures. And if you want the specific ones, I will just spare you me reciting numbers.

Obedience to laws, regulations, and orders for misusing department resources to query a subject's name on the MDC, or the Mobile Data Computer, for unauthorized and nonofficial business purposes.

He violated some other sections for performance to standards by admitting to spending approximately 40 minutes "socialiding" -- socializing with three females while on duty in a secluded, dark parking lot, and having a conversation, which was personal in nature, with one of the females; and admitting to using the MDC to conduct a wanted person's check on her ex-husband to verify if there was a restraining order.

And, three, some other sections for dishonesty and false statements and dishonesty or failure to make statements and/or making false statements during department -- departmental internal investigations.

During his administrative interview with the IA Bureau, Respondent contradicted his unit history report by stating he did not run the name of one of his female

companions on his MDC on the night in question.

The preponderance of evidence supported that the respondent did run the female's name on his MDC and lied about it during his IA interview.

He received a 30-day suspension by his agency for that event.

The agency reported that case to POST in April of 2023 as a possible violation of the dishonesty regulation.

And on November 9th, we closed that case with a "no further action" because the conduct didn't meet the clear and convincing standard for serious misconduct for our Division and as defined in section 13510.8.

October 9th of '21, the Los Angeles Sheriff's Department Undersheriff conducted an audit of misconduct investigations and found that the respondent had two separate investigations -- one in 2018 and one in 2019 -- where fellow LASD deputies alleged he was a member of a law enforcement gang called the Banditos. Each incident involved a different deputy making the allegation.

Based on that information, the undersheriff directed the agency to conduct an administrative investigation into the allegations.

That investigation failed to substantiate the

allegations and was closed by the agency on July 19th, 2024, as unresolved.

We have discussed what "unresolved" can mean.

Respondent received no discipline.

The agency reported this case to POST on May 25th, 2023. So the -- it was -- the investigation was completed later, but it was reported to us on May 25th, 2023, as a possible violation of POST regulation 1205(a)(7), which is the participation in a law enforcement gang. That case is POST2309109.

On October 8th, 2024, POST closed that case with a status of "no further action," or NFA, because there was no evidence presented by the agency or in the investigations to prove that the respondent was a member of the law enforcement gang.

So I will move on to the present allegation of serious misconduct.

A citizen called the Los Angeles County Sheriff's Department, East Los Angeles Station, and stated he was stopped by an unknown officer in the early morning of January 2nd, 2020, immediately after leaving the Commerce Casino.

During the stop, the citizen alleged that officer searched his vehicle and stole five poker chips worth $100 each.

When asked directly by his supervisors, a sergeant and a lieutenant, if he had made the traffic stop in front of the Commerce Casino, Respondent adamantly stated he did not.

The Los Angeles County Sheriff's Department submitted this case to POST, in which they alleged Deputy Robledo was involved in serious misconduct when he lied to his supervisors and lied during an Internal Affairs investigation regarding the previously mentioned citizen's complaint; and that Respondent conducted a traffic stop in front of the Commerce Casino and, during a search of the vehicle, stole $500 in poker chips.

So after reviewing this investigation, the Division has determined the Respondent committed serious misconduct as defined in Penal Code section 13510.8(b)(1) and California Regulation 1205(a)(1). That's the dishonesty section that I previously told you about.

The respondent committed serious misconduct when he lied to his supervisors; when he denied any knowledge of a traffic stop that he clearly conducted just a few hours earlier; and he lied during his IA inter-interviews when he claimed his supervisors never asked him about the specific traffic stop near the Commerce Casino.

Deputy Robledo claimed he received information that supervisors were inquiring about a stop that occurred in Montebello, and Deputy Robledo claimed he deleted the MDC messages sent by the watch sergeant without reading him; and he claimed he never responded to the sergeant's MDC messages inquiring who made the stop.

Deputy Robledo claimed he had no knowledge of why the watch sergeant was trying to get ahold of him; and he denied he called into the East LA sheriff's station and spoke to Deputy Strelow about the traffic stop in front of the Commerce Casino.

The evidence overwhelmingly supports that the respondent did stop the complainant at Telegraph Road and Washington Boulevard and lied to his supervisors about the traffic stop.

The evidence also overwhelmingly supports that Respondent lied to the IA investigators during his IA interview.

While investigating a citizen's complaint alleging that the officer stole $500 worth of poker chips, supervisors asked the respondent if he had stopped the complainant around the Commerce Casino. He adamantly denied he was the one who stopped the vehicle.

This conversation took place approximately three hours after the time of the traffic stop.

There is indisputable evidence that the respondent was the one who conducted the traffic stop.

This evidence includes a unit history report showing that the respondent ran the complainant's license plate; a GPS tracking report showing the respondent stopped his vehicle at the exact time and location alleged by the complainant; and video surveillance footage confirming that it was the respondent's patrol car making the traffic stop.

The respondent later admitted to making the traffic stop during his IA interviews. Respondent claimed to supervisors that he never specifically -- that his supervisors never specifically asked him about the stop in front of the Commerce Casino, and assumed they were asking him about a stop that occurred in Montebello.

These statements are refuted by clear and convincing evidence.

Another allegation is the respondent lied to IA investigators when he stated he did not know his supervisors were asking about a traffic stop that occurred in front of the Commerce Casino.

During his IA interviews, Respondent tried to claim that he had no idea that his supervisors were asking about the traffic stop in front of the Commerce Casino.

The evidence supports that this is a false

statement.

Both the watch commander and the watch sergeant made it abundantly clear that they were inquiring about the specific stop that occurred in front of the Commerce Casino. And there was no question that the respondent understood which stop they were referring to.

There is no reason why the watch commander and watch sergeant would lie in their statements. And their statements are more credible than the respondent's in this case.

The respondent received two MDC messages from the watch sergeant inquiring about a traffic stop in front of the Commerce Casino around Washington Boulevard and Telegraph Road.

The first MDC message was sent to three deputies that were working in the City of Commerce, to include the respondent. It stated, "Did any of you stop" -- and then we redacted the complainant's name -- "at Washington/Telegraph earlier at" -- and then an ellipses and end quotes.

Two other deputies replied immediately, but the respondent did not respond.

The second MDC message was sent directly to the respondent and said, "Did you pull over" the complainant "at Washington/Telegraph a few hours ago?"

Again, he didn't respond to the question.

But approximately twelve minutes after receiving the second MDC message, the respondent sent the watch sergeant an MDC message that says "CALLED YOU SARGE."

This provides clear and convincing evidence that Respondent did -- did receive and read the sergeant's MDC messages and was fully aware of what traffic stop his supervisors were inquiring about.

Respondent's refusal to ask the sergeant's -- to answer the sergeant's MDC messages supports the conclusion that Respondent was being deceitful and trying to hide the fact that he was the one who stopped the complainant in front of the Commerce Casino.

The respondent's claim that he had no idea what traffic stop his supervisors were asking him about is further refuted by the fact that approximately 35 minutes prior to meeting with his supervisors, he called the East LA Station and spoke to Deputy Strelow on a recorded line.

Deputy Strelow told Respondent that the watch sergeant was inquiring about a stop in front of the Commerce Casino.

This provides clear and convincing evidence that Respondent knew exactly what traffic stop he was being asked about during his meeting with supervisors.

The Respondent's claim during his second IA interview that he did not remember the conversation with Deputy Strelow is not believable, particularly as the respondent was able to provide details about a conversation he claimed to have had with Deputy Palacios early -- earlier during that same shift about a different stop allegedly in Montebello.

Further, the respondent lied to IA investigators when he stated he received information that supervisors were inquiring about a traffic stop that occurred in Montebello.

During his IA interviews, Respondent tried to claim that he didn't lie to his supervisors because he thought they were asking him about a stop that occurred in Montebello.

It has already been established that based on the supervisor's testimony, the MDC messages, and the Respondent's phone conversation with Deputy Strelow, that he knew his supervisors were inquiring about a stop in front of the Commerce Casino.

When asked by IA investigators why he thought they were talking about a stop in Montebello, he said he received one or two MDC messages inquiring about a Montebello stop.

He also claimed that he called Deputy Manuel

Palacios on his cell phone, and Palacios told him that someone was calling in about a stop in Montebello.

Respondent's statements are refuted by indisputable facts:

One, there's no record of any MDC messages being sent out about a stop that occurred in Montebello;

And, two, when Deputy Palacios was interviewed, he stated he had no recollection of a phone conversation with the respondent.

There is clear and convincing evidence to support the conclusion that Respondent created a narrative about a fictitious Montebello traffic stop to cover up the fact that he lied to his supervisors and to disingenuously claim to IA investigators that his previous denial to his supervisors did not constitute dishonesty because he allegedly believed they were asking him about a stop in Montebello.

However, the clear and convincing evidence shows that Respondent lied to IA investigators when he claimed he received MDC messages about a Montebello stop; and when he later claimed that Deputy Palacios gave him information about a Montebello traffic stop.

Outside of the respondent, no one else had any knowledge of an alleged traffic stop in Montebello.

Respondent lied to IA investigators when he stated

he was not aware the watch sergeant was trying to contact him. Respondent told IA investigators that he was not aware that the watch sergeant was trying to contact him.

This statement is disputed by indisputable facts:

One, the respondent sent that message that I discussed to the watch sergeant on the MDC that said "CALLED YOU SARGE."

This message was sent approximately 12 minutes after the respondent received a direct MDC message from the watch sergeant asking if he had recently stopped the complainant in front of the Commerce Casino.

Two, during his recorded phone conversation with Deputy Strelow, Respondent stated he and the other Commerce units received a text from the watch sergeant.

This provides clear and convincing evidence that Respondent lied when he said he was not aware that the watch sergeant was trying to contact him.

The respondent lied to IA investigators when he stated he deleted the MDC messages from the watch sergeant without reading them.

The evidence clearly proves the respondent did read the MDC messages from the watch sergeant.

As we discussed, approximately 12 minutes after receiving the watch sergeant's second MDC message, he

sent an MDC message to the watch sergeant saying, "CALLED YOU SARGE."

Two, during his recorded conversation with Deputy Strelow, Respondent told Strelow that he and the other Commerce units received a text from the watch sergeant.

This provides clear and convincing evidence that the respondent lied to IA investigators when he stated he deleted the sergeant's MDC messages without reading them.

The respondent lied to IA investigators when he stated he never responded to any of the sergeant's MDC messages.

Just for clarification, I want to -- I just want to put to the point here, I am reciting each instance of an act of dishonesty. So there are certainly some of these that overlap. And I'm -- I'm noticing that I'm sounding like a broken record. So bear with me. We're just making the point to each one of these instances of dishonesty.

Approximately 12 minutes after receiving the watch sergeant's second MDC message, Respondent replied via MDC stating "CALLED YOU SARGE."

This provides clear and convincing evidence that Respondent lied when he stated he never responded to any of the sergeant's MDC messages.

Respondent lied to IA investigators when he stated he never called the East LA Station and spoke to a deputy on a recorded line regarding a traffic stop in front of the Commerce Casino.

As we've discussed, that was a recorded conversation.

So the facts that I've just recited support the Division's finding that Braulio Robledo was involved in serious misconduct, specifically dishonesty.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Mr. Robledo's POST certifications be revoked. And the Division's recommendations based on the clear and convincing evidence, that the respondent lied to his supervisors about the traffic stop and subsequently repeatedly lied during his IA interviews.

The facts fully support Respondent knew exactly which traffic stop his supervisors were inquiring about and lied to them about his involvement.

In addition, Respondent lied several times during his IA interviews when he:

Number one, stated that his supervisors never asked him specifically about the traffic stop he conducted in front of the Commerce Casino;

Two, stated he was not aware that the watch sergeant was trying to contact him;

Three, stated he deleted the MDC messages from the watch sergeant without reading them;

Four, stated he never responded to any of the watch sergeant's MDC messages;

Five, stated he received MDC messages about a stop in Montebello;

Six, stated he was told by Deputy Palacios that there was an inquiry being made about a stop that occurred in Montebello;

Seven, stated he did not call and speak to Deputy Strelow;

And, eight, stated that no one gave him information that the watch sergeant was inquiring about a stop that occurred in front of the Commerce Casino.

With that, I'm happy to attempt to answer any questions that the Board may have regarding LEC Evenson's case.

CHAIRPERSON DUDLEY: I just have a couple of, I think, quick questions.

It seemed to me in my initial reading that there

was another prior instance in which he lied. So was there first -- aside from the three you mentioned, was there one even before that?

MR. BRINGOLF: That's unclear, ma'am. I cannot specifically answer that question.

I don't know if Carrie can.

MS. WOOLLEY: I can answer that question.

Yes. So there's an earlier case in which he lied.

And if you look at the timeline for LASD, what happened was, is they did do an investigation about an earlier dishonesty case, and they did not sustain it.

POST did not decide to move forward on that. They issued a finding that it was not clear and convincing evidence, so it is not before this Board.

There were some evidentiary problems with that case. The witnesses took a -- about a year to come forward. There was some delays there.

So that's why it didn't meet the clear and convincing standard.

CHAIRPERSON DUDLEY: Okay. Just because I didn't want to do any independent investigation, what's the approximate distance between Commerce Casino and Montebello?

MS. WOOLLEY: It's about a ten-minute drive.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: But it looks significantly different.

CHAIRPERSON DUDLEY: I understand.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Did he ever indicate that there was another reason why he typed the words, "CALLED YOU SARGE"?

MS. WOOLLEY: No.

CHAIRPERSON DUDLEY: How did the respondent/civilian/victim know about the gang allegation? Do we know?

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: So to give you a bit of background information on this, because there was an allegation that Deputy Robledo had stolen from this victim, the Los Angeles Sheriff's Department referred this to the district attorney for a criminal investigation.

And when they did that, the District Attorney's Office attempted to contact the victim for further information and cooperation.

During that time period, the victim had seen a "Los Angeles Times" article which named Deputy Robledo as one of the deputies that was involved -- or was a member of the Banditos law enforcement gang.

In addition, that victim has a brother-in-law who

is an Inglewood police officer.

CHAIRPERSON DUDLEY: I saw that in the notes.

MS. WOOLLEY: Yes. And had said that Robledo apparently was some sort of gang member.

CHAIRPERSON DUDLEY: Okay. I was just wondering if he got it from his brother-in-law --

MS. WOOLLEY: Correct.

CHAIRPERSON DUDLEY: -- or whether he got it from some newspaper article. But I now understand.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Now, I was a little confused about the MDC messages system in general, and a little confused about what he said.

Did he say -- I read these words, but I don't know if it was out of context -- that he never reads the MDC messages?

MR. BRINGOLF: That's not how I interpreted it.

CHAIRPERSON DUDLEY: I thought there was a sentence that said he never reads them.

No? Okay.

MS. WOOLLEY: In his transcript, he says both. He tends not to, but then he says he did not on that particular date.

And then, at some point, he also said he was having difficulty with his MDC messages on this particular

date. Yes.

CHAIRPERSON DUDLEY: Does he have a duty to read his MDC messages?

MS. WOOLLEY: There's no policy on point on that, that we're aware of.

CHAIRPERSON DUDLEY: Okay. Is there any proof either way that the MDC messages wasn't working that day during that time?

MS. WOOLLEY: What we have on point for that is that he is on a recorded conversation with Deputy Strelow referring to these MDC messages that he received, telling Deputy Strelow that he received those MDC messages, and also that he then successfully sent an MDC message back to the watch sergeant.

CHAIRPERSON DUDLEY: So my question was -- maybe I wasn't clear -- was there any evidence that the MDC system wasn't working?

MS. WOOLLEY: There's no evidence that it was not working that day. That's correct.

CHAIRPERSON DUDLEY: At all?

MS. WOOLLEY: It may have been sporadically not working.

But at the times that those MDC messages that are at issue were sent, they appear to have -- the system appears to have been working.

CHAIRPERSON DUDLEY: Okay. And is there any -- with text messages, you could certainly -- unless they have been deleted, and they are gone forever -- find proof that something went out and find proof sometimes that says "delivered" at the bottom.

Is MDC set up like that?

MR. BRINGOLF: I've used -- MDCs are different programs and different vendors, and so I wouldn't be able to answer this specifically.

The one indication on here and he says that his MDC was in the red.

Just my own experience, as somebody who has used an MDC in a pretty rural area, sometimes those things go in and out of service. There could have been some -- something that caused that.

I mean, again, this is a bit of supposition, but he could have been out of service, and those things could have delivered again once they came into service. That's one way it could be out. Or it could be a network failure, right?

So it is hard to say, and we don't know specifically which --

CHAIRPERSON DUDLEY: What does "MDC" stand for?

MR. BRINGOLF: Mobile data computer.

CHAIRPERSON DUDLEY: Okay. So what's the

difference between an MDC messages and a text message?

MR. BRINGOLF: A text message would be done through a phone -- at least colloquially how we call a text message.

But you could -- you could say in an MDC that you are getting a text, because an MDC is essentially just a laptop computer --

CHAIRPERSON DUDLEY: Okay.

MR. BRINGOLF: -- or an analog.

And it has a program running that you can run CLETS inquiries through. You -- it may have a mapping program on them. And it may have a texting program, where you can send text messages.

So it would not be unreasonable to say that sending a message, a written message, over your MDC was a text, because it is a texting function of that MDC.

CHAIRPERSON DUDLEY: I believe that at some point there was some discussion that there -- there was a transcript, or there was a recording of the phone call that he made into the station.

MR. BRINGOLF: That's correct.

CHAIRPERSON DUDLEY: Did I understand this correctly? When the -- when the receiver of that call, that was a recorded line. And he said later that he did not remember the call.

Is that correct?
MR. BRINGOLF: He said that it didn't happen.
CHAIRPERSON DUDLEY: It didn't happen.
MS. WOOLLEY: He --
CHAIRPERSON DUDLEY: Okay. And then -- no. Let's get our "he's" straight. I'm talking about the other person on the phone. He was interviewed.
MR. BRINGOLF: Different person.
CHAIRPERSON DUDLEY: Right.
MR. BRINGOLF: Different person.
CHAIRPERSON DUDLEY: Right.
MR. BRINGOLF: So there's one conversation to a Deputy Strelow --
CHAIRPERSON DUDLEY: Right.
MR. BRINGOLF: -- on a recorded line.
CHAIRPERSON DUDLEY: Right.
MR. BRINGOLF: Another conversation to a Deputy Palacios.
CHAIRPERSON DUDLEY: Right.
MR. BRINGOLF: Who said --
CHAIRPERSON DUDLEY: Palacios was at the station.
MR. BRINGOLF: -- he didn't remember talking to him.
CHAIRPERSON DUDLEY: Okay. So Palacios was at the station. Strelow was when he was still in his car or

someplace away.

MR. BRINGOLF: That's not how I understand it.

CHAIRPERSON DUDLEY: There -- so just focus on --

MR. BRINGOLF: Sure.

CHAIRPERSON DUDLEY: -- the recorded statement.

So was there a recording? And who was it between?

MS. WOOLLEY: So the recording is with Deputy Strelow, who was working dispatch at the time. He's a deputy sheriff, but he's working dispatch, which happens when they're on limited duty usually.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: And it was with Deputy Robledo. So Deputy Robledo called in to the station. He got Deputy Strelow, who was working dispatch. It's a recorded line because dispatch is always recorded.

And that's the call that's the recorded call.

And during his IA interview, Deputy Robledo said he did not call into the station and speak to anybody. He repeatedly denied that. They then played the recording for him.

And then at that point, he said, "I do not remember that call."

CHAIRPERSON DUDLEY: Okay. So the "he" who did not remember was?

MS. WOOLLEY: Deputy Robledo.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Thank you.

MS. WOOLLEY: You are welcome.

CHAIRPERSON DUDLEY: Okay. So other questions? Yes.

MEMBER LARA: Just maybe not a question, but an answer about MDCs and how they work.

If you are looking for indicia of a system working, the systems that we use, that if you -- if he's successfully running a subject on the car computer, it is indicative that the computer system is sending and receiving information because they are all on a related trunk.

Also that he said that he sent and received messages is other indicia of it working.

And then the vehicle tracking system also placing him at the place where the traffic stop was made is other indicia that that system is operating successfully, and particularly so at the operative time.

MEMBER DOYLE: Also, Madam Chair, you were -- I don't know the distinction between a duty and a responsibility. But a lot of agencies use MDC to dispatch lower priority calls.

So I don't know if there's a difference between

duty and responsibility. But you certainly have a responsibility to respond to the MDC.

CHAIRPERSON DUDLEY: Thank you.

Other questions or comments for the...

(No response.)

CHAIRPERSON DUDLEY: No? Okay.

Before we get to the public comment or the comment from Mr. Robledo or his attorney, we're going to take a break. This will be our last break. It is now 3:04. If everyone could be back at 3:15, that would be terrific. Thank you.

(Break taken in proceedings.)

CHAIRPERSON DUDLEY: It's 3:15, and we have had our last break.

Let's see. At this time, does the subject officer and/or counsel wish to make public comments?

If so, you will each be given four minutes to speak, and the time limits will be strictly enforced. So please ensure that you complete your comments within the allotted time. While commenting, keep in mind that the Board will only consider the facts as presented during the Division today and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today

are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct as defined in Penal Code section 13510.8 and Commission Regulations 1205 occurred?

Is there anyone from the public who either -- oh, there you are. There's someone on the screen.

Please introduce yourself.

MS. GIBBONS: Thank you. My name is Elizabeth Gibbons, and I am the attorney for Deputy Robledo.

And thank you. I thank you for giving me the opportunity to address you about this very important case.

A couple of things that I wanted to address first, with regard to the questions that you had asked.

The city of Montebello, I don't believe, is 10 miles away from the city of Commerce. And that's not to nitpick that. But the significance of it is that Montebello is directly adjacent city. So the city of Montebello borders on the city of Commerce. But the city of Montebello has a separate police department.

So when Deputy Robledo was concerned or believed that he was being asked about a traffic stop in Montebello, he -- his reaction to that was, "Well, I didn't stop anybody in Montebello because that's not my jurisdiction."

So it wasn't -- there wasn't any issue about any misconduct related to the stop in Montebello. That was just information that he had that, frankly, just confused him that night.

The incident that we're talking about happened in the 15th and 16th hour of Deputy Robledo being on a double shift that day. So this was the end of a double shift for him.

When he stopped the gentleman from the casino and conversed with him, talked to him, searched his car, it was a lawful search because that gentleman's registration had expired. So there was no misconduct involved at all in conducting the traffic stop.

He asked for and obtained consent to search the car. And he searched the car pretty "rudimentarily" because the car was clean. The driver of the car had been very cooperative with him. There was nothing that sent up any bells or whistles for Deputy Robledo; that there was any problem with the person that he stopped.

So he looked through the car, but didn't thoroughly search it. He let the driver go with just a warning about the registration. He didn't cite him. He just let him go.

So in Deputy Robledo's mind, there was nothing about that traffic stop that his supervisors would be

asking him about. He didn't anticipate that the person he stopped would have made a complaint or anything like that. He didn't look in any bag. He didn't know the man had any money with him.

And he did not steal any poker chips. There is no evidence that he stole the poker chips.

With regard to the complainant's later assertion that he didn't want to go forward because he feared that -- he feared the Banditos, there never, ever has been any published "LA Times" article that says Deputy Robledo is a member of the Banditos. He is not. That allegation is completely and entirely false.

And the sheriff's department supervisors have recognized that.

What he said was, my brother, who works in Inglewood Police Department, told me not to go forward because the -- because there are Banditos. He never said he was afraid of Deputy Robledo. He, in fact, said he couldn't even identify Deputy Robledo.

The -- under the regulations --

CHAIRPERSON DUDLEY: Let me just tell you. You are at four minutes, but I'm going to give you another minute. Okay? But this is public comment, limited.

Go ahead, please.

MS. GIBBONS: I appreciate that. Can I take Deputy

Robledo's four minutes away from him?

(No response.)

MS. GIBBONS: Sorry. That was just a little attempt at humor, and I'm wasting my time.

The -- so Deputy Robledo never stole any poker chips.

The definition in the regulation of false statements to be a violation or to be significant misconduct under the POST statute requires that the statements be made for the purpose of preventing the detection of misconduct.

And he engaged in no misconduct in relationship to this traffic stop. Either the stop itself or the alleged theft. He didn't do either one of those.

With regard to the allegation that he lied about saying he didn't -- he didn't remember the phone call with Deputy Strelow, or he didn't read the text message -- the MDC messages, the fact of the matter is he wasn't questioned about the MDC messages, about Strelow, about any of that, until four years after the fact.

This incident happened in January of 2020. He wasn't interviewed by IAB until December of 2024. He wasn't shown the MDC messages before the interview. He wasn't shown -- he wasn't played the phone call until

the second interview, which was six weeks later.

So his -- his failure to recall these details is not the same as intentionally, knowingly, lying about them. All that he did was fail a memory test that the sheriff's department gave him four years after the fact. And he couldn't remember the details of who he talked to or who he called.

But he very, very clearly said when he was asked by IAB: "Did you see these messages from the watch sergeant?" He said, "No. I was out of my car."

He never said, "I routinely don't read messages. I just didn't read these messages."

He said, "I was outside of my car. It was the tail end of my double shift. I was hungry. I was eating dinner, and I was writing a report."

So he did not see those messages.

He also said very clearly in his interview, that Deputy Palacios called him and told him, "Hey, the watch sergeant is looking for you."

And he said, "Why?" And -- Robledo said, "Why?" because he didn't read the messages; he wasn't aware of the messages.

It was in response to the phone call from Palacios that he called the station, which he didn't remember doing. He didn't even remember doing that even after

they played him the message, the recorded message, he didn't remember doing that.

But his -- his MDC messages that says, "Sarge, I called you," was in response to the phone call from Palacios. It wasn't in response to him seeing the MDC messages.

CHAIRPERSON DUDLEY: Okay. I understand. Thank you.

Other board members may have questions. Let me just pause. I believe your client also wanted to speak.

And we'll see if the Board has any questions for you, or you can wait until you can see if they have questions after your client speaks.

What would you like us to do?

MS. GIBBONS: I don't think he wanted to add anything.

But Braulio, do you want to add anything to what I have said?

MR. ROBLEDO: (Unintelligible) -- hear me now?

CHAIRPERSON DUDLEY: I'm sorry. Go ahead.

MS. GIBBONS: We can hear you.

MR. ROBLEDO: Yeah. No. First of all, I appreciate you guys here. And, obviously, I appreciate Ms. Gibbons always being there for me.

But yeah. It's just -- I was never given that

information when I went up to the watch sergeant's office, let alone when he took me to the Lieutenant Easter's office.

The other important thing that I want to shed light on is the fact that the same thing that Manny Palacios had mentioned to me saying, this gentleman, I was on the phone with him for 40 -- about 40 minutes. He doesn't know where he got pulled over. I'm trying to figure it out from him.

He's giving me uniforms from blue over blue, tan over tan, which are CHP officer uniforms and different agency uniforms.

He's mentioning the 605 freeway, which is about 15, 20 minutes from East Los Angeles.

And then also the -- Montebello, which is the closest city to where I was working.

And that's the reason I attached myself to Montebello, because, obviously, that's the closest city to LA Commerce. So I said, "No, there's no reason why I would stop anybody in Montebello."

But he was like, "Yeah, I was just trying to figure out where this guy got pulled over."

So I was under the impression at that moment that that's what the complaint was about. So when I went up to my watch sergeant's office, all he said -- "Well, it

was you."

And I said, "It was me. What, Sarge? I didn't pull anybody over in Montebello."

He's like, "No, no, no. Come with me."

And when we stepped into my lieutenant's office, he is like, "Oh, look, there was Robledo."

And I told my lieutenant, "What's up, Lieutenant?" I said, "Am I good, or what's going on?"

He reiterated everything Manny Palacios had said. He's like, "Don't worry about this, bro." He's like, "This guy doesn't even know where he got pulled over. He's talking about blue over blue, tan over tan. He doesn't even know what uniform personnel pulled him over."

And I asked him again, "So am I good, LT, or what?"

And he said, "You are back for p.m. shift, right?"

And I said, "Yes, sir."

And he's like, "Yeah, get out of here. Get some rest." He said, "You only have a couple hours before you get back."

And I said, "Okay." And I left.

And that was the last I had heard in regards to this matter until maybe a couple months later where ICIB showed up at the station.

But my whole thing that night, like Ms. Gibbons

said, I had no issues with that gentleman. It was just a simple expired registration stop for about a month. The car was clean. There was no debris anywhere. It was a fast, quick stop. And I let him off with a warning, which he was very appreciative of. And that was -- that was the last time I had a contact with that gentleman.

And that was it, ma'am.

CHAIRPERSON DUDLEY: Okay. Mr. Robledo, you said that you had this conversation and it ended with, "Go home, bro, and get some sleep."

And then you said something about a couple of months later?

I thought your attorney was saying four years had gone by. So I'm confused. And we can let your attorney -- hang on. We can let your attorney respond to that question or you.

MS. GIBBONS: I will respond to it, Braulio.

So what happened was immediately after the incident, he went home. He came back to work the next day. He worked for four months without any problem.

About three or four months later, ICIB came to the station while he was still working regular duty.

And they asked him, you know, "We have this allegation. Do you want to talk to us?"

And he said, "No, I don't want to talk to you without my attorney."

So we didn't make a statement to the criminal investigators.

When he was asked any questions about any details about the incident was four years later, in December of 2024, when he was interviewed by IAB.

So I didn't mean to confuse you about that. But he didn't make a statement to the criminal investigators.

And the other thing was that he wasn't relieved of duty by the sheriff's department immediately after the conversation with the two supervisors that they later said he lied in.

CHAIRPERSON DUDLEY: Okay.

MS. GIBBONS: The fact that --

CHAIRPERSON DUDLEY: All right. You -- you answered my question.

You had said something about four years. He had said something about four months.

We have the information now.

Let me see. Does any board member have any questions?

MS. WOOLLEY: Chair Dudley, may I make a clarifying comment?

CHAIRPERSON DUDLEY: Yeah.

MS. WOOLLEY: Mr. Robledo was actually terminated from his employment in August of 2024. His interview did not happen in December of 2024.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: I'm trying to locate the date. And once I locate the date, I will let you know.

CHAIRPERSON DUDLEY: Okay.

MS. GIBBONS: I think it was December 2023. I apologize. It was four years after 2020, or January of 2020 to December of 2023. I apologize.

CHAIRPERSON DUDLEY: Okay. Any other questions from any board members?

Yes. Please.

MEMBER CLAVO: I have one. I am just curious.

What was the -- I guess what was the -- what caused you -- if you pulled him over for expired tags, why did you search the car?

MR. ROBLEDO: I usually search vehicles. It is common in where I work at, we search vehicles obviously, to make sure that everything is okay.

He had expired registration, and there was also a different name on the registration, which was his cousin. So I just wanted to make sure everything was valid for him, and there was no weapons, nothing visible that I could see.

Usually, with someone that's cooperative like that, and it's a clean car, I get a good rapport -- I had been on the streets at that time on patrol about ten years. So I kind of get that feeling of, okay, this guy is like cooperative. This is just a -- we don't like to call routine traffic stop, but it wasn't a simple traffic violation traffic stop.

So there was nothing for me to pursue looking under anything or any of that nature, ma'am.

But I had asked him --

CHAIRPERSON DUDLEY: So let me ask you, just to clarify the question that's been asked of you.

Is it your habit -- when you are stopping someone for registration, is it your habit or your training to search the car? That's, I think, the question that was asked of you.

MR. ROBLEDO: Yeah. Because I had asked him if there was anything illegal in the car. "Is it okay if I search your vehicle?"

He said, "No, that's not a problem. Everything is fine."

CHAIRPERSON DUDLEY: So is it your habit or your training to ask for consent in every situation where you are looking for -- where someone has an expired registration?

MR. ROBLEDO: Yes. For me, it's my habit. I always have to ask for consent unless I see something in plain sight that's illegal, unless, obviously, I believe the person is under the influence of narcotics or some type of substance or I know --

CHAIRPERSON DUDLEY: Okay. I'm just checking now to see if a board member has a follow-up question to that.

MEMBER CLAVO: I do. Thank you, Chair.

Is it policy, or is it supported by law that you pull someone over for expired tags, and you ask for consent to search the vehicle?

MR. ROBLEDO: It always has to be consent as far as searching the vehicle, ma'am. Like I said, obviously, if I see something in plain sight, if I see drugs in plain sight, I'm not going to ask for consent because now my attention is going to start turning into something more to see if there's something else that might be illegal or if he's transporting anything of that nature.

But my --

CHAIRPERSON DUDLEY: I think the question was asked of you: Was it your habit, or is it part of your training --

MR. ROBLEDO: Yes.

CHAIRPERSON DUDLEY: -- that when someone has -- hang on.

-- when someone has an expired registration, do you ask for consent and search their car? So it is not a question of did you ask for consent, or do you, but is it your habit or your training to ask someone for consent if they have an expired registration?

MR. ROBLEDO: Yes. Both. The training I have gone through and my habit after ten years on patrol.

CHAIRPERSON DUDLEY: Okay. Any further questions?

MEMBER CLAVO: Yes. He still didn't answer my initial question.

Is it supported by law, or is it policy of your agency that you search vehicles for an expired registration stop? You stated yourself that nothing seemed out of the ordinary. Nothing was suspicious. You didn't smell anything. You didn't see anything in plain sight.

So is it supported by law, is it supported by your agency's policy, that you search vehicles behind a expired registration?

MR. ROBLEDO: Yeah. It's both, ma'am. If it's an expired vehicle, then it should not be on the road. So it's against the law to be driving a vehicle that has expired registration. So it is by law.

And it is common practice for me to be asking for consent, also.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything follow-up? Or Lara would like to speak.

MEMBER CLAVO: No. He didn't answer the questions still.

CHAIRPERSON DUDLEY: I know. I know.

Yes.

MS. GIBBONS: If I could try to answer that question.

CHAIRPERSON DUDLEY: One moment. I'm going to stop you, and I'm going to -- I called on a board member.

Go ahead.

MEMBER LARA: Just so it's clear: It is not illegal to ask for consent even from a person I -- consensually, I'm having conversation with, say at a Starbucks or any context where I have -- if I'm chatting with somebody, it is legal to ask a person for consent.

My agency goes beyond the law which requires, you know, the person to say yes or no, understanding the rights. We go a little further saying, you can -- you don't have to say yes. You can withdraw it at any time. They have to be present while I'm conducting the search to reduce the scope or end it even after the search has begun.

But as a matter of law, it is perfectly legal to ask a person during a consensual contact or in a vehicle stop; it is a detention based on reasonable suspicion. The reasonable suspicion being the expired registration.

It can be done, even in the absence of any particularized suspicion. That's the -- that's the nature of the law on -- on that.

CHAIRPERSON DUDLEY: I don't think the question has been, can you ask for consent?

The question has been: In situations like this, where someone has an expired registration, does that compel you to ask you for consent? Anybody can ask consent about anything.

Do you understand the distinction?

MEMBER LARA: Yes. I just -- I thought it would be useful to understand that there's -- there's nothing untoward in asking.

MEMBER CLAVO: And I didn't think that.

CHAIRPERSON DUDLEY: I know. Yeah.

Okay. Yes.

MEMBER HATCHER-CRAWFORD: And I think, to go along with Board Member Nicole, as he said, routinely that he will search -- ask permission to search a car based on expired tags. That's concerning to me.

I mean, I know you were polite, Board Member

Nicole, about it. But it is concerning that this seems to -- that this was a routine of a stop.

Although -- although, to your point, Captain Lara, that maybe routine is still concerning to the community. And a lot of times people are afraid to say no.

It is just my comment.

CHAIRPERSON DUDLEY: Thank you.

Any other -- yes, Mr. Johnson.

MEMBER JOHNSON: Johnson.

The -- there are prior allegations of dishonesty. And for the Division, help me understand the prior allegations of dishonesty compared to where we are at today, in the past, and also the fact that the defendant, or the person that claimed he had stole the $500 worth of chips, gave a statement that -- and they tried to twist the words, maybe, but that he belonged to a gang called the Banditos. And I'm reading that two officers also alleged that he belonged to this gang called the Banditos.

So could we get clarity on both of those?

MR. BRINGOLF: Sure. Help me understand that what clarity looks like so I can provide it. What --

MEMBER JOHNSON: These officers alleged that he belonged to Banditos.

MR. BRINGOLF: Okay.

MEMBER JOHNSON: I think the attorney said that it wasn't that the person that he stopped that alleged that he had stole his chips said he belonged to the Banditos, but he was afraid of the Banditos.

So now there's a question of whether he said that he felt that he belonged to the Banditos because his uncle or his cousin, whoever is with the police force knows that, and stated it to him, and repeated it.

So I just wanted to make sure we got clarity that it sounded like they are saying that he didn't say he belonged to the Banditos. But he's got a history of being alleged to belong to the Banditos.

MR. BRINGOLF: So there were two cases that the undersheriff of LASD found in which the respondent was alleged to be a member of the Banditos. Those cases were filed by two separate deputies.

I don't know the relationship to Deputy Robledo. There was no information in the record or in the reports provided to POST with that allegation that substantiated the claim that Mr. Robledo is a Bandito.

So in that case, there's not -- there's no evidence to support that allegation.

As far as the previous dishonesty case, there is a agency finding of dishonesty and of policy violations related to dishonesty. And an agency -- I believe an

agency finding of -- I think there's an agency finding of dishonesty.

That dishonesty finding was provided to POST, and we did a independent investigation. And we were unable to make -- we were unable to bring that allegation forward with a clear and convincing standard.

So there was likely a preponderance standard of evidence that would allow the agency to make an affirmative finding of dishonesty, but we as the Division were not able to reach clear and convincing evidence as a standard.

So that case was closed at POST with no further action.

So there is a prior dishonesty allegation. There is a prior dishonesty finding at the agency level. And there is a prior -- there are two prior allegations at the agency level that Mr. Robledo was or is part of the Banditos law enforcement subgroup or gang.

So that -- is that helpful in clarifying? We don't have any cases that we are -- can bring forward with those allegations substantiated.

MEMBER JOHNSON: Right.

So if I'm understanding the law right, clear and convincing evidence, so there has been allegations made, but nothing that was sustained.

Is that what I'm hearing?

MR. BRINGOLF: There were allegations that were sustained on dishonesty. Those were sustained at the agency level. So we were not able to reach a clear and convincing standard of evidence to present those and make a finding of dishonesty, by our standard. So our standard being a little bit higher than the preponderance standard.

There is no -- POST takes no issue with the findings. We don't have any comment on the findings. They seem to be appropriate -- other than they seem to be appropriate at the agency level and under the preponderance standard of evidence.

MEMBER JOHNSON: So the last part. When he made the stop, it says that it was either in front or next to the Commerce Casino.

MR. BRINGOLF: Yes, sir.

MEMBER JOHNSON: And I'm sure that him being a patrol officer in that area knew where the casino or knew what city it was located in.

And if I remember reading it correctly and hearing it right, he alleged that he didn't know he was in the city where the Casino was at; and he stated that he was in a different city.

Is that correct?

MR. BRINGOLF: That's not how I interpreted the record, no. No. That's not how I interpreted it.

MEMBER JOHNSON: I thought I heard --

CHAIRPERSON DUDLEY: I think, Mr. Johnson, tell me if you heard it this way.

MEMBER JOHNSON: Yeah.

CHAIRPERSON DUDLEY: He never said that he was in Montebello. He said people were asking about Montebello. He felt he was not in Montebello at any point. Therefore, he didn't think the questions are relevant to him.

MR. BRINGOLF: That's how I understood it as well, Chair.

CHAIRPERSON DUDLEY: Yes.

MEMBER LARA: I have a question --

CHAIRPERSON DUDLEY: I want to make sure, Mr. Johnson, anything else for now?

MEMBER JOHNSON: No.

CHAIRPERSON DUDLEY: Okay. Thank you.

Mr. Lara.

MEMBER LARA: So I have a question and a point of clarity for the -- either the Officer Robledo or his counsel.

I am hearing two things that I want clarity on:

One, I understand that the -- Officer Robledo was

at the end of a double shift. I have worked double shifts. I understand that.

I'm curious as to why Officer Robledo has clarity with regard to items that are complimentary to his situation, but has a lack of clarity with regard to anything that pertains to accountability.

So I just wanted to see why the clarity level is different given the end of the same eight -- the end of the double shift, and the things that are not complimentary to his shift seem to be a little murkier.

MS. GIBBONS: So I will be glad to answer that for you.

CHAIRPERSON DUDLEY: I'm going to give you one minute for that answer. Because you are given four. I have already given you six. You have been asked a question, but you have got one minute.

Thank you.

MS. GIBBONS: Thank you.

The only thing that Deputy Robledo didn't remember from the incident that happened four years ago, when he was interviewed by IAB, was the phone call with Deputy Strelow. He didn't remember that happening at all. He was never shown the MDC messages.

I would also mention that the sheriff's department and in the documents that were provided by the sheriff's

department to the Board, they did not provide you with all the MDC messages from that shift.

So there's no evidence to say there was no MDC discussion about Montebello.

The only thing he didn't remember was that phone call, which was less than 15 seconds long and in which he was told the sergeant wasn't there.

So there wasn't anything memorable about that conversation that would have stuck in his head.

Whereas, the conversation with Palacios, he didn't remember that initially, but as they kept asking him questions in the interview, it came back to him.

But he didn't remember, even after they played it, the 15-second-or-less conversation with Deputy Strelow.

So that's the only reason why; because the conversation with Palacios became significant as they asked more questions.

CHAIRPERSON DUDLEY: Okay. Thank you.

Board Member Lara, do you have any more questions?

MEMBER LARA: No.

CHAIRPERSON DUDLEY: Anybody else have any questions for Mr. Robledo or his attorney?

Mr. Glaser? Board Member Glaser? No?

Okay.

Thank you both.

Is there anyone else who has public comment on this case? On the phone? Here?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you.

Thank you very much for appearing. Thank you, Mr. Robledo.

MR. ROBLEDO: Thank you, ma'am.

CHAIRPERSON DUDLEY: Okay.

MS. GIBBONS: Thank you.

CHAIRPERSON DUDLEY: You are welcome.

So now deliberation? You guys want deliberation? Okay. Here we go. Let's go deliberate.

(Time noted: 3:46 p.m.)

---o0o---

(Closed session was held:
3:49 to 4:16 p.m.)

---o0o---

(Time noted: 4:20 p.m.)

CHAIRPERSON DUDLEY: Back on the record.

In the case of POST2309558, Braulio Robledo, who, at the time of the events at issue in this case, was employed with the Los Angeles County Sheriff's Department.

Does anyone want to make a comment at this point or does someone want to make a motion?

MEMBER DOYLE: I will make a motion. I will make a motion that the Board would like more information because we all seem to be -- it's just not me. So -- that we all seem to be confused on things.

Now, I can't speak -- all of us might have something different. But in terms of just it's about interviews when --

CHAIRPERSON LONG: Before we get to the -- what we want, let's just do the motion first.

MEMBER DOYLE: The motion is -- is -- is that I -- the motion for more information before we make a final decision.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER PENA: Second.

CHAIRPERSON DUDLEY: Okay. Roll call, please.

MR. KNAPP: Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Yeah.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
Motion passes unanimously.
CHAIRPERSON LONG: Okay. So that motion -- so go ahead and speak into the record.
MR. BEATTY: Just to interpret the intent of this motion, and what would actually happen in this relationship to that particular hearing, I think what we're talking about is a continuation of this hearing; And that certain items would be investigating or details provided to the Board to make a final conclusion of determination.
Is that fair?

MEMBER DOYLE: That's correct.

CHAIRPERSON DUDLEY: Okay.

MEMBER DOYLE: That's fair.

CHAIRPERSON DUDLEY: Yes. That is fair.

And let me tell you the second part and then you can hear that.

There was confusion on several issues. And I -- and what I had assured the Board when we were discussing this is that each one of them could talk about the issues they are seeking further investigation on so that the motion didn't have to include all of that.

So as we understand the motion now, we are asking for a continuation of this matter. We are asking for further investigation as to the continuance. And we could explain what it is we would like.

But go ahead.

MS. DEL MUGNAIO: So just a matter of authority of the Board. The Board has the jurisdiction to recommend to the Commission that the Division conduct further investigation. So you would actually be making this recommendation to the Commission -- Commission, excuse me, to direct the Division to conduct further investigation.

You can also line out what you would like clarified. But that is your recommendation before the

Commission.

MEMBER DOYLE: Okay.

CHAIRPERSON DUDLEY: Okay. So if that's what we can do, then it is not a continuance.

MS. DEL MUGNAIO: Hmm-hmm.

CHAIRPERSON DUDLEY: Okay. We're never going to see this case again.

MEMBER DOYLE: Okay.

CHAIRPERSON DUDLEY: What we're going to do is ask that the Board request further investigation. Then we're going to articulate for the record what further investigation would be helpful to us.

Is that correct?

MS. DEL MUGNAIO: I believe the Commission can, if they so choose, after granting -- you know, if they agree that there needs to be further investigation to complete the record, the Commission could allow the Board to hear this matter again.

But at this point, the recommendation before the Commission just remains to be seen what the Commission is going to do with that recommendation.

It is, the Division conduct additional information to bring the case back. Whether the Commission says it needs to go back through the Board or go directly to the Commission, they can make that decision.

MEMBER CLAVO: Just a question. And maybe this information is readily accessible and so I would just like to pose a question.

For us -- for me -- I will speak for Nicole -- there was confusion on timelines.

And so the offense occurred on January 2nd, 2020.

We know that the attorney and -- alluded that four years had passed prior to this being brought forth to the -- what's it -- the officer. I'm sorry. The officer.

Do you all know if it was from 2020 to 2024 before he ever was interviewed, talked to, spoke with about this case?

MS. WOOLLEY: I can answer that question.

So because there was an allegation of theft, the Los Angeles County Sheriff's Department made a referral to the District Attorney's Office. And as part of that, they did a criminal investigation. Mr. Robledo was offered or was -- they attempted to interview him as part of the criminal investigation through the Los Angeles County Sheriff's Department. He declined to be interviewed. That would have been in 2020.

What happens when this -- when this sort of an incident occurs, when there's is a criminal allegation made, they will conduct the full criminal investigation,

see if the district attorney is going to file charges, and then it is not until the DA either files charges or declines to file charges that they pick back up the administrative investigation.

That's what happened here.

CHAIRPERSON DUDLEY: Which explains the four years.

MEMBER CLAVO: So four years went by?

MS. WOOLLEY: No. Three years went by.

CHAIRPERSON DUDLEY: Okay. So 2020 was the offense. It was then sent to the DA's Office to make a decision about whether to file charges. And then it wasn't until when that he was interviewed?

MS. WOOLLEY: It was in 2023. He was interviewed on or about December 14, 2023, for the first interview.

CHAIRPERSON DUDLEY: So that's almost four years.

MS. WOOLLEY: Correct.

CHAIRPERSON DUDLEY: We have February of 2020. Then we have December of 2023. So that February would have been -- those two months later would have been February '24, so it would have been almost four months [sic].

MS. WOOLLEY: Correct.

CHAIRPERSON DUDLEY: Okay. Does that answer your question?

MEMBER CLAVO: I believe. Well, one already

questioning clarifying questioning.

So for my own edification, is my understanding that because the DA had the case, the case was placed on pause with the agency. When the DA did not pursue, then it went back to the agency to pursue how it felt.

MS. WOOLLEY: For the administrative portion, yes. The Internal Affairs investigation, it was tolled.

CHAIRPERSON DUDLEY: When did it go back to the agency?

MS. WOOLLEY: In 2023.

CHAIRPERSON DUDLEY: So it took the District Attorney's Office almost four years to decide whether to file these charges?

MS. WOOLLEY: About three years. Yes.

CHAIRPERSON DUDLEY: Right. But three years -- two months short of four years.

MS. WOOLLEY: No. It went back shortly before then. I believe it's Attachment I is the refusal -- the DA's refusal -- in your ISF. That would show you the date that --

CHAIRPERSON LONG: Okay.

MS. WOOLLEY: -- there was a refusal.

CHAIRPERSON DUDLEY: Okay. So sometime later -- we'll average it out to be three years now.

Certainly during COVID, lots of cases laid around

and weren't looked through. But so I'm not blaming any DA's Office or anybody else. There was a lot of pausing involved.

But the concern of the Board, if I could speak for the Board, is when he's first asked about this in 2020, he refuses to be interviewed, and then it's not until 12/14 of 2023, the first time that he's ever confronted with facts, video -- audio tape, and transcripts.

MS. WOOLLEY: That's correct.

But I do want to point out that at no time during his interview does he appear to show any fault in his memory. He does --

CHAIRPERSON DUDLEY: He said he didn't remember the call.

MS. WOOLLEY: No. No. He does not appear to show any fault in his memory as to the conversations between him and the watch sergeant and the watch commander. He does not tell the IA investigators that he did not remember the conversation. He never says that to the IA investigator.

CHAIRPERSON DUDLEY: Did he say -- didn't he say he didn't have a conversation?

MS. WOOLLEY: No. He says they did not ask --

CHAIRPERSON DUDLEY: So let's be sure -- we're using "he's."

When he was in the field, he allegedly had a conversation with the stand-in watch officer. That was allegedly taped, so there's a tape of this conversation.

When he was asked about it later, didn't he say he didn't remember that call?

MS. WOOLLEY: No. We're getting a little bit confused here.

So when he was -- after he had received the MDC messages, he called into the station, spoke with a Deputy Strelow, who was working dispatch --

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: -- to ask about why the watch sergeant, whose name is Sergeant Inital, called or was contacting him.

Deputy Strelow told him it was because a complainant called in because he had been stopped outside of Commerce Casino and had had some money stolen from him.

CHAIRPERSON DUDLEY: Was that call recorded?

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: This is the recorded call.

CHAIRPERSON DUDLEY: Okay. So now -- so now tell me what happened then. Okay. The recorded call -- he was asked about the recorded call close to four years

later.

And?

MS. WOOLLEY: He was asked if he called into the station he -- to ask about the stops. He said he did not call in.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: And it was not until he was played that recording that he said he did not remember that call.

He was also, however, asked about his conversations with Sergeant Inital and Lieutenant Easter. And instead of saying I do not recall that conversation, he said they did not ask me about that stop in front of Commerce Casino. They asked me about a stop in Montebello.

CHAIRPERSON DUDLEY: Now, are we on the conversation or when he walked into the watch officer's room?

MS. WOOLLEY: This is when he was walked into the watch commander's office.

CHAIRPERSON DUDLEY: And when allegedly there was a screen up and they said -- somehow referred to the screen and said "that call" or something like that. It was -- it -- I never heard anybody say that the sergeant said "the call at Commerce."

MS. WOOLLEY: No. There wasn't a screen.

They call -- this would have been a preliminary conversation about a complaint that had come in. So because there's -- the Public Safety Officer Bill of Rights at issue, the watch sergeant and the watch commander would not have made too many inquiries here. They would have simply asked Deputy Robledo -- and this is all part of the transcripts. This is --

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: They asked him, "Did you make this stop in front of Commerce Casino?"

Deputy Robledo said, "No."

And they stopped the conversation.

CHAIRPERSON DUDLEY: When -- this is important to us.

Who -- and who asked him the question, "Did you make the stop in front of Commerce Casino?"

And who made it? What time did they make it? Tell us more about that.

MS. WOOLLEY: So it was either Sergeant Inital or Lieutenant Easter who asked him. I believe it was Sergeant Inital. So this would have been the watch sergeant. And this would have been right as Deputy Robledo was calling -- coming off of shift. So after he had received those MDC messages; after he had called in and spoke with Deputy Strelow on the recorded line;

after he had responded to the MDC messages by saying to Sergeant Inital by saying, "Called you, Sarge."

