Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
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NOTICE OF DETERMINATION

CASE NO.: POST2303189 **SUBJECT OFFICER:** Crystal Ann Lara

POST ID: C28-K24 **EMPLOYING AGENCY:** Los Angeles Police Department

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POST INVESTIGATOR: Matthew W. Dufort

NOD DATE OF ISSUANCE: TBD

ALLEGED MISCONDUCT: Penal Code § 13510.8 (b)(1)/11 CCR 1205 (a)(1) – Dishonesty, Penal Code §13510.8(b)(6)/11 CCR 1205 (a)(6) – Acts that Violate the Law.

EXECUTIVE SUMMARY:

DISHONESTY:
On or about August 22, 2019, Respondent was issued an intradepartmental memorandum commonly referred to as a "*sick letter*" due to her frequent use of sick leave in conjunction with regular days off and/or previously scheduled days off.

On or about August 15, 2020, Respondent called in sick. When she returned to work on or about August 18, 2020, she emailed the timekeeper, Police Service Representative ("PSR") II Yvette Morris (PSR Morris), a copy of a note from her medical clinic to justify her absence on or about August 15, 2020. PSR Morris then forwarded the note to the Southwest Sick and Injured on Duty ("IOD") Coordinator, Dacia Clark ("Coordinator Clark"), who then reported the note appeared to be an altered version of a recent note submitted by Respondent for an absence on or about August 4, 2020. The note appeared to have alterations/modifications to the date of examination and Respondent's date of return to work. When the medical center, Gage Medical Clinic ("GMC"), was contacted regarding the note, GMC personnel advised Respondent was not put off work during the altered dates on the note.

The two (2) notes[1] provided by Respondent to the Los Angeles Police Department ("LAPD") had similar imperfections, markings, and nearly identical writing and signatures. The only altered sections of the note dated August 14, 2020, and later submitted to LAPD on or about August 18, 2020, were the date sections, which was consistent with Respondent altering a previous verified medical note from August 4, 2020, to justify her absence on or about August 15, 2020. Clear and convincing evidence, in the form of the following alterations to the note, demonstrate that changes were purposely made to Respondent's previous medical note of August 4, 2020, to comply with the documentation required by the "*sick letter*" issued to her:

[1] One (1) from GMC dated August 4, 2020, and one (1) from GMC dated August 15, 2020, were in fact the same note issued for Respondent's visit to GMC on August 4, 2020.

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- A "*1*" appeared to have been inserted in front of the "*4*" to change the date from August 4, 2020, to August 14, 2020, indicating the date seen at GMC.
- A "*1*" was inserted in front of the "*5*" that was changed into a "*6*" to change the return-to-work date from August 5, 2020, to August 16, 2020, and therefore excuse her absence from work on August 15, 2020.

Furthermore, when GMC was contacted regarding the discrepancies on the note, it was revealed Respondent was cleared to return to work on August 5, 2020, not August 16, 2020, as the August 4, 2020 note indicated. Personnel at GMC confirmed their policy stating patients are required to be physically seen at the clinic to receive a doctor's note or to update an existing note. Respondent admitted she was not physically seen by GMC personnel and stated she could not recall how she obtained the medical note dated August 14, 2020.

During Respondent's internal affairs interview on or about August 23, 2022, regarding the discrepancies to the medical note allegedly issued by GMC dated August 14, 2020, Respondent:

- Was dishonest when she stated the note dated August 14, 2020, was provided to her by Ms. Walsh-Higuera.
- Admitted she, "…made a change to the return date."
- Admitted she was not seen in the clinic on August 14, 2020.
- Claimed she made alterations to the note dated August 14, 2020, at the direction of Ms. Walsh-Higuera.
- Was dishonest when she claimed she called Ms. Walsh-Higuera (who was both a GMC consultant and Southwest Community Police Station volunteer), who directed her to, "just switch the date" and Ms. Walsh-Higuera would "update it" in Respondent's medical chart to reflect the date change.
- Was dishonest when she was specifically asked if Ms. Walsh-Higuera advised her to make the change to the note on the clinic's behalf and she said, "yes."
- Was dishonest when she said Ms. Walsh-Higuera administered a pregnancy test to her.

