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	**BUREAU SUBMITTING THE REPORT**	
06/12/2024	Professional Conduct Central Bureau	
RESEARCHED BY	**REVIEWED BY**	
Kevin Sherburne	Brian South	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
04/30/2024	Manuel Alvarez, Jr.	05/28/2024
PURPOSE	**FINANCIAL IMPACT**	
	No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the Division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

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).

Audio Evidence Link:

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 Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence.

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

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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