CHAIRPERSON DUDLEY: I'm sorry. It must be late in the day. I still don't know when that conversation occurred. Was it the end of his shift?

MS. WOOLLEY: Yes. This would have been approximately just before 6:00 a.m.

CHAIRPERSON DUDLEY: Okay. So there's no recording of that conversation.

MS. WOOLLEY: No.

CHAIRPERSON DUDLEY: So who remembers them specifically saying "Commerce"?

MS. WOOLLEY: Lieutenant Easter and Sergeant Inital.

CHAIRPERSON DUDLEY: Okay. So both of them remember him being asked about Commerce.

He says, "I wasn't asked Commerce."

MS. WOOLLEY: Correct.

CHAIRPERSON DUDLEY: I was at -- I was asked -- at that point is he saying, "I was asked about some confusion"? Or "I was asked about Montebello"?

MS. WOOLLEY: He says he was asked about a stop in Montebello.

CHAIRPERSON DUDLEY: Okay. So he was the only one that heard the word "Montebello" in that conversation.

MS. WOOLLEY: Correct.
CHAIRPERSON LONG: Two other people heard "Commerce."
MS. WOOLLEY: Correct.
CHAIRPERSON DUDLEY: Okay. Where are we, hearing board?
MS. GIBBONS: Excuse me, Board Members. I'm probably speaking out of turn. But if I could --
CHAIRPERSON DUDLEY: Excuse me. No.
Okay.
MS. GIBBONS: So I can't correct the false statements that were --
CHAIRPERSON DUDLEY: Right. Right now we're -- right now you are not a part of this conversation.
MS. GIBBONS: Okay.
CHAIRPERSON DUDLEY: So just stand by.
MS. GIBBONS: Thank you.
CHAIRPERSON DUDLEY: You are welcome.
What do you think?
MEMBER DOYLE: I think that provides some clarity to some. I don't speak for everybody. But that does -- some of my board members. I'm sure that does provide some clarity.
CHAIRPERSON DUDLEY: Are there any -- let me ask, then, if there's any other questions anybody wants to

ask the attorney or the investigator about the -- any other confusion that they might be able to help with.

Yes.

MEMBER HATCHER-CRAWFORD: I'm still in support of going back to further look into this case, even after the dialogue back and forth here. I think we visually needed to see some type of timeline.

And although I know we weren't in 2020 case, the criminal side of it was sent to the District Attorney's Office.

I didn't understand why consecutively they couldn't continue the administrative process. Because there -- so that was the concerning part earlier that was mentioned. And I really didn't think about it.

But it was earlier mentioned that at one point it took four months for it to ask a question. And we want clarity on --

CHAIRPERSON DUDLEY: So your position --

MEMBER HATCHER-CRAWFORD: I'm still supporting the first motion.

CHAIRPERSON DUDLEY: You still believe that, at this point, you have some questions. You want us to make a record of the questions. You want to continue the motion the way it had been written, and then give it to the Commission for the Commission to decide what they

want to do next.

You are in the same position you've been in.

MEMBER HATCHER-CRAWFORD: Yes.

CHAIRPERSON DUDLEY: Are you?

MEMBER DOYLE: Yeah. Which I think would probably require me to amend my motion.

CHAIRPERSON DUDLEY: You want to amend your motion?

MEMBER DOYLE: Well, I would have to, because I made an incorrect motion.

CHAIRPERSON DUDLEY: Okay. You know what? Just for the sake of --

MEMBER DOYLE: It was correct, and I should have been -- but the recommendation would be to send it to the POST Commission.

CHAIRPERSON DUDLEY: Okay. So we're going to start that again.

MEMBER DOYLE: Okay.

CHAIRPERSON DUDLEY: And given all the information you have been given from POST staff, is there a motion?

MEMBER PENA: Can I say something?

CHAIRPERSON DUDLEY: Yes.

MEMBER PENA: This discussion has been helpful for me, speaking for myself only. Has been helpful for me. And I would arrive at a different decision and would not have gone forward with the motion that we went forward

with.

CHAIRPERSON DUDLEY: Okay. Let's rule on one motion at a time. But thank you for saying that.

And so -- yes, Dr. Glaser.

MEMBER GLASER: I was wondering if it's better if we delineate the informational elements that we want and put them into the motion, or if we get the motion and then we provide some --

CHAIRPERSON DUDLEY: The motion is just for the passing this on to the Commission, for the Commission to consider requesting further investigation.

MEMBER GLASER: Right. But I know also --

CHAIRPERSON DUDLEY: In which case, that won't be the end of our discussion today.

If that motion passes, as I said in chambers, each of you will have an opportunity to say the further investigation that you would recommend that the Commission recommend.

Okay. Does that make sense?

MEMBER GLASER: It does.

I'm just wondering if it is better --

CHAIRPERSON DUDLEY: No. I think that's --

MEMBER GLASER: -- to formalize it in the motion.

CHAIRPERSON DUDLEY: It definitely is -- okay.

So -- yes.

MEMBER JOHNSON: Just for clarity.

So the motion is put forth and it goes through the Commission. The Commission would then send it back down to the Division. The Division would do an investigation and then bring it back to the Board.

CHAIRPERSON DUDLEY: The Commission could do so many things, including they can just decide that there's enough evidence for them -- for them to decertify.

MEMBER JOHNSON: Okay.

CHAIRPERSON DUDLEY: They can decide to decertify. They could decide to stay. They could do all those things.

The Commission just gets advice from us and then they are the ones who make the decisions.

MEMBER DOYLE: I have one other question.

CHAIRPERSON DUDLEY: Of course. This was all your idea, so go for it.

MEMBER DOYLE: My idea. That's good.

CHAIRPERSON DUDLEY: That was a good one.

MEMBER DOYLE: This is for POST.

You know, it was in the DA; they took a long time.

How does that square with POBAR and complete -- or beginning an investigation before the year?

MS. WOOLLEY: Right.

So under POBAR, an agency is allowed to toll their

administrative investigation while there's the possibility of criminal proceedings. And that's what happened here.

So they -- rather than starting or completing an administrative investigation, they tolled it. And that's why you have this delay.

So once the DA made a final decision, decided they were not going to proceed, that started the time clock, that one-year provision. And they had to finish their investigation within that one-year period.

MEMBER DOYLE: Right.

And -- and the -- and unfortunately there's no unreasonableness built into that.

MS. WOOLLEY: Correct. Yes.

MEMBER DOYLE: Okay.

MEMBER CLAVO: And the DA did not go forward because the witness decided not to testify? Is my understanding.

MS. WOOLLEY: The witness decided not to cooperate at some point. Correct.

CHAIRPERSON DUDLEY: And I believe there was volumes of information that talked about the efforts that the District Attorney's Office had made and that he was -- that's just not interested.

Now, whether that was the sole reason they didn't

go forward or not, only the filing DA would know.

MEMBER DOYLE: Okay.

MS. WOOLLEY: You do have that as an attachment to your ISF; their reasoning.

MEMBER DOYLE: Well, I am probably not the one to make the motion because I agree with Commissioner Pena. Based on the clarification that I have received, I -- I would be able to vote.

CHAIRPERSON DUDLEY: So what?

MEMBER DOYLE: I would be able to vote.

CHAIRPERSON DUDLEY: Okay. So let's just do this in order.

Does anyone have a motion?

MEMBER JOHNSON: I would like a motion to decertify.

CHAIRPERSON DUDLEY: You make a motion to decertify.

Okay. Is there a second?

MEMBER CLAVO: I will second.

CHAIRPERSON DUDLEY: Okay. Now, roll call.

MR. KNAPP: Okay. Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.
Doyle.
MEMBER DOYLE: Yes.
MR. KNAPP: Doyle, aye.
Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Nay.
MR. KNAPP: Glaser, nay.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's seven yeses; one no. Motion passes.
MEMBER PENA: A point of clarification.
So we had -- didn't we have an existing motion on the floor with a second?
CHAIRPERSON DUDLEY: Yeah.
MEMBER PENA: We did.

CHAIRPERSON DUDLEY: We never -- there was a first; there was a second; and then there were questions.

MEMBER PENA: Okay.

CHAIRPERSON DUDLEY: But I don't know. Do we think we need to do that again?

MS. DEL MUGNAIO: Yeah. Because you called the vote on the first one.

CHAIRPERSON DUDLEY: What?

MS. DEL MUGNAIO: We called a vote -- so we did call a vote on the first motion.

CHAIRPERSON DUDLEY: Okay.

MS. DEL MUGNAIO: And it passed.

So we would have to have Mr. Doyle or someone rescind the motion in order to take up the second motion.

MEMBER DOYLE: I make a motion to withdraw the first motion that I made.

MEMBER HATCHER-CRAWFORD: I second it.

CHAIRPERSON DUDLEY: Okay. Now let's take a roll call on that withdraw, please.

MR. KNAPP: Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Doyle.

MEMBER DOYLE: Yes.
MR. KNAPP: Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Glaser.
MEMBER GLASER: No.
MR. KNAPP: Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Lara.
MEMBER LARA: Aye.
MR. KNAPP: Pena.
MEMBER PENA: Aye.
MR. KNAPP: That's seven yeses; one no on rescinding Doyle's motion.
CHAIRPERSON DUDLEY: Okay. That motion does pass.
Well, I -- just watching all of you go through this process, it is very clear to me how important it was to you to make sure you had enough information to make a decision. And I admire all of you for taking the time that you needed to do that.
So everybody is working very hard today.
As that was the last item on the agenda, let me quickly remind everybody about the upcoming board meetings.
On April 16th through 17th at POST in West Sacramento;

At the moment, July 16th and 17th, 2025, in West Sacramento;

And October 8th through 9th, 2025, in West Sacramento.

As this was the last item on the agenda, do any of the members of the Board have any additional comments before we adjourn?

MEMBER CLAVO: What were the July dates? I'm sorry. Was that 16th and 17th?

CHAIRPERSON DUDLEY: Sure. July was -- the reason I stuttered over it was I heard there was some discussion. But for now, the solid July dates are July 16th through 17th.

Any additional comments?

(No response.)

CHAIRPERSON LONG: Okay. If the attorney is still on the line, I just -- we did give you seven and a half minutes to speak. I know you had something more to say, but as the Chair of this committee, I felt that we had enough information to pursue what we were doing without any additional information.

As you well know, you will have plenty of opportunity to talk to the Commission and potentially a judge as well.

So thank you for coming today.

And thank you all.

I will need a motion to adjourn for the record.

MEMBER DOYLE: So moved. Doyle.

MEMBER LARA: Second.

CHAIRPERSON DUDLEY: Roll call.

MEMBER DOYLE: What if we say no?

CHAIRPERSON DUDLEY: Any opposed? Any abstentions?

(No response.)

MS. DEL MUGNAIO: I think we can ask, is anyone opposed to adjourning?

MEMBER DOYLE: Yeah.

MS. DEL MUGNAIO: I think they are all good with it.

I asked if any of them were opposed to adjourning.

CHAIRPERSON DUDLEY: Yeah. We have -- we don't need a roll call on that one?

MS. DEL MUGNAIO: Probably not.

CHAIRPERSON DUDLEY: Okay. Okay, everybody. See you in the springtime.

(Proceedings concluded at 4:44 p.m.)

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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 5th day of February 2025.

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

E R R A T A S H E E T

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AGENDA ITEM REPORT

Title: REPORT ON CASE STATUS UPDATE FROM THE MARCH 05-06, 2025 COMMISSION MEETING

REPORT PROFILE

MEETING DATE 07/16/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Chandler T. Knapp	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE 01/03/2025	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 01/03/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This report is presented for information only. No action is required.

BACKGROUND: This is a report of the outcome of cases heard at the Commission on Peace Officer Standards and Training Meeting held on March 05-05, 2025 in San Diego, CA.

ANALYSIS: Following each review, by the Commission, of the Peace Officer Standard Accountability Advisory Board's (the Board) recommendations, Division staff issues a brief memorandum to provide an update to the board. This update simply aims to provide updates on case statuses and decisions made by the Commission. All maters are, by this point, public record.

RECOMMENDATION: This report is presented for information only. No action is required.

ATTACHMENT(S):
POSAAB Memo 03.14.25.pdf
POSAAB 07.16_Current Case Status.pdf

MEMORANDUM

Date: March 14, 2025

From: Peace Officer Standards Accountability Division – Board Assistant, Chandler Knapp
To: Peace Officer Standards Accountability Advisory Board Members
Subject: April 16-17, 2025, Board Hearing and Outcome of March Commission Misconduct Case Review

Dear Esteemed members of the Board,

I trust this message finds you well as winter weather lingers and spring shows signs of life. This memo aims to provide you all with two particularly important administrative updates that impact you as Board members:

1. April 16-17, 2025, Peace Officer Standards Accountability Advisory Board Hearing is **CANCELLED**.

2. A brief overview on the outcome of case review from March 05-06, 2025, Commission Meeting.

First, during the recent cycle, Division personnel issued three Notices of Intent to Revoke. Of those three, two have resulted in default revocations and one is pending but expected to result in an appeal.

In the spirit of governmental fiscal responsibility, and more importantly, most efficient use of your valuable time as Board members – we have made the decision to cancel the upcoming April 16-17, 2025, Board hearing. The one potential appeal will be deferred to the July 16-17, 2025, Hearing.

Secondly, the Commission met on March 05-06, 2025, in San Diego, CA to review the recommendations made by you – the Board – at the January 16, 2025, Board hearing. This meeting also included a review and final decision of the stipulated settlement terms for the matter of POST2313715 – Jaime Bermudez.

POST2313715 – Jaime Bermudez (Final decision/settlement terms)

The subject officer and Division personnel reached an agreement leading up to the Commission meeting and the terms were brought forward for a final review and vote. The Commission voted 12-0 in favor of the stipulated settlement agreement. The stipulated settlement agreement includes the following terms and conditions: Respondent shall obey all federal, state, and local laws, shall comply with any criminal court orders, shall not engage in any acts of serious misconduct, compliance with conditions of probation, provide proof of completion and/or participation in all alcohol abuse treatment and counseling programs, provide current, future or potential law enforcement employer with terms of this stipulation, and to abstain from alcohol and cannabis, submit to random biological fluid testing program and acknowledges probation is tolled if and when he resides outside of California. Further, the Respondent acknowledges that violation of these terms may result in the imposition of stayed discipline (revocation). Should the Respondent cease practice for any reason, he may surrender his certification under Penal Code section 13510.8, subdivision (f). To be noted, Officer Bermudez is currently employed as a peace officer with Broadmoor Police Department, and as such the monitoring of the terms and conditions should begin as soon as the settlement is fully executed. Staff will provide you an update as to the the Division's probationary monitoring program and associated duties at the July Board hearing.

POST2400920 – Tommy Thompson (Recommendation of Revocation)

At the conclusion of the presentation and review of the record from the Board hearing of January 16, 2025, and the recommendation of the Board from said hearing, the Commission voted unanimously in support of the Board's recommendation to revoke the subject officer's certification. This case will now move forward for the filing of an accusation and a full evidentiary hearing before an Administrative Law Judge (ALJ) pending an appeal by Mr. Thompson.

POST2302971 – Gabriel Gaxiola (Recommendation of Revocation Stayed/ 10-Year Term)

At the conclusion of the Law Enforcement Consultant's presentation and review of the record from the Board hearing of January 16, 2025, and the recommendation made by the Board at said hearing, the Commission came to a different determination from that made by the Board. At the hearing, the subject officer and his counsel both appeared in person and issued public comment. The Commission met in closed session to deliberate and discuss the Board's recommendation and upon reconvening into regular session, a motion was made for revocation-stayed with settlement terms, in alignment with prior agreements, for a term of five years' probation, as opposed to the ten-year probation term recommended by the Board. The motion carried with a 10-2 vote. Division personnel will now present the settlement to the subject officer and his counsel to reach an agreement. The matter will be presented to the Commission at their June 2025 meeting for a final decision.

POST2305109 – Joshua Satterfield (Recommendation of Revocation)

At the conclusion of the Law Enforcement Consultant's presentation and review of the record from the Board hearing of January 16, 2025, and the recommendation made by the Board at said hearing, the Commission adopted the Board's recommendation of revocation of the subject officer's POST certification. At the hearing, members of the public came forward to issue public comments. Following further comments by the Commission, a motion was made to adopt the Board's recommendation. The motion was seconded and carried unanimously 12-0, to revoke the subject officer's certification. The case will now move forward for the filing of an accusation and a full evidentiary hearing before an ALJ pending an appeal by Mr. Satterfield.

POST2305781 – Blake Williams (Recommendation of Revocation)

At the conclusion of the Law Enforcement Consultant's presentation and review of the record from the Board hearing of January 16, 2025, and the recommendation made by the Board at said hearing, the Commission adopted the Board's recommendation of revocation of the subject officer's POST certification. At the hearing, Commission Chair Long opened the floor for public comment. The subject officer's attorney spoke, followed by members of the public. The motion was seconded and carried unanimously 12-0, to revoke the subject officer's certification. The case will now move forward for the filing of an accusation and a full evidentiary hearing before an ALJ pending an appeal by Mr. Williams.

POST2309558 – Braulio Robledo (Recommendation of Revocation)

At the conclusion of the Law Enforcement Consultant's presentation and review of the record from the Board hearing of January 16, 2025, and the recommendation made by the Board at said hearing, the Commission adopted the Board's recommendation of revocation of the subject officer's POST certification. At the hearing, the Commission asked several questions regarding the Division's record and evidentiary facts before adjourning into closed session for deliberation. Upon reconvening into regular session, the Commission voted in favor of the Board's recommendation in a 10-3 vote. This case now moves forward for the filing of an accusation and a full evidentiary hearing before an ALJ pending an appeal by Mr. Robledo.

We understand that you may have questions or concerns in reference to the aforementioned case outcomes. This memo aims to provide a summary of those case outcomes; however, staff can elaborate on the outcome of any of the aforementioned cases at the Board's next scheduled meeting on July 16-17, 2025, at POST Headquarters in West Sacramento.

We sincerely hope that spring treats you well and look forward to seeing you all in July. If you have any general questions or concerns about POSAAB business, please do not hesitate to reach out to me at any time.

Very truly yours,

Chandler T. Knapp

Chandler T. Knapp
POSAAB Assistant - Executive Office

Current Case Statuses – In Progress

ALJ Hearing Scheduled

Case	1205 Allegation	Board/Commission's Decision	Hearing Date	Supervising DAG
*POST2307454 – Enea, Joshua P.	Certificate Cancelation – (Fraud/Misrepresentation)	N/A	08-25-2025 – 08/27/2025	Brice, David
POST2322012 – Sarabia-Medina, Ivan	(A)(1) Dishonesty – (Tiktok Posts On Duty; Dishonest In IA Interviews)	Revoke/Revoke	10/13/2025 – 10/16/2025	Kaiser, Nancy
POST2307511 – Cano, Sifredo	(A)(1) Dishonesty; (A)(2) Abuse Of Power; (A)(4) Sexual Assault – (Inappropriate Contact/Proposition With Arrestee (V); Dishonest In IA).	Revoke/Revoke	09/29/2025 – 10/02/2025	Kaiser, Nancy

ALJ Hearing Pending Scheduling

Case	1205 Allegation	Board/Commission's Decision	Hearing Date	Supervising DAG
POST2305109 – Satterfield, Joshua	(A)(5) Demonstrating Bias; (A)(8) Failure To Cooperate – (Bias Content Group Texting)	Revoke/Revoke	Pending	Pending
POST2305781 – Williams, Blake	(A)(5) Demonstrating Bias – (Racial Group Texting)	Revoke/Revoke	Pending	Pending
POST2309558 – Robledo, Braulio	(A)(1) Dishonesty – (Casino Traffic Stop – Dishonest During IA)	Revoke/Revoke	Pending	Pending
POST2400920 – Thompson, Tommy	(A)(1) Dishonesty; (A)(6) Acts That Violate The Law – (Double DUI/Hit And Run)	Revoke/Revoke	Pending	Pending

Current Case Statuses – In Progress Continued…

Probationary Monitoring

Case	1205 Allegation	Board/Commission's Decision	Order Effective Date	Status
POST2311496 – Diaz, Cesar H.	(a)(6) Acts that Violate the Law (Two DUI)	POSAAB: Six Month Suspension Commission: Settlement (Five Years) No Suspension	09/12/2024	Initiating Probationary Monitoring
POST2303691 – Fillmore, James K.	(a)(6) Acts that Violate the Law (Two DUI)	POSAAB: Revoke Commission: Settlement (Five Years)	07/12/2024	Initiating Probationary Monitoring
POST2313715 – Bermudez, Jaime	(a)(6) Acts that Violate the Law (Two DUI)	POSAAB: Settlement (Five Years) Commission: Settlement (Five Years)	04/04/2025	Initiating Probationary Monitoring
POST2302971 – Gaxiola, Gabriel	(a)(6) Acts that Violate the Law (Two DUI)	POSAAB: Settlement (Ten Years) Commission: Settlement (Five Years)		Initiating Probationary Monitoring

AGENDA ITEM REPORT

Title: REPORT ON DATA FOR SERIOUS MISCONDUCT REPORTING, INVESTIGATIONS, AND DISCIPLINARY ACTION OUTCOMES

REPORT PROFILE

MEETING DATE 07/16/2025	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This report provides updates on the operations of the Peace Officer Standards Accountability Division, as well as statistical data and outcomes of serious misconduct cases received by POST and cases that have moved forward with disciplinary action.

This report is presented for information only. No action is required.

BACKGROUND:

On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2, which established the Peace Officer Standards Accountability Division and outlined its primary responsibilities of reviewing cases of serious misconduct that could result in the revocation or suspension of a peace officer's certification, as well as presenting its findings and recommendations to the Peace Officer Standards Accountability Advisory Board and Commission on Peace Officer Standards and Training for their deliberation.

The process for handling serious misconduct cases has been implemented within the Division, which has has been receiving and reviewing cases of serious misconduct for over a year and a half. Pursuant to Penal Code section 13512, POST staff reports on the relevant statistics and outcomes related to cases of serious misconduct that will assist in the Board's evaluation of the Division's operative functions related to certification and decertification.

ANALYSIS:

As the final provisions authorized under Senate Bill 2 took effect on January 1, 2023, POST staff reports out on the

activities and relevant actions of the Peace Officer Standards Accountability Division, Peace Officer Standards Accountability Advisory Board, and Commission on Peace Officer Standards and Training.

RECOMMENDATION: This item is presented for information only. No action is required.

ATTACHMENT(S):
POSAD Statistical Data Report.pdf

Peace Officer Standards Accountability Division

Statistical Data Profile
July 2025

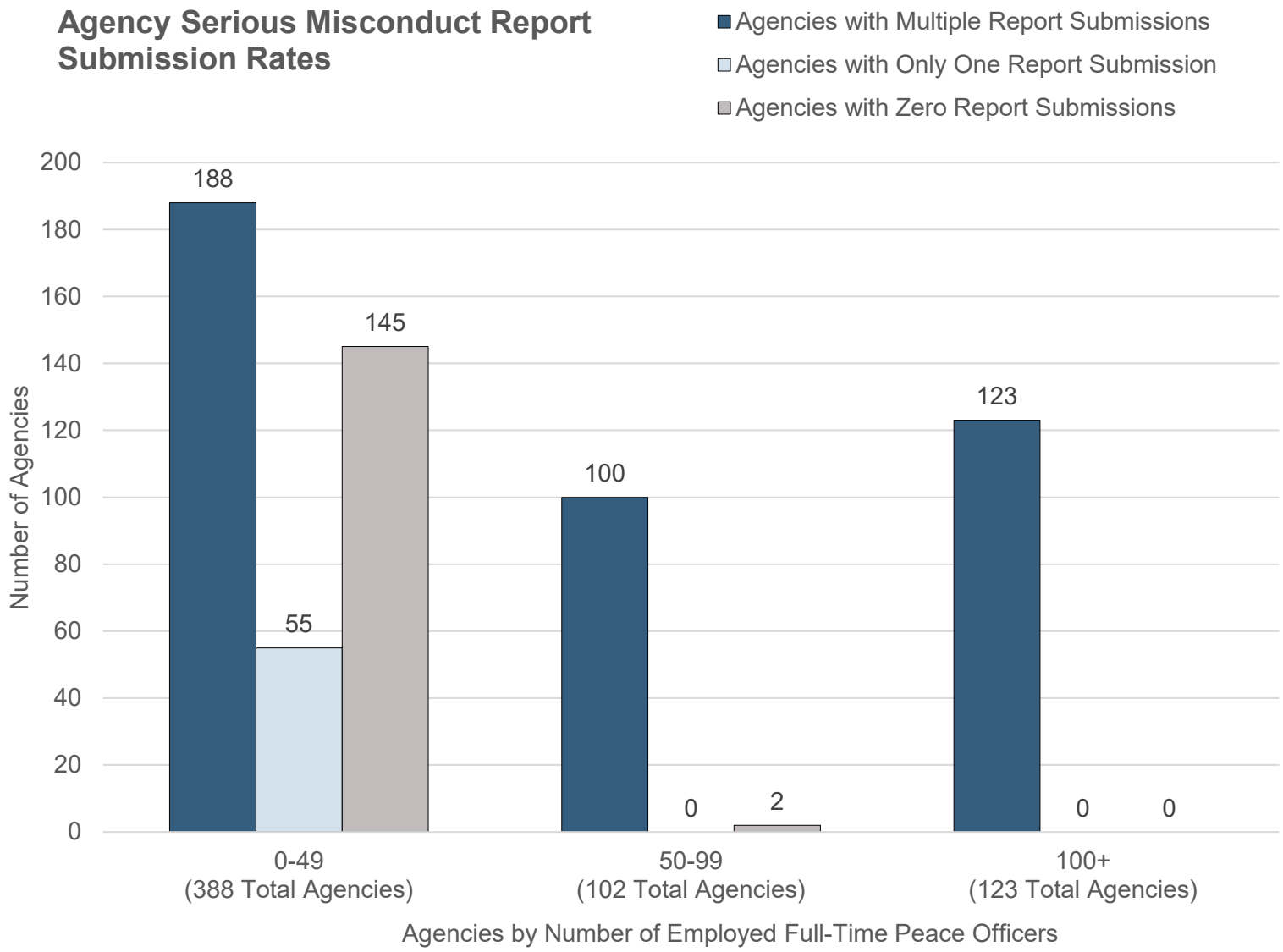
Agency participation for serious misconduct report submissions is at its highest since the implementation of SB 2.

To date, there are a total of 613 agencies within POST that are required to submit serious misconduct reports for the Division's review.

Most agencies have submitted multiple serious misconduct reports to POST.

Approximately 24% have not reported to POST, most comprising of agencies with 0-49 employed full-time peace officers; over **half that have not reported employ less than 10 full-time peace officers**.

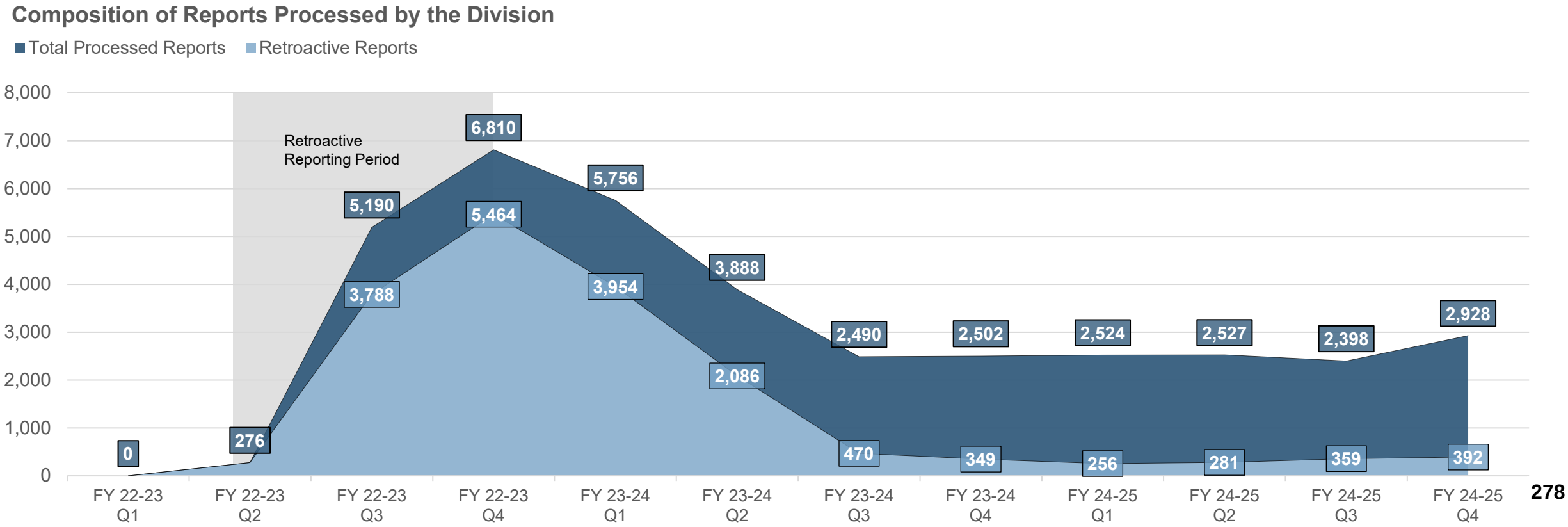
Agencies with a smaller number of peace officers are statistically expected to have less serious misconduct incidents and allegations than agencies with a larger number of peace officers. POST annually reaches out to non-reporting agencies to confirm that there were no serious misconduct allegations to report.



The Division's intake of serious misconduct reports was heavily driven by the statutory retroactive reporting mandate, but numbers have since stabilized at ~2.5k reports per quarter.

The Division processed over **37,000 Agency Misconduct reports,** with 53% received prior to the statutory retroactive reporting deadline established under Penal Code section 13510.9(b): July 1, 2023**.** Approximately half of all reports were **retroactive reports** – reports with incident dates occurring between January 1, 2020, and January 1, 2023.

Retroactive reporting subsided since the deadline, but agencies were still reporting a large volume of retroactive reports in the subsequent quarter. Since the 3rd quarter of FY 23-24, the Division routinely processes approximately **2,500 reports per quarter.**

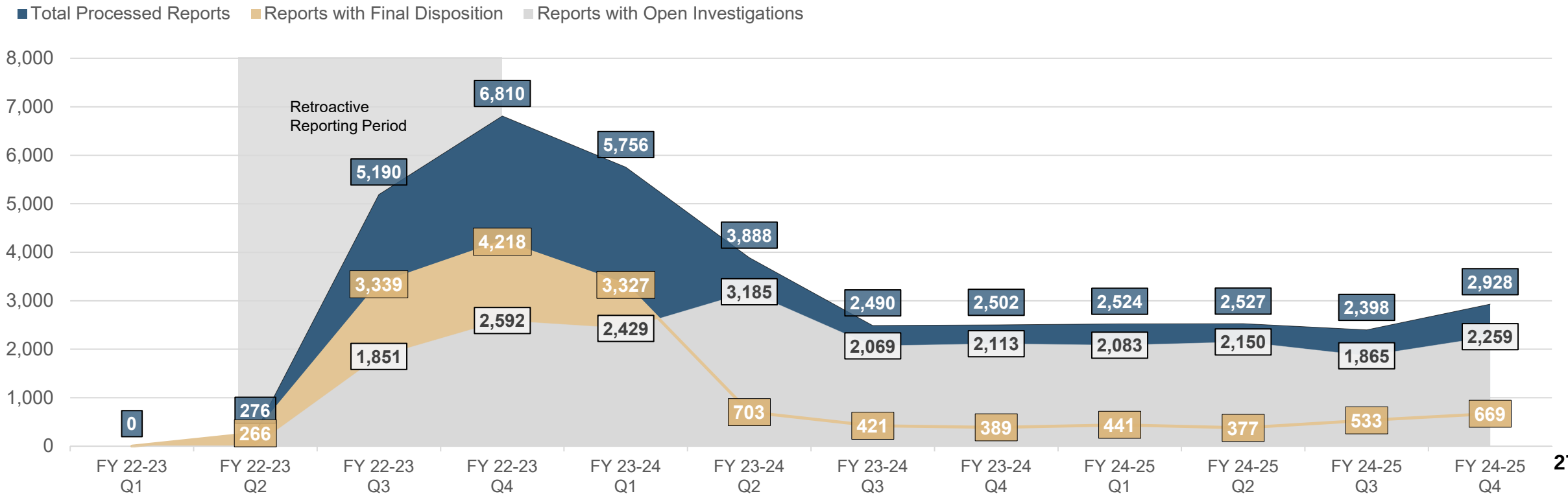


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Composition of Reports Processed by the Division

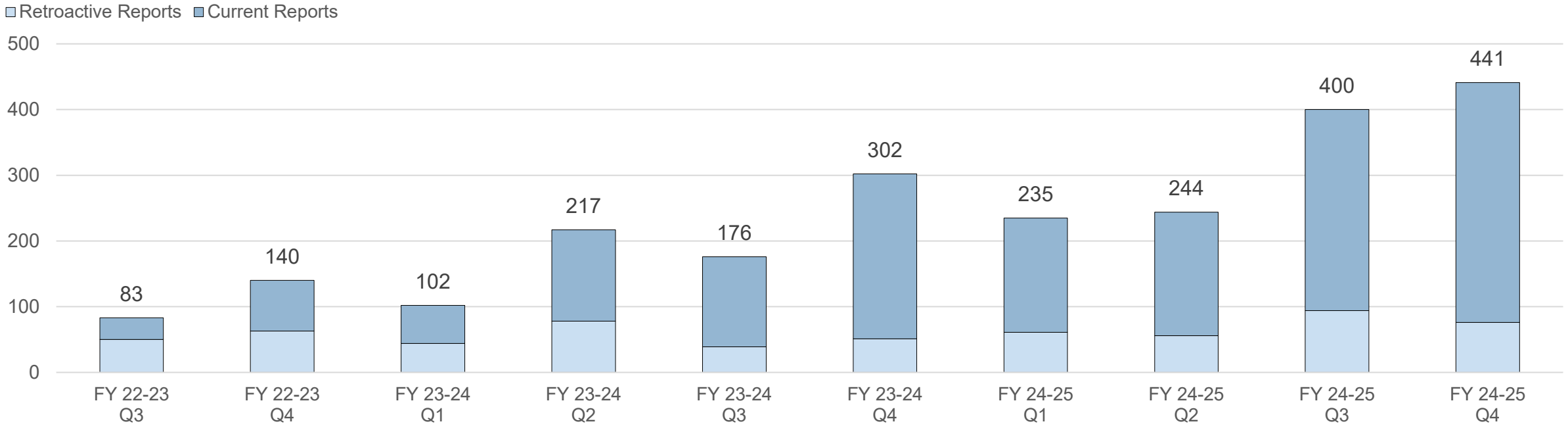


Over 2,300 public complaint reports processed by the Division; increasing public awareness of POST and the decertification process has resulted in a steady increase of public complaint submissions.

In addition to Agency Misconduct reports, POST receives and reviews potential allegations of serious misconduct received within complaints from members of the public. POST received complaints against **over 2,300 officers** from a pool of approximately 1,200 complainants.

In response to POST public complaints, agencies submitted 522 Agency Misconduct reports to either provide findings or notify POST of its ongoing investigation into the complaint. Approximately 300 of these reports were submitted prior to POST's receipt of the public complaint, reflecting proactive and timely reporting by agencies.

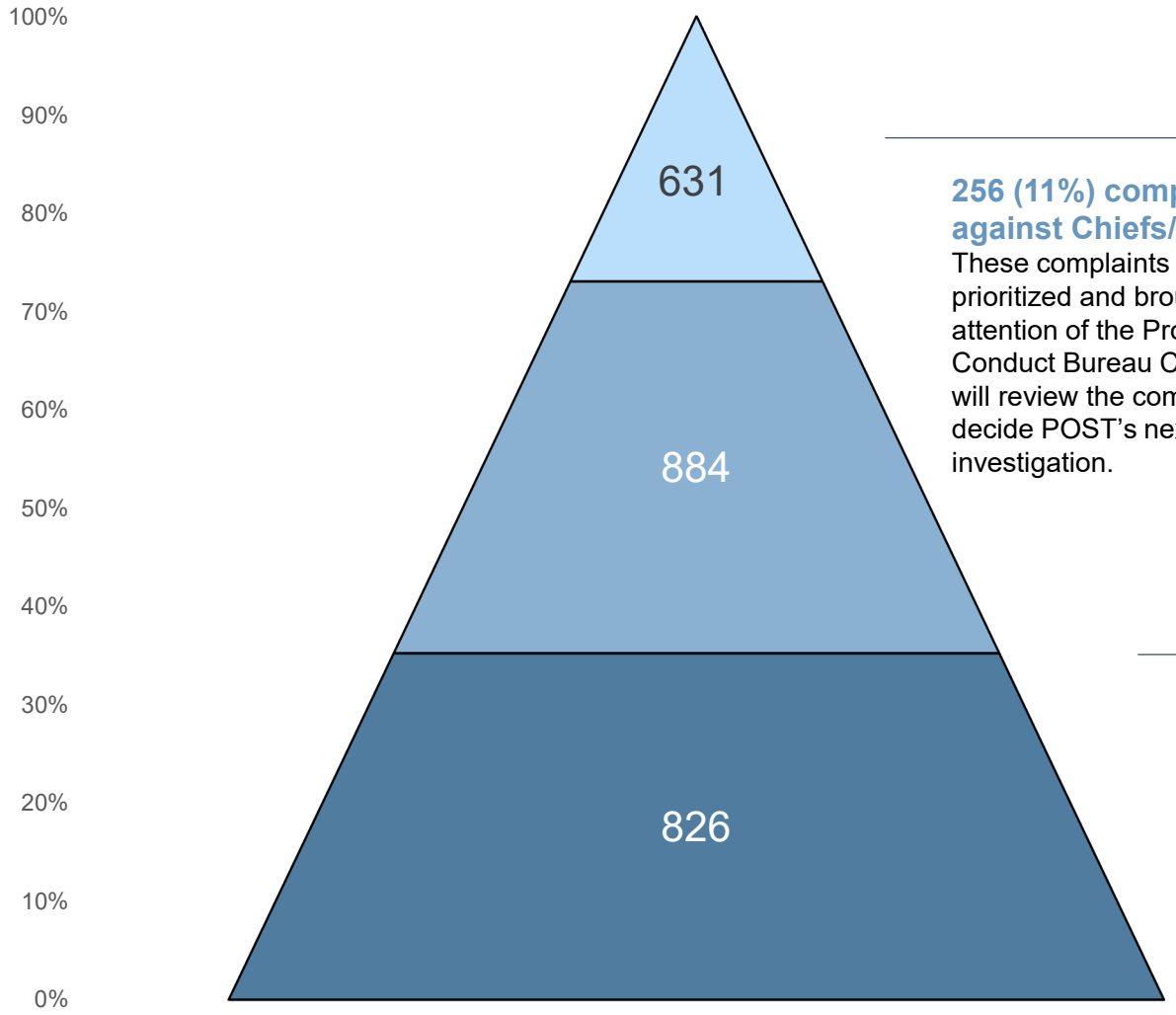
Public Complaint Reports Processed by the Division



Total reflects the **number of officers** that received potential serious misconduct allegations rather than the actual number of public complaints submitted by members of the public; if an individual files a single complaint that contains multiple officers, POST will create a respective report for each named officer.

POST is actively reviewing complaints and coordinating with agencies for documentation; 38% are undergoing review for potential serious misconduct, while 35% have been closed.

Public Complaint Composition



256 (11%) complaints are against Chiefs/Sheriffs.
These complaints are highly prioritized and brought to the attention of the Professional Conduct Bureau Chiefs, who will review the complaint and decide POST's next steps for investigation.

10 (0.4%) complaints have resulted in certification action.
These complaints have been reviewed by POST and resulted in revocation, ineligibility, or voluntary surrender of the subject officer's certification.

631 (27%) complaints require additional agency documentation.

POST communicates with agencies to receive ample documentation prior to its review.

884 (38%) complaints are undergoing POST review.

POST has received sufficient agency documentation to move forward with review. These complaints were identified for containing potential serious misconduct.

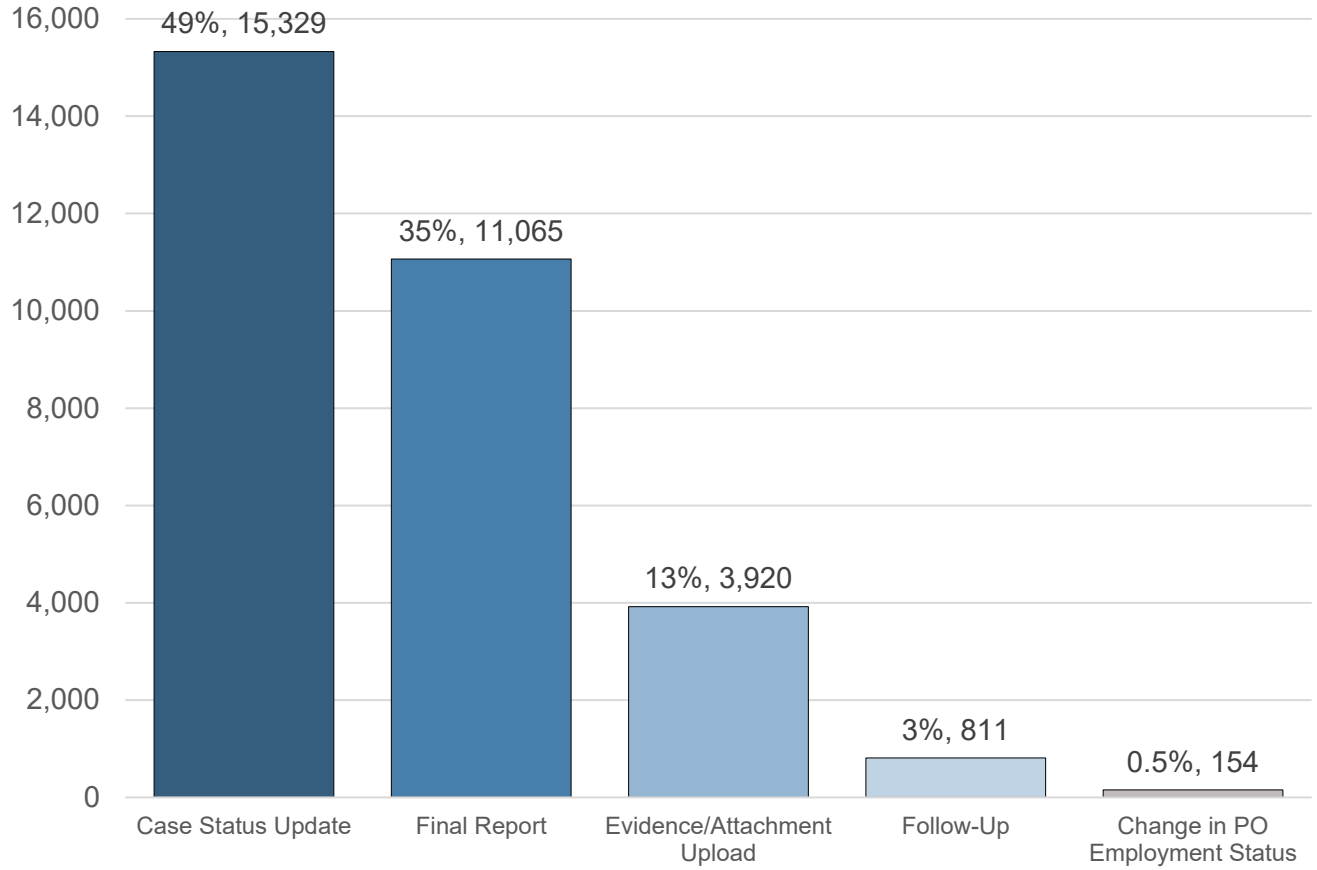
826 (35%) complaints are closed.

These complaints were reviewed by POST and determined to be serious misconduct, not serious misconduct, or non-jurisdictional. POST can only take certification action against peace officers described in Penal Code section 13510.1(a**).**

The Division has received over 31,000 report updates from agencies, most consisting of case status updates, evidence uploads, and agency findings.

Over 31,000 Agency Supplemental reports were submitted to provide additional information to Agency Misconduct reports and public complaints.

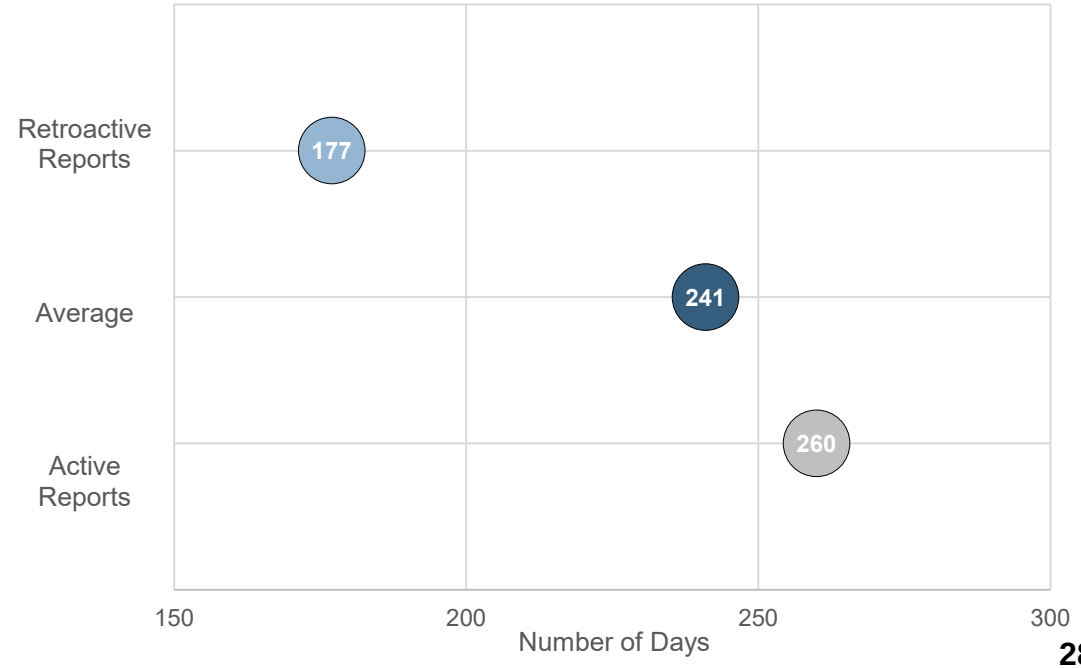
Types of Agency Supplemental Reports Submitted to POST



The average timeframe in which an open Agency Misconduct report receives agency findings through an Agency Supplemental report is **241 days**. This timeframe fluctuates when discerning active and retroactive reports.

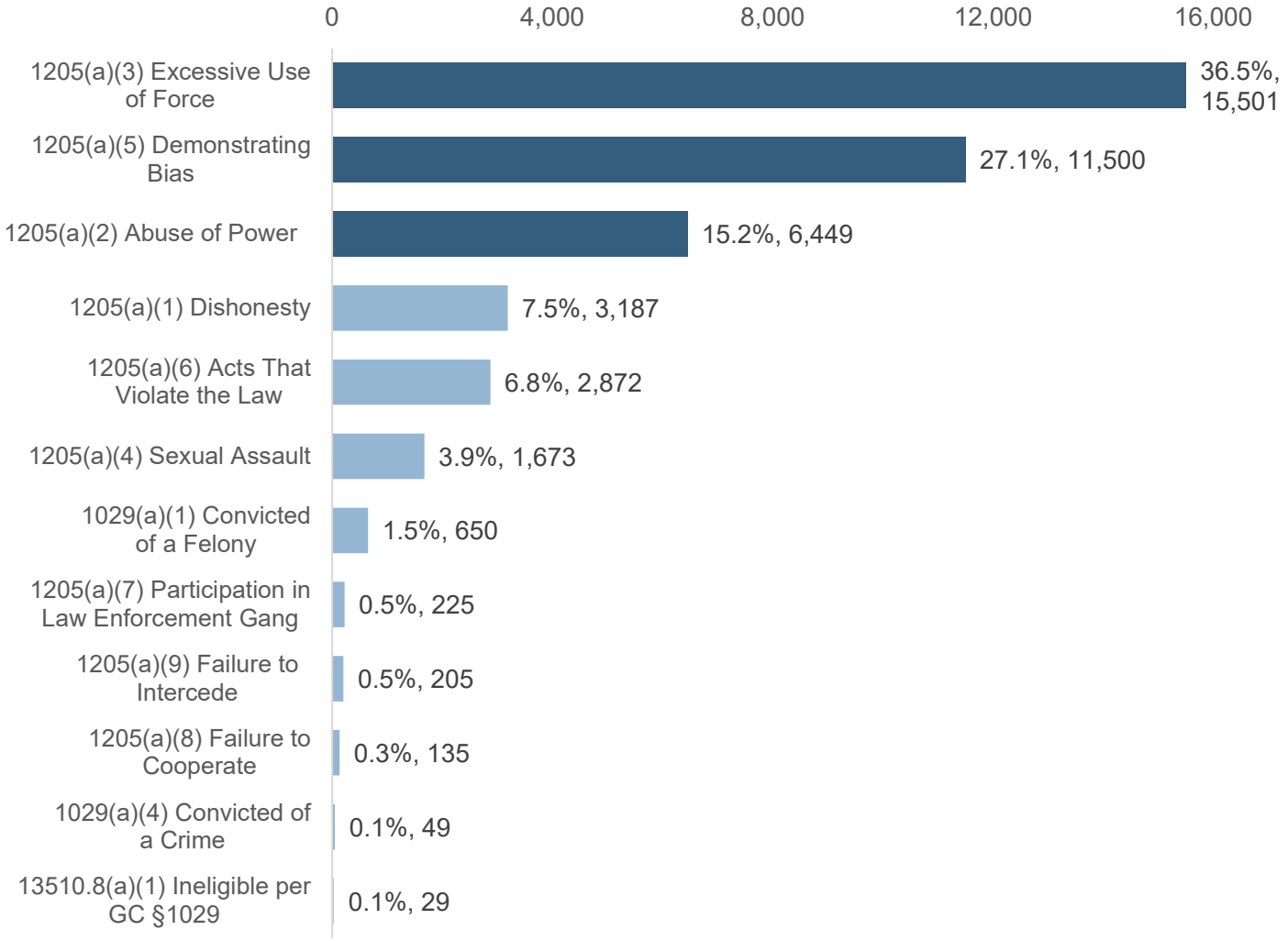
On average, **retroactive reports** received agency findings in **177 days**. In contrast, **active reports** received agency findings later, within an average of **260 days**.

Average Agency Finding Submission Times By Incident Date



Over 42,000 serious misconduct allegations spanning 21,000 officers statewide have been reported to POST; in accordance with statute, only 85% of the allegations are potentially actionable.

Number of Serious Misconduct Allegations Reported to POST



A report or complaint may contain multiple allegations, hence the number of allegations exceeding the number of reports and public complaints submitted to POST.

21,037 unique peace officers (26% of total CA peace officers) were identified within serious misconduct reports.

