AGENDA ITEM REPORT

Title: POST2302971 - GABRIEL GAXIOLA (POST ID: B49-S96)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
01/16/2025	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 began his employment with the Los Angeles Police Department (LAPD) on October 26, 1998, as a full-time Police Officer. The Respondent was promoted to the rank of Sergeant on July 7, 2019. At the time of the incident before the POSAAB, he was assigned as a sergeant. The Respondent is currently employed with the LAPD as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The circumstances surrounding the incident occurred when Respondent was arrested off-duty for driving under the influence of alcohol on May 13, 2022. As an aggravating consideration, Respondent had been previously arrested for driving under the influence of alcohol on July 10, 2016, a case for which he received a misdemeanor conviction for 23152(b)VC and three years' informal probation.

ANALYSIS:

The Division found that clear and convincing evidence substantiated that Respondent's conduct amounted to acts that violate the law that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that

Respondent was arrested for violating the law on two occasions during his employment as a peace officer, more specifically, both arrests have occurred while Respondent held the rank of Sergeant.

Respondent received a misdemeanor conviction for a violation of section 23152(b)VC for the DUI on July 10, 2016.

On January 26, 2024, Respondent signed a Rehabilitation Agreement with the LAPD regarding the discipline for this second DUI, in which he agreed that he committed misconduct and would complete certain specified terms in rehabilitation. LAPD agreed to hold any discipline in abeyance pending Respondent's successful completion of these terms.

On February 9, 2024, Respondent pled no contest to (and was convicted of) one misdemeanor count of driving under the influence of alcohol with a blood-alcohol content of over 0.08% - a violation of California Vehicle Code Section 23152(b). During that same proceeding, Respondent admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court Case 16HM08811. The Court placed the Respondent on 60 months of probation and ordered him to install an Ignition Interlock Device on his vehicle as a condition of probation, serve 4 days in the "City Jail," complete an 18-month Driving Under the Influence program and attend 52 AA/NA meetings, and pay the assessed fines and fees.

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):

BR1_POST232971_Gaxiola_ISF.pdf
BR2_POST232971_Gaxiola_A_AdmiistrativeInsight.pdf
BR3_POST232971_Gaxiola_B_EDI Profile.pdf
BR4_POST232971_Gaxiola_C_Accident Report.pdf
BR5_POST232971_Gaxiola_D_Sobriety Test Report .pdf
BR6_POST232971_Gaxiola_E_Warrant Affidavit .pdf
BR7_POST232971_Gaxiola_F_LA Cnty Court Records.pdf
BR8_POST232971_Gaxiola_G_Rehab Agreement.pdf
BR9_POST232971_Gaxiola_H_Arrest Report.pdf

BR10_POST232971_Gaxiola_I_LAPD IA Report .pdf
BR11_232971_Gaxiola_Attachement J_LAB Reports .pdf
BR12_232971_Gaxiola_Attachment K_ OC Court Records_Redacted.pdf