POST COMMISSION

December 3, 2025
AGENDA
9:00 AM

Meeting Location: Commission on POST - 860 Stillwater Road, West Sacramento, CA 95605

The Commission on Peace Officer Standards and Training (Commission) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Commission publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Commission Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Commission's jurisdiction. The Commission cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Members of the public who wish to participate during public comment may do so in person by attending the meeting or by submitting written public comment.

Written public comments are intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comments will not be accepted or distributed to the Commission. To be considered for inclusion in the meeting record, written comments must be received by POST no later than 10 a.m. on the fourth business day (11/25/25) before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to commissionpc@post.ca.gov.

Persons requesting disability-related accommodations or modifications may do so by contacting the Commission assistant at (916) 227-3909 (voice), commissionpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations.

Please note: this meeting and all public meetings will be recorded. No weapons are allowed on the premises during public meetings.

CALL TO ORDER AND WELCOME

COMMISSION MEMBERS

Alan Barcelona
Ingrid Braun
Rick Braziel - Vice Chair
Jim Cooper
Justin Doering
Charles Duggan
P. Lamont Ewell
Kelly Gordon
Jacob Johnson
Geoff Long - Chair
Dr. Michael Moodian
Shannan Moon
Tina Nieto
Freddie Rodriguez
Benjamin Therriault
Stephen Woolery- Ex-Officio
Vacant (Elected County Official)
Vacant (Sergeant or Below)

FLAG SALUTE

MOMENT OF SILENCE HONORING THE OFFICERS WHO LOST THEIR LIVES IN THE LINE OF DUTY SINCE THE LAST MEETING

- Officer Ray Barrantes, Chowchilla Police Department - EOW October 03, 2025
- Officer Lauren Craven, La Mesa Police Department - EOW October 20, 2025
- Deputy Andrew Nuñez, San Bernardino County Sheriff's Department - EOW October 27, 2025
- Officer Alec Sanders, Alhambra Police Department - EOW November 20, 2025

OPENING REMARKS

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, POST LEGAL COUNSEL, AND THE EXECUTIVE DIRECTOR

The Commission Chair will introduce the POST Advisory Committee Chair, POST Legal Counsel, and the Executive Director.

PUBLIC COMMENT

The Commission Chair will advise the audience of the following:

This is the time on the agenda for public comment. This time is set aside for members of the public to comment on either items on the Commission agenda or issues not on the agenda but pertaining to POST Commission business. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak are asked to limit their remarks to no more

than three minutes each. Please be advised the Commission cannot take action on items not on the agenda.

EXECUTIVE DIRECTOR COMMENTS

The Commission Chair will introduce POST Executive Director, Manny Alvarez.

1. **APPROVAL OF TRANSCRIPTS AND ACTION SUMMARY**

   Approval of the Transcripts and Action Summary from the previous Commission meeting held on September 09 -10, 2025 in Huntington, CA.

   1a. Meeting Transcripts - September 09 - 10, 2025, Huntington Beach, CA

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting Transcripts from the last Commission meetings.

   1b. Action Summary - September 09, 2025, Huntington Beach, CA

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting Action Summary from the last Commission meeting.

2. **CONSENT**

   2a. Report on POST Reimbursable Program - New Agency - Victor Valley Union High School District Police Department Dispatch

   The Victor Valley Union High School District Police Department has entered into the POST Reimbursable Program for its dispatchers effective October 8, 2025.

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

   2b. Report on Course Certification Statistics

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

   2c. Report on Update to K-9 Guidelines

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

   2d. Report on Update on Child Safety Guidelines

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

   2e. Report on Wandering Guidelines

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

   2f. Report on the Status of Out of State Officers

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

   2g. Report on the Status of the PC 832 Firearms Pilot - Agency Survey

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

2h. Report on Tribal Police Pilot Program (AB 134)

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

2i. Report on Status Update Regarding Proposed Changes to Commission Regulation 1005

This report is presented for information and discussion only.

2j. Report on the Quality Assessment Program

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

2k. Report on Certification/Decertification Update

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

2l. Report on Contract Expenditures Year-to-Date for Fiscal Year 2025-2026

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

2m. Report on Expenditures Year-to-Date for Fiscal Year 2025-2026

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

2n. Report on Legislative Update

This is a legislative report with bills of interest from the 2025 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

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

3. **BASIC TRAINING BUREAU**

3a. Report on Amendment to Commission Regulation 1005 - Timeline Adjustment to Basic Course Waiver Step 3

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed amendments to Commission Regulation 1005 timelines for Basic Course Waiver Step 3 as described in the staff report.

3b. Report on Amendment to Commission Regulation 1004 - Reserve Field Training Officer Exemption

If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments to Commission Regulation 1004 which creates an exemption request option permitting Level I Reserve Officers who meet specific criteria to serve as Field Training Officers.

4. **MANAGEMENT COUNSELING AND PROJECTS BUREAU**

4a. Report on the Adoption of Regulation 1022 - Determination of Bias

If the Commission concurs, the appropriate action would be a **MOTION** to approve the adoption of Regulation 1022 - Determination of Bias as approved by the Commission during the September 2025 meeting.

5. **STRATEGIC COMMUNICATIONS AND RESEARCH BUREAU**

5a. Report on Proposal to Revise Regulation 1953 to Include Transferability of Peace Officer Background Investigation Files Between Agencies and to Update the Education Requirement for Consistency with Recent Legislative Changes

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes as described in the staff report.

6. **TRAINING PROGRAM SERVICES BUREAU**

6a. Report on Proposed Changes to Commission Regulations Regarding Instructor Conduct

If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments as described in the staff report.

7. **PEACE OFFICER STANDARDS ACCOUNTIBILITY DIVISION**

7a. Report on Proposed Adoption of Commission Regulation 1216 - Disciplinary Guidelines - Revisions to Previously Approved Proposed Text

Should the Commission approve the additional revisions to the proposed text of Commission Regulation 1216 to correct statutory references and the accompanying Disciplinary Guidelines as factors for consideration of penalty related to peace officer certification actions to provide clarity related to aggravating and mitigating circumstances and Standard Term number six?

If the Commission concurs, the appropriate action would be a **MOTION** to approve the Disciplinary Guidelines as as proposed in the staff report.

7b. Final Decision / Status of Settlement Discussions - POST2302971 - Gabriel Mercado Gaxiola (POST ID B49-S96)

If the Commission concurs, the appropriate action would be a **MOTION** to adopt the settlement terms as described in the staff report.

8. **COMMITTEE REPORTS**

9. **CORRESPONDENCE**

The following was sent from POST:

9a. Correspondence Sent by POST

The following correspondence was sent from POST to:

- Jeffrey Palmer, Chief, Chowchilla Police Department, expressing deep sympathy over the tragic on-duty death of Officer Ray Barrantes.
- Ray Sweeney, Chief, La Mesa Police Department, expressing deep sympathy over the tragic on-duty death of Officer Lauren Craven.
- Shannon Dicus, Sheriff - Coroner, San Bernardino County Sheriff's Department, expressing deep sympathy over the tragic on-duty death of Deputy Andrew Nuñez.

- Garrett Kennedy, Chief, Alhambra Police Department, expressing deep sympathy over the tragic on-duty death of Officer Alec Sanders.

10. **OLD BUSINESS**

11. **NEW BUSINESS**

11a. New Advisory Committee Member Appointment

Request to appoint Support Services Manager Rebekah Biedermann, La Verne Police Department to the POST Advisory Committee, as a representative for Contemporary Public Safety Dispatcher. If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Rebekah Biedermann.

11b. Report on Selection of Commission Vice Chair

California Penal Code 13501 requires the Commission to annually select a vice chair from among its members. The vice chair shall be selected during the meeting on December 03, 2025.

12. **FUTURE COMMISSION DATES**

Upcoming Commission Meetings will be held:

- March 04 - 05, 2026 - San Diego, CA
- June 03 - 04, 2026 - West Sacramento, CA
- September 16 - 17, 2026 - Tentative, Southern CA
- December 02 - 03, 2026 - West Sacramento

13. **CLOSED SESSION**

Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code section 11126(e)(1), the Commission hereby provides public notice that the following pending litigation matters may be considered and acted upon, as necessary and appropriate, in closed session.

1. Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951.
2. Mikkel Libarle v. POST, Sacramento Superior Court, Case No. 25WM000011.
3. SPB Employee Appeal, SPB Case No. 25-1389.
4. Joshua Paul Enea, Office of Administrative Hearings, OAH No. 2025010955.

Conference with Legal Counsel - Existing/Potential Litigation: Pursuant to Government Code section 11126(e)(1) and (2), the Commission hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code section 11126(e)(2)(B)(ii) and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see Government Code section 11126(e)(2)(B)(i)], or, based on existing facts and circumstances, if it has decided to initiate or is deciding to initiate litigation [see Government Code section 11126(e)(2)(C)],

or, if in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is litigation, or significant exposure to litigation, against the state body [see Government Code section 11126(e)(2)(B)(i)].

14. **CASE REVIEW OF RECOMMENDATIONS MADE BY THE PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD**

The Commission will review the recommendations made by the Peace Officer Standards Accountability Advisory Board from the last Board Hearing held on Month Day, Year in West Sacramento, CA.

14a. POST2306324 - Luke Baxter Walden (POST ID: A95-T18) Last employing Agency: Los Angeles Police Department (Current)

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

14b. POST2410050 - Michael Kim (POST ID: A63-W93) Last Employing Agency: San Francisco Sheriff's Office (Current)

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

14c. POST2402562 - Armando R. Montalvo (POST ID: C89-U13) Last Employing Agency: Orange County Sherriff's Department (Current)

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

determination in writing.

15. **CLOSED SESSION**

ADJOURNMENT

AGENDA ITEM REPORT

Title: MEETING TRANSCRIPTS - SEPTEMBER 09 - 10, 2025, HUNTINGTON BEACH, CA

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/30/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting Transcripts from the last Commission meetings.

ATTACHMENT(S):

2025 09-10 POST Commission Final - Day2_Accessible.pdf

2025 09-09 POST Commission Final - Day1_Accessible.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

SERIOUS MISCONDUCT HEARING

WEDNESDAY, SEPTEMBER 10, 2025

9:07 A.M.

MEETING HELD

AT GOLDEN WEST COLLEGE

REGIONAL CRIMINAL JUSTICE TRAINING CENTER

MULTIPURPOSE ROOM

15744 GOLDENWEST STREET

HUNTINGTON BEACH, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

INGRID BRAUN
Sheriff
Mono County Sheriff's Office

JIM COOPER
Sheriff
Sacramento County Sheriff's Office

JUSTIN DOERING
Senior Deputy Sheriff
Ventura County

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

JACOB "JAKE" JOHNSON
Officer
California Highway Patrol

SHANNAN MOON
Sheriff
Nevada County Sheriff's Office

TINA NIETO
Sheriff
Monterey County Sheriff's Office

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

POST COMMISSIONERS PRESENT

FREDDIE RODRIGUEZ
Public Member
Speaker of Assembly

BENJAMIN THERRIAULT
Sergeant
Richmond Police Department

STEPHEN WOOLERY
Ex-Officio
Rob Bonta, Attorney General
Department of Justice

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POST COMMISSION LEGAL COUNSEL

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

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POST COMMISSION STAFF

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

WILLIAM DARDEN
Chief Counsel
Legal Affairs Bureau

SCOTT BALAND
Law Enforcement Consultant
Professional Conduct Northern Bureau

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

POST COMMISSION STAFF

BRANDY ESSEX
Staff Services Analyst
Executive Office

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

WILLIAM IMBODEN
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

CHANDLER KNAPP
Associate Governmental Program Analyst
Executive Office

PAUL NANFITO
Law Enforcement Consultant
Professional Conduct Southern Bureau

SIMONE RENTERIA
Attorney IV
Legal Affairs Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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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

JARED BRITTAIN
POST ID C63-Z34

KYLIE COLEMAN
Counsel for Jared Brittain
POST ID C63-Z34

YUSEF MILLER
North County Equity and Justice Coalition
Saving Lives in Custody California
Public Speaker

ROBERT SASEK
POST ID C81-Z88

LESLIE WILCOX
Counsel for Luke Baxter Walden
POST ID A95-T18

TASHA WILLIAMSON
Public Speaker

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Wednesday, September 10, 2025, 9:07 a.m.

Huntington Beach, California

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CHAIRPERSON LONG: We will largely dispense with yesterday's formalities since this is a continuation of yesterday's hearing, really.

Good morning, everyone. I'm Geoff Long, Chair of the POST Commission.

The date is September 10th, 2025. It is 9:05 and the meeting is called to order.

We are on the record.

Mr. Knapp, would you please call the roll.

MR. KNAPP: Good morning, Commissioners. Thank you, Mr. Chair.

Barcelona.

COMMISSIONER BARCELONA: Here.

MR. KNAPP: Braun.

COMMISSIONER BRAUN: Here.

MR. KNAPP: Braziel.

COMMISSIONER BRAZIEL: Here.

MR. KNAPP: Cooper.

COMMISSIONER COOPER: Here.

MR. KNAPP: Doering.

COMMISSIONER DOERING: Here.

MR. KNAPP: Ewell.

(No response.)
MR. KNAPP: Gordon.
COMMISSIONER GORDON: Here.
MR. KNAPP: Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Long.
CHAIRPERSON LONG: Here.
MR. KNAPP: Moon.
COMMISSIONER MOON: Here.
MR. KNAPP: Nieto.
COMMISSIONER NIETO: Here.
MR. KNAPP: Rodriguez.
COMMISSIONER RODRIGUEZ: Here.
MR. KNAPP: Therriault.
COMMISSIONER THERRIAULT: Here.
MR. KNAPP: Woolery.
(No response.)
MR. KNAPP: Mr. Chair, 12 commissioners present.
CHAIRPERSON LONG: Thank you very much.
By way of introductions, on my left is Commission Counsel, Deputy Attorney General Chris Beatty, Christopher Beatty; and on my right is POST Executive Director Manny Alvarez.
Now we will move to public comment. This is the time set aside for members of the public to comment on

items not on the agenda but under Commission jurisdiction.

Public comment on the revocation cases to be heard today will be taken at the time of each individual case. Pursuant to Commission policy, the Commission Chair will manage the public comment period in deference to the Commission's workload and meeting time constraints.

Up to 15 minutes is allotted at the beginning of each Commission meeting for public comment. Members of the public who wish to speak are asked to limit their remarks to three minutes.

Please be advised the Commission cannot take action on items not on the agenda.

Also note, since this is kind of a revocation hearing today, if you have a specific complaint about an officer is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. And staff will help you during the next break.

And please do not discuss any pending complaints or disciplinary actions that may come before the Board or the Commission in the future. This is necessary, of course, to comply with the law and to avoid compromising cases.

Is anyone -- Ms. Williamson is here.

Good morning.

MS. WILLIAMSON: Good morning. Good morning, everyone. Thank you for allowing me to speak again.

I do have a couple of things. We did have an officer who recently committed suicide in San Diego.

And we actually were creating legislation that we hope we can get to you, Manny, to look over that. It is in regards to law enforcement agencies not complying with Senate laws: Senate Bill 1421, Senate Bill 16, and Senate Bill 2.

We are trying to establish civil fines for these violations to force agencies to comply with the law, because, as community members, we are forced to comply with the law or we are held accountable; agencies are not.

And so I won't go into detail, but, in short, it is in regards to fining civil penalties for each day of record is withheld in each county -- each day is a separate count of that violation. Any officer, supervisor, or custodian knowingly violating these laws would also sustain a civil penalty. And anyone who covers up, destroys, falsifies, or conceals required records, retaliates against anyone, refusing to participate or coerces others to do so, is a misdemeanor up to one year in county jail and $25,000 fine.

And so this is something that we are going to be

pushing around the state of California, because we want what you do to have meaning. We want what you do to be adhered to by all law enforcement agencies across the state. And we want them to be held accountable when they do not.

For instance, in San Diego, the unfortunate incident that happened, this officer -- not only he was high risk, but none of his cases went before the Commission. They were not given to you within ten days. He was not monitored either.

And so these are things that -- and I won't get into detail but these are things that are a great concern. We will have another push for legislation for high risk officers for there to also be a high risk system under the DOJ, because we cannot trust that law enforcement agencies, who conceal their offices' conduct, will make sure that the officers are okay as well.

We do not want officers to commit suicide. We want officers to be okay. And we want high risk officers to be monitored and make sure that they have the resources. And so that would be another legislation that we push as well.

Thank you.

CHAIRPERSON LONG: Thank you, Ms. Williamson.

Again, thank you for taking the time to be with us today.

Good morning, sir.

MR. MILLER: Good morning. My name is Yusef Miller. I'm with the North County Equity and Justice Coalition, Saving Lives in Custody California.

And when it comes to decertification and the actions of -- of law enforcement officers, for example, police officers who do not provide lifesaving aid to a person who has been subdued in their custody, I think it should be immediate -- as we all believe, it should be immediate and right away.

And we have cases like Christian DeArman where that is not happening and didn't happen. And we want that to be looked into further and consider the -- the enforcement of rendering immediate aid even if they have been shot by law enforcement.

The second part I want to talk about is the sheriff's department. In San Diego County, there was a woman -- there was a call for a woman in the -- in a body of water up to her face level, submerged into a body of water.

And a deputy comes by and just looks, doesn't do a real search.

And this is being -- being looked into. It was

just recently last month. A month ago.

And in -- they didn't do anything. The deputy just left. And as the person tried to call back, they were bullied to not call back again over this quote/unquote transient person. Her name was Irma Perez. So this quote/unquote transient person is alive and she is in the water.

Two, three days pass. And because he was bullied, he didn't call anymore. He didn't even look over there.

On the Friday, he called -- he first saw her on a Tuesday. On a Friday, he walks by. His dogs alert him that there's still something in the water. He tries to pull her out of the water. She has ants in her face and her mouth and she's moaning. She's still alive.

He pulls her out. He can't pull out too far. He's a veteran, like myself. And he -- his back injury wouldn't allow him.

So he called 911. They finally come and they take her to the hospital on that Friday. She's still alive.

Then on Saturday -- then Sunday she dies. This death could have been prevented. The Irma -- I'm sorry. Irma Perez left behind three children all below the age of 21. This could have been prevented, and these are the kind of things that hopefully come before your Board and that you could see and properly judge.

Thank you.

CHAIRPERSON LONG: Thank you, sir. Thank you for taking the time to appear before us today.

For the record, we'll note that Mr. Woolery is here.

COMMISSIONER WOOLERY: Through Long Beach traffic.

CHAIRPERSON LONG: Through Long Beach traffic.

Is there anybody else who would like to address the Commission at this point?

(No response.)

CHAIRPERSON LONG: No one on the line.

We'll begin then with case -- case review of recommendations made by the Peace Officers Standards Accountability Advisory Board. We have three cases to hear today.

As always, we will only consider the facts and evidence as presented by the Peace Officer Standards Accountability Division and the recommendation of the Peace Officer Standards Accountability Advisory Board.

This is not an evidentiary hearing. The rules of evidence do not apply. Evidence is not formally admitted into the record. And there is no need to make objections, and objections will not be ruled upon.

Under the Penal Code and applicable state regs, this hearing will only determine if the matter proceeds

a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

So today, the Commission will entertain arguments as to whether or not the facts, as presented by the Division, demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and reg 1205, occurred. Such a finding simply results in the matter being moved forward.

No actions by the Commission prior to a full evidentiary hearing amount to a final determination that an officer engaged in serious misconduct.

For our first case today, Law Enforcement Consultant William Imboden, Professional Conduct LA County Bureau, and Attorney Simone Renteria with the POST Legal Affairs Bureau, will report on Case 2306324, Luke Baxter Walden, who at the time of events at issue in this case was employed by the LAPD.

The vote of the Peace Officer Standards Accountability Advisory Board to revoke certification was unanimous.

MR. IMBODEN: Good morning.

CHAIRPERSON LONG: Good morning. Welcome to you both.

MR. IMBODEN: Good morning, Mr. Chairman, Members

of the Commission.

My name is William Imboden, and I'm one of the law enforcement consultants assigned to the Southern California Professional Conduct Bureau. I'm here with respect to the case of POST versus Officer Luke Walden of the Los Angeles Police Department. With me today is Simone Renteria, an attorney with our Legal Affairs Bureau.

In this case, the Division found reasonable grounds to believe that Respondent engaged in serious misconduct in violation of Penal Code section 13510.8(b)(1), alleging the respondent was dishonest during the investigation into allegations of serious misconduct; and Penal Code section 13510.8(a) -- subsection (b)(6), alleging that Respondent committed acts that violate the law, when he purchased a firearm silencer in violation of California Penal Code section 33410, a felony; and federal law, under section 27 CFR 447.21, and 27 CFR 447.52; as well as the National Firearms Act, which is USC Title 26, section 5844.

In the Division's Investigative Summary and Findings recommended Respondent's POST certification be suspended or revoked in accordance with the requirements of Senate Bill 2.

And as required by Penal Code section

13510.85(a)(4), this matter was heard by the Peace Officer Standards Accountability Advisory Board on July 16th, 2025.

Following the conclusion of that hearing, the Board voted to recommend the revocation of Respondent's certification. The Division asks you to adopt that recommendation today.

As required by Penal Code section 13510.85(a)(5), the record of that proceeding is before you, which includes the agenda and attachments from that meeting, a transcript of the relevant portions of the hearing, and the recommendation of the Board.

If the matter was heard in closed session by the Board, Commission counsel will be able to advise you with respect to those proceedings.

The law requires your review to be of that record before the Board, which is before you, and which you have had an opportunity to review.

To assist you in your review of the record, I will take you through the case as presented there.

As the record shows, I presented the case before the Board substantially as follows:

Respondent began his career with Los Angeles Police Department on July 6, 1998. On October 7th, 2012, Respondent was promoted to the rank of detective. And

on June 15th, 2014, was promoted to the rank of supervisor. On June 5th, 2022, Respondent was demoted back to the rank of detective.

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

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

On October -- sorry, April 22nd, 2021, U.S. Customs and 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 the 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 (6-inch 1/2-inch to -28-black spiral P0171289910)."

1/2-inch to 28 and 5/8ths to 24, as will be mentioned throughout this presentation, refers to thread size and count. For example, 1/2-inch diameter shaft with 28 threads per inch.

Upon learning the respondent was a current LAPD officer, the investigation was turned over to the Los Angeles Police Department 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, please.

His report described the items as having the following characteristics:

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 two volume into eight chambers, which are open to the central channel. The first area is larger and 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.

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 had 40 -- 54 registered firearms, many of which were compatible with a 1/2-inch, 28-thread barrel size.

The 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 both "silencer," "fuel filter," "solvent trap," "China," "threaded barrel," and others.

The audit revealed that during the 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 Respondent searched websites that advertises the sale of, quote, "fuel filters." The search focused on filters that had an inner thread size of 1/2 to 28, converted to an outer thread size of 5/8th 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 website Respondent visited and that advertised the sale of fuel filters and inspected the item that the Customs and Border Patrol Protection seized.

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It was his opinion, based on the dimensions of the item Respondent searched -- researched, that none of them were consistent with any fuel filter for a vehicle, and the item seized could not be used as a fuel filter 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 filter contains a pleated paper element or other filtering 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 .3 milliliters.

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The Bureau of Alcohol, Tobacco, and Firearms issued law enforcement bulletins in April of 2017 and October

of 2019. These bulletins advise that devices that are specifically manufactured as firearms silencers were being marketed as online -- or 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 17, 2021, at 0821 hours, a transaction was completed for $45.96 for the purchase of a, quote, "Napa 4003 WIX 24003 1/2 to 28, 5/8ths to 24 fuel filter aluminum solvent trap, 1/2 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's Office filed one count of Penal Code section 664 and 33410, attempted possession of a silencer, a felony.

On March 29, 2023, the 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 33410, a felony.

This conduct occurred despite his extensive firearms training through POST, in-service training, and on-the-job exposure to firearm crimes both generally and as part of LAPD'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 under USC Title 26, section 5844.

Respondent is an experienced peace officer with almost 27 years in the LAPD. And in his position as an LAPD officer, Respondent was not only charged generally with getting illegal guns off the street, but had been a 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 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 that 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 fuel filter. He later ordered another fuel filter through Amazon.com, which he did receive. And looking at them comparison -- in comparison, they look nothing alike.

Respondent denied he ordered or attempted -- sorry. The Respondent denied ordering or attempting to obtain a firearm silencer despite the sized -- the seized 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 the respondent owned.

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Additionally, the exact same type and size of item are listed on ATF training documents to help law

enforcement recognize illegal firearm silencers.

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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 the searches he conducted. And his internet searches ceased two days prior to the seized item being purchased using the respondent's personal PayPal account.

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LAPD sustained the allegation of attempting to possess a firearm silencer and referred Respondent to a Board of Rights with a recommendation from 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 a 1985 Toyota Celica. However, the item seized would not only fit a -- not only not fit a 1985 Toyota Celica, but it would also be useless as a fuel filter because it had no filtering properties.

At the Board of Rights hearing, LAPD criminalist

Biraimah stated that Napa -- quote, "'Napa 4003' is a code word for suppressors known to firearm buyers."