About **14,000 of the 42,000 reported allegations** (34%) **occurred prior to January 1, 2022**. As described under Penal Code section 13510.8(g), POST can only act against conduct that occurred prior to January 1, 2022, **if:**

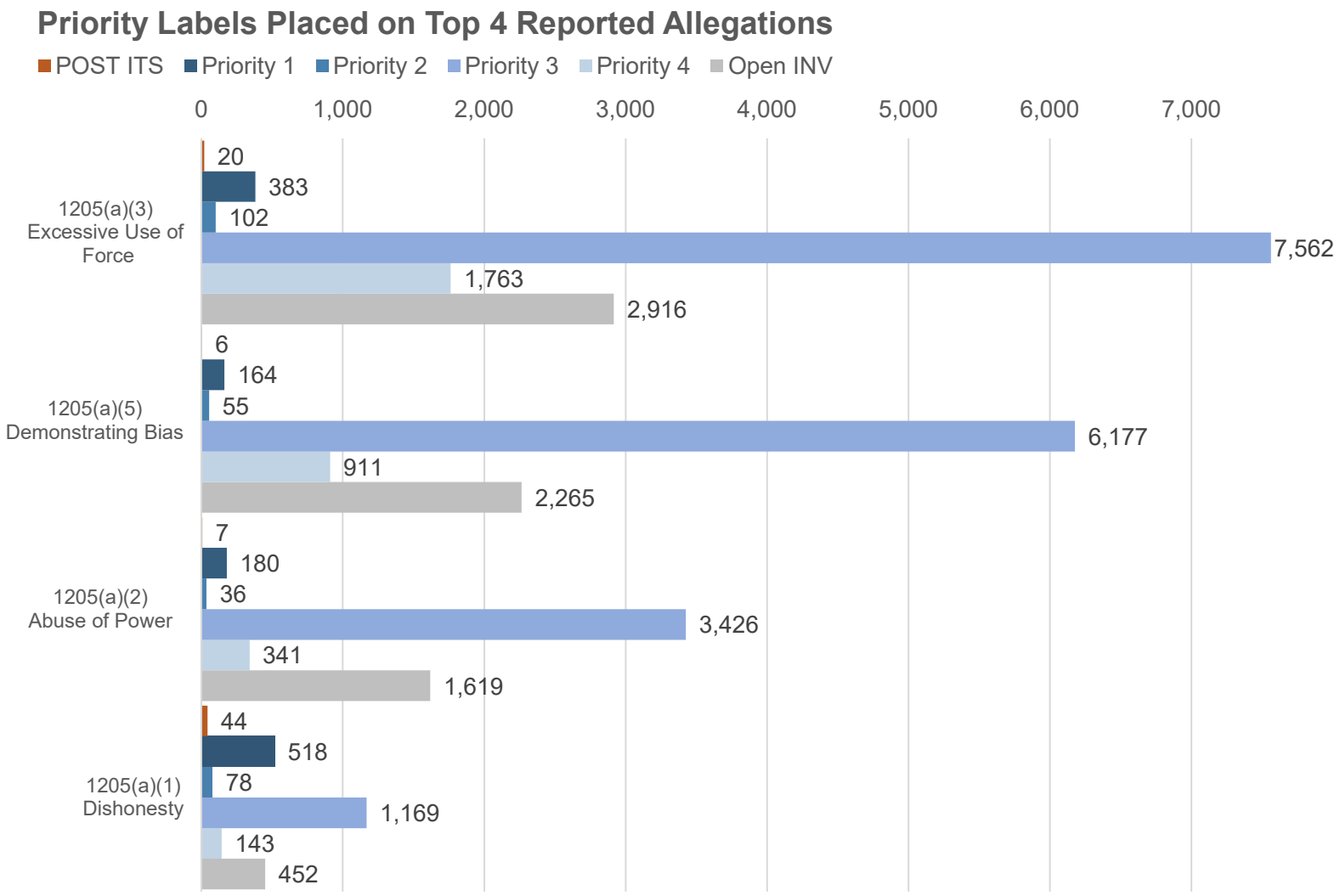
(1) The subject officer's agency makes a final determination on its investigation **after** January 1, 2022,

or

(2) The allegations include dishonesty, sexual assault, and/or use of deadly force resulting in serious bodily injury or death.

As a result, approximately **36,000** (85%) of the allegations **are considered potentially actionable** by POST.

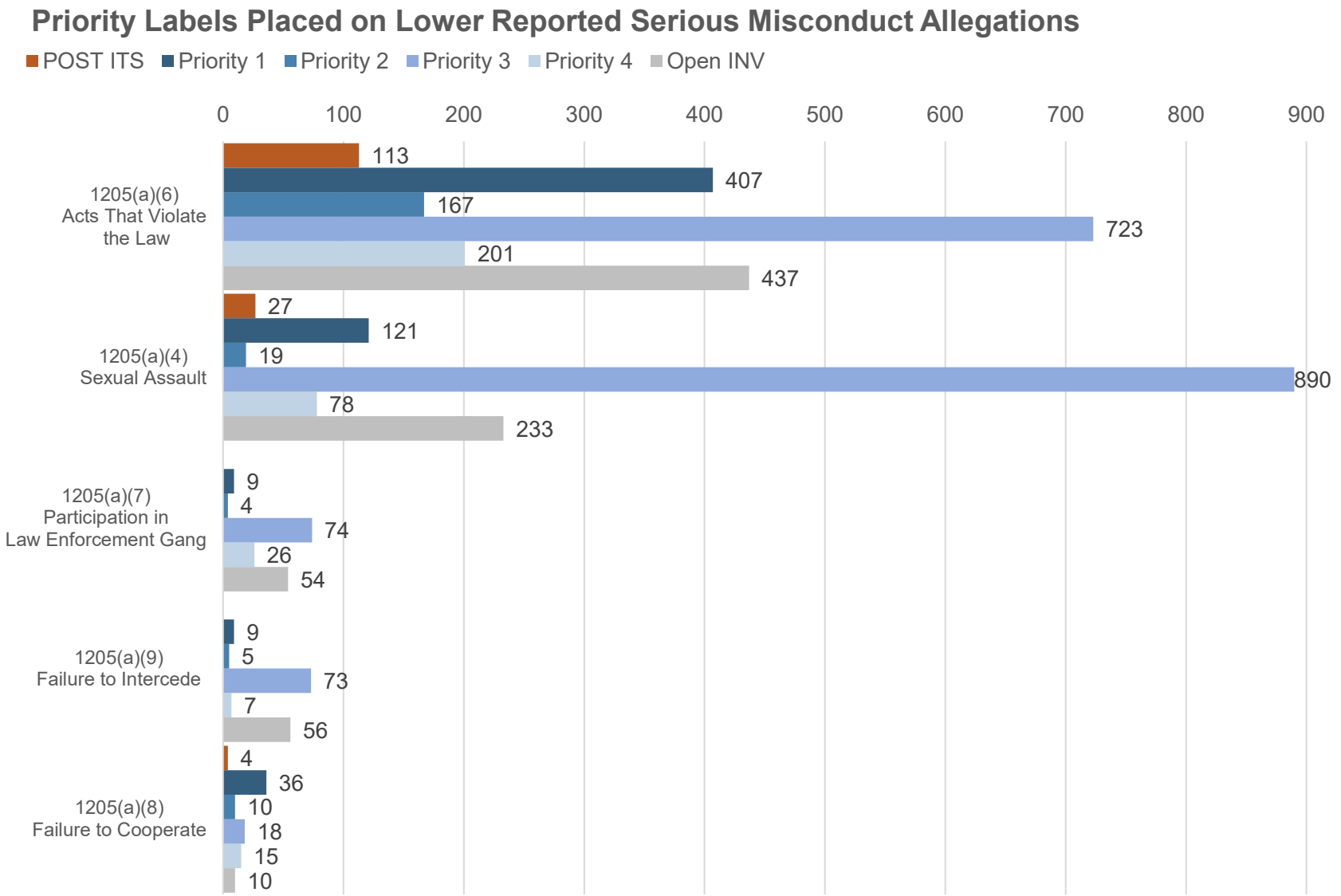
Prioritization of reported allegations to POST: bulk of allegations receive Priority 3 and Open INV labels.



Label	Definition
POST ITS	Contains a potential ITS basis outlined in Penal Code section 13510.8(d).
Priority 1	Contains politically/media-sensitive content or sustained agency findings, regardless of the incident or agency finding date.
Priority 2	Contains sustained agency findings for policy violations that may or may not fall under the definition of serious misconduct.
Priority 3	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **after** January 1, 2022.
Priority 4	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **before** January 1, 2022.
OPEN INV	Contains an ongoing agency investigation without agency findings.

* Labels are assigned upon review by Intake and Disposition Bureau. Prioritization is subject to change when reports are assigned into cases to Professional Conduct Bureau staff.

Prioritization of reported allegations to POST: bulk of allegations receive Priority 3 and Open INV labels.

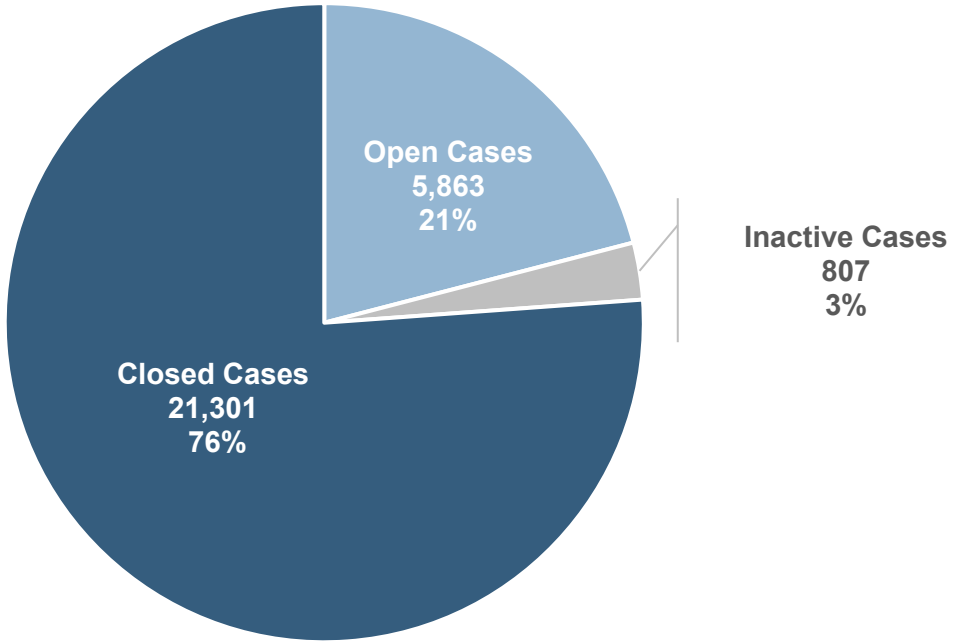


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76% of ITS, Public Complaint, and Priority cases are closed; remaining ongoing caseload is prioritized based on agency findings and potential risk to public safety.

As of June 30, 2025, **76% of ITS, Public Complaint, and Priority cases were closed** following POST's review**.** **21% of these cases are open** for POST's review. These cases have received agency investigation findings.
The remaining **3% are considered inactive**, meaning that POST is awaiting the agency's investigation findings prior to its review.

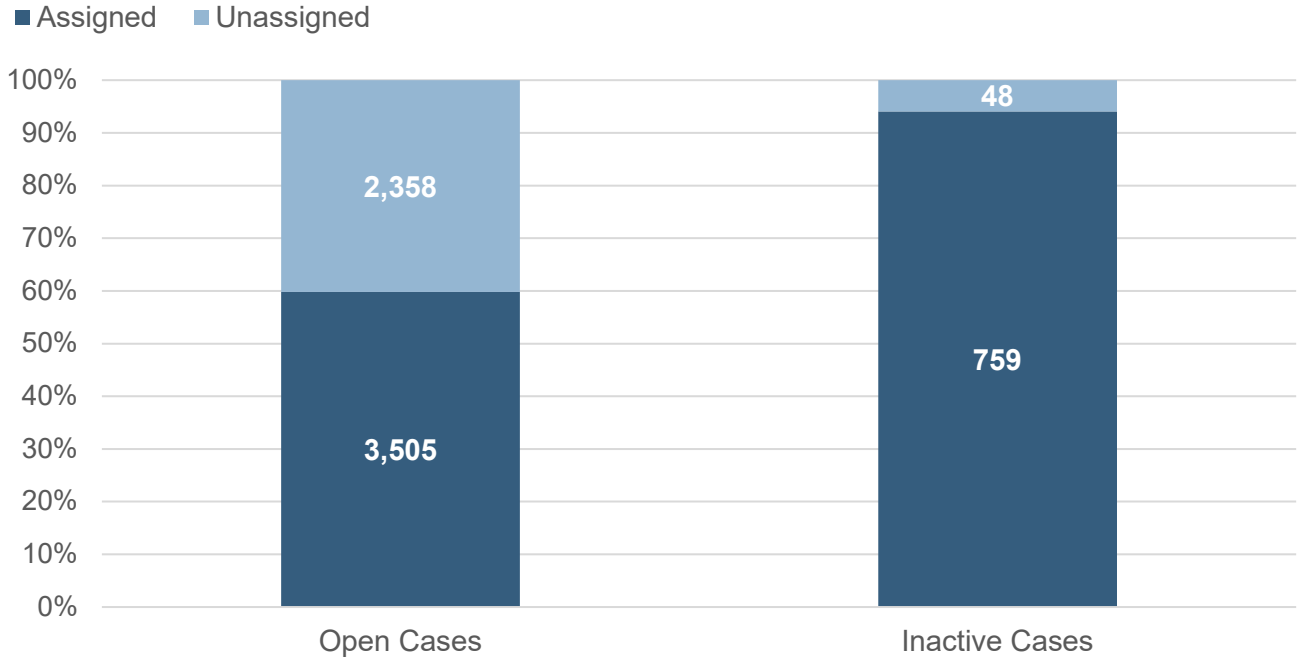
Case Statuses Among ITS, Public Complaint, and Priority Case Types



Approximately 59% of open cases have been assigned to staff for review. The remaining 41% are pending assignment and primarily consist of cases where the agency did not report a sustained finding to POST.

Of the inactive cases, 94% have been assigned as part of POST's proactive efforts to follow up with agencies on their investigation findings and/or monitor cases that pose a potential risk to public safety. The remaining 6% are unassigned due to the absence of agency findings required for POST review.

Assigned and Unassigned Open and Inactive ITS, Public Complaint, and Priority Cases



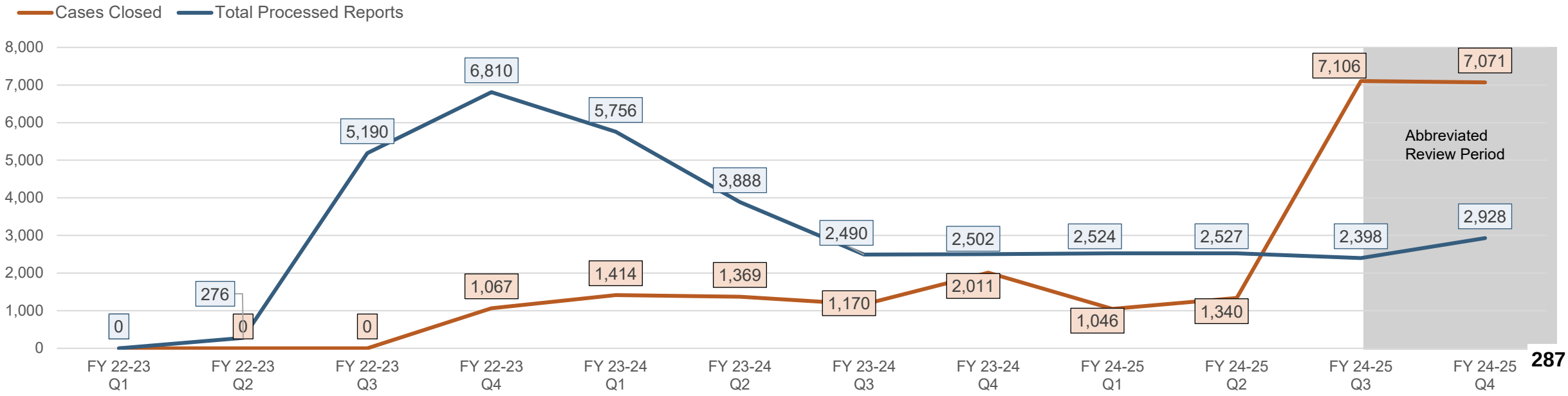
POST's case closures are catching up to its initial report intake; its abbreviated review process is aiding in backlog clearance.

In FY 24-25 Quarter 3, the Division observed a significant increase in case closures driven by the implementation of a limited-time **Abbreviated Review** process to address the backlog of Priority 3 cases. Agency and POST's findings within Priority 3 cases saw little discrepancies in outcomes, and the Division determined it would be most responsible to prioritize and investigate cases that may contain serious misconduct.

To further support this process, cases involving non-sustained findings of excessive use of force, which typically results in exonerated or unfounded findings, were extensively reviewed by Law Enforcement Consultants to ensure proper agency investigation. A subset of cases were forwarded for further review by a Use of Force expert and additional follow-up with agencies, however, none amounted to serious misconduct.

With most Priority 3 cases now closed under the Abbreviated Review process, the Division has initiated an audit phase to ensure proper case analysis and closure. A random sample of cases will undergo audits, with a specific percentage to be finalized soon.

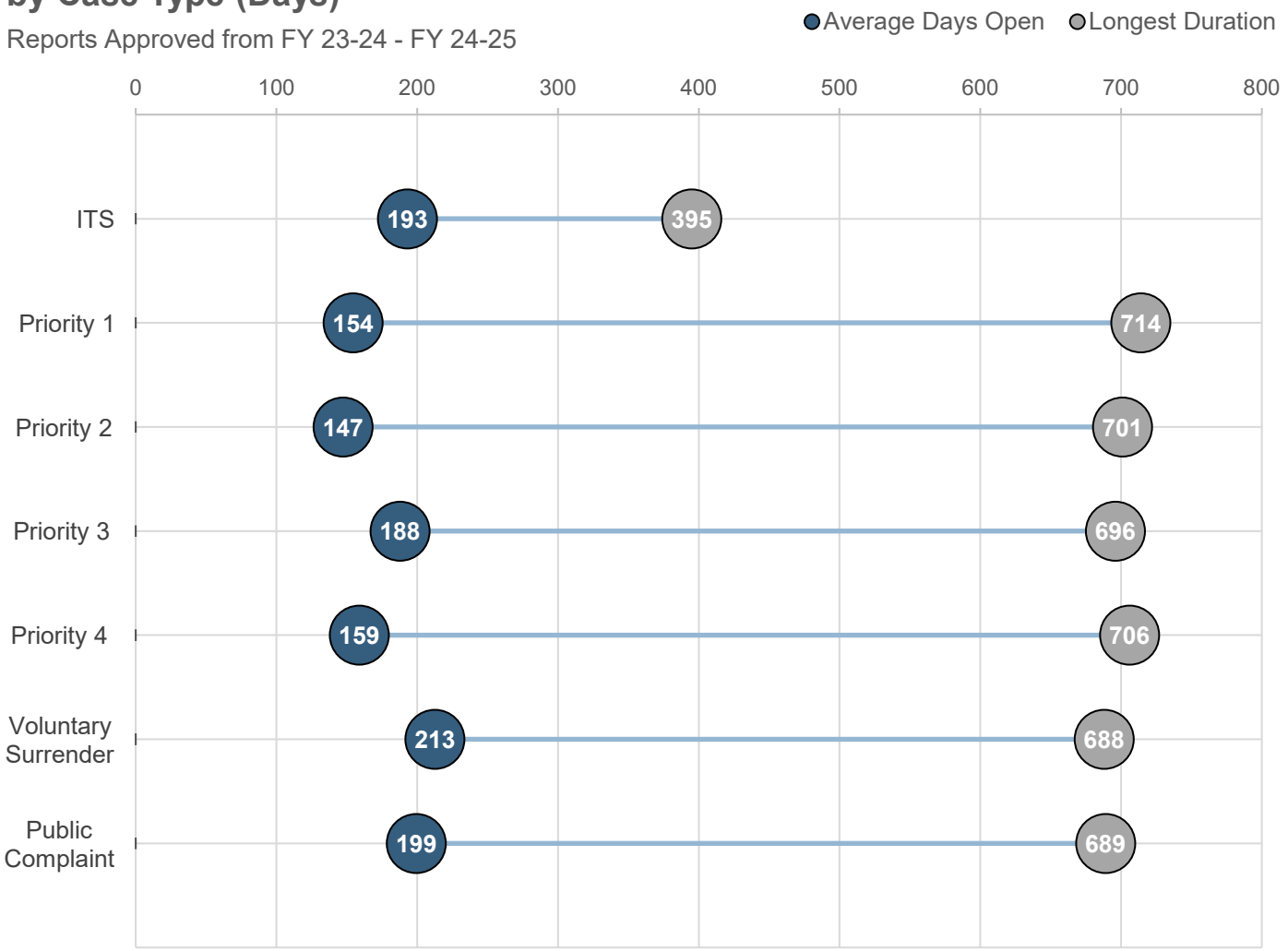
Report Intake vs. Case Closures



To date, all closed cases have been closed well within the 3-year statutory timeframe, with ITS cases accelerated due to public safety risk.

Average vs. Maximum Case Closure Timeframes by Case Type (Days)

Reports Approved from FY 23-24 - FY 24-25



A case is considered open when POST receives the agency's findings up to the point in which POST comes to a determination on the case.

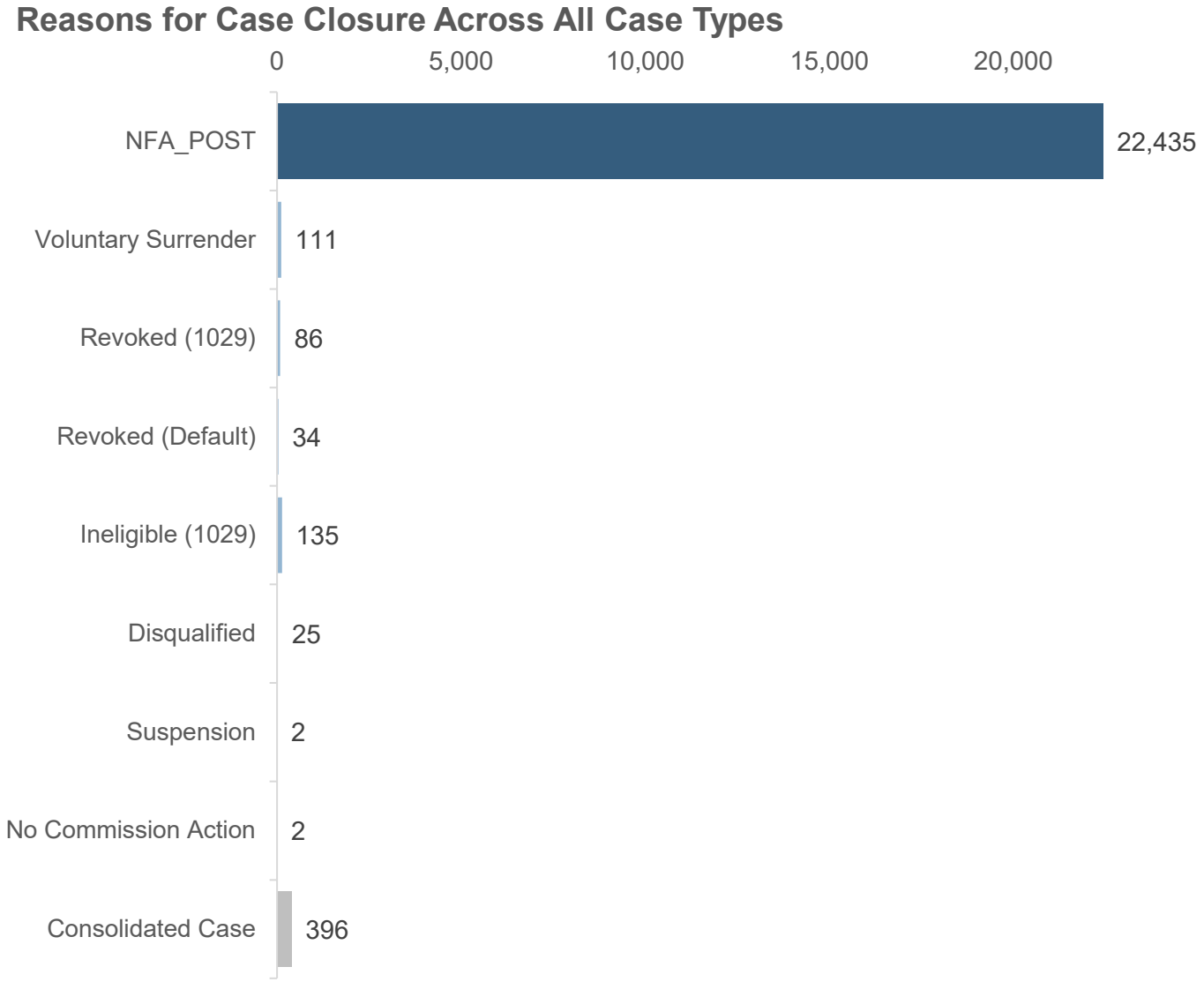
Under Penal Code section 13510.8(c)(5), POST has three years upon receipt of the agency's findings to complete its investigation into serious misconduct.

On average, cases are closed within 200 days.

ITS cases, which pose potential risks to public safety, are most prioritized and typically resolved more quickly. These cases involve officers under immediate temporary suspension, who are more likely to face certification revocation.

Cases with longer investigation durations comprise of **0.4% of the closed cases**. Extended case durations may result from high caseloads and communication with agencies to receive additional supporting information, such as agency discipline documentation, interviews with the subject officer, victims, and witnesses, etc.

Approximately 2% of cases closed by POST resulted in disciplinary action. About 95% of cases were closed without further action.



No Further Action (NFA_POST) accounted for **95% of POST's case closures**, with 22,435 out of approximately 23,500 cases closed under this category.

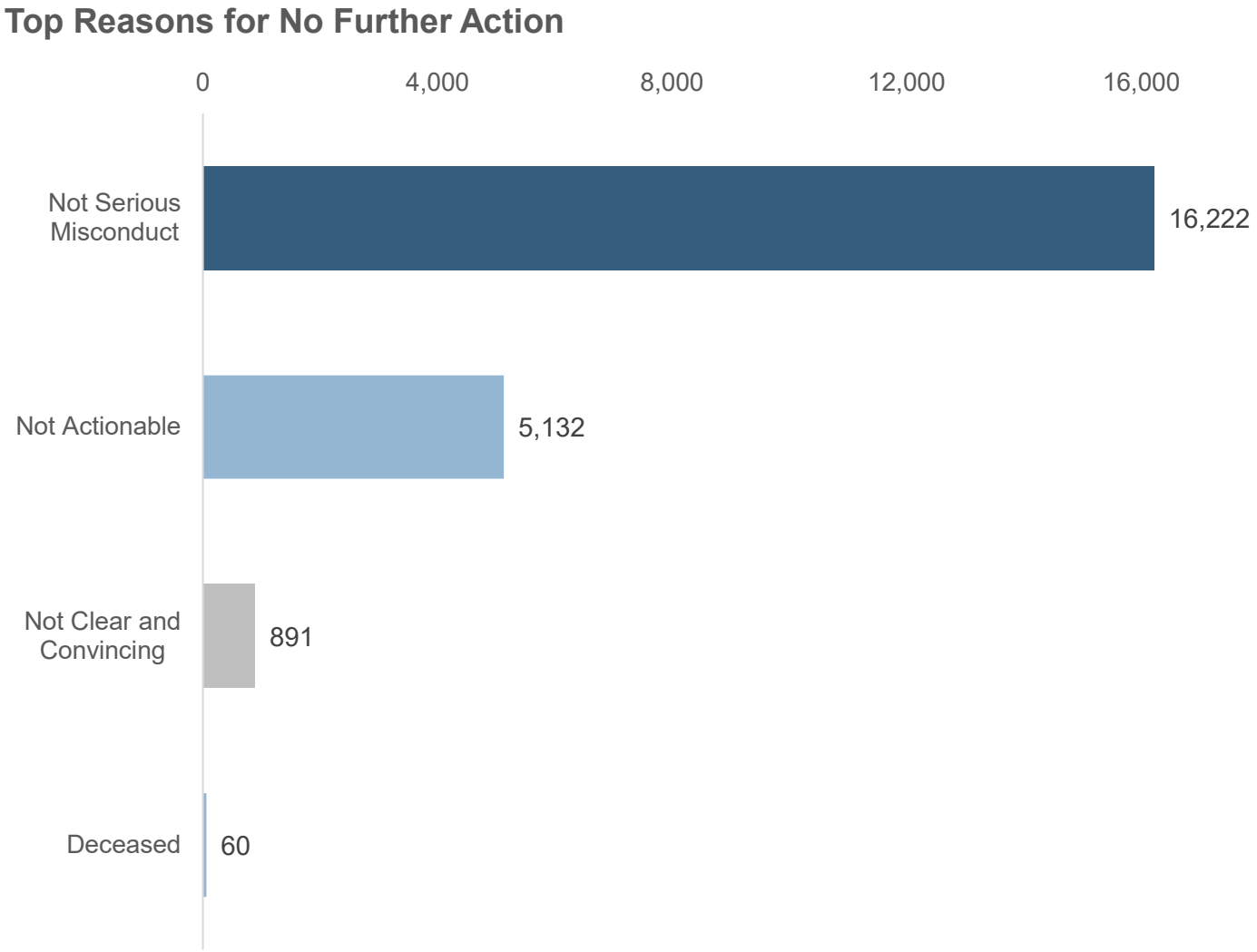
1029 Revocation (86), Default Revocation (34), and **Voluntary Surrender cases (111)** collectively made up less than **1% of all closures**. POST has also seen **135 Ineligibility cases**, which result from individuals who are ineligible to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 prior to the enactment of SB 2 (January 1, 2022).

The number of cases that resulted in disciplinary action may exceed the actual number of disciplinary actions imposed by POST; if an officer that received disciplinary action was the subject officer of multiple cases, cases containing the officer will be closed out to reflect the action.

There are 25 Disqualification cases for individuals that do not hold a Proof of Eligibility or certificate from POST.

A total of 396 cases were consolidated into other cases due to duplicate submissions from agencies.

Breakdown of No Further Action case closures: 72% considered not serious misconduct, 23% non-actionable, and 4% contained insufficient evidence.

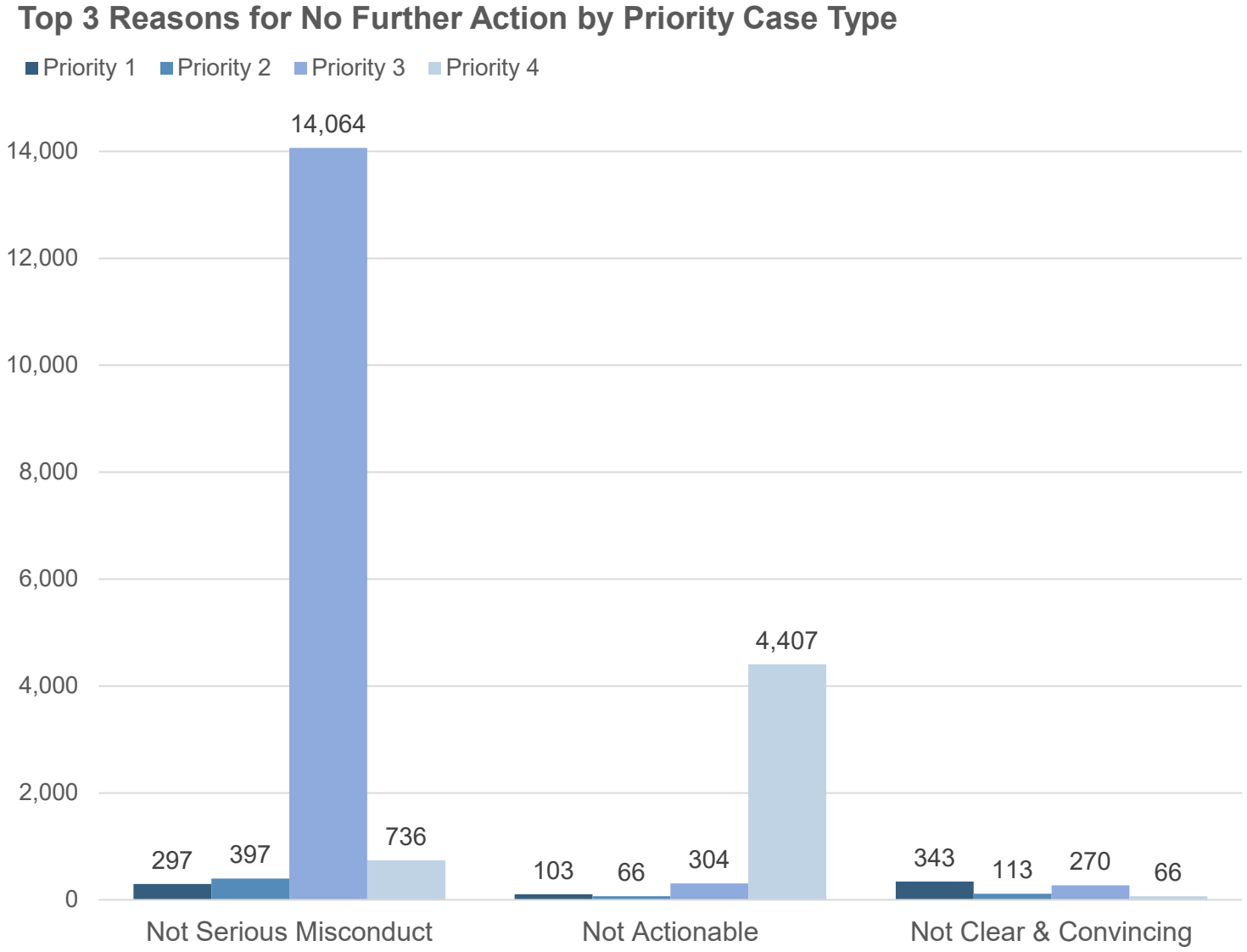


Approximately **72%** of NFA_POST cases were closed because the reported conduct **did not meet the definition of serious misconduct** as outlined in Commission Regulation 1205.

About 23% of these cases were closed for being **non-actionable**, meaning POST did not have the statutory authority to act on the case based on the allegations, incident, and agency findings date.

Only **4%** of NFA_POST cases were closed because there was **insufficient clear and convincing evidence** to prove the conduct occurred. Conduct within these cases may rise to the level of serious misconduct, but POST could not find sufficient evidence to prove so.

Closure trends among priority case types: most not serious misconduct and non-actionable cases are Priority 3 and 4, while Priority 1 cases see most evidentiary gaps.

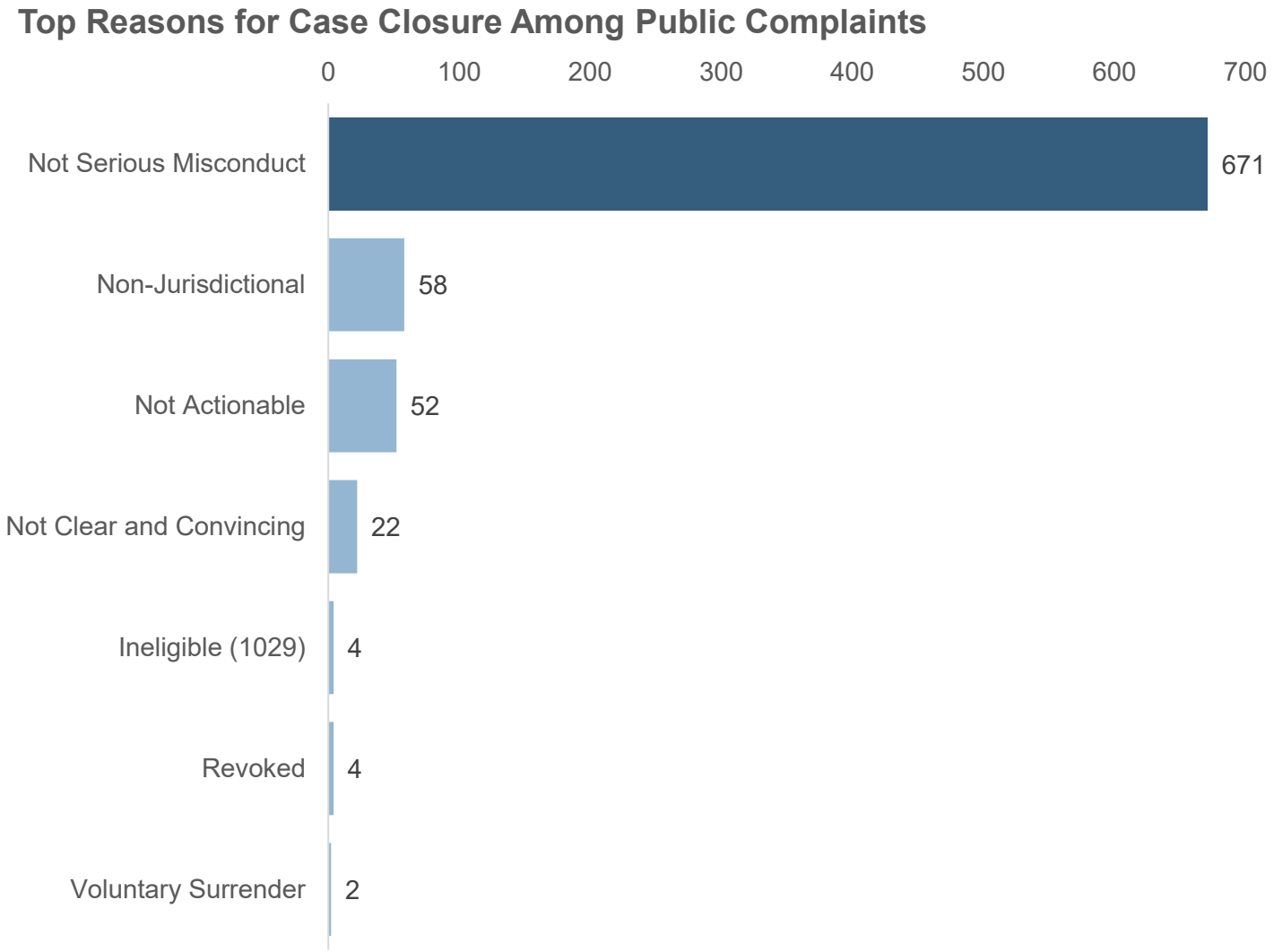


A significant portion of cases closed for failing to meet the definition of serious misconduct are **Priority 3 cases**, accounting for about 87% of not serious misconduct closures.

Cases closed as non-actionable predominantly involve **Priority 4 cases**, comprising 86% of the total. This distribution aligns with expectations, as these cases are prioritized as such for being retroactive and non-actionable, however, further review by the Professional Conduct Bureaus has revealed that cases from other Priority categories were also deemed non-actionable.

The highest number of cases closed for not meeting the clear and convincing evidentiary standard are **Priority 1 cases**. This trend is observed to result from the lower evidentiary threshold required for sustaining Internal Affairs investigations within law enforcement agencies: preponderance of the evidence.

Closure trends among public complaints: most complaints are closed out as not serious misconduct, non-jurisdictional, and non-actionable. A handful have resulted in certification action.



Most closed cases containing public complaint reports were closed out as **not serious misconduct**, accounting for approximately 81% of closures.

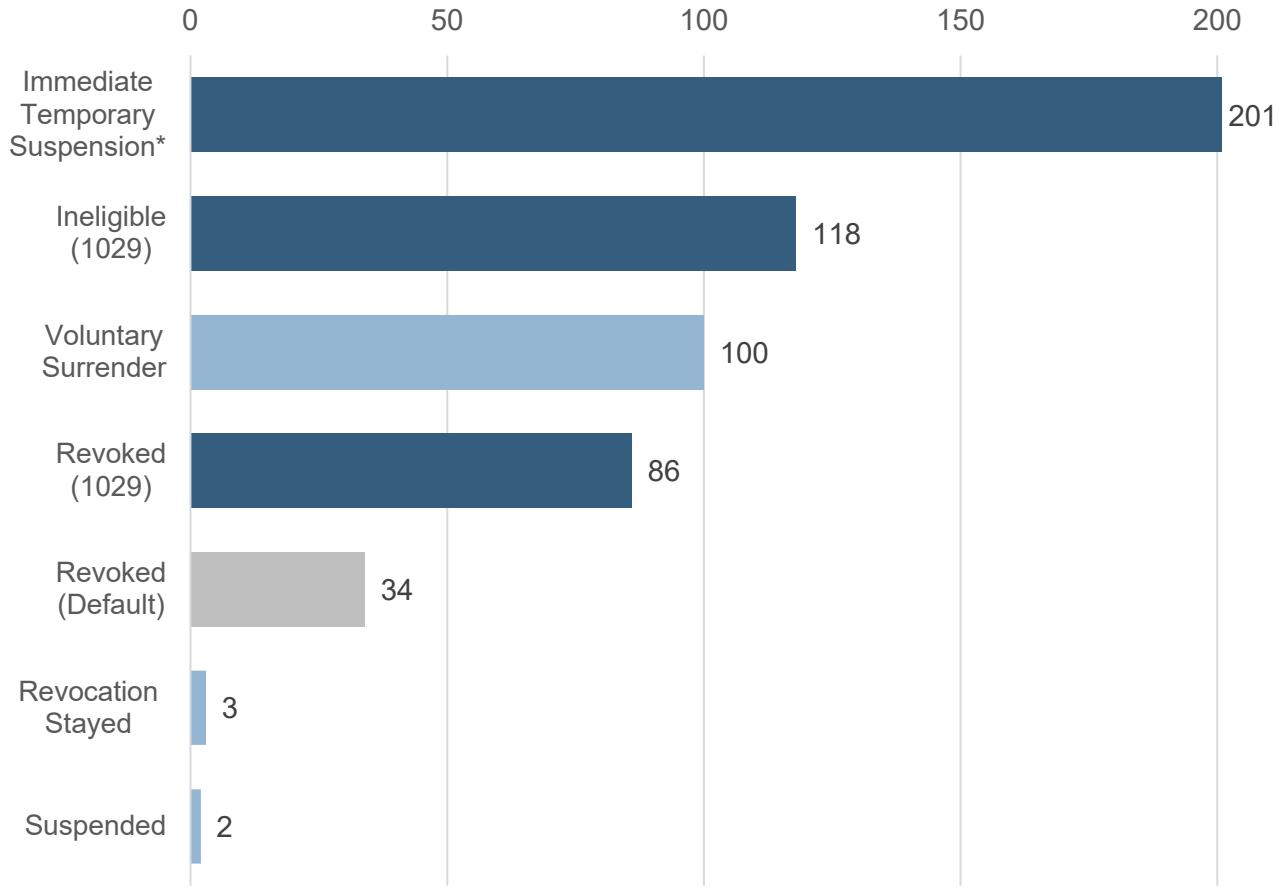
About 7% were closed out as **non-jurisdictional**, which occurs when a complaint indicates an officer **not defined within Penal Code section 13510.1(a)**.

6% of public complaints were closed out as non-actionable due to the incident and agency findings date. 3% of conduct within public complaints rose to the level of serious misconduct, but did not meet the clear and convincing evidentiary standard.

1% resulted in certification action; these subject officers voluntarily surrendered their certification, were revoked for serious misconduct, and deemed ineligible to be peace officers under Government Code section 1029.

The number of disciplinary actions taken by POST is above average compared to other California regulatory licensing agencies.

Number of Disciplinary Actions by POST



*Reflects total number of issued Immediate Temporary Suspensions and those that resulted in subsequent action.

544 disciplinary actions have been imposed by POST, which amounts to **0.2% of actions** on POST's licensee population (~80k) annually.

This is above average compared to other CA licensing agencies:

- **CA Board of Registered Nursing** (**0.1% actions** annually; ~650k licensed nurses): 1,509 administrative outcomes across FY 22-23 and FY 23-24.[1]
- **The State Bar of California** (**0.01% actions** annually; ~266k licensed attorneys): 472 administrative outcomes across FY 22-23 and FY 23-24.[2]
- **Medical Board of California** (**0.2% actions** annually; ~156k licensed physicians and surgeons): 645 administrative outcomes across FY 22-23 and FY 23-24.[3]

Immediate temporary suspensions (201) account for approximately **37%** of the disciplinary actions taken by POST.

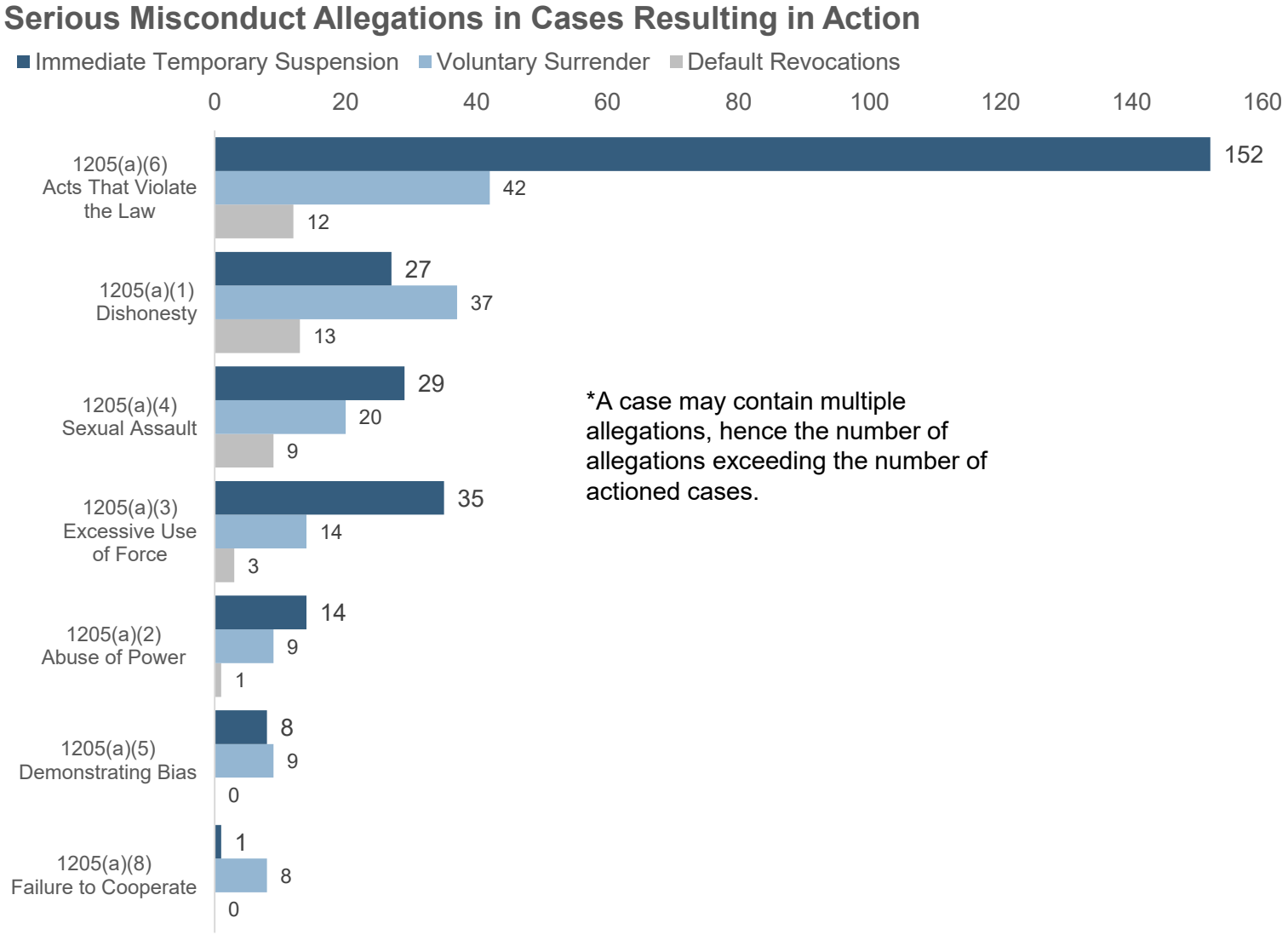
Government Code section 1029 disqualifiers (204) accounted for **37.5%** of disciplinary actions: 118 peace officers were deemed **ineligible** (disqualifying event prior to January 1, 2022); 86 had their certifications **revoked** (disqualifying event after January 1, 2022).

Voluntary surrenders (100), account for 18% of the disciplinary actions taken by POST.

Overall, **the total number of revocations** (120), default and 1029, account for 22% of POST's disciplinary actions.

1. California Department of Consumer Affairs, "Fiscal Year 2022-2023" and "Fiscal Year 2023-2024 Annual Report."
2. The State Bar of California, "Fiscal Year 2024 Annual Discipline Report."
3. California Department of Consumer Affairs, "Fiscal Year 2022-2023" and "Fiscal Year 2023-2024 Annual Report."

The top allegations resulting in action by POST are Acts that Violate the Law, Dishonesty, and Sexual Assault.



*A case may contain multiple allegations, hence the number of allegations exceeding the number of actioned cases.

POST has taken most certification action against cases involving Acts that Violate the Law allegations, mainly attributed to the immediate temporary suspension basis of arrest/indictment of any crime outlined within Government Code section 1029.

Immediate temporary suspension numbers for Dishonesty, Sexual Assault, and Excessive Use of Force suggest that these allegations result in discharge due to serious misconduct, or separation during a pending investigation into serious misconduct and thereby posing a potential safety risk to the public.

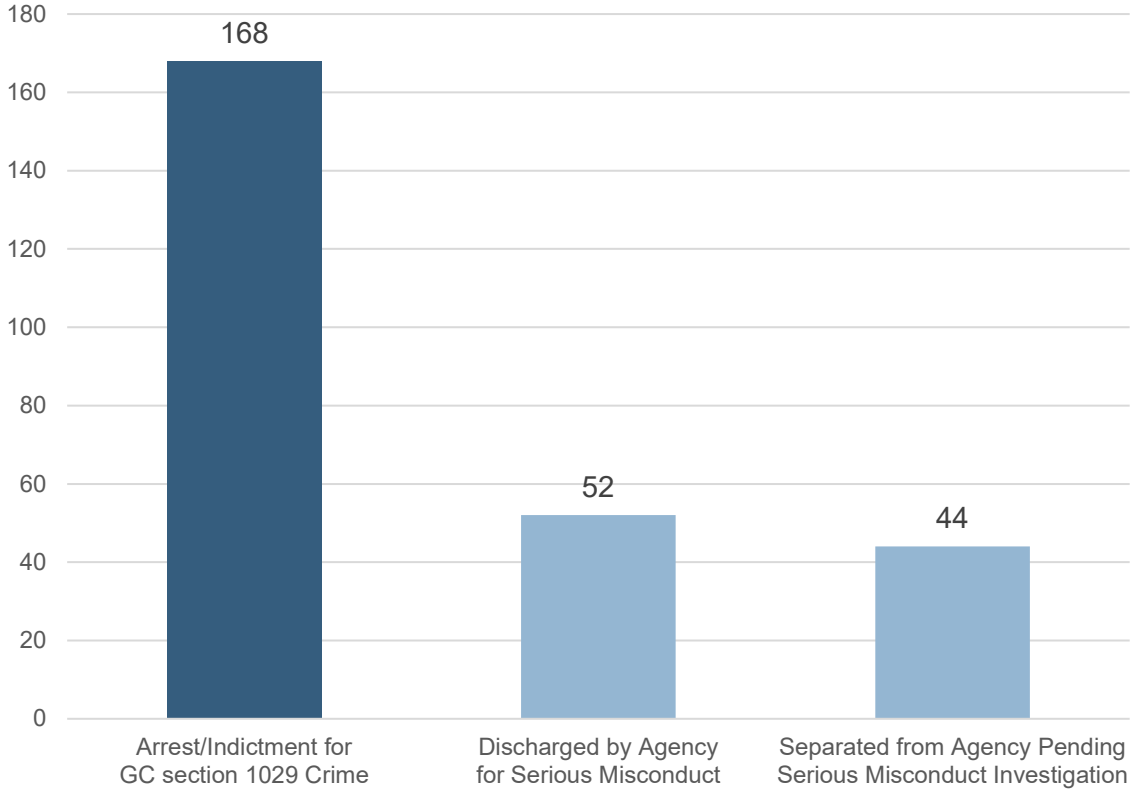
Relative to its immediate temporary suspension numbers, cases containing dishonesty and sexual assault allegations observe a higher rate of voluntary surrenders.

