STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, JULY 16, 2025

10:04 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Connie J. Parchman,
California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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A P P E A R A N C E S C O N T I N U E D

POST STAFF

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Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

WILLIAM DARDEN
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Legal Affairs Bureau

ROBERT GUYTON
Bureau Chief
Professional Conduct Northern Bureau

SARAH WALLACE
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Staff Services Manager
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A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

LUKE BAXTER WALDEN
Peace Officer, POST ID A95-T18

MARLON MARRACHE

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WEDNESDAY, JULY 16, 2025 10:04 A.M.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning, everyone.

Great to see all of you.

Today is Wednesday, July 16th, and the time is 10:04.

Thank you all for attending the Peace Officer Standard Accountability Advisory Board hearing.

Please note that this hearing is being live streamed, recorded and transcribed.

Thank you so much to the transcriber.

Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this, you will need to watch your crosstalk. That too will go live.

We will now call the roll of Board Members.

MR. KNAPP: Thank you, Madam Chair.

Good morning, Members of the Board.

Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Member Crawford.

MEMBER CRAWFORD: Present.

MR. KNAPP: Member Doyle.

(No response.)

MR. KNAPP: Member Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Member Glaser.
MEMBER GLASER: Here.
MR. KNAPP: Member Johnson.
MEMBER JOHNSON: Here.
MR. KNAPP: Member Lara.
MEMBER LARA: Here.
MR. KNAPP: And Member Pena.
MEMBER PENA: Here.
MR. KNAPP: Thank you.
Madam Chair, seven of nine.
CHAIRPERSON DUDLEY: Thank you. A quorum has been established.
And thank you, Mr. Knapp, for all the work you did to get us all here today. Very much appreciated.
I would now like to introduce Board Counsel. To my left, Christopher Beatty.
And POST Assistant Executive Director, Annemarie Del Mugnaio. I do this every time. I have so much respect for our Assistant Director and I never can get the name just perfect. But, Del Mugnaio?
MS. DEL MUGNAIO: Del Mugnaio.
CHAIRPERSON DUDLEY: What?
MS. DEL MUGNAIO: Del Mugnaio.

CHAIRPERSON DUDLEY: Del Mugnaio.

MS. DEL MUGNAIO: There you go.

CHAIRPERSON DUDLEY: Del Mugnaio.

This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.

Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each of the matters.

Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly to statements or questions posed, to request clarification or to refer the items to staff.

Please remember that this meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes, pursuant to existing Board policy.

I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements, and the 15-minute public comment period has expired.

You will be given five minutes to speak and the time limits will be strictly enforced, so please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today or tomorrow by the Board, you must wait until the matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. Staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation.

If the Board takes action on your complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with

the law and to avoid compromising the Board's mission.

Now, is there anyone present in the audience or appearing remotely who would like to address the Board during public comment?

Let's start with people present first. Anyone present?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, let me inquire, is there anybody remotely?

(No response.)

CHAIRPERSON DUDLEY: Okay. Moving on.

Let's go to the approval of the minutes.

Is there anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the January 16th, 2025, transcripts?

(No response.)

CHAIRPERSON DUDLEY: Seeing none. Are there any questions or comments from the Board regarding the minutes?

Seeing none.

If the Board concurs, the appropriate action would be a motion to approve the meeting transcript from the January 16, 2025, meeting.

Is there a motion?

MEMBER CLAVO: I make a motion to approve the

minutes.

CHAIRPERSON DUDLEY: Thank you.

Second?

MEMBER CRAWFORD: Second.

CHAIRPERSON DUDLEY: Any opposed?

(No response.)

CHAIRPERSON DUDLEY: Any abstentions?

(No response.)

CHAIRPERSON DUDLEY: Okay. Therefore, that motion passes.

At this time, POST Assistant Executive, Annemarie Del Mugnaio, would like to address the Board and introduce the new business items.

Ms. Del Mugnaio.

MS. DEL MUGNAIO: Thank you, Madam Chair.

Members of the Board, appreciate you guys all being here today and reviewing all of the matters that are before you.

One of the items that was sent to you early on by Chandler was an update on all of the serious misconduct cases that you've heard thus far, excluding those today, obviously, and the status of those cases.

This is an opportunity to ask any questions you may have about any of those cases in terms of their status, upcoming hearings, et cetera.

Are there any questions about case status?

(No response.)

MS. DEL MUGNAIO: Okay. Seeing none, with the Chair's permission, I'm going to move on to our report on the data for serious misconduct under new business?

CHAIRPERSON DUDLEY: Please.

MS. DEL MUGNAIO: Okay. So at this time I would like to call a couple of the folks from our Peace Officer Standards Accountability Division. I would like to call Chelsea Wijaya, Analyst; Sarah Wallace, Bureau Chief; and Rob Guyton, Bureau Chief.

Before we begin the presentation -- and we'll have some slides for you -- I just want to announce, the Board has all received the Data Statistical Report in great detail.

There is pretty explicit explanations as to what is in each one of these slides.

What you will be seeing on the screen is an abbreviated kind of version of that presentation. I've asked Chelsea to go through each slide and just give you an overview of what you're looking at. And that's your opportunity to ask questions.

As you can tell through the presentation, we've done a much deeper dive into the data to try to give you more of a flavor of the volume of cases that we're

seeing and where those cases fall in terms of our investigation, our review.

One comment I want to make before we turn it over is, you're going to notice something in the slides called an abbreviated review. And that is in cases where we receive reports from agencies that are exonerated, unfounded or not sustained.

Outside of use of force cases, which are reviewed by our law enforcement consultants, those cases that are unfounded, exonerated, or not sustained, are going through an abbreviated review.

The reason for this is up to the point, probably about six months ago, we had been doing an extensive review of all those cases, a thorough investigation or analysis into the reports that we were receiving from the agency.

We were not finding discrepancies in terms of the findings themselves from the agencies.

And because of the volume that we were dealing with and needing to be able to get to those, what we consider our priority one cases -- we can talk about that a little bit more today -- we needed to exercise an abbreviated review, where we look at the finding of the agency, we review their evidence and then we write a closure statement based on the finding and the evidence.

So it doesn't go through the full extensive review by a law enforcement consultant that other cases that are sustained do.

And I'm sure that causes some level of concern.

We are going back -- and you'll hear about this throughout the report today -- and auditing those closures. So a law enforcement consultant is going back and auditing a certain number of those cases to make sure there was nothing missed.

And I'm not going to steal Chief Guyton's thunder, because he's going to go into the audit a little bit further to talk about cases that are excluded from that abbreviated review, because there are cases where we say there's a higher risk to us doing that abbreviated review and therefore, they're exclusions.

You'll hear about that more today.

But I wanted to preface this, preface the presentation, because I'm sure that's something that's of concern is, what does it mean, abbreviated review?

Why did we do that?

And what are our audit findings?

So you are going to hear about some of that today.

Thank you.

CHAIRPERSON DUDLEY: Thank you, Ms. Del Mugnaio.

Do you have any questions before we start of

Ms. Del Mugnaio what she just explained about the abbreviated review?

Okay. I want to encourage you to ask questions. She and I did discuss -- Chelsea has done a magnificent job and her presentation would clearly take an hour and she wouldn't have a wasted word within that hour.

But she's giving us a condensed version, so please if you have any questions, don't hesitate to ask.

Do you want to answer that at all?

Okay. Please. Thank you.

MS. WIJAYA: Thank you. Good morning, Madam Chair, Members of the Board. My name is Chelsea Wijaya. I am an analyst with the Intake and Disposition Bureau.

To my left is Bureau Chief Sarah Wallace of the Intake and Disposition Bureau.

And to my right is Bureau Chief Rob Guyton from Professional Conduct, Northern Bureau.

So today is a statistical data report that is aimed at helping tell the story of the Division and its numbers. It's intent is to help give the Board, the field, the public, a better understanding as to our workload, our business practices, as well as our disciplinary action and case outcome figures and to show that we hear the questions and the feedback and we aim to be transparent in providing confidence to the public

and to the field as to our decisions.

So first we'll be going over the intake of serious misconduct reports.

We'll then talk about the volume and statuses, cases with POST.

We'll then talk about our case outcomes, why we see so many outcomes resulting in no action, as well as highlighting those cases that do result in action.

And then lastly, we'll talk about those number of cases that make it through the decertification process and are ultimately heard by the Board and Commission.

Just another note before we dive in, all of the data is updated up 'til June 30, 2025, so that we can capture the entirety of fiscal year 2024 to 2025.

And as Annemarie had mentioned, the version that is presented today will be more brief, but the agendized version that is published online for the public and that is presented or -- apologies -- provided for you today does contain the full analysis.

All right. Starting off, we'll be going over the agency participation rates, as they are our main source of serious misconduct reports.

So we're seeing that agency participation for serious misconduct report submissions is at its highest since the implementation of Senate Bill 2.

Now, if you take a look at the chart on the right-hand side here, you will see the agencies that have submitted multiple reports in dark blue; those that have only submitted one in light blue; and those with zero submissions in gray.

Across the board we see that most agencies have submitted multiple serious misconduct reports. And those that have submitted zero mostly comprise of those smaller agencies that only employ zero to 49 full-time peace officers.

We do have two moderately sized agencies that have not reported any serious misconduct to POST and we are in the midst of conducting outreach to those agencies.

Any questions on the slide?

MEMBER CRAWFORD: You mentioned that two of them -- Okay. You mentioned that two of them, agencies, have not submitted any reports, which is cause of great concern.

And it kind of -- kind of gave me the impression that this agency feels that it's an option or they don't fully understand SB 2.

And that would be concerning for -- for -- like my group of people I represent that SB 2 is a law.

So when you say you're reaching out to them, is it like a small tap? Say, you know, by the way, SB 2 is

implemented, whether it's awareness, how does the community make sure that they have the rights that fall within SB 2 in your outreach?

So I guess I wanted to know what did you mean by, you know, you're reaching out to them? What is, kind of, where are you going?

MS. WIJAYA: Thank you.

MEMBER CRAWFORD: I hope I didn't say too much.

MS. WIJAYA: No, you're okay. Thank you, Board Member Crawford.

So annually POST does send out letters to non-reporting agencies to essentially confirm whether the agency has serious misconduct allegations to report or if they're in the midst of submitting a report of serious misconduct.

We have identified these two moderately sized agencies, and during our initial round of those letters, we did not receive a response.

So we are -- Bureau Chief Guyton on my right here is in the midst of conducting outreach to those agencies for further confirmation.

Do you have anything?

MR. GUYTON: Sure. So just to add to that, so from my perspective in the Northern Bureau, if I have agencies that have not reported, then I reach out to the

chief; right? I'll make a phone call. I'll offer up SB 2 training for their command staff to bring everybody up to speed.

We have been going around the state doing SB 2 presentations and meeting folks from the impacted departments here.

And we're offering that up.

So yeah, we do reach out.

MEMBER CRAWFORD: I guess my concern is -- I appreciate it. Yeah, okay. I appreciate, you know, the director and Ms. Annemarie coming to Ventura County for us.

And even at the higher level, when you're talking to the chiefs and the sheriffs, you know, I always wonder, are the field officers getting that type of training as well?

Because it seems like maybe they don't really understand what SB 2 and the impacts of their actions, of what's going on.

So when you reach out to the chiefs, are you assuring it's going down to the field officers as well?

MR. GUYTON: So, yeah, so that's a great question.

So we have partnered up with PORAC to get that general membership the SB 2 training.

So we did a podcast, I want to say it was back in

March with PORAC. Several of the law enforcement consultants in attendance here today were on that board to provide that information and get it out there.

We've also held different presentations for the PORAC general membership all throughout the state.

So, yes, we are reaching out not only to command staff and the chiefs and sheriffs, but to the line membership as well.

MEMBER CRAWFORD: Thank you.

MR. GUYTON: You're welcome.

CHAIRPERSON DUDLEY: Let me follow up with that.

First of all, tell me the names of those agencies, please.

MS. WIJAYA: Absolutely. So those agencies are University of California San Francisco Police Department. And the other agency is the Department of Healthcare Services.

CHAIRPERSON DUDLEY: I'm sorry, the director --

MS. WIJAYA: The Department of Healthcare Services.

CHAIRPERSON DUDLEY: Okay. And what are they being told is the ramifications of their decisions not to report if there is something they should, in fact, report.

MS. DEL MUGNAIO: Thank you, Chair Dudley. I'll handle that one.

There is no -- in the law, there is no recourse and that's one of the challenges.

There is nothing that says if you don't report, there are penalties, sanctions, punitive action against the agency.

That is something that we've talked about universally within POST.

There's the option of, well, do then we not reimburse for training for those agencies?

Because that would be the hammer that POST currently has is they're not a POST-approved program and therefore they would not have their training reimbursed.

That seems, like, counterintuitive.

We don't want officers not to have training just because they may not be complying with this area of law.

But perhaps, in the future, there will be some mechanism by which leverage to encourage this, if they're not doing it on their own.

When we talk about moderate-sized agencies, we're talking about 50 to 99 officers employed full time, peace officers employed by those agencies.

It stands to reason over the course of the last three years -- now four years or almost four years -- there would be some activity which would result in reporting to POST.

So, in addition, to the letters, the outreach, we do, at every conference we go to, encourage that this is something that actually helps your agency to ensure that the integrity of the agency is upheld by reporting individuals and actions by peace officers that do not represent the best of your agency.

And that should be incentive. And we hope that we get all of these agencies up to this reporting metrics.

We're talking about zero reporting, one reporting, and, you know, there's a whole other discussion about proportionate reporting of agencies.

Agencies that have 10,000 peace officers like LAPD, you know, LASD, are they reporting proportionate to the size of their agency?

That's whole other discussion; right?

But at this basic level, what we can at least tell you is that the majority of the agencies are reporting, whether or not they're reporting proportionate to what we see generally, complaints, charges, allegations, that's a whole other discussion and we probably will get there at some point.

But to answer the Chair's questions, currently there really is no recourse built into Senate Bill 2.

CHAIRPERSON DUDLEY: Let me suggest, based upon Ms. Crawford's comments and my own feelings, I think the

communities where these agencies are would want to know that.

And there may not be a Penal Code provision, and there may not be a funding provision, but there is the ramifications of their decision and how it affects the individual communities. And I think that's something we want to keep in mind.

So thank you, Ms. Crawford.

Please go on, Chelsea.

MEMBER GLASER: Sorry I have a question just for clarification.

CHAIRPERSON DUDLEY: Yes.

MEMBER GLASER: So in this particular case, what is the reporting procedure for these departments?

Are they only required to report when they have something to report? Or are they required to affirmatively report that they have no cases to report?

Because if it is the latter and they're not even providing a report that they have zero cases, that's a much bigger problem than -- it's possible they have no cases.

MS. DEL MUGNAIO: Great question.

They are not required to report if they have no reports to report.

However, when we sent the letter, we did request

that they respond.

And if they have zero reports, to confirm they have nothing to report or had nothing to report the previous year.

So from a, you know, a Senate Bill 2 perspective, they're not required to report that they had nothing to report.

So great question. Thank you.

MEMBER GLASER: Is that something that can be addressed in, you know, revisions to the regulations?

MS. DEL MUGNAIO: Perhaps yes. Thank you.

MEMBER LARA: There are other instances -- There are other instances of affirmatively reporting that you have nothing to report.

Such as the use of kinetic energy weapons that are used during protests so we do a zero -- I know our department has to comply with that law.

That says, hey, there hasn't -- there -- if we have, with we call them zero reporting, basically saying that we were not, in utilizing a kinetic energy weapon.

So there are -- it has some antecedents in the law where that is something that could be -- I think could be amended. Such that you have to affirmatively state that you have no cases.

CHAIRPERSON DUDLEY: I believe that's also true for

hate crimes.

Yes, Ms. Pena.

MEMBER PENA: Does the Department have the ability to go in and do audits of reporting systems and look at the processes that are used in the forms and evaluate how they are conducting investigations?

CHAIRPERSON DUDLEY: Just to be clear, Ms. Pena, when you're referring to "the Department," do you mean the individual law enforcement departments or POST?

MEMBER PENA: POST.