Respondent's dishonest statements, as noted above, were determined to be false based upon the statements provided by Ms. Walsh-Higuera during an internal affairs interview on or about August 24, 2022. Ms. Walsh-Higuera related:

- She never engaged in a conversation with Respondent regarding making changes to a date on a GMC medical certificate/note.
- She did not advise Respondent to make any corrections or alterations to a medical note.
- She denied telling Respondent she would make notations on/in Respondent's medical chart to reflect the changes Respondent made to a medical note.
- She did not have the authority to authorize nor make changes to medical notes.
- She did not have the ability, nor did she ever, administer a pregnancy test as stated by Respondent because Ms. Walsh-Higuera was not a physician or nurse.

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Ms. Walsh-Higuera's statements provide clear and convincing evidence to disprove Respondent's statement that Ms. Walsh-Higuera had administered a pregnancy test to her and prove that the events Respondent related to justify her manipulation of the doctor's note issued by GMC never transpired. Thus, as noted above, Respondent's statements to the LAPD internal affairs investigators on or about August 23, 2022, were demonstrably false[2].

On or about August 27, 2020, Respondent submitted a doctor's note from Platinum Women's Health ("PWH") to Coordinator Clark with work restrictions. The note dated August 24, 2020, and titled, "*Light Duty Notice,*" stated Respondent was restricted to work only one (1) day a week; however, Coordinator Clark could not tell if Respondent was restricted to work for two (2) hours or for seven (7) hours as the number was illegible. Coordinator Clark emailed Respondent and related she would need to use accrued sick, vacation, or compensatory time off to cover the remaining work hours. When notified she would need to abide by the restrictions on the doctor's note, Respondent provided an updated doctor's note, within an hour, which appeared to be identical to the original note from August 24, 2020. The only alteration to the new note was the removal of the number of hours and days Respondent was restricted to work each week. The numbers appeared to have been "*whited out*" from the original doctor's note.

The removal of the days/hours restrictions would have allowed Respondent to return to work full-time and avoid having to use her accrued leave to cover missed work hours. These changes were consistent with Respondent's email to Coordinator Clark regarding the use of her own accrued leave for missing work hours, in which she stated, "*I don't have the time or the money for that…I have to work and get paid*."

When investigators contacted the medical clinic identified on the two (2) seemingly identical notes, PWH, there was no record of the second (modified) note. Staff at PWH advised that personnel at the clinic would not direct a patient to make any alterations or changes to a medical note which refutes Respondent's statement that front desk personnel at the medical clinic had instructed her to "*white out*" her restrictions and make a photocopy of it until a doctor could provide her a new, updated doctor's note. A third and final doctor's note was obtained from PWH by Respondent and provided to LAPD several hours after the altered note was submitted to the Department and then only after her doctor was available to make changes.

During Respondent's internal affairs interview on or about August 23, 2022, regarding the discrepancies to the medical note allegedly issued by PWH dated August 24, 2020, she:

- Admitted she made the changes to the note to remove the "hours" and "days" restriction.
- Was dishonest when she related, PWH's front office receptionist (Ms. Edith Villalobos) told her because she would not be able to see a doctor immediately, Respondent could "*white out*" (remove) the hours and the day of the week that were on the note.

[2] Serious misconduct as described in PC 13510.8 (b)(1)/11 CCR 1205. (a)(1) – Dishonesty.

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The following summarizes the statements made by Ms. Villalobos to investigators:

- Before any changes to a medical note could be completed, PWH required the patient to be seen by medical personnel.
- When Respondent was provided the light duty notice, dated August 24, 2020, that listed the number of workdays and hours Respondent was allowed to work, PWH medical personnel advised her and notated on the notice that she also needed to provide an official Department form requesting her work restrictions.
- PWH had record of providing Respondent the first note, dated August 24, 2020, listing the work and hour restrictions.
- The third note, dated August 28, 2020, was issued by PWH with the work hours and days restriction removed.
- PWH did not have a record of the second note with the days and hours allowed to work removed or "*whited out*."
- Neither Ms. Villalobos, nor anyone else assigned to PWH, advised or directed Respondent to make any changes or alterations to her medical note.