Arrests and indictments for Government Code section 1029 crimes are the highest basis for issued immediate temporary suspensions, contributing to relatively high revocation outcomes.

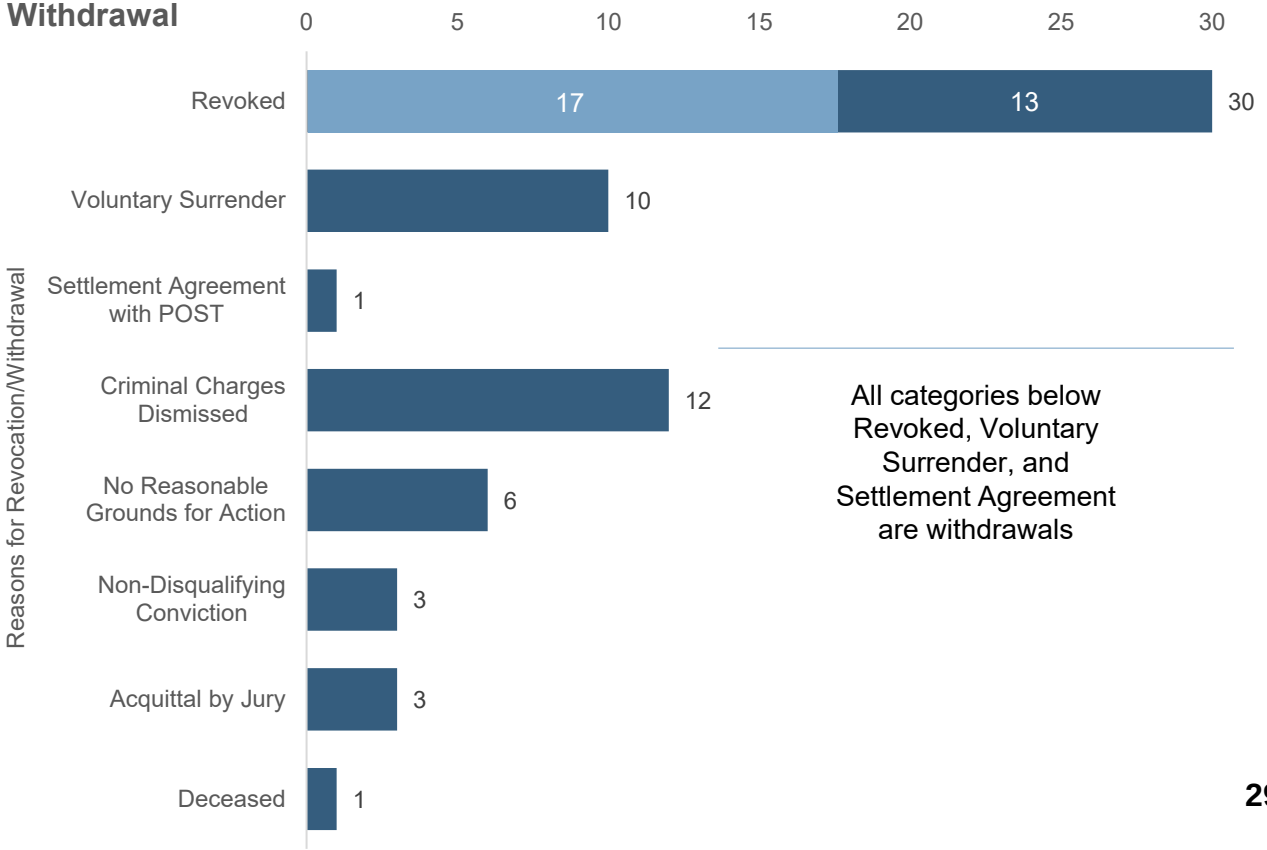
Bases for an immediate temporary suspension (ITS) are outlined in Penal Code section 13510.8(d). An ITS may be issued for one or more bases. Arrest or indictment of any disqualifying conviction outlined in Government Code section 1029 is the most prevalent basis.

An ITS remains in effect until a final determination is made by the Commission, or the Executive Director withdraws the temporary suspension. **30 temporary suspensions resulted in revocations**, 17 of which occurred due to a disqualifying conviction outlined in Government Code section 1029 and **13** which occurred from default revocations.

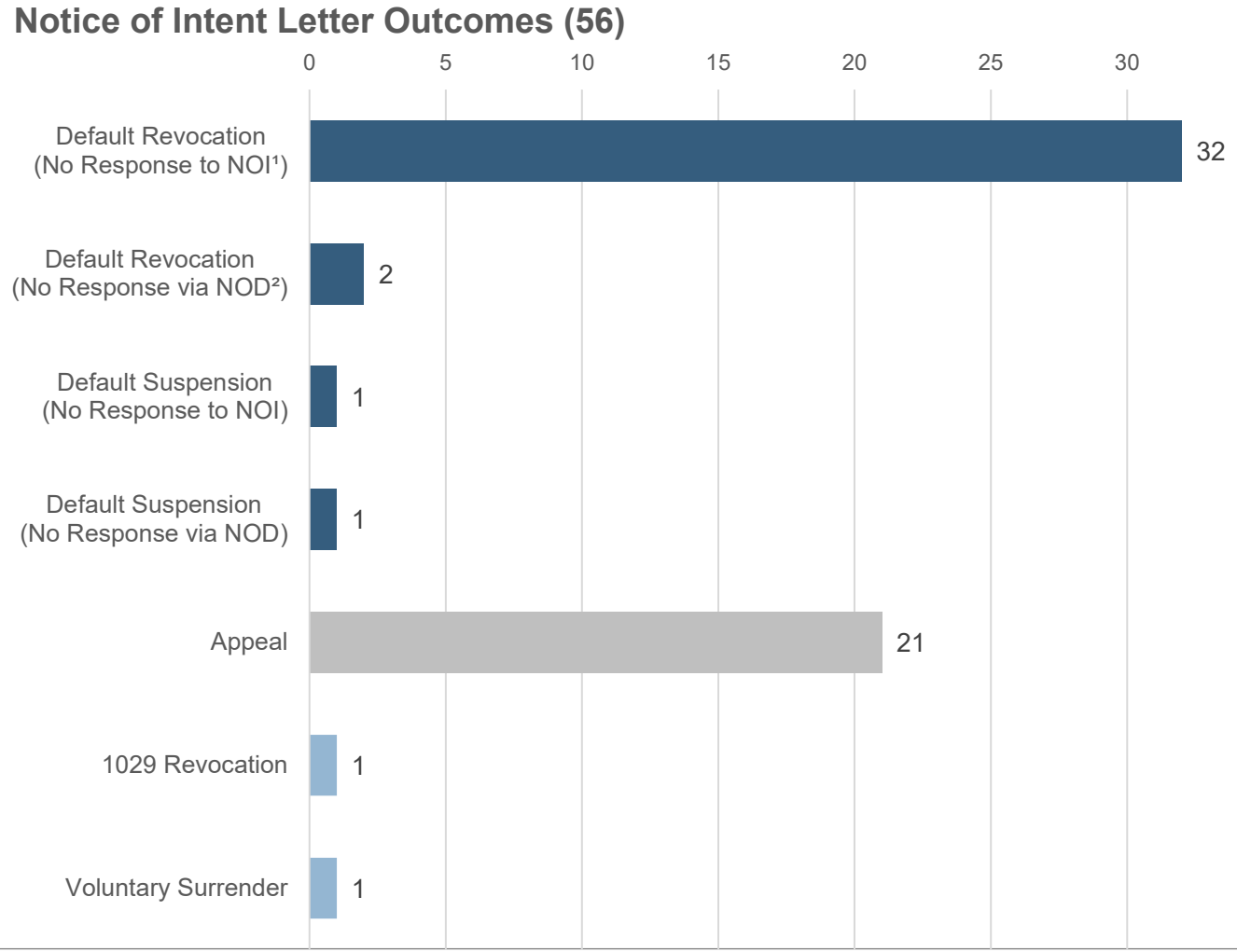
Number of Bases Considered for Issued Immediate Temporary Suspensions



Immediate Temporary Suspensions Resulting in Action or Withdrawal



Over half of subject officers who have received a Notice of Intent letter did not respond, resulting in default outcomes.



When a peace officer has engaged in serious misconduct under clear and convincing evidence, the Division sends a Notice of Intent letter (Notice) to the subject officer. This Notice provides a detailed explanation of the decertification procedure and the officer's rights to contest and appeal.

To contest this Notice, the subject officer is required to submit an appeal within 30 calendar days of the Notice's mailing date.

As of date, a total of 56 Notice of Intent to Revoke letters were sent to peace officers.

36 Notices resulted in a default decision; 33 defaulted from failure to respond to the Notice within the 30-day appeal timeframe, and 3 defaulted after hearing before the Board and Commission due to failure to timely respond to POST's accusation with a Notice of Defense.

21 Notices resulted in appeals; of these appeals, 15 have been heard by the Board and Commission and 6 are still pending hearing.

1. **Notice of Intent to Revoke letter**. Failure to respond within 30 days of the Notice's mailing date results in a default action without any further proceedings.
2. **Notice of Defense**. When the Commission deems that action against a peace officer's certification is warranted, POST works with the Attorney General's Office to file an accusation against the subject officer. In accordance with Government Code section 11520, failure to respond to this accusation with a Notice of Defense within 15 days results in the imposition of the Commission's determination without further proceedings.

Almost half of the cases receiving Notice of Intent letters involve POST capturing additional causes for action or amending the agencies' causes for action to align with the regulatory definitions of serious misconduct.

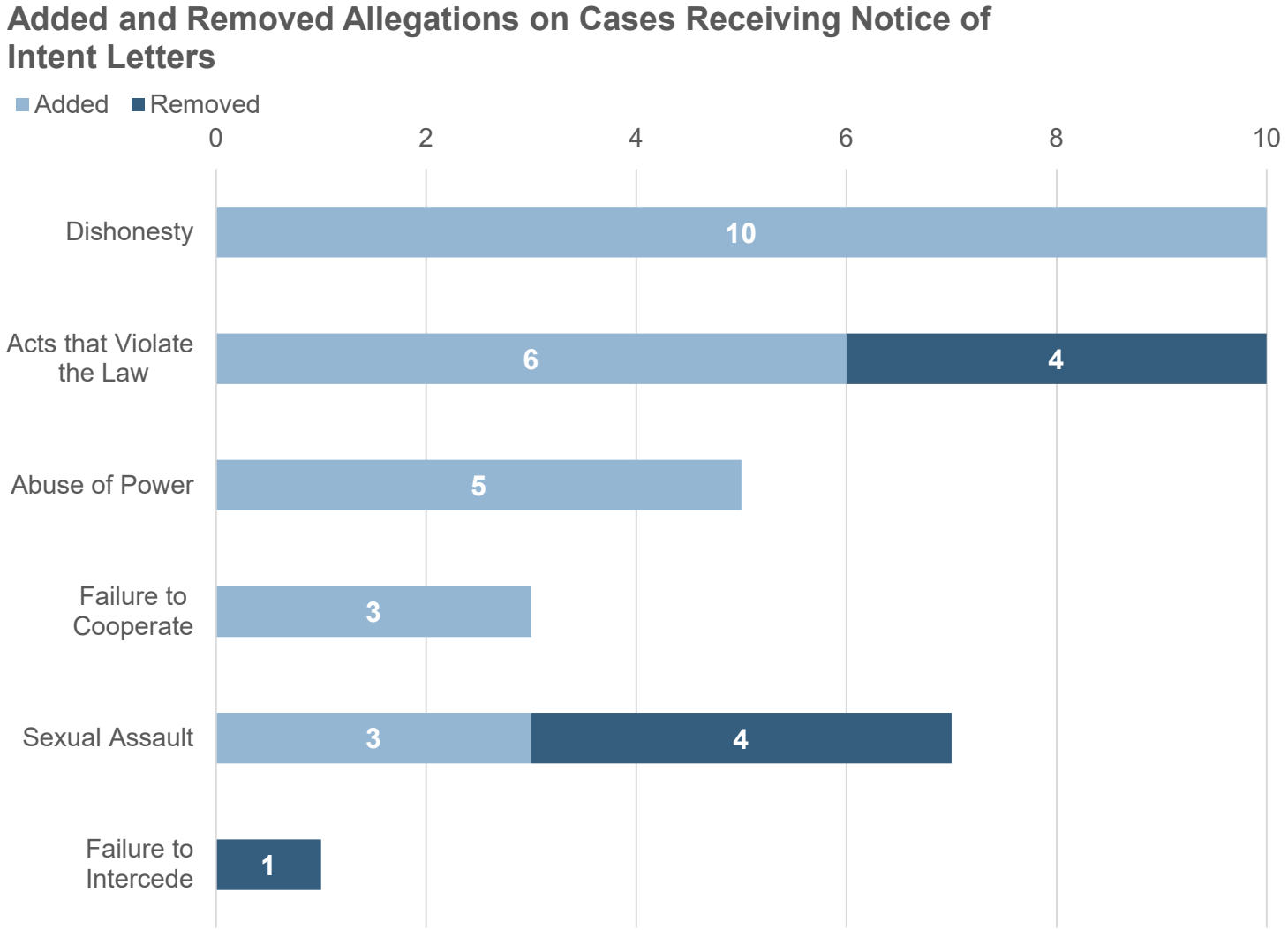
POST revised the original allegations submitted by agencies in **26 of the 56 cases** that received a Notice of Intent letter.

The **most frequent additions** were allegations of **Dishonesty** and **Acts that Violate the Law**, where POST identified additional serious misconduct that was not originally captured within the agency's findings.

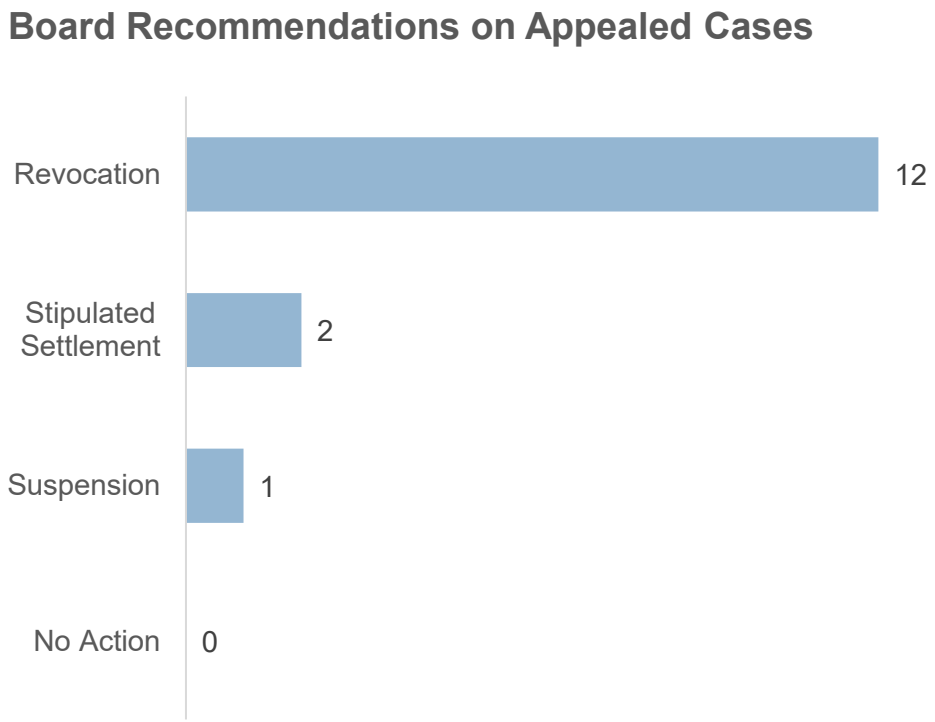
The **most common removals** were allegations of **Acts that Violate the Law** and **Sexual Assault**.

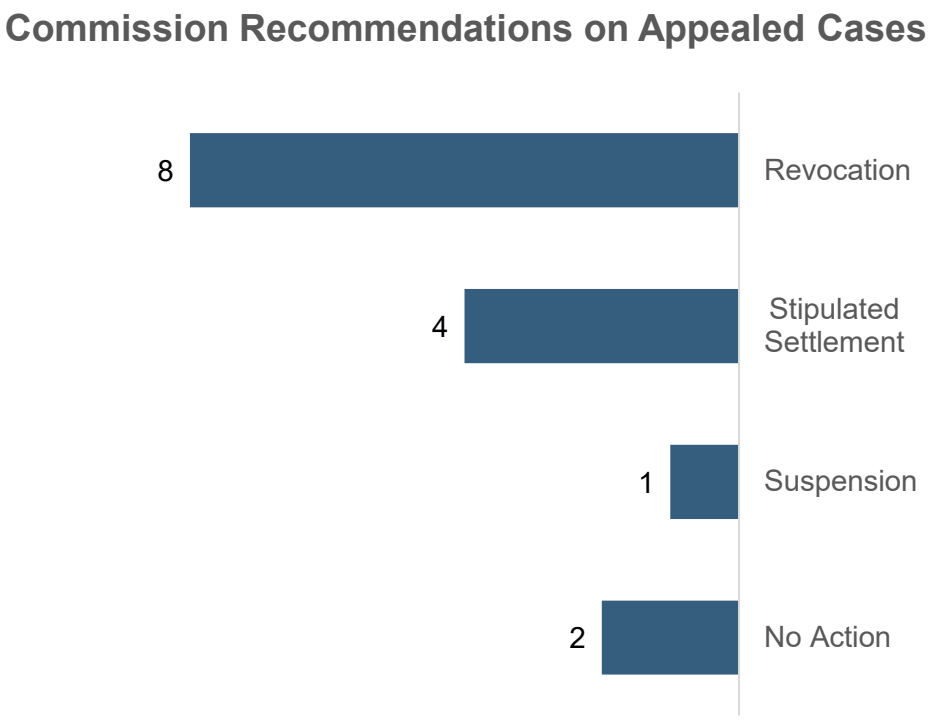
Acts that Violate the Law allegations were often removed when the conduct did not meet the definition of serious misconduct—typically due to lack of egregiousness or repetition.

Similarly, Sexual Assault allegations were dropped in several cases due to not meeting statutory definitions, particularly where the conduct occurred off-duty which rendered the allegations non-jurisdictional.



Comparing Board and Commission recommendations on appealed cases:





The Board has moved to revoke in most cases (12 out of 15), across a range of allegations. The exceptions include cases involving DUIs; one resulted in a suspension, which occurred before awareness of the stipulation process, while two were resolved through stipulated settlements.

In contrast, the Commission has moved to revoke in just over half of cases (8 out of 15). Two cases, both which involved Dishonesty allegations, resulted in no action. All DUI-related cases reviewed by the Commission (4) were resolved through stipulated settlements. One case involving excessive use of force resulted in suspension.

Appendix

Glossary of Terms, Part One – General Terms

Accusation	A written statement of charges against a respondent. This statement also outlines the agency's jurisdiction and intended discipline over alleged conduct.
Agency Misconduct Report	A report created in Mark43 that provides information about serious misconduct allegations against a peace officer or law enforcement agency.
Agency Supplemental Report	A report created in Mark43 to provide additional information to an Agency Misconduct or Public Complaint report.
Case	When a serious misconduct report is approved, it is created into a case and assigned to POST staff for review. A case will contain at least one Agency Misconduct report or Public Complaint report (or both). It may also contain an Agency Supplemental report if the agency provides POST with further updates on the incident.
Commission	A group of up to 18 commissioners consisting of city and county administrators, law enforcement professionals, educators, and public members which meets at least three times a year to establish standards, regulations, and give direction to POST staff.
Default Revocation/Suspension	Disciplinary action taken against a peace officer's certification after failure to appeal the Division's Notice of Intent letter within 30 days or accusation with a Notice of Defense within 15 days.
Disqualified	An individual that is disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 and does not hold a Proof of Eligibility or certificate from POST.
Ineligible	An individual that is disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 prior to the enactment of SB 2 (January 1, 2022).
Mark43	The secure electronic records management system used by the Division to receive and manage serious misconduct reports and cases.
Notice of Defense	The document submitted by the respondent to preserve their right to a hearing after receiving an accusation. If a Notice of Defense is not timely filed within 15 days of the accusation's service, the agency may impose the outcome by default.
Notice of Intent Letter	Notice that provides the subject officer with a detailed explanation of the decertification procedure and the officer's rights to contest and appeal the Division's intent to take action against their peace officer certification.
Peace Officer Standards Accountability Advisory Board (Board)	An advisory body to the Commission that reviews serious misconduct cases involving peace officers. The Board was created by Senate Bill 2 and is comprised of 9 appointed members.
Peace Officer Standards Accountability Division (Division)	A new division created by Senate Bill 2 that is responsible for the intake and investigation of serious misconduct allegations that may provide grounds for suspension or revocation of a peace officer's certification.
Public Complaint	A complaint of potential serious misconduct from a member of the public.
Public Complaint Report	A report created in Mark43 that provides information about potential serious misconduct allegations from a public complaint.
Revoked	The peace officer has been decertified and may not exercise the duties and powers of a peace officer. A revocation is permanent, and the certification shall not be reactivated.
Immediate Temporary Suspension	The immediate suspension of a peace officer's certification, pending the outcome of an investigation related to allegations of serious misconduct, pursuant to Penal Code section 13510.8(d). The "temporary suspension" may be issued under the following circumstances: When a peace officer is arrested or indicted for a felony or other crime listed in Government Code section 1029, When a peace officer is discharged from a law enforcement agency for serious misconduct, or When a peace officer has separated from employment as a peace officer during a pending investigation into allegations of serious misconduct.
Suspension	A disciplinary action wherein a peace officer certification has been suspended for a specified period of time, not to exceed three years. A peace officer whose certification has been suspended may not be assigned duties which include the exercise of peace officer powers.
Voluntary Surrender (Surrender)	A person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission, forfeiting all rights and privileges associated with th certificate. A "surrender" has the same effect of a revocation in that it cannot be reactivated.

Glossary of Terms, Part Two – Case Terms and Priority Labels

Case Statuses	
Consolidated Case	Case status applied when a case is consolidated into another case due to multiple cases for the same individual/incident.
Deceased	Case status applied to cases that cannot be actioned due to the peace officer being deceased.
Disqualified	Case status applied to cases that result in an individual being disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 and does not hold a Proof of Eligibility or certificate from POST.
Ineligible	Case status applied to cases that result in an individual being disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 prior to the enactment of Senate Bill 2 (January 1, 2022).
Issued in Error	Case status applied to cases with reports/investigations that are generated in error.
NFA_POST	Case status applied to cases when the Division does not take action against a case due to insufficient evidence, absence of serious misconduct, or statutory limitations, etc.
No Commission Action	Case status applied to cases where the Commission's determines no action against a peace officer's certification following the Commission's review of the Board's recommendation.
Non-Jurisdictional	Case status applied to cases with allegations against an individual **not** appointed pursuant to Penal Code Section 830.1, 830.2 with the exception of subdivision (d), 830.3, 830.32, or 830.33.
Revoked	Case status applied to cases that result in the commission's revocation of a peace officer's certification.
Suspension	Case status applied to cases when the Commission's decision is to suspend the peace officer's certification.
Voluntary Surrender	Case status applied to cases where a peace officer voluntarily surrenders their certification.
Not Actionable	A closure justification for cases that cannot be acted upon due to lack of statutory authority, e.g, conduct and findings took place prior to January 1, 2022.
Not Clear and Convincing	A closure justification for cases where the clear and convincing evidentiary standard could not be established upon review and analysis of case facts.
Not Serious Misconduct	A closure justification for cases that did not involve acts of serious misconduct as defined in Commission Regulation 1205.
Labels	
POST ITS	Contains a potential ITS basis outlined in Penal Code section 13510.8(d).
Priority 1	Contains politically/media-sensitive content or sustained agency findings, regardless of the incident or agency finding date.
Priority 2	Contains sustained agency findings for policy violations that may or may not fall under the definition of serious misconduct.
Priority 3	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **after** January 1, 2022.
Priority 4	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **before** January 1, 2022.
OPEN INV	Contains an ongoing agency investigation without agency findings.

Questions?

Thank you!

AGENDA ITEM REPORT

Title: POST2305110 - BRIAN KAWAMOTO (POST ID: C34-D38)
**LAST EMPLOYING AGENCY: TORRANCE POLICE DEPARTMENT **

REPORT PROFILE

MEETING DATE 07/16/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY Robert Bringolf		**REVIEWED BY** Mike Radford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent Brian Kawamoto began his employment with Torrance Police Department (TPD) on November 17, 2014, as a full-time Police Officer. At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. Respondent was discharged from his position with TPD on October 24, 2022. The Respondent is not currently employed as a peace officer in the State of California.

This position is a peace officer position defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a). The case before the Board alleges the Respondent, on five separate occasions, either sent or replied to, text messages which were deemed as demonstrating bias as defined in Commission Regulation 1205(a)(5).

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent’s conduct amounted to demonstrating bias as described in Commission Regulation 1205(a)(5), in that on five separate occasions, Respondent either sent or replied to text messages, which are inconsistent with Respondent's obligation to carry out his duties in a fair and

unbiased manner. The Division finds all of the messages were examples of the Respondent's repetitive misconduct which confirms the Respondent violated TPD's policies on several occasions relating to inappropriate speech and unprofessional conduct. In addition to violating the Department's policies with regard to prohibited speech, expression, and conduct, clear and convincing evidence exists that Respondent violated California Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5) - Demonstration of Bias.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2305110_Kawamoto_Brian_ISF.pdf
BR02_POST2305110_Kawamoto_Brian_Attachment_A_ExecReviewDivisionRec (1).pdf
BR03_POST2305110_Kawamoto_Brian_Attachment_B_POSTProfile (1).pdf
BR04_POST2305110_Kawamoto_Brian_Attachment_C_Termination Letter.pdf
BR05_POST2305110_Kawamoto_Brian_Attachment_D_TranscriptExcerpts.pdf
BR06_POST2305110_Kawamoto_Brian_Attachment_E_TextMessages.pdf
BR07_POST2305110_Kawamoto_Brian_Attachment_F_TorrancePolicies.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Brian Keith Kawamoto

POST ID NUMBER: C34-D38

EMPLOYING AGENCY: Torrance Police Department

POST CASE NUMBER: POST2305110

WRITTEN BY: LEC Robert Bringolf

DATE: 04/11/2025

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d. Peace Officer Certification 4

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I. Executive Summary

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Brian Keith Kawamoto, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and transphobic sentiments which demonstrated his bias and inability to fairly and impartially perform his duties as a peace officer.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. The Respondent was terminated from the TPD on October 4th, 2022.

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

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

Respondent had no disciplinary actions on file with the Torrance Police Department and his most recent performance review indicated that his performance was generally meeting standards or above standards.

While employed as a peace officer, or deputy trainee, Respondent received the following training relevant to this allegation:

- Basic Police Academy
- Racial Profiling

- Racial Profiling Update – 4 Hours – 03/12/2019

c. Prior Employment History

Respondent began his law enforcement career with the San Bernardino County Sheriff's Office as a deputy sheriff on March 12, 2011; Respondent was hired by the Torrance Police Department on November 17, 2014. Respondent was terminated from the Torrance Police Department on October 4, 2022.

d. Peace Officer Certification

Respondent is assigned POST ID C34-D38. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #145522 (Issued: March 26, 2012)
- Intermediate #122441 (Issued: March 19, 2013)
- Advanced #113286 (Issued: March 20, 2017)

e. The Present Allegations of Serious Misconduct

1. ***Penal Code Section 13510.8(b)(5), as clarified by Commission Regulation 1205(a)(5)[1] – Demonstrating Bias:***

> (a)(5) Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's

[1] See 11 Cal. Code Regs. § 1205(a)(5) (as modified on April 18, 2024).

obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is “demonstrating” bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, their law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

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 the review of TPD’s administrative investigation which contained interviews of witness officers and the subject officer. The TPD also provided the Peace Officer Standards Accountability Division (Division) the raw data seized from the cellular telephones of other Torrance Police Officers during a criminal investigation.

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.[2] 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 March 26, 2023, Torrance Police Department (TPD) reported allegations of serious misconduct against Respondent to POST pursuant to California Penal Code Section 13510.9(a)(3). The allegations stemmed from the discovery of homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

On January 27, 2020, two other Torrance Police Officers, Christopher Tomsic and Cody Weldin, were the subject of a criminal investigation wherein it was alleged they had vandalized an arrestee's vehicle by, among other means, spray painting a swastika and a smiley face on the interior of the arrestee's vehicle during an inventory/search.[3]

[2] The Division, as described further below, received information concerning approximately 390 messages exchanged between several peace officers. Respondent both received and responded to a certain subset of these 390 messages. The Division also reviewed instances where Respondent's words, acts or other conduct did **not** demonstrate bias by clear and convincing evidence. The Division's Investigative Summary and Findings in this case does not attempt to summarize every single instance in which Respondent sent or received a message, however. Instead, the Division's Investigative Summary and Findings addresses specific messages where Respondent's words, acts or other conduct demonstrated bias within the meaning of Penal Code section 13510.8(b)(5).

[3] On Thursday April 10, 2025, Officers Tomsic and Weldin plead guilty to felony vandalism. They will spend two years on probation and must give up their right to serve as law enforcement officers in California as well as complete 100 hours of community service and 15 hours of anti-racism training.

As a result of the criminal investigation, Torrance Police Detectives obtained a search warrant for Tomsic's and Weldin's DNA and their personally owned cellular telephones.

The data from the cellular telephones was provided to an analyst at the Los Angeles County District Attorney's Office for review and with the intent to determine whether the two suspect officers had any ties to white supremacy.

During the review of the data, the District Attorney's analyst discovered around 390 messages that were believed to contain or reference antisemitic, homophobic, racist, or transphobic remarks. Those messages were sent between Tomsic, Weldin and several other officers, including Respondent.

On **March 25, 2019**, in a direct text with Officer Weldin, Officer Weldin texted, "Just had a shooting." Respondent replied, "Fuck," and, "I trust y'all have them moon crickets[4] in custody in no time!"

On **May 2, 2019**, Officer Weldin texted Respondent directly, "If it's any consolation, I like sober 'beating-up-savage monkeys' Brian, and I also like drunk 'hood-rat-shit-with-my-friends' Brian." Respondent replied, "Well I appreciate that lol."

On **September 10, 2019**, Respondent texted officers Weldin, Tomsic, and Alonso a photo of coffins saying, "This is from the coffin display at rice mortuary. Look at the one on the bottom." Weldon responded, "For all them nigglets we put down." Respondent replied, "Haha yeah, I got a water heater box that's just as good I can sell you for the half the price if you're interested though."

On **November 19, 2019**, Respondent texted Officer Weldin, "Happy birfday, nigga!" Weldin responded, "Just making sure you don't go to that location due to the fact that they have 7 fewer employees now to serfe up some spicy chicken sandwiches[.]" Respondent

[4] "Moon Cricket is a racial slur against black people. The exact origin is obscure. One theory suggests it began with US slaves, who sang as a pastime – an act of community and resistance- at night after their labor – Source: dictionary.com

sent, “Good call. What’s the game plan for your birthday?” Weldin texted, “Make money, beat niggas[.]” Respondent replied, “I know nothing puts a bigger smile on yo grill.”

On **December 24, 2019**, Respondent texted an image meme[5] to Officers Alonso, Tomsic, and Weldin. In that image meme there were three Christmas-related images (a star for the top of a Christmas tree, a Christmas ornament, and a candy cane) and an old black and white image of a Black person (appearing to be a slave). On the top of the image meme were the words, “Which one doesn’t belong?” at the bottom of the meme were the words, “That’s right, you don’t hang the star”.

On April 1, 2022, Respondent was interviewed as part of a large-scale internal affairs investigation stemming from the discovery of the above-mentioned messages. During the interview Respondent was advised of his Constitutional Rights per 3303(h) of the Government Code. Respondent invoked his right to remain silent and was compelled to provide a statement. The interviewer admonished Respondent pursuant to *Lybarger*[6] and then the interview continued.

During the internal affairs investigation Respondent provided his cellular telephone number to the investigator[7]. Respondent advised he had a work cell phone for an abbreviated time while he worked for TPD. Respondent stated his wife would occasionally use his phone, but it was safe to say that all the messages were his[8]. Respondent told investigators that he did not allow others to send text messages from his phone and that he used the cell phone to send and receive text messages to and from Torrance Police Department co-workers.

[5] an image, video, piece of text, etc., typically humorous in nature, that is copied and spread rapidly by internet users, often with slight variations.
[6] *Lybarger v. City of Los Angeles,* 40 Cal. 3d 825 (1985).
[7] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 7.
[8] Attachment D: Respondent Transcripts 4/01/22 Transcript Pg 7.

City of Torrance and TPD Policies

Penal Code Section 13510.8(b)(5) and Commission Regulation 1205(a)(5) both establish that the demonstration of bias in violation of department policy constitutes serious misconduct. The City of Torrance and the TPD enforce several policies relating to the conduct of their employees. What follows is a summary of some of the most relevant policies which relate directly to Respondent's conduct in this case:

- The Law Enforcement code of Ethics, Policy 104 states "I WILL keep my private life unsullied as an example to all…. I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service."

- The City's Anti-Harassment Policy 34.10a, Protected Classifications prohibits harassment or discrimination because of an individual's protected classification. This classification includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim.

- The City's Anti-Harassment Policy 34.10d, Visual or Written Harassment prohibits the display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may

include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

- The City's Anti-Harassment Policy 134.05 requires that all City employees shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division.

- The City's Anti-Harassment Policy 134.15 states it is the employee's responsibility to report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

- General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D) explain the Department's philosophy and expectations of personnel in their service to the community. Section 1.10.3(B) Service to the Community, emphasizes the rules and regulations of the Department such as maintaining a professional attitude and demeanor that will not in any manner communicate any personal prejudices. In addition, members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public. General Order 2.01.1(A) explains it is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. General Order 2.33.1(D) defines prohibited speech, expression, and conduct which tends to compromise or damage the mission, function, reputation, or professionalism of the TPD or its employees, such as speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as

a witness, and additionally speech or expression that is contrary to the Mission Statement or Core Values of the TPD.

- TPD policies 319.4, 319.5.7(i), 319.5.8, 319.5.9, 401.2, 401.3, 1021.4 - TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

On October 4, 2022, the City of Torrance, CA sent Respondent a letter of intent to terminate his employment as a police officer with TPD. In the letter, authored by then-Assistant City Manager Danny E. Santana, Respondent's involvement in the above-listed messages was classified as racist, and TPD terminated Respondent based on Respondent's violation of several Torrance Police Department Policies.

On May 8, 2023, the Commission on POST's Assistant Executive Director, Annemarie Del Mugnaio issued an immediate temporary suspension for Respondent's POST Certification.

V. Analysis and Findings

a. Establishing Jurisdiction

The Commission on POST may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022 if the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.[9]

The final determination in this allegation of serious misconduct resulted in Respondent's termination, which occurred on October 4, 2022.[10] The investigation was still ongoing after January 1, 2022 as evidenced by Respondent's internal affairs investigation interview on April 1, 2022.[11] Because the TPD made its final determination regarding its investigation of Respondent after January 1, 2022, the Commission on POST has jurisdiction to consider this serious misconduct action.

b. Does the alleged conduct violate Penal Code 13510.8(b)(5) and California Regulation 1205(a)(5) – Demonstration of bias on the basis of race?

When analyzing the serious misconduct allegation of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5), "demonstrating bias," the Division evaluates whether the subject officer, through words, action or other conduct showed prejudice, intolerance, contempt or hatred towards a protected class of persons. If the subject officer did show prejudice, intolerance, contempt or hatred towards a protected class of persons, the Division then considers whether the words, action or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the

[9] California Penal Code section 13510.8(g)(1)(B).
[10] Termination letter dated October 4, 2022, Pg 1.
[11] Compendium file, Respondent's Interview Transcripts.

officer's law enforcement duties. If so, serious misconduct is shown if the officer's words, action or conduct either: 1) violates applicable law, 2) violates department policy, or 3) is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the above guidelines to determine whether the allegation of bias was true to a clear and convincing standard.

Regarding the **March 25, 2019** message between Respondent and Officer Weldin, Weldin texted Respondent stating, "Just had a shooting". Respondent replied, "Fuck" and, "I trust y'all have them moon crickets in custody in no time!" During Respondent's internal affairs interview, when asked about his use of the term "moon crickets," Respondent stated the following: "So moon crickets is a word that…I heard it like in training or something once that I thought was funny, but refers to Black people and I don't know why specifically I said that, but yeah, I shouldn't have sent that either, sir. It's offensive."[12] When the internal affairs investigator asked if the March 25, 2019 message represented the only time when Respondent ever used the term "moon cricket" when referring to Black people, Respondent answered: "Probably not sir."[13]

As Respondent acknowledged during his internal affairs interview, the exchange between Officer Weldin and Respondent is inherently offensive. It is also racist. Respondent's conduct, in sending the message "I trust y'all have them moon crickets in custody in no time!" shows prejudice and intolerance towards a protected class of persons. Respondent's message also violated

[12] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 43.
[13] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 45.

several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policies (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D). Even when viewed in the light most favorable to Respondent, the racist epithet used to describe the suspects in a shooting who might be subject to enforcement action from the Torrance Police Department necessarily erodes the public's confidence in Respondent's ability to fairly perform his law enforcement duties. A reasonable person would conclude that Respondent's message shows Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community, specifically because Respondent makes a statement indicating he assumed the suspects in the shooting would be black without possessing any other information about the crime.

Regarding the **May 2, 2019** text in which Officer Weldin texted Respondent directly, "If it's any consolation, I like sober 'beating-up-savage monkeys' Brian, and I also like drunk 'hood-rat-shit-with-my-friends' Brian." Respondent replied, "Well I appreciate that lol." This message is another example of the use of a racist epithet and an indication of a use of force on a protected class of persons. When Respondent was asked what Officer Weldin meant when he texted: "…I like sober beating up savage monkeys…", Respondent answered: "*Sounds like he's referring to beating up black people, sir.*"[14]

While the racist epithet was not used by Respondent, his reply to Officer Weldin "[w]ell I appreciate that lol" indicates a tacit approval of the use of dehumanizing and racist language and shows intolerance and prejudice toward black people. It is also reasonable to believe that Officer Weldin is indicating Respondent is

[14] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 66.

known for using physical force against black people, or that using physical force against black people is a foregone conclusion between these two officers. This message exchange violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policies (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D). After reading this message exchange, a reasonable person would conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

Regarding the **September 10, 2019** text in which Respondent texted Officers Weldin, Tomsic and Alonso a photo of coffins saying, "This is from the coffin display at rice mortuary. Look at the one on the bottom." Weldon responded, "For all them nigglets we put down." Respondent replied, "Haha yeah. I got a water heater box that's just as good I can sell you for half the price if you're interested though". When asked during his internal affairs interview what Officer Weldon meant when he texted "[f]or all the nigglets we put down," Respondent answered: "[i]t sounds like [Officer Weldin is] talking about being for all the black children that he said we've put down."[15] The internal affairs investigator then asked what Respondent believed the term "nigglets" meant. Respondent answered: "I think it refers to black children. I think he's mixing the N word with piglet type of thing."[16]

I find this is another example of a pervasive theme among Respondent and several of his coworkers. I find that a reasonable person would consider the use of the term "nigglets" to be racist and an explicit demonstration of bias.

[15] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 39.
[16] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 39.

Further, the officers make jokes about a cardboard box being used for all the "nigglets [they] put down." I find a reasonable person here would infer that the officers were saying the cardboard coffins were for all of the black children the officers have killed or will kill. The fact that Respondent laughed, agreed, and then offered a "water heater box" as an alternative shows participation in joking about killing black children and using cardboard coffins to bury the decedents. Further, it is inferred they are making light of fatal police enforcement contacts involving black people. I find this text and perpetuation of the discourse to be an explicit demonstration of bias, which is inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner. This message exchange also violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policies (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D). A reasonable person, after viewing the disparaging communications between these officers, would conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

Regarding the **November 19, 2019**, text conversation in which Respondent texted Officer Weldin, "Happy birfday, nigga!" Weldin responded, "Just making sure you don't go to that location due to the fact that they have 7 fewer employees now to serfe up some spicy chicken sandwiches[.]" Respondent sent, "Good call. What's the game plan for your birthday?" Weldin texted, "Make money, beat niggas[.]" Respondent replied, "I know nothing puts a bigger smile on yo grill."

I find this is another example of a pervasive theme among Respondent and several of his coworkers in which they mock black people. These messages are inherently offensive and racist. The messages also violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-

Harassment Policies (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D). Respondent's conduct, in sending the message shows prejudice and intolerance towards a protected class of persons. Even when viewed in the light most favorable to Respondent this message erodes the public's confidence in Respondent's ability to fairly perform his law enforcement duties. A reasonable person would conclude that Respondent's message shows Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

These types of statements and messages discredit the Torrance Police Department in potentially irreparable ways and violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policy (34.05, et seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D).[17] Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he sent the above-listed text messages.

Regarding the **December 24, 2019** text in which Respondent sent an image meme to Officers Alonso, Tomsic and Weldin which referenced hanging a person. In that image meme there were three Christmas-related images (a star for the top of a Christmas tree, a Christmas ornament, and a candy cane) and an old black and white image of a Black person (appearing to be a slave). On the top of the image meme were the words, "Which one doesn't belong?" at the

[17] Attachment F: Torrance Policies

bottom of the meme were the words, “That’s right, you don’t hang the star.” After Officer Weldin replied “I done nearly pissed myself”, Respondent texted “Happy kwanza (sic)”. When asked by the internal affairs investigator if he remembered sending the messages, Respondent replied: “*Yes, sir, I do. There’s no excuse. I understand it’s offensive…*”[18] The internal affairs investigator subsequently asked Respondent whether this message was disparaging or discriminatory towards Black people. Respondent replied: “*I feel like it was offensive to Black people…Because it’s making references to when Black people had been hung in the perspective*.”[19]

This image and the messaging associated with the image is inherently offensive and racist. The image and messages also violated several of the Torrance Police Department’s policies, including but not limited to: TPD’s Anti-Harassment Policies (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D). Respondent himself acknowledged that he knew the message “was offensive to Black people.” Respondent’s conduct, in sending the message shows prejudice and intolerance towards a protected class of persons. Even when viewed in the light most favorable to Respondent, sending a picture of a black person and suggesting that the black person should be hanged, followed by the message “Happy kwanza (sic)” is unequivocally racist and erodes the public’s confidence in Respondent’s ability to fairly perform his law enforcement duties. A reasonable person would conclude that Respondent’s message shows Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

[18] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 22.
[19] Attachment D: Respondent Transcripts 4/01/22 Interview Pg 23.

These types of statements and messages discredit the Torrance Police Department in potentially irreparable ways and violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policy (34.05, et seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D).[20] Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he sent the above-listed text messages.

VI. Supporting Evidence and Documentation

Attachment "A" – Executive Review and Peace Officer Standards Accountability Division Recommendation

Attachment "B" - Respondent's EDI Report

Attachment "C" - Termination Letter

Attachment "D" – Excerpts from Respondent Transcripts 4/01/22 Interview

Attachment "E"- Text messages – sorted by date

Attachment "F" - Applicable Torrance Policies

VII. Findings

Based on the evidence that Respondent sent discriminatory texts in violation of TPD policies, and because a reasonable person would conclude that Respondent has not or will not perform his duties fairly and impartially as a result, the Division finds there is clear and convincing evidence that Respondent engaged in serious misconduct, to wit demonstrating bias in violation of Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5). Therefore, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of suspension or

[20] See Torrance Policies

revocation of Respondent's POST certification in accordance with the Executive Review and Peace Officer Standards Accountability Division Recommendation.[21]

[21] See Attachment "A".

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: May 1, 2025

CASE #: POST2305110

PEACE OFFICER: Brian Keith Kawamoto

POST ID#: C34-D38

AGENCY: Torrance Police Department

POST CONSULTANT / BC: Robert Bringolf / Mike Radford

ALLEGATION(S):

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Brian Keith Kawamoto, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and transphobic sentiments which demonstrated his bias and inability to fairly and impartially perform his duties as a peace officer.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent sent discriminatory messages in violation of TPD policies, and such messages contain bias speech wherein a reasonable person would conclude that Respondent has not or will not perform his duties fairly and impartially. As such, the Division finds there is clear and convincing evidence that Respondent engaged in serious misconduct, to wit demonstrating bias in violation of Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5).

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	5/6/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	5/8/25 Date
Manny Alvarez Executive Director	Signature	05/09/2025 Date

cc: Bureau Chief Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

KAWAMOTO, BRIAN KEITH

AKA: N/A

DATE: 04/23/2025

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C34-D38		[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
145522	B	03/26/2012	0	46.00	0.00	Invalid
122441	I	03/19/2013	BS	46.00	4.00	Invalid
113286	A	03/20/2017	BS	0.00	0.00	Invalid

Total Number of Certificates: 3

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
03/12/2011	11/05/2014	1	DPTY	03/12/2011	36000	SAN BERNARDINO CO SD	F	P	
11/17/2014	10/04/2022	2	PO	11/17/2014	19720	TORRANCE PD	F	P	

***Reason for Separation: 1 = Resigned, 2 = Discharge**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/29/2010	K	2330-21165-10-007	8		Y	36000	S BRNDO SD	*	DRIVER TRNG (EVOC) UPD (PIT)
03/10/2011	A	2330-00100-10-001	920		Y	36000	S BRNDO SD		BASIC COURSE-INTENSIVE
03/23/2011	K	2330-21185-10-172	8		Y	36000	S BRNDO SD	*	USE OF FORCE UPDATE
07/20/2011	K	2330-21769-11-013	4		Y	36000	S BRNDO SD		FIRST AID REFRESHER
07/20/2011	C	2330-00300-11-013	4		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
11/30/2011	C	2330-00300-11-095	2		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
11/30/2011	K	2330-23093-11-017	2		Y	36000	S BRNDO SD		ELECTRONIC WEAPONS UPDATE
11/30/2011	K	2330-29501-11-017	4		Y	36000	S BRNDO SD	*	FIREARM(PSP)
03/05/2012	K	2330-29502-11-023	4		Y	36000	S BRNDO SD	*	DRIVING(PSP)
03/19/2012	C	2330-00300-11-160	4		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
03/19/2012	K	2330-29503-11-011	4		Y	36000	S BRNDO SD	*	ARSTCTL(PSP)
07/17/2012	C	2330-00300-12-008	4		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
07/17/2012	K	2330-21769-12-008	4		Y	36000	S BRNDO SD		FIRST AID REFRESHER
08/20/2012	K	9180-25554-12-051	2	X	Y	36000	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
11/20/2012	C	2330-00300-12-083	8		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
03/12/2013	C	2330-00300-12-143	8		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
07/23/2013	C	2330-00300-13-013	4		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
07/23/2013	K	2330-21769-13-013	4		Y	36000	S BRNDO SD		FIRST AID REFRESHER
12/09/2013	C	2330-00300-13-094	4		Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
12/09/2013	K	2330-23093-13-023	2		Y	36000	S BRNDO SD		ELECTRONIC WEAPONS UPDATE
12/09/2013	K	2330-29501-13-023	4		Y	36000	S BRNDO SD	*	FIREARM(PSP)
06/13/2014	C	2330-00300-13-206	4	X	Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
06/13/2014	K	2330-29503-13-065	4		Y	36000	S BRNDO SD	*	ARSTCTL(PSP)
07/29/2014	C	2330-00300-14-016	4	X	Y	36000	S BRNDO SD		ADVANCED OFFICER COURSE
07/29/2014	K	2330-21769-14-016	4	X	Y	36000	S BRNDO SD		FIRST AID REFRESHER
02/27/2015	K	2800-22405-14-001	8		Y	19720	TPD		OFFICER SAFETY/FIELD TACTICS UPDATE
05/30/2015	K	2800-29502-14-005	8		Y	19720	TPD	*	DRIVING(PSP)
08/27/2015	K	2800-21771-15-002	8		Y	19720	TPD		FIRST AID/CPR REFRESHER
09/07/2015	K	9180-25554-15-069	2	X	Y	19720	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
09/17/2015	K	2800-29503-15-001	8		Y	19720	TPD	*	ARSTCTL(PSP)

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
09/18/2015	K	2800-23500-15-001	8	X	Y	19720	TPD		WEAPONLESS DEFENSE AND BATON
04/22/2016	K	2800-29501-15-010	8		Y	19720	TPD	*	FIREARM(PSP)
04/04/2017	K	9180-25554-16-278	2	X	Y	19720	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
04/06/2017	K	2800-29503-16-007	8		Y	19720	TPD	*	ARSTCTL(PSP)
04/07/2017	K	2800-23500-16-006	8	X	Y	19720	TPD		WEAPONLESS DEFENSE AND BATON
05/19/2017	K	2540-31725-16-007	40	R	Y	19720	SOBAYRTC		FIELD TRAINING OFFICER
05/24/2017	K	4010-20899-16-028	16	R	Y	19720	LACDA	*	MENTAL ILLNESS AWARENESS
06/03/2017	K	2800-29502-16-014	8		Y	19720	TPD	*	DRIVING(PSP)
07/13/2017	K	2800-29501-17-001	8		Y	19720	TPD	*	FIREARM(PSP)
03/08/2018	K	2800-21798-17-006	8		Y	19720	TPD		FIRST AID/CPR UPDATE
05/03/2018	K	2800-22405-17-003	8	X	Y	19720	TPD		OFFICER SAFETY/FIELD TACTICS UPDATE
08/21/2018	K	2800-20315-18-001	8	X	Y	19720	TPD		DRUG ALCOHOL RECOGNITION UPDATE
10/06/2018	K	9180-25587-18-098	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
10/16/2018	K	1820-20301-18-007	4	X	Y	19720	LASD		BREATH ALCOHOL TESTING DEVICE
12/15/2018	K	9180-25580-18-168	4	X	Y	19720	POST		DOMESTIC VIOLENCE: IT'S YOUR CALL, VOL. 1 (WEB)
03/12/2019	K	4890-23287-18-026	4	X	Y	19720	M TOLERNCE		RACIAL PROFILING UPDATE
04/11/2019	K	2800-29501-18-008	8		Y	19720	TPD	*	FIREARM(PSP)
09/28/2019	K	2800-29502-19-002	8		Y	19720	TPD	*	DRIVING(PSP)
12/01/2019	K	9180-25587-19-154	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
02/20/2020	K	2060-31715-19-005	24	R	Y	19720	ORANGE SD		FIELD TRAINING OFFICER UPDATE
03/02/2020	K	1279-21519-19-006	8		Y	19720	STAS		HUMAN TRAFFICKING INVESTIGATIONS
07/30/2020	K	2800-21797-20-001	8		Y	19720	TPD		FIRST AID/CPR/AED REFRESHER
10/11/2020	K	9180-25589-20-103	2	X	Y	19720	POST		DV RESPONSE & LETHALITY ASSESSMENT (WEB)
11/06/2020	K	9180-25587-20-129	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
03/26/2021	K	9180-25575-20-269	3	X	Y	19720	POST		SEARCH WARRANT FUNDAMENTALS (WEB)
06/23/2021	K	2800-29501-20-009	8		Y	19720	TPD	*	FIREARM(PSP)

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

CITY OF
TORRANCE

OFFICE OF THE CITY MANAGER

Aram Chaparyan
City Manager

Danny E. Santana
Assistant City Manager
310/618-5880
DSantana@TorranceCA.Gov

October 4, 2022

Officer Brian Kawamoto
[redacted]

RE: LETTER OF FINDINGS

Dear Officer Kawamoto:

Upon the authority of the City Manager, I am the designated Administrative Conference Chair in this matter. The purpose of this letter is to inform you that I concur with the recommendation of the Police Chief that you should be terminated. Your termination is effective October 4, 2022.