After examining the seized item, he determined it was a firearm suppressor compatible with a number of firearms. And after examining the list of firearms possessed by Respondent, Mr. Biraimah found a number of them could be used with the silencer if modified with a threaded barrel.

Respondent's supervisor, LAPD Lieutenant Bixler, testified at the Board of Rights hearing that one of Respondent's jobs responsibilities was to identify the suppressors that 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, quote, "attempted to obtain a firearm silencer."

The facts I have just recited support the Division's finding that Respondent was involved in serious misconduct, specifically dishonesty and acts that violates 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 is a high probability that that 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 recommended -- recommendation is based on the following:

Clear and convincing evidence exists to show Respondent purposely 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 the respondent's general duty to uphold the law and is, in fact, the exact type of crime Respondent was charged with preventing as a part of the specialty unit he was assigned to.

The blatant dismissal of the law alone is egregious enough to warrant revocation of Respondent's peace officer certification. But in addition to violating the law he was sworn to uphold, Respondent lied repeatedly to IA and to his -- or 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 trusted -- entrusted to truthfully, honestly, and ethically uphold the law

as -- or respect the rights of members of public.

Following my presentation to the Board and as documented in the transcripts before you, the following public comments were made by the officer's representative:

Respondent's representative stated dishonesty was not an allegation investigated by LAPD.

The respondent's representative stated the investigation by LAPD was, quote, "masked," meaning he was not made aware of the allegation during the investigation and did not find out about it until September 14th, 2021.

Respondent stated he only accepted a plea agreement in the criminal proceedings because of the financial hardships of criminal defense.

Respondent stated his POST firearms training record is for firearms qualification and has nothing to do with firearms expertise.

Respondent stated he was only assigned to the, quote, gun squad for one year, not three.

Respondent stated he had never had any training regarding firearms suppressors.

Respondent stated he did not possess any firearms with threaded barrels.

Respondent stated he believes POST's conclusions

with reference to the Peace Officer Standards Accountability Division were reaching.

And Respondent stated his Board of Rights deemed him okay to return to work.

Members of the board raised questions related to the following matters, which prompted discussion between the parties present:

Did the respondent take a plea deal in the criminal matter?

Did the respondent order the item that was seized?

As a self-proclaimed auto mechanic, how did the respondent expect the item he ordered to filter fuel when it had no filtering medium?

Did respondent research silencers and suppressors up to -- up until two days prior to placing the online order?

Were there other online customers who purchased the same fuel filter as Respondent, and were there any complaints from other customers?

Did Respondent -- did Respondent make a complaint to the company that his filter did not arrive?

Did the respondent attempt to get a refund through PayPal for the fuel filter that never arrived?

What type of vehicle was Respondent rebuilding that he needed a fuel filter for?

The Board then went into closed session. And when they returned from -- into open session, the Board voted unanimously to revoke Respondent's peace officer certification.

This concludes my presentation today. So with that, I'm happy to answer any questions the Commission may have.

CHAIRPERSON LONG: Thank you, Mr. Imboden.

Are there any questions from Commission, or comments?

Commissioner Gordon.

COMMISSIONER GORDON: Just a question based on review of the documents.

In there it gives the Board of Rights rationale and refers to testimony of his supervisor.

Did you have the opportunity to review that testimony of what training his supervisor said he did, in fact, receive?

MR. IMBODEN: I was not given the opportunity to review the Board of Rights rationale prior to completing the ISF or making presentation to the Board. We received it, I believe, the day of or the day before the board meeting.

MS. RENTERIA: And then also, the Division tried several times to get copies of transcripts from the

Board of Rights, and we were not successful in doing so.

COMMISSIONER DOERING: Commissioner Doering.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: Just to clarify, the recommendation to the Board of Rights was for a termination and that recommendation was not upheld; and the Board of Rights did not issue a termination finding, correct?

MR. IMBODEN: Correct. They unanimously found him guilty of the charge brought but decided termination was too harsh.

CHAIRPERSON LONG: Commissioner Therriault.

COMMISSIONER THERRIAULT: Commissioner Therriault. Thank you.

Reviewing the transcript, it doesn't appear that -- and maybe this is the issue with the paperwork. But it doesn't appear that the dishonesty was brought forth by the Board of Rights? Or is that inaccurate?

MR. IMBODEN: That's correct.

The LAPD did not bring dishonesty allegations against the respondent, so the Board of Rights did not review that.

MEMBER JOHNSON: Mr. Chair.

CHAIRPERSON LONG: Commissioner Johnson.

MEMBER JOHNSON: There's a little bit of confusion.

There's -- as you stated that there was -- you didn't have access to the full rationale of the findings of the Board of Rights, and that was on page 23 of 26 of your investigation where it quotes, "Detective Walden maintained he intended to purchase a high-performance fuel filter. Walden explained he's a car enthusiast, rebuilds cars, has a number of pending incomplete projects," quote.

And then Board of Rights rationale findings. Page 2, line 20 through 24.

So the question is, in a prior -- it's maybe five pages. It says, hey, we didn't have access to the rationale of the Board of Rights. So my question is where does it come on page 23 where POST had access to a portion of the Board of Rights and it is a not incomplete --

MS. RENTERIA: There were -- I'm sorry for interrupting you.

COMMISSIONER JOHNSON: Thank you.

MS. RENTERIA: So there was actually two documents or two rationale orders or findings from the Board of Rights.

The first one was a guilt phase. That rationale, POST did have access to.

There was a second document that was purely the

penalty. So the penalty phase had its own rationale.

And so POST had the determination on guilt rationale, but we did not yet have the determination on the penalty.

And that's what we didn't get until the day before.

MEMBER JOHNSON: Okay. I understand.

Thank you.

CHAIRPERSON LONG: Any questions or comments?

(No response.)

CHAIRPERSON LONG: At this point, does the subject officer and/or their counsel wish to speak?

Hello. If so, you will have five minutes. Please remember, the Commission will only consider facts as presented by the Division today and will not consider additional facts or defenses at this time.

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

Welcome.

MS. WILCOX: Good morning. My name is Leslie Wilcox.

I'm a panel attorney for the Los Angeles Police Protective League. And I'm now representing Detective

Luke Walden.

He would like to express his apologies to you today. He was just placed injured on duty and, due to the medication, is at home and in pain and cannot even join us by video conference. But he originally intended to be here again, in case you had additional questions as the Advisory Board did.

What I would like the Commission to consider is that it seems to me that this is a little bit of an unusual situation for POST in that, as mentioned by Mr. Imboden, the department nor the Board of Rights alleged or addressed any allegations of dishonesty. That only came up in the review by the Division here.

I -- so that is just unusual in and of itself.

Some of you are aware of the thoroughness of LAPD's Internal Affairs systems. And if there is an inkling that an officer or employee has been intentionally false or intentionally misleading investigators, then they don't have any problem making that allegation and asking the officer to answer for that. So it is unusual to me that that has occurred in this particular case, where there's been no allegation of dishonesty until it reaches the POST review.

I just heard the discussion that POST was not provided with a penalty rationale, which is also

confusing to me.

But in reading the Division's investigation and report, it mentions more than once that there was no reason given by the Board of Rights as to why they chose to reinstate Detective Walden with a 30-day suspension as opposed to a termination.

And so I would just like to point out that it sounds like there -- there is a rationale. I mean, I know that there is and I have seen it. But if POST doesn't have it, then I can't tell you about it today.

But I think that that is part of the problem with this particular case. It feels as if a lot of assumptions are being made that the Board did not give any sort of rationale for penalty, and we have no way of knowing why they chose to reduce the recommendation from termination to 30 days, and that is just simply not true. Just because POST doesn't have it doesn't mean it didn't happen.

You do have information in the report that Detective Walden specifically stated to Internal Affairs that he would not jeopardize his 24-year career at the time and his FBI clearance on doing something that he knew to be illegal.

You also, as the POST Commission, are mandated when you are considering whether or not revocation or

suspension is appropriate in a case, that you have to consider the officers, or detective in this case, is their prior conduct, as well as their prior discipline history and their service record in making that decision.

And you will see in the report from the Division that in his 24-year career, he didn't have any prior sustained discipline. And he had 155 commendations from both the public and his department.

There's another assumption in the report that I think is worth pointing out is that Detective Walden purchased the second fuel filter. The first one didn't arrive. The second fuel filter was purchased.

I think the way it reads is well after Detective Walden knew he was under Internal Affairs investigation. And apparently it came up at the Advisory Board committee meeting that that allegation or this investigation was masked. I don't know if that was explained. But, in essence, it would mean that Detective Walden was unaware at all that he was under investigation prior to that time.

So that is another assumption that I believe lowers the probability that this would meet the standard of clear and convincing evidence, if that's sort of where a lot of this reliance is on that he was taking these

particular actions to order the second fuel filter because he knew he was under investigation. That's eventually going to be shown that that part isn't true.

And I think that that, additionally with the -- with the other assumptions that are being made really will make it difficult to show that this meets the standard for clear and convincing evidence or that it is a high probability that -- specifically for the dishonesty that has been added.

But additionally, I would note that for the Commission of the crime that was originally charged as a felony, it did get reduced to a misdemeanor. And normally, at least so far in the limited experience that we have with all of this, that holds weight with POST if a felony has been reduced to a misdemeanor in regards to the immediate or temporary suspension or even if action is later taken.

At the end of the day, Detective Walden is asking for POST to consider suspension instead of revocation. That is all he's asking for.

You do have a sustained finding from the Board. There is a rationale out there about why they chose to give him 30 days instead of terminating him. I am a little concerned that that wasn't given by the department. I don't really know where that fell

through. I do think that is important for the Commission to consider.

Just checking my notes.

And just another note on the dishonesty part, which is concerning to me.

My understanding in general, just in this line of work and also I believe the way POST operates and -- just as a standard of a denial of an allegation is typically not later phrased or framed as dishonesty or a false statement or misleading.

Most people are going to deny an allegation if they believe it is not true, depending on how it is phrased or framed to them and depending on the actions that were actually taken.

I am concerned with the recommendation for revocation on a dishonesty charge that came about this way, with the evidence that POST has in front of it.

And so I hope that the Commission will pause to consider that or take that into account in its recommendation or its decision on whether or not to follow the Advisory Board's and the Division's recommendation for revocation.

I do believe that clear and convincing is a fairly high standard in an administrative proceeding like this. And I just think with the assumptions and the lack of

information that you have, you are not there yet. And I think a suspension would be much more appropriate given that he was, in fact, found guilty by the Board and did, in fact, receive a suspension from them. That is something that Detective Walden would be willing to accept.

But he -- he is still working for LAPD, and revocation obviously would make that incredibly difficult for him, especially given his past record, which you are required to consider, and in this case is exemplary. And I hope that the Commission can take that into consideration when making your decision.

CHAIRPERSON LONG: Thank you, Ms. Wilcox.

Questions for Ms. Wilcox from the Commission. Comments?

Commissioner Johnson.

MEMBER JOHNSON: Ms. Wilcox, I'm sorry if I missed it in POST's document.

But can you or are you willing to share what the terms of the plea deal are? For example, probation? How long is it? What are the terms? Is it diversion?

MS. WILCOX: It has been expunged. It is gone entirely. I don't -- I don't -- I didn't represent him in that part. So I know that -- I believe it was a diversion, and then it was expunged and sealed. So it

no longer exists.

I mean, it exists for you guys. But it no longer exists for civilian purposes.

MEMBER JOHNSON: Can you remind me when the -- the -- the plea -- the date of the plea? So -- I can look back through here too but...

MS. WILCOX: I can -- I can check.

I received a lot of documentation. So give me just a second.

COMMISSIONER BRAZIEL: The ISR says -- ISF says September 29, 2023.

MS. WILCOX: For the original plea?

COMMISSIONER BRAZIEL: It is on page 23.

MS. WILCOX: And it's -- I -- I don't have the -- in front of me the documentation that it has since been expunged. But I know that that has happened. Typically, it would be within a year if it was a regular diversion.

MEMBER JOHNSON: Thank you. I got it.

MS. RENTERIA: If I may, to answer the first part of that question.

The conviction at the court level -- the plea agreement was based on a one-day in jail and a one-year probationary period.

MEMBER JOHNSON: I don't remember reading that.

Thank you.

CHAIRPERSON LONG: Additional questions? Comments?

(No response.)

CHAIRPERSON LONG: I will ask Mr. Imboden, just since this seems to be kind of a crux of the matter, can you address, from your perspective, why POST, you know, pursued dishonesty and LAPD did not?

MR. IMBODEN: Sure, Mr. Chair.

I don't know why LAPD chose not to. But from POST's perspective, the dishonesty section has to do with whether or not you were honest.

Did you provide misleading statements, self-serving statements, in an effort to mask or hide your behavior or -- or whatever you had done that was being investigated as serious misconduct. It doesn't have to be the underlying allegation that is being investigated.

If you -- and so when we read the IA and the letter of transmittal from LAPD, it was clear to us that the answers that he was giving to IA during his interviews, and then at the Board of Rights, was evasive, deceptive, intending to deceive the investigators and make them think that he had not done anything wrong.

And it is not a mere matter of denying that he tried to order the part, but it was the continued denial and other answers -- other -- other reasons why this

could have happened and why he wouldn't do what he did, as opposed to a straightforward answer that...

CHAIRPERSON LONG: Thank you.

Commissioner Gordon.

COMMISSIONER GORDON: So a follow-up on that question. Because you previously stated that you guys didn't actually have the transcripts from the Board of Rights.

So that -- the termination was made without actually reviewing the testimony given at the Board of Rights.

MR. IMBODEN: It was made without the transcript of the testimony, but we had -- the IA report refers to it, and we had the first rationale. I'm sorry. I was stuck on the word "rationale." We had the first rationale with the decision.

COMMISSIONER GORDON: Did, at any point in time, you interview Officer Walden to ask those clarifying questions?

MR. IMBODEN: I had a conversation with him briefly right after he was given the notice of the investigation by POST. It was not an interview because, at that point, I wasn't prepared to do an interview. He called me.

And then, no, there was no follow-up with him after

that, after the initial phone call to ask those clarifying questions. No.

COMMISSIONER DOERING: Commissioner Doering.

Just to follow up on the dishonesty, and to your question, Chair, was there any discussion from POST with IAB as far as why they did not pursue a dishonesty claim, based off of Counsel's recommendation or statements that they have pursued dishonesty in the past, if the investigators were able to share any insight as to why they felt it did or did not meet their criteria during that investigation?

MR. IMBODEN: When I spoke to the investigator -- I can't remember his title, but it's the person that presents at the Board of Rights. They have a title at LAPD. He's part of IA.

He told me that he didn't know why the IA didn't allege dishonesty, but when he went to the Board of Rights and represented, he was told by the -- by one of the members of the Board of Rights Board that they expected him to be dishonest at their hearing. And it was not a surprise to them and, therefore, there was no reason for them to act on it because they expected him to be that way.

This was coming from the board member, who is a practicing defense attorney, and that was their --

their -- of course, I'm getting this secondhand through the LAPD investigator.

But the reason that they were not offended by his dishonesty is because they expected him to be dishonest.

That was the answer I was given.

COMMISSIONER DOERING: Okay. Just -- so that was coming from third-hand info of -- not from the direct investigator. Just because it is a little confusing. If they were expecting it to be dishonest so they didn't pursue dishonesty because they were expecting dishonesty.

MR. IMBODEN: And that was my answer to the investigator. And that came directly from LAPD's investigator that presented the case at his Board of Rights. He was pulled aside after the Board, by this board member, and explained this answer.

COMMISSIONER DOERING: Thank you.

CHAIRPERSON LONG: Commissioner Braun.

COMMISSIONER BRAUN: Commissioner Braun.

In many cases that we receive, we get the Internal Affairs investigation. That was not included in this. Was there a reason that the Internal Affairs investigation itself was not included?

MR. IMBODEN: I don't have a specific reason why you weren't given the entire investigation other than if

we didn't think it was necessary to present the entire investigation, as opposed to the summaries or references to it.

COMMISSIONER MOON: Commissioner Moon.

I apologize if it is included. But I'm not familiar with the process in Los Angeles Police Department.

Going from a supervisor in 2014 back to detective in 2022, clearly there's no disciplinary action. Is there a reason -- was there a reason acknowledged why the detective went from supervisor to detective?

MR. IMBODEN: So in my report, I referenced the fact that he had no prior discipline related to this type of action that is being investigated by POST. That does not mean that he had no discipline in his LAPD record.

However, we weren't given that -- that discipline because it was not part of this investigation as related to this type of allegation. So he had some discipline for something that he had done prior.

COMMISSIONER MOON: Thank you.

COMMISSIONER GORDON: I actually want to ask a follow-up question on that.

CHAIRPERSON LONG: Commissioner Gordon. Gordon, only for the record.

COMMISSIONER GORDON: Only because I used to work at LAPD a long time ago.

But you can go from detective to sergeant, and it is not a demotion. You go a different testing process.

So I just want to clarify if that is what he did or if there was separate discipline related to that, because there are two separate tracks: You can go detective track, sergeant track, and then you --

COMMISSIONER NIETO: Or you can have dual track --

COMMISSIONER GORDON: Or you can have dual track.

COMMISSIONER NIETO: -- under LAPD. That's not a demotion. You can jump between if you tested for both.

MR. IMBODEN: My understanding is that he did not. He was still in investigations, and went from an investigative supervisor back to a detective without -- without the sergeant title.

COMMISSIONER NIETO: So LAPD --

CHAIRPERSON LONG: Commissioner Nieto.

Let's be clear to identify so we don't tie Kathy in knots here.

COMMISSIONER NIETO: Sorry. Commissioner Nieto.

So LAPD. You can have dual ranking. You have Detective I, II, and III. Detective II and III are supervisory ranks within the detective ranks.

Then you -- or you could be on the sergeant's side.

Again, it splits. And the sergeants are Sergeant I and II. Both Sergeant I and II are supervisory ranks. The only nonsupervisory rank on the detective side is the Detective I.

Do we know what level the detective he went to?

MR. IMBODEN: I actually don't know if he went from a II to a I or III to a II.

MS. WILCOX: Yeah. I don't know that either, unfortunately, for you. But I --

COMMISSIONER GORDON: I -- Commissioner Gordon.

Sometimes a II is you may -- because you want a particular assignment because that assignment interests you; you may choose to go from a DII assignment to a DI assignment if it is something that -- and I have seen that, where someone wants that assignment.

So I just want to be clear, you know, if we're going to say that it was discipline-related, that we know that it was, in fact, discipline-related. So I just think that could become a confusing factor in this hearing.

MR. IMBODEN: I think during his board -- during the board hearing, the respondent was present on the line and was giving answers. And at one point, he said, "I did get demoted," but he didn't elaborate on that.

CHAIRPERSON LONG: Further questions?

MS. RENTERIA: Mr. Chair, if I may just --

CHAIRPERSON LONG: Comment? Please.

MS. RENTERIA: -- to clarify the line of questioning with regard to the dishonesty and whether or not LAPD or the Board of Rights considered dishonesty charges, I just wanted to remind the Commission that POST is not bound by determinations or decisions made by either the Board of Rights hearing or law enforcement hiring agencies.

And that is part of Penal Code 13510.8(c)(6).

CHAIRPERSON LONG: Thank you, Ms. Renteria.

Any other questions at this point?

(No response.)

CHAIRPERSON LONG: Thank you, Ms. Wilcox.

MS. WILCOX: Thank you, all.

CHAIRPERSON LONG: Thank you very much.

Is anyone from the public here to comment on this particular case here?

Mr. Miller, you have three minutes. Please limit your comments to the facts before us today. Welcome.

MR. MILLER: Thank you. Yusef Miller. North County Equity and Justice Coalition, Saving Lives in Custody California.

And with this particular case, of course there's a mixture and a tangle of evidence and discussion about

the records and things like this, of this particular officer. Demotion or if he went from I to II or II to III or whatever. Those things are confusing, of course.

But, in general, talking about this particular case, it makes it difficult for a person who is a community member to know that there could be a officer who has tried to purchase a silencer.

The silencer, it's -- it is usually only purchased for people who are terrifying the community. For criminals, for assassins, for people who are trying to avoid detection from shooting the community -- shooting at the community.

And we see it most critical when it comes to school shootings, shootings -- just terroristic shootings, domestic shootings, in our country. So it is really alarming that someone who is legally armed to patrol a community would be engaged in purchasing a piece of equipment such as this.

The lying -- of course the -- for all law enforcement officers that this lying issue should be very critical. And we expect trust.

But when it comes to this particular item, this is an assassin's item and an assassin's tool. And I believe that we should take that part very seriously. And the idea that he has purchased it and seems to be

avoiding the facts of purchasing it, it should be really looked at for decertification.

I don't -- I don't mean suspension. I don't mean any of those things. I'm talking about whether we hire or dismiss an attempted assassin on the appearance of an attempted assassin.

So this -- this destroys the trust and the nature of which -- the nature of trust is important in law enforcement. It destroys and shatters, in my mind, the trust of law enforcement when these type of officers that are -- when we're sure they are convicted of this kind of purchase is still on the force.

Thank you.

CHAIRPERSON LONG: Thank you, sir.

Is Ms. Williamson coming forward?

MS. WILLIAMSON: Yes.

Commissioners, thank you for hearing these matters today.

The community deserves accountability, transparency, and the assurance that law enforcement officers who commit crimes or serious misconduct are permanently removed from positions of authority.

Senate Bill 2 was created for the purpose to decertify officers whose actions endanger the public, violate trust, and perpetrate systemic harm.

The following case clearly meets that standard.

Luke Baxter Walden, LAPD, purchased a silencer unlawfully; demonstrated dishonesty in connection with the incident; pled no contest to a misdemeanor; disciplined by LAPD; demoted from supervisor to detective; out of his own mouth, given a 30-day suspension.

Despite these violations, Walden still -- is still employed by LAPD.

I am Los Angeles-born and raised. And we will not sit here and pretend that LAPD does not have a long history of corruption and protecting officers who violate the law. We will not pretend that officers don't communicate among themselves when their peer friends are under investigation.

As the POST Commission, it does not matter what a law enforcement agency chooses to sustain or chooses to ignore. The evidence stands on its own.

In this case, it clearly shows that this officer conducted an online search for a silencer in China. Demonstrating intent and knowledge, he paid with his PayPal account. Accountability cannot be avoided simply because the agency failed to take the stronger action.

Luke Baxter Walden engaged in criminal conduct, violated the very law he was sworn to uphold, and

demonstrated dishonesty. Investigators discovered evidence on his own computer search history showing that he knowingly made this unlawful purchase. He is a weapons expert and absolutely knows the difference between a silencer and a fuel filter.

There's no excuse, no misunderstanding.

We find that law enforcement agencies and prosecutors routinely give officers who violate the law a break, reducing felonies to misdemeanors so they can keep their jobs, failing to place officers on the Brady list or handing down 30-day suspensions instead of terminating them. This is not what high standards look like.

Meanwhile, Black, Chicano, and Indigenous community members are dispassionately convicted of felonies for firearm-related offenses, including the purchase of silencers. These convictions follow them for life, while officers guilty of the same conduct are shielded from real accountability.

Worse, it is often these very officers who then use felony convictions as justification to pull community members out of their cars, throw them to the ground, and search their vehicles for a taillight.

From the community standpoint, it looks like only we are expected to live up to high standards of

following the law, while officers are exempt. That double standard destroys trust and further endangers our communities. Allowing him to remain in law enforcement sends a dangerous message to the community that officers can break the law without consequences.

I strongly recommend the POST Commission permanently decertify Luke Baxter Walden.

CHAIRPERSON LONG: Thank you, Ms. Williamson. As always, thank you for taking the time to be here.

Before we -- I'm guessing that -- unless there's a motion, I'm guessing that we may want to go into closed session.

I see a lot of nodding heads.

Question from Commissioner Braziel.

COMMISSIONER BRAZIEL: I have one question before we decide to do that.

So the documents that the Board of Rights provided you, prior to us coming here, but not within the packet, are items that are -- items like that, items like that, are those reviewable by an ALJ if we go to a hearing? Or are they limited to just what we made decisions on?

MS. RENTERIA: No. At the ALJ hearing, there will be an -- it is an evidentiary hearing, so people will be able to present evidence, including Mr. Walden.

COMMISSIONER BRAZIEL: So new evidence beyond what

we currently have in front of us.

MS. RENTERIA: Correct.

COMMISSIONER BRAZIEL: Thank you.

CHAIRPERSON LONG: I have a question before we go.

Ms. Wilcox, could you come forward for just one moment?

MS. WILCOX: Of course.

CHAIRPERSON LONG: I -- there seem to be circling around. You seem to make illusion at least to your offer of a suspension. I'm curious what you are referring to specifically.

I think maybe Commissioner Johnson was nibbling on those edges to get that response as well. What are you -- what are you, in this case, suggesting?

MS. WILCOX: What I said? Or what -- oh, yes.

CHAIRPERSON LONG: Yeah. I believe -- yeah.

MS. WILCOX: I meant in -- I guess as a proposed settlement agreement of some sort for suspension as opposed to revocation, which I know occurs occasionally if the facts present themselves.