MS. DEL MUGNAIO: No. Currently there is not an auditing provision of Senate Bill 2.

There is general auditing authority for POST in terms of looking at background files. And there might be a method by which to expand that auditing mechanism to look at serious misconduct.

That would be something we would have to address with our Chief Counsel.

But currently as part of this whole Senate Bill 2 process, there wasn't an audit mechanism built in. It's something we've discussed.

Does our general POST authority to audit peace officer files, perhaps, give us the authority to go in and audit serious misconduct cases?

I'm not sure it's that broad at this point. And I

don't know if you want the Chief Counsel to address that, Toby Darden to address that today.

But it is something we discussed that -- could we expand that audit authority and should the law expand that audit authority so that we can get a handle on that proportionate reporting as well as the zero reporting.

MEMBER PENA: Thank you.

CHAIRPERSON DUDLEY: Ms. Pena, do you want a response from Mr. Darden now? Or today? Or what would you like?

MEMBER PENA: Oh, in the future. Not -- not today.

CHAIRPERSON DUDLEY: Okay. Thank you.

MEMBER PENA: Thank you.

CHAIRPERSON DUDLEY: Maybe Mr. Darden could prepare that for tomorrow. I think we'll have more time tomorrow after the cases.

Thank you.

MEMBER PENA: Thank you.

CHAIRPERSON DUDLEY: Okay. Anything else for now?

Okay, Chelsea, I think we already had a few questions before we even started. So please, go ahead. We haven't slimmed this down much.

MS. WIJAYA: Onto our in-take of serious misconduct reports.

So we've observed that the Division's initial

in-take of serious misconduct reports has been heavily driven by the statutory retroactive reporting mandate under SB 2enate Bill 2, which established a deadline that all retroactive reports should be reported to POST by July 1st, 2023.

But since that retroactive reporting deadline, we've seen that our report in-take has stabilized at about 2,500 reports per quarter.

So as of June 30, 2025, the Division has processed over 37,000 agency misconduct reports.

The chart below represents our reports processed over time.

The area and number labels in dark blue represent the total number of processed reports per quarter and the number in light blue represents the number of reports that are retroactive.

So those retroactive reports have an incident date prior to January 1st, 2023.

So most of our reports have been processed around that retroactive reporting period with that gray background, we reached a peak of 6,800 reports within one quarter.

That fell right prior to that deadline of July 1st, 2023.

And you will see that in the light blue, most of

those reports are retroactive reports.

But since that retroactive reporting deadline, we see a decline in total number of reports processed, as well as retroactive reports, and we see this plateau and average about 2,500 reports per quarter.

Any questions before we move on to the next slide?

Seeing none.

Okay. So we have another chart here, which still represents that total number of processed reports in dark blue. But we now have in yellow the number of reports that initially come in with a final disposition from the agency.

Within the gray are the number of reports that come in with an open investigation by the agency. And this provides a general overview of the upfront and ongoing workload for the Division.

Those reports that come in with a final disposition are within POST's purview to review. And then those open investigations reports will eventually receive agency findings and a subsequent report.

CHAIRPERSON DUDLEY: Chelsea.

MS. WIJAYA: Yes.

CHAIRPERSON DUDLEY: Question.

In terms of the open investigations, can you tell us how many of those officers are presently employed?

MS. WIJAYA: I don't have that -- I don't have that information available for you today, but we can bring that to you at later meeting.

CHAIRPERSON DUDLEY: I think the Board would be interested in knowing that. Thank you.

MS. WIJAYA: So in addition to agency misconduct reports, POST also receives and reviews allegations of serious misconduct from members of the public, through public complaints.

POST has received over 2,300 public complaints from a pool of approximately 1,200 complainants.

And we see a steady increase of public complaint submissions over time as the public becomes more aware of POST and the decertification process.

So we've received about 1,700 responses from agencies to our public complaints.

500 of those which -- agency misconduct reports which are sent over as an acknowledgment that there may be serious misconduct within that complaint.

And 300 of those were sent prior to POST's receipt of the complaint, which is reflective of proactive and timely reporting by the agencies.

1,200 of those responses were by way of agency supplemental.

So those are mainly to indicate that the complaint

that was forwarded over did not rise to the level of serious misconduct, or to indicate that the complaint was not against an officer employed at the agency.

Any questions on this slide?

All right. Moving on, we have an even further breakdown of the composition of our public complaints.

So POST staff will review all of the complaints and actively coordinate with agencies should there be a requirement for additional documentation.

If you take a look at the pyramid, about 631 of those complaints require additional agency documentation.

884 of those complaints are currently undergoing POST review, meaning we have received sufficient agency documentation to move forward.

And then 826 of those complaints are closed.

So POST has done its review and determined that the complaint was either serious misconduct, not serious misconduct or non-jurisdictional.

And complaints are considered to be non-jurisdictional when they indicate an individual that is not defined under Penal Code Section 13510.1(a).

If you take a look at the squares near the pyramid, within those first two segments are those complaints against agency heads or Mark43 reporters. So we have

about 256 complaints that fall into that ballpark.

Near the bottom we have ten complaints that have resulted in certification action.

We'll do an even deeper dive into those closed complaints and their outcomes in a future slide.

But are there any questions on this slide before we move on?

CHAIRPERSON DUDLEY: Yes, Dr. Glaser.

MEMBER GLASER: Yes, a little clarification.

So the ten complaints that have resulted in certification, those are -- those were public complaints.

Did they all correspond to actions that were already being taken by the departments?

Because I thought I heard reference to -- somewhere that the public complaints tend -- tend not to -- without -- well, we know, in fact, that non-sustained allegations of misconduct tend not to result in decertification.

So I'm wondering if any of these public complaints that did result in recommendation of revocation, or whatever the action that's being specified here means, if any of these were public complaints that don't correspond to an action being taken by the officer's agency?

MS. WIJAYA: All of the complaints that are listed in that ten did result in action by POST, if I'm understanding your question correctly.

MEMBER GLASER: That part it is clear.

MS. WIJAYA: Okay.

MEMBER GLASER: But I'm wondering if any or all of them also reflected action taken by their local agency.

MR. GUYTON: If I can jump in here real quick. So we have had public complaints that have corresponded to a formal complaint that was submitted by an agency.

CHAIRPERSON DUDLEY: I think the question is the opposite.

MEMBER GLASER: Yeah.

CHAIRPERSON DUDLEY: Have you had complaints from individuals where there wasn't a complaint or follow-up by the agency?

Is that right, Dr. Glaser?

MEMBER GLASER: That resulted in --

CHAIRPERSON DUDLEY: Right.

MEMBER GLASER: That resulted in action by POST.

MR. GUYTON: So then, yes. So I have had complaints that have come in from the public that we have pushed to the agency, that have resulted in the agency submitting that agency misconduct report.

MEMBER GLASER: And --

CHAIRPERSON DUDLEY: Are you still asking about the absence?

MEMBER GLASER: That's -- we're getting closer.

CHAIRPERSON DUDLEY: Right.

MEMBER GLASER: And I -- I apologize for the lack of clarity in my question.

The -- I'm just wondering, among these ten where there has been action by POST, or by POSAAB, has -- are any of those that do -- are any of those cases where there was not action by the agency prior to the public complaint?

MS. WALLACE: So to answer that question, of these ten, the majority of which were already previously reported by the agency and they had taken action.

So we do frequently see in the case of these ten cases, where either POST is already in the process of taking action, the agency's already taken action or there's already been a media report and members of the public then re-report the information back to POST.

And so it is tied to those cases.

But we will track, for future statistical reporting, the cases that result or -- or results of the initial public complaint that comes in. And then the agency's response and whether or not they take action or not.

MEMBER GLASER: Just to clarify again, I strongly support there being a public complaint mechanism.

I'm just trying to get a handle on the value added of the public complaint mechanism above and beyond what happens automatically.

MEMBER CRAWFORD: Well --

MS. WALLACE: I'm sorry --

MEMBER CRAWFORD: Go ahead.

MS. WALLACE: To speak to Board Member Guyton's comment, there are frequently cases that come in as a result of a public complaint that generate a response from the agency.

So I do think it is an effective process, currently.

It's just that, at this point in time, of those ten I can't say that those -- the -- the disciplinary action wasn't a direct result of having received a public complaint.

CHAIRPERSON DUDLEY: And I think Dr. Glaser would like to have that in the future, as would all of us. Thank you.

MEMBER CRAWFORD: And I guess -- when we talk about the public complaints process, one, I'm knowing -- I do know that a lot of people don't know that they can file these public complaints.

So I'm always the first one saying, yes, you do have the rule to file them.

My concern is, though, although we know -- we're not attorneys, we know what are some of the things that POST is looking for.

But I don't -- again, I don't -- I'm not really sometimes clear, because like in some of what I've read, when you say misconduct, what does misconduct look like?

You know, how you -- how do you break that down?

Is this rightfully a misconduct action or not?

You know, so I guess I'm looking at what are some of the policies that the analyst is looking for, you know?

What checks the box to -- to make that determination?

Because sometimes everything is not just white and black, or, black and white, and it's not just as easy as we're seeing incidents of -- I mean, this is egregious, but I don't think it's happening where an officer may have slapped somebody.

CHAIRPERSON DUDLEY: Let me make a suggestion.

I think what Ms. Crawford is asking for, please correct me if I'm wrong, is you want there to be some kind of education to the communities. So we're talking about education to law enforcement agencies, we're

talking about education to law enforcement officers directly.

But how about to the communities to say: POST exists, this is what POST is, these are the kind of cases we want reported to POST.

Is that right?

MEMBER CRAWFORD: You're right on that. And it is awareness.

When I look at Title VII, I'm able to check off the boxes.

CHAIRPERSON DUDLEY: Right. And you're looking for POST to create such a checklist.

MEMBER CRAWFORD: Right. And I'm not able -- I really don't see that --

CHAIRPERSON DUDLEY: Okay.

MEMBER CRAWFORD: When I read it, you know.

CHAIRPERSON DUDLEY: Okay.

MEMBER CRAWFORD: Where it's kind of checked off.

CHAIRPERSON DUDLEY: Okay.

MEMBER CRAWFORD: And like I said, Title VII I'm using that one.

CHAIRPERSON DUDLEY: Yeah, we've had some training on that. But I think your point is well-taken. You want to make sure the community understands what that looks like. And that makes perfect sense.

Thank you.

MS. DEL MUGNAIO: May I respond to Dr. Glaser?

CHAIRPERSON DUDLEY: What?

MS. DEL MUGNAIO: May I respond to Dr. Glaser?

Board Member Glaser, I want to respond to your question, because I picked up on it right away.

I think there is a statistic here. 27 percent of the cases that we receive that are public complaints, we do not have a full picture of that serious misconduct, which means we have to go back to the agency and ask for further review, further documentation. They may not have investigated it yet.

So that speaks to the validity that the public is stimulating or initiating some of this activity in terms of it's driving investigations.

So 631 of those did not have a full picture completed IA, et cetera, of the complaint itself that was received by the public.

So I think that speaks to the value.

MEMBER JOHNSON: Question?

CHAIRPERSON DUDLEY: Please.

MEMBER JOHNSON: So when we talk about public complaints, are we including in that complaint citizen oversight boards that actually receive complaints from communities?

MS. WIJAYA: That's correct.

MEMBER JOHNSON: And then in regards to the training process I believe you were speaking to, I think I heard you say that the Division offered training to different agencies concerning the process, right, in certain areas in the State of California.

With that being said, most folks still, especially the community, is unaware of SB 2 and the Advisory Board.

So some kind of way maybe we should have a conversation about when these trainings do occur for the police officers' agencies, during that same time period we should have an open door for the community to hear how the process work.

MS. DEL MUGNAIO: Thank you, Board Member Johnson.

In Ventura that's what it was. It was a blend of peace officers and community members that came to kind of reflect the whole, you know, stakeholder group regarding Senate Bill 2.

And that's not the only forum where we've had community members and law enforcement in the same room while we're providing this type of oversight, overview, if you will.

So there's different aspects of training, as you, I'm sure, can appreciate.

There's the procedural training to the law enforcement agencies.

How do we report?

How do we put things in Mark43?

What are you looking for in terms of a finding so that you can pursue your analysis and investigation?

And then there's an overview of what Senate Bill 2 intended. And that is more of, I think, the overview we're talking about, is what constitutes serious misconduct?

Why is it these nine categories?

How do you look at public policy versus what might be clearly articulated or not clearly articulated in the law?

And how do you find that balance between does this policy rise to the level of violating this -- one of the nine aspects of serious misconduct?

That's the type of overview that we want to provide to the community, to law enforcement generally, to get a blend to understand the intention, the overall application, and what we're seeing as a result.

And so we are making an effort to do those things.

But there's never -- there's never going to be enough of us to reach all of you. And that's one of the issues that we will always contend with.

So we can always do more in that regard, I think, is my point.

Thank you.

MEMBER JOHNSON: One more question -- Johnson -- in regards to complaints being filed.

So I notice when we look at the data concerning officers that has been impacted by SB 2, you know, you have, of course, their name, certification, action, effective date, pleading order, current, former agency and basis.

Maybe we should have a category for the initial complaint, whether it came from the community, the agency, or a citizen oversight committee.

This way we can really see who is actually filing complaints.

And not only that, help engage the community so they can be aware that there's just different avenues.

MS. DEL MUGNAIO: I think it's a generality.

I'm sorry, may I --

CHAIRPERSON DUDLEY: No, please.

MS. DEL MUGNAIO: Board Member Johnson, I think you're right from a generality perspective.

I think we can generally specify whether it was driven by a public complaint, driven by an oversight board, driven by the agency without specifying the

individual. Because we would not do that; right?

Some people do not want their name broadcasted or to become public in terms of their ability to complain to POST.

In some way, there's a bit of a safeguard there for them to come to POST and not directly to the agency, if they feel like there might be some retaliation, you know, from the agency.

So I would definitely caution against, you know, removing that anonymity. But generally speaking, I think as part of our investigative summary and findings, we could include a category that shows which population this comes from. And I think that might be helpful for you folks.

So I appreciate that suggestion.

MEMBER JOHNSON: Right. Well, just one point of clarity.

MS. DEL MUGNAIO: Yeah.

MEMBER JOHNSON: I wasn't speaking on the individual filing the complaint.

MS. DEL MUGNAIO: Okay. Yeah.

MEMBER JOHNSON: You know, because different individuals ask me in the community, has such-and-such an officer came before the Board; right?

MS. DEL MUGNAIO: Yeah.

MEMBER JOHNSON: It could be in the pipeline. I don't know. You know what I'm saying?

But at the same time, I think it helps the community to know if a particular officer in their community has had numerous complaints filed; right?

And their name do show up in the data concerning some form of action. Then the community will say: I can remember such-and-such filed that complaint and at least it did result into some kind of action.

MS. DEL MUGNAIO: Yeah. Thank you. Well taken. Thank you.

MEMBER CRAWFORD: I think -- thank you. And that was a great suggestion.

I think when we think about SB 2, and I know when we're talking about SB 2, it works on two sides. When you came to Ventura County, you know, my law enforcement, I have to say "mine," in Ventura County walked away with a tool. And being able to address some of the issues that they were dealing with their officers. And I have seen impacts. When I was working on the Board, my sheriff is filing SB 2. And my chiefs are filing SB 2.

So it was a -- it was a good thing along. But I'm still not feeling the community clearly understands: How do we articulate it, as you say. What quantifies to

what SB 2 is or is not.

And more importantly, I think the officers need to understand -- understand it.

Because in this age that we are in right now, I just think things can possibly escalate up. And so that was my concern about it. And so that you cannot put in data. Absolutely you can't.

But there's got to be some way of, like I said, check-off boxes for the public to use.

CHAIRPERSON DUDLEY: Thank you. Chelsea?

MS. WIJAYA: Moving on to our last segment of the in-take of serious misconduct reports. We're moving on to agency supplemental reports, which are provided to POST to provide additional information to agency misconduct reports or public complaints.

So we've received over 31,000 agency supplemental reports from agencies. Most of which consist of case status updates, evidence uploads and agency findings.

If we take a look on the right-hand side, we see the average time frame in which an initially opened agency's misconduct report receives agency findings through an agency supplemental report and that average is 241 days.

