Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

STATEMENT OF FINDINGS

POST makes the following information available to the public pursuant to Penal Code § 13510.85(c), which establishes that POST shall publish the names of any peace officer whose certification has been suspended or revoked and the basis for the suspension or revocation.

CASE NO.: POST2309961

SUBJECT OFFICER: Michael Lee Drake **POST ID:** C65-N37

EMPLOYING AGENCY: California Highway Patrol (CHP)

ALLEGED MISCONDUCT: PC § 13510.8(b)(3)/11 CCR 1205(a)(3) – Physical Abuse, 13510.8(b)(1)/11 CCR 1205(a)(1) – Dishonesty

CASE SUMMARY:

On June 7, 2023, the California Highway Patrol (CHP) submitted a report of potential serious misconduct to POST against Officer Michael Lee Drake, hereinafter "Respondent," alleging that Respondent had committed physical abuse against an arrestee and then was dishonest in his reporting of the events in his criminal police report and when questioned about the events in a subsequent interview. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to PC 13510.8. A summary of the investigative findings of the Division are as follows:

On the night of January 14, 2022, Respondent and his partner responded to a call for service involving a solo traffic collision. Respondent repeatedly used unreasonable force against the involved male driver (hereinafter 'Victim') on three separate instances over approximately two hours while Victim was in custody. When Respondent later documented his perspective of the incident in a narrative/supplemental report, he omitted two of the three instances of his use of unreasonable force, and his use of force during the application of a spit sock. A CHP internal review of this incident prompted a criminal investigation. During the investigation, Respondent was dishonest about the first instance of his unreasonable use of force; he not only denied being the officer who used unreasonable force against the Victim, he essentially blamed his partner, who was a substantial distance away from the Victim and busy communicating with dispatch at the time. The CHP conducted an administrative investigation, which subsequently resulted in sustained findings for excessive use of force, dishonesty, and failure to intervene, among other CHP policy violations. The proposed discipline was dismissal; however, the Respondent

resigned prior to the final disposition of the administrative investigation and the imposition of that dismissal. In addition, the Riverside County District Attorney's Office filed one misdemeanor charge against the Respondent for a violation of Penal Code § 148.5(a); however, the charge was subsequently dismissed following the Respondent's successful completion of a court-ordered diversion program.

ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code § 13510.8 (b)(3) and Title 11, California Code of Regulations Section 1205 (a)(3) – Physical Abuse**

   Penal Code Section 13510.8 (b)(3) and Commission Regulation 1205 (a)(3) defines as serious misconduct "Physical Abuse including, but not limited to, the excessive or unreasonable use of force."

   Respondent used unreasonable force against the Victim on three separate instances while he was handcuffed in the back of the patrol vehicle: (1) Respondent struck the Victim with an open hand while at the scene of the traffic collision; (2) Respondent aggressively covered the Victim's face with his hand during the transport of the Victim from the scene of the traffic collision to the Riverside Community Hospital; and (3) Respondent grabbed the Victim at the top of the spit sock, appearing to also grab the Victim's hair in the process, and aggressively pulled his head up from an approximate 45-degree position toward the doorframe of the patrol vehicle.

2. **The alleged misconduct violated Penal Code § 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 on two occasions relating to the reporting and investigation of a crime: (1) Respondent was dishonest when he omitted the aforementioned unreasonable uses of force for instances #1 and #3, as well as his use of force while applying the spit sock to the Victim, from his narrative/supplemental for the CHP 202 Driving Under the Influence Arrest-Investigative Report, which resulted in his intentional filing of a false report; and (2)

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Respondent was dishonest when he made false statements during his criminal interview about not being the person who struck the Victim with an open hand and blaming his partner.

OUTCOME/IMPOSITION OF DISCIPLINARY ACTION AGAINST PEACE OFFICER CERTIFICATION:

The Peace Officer Standards Accountability Division determined that reasonable grounds existed to seek revocation of the Respondent's certifications in this case. A notice of intent to revoke was served on April 30, 2025. Respondent did not file a request for review within the 30-day response period, pursuant to Penal Code section 13510.85 (a)(2), thus resulting in default revocation of Respondent's certification with no further proceedings. On June 5, 2025, the default order was issued and served on Respondent. Respondent Michael Lee Drake's (POST2309961) (POST ID: C65-N37) peace officer certification was revoked on June 5, 2025.