CHAIRPERSON LONG: Right. Are you proposing -- were you -- I was curious as to whether you were actually proposing something. Or are you just referencing that -- your preference for a proposed suspension?

MS. WILCOX: As opposed to revocation, yes.
CHAIRPERSON LONG: Okay. That's as far as --
MS. WILCOX: Yes. Not any details on that. I would be happy to work that out with --
CHAIRPERSON LONG: All right. Thank you.
MS. WILCOX: -- Ms. Renteria.
CHAIRPERSON LONG: All right. Questions while Ms. Wilcox is there?
(No response.)
CHAIRPERSON LONG: All right. Why don't we adjourn then. We will adjourn to our little room.
And we are out of regular session. We'll be back shortly.
(Break taken in proceedings.)
---o0o---
(Closed session was held: 10:06 a.m. to 10:34 a.m.)
---o0o---
(Time noted 10:35 a.m.)
---o0o---
CHAIRPERSON LONG: We're back on the record.
Give everybody a moment to settle in.
I will look for nodding heads. But essentially what we decided to do is to not make a motion and send this matter back to the Board.

Sheriff Braun, would you like to comment, in terms of the specifics that the Commission is looking for and is -- would like to hear?

COMMISSIONER BRAUN: In closed session, we came to a unanimous consensus that we want further information, and we're sending this back for further investigation. We specifically would like to see the Internal Affairs investigation; the adjudication from Detective Walden's commanding officer; the Board of Rights transcript of the actual Board of Rights; the Board of Rights rationale for discipline; and if it is not answered in those questions, follow up with the Internal Affairs investigator or the adjudicator as to why dishonesty was not an allegation that was made.

CHAIRPERSON LONG: Yep. I believe that encapsulates everything we talked about.

Plenty of nodding heads.

Any other -- anybody that wishes to add to that? Any questions?

(No response.)

CHAIRPERSON LONG: If there are no questions, I don't believe a motion is necessary. We're simply -- the Commission is simply referring the matter back to the Board.

MR. IMBODEN: Mr. Chair.

CHAIRPERSON LONG: Yes. Mr. Imboden --

MR. IMBODEN: Just for clarity, when you say you want the adjudication from the officer's commanding officer, you are talking about the letter of transmittal.

COMMISSIONER BRAUN: Letter of transmittal.

MR. IMBODEN: Okay.

COMMISSIONER BRAUN: It is LAPD speak.

CHAIRPERSON LONG: Any questions from staff? Since, yes, we do mean this to go back of the POSAAB, to the Board.

Any questions, any clarity, being sought from any parties?

(No response.)

CHAIRPERSON LONG: All right. If not, we are finished, and we move to the second case.

Thank you, folks.

For our second case today, Law Enforcement Consultant Paul Nanfito and Attorney Carrie Woolley, from the Legal Affairs Bureau, will report on Case 2316745, Jared Brittain, who at the time of the events at issue in this case was employed with the Orange County Sheriff's Department.

As per the record, the vote of the Peace Officer Standards Accountability Advisory Board to revoke

certification was unanimous.

Mr. Nanfito.

MR. NANFITO: Good morning, Commission Chair and Commissioners. My name is Paul Nanfito, and I am a consultant with Law Enforcement Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

I'm here to present case number POST 2316745 involving Deputy Jared Nathaniel Brittain from the Orange County Sheriff's Department, hereinafter referred to as "the respondent."

Here with me today is Attorney Carrie Woolley, an attorney with the Division.

It is the Division's determination that clear and convincing evidence exists to demonstrate the respondent committed multiple acts of serious misconduct, as set forth in Penal Code section 13510.8, on multiple dates between June 1st, 2022, and October 5th, 2023.

Specifically, the Division has determined that the respondent committed the following acts of serious misconduct:

Dishonesty, Penal Code section 13510.8(b)(1), providing false statements to Internal Affairs investigators during four separate Internal Affairs investigations;

Acts that violate the law, Penal Code section 13510.8(b)(6), acts that are sufficiently egregious or repeated to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of the members of the public as determined by the Commission.

The respondent began his career with the Orange County Sheriff's Department on March 31st, 2017, as a trainee. And on November 8th, 2017, he was promoted to the position of deputy sheriff.

Respondent holds the following POST certification: Basic, intermediate, and advanced POST certificates.

The respondent has no prior disciplinary issues to discuss.

The Respondent was awarded the Orange County Sheriff's Department Medal of Courage. Previously in my testimony with the Board, I said Medal of Valor, but I believe the respondent corrected me. It is the Medal of Courage. The documents I received from the sheriff's office said Medal of Valor. For his response to a critical incident that occurred on August 23rd, 2023. This was an incident involving an active shooter who shot multiple people and engaged in a seven-minute gun battle with deputies from the sheriff's department.

The respondent was recognized for making the

courageous decision to form a team, climb a hill behind the suspect from a flank position.

And in the Division's Investigative Summary and Findings, it recommended revocation of Deputy Brittain's POST certification. In accordance with the requirements of Senate Bill 2, and as required by Penal Code section 13510.85(a)(4), this matter was heard by the Peace Officer Standards Accountability Advisory Board on July 17th, 2025.

Following the conclusion of that hearing, the Board voted to recommend revocation of Deputy Brittain's POST certification. The Division asks you to adopt that recommendation today.

As required by Penal Code section 13510.85(a)(5), the record of that proceeding is before you, which includes the agenda and attachments from the meeting, a transcript of relevant portions of the hearing, and the recommendation of the Board.

If the matter was heard in closed session by the Board, Commission counsel will be able to advise you with respect to those proceedings. The law requires your review to be of that record before the Board, which is before you, which you have had an opportunity to review.

To assist you in your review of that record, I will

take you through the case as presented there.

As the record shows, I presented the case before the Board substantially as follows:

This is a verbal presentation which I am providing from a prepared statement, which will be followed by a PowerPoint presentation. The PowerPoint will provide a visual representation of the timeline of events and some specific statements, which you will hear during the verbal presentation.

In summary, this case will cover two different Internal Affairs investigations, which included four interviews that took place over a 17-month period from June 1st, 2022, through October 5th, 2023.

On June 1st, 2022, the respondent was off-duty and was stopped by the California Highway Patrol. Prior to the traffic stop, the CHP officer made the following observations:

The driver of a black Ram 1500 pickup truck, driven by the respondent, was bumper-paced at approximately 104 miles per hour. He was also weaving dramatically left -- from left to right within the traffic lane, crossing over the lines on both sides of that lane.

The CHP officer initiated a traffic stop and contacted the driver who was identified as the respondent.

He identified himself as an off-duty peace officer and that he had multiple weapons in his vehicle.

The respondent had a firearm on his waist and had SWAT weapons inside the pickup.

On October 7th, 2022, the respondent pled guilty to two misdemeanor counts of driving under the influence of alcohol, and admitted to having a blood alcohol content of greater than .20, in the Orange County Superior Court.

As a result of this conviction, the Department of Motor Vehicles suspended the respondent's driver's license.

The DMV mailed the notice of this suspension, which was dated October 14th, 2022.

This suspension was effective from October 7, 2022, through April 7th, 2023.

The notice that was sent to the respondent's home address notifying him of that suspension was effective on October 28th, 2022.

The respondent was in court when he was advised by the court of a superior court document referred to as a "Declaration regarding Vehicle Code section 13550," which notified the respondent his driver's license had been confiscated at the time of his arrest and it had not been lawfully reissued.

It was signed by his attorney and was dated October 7th, 2022. And the respondent was present in court when that occurred.

The respondent did not notify his chain of command at the Stanton Substation of his driver's license suspension. He continued to work his regularly assigned patrol shift at that station.

During the week of December 20th, 2022, the respondent went to his mailbox and retrieved a notification from the DMV, which was dated October 14th, 2022.

The document was the DMV Order of Suspension, which reads, in part, "Your privilege to operate a motor vehicle has been suspended effective October 7th, 2022, and shall not be reinstated before April 7th, 2023."

The respondent acknowledged that it was this document which was the catalyst for him to respond to the DMV on December 20th, 2022, and obtain the restrictions on his license which would allow him to legally drive a motor vehicle.

On December 20th, the respondent went to the DMV office where he received and signed a DMV Verbal Notice of Actions. This document lists two separate license suspensions: One is effective on October 7th, 2022; and one is effective on October 28th, 2022.

By signing this document, the respondent was notified about both suspension and the length of those suspensions.

This date and these notifications are critically important because the respondent attended his first Internal Affairs interview the following day, on December 21st, 2022. This interview was the first inquiry into his DUI arrest by the Orange County Sheriff's Department Internal Affairs investigators.

Now I will provide you with some examples of statements made by the respondent, which have been determined to be dishonest:

During his interview, the IA investigator asked the respondent if his license was fully suspended at any time.

In response, he said, "For a period of -- I believe 30 days from the sentencing until I could get it restricted."

It is important to note that just a day before making this statement about a 30-day suspension, the respondent just received those restrictions on his license, allowing him to drive legally.

The document which brought him to the DMV that day stated his license has been suspended effective October 7th, 2022, and could not be fully reinstated

until April 7, 2023. On this day, he signed the DMV Verbal Notice of Actions, which notified him that his driver's license was fully suspended from October 7th until December 20th, 2022.

This is clearly not a suspension and there are not any documents which mention a 30-day suspension.

The IA investigator asked the respondent the following specific and direct question: He asked, "How did you get to work?"

The respondent said, "I had a friend drive me that I worked with, and I had a trainee in the car that I was working with."

The IA investigator asked the respondent, "So you had a trainee driving the whole time while you were doing your patrol work?"

The respondent said, "Yes, sir."

A review of traffic cameras within the city of Stanton, California, showed the respondent driving a black Ram 1500 on ten specific dates between October 7th, 2022, and November 7th, 2022.

The respondent's driver's license was fully suspended during this timeframe. Surveillance cameras at the Orange County Sheriff's Department Substation in Stanton, California, showed the respondent driving a black Ram 1500 pickup into the parking structure across

the street from the substation.

The respondent attended a follow-up administrative interview regarding the DUI arrest on February 15th, 2023.

This was another opportunity where the respondent could have been forthright and advise the investigator that he had been driving during the period of his suspension. Instead, he provided deceptive and dishonest statements. He also provided another affirmative answer to a question about his trainee driving him while at work, and that he had only received a 30-day suspended driver's license.

The following excerpt from this interview illustrates the continuing deception of the respondent.

The IA investigator asked the respondent, "You had a 30-day suspended license?"

To which he replied, "Yes, sir."

The IA investigator then specified, "And that was at the time of the conviction, so October 7th to November 7th?"

Respondent answered, "From what I recall, sir."

As previously noted, the respondent received DMV paperwork on December 20th, 2022, that clearly stated the length of his suspensions. These statements are simply not true.

The IA investigators focused on the time period between October 7th and November 7th, 2022. They did not focus their inquiry and evidence collection from November 8, 2022, through December 20th, 2022, because the respondent kept telling them his license was only suspended 30 days, from October 7th through November 7th, '22.

The respondent's deception resulted in a loss of traffic camera videos and photos as well as Stanton Substation surveillance photos during the Division's inquiry.

The IA investigator asked a clarifying question: "And I think you mentioned in the video you were getting a ride to and from work and you have a trainee."

The respondent, said, "Yes, sir."

On December 28th, 2022, officers from the Anaheim Police Department responded to a call from a citizen who reported finding a firearm in a black Ram 1500 pickup she had rented from a local car dealership on December 14th, 2022.

The reporting party told the officer that she was cleaning and checking the rental vehicle at her home with the intention of returning the vehicle on December 29th, 2022.

While checking the vehicle, she lifted the front

seat center armrest and discovered a firearm. The reporting party told the officers she had not noticed the firearm until she lifted the armrest, and she immediately called the police department.

The officer secured the firearm, a Glock 19, which was later determined to have a full magazine with 15 live rounds and one round in the chamber.

The Anaheim police officers ran the serial number of the firearm and determined that it belonged to the respondent.

It had not been reported missing or stolen.

Anaheim police officers contacted the respondent on December 28th, 2022, about the firearm and asked him if it was in his possession.

The respondent replied, "That's a good question." The respondent then told the officers he had not seen the firearm in a couple -- in a month or two and he did not report it as missing or stolen because he had not noticed it was missing.

On January 3rd, 2023, the Orange County Sheriff's Department initiated a second Internal Affairs investigation regarding the respondent's personal Glock firearm that was located inside a rental truck on December 28th, 2022.

It should be noted that the respondent returned the

Ram 1500 rental truck on December 13th, 2022. The next day, it was rented to another citizen in the city of Anaheim. This citizen drove this vehicle unaware that there was a loaded firearm beneath the center armrest for two weeks.

The respondent violated Penal Code section 251140(b) when he left his handgun unsecured in the rental vehicle. Under Penal Code section 25452, a peace officer shall, when leaving a handgun in an unattended vehicle, secure the handgun in a vehicle pursuant to Penal Code section 25140.

The respondent attended his first IA interview regarding the unsecured fire -- handgun on August 9th, 2023. This would be his third IA interview since December 21st, 2022. During this interview, the IA investigator asked some follow-up questions about the respondent's truthfulness during his first two administrative interviews.

The IA investigator had located traffic camera videos and pictures that showed the respondent driving a black Ram 1500 pickup in the city of Stanton and into the parking structure across from the Orange County Sheriff's Department Stanton Substation.

He also located surveillance photographs of the respondent walking into the Stanton Substation.

The IA investigator was aware of the previous IA regarding the DUI arrest.

These photographs are what led him to ask the respondent some follow-up questions about the respondent's truthfulness during the two IA interviews regarding the DUI arrest.

The respondent's answers to some of these questions continue to be deceptive and dishonest. During the interview, the IA investigator stated to the respondent, "I have you on camera driving to work."

The respondent said, "Yes, sir."

The IA investigator added, "In your rented truck during those days."

Again, the respondent said, "Yes, sir."

The IA investigator then asked the respondent very directly, "So when you say you were being driven to work, is that the truth, or were you driving yourself to work?"

The respondent said, "I drove myself to work, sir."

The IA investigator assigned to investigate the unsecured firearm scheduled a second interview with the respondent on October 5th, 2023. This would be the respondent's fourth interview over the course of approximately ten months.

The critical incident that I previously mentioned

occurred on August 23rd, 2023, which is after his third interview but before his fourth interview.

There were several statements the respondent made during his final interview, which were determined to be dishonest. Leading up to this interview, the IA investigator obtained body-worn camera footage showing the respondent driving a patrol car between October 7th and November 7th, 2022. His license was suspended during this time frame.

The investigator asked the respondent if he remembered stating, during interviews with the first IA investigator and later with him, that "your trainee drove your patrol car while you were at work."

The respondent said, "Yes, sir."

The IA investigator then asked, "Is there anything about that statement you would like to change?"

Respondent replied, "After you guys advised me of the dates in question, there may have been a day that I have driven, whether it was to move the patrol car or I may have driven on my own." He said, "I don't recall specifically what day that was."

During the respondent's fourth and final interview, he offered an explanation as to why he didn't answer completely about driving his suspension period.

Specifically, the respondent said, "I obviously

drove during work and I couldn't recall specifically when or if I did. And then thinking back into it, ultimately, I was confused on the dates. There's multiple suspension dates that I was given and the reason I gave the answer that I did."

The evidence shows that any confusion about suspension dates on the part of respondent was cleared up when the respondent went to the DMV on December 20th, 2022, where he received his Verbal Notice of Actions with the actual suspension dates, as well as receiving the Order of Suspension earlier that week.

At the respondent's request, he was interviewed by the Division on October 23rd, 2024. During this interview, he made the assertion that he was confused about the dates of his suspension and said the suspension may have been in effect later, in November 2022.

The respondent stated he was provided copies of DMV paperwork to show the different suspension dates that created his confusion.

The Division later received an email from the respondent's attorney stating he could not locate the DMV paperwork he referenced during this interview.

However, the respondent's attorney did provide the Division with a letter from Retired Orange County

Sheriff's Department Assistant Sheriff Steven Kea, which was presented at the respondent's Skelly hearing.

A copy of that letter is included as Attachment O in the ISF.

In the letter, Retired Assistant Sheriff Kea addressed several specific points of the respondent's interviews and argued that the respondent was not untruthful because he responded to the questions he was asked, which would -- did not directly ask him whether he ever drove to work or ever drove on patrol.

Not only does this representation of the respondent's answers misrepresent the evidence, but Retired Assistant Sheriff Kea's does not address the respondent's affirmative statement to investigators that his driver's license was suspended for 30 days from the date of his conviction.

Further, from the contents of this letter, it appears that Retired Assistant Sheriff Kea was unaware the respondent visited the DMV on December 20, 2022, the day before his first IA interview, and obtained a restricted license, which allowed him to drive legally to and from and in the course of employment.

The document received on this date clearly would have shown the retired assistant sheriff the dishonesty in the statements the respondent made on December 21st,

2022, and during subsequent interviews.

For these reason, the Division did not find Retired Assistant Sheriff Kea's letter persuasive.

Following the interview, the Division received DMV documents from the Orange County Sheriff's Department Internal Affairs Division. Specifically, the Division received a copy of the Order of Suspension dated October 14th, 2022, and the Verbal Notice of Actions dated December 20th, 2022.

Based on the dates of the suspension listed on these documents, the Division requested an addition -- additional documentation from Orange County Sheriff's Department.

The Division obtained body-worn camera footage, Respondent's patrol schedules, Respondent's time sheets, field training officer and trainee assignment schedules, and daily observation reports for two trainees.

All of the requested documents were from a time period from October 7th, 2022, through December 20th, 2022.

The preceding information was reviewed, which revealed the respondent drove a patrol car on many additional dates and during times when he was assigned a trainee.

This information revealed that a trainee was not

available frequently enough to be able to drive the respondent the whole time he was working his patrol shifts.

Based on this new information, the Division requested that the respondent participate in a second interview.

The interview took place on January 14th, 2025. During this interview, the Division reviewed with Respondent the Order of Suspension and the Verbal Notice of Actions.

The respondent was asked specifically how long his driver's license was suspended before obtaining the restrictions on his driver's license.

The respondent said, "Knowing what I know now, it was from 10/7 to 12/20, sir."

The Division then asked the respondent, "So that wasn't explained to you when you obtained this document, or you didn't deduce that from receiving this document on December 20th?"

In response, he said, "No, sir. Like I stated in the interviews, I was confused on the entire process. I had not received a DUI or dealt with a license suspension before, and my experience with it in the field is limited as well."

The documents that the Division reviewed with the

respondent were copies of the exact same documents he received on December 20th, 2022. Based on this, it is highly probable that he had the exact same knowledge about his suspensions on December 20th, 2022, and on December 21st, 2022, during his first IA interview.

The respondent was asked -- also asked about who had provided him rides to and from work.

He specifically mentioned Deputy Minero, a coworker from the Stanton Substation, who had provided him with rides to work.

Based on the information, the Division scheduled an interview with Deputy Minero on March 4th, 2025.

During this interview, Deputy Minero was asked if he had provided rides to work for the respondent during the time period his license was suspended.

His answers were initially vague, but eventually he described some ride-sharing the two would do for SWAT training.

At the end of the interview, Deputy Minero's attorney asked a clarifying question about whether Deputy Minero gave the respondent rides to the Stanton Substation "during the time you guys worked there together."

Deputy Minero responded, "Not that I can remember."

The Division obtained the patrol schedule and time

sheets for Deputy Minero. This information showed that Deputy Minero's schedule was considerably different than the respondent's, making it very improbable that he was even in a position to provide transportation to the respondent during the time period his license was suspended.

The facts I have just recited you support the Division's finding that Jared Nathaniel Brittain was involved in serious misconduct, specifically dishonesty and repeated and/or egregious acts that violate the law. The facts of this case clearly establish that the respondent was untruthful during four administrative interviews.

He had multiple opportunities to provide complete and truthful answers, but he chose not to.

The acts that violate the law include DUI, driving on a suspended license on multiple dates, and leaving an unsecured firearm in the vehicle.

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 Jared Nathaniel Brittain's POST certification be revoked.

Following my presentation to the Board, and as documented in the transcripts before you, public comments were made by Deputy Brittain and his counsel.

Members of the community addressed the Board and provided public comment. As documented in the transcripts, one community member telephoned in and provided remarks to the Board, which have been provided to the Commission.

After all remarks were heard, the Board then went into closed session. When the Board returned to open session, it voted unanimously to revoke the respondent's certification.

I will now present a PowerPoint presentation, which will provide a visual timeline of the events and information provided during this verbal presentation.

And on this first series -- this first slide, timeline of events, I do want to make notation of a error.

On the third slide, under October 14th, 2022, it talks about a suspension that -- from October 7th, 2022, to April 23rd, 2023. That is a typo. And that should read April 7th, 2023.

So as noted in my presentation, this all started on June 1st, 2022, when the respondent was arrested for DUI. And he had a BAC of .20 and was driving at

104 miles per hour.

He pled guilty to the DUI and admitted to the BAC of .20 on October 7th.

On October 14th is when DMV sent that Order of Suspension, which listed that -- the suspensions and both -- one was effective October 7, and was one effective October 28th.

Next slide, please.

This is an actual copy of the Order of Suspension. And you will note that the first sentence there, it says, "Your privilege to operate a motor vehicle is suspended effective October 7th, 2022, and shall not be reinstated before April 7th, 2023."

So this is a very clear statement. It is a very brief document, and it is very clear as to the length of that suspension.

Next slide, please.

So December 20th is that critically important date where the respondent went to DMV, and when he was there, he signed this Verbal Notice of Action. And it very clearly and succinctly lists the two suspension dates that are effective from 10/7/22 through December 20th, 2022; and December 28th [sic] through 12/20/2022.

On that date, he received restrictions that allowed him to legally drive his motor vehicle. And that time

period, from October 7th to December 20th, is 74 days.

Next slide, please.

On December 21st, after receiving the information previously mentioned, he responded to his first IA interview with the Orange County Sheriff's Department regarding his DUI arrest.

Next slide.

So -- and this is in the beginning of his interview where he, for the first time, states that he believed that it was a 30-day suspension at the time of sentencing.

I want to remind you that he just received the information the previous day that his suspension was effective from October 7th through December 20th.

He did receive his restrictions that allowed him to drive on December 20th, but he still could not obtain a full license until April 7th, 2023.

Next slide, please.

So this is still in the interview on December 20th, 21st, 2022. This is where he states that "I had a friend drive me that I worked with and I had a trainee in the car that I was working with."

And we obtained body-worn camera footage for a period from October 7th through December 20th, and it mentions that there were 18 times between that period

that he drove on a suspended license.

And I need to make another correction here.

The respondent only had a training with him -- that 4 should be a 7 of that 18 times. BWC footage shows the respondent driving on those days.

The Flock camera system that was obtained by the IA investigators showed the respondent driving on ten separate occasions between October 7th and November 7th, 2022.

And I want to point out again that because of his statements about a 30-day suspension, they did not obtain any Flock camera footage after November 7th.

Next slide, please.

And we're still talking about the interview on December 21st, 2022. And he was asked specific questions about a trainee -- or he provided a statement about a trainee driving the whole time "while you were working in patrol work."

He said, "Yes, sir."

Again, the BWC footage shows the respondent driving a patrol car 18 times between October 7th and December 20th, while his license -- the respondent had a trainee in the patrol car with him seven times of the 18 times. And on some of the dates that he had a trainee, he still drove the patrol car.

Next slide, please.

So on the 28th is when his firearm was located in the rental vehicle in Anaheim, California.

He -- he had that same vehicle until January 13th or, excuse me, December 13th. And when it was brought back to the dealership.

It was provided to him as a loner because his car went in the shop in September of 2022. He did not technically rent the vehicle.

On January 3rd, the Orange County Sheriff's Department approved a second IA in respect to the unsecured firearm.

This investigation was later expanded to include dishonesty during the first IA investigation involving the DUI arrest.

The respondent attended a second interview on February 15th, 2023, regarding the DUI arrest.

In this interview, he once again was asked about the length of his suspension. And his response was -- the investigator asked him if it was a 30-day suspended license.

And his response was, "From what I recall, yes, sir."

As we noted before, he clearly received the information. It was not a 30-day suspension and there

were no documents that ever mentioned a 30-day suspension.

And on December 20th is when he signed that Verbal Notice of action, which was clearly explained to him the length of his suspensions. And as again I previously stated, it was 74 days that it was suspended, fully suspended.

Next slide, please.

On August 9th, 2023, he attended his first IA regarding the unsecured firearm and the dishonesty.

Next slide.

The second IA investigator asked him questions about his truthfulness. He asked about who had been giving him rides to work. And his response was, "A mix of -- between friends and coworkers and relatives. My father some days and Deputy Minero." Again, he specifically names Deputy Minero.

Flock camera and external surveillance footage show the respondent driving to and from work on ten separate occasions from October 7th through November 7th, 2022. When we interviewed Deputy Minero on March 4th, Deputy Minero could not remember giving the respondent rides to and from work.

Next slide, please.

On October 5th was his fourth and final interview.

This was the interview regarding the unsecured firearm and dishonesty case.

Next slide.

Again, this -- the IA investigator asked him very specific questions. Asked him if he wanted to change his statement regarding driving his patrol car when it was suspended or if he had trainees in the car.