When we discern between those reports that are retroactive and active, though, so those retroactive

reports with incident date prior to January 1st, 2023, we see a difference.

So those retroactive reports are seeing, on average, agency findings within 177 days.

Our more active reports, however, incident date after January 1st, 2023, are receiving agency findings later with an average of 260 days.

CHAIRPERSON DUDLEY: Chelsea, I'm confused.

I'm not sure exactly what that means. So from the -- from when to when? From the time an action occurs?

From the time there's a report?

Just break that down a little more for us, if you would.

MS. WIJAYA: Absolutely.

So once we receive an agency misconduct report, and approve it and it has an open investigation, it is in POST's hands; right?

When that agency supplemental comes in with agency findings, on average we're seeing that it comes in in 241 days.

CHAIRPERSON DUDLEY: So from the time you get a report until the time you get the supplemental information, which really you need before you begin your investigation, is 240 days?

MS. WIJAYA: Correct.

CHAIRPERSON DUDLEY: Okay. Anybody have any questions about that?

Okay.

MEMBER GLASER: Okay. Then since there's concern about the length of that, I'm going to ask a stats nerd question, which is: What does the median look like?

Because are these means somewhat distorted by some really slow ones?

Or, you know, so I'm just trying to get a sense of the typical amount of time as opposed to the average.

MS. WIJAYA: Yes. So the median, as observed, was about 240 days as well. And this is not unusual. So under the Peace Officer Bill of Rights, POBAR, an agency has one year, 365 days, to complete its internal affairs investigation upon discovering that their officer has committed misconduct.

MEMBER GLASER: Okay.

CHAIRPERSON DUDLEY: So what does that mean in terms of a law enforcement officer's actions?

If a law enforcement officer has committed an action where there's some concern on the agency's part that this is, in fact, a significant act of misconduct, then a report comes to us.

And then 240 days go by before we can actually

begin our investigation.

So just to be clear for everyone, during those 240 days, that agency can decide whether to put them on administrative leave, whether they decide to keep them, whether they decide to do -- whatever actions to take.

So is that clear to everyone? Okay.

MEMBER JOHNSON: I have -- Johnson -- a question, concerning that.

So retroactively, an officer has been put on temporary suspension in 2017.

The agency, of course, files to POST concerning that individual. The agency investigation, I'm assuming, would have already been completed. Now it's just what POST completes; correct?

So POST's completion time is 240 days.

CHAIRPERSON DUDLEY: Huh-huh.

MEMBER JOHNSON: Or 177 days, I think I heard.

CHAIRPERSON DUDLEY: Let Chelsea explain it.

MS. WIJAYA: So this average time frame that is presented here is after an agency has submitted a report to POST on that serious misconduct incident that is currently either open or has already been completed at the agency.

MS. WALLACE: Let me clarify.

So in statute, agencies are required to report any

allegations of serious misconduct within ten reporting days.

And so it's just that. It's just an allegation at that point. We don't know what the incident was. The agency might not know what the incident was.

And so they are doing their due diligence in reporting it to POST. We're on notice. We classify it as an open investigation and then we're waiting for that period of time.

So these are only relating to those reports that come in as open investigations within that ten-day reporting period. And then it's taking an average time frame of 241 days to reach us with their final disposition.

MEMBER JOHNSON: A little more clarity.

So we know retroactively, right, that -- I think it was the 23rd, I forget what month -- that you had to have your reports in concerning those retroactively in violation of SB 2.

So it comes in June of 2023. They have already completed, I would assume, the investigation.

So now the only part of the investigation to determine whether their license is going to be decertified is what POST does, based on that time period that they receive.

So is if they received it on June 23rd of 2023, it would take 242 more days before the investigation is complete.

MS. WALLACE: So I think we're going to address that question in a future slide where we look at our average time frame for our case investigation.

So that will capture the point in time when we received that final disposition report to the point in time we have completed our investigation.

So during that retroactive reporting period, cases came in twofold. There were cases that came in with retroactive allegations that had final dispositions and then those that did not have final dispositions and those were categorized as open investigations.

This matrix only focuses on the open investigations and the time frame it takes between that point in time we get that information and the final disposition coming in.

So -- and we can fine tune this as we move forward. So when we get to that slide hopefully we can re-address this.

CHAIRPERSON DUDLEY: So, just to be clear, responding to Mr. Johnson's concerns, some action occurred prior to 2022, between 2022 and 2025, and that action was not deemed to be necessarily misconduct or

substantial misconduct.

So now that the definition of substantial misconduct arose and was clear, with litigation, then people then had to look back and stay, huh, this apparently fits into that category. And now we're going to send the report.

So there was all kinds of retroactive cases, some of those law enforcement officers were still employed. Some were employed at different agencies, some weren't employed at all.

But it was all of that within that same category; is that correct?

MS. WALLACE: (Nods head; no audible response.)

CHAIRPERSON DUDLEY: Okay. Thank you for raising those issues, Mr. Johnson.

Okay. Chelsea.

MS. WIJAYA: All right. We're now going to move on to the allegations that POST has received.

So just to note, a report or complaint may contain multiple allegations, hence the number of allegations exceeding the number of complaints and reports received.

So over 42,000 serious misconduct allegations spanning 21,000 unique peace officers statewide have been reported to POST.

But in accordance with statute, only 85 percent of

these allegations are potentially actionable.

So about 34 percent of those allegations occurred prior to January 1st, 2022.

But POST can only take action against conduct that occurred prior to January 1st, 2022, if the subject officer's agency has made a final determination after January 1st, 2022, or if those allegations include dishonesty, sexual assault and/or use of deadly force that results in serious bodily injury or death.

So when we consider all of those factors, only about 36,000 of those allegations -- or 85 percent -- are considered potentially actionable by POST.

On the left-hand side we have the serious misconduct allegations broken down. Our top three are excessive use of force, demonstrating bias and abuse of power.

Any questions?

CHAIRPERSON DUDLEY: Seeing none. Okay.

MEMBER CRAWFORD: Thank you. So when we look at the top three, excessive force, demonstrating bias and abuse of power, they can -- those three alone are kind of, if -- iffy. That's not the word I'm looking for.

Iffy in the sense of who sets those determinations?

It's too subjective, and meaning it's not black and white, again.

We have seen cases where, you know, it was applied use of force, but based on a technique, it wasn't excessive use of force.

Sorry, I'm bringing in your agency.

We've seen where recently in Sacramento, a woman who was being released and an officer pushed her.

MEMBER CLAVO: Sheriff's Department.

MEMBER CRAWFORD: Sorry. Wrong department.

Pushed her. And it was a immediate response for -- from the agency, you know. I'm sure the officer felt like it wasn't excessive use of force, him pushing her.

What I'm saying, again, is the public -- those three things could be so subjective that it may not apply to SB 2.

And that's concerning to me. You know, I'm -- I'm sorry, I want to keep everything as simple as possible when explaining it.

And thank you. You are doing an excellent job. I'm not saying it's nothing that you're doing. But I'm going back to how we're looking at policies and, you know, and practices and how we go about making these determinations.

And so that's all I have to say. Sorry.

CHAIRPERSON DUDLEY: Chelsea, anything else?

MS. WIJAYA: Not for that slide.

CHAIRPERSON DUDLEY: Okay. So any questions -- Chelsea's reached the end of her presentation.

MS. WALLACE: She has a couple more.

MS. WIJAYA: No, four.

CHAIRPERSON DUDLEY: There is -- you have not reached the end?

MS. WIJAYA: No. We just finished with that slide.

CHAIRPERSON DUDLEY: Okay. Chelsea, I thought when I said "anything else" you would say yes, there is. There is more. So please.

MS. WIJAYA: We're just going to break down the prioritization of those reported allegations to POST.

So the bulk of those allegations received priority 3 and open investigation labels.

So we have our most-used priority labels and their definitions on the table to the right there.

It's quite small so I'll read it off for you.

Our POST ITS, or POST immediate temporary suspension labels are a reply to those reports that contained an ITS basis.

Priority 1 labels are applied to reports that contain politically or media sensitive content or sustained agency findings with -- at any agency finding date.

Priority 2 labels are similar, though they are

applied to reports with sustained policy violations that may not rise to level of serious misconduct.

We have priority 3 labels that are applied to non-sustained findings reported by the agency after January 1st, 2022.

And priority 4, similar but those findings must be reported -- or those findings must take place prior to January 1st, 2022.

And we have our open investigation labels that indicate when a report is -- still has an ongoing investigation.

So on the chart on the left, we are seeing that most reports are receiving priority 3 and open investigation labels, meaning that the agencies are submitting many non-sustained findings to POST. Or many reports that still have ongoing, open investigations.

A notable data point here relates to those dishonesty allegations. So we're seeing that reports with dishonesty allegations respective to their reporting numbers are receiving quite a high number of priority 1 labels or sustained agency findings.

What we've observed on the Division side is that sustained dishonesty at the agency level is not necessarily reflecting that serious misconduct definition established under Senate Bill 2.

MEMBER JOHNSON: Johnson again, sorry.

So 2021, before that it's retroactive.

And then 2023 is the time frame that they had to get it in and then open cases going forward.

But I'm hearing a lot about 2022. What's that representing?

MS. WIJAYA: Yeah, so under statute, conduct prior to January 1st, 2022, can only be actionable by POST if the agency's investigation findings take place after January 1st, 2022, or if those allegation include dishonesty, sexual assault or serious -- excessive use of force resulting in serious bodily injury or death.

That's why we're using that time frame for our prioritization.

MS. WALLACE: The retroactive reporting period, the deadline of July 1st, 2023, were for all of those reports that came in. So by, I believe, January 1st of 2023, if they had cases in 2022 or prior, they had to report them to POST by July 1st, 2023.

That's why we have the difference in the dates.

MEMBER GLASER: I have a question and a comment.

These -- these are great analyses and really very useful and illuminating.

I'm looking at these priority 2 bars and they're big numbers. You know, 7,000, 6,000, 3,500.

And those are the cases where there have been sustained agency findings. And I understand that the agency standards for sustaining a finding don't necessarily -- they may be -- they may have higher standards with -- and so they don't necessarily implicate revocation.

Nevertheless, these are big numbers and the numbers that we see in the numerator of that equation, how many revocation we've had, are very small.

And this is sort of my first indication for these -- you know, particularly for these very serious types of excessive force and demonstrating bias and abuse of power that we have this many cases with sustained findings, I think it would be really useful to get a breakdown -- a further breakdown -- of the cases where we have sustained findings from the agency, and non-revocation recommendation from -- and what the basis for that discrepancy is.

MS. WALLACE: I think the color coding may be slightly off in the labeling, but the 7 -- the 7,500, those are actually priority 3 cases. So those are all exonerated, unfounded, so the priority 2 cases would be the second blue, so the 102.

So what we're seeing is the priority 3 and the priority 4 and the open investigations are the bulk of

those cases for each of those allegations.

We'll work on the color coding a little bit more.

MEMBER GLASER: That's great. Thank you.

MS. WIJAYA: The feedback is well-received and we'll try to implement that in the future reports.

MEMBER GLASER: That's a much smaller problem.

I thought it was --

MS. WIJAYA: On our next slide here, we have those priority labels placed on the lower reported serious misconduct allegations. Again, that table with the labels and their definitions are to the right for your reference.

Across the board on the lower reported serious misconduct allegations, we're still seeing that a bulk of allegations receive priority 3 and open investigation labels.

But something notable, within the acts that violate the law allegations are a higher number of POST ITS and priority 1 labels and priority 2 labels, which can be attributed to one of the bases considered for immediate temporary suspensions, which is arrest or indictment for any Government Code Section 1029 crime.

CHAIRPERSON DUDLEY: Any questions on that slide?

(No response.)

CHAIRPERSON DUDLEY: If not, then it is time for a

break. And we'll resume at 11:15.

(Brief break in proceedings.)

CHAIRPERSON DUDLEY: Okay. Thank you. Chelsea, part two.

MS. WIJAYA: Next slide, please.

All right. I just wanted to provide a note before we delve into this slide.

So we are currently undergoing some data cleanup to refine our numbers, so a small percentage of cases is not going to be reflected. Once we finish that data cleanup we aim to have those additional cases added on at the next hearing.

That being said, 76 percent of ITS public complaint and priority cases are closed. Our remaining ongoing caseload has been prioritized based on agency findings and a potential risk to public safety.

So we have a breakdown of our case statuses in the pie chart on the left here. Aside from the 76 percent that have been closed, we have that 21 percent which are open with POST for its review and then the remaining 3 percent which are inactive, meaning we are still waiting agency findings for a review.

Any questions on this slide?

(No response.)

MS. WIJAYA: Moving on to our case closure rates

over time.

So we're observing that POST's case closures are catching up to its initial report in-take. And that is due to the limited time abbreviated review process that we launched to aid in that backlog clearance.

So if you take a look at the chart on the bottom, the dark blue reflects those total number of reports that have been processed. And in the dark red, we have the number of cases closed.

So if you take a look in that gray background, you'll see in quarter three of fiscal year 2024 to 2025, the Division sees a spike in case closures and that is due to that limited time abbreviated review.

Are there any questions on the abbreviated review process? Bureau Chief Robert Guyton is here to answer those questions.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: Yeah, I just have a question. I guess I need more clarity on what these mean, because I would think that -- that cases closed would be a subset of total processed reports, that you can't close a case unless there's been a processed report.

But you've got, in the last two periods, way more closed cases than processed reports.

MS. WALLACE: So I think what we're trying to

demonstrate here is just a visual of what our workload is and what we're having coming in on a regular basis versus what we're able to sustain in closures on a regular basis, to give us a perspective of do we have adequate resources to be able to maintain this case closure?

They are two different subsets. But it's intended to show you in-take versus what we're able to close.

MS. DEL MUGNAIO: So, Dr. Glaser, it's cumulative. So meaning that we're showing what the in-take is, the total processed reports are collective since the beginning.

So you will have all these reports sitting in queue that continue to build, until we started doing the abbreviate review, by which then we closed a lot of those cases that accumulated from the beginning of time.

Does that make more sense?

MEMBER GLASER: Right. So some of those closed cases in the 7,000s there are from cases that were processed earlier on.

MS. DEL MUGNAIO: Correct.

MEMBER GLASER: Thank you.

MS. WIJAYA: Any other questions?

(No response.)

MS. WIJAYA: Moving on to our case closure time

frames.

So we are seeing that to date all closed cases have been closed well within the three-year statutory time frame established under Senate Bill 2. And we're seeing that ITS cases are being accelerated due to that public safety risk.

So, again, a case is considered opened when POST receives the agency's findings up to the point in which POST makes its determination on a case.

So the time in which a case is at the stages of Board, Commission, ALJ, those times -- those time frames are not reflected in this dataset here.

So POST has three years upon receipt of the agency's findings to complete its investigation.

And on average, cases are closed well within 200 days.

CHAIRPERSON DUDLEY: Thank you.

MS. WIJAYA: All right. Moving on to our case outcomes.

Something to note here is that these closure numbers on this slide include all case types. So if you recall on that previous slide on case statuses, we only focused on our major case types due to that data cleanup. But this dataset will reflect the closures of all case types. So our numbers are going to be slightly

higher here.

Approximately two percent of our cases closed by POST resulted in disciplinary action. About ninety-five percent of cases were closed without further action.

If you take a look at the chart on the left, you will see that the NFA_POST, or No Further Action POST, cases accounted for 95 percent of case closures.

Now 88 percent of those closures are priority 3 and 4 cases. So again, those are the those cases with non-sustained agency findings, retroactive, and non-actionable.

We'll do a further breakdown of these case closures in subsequent slides.

Any questions?

MS. DEL MUGNAIO: Is this the slide that you did the comparison of how peace officers are faring in comparison to other professions in terms of the percentage?

MS. WIJAYA: That will be a bit later.

MS. DEL MUGNAIO: Okay.

MS. WIJAYA: Yeah.

MS. DEL MUGNAIO: Thank you.

MS. WIJAYA: So here's our breakdown as to why cases are resulting in no further action.

So we have 72 percent that were considered not

serious misconduct or POST did not have reasonable grounds for action.

