PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

March 21, 2024
AGENDA
9:00 AM

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 must be within the Board's jurisdiction. Further, public comment will be allowed after each item on the agenda and must relate to matters on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting, by telephonic means stated hereafter or by submitting a written public comment submission no later than three days before the meeting date. Written public comments will be published on the Commission 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 (224) 501-3412 and, when prompted, entering access code 510-442-157.

The Board cannot act on or deliberate 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 during public comment, request clarification, or 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.

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
Lieutenant 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. **ASSISTANT EXECUTIVE DIRECTOR COMMENTS**

V. **NEW BUSINESS**

Peace Officer Standards Accountability Division (POSAD) Update

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

Report on Outcome of Case Review from the March 07, 2024 Commission Meeting

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

Election of Vice Chair

The purpose of this item is to select a Vice Chair for 2024.

VI. **APPROVAL OF MEETING MINUTES AND TRANSCRIPT**

Approval of Meeting Minutes and Transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on December 13-14, 2023.

Approval of Meeting Minutes from the December 13, 2023 Meeting

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

Approval of Meeting Transcript from the December 14, 2023 Meeting

If the Board concurs, the appropriate action would be a **MOTION** to approve the Meeting

transcript from the last Board Meeting.

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

POST2311496 - Cesar Hazel Diaz (POST ID: C68-U20) Last employing agency: Los Angeles School District 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 shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

POST2300809 - Dillon Fuston (POST ID: C71-S10) Last employing agency: San Diego 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 shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

POST2300204 - David Wesley Hubbard (POST ID: C15-B77) Last employing agency: Kern County District Attorney's Office

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

POST2322012 - Ivan D. Sarabia-Medina (POST ID: C12-A96) Last employing agency: Los Angeles County Sheriff's 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 shall 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 deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- May 15-16, 2024 - POST, West Sacramento
- July 24-25, 2024 - POST, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2300204 - DAVID WESLEY HUBBARD (POST ID: C15-B77)
LAST EMPLOYING AGENCY: KERN COUNTY DISTRICT ATTORNEY'S OFFICE

REPORT PROFILE

MEETING DATE 03/21/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Central Bureau	
RESEARCHED BY Kevin Sherburne	**REVIEWED BY** Brian South	
REPORT DATE 02/29/2024	**APPROVED BY** Annemarie Del Mugnaio	**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:

The Respondent became a Deputy Sheriff with the Kern County Sheriff's Office on October 6, 2007, and ultimately promoted to the rank of Lieutenant on December 19, 2020. He served as a Lieutenant of the Detective Section from December 19, 2020 through March 13, 2021. At the time of the matter before POSAAB, Respondent served as a Lieutenant in charge of Internal Affairs (March 13, 2021-May 8, 2021) and later of the Professional Standards Unit (May 8, 2021-December 4, 2021). After an administrative investigation, Kern County Sheriff's Office terminated Respondent. Respondent obtained employment at the Kern County District Attorney's Office, where he is employed as a peace officer. He is currently subject to an Immediate Temporary Suspension of his peace officer certificate, which became effective on March 9, 2023, pursuant to California Penal Code § 13510.8(d).

Respondent's position at Kern County Sheriff's Office and Kern County District Attorney's Office are peace officer positions as defined under California Penal Code § 830.1(a), and he is required to be certified pursuant to California Penal Code

§13510.1(a).

Video Evidence Links:

POST2300204 - David Wesley Hubbard IA Interview

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(2), in that Respondent abused his power when his personal interests clouded his professional obligations.

The Division found that the clear and convincing evidence substantiated that Respondent violated California Penal Code § 13510.8(b)(1), in that Respondent was dishonest when he deleted evidence from his work cell phone. Further, the clear and convincing evidence substantiated that Respondent had an affirmative obligation to disclose material information to the Criminal and Internal Affairs investigators and that he intentionally withheld information from them. Respondent's lack of candor constituted dishonesty.

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 shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR1_POST2300204_Hubbard_David_Redacted_Hubbard_Final_ISF.pdf
BR2_POST2300204_Hubbard_David_Redacted_Attachment_A_Carpenter_Final_ROI.pdf
BR3_POST2300204_Hubbard_David_Redacted_Attachment_B_EDI_DavidHubbard_ProfileRe
BR4_POST2300204_Hubbard_David_Redacted_Attachment_C_12_6-DRB-Hubbard.pdf
BR5_POST2300204_Hubbard_David_Redacted_Attachment_D_1_1-Admin_Leave.pdf
BR6_POST2300204_Hubbard_David_Redacted_Attachment_E_6_3a-Hubbard-Final_Refused_to_Sign_.pdf
BR7_POST2300204_Hubbard_David_Redacted_Attachment_F_Weidenkopf_Final_ROI.pdf
BR8_POST2300204_Hubbard_David_Redacted_Attachment_G_Hubbard_FinalROI.pdf
BR9_POST2300204_Hubbard_David_Redacted_Attachment_H_Hubbard_IA_Report.pdf
BR10_POST2300204_Hubbard_David_Redacted_Attachment_I_2_Hubbard_and_V1_Assignr

BR11_POST2300204_Hubbard_David_Redacted_Attachment_J_Nord_Final_ROI.pdf
BR12_POST2300204_Hubbard_David_Redacted_Attachment_K_Levig_Final_ROI.pdf
BR13_POST2300204_Hubbard_David_Redacted_Attachment_L_Attachment_6_Weidenkopf_
BR14_POST2300204_Hubbard_David_Redacted_Attachment_M_V1_FInal_ROI.pdf
BR15_POST2300204_Hubbard_David_Redacted_Attachment_N_W1_Final_ROI.pdf
BR16_POST2300204_Hubbard_David_Redacted_Attachment_O_Perez_Final_ROI.pdf
BR17_POST2300204_Hubbard_David_Redacted_Attachment_P_Rutter_Final_ROI.pdf
BR18_POST2300204_Hubbard_David_Reviewed_Attachment_Q_Massachusetts_Conflict_of_
BR19_POST2300204_Hubbard_David_Reviewed_Attachment_R_Gloucestershire_conflict-of-interest-policy-v1_1.pdf
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