As I previously noted, his response was, "Yes, sir. Thinking back on it, there may have been a day that I have driven, whether it was to move the vehicle or driving on my own."

Again, BWC footage shows that he drove the patrol car 18 times, and seven of those times he had trainees in the car, and he did drive while he had trainees in the car as well.

Next slide.

On December 14th, 2023, the respondent was served a Notice of Intent to Dismiss. The dismissal was based on dishonesty, driving on a suspended license, including while on duty, violation of his court probation, and leaving an unsecured and loaded firearm in a rental vehicle.

Following the Skelly hearing on Octo- -- on January 18th, 2024, the Orange County Sheriff's Department entered into a last chance agreement which

resulted in the respondent's demotion and returned to a -- working in custody or the courts.

On September 12th, 2024, the Division mailed the respondent a letter of investigation.

At his request, on October 23rd, we interviewed him the first time.

On January 14th, 2025, the Division requested that he participate in a second interview.

Next slide.

The respondent was dishonest when he replied to the Division's question about whether a trainee drove the patrol car the entire time his license suspended with, "When I had a trainee in the vehicle, yes."

BWC footage shows the respondent driving a patrol car those 18 times and seven of those had a trainee. The rest was by himself.

Next slide, please.

During his interviews, Respondent repeatedly denied knowing the dates during which his license was suspended. Under Vehicle Code section 14601.2(a), a person shall not drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction, in violation of section 23152, if the person so driving has knowledge of the suspension or revocation. Knowledge of the suspension or revocation

of the driving privilege is conclusively presumed if mailed notice by the DMV pursuant to Vehicle Code section 13106.

Notice under Vehicle Code section 13106 establishes if the notice is mailed to the most recent address reported to the DMV. The respondent acknowledged during his January 14th, 2025, interview that the DMV, mailed notice of a suspension to his home address.

Next slide.

The unsecured firearm.

Under Penal Code section 25452, a peace officer must secure a handgun left in an unattended vehicle as required by Penal Code section 25140.

At this point, I would just like to remind you that the citizen who obtained this vehicle after the respondent drove that vehicle for two weeks, unaware that there was a loaded firearm in that vehicle.

And that concludes my presentation. And I will be happy to answer any questions that you have at this time.

CHAIRPERSON LONG: Thank you, Mr. Nanfito.

Questions from the Commission?

(No response.)

CHAIRPERSON LONG: Any comments?

(No response.)

CHAIRPERSON LONG: Then we will move at this time. Is there -- does the subject officer and/or their counsel wish to speak?

I believe so. You will have five minutes. Welcome.

Please remember, the Commission will only consider facts as presented by the Division today and will not consider additional facts or defenses at this time. The sole question before the Commission today is, if the facts offered by the Division today are proven at a later hearing, do those facts demonstrate a high probability that serious misconduct has occurred?

Welcome.

MS. COLEMAN: Good morning. Thank you for having me.

Can everyone hear me?

(No response.)

MS. COLEMAN: My name is Kylie Coleman, and I am with Ferrone Law Group, and I have the privilege of representing Deputy Jared Brittain in this POST appeal.

I want to start by thanking you for the opportunity to speak this morning.

Deputy Brittain is not here to make excuses. He is here to take responsibility for his mistakes. But responsibility should not mean losing everything he has

worked for.

In California, a DUI triggers two entirely separate proceedings that run at the same time: A DMV administrative action and a criminal court case. Each has its own rules, deadlines, and consequences, and they often overlap in ways that are difficult to track. Even as an attorney myself, I would retain specialized counsel to manage those difficult timelines.

The moment someone is arrested for a DUI, their physical driver's license is confiscated and replaced with a pink slip that acts as a 30-day temporary license. This is what occurred on June 1st for Deputy Brittain. And unless a DMV hearing is requested within a ten-day window, the suspension automatically begins when those 30 days expire. If a hearing is requested, the suspension date is delayed.

This is exactly what happened to Deputy Brittain here. His attorney requested a DMV hearing, which postponed the day of the administrative suspension. However, the criminal court case proceedings was moving forward on a separate track. And when he pled guilty on October 7th of 2022, the court suspension period began.

When he left court that day, the only paperwork he received listed his obligations: His probation, AA classes, community service, and a six-month alcohol

program; with no clear notice of the exact suspension dates.

The DMV ultimately issued two separate suspension notices: One effective October 7th of 2022; and another effective October 28th of 2022, both running concurrently. This overlapping dual-track system created legitimate confusion about the actual suspension period.

As noted, on December 20th of 2022, Deputy Brittain went to the DMV alone to obtain a physical license, believing his obligations were met. He was issued a restricted license on the spot. And his first Internal Affairs interview was the very next day, December 20th, 2022; before he had paperwork, before he fully understood the suspension period, and while he was battling depression, anxiety, and alcohol abuse.

Under stress and without complete information, he gave an inaccurate answer about the length of his suspension.

Deputy Brittain acknowledges he did not fully read or understand the DMV order when he finally opened it, and that instead of clarifying with his criminal attorney, he gave incomplete, incorrect answers in his interviews. This was misconduct which he admits and has learned from.

Afterward, his discipline attorney told him to answer only what was asked and not to volunteer information, warning him you will be fired.

In follow-up -- in later follow-up interviews, when investigators asked him to confront these dates, he stated in the initial interview -- he said, "Yes."

When directly confronted in the follow-up interviews before POST, he admitted he had driven with a suspended license and acknowledged that his prior statements were not truthful.

He admits that this was dishonest, not mere confusion, and he fully owns it.

Furthermore, the loner truck from the dealership was in no way obtained to conceal his driving status. It was provided to Deputy Brittain prior to the license suspension as a result of medical issues with his personal vehicle -- mechanical issues with his personal vehicle. This was not part of a calculated plan to deceive.

And regarding the gun that was found in the loner truck, no member of the public was harmed, thank goodness. And notice -- once he was notified by Anaheim PD, he immediately contacted his supervisor to report the incident. He has acknowledged this serious mistake and has taken corrective training on safe firearm

storage since.

In POST's evaluation factors, you, as the Commission, is being asked to weigh the following factors, circumstances, and harm. There's been no public harm. The impact was reputational to Deputy Brittain and internal to the agency.

Current employment status: Deputy Brittain was demoted and then repromoted to patrol. This reflects OCSD's confidence that -- in his rehabilitation and fitness to serve.

Prior conduct and service record: 12 years of honorable service, six as a marine, and six as a deputy, with the Medal of Courage, SWAT operator, FTO, Explorer advisor, firearms and academy instructor. And no prior misconduct and exemplary performance evaluations since this incident.

The time that has elapsed since the incident is three years have now passed, and, in that time, he has taken steps to maintain his sobriety. He completed counseling in AA, repromoted to patrol, and received positive evaluations.

Accountability and cooperation: He has taken accountability since the OCSD Skelly hearing and has cooperated with the POST interviews to show transparency.

Public interest and trust here: Retaining Deputy Brittain would be retaining an experienced, rehabilitated, compassionate officer, who would strengthen public trust by allowing him to mentor others facing similar challenges.

He was not driven by greed or malice, but his dishonesty stemmed from stress, emotional struggles, alcohol abuse, and misinformation/not being a proactive advocate for himself, all of which have now been addressed.

And here, Deputy Brittain has taken steps to maintain sobriety, complete the court-ordered and personal treatment, and years of positive patrol performance, making recurrence highly unlikely.

Commissioners, you have the opportunity to end a career today or to allow it to continue in a way that upholds public trust while honoring the possibility of redemption. We are asking you not to excuse the conduct; only to recognize that permanent decertification is disproportionate here.

Deputy Brittain is prepared to accept any reasonable conditions the Commission deems appropriate, whether that be a defined suspension period, probationary status, random alcohol training, or other random alcohol testing, excuse me, or other measures to

demonstrate his rehabilitation and rebuild the Commission's trust.

He stands before you humbled, reformed, and a proven deputy who has learned from his mistakes. So please give him a chance to serve the community he swore to protect.

Thank you for your time.

CHAIRPERSON LONG: Thank you.

Are there any questions for Ms. Coleman?

(No response.)

CHAIRPERSON LONG: Seeing none, thank you for Coleman.

MS. COLEMAN: Thank you.

CHAIRPERSON LONG: Thank you for your presentation.

Would anyone else like to address the Commission? Officer Brittain?

MR. BRITTAIN: Commissioners, good morning, and thank you for allowing me the opportunity to speak today.

I would like to begin by reaffirming the accountability that I expressed at the Advisory Board meeting.

I take full responsibility for my actions, and I do not intend to diminish the seriousness of my misconduct. As a peace officer, my dishonesty was a breach of

integrity and the most damaging offense in our profession.

Prior to this incident, I had never faced an investigation or disciplinary action. When questioned about driving during my suspension, I was nervous. And instead of following my gut instinct or my upbringing, I relied upon legal advice that I believed would navigate me through the process.

Looking back, I recognize I should have been forthright and transparent from the beginning. But, instead, I provided a partial truth, stating the others drove me, which is accurate but incomplete, as I left out that I had driven myself the majority of those days. I convinced myself that these statements were sufficient to address the questions that were being asked. But I now understand that omission is a form of deception and a complete failure of integrity.

When the evidence surfaced and I was confronted, I admitted the truth, but, by then, I had already lost the trust of my department.

At that time, I allowed my personal stress, emotional struggles, and a buildup of trauma from this profession to cloud my judgment; that contributed to my poor decision-making. However, I understand and acknowledge that none of these factors justify my

actions.

I should have addressed the issues directly instead of trying to ignore them, which only created more problems. My dishonesty reflected poorly on myself, my department, and the entire profession.

If judged solely by that moment, I understand why my certification might be questioned. But over the past three years, I worked hard to rebuild myself. I have stayed consistent in counseling, maintained sobriety, and surrounded myself with accountability partners who will call me out the second that I slip.

I have taken the hardest lessons of my actions and used them as a foundation to become stronger, more disciplined, and more reliable.

I have shown that my dishonesty is a terrible choice during a low point in my life and not a pattern of behavior. I draw inspiration from leaders who acknowledge their failures and have grown from them. The perspective has shaped my approach to service now. Having lived through the consequences of my actions, I'm now better equipped to recognize when others are struggling, whether that may be a coworker or a member of the public. This allows me to respond with both accountability and compassion, building trust and support in my interactions.

My department weighed the gravity of my mistakes and saw the improvement in me. They chose to retain me and impose a demotion from over a year, with probation, but they also gave me a second chance to prove myself.

And since then, I have been repromoted, received positive performance evaluations, and I was awarded the Medal of Courage for my actions during an active shooter. That day meant more to me than any recognition because it wasn't about the medal; it was about knowing that together with my partners, we save lives and reinforce why the public places trust in law enforcement, for us to protect, serve, and be there when they need us the most.

This profession has been my calling since I was 14, when I started as Sheriff's Explorer. I later served six years in the Marine Corps which gave me the discipline and the sense of service that prepared me for a career in law enforcement.

For the past eight years as a deputy, I have had the privilege of saving lives, arresting dangerous offenders, and making impacts that I never thought were possible.

Recently, I responded to a domestic violence call where a child was trapped inside. Working with my partners, we secured that child safely, but what made

that moment matter was knowing that I had earned back the trust of my department and my peers to be able to be in that position again.

I know I'm not perfect, but I am a man who learns from his mistakes. My record from before and after this slap shows that dishonesty is not who I am. I will never put myself, this department, or my profession in that position again. And in the end, I'm thankful that this happened to me, because sobriety has changed my life. I built in structures such as counseling, my faith, positive goals, and accountability partners that ensure it.

Today I respectfully request the opportunity to continue serving as a peace officer and to prove that I cannot only meet, but exceed the standards. I do not seek blind trust. Like my attorney said, I am prepared to accept any probationary terms or oversight that the Commission deems appropriate.

My goal is to demonstrate through my actions that I am worthy of the honor to serve. And I respectfully ask the Commission to consider my complete record: My mistakes, my rehabilitation, my growth.

And thank you for your guys' time and consideration.

CHAIRPERSON LONG: Thank you, Mr. Brittain.

Any comments or questions for Mr. Brittain?

(No response.)

CHAIRPERSON LONG: Seeing none, would anyone else like to address the Commission on this matter?

Please come forward.

Mr. Miller.

MR. MILLER: Yusef Miller, North County Equity and Justice, Saving Lives in Custody California.

And with this particular case, being three years old, I think that this highlights the failure of our system being so backlogged. I mean, three years. It seems to me that this was the opportunity for the person to recover, do well on the job, be a totally different person with resources and with -- with training and counseling and things of that nature. To this point, that it seems to be a moot point.

Back when it happened, you know, two years ago, I would have said, "Let's get rid of this person." But I am a person who believes in redemption. I'm not a -- I'm not anti-law enforcement. I'm not anti-cop or sheriff or anything like that.

So from this basis of neutrality and just and fairness, I would say that I don't -- I wouldn't support just taking away this person's career after building it back up from three years. I believe that that was

probably hard and monumental, although the initial occurrence of these, the lying -- and I don't accept -- actually, I don't accept any of the excuses that he's made, although he has taken accountability. I don't accept any of them because I expect him to say that with these things going on.

But back then, I would have been gung ho about getting rid of this person.

Thank you.

CHAIRPERSON LONG: Thank you, Mr. Miller.

Ms. Williamson, welcome.

MS. WILLIAMSON: This is hard. Thank you for allowing me to speak. Thank you all for the job that you did.

Jared Brittain, an Orange County sheriff's deputy, arrested for DUI with a blood alcohol level of .20 percent; driving at 104 miles per hour; pled guilty and received a six-month suspension of driving privileges from the DMV; concealed arrest and suspension from Orange County Sheriff's Department; while suspended, he drove his vehicle and Orange County Sheriff's Department vehicles; he rented a vehicle and left his service weapon unsecured inside; demonstrated dishonesty during at least four Internal Affairs investigations/interviews, into this DUI arrest.

Now, I was going to hit him because of how he lied, and I heard it in the investigation interview.

But I want to say this: I agree with what Yusef Miller is saying. It is hard. It is a difficult choice.

But Senate Bill 2 was created on basis of whether he was dishonest. Because you guys are behind does not negate that he was dishonest. And he did it continuously, so much that I am afraid that he would do it to the public. So I will be putting in a request for prosecutors to look at his cases on whether or not he has been dishonest with them.

His reckless actions endanger the public and his repeated dishonesty undermines accountability. His omissions demonstrate this was not the first time he drove under the influence.

Let us remember the so-called high standards law enforcement claims to hold. Standards he repeatedly violated. While under DMV and court restrictions, he continued to violate. This pattern of behavior is not accidental. It reflects a blatant disregard for the law, public safety, and trust placed in him as an officer.

Furthermore, his attempts to conceal his actions and lie repeatedly during Internal Affair investigations

demonstrate additional violations that must be reviewed and considered as part of his misconduct with his own criminal cases where he was an arresting officer.

Trust is not just for your personal integrity. It is also what you do in the public as an officer.

Officers who demonstrate this level of recklessness, dishonesty, and inability to follow legal requirements cannot remain in positions of authority.

I strongly urge POST Commission to permanently decertify Jared Brittain.

CHAIRPERSON LONG: Thank you, Ms. Williamson.

The will of the Commission? We can -- private session?

Hear some -- see some nods.

COMMISSIONER JOHNSON: I have a question for the law enforcement consultant.

CHAIRPERSON LONG: Yes.

COMMISSIONER JOHNSON: Can you remind us when it was received from Orange County at POST? The date for the -- for both IA packets?

MR. NANFITO: I'm sorry. I don't think I follow you.

COMMISSIONER JOHNSON: One of the comments from Yusef, on the public, stated that it was three years old. So I'm just following up on the date that POST had

received this from the agency.

MR. NANFITO: I would actually have to look in Mark43 to get that specific date. The final IA interview was in '23, October of '23. And dismissal was recommended a couple months later. And we would have -- we would have been given these reports, or notified of this within ten days of the Internal Affairs investigations.

But the actual documents that I referenced in my statement, I obtained after the first interview with Jared Brittain. That's when I had the BWC footage. That's when I had the DMV documents. That would have been around December of '24. And that's why his second interview with us was in January of 2025.

COMMISSIONER JOHNSON: His DUI arrest, it is a requirement --

MR. NANFITO: The DUI arrest was on June 1st, 2022. And his first IA interview was December 21st; and the second one was on February 15th, '23. It would have been after that, that he would have been -- received his demotion and placed into the correctional facility.

MS. WOOLLEY: I can answer that.

COMMISSIONER JOHNSON: Did Orange County comply with the requirement early on?

MS. WOOLLEY: So we received this allegation from

Orange County on August 24th, 2023. That's when we received it. And then we did further investigation, as Mr. Nanfito has gone through. Yes.

COMMISSIONER JOHNSON: Thank you for that.

CHAIRPERSON LONG: Thank you, Commissioner.

Any other questions?

(No response.)

CHAIRPERSON LONG: Inclination to go to closed session?

(Head nods.)

CHAIRPERSON LONG: I see nodding heads. We shall do that, and we will be back in regular session shortly.

(Break taken in proceedings.)

---o0o---

(Closed session was held:
11:34 a.m. to 11:46 a.m.)

---o0o---

(Time noted: 11:47 a.m.)

CHAIRPERSON LONG: We are back in session.

Is there a motion?

COMMISSIONER BRAZIEL: I will move to support Board's recommendation of revocation.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER COOPER: Cooper.

CHAIRPERSON LONG: Second by Cooper.

Mr. Knapp, would you please call the roll?

MR. KNAPP: Thank you, Mr. Chair.

Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Barcelona, aye.

Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Braun, aye.

Braziel.

COMMISSIONER BRAZIEL: Aye.

MR. KNAPP: Brazil, aye.

Cooper.

COMMISSIONER COOPER: Aye.

MR. KNAPP: Cooper, aye.

Doering.

COMMISSIONER DOERING: Aye.

MR. KNAPP: Doering, aye.

Gordon.

COMMISSIONER GORDON: Aye.

MR. KNAPP: Gordon, aye.

Johnson.

COMMISSIONER JOHNSON: No.

MR. KNAPP: Johnson, nay.

Long.

CHAIRPERSON LONG: Aye.

MR. KNAPP: Long, aye.
Moon.
COMMISSIONER MOON: Aye.
MR. KNAPP: Moon, aye.
Nieto.
COMMISSIONER NIETO: Aye.
MR. KNAPP: Nieto, aye.
Rodriguez.
COMMISSIONER RODRIGUEZ: Aye.
MR. KNAPP: Rodriguez, aye.
Therriault.
COMMISSIONER THERRIAULT: Yes.
MR. KNAPP: Therriault, aye.
Woolery.
COMMISSIONER WOOLERY: Aye.
MR. KNAPP: Woolery, aye.
That's 12 ayes; one nay.
CHAIRPERSON LONG: Motion carries, and it also surpasses the two-thirds requirement.
Thank you. Thank you all very much.
Our final case today: Law Enforcement Scott Baland, Professional Conduct Northern Bureau; and Attorney Brian Hoffman, Legal Affairs Bureau, will report on Case 2318309, Robert Sasek, who at the time of the events at issue in this case was employed with the

Oroville Police Department.

Gentlemen.

MR. BALAND: Good morning. Thank you, Mr. Chair, and good afternoon, Commissioners. Or good morning still.

My name is Scott Baland. And I am one of the law enforcement consultants assigned to the Professional Conduct Northern Bureau in the Peace Officer Standards Accountability Division. With me today is Brian Hoffman, an attorney with our Legal Affairs Bureau.

We are here with respect to the case of POST versus Officer Robert Sasek of the Oroville Police Department, POST number 2318309.

In this case, the Division found reasonable grounds to believe that Officer Sasek engaged in serious misconduct in violation of Penal Code 13510.8(b)(2), abuse of power, alleging that Officer Sasek abused his power as a peace officer when he left a citizen on a dark, desolate road, where she was subsequently struck by a passing vehicle and severely injured.

In the Division's Investigative Summary and Findings, a recommended revocation of Officer Sasek's POST certification. In accordance with the requirements of Senate Bill 2, and as required by Penal Code section 13510.85(a)(4), this matter was heard by the

Peace Officer Standards Accountability Advisory Board on July 17th, 2025.

Following the conclusion of that hearing, the Board voted to recommend revocation of Officer Sasek's certification. The Division asks that you adopt that recommendation today.

As required by Penal Code section 13510.85(a)(5), the record of that proceeding is before you, which includes the agendas and attachments from that meeting, a transcript of the relevant portions of the hearing, and the recommendation of the Board.

If the matter was heard in closed session by the Board, Commission counsel will be able to advise you with respect to those proceedings.

The law requires your review to be of that record before the Board which is before you, and which you have had an opportunity to review.

To assist you in your review of the record, I will take you through the case as presented there.

For reference, Officer Sasek is referred to as "Respondent" throughout the presentation. And the citizen is referred to as "the complainant."

As the record shows, I presented the case before the Board substantially as follows:

The respondent began his career as an officer with

the Oroville Police Department on April 28th, 2021. The respondent received a 30-day suspension and a 90-day performance improvement plan as a result of Oroville Police Department's investigation into this incident.

Respondent was later terminated from Oroville Police Department on August 9th, 2024, resulting from an investigation into a separate incident, a non-POST-related matter. Respondent currently possesses a POST Basic Certificate.

There is no other relevant discipline or complaints against the respondent.

Could you go to the first slide, please.

On September 1st, 2022, at approximately 1330 hours, or 1:30 p.m., the complainant was arrested by Butte County Sheriff's Office for trespassing on private property, when she was found swimming in the backyard pool of a private residence. The complainant was transported without -- without shoes or a purse to Butte County Jail and booked.

The complainant stated in her interview that she had been -- she had taken methamphetamine earlier in the day and was feeling the effects of the narcotics and was hot and dehydrated, explaining why she was in the pool.

The complainant was released from the jail at approximately 1617 hours, or 4:17 p.m.

At approximately 2052 hours, 8:52 p.m., the complainant entered a Dollar General store and began hiding under some merchandise carts in the back store room. The employees called and requested Oroville Police Department for assistance.

The respondent was Officer Sasek; was dispatched to the Dollar General at approximately 2053 hours, 8:53 p.m.

The respondent arrived on scene at approximately 2055 hours, 8:55 p.m..

The complainant was ultimately arrested by the respondent for trespassing at approximately 2121 hours, or 9:21 p.m., after removing her from underneath the carts.

Respondent transported the complaint to Butte County Jail.

The Butte County Jail nursing staff refused the complaint for booking for high blood pressure and required her to get medical clearance prior to booking.

The respondent began transporting the complainant to Oroville Medical Center at 2143 hours, or 9:43 p.m.

The respondent arrived at Oroville Medical Center at 2148 hours, 9:48 p.m., and entered the emergency room. However, the respondent did not bring the complainant in for medical treatment. Instead, he left

her in the patrol vehicle.

The respondent returned a short time later, removed the complainant from his parole vehicle, cited and released her, and told her she needed to seek medical treatment because that's why she wasn't booked.

The security guard at Oroville Medical Center, a former Oroville Police Department officer, advised POST he told the respondent that the complainant was going to continue to be a problem.

Can you go to the next slide, please.

The respondent left Oroville Medical Center at approximately 2201 hours, or 10:01 p.m. Immediately after the respondent left, the complainant began attempting to access restricted areas of the medical center and locked herself in an employee restroom and in a restricted area. The security guard advised the complainant -- advised the complainant exited the bathroom after multiple commands and announcements.

The security guard advised the complainant then ran and got underneath the MRI trailer and refused to come out.

The security guard stated he called the respondent to have him come back to Oroville Medical Center to deal with the complainant. The respondent was dispatched back to the medical center. This call came at

approximately 2211 hours, 10:11 p.m. -- 2211 hours, or 10:11 p.m., which was ten minutes after the respondent left the medical center initially.

When asked, the security guard stated based on his prior experience as a peace officer, he believed that the complainant was under the influence of methamphetamine at this time.

The respondent returned to the medical center and arrived at approximately 2213 hours, or 10:13 p.m. Sergeant Khan also arrived on scene around this time.

The respondent was able to get the complainant out from underneath the MRI trailer. This was the second time the respondent had to remove the complainant from underneath a structure or item.

During this encounter, neither the respondent nor Sergeant Khan had their body-worn cameras activated. The respondent walked the complainant back to his patrol vehicle and placed her in the back seat of the caged patrol vehicle.

There are conflicting statements about whether or not the complainant was handcuffed or not at this time.

Around this time, Officer Isaac Herrera arrived on scene, parked near the respondent's patrol vehicle, and remained seated in the driver's seat of his patrol vehicle.

The respondent and Sergeant Khan stood at the driver's side of Officer Herrera's patrol vehicle. At this time, it was decided that the respondent would transport the complainant to Chico, where she resides.

The respondent admitted that he was frustrated that he was going to have to go -- have to drive the complainant all the way to Chico.

Officer Herrera stated he observed the respondent's frustrations, and he stated he made a joke or comment that the respondent should, quote, "Drop that bitch off on Neal Road," end quote. Officer Herrera stated the respondent definitely heard the comment because he smirked afterwards. Officer Herrera stated that Sergeant Khan also heard the comment and just shrugged his shoulders in response.