Then we have 23 percent that were considered non-actionable, meaning that POST did not have statutory authority to act on the case due to the allegations and the agency finding date.

Then we have 4 percent that did not contain sufficient evidence to meet POST's burden of proof of clear and convincing.

And then lastly, we have 60 cases that were closed for no further action because the subject officer was deceased.

We have an even further breakdown here.

Now we're examining the closure trends among our priority case types. So most we're seeing closed out as not serious misconduct and non-actionable are those priority 3 and 4 cases. While our priority 1 cases are the cases that are seeing the most evidentiary gaps.

So in the chart here, we have the top three reasons for no further action, broken down by priority case type.

In the left-hand category, we have the number of cases closed out as not serious misconduct. So priority 3 cases are accounting for about 14,000 of those closures.

In the center category, we have those cases closed out as non-actionable, which predominantly involved priority 4 cases. And this distribution does align with our expectation since those priority 4 cases are being prioritized as retroactive and non-actionable. But upon further review, the Professional Conduct Bureaus have seen other priority case types result in a non-actionable closure.

And then, lastly, we have those cases that were closed for not meeting the clear and convincing evidentiary standard. We're seeing that priority 1 and 2 cases make up most of those closures due to the lower burden of proof required to sustain internal affairs investigations at the agency level.

So they're using a preponderance of evidence standard, while POST is using a higher, clear and convincing, evidentiary standard.

CHAIRPERSON DUDLEY: Okay. Thank you.

MS. WIJAYA: We also have our closure breakdown for public complaints within cases.

So we're seeing that most complaints are closed out as not serious misconduct, non-jurisdictional and non-actionable. And only a handful have resulted in certification action.

Those being four that resulted in ineligibility

under Government Code Section 1029, four which were revoked and two which resulted in the subject officer voluntarily surrendering their certification.

Questions?

(No response.)

MS. WIJAYA: So moving on to our cases that have resulted in action.

Now, when we take a look at the number of disciplinary actions taken by POST, we are observing that this is above average compared to other California regulatory licensing agencies.

So POST has taken 544 disciplinary actions across these two and a half years that we've been in operation. This amounts to about 0.2 percent of actions on POST's licensee population annually.

And then when we take a look at other licensing agencies that require specialized training and ongoing professional development, we observe that POST's action rate is above average.

And we have calculated the annual number of these action against the agency's licensee population to have a more comparable percentage rate.

So California Board of Registered Nursing is seeing 0.1 percent action rate annually.

The State Bar of California, is seeing 0.01

percent.

And then the Medical Board of California, in which we only considered the licensed physicians and surgeons here, is quite on par with POST's action rate, at 0.2 percent.

We have the number of disciplinary actions listed on the left here.

CHAIRPERSON DUDLEY: Just for clarity sake, the disciplinary action is defined as either a suspension or what?

MS. WIJAYA: So we're seeing suspensions, revocations, those that are considered ineligible under Government Code Section 1029, revocation stayed under entering a stipulated settlement with --

CHAIRPERSON DUDLEY: So it's any action, whatsoever, except your fine, essentially.

MS. WIJAYA: Yeah.

CHAIRPERSON DUDLEY: Okay. Just wanted to make that clear. Thank you.

MS. WIJAYA: I will note that administrative outcomes that are considered within those three other agencies listed here also include, reprovals, fines.

CHAIRPERSON DUDLEY: Yes.

MEMBER PENA: Have you done any comparison with other states that have similar procedures on

decertification to see how the -- we rank as -- how we compare to them in terms of our rates?

MS. WIJAYA: Not yet. But, that would be something good to bring at the next hearing. We'll definitely consider that.

MS. DEL MUGNAIO: Member Pena, when we looked at other states in order to kind of construct our operational procedures for Senate Bill 2, unfortunately there are no other states that have as robust -- or maybe that's fortunately that our is so robust.

We didn't have an apples-to-apples comparison.

So Arizona probably the most like California in terms of what they're doing in the decertification realm. But the cases only come to them.

In fact, their Board has to approve complaints to be processed through the Arizona POST. So there isn't a true replication.

But we can look at what their statistics are. Most states don't get these cases unless there is some sort of felony conviction or sustained action by the agency resulting in the agency's termination.

So they don't get complaints, charges and allegations. And that's what makes our situation very unique in that we're getting them before there is any finding on the part of the agency or any conviction.

So the volume is going to be much greater in California, so it's hard to do that comparison.

MEMBER PENA: Right. How about at the federal level?

MS. DEL MUGNAIO: Yeah, I'm not aware of something at the federal level that would be comparable, but it is research we can definitely do.

Yeah. Thank you.

MS. WIJAYA: Next slide. Thank you.

Here are our top allegations that have resulted in action by POST and we're seeing that they are acts that violate the law, dishonesty and sexual assault.

And, again, just to note that a case may contain multiple allegations, hence the number of allegations exceeding the number of actioned cases.

So we're seeing that ITS numbers, immediate temporary suspension numbers, for acts that violate the law allegations are the highest. And, again, we can attribute that to the ITS basis of arrest or indictment of any of Government Code Section 1029 crime.

This slide showcases an even further breakdown of those immediate temporary suspensions. Arrests and indictments for Government Code Section 1029 crimes are the highest basis for issued immediate temporary suspensions. And we're seeing that this contributes to

relatively high revocation outcomes.

On the right-hand side we have that chart that shows some of the outcomes of our ITSs. So 30 of those have resulted in revocation. 17 of which were a 1029 revocation. And then 13 of those which resulted in a default revocation. Ten resulted in a voluntary surrender. And we have one that resulted in a revocation stayed due to entering a settlement agreement with POST.

All of the categories below are considered withdrawals.

And I did just want to make a note about the criminal charges dismissed.

So just because a criminal charge has been dismissed doesn't necessarily mean that the case is dropped with POST, just that POST has lost jurisdiction on that immediate temporary suspension.

CHAIRPERSON DUDLEY: Chelsea, say the last sentence again. I want to make sure I understood that.

MS. WIJAYA: Of course.

So just because a -- the criminal charges have been dismissed from an ITS case doesn't mean that the case is entirely dropped with POST, just that POST has lost jurisdiction over the immediate temporary suspension.

CHAIRPERSON DUDLEY: Okay. Well, because there's a

significantly different standard. In criminal, it would have to be beyond a reasonable doubt. So -- and then when you're saying there was a loss of jurisdiction, how so?

MS. WIJAYA: So if the criminal charges have been dismissed, there is no more arrest or indictment for that Government Code Section 1029 crime. So POST therefore loses jurisdiction over that suspension.

CHAIRPERSON DUDLEY: Over that particular, specific -- but it could fall under dishonesty, it could fall under sexual assault, it could fall under any other -- okay.

MS. WIJAYA: Correct.

CHAIRPERSON DUDLEY: Just wanted to be clear on that. Okay. Thank you.

MS. DEL MUGNAIO: We're only losing jurisdiction on the ITS, not the case.

CHAIRPERSON DUDLEY: Right.

MS. DEL MUGNAIO: Even for that allegation.

CHAIRPERSON DUDLEY: Okay.

MS. DEL MUGNAIO: So if it's an act that violates the law, even if the criminal charges are dismissed, we still have jurisdiction for POST, with the act that violates the law. We just lose jurisdiction on the immediate temporary suspension.

CHAIRPERSON DUDLEY: Yes. Got it.

MS. DEL MUGNAIO: Thank you.

MEMBER GLASER: I have a question.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: Thank you.

The numbers on the right side -- oh sorry, of the previous -- yeah. Thank you.

The numbers on the right side add up to a much smaller number than the numbers on the left side. So there are a lot more ITSs than -- than can be accounted for by resulting in action or withdrawal. So what are the rest?

MS. WIJAYA: So the number on the left side actually just reflects the number of bases that have been considered for an issued ITS and multiple bases may be considered.

The chart on the right reflects those immediate temporary suspensions that either resulted in action or withdrawal. And we have a number of immediate temporary suspensions that are still in effect. So those are not represented within the chart on the right.

MEMBER GLASER: Okay. Thank you.

MS. WIJAYA: So we're now getting into those cases that are moving along the decertification process.

So as June 30th, 2025, we've had a total of

56 notice of intent letters sent out to peace officers.

And just to reiterate the Division was sent that notice of intent letter to the subject officer when it has determined that the officer has engaged in serious misconduct under clear and convincing evidence and there are reasonable grounds to take action.

And to contest the notice, the subject officer must appeal within 30 days of that mailing of the notice. Failure to appeal will result in a default decision.

So a total of 56 notice of intent letters have been sent and 36 resulted in a default decision.

So 33 defaulted from failure to respond to that notice, but then three defaulted after a hearing before the Board and Commission due to failure to timely respond to POST's accusation with a notice of defense.

Twenty-one of those notices resulted in appeals. And of those appeals, 15 have been heard by the Board and Commission and 6 are still pending hearing, 5 of which will be heard across the course of the next couple of days.

Breaking down the allegations of the cases receiving a notice.

The top three allegations were dishonesty found within 32 of those cases, acts that violate the law within 27 of those cases, and sexual assault within 7.

Almost half of the cases that have received a notice of intent letter involved POST capturing or amending the agency's causes for action to better align with the regulatory definitions of serious misconduct.

So the most frequent additions were dishonesty and acts that violate the law showcased in the light blue on the chart there.

And the most common removals were allegations of acts that violate the law and sexual assault.

So acts that violate the law allegations were often removed when the conduct did not meet the definition of serious misconduct. So whether it lacked the egregiousness or repetition to meet that definition.

And then we also see sexual assault allegations being dropped in cases where the conduct had occurred off duty, therefore not meeting the statutory Division -- definition and falling outside of POST's jurisdiction.

We finally move on to the cases that have been heard before the Board and Commission.

So 15 cases have been heard, many of which contain multiple allegations, but the top two are dishonesty and acts that violate the law.

The Board has moved to revoke in most cases, 12 of the 15. The exceptions include cases involving DUIs or

acts that violate the law allegations.

So, one of those had resulted in a suspension prior to the stipulated settlement process becoming more conventional. And two were resolved through the stipulated settlements.

In contrast, the Commission has moved to revoke in just over half of those cases, 8 of the 15. So two cases, both which involved dishonesty allegations, resulted in no action.

All of the DUI related cases were resolved through stipulated settlements. And in one case involving excessive use of force resulted in suspension.

We just have an appendix here that includes a glossary of terms for reference if you want to go back to the presentation and refer to any of these terms.

That concludes the presentation.

And we're happy to take any questions or feedback.

CHAIRPERSON DUDLEY: The appendix is very helpful. Thank you. Especially after we leave here today and we want to go back and say what did she mean by that term?

I'm sure it was the lawyers, but appreciate it.

Questions? Comments?

MEMBER JOHNSON: Yes. Johnson. Question.

On the suspension aspect, you know, if I remember correctly, we had recommended a suspension I think it

was for -- or was it a settlement -- about ten years. And I noticed that POST actually changed it to five years. And I see a consistency of five years.

Is that a standard?

CHAIRPERSON DUDLEY: No, that's not a standard. We should continue to do what we think is in the best interest.

MEMBER JOHNSON: Well, I was speaking in regards to POST.

MS. DEL MUGNAIO: No, I don't think there's has been an established standard in terms of the time, so that's considered a probationary period.

I will tell you for other licenses that -- outside of peace officers, you see anything from three, five to seven years. Anything beyond seven years usually warrants a higher disciplinary action.

If you feel like you need to put someone on probation for seven to ten years, the question is whether or not probation is the right solution, because that's a long time to monitor someone's behavior.

So typically just across the board, Board Member Johnson, we see three years, five years, seven years. And seven years is kind of an anomaly sometimes as well.

So that's just -- I don't think there's a standard, necessarily, for peace officers, but I can tell you for

other licensed practitioners, they usually don't go beyond that.

CHAIRPERSON DUDLEY: Any other comments? Questions?

Anything else from any of the three of you?

(No response.)

CHAIRPERSON DUDLEY: Thank you.

All right. We're going to move on for the next 20 minutes.

Is there anyone present or appearing remotely or by phone who would like to address the Board regarding the data for the serious misconduct reporting investigations and disciplinary action outcomes?

Anyone present?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone?

(No response.)

CHAIRPERSON DUDLEY: Okay.

Well, let's start on new cases.

We now move to the next item on the agenda.

We have three cases to hear today.

We will only be reviewing the facts and evidence as presented by this Division. This is not an evidentiary hearing. The rules of evidence do not apply here. Evidence is not formally admitted into the record.

There is no need to make any form objections and objections will not be ruled upon under the Penal Code and applicable State regulations.

Excuse me.

This initial hearing will determine only if the matter will proceed forward for Commission review. And then should the Commission approve for a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

For those commenting on each item at this early stage, the Board must only consider the facts as the Division -- that the Division, after investigation, believes can be proven at a later evidentiary hearing.

For that reason, today the Board will entertain arguments as to whether or not those facts, as presented by the Division, demonstrate clear and convincing evidence.

In other words, a high probability that serious misconduct as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred.

This finding results in the matter being moved forward.

No action by the Board or the Commission prior to a full evidentiary hearing amount to a final determination

that an officer did, in fact, engage in misconduct or that revocation or suspension is ordered.

That will be determined after the evidentiary hearing.

At the conclusion of each law enforcement consultant's presentation, the Board will have the opportunity to ask questions. Then public comment from the subject officer and/or their counsel will be taken, followed by members of the public.

Further discussion by the Board will be allowed if necessary.

The Board may then go into closed session, deliberations, after each case or wait until all cases have been presented and adjourn into closed session to deliberate on all cases presented.

After reconvening into regular session, votes will be taken on each case.

At this time I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct, Los Angeles Bureau, and Bryant Henley, Attorney IV, Legal Affairs Bureau, to provide a report on POST -- on case POST2305110, Brian Kawamoto, who at the time of the events at issue in this case was employed with the Torrance Police Department.

Thank you, gentlemen.

MR. BRINGOLF: Well, I've been the guy coughing obnoxiously in the back, so now I'm going to be the guy coughing obnoxiously in the front. So I apologize.

Good morning, Chair and Members of the Board. My name is Robbie Bringolf. I'm one of the law enforcement consultants assigned to Professional Conduct Southern Bureau, previously LA County Bureau in the Peace Officer Standards Accountability Division.

With me today is Bryant Henley, an attorney with our legal affairs bureau.

CHAIRPERSON DUDLEY: Mr. Bringolf.

MR. BRINGOLF: Ma'am?

CHAIRPERSON DUDLEY: I'm going to ask you just to slow down a bit.

MR. BRINGOLF: You got it.

CHAIRPERSON DUDLEY: Look over at the reporter. She doesn't look happy.

MR. BRINGOLF: The smoke coming off her fingers? Okay.

CHAIRPERSON DUDLEY: If she doesn't look happy, it's your fault.

MR. BRINGOLF: That's fair. I take full responsibility.

CHAIRPERSON DUDLEY: And slow down. And I'll remind you, too.

MR. BRINGOLF: Thank you.

I'm here today to present case 235110 involving Brian Keith Kawamoto.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Brian Kawamoto committed an act of serious misconduct as set forth in Penal Code Section 13510.8 while sending text messages to coworkers between March 2019 and December 2019.

Specifically, the Division has determined that Brian Kawamoto committed the following acts of serious misconduct demonstrating bias as defined in section 13510.8(b)(5) PC.

This morning I will present a brief outline of the Division's findings of investigation in this matter.

Mr. Kawamoto began his law enforcement career with the San Bernardino County Sheriff's Office as a deputy sheriff on March 12th, 2011. He was hired by the Torrance Police Department on November 17th, 2014. He was terminated from the Torrance Police Department on October 4th, 2022.

On March 26, 2023, Torrance Police Department reported allegations of serious misconduct against Mr. Kawamoto to POST pursuant to California Penal Code Section 13510.9(a)(3).

The allegations stem from the discovery of homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

When analyzing the serious misconduct allegations of Penal Code Section 13510.8(b)(5) and regulation 1205(a)(5), demonstrating bias, the Division evaluates whether the subject officer through words, action or other conduct showed prejudice, intolerance, contempt or hatred towards a protected class of persons.