I. AUTHORITIES UPON WHICH THE DISCIPLINE IS BASED

I concur with the Chief's recommendation that your employment be terminated based on your violation of the following rules, regulations, orders, and/or policies, any of which, standing alone, or in combination with any other, would be sufficient to warrant your termination:

A. RULES THAT APPLY REGARDLESS OF DATE CONDUCT OCCURRED

1. Torrance Municipal Code, Chapter 4, Article 47, Section 14.47.1

A department head, with approval of the City Manager, for misconduct, incompetency, inefficiency, failure to perform duties or to observe the rules and regulations of his [or her] department or of the City: c) May discharge any such employee.

2. Law Enforcement Code of Ethics, Policy 104

I WILL keep my private life unsullied as an example to all…

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

3. City of Torrance Anti-Harassment Policies, Procedures, Protocols, and Events

a. 34.10a- Protected Classifications

> …Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim…

b. 34.10d- Visual or Written Harassment

> The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

c. 134.05- Anti-Harassment Procedure

> All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division…

d. 134.15- Employees' Responsibilities

> Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

B. RULES APPLICABLE TO CERTAIN CONDUCT OCCURRING ON OR BEFORE APRIL 7, 2019

1. General Order 1.10 – Policing Philosophy

a. 1.10.3(B)- Service to the Community

The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:

2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices.

4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.

2. General Order 2.01.1(A) – Employee Rules and Regulations

It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:

4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.

3. General Order 2.33 – Social Media

a. 2.33.1(D)- Prohibited Speech, Expression, and Conduct

To meet the Department's safety, performance, and public-trust needs, the following is prohibited unless the speech is otherwise protected…:

2. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Torrance Police Department or its employees.

3. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

5. Speech or expression that is contrary to the Mission Statement or Core Values of the Torrance Police Department.

C. RULES APPLICABLE TO CERTAIN CONDUCT OCCURRING ON OR AFTER APRIL 9, 2019

1. Standards of Conduct (General Standards) Policy 319.4

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules

enacted or established pursuant to legal authority. Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

2. **Standards of Conduct (Causes for Discipline) Policy 319.5.1(a) – Laws, Rules and Orders**

   (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

3. **Standards of Conduct (Performance) Policy 319.5.7(i) – Actions that Discredit Torrance Police Department**

   Any act on or off duty that brings discredit to this department.

4. **Standards of Conduct (Conduct) Policy 319.5.8**

   (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.

   (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.

   (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

5. **Employee Speech, Expression, and Social Networking Policy 1021.4 [1]-- (Prohibited Speech, Expression and Conduct)**

   (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Torrance Police Department or its employees.

   (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

[1] From January 14, 2020 – May 5, 2020, this policy was re-numbered as 1022.4. All text remained identical.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Torrance Police Department.

II. FACTS SUPPORTING THE CHARGES

Between February and March 2020, detectives from the Torrance Police Department (TPD) conducted an investigation into a vandalism report filed by an individual whose vehicle was vandalized in the process of being impounded. Detectives determined that two TPD officers - Cody Weldin and Christopher Tomsic - were suspects for the vandalism. On March 3, 2020, the investigation was reassigned to Crimes against Persons Sergeant J. Masalcas who was assisted by Special Investigations Unit Sergeant J. Taylor. During Sergeant Masalcas' investigation, he obtained a search warrant for the contents of the personal cellphones of Weldin and Tomsic. Upon the successful extraction of information from the phones, Sergeants Masalcas and Taylor found evidence implicating both officers in the vandalism incident. Detectives submitted the completed criminal investigation to the Los Angeles District Attorney's Office and requested the filing of criminal charges on both officers.

On or about August 16, 2021, the Los Angeles County District Attorney's Office ("LADA") notified TPD that concerning electronic messages were discovered on officers' cellphones. Allegedly, multiple TPD officers exchanged these concerning electronic messages. The LADA's analysis revealed approximately 390 messages containing or referencing discriminatory topics, including but not limited to anti-Semitic, racist, homophobic, and transphobic remarks. The LADA identified you as one of the officers involved in the exchange of these messages. TPD subsequently opened an administrative investigation into the LADA's concerns.

The data revealed that during the period from approximately March 2019 through February 2020, while both on and off duty, you sent or interacted with (for example, by 'liking', commenting upon, or otherwise reacting to) approximately sixteen text messages that contained biased, discriminatory, racially/ethnically insensitive, and otherwise inappropriate text messages to other members of TPD. The texts were as follows:[2]

3/25/2019	Officer Cody Weldin texted you saying he "Just had a shooting". You responded, "Fuck" and "I trust y'all have them moon crickets in custody in no time!"
4/19/2019	You sent a YouTube video titled "MeowMewNig" to Officers Weldin and Tomsic, where the person in the video yells, "*meow meow nigga*".

[2] I agree that this does not represent an exhaustive list of the text messages that you exchanged or that are inappropriate on multiple levels. This is however a list of messages that were most clearly inappropriate and in which you actively participated.

4/19/2019	You sent a YouTube video titled "The cat behind the slaughter" which depicts photos of sets of cats with multiple uses of the "N" word to describe each set based on their characteristics.
5/2/2019	Officer Weldin texted you saying "If it's any consolation, I like sober 'beating-up-savage monkeys' Brian, and I also like drunk 'hood-rat-shit-with-my-friends' Brian". You replied, "Well I appreciate that lol"
7/18/2019	Officer Weldin texted you a photo of a small Black child in a fish tank, with the caption "Pet niguana $50 Detroit, MI (48202) This must go. Today. HMU," with a comment, "Brian, looks like a pet monkey can be affordable for you." You replied, "Oh Omar lol," "I mean Christopher." And shortly after followed up with, "Hahahaha … the best part is she didn't learn it from me!"
9/10/2019	You texted Officers Weldin, Tomsic, and Alonso a photo of coffins saying, "This is from the coffin display at rice mortuary. Look at the one on the bottom." Weldin responded, "For all them nigglets we put down." You then replied, "Haha yeah. I got a water heater box that's just as good I can sell you for half the price if you're interested though."
9/12/2019	Officer Weldin texted you and Officers Tomsic and Alonso a cartoon that referenced racial stereotypes and depicted a Black male stabbing a white female and stealing her purse. You responded with a gif of the actor Jack Nicholson laughing.
10/7/2019	Officer Weldin texted you a video involving different photos of Johnny Depp, where the narrator uses the "N" word to describe each photo. The "N" word is used over a dozen times in the video. You replied, "Johnny has a lot of hits."
10/12/2019 (on-duty)	You sent a photo to Officers Tomsic, Weldin, and Alonso saying, "I, (and a ninja face in the shape of a heart) ninjas." On the photo the "n" and the "j" are crossed out and below them is a double "g" handwritten in to spell out the word "nigga." Weldin responded "my man" and you reply, "Hahahaha, never pass up an opportunity like dat."
10/18/2019 (on-duty)	Officer Weldin texted you and Alonso "Got this nigga". You 'liked' the text.
11/5/2019	You texted Officer Weldin saying, "Nigga C-dub, you need anything for your party? Should be available, my nigga…"
11/10/2019	You texted Officer Weldin, "Nigga, you got Netflix?"
11/19/2019	You texted Officer Weldin, "Happy birfday, nigga!" Weldin responded, "Just making sure you don't go to that location due to the fact they have 7 fewer

	employees now to serve up some spicy chicken sandwiches." You texted back, "Good call. What's the game plan for your birthday?" Weldin responded, "Make money, beat niggas." To which you replied, "I know nothing puts a bigger smile on yo grill."
11/21/2019	Officer Weldin texted you, "Happy Birthday big nigga. Hope yo day is filled with collard greens, fights over the last Popeyes spicy chicken sandwich, and all the government cheee yo big black heart desires." You texted back, "I appreciate it, brotha. The seal on the henny is already broken!"
12/24/2019	You texted Officers Tomsic, Weldin, and Alonso a photo with a star, a Christmas ornament, a candy cane, and a picture of an African American person. The image title stated, "Which one doesn't belong?" and at the bottom of the image stated, "That's right. You don't hang the star." You sent an additional text message that read, "Happy Kwanza."
2/17/2020	You texted Officer Weldin stating, "I believe the word I used was "unruly mob" followed by "You can't say savages in a report lol."

Investigators interviewed you on April 1, 2022. You admitted that you sent electronic communications, including texts and photos, which include discriminatory content based on race, ethnicity, religion, and/or sexual orientation to Officers Alonso, Weldin and Tomsic. You also admitted you received electronic communications, including texts, WhatsApp messages, and photos, which include discriminatory content based on race, ethnicity, religion, and/or sexual orientation from Officers Weldin and Tomsic. After receiving the inappropriate text messages, you did not speak out against or otherwise report the behavior to a superior.

Regarding the 3/25/2019 text message listed above, you admitted that the term "moon crickets", which you said that you learned when you attended a cultural awareness training, is a phrase used to refer to Black individuals that could be disparaging. You stated that even though you did not know the race of the individual involved in the shooting, based on your use of the term "moon crickets" you may have been stereotyping that the individual involved in the shooting was Black.

Regarding the 5/2/2019 text message listed above, you also admitted that the phrase "beating up savage monkeys" appeared to you to refer to beating up Black people, which you interpreted as "predatory, unruly Black people or whatever." Specifically, you stated that the use of the term "monkeys" led you to believe that Officer Weldin was referring to Black people. You admitted that the message was not appropriate, even if used jokingly, and could be disparaging to Black people.

In the interview, the investigator also discussed with you several messages that utilized the "N" word. You admitted that oftentimes you and certain coworkers would use the word "Ninja" as a play on words, instead of using the "N" word because the "N" word can be

offensive. You also admitted that you received departmental training on cultural diversity, and that you understood the "N word" is inappropriate, offensive, and should not be used professionally. Notwithstanding your training, you stated that the "N" word was used colloquially and as a term of endearment (akin to "brother" or "man"), and that in context, you took it as a joke. You stated that you did not know at the time that you were doing something wrong and/or violating applicable policies.

One exception was regarding Officer Weldin's use of the term "nigglets," which you assumed referred to Black children. You stated that you felt that term was offensive even when you initially received the text from Weldin, but you did not report it to anyone. You also acknowledged that with regard to the 11/21/2019 text sent by Weldin, "[i]n hindsight, I probably should have [reported it]. As the older guy, as a senior officer, I should have said something to him. It didn't personally offend me, so I just let it ride and I shouldn't have, sir."

In reference to the 9/12/2019 text message cartoon depicting a Black male stabbing and robbing a white female, you admitted your perception of the cartoon was to affirm "the stereotype's true that Black people commit crimes". You admitted that while it is potentially offensive to a lot of people, you did not report or attempt to curtail it because it was not personally offensive to you.

Regarding the 12/24/2019 meme comparing a Black person to winter holiday decorations that you "hang", you admitted to sending the photo because you thought the others receiving the text "might find it funny", even though you understood that the premise of the meme was a reference to lynching.

III. ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*) In your particular case, the principles set forth in *Skelly* amply support your proposed discipline. In fact, the period between April 2019 and February 2020 establishes an ongoing pattern of misconduct and policy violations.

A. YOU ENGAGED IN INEXCUSABLE MISCONDUCT

Your involvement in discriminatory text messaging with other TPD officers demonstrates a lack of sound decision-making and unbecoming conduct that calls into question your fitness for duty as a police officer. You sent, received, and otherwise interacted with/responded to over a dozen blatantly discriminatory text messages from other members of TPD over the course of eleven months. By your own admissions, these messages were offensive, inappropriate, and unprofessional. You referred to Black people as "savage monkeys", used the "N" word in conversation with your colleagues, and laughed at "jokes" involving the violent, extrajudicial execution of Black people.

The casual use of these discriminatory terms between you and the other officers indicates that this type of conduct was not unusual between you. Such racist language has no place in this Department. Whether or not you intended these messages as "jokes" does not exempt them from the City's harassment policies. In fact, the policy clearly defines visual/ written harassment as "The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry…" among other protected classifications, and expressly enumerates "cartoons, drawings, … computer graphics or electronic transmissions."

The content of the text messages in question here clearly falls within these parameters. By engaging in these messages, you engaged in inappropriate speech and unprofessional conduct in violation of multiple City policies, including Policy Nos. 319.5.1(a), 319.5.7(i), 319.5.8(f),(g), (m), and 1021.4(b) and then-current General Orders 1.10.3(B), 2.01.1(A), and 2.33.1(D). This conduct also violated the City's Anti-Harassment Policy. Once again, by your own admission, you should have reported the discriminatory messages you received from a fellow officer as soon as you received them.

This Department relies on its officers to uphold the highest standards of conduct to maintain positive relationships and preserve the trust we have with the community we serve. You demonstrated bias here that erodes that trust and smears the reputation of this Department. This Department already experienced the damage to its reputation when the news media published what were then unverified accounts of these text messages starting in August 2021. Now that the investigation has substantiated at least some of the allegations, the breach in community trust is cemented.

B. YOUR MISCONDUCT WARRANTS TERMINATION OF YOUR EMPLOYMENT

Peace officers are held to the highest standards of conduct. (See, e.g., *Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 440. Your conduct in this case causes irreparable harm to the public service and reveals that you are unfit to serve as a peace officer.

Torrance Police Department Policy 401.2 notes that it is the policy of this Department to serve the community equally, fairly, and objectively in both the enforcement of the law and provision of law enforcement services. Policy 401.3 strictly prohibits bias-based policing. These provisions are consistent with the growing number of laws being enacted by the California Legislature that also aim to curtail bias in peace officers. Notably, SB 2[3] modifies the definition of "serious misconduct" to include at a minimum, "Demonstrating bias on the basis of any legally protected status, in violation of law or department policy, or in a manner inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner".

Though you stated in your administrative interview that you are not biased against Black individuals, based on the record of text messages you sent, received, and responded to, coupled

[3] Penal Code Section 13510.8(a)(5).

with your own admissions that you sent and received discriminatory messages, your assertion is unreliable at best, and dishonest at worst. As a result, I concur with the Police Chief that the public and the Department can no longer rely on your fitness to serve in a bias-free manner. I further concur with the Chief that serious concerns now exist that there are discriminatory motivations behind all your actions, which could open the Department to liability, and subject innocent members of the public to unfair treatment due to your own personal prejudices. You and certain other officers openly discussed, in dehumanizing terms, beating up and even killing Black individuals, and found humor in racial stereotypes and lynchings.

It is self-evident that messaging like that which you participated in is inconsistent with peace officer employment. You also admitted that you already received cultural awareness training covering this type of conduct, including use of the "N" word, and that your takeaway from the training was, "In a nutshell, it is offensive and shouldn't be used professionally." Notwithstanding the training, you proceeded to engage in discriminatory messaging on numerous occasions throughout an eleven-month period, including making "jokes" at the expense of Black people and perpetuating racial stereotypes. Sadly, you admitted that you actually learned one of the racially inappropriate terms you used- "moon crickets"- *by attending this very cultural awareness training*. This amply demonstrates that lesser disciplinary measures, such as trainings, are inadequate under the circumstances.

Furthermore, the content of these messages damages your credibility as a witness and therefore your usefulness as an officer. An officer who lacks the ability to be a credible witness is unable to perform one of the essential functions of the job, i.e., to testify truthfully and competently in a court of law. Because the records of an officer's bias are potentially discoverable pursuant to a *Pitchess* motion under Evidence Code sections 1043-1045, and even potentially pursuant to a Public Records Act request under Penal Code section 832.7(b)(1)(D), it is reasonable to conclude that your conduct renders you ineffective as a prosecution witness.

In sum, you have breached the public's trust and I concur with the Police Chief that you can no longer be counted on you to engage in professional conduct or to act in an unbiased-manner when carrying out your duties, and that termination is therefore the appropriate level of discipline. You have demonstrated a willingness to engage in inappropriate, unprofessional, and offensive conduct despite admittedly knowing it was a violation of your training.

IV. WORK HISTORY

You were hired by the City on November 17, 2014 as a Police Officer. Your last performance review indicates that your performance has been rated as "outstanding".

V. DISCIPLINARY RECORD

No discipline on file.

VI. EMPLOYEE'S RESPONSE AND ADMINISTRATIVE CONFERENCE CHAIR ASSESSMENT

An in person administrative conference was held on this matter on September 7, 2022. You, your attorney, Maurice Sinsley of the Law Offices of Stone Busailah, LLP, Police Chief Jeremiah Hart, Lt. Charles Fisher and Senior Human Resources Analyst Robert Weinmeister, were all in attendance. At the administrative conference, I offered both you and your attorney an opportunity to provide me with additional information to consider before making my decision. Your attorney provided me with a document entitled *Police Officer Brian Kawamoto - Response To Proposed Dismissal*, which set forth your position regarding this matter. The letter also included several attachments, including performance evaluations and reviews, commendations, and thank you letters from residents and others.

Mr. Sinsley made a number of contentions which began with challenging the warrant that was associated with the origin of the text messages and his concerns that the Police Chief and the Torrance Police Department violated the California Electronic Communications Act. However, my understanding is that all of the arguments raised by Mr. Sinsley were set forth in a Motion to Suppress which was recently denied in its entirety by the Court in *Anthony Chavez, et al. v. Torrance Police Department (Case No. BH014005* Memorandum of Decision). A true and correct copy of the Memorandum of Decision is attached hereto as Attachment A and incorporated by reference herein. In summary, the Court found that Penal Code section 1546.4 does not require suppression of the evidence in this matter, that the search warrant at issue did not violate section 1546.1(d)(1), that the Department's pending administrative investigation does not violate section 1546.1(d)(2), and that the City did not violate Judge Carter's order by reviewing messages or providing the messages to the DA's office. The Court also ruled that Attorney Corey Glave was not entitled to the return of his attorney-client communications which were captured in the search warrant data.[4]

I reviewed the letter and all of the documents presented by Mr. Sinsley in detail. Even if the terms "savages", as used in your 2/17/2020 text to Officer Weldin, is somehow not linked to any protected class (unless, by your admission, used with a qualifier such as "monkeys"), that does not change the fact that you sent and/or responded to numerous other discriminatory messages. Likewise, your own background as a mixed-race individual is not an "extenuating circumstance" that in any way mitigates your conduct; jokes based on racial stereotypes, slurs, and lynchings are not made less offensive by the race of the person making the reference. I therefore am unpersuaded that the recommended termination should be mitigated or overturned.

VII. ADMINISTRATIVE CONFERENCE CHAIR FINDING

Officer Kawamoto, I am wholeheartedly disappointed as the Administrative Conference Chair in rendering this decision in a case involving a Torrance Police Department Police Officer

[4] It should be noted that the Administrative Conference Chair did not rely upon any attorney-client privileged communications in making the decision to terminate your employment.

receiving and responding to discriminatory messaging as well as failing to report discriminatory messaging. In your role as a police officer, the City and the public entrusted you to follow the regulations and policies of the Torrance Police Department, and the City of Torrance. All members of the public, no matter, their race, religion, creed or sexual orientation (among other protected classifications), rely on police officers for assistance in emergencies and life-threatening situations. Your engagement in the above-described behavior calls into question your ability to deliver such services in an unbiased manner. You betrayed the trust placed in you as a Police Officer and displayed a blatant disregard of your duty to uphold values so paramount to law enforcement and basic human dignity. As a Police Officer, you swore to protect and serve not just select members of the Torrance community, but the entire community, all differences aside. Your conduct is unacceptable and unbecoming of a Police Officer. Therefore, I concur with the recommendation of the Police Chief that you be terminated from employment as a Police Officer effective October 5, 2022.

VIII. ATTACHMENT

Attachment A: *Anthony Chavez, et al. v. Torrance Police Department, Case No. BH014005* Memorandum of Decision

IX. APPEAL RIGHTS

You have the right to appeal this decision to the Civil Service Commission pursuant to Section 14.47.8 of the Torrance Municipal Code. A request to have this matter reviewed must be submitted to Ms. Brianne Cohen, Civil Services Manager, in writing within ten (10) days of the date of this letter.

Sincerely,

Danny E. Santana

cc: Jeremiah Hart, Police Chief
Martin V. Vukotic, Captain – Special Operations Bureau Commander (Acting Chief)
Hedieh Khajavi, Human Resources Manager
Brianne Cohen, Civil Services Manager
Maurice E. Sinsley, Attorney for Employee

About work-related info?

Brian Kawamoto (00:10:01):
Sometimes, sir. Yes, sir.

Craig Junginger (00:10:03):
Okay. Do you use your cell phone to exchange or get messages from any other coworkers?

Brian Kawamoto (00:10:10):
Yes, sir.

Craig Junginger (00:10:10):
Okay. Are they personal in nature or work?

Brian Kawamoto (00:10:14):
Both, sir.

Craig Junginger (00:10:15):
Okay. What's your personal cell phone number?

Brian Kawamoto (00:10:18):
[redacted]

Craig Junginger (00:10:25):
How long have you had that cell phone or that cell phone number?

Brian Kawamoto (00:10:33):
Maybe since college, sir. So maybe 2004, 2005.

Craig Junginger (00:10:44):
Okay. Does anyone else use your phone to text messages or anything like that?

Brian Kawamoto (00:10:54):
Maybe my wife periodically, but it's primarily me, sir.

Craig Junginger (00:10:57):
So it's safe say that most all messages and everything are yours?

Brian Kawamoto (00:11:03):
Yes, sir.

Craig Junginger (00:11:04):
Okay. Do you have a work cell phone?

Yes, sir.

Craig Junginger (00:24:27):

So In 2019 on Christmas Eve, you sent this message to Tomsic, Weldin, and Alonso. Do you remember sending that.

Brian Kawamoto (00:24:49):

Yes, sir-

Craig Junginger (00:24:50):

This is the photo that was from that message.

Brian Kawamoto (00:24:56):

Yes, sir, I do. There's no excuse. I understand it's offensive and ...

Craig Junginger (00:25:04):

Okay. So there's no disputing that you sent that text message-

Brian Kawamoto (00:25:08):

No disputing it, sir.

Craig Junginger (00:25:08):

... with that photo?

Brian Kawamoto (00:25:10):

Yes, sir.

Craig Junginger (00:25:11):

Okay. And then Weldin responds, "I done nearly pissed myself." And then you followed it up with, "Happy Kwanzaa." What were your thoughts when you sent that photo and followed it up with, "Happy Kwanzaa?"

Brian Kawamoto (00:25:40):

I sent the photo because I thought they might find it funny. I understand now it's extremely inappropriate, and I shouldn't have done it.

Craig Junginger (00:25:52):

Why did you think they would find it funny?

Brian Kawamoto (00:25:58):

All of us had somewhat of a dark sense of humor. I guess it's just one of those things where it's just so egregious if you have a dark sense of humor, you might find it funny, but ...

Craig Junginger (00:26:22):
Do you think the text message containing that photograph was disparaging or discriminatory towards Black people?

Brian Kawamoto (00:26:32):
I feel like it was offensive to Black people.

Craig Junginger (00:26:36):
Why do you believe it would be offensive to Black people?

Brian Kawamoto (00:26:41):
Because it's making references to when Black people had been hung in the perspective.

Craig Junginger (00:27:00):
Made references to maybe lynching of Black people?

Brian Kawamoto (00:27:03):
Yes, sir.

Craig Junginger (00:27:03):
Okay. Do you think that photo or that text message was appropriate to send to any coworkers?

Brian Kawamoto (00:27:11):
No, sir. It wasn't appropriate.

Craig Junginger (00:27:12):
Why don't you think it was appropriate?

Brian Kawamoto (00:27:15):
Unprofessional, offensive. Unprofessional and offensive, sir.

Craig Junginger (00:27:31):
Okay.

Brock Avery (00:27:32):
Can I ask a question? I wanted to get the definition of your dark sense of humor. What does that mean?

Brian Kawamoto (00:27:39):
Dark humor is, to me, when I guess people make light of events that could be negative events or things that are potentially politically correct. That's, I guess, what it means to me, sir.

Brock Avery (00:28:25):
Okay.

No, sir.

Craig Junginger (00:53:43):
Okay. Then you responded, "Ha-ha. Yeah, I got a water heater box, that's just as good. Can sell you that for half the price if you want." So is there any doubt by you responding that you saw this message from... was it Weldon?

Brian Kawamoto (00:54:11):
Looks like it's from Weldon, sir.

Craig Junginger (00:54:12):
From Weldon?

Brian Kawamoto (00:54:12):
No, it looks like I received it, sir.

Craig Junginger (00:54:13):
Okay. What was your thoughts when you read that? For all the nigglets we put down.

Brian Kawamoto (00:54:40):
I mean, I understand that he was trying to be funny, but-

Craig Junginger (00:54:44):
How do you interpret that comment?

Brian Kawamoto (00:54:49):
It sounds like he's talking about being for all the black children that he said we've put down.

Craig Junginger (00:55:01):
Okay. How do you interpret the use of the word, nigglet?

Brian Kawamoto (00:55:07):
It's offensive, sir.

Craig Junginger (00:55:09):
No. How do you interpret it? What does it mean?

Brian Kawamoto (00:55:12):
I think it refers to black children. I think he's mixing the N word with piglet type of thing.

Craig Junginger (00:55:20):
Do you refer to them at work with coworkers?

Okay. So let me ask you about this text message exchange on March 25th, 2019. Weldon sent you a text message, just had a shooting and then you responded by saying, fuck, and then I didn't get a good picture of that, but this is right after you sent that. Read to me what that says.

Brian Kawamoto (00:59:07):

I trust you all have them moon crickets in custody in no time.

Craig Junginger (00:59:12):

What did you mean by that? Well, first of all, is there any doubt that you sent those messages?

Brian Kawamoto (00:59:20):

I don't think so.

Craig Junginger (00:59:23):

You don't think you sent them, or you don't think there's any doubt?

Brian Kawamoto (00:59:25):

I don't think there's any doubt. I'm sorry, sir.

Craig Junginger (00:59:26):

Okay. So you did send it. What did you mean by that?

Brian Kawamoto (00:59:34):

So moon crickets is a word that... I heard it like in training or something once that I thought was funny, but refers to black people and I don't know why specifically I said that, but yeah, I shouldn't have sent that either, sir. It's offensive.

Craig Junginger (01:00:00):

Okay. So you think moon crickets, you were referring to black people?

PART 2 OF 4 ENDS [01:00:04]

Craig Junginger (01:00:00):

Okay. So you think moon crickets, you were referring to black people?

Brian Kawamoto (01:00:06):

Yeah, I think so, sir.

Craig Junginger (01:00:07):

Do you use that amongst your coworkers?

Brian Kawamoto (01:00:10):

Not frequently.

Craig Junginger (01:01:42):
Do you think the term's disparaging or discriminatory towards black people?

Brian Kawamoto (01:01:50):
Yes, sir. It could be.

Craig Junginger (01:01:52):
Have you ever looked up on the internet what moon cricket means?

Brian Kawamoto (01:01:55):
No. Or not that I remember released.

Craig Junginger (01:01:58):
Okay. But they told you in the training that it was a racial slur against black people or did they?

Brian Kawamoto (01:02:04):
I don't know if you said it was a slur. I think it was a class participation exercise where you were just asking for different names. You've heard different races called over the years.

Craig Junginger (01:02:17):
Did anybody in that training say that they thought moon cricket was an offensive term to black people?

Brian Kawamoto (01:02:23):
No, not that I remember. I think it got a laugh from the classroom. To be honest with you, sir.

Craig Junginger (01:02:30):
Have you been involved in other messages with coworkers where the moon cricket's been involved?

Brian Kawamoto (01:02:36):
I don't know, sir.

Craig Junginger (01:02:37):
Okay. Do you think you have?

Brian Kawamoto (01:02:40):
I don't know, sir. Maybe, maybe not.

Craig Junginger (01:02:42):
Do you think this is the only time that you ever used the term moon cricket when you're referring to black people?

Brian Kawamoto (01:02:51):
Probably not sir.

If it's any consolation, I like sober beating up savage monkeys, Brian and I also like drunk hood rat shit with my friends, Brian.

Craig Junginger (01:34:44):
Okay. And then you followed up, well, I appreciate that, bro. Do you remember that?

Brian Kawamoto (01:34:56):
Yeah, I'm not disputing that I received it, but I don't specifically remember it, sir.

Craig Junginger (01:34:59):
Okay. Is there any disputing that you were involved in this...

Brian Kawamoto (01:35:03):
No.

Craig Junginger (01:35:03):
Text message exchange?

Brian Kawamoto (01:35:04):
No, sir.

Craig Junginger (01:35:07):
Okay. Tell me how you interpreted that message from Weldon, if it's any consolation and I like sober beating up savage monkeys, what does that mean? How did you interpret that?

Brian Kawamoto (01:35:22):
Sounds like he's referring to beating up black people, sir.

Craig Junginger (01:35:27):
Okay. Is that how you interpreted that?

Brian Kawamoto (01:35:29):
Yes, sir.

Craig Junginger (01:35:31):
Okay. When he says, beating up savage monkeys, you interpreted that to mean beating up black people?

Brian Kawamoto (01:35:40):
Yeah. I guess predatory, unruly black people or whatever, but either way, not necessarily a good thing.

Craig Junginger (01:35:48):
Okay. So you already said that savage doesn't specifically refer to black people?

[redacted] Cody Weldin

Just had a shooting

Status: Sent

Delivered: 3/25/2019 2:13:58 AM(UTC-7)

3/25/2019 2:13:55 AM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

Fuck

Status: Read

Read: 3/25/2019 2:35:56 AM(UTC-7)

3/25/2019 2:14:17 AM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

I trust y'all have them moon crickets in custody in no time!

Status: Read

Read: 3/25/2019 2:35:56 AM(UTC-7)

3/25/2019 2:15:05 AM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

Do you have my hooks, brotha?

Status: Read

Read: 4/8/2019 4:08:01 AM(UTC-7)

4/8/2019 4:07:49 AM(UTC-7)

Source Info: [redacted]

[redacted] Cody Weldin

Downstairs waiting for ya

Status: Sent

Delivered: 4/8/2019 4:08:26 AM(UTC-7)

4/8/2019 4:08:25 AM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

Thx

Status: Read

Read: 4/8/2019 4:23:56 AM(UTC-7)

4/8/2019 4:23:55 AM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

I don't know if I should be offended people don't like me sober, or flattered people enjoy hanging out with me... part of the time at least lol

Status: Read

Read: 5/2/2019 1:13:42 PM(UTC-7)

5/2/2019 1:13:05 PM(UTC-7)

Source Info: [redacted]

[redacted] Cody Weldin

If it it's any consolation I like sober "beating-up-savage-monkeys" Brian, and I also like drunk "hood-rat-shit-with-my-friends" Brian

Status: Sent

Delivered: 5/2/2019 1:42:56 PM(UTC-7)

5/2/2019 1:42:55 PM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

Well I appreciate that lol

Status: Read

Read: 5/2/2019 1:43:31 PM(UTC-7)

5/2/2019 1:43:28 PM(UTC-7)

Source Info: [redacted]

[redacted] Cody Weldin

What'd you end up decide on doing?

Status: Sent

Delivered: 5/2/2019 4:59:18 PM(UTC-7)

5/2/2019 4:59:17 PM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

I'm driving lol

Status: Read

Read: 5/2/2019 5:03:11 PM(UTC-7)

5/2/2019 5:02:54 PM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

190 / Inglewood now. Where you at?

Status: Read

Read: 5/2/2019 5:03:11 PM(UTC-7)

5/2/2019 5:03:08 PM(UTC-7)

Source Info: [redacted]

[redacted] Officer Brian Kawamoto

This is from the coffin display at rice mortuary. Look at the one on the bottom.

Attachments:



Size: 2467590
File name: IMG_2150.jpeg
IMG_2150.jpeg

Status: Read
Read: 9/10/2019 6:15:46 PM(UTC-7)

9/10/2019 6:07:44 PM(UTC-7)

Source Info:
[redacted]

[redacted] Cody Weldin

For all them nigglets we put down

Status: Sent

9/10/2019 6:17:24 PM(UTC-7)

Source Info:
[redacted]

[redacted] Officer Omar Alonso

75 dollars for cardboard box?

Status: Read
Read: 9/10/2019 6:17:27 PM(UTC-7)

9/10/2019 6:17:27 PM(UTC-7)

[redacted]

[redacted] Cody Weldin

Status: Sent

9/10/2019 6:17:28 PM(UTC-7)

Source Info:
[redacted]

[redacted] Officer Brian Kawamoto

Haha yeah. I got a water heater box that's just as good I can sell you for half the price if you're interested though.

Status: Read
Read: 9/10/2019 6:18:19 PM(UTC-7)

9/10/2019 6:18:12 PM(UTC-7)

Source Info:
[redacted]


Sebring
$795.00
First Step
$495.00
Cardboard Box

[redacted] Officer Brian Kawamoto

I'm trying.

Status: Read

Read: 12/21/2019 7:46:14 PM(UTC-8)

12/21/2019 7:46:13 PM(UTC-8)

Source Info:
[redacted]

[redacted] Officer Brian Kawamoto

Couldn't without being caught. He was with a bunch of OMG looking mother fuckers

Status: Read

Read: 12/21/2019 7:50:30 PM(UTC-8)

12/21/2019 7:49:55 PM(UTC-8)

Source Info:
[redacted]

[redacted] Officer Brian Kawamoto

Attachments:



Size: 44330
File name: PHOTO-2019-12-24-16-26-35.jpg
PHOTO-2019-12-24-16-26-35.jpg

Status: Read

Read: 12/24/2019 4:48:21 PM(UTC-8)

12/24/2019 4:48:09 PM(UTC-8)

Source Info:
[redacted]

[redacted] Cody Weldin

Status: Sent

12/24/2019 4:49:15 PM(UTC-8)

Source Info:
[redacted]

[redacted] Cody Weldin

I done nearly pissed myself

Status: Sent

12/24/2019 4:49:36 PM(UTC-8)

Source Info:
[redacted]


Which one doesn't belong?
Thats right, you don't hang the star

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

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34.05 **ANTI-HARASSMENT POLICY**

The City is committed to providing a workplace free of discriminatory harassment. This Policy defines discriminatory harassment and sets forth a companion procedure for the investigation and resolution of such complaints by or against any City employee, applicant or contractor. This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunity and compensation.

Discriminatory harassment will not be tolerated and employees who violate this Policy may be subject to appropriate disciplinary action. Retaliation against any individual for making a complaint of such harassment or for participating in a harassment investigation constitutes a violation of this Policy. However, knowingly false accusations of retaliation or harassment similarly will not be tolerated.

34.10 **Definitions**

34.10a Protected Classifications: This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

34.10b Verbal Harassment

Inappropriate or offensive remarks, slurs, jokes or innuendoes based on race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist,

patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

34.10c Physical Harassment

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

34.10d Visual or Written Harassment

The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

34.10e Work Environment

A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile work environment can arise from the following circumstances:

A. An unwarranted focus on sexual topics or sexually suggestive statements.
B. An unwelcome sexual behavior directed specifically at an individual.
C. The individual merely witnesses unlawful harassment in his or her immediate surroundings.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as:

A. The frequency of the conduct.
B. The severity of the conduct.
C. Whether the conduct is humiliating or physically threatening.
D. Whether the conduct unreasonably interferes with an individual's work.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Torrance.

34.15 **Relationships between Supervisors and Subordinate Employees**

Romantic or sexual relationships between supervisors and employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships which may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

34.20 **Prohibited Supervisory or Managerial Behavior**

No supervisor, manager or other authority figure shall:

A. Condition any employment, employee benefit or continued employment in the City of Torrance on an applicant's or employee's acquiescence to any of the behavior defined above.

B. Retaliate against any applicant, or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

C. Destroy evidence relevant to an investigation of harassment.

34.25 **Behavior Prohibited by All Persons**

No employee in the City of Torrance shall:

A. Create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of another employee.

B. Assist any individual in doing any act which constitutes discriminatory harassment against any other employee of the City of Torrance.

134.05

ANTI-HARASSMENT PROCEDURE

All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment, to their supervisor, manager, or to the Human Resources Division. Any supervisor or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the Human Resources Division, followed by written documentation of the complaint.

134.10

Supervisors/Managers Responsibilities for Preventive Action

A. A copy of the Anti-Harassment Policy shall be provided to all employees in the City of Torrance, as well as displayed in prominent locations throughout the City.

B. A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all City of Torrance employees upon request.

C. New employees shall be provided a copy of the Anti-Harassment Policy during New Employee Orientation.

D. The Human Resources Division shall make available information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.

E. A copy of the Anti-Harassment Policy and Procedure is in the City of Torrance Policy, Procedure and Protocol Manual posted on the Policies and Procedures web page on the Torrance Employee Network (TEN).

F. Employees of the City of Torrance shall receive periodic training on the policy.

134.15

Employees' Responsibilities

A. Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure. This includes conduct of non-employees, such as sales representatives or service vendors or harassing conduct toward such contractors. Under no circumstances shall an employee of the City of Torrance who believes that he or she has been the victim of discriminatory harassment be required to first report that harassment to a supervisor or other authority figure who has done the harassing.

B. Cooperate with any investigation of any alleged act of harassment conducted by the City of Torrance.

C. Maintain confidentiality to the extent possible in investigating any claims of alleged harassment.

134.20

Human Resources Reporting Procedures for Investigative/Corrective Action

A. Human Resources shall conduct a fair, timely and thorough investigation of any incident of alleged discriminatory harassment reported to them. The investigation shall be conducted in a way to maintain confidentiality, to the extent possible.

B. The person designated to investigate shall report in writing the findings of any investigation to the Human Resources Division. The Human Resources Administrator shall determine whether there is a violation of Policy and communicate the conclusion to the complainant.

C. Remedial action including discipline taken by any supervisor or manager shall be decided in accordance with Policy and after consultation with the Human Resources Administrator.

Employees who have questions about their rights and obligations described within this policy should contact the Human Resources Division.

Historical Record

Original Publication

04/2001

Revisions

07/2001 Reformat

06/2002

05/2009 Reformat

11/2012

12/2017

03/2018 Updated

04/2018 Updated

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 1.10 POLICING PHILOSOPHY

DATE ISSUED: January 14, 2010

JOHN J. NEU
CHIEF OF POLICE

PURPOSE

This General Order establishes the Department's policing philosophy and the expectations of personnel in their service to the community.

1.10.1 FOCUS BASED POLICING

A. Philosophy: Focus Based Policing is a distinct management philosophy based upon the need for continuous improvement through employee growth and development, as well as a general dissatisfaction with the status quo. Focus Based Policing empowers Area Commanders and Division Commanders to look for opportunities to address crime problems, quality of life issues and unexpected challenges in conjunction with their everyday responsibilities. We promote fresh thinking and creativity by pushing down the organization chart and distributing power to the line level officers. This philosophy enables our managers to formulate and assess new methods and approaches to not only how we police, but also how we handle routine tasks, with the goal of truly expanding the future of policing in the City of Torrance. In short, our belief and approach is simply "things can always be done better throughout the entire organization."

Our Focus Based Policing philosophy provides the following fundamental benefits:

1. Mission and vision clarification
2. Enhanced service to the community
3. Results orientation with a focus on outcomes rather than outputs
4. Resource flexibility
5. Focus on problem solving and relentless follow-up
6. Information exchange driven decision making
7. Employee growth and development

1.10.2 TEAM POLICING

A. GENERAL: In support of our Focus Based Policing management philosophy, the Patrol Division is deployed on a Team Policing model. The four basic components of Team Policing are:

1. A deployment model that meets organizational needs for accountability and consistency.
2. A beat system that creates consistent and equitable areas for patrol officers to work.
3. A scheduling system that balances the needs of the employees and workload demands.
4. An effective patrol structure to meet increased demands and expectations while supporting our historical patrol practices.

The Department structures its Patrol operations around fixed Police Teams assigned to a specific region of the City during a team-specific day and hourly schedule. Patrol personnel are committed to their team, area and schedule for an entire deployment cycle. Police Teams report to an Area Commander who is responsible for monitoring all activities occurring within the area of the City that Team patrols. Area Commanders act as Patrol's central liaison to the community, actively participating in or organizing community meetings and events within the Area Commander's designated area of the City.

Our Team Policing model allows us to deploy officers in a more efficient and effective manner while addressing the ongoing need to respond to calls for service, creating additional opportunities for proactive work where and when it is needed, and providing sufficient time and support for officers to complete and implement operation plans; all of which enhances our Focus Based Policing efforts.

1.10.3 SERVICE TO THE COMMUNITY

A. GENERAL: The most important factor in gaining the goodwill and confidence of the people is an attitude of courtesy and objectivity toward them. It is important that the Department, through its personnel, demonstrate the ability and capacity to provide the type of police service that the people have a right to expect.

Each member of the Department should be prepared to meet the responsibility of police service through continuous education and training. Self-confidence comes from experience gained through the diligent performance of duty. Courtesy, patience and tact are characteristics expected of each employee.

To most people, the individual employee is representative of the entire Department, and to residents and visitors, is the public representative of the City. Demeanor in dealing with the public creates favorable or unfavorable impressions of the employee, the Department, and the City.

Employees must realize that their activities are matters of particular interest, not only to those with whom there are direct dealings, but also the general public, because official duties are closely related to every phase of community life. Employees must maintain habits of acceptable conduct that will merit public approval.

The use of offensive language by department employees is objectionable and as demoralizing to human dignity as physical abuse. Everyone is entitled to respect and dignity in the treatment they receive.

B. POLICY: The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:

1. Tact, patience, and courtesy shall be strictly observed in all cases of public contact.
2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices.
3. Managers and supervisors shall, by example, demonstrate, and instruct subordinates in proper demeanor and desirable attitudes in dealing with the public.
4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.
5. Officers shall diligently perform their duties with impartiality, uphold the constitution, and be mindful that they are the protectors of the people's lives and property.
6. Officers shall be aware of the problems that exist in various areas and take appropriate, affirmative action to correct them without indifference or neglect.

JOHN J. NEU
CHIEF OF POLICE

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 2.01 EMPLOYEE RULES AND REGULATIONS

JOHN J. NEU
CHIEF OF POLICE

DATE ISSUED: April 6, 2009

PURPOSE

Department personnel are expected to conduct themselves in a manner that reflects the Mission, Vision, and Core Values of our Department. This General Order establishes rules and regulations governing employee conduct.

2.01.1 EMPLOYEE RULES AND REGULATIONS

A. EMPLOYEE RESPONSIBILITY. It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:

1. Obey all local, state, and federal laws.
2. Render service to the community with pride, integrity, compassion, and excellence.
3. Enforce the law equitably and without regard to race, color, religion, sex, marital status, sexual orientation, national origin, age, disability, or veteran status. Laws and regulations issued by the United States and the State of California require equal treatment of all persons.
4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.
5. Perform their duties in a manner that will not reasonably result in the impairment or disruption of public service or Department business. This includes the knowing and willful failure to perform a required duty or task.
6. Maintain in good working order the equipment and supplies issued to them, taking all reasonable care to prevent loss or damage.

B. FALSE REPORT PROHIBITED. No employee shall make false official reports, or knowingly enter, or cause to be entered, in any Department book, record, report, or log, any inaccurate, false, or improper information, evidence or material.

2.01.2 WORKPLACE CONDUCT

A. DEPARTMENT IDENTIFICATION CARD. The primary, official means of identifying Department members is the Torrance Police Department identification card. The issuance of an identification card is only authorized by the Chief of Police, or a designee, and is intended to be used only for official authorized purposes. Department members shall relinquish their identification card upon the direction of the Chief of Police or designee.

1. WEARING IDENTIFICATION. All personnel not in uniform are required to wear identification while inside the Police facility. Police Officers and Services Officers shall wear badges or Department identification cards. All other employees and volunteers shall wear Department identification cards. Identification shall be conspicuously worn on the employee's person, using a clip or lanyard.
2. POSSESSION OR USE. All personnel are required to have their identification card in their possession when they are on duty and displayed when there is a need to identify themselves as a Department member. The Identification Card is to be worn, displayed and/or offered only for Department business.

B. EFFICIENCY. Employees shall direct and coordinate their efforts in such a manner as will tend to establish and maintain the highest standard of efficiency.

C. PUNCTUALITY. Employees shall be punctual in reporting for duty, and shall work their complete tour of duty, unless relieved by a supervisor.

D. SMOKE-FREE ENVIRONMENT. Smoking is prohibited in the Police station. Outside the Police station, smoking is prohibited within 25 feet of the building. Smoking in City Vehicles is prohibited. Any disputes or grievances on the no-smoking policy shall go first to the Administrative Bureau Commander for resolution. In any dispute arising under this no-smoking policy, the rights of the non-smoker shall be given precedence.

E. ALCOHOL CONSUMPTION. Alcoholic beverages shall not be consumed by on-duty personnel. Exceptions can be authorized only by the Chief of Police or his designee.

F. EMPLOYEE PARKING. Employees shall park their personal vehicles only in designated spaces. Personal vehicles shall not be parked in spaces reserved for City vehicles. Long-term storage of personal vehicles on City property is prohibited.

G. KEYS. Upon transfer or reassignment, employees shall submit their programmable keys to the Services Division for reprogramming. All regular keys for offices or work areas shall be relinquished to the Commander of the concerned Division upon reassignment. Missing or damaged keys shall be reported to the Services Division on a TPD 41. Upon separation of employment, employees shall return all keys to the Personnel Division.

2.01.3 RESPECT FOR COMMAND

A. ADDRESSING RANKING OFFICER. When in the presence of the public, employees of the Department shall address supervisors by their proper titles.

B. OBEDIENCE TO ORDERS. Employees shall obey the lawful orders of any Department supervisor.

C. INSUBORDINATION. Insubordination is the refusal to follow a lawful work order, or a challenge to authority. Additionally, insubordination includes the use by any employee of coarse, profane, or insolent language or behavior toward any supervisor, or willfully lying to any supervisor in any matter having to do with the course and scope of employment.

2.01.4 DEPARTMENT SENIORITY

A. SWORN. Seniority of officers is determined by Classified Service rating and further by the length of continuous service in the Classified Service Rate, according to Departmental service. If date of appointment is the same for two or more officers, the one occupying the higher position on the Classified Service eligible list is considered the senior officer.

B. CIVILIAN. Seniority of civilian employees is according to the Classified Service rating whereby one position is classified as being higher in grade than another, and the length of continuous service in that class.

2.01.5 TAKING CHARGE OF A SCENE

A. OFFICER IN CHARGE. The officer assigned to an incident shall take charge. In routine performance of duties, or at the scene of a police incident, officers shall recognize and respect the position of the officer-in-charge by effectively and efficiently carrying out lawful orders issued by that authority.

B. SENIOR OFFICER ASSUMING COMMAND. A senior officer may take command of a situation by informing the officer in charge and others involved in the incident of his intent. Such assumption of command shall be undertaken whenever the situation appears to the senior officer to be beyond the control of the officer in charge, or when both officers are involved in the same duty.

C. JUNIOR OFFICER ASSUMING COMMAND. An officer of equal or junior rank may take command by informing the officer then in charge of his intent. Such assumption of command shall be undertaken only when the officer in command is unable to perform his duties because of physical or mental inability. An officer, regardless of rank, shall assume command of a situation when so instructed by an officer of superior rank. An officer in command of an operation shall maintain that responsibility until relieved by competent authority.

2.01.6 CIVILIAN PERSONNEL

A. PERFORMING POLICE DUTIES. A civilian employee shall not be assigned to duties of police nature, except for Services Officers assigned to specific duties. This section does not restrict any employee from assisting, defending, or protecting other employees who are in need of emergency assistance in the performance of their duties. If an emergency exists and a female officer is not immediately available, a female civilian employee may:

1. Temporarily act as an observer during the care or detention of a female.
2. Act as a witness during the photographing of a female crime victim.

2.01.7 EMPLOYEE ORGANIZATION

A. EMPLOYER-EMPLOYEE RELATIONS. Employees have the right to form, join, and participate in activities of employee organizations for the purpose of representation on all matters of employer-employee relations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of his exercise of these rights.

B. MOU PROVISIONS. Wages, hours, and working conditions are governed by the existing Memorandum of Understanding provisions for each of the various employee organizations.

2.01.8 SWORN MEAL AND BREAK PERIODS

A. Uniformed officers may take a thirty-minute meal, exclusive of transportation, during the course of the employee's normal working hours.

1. Meals shall be taken only after receiving clearance to do so from Communications.
2. Meals and breaks shall be taken in such a manner that the officer can respond in a timely manner.
3. Meals and breaks shall be taken within their assigned beat. Any exceptions will be with the express approval of a field supervisor, on a day-to-day basis.
4. No more than two marked units or four uniformed officers, excluding supervisors, may be out at any one location. Motors paired after dark will be considered to be one unit.

2.01.9 WEIGHT ROOM

A. EMPLOYEES ONLY. The physical training room is for the use of current Department employees only.

B. USE AT OWN RISK. Employees using the physical training room do so at their own risk. Personnel using these facilities must recognize that an injury incurred on- or off-duty is not automatically considered a work-related injury.

C. RULES FOR USE. Unsafe conditions or acts that may cause damage or injury will not be tolerated. Employees shall use the physical training room in a safe manner.

2.01.10 PROPERTY DAMAGE

A. DEPARTMENT PROPERTY. An employee shall report promptly, through channels, to his Division Commander or other responsible person, the loss or unserviceable condition of, or damage to, any Department property issued or assigned to him.

B. OTHER PROPERTY. Whenever possible, employees should request supervisory approval prior to taking actions that may result in property damage. If there is an incident where property damage occurs, the employee shall notify a supervisor of the incident and any actions taken, and write a TPD 41 documenting how the property was damaged, the extent of the damage, any notifications made, and efforts to secure the property.

C. SUPERVISORY RESPONSIBILITY. When notified of property damage, supervisors shall make a notation in their log of the damage, any approvals given, and any action taken, including completion of the Notification Card. The Supervisor shall make note of the employee's TPD 41 and forward it to the Personnel Division Commander. Photographs should be taken whenever practical.

2.01.11 MISUSE OF PUBLIC RESOURCES

A. Department employees may not use or permit others to use public resources for personal purposes or campaign activity. "Public resources" means any property or asset owned by the City of Torrance, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and on-duty time.

2.01.12 MEMBERSHIPS AND SUBSCRIPTIONS

A. The Department will fund memberships and subscriptions in those professional organizations that contribute to the exchange of related information in the furtherance of the mission and goals of the Department. Involvement in organizations such as L.A. County Peace Officers Association, California Peace Officers Association, International Association of Chiefs of Police, California Narcotics Officers Association, California Juvenile Officers Association, California State Division of International Association for Identification, Fraternal Order of Police, and California Sexual Assault Investigators Association, are strongly supported and encouraged, regardless of whether their cost is covered by the Department.

B. Whenever possible, subscriptions should be listed by rank/position rather than by named individuals. Memberships in professional associations shall be limited to necessary personnel actually assigned to related specialized duties.

C. Memberships in and attendance at annual training conferences of International Association of Chiefs of Police are limited to captains and above; and Federal Bureau of Investigation National Academy Associates is limited to those who have completed the FBI National Academy program.