When asked in follow-up interviews, both the respondent and Sergeant Khan stated they never heard the comment or joke, even though, according to Officer Herrera, they were standing in close proximity and were less than a foot away from him at the time of the joke -- the joke or the comment was made.

At 2218 hours, or 10:18 p.m., the respondent provided Oroville Police Department Dispatch with his beginning mileage to an unknown location in the Chico area. It was at this time the respondent attempted to

restart the RIMS application on his work cell phone in an effort to reboot RIMS because he stated he had been having issues with it throughout the shift.

RIMS -- Record Information Management System -- is an application to receive computer-aided dispatch logs and also has the function to send messages to dispatch and other officers. It runs as an application on a cellular phone and doesn't interfere with the cellular phone's capabilities to make or receive calls or text messages.

The respondent never reported having RIMS issues to anyone that day, including Sergeant Khan.

At the time of transport, Respondent still had not activated his body-worn camera.

The respondent then began transporting the complainant towards Chico.

After approximately 15 and a half miles, and as they approached Neal Road, the same location mentioned in Officer Herrera's joke or comment, the respondent stated that the complainant's mood/demeanor changed and she demanded to be let out of the patrol vehicle.

The respondent exited on to Neal Road and traveled in an easterly direction.

The respondent stated he pulled over near the entrance to the Old Worm Farm, approximately .6 miles.

If you can go to the next slide, please.

Kind of hard to see here. But on the right is Highway 99, and that structure on the left is the Worm Farm, and it is about .6 miles to the entrance to that.

And then can you go to the next one, please.

And here is a better picture at the entrance of the Worm Farm and Neal Road; eastbound and westbound is depicted there.

The respondent stated he opened the rear door of the caged patrol vehicle. The complainant exited and began shouting expletives towards him and was kicking rocks.

When asked, the respondent stated he didn't think to activate his body-worn camera to capture the complainant's actions. The respondent stated he thought to himself "bye" and got into the patrol vehicle and left the scene.

When asked, the respondent stated he did not try to contact Sergeant Khan or Oroville Police Department dispatch either by radio or cell phone. Respondent stated that there's always radio problems when traveling towards Chico, but he admitted that he did not attempt to utilize his radio to see if he could successfully broadcast information. The respondent also stated he didn't attempt to change radio frequencies to possibly

contact an allied agency, even though he stated that was a capability of their radio system.

The respondent also stated he did not attempt to use either his personal or work cell phone to contact dispatch or Sergeant Khan because he didn't think about it, even though he had contacted them by cell phone previously.

The respondent reactivated RIMS as he reentered the area of Oroville and, at that time, 2247 hours, or 10:47 p.m., put out the ending mileage from his transport. The respondent stated in his interview that he didn't document what the actual ending time and mileage was when he dropped the complainant off on Neal Road. Instead, he just provided what the mileage was as he ran -- reentered Oroville.

The respondent advised Sergeant Khan that he had dropped the complainant off on Neal Road, but didn't explain the circumstances that led up to him dropping her off there.

Sergeant Khan stated in his interviews that, at the time, he thought Neal Road was the location of a well-known homeless area called "The Estates." And had he known it was a dark, desolate location with no services, he would have made the respondent return to Neal Road and provide service to the complainant.

When asked, Sergeant Khan stated the respondent never advised him of any issues with RIMS that day, and there were no other reported issues with RIMS reported by other officers.

When the respondent was asked why he didn't reach out to Sergeant Khan or dispatch, the respondent stated he just didn't think of it, and, in hindsight, he should have.

The respondent stated the reason he let the complainant out on Neal Road was because he felt it was a courtesy transport, and he didn't feel he had the authority to keep her in the car.

When questioned about his responsibility for getting the complainant to a safe location because she had been experiencing medical issues that required treatment and was under the influence of a narcotic, he stated that she had been making good decisions and felt she could care for herself.

However, when asked in his interview by POST, the respondent admitted that he left the complaint in a worse position than when he took her into his care or custody. And he stated he didn't offer to contact anyone for her or to let her use one of his cell phones prior to leaving.

When the complaint was interviewed, she had a

conflicting account of the circumstances as they reached Neal Road. The complainant advised she was being -- when she was being transported, she thought she was being taken to a hospital or somewhere else to receive services. The complainant advised she was still experiencing dehydration and was still feeling the effects of the methamphetamine, so she was laying down in the rear seat of the caged patrol vehicle.

The complainant stated as she felt the patrol vehicle exiting the freeway on -- on Neal Road, she realized they were heading towards Paradise and not Chico, so she asked the respondent where they were going or where he was taking her. And he replied, quote, "Just shut the fuck up," end quote.

The complainant stated the respondent pulled over, exited the patrol vehicle, opened the rear door, grabbed her arm, and had her exit the patrol vehicle.

According to her federal lawsuit, the complainant alleges that she was dropped off at the Neal Road Waste Facility, which is approximately 1.1 miles from SR-99 and a half mile further east from the Worm Farm.

If you could show the next slide, please.

So, again, kind of hard to see here. But the Worm Farm is up on the upper right; and then the entrance to the waste facility is down in the lower left.

The complainant stated she asked him, "You are just going to leave me out here?"

And the respondent replied, quote, "You are not my fucking problem anymore. Deal with it," end quote, and left the scene.

The complainant was left on Neal Road during hours of darkness with no shoes, purse, cell phone, and no available services.

Neal Road is a two-lane road that is situated in an east-west direction. There are no overhead streetlights and the only businesses in the general area are Franklin Construction and the Neal Road Waste Facility, neither of which were open at this time of night.

If you could show the next one.

The complainant stated she was scared, still feeling the effects of the methamphetamine, experiencing anxiety, and was feeling nauseous because she had just got left out in the middle of nowhere in the dark. So she started walking back towards the way they came.

The complainant stated she walked for about five minutes and then heard an oncoming vehicle. The complainant stated she turned around and saw the headlights and then felt the impact of being hit by the unknown vehicle.

The vehicle didn't stop to render aid.

The complainant stated she flew into the embankment, hit her head on some rocks, and was in and out of consciousness until the next morning, September 2nd, when she climbed out of the embankment and entered the grounds of Franklin Construction, where an employee called 911 at approximately 0934 hours, or 9:34 a.m.

If you could show the next one.

These are just, again, some depictions of where she was found at Franklin Construction in relation to the Worm Farm and the Waste Facility.

The employee reported that -- the Franklin Construction employee reported the complainant was on their property and appeared to be "on something," quote.

The complainant was ultimately transported to Enloe Medical Center, where she was admitted for her injuries.

The California Highway Patrol was never contacted to complete a Traffic Collision Report for the hit-and-run.

The respondent completed his Dollar General arrest report the next day, on September 2nd, 2022, and did not mention anything about his interaction with the complainant at the Oroville Medical Center or the subsequent transport to Neal Road, because the respondent felt they were two separate incidents. However, no other type of incident report or

documentation was prepared by the respondent for the incident at the hospital nor the transportation of the complainant.

In his Dollar General arrest report, the respondent stated he felt the complainant was under the influence of a central nervous stimulant, and this report was approved by Sergeant Khan.

As a result of being left on Neal Road, and getting struck by the unknown vehicle, the complainant suffered major injuries, consisting of multiple contusions, lacerations, and a ruptured small intestine, which caused internal bleeding.

The complainant had to have over one foot of her intestines removed. She had 30 to 40 percent of her colon removed. And she had to use a colostomy bag. And she spent seven days in intensive care, and, in total, almost a month in Enloe Hospital.

The complaint developed sepsis from her injuries and ended up having to have two of her toes amputated.

The facts I have just recited support the Division's findings that the respondent was involved in serious misconduct, specifically abuse of power.

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

probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that the respondent's POST certification be revoked. The Division's recommendation is based on the following:

The respondent's actions during this incident were inexcusable and were performed out of frustration from having to deal with the complainant on multiple occasions. The willful and deliberate act of leaving the complainant in a dark, desolate area, without shoes, with no means of communication or availability of services, all while she is experiencing mental and/or medical issues from the narcotics, was significantly -- significantly egregious, displayed a wanton disregard for public safety, and was a complete dereliction and neglect of his duties and the oath he took as a peace officer.

The respondent purposely took the complainant to this location, approximately 15 and a half miles away, as a means of removing her from the City of Oroville and to ensure he and the Oroville Police Department wouldn't have to deal with her again that night.

In an effort to conceal his actions, the respondent deliberately failed to implement any of the safeguards he had available to him -- the body-worn camera, radio,

and cell phones -- during this incident, and did not provide written documentation of the incident at Oroville Medical Center and the resulting transport -- transportation on Neal Road.

These safeguards were supposed to be utilized to ensure the safety of the public and the officer by accurately documenting and capturing the actions of all involved parties.

As a result of the respondent's actions on this date, the complainant suffered life-altering injuries which required lengthy hospitalizations and multiple surgeries, including amputation of two of her toes.

The complainant filed a federal civil rights lawsuit against the City of Oroville, the Oroville Police Department, the respondent, and others.

The City of Oroville settled the lawsuit for $3 million.

In closing, the complainant stated in her interview to POST that even after this incident, she doesn't have any hard feelings towards law enforcement and believes there are good cops that do what they are sworn to do. She further -- further stated, "Regardless of what kind of situation I was in, if I was on drugs or not, I'm still a human being and I should be treated like a human being. And for me to be left out there in the middle of

nowhere with medical issues, and for this to happen to me, it shouldn't have happened because I am a human being and my life is valuable. I believe that he put me in a worse situation than I was already in. And I don't understand it. I never got an answer why because he tried to cover up everything he did."

Following my presentation to the Board, and as documented in the transcripts before you, public comments were made by the subject officer, and he answered questions from the board members.

The Board then went into closed session. When the Board returned to open session, it voted unanimously to revoke the Respondent Robert Sasek's POST certification.

With that, I thank you for your time and consideration of this case, and I'm happy to answer any questions.

CHAIRPERSON LONG: Thank you, Mr. Baland.

Questions from the Commission?

(No response.)

CHAIRPERSON LONG: Seeing none, does the subject officer and/or counsel wish to speak? I believe -- I believe he is online.

MR. SASEK: Hello. Can you hear me?

CHAIRPERSON LONG: We can hear you.

MR. SASEK: Hello. My name is Robert Sasek.

Good morning, ladies and gentlemen of the Commission.

So I'm here to take responsibility of my part in this. It was not done out of malice. I am sorry for the incident that did occur. But I didn't take her there with the intent to harm her in any way. This was simply a -- a judgment call. My ignorance and my misunderstanding of the 14th Amendment at the time.

Because I still am kind of confused when it comes to when is it okay to violate one person's constitutional right versus another. If she's asking to be let out of the vehicle, which is what she did, how do I have the right to detain her if this is a consensual encounter at that point in time?

Now, there are things that I should have done, like stop when I got some distance away after she started throwing rocks at me, and contact my supervisor. But that is just -- that's my own mistake for being a -- I was a young officer.

As far as notifying my supervisor, when I got back into town, I did notify my supervisor. And for him to say that he thought it was a homeless encampment at another location is not truthful. He grew up in this town just like I did. He knew exactly where Neal Road was. So that's not only a failure on my part, it is a

failure on his part.

And if she was also so under the influence, I don't understand his ability to allow me to transfer her -- transport her to another -- another city alone.

So I also do not have any further training, except for the academy in -- how do I say it? DRE, drug and alcohol addiction. Like noticing that people are under the influence.

So the more time I spent with her, the more time I thought it was, like, meth-induced psychosis. She would come in and she would come out.

So that's -- you know, again, that's my fault, but that's failure on other people's parts at all. That's why I don't think I should be the only one being punished for this.

Other than that, I don't really have much else to say that I'm sorry this incident occurred, and I have learned from it. If I'm allowed to retain my certification, it will never happen to me or any other officers that I'm around.

CHAIRPERSON LONG: Thank you, Mr. Sasek.

Any questions for Mr. Sasek?

(No response.)

CHAIRPERSON LONG: Seeing none, thank you.

COMMISSIONER THERRIAULT: Commissioner Therriault.

CHAIRPERSON LONG: Oh, sorry.

Commissioner Therriault.

COMMISSIONER THERRIAULT: Commissioner Therriault.

Sir, I have a question.

MR. SASEK: Yes, sir.

COMMISSIONER THERRIAULT: You just talked about other people. Specifically, what would you do differently, yourself, in this situation?

MR. SASEK: If I were to re- -- like have this situation happen again?

COMMISSIONER THERRIAULT: Yes.

MR. SASEK: Well, hopefully I would have more training, because I had put in for it but was denied.

But I would take more time. The City of Oroville is kind of hard to work in because it is completely understaffed. They run two officers and a supervisor. So instead of worrying about being able to back my fellow officers, I would have taken the time; I would have gotten medical clearance.

And had I somehow ended up on Neal Road again, I would have pulled off, waited, contacted my supervisor, and found out what to do.

COMMISSIONER THERRIAULT: I understand that. We're all short-staffed throughout the state mostly.

But, specifically, from like -- on, like, just a

human level, what would you have done differently? Do you have regret on what occurred?

MR. SASEK: I have regret because of what she claims happened to her.

But as far as like the incident itself, like I don't know how else to handle it other than, like I said, I would recontact -- I would contact my supervisor.

But, at the same point in time, I would have stopped. I would have let her out if she's asking to be let out. It is -- it is not a -- it was a consensual encounter. And this is something that's preached in the academy is, if it's a consensual encounter and somebody wants to walk away, they have the right to walk away.

The only difference was she was in my car, so I found what I believed to be a safe place to let her out. And I let her out, and I let her have her freedom.

COMMISSIONER THERRIAULT: I understand that. I've been around -- the whole thing about dropping -- I mean, I'm familiar with Butte County.

The dropping her off on Neal Road, I mean, is that -- I mean, what -- what, if anything, can you say towards all that? It seems to kind of be like a deliberate indifference to, you know, her condition.

MR. SASEK: It was the location that we were at.

It had nothing to do with it being a place. I didn't want to leave her on Highway 99 because I felt that was unsafe, and it was right in front of me. So I turned right.

And like I said, I grew up here, and I knew there was a big old tractor-trailer parking lot. It has a white light on it. So I stopped there, and I let her.

COMMISSIONER THERRIAULT: Thank you.

CHAIRPERSON LONG: Thank you, Commissioner.

Any other questions?

(No response.)

CHAIRPERSON LONG: No additional questions.

Thank you, Mr. Sasek.

MR. SASEK: Thank you.

CHAIRPERSON LONG: Does anyone else wish to address the Commission at this time?

Ms. Williamson.

MS. WILLIAMSON: Robert Sasek. As a woman, I can't call him an officer. You arrested a woman, transported her to a remote area, and abandoned her, with no way to communicate. Failed to activate his BWC. As a direct result of his actions, the woman sustained major injuries when hit by a vehicle.

His misconduct led to a $3 million settlement against the department. This case is one of the

clearest examples of abuse of authority and gross misconduct. An officer who causes such harm cannot be entrusted with public safety. I recommend that POST Commission immediately decertify Robert Sasek.

Commissioners, this case is horrendous. I cannot even call Sasek an officer after reviewing this case. There is no excuse for this pattern of behavior, recklessness, abuse of authority, and criminal conduct by an individual who should never again be allowed to wear the badge.

As a woman, I must state that women, regardless of their health conditions, are not worthy of being deemed as "bitches." Nor should we be unworthy of a duty of care for our lives while in the custody of law enforcement. We are human beings and should not be treated as discarded trash left in a dark, secluded place with no lighting. Or should I say one light.

Anyone with common sense, not training, would know better. If high standards truly existed within law enforcement, this decertification process would not even be necessary because he would be in prison.

The fact that we are here today proves that accountability has too often been absent, and it is now your responsibility to ensure it is enforced.

The choice before you is clear: Either allow these

officers, this officer, to remain in position where he can do further harm or use the authority granted under Senate Bill 2, to permanently decertify him.

The community is watching and we set -- we expect decisive action. Accountability is not optional. It is a requirement.

Thank you.

CHAIRPERSON LONG: Thank you, Ms. Williamson.

Anyone else?

Mr. Miller. Welcome back, sir.

MR. MILLER: Thank you.

Yusef Miller, North County Equity and Justice Coalition, Saving Lives in Custody California.

And this egregious case is exactly the way my colleague was explaining that this type of indifference is not something you can train out of a person. It is not something that you can educate or give resources for, for a person to get out of this situation of neglect.

This person was in a medical condition. This medical condition is life-threatening. And not only in that situation there. They were left in a hazardous condition that could have cost them their life. And they want to say, "Oh, I didn't know. I didn't know where to go. I didn't know what to do. I didn't want

to balance this or balance that." No, this is a human being.

Too often, we have people lose their lives out of neglect and indifference.

This woman, whether she was -- whether she was tripping on drugs or whether she had a psychosis or any of these things, she is not a throwaway person. None of us are. None of our family members are. None of us are thrown away.

But we have seen the indifference when it comes to law enforcement and people who have mental health abuse. I mean, mental health conditions, drug addictions, homelessness. All of these things, we have seen a failure in law enforcement, and this represents every sector of that.

I expect and demand that we look at this case and take the recommendation of the POST to get rid of this person.

CHAIRPERSON LONG: Thank you, Mr. Miller.

Any further questions or comments from the Commission?

(No response.)

CHAIRPERSON LONG: What is the will of the Commission? To adjourn into closed session? Or a motion, which is always in order.

COMMISSIONER MOON: I move to just go to a vote. Make a motion to go to a vote on revocation.

COMMISSIONER GORDON: Second.

CHAIRPERSON LONG: Motion to revoke by Nieto. Second by Gordon.

Mr. Knapp, please call the roll.

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

Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Barcelona, aye.

Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Braun, aye.

Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Braziel, aye.

Cooper.

COMMISSIONER COOPER: Yes.

MR. KNAPP: Cooper, aye.

Doering.

COMMISSIONER DOERING: Yes.

MR. KNAPP: Doering, aye.

Gordon.

COMMISSIONER GORDON: Yes.

MR. KNAPP: Gordon, aye.

Johnson.

COMMISSIONER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Long.

CHAIRPERSON LONG: Aye.

MR. KNAPP: Long, aye.

Moon.

COMMISSIONER MOON: Aye.

MR. KNAPP: Moon, aye.

Nieto.

COMMISSIONER NIETO: Aye.

MR. KNAPP: Nieto, aye.

Rodriguez.

COMMISSIONER RODRIGUEZ: Aye.

MR. KNAPP: Rodriguez, aye.

Therriault.

COMMISSIONER THERRIAULT: Yes.

MR. KNAPP: Therriault, aye.

Woolery.

COMMISSIONER WOOLERY: Aye.

MR. KNAPP: Woolery, aye.

That's 13 ayes.

CHAIRPERSON LONG: Motion passes.

If I may, Commissioners, just a bit of clarity here on our previous motion, on the Walden case, to send back

to the Board.

The concern was that maybe a better path would be to send it back to the Division --

COMMISSIONER BRAZIEL: Right.

CHAIRPERSON LONG: -- for the investigation.

COMMISSIONER BRAUN: Yes.

CHAIRPERSON LONG: I got a second from Braziel.

And then it would then go to the Board.

MR. BEATTY: I think that was the original intent of this Commission. But perhaps, in the articulation on the record of the direction, that there was maybe either some confusion or not clarity on the articulation. But the direction was that the investigation should have been done -- should be done by the investigation on the points identified by Commissioner Braun.

That's the will of the Commission, as I understand it.

COMMISSIONER GORDON: Yes.

COMMISSIONER BRAUN: What I intended -- and correct me if I got this wrong -- is that this gets sent -- the case gets returned to the Division for investigation, further investigation.

Once that is completed, if a -- it should then go to POSAAB, or the Advisory Board, because things may have changed, and it may change their decision.

And then it would go from there.

CHAIRPERSON LONG: Exactly. That should make the intent of the Commission clear.

Just a technical step to make sure we're not cutting the Division out before it goes back to the Board.

Ms. Del Mugnaio.

MS. DEL MUGNAIO: Thank you, Chair Long.

Just one comment.

Procedurally, the due process happens at the administrative law judge hearing. This is kind of prior due process.

Understanding what your will is for this case, that's perfectly acceptable. Obviously, it is the Commission's -- it is the Commission's discretion. You can refer a matter back to the Division for additional investigation that would then come immediately back to the Commission for review. It doesn't have to go back to the Board again.

So, for example, the information that would be coming back to the Commission in this matter would then, depending on what your decision is, move forward for an administrative law judge hearing.

It may very well be that it does not affect the Division's findings in that case. You are referring the

same case back to the Board. It just delays proceedings.

I think you can also discern, if it does change the Division's findings, and you would like that to go back to the Board because the Division is now recommending a different end result, that the Board hear it again.

If the information that is being added or amended into the record, into the Investigative Summary and Findings, does not change the Division's findings, that it come directly back to the Commission for review.

It is just so that you are not -- this would not be back to the Board, then, until February, and then back to the Commission maybe in March or June of next year.

So you are talking about some extended timeframe that we're waiting to get this matter resolved.

So it is up to the Commission how they want to handle that.

CHAIRPERSON LONG: I believe maybe Mr. Beatty would like to speak to this. But on the advice of Counsel, I think we're comfortable with the direction that we have provided here to go back to the Division and then to the Board.

Mr. Beatty, have anything to add to that?

MR. BEATTY: I mean, nothing beyond what we have already discussed. If there are specific questions, I'm

happy to address them individually or collectively or however. But I -- I think we discussed the issues.

CHAIRPERSON LONG: Okay. Is that clear then? The direction is clear? And what -- everyone agree on --

COMMISSIONER BRAZIEL: So Geoff, what is the direction?

So yeah. I -- my impression was it would go back to the Division. If necessary, it goes back to the Board, if it is necessary. If not, then it can come back to us.

MS. DEL MUGNAIO: Correct.

COMMISSIONER BRAZIEL: That's what I understood we were talking about. Not that it go back to the Board, that it has to go back to the Board.

MR. BEATTY: I'm not going to pick a fight with your impression because your impression is your impression.

But mine was that the investigation would be done by the Division, and the matter, in full sum, once that set of expectations or items was developed, would be re-presented to the Board.

That was my understanding of what this Commission decided.

And then work its way up to the Commission. That -- that is what I believe we just discussed and

expressed publicly.

I'm not imposing --

COMMISSIONER THERRIAULT: Commissioner Therriault.

That's what I remember as well.

It is going to go back to the Division. It is going to go back and then it will come back up, hit POSAAB, and then up to us.

COMMISSIONER WOOLERY: Commissioner Woolery.

So the clarify -- I thought that too. But if it -- I thought it had to go to the Board. So if it doesn't have to go to the Board, then I would -- I'm okay with it coming back to the Commission.

If it doesn't have to go -- I thought it had to go back to the Board.

MR. BEATTY: By nature of that being sort of a question, my opinion is that it would be the safest way to proceed, to have it re-presented to the Board, and then have that recommendation be based on the full set of materials available from that point of view, and make that recommendation that this Commission would be reviewing and acting on.

And the reason I use "safest" is because there could be challenges down the road on these cases. Right? We know that.

And -- and some of the claims may not be valid, but

they still could be raised. And so I think the safest approach in questions of first impression are always the right ones.

CHAIRPERSON LONG: Are we clear? That's why, referenced on advice of counsel, this seems to be the most -- the safest way to go.

MR. BEATTY: Happy to -- happy to kind of more fully explain what I think I already said.

CHAIRPERSON LONG: Comment?

COMMISSIONER GORDON: We're good.

CHAIRPERSON LONG: Okay. Then we're settled on that. Thank you.

Thank you, Mr. Beatty.

MR. BEATTY: My pleasure.

CHAIRPERSON LONG: As that was the last item on our agenda, do commissioners have any further comments before we adjourn?

COMMISSIONER THERRIAULT: Commissioner Therriault.

I want to let everyone know a couple days ago was Commissioner Rodriguez's 60th birthday. Make sure you give him a congratulations on that. That's all I got.

CHAIRPERSON LONG: 35?

COMMISSIONER RODRIGUEZ: Thank you.

CHAIRPERSON LONG: Happy birthday.

COMMISSIONER RODRIGUEZ: Thanks.

CHAIRPERSON LONG: Is there a motion to adjourn?

COMMISSIONER COOPER: So moved.

COMMISSIONER GORDON: Second.

CHAIRPERSON LONG: No objection to unanimous roll call; we are adjourned. Thank you, everyone, very much.

(Proceedings concluded at 12:28 p.m.)

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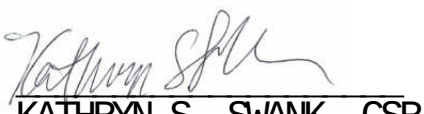
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, 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, Kathryn S. Swank, a 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 29th day of September 2025.



KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

E R R A T A S H E E T

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STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

TUESDAY, SEPTEMBER 9, 2025

10:02 A.M.