Ms. Villalobos's statements provide clear and convincing evidence Respondent's statements made during her August 23, 2022, internal affairs interview regarding the second PWH doctor's note, as noted above, were false and provide clear and convincing evidence to prove the events Respondent outlined to justify her manipulation of the second submitted PWH doctor's note never transpired—thus Respondent's statements to the LAPD internal affairs investigators were false[3].

ACTS THAT VIOLATE THE LAW:
As a result of submitting two (2) forged doctor's notes in or around August of 2020, for the purpose of deceiving the LAPD and receiving pay/benefits from the LAPD, a criminal investigation was initiated. On or about June 29, 2022, Respondent was arrested for two (2) counts of violating California Penal Code (PC) Section 470(d) –felony forgery. On or about August 15, 2024, in a plea agreement in a Los Angeles County Court[4], Respondent pled no contest to one (1) misdemeanor count of Section 470(d) PC - forgery. The facts of the case include, but are not limited to, the following:

- On two (2) separate dates, Respondent changed, manipulated, and/or deleted information on a previously valid doctor's note and provided those notes to LAPD administrative staff purportedly to comply with the provisions of an internal memorandum directing her to provide proof of illness in order to receive compensation for required work hours missed.

[3] Serious misconduct as described in PC 13510.8 (b)(1)/11 CCR 1205. (a)(1) – Dishonesty.
[4] Clara Shortridge Foltz Justice Center, Department 36.

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- On or about June 13, 2022, in response to the criminal investigation completed by LAPD, Los Angeles County District Attorney Susan Steinfeld filed one (1) count of a violation of Section 470(d) PC – Forgery.
- On or about June 27, 2022, a felony warrant was issued for Respondent's arrest for one (1) count of a violation of Section 470(d) PC – Forgery.
- On or about June 29, 2022, Respondent was arrested for one (1) count of a violation of Section 470(d) PC – Forgery.
- On or about August 15, 2024, Respondent pled no contest to one (1) misdemeanor count of a violation of Section 470(d) PC – Forgery.
    - The factual basis in the LADA's filing package for the charge of forgery included the following:
        - A copy of LAPD Sergeant Aaron Pomeroy's criminal investigations (CF No. 20-002746 and CF No. 20-002469).
        - The August 22, 2019, Intradepartmental memo requiring a doctor's note for proof of absence.
        - Email communication between Respondent and LAPD supervisors/timekeepers between August 4, 2020, and September 1, 2020.
        - A copy of the GMC doctor's note dated August 4, 2020.
        - A copy of the GMC doctor's note dated August 14, 2020.
        - A copy of Respondent's August 14, 2020, Daily Worksheet.
        - A copy of a doctor's note dated August 4, 2020, which was on file with GMC.
        - A copy of the PWH doctor's note dated August 24, 2020.
        - A copy of the PWH doctor's note dated August 24, 2020, with hours of work restrictions removed.
        - A copy of the PWH doctor's note dated August 28, 2020.

As described above, clear and convincing evidence exists to show the act of forgery was completed, which is an act that violates the law pursuant to Penal Code Section 13510.8 (b)(6) and 11 CCR 1205 (a)(6).

The additional evidence used to substantiate this allegation includes, but is not limited to the following:

- Respondent's compelled statements that she made changes to the doctor's notes at the direction of staff at two (2) separate medical clinics (GMC and PWH).
- Independent witness statements from an employee at each of the two (2) medical clinics in question, advising clinic personnel did not direct Respondent to make changes as she claimed.
- The fact Respondent submitted the doctor's notes through proper channels to LAPD administrative personnel for the purpose of excusing absences and therefore receiving compensation for time not worked.

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- The fact that the Los Angeles District Attorney's office found probable cause to issue a warrant for Respondent's arrest for a violation of Section 470(d) PC – Forgery.
- The fact Respondent was arrested pursuant to that warrant for a violation of Section 470(d) PC – Forgery.
- The fact that Respondent pled no contest to a violation of Section 470(d) PC – Forgery and was found guilty.