JOHN J. NEU
CHIEF OF POLICE

AGENDA ITEM REPORT

Title: POST2305111 - CHRISTOPHER ALLEN-YOUNG (POST ID:C46-H76)
LAST EMPLOYING AGENCY: TORRANCE POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
07/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
Robert Bringolf	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent Christopher Allen-Young began his employment with Torrance Police Department (TPD) on April 24, 2017, as a full-time Police Officer. At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. Respondent was discharged from his position with TPD on January 5, 2023. The Respondent is not currently employed as a peace officer in the State of California.
This position is a peace officer position defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a). The case before the Board alleges the Respondent, on three separate occasions, either sent or replied, text messages which were deemed as demonstrating bias as defined in Commission Regulation 1205(a)(5).

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent’s conduct amounted to demonstrating bias as described in Commission Regulation 1205(a) (5), in that on three separate occasions, Respondent either sent or replied to text messages, which are inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner. The Division finds all of the messages were examples of the Respondent’s repetitive misconduct which confirms the Respondent violated TPD’s policies on several

occasions relating to inappropriate speech and unprofessional conduct. In addition to violating the Department's policies with regard to prohibited speech, expression, and conduct, clear and convincing evidence exists that Respondent violated California Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5) - Demonstration of Bias.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2305111_AllenYoung_Christopher_ISF (1).pdf
BR02_POST2305111_AllenYoung_Christopher_Attachment_A_ExecReviewDivisionRec.pdf
BR03_POST2305111_AllenYoung_Christopher_Attachment B_POSTProfile.pdf
BR04_POST2305111_AllenYoung_Christopher_Attachment_C_TerminationLetter.pdf
BR05_POST2305111_AllenYoung_Christopher_Attachment_D_Transcripts.pdf
BR06_POST2305111_AllenYoung_Christopher_Attachment_E_Transcripts.pdf
BR07_POST2305111_AllenYoung_Christopher_Attachment_F_TextMessages.pdf
BR08_POST2305111_AllenYoung_Christopher_Attachment_G_TorrancePolicies.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Christopher W. Allen-Young

POST ID NUMBER: C46-H76

EMPLOYING AGENCY: Torrance Police Department

POST CASE NUMBER: POST2305111

WRITTEN BY: LEC Robert Bringolf

DATE: 04/11/2025

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I. Executive Summary

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Christopher W. Allen-Young, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and transphobic sentiments which demonstrated his bias and inability to fairly and impartially perform his duties as a peace officer.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. The Respondent was terminated from the TPD on January 5th, 2023.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline[1]

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

Respondent had no disciplinary actions on file with the Torrance Police Department and his most recent performance review indicated that his performance was generally meeting standards or above standards.

[1] In addition to the discipline summarized here, Respondent is the subject officer in five (5) other serious misconduct allegations, which the Torrance Police Department reported to POST. As of the date of the Investigative Summary and Recommendation in the present case (POST2305111) some, but not all, of the five unrelated cases remain open with the Division. The Division stands ready to provide additional details about these other allegations; however, the allegations are unrelated to the facts in the present case and were not relied upon in making the Division's recommendation here.

While employed as a peace officer, or deputy trainee, Respondent received the following training relevant to this allegation:

- Workplace Harassment Prevention – 8 hours – 11/20/2013
- Cultural Diversity – 8 hours – 03/07/2014
- Basic Police Academy
- Racial Profiling
- Racial Profiling Update – 4 Hours – 03/12/2019

c. Prior Employment History

Respondent began his law enforcement career with the Los Angeles County Sheriff's Department as a deputy trainee on November 18, 2013; he was promoted to deputy sheriff on April 6, 2014. Respondent's last day as a deputy sheriff at Los Angeles County Sheriff's Department, April 24, 2017, was his first day as a police officer at the Torrance Police Department.[2]

d. Peace Officer Certification

Respondent is assigned POST ID C46-H76. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #179956 (Issued: April 21, 2015)

e. The Present Allegations of Serious Misconduct

1. ***Penal Code Section 13510.8(b)(5), as clarified by Commission Regulation 1205(a)(5)[3] – Demonstrating Bias:***

[2] Respondent's EDI Report
[3] See 11 Cal. Code Regs. § 1205(a)(5) (as modified on April 18, 2024).

(a)(5) Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is "demonstrating" bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, their law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

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 the review of TPD's administrative investigation which

contained interviews of witness officers and the subject officer. The TPD also provided the Peace Officer Standards Accountability Division (Division) the raw data seized from the cellular telephones of other Torrance Police Officers during a criminal investigation.

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.[4] 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 March 26, 2023, Torrance Police Department (TPD) reported allegations of serious misconduct against Respondent to POST pursuant to California Penal Code Section 13510.9(a)(3). The allegations stemmed from the discovery of homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

On January 27, 2020, two other Torrance Police Officers, Christopher Tomsic and Cody Weldin, were the subject of a criminal investigation wherein it was alleged they had

[4] The Division, as described further below, received information concerning approximately 390 messages exchanged between several peace officers. Respondent both received and responded to a certain subset of these 390 messages. The Division also reviewed instances where Respondent's words, acts or other conduct did **not** demonstrate bias by clear and convincing evidence. The Division's Investigative Summary and Findings in this case does not attempt to summarize every single instance in which Respondent sent or received a message, however. Instead, the Division's Investigative Summary and Findings addresses specific messages where Respondent's words, acts or other conduct demonstrated bias within the meaning of Penal Code section 13510.8(b)(5).

vandalized an arrestee's vehicle by, among other means, spray painting a swastika and a smiley face on the interior of the arrestee's vehicle during an inventory/search.[5]

As a result of the criminal investigation, Torrance Police Detectives obtained a search warrant for Tomsic's and Weldin's DNA and their personally owned cellular telephones.

The data from the cellular telephones was provided to an analyst at the Los Angeles County District Attorney's Office for review and with the intent to determine whether the two suspect officers had any ties to white supremacy.

During the review of the data, the District Attorney's analyst discovered around 390 messages that were believed to contain or reference antisemitic, homophobic, racist, or transphobic remarks. Those messages were sent between Tomsic, Weldin and several other officers, including Respondent.

On **February 14, 2019**, in a WhatsApp group chat with 14 other members of the Torrance Police Department, Respondent sent a meme[6] of David Chapelle that said, "When your GF is fucking a black guy, so you break a [taillight] on his car so the police stop him & shoot him." At the bottom of the picture it said, "Modern problems require modern solutions."

On **March 31, 2019**, in a direct text to Officer Weldin, Respondent texted, "Moon cricket[7] hunting!!!!" Officer Weldin responded, "They're chirping for sure."

[5] On Thursday April 10, 2025, Officers Tomsic and Weldin plead guilty to felony vandalism. They will spend two years on probation and must give up their right to serve as law enforcement officers in California as well as complete 100 hours of community service and 15 hours of anti-racism training.

[6] An image, video, piece of text, etc., typically humorous in nature, that is copied and spread rapidly by internet users, often with slight variations.

[7] "Moon Cricket is a racial slur against black people. The exact origin is obscure. One theory suggests it began with US slaves, who sang as a pastime – an act of community and resistance- at night after their labor – Source: dictionary.com

Respondent was on duty at the time of this message. As such, the indication was that Respondent was out patrolling, which he referred to as “Moon cricket hunting”.

On **December 19, 2019**, Officer Weldin texted Respondent directly, “What’s up monkey thumper.” Respondent replied, “Hahaha, what’s up bud.”

On April 26, 2022, Respondent was interviewed as part of a large-scale internal affairs investigation stemming from the discovery of the above-mentioned messages. During the interview Respondent was advised of his Constitutional Rights per 3303(h) of the Government Code. Respondent invoked his right to remain silent and was compelled to provide a statement. A sergeant from TPD admonished Respondent pursuant to *Lybarger*[8] and then the interview continued.

During the internal affairs investigation Respondent provided his cellular telephone number to the investigator[9]. Respondent advised he did not have another phone number while he worked for TPD and possessed that phone number for the previous ten years[10]. Respondent told investigators that he did not allow others to send text messages from his phone and that he used the cell phone to send and receive text messages to and from Torrance Police Department co-workers.

City of Torrance and TPD Policies

Penal Code Section 13510.8(b)(5) and Commission Regulation 1205(a)(5) both establish that the demonstration of bias in violation of department policy constitutes serious misconduct. The City of Torrance and the TPD enforce several policies relating to the

[8] *Lybarger v. City of Los Angeles,* 40 Cal. 3d 825 (1985).
[9] Respondent Transcripts 4/26/22 Interview Pg 10.
[10] Respondent Transcripts 4/26/22 Transcript Pgs 10-11.

conduct of their employees. What follows is a summary of some of the most relevant policies which relate directly to Respondent's conduct in this case:

- The Law Enforcement code of Ethics, Policy 104 states "I WILL keep my private life unsullied as an example to all…. I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service."

- The City's Anti-Harassment Policy 34.10a, Protected Classifications prohibits harassment or discrimination because of an individual's protected classification. This classification includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim.

- The City's Anti-Harassment Policy 34.10d, Visual or Written Harassment prohibits the display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

- The City's Anti-Harassment Policy 134.05 requires that all City employees shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have

directly observed whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division.

- The City's Anti-Harassment Policy 134.15 states it is the employee's responsibility to report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

- General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D) explain the Department's philosophy and expectations of personnel in their service to the community. Section 1.10.3(B) Service to the Community, emphasizes the rules and regulations of the Department such as maintaining a professional attitude and demeanor that will not in any manner communicate any personal prejudices. In addition, members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public. General Order 2.01.1(A) explains it is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. General Order 2.33.1(D) defines prohibited speech, expression, and conduct which tends to compromise or damage the mission, function, reputation, or professionalism of the TPD or its employees, such as speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness, and additionally speech or expression that is contrary to the Mission Statement or Core Values of the TPD.

- TPD policies 319.4, 319.5.7(i), 319.5.8, 319.5.9, 401.2, 401.3, 1021.4 - TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the use of

obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

On January 5, 2023, the City of Torrance, CA sent Respondent a letter of intent to terminate his employment as a police officer with TPD. In the letter, authored by then-Assistant City Manager Danny E. Santana, Respondent's involvement in the above-listed messages was classified as racist, and TPD terminated Respondent based on Respondent's violation of several Torrance Police Department Policies.

On May 8, 2023, The Commission on POST's Assistant Executive Director, Annemarie Del Mugnaio issued an immediate temporary suspension for Respondent's POST Basic Certification.

V. Analysis and Findings

a. Establishing Jurisdiction

The Commission on POST may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022

if the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.[11]

The final determination in this allegation of serious misconduct resulted in Respondent's termination, which occurred on January 5, 2023.[12] The investigation was still ongoing after January 1, 2022 as evidenced by Respondent's internal affairs investigation interview on April 26, 2022.[13] Because the TPD made its final determination regarding its investigation of Respondent after January 1, 2022, the Commission on POST has jurisdiction to consider this serious misconduct action.

b. Does the alleged conduct violate Penal Code 13510.8(b)(5) and California Regulation 1205(a)(5) – Demonstration of bias on the basis of race?

When analyzing the serious misconduct allegation of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5), "demonstrating bias," the Division evaluates whether the subject officer, through words, action or other conduct showed prejudice, intolerance, contempt or hatred towards a protected class of persons. If the subject officer did show prejudice, intolerance, contempt or hatred towards a protected class of persons, the Division then considers whether the words, action or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the officer's law enforcement duties. If so, serious misconduct is shown if the officer's words, action or conduct either: 1) violates applicable law, 2) violates department policy, or 3) is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

[11] California Penal Code 13510.8(g)(1)(B).
[12] Termination letter dated January 5, 2023, Pg 1.
[13] Compendium file, Respondent's Interview Transcripts.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the above guidelines to determine whether the allegation of bias was true to a clear and convincing standard.

Regarding the **February 14, 2019** WhatsApp message between Respondent and 14 other members of the Torrance Police Department in which Respondent sent a "Modern problems require modern solutions" image meme of Dave Chapelle that said, "When your GF is fucking a black guy, so you break a [taillight] on his car so the police will stop him & shoot him." The Division finds this message was inherently offensive and racist. Respondent's conduct in sending the image meme message showed prejudice toward a protected class of persons. Respondent's message violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policies (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D).[14] A reasonable person would conclude that Respondent's conduct demonstrates that he has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) when he sent the image meme of Dave Chapelle.

Regarding the **March 31, 2019** text message between Respondent and Officer Weldin in which Respondent was on duty and wrote, "Moon cricket hunting!!!!," and Officer Weldin responded, "They're chirping for sure." The exchange between Officer Weldin and Respondent is inherently offensive and racist. Respondent's conduct, in sending the message "Moon cricket hunting!!!!" violated several of the Torrance Police Department's policies, including but not

[14] See Attachment G - Torrance Policies.

limited to: TPD's Anti-Harassment Policies (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D).[15] Even when viewed in the light most favorable to Respondent, his racist epithet used to describe members of the Torrance community who might be subject to enforcement action from the Torrance Police Department necessarily erodes the public's confidence in Respondent's ability to fairly perform his law enforcement duties. A reasonable person would conclude that Respondent's message shows Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community, specifically because, "hunting" indicates that Respondent is targeting a certain demographic for enforcement action because of their race. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) when he wrote: "Moon cricket hunting!!!!"

Regarding the **December 19, 2019** text in which Officer Weldin texted Respondent directly, "What's up monkey thumper." Where Respondent replied, "Hahaha what's up bud.": This message is another example of the use of a racist epithet and an indication of a use of force on a protected class of persons. Respondent's response and involvement in this message exchange violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policy (34.10 through 34.25, and 134.05 through 134.20), and General Orders 1.10.1, 1.10.3(B) and 2.33.1(D). While the racist epithet was not used by Respondent, his reply to Officer Weldin indicates a tacit approval of the use of dehumanizing and racist language and shows intolerance and prejudice toward black people. When reading this text exchange, a reasonable person would conclude that Respondent cannot or will

[15] See Attachment G - Torrance Policies.

not fairly and impartially perform his duties as a law enforcement officer. The message exchange also implies that Officer Weldin is indicating Respondent is known for using physical force against black people, or that using physical force against black people is a foregone conclusion between these two officers. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) when he wrote: "Hahaha what's up bud" in response to a message in which Officer Weldin called Respondent a "monkey thumper."

These types of statements violate several department policies and discredit the Torrance Police Department in potentially irreparable ways. Respondent's remarks also violated several of the Torrance Police Department's policies. Respondent's text messages and responses would lead a reasonable person to conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5).

VI. Supporting Evidence and Documentation

Attachment "A" – Executive Review and Peace Officer Standards Accountability Division Recommendation

Attachment "B" - Respondent's EDI Report

Attachment "C" – Letter of Termination.

Attachment "D" - Respondent Transcripts 4/26/22 Interview Pg 10

Attachment "E" - Respondent Transcripts 4/25/22 Transcript Pg 11

Attachment "F"- Text messages –sorted by date

Attachment "G" - Applicable Torrance Policies

VII. Findings

Based on the evidence that Respondent sent discriminatory messages in violation of TPD policies, and because a reasonable person would conclude that Respondent has not or will not perform his duties fairly and impartially as a result, the Division finds there is clear and convincing evidence that Respondent engaged in serious misconduct, to wit demonstrating bias in violation of Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5). Therefore, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of suspension or revocation of Respondent's POST certification in accordance with the Executive Review and Peace Officer Standards Accountability Division Recommendation.[16]

[16] See Attachment A.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: May 1, 2025

CASE #: POST2305111

PEACE OFFICER: Christopher W. Allen-Young

POST ID#: C46-H76

AGENCY: Torrance Police Department

POST CONSULTANT / BC: Robert Bringolf/Mike Radford

ALLEGATION(S):

Commission Regulation 1205(a)(5) - Demonstration of Bias

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Christopher W. Allen-Young, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and transphobic sentiments which demonstrated his bias and inability to fairly and impartially perform his duties as a peace officer.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent sent discriminatory messages in violation of TPD policies, and such messages contain bias speech wherein a reasonable person would conclude that Respondent has not or will not perform his duties fairly and impartially. As such, the Division finds there is clear and convincing evidence that Respondent engaged in serious misconduct, to wit demonstrating bias in violation of Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5).

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	5/8/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	5/8/25 Date
Manny Alvarez Executive Director	Signature	05/09/2025 Date

cc: Bureau Chief Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

ALLEN-YOUNG, CHRISTOPHER W.

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

AKA: N/A

DATE: 04/12/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C46-H76		[redacted]	Male	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
179956	B	04/21/2015	0	38.00	0.00	**Invalid**

Total Number of Certificates: 1

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
11/18/2013	04/06/2014	6	TRN	11/18/2013	19000	LOS ANGELES CO SD	F	P	
04/06/2014	04/24/2017	1	DPTY	04/06/2014	19000	LOS ANGELES CO SD	F	P	
04/24/2017	01/05/2023	8	PO	04/24/2017	19720	TORRANCE PD	F	P	

*Reason for Separation: 1 = Resigned, 6 = Other, 8 = Involuntary Separation

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
11/20/2013	K	1820-28411-13-007	8	X	Y	19000	LASD		WORKPLACE HARASSMENT PREVENTION
03/07/2014	K	4890-23272-13-054	8		Y	19000	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY)
04/04/2014	A	1820-00100-13-004	760		Y	19000	LASD		BASIC COURSE-INTENSIVE
10/07/2015	K	1279-20078-15-002	8	X	Y	19000	STAS		POLICING VIOLENT EXTREMISM 1
11/23/2015	K	1279-20074-15-010	8	X	Y	19000	STAS		TLO BASIC - JRIC
05/02/2017	K	2800-29501-16-011	8		Y	19720	TPD	*	FIREARM(PSP)
05/06/2017	K	2800-29502-16-013	8		Y	19720	TPD	*	DRIVING(PSP)
01/25/2018	K	2800-29503-17-005	8		Y	19720	TPD	*	ARSTCTL(PSP)
01/26/2018	K	2800-23500-17-005	8	X	Y	19720	TPD		WEAPONLESS DEFENSE AND BATON
04/12/2018	K	2800-22405-17-002	8	X	Y	19720	TPD		OFFICER SAFETY/FIELD TACTICS UPDATE
10/19/2018	K	9180-25587-18-111	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
10/26/2018	K	2800-20315-18-002	8	X	Y	19720	TPD		DRUG ALCOHOL RECOGNITION UPDATE
11/20/2018	K	1820-20301-18-008	4	X	Y	19720	LASD		BREATH ALCOHOL TESTING DEVICE
12/07/2018	K	9180-25580-18-160	4	X	Y	19720	POST		DOMESTIC VIOLENCE: IT'S YOUR CALL, VOL. 1 (WEB)
03/12/2019	K	4890-23287-18-026	4	X	Y	19720	M TOLERNCE		RACIAL PROFILING UPDATE
04/11/2019	K	2800-29501-18-008	8		Y	19720	TPD	*	FIREARM(PSP)
10/22/2019	H	1120-10040-19-001	8	X	Y	19720	ESPD		LEADERSHIP & ACCOUNTABILITY
11/19/2019	K	1120-28000-19-001	7	X	Y	19720	ESPD		TRAINING CONFERENCE
12/13/2019	K	9180-25587-19-166	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
08/07/2020	K	2800-23500-20-001	8	X	Y	19720	TPD		WEAPONLESS DEFENSE AND BATON
10/31/2020	K	9180-25589-20-123	2	X	Y	19720	POST		DV RESPONSE & LETHALITY ASSESSMENT (WEB)
11/10/2020	K	9180-25587-20-133	2	X	Y	19720	POST		VEHICLE PURSUIT POLICY (WEB)
11/21/2020	K	2800-29502-20-004	8		Y	19720	TPD	*	DRIVING(PSP)
04/01/2021	K	2800-29501-20-004	8		Y	19720	TPD	*	FIREARM(PSP)
08/20/2021	K	2540-31725-21-002	40		Y	19720	SOBAYRTC		FIELD TRAINING OFFICER

*Meets Perishable Skills

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

CITY OF
TORRANCE

OFFICE OF THE CITY MANAGER

Aram Chaparyan
City Manager

Danny E. Santana
Assistant City Manager
310/618-5880
DSantana@TorranceCA.Gov

January 5, 2023

Sent via USPS First Class Mail

Christopher Allen-Young
[redacted]

Dear Officer Allen-Young:

RE: LETTER OF FINDINGS

Upon the authority of the City Manager, I am the designated Administrative Conference Chair in this matter. The purpose of this letter is to inform you that I concur with the recommendation of the Police Chief that you should be terminated from your employment as a Police Officer with the City of Torrance Police Department.

I. AUTHORITIES UPON WHICH THE DISCIPLINE IS BASED

Your termination is based on your violation of the following rules, regulations, orders and/or policies, any of which, standing alone, or in combination with any other, warrants your termination:

A. RULES THAT APPLY REGARDLESS OF DATE CONDUCT OCCURRED

1. **Torrance Municipal Code, Chapter 4, Article 47, Section 14.47.1**
   A department head, with approval of the City Manager, for misconduct, incompetency, inefficiency, failure to perform duties or to observe the rules and regulations of his [or her] department or of the City: c) May discharge any such employee.

2. **Law Enforcement Code of Ethics, Policy 104**
   I WILL keep my private life unsullied as an example to all…
   I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

3. **City of Torrance Anti-Harassment Policy**
   a. 34.10a- Protected Classifications
   …Harassment can consist of virtually any form or combination of verbal, physical, visual, or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim…
   b. 34.10d- Visual or Written Harassment
   The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
   c. 134.05- Anti-Harassment Procedure
   All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division…
   d. 134.15- Employees' Responsibilities
   Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

B. RULES THAT APPLY TO CERTAIN CONDUCT OCCURRING ON OR BEFORE APRIL 7, 2019

1. **General Order 1.10 – Policing Philosophy**
   a. 1.10.3(B)- Service to the Community
   The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:
   2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices;
   4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.

2. **General Order 2.01.1(A) – Employee Rules and Regulations**
   It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:
   4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.

3. **General Order 2.33 – Social Media**
   a. 2.33.1(D)- Prohibited Speech, Expression, and Conduct
   To meet the Department's safety, performance, and public-trust needs, the following is prohibited unless the speech is otherwise protected…:
      2. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Torrance Police Department or its employees;
      3. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior;
      5. Speech or expression that is contrary to the Mission Statement or Core Values of the Torrance Police Department.

C. RULES THAT APPLY TO CONDUCT OCCURRING ON OR AFTER APRIL 9, 2019

1. **Standards of Conduct (General Standards) Lexipol Policy 319.4**
   Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority. Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

2. **Standards of Conduct (Causes for Discipline) Policy 319.5.1(a) – Laws, Rules, and Orders**
   (a) Violation of or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement, or failure to follow instructions contained in department or City manuals.

3. **Standards of Conduct (Performance) Lexipol Policy 319.5.7(i) – Actions that Discredit Torrance Police Department**

   Any act on or off duty that brings discredit to this department.

4. **Standards of Conduct (Conduct) Lexipol Policy 319.5.8**
   (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this Department or the City.
   (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
   (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

5. **Employee Speech, Expression, and Social Networking Lexipol Policy 1021.4 – (Prohibited Speech, Expression and Conduct)**
   (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Torrance Police Department or its employees.
   (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Torrance Police Department or its employees.
   (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
   (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Torrance Police Department.

II. FACTS SUPPORTING THE CHARGES

I base my decision on the facts and circumstances that were established by the administrative investigation, which are summarized here:

Between February and March 2020, detectives from the Torrance Police Department (TPD) conducted an investigation into a vandalism report filed by an individual whose vehicle was vandalized in the process of being impounded. Detectives determined that two TPD officers – Cody Weldin and Christopher Tomsic – were suspects for the vandalism. On March 3, 2020, the investigation was reassigned to Crimes Against Persons Sergeant J. Masalcas who was assisted by Special Investigations Unit Sergeant J. Taylor. During Sergeant Masalcas' investigation, he obtained a search warrant for the contents of the personal cellphones of Weldin and Tomsic. Upon the successful extraction of information from the phones, Sergeants Masalcas and Taylor found evidence implicating both officers in the vandalism incident. Detectives submitted the completed criminal investigation to the Los Angeles District Attorney's Office and requested the filing of criminal charges on both officers.

On or about August 16, 2021, the Los Angeles County District Attorney's Office ("LADA") notified TPD that concerning electronic messages were discovered on officers' cellphones. Allegedly, multiple TPD officers exchanged these concerning electronic messages. The LADA's analysis revealed approximately 390 messages containing or referencing discriminatory topics, including but not limited to anti-Semitic, racist, homophobic, and transphobic remarks. The LADA identified you as one of the officers involved in the exchange of these messages. TPD subsequently opened an administrative investigation into the LADA's concerns.

The data revealed that during the period from approximately May 2018 through December 2019, while both on and off duty, you sent or interacted with (for example, by commenting upon, or otherwise reacting to) approximately eight text messages that contained homophobic, racially/ethnically insensitive, and otherwise inappropriate text messages to other members of TPD.

The texts were as follows: [1]

5/31/2018	Officer Dempsey texted several PD officers and asked if any officers wanted to work Team 5. After several messages were exchanged, you replied, "Don't worry, Fagat [sic] Blake ain't workin."
5/31/2018	You sent a WhatsApp message to Officer Alonso stating, "Last time that bullshit went down, you homos tag teamed it."
11/02/2018 **(on-duty)**	You texted a photo of Amy Schumer with a caption saying "Posting a pic of Amy Schumer to help my niggas stay strong for No Nut November (day 2/30)"
11/08/2018	You exchanged WhatsApp messages with Officers Dempsey, Satterfield, and Williams. During the exchange, Officer Satterfield used the phrase "pipe hitters" and Officer Williams used the words "Fhagget/faggola". You responded to Officer Williams' text messages during this exchange.
2/04/2019	Officer Weldin texted you about hitting civilian name omitted's mother with a baton during a meeting. You responded to the message and Weldin responded back, "Yeah dude, You're too savage for the savages apparently." You replied, "Hahahahyeess!!!! Wish I was there to see that."
2/14/2019	You sent a WhatsApp message with a photo of Dave Chapelle with the caption on the top of the photo stating "When your GF is fucking a black guy, so you break a taillight on his car so the police will stop him and shoot him." The bottom of the photo was captioned, "Modern problems require modern solutions."
3/31/2019 **(on-duty)**	You texted Officer Weldin "Moon cricket hunting!!!!" Officer Weldin responded, "They're chirping for sure."
12/19/2019	Officer Weldin texted you "What's up monkey thumper." You responded, "Hahaha, what's up bud."

Investigators interviewed you on April 26, 2022. You stated that you did not recall sending or receiving discriminatory content based upon race, ethnicity, religion, or sexual orientation with other TPD officers or employees. However, when presented with the discriminatory content in question, you confirmed that it was your phone number listed as either the sender or the receiver of the content. You admitted that your current personal cell phone number is [redacted] the same number that is associated with the discriminatory text messages listed above. You also admitted you have had the same phone number for the past ten years, which would include the dates listed above. You further

[1] This does not represent an exhaustive list of the text messages that you exchanged or that are inappropriate on multiple levels. This is however a list of messages that were most clearly inappropriate and in which you actively participated.

admitted that you do not allow others to send text messages on your phone, and that you used your personal cellphone to send and receive text messages to and from the Department and other TPD co-workers because you do not have a work phone. You further admitted that you used the phone application 'WhatsApp' to send and receive personal messages with other officers, including during the period from March 2018 – March 2020. Moreover, you admitted that when you received a message on your cell phone, your phone would vibrate and a banner notification appeared on your phone saying "text message". You admitted that even if you do not open a text immediately, you eventually would open the message.

When asked about which officers you exchange text messages with, you admitted that multiple members of TPD are on various text threads and groups. You admitted that you were on a text string with Officers Chavez, Satterfield, Tomsic, and Weldin. You also admitted that between March 2018 and March 2020 you were sure you had exchanged communications with Officers [redacted]

Regarding the content of the messages, you admitted that as a member of TPD it is your responsibility to know and abide by the department's rules and regulations. You admitted that you encountered the "N" word while on the job at TPD when others spoke to each other. You further admitted that if you were working on the job and used the "N" word toward someone that it would be a problem.

You admitted that within the past couple of years, you attended cultural diversity training while at TPD, and that training discussed discriminatory practices. You stated that you did not recall any specifics of the cultural diversity training, including whether or not the training included discussion of homophobic comments, photos, or jokes. When asked if you were biased against Black individuals, you said you were not.

III. ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*) In your particular case, the principles set forth in *Skelly* amply support your termination. In fact, the period between March 2018 through February 2019 establishes an ongoing pattern of misconduct and policy violations.

A. YOU ENGAGED IN INEXCUSABLE MISCONDUCT

Your involvement in discriminatory text messaging with other TPD officers demonstrates a lack of sound decision-making and unbecoming conduct that calls into question your fitness for duty as a police officer. You sent, received, and otherwise interacted with/responded to nearly a dozen discriminatory text messages from other members of TPD over the course of nineteen months. You used racial and homophobic slurs in conversations with your colleagues and made jokes about racially motivated police violence. The casual use of these terms between you and the other officers suggests that this type of discussion was not unusual between you, yet you claim not to have any recollection of these exchanges. Such racist and homophobic language has no place in this Department. Regardless of whether or not you recall sending or receiving the messages, you confirmed that your phone number, which you have had for over 10 years, was associated with each one. You also stated that you do not allow others to send text messages from your phone number. Whether or not these messages were intended as "jokes" does not exempt them from the City's harassment policies. In fact, the policy clearly defines visual/written harassment as "The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry..." among other protected classifications. The content of the text messages in question here clearly falls within these parameters. By participating in the messaging, you engaged in inappropriate speech and unprofessional conduct in violation of multiple Department policies, including Policy Nos. 319.5.1(a), 319.5.7(i), 319.5.8(f),(g),(m), and 1021.4(b), and then-applicable General Orders 1.10.3(B), 2.01.1(A), and 2.33.1(D). This conduct also violated the City's Anti-Harassment Policy. Moreover, you should have reported any discriminatory messages you received from a fellow officer as soon as you received it.

The Department relies on its officers to uphold the highest standards of conduct to maintain positive relationships and preserve the trust we have with the community we serve. You demonstrated bias here that erodes that trust and smears the reputation of the Department. The Department already experienced the damage to its reputation when the news media published what were then unverified accounts of these text messages starting in August 2021. Now that the investigation has substantiated at least some of the allegations, the breach in community trust is cemented.

B. YOUR MISCONDUCT WARRANTS TERMINATION OF YOUR EMPLOYMENT

Peace officers are held to the highest standards of conduct. (See, e.g., *Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 440.) Your conduct in this case causes irreparable harm to the public service and reveals that you are unfit to serve as a peace officer.

Torrance Police Department Policy 401.2 notes that it is the policy of this Department to serve the community equally, fairly, and objectively in both the enforcement of the law and provision of law enforcement services. Policy 401.3 strictly prohibits bias-based policing. These provisions are consistent with the growing number of laws being enacted by the California Legislature that also aim to curtail bias in peace officers. Notably, SB 2[2] modifies the definition of "serious misconduct" to include at a minimum, "Demonstrating bias on the basis of any legally protected status, in violation of law or department policy, or in a manner inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner".

[2] Penal Code Section 13510.8(a)(5).

Though you stated in your administrative interview that you are not biased against Black individuals, based on the record of text messages you sent, received, and responded to, your assertion is unreliable at best, and dishonest at worst. As a result, your fitness to serve in a bias-free manner can no longer be relied upon. Rather, I share Chief Hart's fear that there are discriminatory motivations behind all your actions, which could open the Department to liability, and moreover, subject innocent members of the public to unfair treatment due to your own personal prejudices. You and certain other officers openly used racial epithets, discussed hunting Black people, and made jokes regarding racially-motivated police shootings. Using racial epithets and making light of violence against Black people constitute conduct that is directly contrary to principles of fair and unbiased policing.

Messaging like that which you participated in (including the use of homophobic slurs such as "Fagat" and "Fhagget/faggola", and racist slurs such as the N-word and "Moon cricket") is inconsistent with peace officer employment. You also admitted that you already received cultural awareness training. Notwithstanding the training, you proceeded to engage in discriminatory messaging on numerous occasions throughout a nineteen-month period, including making "jokes" at the expense of Black and gay people. Therefore, it is unlikely that further training will adequately resolve this behavior. Lesser disciplinary measures are inadequate under the circumstances.

Furthermore, the content of these messages damages your credibility as a witness and therefore your usefulness as an officer. An officer who lacks the ability to be a credible witness is unable to perform one of the essential functions of the job, i.e., to testify truthfully and competently in a court of law. Because the records of an officer's bias are potentially discoverable pursuant to a *Pitchess* motion under Evidence Code sections 1043-1045, and even potentially pursuant to a Public Records Act request under Penal Code section 832.7(b)(1)(D), it is reasonable to conclude that your conduct renders you ineffective as a prosecution witness.

In sum, you have breached the public's trust and I can no longer count on you to engage in professional conduct or to act in an unbiased-manner when carrying out your duties. You have demonstrated a willingness to engage in inappropriate, unprofessional, and offensive conduct despite admittedly knowing it was a violation of your training. For these reasons, Chief Hart indicated that he lost all confidence in you and believes that termination is the appropriate discipline for your misconduct. I agree that termination is the appropriate level of discipline in light of the facts and circumstances presented here.

IV. WORK HISTORY

You were hired by the City on April 24, 2017, as a Police Officer. Your last performance review indicates that your performance has been generally rated as "meets standards" to "above standards."

V. DISCIPLINARY RECORD

No discipline on file.

VI. EMPLOYEE'S RESPONSE AND ADMINISTRATIVE CONFERENCE CHAIR ASSESSMENT

An in-person administrative conference was held on this matter on October 10, 2022. You, your attorney, Corey W. Glave, Police Chief Jeremiah Hart, and Lt. Charles Fisher were all in attendance. At the administrative conference, I offered both you and your attorney an opportunity to provide me with additional information to consider before making my decision.

While your attorney commenced with an assertion of appeal rights, provided notable examples of your work performance, and made various arguments, he focused primarily on the warrant that was associated with the origin of the text messages. Although the City of Torrance cannot speak to the actions of the LADA, it is my understanding that in *Anthony Chavez, et al. v. Torrance Police Department (Case No. BH014005* Memorandum of Decision) most, if not all, of the arguments raised by Mr. Glave were set forth in a Motion to Suppress which was recently denied in its entirety by the Court. A true and correct copy of the Memorandum of Decision is attached hereto as Attachment A and incorporated by reference herein. In summary, the Court found that Penal Code section 1546.4 does not require suppression of the evidence in this matter, that the search warrant at issue did not violate section 1546.1(d)(1), that the Department's pending administrative investigation does not violate section 1546.1(d)(2), and that the City did not violate Judge Amy N. Carter's order by reviewing Petitioners' messages or providing the messages to the DA's office. The Court also ruled that Mr. Glave was not entitled to the return of his attorney-client communications which were captured in the search warrant data.[3]

Mr. Glave raised a concern that your personnel file was not provided. I note that included in Chief Hart's Notice of Intent, under Section VI. Notice of Pre-Disciplinary Rights, the following statement was provided "…Although your file is not attached to this Notice of Intent, you may contact Ryan Galassi in the Personnel Division at 310-618- 5687 to schedule an appointment for you and/or your representative to examine the file from 0800 hours to 1700 hours, Monday through Friday."

[3] It should be noted that the Administrative Conference Chair did not rely upon any attorney-client privileged communications in making the decision to uphold your termination.

Lastly, Mr. Glave also noted a concern that you were not provided all investigation materials, citing communications between Torrance Police Department personnel and what was known by them and when. This comment was brought to the attention of the City Attorney's Office. Subsequently, on October 19, 2022, the Torrance Police Department delivered a letter to you with a "cc" to Mr. Glave and myself. The letter was accompanied with a flash drive that included recordings and transcripts of interviews and an Administrative Investigation Report entitled "What information did TPD criminal investigators and supervisors discover regarding discriminatory messages sent by TPD officers and what action did they take".

On December 7, 2022, a second administrative conference was held to provide you with an opportunity to respond to the information that was enclosed with the October 19, 2022 letter. You, your attorney, Mr. Glave, Chief Hart, and Lt. Fisher were all in attendance. At this second administrative conference, I offered both you and your attorney an opportunity to provide me with additional information to consider before making my decision. Mr. Glave reiterated that this involved private communications, that a court order was violated, and that these private communications should have been sealed. As with the first administrative conference, Mr. Glave reiterated that your body of work should be considered and concluded with an assertion that all appeal rights were reserved.

VII. ADMINISTRATIVE CONFERENCE CHAIR FINDING

Officer Allen-Young, I am wholeheartedly disappointed as the Administrative Conference Chair in rendering this decision in a case involving a Torrance Police Department Officer, for sending, receiving, and responding to discriminatory messaging. You made some regrettable decisions to send, receive, and respond to such messaging, and you also failed to report the misconduct of others. In your role as a Police Officer, the City and the public entrusted you to follow the regulations and policies of the Torrance Police Department, and the City of Torrance. The City and the Department expect you to regard all members of the public with the same level of respect, no matter their race, religion, creed, or sexual orientation (among other protected classifications). The public relies on police officers for assistance in emergencies and life-threatening situations. Your engagement in the above-described behavior calls into question your ability to deliver such services in an unbiased manner. You betrayed the trust placed in you as a Police Officer and displayed a blatant disregard of your duty to uphold values so paramount to law enforcement and basic human dignity. As a Police Officer, you swore to protect and serve not just select members of the Torrance community, but the entire community, all differences aside. Your conduct is unacceptable and unbecoming of a Police Officer. Therefore, I concur with the recommendation of the Police Chief that you be terminated **effective January 5, 2023.**

VIII. ATTACHMENTS

Attachment A: *Anthony Chavez, et al. v. Torrance Police Department, Case No. BH014005* Memorandum of Decision

IX. APPEAL RIGHTS

You have the right to appeal this decision to the Civil Service Commission pursuant to Section 14.47.8 of the Torrance Municipal Code. A request to have this matter reviewed must be submitted to Ms. Brianne Cohen, Civil Services Manager, in writing within ten (10) days of the date of this letter.

You may submit your written response by email; U.S. first class mail, overnight mail, delivery courier or other personal delivery; or via fax: CivilServiceCommission@TorranceCA.Gov; City of Torrance, Civil Service Commission, ATTN: Brianne Cohen, Civil Service Manager, 3231 Torrance Blvd., Torrance, CA 90503; FAX (310) 618-2726.

Sincerely,

Danny E. Santana
Assistant City Manager
Administrative Conference Chair

Attachment A

cc: Jeremiah Hart, Chief of Police
Hedieh Khajavi, Human Resources Manager
Brianne Cohen, Civil Services Manager
Corey W. Glave, Attorney for Employee
Human Resources Division – Personnel File

Officer Allen-Young (00:16:03):
Yes sir.

Craig Junginger (00:16:04):
Do you have a personal cellphone?

Officer Allen-Young (00:16:07):
Yes sir.

Craig Junginger (00:16:08):
What's your personal cellphone number?

Corey Glave (00:16:10):
We'll make an objection under 3308. He doesn't have to disclose any personal items of his property, income, assets, source of income, debts, or personal expenditures, which would include a cellphone.

Craig Junginger (00:16:24):
Okay.

Corey Glave (00:16:24):
And he has a right to privacy in his personal phone number.

Craig Junginger (00:16:27):
Answer the question please sir.

Officer Allen-Young (00:16:30):
My phone number's [redacted].

Craig Junginger (00:16:33):
And how long have you had that cellphone number?

Officer Allen-Young (00:16:37):
10 plus years sir.

Craig Junginger (00:16:39):
Does anyone else use your personal phone for any reason, messages, phone calls, anything like that?

Officer Allen-Young (00:16:46):
They have.

Craig Junginger (00:16:48):
Who else would use your phone?

Officer Allen-Young (00:16:50):
My wife's privy to my phone. I've had people over the years have used my phone. I mean, yeah.

Craig Junginger (00:16:58):
What do you mean? Explain that to me.

Officer Allen-Young (00:17:00):
If they needed to make a phone call, I've allowed people to use my phone.

Craig Junginger (00:17:04):
Have you allowed people to use it to text message, or get on your social media apps or anything?

Officer Allen-Young (00:17:10):
No.

Craig Junginger (00:17:13):
Do you use your personal cellphone to send or receive text messages from the department?

Officer Allen-Young (00:17:18):
Yes.

Craig Junginger (00:17:19):
From members of the department?

Officer Allen-Young (00:17:20):
Yes.

Craig Junginger (00:17:22):
Do you use your personal cellphone to send or receive text messages from other Torrance PD coworkers?

Officer Allen-Young (00:17:28):
Yes.

Craig Junginger (00:17:31):
When you get a text message, how are you notified on your phone? How does it alert you that you have a text message?

Officer Allen-Young (00:17:38):
It vibrates.

Craig Junginger (00:17:41):
Does it also make a noise or anything?

[redacted]@s.whatsapp.net Officer Chris Young

Attachments:



Size: 97690
File name: 9c844605-ca96-4c43-a500-16b26bfbfb87.jpg
Path: https://mmg-fna.whatsapp.net/d/f/AjL4L3tYwz_VCwF-Yg_s7kwD2W5-sV_E-5KemRiaWMBd.enc
9c844605-ca96-4c43-a500-16b26bfbfb87.jpg

Status: Read
Platform: Mobile

2/14/2019 8:13:25 AM(UTC-8)

[redacted]

[redacted]@s.whatsapp.net Officer Tony Chavez

Lmao

Status: Read
Platform: Mobile

2/14/2019 8:13:57 AM(UTC-8)

[redacted]

[redacted]@s.whatsapp.net Officer Joshua Satterfield

#cowboyslifematters

Status: Read
Platform: Mobile

2/14/2019 8:16:58 AM(UTC-8)

[redacted]

[redacted]@s.whatsapp.net Officer Tony Chavez

#sleepingisntacrime

Status: Read
Platform: Mobile

2/14/2019 8:20:02 AM(UTC-8)

[redacted]

When your GF is fucking a black guy, so you break a tail light on his car so the police will stop him & shoot him.



Participants

[redacted]

[redacted] Officer Chris Young*

[redacted] Cody Weldin* (owner)

Conversation - Instant Messages (77)

[redacted] Officer Chris Young

Moon cricket hunting !!!!

Status: Read

Read: 3/31/2019 2:43:04 AM(UTC-7)

3/31/2019 2:40:06 AM(UTC-7)

[redacted]

[redacted] Cody Weldin

They're chirping for sure

Status: Sent

Delivered: 3/31/2019 2:43:12 AM(UTC-7)

3/31/2019 2:43:12 AM(UTC-7)

[redacted]

[redacted] Cody Weldin

Breakfast or nah?

Status: Sent

Delivered: 4/8/2019 6:18:31 AM(UTC-7)

4/8/2019 6:18:31 AM(UTC-7)

[redacted]

[redacted] Cody Weldin

Perfect!

Status: Sent

Delivered: 12/7/2019 8:48:13 PM(UTC-8)

12/7/2019 8:48:13 PM(UTC-8)

[redacted]

[redacted] Cody Weldin

Hey bro are you still interested in this Tuesday graveyard?

Status: Sent

Delivered: 12/8/2019 9:35:15 PM(UTC-8)

12/8/2019 9:35:13 PM(UTC-8)

[redacted]

[redacted] Officer Chris Young

Sorry I don't get back to you sooner bud. Gonna have to pass this time

Status: Read

Read: 12/8/2019 9:37:14 PM(UTC-8)

12/8/2019 9:36:36 PM(UTC-8)

[redacted]

[redacted] Cody Weldin

No worries thanks!

Status: Sent

Delivered: 12/8/2019 9:38:47 PM(UTC-8)

12/8/2019 9:37:31 PM(UTC-8)

[redacted]

[redacted] Cody Weldin

What's up monkey thumper

Status: Sent

Delivered: 12/19/2019 11:16:47 AM(UTC-8)

12/19/2019 11:16:47 AM(UTC-8)

[redacted]

[redacted] Officer Chris Young

Hahaha what's up bud

Status: Read

Read: 12/19/2019 11:17:05 AM(UTC-8)

12/19/2019 11:17:04 AM(UTC-8)

[redacted]

ATTACHMENT “G”

Relevant Torrance Policies

18 pages

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

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34.05 **ANTI-HARASSMENT POLICY**

The City is committed to providing a workplace free of discriminatory harassment. This Policy defines discriminatory harassment and sets forth a companion procedure for the investigation and resolution of such complaints by or against any City employee, applicant or contractor. This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunity and compensation.

Discriminatory harassment will not be tolerated and employees who violate this Policy may be subject to appropriate disciplinary action. Retaliation against any individual for making a complaint of such harassment or for participating in a harassment investigation constitutes a violation of this Policy. However, knowingly false accusations of retaliation or harassment similarly will not be tolerated.

34.10 **Definitions**

34.10a Protected Classifications: This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

Harassment can consist of virtually any form or combination of verbal, physical, visual or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

34.10b Verbal Harassment

Inappropriate or offensive remarks, slurs, jokes or innuendoes based on race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist,

patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

34.10c Physical Harassment

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation.

This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

34.10d Visual or Written Harassment

The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

34.10e Work Environment

A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile work environment can arise from the following circumstances:

A. An unwarranted focus on sexual topics or sexually suggestive statements.
B. An unwelcome sexual behavior directed specifically at an individual.
C. The individual merely witnesses unlawful harassment in his or her immediate surroundings.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as:

A. The frequency of the conduct.
B. The severity of the conduct.
C. Whether the conduct is humiliating or physically threatening.
D. Whether the conduct unreasonably interferes with an individual's work.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Torrance.

34.15 **Relationships between Supervisors and Subordinate Employees**

Romantic or sexual relationships between supervisors and employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships which may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

34.20 **Prohibited Supervisory or Managerial Behavior**

No supervisor, manager or other authority figure shall:

A. Condition any employment, employee benefit or continued employment in the City of Torrance on an applicant's or employee's acquiescence to any of the behavior defined above.

B. Retaliate against any applicant, or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

C. Destroy evidence relevant to an investigation of harassment.

34.25 **Behavior Prohibited by All Persons**

No employee in the City of Torrance shall:

A. Create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of another employee.

B. Assist any individual in doing any act which constitutes discriminatory harassment against any other employee of the City of Torrance.

134.05

ANTI-HARASSMENT PROCEDURE

All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment, to their supervisor, manager, or to the Human Resources Division. Any supervisor or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the Human Resources Division, followed by written documentation of the complaint.

134.10

Supervisors/Managers Responsibilities for Preventive Action

A. A copy of the Anti-Harassment Policy shall be provided to all employees in the City of Torrance, as well as displayed in prominent locations throughout the City.

B. A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all City of Torrance employees upon request.

C. New employees shall be provided a copy of the Anti-Harassment Policy during New Employee Orientation.

D. The Human Resources Division shall make available information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.

E. A copy of the Anti-Harassment Policy and Procedure is in the City of Torrance Policy, Procedure and Protocol Manual posted on the Policies and Procedures web page on the Torrance Employee Network (TEN).

F. Employees of the City of Torrance shall receive periodic training on the policy.

134.15

Employees' Responsibilities

A. Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure. This includes conduct of non-employees, such as sales representatives or service vendors or harassing conduct toward such contractors. Under no circumstances shall an employee of the City of Torrance who believes that he or she has been the victim of discriminatory harassment be required to first report that harassment to a supervisor or other authority figure who has done the harassing.

B. Cooperate with any investigation of any alleged act of harassment conducted by the City of Torrance.

C. Maintain confidentiality to the extent possible in investigating any claims of alleged harassment.

134.20

Human Resources Reporting Procedures for Investigative/Corrective Action

A. Human Resources shall conduct a fair, timely and thorough investigation of any incident of alleged discriminatory harassment reported to them. The investigation shall be conducted in a way to maintain confidentiality, to the extent possible.

B. The person designated to investigate shall report in writing the findings of any investigation to the Human Resources Division. The Human Resources Administrator shall determine whether there is a violation of Policy and communicate the conclusion to the complainant.

C. Remedial action including discipline taken by any supervisor or manager shall be decided in accordance with Policy and after consultation with the Human Resources Administrator.

Employees who have questions about their rights and obligations described within this policy should contact the Human Resources Division.

Historical Record

Original Publication

04/2001

Revisions

07/2001 Reformat

06/2002

05/2009 Reformat

11/2012

12/2017

03/2018 Updated

04/2018 Updated

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 1.10 POLICING PHILOSOPHY

DATE ISSUED: January 14, 2010

JOHN J. NEU
CHIEF OF POLICE

PURPOSE

This General Order establishes the Department's policing philosophy and the expectations of personnel in their service to the community.

1.10.1 FOCUS BASED POLICING

A. Philosophy: Focus Based Policing is a distinct management philosophy based upon the need for continuous improvement through employee growth and development, as well as a general dissatisfaction with the status quo. Focus Based Policing empowers Area Commanders and Division Commanders to look for opportunities to address crime problems, quality of life issues and unexpected challenges in conjunction with their everyday responsibilities. We promote fresh thinking and creativity by pushing down the organization chart and distributing power to the line level officers. This philosophy enables our managers to formulate and assess new methods and approaches to not only how we police, but also how we handle routine tasks, with the goal of truly expanding the future of policing in the City of Torrance. In short, our belief and approach is simply "things can always be done better throughout the entire organization."

Our Focus Based Policing philosophy provides the following fundamental benefits:

1. Mission and vision clarification
2. Enhanced service to the community
3. Results orientation with a focus on outcomes rather than outputs
4. Resource flexibility
5. Focus on problem solving and relentless follow-up
6. Information exchange driven decision making
7. Employee growth and development

1.10.2 TEAM POLICING

A. GENERAL: In support of our Focus Based Policing management philosophy, the Patrol Division is deployed on a Team Policing model. The four basic components of Team Policing are:

1. A deployment model that meets organizational needs for accountability and consistency.
2. A beat system that creates consistent and equitable areas for patrol officers to work.
3. A scheduling system that balances the needs of the employees and workload demands.
4. An effective patrol structure to meet increased demands and expectations while supporting our historical patrol practices.

The Department structures its Patrol operations around fixed Police Teams assigned to a specific region of the City during a team-specific day and hourly schedule. Patrol personnel are committed to their team, area and schedule for an entire deployment cycle. Police Teams report to an Area Commander who is responsible for monitoring all activities occurring within the area of the City that Team patrols. Area Commanders act as Patrol's central liaison to the community, actively participating in or organizing community meetings and events within the Area Commander's designated area of the City.

Our Team Policing model allows us to deploy officers in a more efficient and effective manner while addressing the ongoing need to respond to calls for service, creating additional opportunities for proactive work where and when it is needed, and providing sufficient time and support for officers to complete and implement operation plans; all of which enhances our Focus Based Policing efforts.

1.10.3 SERVICE TO THE COMMUNITY

A. GENERAL: The most important factor in gaining the goodwill and confidence of the people is an attitude of courtesy and objectivity toward them. It is important that the Department, through its personnel, demonstrate the ability and capacity to provide the type of police service that the people have a right to expect.

Each member of the Department should be prepared to meet the responsibility of police service through continuous education and training. Self-confidence comes from experience gained through the diligent performance of duty. Courtesy, patience and tact are characteristics expected of each employee.

To most people, the individual employee is representative of the entire Department, and to residents and visitors, is the public representative of the City. Demeanor in dealing with the public creates favorable or unfavorable impressions of the employee, the Department, and the City.

Employees must realize that their activities are matters of particular interest, not only to those with whom there are direct dealings, but also the general public, because official duties are closely related to every phase of community life. Employees must maintain habits of acceptable conduct that will merit public approval.

The use of offensive language by department employees is objectionable and as demoralizing to human dignity as physical abuse. Everyone is entitled to respect and dignity in the treatment they receive.

