CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION/
ATTORNEY WORK PRODUCT

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Tommy R Thompson

POST ID NUMBER: B81-T83

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2400920

WRITTEN BY: LEC Brad Ehrman

DATE: 11/1/2024

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CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION/
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I. Executive Summary

Tommy Thompson, hereafter referred to as "Respondent," was involved 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 or respect the rights of members of the public.

On March 14, 2023, Respondent was involved in a single vehicle, on-duty accident related to driving under the influence (DUI) of alcohol. This accident occurred while the Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant damage to the department owned vehicle and tree. The California Highway Patrol (CHP) responded to the accident and found the Respondent to be under the influence of alcohol and or drugs. The Respondent was arrested by the CHP for DUI and Hit and Run.

On March 17, 2023, Respondent was involved in a second single vehicle, on-duty accident related to driving under the influence or alcohol and drugs. This accident occurred while the Respondent was driving his personal vehicle. The Los Angeles Sheriff's Department responded to the single vehicle accident and found the Respondent displaying objective symptoms of intoxication. The Respondent was arrested for driving under the influence of alcohol and drugs. This was the Respondent's second DUI (in four days) while employed as a Detective for the Los Angeles Police Department.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Detective with the Los Angeles Police Department. This position is a peace officer pursuant to Penal Code section 830.1(a).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the Los Angeles on June 10, 1996, as a full-time Police Officer. The Respondent was promoted to the rank of Detective on June 25, 2006. The Respondent promoted to the rank of Detective II (Supervisor) on November 3, 2013. The Respondent was demoted from the rank of Detective II to Detective I on July 30, 2023.

Throughout the Respondent's career as a Los Angeles Police Officer/Detective, he has had the following sustained personnel complaints:

03-4780: 10/13/2003	Neglect of Duty	Action could be Different
03-4154: 06/02/2003	Preventable Traffic Collision	Counseling
03-4428: 11/15/2002	Unauthorized Tactics	Official Reprimand
02-2272: 5/15/2002	Unbecoming Conduct	Other Judicial Review
00-1306: 3/02/2000	Neglect of Duty	Suspension (4 days)
00-0201: 1/06/2000	Improper Remark	Not Resolved
99-3133: 7/26/1999	Discourtesy	Not Resolved
98-4154: 9/23/1998	Discourtesy	Not Resolved
98-1566: 3/13/1998	Alcohol Related	Suspension (3 days)

There were no commendations listed in the record provided by the employing agency.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID B81-T83. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #91044 (01/05/1998)
- Intermediate #75530 (09/23/2002)
- Advanced #82084(08/05/2009)
- Supervisory #85061 (02/17/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint with Agency

There was no complaint filed with the employing agency, as the allegation of serious misconduct stemmed from two arrests for driving while intoxicated.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

The Los Angeles Police Department placed Respondent on Injured on Duty status in July 2023, and recommended the Respondent be directed to a Board of Rights for with a recommendation for termination. On August 26, 2023, the Respondent was served with documents to downgrade him from the paygrade of Detective II to Detective I and subsequently administratively transferred from Operations-Central Bureau to Hollenbeck Area.

As of February 13, 2024, Respondent was relieved from duty, pending a directed Board of Rights hearing for a period of thirty (30) calendar days. On February 21, 2024, former Los Angeles Police Chief reinstated the Respondent. On February 27, 2024, the City of Los Angeles, the Los Angeles Police Department, and the Respondent entered into a settlement agreement, the Agreement Regarding Proposed Discipline ("Settlement

Agreement"), to resolve Respondent's pending case for a disciplinary penalty of 22 suspension days.

As set forth in the Settlement Agreement, the following four (4) counts were sustained against Respondent:

Count One. On or about March 14, 2023, while on-duty, [Respondent was] involved in a hit and run traffic collision while operating a department vehicle.

Count Two. On or about March 14, 2023, while on-duty, [Respondent] operated a department vehicle, while under the influence of alcohol and prescription medication, resulting in [Respondent's] arrest.

Count Three. On or about March 17, 2023, while off-duty, [Respondent] operated [his] privately owned vehicle, while under the influence of alcoholic beverages in [Respondent's] arrest.

Count Four. On or about March 17, 2023, while off-duty, [Respondent] provided an inaccurate statement to an outside agency when [Respondent] stated that [he] did not consume any alcoholic beverages prior to operating [his] personally owned vehicle.

3. Date of Receipt By POST

An allegation pursuant to California Regulation 1205(a)(6) (Acts that Violate the Law) was reported by the Los Angeles Police Department on February 1, 2024, via the Mark43 report management system.