ANALYSIS:

1. The alleged misconduct violated Penal Code Section 13510.8 (b)(1) and Title 11, California Code of Regulations Section 1205 (a)(1) – Dishonesty.

Penal Code Section 13510.8(b)(1) and Commission Regulation 1205 (a)(1) defines as 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 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."

Respondent was dishonest during her August 23, 2022, internal affairs interview when she provided false statements to investigators regarding altered doctor's notes she submitted for verification of absence and to receive compensation as noted above in the executive summary. Specifically, regarding the discrepancies to the medical note allegedly issued by GMC dated August 14, 2020, Respondent was dishonest when she stated Ms. Walsh-Higuera advised her to make corrections to the note. Respondent stated: "*I made a change to the return date.*" When asked why she made a change to the return date, Respondent stated: "*That date was incorrect. I called Ms. Walsh. I let her know that on the date, the return date was incorrect. She told me just to switch the date and then she would update it in my chart*." This statement is in direct contrast to that of Ms. Walsh-Higuera who asserted that she did not advise Respondent to make any corrections or alterations to a medical note. She denied telling Respondent she would make notations on/in Respondent's medical chart to reflect the changes Respondent made to a medical note and further stated that she did not have the authority to authorize nor make changes to medical notes. Respondent made further dishonest statements in her internal affairs interview when she falsely claimed that Ms. Walsh-Higuera administered a pregnancy test to her, which was again, contradicted by Ms. Walsh-Higuera.

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Respondent made additional dishonest statements in her interview regarding the discrepancies to the medical note allegedly issued by PWH dated August 24, 2020, in claiming that she was instructed by PWH to "*white out*" the hours and the days. She claimed when she contacted PWH to request a new doctor's note, a representative of PWH told her: "*in the meantime, to just take out the hours and the day of the week, for the meantime…and that when she got ahold of the doctor, she would get her a new note.*" She said the PWH representative directed her to "*get rid of*" "*the hours and the day of the week*." This contrasts with the statements by PWH that they had no record of an August 24, 2020 note, that before changes could be made to a note a patient needed to be seen by the doctor, and finally, that no one from PWH, advised or directed Respondent to make any changes or alterations to her medical note.

2. The alleged misconduct violated Penal Code Section 13510.8 (b)(6) and Title 11, California Code of Regulations Section 1205 (a)(6) – Acts that Violate the Law.

Penal Code Section 13510.8 (b)(6) and Commission Regulation 1205 (a)(6) defines as serious misconduct "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with s peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission."

Respondent committed acts that violate the law when she, with the intent to deceive, changed/manipulated/deleted information on doctor's notes from two (2) separate medical clinics so she could receive compensation she was not entitled to. Clear and convincing evidence exists to demonstrate Respondent completed the act of forgery in or around August 2020, a warrant issued for her arrest in the matter on or about June 27, 2022, she was arrested on or about June 29, 2022, and pled no contest to one (1) count of misdemeanor forgery and was found guilty of the crime on or about August 15, 2024.

While acts that violate the law that occurred prior to January 1, 2022, would not normally be actionable, one exception is when the internal affairs investigation was completed after January 1, 2022, as set forth in Penal Code Section 13510.8 (g)(1). Section 13510.8(g)(1) provides that: "The commission may initiate proceedings to revoke or suspend a peace officer's certification for conduct that occurred before January 1, 2022, only for either of the following:

(B) If the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022."

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Here, this case is actionable because the internal affairs investigation was completed after January 1, 2022. To wit, per the LAPD Letter of Transmittal, the completed complaint investigation was received by LAPD command staff on November 10, 2022, with a recommendation Respondent be sent before a board of rights pending termination. Prior to an imposition of discipline, Respondent resigned from the LAPD on or about September 12, 2023, and has not been employed as a peace officer since that date.

FINDINGS:

The Peace Officer Standards and Accountability Division determined reasonable grounds exist to seek suspension or revocation of the Respondent's certifications in this case. When Respondent was contacted by the Division, she did not accept responsibility for her actions and blamed "*the Department*" for mistreating her. When additional attempts to contact the Respondent were made by the Division, Respondent failed to answer or respond.