If the subject officer did show prejudice, intolerance, contempt or hatred towards a protected class of persons, the Division then considers whether the words, action or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the officer's law enforcement duties.

If so, serious misconduct is shown if the officer's words, action or conduct either, one, violates applicable law; two, violates department policy; or three, is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the guidelines I just mentioned to determine whether the

allegation of bias was true to a clear and convincing standard.

On March 25th, 2019, Torrance Police Officer Weldin texted Mr. Kawamoto stating, "Just had a shooting."

Mr. Kawamoto replied, "Fuck." And, "I trust y'all have them moon crickets in custody in no time."

During Mr. Kawamoto's Internal Affairs interview, when asked about the use of his term "moon crickets," Mr. Kawamoto stated the following, "So 'moon crickets' is a word that I heard it, like, in training or something once that I thought was funny. But refers to Black people. And I don't know why specifically I said that. But yeah, I shouldn't have said -- have sent that either, sir. It's offensive." End quote.

When the Internal Affairs investigator asked if the March 25th, 2019, message represented the only time when Mr. Kawamoto ever used the term "moon cricket" when referring to Black people, Mr. Kawamoto answered, "Probably not, sir."

As Mr. Kawamoto acknowledged during his Internal Affairs interview, the exchange between Officer Weldin and Mr. Kawamoto is inherently offensive. It's also racist.

Mr. Kawamoto's conduct in sending the message, "I trust y'all have them moon crickets in custody in no

time" shows prejudice and intolerance towards a protected class of persons.

Mr. Kawamoto's message also violated several of the Torrance Police Department's policies including, but not limited to TPD's anti-harassment policies and several of their General Orders.

Even when viewed in the light most favorable to Mr. Kawamoto, the racist epithet used to describe the suspects in the shooting who might be subject to enforcement action from the Torrance Police Department, necessarily erodes the public's confidence in Mr. Kawamoto's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Kawamoto's message shows Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community, specifically, because Mr. Kawamoto makes a statement indicating he assumed the suspects in the shooting would be Black without possessing any other information about the crime.

On May 2nd, 2019, Officer Weldin texted Mr. Kawamoto directly, "If it's any consolation, I like sober beating up savage monkeys Brian and I also like

drunk hood rat shit with my friends Brian."

Mr. Kawamoto replied, "Well, I appreciate that, LOL."

This message is another example of the use of a racist epithet and an indication of the use of force on a protected class of persons.

When Mr. Kawamoto was asked what Officer Weldin meant when he texted, "I like sober beating up savage monkeys," Mr. Kawamoto answers, "Sounds like he's referring to beating up Black people, sir."

While the racist epithet was not used by Mr. Kawamoto, his reply to Officer Weldin, "Well, I appreciate that, LOL" indicates a tacit approval of the use of dehumanizing and racist language and shows intolerance and prejudice towards Black people.

It is also reasonable to believe that Officer Weldin is indicating Mr. Kawamoto is known for using physical force against Black people or that using physical force against Black people is a foregone conclusion between these two officers.

This message exchange also violated several of the Torrance Police Department policies including, but not limited to, their anti-harassment policies and several of the General Orders.

After reading this message exchange, a reasonable

person would conclude that Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

On September 10th, 2019, Mr. Kawamoto texted Officers Weldin, Tomsic and Alonso a photo of coffins, saying, "This is from the coffin display at Rice Mortuary. Look at the one on the bottom."

Weldin responded, "For all them niglets we put down."

Mr. Kawamoto replied, "Ha-ha, yeah, I got a water heater box just as good I can sell you for half the price if you're interested though."

When asked during his Internal Affairs interview what Officer Weldin meant when he texted, "For all the niglets we put down," Mr. Kawamoto answered, "It sounds like Officer Weldin is talking about being for all the Black children that he said we've put down."

The Internal Affairs investigator then asked what Mr. Kawamoto believed the term "niglets" meant.

Mr. Kawamoto answered, "I think it refers to Black children. I think he's mixing the "N" word with the piglet type thing."

I find this another example of a pervasive theme among Mr. Kawamoto and several of his coworkers. I find

that a reasonable person would consider the use of the term "niglets" to be racist and an explicit demonstration of bias.

Further, the officers made jokes about a cardboard box being used for all the niglets they put down.

I find a reasonable person here would infer that the officers were saying the cardboard coffins were for all the Black children the officers have killed or will kill.

The fact that Mr. Kawamoto laughed, agreed, and then offered a water heater box as an alternative shows participation in joking about killing Black children and using cardboard coffins to bury the decedents.

Further, it's inferred that they are making light of a fatal police enforcement contacts involving Black people.

I find this text and the perpetuation of the discourse to be an explicit demonstration of bias, which is inconsistent with Mr. Kawamoto's obligation to carry out his duties in a fair and unbiased manner.

This message, like the others, also violated several of the Torrance Police Department's policies, including, but not limited to, their anti-harassment policies and several General Orders.

A reasonable person, after viewing the disparaging

communications between these officers, would conclude that Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

In a November 19th, 2019, text conversation, Mr. Kawamoto texted Officer Weldin, "Happy birthday, Niggah."

Weldin responded, "Just making sure you don't go to that location due to the fact that they have seven fewer employees now to serve up some spicey chicken sandwiches."

Mr. Kawamoto sent, "Good call. What's the game plan for your birthday?"

Weldin texted, "Make money, beat niggahs."

Mr. Kawamoto replied, "I know nothing puts a bigger smile on yo grill."

I find this is another example of a pervasive thing -- theme among Mr. Kawamoto and several of his coworkers in which they mock Black people.

These messages are inherently offensive and racist. The messages also violated several of the Torrance Police Department's policies, including, but not limited to, their anti-harassment policy and their General Orders.

Mr. Kawamoto's conduct in sending the message shows prejudice and intolerance towards a protected class of persons.

And again, even when we view this in the light most favorable to Mr. Kawamoto, this message erodes the public's confidence in Mr. Kawamoto's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Kawamoto's message shows Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

In a December 24th, 2019, text, Mr. Kawamoto sent an image meme to Officers Alonso, Tomsic, and Weldin which referenced hanging a person.

In that image meme there were three Christmas-related images, a star for the top of a Christmas tree, a Christmas ornament and a candy cane, then an old black and white image of a Black person appearing to be a slave. On the top of the image meme were the words, "Which one doesn't belong?"

At the bottom of the meme were the words, "That's right. You don't hang the star."

After Officer Weldin replied, "I done nearly pissed myself," Mr. Kawamoto texted, "Happy Kwanzaa."

When asked by the Internal Affairs investigator if he remembered sending the messages, Mr. Kawamoto replied, "Yes, sir, I do. There's no excuse, I understand it's offensive."

The Internal Affairs investigator subsequently asked Mr. Kawamoto whether this message was disparaging or discriminatory towards Black people.

Mr. Kawamoto replied, "I feel like it was offensive to Black people because it's making references to when Black people had been hung in the perspective."

This image in the messaging associated with the image is inherently offensive and racist. The image and messages also violated several of the Torrance Police Department's policies, including, but not limited to, their anti-harassment policies and several of their General Orders.

Mr. Kawamoto himself acknowledged that he knew the message was offensive to Black people. Mr. Kawamoto's conduct in sending the message shows prejudice and intolerance towards a protected class of persons.

Even when viewed in the light most favorable to Mr. Kawamoto, sending a picture of a Black person and suggesting that the Black person should be hanged followed by the message, "Happy Kwanzaa," is unequivocally racist and erodes the public's

confidence in Mr. Kawamoto's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Kawamoto's message shows that Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

These types of statements and messages discredit the Torrance Police Department in potentially irreparable ways. And they violated several of the Torrance Police Department policies.

Accordingly, the Division finds that Mr. Kawamoto demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5) and regulation 1205(a)(5) when he sent the above list of messages.

The facts that I've just recited support the Division's finding that Brian Kawamoto was involved in serious misconduct, specifically demonstrating bias.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge which is clear and convincing so long as there's a high probability that the charge is true.

The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Brian Kawamoto's POST

certification be suspended or revoked.

With that I'm happy to answer any questions that the Board may have.

CHAIRPERSON DUDLEY: Does the Board have any questions or comments?

(No response.)

CHAIRPERSON DUDLEY: Seeing none.

At this time, does the subject officer or their counsel wish to make public comment? If so, you will each be given five minutes to speak and the time limits will be strictly enforced, so please ensure that you complete your comments within the allotted time.

While commenting, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate clear and convincing evidence, a high probability that serious misconduct, as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

So is there anyone from the public who would like to address the Board at this time?

(No response.)

CHAIRPERSON DUDLEY: Okay. Just checking. First let me check on the audience.

Nobody here seeking to address the Board.

And is there anybody on the phone?

UNIDENTIFIED SPEAKER: No.

CHAIRPERSON DUDLEY: Okay.

MR. HENLEY: Madam Chair, if I may, just for the record, we, the Division, this is Bryant Henley on behalf of the Peace Officer Standards Accountability Division, we, in the Division, communicated with Officer Kawamoto's counsel, Mr. Sinsley. Mr. Sinsley did request a link, a Zoom link, so that he could appear remotely for this -- for this event. And he was provided, via email, with a notice, the agenda, the dates and times of the hearing. We did anticipate that he would be here and want to present comment.

And so I understand we do not have anyone requesting comment, but I wanted the record to reflect that we expected him to be here and he expressed the intent to be here to present comment.

CHAIRPERSON DUDLEY: Okay. Thank you.

And, again, checking anybody there remotely?

(No response.)

CHAIRPERSON DUDLEY: No.

Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to take a vote on a recommendation on this case?

MEMBER LARA: I personally -- Lara -- I have no need to deliberate.

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER LARA: I do not need to -- I don't want to speak for the rest of -- the other body, but I do not need to go.

CHAIRPERSON DUDLEY: Okay. Does anybody feel the need to go into closed session?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, is there a motion? Yes.

MEMBER LARA: I would like to make a motion for revocation.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER CLAVO: I second.

CHAIRPERSON DUDLEY: Okay. And could we have the roll call?

MR. KNAPP: Yes, Madam Chair. Thank you.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Dudley.

CHAIRPERSON DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

CHAIRPERSON DUDLEY: Lara, aye.

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

The motion is unanimous.

CHAIRPERSON DUDLEY: Okay. The motion passes.

And it's time for lunch. So let's take a break and we'll start up again, what do you think?

In half an hour?

Is that agreeable with everybody?

Yeah. Okay. We'll start up again at 12:30.

Thank you.

(Time noted: 12:00 P.M.)

---o0o---

(Break taken in proceedings:
12:00 P.M. to 12:38 p.m.)

---o0o---

CHAIRPERSON DUDLEY: Okay, everyone.

At this time, I will now call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles County Bureau, and Bryant Henley, Attorney IV, Legal Affairs Bureau to provide a report on POST2305111, Christopher Allen-Young, who at the time of the events at issue in this case was employed with the Torrance Police Department.

Gentlemen.

MR. BRINGOLF: Thank you, Madam Chair.

Good afternoon, now, everybody.

I'm still Robbie Bringolf and I am the law enforcement consultant assigned to the Professional Conduct Southern Bureau formerly the Los Angeles County Bureau.

With me is Bryant Henley, an attorney with our Legal Affairs Bureau.

I'm going to present case 23-5111 involving Christopher W. Allen, hyphen, Young.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Christopher Allen-Young committed an act of serious misconduct as set forth in Penal Code Section 13510.8 while sending text messages to coworkers between February 2019 and December 2019.

Specifically, the Division has determined that Christopher Allen-Young committed the following acts of serious misconduct: Demonstrating bias as defined in Section 13510.8(b)(5) PC.

This afternoon I'll present a brief outline of the Division's findings of investigation in this matter.

Mr. Allen-Young began his law enforcement career with the Los Angeles County Sheriff's Department as a deputy trainee on November 18th, 2013.

He was promoted to deputy sheriff on April 6, 2014, and his last day as a deputy sheriff at Los Angeles County Sheriff's Department, April 24th, 2017, was also his first day as a police officer at the Torrance Police Department.

On March 26, 2023, Torrance Police Department reported allegations of serious misconduct against Mr. Allen-Young to POST pursuant to California Penal Code Section 13510.9(a)(3).

The allegations stem from the discovery of

homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

When analyzing the serious misconduct allegation of Penal Code Section 13510.8(b)(5) and regulation 1205 (a)(5), demonstrating bias, the Division evaluates whether the subject officer through words, actions or other conduct showed prejudice, intolerance, contempt or hatred toward a protected classes of persons.

If the subject officer did show prejudice, intolerance, contempt or hatred toward a protected class of persons, the Division then considers whether the words, actions or conduct would lead a reasonable person to conclude that the officer has not, will not fairly and impartially perform the officer's law enforcement duties.

If so, serious misconduct is shown if the officer's words, actions or conduct either one, violates applicable law; two, violates department policy; or three, is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the guidelines I just mentioned to determine whether the allegation of bias was true to a clear and convincing

standard.

On February 14th, 2019, Mr. Allen-Young sent a WhatsApp message in a group chat with 14 other members of the Torrance Police Department. In that message Mr. Allen-Young sent an image of the -- an image meme of Dave Chappell that said, "Modern problems require modern solutions." And "When your girlfriend is fucking a Black guy, so you break a taillight on his car so the police will stop him and shoot him."

The Division finds this message was inherently offensive and racist and Mr. Allen-Young's conduct in sending the image meme message showed prejudice towards a protected class of persons.

Mr. Allen-Young's message violated several of the TPD's policies including, but not limited to, their anti-harassment policies and several of their General Orders.

A reasonable person would conclude that Mr. Allen-Young's conduct demonstrates that he has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

Accordingly, the Division finds that Mr. Allen-Young demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5), when he sent the image

meme of Dave Chappelle.

On March 31st, 2019, Mr. Allen-Young, while on duty, sent a text message to Officer Weldin which stated, quote, "Moon cricket hunting," exclamation mark.

Officer Weldin responded, "They're chirping for sure."

The exchange between Officer Weldin and Mr. Allen-Young is inherently offensive and racist.

Mr. Allen-Young's conduct in sending the message "moon cricket hunting" violated several of the TPD's anti-harassment policies and General Orders.

And again, when we view this in the light most favorable to Mr. Allen-Young, his racist epithet used to describe members of the Torrance community who might be subject to enforcement action from the Torrance Police Department necessarily erodes the public's confidence in Mr. Allen-Young's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Allen-Young's message shows that he is not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community, specifically because hunting indicates that Mr. Allen-Young is targeting a certain demographic for enforcement action

because of their race.

Accordingly, we in the Division find that Mr. Allen-Young demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5) when he wrote, "moon cricket hunting."

On December 19th, 2019, Officer Weldin texted Mr. Allen-Young directly, "What's up, Monkey Thumper?"

Mr. Allen-Young replied, "Hahaha, what's up, Bud?"

This message is another example of the use of a racist epithet and an indication of the use of force on a protected class of persons.

Mr. Allen-Young's response and involvement in this message exchange violated several of the TPD's policies.

And while the racist epithet was not used by Mr. Allen-Young, his reply to Officer Weldin indicates a tacit approval of the use of dehumanizing and racist language and shows an intolerance and prejudice towards Black people.

When reading this text exchange, a reasonable person would conclude that Mr. Allen-Young cannot or will not fairly and impartially perform his duties as a law enforcement officer.

The message exchange also implies that Officer Weldin is indicating Mr. Allen-Young is known for using physical force against Black people. Or that

using physical force against being Black people is a foregone conclusion between these two.

Accordingly, the Division finds that Mr. Allen-Young demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5) when he wrote, "Hahaha what's up, Bud" in a response to a message in which Officer Weldin called Mr. Allen-Young a monkey thumper.

The facts I've just recited support the Division's finding that Christopher Allen-Young was involved in serious misconduct, specifically demonstrating bias.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Christopher Allen-Young's POST certification be suspended or revoked.

With that, I'm happy to answer any questions that the Board may have.

CHAIRPERSON DUDLEY: Any questions?

(No response.)

CHAIRPERSON DUDLEY: At this time, does the subject officer or their counsel wish to make public comment?