MEETING HELD

AT GOLDEN WEST COLLEGE

REGIONAL CRIMINAL JUSTICE TRAINING CENTER

MULTIPURPOSE ROOM

15744 GOLDENWEST STREET

HUNTINGTON BEACH, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

INGRID BRAUN
Sheriff
Mono County Sheriff's Office

JIM COOPER
Sheriff
Sacramento County Sheriff's Office

JUSTIN DOERING
Senior Deputy Sheriff
Ventura County

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

JACOB "JAKE" JOHNSON
Officer
California Highway Patrol

SHANNAN MOON
Sheriff
Nevada County Sheriff's Office

TINA NIETO
Sheriff
Monterey County Sheriff's Office

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

POST COMMISSIONERS PRESENT

FREDDIE RODRIGUEZ
Public Member
Speaker of Assembly

BENJAMIN THERRIAULT
Sergeant
Richmond Police Department

STEPHEN WOOLERY
Ex-Officio
Rob Bonta, Attorney General
Department of Justice

---oOo---

POST COMMISSION LEGAL COUNSEL

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

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POST COMMISSION STAFF

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Executive Office

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Assistant Executive Director
Peace Officer Standards
Accountability Division
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Office of Public Affairs

BRIAN SOUTH
Bureau Chief
Professional Conduct Central Bureau

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POST COMMISSION STAFF

KATIE STRICKLAND
Staff Services Manager
Executive Office

MICHELLE WEILER
Bureau Chief
Certification Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

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ALSO PRESENT

BRAD MEYER
Captain
Butte County Sheriff's Office

JASON SALAZAR
California Police Chiefs Association
(Chairperson POST Advisory Committee)

ANGELA SIERRA
Racial and Identity Profiling Advisory Board

TASHA WILLIAMSON
Public Speaker

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Tuesday, September 9, 2025, 10:02 a.m.

Huntington Beach, California

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CHAIRPERSON LONG: Let's join Commissioner Doering in leading us in the Pledge.

(Pledge of Allegiance recited in unison.)

CHAIRPERSON LONG: Thank you.

Would you please remain standing while we have a moment of silence honoring the officers who have died in the line of duty since the last meeting. The list is too long:

Shiou Deng, LA Police Department, June 23, 2025.

Patrol Agent Joshua Byrd, California Department of Corrections and Rehabilitation, July 17th, 2025.

Detective Joshua Kelley-Eklund, LA County Sheriff's Department, July 2025.

Detective Victor Lemus, LA County Sheriff's Department, July 2025.

And Detective William Osborn, LA County Sheriff's Department, July 2025.

(Moment of silence observed.)

CHAIRPERSON LONG: Thank you. Please take your seats.

Ms. Essex, would you call the roll?

MS. ESSEX: Good morning, Commissioners.
Alan Barcelona.
COMMISSIONER BARCELONA: Here.
MS. ESSEX: Ingrid Braun.
COMMISSINOER BRAUN: Here.
MS. ESSEX: Braziel.
COMMISSIONER BRAZIEL: Here.
MS. ESSEX: Cooper.
COMMISSIONER COOPER: Here.
MS. ESSEX: Doering.
COMMISSIONER DOERING: Here.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Present.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Here.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Here.
MS. ESSEX: Long.
CHAIRPERSON LONG: Here.
MS. ESSEX: Moon.
COMMISSIONER MOON: Here.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Here.
MS. ESSEX: Rodriguez.
COMMISSIONER RODRIGUEZ: Here.

MS. ESSEX: Therriault.
(No response.)
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Present.
MS. ESSEX: 13 commissioners present.
CHAIRPERSON LONG: Thank you.
I would like to introduce, on my left, POST Chief Counsel William "Toby" Darden; and on my right, POST Executive Director Manny Alvarez; and to Manny's right, the POST Advisory Committee Chair, Visalia Police Chief Jason Salazar.
This is the time set aside for members of the public to comment on items on the Commission agenda or not on the agenda but under Commission jurisdiction. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the specific hearing for each case.
Pursuant to Commission policy, the Commission Chair will manage the public comment period in deference to the Commission's workload and meeting time constraints. Up to 15 minutes will be allotted at the beginning of each Commission meeting for public comments.
Members of the public who do wish to speak are asked to please limit their remarks to no more than three minutes each. If we have many people who wish to

speak on the same subject, we may limit those remarks to one minute.

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

And please be advised, the Commission cannot act on nonagendized items.

Finally, please remember the meeting is being recorded, so speak slowly so your comments may be recorded.

Is there anyone present would like to address the committee this morning?

(No response.)

CHAIRPERSON LONG: Seeing none, we'll note the Commission Therriault has joined us. Commissioner.

And at this time, Executive Director Manny Alvarez would like to address the Commission.

EXECUTIVE DIRECTOR ALVAREZ: Good morning, Commissioners. Thank you all for being here once again.

I'm going to keep my comments very, very brief today because we have a very packed agenda.

First of all, I would like to just thank Anthony Cordova. He's not here. He's one of our Advisory members from the Community College Chancellor's Office.

He's the one that got the ball rolling for this meeting to be held at Golden West. So we do appreciate that.

As well as the coordination with Chris -- Chris Cano, the academy director, and John Wolfe, the advisor -- or not the advisor, the academy coordinator. They both were phenomenal in trying to get this set up.

In fact, Brandy, this morning on the way in, said, "I don't know how we're ever going to take the meeting somewhere else and have it as easy and as good as it's been here."

So I want to thank Golden West for their assistance.

Today we have a couple of things on the consent item -- on the consent agenda that are of interest to you all. One are a number of guidelines that we hope to publish. They are all in draft form, pursuant to your direction at the June meeting.

So if there are modifications, obviously, we appreciate the feedback. We'll take them back, make those modifications and however you wanted us to release them, if you want us to wait until December, or if you want us to release them as is, just please let us know.

And then the other thing is that there are two items that you are going to rehear where we have received public comment, so we had to bring them back

because they -- the Office of Administrative Law believe that they were substantive, potential changes or -- so you are going to hear those again today.

And that is really all I have. I'm just trying to keep it as short as possible so you guys can do your -- your meeting.

But thank you.

CHAIRPERSON LONG: Thank you, Mr. Executive Director.

Our first item is Approval of Transcript and Action Summaries from June 4th, our last meeting.

Is there objection to unanimous consent to approve the transcript and action summary from the June 4th meeting?

(No response.)

CHAIRPERSON LONG: Seeing no objection, our second is the list of consent items. And we will receive presentations on Consent Items 2e through 2p and not Item o.

If any commissioners would like a report on any of those items, please let us know.

So the first item is a Report from RIPA, the Racial and Identity Profiling Advisory Board.

Per practice since 2023, the RIPA Board will make its annual presentation to the Commission. RIPA Board

Co-chair Andrea Guerrero. Oh, it's Angela. I had the wrong one crossed off. Angela Sierra will report to the Commission.

Welcome. Come forward. Thank you for taking the time to be here.

MS. SIERRA: Thank you. Where would you like me?

CHAIRPERSON LONG: Just come forward right there.

MS. SIERRA: Good morning. I think you can hear me. Again, I'm Angela Sierra. I'm an attorney with the California Department of Justice in our Civil Rights Enforcement Section.

And I'm Attorney General Rob Bonta's designee on the Racial and Identity Profiling Advisory Board. And this year, I'm also serving as a co-chair of the RIPA Board, and I'm here this morning in that capacity.

Now, one of the reasons that we're very happy to be here -- and thank you for this opportunity -- is that the RIPA Board very much wants to continue building a very positive relationship with this Commission.

We've been working really well this year with your -- with executive staff of POST and really trying to do whatever we can to continue building our relationships, because we very much truly believe that the partnership between your Commission and our advisory board, the more positive it is, and the better

communications we have, will just benefit our state and will greatly help us reach the goals under the RIPA statute.

And I realize you have a very full agenda today, and I will keep my remarks to the ten minutes requested.

But, again, I would be happy to answer any questions or to hear any feedback about the work that we've been doing that you would like me to convey to the board.

I am going to start with just a very high-level overview of the RIPA statute, particularly as it pertains to our working relationship with the Commission, just for some context, followed by some high-level general observations of the annual reports that the RIPA Board has issued to date.

And then I'm going to conclude with an update of the Board's current work this year related to POST-related matters.

And ultimately, our hope is that we will be able and be invited, as we have been in the past, to make presentations to you all, particularly after we issue our annual reports, but hopefully before any actions are taken with respect to recommendations we may make or suggestions that we have, so that we can be here to provide some additional information, answer questions,

and get your input before decisions are made on those matters.

So going to just very quickly the RIPA statute, for context, as you all know, is that the RIPA statute was enacted in 2015. It required the attorney general to establish our advisory board. And the statute lays out our purpose, which is to eliminate racial and identity profiling, as well as improving diversity and racial and identity and sensitivity in law enforcement.

Our board, our advisory board, is comprised of 19 members. It has -- brings together a wide variety of perspective, including representatives from law enforcement, representatives from human and civil rights organization, Academics, as well as clergy who specialize in addressing and reducing racial and identity bias, among others.

The statute lays out very clearly the duties of our board. Two of them that I think are very pertinent for our work together is that every year, the board must analyze the stop data that the law enforcement agencies across California are reporting every year to the California Department of Justice.

And in that data review, we are assisted by our research center at the California Department of Justice and other researchers and academics.

We also are required, under the statute, to analyze law enforcement training relating to bias and racial and identity profiling as certified by POST.

So that's -- we do that every year. And that is kind of the primary reason that we are working and want to continue working closely with this Commission.

Now, some highlights from prior reports that we believe underscore the urgency of our RIPA Board's work.

Now, when we're looking at the stop data every year, looking especially at aggregate numbers across California, we are continuing to see disparities with respect to who is stopped as well as actions taken during those stops. And those disparities can be often, as you can see from our reports where we detail this, very stark and have, unfortunately, been generally consistent year after year.

Generally, just across all years of RIPA data collection, the data has been showing that individuals perceived as Black or Hispanic, Latino, or as having a disability or as transgender are consistently treated in disparate ways, both again for as who was stopped and during the stop.

Now, we go beyond the board just looking at the raw data, and we've been doing a lot of work, and we have outlined this in many of our reports, as to how -- what

does this data mean, and what conclusions can be drawn from it? And we have been using and employing a very holistic approach to analyze these disparities. And we have been employing a range of well-accepted methodologies and different tests.

And our reports do outline the tests that we have been using and some of the strengths and weaknesses of each test. But looking at these numbers and the different analyses that we've been employed, again, in the aggregate numbers, we have, as a board, come to the conclusion that the disparities do signify that racial and identity profiling do remain a significant problem in California, which, as we all know, among, you know, all the problems with that, that does greatly undermine public trust in our law enforcement and, therefore, undermines public safety for everyone.

So we want to do it as a board, as an advisory board, whatever we can do to help tackle this problem and see what we can do to effectively change those numbers and change those disparities and improve the situation.

We are aware, as a board, that there's no one solution to effectively address what is really a complex issue. And that a multifaceted approach, on the part of law enforcement, policy makers and all of us, is likely

what is required.

And though not the entire answer to this, training and seeing what we can do, if possible, to enhance any training for law enforcement officers and our agencies, is one of the keys.

So, again, this is, you know, context into why our working relationship between our board and your commission is so important.

Now, I would like to just move quickly to an update on the -- our current work as an advisory board on POST-related matters.

Now again, I noted that part of our responsibility is to analyze training that's related to bias or racial and identity profiling that's certified by POST. And we have been doing that through the years. POST, you all have been providing us with the training modules and courses that relate to our topic.

And the one area that we have not yet explored, and we are beginning to explore this year, is the POST Field Training Program. And we know how important that program is, and that is -- we -- as we have seen from information provided by POST, as well as other members of law enforcement, that field training can be one of the most effective ways to evaluate and measure a recruit on the topic of bias during field training.

And so our advisory board has determined that given the importance of this, as well as the breadth of materials and time that is devoted to field training in law enforcement in California, we are going to devote two years to take a look and review this, work with you all; and we may be coming up at the end of the two-year period with potential recommendations or suggestions if we think that there may be ways to enhance that field training for our officers.

This year, we have already -- we already have begun working with POST, and we have brought on two consultants to work with our advisory board. We have one that has an expertise in law enforcement academic research, including the study of bias; and we have another consultant that's a former California law enforcement executive who has 37 years of operational experience.

They are going to be working with our advisory board. I know they have already been talking to members of POST, talking to members of law enforcement agencies, both small, medium, and large agencies. And they will be helping the advisory board kind of navigate through this and work and understand the training program and whatever analysis that we think would be helpful.

This first year you will be seeing our report

coming out in early 2026. This year we're going to likely focus mainly on review of the materials we have been provided with respect to the program, as well as information we are learning about the role of the field training officers, and we also will be looking at some general research related to the topic of field training.

It will be the following year that we will be looking at it more closely at the substantive content of the Field Training Program. And it is likely in the second year that we'll be doing more of an evaluation.

And, again, I will, as a co-chair and as representative of our board, just really invite how much engagement that we can have from POST on these issues throughout.

And then finally, you will be seeing our report next year. What we will do likely -- it is not finalized yet, so I'm saying it is kind of a draft that we have been publishing during our subcommittee meetings. Likely will go through our last year's recommendations and we will be focusing, for example, on recommendations we made to this Commission, outlining which were accepted and which were not and some of the reasons.

As well as we'll be reporting on areas in which we have served as subject matter experts to POST when we've

been invited with respect to workshops on issues related to bias or racial and identity profiling. So we always will report out on that issue.

And then lastly, another topic that we have spent a lot of time exploring this year, we had made recommendations in the past about it, is are there ways that we can, as a state, measure effectiveness of our training?

We have made some recommendations that haven't been adopted by POST, and we do understand, there are some real barriers because officers, after training, are -- you don't -- you do not employ those officers. They are employed by their individual law enforcement agencies.

But we still want to continue exploring. Maybe there are creative ways and helpful ways that we can help guide agencies to help measure effectiveness of the training. So that will help all of us understand to what extent maybe we do need to change or modify that training.

So with that, that concludes my remarks. But as I noted earlier, we very much really appreciate the opportunity to continue to present to you, especially as we are starting to -- or we've made recommendations, or you all are going to be considering those suggestions and recommendations. Or with respect to any matters in

which we are engaging you in a really substantive way.

So, again, thank you for having me here today. And if there are any questions, I would be happy to answer those. Or if there's any observations or input that you would like me to take to our advisory board, I would be very happy to do that.

Thank you.

CHAIRPERSON LONG: Thank you, Ms. Sierra.

Are there any comments or questions?

Commission Nieto.

COMMISSIONER NIETO: Commissioner Nieto.

I do have a question on the two consultants that you hired.

MS. SIERRA: Yes.

COMMISSIONER NIETO: Can you publicly say who those folks are?

MS. SIERRA: Yes. I -- it is Former Chief Daniel Hahn, and -- I have the names written down; I was looking at my notes -- and former Stanford Professor Hetey, to focus on law enforcement issues.

CHAIRPERSON LONG: I'm sorry. What was the name of the professor?

MS. SIERRA: Hetey is her last name.

CHAIRPERSON LONG: Hetey?

MS. SIERRA: I don't have her first name with me.

But we do have -- I can provide that information to Executive Director Alvarez.

Thank you.

Let's see. Oh, excuse me. I'm sorry. It's Rebecca Hetey is former -- she's a researcher and former professor at Stanford University. And, yes, it was Daniel Hahn, former Chief Hahn.

CHAIRPERSON LONG: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you for your presentation.

Has the RIPA Commission ever received testimony or a presentation from a rank-and-file officer at one of their meetings?

MS. SIERRA: You know, I would have to go back. I am not sure. We have had presentations from law enforcement agencies and representatives. And that is something that we're encouraging more and more to be able to have kind of firsthand accounts brought to our subcommittees and our board.

And I would have to go back -- I can't recall offhand if we've had, you know, a -- like a field training officer or a rank-and-file officer present, versus management.

COMMISSIONER JOHNSON: Yeah. That would be my -- my suggestion for collaboration with the men and women

who input the data. We have executive law enforcement there. And I'm not sure if they have ever inputted the data themselves on a regular basis. It can be very cumbersome depending on the traffic stop and all the data that you have to enter in.

I'm sure you have been made aware of that, but I think you should hear more from the men and women who have to input the data and how the decisions that are being made just the amount of time it takes to input the data. If it is a significant -- if the police officer is very active during the day, that is a significant amount of time, hours and hours, if they are a very active police officer, they work in a city that is very active of data.

So it is a cumbersome process that I hear. I have entered it myself. I know it is very cumbersome from my agency. I know it is very agency-specific, too, about the data that is driven. I work for the Highway Patrol. We make millions of stops, as you know, in our data system.

MS. SIERRA: Yes.

COMMISSIONER JOHNSON: It is very cumbersome to input all the data.

So I would just encourage maybe to reach out to -- it doesn't have to be me. I'm not volunteering

myself --

(Laughter.)

COMMISSIONER JOHNSON: -- per se. I would do it if I have to, but maybe just -- I'm in union leadership, and maybe someone who is not even in union leadership, somebody who has to actively do this, or even a field training officer who has to train a new officer regarding all the data that has to be put in.

Thank you for just consideration of that.

MS. SIERRA: Definitely. Thank you.

And you know, it may be that early on when the regulations were being developed or were first employed, that we may have had that, but if we did, it's been a while. It's been a long time. So I would definitely take that to the Board.

So thank you.

COMMISSIONER JOHNSON: Thanks for that.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. I was going to volunteer Commissioner Johnson, but you did a good job of getting yourself out of that one. That was good.

COMMISSIONER JOHNSON: How about the two guys behind us?

COMMISSIONER BRAZIEL: Real quick. And you may have done this. I apologize if you have.

So I'm assuming you have agencies that you see as doing a better job than others. "Better" is kind of a subjective term.

But have -- has RIPA Board been able to look at a culture of an agency, particularly when it comes to how they measure rewards? Meaning, we have a lot of agencies in this state that value outputs over outcomes, meaning number of arrests, numbers of citations, number of guns seized.

Because as much as we train, culture will eat policy and training for lunch every day. So we can train all day long, but if we aren't changing the culture.

And so the idea being looking for a correlation potentially between agencies that are really driving statistics when it comes to enforcement, versus agencies -- and Daniel is a good -- a good reference for you -- agencies are looking for more of an outcome versus an output and seeing if there's a correlation there. Because we can train all day long, but we're not going to change culture just by training.

MS. SIERRA: Yes. Thank you.

And that is something we talked a lot about, about that it is another, you know, key component of this, is culture within an agency and, you know, the puzzle of

trying to understand what that is and how it's impacting it.

So, you know, I think that would be kind of work that we're going to continue to explore, and that's very helpful. And it may be, you know, selecting particular agencies to just do some test case reviews or a survey, which we have done in the past on different issues.

But I appreciate that insight and comment. Thank you.

CHAIRPERSON LONG: Additional comments or questions?

Commissioner Therriault.

COMMISSIONER THERRIAULT: Commissioner Therriault.

Has there ever been any thought to having the RIPA Board partake in ride-alongs or things of that nature so they can understand just how difficult the stop data is to actually perform from -- so that you actually see from the front end till when the data gets to you guys?

MS. SIERRA: Yes. Then we have -- there have been opportunities for board members to do ride-alongs. I don't have the information as to which board members have or have not done that.

But, yes, and I think we have also received that invitation, an opportunity, just in addition not to only the -- not -- it hasn't been so much about the data

input, given that that's really driven by the statute and the regulations, that the advisory board doesn't really have much -- you know, we don't have much discretion with respect to that.

But with respect to police practices, that the board has been, at times, looking at the extent that -- looking at some researchers, for example, who have talked about the more discretion an officer may have with respect to police action. We're tending to see -- researchers are seeing some of those disparities grow.

So with respect to that issue, that's been one that maybe a ride-along also has been suggested.

So that's something I'm sure that we're going to continue to look at and consider.

COMMISSIONER THERRIAULT: I appreciate that.

Do you think there would be a welcoming, or would it be a pushback, if that was made to be a requirement if there was so many times a year, or something like that, that a board member was required to actually participate in?

MS. SIERRA: You know, it is hard to say if there would be. I think that board members are interested and are open and want to learn more. So I think just as a voluntary matter, it is something that, from my perspective, I have seen with respect to the reaction to

it that board members are interested.

COMMISSIONER THERRIAULT: I appreciate that.

And I would echo Commissioner Johnson's sentiments. I mean, the viewpoint from rank and file is that the RIPA Board is not interested in the well-being or the, you know, betterment of law enforcement officers doing their job. It is, you know, quite frankly, reviewed as something that is cumbersome and just gets in the way of a lot of hours of public safety.

And so somehow if there's a better way to kind of bridge that gap, I think that would be recommended. Maybe it is different -- different people on the board, the types of folks who are placed on there. But the perception is not good from the rank and file.

And I just -- I would be remiss not to --

MS. SIERRA: Okay.

COMMISSIONER THERRIAULT: -- just bring that to your attention.

MS. SIERRA: No --

COMMISSIONER THERRIAULT: So then you'd have a way to find ways to kind of, you know, mend that in between. I think would be very helpful, whether it would be a ride-along requirement or, you know, additional rank-and-file folks, you know, having some type of voice in there to give some type of balance, maybe.

I don't know. Just some thoughts from our perspective. Thank you.

MS. SIERRA: No. And thank you.

I appreciate the comments, because to the extent that it is a problem, I think it is important and incumbent upon us to address that.

Thank you.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Commissioner Nieto.

Yeah. I just want -- this is a comment, not a question.

I just wanted to thank you for your presentation. I have sat through these RIPA presentations before and, quite honestly, these seem a bit adversarial. And I hope that moving forward that it's more collaborative and that you do listen to the concerns of the Commission and that we can work to better police together.

MS. SIERRA: Yes. Thank you.

COMMISSIONER JOHNSON: Since this is my only chance for the ride-along brigade, here's what happens. People come from the outside and ride along. Then the employer picks the employee that they want to present. Okay?

I would encourage you to demand, from the employer, that they put you with a very busy individual. That will give you the perception you need. Not somebody who

makes five contacts in a day. Somebody who makes 30, 40, 50 contacts in a day. That will give the RIPA Board a perception of how many hours is really tied up when you have a complicated scenario with five or six people in a car, multiple searches, and what that looks like on trying to figure that out on -- it becomes a nightmare to try to figure out what you are doing with people when you have multiple people on probation or parole or going to jail. Some people get searched; some people don't inside of a car.

And you will see what happens when you are spending 30 -- 30 minutes on a traffic stop that is a simple arrest -- that we believe is a simple arrest -- which is a lawful traffic stop, a probation or parole search. You find a piece of evidence in there.

To a law enforcement officer, experienced one, that's a very simple activity.

The RIPA is more complex than that arrest with multiple individuals.

So I would encourage you to go to cities that have very, very active officers that -- and demand that you are sent with those individuals. It will give you the perspective you need of what we're trying to convey to you about the amount of time it takes to fill out the data.

And we recognize a lot of it is statute-driven.

MS. SIERRA: Yeah.

COMMISSIONER JOHNSON: But I think that's the collaboration. Because if we can get together as a Commission with the RIPA Board, then we can influence, maybe, an amendment to the current legislation to make both parties happy and to make it more efficient, because it is a lack of efficiency. And more time, more law enforcement officers get tied up with the RIPA data, that is less that they are out there responding to the calls they need to, proactivity, and the things that really reduce crime.

That's from the rank-and-file perspective.

MS. SIERRA: Thank you.

COMMISSIONER THERRIAULT: I have one more question.

CHAIRPERSON LONG: Commissioner Therriault.

COMMISSIONER THERRIAULT: Sorry. The veil of darkness test, the RIPA stopped using that, and that was kind of an academically accepted tool that actually showed, I think, the lack of bias on officers.

And I think about myself. 99 times out of a hundred, most people usually don't guess my ethnicity off top. And it's -- that's fine. It doesn't -- you know, it doesn't bother me, and I usually appreciate the conversation.

But the veil of darkness test and removing that just seems to be something that was problematic. I don't know why that was taken away.

And if you don't know, it's fine. It is just some feedback. Maybe to take back to the advisory board.

MS. SIERRA: Thank you.

And as I do recall, it was an early -- one of the early reports where we did incorporate that test, and I do recall that in the following year or two, we outlined the problems with -- from our perspective that we saw with that. I would have to go back. I wouldn't want to misquote that. But something to look at again.

And we have been, in the last reports, doing a number of different methodologies. For example, the discover rate analysis, I know, is something that we've been looking at quite closely.

But happy to relook at that and to see if there's some other discussion that maybe we should address with respect to that.

COMMISSIONER THERRIAULT: Thank you.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Just really quickly to kind of add to what Commissioner Nieto said.

I appreciate the want for collaboration. I think this could be much more productive if it was more

collaborative in that respect and a sharing of not just from the data aspect of each year RIPA coming out and making a broad statement. We're all here for improvement.

And so I think versus just asking for more data or more data points, really understanding how those data points are put in, in the field, what those mean. The real-life experience to the point of the ride-along and what the actual field officer sees and how that perception is entered in actual communities, versus in a sterile conference room/academic setting, where you are just taking numbers and drawing some conclusions in a very, very broad stroke.