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 the Respondent by LAPD. I also reviewed the CHP arrest report from Respondent's DUI accident and arrest on March 14, 2023, and

the Los Angeles County Sheriff's Department's DUI accident and arrest report on March 17, 2023. Additionally, I reviewed the Los Angeles Superior Court records for Respondent's two DUI convictions.

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

First driving under the influence event – March 14, 2023:

On March 14, 2023, at around 0936 hours, the Respondent was driving an unmarked Los Angeles police vehicle, a black Dodge Charger in the Stevenson Ranch area, County of Los Angeles. Respondent was traveling Southbound on The Old Road and made a left turn, at approximately 25 mph onto Pico Canyon Road. The weather conditions at the time of the accident were listed as active rain/roadway conditions wet. The Respondent made a left turn onto Pico Canyon Road and lost traction driving over a raised curb and crashing into a tree. The Respondent then left the scene and drove to a nearby ARCO gas station, arriving at approximately 0938 hours, where he spent approximately 40 minutes "fidgeting" with the Dodge Charger and, according to witnesses interviewed by the arresting CHP officers, appeared to be trying to fix the major crash damage to the front of the vehicle. The Respondent then left the ARCO gas station and drove to a

second gas station, a Mobil gas station at approximately 1022 hours, where he parked in a parking space for a moment before backing into a passing vehicle. Respondent then spent approximately 30 minutes attempting to again fix the damage to his vehicle and called his supervisor at 1040 hours to report the accident. Respondent then left the Mobil gas station and drove westbound on Pico Cayon Road to merge right onto The Old Road, where he became disabled on The Old Road, south of Market Drive North.

A Los Angeles County Sheriff Department (LASD) Deputy observed Respondent's Dodge Charger stalled in the number one lane at the intersection of The Old Road northbound and Market Center Drive and pulled his patrol vehicle behind Respondent's vehicle to contact him inside the Dodge Charger. The Respondent was in the driver seat of the Dodge Charger when the Deputy made contact with him. The Respondent told him he was trying to pull over, but his vehicle stalled out. The Deputy told the Respondent to stay in his vehicle until CHP arrived on scene. The Deputy relayed to the CHP officers that the Respondent seemed slow and confused.

CHP
received notification of Respondent's disable vehicle at 1055 hours and officers arrived on scene to conduct a traffic accident investigation. While interviewing the Respondent regarding the accident, CHP officers observed Respondent displaying objective signs of intoxication, including red and watery eyes, the odor of an alcoholic beverage emitting from his breath and person, slurred speech, the inability to provide the requested documents, swaying in a circular motion, and periodically nodding off while talking to the officers. The CHP officer asked Respondent if he consumed any alcohol, which he denied. He was then asked if he ingested any drugs, which he denied, but related he ingested his regular dosage of Ambien. When CHP officers attempted to have Respondent answer questions or perform tests to assess his level of impairment, he informed them he would not answer any questions or conduct any tests.

Based on the vehicle accident and the CHP Officer's observations, he formed the opinion that Respondent drove his vehicle while under the combined influence of alcohol and drugs and that this had caused his vehicle accident. The CHP Officer therefore placed Respondent under arrest for being in violation of CA Vehicle Code Section (CVC) 23152(g) (Misdemeanor- driving under the influence of a combination of alcohol and drugs) at 1203 hours. The Respondent was then transported to the CHP Newhall area Office where he submitted to a chemical breath test (at 1308 hours) with results of .03% and .03% Blood Alcohol Content. The Respondent agreed to submit to a chemical blood test and was transported to Henry Mayo Hospital where blood was drawn at 1435 to perform a chemical blood test. Respondent was medically cleared and released on his signed promise to appear in court.

The Respondent was determined to be the driver of the black Dodge Charger based on his own statement, the fact that he was the only occupant, and his possession of the keys to the Dodge Charger. The Respondent is also an employee of the registered owner of the vehicle (City of Los Angeles/Los Angeles Police Department).

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23152(a), driving under the influence alcohol, and admitted to a prior conviction for driving under the influence, in Los Angeles County Superior Court. Respondent was placed on 60 months of summary probation. The court also ordered Respondent to not drive with any measurable amount of alcohol or drugs in his blood or refuse to take or complete any blood alcohol or drug chemical test, any field sobriety test, or any preliminary alcohol screening test when requested by a peace officer, serve 4 days in the county jail, pay the assessed fines and fees, and enroll in and complete the 18-month Driving Under the Influence program.