If so, you will be given five minutes to speak and

the time limits will be strictly enforced, so please ensure that you complete your comments within the allotted time.

While commenting keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defenses at the time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct, as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

Is there anyone from the public who would like to address the Board at this time?

Looking out to the audience, I see no response.

And is there anyone on the telephone?

Counsel?

MR. HENLEY: Thank you, Madam Chair.

If I may, again, Bryant Henley on behalf of the Peace Officer Standards Accountability Division.

I wanted to advise the Board, and for the record, that -- inform the Board that we notified Officer Allen-Young back in May of the intent to revoke his license.

His counsel, Cory Glave, communicated with the Division on May 22nd indicating that he requested review of the Division's recommendation. And also requested the information that supported the decision intending to revoke Mr. Allen-Youngs's license.

POST's Division provided those materials to Mr. Glave as counsel for Mr. Allen-Young.

Then on June 13th, provided to Mr. Glave at the same address that Mr. Glave gave us to provide communications provided a notice of hearing, giving the date and time for the hearing.

We did not receive a response. The Division did not receive a response.

Then on June 25th, we emailed Mr. Glave and asked for confirmation as to whether he intended to attend or not attend the hearing and whether he needed a virtual link in order to attend virtually.

We did not receive a response to that email either.

CHAIRPERSON DUDLEY: Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to discuss and then vote on recommendation in the case?

Does anyone feel the need to adjourn to closed session?

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none, before I call for a vote, is there any discussion?

Dr. Glaser?

MEMBER GLASER: Thank you.

I just wanted to articulate that the evidence seems clear and convincing. The statement "moon cricket hunting," unsolicited, with no response from the respondent about the context or any other kind of explanation seems to me to be very clear evidence of racial bias that, you know, implicates that somebody should not -- would not be able to conduct their duties in an unbiased manner. So I'm very much in favor of revoking.

CHAIRPERSON DUDLEY: And Dr. Glaser, I -- this morning, I did not ask if there was any comments that the Board had.

Did you have any comments about this morning's case as well?

MEMBER GLASER: I would say my sentiments about this morning's case were pretty much identical to what I just expressed.

CHAIRPERSON DUDLEY: Thank you.

Anybody else on the Board wish to be heard before we have a motion?

(No response.)
CHAIRPERSON DUDLEY: Okay. Is there a motion?
MEMBER GLASER: I move to revoke certification.
CHAIRPERSON DUDLEY: Is there a second?
MEMBER JOHNSON: Second. Johnson, second.
CHAIRPERSON DUDLEY: Okay. And roll call, please.
MR. KNAPP: Thank you, Madam Chair.
Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Clavo, aye.
Crawford.
MEMBER CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

That's seven in favor. Motion carries.

CHAIRPERSON DUDLEY: Okay.

Let's move on to the next case.

This is -- thank you, both. I know that was a difficult case to report on. Very much appreciate your professionalism.

POST2306324, Luke Baxter Walden POST A95-T18.

At this time, I will now call upon law enforcement consultant William Imboden, Professional Conduct Los Angeles County Bureau and Simone Renteria, Attorney IV, Legal Affairs Bureau to provide a report on case POST2306324, Luke Baxter Walden, who at the time of the events at issue in this case was employed by the Los Angeles Police Department.

Thank you.

MR. IMBODEN: Good afternoon, Madam Chair, Members of the Board.

My name's William Imboden, I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Southern California in the Peace Officer Standards and Accountability Division.

With me today is Simone Renteria, an attorney with

our Legal Affairs Bureau.

And I'm here today to present case POST2306324 involving Luke Baxter Walden with the Los Angeles Police Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that the respondent, Luke Walden, committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on March 17th, 2021.

Specifically, the Division has determined that respondent committed the following acts of 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.

And 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.

In this presentation I will present a brief outline of the Division's findings of the investigation in this matter.

Respondent began his career with the Los Angeles Police Department on July 6, 1998; on October 7th, 2012, was promoted to the rank of detective; on June 15th, 2014, was promoted to the rank of supervisor.

On June 5th, 2022, respondent was demoted back to the rank of detective.

Respondent holds the following POST certifications: Basic, intermediate, advanced and supervisory.

During respondent's 24-year career, he has received 155 citizen and department commendations. His service records do not show any prior discipline or complaints for similar allegations.

On April 22nd, 2021, US Customs and Border Patrol -- Border Protection intercepted a suspicious package from China at the Los Angeles International Airport mail facility.

The package, which was labeled, quote, fuel filter, and addressed to respondent at his home address, actually contained an illegal firearm silencer.

The label also contained graphics in Chinese which,

when translated, stated, quote, "spiral 1/2 to 28 single core automobile fuel filter, parentheses, six-inch half to 28 black spiral P0171289910," close parentheses.

Half inch to 28 and 5/8 to 24, as will be mentioned throughout this presentation, refers to the thread size and count. For example half-inch diameter shaft with 28 threads per inch.

Upon learning respondent was a current LAPD officer, the investigation was turned over to the LAPD Internal Affairs Bureau.

Once the seized item was booked into evidence at LAPD, criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Next slide.

His report described the item as having the following characteristics:

Quote, "it has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish.

"There is an internally threaded collar at one end and an unthreaded opening at the other.

"The internal inspection revealed a well-made, single piece monocore baffle with an open channel from end to end.

"The monocore baffle divides the tube into eight chambers which are open to the central channel.

"The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point.

"These features are conspicuous suppressor silencer design elements that substantiate the classification as a silencer," end quote.

He concluded his report by stating, the assembly as received, was a firearm silencer as defined in California Penal Code Section 17210, which states: A silencer is any device or attachment designed to silence, diminish or muffle the report of a firearm or any parts intended for their assembly or fabrication.

A search through the California Department of Justice revealed respondent had 54 registered firearms, many of which were compatible with the half-inch, 28-thread barrel size.

LAPD conducted an audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021.

Using search words including, quote, silencer, fuel filter, solvent trap, China, threaded barrel and others.

The audit revealed that during that time frame, respondent conducted 21 internet searches and searched numerous websites that advertised the sale of threaded barrels for weapons registered to him as well as

additional weapons not registered to him.

The audit also revealed that respondent searched websites that are advertised -- that advertised the sale of, quote, fuel filters. The search focused on filters that had an inner thread size of half -- 1/2 to 28 converting to an outer thread side of 5/8 to 24.

The 1/2 to 28 thread size would apply to many of the weapons registered to respondent.

LAPD's IA consulted their acting general automotive supervisor who reviewed the websites that respondent visited that advertised the sale of fuel filters and inspected the item that Customs and Border Protection seized.

Next slide.

It was his opinion, based on the dimensions of the items respondent researched, that none of them were consistent with any fuel filter for a vehicle and that the items seized could not be used as a fuel filler because it had no internal filtration component.

Inline automobile fuel filters work by trapping dirt, rust and other debris as fuel flows through them preventing these contaminants from reaching the engine's fuel system.

The fuel -- sorry, the filter contains a pleated paper element or other filter medium that captures

particles and contaminants as the fuel passes through.

Modern fuel filters are designed to trap all particles larger than 30 microns or .03 millimeters.

Next slide.

The Bureau of Alcohol Tobacco and Firearms issued law enforcement bulletins on April -- in April of 2017 and October of 2019. These bulletins advised that devices that are specifically manufactured as firearm silencers were being marked online as inline fuel filters despite having no filtering medium.

One such product is marketed as a quote, "Napa 4003," end quote, inline fuel filter.

When LAPD served a search warrant on the Respondent's PayPal account, the search revealed that on March 17th, 2021, at 8:28 A.M. a transaction was completed for $45.96 for the purchase of a quote, "Napa 4003 WIX24003 1/2 to 28, 5/8 to 24 fuel filter, aluminum solvent trap, half inch to 28 XH," end quote.

The recipient of the payment was Xu Shi Qi International Limited in Hong Kong, China.

Respondent was arrested by LAPD on November 14th, 2022, and booked into the LA County Jail.

On November 16th, 2022, the LA County District Attorney Office filed one count of Penal Code Section 664 and 33410, attempted possession of a silencer, a

felony.

On March 9th, 2023, Respondent was held to answer for the felony at a preliminary hearing. And on September 29th, 2023, as a result of a plea bargain, Respondent pled no contest to one count of attempt to possess an assault weapon, a misdemeanor.

The felony was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer in violation of California Penal Code Section 33410, a felony.

This conduct occurred despite his extensive firearms training through POST, in-service training, and on-the-job exposure to firearms crimes, both generally and as a part of Los Angeles PD's gun unit.

Although the investigation was turned over to local law enforcement for prosecution, Respondent also violated federal law under Section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act USC Title 26, Section 5844.

Respondent is an experienced peace officer with almost 27 years with the -- in the LAPD and his position

as an LAPD officer, Respondent was not only charged generally with getting illegal guns off the street, but had been part of the LAPD's gun and narcotics division gun unit for approximately three years.

By illegally purchasing a silencer from China, Respondent was, in effect, committing the same type of crime that he was sworn to prevent.

During the administrative investigation into the alleged serious misconduct of acts that violate the law, Respondent was dishonest when he stated several times to the IA investigators that he did not try to purchase a firearm silencer.

Respondent stated he ordered a fuel filter a, quote, "Universal fuel filter for a 1985 Toyota Celica, which never arrived." He could not recall the vendor or when he ordered the filter. He later ordered another fuel filter through Amazon.com which he did receive. In looking at them in comparison, they look nothing alike.

Respondent denied ordering or attempting to obtain a firearm silencer despite the ceased item being addressed to him at his home address and despite the use of his PayPal account to purchase it.

The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was

determined to fit many of the firearms Respondent owned.

Next slide.

Additionally, the exact name, type and size of the item are listed on ATF training documents to help law enforcement recognize illegal firearm silencers.

Next slide.

Respondent stated he only had a cursory knowledge of silencers, but was not an expert. He admitted he knew they were illegal to possess and he did not dispute the results of the internet search audit, but said those searches were for work-related purposes only.

However, he could not provide specific cases or reports that required searches he conducted. And his internet searches ceased two days prior to the items being purchased using Respondent's personal PayPal account.

Next slide.

LAPD sustained the allegation of attempting to possess a firearm silencer and referred the Respondent to a Board of Rights with a recommendation for termination from employment.

At the Board of Rights Respondent continued to deny that he tried to buy a firearm silencer and repeated that he attempted to buy a fuel filter for his 1985 Toyota Celica.

However, the item seized would not only not fit a 1985 Toyota Celica, it would be useless as a fuel filter because it has no filtering properties.

At the Board of Rights hearing, LAPD criminalist Biraimah stated that, quote, Napa 4003, end quote, is a code word for suppressers known to firearm buyers.

After examining the seized item, he determined it was a firearm suppresser compatible with a number of firearms.

After examining the list of firearms possessed by Respondent, Mr. Biraimah found a number of them could be used with a silencer if modified with a threaded barrel.

Respondent's supervisor, LAPD Lieutenant Eric Bixler testified at the Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that the Respondent would have been aware of the seized item's purpose as a suppressor.

At the conclusion of the Board of Rights hearing, the Board unanimously agreed that Respondent was guilty of the allegation that he attempted to obtain a firearm silencer.

The facts I've just recited support the Division's finding that Respondent was involved in serious misconduct, specifically dishonesty and acts that

violate the law.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true.

The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Respondent's POST certification be suspended or revoked. And the Division's recommendation is based on the following:

Clear and convincing evidence exists to show Respondent purposefully committed a felony after conducting research for weeks in advance and then purchasing an item that was clearly intended to be used as a firearm silencer.

This is in direct conflict with Respondent's general duty to uphold the law. And is, in fact, the exact type of crime Respondent was charged with preventing as part of the specialty unit he was assigned to.

His blatant dismissal of the law alone is egregious enough to warrant revocation of Respondent's peace officer certification, but in addition to violating the laws he was sworn to uphold, Respondent lied repeatedly to IA, and at his Board of Rights, when he was

confronted with his behavior, in an obvious attempt to keep his job through consistent denial, despite the evidence of his guilt.

Respondent has broken the public trust through his actions and his words and cannot be entrusted to truthfully, honestly, and ethically uphold the law or to respect the rights of the members of the public.

With that, I'm happy to have answer any questions the Board may have.

CHAIRPERSON DUDLEY: Does the Board have any questions or comments?

Yes.

MEMBER PENA: There was an earlier slide that showed a -- an authentic filter; right? A real one; right?

MR. IMBODEN: Correct.

MEMBER PENA: Okay. I just wanted to make sure.

CHAIRPERSON DUDLEY: Any other comments?

(No Response.)

CHAIRPERSON DUDLEY: Questions?

(No Response.)

CHAIRPERSON DUDLEY: At this time, does the subject officer and/or their counsel wish to make public comment?

If so, you will each be given five minutes to speak

and the time limits will be strictly enforced. So please ensure that you complete your comments within the allotted time.

While commenting, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defense at this time.

The sole question before the Board today is the following:

If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that a serious misconduct as defined by Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

Is there anyone from the public who would like to address the Board at this time?

Looking to the audience?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone?

MR. KNAPP: Yes.

CHAIRPERSON DUDLEY: Okay. Please.

MARLON MARRACHE: Hi, yeah, my name is Marlon, M-A-R-L-O-N, last name Marrache, M-A-R-R-A-C-H-E, representing my classmate, Luke Walden. Just wanted to add a couple of facts, if you will, about this

particular matter.

We want to talk about the dishonesty allegation.

In the presentation by Mr. Imboden that he said that March 17th, 2021, that the department considered dishonesty, that's not the case.

As a matter of fact, throughout this whole process, the allegation of dishonesty is what we consider a false statement or a misleading statement around truthfulness, et cetera, was never, ever discussed.

And we just wanted to point out that during this whole process, from the beginning, when there is an investigation of internal affairs initiated, all the way up to the levels of review, including the inspector general, please bear in mind that at no point did the Los Angeles Police Department in their process ever consider an allegation of dishonesty.

You're talking about a Captain I and a Captain III from the department in that division. You're talking about a commander and deputy chief from Internal Affairs; a commander and a deputy chief from the bureau as well.

And they all have to go to the tenth floor where the chief is and present these allegations.

And yes, it was directed to a Board of Rights, it was serious misconduct. But at no point was it ever

considered to have a dishonesty allegation.

In fact, what Mr. Imboden also forgot to mention is that there is a process with LAPD called a masked complaint, which means that the accused employee is unaware of the actual allegations or unaware that they're actually being investigated by Internal Affairs.

And so it wasn't until September 14th, 2021, when Luke Walden was actually aware of this particular matter, this particular alleged misconduct.

So I just really wanted to point that out to make sure that the Board understands what the process of the Los Angeles Police Department is.

And just a little bit of my background is I've been involved in discipline since 2008. I have put on over 30 Board of Rights when I worked Internal Affairs for over five years.

I actually teach a POST-certified course in Internal Affairs and I've been hired as a witness, expert, as it relates to IA matters alone.

So my expertise is -- my scope is very, very narrow. And just based on my experience -- not just because he's my classmate -- is the fact that this allegation should have never been framed in the first place. In fact, when I attended the SB 2 seminar, I was told that POBAR, Peace Officers Bill of Rights do not

apply.

And for the fact that the SB 2 panel, or Mr. Imboden, actually consider an allegation of dishonesty to frame, that would be considered a 3304 issue, which means it's beyond the statute of limitations.

So just wanted to that know.

And Luke is also present. And I'm going to hand the mike over to Luke to let you know what he's doing now and what he's been doing ever since his Board of Rights concluded.

Thank you.

LUKE WALDEN: Hello?

CHAIRPERSON DUDLEY: Yes.

LUKE WALDEN: Hello. Hello, this is Detective Walden.

Hey, so I have about -- I have over 27 years of service with the Los Angeles Police Department.

I've worked in multiple capacities within the department, undercover, buying narcotics, I've gone through multiple polygraphs.

When you go to a federal task force you're polygraphed. They do extensive background.

And based on the information provided in the rationale where I spoke to Mr. Imboden to kind of

understand what the whole process was, because I thought it was already done.