I think looking at that in a more granular and less academic and actually field-related may actually produce the results where there could be more collaboration on what exactly the kind of training, versus we just need more training, and actually making a difference, or addressing it within departments that have more disparities than others.

So I would just encourage a real willingness to continue to collaborate, but differently than we have done up to this point.

MS. SIERRA: Thank you. This is all very, very helpful. Thank you very much.

CHAIRPERSON LONG: I have a quick question, Ms. Sierra.

You know, RIPA has long talked about, you know, measuring outcome criteria for training. Have you guys -- and maybe I missed it. Is it something you can point me to it? Is there some specific methodology you are suggesting for determining outcome success? Or is it just kind of a theory at this point? You mentioned looking into it in more detail.

I just wondered where you are on that and whether you proposed any specific criteria or ways of actually accomplishing that.

MS. SIERRA: Yes. This year, and I believe in the last year, we did have some suggestions mainly based on some academic research that's been done in this area. Some of the ways that it can -- to help measure, but it is something that also is somewhat abstract in trying to come up with like, "What would be the best practice?"

We have ideas where officers or law enforcement agencies could help measure effectiveness. For example, reviewing officers -- there's videos of particular stops maybe before and after training, and to see, like, maybe just some changes and approaches. That could be one way.

But we do outline, and we are trying to be as

specific as possible as to ways at least researchers have thought that could be helpful to measure effectiveness. Because we realize it is a difficult proposition.

But without it, it just makes it much more of guesswork and much more an intuitive process, like, "Does it seem to be working or not?" And a lot of money is spent on training. And I think we're all -- you know, it behooves all of us to see if we can find some measurements that would help guide us to how we are employing these resources.

CHAIRPERSON LONG: Thank you very much.

And I would just encourage, the more specificity the better. I think it is the bane of most organizations is to determine outcome criteria and how to successfully measure it. Everyone talks about it. Legislators talk about, you know, we're going to -- we're going to do oversight. We're going to do this. We're going to do that. But in terms of specifics, they are usually short.

So I would encourage you in the -- in the future reports, that you really give us a comprehensive look at that.

MS. SIERRA: Great. Thank you.

I know in this current draft we are providing some

more specifics. And I think that is something, then, to continue to really work on.

Yeah. Thank you.

CHAIRPERSON LONG: Mr. Executive Director.

EXECUTIVE DIRECTOR ALVAREZ: Okay. Thank you, Mr. Chair.

I just wanted to thank SDAG Sierra for the continued collaboration. We have really take an hard effort this year, I think both at POST and with the RIPA Board members. It's definitely gotten much better, and we really appreciate it. So thank you for that.

MS. SIERRA: Thank you.

We've been working very closely with your Executive Director as well as Meagan Poulos, and they come to our subcommittee meetings. They come to our board meetings. We've been working as the co-chairs.

Because the idea is if we're developing recommendations, we would love to get the input sooner than later. At the end of the day, we might not agree. But we want to make sure we're hearing all the perspectives and really understanding. And there may be blind spots or may be information that we're making assumptions, and that is very helpful to better understand.

So I very much appreciate the work we've done this

year. Thank you.

CHAIRPERSON LONG: If there are no further questions, thank you, Ms. Sierra, for taking the time to be here.

And since you are here, we'll switch the next issue over just very quickly, since Ms. Sierra is here, for an update on racial and identity profiling course guidelines. And Law Enforcement Consultant Mark Nagel will report.

I think we only have one chair and one mic, but while you are here -- oh, we do now? Okay, good. In case you have any comments or questions on Mr. Nagel's report.

MR. NAGEL: Thank you.

Good morning, Chair Long, Commissioners.

Thank you for the opportunity to present the Racial Identity Profiling Course Guidelines. These guidelines come directly from Penal Code 13519.4(h), first established under SB 1102 and expanded by AB 953.

AB 953 required stop data collection, created the RIPA Advisory Board, and directed POST to set training guidelines.

Importantly, the statute requires us to develop and disseminate guidelines and training. What you see today is an instructor guideline; a framework of minimum

standards that ensures consistency statewide while allowing agencies the flexibility to adapt training to their own communities.

This has been a decade-long process. First, the State had to build a stop data system and allow the RIPA Board to analyze it.

Then in 2022/2023, the Museum of Tolerance worked with subject matter experts to update the train-the-trainer curriculum.

In 2024, POST reconvened the DOJ, RIPA Board, and community stakeholders to finalize these guidelines, integrating years of stop data analysis and recommendations, including updates to Learning Domains 3 and 42.

This guideline reflects a broad coalition: Law enforcement professionals, DOJ, the RIPA Board, and community -- community voices, such as the NAACP, AAPI Equity Alliance, Justice for Murdered Children, the Love is -- the Love Not Blood Campaign, CARE, and among others. That mix ensures the guideline is truly a community -- community informed.

The guideline meets the mandates of SB 1102 and AB 953, is grounded in ten years of data and stakeholder input, establishes minimum statewide standards while preserving local flexibility, and reflects both law

enforcement expertise and community perspectives.

With that, the guideline is submitted for your consent.

Thank you.

CHAIRPERSON LONG: Any questions for Mark Nagel?

(No response.)

CHAIRPERSON LONG: Thank you for your presentation, sir.

MR. NAGEL: Thank you.

CHAIRPERSON LONG: Any comments from Ms. Sierra, since we have you present? And then we'll let you leave.

MS. SIERRA: Yes. Thank you.

Yes. Two of our board members worked very closely with POST on these guidelines, and so we appreciate that -- the opportunity and the input we provided.

I believe we just saw a draft -- I saw a draft of this yesterday, and I don't know if those board members have had the opportunity to see a draft in the past or not.

I will just note that one issue -- and I know we have talked a lot to POST about the -- as these were developing, that as a board we thought it was very important that these guidelines apply broadly to all training programs that relate to racial and identity

profiling or bias, not just to one particular training matter.

And it is my understanding that these guidelines do -- the scope of them apply to all such training courses.

So I know that is just an issue that we have worked really closely with POST about.

And then just looking through these yesterday, my understanding is that they are to be broadly applied.

So appreciate that.

I think these could very much help law enforcement agencies and in developing their training program, you know, POST academy programs that they have at their agencies.

CHAIRPERSON LONG: Thank you, Ms. Sierra. Thank you again for taking the time to be here today.

MS. SIERRA: Thank you.

CHAIRPERSON LONG: Our next item is an Update on K-9 Guidelines. Law Enforcement Consultant Mike Dalisay will report, along with Captain Brad Meyer, the Butte County Sheriff's Office.

As you will recall at the last meeting, Commissioners Gordon and Braziel asked for additional information, and Commissioner Therriault requested that we hear from subject matter experts who worked on the

guidelines, and Captain Meyer was one of those individuals.

Thank you, Captain Meyer, for taking the time to be here with us today.

Mr. Dalisay.

MR. DALISAY: Good morning, Mr. Chair. Commissioners, good morning.

I would also like to take a moment to say thank you to Captain Brad Meyer of the Butte County Sheriff's Office.

A little background about him is that he was a tenured K-9 handler and is now the coordinator at his agency for the K-9 program.

During our June Commission meeting, there were some questions, and one of the requests, I think, was from Commissioner Therriault would be making one of the experts available for any questions. And as well as Commissioner Braziel brought up a couple of questions that we have Captain Meyer here to provide clarification.

So with that, these guidelines are still in draft form. They were submitted for your review. And I would now open it up to any questions. We have not updated these guidelines since our last Commission meeting.

Any questions?

CHAIRPERSON LONG: Any questions regarding the guidelines? And, Captain Meyer, I guess you could respond to Mr. Therriault, or do you have something you would like to say first?

MR. MEYER: No. I will answer questions if we have it.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: So I have a whole list of thoughts, comments, suggestions given that there's more attention coming to this. So I will kind of go not page by page, but I will kind of reference the pages in it.

And so we start with K-9 Team Evaluators.

And I have got these notes here, too, so I can sit down with you later.

But we -- we just mentioned they have to be -- I agree a hundred percent, they need to not be affiliated with the agency or financially affiliated. But we don't give any other guidelines beyond that.

Western States Police K-9 Association -- I will call them "Western States" from here on out -- has a list of what you need. Just basic generalities on what it takes to be a judge at a K-9 trial. So I would suggest maybe we just look at that language and say, to be an evaluator, here's what needs to be, considering agencies are going to be required to -- potentially

required to follow these guidelines. It might be helpful to say this is actually what an evaluator is. But I like the piece with the no financial parts of it.

Page 3, right above the picture, "Patrol Guidelines," the section that says "In general, the K-9s should not be used for crowd control..."

I would suggest we change that. And I'm using the language from the Ferguson Report review that was done. I would say something like, "Except in narrowly-defined circumstances, K-9s shall not be used for crowd control." And the narrowly defined circumstances are in that Ferguson Report. I can kind of share that with you, but that's the national standard now for how to use dogs. Instead of saying "in general," let's be really specific about -- and there's -- it's -- when you read the narrowly defined guidelines, you will agree that those are appropriate, and the rest of them are not.

I should back up for a second.

So I was a K-9 handler, taught the basic and advanced handlers courses before. So I got kind of -- that's where I'm coming from is a little bit more of this. So -- and the process.

When we go to K-9 competencies on page 4, and in both this obedience section and later in the obedience sections, we do obedience testing while on lead. I'm

just -- I guess the question is: Why are we doing obedience testing on lead when all the other tests -- one, we should -- I don't agree with that. K-9 trials don't have them on lead. You are not allowed to carry your leash or any other stimulus.

And all the other testing we do is off lead, when it is searching or anything else.

I'm just curious -- I guess the question is: Why are we testing them obedience on lead versus off lead for certification?

MR. DALISAY: I will defer to Captain Meyer.

MR. MEYER: Yeah. There's lots of agencies that do both. And so we want to make sure we cover that minimum standard is that -- so there's agencies that have dogs that are on leash and off leash. So we want to make sure we hit both of those standards.

By just limiting only on leash or off leash, that makes it so that the agency is not allowed to test for on-leash obedience.

So it is just a -- it is a better standard to have both for agencies that do both, we believed.

COMMISSIONER BRAZIEL: So I guess the question I have is: Later on, we talk about it, in the searching, that particularly when we are doing tactical, they have got to be off lead and stay with the handlers.

So we are testing them later to be off lead and at heel.

I would just suggest that we just keep that same standard. It is also the standard for Western States. So I would say keep that standard up. And if they can't control the dog off lead, and they need a leash, then maybe that dog shouldn't be in service.

So I would suggest -- again, we're setting the standard for the rest of the state. I would just suggest that in both the obedience sections, that they must do obedience off lead because everything else is off lead.

That's -- again, these are just my suggestions in that process.

So it was also in the obedience section.

And then in the "Apprehension" on page 4 -- uhm, stand by. Yeah, I would suggest -- so it's "3. Apprehension." Because again -- we say "off leash." So if you look at the description, off leash. So I would do everything off lead, even the obedience.

But when you go down to section e., I would suggest that we take out the "supplemental equipment." Don't reference supplemental equipment. And then maybe change the language -- something that -- "The handler will identify techniques available to aid with the release

and control of the K-9," and leave it at that, versus putting in -- I don't like when we put in stuff because then it kind of restricts us even though we say "or other things." I think it creates some liability.

I think they need to demonstrate how would you do it? How would you basically release a dog and get control of the dog?

And it could be that they have those tools. It may be they have something else. But I would take that out that "may include but not limited to" section.

Obedience off lead.

On page 6 under "Verbal Outs." For those in the audience not familiar, an "out" is the command to call a dog off, to stop them from doing something. So the term is "out" if you use English. If you use Belgian or German, it is used in that language.

At the end of the verbal out, it's -- it basically, "This scenario shall be demonstrated off-leash and without the use of an e-collar correction." I would take out "e-collar correction" and just put in "any corrective device."

I'm old school before we had e-collars. So a lot of agencies use, for example, a throw chain. And the stimulus of the sound of the chain would stop the dog because they knew something was coming.

I wouldn't restrict it to that. I would just say "or the use of any corrective device," whatever that agency might happen to use. And, again, it's so we're not limiting ourselves to that.

And then the same with at the end of the "Tactical Release." I would just pull out that "supplemental methods" and just make it a general they just -- just take that out that they have got to be able to demonstrate they have got a tactical release and how to do that, versus just putting in what they might be able to use because it might be something different.

MR. MEYER: In the supplemental methods, take that out?

COMMISSIONER BRAZIEL: Yeah. I would recommend take that supplemental record -- supplemental methods out and just -- just cut it. Because it is pretty clear what they are supposed to do. And, again, we're testing it.

Again, I'm trying not to pigeonhole an agency into saying, "you have to have these things." You just -- you just got to show you got to be able to do this, and how would you do it.

MR. MEYER: Correct.

COMMISSIONER BRAZIEL: And then I would also, on the "Call-off" on page 7, pull out "e-collar" and just

put, you know, a correction -- add "a correction device." Just something else in there besides "e-collar" so it gives them the multitude of options that they have.

And then one just general thought is: Do we need to add -- and I just throw this out a lot for the Commission -- do we need to add a section given that this is going to be a guideline? Because this is pretty much on certification of the team, the handling of the dog.

Do we want to create a section that is agency-specific? Agencies should ensure they have policies for, you know, these types of things. Agencies should ensure they are tracking and recording. Just general suggestions for an agency on policy.

We tend to do it in other guidelines as kind of agency specific stuff. And I think you know what I'm talking about. Basically, it is what -- what policies should you have when you have a K-9? We're saying what you should do to certify the dog, but what policies should the agency have?

MR. MEYER: I would agree.

COMMISSIONER BRAZIEL: Yeah. And I'm a big fan -- just for myself is, we talk about 20 hours of training and tracking what they do in training, documenting it,

but I'm a big fan of documenting every search they do. Even if they don't find someone just to show that they are out doing stuff.

MR. MEYER: Yes.

COMMISSIONER BRAZIEL: So you also show you are -- out of X number of searches we did, we found people in X amount of -- percent of times. And of those, the dog actually apprehended a smaller percentage to tell a truer picture. Versus we're being sued for the apprehension, but we forget to log what we do and all the other stuff that we do. Because we only track the apprehensions, if that's makes sense.

MR. MEYER: Yeah.

COMMISSIONER BRAZIEL: And, you know, again, we can't mandate it, but strongly encourage them to document every time you go do a search, document it.

MR. MEYER: Absolutely.

COMMISSIONER BRAZIEL: So you have got a record of all the things that you do.

MR. MEYER: Yeah. Absolutely. I would hundred percent agree with that.

COMMISSIONER BRAZIEL: Yeah. That was my -- sorry to filibuster on my notes, but I have a passion for this, and was asked to do a lot of things in the past as a lieutenant with the legislature and everything else by

my former-former chief.

So it is one of those that I saw some opportunities to maybe tune this up just a little bit in the process.

So thank you for your time.

MR. DALISAY: Thank you for your input, Commissioner.

CHAIRPERSON LONG: Is there any comments either for Mr. Dalisay or Captain Meyer to Commissioner Braziel's --

MR. MEYER: Those are good recommendations that I think would easily be added in there. Yeah.

COMMISSIONER DOERING: Commissioner Doering.

I just wanted to add, thank you for all the hard work in putting this over. I sent this to my agency's executives that oversee our K-9 program. We have a pretty robust program. They had no thoughts or changes to it.

My only ask, if this is going to be brought back to the Commission for approval, that any of the changes suggested we can see in like a redline format, so it gives us the opportunity to bring it back to our respective agencies to ensure that we have no objections to those changes so we can see them specifically.

CHAIRPERSON LONG: That's an excellent suggestion.

I think what we would recommend is that we just

bring this back in December with the -- with the rewrites noted and clearly available, unless anyone has a concern.

Commissioner Gordon.

COMMISSIONER GORDON: There's an inconsistency between page 1 and 2. So it says "POST recommends annual recertification for the K-9 team."

And then when you go to the first paragraph, page 2 it says, "In order to meet POST law enforcement K-9 guidelines, K-9 team shall be assessed by an evaluator prior to general law enforcement deployment and at least one annually." And the language there is "shall."

But the language on page 1 under "General Training Guidelines" is a "recommend." It should be a "shall" in both places.

And I also feel that since the whole point is to set some standardization, the No. 6, about the "extended absence," that should also be a "shall."

I mean, we could debate all day what "extended absence" should be, but that should be a "shall" versus a "recommend."

But specifically, 5 should match what the first paragraph of the next page says.

And I would agree with making sure that the

standards for evaluators are clearly laid out in the document, because I think this is very broad. And, you know, as a chief of police, I'm also looking for if I'm adopting a standard that comes from POST, that I actually have a standard. So I think this is still too broad and would appreciate more of a standard set out for evaluators.

MR. MEYER: Yeah. I think that was left out someplace. We talked about it. We talked about upping the hours. The last guidelines were 250 hours, and then a K-9 handler for five years. That was -- we talked about bumping those hours up to a thousand hours. And I think it was just mistakenly left out, is what my colleagues and I came up with.

So I think that's something we could easily --

COMMISSIONER GORDON: Whether it is 250 or a thousand, I leave it to your expertise. But I do think it should be included in this document.

CHAIRPERSON LONG: Commissioner Therriault.

COMMISSIONER THERRIAULT: Commissioner Therriault.

Has there been any thought process given to adding to the guidelines -- I guess I would put it in patrol but maybe wherever -- about ultimately the deployment of the K-9 is the responsibility of the handler and not, you know, someone who is not certified.

You see that in some type of policies on occasion that ultimately the K-9 handler decides what not -- you know, as a sergeant, I wouldn't be like, "No, you're (gibberish)." Like, the handler should have the ultimate authority.

MR. MEYER: That's a good point. Yeah. Most of the time, that is addressed in the policies. I don't think that's a bad idea to put that in there. I think that's a very good thing.

You know, like you said, the handler is the only one that knows the dog and knows the capabilities of the dog. We can't have a supervisor ordering the handler to deploy the dog who doesn't understand what the capabilities of that is.

So I think that's an easy fix in there.

COMMISSIONER THERRIAULT: Okay.

CHAIRPERSON LONG: General consensus to Mr. Therriault's recommendation there? I just think that we're kind of drafting for a December rewrite here. I just wanted to make sure we have an opportunity.

Is there any concern with any -- any of our colleagues' comments?

(No response.)

CHAIRPERSON LONG: If not, are there additional -- Mr. Therriault.

COMMISSIONER THERRIAULT: I have one question for Commissioner Braziel.

When you are talking about keeping track of apprehensions, that would be the standard, too, like on give-ups as well, that kind of thing?

(No response.)

COMMISSIONER THERRIAULT: Okay. So it would be all encompassing; that would be tracked or recommended to be tracked?

MR. MEYER: Absolutely.

COMMISSIONER THERRIAULT: Okay. Yeah, I think that bodes well for a lot of liability reasons.

CHAIRPERSON LONG: It sounds as if we have a great deal of consensus on these comments, Captain Meyer, as well.

MR. MEYER: Yeah.

CHAIRPERSON LONG: All right. You have sufficient notes, I imagine, Mr. Dalisay?

MR. DALISAY: I do. Yep. Thank you.

And thank you all for your input. This helps to provide some insights into direction to December's Commission meeting.

CHAIRPERSON LONG: All right. We'll revisit this in December with a new draft, and it will be -- and we'll show strike out and -- and additions.

Thank you very much.

And again, thank you for coming, Captain.

MR. MEYER: Thank you.

CHAIRPERSON LONG: Our next issue is h., a Report on Anti-Reproductive Rights Crimes and a Guidelines Update.

Law Enforcement Consultant Mark Nagel will report on the item.

Welcome back, Mr. Nagel.

MR. NAGEL: Thank you.

Chair and Commissioners, presented to you today is the updated Anti-Reproductive Right Crimes Guideline, which we are submitting for consent. This guideline was originally published in 2009 and has now been revised -- and was revised in May of 2023 to reflect major legal and training changes.

Since the U.S. Supreme Court's decision in "Dobbs v. Jackson" overturned "Roe v. Wade," California has taken clear steps to protect reproductive freedom.

Proposition 1 enshrined that right in our state constitution, and the legislature expanded protections under the California FACE Act, Penal Code 423.2, as well as added restrictions under Penal Code 13778.2 on out-of-state warrants.

During this update, POST also produced a new

learning video. The prior video referenced outdated federal law, so it was necessary to create a resource that reflects California's current legal framework.

This new video uses real world scenarios and subject matter experts to help officers distinguish between protected First Amendment activity and unlawful FACE Act violations.

To reinforce this training, two new officer resources were added to the 2023 published guideline: The DOJ Quick Reference card and the FACE Act Field Guide. These provide officers with immediate access to Penal Code sections and practical checklists in the field.

Agencies also now have clear direction on reporting requirements under Penal Code 13777, ensuring the DOJ receives consistent statewide data, even when no incidents occur.

This update included input from law enforcement professionals, deputy attorneys general, health care providers, and advocacy organizations. Their collaboration ensures the guideline is accurate, practical, and responsive to real world concerns.

This update closes identified training gaps, provides officers with updated legal tools, and ensures California law enforcement is consistent in protecting

both reproductive health care access and constitutional rights.

Thank you.

CHAIRPERSON LONG: Any questions or comments for Mr. Nagel?

(No response.)

CHAIRPERSON LONG: If not, thank you for your presentation.

And we'll move on to another: Report on Human Trafficking Guidelines Update. Law Enforcement Consultant Raymund Nanadiego will report.

MR. NANADIEGO: Good morning, Commissioners, Chair Long.

Plans to update the Human Trafficking Guidelines began in December 2023. And AB 2020 was introduced in January 2024, chaptered in September 2024.

We had two workshops that were held in November 2024 and then again in February 2025, with a diverse group of subject matter experts to review and update the guidelines.

The following 17 subject matter experts had experience in investigating and assisting survivors of sex trafficking and/or labor trafficking:

Alia Azariah, Director of Aftercare and Survivor Leader from the Safe House Project.

Sawan Vaden, Director of the Community Against Sexual Harm.

Ashley Faison, survivor, leader, and founder of Diamond Collective.

CHAIRPERSON LONG: Mr. Nanadiego, that's in the agenda, I believe. So why don't we -- you don't need to read all -- you don't need to read all 17 names.

MR. NANADIEGO: Great. Thank you, sir.

The updated guidelines were split into two major sections: Sex trafficking and labor trafficking. And the following subsections for sex trafficking are laws, victimology, addressing the demand, evidence, and resources.

And the labor trafficking section included the following subsections on victimology, scope of the problem, industries where labor trafficking occurs, labor trafficking tactics, and victim resources.

Pursuant to Welfare and Institutions Code 23022(b), a waiver of survivor advocacy was developed and added to the updated guidelines, as well.

CHAIRPERSON LONG: Any questions for Mr. Nanadiego?

(No response.)

CHAIRPERSON LONG: If not, thank you for the report.

As we move forward -- let me ask: Kathy, how are

you doing?

THE COURT REPORTER: We can do one more.

CHAIRPERSON LONG: Do another one? You may regret saying that.

THE COURT REPORTER: I may.

CHAIRPERSON LONG: I believe our next is the Report on Office of Public Affairs Video Project.

This requires some brief background. I think Mr. Executive Director is going to respond to this one.

In 2021, the Commission recommended the use of videos on the History of Policing. The two such videos were produced. In 23/24, two more history of police videos were produced.

In 24/25, the focus of the video effort shifted to what staff has termed "humanities policing" rather than History of Policing. And the two latest videos focus on domestic violence and rural policing; one of them starring our own Detective Moon. Sheriff. Excuse me. Excuse me.

Look at notes here. The history of the History of Policing videos with the Commission, to me anyway, indicates that the video series would remain focused on the history of policing.

So my question is simple, and it is whether POST is moving away from that focus on the history of policing,

or whether it is going to return to it, or kind of what the outlying plan is.

And I believe Commissioner Ewell, who is really the instigator of much of this work in terms of the history of policing, has some concerns and come comments.

Commissioner Ewell.

COMMISSIONER EWELL: Thank you, Mr. Chair.

"Instigator." Huh?

So thank you --

CHAIRPERSON LONG: I meant "initiator."

COMMISSIONER EWELL: This truly has been a really arduous process. And it is certainly not because of the lack of commitment of the Executive Director or his staff. And so I want to state that up front. But it has been difficult.

And I do feel like we're moving away from the intent. And I don't want to be a broken record here and repeat myself.

But the original intent was, in fact, to help new recruits, police officers and deputy sheriffs, coming into the profession to understand that history; to understand how it evolved and where we are today. And, more importantly, the things that he or she can do to help, you know, bridge some of the communities that still today, decades and decades later, have suspicion

about why police officers or sheriffs are within their communities.

And so this gives the individuals the opportunity to better appreciate where those communities are coming from and gives them the opportunity to help bridge that gap.

When we first initiated this, I shared a story. I sat in a classroom with a number of assistant chief officers and officers of different levels.

And as a discussion ensued, they had no knowledge of things like Japanese internment camps and the impact that it had on that community and how some people still today are still carrying those scars.

And if you don't understand that history, if you don't understand indentured servants, as the Chinese were indentured and had to build railroads across the state, if you don't understand that background, it makes it almost impossible for you to figure out how you can help become a positive force, as opposed to having people look at you with suspicion.