Second driving under the influence event – March 17, 2023:

On March 17, 2023, at around 1300 hours, the Respondent was driving his personal vehicle, a black 2008 Toyota Tundra in the Santa Clarita area, County of Los Angeles. Respondent was at the intersection of Dickason Road and Newhall Ranch Road when his vehicle ran out of gas. The Respondent attempted to push his vehicle to a nearby gas station. Consequently, he lost full control of his vehicle, and the vehicle collided with a pole.

A Los Angeles County Sheriff's Department (LASD) Deputy responded to the intersection of Dickason Drive and Newhall Ranch Road regarding the traffic collision call for service. The first LASD responding officer was a Sergeant and observed a black Toyota Tundra stopped in the roadway. The LASD Sergeant was notified by several "Southern California Edison" workers who were at the scene that the driver involved in the accident, later identified as Respondent, was possibly under the influence. The LASD Sergeant contacted Respondent who was outside of the black Toyota Tundra and detected the strong odor of an alcoholic beverage emitting from his person. The LASD Sergeant detained Respondent, and he was placed in the back of his patrol vehicle.

The investigating LASD Deputy was informed of the Sergeant's observation and that Respondent was a Los Angeles Police Department Detective. The Deputy contacted Respondent in the back seat of the Sergeant patrol vehicle. While speaking to Respondent, the Deputy smelled the strong odor of an alcoholic beverage emitting from his breath and person and observed Respondent had bloodshot/watery eyes and appeared disheveled. When the Deputy had Respondent exit the patrol vehicle, he further noted the Respondent was unsteady when he walked, appeared off-balance, and rested his hand on the patrol vehicle to remain upright. The Deputy asked Respondent how the collision had occurred, Respondent stated his vehicle had lost power, become disabled

and had rolled uncontrollably to the location of the collision as he attempted to regain control of the vehicle. While talking to the Respondent, the Deputy continued to smell the strong odor of an alcoholic beverage emitting from the Respondent's person. The Deputy asked Respondent how much he had to drinking and Respondent stated he had not been drinking. The Deputy asked Respondent if he took any prescription medications and Respondent said he took a prescription medication, but the medication would not impair him. While the Deputy was talking to Respondent, the Sergeant located Respondent's firearm, which was under the backseat of the vehicle in a case. An open, and nearly empty, container of alcohol was also located in Respondent's vehicle[1].

Respondent was given a series of modified Standardized Field Sobriety Tests which he performed poorly in. Specifically, the Respondent swayed from side to side while standing on both feet and one foot, showed immediate onset of nystagmus (rapid, repetitive, uncontrolled movements) when tasked with tracking a moving object without moving his head, failed the Lack of Convergence Test by his right eye not converging, and repeatedly missed his nose when asked to close his eye and put his finger to his nose. Based on Respondent's poor performance in the modified Standardized Field Sobriety Tests and his observations, the Deputy formed the opinion that Respondent was operating his vehicle while under the influence of an alcoholic beverage (violation of CVC 23152(a)). Respondent was transported to the LASD Santa Clarita Station Jail where he provided a breath sample on the "DataMaster" Machine at approximately 1414 hours. The DataMaster machine indicated that Respondent had a Blood Alcohol Content of 0.08% and 0.09% on the two tests.

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23103.5(a) Wet Reckless for the March 17, 2023 arrest. The court placed

[1] LASD traffic report pg 1.

Respondent on 12 Months of summary probation and ordered Respondent to not drive with any measurable amount of alcohol or drugs in his blood or refuse to take or complete any blood alcohol or drug chemical test, any field sobriety test, or any preliminary alcohol screening test when requested by a peace officer. Further, the court ordered Respondent to pay the assessed fines and fees and enroll in and complete the 18-month Driving Under the Influence program, which could be completed concurrently with his conviction for the March 13, 2023 arrest.

LAPD Internal Affairs Investigation

On August 4, 2023, Respondent was interviewed by LAPD Internal Affairs and made the following statements. Below is taken from the Respondent's summarized statement in his LAPD Internal Affairs report.

Respondent was assigned to Operations Central Bureau Homicide Division on March 14, 2023. Respondent woke up at approximately 0500 hours that morning and arrived at work at approximately 0600 hours. Respondent told LAPD internal affairs investigators that he did not consume any alcoholic beverages prior to his shift and believed he was able to safely operate a vehicle. Respondent also told LAPD internal affairs investigators that he recalled eating dinner between 1900 and 2000 hours on March 13, 2023, and started drinking on the evening of March 13, 2023, at approximately 2100 hours. Respondent also told investigators he took between five and ten milligrams of Ambien before going to sleep. During the middle of the night between 0000 hours and 0400 hours, Respondent told investigators he began taking shots of vodka to calm his mind and sleep. Respondent assumed he may have woken up in the middle of the night and consumed alcohol based on his blood alcohol level in the arrest report. Respondent denied consuming any alcoholic beverage after waking up for work on March 14, 2023.