I had gone through the process, I made some decisions based on financial needs to not pursue fighting it all the way to the end, because it's either pay my mortgage and take care of my kids or be homeless. I made those decisions. And that's the reasons I did take the plea deal.

I know that we wrote an outline. We provided it to the Board.

I think it's a three-page document laying out all the discrepancies within the POST rationale.

When I spoke with Mr. Imboden regarding it, he advised me that he did not have all the information from the Los Angeles Police Department Internal Affairs.

When I asked how is a rationale written up without all the facts, being a detective of, I don't know, 15, 16 years, he couldn't give me an answer for that.

There's a lot of discrepancies in here. He talks about my training. As far as POST training that's all qualification. Has nothing to do with expertise, firearms expertise.

I was assigned to the gun unit. It was only for a year. The three years is incorrect.

Because after that year I went to the federal task

force. And I went through extensive background.

My sole purpose was to deal with apps, which is prohibited possessors, people who have mental illness and/or they have a criminal background.

And there were -- when I was there, we authored about 44 search warrants to deal with that. I never have nor attended any training regarding suppressors. I've never been trained on suppressors.

Currently the department has no training of suppressors or silencers.

When they provided the document regarding the ATF information, written by the ATF, I had never seen that, no one ever taught me that.

The other issues that were in there as far as training experience, yes, I was responsible for getting guns off the street.

That was part of the job that I did with the feds, because I did have experience with AR-15s, Glocks and 1911s and the ghost guns.

And I've testified as an expert.

There's issues with the firearms that they say that I own that will accept a suppressor. None of them were found during the preliminary hearing. And it was admitted to by the investigator to find threaded barrels, I didn't have threaded barrels. And during the

search of the computer, threaded barrels were not located.

I know Mr. Imboden talks about the search ending at a certain time. From what I understand, they had a scope of certain days that they chose to do.

I don't know that scope, but I think that's just a little bit reaching.

I haven't lied in the 27 years that I've been on the job. I haven't perjured myself. I have no complaints of lying and denying. I've currently been back to work about a year and a half.

I've currently filed probably over 100 cases.

I work with victims, suspects, interview them, I'm still working with -- still working as a police officer.

A Board of Rights deemed me, which is like yourself, civilians or sworn, that deemed me okay to return to work.

It didn't meet the egregious nature that is being told today.

So I hope that you guys take into consideration the write-up that was provided.

I understand that not everybody was privy to the Los Angeles Police Department's policies and procedures. And I understand that the Los Angeles Police Department doesn't always provide all the information when needed

because I work there.

So I understand how that works.

But I hope you that you take all this into consideration for your decision today.

Thank you.

CHAIRPERSON DUDLEY: Detective Walden, are you still there?

LUKE WALDEN: Yeah, I'm still here.

CHAIRPERSON DUDLEY: Okay. Good. This is Joyce Dudley, the Chair of this Board.

It was unclear to me whether the first person who spoke was an attorney or not. Or if he was just a colleague of yours?

LUKE WALDEN: He's acting as my attorney. He's not an attorney, but he has a law degree. He doesn't have a bar degree -- he's not bar -- he's my representation.

CHAIRPERSON DUDLEY: Okay. So I just want to be clear on this. He's representing you, but not as an -- but he is not someone who's been sworn in by the California Bar; is that correct?

LUKE WALDEN: That's correct.

CHAIRPERSON DUDLEY: Okay.

MARLON MARRACHE: That would be correct, ma'am.

CHAIRPERSON DUDLEY: That's fine. I understand.

And do you have an attorney representing you in

this matter?

LUKE WALDEN: No, I do not.

CHAIRPERSON DUDLEY: Okay. Fine.

Is there anything else you wanted to say?

LUKE WALDEN: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Is there any questions from the Board?

MEMBER CLAVO: I have a question.

CHAIRPERSON DUDLEY: Yes. Dr. Clavo.

MEMBER CLAVO: The question I have, is, is it my understanding, did I mishear or did I hear correctly that you took a plea deal for the initial charges of purchasing a silencer?

LUKE WALDEN: No. The district attorney -- the district attorney offered a plea deal at the arraignment, which was like in January. And because he said based on the information provided by the Internal Affairs investigator, I guess there was a 13 seized -- 13 potential suppressors seized on that day when they went to go find it. And I was the only person charged.

No other people -- no other person in LA County. And it was because I was a police officer.

I was -- I believe I was targeted. It was not my intent in any way to purchase a suppressor.

I truly am -- I provided information to Internal

Affairs with all the stuff I'm doing with my kids, building cars. I had photos.

At the Board of Rights, Jiz Bagian (phonetic), who was the administrative investigator, when they asked -- when counsel asked him that, he said we didn't do anything with that evidence.

That could have exonerated me, so I kind of feel like I got shortchanged by my own department in our -- our -- in our due process of, you know, doing what's right.

I think that I'm supposed to do investigation, I'm supposed to take all the facts, put it together and present it to a district attorney and they make the ultimate decision whether or not they're going to file the case.

It was almost kind of like: We're going to let this guy take the hit. And I -- you know, when you're going through this, it's very stressful. It's high anxiety. You're not getting paid, you're -- I was assigned home for two years. I'm not getting paid.

And I have to live off of whatever I saved to combat this. And I just didn't have the money to battle this.

And so they offered a plea deal which was a misdemeanor. And I took it for financial reasons in

hopes that it didn't violate POST, which it did -- based on -- researched it, so I could go back to work if the Board allows me.

And the Board did.

And so I went back to work.

Yes, I got demoted. Yes, I worked a bunch of special details. Yes, I have probably a little bit more knowledge than most. But I don't have the experience that they're talking about.

I read the rationale and I seen the write-up regarding the training that I've had and that's all my qualification.

It has nothing to do with firearms training in the sense of how they work, how to take them apart. That's all qualification.

So to use that is like bolstering a report to make it look more egregious than it truly is.

CHAIRPERSON DUDLEY: Thank you, Detective Walden. One moment, please.

Dr. Clavo.

MEMBER CLAVO: Just a follow-up on that, Ma'am.

CHAIRPERSON DUDLEY: Yes.

Okay. Hang on one second.

Detective Walden, Dr. Clavo has a follow-up question or statement. Just standby.

MEMBER CLAVO: So just for clarity purposes, for myself. My initial question was: Did you take a plea deal?

You said no. But in the end of your statement you said yes.

So is it yes you took a plea deal, or no you took a plea deal?

LUKE WALDEN: All right. I think your initial question was for the silencer and the answer was no.

I took a plea deal for a lesser charge based on what the district attorney's office offered.

MS. RENTERIA: And Madam Chair, if I may answer that question for Board Member Clavo?

CHAIRPERSON DUDLEY: One moment, please.

Dr. Clavo, anything else?

MEMBER CLAVO: I'm fine.

CHAIRPERSON DUDLEY: Okay. Thank you. Yes.

MS. RENTERIA: Just to clarify, Mr. Walden was charged and arrested for a felony, which was attempted possession of a silencer. That was pled down. And so he pled no contest to a misdemeanor, which was attempted possession of an assault weapon.

CHAIRPERSON DUDLEY: Yes. I think Dr. Clavo understood that.

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Thank you. Any other questions or comments from the Board?

Yes, Dr. Glaser.

MEMBER GLASER: Thank you.

So, Mr. Walden, I just would like to get clarity.

Are you -- are you denying that you ordered that item?

And that you conducted the internet searches that are in the record relating to a suppressor with a threaded barrel?

LUKE WALDEN: Am I -- did I -- no, I ordered the part. It was for my car. It was -- based on the information that was provided on the internet, I thought it was for my car. Because I'm putting in a bigger engine. And I thought it would allow additional -- more fuel. The car originally comes with a four cylinder, 22R. I'm putting in a V-8 because I want to hotrod it with my kid. So I can do drifting and rally and stuff.

So the way it was presented on the internet, is that it was a high-flow fuel filter. That's what I thought and --

MEMBER GLASER: Would you --

LUKE WALDEN: If I can explain, sir, about the searches on the internet.

MEMBER GLASER: Uh-huh.

LUKE WALDEN: That's the next question?

MEMBER GLASER: Yes, please do.

LUKE WALDEN: Okay. So, assigned to the FBI gang task force. I provided some expertise when it came to us purchasing guns. We bought a lot of guns. We worked the MS task force, MS-13, so we were buying guns and a lot of them were attached to murders.

We did have external informants. And when I say that, I worked with informants since 2009. The informants -- these informants are federal informants.

When you work with the fed -- when you work with an informant that's assigned to you and you're an LAPD agent, LAPD, those -- there's documentation that is required. It's called an informant contact sheet and every time you talk to them, every time, they call you 20 times you got to fill out 20 pieces of paper.

They give you information, you write it down.

With the federal informants, they are not required that, because their informant information is captured by the feds, we don't have that documentation.

So what had happened was, in over -- over that time frame, from January to February -- because we -- we were in a lull waiting for the Assistant US Attorney to give us direction on several of the murder suspects from MS-13 how they were going to, what we were going to do,

when we were going to make the takedowns and arrests.

And so we were -- we had these informants that were providing information regarding guns sales, firearms sale and narcotics sales.

But it was ultimately up to the federal -- the FBI agents to make the determination whether or not they wanted to move forward on these cases.

The -- since these -- these guns with suppressors -- that's how the pictures came through and the information came through. So I started researching it because I didn't have the knowledge base. And the guys would say, well, you should know this. You had worked the gun unit.

Yeah, but I didn't have the training.

So I went on Google and I put in "silencer." I put in -- and then I tried to figure out how it would work or how it would work based on what you need to get the filing. Or at least make the arrest.

As you guys may or may not know, federal charges are different than state charges.

And a lot of times if it's going to go federal, they need specific -- it needs to be from -- the gun was manufactured in -- from state to state. So state -- interstate commerce.

And so that's -- that's why I did it. We had three

separate cases from two informants that provided information, they provided pictures. I didn't see captured those pictures they were on the FBI's -- the agents' cell phones.

I think my phone died.

Can you guys still hear me?

MEMBER GLASER: Yeah, we hear you.

LUKE WALDEN: Okay. So --

CHAIRPERSON DUDLEY: Okay. Dr. Glaser, do you need more information?

MEMBER GLASER: I'm going to follow up.

CHAIRPERSON DUDLEY: Okay. I think Dr. Glaser has a follow-up question and that may address whatever else you wanted to add to this.

And I know that we have at least two more Board Members who want to be heard.

But go ahead, Dr. Glaser.

MEMBER GLASER: Yeah, I would just like more clarity. You are acknowledging that you ordered that item. And it's your claim that it's just coincidentally while you were trying to order a filter for a car, you -- the item that you ended up ordering happened to be a functioning suppressor for a firearm that would not function as a filter for a car?

LUKE WALDEN: Yeah, basically -- based on what I

was told, because I never received it. And over the course of a couple months, I didn't know I was under investigation.

So that was sometime in April, I believe, what I was told by the Internal Affairs.

Then I realized, hey, it never came, I figured the porch pirates stole my packages because I was working probably 12 to 15 hours a day, a week, because we were after -- we were working a lot of murder cases, so our hours were always crazy.

And then -- so I ordered another fuel filter -- because the other one didn't come.

So I said, well, at least with Amazon, I will get a receipt and I will get a -- I'll get confirmation. And also if it doesn't show up, you know, I can ask for an additional one. Which I should have done in the first place --

CHAIRPERSON DUDLEY: Okay. Thank you.

LUKE WALDEN: And this could have all been avoided.

CHAIRPERSON DUDLEY: Detective Walden, thank you. I think you've -- you've answered --

LUKE WALDEN: Oh. Okay. Sorry.

CHAIRPERSON DUDLEY: -- Dr. Glaser's question.

Now I know that next was Mr. -- Lieutenant Lara and then after that is Regina. Okay. Go ahead. Crawford.

MEMBER LARA: Charles would do just fine.

So normally speaking, my question is, say I go on to Amazon. And I'm going to order an item. I generally order online to the specific item that I need. Say if I -- it was for the Celica or the enhanced V-8, I would order the item to match the engine to which I -- I'm building out.

So how is it that by pure coincidence you end up with what is essentially a functioning silencer that's purely coincidentally, what you ordered online?

Can you explain that to me?

LUKE WALDEN: I was -- well, that's how it was presented. I ordered the part for my car. And it was a high-flow fuel filter. I never got it.

Then I went on Amazon and I did the same thing.

And, no, based on what you're saying, as a former mechanic, the -- because I worked on cars prior to becoming a law enforcement agent, police officer, I never -- these -- the fuel filter never came. So I ordered a second one.

And they're called universal fuel filters. I think it was in the slides. And that's the one I ordered.

And it's a high-flow universal fuel filter.

Based on all the research, there's -- in that -- in the ATF document, there's a ton of things in there

that -- I had no idea that could be used as a suppressor.

Which, I would assume that they're fuel filters based on what -- how they're sold. They're sold on Amazon. They're sold on eBay. They're sold on all these different websites, which is not illegal. And you're taking -- you're purchasing that.

So I didn't know that it was a suppressor. Otherwise, I would not have -- I would have avoided this whole situation.

MEMBER LARA: Okay. Presumably one buys a fuel filter to filter fuel.

Meaning there will be some medium by which particulate or contaminants will be extracted from said fuel.

So I'm not going to deny that it's high-flow, there's no baffling in this and there's an expression in Latin, caveat emptor, which means "buyer beware."

I imagine that with as much background as you have -- or purport to have in mechanics, that you would recognize that this item would not function as a fuel filter because it has no medium by which to filter fuel.

Can you explain that to me?

LUKE WALDEN: No. I believed it can because it showed -- I don't have the documentation, because I

didn't take pictures of it. I didn't know I was going to get in trouble for buying a fuel filter.

But it -- on the -- on the website, it showed filtration, it showed it hooked up to a car with a -- with a line going from the -- from the fuel line from the back, from the gas tank, up.

So based on the subject, I didn't look for the filament, which is the item that traps the debris, because it showed everything in the -- in the -- on the website.

And based on what I was understanding when they did the Board of Rights they tried to pull the link up from the website to use it in their investigation and they couldn't find it because it had been taken down.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Detective Walden, were you being honest when you pled guilty or no contest to attempting to purchase an assault rifle? An assault weapon?

LUKE WALDEN: As far as honest how? Because that was the charge that they offered. So I wasn't trying to buy an assault weapon, but that's the charge that they gave me for the plea deal.

CHAIRPERSON DUDLEY: Okay. That was the one they offered.

LUKE WALDEN: Yeah.

CHAIRPERSON DUDLEY: And that was the one you pled guilty or no contest to.

LUKE WALDEN: Yes.

CHAIRPERSON DUDLEY: And when you did that, were you being honest?

LUKE WALDEN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Thank you.

Ms. Crawford.

MEMBER CRAWFORD: So reading your report, you sound like you were a car enthusiast. And --

LUKE WALDEN: Yes.

MEMBER CRAWFORD: And given your background and being a mechanic and an officer of the law, one of the things that kind of caught me, and it was an "aha" moment, was how many guns that you owned in the house.

So answer this question.

As LAPD, if you were to come into my home and I owned -- what was it 54 guns, and rifles. That wouldn't be a little bit alarming?

LUKE WALDEN: No, ma'am. I know that it -- in today's society based on -- that people are afraid of guns.

I was raised around guns. I fired my first firearm at five years old. My family was raised on a farm. So

for me guns is kind of like having a hammer.

The intention is not there to run around murdering people.

It -- I shoot competitively. I have for years. Under IDPA.

As far as the amount of guns, I worked -- when I did work the gun unit, we did have a lot of people who owned guns.

Now a lot of the guns I owned, they're worth thousands and thousands of dollars. So they're -- it's like an investment. And I buy them. I sell them.

Of the guns that I owned, half of them were not mine. And when I say that they weren't originally mine.

My brother died in '96 in a car accident. And some of them were his. And then some of them were my father's, so I inherited them either from my father or from my brother, who passed away.

So most of the -- a bulk of them, maybe two-thirds of them, were originally not mine.

But because of registration and following the law and all the -- Senate Bills, I uphold the law and basically registered them to me so that they would be in safekeeping, because I was working in law enforcement. There are locked up in safes so that no one has access to them. Not even my kids.