B. POLICY: The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:

1. Tact, patience, and courtesy shall be strictly observed in all cases of public contact.
2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices.
3. Managers and supervisors shall, by example, demonstrate, and instruct subordinates in proper demeanor and desirable attitudes in dealing with the public.
4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.
5. Officers shall diligently perform their duties with impartiality, uphold the constitution, and be mindful that they are the protectors of the people's lives and property.
6. Officers shall be aware of the problems that exist in various areas and take appropriate, affirmative action to correct them without indifference or neglect.

JOHN J. NEU
CHIEF OF POLICE

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 2.01 EMPLOYEE RULES AND REGULATIONS

JOHN J. NEU
CHIEF OF POLICE

DATE ISSUED: April 6, 2009

PURPOSE

Department personnel are expected to conduct themselves in a manner that reflects the Mission, Vision, and Core Values of our Department. This General Order establishes rules and regulations governing employee conduct.

2.01.1 EMPLOYEE RULES AND REGULATIONS

A. EMPLOYEE RESPONSIBILITY. It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:

1. Obey all local, state, and federal laws.
2. Render service to the community with pride, integrity, compassion, and excellence.
3. Enforce the law equitably and without regard to race, color, religion, sex, marital status, sexual orientation, national origin, age, disability, or veteran status. Laws and regulations issued by the United States and the State of California require equal treatment of all persons.
4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.
5. Perform their duties in a manner that will not reasonably result in the impairment or disruption of public service or Department business. This includes the knowing and willful failure to perform a required duty or task.
6. Maintain in good working order the equipment and supplies issued to them, taking all reasonable care to prevent loss or damage.

B. FALSE REPORT PROHIBITED. No employee shall make false official reports, or knowingly enter, or cause to be entered, in any Department book, record, report, or log, any inaccurate, false, or improper information, evidence or material.

2.01.2 WORKPLACE CONDUCT

A. DEPARTMENT IDENTIFICATION CARD. The primary, official means of identifying Department members is the Torrance Police Department identification card. The issuance of an identification card is only authorized by the Chief of Police, or a designee, and is intended to be used only for official authorized purposes. Department members shall relinquish their identification card upon the direction of the Chief of Police or designee.

1. WEARING IDENTIFICATION. All personnel not in uniform are required to wear identification while inside the Police facility. Police Officers and Services Officers shall wear badges or Department identification cards. All other employees and volunteers shall wear Department identification cards. Identification shall be conspicuously worn on the employee's person, using a clip or lanyard.
2. POSSESSION OR USE. All personnel are required to have their identification card in their possession when they are on duty and displayed when there is a need to identify themselves as a Department member. The Identification Card is to be worn, displayed and/or offered only for Department business.

B. EFFICIENCY. Employees shall direct and coordinate their efforts in such a manner as will tend to establish and maintain the highest standard of efficiency.

C. PUNCTUALITY. Employees shall be punctual in reporting for duty, and shall work their complete tour of duty, unless relieved by a supervisor.

D. SMOKE-FREE ENVIRONMENT. Smoking is prohibited in the Police station. Outside the Police station, smoking is prohibited within 25 feet of the building. Smoking in City Vehicles is prohibited. Any disputes or grievances on the no-smoking policy shall go first to the Administrative Bureau Commander for resolution. In any dispute arising under this no-smoking policy, the rights of the non-smoker shall be given precedence.

E. ALCOHOL CONSUMPTION. Alcoholic beverages shall not be consumed by on-duty personnel. Exceptions can be authorized only by the Chief of Police or his designee.

F. EMPLOYEE PARKING. Employees shall park their personal vehicles only in designated spaces. Personal vehicles shall not be parked in spaces reserved for City vehicles. Long-term storage of personal vehicles on City property is prohibited.

G. KEYS. Upon transfer or reassignment, employees shall submit their programmable keys to the Services Division for reprogramming. All regular keys for offices or work areas shall be relinquished to the Commander of the concerned Division upon reassignment. Missing or damaged keys shall be reported to the Services Division on a TPD 41. Upon separation of employment, employees shall return all keys to the Personnel Division.

2.01.3 RESPECT FOR COMMAND

A. ADDRESSING RANKING OFFICER. When in the presence of the public, employees of the Department shall address supervisors by their proper titles.

B. OBEDIENCE TO ORDERS. Employees shall obey the lawful orders of any Department supervisor.

C. INSUBORDINATION. Insubordination is the refusal to follow a lawful work order, or a challenge to authority. Additionally, insubordination includes the use by any employee of coarse, profane, or insolent language or behavior toward any supervisor, or willfully lying to any supervisor in any matter having to do with the course and scope of employment.

2.01.4 DEPARTMENT SENIORITY

A. SWORN. Seniority of officers is determined by Classified Service rating and further by the length of continuous service in the Classified Service Rate, according to Departmental service. If date of appointment is the same for two or more officers, the one occupying the higher position on the Classified Service eligible list is considered the senior officer.

B. CIVILIAN. Seniority of civilian employees is according to the Classified Service rating whereby one position is classified as being higher in grade than another, and the length of continuous service in that class.

2.01.5 TAKING CHARGE OF A SCENE

A. OFFICER IN CHARGE. The officer assigned to an incident shall take charge. In routine performance of duties, or at the scene of a police incident, officers shall recognize and respect the position of the officer-in-charge by effectively and efficiently carrying out lawful orders issued by that authority.

B. SENIOR OFFICER ASSUMING COMMAND. A senior officer may take command of a situation by informing the officer in charge and others involved in the incident of his intent. Such assumption of command shall be undertaken whenever the situation appears to the senior officer to be beyond the control of the officer in charge, or when both officers are involved in the same duty.

C. JUNIOR OFFICER ASSUMING COMMAND. An officer of equal or junior rank may take command by informing the officer then in charge of his intent. Such assumption of command shall be undertaken only when the officer in command is unable to perform his duties because of physical or mental inability. An officer, regardless of rank, shall assume command of a situation when so instructed by an officer of superior rank. An officer in command of an operation shall maintain that responsibility until relieved by competent authority.

2.01.6 CIVILIAN PERSONNEL

A. PERFORMING POLICE DUTIES. A civilian employee shall not be assigned to duties of police nature, except for Services Officers assigned to specific duties. This section does not restrict any employee from assisting, defending, or protecting other employees who are in need of emergency assistance in the performance of their duties. If an emergency exists and a female officer is not immediately available, a female civilian employee may:

1. Temporarily act as an observer during the care or detention of a female.
2. Act as a witness during the photographing of a female crime victim.

2.01.7 EMPLOYEE ORGANIZATION

A. EMPLOYER-EMPLOYEE RELATIONS. Employees have the right to form, join, and participate in activities of employee organizations for the purpose of representation on all matters of employer-employee relations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of his exercise of these rights.

B. MOU PROVISIONS. Wages, hours, and working conditions are governed by the existing Memorandum of Understanding provisions for each of the various employee organizations.

2.01.8 SWORN MEAL AND BREAK PERIODS

A. Uniformed officers may take a thirty-minute meal, exclusive of transportation, during the course of the employee's normal working hours.

1. Meals shall be taken only after receiving clearance to do so from Communications.
2. Meals and breaks shall be taken in such a manner that the officer can respond in a timely manner.
3. Meals and breaks shall be taken within their assigned beat. Any exceptions will be with the express approval of a field supervisor, on a day-to-day basis.
4. No more than two marked units or four uniformed officers, excluding supervisors, may be out at any one location. Motors paired after dark will be considered to be one unit.

2.01.9 WEIGHT ROOM

A. EMPLOYEES ONLY. The physical training room is for the use of current Department employees only.

B. USE AT OWN RISK. Employees using the physical training room do so at their own risk. Personnel using these facilities must recognize that an injury incurred on- or off-duty is not automatically considered a work-related injury.

C. RULES FOR USE. Unsafe conditions or acts that may cause damage or injury will not be tolerated. Employees shall use the physical training room in a safe manner.

2.01.10 PROPERTY DAMAGE

A. DEPARTMENT PROPERTY. An employee shall report promptly, through channels, to his Division Commander or other responsible person, the loss or unserviceable condition of, or damage to, any Department property issued or assigned to him.

B. OTHER PROPERTY. Whenever possible, employees should request supervisory approval prior to taking actions that may result in property damage. If there is an incident where property damage occurs, the employee shall notify a supervisor of the incident and any actions taken, and write a TPD 41 documenting how the property was damaged, the extent of the damage, any notifications made, and efforts to secure the property.

C. SUPERVISORY RESPONSIBILITY. When notified of property damage, supervisors shall make a notation in their log of the damage, any approvals given, and any action taken, including completion of the Notification Card. The Supervisor shall make note of the employee's TPD 41 and forward it to the Personnel Division Commander. Photographs should be taken whenever practical.

2.01.11 MISUSE OF PUBLIC RESOURCES

A. Department employees may not use or permit others to use public resources for personal purposes or campaign activity. "Public resources" means any property or asset owned by the City of Torrance, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and on-duty time.

2.01.12 MEMBERSHIPS AND SUBSCRIPTIONS

A. The Department will fund memberships and subscriptions in those professional organizations that contribute to the exchange of related information in the furtherance of the mission and goals of the Department. Involvement in organizations such as L.A. County Peace Officers Association, California Peace Officers Association, International Association of Chiefs of Police, California Narcotics Officers Association, California Juvenile Officers Association, California State Division of International Association for Identification, Fraternal Order of Police, and California Sexual Assault Investigators Association, are strongly supported and encouraged, regardless of whether their cost is covered by the Department.

B. Whenever possible, subscriptions should be listed by rank/position rather than by named individuals. Memberships in professional associations shall be limited to necessary personnel actually assigned to related specialized duties.

C. Memberships in and attendance at annual training conferences of International Association of Chiefs of Police are limited to captains and above; and Federal Bureau of Investigation National Academy Associates is limited to those who have completed the FBI National Academy program.

JOHN J. NEU
CHIEF OF POLICE

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 07/16/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY William Imboden		**REVIEWED BY** Mike Radford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace 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.

This position is a peace officer position defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The case before the Board alleges the Respondent, 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. 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 was found to be dishonest when he stated he did not try to purchase a firearm silencer. These

actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent's actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, 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. 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. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (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 item CBP seized, which was addressed to Respondent at his home address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification

of the subject peace officer.

ATTACHMENT(S):

BR01_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png
BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf

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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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.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: April 30, 2025

CASE #: POST2306324

PEACE OFFICER: Luke Walden

POST ID#: A95 - T18

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: William Imboden / Mike Radford

ALLEGATION(S):

Commission Regulation 1205(a)(1) Dishonesty

Commission Regulation 1205 (a)(6) Acts that Violate the Law

January 2021, through March 2021, Respondent Officer, Detective Luke Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, firearm silencers, and noise suppressors commonly sold as "oil filters". On March 17, 2021, Respondent, made an online purchase of a purported automotive oil 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 and an investigation was conducted by Homeland Security Investigations 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 33410F, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the 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 oil 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 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 investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as oil filters, for specific types of weapons to include ones the respondent owned.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent attempted to purchase an illegal firearm silencer and then was dishonest in his internal affairs investigation. These acts were sufficiently egregious to warrant revocation of peace officer certification pursuant to 13510.8(b)(1) and 13510.8(b)(6).

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	5/8/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	5/8/25 Date
Manny Alvarez Executive Director	Signature	05/09/2025 Date

cc: Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

WALDEN, LUKE BAXTER

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

AKA: N/A

DATE: 05/19/2023

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A95-T18	LOS ANGELES PD	[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
97748	B	01/20/2000		53.00		Invalid
93079	I	06/03/2008	42	53.00		Invalid
86768	A	02/10/2011	78	53.00	0.00	Invalid
85863	S	10/24/2016	78.00	0.00	0.00	Invalid

Total Number of Certificates: 4

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
07/06/1998	10/07/2012	7	PO	07/06/1998	19420	LOS ANGELES PD	F	P	
07/06/1998	06/15/2014	7	DET	10/07/2012	19420	LOS ANGELES PD	F	P	
07/06/1998	06/05/2022	7	SUP	06/15/2014	19420	LOS ANGELES PD	F	P	
07/06/1998			DET	06/05/2022	19420	LOS ANGELES PD	F	P	

*Reason for Separation: 7 = Promotion/Demotion

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/31/1998	K	4890-23272-98-072	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
01/15/1999	A	1850-00100-98-001	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
02/18/1999	K	1850-21025-98-021	16	R	Y	19420	LAPD		ARREST/CONTROL TACTICS UPDATE
04/08/1999	K	1850-20680-98-110	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
04/08/1999	K	1850-29901-98-258	2		Y	19420	LAPD		S&K-INTOXIMETER
08/03/1999	K	1850-23761-99-014	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/08/2000	K	1850-29900-99-314	8		Y	19420	LAPD		S&K-CRIME SCENE INVEST
02/17/2000	K	1850-29900-99-388	8		Y	19420	LAPD		S&K-.45 PISTOL TRANSITION COUR
05/23/2000	K	1850-29900-99-665	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
01/15/2001	K	1850-29900-00-299	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
01/19/2001	K	1850-32290-00-003	32		Y	19420	LAPD		JUVENILE LAW ENFORCEMENT
02/19/2001	K	1850-29900-00-421	8		Y	19420	LAPD		S&K-FIREARMS BEAN BAG
07/11/2001	K	1850-32095-01-023	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/03/2001	K	1850-22405-01-021	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
04/10/2002	K	1850-22405-01-139	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
05/14/2002	K	1850-21025-01-054	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/13/2002	K	1850-22405-01-089	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
10/04/2002	K	1850-32651-02-001	40		Y	19420	LAPD		NARC INVESTIGATION
10/21/2002	K	4890-23284-02-001	8		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT
03/06/2003	K	1850-29900-02-415	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
03/25/2003	K	1850-29900-02-473	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
07/11/2003	K	1850-22120-03-001	24		Y	19420	LAPD		SURVEILLANCE TECHNIQUES
08/04/2003	K	1850-29900-03-024	8		Y	19420	LAPD		S&K-MANAG WORKPLACE MOD #248
10/23/2003	K	1850-23161-03-009	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
11/07/2003	K	1850-31725-03-004	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/19/2003	K	1850-29900-03-083	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
03/02/2004	K	1850-31810-03-025	16		Y	19420	LAPD	*	FIREARMS/SEMI-AUTO PISTOL
01/20/2005	K	1850-21025-04-031	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/21/2005	K	1850-32075-04-039	16		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/10/2005	K	1850-22414-05-008	2	X	Y	19420	LAPD		FIREARMS/OFCR SURVL SHOOTING

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/24/2005	K	1850-31767-05-032	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/14/2006	K	1850-22418-05-002	4		Y	19420	LAPD		PEDESTRIAN STOPS/WEAPONS
02/14/2006	K	1850-20832-05-002	4		Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
04/27/2006	K	1850-23161-05-023	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
05/04/2006	K	1850-32075-05-023	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/30/2006	K	1850-24270-05-016	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
09/14/2006	K	1850-32095-06-017	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/10/2006	K	1850-32693-06-026	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
11/28/2006	K	1850-32075-06-020	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
01/10/2007	K	1850-29502-06-064	4	X	Y	19420	LAPD	*	DRIVING(PSP)
01/10/2007	K	1850-21124-06-059	4	R	Y	19420	LAPD	*	FOOT PURSUITS
01/10/2007	K	1850-29000-06-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
05/23/2007	K	1850-32075-06-050	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
07/31/2007	K	1850-21018-07-017	2		Y	19420	LAPD		BUILDING SEARCHES
07/31/2007	K	1850-22418-07-009	4		Y	19420	LAPD	*	PEDESTRIAN STOPS/WEAPONS
07/31/2007	K	1850-20832-07-010	4	R	Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
09/06/2007	K	1850-32075-07-022	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
10/02/2007	K	1850-21752-07-010	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/04/2007	K	1850-32075-07-048	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
03/05/2008	K	1850-32693-07-013	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
10/24/2008	K	1850-31725-08-001	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/07/2008	K	1850-21165-08-006	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
01/05/2009	K	1850-31789-08-091	8	X	Y	19420	LAPD		WMD UPDATE
01/21/2009	K	1850-20662-08-009	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
04/15/2009	K	1850-24270-08-014	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-24270-09-004	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-21647-09-027	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/13/2010	K	1850-32693-09-012	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
05/12/2010	K	1850-29503-09-109	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
05/25/2010	K	1850-32078-09-037	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/07/2010	K	1850-20147-09-208	10		Y	19420	LAPD		MACTAC BASIC
07/06/2010	K	1850-21165-10-042	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
07/06/2010	K	1850-21065-10-140	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/29/2010	K	1850-22680-10-001	8		Y	19420	LAPD		P.R.O.A.C.T.
04/26/2011	K	1850-24270-10-007	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/13/2011	K	1850-32693-11-002	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/15/2012	K	1850-21752-11-036	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
05/29/2012	K	1850-24270-11-024	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/03/2012	K	1850-32078-12-067	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/28/2012	K	1850-22435-12-003	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
03/05/2013	K	1850-32078-12-085	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/04/2013	K	9260-22020-12-025	8		Y	19420	DOJ		ELECTRONIC SURVEILLANCE
06/19/2013	K	1850-32693-12-025	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
09/10/2013	K	1850-24270-13-004	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/17/2013	K	1850-32078-13-010	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/06/2013	K	1850-24270-13-015	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
02/20/2014	K	1850-32693-13-024	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
03/19/2014	K	1850-29502-13-140	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/19/2014	K	1850-21124-13-073	4	X	Y	19420	LAPD	*	FOOT PURSUITS
03/25/2014	K	1850-32078-13-076	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/12/2014	K	1850-32693-13-034	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
06/27/2014	D	1850-00400-13-008	80		Y	19420	LAPD		SUPERVISORY COURSE
06/30/2014	K	9180-25554-13-365	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
07/02/2014	K	1850-29000-14-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
08/05/2014	K	1850-29000-14-255	2	X	Y	19420	LAPD		MENTAL HEALTH UPDATE
09/18/2014	K	1850-32085-14-001	24	X	Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
10/20/2014	K	1850-32078-14-048	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/30/2014	G	1850-31487-14-001	24	X	Y	19420	LAPD		INVESTIGATIVE SUPERVISORY OPERATIONS-DETECTIVES
04/13/2015	K	1850-32078-14-147	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/10/2015	K	1850-21124-15-013	4		Y	19420	LAPD	*	FOOT PURSUITS
08/13/2015	K	1850-32691-15-014	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
10/17/2015	K	1850-20167-15-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
01/14/2016	K	1850-24270-15-022	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
03/16/2016	K	1850-21165-15-019	4	R	Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
03/30/2016	K	1820-21842-15-018	8	X	Y	19420	LASD		COPLINK BASIC USERS' COURSE
04/06/2016	K	1850-32078-15-055	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/29/2016	K	1850-32691-15-012	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
07/07/2016	K	9180-25554-16-007	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
11/02/2016	K	1850-32078-16-072	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/10/2016	K	1850-32592-16-011	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/15/2016	K	1850-21185-16-070	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
04/25/2017	K	1850-32078-16-155	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/22/2017	K	1850-29303-17-029	4	X	Y	19420	LAPD		BELOW 100
08/22/2017	K	1850-20268-17-028	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
10/03/2017	K	1850-24270-17-007	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/24/2017	K	9180-25585-17-116	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
11/09/2017	K	1850-32078-17-077	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
02/01/2018	K	1850-29502-17-058	4	X	Y	19420	LAPD	*	DRIVING(PSP)
02/01/2018	K	1850-21124-17-008	4	X	Y	19420	LAPD	*	FOOT PURSUITS
04/12/2018	K	1850-32078-17-187	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
09/20/2018	K	9180-25587-18-082	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
10/04/2018	K	1850-24270-18-015	6	X	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/01/2018	K	1850-29503-18-043	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2018	K	1850-32691-18-015	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
12/05/2018	K	1850-32078-18-084	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/18/2018	K	1850-21954-18-071	9	X	Y	19420	LAPD	*	CROWD CONTROL
10/01/2019	K	1850-32078-19-020	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/02/2019	K	1850-29503-19-038	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
02/18/2020	K	9180-25585-19-233	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
06/17/2020	K	1850-20799-19-078	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
07/23/2020	K	1850-32592-20-004	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/01/2020	K	9180-25590-20-154	2	X	Y	19420	POST		COURTROOM TESTIMONY (WEB)

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/08/2020	K	1850-21954-20-014	9	X	Y	19420	LAPD	*	CROWD CONTROL
12/15/2020	K	9180-25588-20-168	4	X	Y	19420	POST		CALLERS IN CRISIS: SUICIDAL CALLERS (WEB)
04/28/2021	K	1850-32063-20-024	8	X	Y	19420	LAPD		FIREARMS - SIGHTING SYSTEMS

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.


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October 30, 2019

"Inline Filter" Firearm Silencers

This information is provided to assist ATF personnel in identifying devices marketed as "inline filters" that are actually firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean, "*...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

ATF Firearms & Ammunition Technology Division Technical Bulletin 17-02 addressed various types of filters used as "solvent traps" and "firearm silencers." Bulletin 17-02 determined that an unmodified "spin-on" automotive filter is suitable for use as a "solvent trap." With regard to an "inline fuel filter" (IFF), the bulletin acknowledged holes on each end but, relying on solid filter interior, stated "*Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.*"

Recently, FTCB has observed an increased number of criminal cases involving firearm silencers manufactured from IFFs. This increase in the use of IFFs as silencers, as well as the need for more thorough analysis of these items, prompted FTCB personnel to clarify the classification of inline filters purportedly used as solvent traps.

Solvent traps

Legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. **The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through (including "pilot" holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or indexing mark for a hole in the front end-cap are classified as a "firearm silencer" under the NFA.**

Inline filters

In contrast to spin-on filters, IFFs have holes at both ends and are specifically designed to allow fluid to pass through; therefore, inline filters are not objectively suitable for use as solvent traps. Therefore, the only logical purpose for attaching an IFF to the muzzle of a firearm is for use as a firearm silencer.

As referenced in Bulletin 17-02, IFFs are designed to use filter elements or flow valves without center holes. This is a design characteristic IFFs share with some firearm silencers. For example, U.S. Patent 4,530,417 mentions creating a center hole through baffles or wipes installed in a firearm silencer using the first round fired through the device. FTCB personnel tested several commercially sourced IFFs and found that an *unmodified* IFF attached to the barrel of a firearm functions to reduce the report of a portable firearm utilizing this method and would therefore meet the definition of a "firearm silencer."

Fuel dispensing system hoses and nozzles typically utilize 3/4" or 1" National Pipe Tapered (NPT) threads, but threaded firearm barrels are not compatible. Adapters are therefore needed to attach IFFs to firearms (see chart below). FTCB research found no fuel fittings of the same size and pitch as those commonly found on firearm barrels. NOTE: Multiple adapters may be needed between the barrel and IFF.

Accordingly, FTCB has determined that an inline fuel filter possessed with a firearm modified to accept it, or with an adaptor(s) designed to affix the filter to the muzzle of a firearm (multiple adapters may be required), demonstrates intent to use the inline fuel filter to silence, muffle, or diminish the report of a portable firearm; therefore, it is a "**firearm silencer**" as defined. Further, as discussed below, an inline fuel filter with an end-cap having threads of the same size and pitch of those commonly found on threaded firearm barrels is a "**firearm silencer**" as defined.

YouTube contains a plethora of videos demonstrating IFFs (attached to firearm barrels) being used as silencers. Additionally, there are numerous websites on the Internet marketing various parts and kits intended for use in IFFs. A simple Google search for "NAPA 4003" will return

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multiple sites advertising items promoted as "fuel filters" that have no filtering capability. Similar parts and kits are also marketed as "solvent traps," "solvent trap accessories," or "dry storage containers."

Such deceptive advertisements sometimes include an "NFA Warning" or a legal disclaimer regarding the use or modification of these devices as, or in the fabrication of, firearm silencers. The inclusion of these disclaimers or statements, as well as customer comments and reviews, suggest the seller's knowledge of the intended end use of those items.

Some of the devices marketed as IFFs come assembled with end-caps threaded with the same sizes as found on firearm barrels, which negates the need for a thread adapter. These devices may contain the same threads in each end-cap, different sized threads in each end-cap, or even a threaded rear end-cap along with an unthreaded front end-cap.

EXAMPLES OF "FIREARM SILENCERS"

Threaded adapter and NAPA 4003 IFF

Threaded adapter for use with spin-on and inline filters. Multiple external thread pitches for use with different sized threads. Most common internal thread pitches are: 1/2-28 or 5/8-24 for compatibility with threaded firearm barrels. The adapter pictured is for use in attaching various sized automotive filters and is externally threaded with: 3/4-16, 13/16-16, and 3/4NPT (tapered pipe threads). NAPA/WIX IFFs are assembled with 3/4NPT internal threads in both end-caps.



Inline filter marketed as NAPA 4003

End-caps typically contain internal threads compatible with threaded firearm barrels. Most common sizes are 1/2x28 or 5/8x24. Filter element is too short for housing and will allow fluids to bypass without filtering. May have different size threads in each end cap or may have threads in only one end while other end has an unthreaded hole. End-cap may be marked inside or out with thread size.

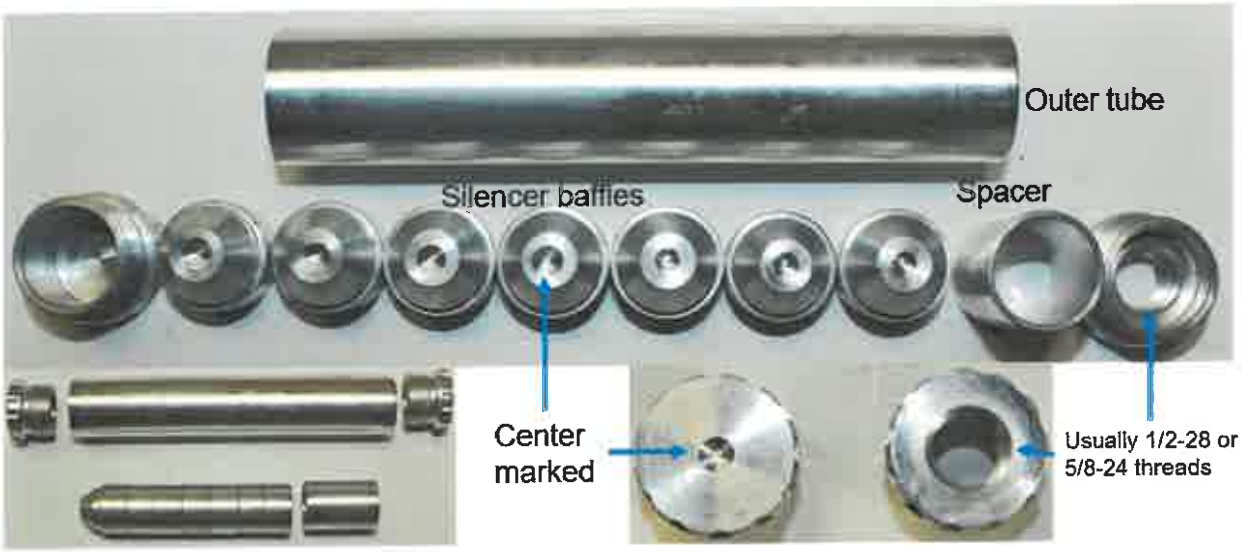




1C

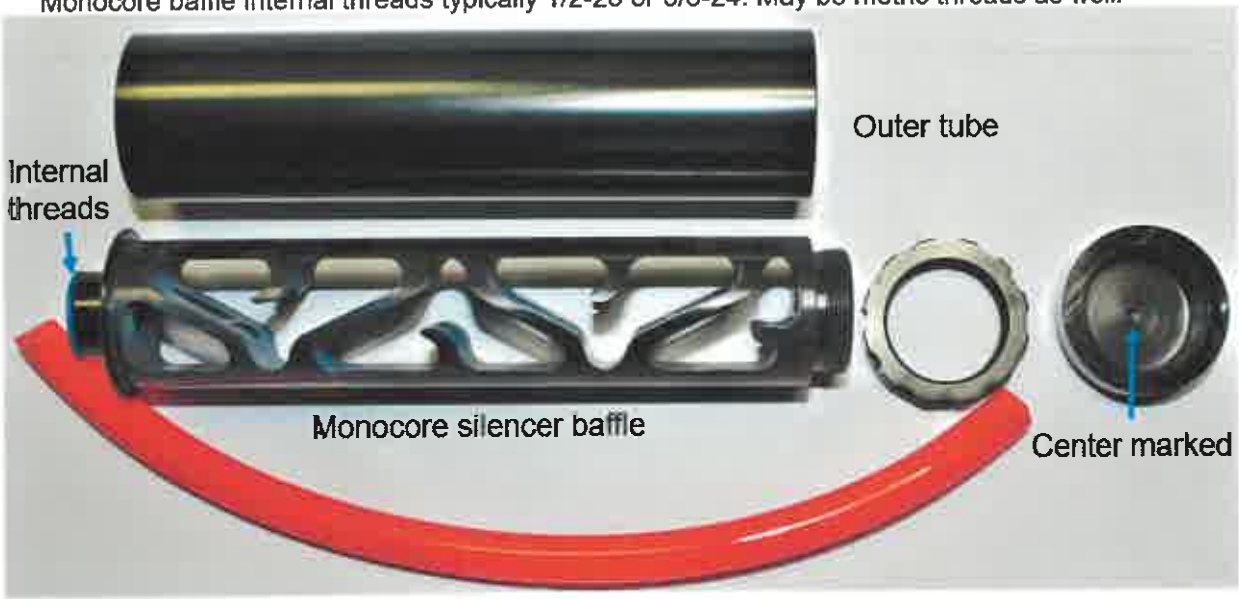
Marketed as NAPA 4003 filter

No filtering capability. Multiple silencer baffles and end-cap with center indicated. Includes a spacer to create a "blast chamber" at barrel end of device, a known silencer feature.



Marketed as NAPA 4003 filter

No filtering capability. Monocore silencer baffle with one end threaded for attachment to firearm barrel. Pictures on website may include mock-up of device, with hose attached, on a car or motorcycle engine. Includes an open nut to retain tube over monocore baffle and a closed end-cap with a mark indicating the center, and a length of hose. No fittings for included hose. Monocore baffle internal threads typically 1/2-28 or 5/8-24. May be metric threads as well.



ID

The following list of known firearm barrel thread sizes is not all-inclusive and intended only as a general reference.

AMERICAN STANDARD THREADS

THREAD	APPLICATION	CALIBER	TYPE
1/2-20 RH	Tec 22	.22 Caliber	Pistol
1/2-20 RH	CZ-452/455	.22 / 17 HMR	Rifle
1/2-28 RH	AR-15, M-16, AR-180	.223 / 5.56	Rifle
1/2-28 RH	Most Threaded .223 / 5:56		Rifle
1/2-28 RH	Most Threaded .22's		Rifle / Pistol
1/2-28 RH	Most Threaded 9mm		Pistol
1/2-28 RH	Ruger 10/22 Tactical	.22 Caliber	Rifle
1/2-28 RH	Newer Mini 14	.223 / 5.56	Rifle
1/2-28 RH	MPA57	5.7x28 MM	Submachine Pistol
1/2-28 RH	MPA "Mini"	9MM	Submachine Pistol
1/2-36 RH	AR-15, M-16, AR-180	9mm	Rifle
9/16-24 LH	FN FAL	.308 Caliber	Rifle
9/16-24 RH	Most Threaded .40		Pistol
9/16-24 RH	AR Grendel	6.50	Rifle
9/16-24 RH	Older Mini 14	.223 / 5.56	Rifle
9/16-24 RH	L1-A1	.308 Caliber	Rifle
9/16-24 RH	Glock 20	10 mm	Pistol
9/16-24 RH	H&K 94	9x19mm	Rifle
9/16-24 RH	MP5	9mm	Submachine Pistol
.578x28 RH	Most Threaded .45 Caliber		Pistol
.578x28 RH	Threaded 1911	.45 Caliber	Pistol
5/8 x 11 RH	M11/M12	.380 Caliber	Submachine Pistol
5/8-24 RH	Most Threaded .308		Rifle
5/8-24 RH	Many Threaded .30		Rifle
5/8-24 RH	UZI Carbine/ SMG	9mm	Rifle
5/8-24 RH	Ruger Mini 30	.30 Caliber	Rifle
5/8-24 RH	AR-10 / M14	.308 Caliber	Rifle
5/8-24 RH	300 Blackout	.300 Caliber	Rifle
5/8-24 RH	AR-15	7.62x39	Rifle
11/16x16 RH	MPA .45 Caliber Rifles		
11/16x24 RH	.450 Bushmaster		Rifle
11/16x24 RH	Alternative .308 Threading		Rifle
11/16x24 RH	Alternative bull barrel Threading		Rifle
3/4-10 RH	M10 / M11	9mm	Submachine Pistol
3/4-24 RH	Desert Arms Tactical Rifles		
7/8" x 9 RH	MPA10	.45 Caliber	Submachine Pistol
7/8" x 14 RH	All Barretts & EDM	.50 BMG	Rifle
1" x 14 RH	AR450	.50 BMG	Rifle
1" x 14 RH	McMillian TAC-50	.50 BGM	Rifle

IE

METRIC THREADS

THREAD	APPLICATION	CALIBER	TYPE
M8 x .75 RH	Walter p22	.22 Caliber	Pistol
M8 x .75 RH	M&P 22	.22 Caliber	Pistol
M8 x .75 RH	Colt/Umarex 1911 A1	.22 Caliber	Pistol
M8 x .75 RH	Colt Gold Trophy	.22 Caliber	Pistol
13mm x 1 LH	Steyr Aug	.223 /5.56	Rifle
13mm x 1 RH	Galil	.223 / 5.56	Rifle
13mm x 1 RH	Galil	.308 / 7.62	Rifle
13mm x 1 RH	Older Glock 26	9x19mm	Pistol
13.5mm x 1 LH	Sig P228/P229/P239	9mm	Pistol
14mm x 1 LH	AK-47	7.62x39	Rifle
14mm x 1 RH	VZ58	7.62x39	Rifle
14mm x 1 RH	Yugo SKS	7.62x39	Rifle
15mm x 1 RH	H&K 91 / G3	7.62x39	Rifle
15mm x 1 RH	H&K 93 / 33 / G-53	5.56	Rifle
16mm x 1 LH	Threaded H&K .45 Barrels		Pistol
16mm x 1 RH	H&K Mark 23 (Socom)	.45 Caliber	Pistol
17mm x 1 RH	MAS 1949-56	.308 Caliber	Rifle
18mm x 1 RH	Sako TRG	.338 Caliber	Rifle
18mm x 1.5 RH	Accuracy International	.338 Caliber	Rifle
22mm x.75 RH	Saiga 12 Gauge		Shotgun
		7.62x39, 7.62x54	
24mm x 1.5 RH	AK-74	5.45x39	Rifle
		5.56x45	
26mm x 1.5 LH	PAP M92 / M85	7.62x39	Pistol

COMMON FILTER THREADS

THREAD	APPLICATION
3/4-16 RH	Ford, Dodge, & Jeep Spin-on Oil Filters
13/16-16 RH	Chevy & GM Spin-on Oil Filters
3/4 NPT	Standard Pipe fittings
3/4 NPT	Napa 4003 Inline Fuel Filter
3/4 NPT	Wix 24003 Inline Fuel Filter

This information is intended to assist ATF and law enforcement personnel in identifying items marketed as "inline filters" that are "firearm silencers" as defined. If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

IF

April 20, 2017

"Solvent Traps"

This information is provided to assist ATF personnel tasked with differentiating so-called "solvent traps" from firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

Background:

Numerous manufacturers and sellers are marketing devices that they call "solvent traps." These devices often resemble firearm silencers, and many contain multiple design characteristics of firearm silencers. "Solvent traps" are marketed as devices which are attached to the barrel of a firearm during cleaning in order to catch excess cleaning fluids. These devices attach to firearm barrels in the same method as firearm silencers.

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"*...any device **for** silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and **intended** for use in assembling or fabricating a firearm silencer or firearm muffler, and any part **intended** only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

As highlighted in the above definition, a key factor in distinguishing between a "solvent trap" and a firearm silencer is the **intended** use for the device. Some devices called "solvent traps" may have a legitimate purpose as a firearm accessory. However, while the manufacturer's stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use.

2A

Background (cont.):

Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, and freeze plugs are sometimes used to assemble firearm silencers. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise demonstrates these articles are to be used for making a firearm silencer. Once such an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the GCA and NFA and is properly classified as a "firearm silencer."

Identification:

The first "solvent traps" that the Firearms & Ammunition Technology Division examined were in the form of repurposed oil filters. While some sellers marketed these devices as "solvent traps," others sold them as NFA registered firearm silencers, under names such as the "Econo-can." Registered firearm silencers of this type may have the thread adaptor as the registered part.

Many unmodified oil filters are recognized as having a legitimate purpose as "solvent traps" and are not generally classified as firearm silencers unless used as a firearm silencer.



Oil Filter



"Solvent trap"



Firearm with solvent trap attached

2B

Identification (cont.):

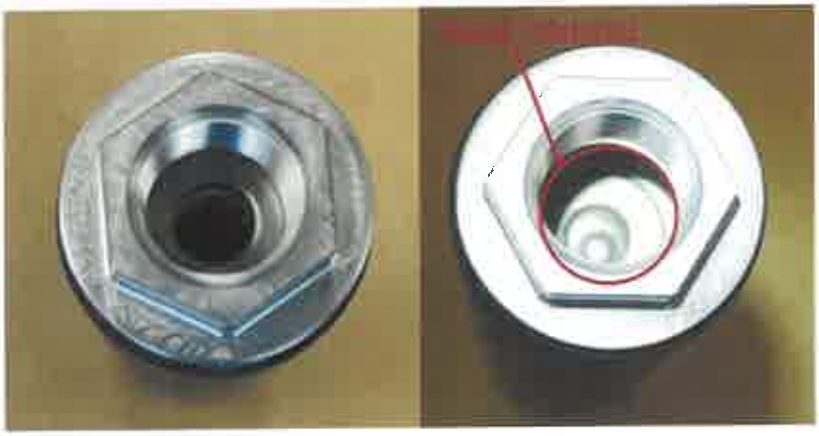


Firearm Silencer

The next phase of "solvent traps" evolution was the use of fuel filters, which more closely resembled the appearance of traditional firearm silencers. Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.



Fuel Filter "Solvent trap"



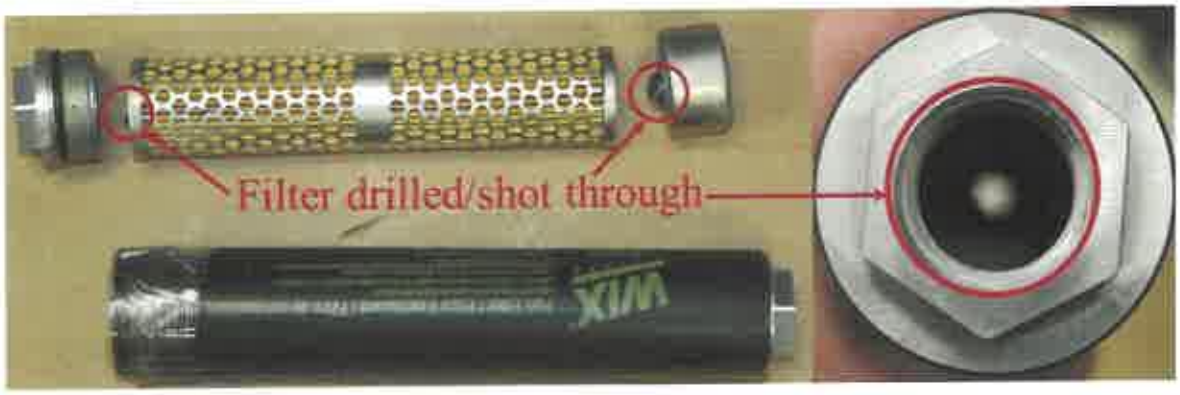
Fuel Filter "Solvent trap"

2C

Identification (cont.):



Firearm Silencer



Firearm Silencer

Flashlight bodies are also sold as "solvent traps," with one end threaded to attach to a firearm barrel and the forward end-cap solid. Like unmodified oil filters or fuel filters, many flashlight "solvent traps" have been determined to have a legitimate purpose of catching excess cleaning fluids.



Flashlight "Solvent trap"



Flashlight "Solvent trap"

20

Identification (cont.):

However, flashlight "solvent traps" are sometimes sold with index markings, showing where the hole would need to be drilled in order to modify the "solvent trap" into a firearm silencer. FATD has consistently held the opinion that any index marking is the same as having a hole in the location of the index. Accordingly, any flashlight "solvent trap" with a hole drilled in the forward end-cap could be classified as a firearm silencer.



Flashlight Firearm Silencer



Flashlight Firearm Silencer



Flashlight Firearm Silencer

The current trend in the "solvent trap" market are devices which utilize the characteristics of firearm silencers. Unlike the previously mentioned oil/fuel filters and flashlight "solvent traps," these devices are not repurposed. These devices are specifically manufactured as firearm silencers while being marketed as "solvent traps." These devices often come with a set of "spacers" which resemble firearm silencer baffles.

These "spacers" serve no legitimate purpose in a "solvent trap" as they prevent the collection of cleaning fluids. Some sellers have also marketed their devices as "dry storage containers" which are reportedly or allegedly designed to safely store items such as heirloom seeds. FATD does not recognize this stated purpose as a legitimate reason to attach such a device to a firearm barrel as the objective design features support classification as a firearm silencer.

2E

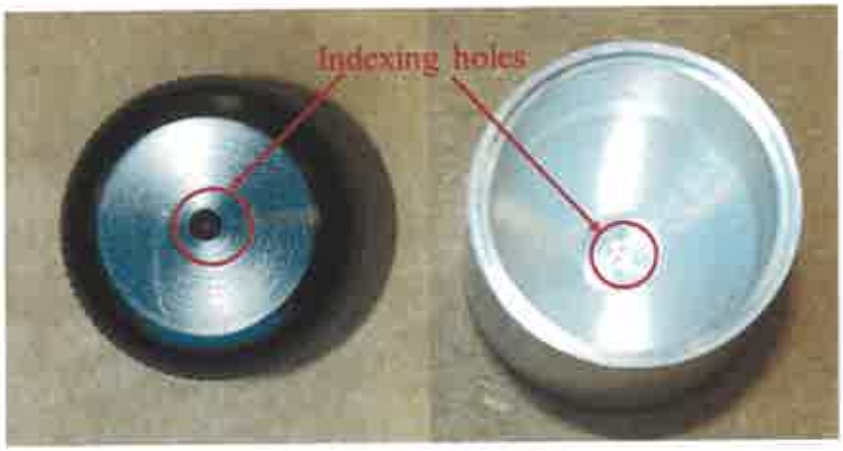
Identification (cont.):



Firearm Silencer

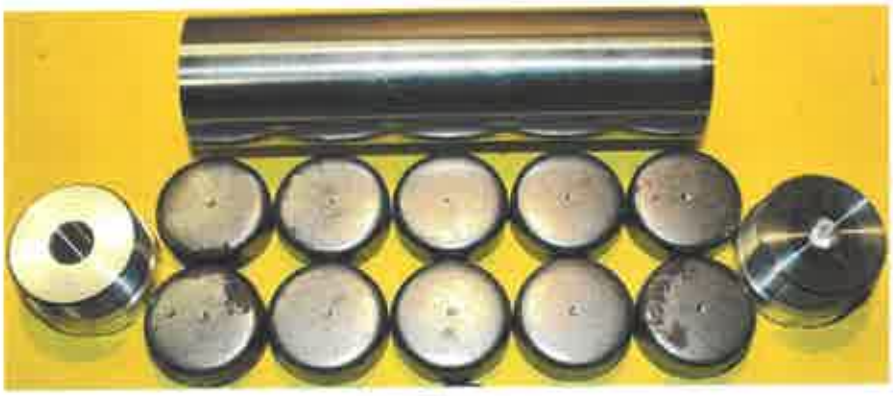


Firearm Silencer baffles



Firearm Silencer components

Identification (cont.):



Firearm Silencer



End-cap Modified freeze plug

In conclusion, for a device to be considered a "solvent trap" and not a firearm silencer, it must be designed and actually function in such a way to trap and hold cleaning fluids without holes, index markings or other design features that demonstrate it is actually intended to be used for silencing the report of a firearm. Such an item is considered a solvent trap because the statutory definition of silencer does not include otherwise unregulated items simply because they have the capability, or may be adapted, to be used as silencers. Instead, the statute speaks of a device "for" silencing or muffling. Therefore, mere possession of a "solvent trap" or components which *could* be used in the assembly of a firearm silencer does not necessarily constitute possession of a firearm silencer. Intent must be demonstrated or communicated. For example, indexing holes as shown above demonstrate such intent because these serve no benefit in collecting solvent or debris, but demonstrate the location of holes if these parts are to be used in a silencer.

26

Identification (cont.):

Finally, an unregulated device such as a "solvent trap" may be repurposed by an individual such that a regulated NFA firearm silencer is made. Where the objective design or characteristics of the item do not make it clear that the item is now "for" silencing or diminishing the report of a portable firearm, it is the Special Agent's responsibility to establish the requisite intent.

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FATD cannot render a formal determination without physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

24



L4Q30606

RE: LAPD Inquiry

BOFAFS <BOFAFS@doj.ca.gov>
Thu 4/22/2021 10:38 AM
To: Ross Nemeroff <31679@lapd.online>

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here are his records. You will her from another agency concerning the permit.

Thanks,

Chris

RE: NAM/WALDEN,LUKE DOB[redacted]
RESPONSE TO QGM INQUIRY

DATA IN AFS.