Later, after Respondent started his shift, he signed out the Department's Dodge Charger with the intention of booking property at Property Division. While enroute to Property Division, Respondent bypassed dropping the property off when he realized he left his cellular phone at home. The Respondent drove home to get his phone. Respondent retrieved his phone from home. While back enroute to book property, Respondent became involved in a traffic crash. Respondent told investigators he was eating a banana when it fell. As Respondent attempted to retrieve the banana, he collided with an unknown object on the freeway. Respondent recalled he was involved in a traffic crash, but he had no independent recollection of specific details related to the traffic crash. Respondent recalled going to one gas station. He did not recall going inside an additional gas station to purchase a red bull. Respondent claimed he received treatment for a concussion sustained due to the serious traffic crash he was involved in.[2] He contributed the concussion to his lack of recollection and the gaps in his memory.

Respondent recalled that on March 17, 2023, he was involved in a traffic crash in Santa Clarita, California, while driving his privately owned black, Toyota Tundra. On March 16, 2023, Respondent consumed vodka throughout the evening and into the early morning. He did not recall if he took any Ambien. On March 17, 2023, Respondent woke up between 0700 and 0800 hours and immediately consumed one, 12-ounce celebratory Irish Coffee (alcoholic drink containing two shots of Jamison whiskey combined with coffee) for Saint Patrick's Day. Respondent then went back to sleep for several hours. Respondent woke up at approximately 1100 hours. He was hungry and felt he needed to put some food on his stomach.

Respondent did not feel impaired after he woke up the second time. Respondent's vehicle was low on gasoline. Respondent planned to grab food from Carl's Jr. Restaurant after

[2] The CHP report does not contain any indication that Respondent reported a head injury.

he put gas in his vehicle. While enroute to the gas station, Respondent took a large sip of mouthwash because his mouth felt dry. As Respondent waited for the light to change, his vehicle ran out of gas. Respondent was at the intersection of Dickason Road and Newhall Ranch Road, in the City of Santa Clarita. He was a short distance from the gas station, so he decided to push his vehicle to the gas station nearby. Respondent exited his vehicle and began to manually push his vehicle while simultaneously guiding the steering wheel. He gained enough momentum to drive the vehicle to the gas station. Respondent was wearing loose fitting sweatpants that fell around his knees. Respondent's sweatpants prohibited Respondent from moving quickly to enter the vehicle and steer the vehicle from the driver's seat. Consequently, Respondent lost full control of the vehicle and was dragged as he held on with his right hand. Respondent tried to press the emergency brake on his vehicle, but he was unsuccessful and unable to regain control of the vehicle.

Respondent has a medical condition that prohibits him from performing the Standard Field Sobriety Test as explained and demonstrated. Respondent did not believe he was impaired at the time he operated his vehicle.

Respondent believed he experienced burnout after a long career and started drinking a lot. In June of 2022, Respondent struck his head on the top of a police shop (patrol vehicle). Respondent stated he was in the Intensive Care Unit for three to four days with a brain bleed. Respondent believed the injury damaged him. Respondent was left with excruciating headaches after the injury. Respondent accepted full responsibility for his behavior and two alcohol related arrests within four days. Respondent realized after his arrest he had a severe problem with alcohol. Respondent accepted he was an alcoholic and obtained treatment at a licensed facility (Betty Ford Clinic) and has been attending AA meetings. Respondent has not consumed alcohol since the arrest. Respondent was

remorseful and made it clear that he would accept punishment including but not limited to an alcohol contract prohibiting him from drinking.

Respondent also admitted in the LAPD internal affairs interview that during the March 17, 2023, arrest he told the LASD officers that he had not been drinking even though he knew he had consumed alcohol earlier that morning.

On February 22, 2024, Respondent signed a settlement agreement with the Los Angeles Police Department that would impose a 22-day suspension as a result of these two arrests and, while he is employed with the Los Angeles Police Department, for a period of 3 years require him to: 1) abstain from the use of all alcoholic beverages; 2) not enter any establishment whose primary business is selling alcoholic beverages while off-duty; 3) not purchase any alcoholic beverages while off-duty; 4) submit to substance testing up to (3) three times a month as directed by a supervisor; and 5) and submit to unscheduled, unannounced, directed testing for controlled substances up to (5) five times a month as directed by a department supervisor.

