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.: POST2303074

SUBJECT OFFICER: Carmina-Gliezel A. Agapito **POST ID:** C74-K54

EMPLOYING AGENCY: San Diego Police Department

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

CASE SUMMARY:

On February 23, 2023, the San Diego Police Department (SDPD) submitted a serious misconduct complaint to POST against Officer Carmina-Gliezel A. Agapito, hereafter "Respondent", alleging that Respondent committed criminal conduct and was dishonest during an administrative investigation. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to Penal Code 13510.8. A summary of the investigative findings of the Division are as follows:

On March 1, 2022, SDPD received a citizen's complaint alleging that Respondent was involved in a domestic violence incident a year prior. The complainant alleged that the Respondent pointed a loaded firearm at her face in a threatening manner during an off-duty domestic violence incident. The San Diego Police Department conducted criminal and administrative investigations, which subsequently sustained allegations of serious misconduct against the Respondent for Criminal Conduct and Unbecoming Conduct that reflects unfavorably on the SDPD. The Respondent resigned from the SDPD on April 5, 2023.

ANALYSIS/FINDINGS:

1. **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 a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission."

The Respondent, during an off-duty domestic violence incident, retrieved her off-duty firearm, pointed it at her own head before pointing it at the victim's face in a threating manner in violation of California Penal Code Section 417(a)(2).

2. **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."

The Respondent was dishonest during her administrative interview regarding her actions during this incident. The Respondent minimized and denied her behavior during the incident.

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 August 7, 2024. 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 October 4, 2024, the default order was issued and served on Respondent. Respondent Carmina-Gliezel A. Agapito's (POST2303074) (POST ID: C74-K54) peace officer certification was revoked on October 4, 2024.