PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

October 17, 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 +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

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. **APPROVAL OF MEETING TRANSCRIPTS**

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on March 21, 2024.

a. Approval of Meeting Transcript from the March 21, 2024 Meeting

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

V. **NEW BUSINESS**

a. Discussion and Possible Action to Vacate the Conflict of Interest Code and Delete a Provision of the Peace Officer Standards Accountability Advisory Board (POSAAB) Administrative Requirements Policy

If the Board concurs, the appropriate action would be a **MOTION** to vacate the previously adopted POSAAB Conflict of Interest Code and delete the identified provision of the POSAAB Administrative Requirements Policy as described in the staff report.

b. Discussion Regarding a Board Policy: POSAAB Travel and Compensation Policy

The Board may discuss details of the POSAAB Travel and Compensation Policy.

c. Report on Outcome of Case Review from the June 12, 2024 Commission Meeting

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

d. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for informational purposes only. No action is required.

VI. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

The Assistant Executive Director of the Peace Officer Standards Accountably Division will address the Board.

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

a. POST2303451 - James Mutuku (POST ID: C25-A69) Last employing agency: Riverside 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.

b. POST2307511 - Sifredo Cano (POST ID: C03-G01) Last employing agency: Los Angeles County Sheriffs 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.

c. POST2313715 - Jaime Bermudez (POST ID: C36-U28) Last employing agency: Daly City 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.

d. POST2300017 - Paul Matejcek (POST ID: C65-U31) Last Employing Agency: Brentwood 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.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

With regard to POST2303451, James Mutuku: Pursuant to Government Code section 11126(c)(3), Penal Code section 832.7(b)(6)(B), and Penal Code section 13510.85(b), the Board may review the following attachment in closed session: Attachment D (Complainant_Interview_1644_11_08_2022_03_43_PM).

Attachment D is an audio recording that includes the voice of the complainant in this case. If the Board finds it necessary, this attachment will be reviewed in closed session to preserve the anonymity of the complainant. A redacted transcription of this recorded interview, however, is part of the public record for these proceedings, and can be located under Attachment C to this Investigative Summary and Findings.

With regard to POST2300017, Paul Matejcek, pursuant to Government Code section 11126(c)(3), Penal Code section 832.7(b)(6)(B), and Penal Code section 13510.85(b), the Board may review the following attachments in closed session: Attachment K (K_4_BPD-2201912_-_FRANSON_DAVID_624D.mp4) and Attachment L (L_2_BPD-2201912_-_MATEJCEK_PAUL_-_595P_2_.mp4).

Attachments K and L are body worn camera footage of the incident at issue in these proceedings, which includes images of the victim's face. If the Board finds it necessary, these attachments will be available to be viewed in closed session to preserve the anonymity of the victim and preserve her right to privacy. Redacted versions of these attachments have been made public for these proceedings.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- January 15-16, 2025 - POST, West Sacramento
- April 16-17, 2025 - POST, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2303451 - JAMES MUTUKU (POST ID: C25-A69)
LAST EMPLOYING AGENCY: RIVERSIDE POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 10/17/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY David Peletta	**REVIEWED BY** Christine Ford	
REPORT DATE 09/25/2024	**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 began his employment with the Riverside Police Department on January 12, 2009, as a full-time peace officer. He was promoted to the rank of Police Sergeant on July 10, 2020. At the time of this incident, he was assigned as a patrol supervisor. The Respondent was terminated from the Riverside Police Department on July 12, 2023.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The Internal Affairs interview stems from an incident where it is alleged that the Respondent created, printed, and posted flyers with a picture of a crossed-out rat and the words, “Rat Busters” written below that image and placed the “Rat Busters” flyers in a fellow peace officer's (work) mailbox and areas in the men’s locker room where the fellow peace officer frequented. It is alleged that the Respondent had a disagreement with the same fellow peace officer regarding the actions of Respondent's wife. Respondent repeatedly denied creating, printing, and posting the flyers during both the Internal Affairs

investigation and in a separate interview conducted by POST.

Audio Links:

- BR15_POST2303451_Mutuku_James_Redacted Attachment N
- BR11_POST2303451_Mutuku_James_Redacted Attachment J

Audio File Review (Closed Session Only):

- **BR5_POST2303451_Mutuku_James_Closed Session Review_Attachment D**

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(1), in that the Respondent was dishonest in his verbal statements during his two separate interviews with Internal Affairs investigators, and a third time during his interview with the Division.

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_POST2302451_Mutuku_James_ISF_2_ (1).pdf
BR2_POST2303451_Mutuku_James_Redacted_Attachment_A.pdf
BR3_POST2303451_Mutuku_James_Redacted_Attachment_B.pdf
BR6_POST2303451_Mutuku_James_Redacted_Attachment_E.png
BR4_POST2303451_Mutuku_James_Redacted_Attachment_C_.pdf
BR8_POST2303451_Mutuku_James_Attachment_G.png
BR7_POST2303451_Mutuku_James_Attachment_F.jpg
BR9_POST2303451_Mutuku_James_Attachment_H.jpeg
BR10_POST2303451_Mutuku_James_Redacted_Attachment_I.pdf
BR12_POST2303451_Mutuku_James_Redacted_Attachment_K.pdf
BR13_POST2303451_Mutuku_James_Redacted_Attachment_L.pdf
BR14_POST2303451_Mutuku_James_Redacted_Attachment_M.pdf
BR16_POST2303451_Mutuku_James_Attachment_O.pdf