On August 31, 2024, the Respondent retired from the Los Angeles Police Department.

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(6) –Acts that violate the law.

Under California Regulation 1205(a)(6), serious misconduct includes, “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.”

During his March 17, 2023 arrest, Respondent was found with an open, and nearly empty, container of alcohol in his vehicle[i], and had difficulty standing straight when talking to the responding LASD deputies. Respondent also had difficulty completing the modified Standard Field Sobriety Tests and the responding LASD deputies noticed a pronounced odor of alcohol on Respondent's person and breath. Despite this, Respondent repeatedly denied having had any alcohol to drink that day. The results of Respondent's chemical tests, however, revealed his blood alcohol content was .08 percent and .09 percent.

Respondent's actions have put numerous lives in jeopardy on at least two occasions and resulted in the destruction of City-owned property. As a peace officer, Respondent was uniquely qualified to know the likely consequences of driving under the influence of alcohol or substances, even legal substances, both to the public and to his own person. From the statements Respondent gave in his internal affairs investigation, it appears that his problem with alcohol had progressed to the point where he was unable to determine when he was impaired and should not be driving a vehicle. Although Respondent has commendably taken it upon himself to seek treatment for his substance abuse issues, under Government Code section 1031(f), at a minimum, peace officers are expected to be "free from any physical, mental, emotional, or mental condition…that might adversely affect the powers of a peace officer." Respondent's recent arrests for driving under the influence within such a short time period show that his addiction interferes with his ability to responsibly wield the powers of a peace officer. For the above-stated reasons, I find Respondent's repeat offenses particularly egregious and inconsistent with his obligation to uphold the law and respect the rights of members of the public.

b. Does the alleged conduct violate California Regulation 1205(a)(1) – Dishonesty.

Under California Regulation 1205(a)(1), serious misconduct includes "[d]ishonesty 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."

As discussed above, Respondent and the City agreed under Count 4 of the Settlement Agreement, that Respondent "while off-duty, provided an inaccurate statement to an outside agency when [Respondent] stated that [he] did not consume any alcoholic beverages prior to operating [his] personally – owned vehicle." Such an inaccurate statement, which occurred during the LASD's criminal investigation involving Respondent's driving under the influence arrest on March 17, 2023, could come within the definition of dishonesty as defined under California Regulation 1205(a)(1) as false statements given during the investigation of a crime.

In determining whether suspension or revocation of certification is proper for dishonesty, under California Regulation 1205(a)(1), "the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive."

Although Respondent was dishonest to LASD investigators during the criminal investigators, his dishonesty did not impede the criminal investigation as he otherwise cooperated with the investigation and participated in a modified Field Sobriety Test and chemical testing, which provided LASD with sufficient evidence to arrest and prosecute Respondent for a violation of Vehicle Code sections 23152(a) and (b). In addition, Respondent admitted during his Internal Affairs interview that he had consumed alcohol between 0700 and 0800 hours, before going back to sleep and waking up at approximately 1100 hours, and then being involved in a one car accident/DUI arrest at

approximately 1300 hours. Further, Respondent admitted during his Internal Affairs investigation that he was not forthcoming with the LASD investigating officers when he claimed he had not consumed alcohol when he knew that he had. Respondent thereafter accepted full responsibility for his behavior and two alcohol related arrests by seeking treatment in a licensed facility. Given the above, although Respondent was dishonest with LASD investigators during the criminal investigation, the Division does not feel that this dishonesty warrants suspension or revocation of Respondent's certification.

VI. Supporting Evidence and Documentation

- Attachment A – LAPD Internal Affairs Complaint Investigation CF No. 23-000735.
- Attachment B – CHP Traffic/Arrest Report, Case# LC33064
- Attachment C –LASD Traffic/DUI/Arrest Report, Case# 923-03738-0648-242
- Attachment D – LAPD Letter of Transmittal, CF No. 23-000735
- Attachment E – LAPD Supplemental Investigation, CF No. 23-000735 Dated 12/11/2023.
- Attachment F - LAPD Agreement Regarding Proposed Discipline/, CF No. 23-000735, Dated 2/22/2024.
- Attachment G – Los Angeles County Superior Court, criminal Case Summary, Case# NEW3SC01776, Date of Offense 3/14/2023.
- Attachment H – Los Angeles County Superior Court, Criminal Case Summary, Case# NEW3SC00911, Date of Offense 3/17/2023.

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.