If I go recreational, we take safety and take the kids and go through the safety rules and go shooting as -- you know, at the local range.

MEMBER CRAWFORD: Mr. Walden, you said something that was very interesting.

Being in law enforcement, you wanted to follow the law.

I work formerly for the Department of Defense. And knowingly, if I purchased something or had something in my house that could give pause or question to -- you didn't -- did you report that to your senior leadership?

LUKE WALDEN: Report what?

MEMBER CRAWFORD: That you were buying these items that --

LUKE WALDEN: No --

MEMBER CRAWFORD: You're an expert. You're an expert.

LUKE WALDEN: No, I'm not an expert in suppressors.

MEMBER CRAWFORD: You are not, okay.

LUKE WALDEN: I know that the POST has tried to frame it that way. But, no, I've never dealt with a suppressor. I've never seen one in real life.

Based on my -- as far as how they come apart, how they work, I've had no formal training.

When it comes to suppressors, I have -- based on

what I did, I would buy a fuel filter for my car. I never got it. I bought another one. And then all of a sudden I was under investigation.

If it had come and I found out that it was in this suppressor type form, I would have booked it into evidence and told them.

CHAIRPERSON DUDLEY: Okay. Thank you. Thank you, Detective Walden.

Anything else? Any other questions?

MEMBER CLAVO: I have two.

CHAIRPERSON DUDLEY: Yes, Dr. Clavo.

MEMBER CLAVO: The first one is for Mr. Imboden.

I want to make sure I heard you. I think -- I believe it was you and not Mr. Walden that stated that the fuel filter that was ordered was listed under a name that is known by gun enthusiasts or individuals who are purchasing illegal silencers and is known to be listed under the name in which the fuel -- fuel filter was purchased; is that correct? Did I make sense?

MR. IMBODEN: That's correct. The code -- the term "Napa 4003" is known amongst the gun enthusiasts as a code word for "silencer."

MEMBER CLAVO: Mr. Walden, did I understand that you said you are currently working back as a police officer for the last year and a half?

LUKE WALDEN: Yes.

MEMBER CLAVO: I lied. I have a third question.

So with that, you were doing research on silencers on a work computer prior -- two days prior, I believe, to receiving, or being arrested, or being notified that you had received silencers in the mail.

LUKE WALDEN: No. That's incorrect.

MEMBER CLAVO: Okay.

MS. RENTERIA: Two days prior to him purchasing the item, the silencer, he had been researching the Napa 4003 inline fuel filters, as well as threaded barrels.

Mr. Walden claimed that he was doing that for work-related purposes, based on FBI informants, information that they had received.

So from POST's perspective it demonstrates knowledge of the item that he was purchasing, because he had spent so much time researching those items, by his own admission, and then bought the item he was in fact researching.

MEMBER CLAVO: Thank you. That was the clarity I was seeking. Appreciate that.

CHAIRPERSON DUDLEY: And just so I'm clear on this, was he saying that he was researching filters? Or suppressors?

MS. RENTERIA: He said he was researching

suppressors, silencers, for an illegal firearm sales that they were investigating.

Those silencers were being marketed as Napa 4003 fuel filters or solvent traps.

CHAIRPERSON DUDLEY: Thank you.

Anything else?

Yes, Mr. Johnson?

MEMBER JOHNSON: For Mr. Walden.

LUKE WALDEN: Yes, sir.

MEMBER JOHNSON: The question I have is, has others bought this particular so-called fuel filter that you was confused on and made complaints?

Or did you make a complaint that this particular suppressor would not work as a fuel filter?

LUKE WALDEN: As far as people buying it and using it, I don't know.

I know that based on what was told to me that there were 13 fuel filters recovered that they believe to be silencers. And I was the only one charged, as far as the District Attorney's Office.

MEMBER CRAWFORD: So there were others is what you're implying?

LUKE WALDEN: Yeah. And they -- based on what I was told by the -- because I had -- in our FBI unit, we had members of HSI and Homeland Security and they do all

the checks on what comes in and out of the searches.

They basically told me that, generally, they send a letter to the person and say, hey, you can't own this.

And they said that they have thousands of those things coming in.

CHAIRPERSON DUDLEY: Okay. Thank you.

Yes, Ms. Clavo. Pena.

MEMBER PENA: Mr. Walden, I have a few questions for you.

What type of car was it that you were seeking to buy a filter for?

LUKE WALDEN: A 1985 Celica GT hatchback.

MEMBER PENA: What kind again? I'm sorry.

LUKE WALDEN: It's all right. Okay. It's a 1985 Toyota Celica.

MEMBER PENA: Okay. Is it running?

LUKE WALDEN: Right now it's been disassembled. So I took all of the -- the fuel system out. And I'm currently taking the engine out so that I can put a larger or better running engine in. Because the engine in there is old and I need to put a new bigger -- bigger engine in.

MEMBER PENA: Okay. So that's -- that's the car that you were attempting to order a filter for?

LUKE WALDEN: Yes.

MEMBER PENA: You said you subsequently ordered another filter when you didn't receive the first one; is that right?

LUKE WALDEN: Yes, ma'am.

MEMBER PENA: Did you install that filter?

LUKE WALDEN: No, because I was told I was under investigation. And then I was sent home. And I didn't have the money to work on the project.

MEMBER PENA: Okay. How soon after ordering the first filter that was intercepted by the Border Patrol, did you order the second filter?

LUKE WALDEN: I think April, so -- about four months. So the first one didn't come, which I assumed it got stolen.

And we were working the murder cases, so I was never home. I hadn't -- I was working seven days a week doing surveillance.

And so I realized, hey, that part never came. Because suspension pieces came, shocks came, brakes came, which was all being put together. And I realized that the fuel filter wasn't here. So I --

MEMBER PENA: Did you --

LUKE WALDEN: -- went on Amazon and ordered a new one.

MEMBER PENA: Did you know at that point that you

were under investigation?

LUKE WALDEN: No, ma'am. I wasn't told -- so I got a notice -- I ordered it in, I believe, August. I got an email from Internal Affairs, because it was masked, in September. Like middle of August is when it showed up. September I was told I was under investigation. I still wasn't told what for.

I had to get legal counsel.

Once I got legal counsel, it was like maybe the end of September, November, somewhere around there, where they told -- you know, IA told the -- my counsel. Then we set up an interview. And that was done over the phone I think in January.

I can't remember the exact dates.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Yes. Okay. So Mr. Johnson, then Mr. Lara.

MEMBER JOHNSON: On that first fuel filter that you never received, did you make a complaint to Amazon?

Or is there some documentation that you have that you never received the first item you ordered? If --

LUKE WALDEN: No. So the -- I never received it. I was working -- I was working 15 hour days for -- every day. So I never received it.

Once I realized it was there, to me it was like --

I thought it was 20 bucks. But guess it was 45 bucks. I didn't remember the price.

So I figured it had got stolen. I went looking for the website. I couldn't remember how to find it.

So I said I'm going to go on Amazon and order my -- that part and I'll just eat the 20 bucks. Which, I thought -- the whole time I thought it was 20 bucks.

CHAIRPERSON DUDLEY: In the past when Amazon did not deliver items to you, did you complain and seek to get your money back?

LUKE WALDEN: In the past, I've had front bumpers for 300 bucks and I haven't gotten it. So sometimes I complain, sometimes I figure someone steals it. Sometimes there's no recourse if you don't do it within a certain time period.

This company, the website --

CHAIRPERSON DUDLEY: Okay. Thank you. Mr. Lara.

MEMBER LARA: Mr. Johnson asked the first question I was going to ask, which was have you requested a refund or filed a complaint?

But out of curiosity, why didn't you order the same filter you had previously ordered?

LUKE WALDEN: Why didn't I order the same -- it was a universal fuel filter. That's what I ordered on the first one. It never came.

The second one, I ordered a universal fuel filter and that came.

That's how it was -- that's how it was sold on the internet. It was a universal, high-flow fuel filter.

I ordered the first one, never came.

I went looking for the same thing on the Amazon, that one, they had a different versions and I wanted a more compact one so it wouldn't get swiped off the bottom of the car. And so I found the other one, which is the one that I purchased.

It's very similar in dimensions, as far as length, I believe.

CHAIRPERSON DUDLEY: I think I lost track.

When you got the second one, did you install it?

LUKE WALDEN: No. That was asked before.

CHAIRPERSON DUDLEY: Why didn't you install it?

LUKE WALDEN: Oh, because I had taken the whole car apart. I took the whole fuel system. I had to put a bigger -- I was putting in larger fuel pump to put the fuel through the fuel filter. So I bought all the fuel --

CHAIRPERSON DUDLEY: I'm sorry. I don't know much about cars. So just if you could give me a simple answer to this.

LUKE WALDEN: Okay.

CHAIRPERSON DUDLEY: You purchased a filter --

LUKE WALDEN: Yes.

CHAIRPERSON DUDLEY: -- that didn't come.

LUKE WALDEN: Right.

CHAIRPERSON DUDLEY: And then you purchased a filter that had the same name that did come. And --

LUKE WALDEN: Yes.

CHAIRPERSON DUDLEY: I'm asking if you attempted to install the second filter with the same name as the one that didn't come?

LUKE WALDEN: I attempted to install it? No, I did not, because that's when I was made aware -- like maybe a couple months later. Because we were still working a lot, I just didn't have the time to work on the project.

CHAIRPERSON DUDLEY: Okay. Thank you.

LUKE WALDEN: So I was ordering the entire fuel system.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else?

MEMBER CLAVO: One more question.

CHAIRPERSON DUDLEY: Go ahead, Dr. Clavo.

MEMBER CLAVO: I'm not going to say one more. I might have several.

So it was my understanding that the initial fuel filter was purchased through PayPal. I believe one of

my fellow members here asked about filing a complaint.

I know with PayPal, because I'm a internet shopper, I have disputed many things that I've received or did not receive.

So did you -- and PayPal's pretty good about giving you your money back when you don't receive an item or it's the wrong item or you don't get it in time.

Did you -- and they usually have the purchaser's information listed there where you can send an email, because they ask you to send an email to the seller first.

LUKE WALDEN: Right. Right.

MEMBER CLAVO: Prior to them taking action.

Did you do any of those things?

LUKE WALDEN: No, because the website was down when I went to go look for the thing. So it wasn't -- it didn't work anymore, the link.

MEMBER CLAVO: The PayPal website was down or the --

LUKE WALDEN: No, no --

MEMBER CLAVO: Or the seller's website?

LUKE WALDEN: Seller's.

MEMBER CLAVO: Okay. I'm going to ask this question again. Maybe I didn't say it clear.

So when you go on to PayPal, if you have a PayPal

account and you log into your PayPal account it has all the purchases you bought through PayPal or through the original websites.

LUKE WALDEN: Right.

MEMBER CLAVO: And so when you go on there, and you hit the item that you purchased, you're able to say whether or not you received it, if you have an issue, whether it didn't come timely, whether it's the wrong thing.

And then you can dispute that purchase through PayPal. And PayPal's pretty good at crediting you your money back to your account.

So did you do any of those things?

LUKE WALDEN: No.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Anything else?

MEMBER CLAVO: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Any other Board Member?

Okay. Thank you, Detective Walden. You can hang --

MS. RENTERIA: I'm sorry, ma'am, if I may, just for the record, clarify two things or respond to two items from Mr. Marrache?

CHAIRPERSON DUDLEY: Do you need Detective Walden on the phone for that?

MS. RENTERIA: I do not.

CHAIRPERSON DUDLEY: Okay. Anything else, Detective Walden?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you, Detective Walden.

Please go ahead.

MS. RENTERIA: I just wanted to respond to two statements that were made by Mr. Marrache, Mr. Walden's representative.

With regard to POST jurisdiction he had made a comment that the LAPD had not pursued a dishonesty charge and so therefore he questioned POST's ability to also do that.

I just wanted to clarify that POST, the Board and the Commission, are not bound by the decisions of the law enforcement agencies.

So therefore, LAPD's decision not to pursue a dishonesty charge has no bearing on whether or not POST can do so.

And then secondarily, he also seemed to, in the same vein, also make a statement that because the -- our claim of the dishonest conduct occurred before January 1st, 2022, that it was beyond POST's ability to hear that.

However, dishonesty is one of the categories of misconduct that POST can consider prior to January 1st, 2022. I just wanted to clarify that for the record.

CHAIRPERSON DUDLEY: Thank you. Those are helpful clarifications.

Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to take a vote or recommendation of the case?

MEMBER CLAVO: We'll go into deliberation, I think.

CHAIRPERSON DUDLEY: Okay. So here we go.

(Time noted: 1:49 P.M.)

---o0o---

(Closed session was held:
1:55 P.M. to 2:07 P.M.)

---o0o---

(Time noted: 2:11 P.M.)

CHAIRPERSON DUDLEY: Okay. Are we all set?

We will now reconvene in the regular session to take a vote on the Board's recommendation in the matter of case POST2306324, Luke Baxter Walden, who at the time of the events at issue in this case was employed with the Los Angeles Police Department.

What comments does the Board have on this matter?

Okay. I have a few comments.

In listening to my fellow Board Members, it seemed critical to all of us that someone who has a badge and has authority and has the authority to arrest, has the authority to use potential great bodily injury, it's so important that that person be honest.

And what seemed very important to all of you was that law enforcement officials throughout California and our country be honest.

And that was what I heard over and over again from this Board.

Does anybody want to dispute that? Or add to that?

MEMBER CRAWFORD: I would like to add that just as you said, as law officials, we, as a people, expect for you to be there to protect and serve. And when we come across -- or the public comes or the community comes across an officer who seems dishonest, overzealous, it's a recipe, sometimes, for disaster.

And so I would like to make a motion if it's okay with my Board Members.

CHAIRPERSON DUDLEY: Please.

MEMBER GLASER: May I just add one more comment. So just to sort of close this circle here, in this particular case, I think it -- Mr. Walden's arguments just strained credulity, that he would have -- had been

researching suppressors and then within a few days order one. And that he had intended to order something else entirely. That just -- the probability of that occurring by chance is so vanishingly small that it -- that it seems like it can't be true.

And hence, there -- him having denied that raises an honesty issue, which is, as we say, so important to law enforcement.

CHAIRPERSON DUDLEY: Thank you. Anybody else want to make a comment?

MEMBER JOHNSON: I think --

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

In regards to that honesty, we definitely made it clear to ourselves, the Board that is, that though LA, Department of Police, didn't charge him or see any dishonesty, that wasn't the issue with us. It was the fact that he was dishonest.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else before a motion is made?

Okay. You wanted to make a motion?

MEMBER CRAWFORD: Regina Crawford. And I would like to make a motion to decertify Mr. Walden.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER LARA: I second.

CHAIRPERSON DUDLEY: Okay. Thank you.
Okay. We need roll call, please.
MR. KNAPP: Yes, Madam Chair. Thank you.
Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Clavo, aye.
Crawford.
MEMBER CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's seven ayes, motion passes.

CHAIRPERSON DUDLEY: Thank you.

As this was the last item on the agenda for today, let me just ask, I hate for any of you to leave if there was anything unsaid.

Do any of the members of the Board have any additional comments before we adjourn for the day?

Dr. Glaser.

MEMBER GLASER: I would like to thank the staff of the Division for the excellent data presentation earlier and the progress that you've made in producing useful, valuable data for our consumption and for the public consumption. Thank you.

CHAIRPERSON DUDLEY: Yeah, I would second that motion.

MEMBER CRAWFORD: I third.

CHAIRPERSON DUDLEY: Anything else?

(No response.)

CHAIRPERSON DUDLEY: Okay. So seeing nothing additional, I will need a motion to amend.

MEMBER CLAVO: I make a motion to adjourn.

CHAIRPERSON DUDLEY: Thank you. Thank you.

MEMBER CRAWFORD: Second.

CHAIRPERSON DUDLEY: Thank you.

And the meeting is then adjourned. I don't think we need a roll call on that.

And we will reconvene tomorrow at 9:00 A.M. And to review the last two cases.

Thank you very much.

(Proceedings concluded at 2:13 P.M.)

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CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Connie J. Parchman, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of July 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137

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