* DROS - PRIVATE PARTY TRANSFER
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20200127 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/PAPIK,GREGORY MATTHEW DOB/[redacted]
ADR/[redacted]
CTY/[redacted] CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]/91344 CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] - LAPD OCA/[redacted]
FCN/2742003701606

* DROS - PRIVATE PARTY TRANSFER
SER/C145718 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ 75 SP 01
DOT/20180816 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10A

ADR[redacted]
CTY/[redacted]CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/BROWN,VICTOR ARNOLD SDB/[redacted]
SDD/[redacted]
SCY/[redacted]CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741823905491

* DROS - PRIVATE PARTY TRANSFER
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP 9 PRO SERIES
DOT/20180529 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/NOSKI,CHRISTOPHER EDMUND DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]
FCN/2321815901738

* DROS - PRIVATE PARTY TRANSFER
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/35
DOT/20180514 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/KENNEDY,SCOTT HAYES DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]

10B

FCN/2321815507694

* DROS - DEALER SALE
SER/BFSA761 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17L
DOT/20170801 BBL/6-02 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601601

* DROS - DEALER SALE
SER/BEXS296 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20170801 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601600

* DROS - PRIVATE PARTY TRANSFER
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M P 9L
DOT/20170418 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/DIAZ,DANIEL DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]

FCN/2741712202714

* DROS - DEALER SALE
SER/Y090900Q16 MAK/BNL BENELLI SPA CAL/12
TYP/SI SHOTGUN SEMI-AUTOMATIC MOD/M4
DOT/20170202 BBL/18-5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741704401799

* DROS - DEALER SALE
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205963

* DROS - DEALER SALE
SER/ZMP792 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205932

* DROS - DEALER SALE
SER/WH014908 MAK/WAL CARL WALTHER CAL/22

10D

TYP/RI RIFLE SEMI-AUTOMATIC ...OD/HK 416D
DOT/20150619 BBL/16-1 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321518202820

* DROS - DEALER SALE
SER/349480 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20150604 BBL/18 COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321516600950

* DROS - DEALER SALE
SER/XEC899 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741428002372

* DROS - DEALER SALE
SER/XEC904 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741428002371

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20140519 BBL/4-49 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/BANCROFT,VINCENT LAWRENCE III DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741414902598

* DROS - DEALER SALE
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP9L
DOT/20140412 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871412301211

* DROS - DEALER SALE
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M AND P 9 PRO
DOT/20140303 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted] - SIMI VALLEY PD OCA/[redacted]
FCN/7931407401216

* DROS - PRIVATE PARTY TRANSFER
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P14
DOT/20130614 BBL/5 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/GLOVER,JOSHUA ADAM DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted] - LAPD OCA/[redacted]
MIS/P U 06 24 2013
FCN/2741317102395

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20130520 BBL/4-5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/LLOYD,THOMAS ALLEN SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted] SIMI VALLEY PD OCA[redacted]
FCN/7931314500461

* DROS - PRIVATE PARTY TRANSFER

SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20120229 BBL/4 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/HOM,JAPHET CHOY DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741206600348

* DROS - DEALER SALE
SER/EAR8523 MAK/SW SMITH AND WESSON CAL/380
TYP/PI PISTOL SEMI-AUTOMATIC MOD/BG380
DOT/20110729 BBL/2-75 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871121500130

* DROS - DEALER SALE
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/P PISTOL MOD/35
DOT/20091007 BBL/5-32
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/P U 10 17
FCN/2740928600489

* DROS - DEALER SALE
SER/X14688 MAK/UBE ALDO UBERTI CAL/45
TYP/P PISTOL MOD/1860ARMYC
DOT/20080109 BBL/5-5

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740801201818

* DROS - DEALER SALE
SER/HBN744 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34
DOT/20050610 BBL/5-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740516601240

* DROS - DEALER SALE
SER/FWA730 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/21
DOT/20040304 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/INV530
FCN/2440407000960

* DROS - DEALER SALE
SER/FNA947 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17
DOT/20031116 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/25
FCN/2440332400446

* DROS - DEALER SALE
SER/FTG718 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20031009 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]

10 I

CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/32
FCN/2440328801172

* DROS - DEALER SALE
SER/TDT8880 MAK/SW SMITH AND WESSON CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/20030428 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740312200306

* DROS - DEALER SALE
SER/NM169623 MAK/SPH SPRINGFIELD ARMORY CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1911AI
DOT/20021001 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/34898 DEV
FCN/2740228100285

* DROS - DEALER SALE
SER/CV20798 MAK/CLT COLT CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1091M1991A1
DOT/20011004 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740127800159

* DROS - DEALER SALE
SER/DA7331 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/LDA14
DOT/20010709 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740119201220

* DROS - DEALER SALE
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/D1445ER
DOT/20010614 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740116600160

* DROS - DEALER SALE
SER/A1720 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ97B
DOT/20010223 BBL/4-84
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740105700095

* DROS - DEALER SALE
SER/G151016 MAK/SSS SAUER, J. P., & SONS CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P220
DOT/20010116 BBL/4-4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740101700184

* DROS - DEALER SALE
SER/K067705 MAK/KIE KIMBER CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASICCUST
DOT/20001107 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740031300319

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49-3
DOT/19990125 BBL/2

10K

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749902600114

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49
DOT/19981222 BBL/2
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749835700171

* DROS - DEALER SALE
SER/UB05585 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10 F
DOT/20200312 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742009000219

* DROS - DEALER SALE
SER/UB01996 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P 10 F
DOT/20200121 BBL/4-25 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742003400213

* DROS - DEALER SALE

SER/1374685 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20191205 BBL/16 UOM/IN COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741935001003

* DROS - DEALER SALE
SER/UB02001 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10F OR
DOT/20191016 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741930500843

* DROS - DEALER SALE
SER/BLRH981 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/45 GEN 5 MOS
DOT/20190619 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741918400739

* DROS - DEALER SALE
SER/CVF8325 MAK/SW SMITH AND WESSON CAL/357
TYP/PR PISTOL REVOLVER MOD/M327
DOT/20190502 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***

10 M

NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741913303195

* DROS - DEALER SALE
SER/ADGL428 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 5 MOS
DOT/20190221 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741906500550

* DROS - DEALER SALE
SER/C540418 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ SHADOW 2
DOT/20180816 BBL/4-5 UOM/IN COL/GRAY
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] LAPD OCA/[redacted]
FCN/2741823905521

* DROS - DEALER SALE
SER/A5403 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/97
DOT/20000428 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]

ION

FCN/2740012200417

* DROS - DEALER SALE
SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20000224 BBL/4-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI[redacted] LAPD OCA/[redacted]
FCN/2740005600199

* DROS - DEALER SALE
SER/TDN1967 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/19990819 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749923200118

* DROS - DEALER SALE
SER/K040569 MAK/KIE KIMBER CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASSIC CUS
DOT/19990609 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749916100193

* DROS - DEALER SALE
SER/VZE3898 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/5906
DOT/19981212 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749834800410

* DROS - DEALER SALE
SER/22191991 MAK/SR STURM, RUGER & CO CAL/22
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MK2

100

DOT/19980219 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749805400052

* DROS - DEALER SALE
SER/AF19030 MAK/SSS SAUER, J. P., & SONS CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P229
DOT/19970616 BBL/3-75
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749716800268

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SM72384 MAK/SW SMITH AND WESSON CAL/556
TYP/R RIFLE MOD/MP15
DOT/20180606
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861816315008

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/DS29163 MAK/DBS DOUBLE STAR CORP CAL/556
TYP/R RIFLE MOD/STAR 15
DOT/20180517
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861813704605

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/LE036468 MAK/CLT COLT CAL/223
TYP/R RIFLE MOD/LE6920
DOT/20080820
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10P

ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860823300266

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9362530 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301302

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SL002434 MAK/CLT COLT CAL/556
TYP/R RIFLE MOD/SPORTER
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301300

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/K4320 MAK/AAR AMERICAN ARMS INC CAL/9
TYP/P PISTOL MOD/SITES
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301299

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/65907 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
AD[redacted]

10 Q

CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301298

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9420 MAK/MEI MERIDIAN FIREARMS CO CAL/308
TYP/R RIFLE MOD/FA91G3
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301297

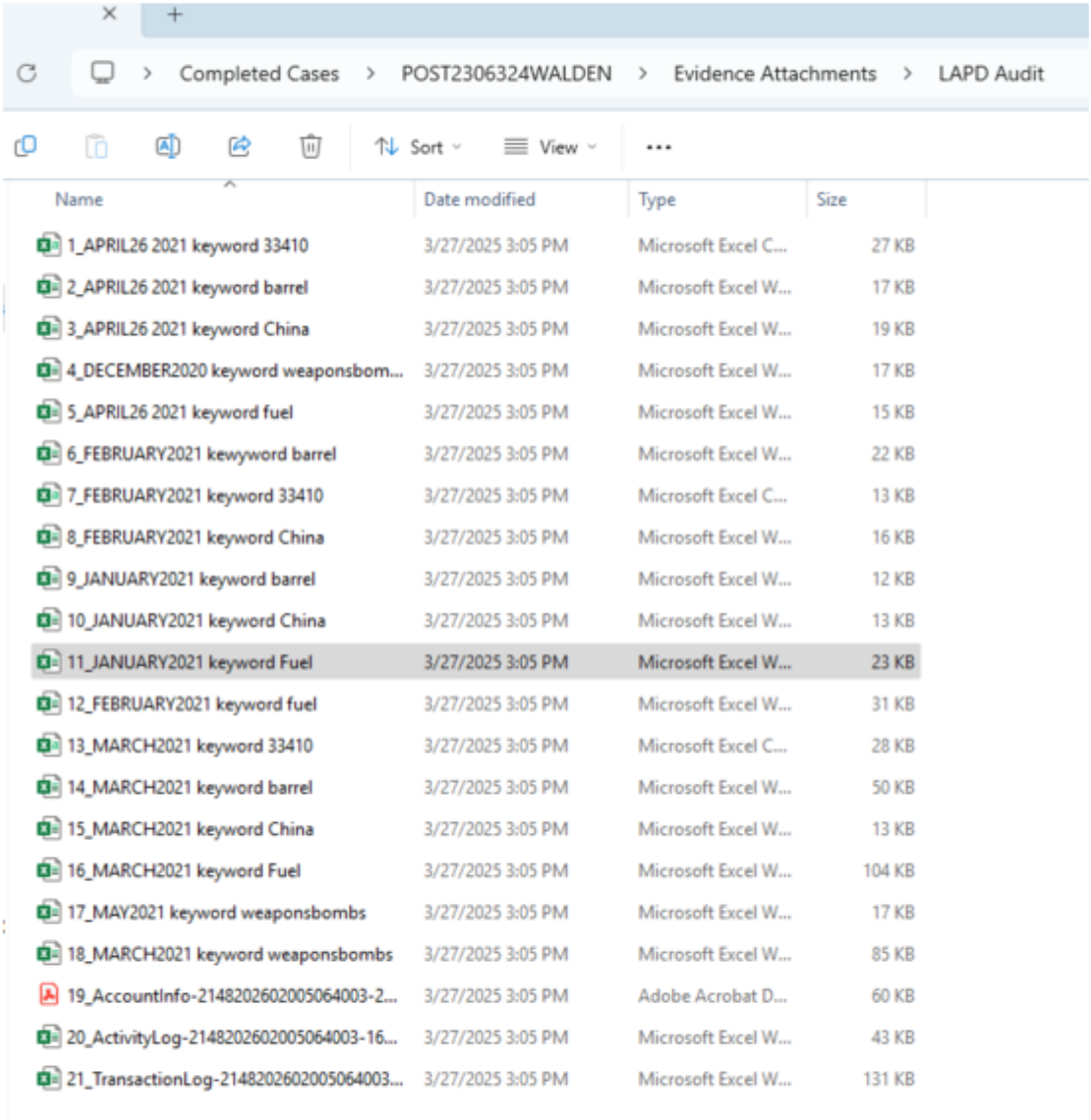
* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/A91277 MAK/US UNITED STATES CAL/9
TYP/R RIFLE MOD/AT9
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301295

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/10089 MAK/EAA EAGLE ARMS CAL/556
TYP/R RIFLE MOD/EA15
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301294

END AFS RESPONSE.

From: Ross Nemeroff <31679@lapd.online>
Sent: Thursday, April 22, 2021 9:40 AM
To: BOFAFS <BOFAFS@doj.ca.gov>
Subject: LAPD Inquiry

10 R


Completed Cases
POST2306324WALDEN
Evidence Attachments
LAPD Audit
Sort
View
Name
Date modified
Type
Size
1_APRIL26 2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 27 KB
2_APRIL26 2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
3_APRIL26 2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 19 KB
4_DECEMBER2020 keyword weaponsbom... 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
5_APRIL26 2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 15 KB
6_FEBRUARY2021 kewyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 22 KB
7_FEBRUARY2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 13 KB
8_FEBRUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 16 KB
9_JANUARY2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 12 KB
10_JANUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 13 KB
11_JANUARY2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 23 KB
12_FEBRUARY2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 31 KB
13_MARCH2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 28 KB
14_MARCH2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 50 KB
15_MARCH2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 13 KB
16_MARCH2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 104 KB
17_MAY2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
18_MARCH2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 85 KB
19_AccountInfo-2148202602005064003-2... 3/27/2025 3:05 PM Adobe Acrobat D... 60 KB
20_ActivityLog-2148202602005064003-16... 3/27/2025 3:05 PM Microsoft Excel W... 43 KB
21_TransactionLog-2148202602005064003... 3/27/2025 3:05 PM Microsoft Excel W... 131 KB

LOS ANGELES POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION

CORONER CASE NUMBER | ☐ MULTIPLE

DATE THIS REPORT	DATE ORIGINAL RPT.	SPECIFIC TYPE OF ORIGINAL RPT. (ADW, TFV, EVID., ARREST/BURG., ETC.)	RD	DR NO.
7/12/2022	6/2/2022	17210 PC	9999	21-991310

VICTIM BOOKED TO / ARRESTEE (AS ON ORIGINAL REPORT)	IF RECLASSIFYING TO HOMICIDE SEX / DESCENT / AGE VICT'S	BKG NO. (SUPPL TO ARREST)	WORK FOLDER PERIOD ORIG. RPT / INDEX NO.

CASE STATUS 1 ☐ CLEARED BY ARREST 2 ☐ CLEARED OTHER 3 ☐ REPORT UNFOUNDED 4 ☒ INVESTIGATION CONTINUED

Use this section only to add or correct info - do not repeat info from previous reports. Exception: Complete entire suspect info if making final disposition.

DATE OCCURRED	CHANGE TO - ON OR BETWEEN MO DAY YEAR TIME	&	MO DAY YEAR TIME	TYPE ORIGINAL REPORT - CHANGE TO	RD- CHG. TO	DR NO. CHG. TO	INV DIV CHG TO

PROPERTY VALUE:	ADDITIONAL LOSS	PARTIAL RECOVERY	TOTAL RECOVERY	DELETED FROM ORIG. RPT.	DESCRIPTION CHANGE ☐	ITEM NOS. RECOVERED/DELETED (ON MULTI. RPTS. USE NARRATIVE)

	SEX	DESC	HAIR	EYES	HEIGHT	WEIGHT	DOB	AGE	NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
S-1	[redacted]								Walden, Luke [redacted]
									ACTION TAKEN: IC
S-2									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN
S-3									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN

NARRATIVE (USE BELOW COLUMNS FOR MULTIPLE REPORTS ONLY)

P/T/D	MULTIPLE RPT: DR NOS.	TYPE OF CRIME	RD	VICTIM'S NAME	DATE ORIG. RPT.	VALUE

SUPPLEMENTAL

I, Detective II Nemeroff, conducted an additional review of Walden's internet searches, which included specific dates and times, as well as other websites visited. I noted that a web link to Paypal.com succeded the internet searches for either a threaded barrel or "fuel filter".

I believed that a search of Walden's Paypal account may have revealed evidence of the purchase of threaded barrels, and compatible threaded "fuel filters", with the potential of creating an illegal silencer. Additionally, Walden's Paypal account may have revealed the origin of the contraband. Thus, I authored a search warrant for Walden's Paypal account. On June 2, 2022, the Honorable Judge Margaret Bernal, reviewed and signed the warrant.

I electronically served Paypal Holdings Inc. on June 2, 2022. On June 8, 2022, Paypal Holdings Inc. responded to the warrant and provided the following; Paypal Registration information, email address, phone number, addresses, financial information, bank accounts, credit cards, debit cards, for Luke Walden. Walden activity and transaction log confidentiality notice and disclaimer.

The information provided from Paypal Holdings Inc.was contained within a Microsoft Excel document. The following information was discovered in the "Payments Sent" tab, line 79; March 17, 2021, 8:28 AM, Hong Kong Xu Shi Qi International Limited, Mobile Express Checkout Payment Sent, Completed, $45.96, transaction ID 0NJ604204B558012M, Instant transfer [redacted] Checking [redacted] com, [redacted] com, Walden Luke, [redacted] United States, Item ID LWL012102, BUY 1 GET 1 FREE LAST DAY FOR **NAPA 4003 WIX 24003 - 1/2-28 5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP / 1 / 2-28-XH-**

WAS PROPERTY BOOKED IN CONJUNCTION WITH THIS REPORT OR INCIDENT?	☐ NO ☐ YES	IF YES, HAS 10.08.00 BEEN COMPLETED?	☒ NO ☐ YES
SUPERVISOR APPROVING	SERIAL NO. 34507	REPORTING OFFICER(S) NEMEROFF	SERIAL NO. 31679 / DIVISION SOD
DATE & TIME REPRODUCED / DIVISION / CLERK		REPORTING OFFICER(S)	SERIAL NO. / DIVISION

Visit the EVIL ENERGY Store

4.5 925

EVIL ENERGY Inline 100 Micron Fuel Filter 6AN 8AN 10AN Adapter Universal 50MM

Amazon's Choice in Automotive Replacement Fuel Filters by E...



Last purchased Aug 21, 2021.

50mm-Bracket , Black-1

View order | Set reminder

Visit the EVIL ENERGY Store ★★★★½ 925

EVIL ENERGY 50mm car Oil/Fuel/Gas Pump Mounting Bracket Single Filter Clamp Cradle Black

Amazon's Choice in Automotive Replacement Fuel Filters by E...



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA VS.
LUKE BAXTER WALDEN

CASE NUMBER : BA510524 (LAC-BA510524-01)
VIOLATION DATE : 04/22/21
CASE FILING DATE: 11/22/22
WITH THE FOLLOWING OFFENSE(S):

COUNT 01: 664-33410 PC FELONY

12/07/22 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 030

CASE CALLED FOR ARRAIGNMENT

PARTIES: ARMENUI A. ASHVANIAN (JUDGE) ROSARIO S. GARCIA (CLERK)

LORI CASILLAS (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

THE COURT ORDERS A PRE-PLEA REPORT PURSUANT TO PENAL CODE SECTION 1203.7.

THE DEFENDANT'S COUNSEL DOES NOT CONSENT TO A PRE-PLEA INTERVIEW.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE DEFENDANT DENIES ANY AND ALL SPECIAL ALLEGATIONS.

.
THE MATTER IS SET FOR PRELIMINARY HEARING SETTING ON JANUARY 25, 2023, AT 8:30 A.M., IN DEPARTMENT 34.
.
TIME ESTIMATE: 2 HOURS.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
01/25/23 830 AM PRELIM SETTING/RESETTING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 00 OF 30

12/07/22 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 12/07/22 at 0830:

ON 01/23/23 at 0830:

PROBATION OFFICERS REPORT RECEIVED THIS DATE

AND DELIVERED TO DIVISION 34. (3 COPIES) MAIL BIN

ENTRY BY: TTANG

NEXT SCHEDULED EVENT:

PRELIM SETTING/RESETTING

01/25/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIM SETTING/RESETTING

PARTIES: MICHAEL D. ABZUG (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CONTINUED FOR PRELIMINARY HARING TO MARCH 9, 2023
AT 8:30 A.M., IN DEPARTMENT 34, AS THE STIPULATED 28 OF 30 DATE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 830 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 28 OF 30

01/25/23 BAIL TO STAND, # U2521467128
01/25/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 01/25/23 at 0830:

ON 01/25/23 at 0830:

03/09/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIMINARY HEARING

PARTIES: EFRAIN M. ACEVES (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY FOR PRELIMINARY HEARING.
.
THE MATTER IS TRANSFERRED TO DEPARTMENT 43 FOR PRELIMINARY HEARING FORTHWITH. ALL PARTIES ARE ORDERED TO DEPARTMENT 43 FORTHWITH.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.
THE PEOPLE TO TRANSPORT CASE FILE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 1000 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 043

DAY 28 OF 30

03/09/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 0830:

03/09/23 AT 1000 AM IN CRIM JUSTICE CTR (LAC) DEPT 043

CASE CALLED FOR PRELIMINARY HEARING
.
PARTIES: KIMBERLEY BAKER GUILLEMET (JUDGE) MICHELLE GARCIA (CLERK)

PRISCILLA MIRELES (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

COUNT (01) : DISPOSITION: HELD TO ANSWER

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY.
.
THE DEFENDANT, IN OPEN COURT, WAIVES FORMAL READING OF THE COMPLAINT AND STATEMENTOF CONSTITUTIONAL AND STATUTORY RIGHTS.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.

PEOPLE'S ORAL REQUEST TO DESIGNATE ROSS NEMEROFF AS THE INVESTIGATING OFFICER IS GRANTED.

.
WITNESS, ROSS NEMEROFF, IS SWORN AND TESTIFIES FOR THE PEOPLE.
.
THE FOLLOWING PEOPLE'S EXHIBITS ARE MARKED FOR IDENTIFICATION
AND LATER ADMITTED IN EVIDENCE:
.
1) COLOR PHOTOGRAPH OF 4 IMAGES
2) COLOR PHOTOGRAPH OF 4 IMAGES WITH PURPLE PACKAGING
3) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
4) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
5) 1 PAGE SCREENSHOT OF QOOPUFF WEBSITE

6) 1 PAGE SCREENSHOT OF KIKOGIFT WEBSITE
7) 1 PAGE SCREENSHOT OF KIMBER WEBSITE
8) 1 PAGE SCREENSHOT OF SOLVENTTRAPFUELFILTER WEBSITE
9) 1 PAGE DOCUMENT WITH INFORMATION HIGHLIGHTED IN YELLOW
.
DEFENSE COUNSEL CROSS EXAMINES THE WITNESS.
.
PEOPLE REST.
.
THERE IS NO AFFIRMATIVE DEFENSE.
.
THE DEFENDANT'S ORAL MOTION TO DISMISS DUE TO INSUFFICIENCY OF
THE EVIDENCE IS HEARD AND DENIED.
.
THE COURT FINDS SUFFICIENT CAUSE AS TO COUNT 1 AND THE
DEFENDANT IS HELD TO ANSWER TO DEPARTMENT 119 OF THE GENERAL
JURISDICTION COURT FOR ARRAIGNMENT ON MARCH 23, 2023
AT 8:30 A.M.
.
THE CASE IS TRANSFERRED TO THE GENERAL JURISDICTION COURT.

BOND TO REMAIN. BOND TRANSFERRED TO SUPERIOR COURT.

NEXT SCHEDULED EVENT:

FELONY ARRAIGNMENT/PLEA, ON MARCH 23, 2023, IN SUPERIOR COURT OF LOS ANGELES
COUNTY, CENTRAL DISTRICT, DEPT 119, AT 830 AM.

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 1000:

ON 03/20/23 at 0830:

PRELIMINARY HEARING TRANSCRIPTS RECEIVED 03-20-23

FROM COURT REPORTER P. MIRELES

FOR HEARING(S) CONCLUDING 03-09-23.

DELIVERED TO DEPT. 119 MAIL BIN. -AUDITOR: V. DOMINGUEZ

NEXT SCHEDULED EVENT:

MATTER PREV SET/REMAIN ON CLDR

03/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR ARRAIGNMENT

PARTIES: DAVID R. FIELDS (JUDGE) SYLVIA M. CEDENO (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

INFORMATION FILED AND THE DEFENDANT IS ARRAIGNED.

DEFENDANT WAIVES ARRAIGNMENT, READING OF INFORMATION/INDICTMENT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

-BOND
-DDA: KRISTOPHER GAY
DEFENDANT ENTERS PLEA OF NOT GUILTY TO THE CHARGES AND DENIES ANY AND ALL SPECIAL ALLEGATIONS.
.
ON DEFENSE MOTION, THE MATTER IS CONTINUED AS INDICATED BELOW.
.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
05/10/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 03/23/23 at 0830:

05/10/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID R. FIELDS (JUDGE) CHRISTIAN LARA (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- BOND // DDA: KRISTOPHER GAY
.
THE MATTER IS SET FOR PRETRAIL HEARING
AS INDICATED BELOW.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/06/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 05/10/23 at 0830:

07/06/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
ANNE STEWART (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- ON BOND / DDA: KRISTOPHER GAY
.
MATTER IS CONTINUED TO 08-23-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
08/23/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 07/06/23 at 0830:

08/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- DDA: KRISTOPHER GAY / ON BOND
.
MATTER IS CONTINUED TO 09-29-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
09/29/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 08/23/23 at 0830:

09/29/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

ON PEOPLE'S MOTION, COURT ORDERS INFORMATION AMENDED BY INTERLINEATION TO ADD VIOLATION 664-30605(A) PC MISD AS COUNT 02.

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:

TRIAL BY COURT AND TRIAL BY JURY

CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;

SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;

AGAINST SELF-INCRIMINATION;

DEFENDANT ADVISED OF THE FOLLOWING:

THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENT OF THE OFFENSE IN THE INFORMATION AND POSSIBLE DEFENSES TO SUCH CHARGES;

THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING THE MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL EFFECTS

AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE SAME OR SIMILAR OFFENSES;

THE EFFECTS OF PROBATION;

IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.

COUNSEL FOR THE DEFENDANT JOINS IN THE WAIVERS AND CONCURS IN THE PLEA.

COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY

MADE;

THE DEFENDANT WITH THE COURTS APPROVAL, PLEADS NOLO CONTENDERE TO COUNT 02 A VIOLATION OF SECTION 664-30605(A) PC. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (02) : DISPOSITION: CONVICTED

COURT ORDERS AND FINDINGS:

-THE COURT ADVISES THE DEFENDANT OF PAROLE RIGHTS.

COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT ACCEPTS PLEA.

ON PEOPLE'S ORAL MOTION, THE INFORMATION IS AMENDED BY INTERLINEATION ADDING COUNT 2, 664/30605(A) PENAL CODE, ATTEMPTED POSSESSION OF AN ASSAULT WEAPON, A MISDEMEANOR.
.
DEFENSE COUNSEL STIPULATES TO A FACTUAL BASIS PURSUANT TO PEOPLE V WEST AND THE DISCOVERY PROVIDED.
.

THE COURT IMPOSES SENTENCE PURSUANT TO THE PLEA AGREEMENT.

WAIVES TIME FOR SENTENCE.

NEXT SCHEDULED EVENT:
SENTENCING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 001 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:

SERVE 001 DAYS IN LOS ANGELES COUNTY JAIL

DEFENDANT GIVEN TOTAL CREDIT FOR 1 DAYS IN CUSTODY 1 DAYS ACTUAL CUSTODY AND 0 GOOD TIME/WORK TIME

PLUS $40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

PERFORM 100 HOURS OF COMMUNITY SERVICE

DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF $150.00 TO THE COURT

TOTAL DUE: $220.00

IN ADDITION:

-DEFENDANT IS ORDERED TO PAY A PROBATION REVOCATION RESTITUTION FINE PURSUANT TO PENAL CODE SECTION 1202.44, IN THE AMOUNT OF $ 150.00. THIS FINE SHALL BECOME EFFECTIVE UPON THE REVOCATION OF PROBATION.

COURT ORDERS AND FINDINGS:

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND DEFENDANT AGREES TO ABIDE BY SAME.

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT CONDITIONS OF PROBATION

- ONLY POSSESS WEAPONS APPROVED BETWEEN THE PARTIES.
.

- COMMUNITY SERVICE MAY BE COMPLETED AT ANY NON-PROFIT ORGANIZATION.
.
FINES AND FEES ARE STAYED. ABILITY-TO-PAY HEARING IS NOT HELD.
.
ANY REMAINING COUNTS/ALLEGATIONS ARE ORDERED DISMISSED/STRICKEN PURSUANT TO PENAL CODE SECTION 1385.
.
DEFENDANT IS ORDERED TO PROVIDE PROOF OF COMPLETION OF THE COMMUNITY SERVICE ON OR BEFORE FEBRUARY 29, 2023, IN THE CLERK'S OFFICE.
.
BOND IS EXONERATED.
.
NUNC PRO TUNC LANGUAGE IS GENERATED IN ERROR.

COUNT (02): DISPOSITION: CONVICTED

REMAINING COUNTS DISMISSED:

COUNT (01): DISMISSED DUE TO PLEA NEGOTIATION

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:
02/29/24 830 AM FINES/FEES DIST CENTRAL DISTRICT DEPT CLK

CUSTODY STATUS: ON PROBATION

ON 09/29/23 at 0830:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 119

XCNBA510524-01 **July 2, 2024**

The People of the State of California **8:30 AM**

vs.

WALDEN, LUKE BAXTER

Honorable Craig Richman, Judge
G. Lopez, Judicial Assistant

Raquel Rodriguez (#9485), Court Reporter

PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Probation Modification Hearing

The following parties are present for the aforementioned proceeding:

LUKE BAXTER WALDEN, Defendant
Kristopher E. Gay, Deputy District Attorney
Bill Howard Seki, Private Counsel

The matter is called for Probation Modification Hearing.

There being no objection by the People, defense written motion for early termination is heard and granted.

Probation terminated.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 56

XCNBA510524-01 **October 23, 2024**

The People of the State of California **8:30 AM**
vs.
WALDEN, LUKE BAXTER

Honorable Kevin S Rosenberg, Judge
G. Solorio, Judicial Assistant Marianna Donner (#7504), Court Reporter

---

PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Petition for Dismissal 1203.4 PC

The following parties are present for the aforementioned proceeding:

No Appearances

The matter is called for Petition for Dismissal 1203.4 PC.

The matter is handled in Chambers.

The People waive their appearance as to this hearing only.

The People have indicated that they oppose the petition.

The Court having read and considered the petition pursuant to Penal Code section 1203.4, rules as follows:

As to Count 002: The Court grants the petition for dismissal pursuant to Penal Code section 1203.4, plea of guilty or nolo contendere, or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered, and that the Complaint or Information be, and is hereby, dismissed.

Order for Dismissal is signed and filed.

Pursuant to Penal Code section 1203.425, this record shall not be disclosed to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency.

The Court waives/suspends the balance of fine and fees.

Clerk's office to give notice.

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 11 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/06/2025 By _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FILED
Superior Court of California
County of Los Angeles
MAR 23 2023
David W. Slayton, Executive Officer/Clerk of Court
By: S. Cedeno, Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. 01 LUKE BAXTER WALDEN [redacted] Defendant(s).	**CASE NO. BA510524** ***INFORMATION*** Arraignment Hearing Date: 03/23/2023 Department: CEN 119

INFORMATION
SUMMARY

Ct. No.	Charge	Charge Range	Defendant	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail	WALDEN, LUKE BAXTER		

The District Attorney of the County of Los Angeles, by this Information alleges that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

THIS INFORMATION CONSISTS OF 1 COUNT(S).

Filed in Superior Court,
County of Los Angeles

DATED: 3/24/23

GEORGE GASCÓN
DISTRICT ATTORNEY
County of Los Angeles,
State of California

BY: _____
KRISTOPHER E GAY
DEPUTY DISTRICT ATTORNEY

/MAP

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of __ pages.

DAVID W. SLAY TON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

By: _____ Deputy

Date: _____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 2 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/19/2025 By: _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **01 LUKE BAXTER WALDEN** [redacted] Defendant(s).	**CASE NO. BA510524** ***FELONY COMPLAINT***

The undersigned is informed and believes that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA510524, CONSISTS OF 1 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on November 14, 2022.

ROSS NEMEROFF
DECLARANT AND COMPLAINANT

GEORGE GASCÓN, DISTRICT ATTORNEY

BY: KRISTOPHER E GAY, DEPUTY

AGENCY:	LAPD - SPECIAL OPERATION DIV.	I/O: ROSS NEMEROFF	ID NO.: 31679	PHONE : (213) 484-6700
DR NO.:	21001210	OPERATOR: MAP	PRELIM. TIME EST.:	2 HOUR(S)

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
WALDEN, LUKE BAXTER	[redacted]	[redacted]		$1	

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above-named defendant(s), the warrant is so ordered.

LUKE WALDEN

BAIL: $_____

DATE: _____

_____
Judge of the Above Entitled Court

NON-WARRANT DEFENDANTS:

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

LUKE BAXTER WALDEN

Ct.	Charge	Charge Range	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail		

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

LUKE BAXTER WALDEN 20,000 Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

LUKE BAXTER WALDEN 3/23/23 in Dept 119

at: 8:30 A.M.

Date: 3/9/23

Committing Magistrate

Kimberley Baker Guillemet

GRANT OF PROBATION 1203 PC

1. ☒ SERVE 365 DAYS IN THE LOS ANGELES COUNTY JAIL, ☐ CONCURRENT WITH _____ ☐ CONSECUTIVE TO _____ ☒ ALL TIME.
   DEFENDANT TO RECEIVE TOTAL CUSTODY CREDIT OF _____ DAYS (CREDIT OF DAYS ACTUAL PLUS _____ DAYS GOOD TIME/WORK TIME).
2. ☐ SERVE _____DAYS IN A ☐ RESIDENTIAL ☐ OUTPATIENT TREATMENT PROGRAM: _____.
   DEFENDANT TO BE RELEASED TO AN AUTHORIZED REPRESENTATIVE OF THAT PROGRAM AND IS TO COMPLY WITH ALL PROGRAM TERMS AND CONDITIONS. (013)
   IF DEFENDANT LEAVES OR IS DISCHARGED FROM THE PROGRAM PRIOR TO COMPLETION, DEFENDANT IS TO REPORT TO COURT ON THE NEXT COURT DAY. (013)
3. ☒ PAY A **FINE** IN THE SUM OF $_____ PLUS PENALTY ASSESSMENTS, OR SERVE _____ ADDITIONAL DAY (S) IN COUNTY JAIL, CONSECUTIVE.
4. ☐ MAKE **RESTITUTION TO VICTIM** _____ PURSUANT TO PC 1202.4 (f) IN THE SUM OF $_____. (048) ADDITIONALLY, 10% PER ANNUM INTEREST PURSUANT TO PC 1202.4 (f) (3) (G).
   ☐ IN AN AMOUNT AND IN THE MANNER AS THE PROBATION OFFICER SHALL PRESCRIBE, SUBJECT TO A HEARING IF REQUESTED. (052/060)
   ☐ IN THE STIPULATED SUM OF $_____. (051) ☐ IN A SUM STIPULATED NOT TO EXCEED $_____. (055)
5. ☒ PERFORM 20 (DAYS) (HOURS) OF (CAL TRANS) (COMMUNITY SERVICE), COMPLETION DATE DUE TO BE DETERMINED BY THE COURT. (189, 190)
6. ☒ **OBEY ALL LAWS, RULES, REGULATIONS AND ORDERS OF THE COURT AND OF THE PROBATION DEPARTMENT**. (541/542)
7. ☐ **PARTICIPATE** IN A PROGRAM OF EDUCATION, TREATMENT OR REHABILITATION AIMED AT DRUG ABUSE, AS DIRECTED BY THE PROBATION OFFICER (539).
8. ☐ **COOPERATE WITH THE PROBATION OFFICER** IN A PLAN FOR. (530)
9. ☒ SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS DIRECTED BY THE PROBATION OFFICER. (500)
10. ☒ SUPPORT DEPENDENTS AS DIRECTED BY THE PROBATION OFFICER. (503)
11. ☒ REPORT TO THE PROBATION DEPARTMENT WITHIN 48 HOURS AFTER RELEASE FROM CUSTODY EAST SAN FERNANDO VALLEY AREA OFFICE AT 14414 DELANO ST. VAN NUYS, CA 91401 (817)
12. ☒ **SUBMIT YOUR PERSON AND PROPERTY TO SEARCH AND SEIZURE** AT ANY TIME OF THE DAY OR NIGHT BY ANY PROBATION OFFICER OR OTHER PEACE OFFICER, WITH OR WITHOUT A WARRANT, PROBABLE CAUSE OR REASONABLE SUSPICION. (576)
13. ☒ **DO NOT OWN, USE, OR POSSESS ANY DEADLY OR DANGEROUS WEAPONS**, INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS. (934)
    ☐ *THIS PROHIBITION IS FOR 10 YEARS PER PENAL CODE SECTION 12021 (c) (1).*
14. ☒ **THE WEAPON INVOLVED IN THIS CASE** IS ORDERED CONFISCATED AND DESTROYED BY THE ARRESTING AGENCY. (234)
15. ☒ USE ONLY YOUR TRUE NAME, DATE OF BIRTH AND ADDRESS, AND DO NOT GIVE FALSE INFORMATION TO ANY PEACE OFFICER AT ANY TIME. (535)
16. ☐ IF YOU LEAVE THE COUNTRY, YOU SHALL NOT RE-ENTER THE UNITED STATES ILLEGALLY. IF YOU DO RETURN, REPORT TO THE PROBATION OFFICER WITHIN (3) DAYS, AND PRESENT DOCUMENTATION WHICH PROVES YOU ARE IN THE U.S. LEGALLY. (469)
17. ☒ **DO NOT OWN, USE, POSSESS, BUY OR SELL ANY CONTROLLED SUBSTANCES**, OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH VALID PRESCRIPTION, AND STAY AWAY FROM PLACES WHERE USERS, BUYERS, OR SELLERS CONGREGATE. DO NOT ASSOCIATE WITH PERSONS KNOWN BY YOU TO BE CONTROLLED SUBSTANCE USERS OR SELLERS, EXCEPT IN AN AUTHORIZED TREATMENT PROGRAM. (926)
18. ☐ **SUBMIT TO PERIODIC CONTROLLED SUBSTANCE TESTING** WHEN REQUESTED BY THE PROBATION OFFICER OR ANY OTHER PEACE OFFICER. (584)
19. ☐ **REGISTER** WITH YOUR LOCAL POLICE AGENCY AS A ☐ CONTROLLED SUBSTANCE – H&S 11590 (925) ☐ SEX - PC 290 (927) ☐ ARSON - PC 457.1 (902) ☐ GANG MEMBER – PC 186.30 (877) OFFENDER, CARRY PROOF OF REGISTRATION AT ALL TIMES, AND DISPLAY REGISTRATION TO ANY PEACE OFFICER UPON REQUEST.
20. ☐ ABSTAIN FROM THE PURCHASE, POSSESSION AND CONSUMPTION OF ALL ALCOHOL AND ALCOHOLIC BEVERAGES AND STAY OUT OF PLACES WHERE THEY ARE THE CHIEF ITEM OF SALE. (350)
21. ☐ NOT USE FORCE OR VIOLENCE ON THE VICTIM _____. (418)
22. ☐ DO NOT USE OR THREATEN TO USE FORCE OR VIOLENCE AGAINST ANY PERSON. DO NOT ANNOY, HARASS OR, MOLEST ANY PERSON OR WITNESS INVOLVED IN THIS CASE ESPECIALLY _____. (913)

23. ☐ DO NOT HARASS, BOTHER, MOLEST, ANNOY OR COMMUNICATE WITH _____ AND STAY AWAY FROM SAID PERSON (S), THEIR RESIDENCE OR PLACE OF EMPLOYMENT. (413)
24. ☐ STAY 100 YARDS AWAY FROM AND HAVE NO CONTACT WITH _____. (904)
25. ☐ STAY AWAY FROM LOCATION OF ARREST. (904) ☐ STAY AWAY FROM _____. (904)
26. ☐ ENROLL WITHIN 30 DAYS IN AND SUCCESSFULLY COMPLETE A 52 WEEK BATTERER'S TREATMENT PROGRAM BY THE PROBATION DEPARTMENT. ATTEND ALL COUNSELING SESSIONS, KEEP ALL PROGRAM APPOINTMENTS AND PAY ALL PROGRAM FEES IN ACCORDANCE WITH DEFENDANT'S ABILITY TO PAY. (369)
27. ☐ OBEY THE PROTECTIVE ORDER ISSUED IN THIS OR ANY OTHER CASE. (579) ☐ DEFENDANT SERVED WITH A COPY OF THE PROTECTIVE ORDER IN OPEN COURT. (578)
28. ☒ PROVIDE A DNA SAMPLE AND PALM PRINTS IMPRESSION PURSUANT TO PC SECTIONS 296 AND 296.1 (790)

29. ☒ **PAY ALL OF THE FOLLOWING (CHECK ALL THAT APPLY):**
☒ **A RESTITUTION FINE** OF A MINIMUM OF $200.00 CALCULATED PER 1202.4 (b)-(e) AND A 10% RESTITUTION FINE SERVICE CHARGED PER 1202.4 (l).
☐ **A PROBATION REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC 1202.44, PAYMENT IS STAYED UNTIL PROBATION IS REVOKED AND SENTENCE IMPOSED. (107)
☒ **A PAROLE REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC SECTION 1202.44, PAYMENT IS STAYED UNTIL PAROLE IS REVOKED AND YOU ARE RETURNED TO PRISON. (106)
☐ **LAB ANALYSIS** THE DEFENDANT IS TO PAY A FINE IN THE AMOUNT OF $50.00 (11372.5 HEALTH &SAFETY, LAB ANALYSIS) PLUS A PENALTY ASSESSMENT OF $85.00 ($50.00 PURSUANT TO SECTION 1464 OF THE PENAL CODE AND $35.00 SECTION 76000 GOVERNMENT CODE) (184)
☒ **A COURT SECURITY FEE** OF $30.00 PER PC 1465.8(A) (l) {PER COUNT}. (SF)
☒ **A CRIMINAL CONVICTION/FACILITIES ASSESSMENT** OF $30.00 PER GOVT. CODE SECTION 70373 (a) GC. (CC)
☐ **A DRUG PROGRAM** OF $150.00 (PER DRUG COUNT EXCEPT 11357 (B) H&S) PER HEALTH AND SAFETY CODE SECTION 11372.7 (a).
☐ **A CRIME PREVENTION FINE** OF $10.00 PER PENAL CODE SECTION 1202.5 (PC THEFT-RELATED AND VANDALISM CASES) (CP)
☐ **A SEX OFFENDER FINE** OF ☐ $300.00 (1ST OFFENSE) ☐ $500 (2ND AND SUBSEQUENT OFFENSES) PER PENAL CODE 290.3, PLUS PENAL ASSESSMENT.
☐ **A DOMESTIC VIOLENCE PAYMENT** OF ☐ $400.00 ☐ $ _____PER PENAL CODE SECTION 1203.097 (a)(5). ($400.00 MINIMUM)
☐ **A DEJ RESTITUTION FINE** OF $ _____PER PENAL CODE SECTION 1001.90/PENAL CODE SECTION 1001.3. (112)

30. ☐_____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of__ pages.
DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.
Date:_____ By:_____, Deputy

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 12 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/04/2025 By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM – GENERAL MISDEMEANORS

Defendant: [redacted] Walden, Luke			Case No.: BA510524
Date: 9-29-23	Dept./Div.: 119	Prosecutor: K. Gay, DA	Defense Att'y: B. Seki, Pvt
Judge: C. Richman	Clerk: G Lopez	Reporter: R. Rodriguez	Interpreter/Language: —

Arraignment for Judgment

☐ **Arraignment for judgment and time for sentencing is waived.** There is no legal cause why judgment should not now be pronounced.
As to Count _____, a violation of § _____ of the ☐ Penal Code ☐ H&S Code ☐ W&I Code ☐ Vehicle Code ☐ _____ Code

Sentence

1. ☐ **Probation is denied. Defendant is to serve** _____ **days in the Los Angeles County Jail**, forthwith. ☐ consecutive to _____ ☐ concurrent _____
Defendant to receive **custody credit** of _____ days actual plus _____ days GT/WT, for a total of _____ days ☐ Time may be served in any penal institution.
2. ☐ **Pay a fine of** $_____ plus penalty assessments.
3. ☐ Pay the fines, fees, and assessments as set forth in paragraph 21 below.
4. ☐ **Execution of the foregoing sentence is suspended (ESS)**, and the following conditional sentence is imposed:

Conditional Sentence (PC § 1203b) / Order of Probation (PC § 1203a)

☑ **Imposition of sentence is suspended (ISS)** ☐ With supervision by county probation officer (formal probation), for a period of 1 years/months upon the following terms and conditions:

1 ☑ **Serve** 1 **days in the Los Angeles County jail,** ☐ consecutive to _____ ☐ concurrent with _____ ☐ Suspended.
Defendant to receive **custody credit** of 1 days actual plus 0 days GT/WT, for a total of 1 days. ☐ Time may be served in any penal institution.
☐ Time may be served on consecutive weekends of two days each, beginning _____. **(772)**
☐ Time may be served in any city jail having actual confinement, at Defendant's expense. **(021)**
☑ Defendant may not participate in Sheriff's home detention/EHM per PC § 1203.016(e). **(771)** ☐ Work furlough not allowed per PC § 1208(b).

2 ☑ **Perform** _____ **days of Community Labor** (CalTrans, MTA-MAARS, HBT, graffiti removal, beach cleanup, community cleanup, _____), **or perform** 100 **hours of approved Community Service,** with credit for _____ days actual. Sign up for such work only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. ☐ This work is in lieu of the days of jail specified in paragraph 1 above.

3 ☐ **Pay a fine** of $_____ plus penalty assessments, **or** in default thereof serve _____ additional days in County jail, consecutive, **or** perform an additional _____ days/hours of Community Labor or Community service/_____. ☐ **Defendant elects jail in lieu of fine,** forthwith, consecutive to all other time.
☐ Fine may be paid in monthly installments of not less than $_____. **(124)** ☐ Defendant to report to Financial Evaluator to work out a payment plan. **(163)**

4 ☐ **Make restitution to victim** _____ pursuant to PC § 1202.4(f) **(048)** ☐ in an amount to be determined at a hearing. **(067)** ☐ *Harvey* waiver taken. ☐ in the stipulated sum of $_____. **(048)** ☐ per any final civil judgment against you. **(100)** ☐ Liability is admitted but amount disputed.

5. ☐ **Do not own, use, or possess any dangerous or deadly weapons,** including any firearms, knives, or other concealable weapons. **(230)** ☐ The weapon involved in this case is ordered confiscated and destroyed by the arresting agency. **(234)** ☐ This prohibition is for 10 years as to any firearm pursuant to PC § 29805(a).
6. ☐ **Do not use or threaten to use force or violence against any person.** Do not annoy, harass, or molest any victim or witness in this case, especially _____. **(913)**
7. ☐ Stay ☐ _____ ☐ 100 yards away from and have no contact with _____. **(904)**
8. ☐ Stay ☐ _____ ☐ 100 yards away from ☐ the location of the arrest ☐ _____. **(904)**
9. ☐ **Obey any Protective Order** issued in this or any other case. **(579)** ☐ Defendant is served with a copy of the Protective Order in open court. **(578)**
10. ☐ Enroll within 30 days and successfully complete: _____. **(373)**
11. ☐ **Do not own, use, or possess any controlled substances, or associated paraphernalia,** except with valid prescription, and stay away from places where users or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, unless attending a drug treatment program. **(926)**
12. ☐ **Do not drink or possess any alcoholic beverage,** and stay out of the places where they are the chief item of sale. **(901)**
☐ Do not drink or possess any alcoholic beverages before you turn age 21. **(344)**
13. ☐ **Attend** _____ **Alcoholics/Narcotics/Sexual Compulsives Anonymous** meetings at the rate of _____ meeting(s) per week for _____ weeks. **(356/473)**
14. ☐ **Submit your person and property to search and seizure** at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause, or reasonable suspicion. **(576)**
15. ☐ **Use only your true name,** stated to be: _____. **(924)** Do not give any false information to any peace officer at any time. **(535)**
16. ☐ **Do not associate with any persons known by you to be criminal street gang members,** affiliates, or associates, and stay away from all places where you know such persons congregate, except in an authorized anti-gang program. **(918)** Obey any gang injunction that applies to you. **(399)**
17. ☐ **Do not own, use, possess,** buy or attempt to buy, or sell any aerosol paint containers, felt tip markers, any glass or metal scribes, any masonry, glass or carbide drill bit, any grinding stone, awl, chisel, carbide scribe, and any other device or implement capable of marking or marring any property or writing any graffiti. **(921)**
18. ☐ Vandalism cases (VC § 13202.6): **Your driver's license is suspended** for ☐ 2 years (max.) ☐ _____. **(247)** ☐ Surrender your driver's license forthwith **(273)**
19. ☐ Submit to booking (PC § 7(21)) and release within 7 days.
20. ☐ If you are deported from/otherwise leave the United States, notify the Court (& Probation) in writing of your address and telephone number outside the United States within 72 hours of deportation/departure. Continue to pay all of your financial obligation to the Court (& to Probation) while outside the United States. **(474)**

21. ☐ **Pay all of the following (check all that apply):**

☑ **A restitution fine** of ☐ $150.00 ☐ $_____ ($1,000 max.) per PC § 1202.4(b). **(098)**	☐ **Cost of probation services** per PC § 1203.1b, ☐ as determined by the Probation Officer, subject to a hearing if requested ☐ in the amount of $_____ per month
☑ **A probation revocation restitution fine** in the same amount as the restitution fine, per PC 1202.44, payment is stayed until probation is revoked and sentence imposed.	☐ **A drug program fee** of $_____ per drug count (except H&S § 11357(b)) per H&S § 11372.7(a). (Drug convictions only, $150 max.)
☑ **A court facilities assessment** of $30.00 per GC § 70373(a) (Per count.) (SA:CC)	☐ **A crime prevention fine** of $10 per PC § 1202.5 (PC theft-related & vandalism) (SA:CP)
☐ **A state surcharge** of $_____ per PC § 1465.7 (20% of base fine) (SA:AB)	☐ **A sex offender fine** of ☐ $300 (1st off.) ☐ $500 (2nd/sub. off.) PC § 290.3, plus penalty assessment.
☑ **A court operations assessment** of $40.00 per PC § 1465.8(a)(1). (Per count.) (SA:SF)	☐ **A child abuse prevention restitution fine** of $_____, per PC § 294 ($1,000 max.)
☐ **A crime lab fee** of $50.00 plus penalty assessment per H&S § 11372.5. **(184)**	☐ **A domestic violence payment** of ☐ $500 (min.) or ☐ $_____ per PC § 1203.097(a)(5).
☐ **An administrative screening fee** of $25.00 per PC § 1463.07/GC § 29550(f). (D OR)	☐ **A criminal justice administration fee** of $_____, payable to the local arresting agency, per GC §§ 29550(c), 29550.1, or 29550.2(a) (agency's actual cost).
☐ **A citation processing fee** of $10.00 per PC § 1463.07/GC § 29550(f). (D cited and released in field or at jail facility.)	
☐ _____	

22. ☑ ONLY to possess weapons approved by bureau for use. Stayed w/o ability to pay.
23. ☑ **Obey all laws and orders of the court (541)** ☐ and rules and regulations of the Probation Department. **(542)**

☐ **Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)**
☐ Defendant is ordered to pay attorney fees ☐ in the amount of $_____ ☐ in the amount determined by the Financial Evaluator, pursuant to PC § 987.8(b), through the Clerk's Office. **(182)** ☐ After a noticed ability to pay hearing.
☑ **Counts/Allegations** financing **are dismissed/stricken** on the People's motion pursuant to PC § 1385 as to this Defendant.

Compliance dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail:		POE/Progress report on:	
Pay fines/fees by:		Restitution hearing in: Dept./Div. ____	
Complete work/c-s by:	2/29/24 at 8:30	Other:	

I understand, accept, and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature:	Attorney's Signature:

Defendant's Address: _____

Defendant's Telephone: _____

Judge/Commissioner of the Superior Court

CRIM 086 (Rev. 03/18) **DISTRIBUTION: White – Court Copy Canary – Defendant Copy**

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 02/08/2005 By: _____, Deputy

RATIONALE ON FINDINGS

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

WEDNESDAY, FEBRUARY 14, 2024

. . . . .

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE

PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS, INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS 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. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE

PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE FINDINGS PHASE OF THIS BOR CASE.

--OOO--

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-21-007329 / Req. # 0001
Report finalized: June 1, 2021

DR #:	21-99-13105	**Name Associated:**	NEMEROFF
Requested By:	NEMEROFF #31679	**Offense:**	Other
Contact:	31679@lapd.online	**Service:**	Firearms - Test Fire Firearm

Analysis Requested: -- Determine if the assembly, as received, is a silencer as described in California penal code section 17210.

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 6 (LIMS #1-6): One (1) metal ring
- Item 7 (LIMS #1-7): One (1) outer tube
- Item 8 (LIMS #1-8): One (1) monocore baffle

Dates of Laboratory Activity: 5/14/2021 — 5/25/2021

Observation(s)

Items 6 through 8 were received as a single assembly. As received, the item 8 monocore baffle is secured within the item 7 outer tube by the item 6 metal ring.

TESTING:

- An external inspection of the assembly was conducted to assess its general appearance, condition and construction.

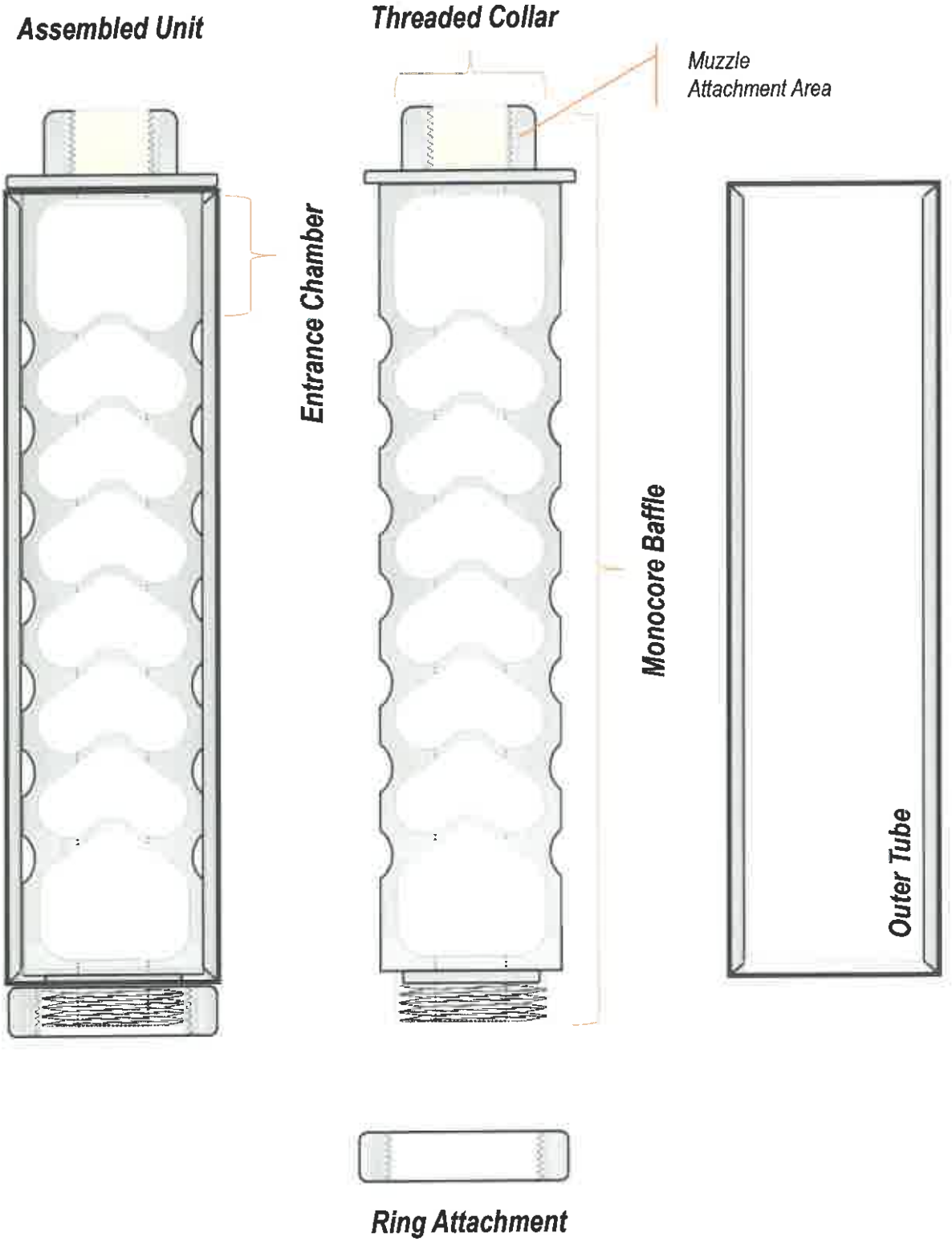
- The assembly was dismantled and inspected for distinctive silencer structural features.

TEST RESULTS:
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.

Conclusion(s)

The assembly, as received, is a silencer as described in California penal code section 17210.

Not to Scale


Assembled Unit
Threaded Collar
Muzzle
Attachment Area
Entrance Chamber
Monocore Baffle
Outer Tube
Ring Attachment



Analyst: F. Biraimah #N3140 323-415-8169 5-27-21



Admin Review: R. Garcia #G9120 6- 1-21



Tech Review: R. Garcia #G9120 6- 1-21