So the goal was to develop a standardized curriculum. And it is now in -- has been initiated. But to have a standardized curriculum that everyone is learning the same elements and an understanding of how it has evolved.

And I guess when I read the report, I was -- I was a bit concerned because humanity of policing tends to take it away from that endeavor. And it broadens it and diffuses it. And I -- my fear is that it can go back to where certain academies are teaching certain elements and ignoring others as opposed to just having a standardized course.

So while I do respect and appreciate the videos that have been put forth, and I think that they have been very powerful ones, I still think that we need to migrate back to more of the history of policing so that people have a standardized understanding of the past and the role that they can play in fulfilling the future.

And, again, I will just conclude here by saying that I shared this with the Executive Director. I really have a personal concern about how, as a country, we're moving away from factual history and just kind of pushing it to the side and pretending that it doesn't exist.

And I think that will be at the peril of communities throughout this state because we want to try and turn our head away from the past. But if you don't understand that past, you have absolutely no idea of how to build the future.

So with that said, I would like to see us focus

more in that arena.

COMMISSIONER NIETO: Commissioner Nieto.

I read the initial report and saw that they changed it. I would like to hear from the folks that worked on the project, what their reasoning is behind the change. I understand what Commission Ewell is saying, so I have heard his perspective. I would like to hear the other perspective.

CHAIRPERSON LONG: You are going to hear it.

COMMISSIONER NIETO: Okay.

CHAIRPERSON LONG: Mr. Executive Director.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

So just very quickly, and then just had some prepared statement that I wanted to read.

So when we watched the first video, after it was completed, the dispatch supervisor video, the title of that video is History of Policing. We didn't think it was the proper title for that video. The intent was to make a History of Policing video. There were some challenges that we had that I won't go into here as to material we wanted to bring out during that video, that we were unable to bring out, which would have made it much more appropriate for that title.

So we ended up changing the title to Humanity of Policing after we watched -- myself and the Assistant

Executive Directors and the people that produced it, the two POST employees.

So that's what transpired. It was intended to be a History of Policing video, but we didn't think that the title fit.

The rural volunteer policing video, which is the second video, perhaps is less connected to the history of policing.

But that's what transpired.

And if I may, Mr. Chair --

CHAIRPERSON LONG: Please.

EXECUTIVE DIRECTOR ALVAREZ: -- if I may go forward. Some of this you have already said, but I'm going to read it just so I don't mess it up.

So we're excited to advise you of the release of two new videos, videos we intend to release in the coming days: One highlighting public safety dispatchers, and the other focusing on rural policing and volunteerism.

In 2021, the Commission discussed the importance of providing instruction to recruits and cadets on the history of policing in the United States. In addition to making curriculum updates, other delivery methods, such as videos, were suggested to assist with training.

Following the meeting, the Basic Academy Student

Workbook for Learning Domain 3, Principled Policing in the Community, was modified to include an additional five pages of content on the history of policing.

Additionally, a new mandate was incorporated into the academy training and testing specifications specifically including a required group research activity and brief-back presentation for each individual attending basic training on the history of policing.

POST also developed four videos on the topic of history of policing to help further the objectives of informing in-service law enforcement professionals and academy trainees on the importance of recognizing the history of policing, both good and bad, and how it has shaped perceptions of law enforcement; at times, helped marginalize communities; and at times, even shaped law enforcement agencies.

The first video depicted Felicia Allen and Flossie Crump, two retired Sacramento PD officers who were in an academy class with just a small handful of other women, representing the first female peace officers in Sacramento.

Flossie and Felicia, who were both Black, discuss their upbringing and challenges with law enforcement at an early age, including their struggles and how they were at times mistreated by others.

Felicia and Flossie, however, spoke to the great many officers who rose to help and support them and how extremely proud they both feel about their department.

The second video depicts Lieutenant Martha Hernandez with the San Diego Sheriff's Office. She speaks to how she was brought illegally into the U.S. at an early age as a young child. Lieutenant Hernandez witnessed her father being arrested for being undocumented, discussed the frequent contacts with law enforcement at her family home, and how her father's deportation impacted her life.

Lieutenant Hernandez and her entire family, including her father, are now proud U.S. citizens.

The third video features LAPD Deputy Chief Blake Chow reflecting on his career with LAPD, the 1992 Los Angeles Riots following the Rodney King incident, and LAPD's progress in rebuilding community trust.

The video also highlights the importance and success of community engagement by LAPD in an area known by Ramona Gardens, a residential area long known for violence and criminal activity.

The fourth video highlights SFPD Sergeant Mikayla Connell, the department's first openly transgender officer, who shares her inspiring journey into policing and pride she has in her career.

The video depicts Sergeant Mikayla, a military veteran, an accomplished attorney, who transitioned and decided she wanted to become a police officer.

We started producing these videos in 2023. We ensure the videos are made publicly available on the POST YouTube channel as well as other social media outlets. Each video depicts the evolution of policing, how history and past law enforcement culture would have prohibited certain individuals, like the ones I just mentioned, from serving in law enforcement.

The videos intend to show that we are all one big community in life, not just in law enforcement life. And that each person, whether a community member or a peace officer, deserve to be treated fairly, with dignity, respect, and compassion.

The videos intend to message our evolution that we are all the same, and despite our at times troubled history, we must continue to progress as a profession.

The videos cause intentional emotions and reactions with some, but always end with an enormous hopeful and proud feeling.

The response we received to the videos has been overwhelmingly positive. The videos are among our highest online performing -- performing posts, each with thousands of views.

As I started to mention, the subject of this content -- consent item is to speak to the two new videos for this next round of videos. I'm sorry. For this next round of videos, POST set out to highlight two very different but equally vital aspects of public safety. The critical role of a public safety dispatcher and the unique challenges and responsibilities faced by rural law enforcement agencies.

After reviewing a cut of the first video -- I'm sorry, I'm going to be a little duplicative here. After reviewing the first -- the first cut of the video, POST staff recognized that these two videos had taken on a more personal and human-centered focus, highlighting the many faces of law enforcement. The videos shine a light on the compassion, dedication, and resilience found throughout the profession.

To reflect this, staff retitled each of the videos the "Humanity of Policing." It is important to note that the concept is still the same, but the title is more fitting to the content that has emerged to these stories.

For the dispatch video, POST staff developed and distributed a statewide survey to public safety dispatchers following pre-interviews with several candidates. Dawn Barnett, a public safety dispatch

supervisor from the California Highway Patrol in Susanville was selected to participate.

Dawn is a survivor of traumatic -- of a traumatic domestic violence, an experience that ultimately inspired her to become a dispatcher. Her powerful story highlights the resilience and compassion that dispatchers bring to their role, especially when supporting individuals in crisis.

By sharing her journey, the video aims to shed light on the critical role dispatchers play and the meaningful life experiences that inspire their passion for serving their communities.

For the second video, which is a rural county agency video, the video depicts the difference between rural and urban policing, showcasing the many hats rural deputies must wear to meet the needs of their community, featuring the Nevada County Sheriff's Office and our very own Commissioner Moon. This video highlights several deputies, search and rescue volunteers, as well as Sheriff Moon, who all share what it means to serve in a rural community. With limited resources and vast remote terrain, Nevada County sheriff's deputies are trained to adapt to a wide range of duties, sometimes performing multiple roles within a single shift.

This includes working closely with dedicated search

and rescue volunteers, who selflessly give their time and skills in service of their community.

The close relationship between the community and law enforcement is a defining characteristic built on mutual trust and a shared commitment to public safety.

As stated earlier, we intend to release the two videos in the coming days. Additionally, while the two videos may have organically adopted a new title, POST staff also plan to continue with highlighting the historical aspects of policing. Through an existing contract, POST will produce up to two videos that showcase significant historical events in policing.

Although we have some very significant production and existing scheduling deadlines with our vendor, we hope new video production will begin in late March of 2026. But that is our hope, and we simply cannot promise that start date at this time.

I just want to, one, thank Born Ready Films. They produced the last two videos plus these two videos that are going to be released -- released. It is a vendor out of Los Angeles. Born Ready Films.

I also want to thank Dispatch Supervisor Dawn Barnett and her colleagues at the CHP for helping us with the production of the first video.

And then lastly, I just want to thank Sheriff Moon,

her staff, and the many search and rescues volunteers who are depicted on the video and who serve Nevada County and, my guess, also provide volunteer services outside of Nevada County. So thank you.

And then really lastly, I want to thank Katie Strickland and Meagan Poulos, who are in the back of the room. They worked tirelessly on producing these videos, hearing our edits and such. So thank you, Meagan and Katie for what you guys do.

So thank you, Mr. Chair. I just wanted to present to you where we have been and where we intend to go. So the answer to your question was: Are we -- is this the end? We intend to create two additional videos using an existing vendor hopefully in early 2026. That is our intent.

CHAIRPERSON LONG: So my question, I guess is, it's is with all due respect to the new videos and not taking anything away from their wonderous performances and so forth, was whether we are sliding away from history of policing. That was my initial -- my only question. Has nothing to do with the quality and the need for the additional -- for the two newest videos, but whether or not there's a accidental or an intentional drift away from what I think we thought was going to be more along the lines of the history of policing, as you indicated

was the initial goal of those two.

So you referenced that you are going to head to a couple more videos maybe next March or something. Would those be specifically History of Policing? Or is it -- do we see what offers itself?

EXECUTIVE DIRECTOR ALVAREZ: The intent is to have historical video footage of historical events in the video to set the stage for potential discussion amongst in-service officers or academy instructors.

The question as to whether we're going to stop at some point, you know, obviously, we're going to have to stop making videos at some point, or continue to make videos, whatever they may be.

But in terms of the academy and what is required in the academy, so in 2019, we incorporated eight hours of procedural justice into the academy. Every academy student, as of 2019, has had to go through that procedural justice course. One of the blocks of instruction is history in the community. That history in the community block is -- we encourage community members to teach that block. That is in and has been in the academy now for five years.

Additionally, as I mentioned during my comments, I believe it was 2023, the Commission approved additional requirements for academy students. And that is the

research and brief-back project. So that became effective in January 1 of 2024.

So every -- since January 1 of 2024, every academy recruit is required to do a research project on the history of policing as a group and brief it back to their -- to their class.

And that's statewide.

CHAIRPERSON LONG: Any other questions?

Commissioner Ewell?

COMMISSIONER EWELL: Yeah. I join you in saying that the quality of the videos were superb, and I have stated that to staff.

But again, when -- using your term, "are we sliding away from"?

I mean, the goal was to have a standardized approach so that anyone coming into this profession had the same level of information. And I remind -- I know I don't have to remind the Executive Director -- I remind the Commission that prior to that, any -- you know, any academy that was put up, they had the luxury of deciding what part of history they were going to insert. You know, so one -- one academy might choose X, the other Y. And as a result, you had new recruits coming through as professionals who had no idea about the history of policing in this country. And so there was a desire to

have a standardized approach that everyone would benefit from.

I still believe that the tapes are very valuable. I said -- and forgive me, Mr. Executive Director, for talking about our conversation. I don't think that it was anything personal or private. But I still think that those videos are very well done. But I had suggested to him maybe there should be some preamble introducing each of these videos to help people see how it ties to the history of policing so that it's under that umbrella. But not to have this feeling that we're going in different directions again, and it is morphing into one thing versus another. Or we'll end up where we were prior to '21, where each academy throughout the state is picking and choosing what they are going to teach people.

I -- I was taken aback, and going back to what I said earlier, where this was an assistant chief -- I will leave the department nameless -- who has had a great deal of responsibility and training and overseeing supervising tons and tons of young officers, and he had no idea what had occurred with the Japanese internment. And if it wasn't for the fact that there was a Japanese officer there who explained what had happened, and the impact that it had to his community, this officer of 20

plus years would never have known that.

And it just seems odd to me that we're inviting people to come into one of the most important professions in this country, who have some of the -- they have more power and authority to take lives but not to understand the history and why certain people may treat them differently when they come into their community, as opposed to looking for ways to bridge that gap, they could be offended by it. I know I would be if I'm treated in a -- in a disparate way. And it can just create more chaos.

So the goal was to have that commonality and to start building bridges and not necessarily just have people pick and choose whatever they are going to be taught, and then apply it out in the field.

And so I continue to have those concerns, and I continue to say that it is still rather prevalent today. I mean, some of the case studies that we've been looking at, you see the same issues popping up.

And so there has to be a need to teach people about that history. And maybe they are thinking that it is a joke, and you know, to use certain words, or treat people in certain ways.

But if we have any chance of helping these young professionals help to change perspective, it has to

start with a baseline of training that everybody understands coming in and not having each agency pick and choose what they are going to teach.

And the videos were superb. And I still think having a preamble to tie it to history of policing becomes critical to those young men and women coming into the profession.

CHAIRPERSON LONG: Questions or comments from any of the commissioners or anyone else?

(No response.)

CHAIRPERSON LONG: I guess so where we're left is that the Executive Director said there will be a couple of more videos being worked on sometime mid next year, and the intent is to focus --

EXECUTIVE DIRECTOR ALVAREZ: On the history of policing with historical footage, as opposed to depicting individual law enforcement professionals and how that history has impacted, you know, perceptions in the community, or how we have evolved.

So we will try to bring up specifics, both good and bad, but not highlighting individuals, which I think we have highlighted certain law enforcement professionals intentionally to give an inside perspective from law enforcement. But we'll do it from an outside perspective, which, as many of you are aware, was part

of the intent initially.

For those commissioners that were around back in 2023, we carved out $304,000 for one of our vendors to create those videos. They failed. I take responsibility for that. That vendor didn't do it. They didn't perform on that. They didn't give us the videos, nor did they invoice us. But as Commission Ewell knows, myself and Commissioner Ewell went, met with the vendor. Myself and Former Chief Daniel Hahn went to try and get those videos done. We couldn't do them.

So now we're going to start again, but with a different vendor, and we're going to try in March. We have the capacity internally to do it in March. But the vendor, which we have a two-year contract with, schedules these things out almost a year in advance. And that's why we're -- the vendor said they could do it in March, but we're concerned that we're pushing them almost a little bit too much.

But that is our intent to make them. And the videos will be historical video vignettes, not highlighting any individuals, any individuals from the law enforcement community, but historical perspectives.

I am in a hundred percent agreement with the comments by Commissioner Ewell. In terms of history, we

all have a history. It lives in us. We can't forget that. I know that's what I tell my son all the time. And it is important to reflect on that.

So I don't think we're -- you know, the intent is to go away from that. It is just how these videos came out.

But I think it is also extremely important to show, from an inside perspective, how we have evolved as a profession. Some of those individuals that are in those videos would never be allowed to work in law enforcement 30 or 40 years ago, whether you are female, you are Black, you are LGBTQ, you name it. They were restricted. And I think we can't forget that. And it shows the challenges that many of them have had to get to where they are. It wasn't always the way it is today. And, hopefully, tomorrow will be different than it is today. That's the goal.

CHAIRPERSON LONG: Commissioner Ewell.

COMMISSIONER EWELL: I agree wholeheartedly, and that's why I think that they can be add-on pieces that demonstrate how a lot of this history we're starting to revisit again because of the biases or trying to keep certain people out.

I thought every one of those videos were absolutely fantastic. I don't think anyone could question the

quality. But I think there has to be a -- on top of that standardized understanding of the history, then they can be added in to emphasize, here are some of the challenges that people are experiencing today.

But when I saw -- and forgive me -- when I saw, you know, Humanity of Policing, it just felt like we were moving in an entirely different direction. And that concerned me.

EXECUTIVE DIRECTOR ALVAREZ: Commission Ewell -- I'm sorry. May I?

CHAIRPERSON LONG: Yeah.

EXECUTIVE DIRECTOR ALVAREZ: You are correct that there is a lot of discretion left at the academy. That was intentional. We could change that. That is easy to do. The learning activity was left to provide the students a little bit of discretion in what they research, because communities are different. You know, whether it's in Imperial County or Richmond, they are just different.

So the students get to pick their research project or their discussion topic, unless the academy says, "Hey, you will do the following."

That can change. I'm going to read you what they are required, or read you all what is required. But we can change it and be very prescriptive so that each

one -- each academy does the exact same thing.

So the activity is, "Students will participate in a group activity that requires them to research a historical event and present their findings to the class. The research must include the impact on the perspective of law enforcement and the community. The event should include an historical action, such as a Stonewall riots, the Zoot Suit Riots, internment of Japanese Americans, march from Selma to Montgomery, George Floyd, etc."

So it is very open-ended, but we can tighten that down if you all would like and say, "Hey, here are the topics that you must research." Or each student must, you know, hit one of these five. Whatever it is.

So you are right. It is -- it varies from academy to academy.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. I -- so I think -- first of all, the videos are great. Manny, I think the title of what we're doing is the evolution. You mentioned it several times. But we can't evolve unless we have a base, so I understand where -- where Commission Ewell is coming from.

And I think we need to go back in time when we do this. And it's historical data, right? There's nobody

here to be interviewed over what policing was like in 1920. But we need to go back and to our politicians who ran police departments, and then there was a shift into not following the politician but the law, and then how policing has evolved into a profession. And even a timeline of where that's happened.

Because I can -- I have shared with several of you before, you know, when I went back and did one of the reviews in St. Louis, I was like going back in time in the history books how policing was done. We don't see that because we're in California. But we -- but it happens in other parts of the country where they are still stuck 50, 60 years in time when it comes to the abuses and things that were going on that California dealt with years ago.

And understanding that history is important to see the evolution of where we're able to allow people, transgender, women in the -- all that happened because of the evolution of the profession. But there are other parts of the country that haven't kept up with that evolution.

So I think it is really important to have a base, and that base goes back in time. And I'm talking about the turn-of-the-century-type base and where policing was political. Where there was graft and corruption, where

that happened.

And then how we evolved, and how -- what basically happened. And part of that is POST, how the POST Commission was established. And why it was established.

And then we can do the -- I like the other pieces that are there, but without those -- without a base, we can't show a true evolution unless we show that we started somewhere historical.

So I agree.

I also think that maybe we do some more prescriptive in the academy, where maybe we pick some of those things. You have to go back and analyze it and talk about it. Or we show the video that's produced, and they have to pick something that's in there and report back on that.

And keep it open for something new because, unfortunately, something new is going to happen between now and then. That's just the way life is.

But I understand Commissioner Ewell's frustration because he's been talking about this for years.

But I think there's a quick, easy -- not quick. Nothing is quick. We're in government. But an easy piece because stuff is all historical. And there's tons of videos out there already on the history of policing. We just need to get copyright approvals on pulling stuff

in and how do we kind of set our own timeline that's consistent with what we're trying to do.

That's just my 2 cents. That was more than 2 cents. My $20 worth of comment.

COMMISSIONER NIETO: Commissioner Nieto.

CHAIRPERSON LONG: Commissioner Doering. I'm sorry.

COMMISSIONER DOERING: Okay. I just want to touch base on what Executive Director Alvarez said about the requirements that we have in there right now. And it leaves a lot of openness for the recruits to do their own research. I think that's important. I actually don't like the idea of narrowing that more and specifying what they have to do for a couple reasons. I think you have the redundancy of the presentations if the whole class is limited to four or five topics.

And I also think it encourages creativity and allows the recruits to do their own research and maybe come up with topics that aren't as mainstream in the media that recruits in the class might not be familiar with. It gives them a little bit more engagement in what they are doing.

So I personally like that we have some flexibility there, not to mention every part of the state is different and which topics they might learn. So I

wouldn't be in favor of restricting that down more. I do like the way we have that.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: I'm actually the opposite, Justin, and usually we're in alignment.

I think there are critical things that have happened in California that have changed the paradigm of policing in California. The Zoot Suit Riots, which affected all of Southern California, not just Los Angeles; the internment of Japanese Americans. Obviously, that affected the entire state, more so in southern because that's where they pulled the population out of to intern. But they were interned in Northern California.

So I don't know if there's a compromise, a mix of that. But there are certain just milestones in policing.

Quite honestly, I'm shocked, but I'm not, that somebody would not know the history of why we're where we're at today in this state. But...

COMMISSIONER EWELL: Chair.

CHAIRPERSON LONG: Commissioner Ewell.

COMMISSIONER EWELL: I don't see why you cannot have both. I mean, you don't want to stifle the creativity of a young mind. But I -- I think you build

off of a base and then give them options of how to deal with things.

But I -- again, I -- you know, the issue of the internment camps. The issue of the indentured servants. I -- the officer -- I didn't say this, but the officer, the assistant chief, was actually in a community of Asians and he had no knowledge of that. So how can you be effective when you don't understand that past history? At least in my mind, I couldn't help but wonder that.

So I think there has to be a base. And you could give them electives.

I -- you know, I -- I -- I equate this to going to a four-year college. I mean, you have to take those standard general admission courses, and then you build on top of that.

But you don't just pick and choose what you are going to take in order to satisfy that degree. Everyone at least have to have that baseline of information, and then they build on top of it. And I see the same -- same possibility here.

But if everyone doesn't understand that history, today you may be working in a Hispanic community, tomorrow in an Asian community, the next year in an African-American community.

But if you don't understand any of those dynamics, I don't know how effective you are going to ultimately be.

So I don't -- I don't profess to know what should be part of that baseline. I just think that everyone coming into this profession should at least have a general understanding of the past and where they can fit in to this new evolution.

Last comment, and then I will end it, for me.

I was on the East Coast a couple of months ago, and just happened to spend the afternoon with a couple of council members there. And there were a couple of officers that, again, I will just leave this community nameless, too. But the individual was talking to me and the council members. And then there was something going on with -- with one of the officer's subordinates. And he said, "Excuse me a minute." Turned around. And said, "Get that paddy wagon back where it belongs."

"Paddy wagon?" I mean, and not understanding what impact or what inference that had to Irish Americans.

I mean, I just think that if California is to continue to be the leader of policing, that we ought to have a better way of preparing people. And I think it starts with he or she starting through that academy anywhere in the state of California to have that

baseline and then build on top of it and not just assume that people, through osmosis, is going to learn all of this. Because it just doesn't happen.

CHAIRPERSON LONG: Additional comments or questions?

(No response.)

CHAIRPERSON LONG: I think what we have heard from the Executive Director is that there is no intent to slide, and that next year they will be working on videos that reference specifically what Commissioner Braziel referred to as a fundamental base, which seems to -- and there will not be a reduction of autonomy within the academy, which speaks to other members here. So I think we had a very good discussion.

On the heels of that discussion, this would be a good time to give Kathy a break, but not for the rest of us. We will have two videos. We actually have three. But the first one is only a three-minute video, and it -- I think it speaks directly to what our Executive Director has cited and Commissioner Braziel in terms of base, and the type of thing that Commissioner Ewell is looking for. It is a three-minute video.

The second video that we'll watch here will be -- I think it is ten minutes on the dispatcher and the domestic violence video.

We will save the film debut of our Sheriff Moon for lunchtime. And we'll -- people can sit and watch that one at lunch.

The staff will also make links available to all of us for all three of these videos.

So, Kathy, I think you can take a break now, and we will run -- let's start with the three-minute video on essentially base information on history of policing, and then we'll watch the DV video.

Thanks, everyone.

(Videos played.)

(Break taken in proceedings.)

CHAIRPERSON LONG: We're back on the record.

With Item k, which is Report on Instructor Conduct Regulations. Law Enforcement Consultant Andrew Mendonsa will report.

MR. MENDONSA: Good afternoon. Thank you.

I will be walking you through the background of this project, the goals of the proposed regulatory changes, a few key items for discussion and/or recommended next steps.

In November 2024, the Commission directed staff to evaluate regulatory options for addressing both course complaints and poor instructor conduct or performance.

Since then, we have had a number of regular

stakeholder meetings with internal divisions and legal counsel to shape the framework for the proposed regulations.

One important piece is I wanted to let everybody know the scope has expanded in response to some of those conversations, and there's some keys that you should be aware of.

First, it incorporates the actions that are already included under Regulation 1052 and 1059 that prohibit decertified or suspended instructors from teaching in certified courses.

Second, it includes a provision to address Government Code section 7286, which is already reflected in 1004, and I will come back to that.

Third, it incorporates needed elements from the quality assessment program, which are currently not formally included in any regulations.

The goals of this proposal are threefold:

First is to establish clear and explicit instructor conduct standards.

Second is to provide POST with direct authority to address instructor misconduct.

The third is to regulate course presenters as the accountable body rather than individual instructors.

Key issue for discussion is how to address the

prohibitions under Government Code section 7286. So this statute requires agencies to prohibit officers from training other officers for a period of three years following a substantiated abuse of force complaint.

While I recognize that POST does not determine agency policy or compliance, we're concerned about approving instructors who may otherwise be prohibited, especially in cases where reports are made to POSAD.

As written, the statute only applies to officers training other officers. It does not address trainees in academies, instructors once they leave an agency, or private presenters.

And the Commission will need to consider whether to adopt regulations that mirror the prohibitions. Options include adopting the statute's language directly, or the intent by prohibiting instruction in any certified course.

To address the process, staff is recommending three main components: The first is a mechanism to address new instructors who have existing actions;

The second is to address existing instructors when they receive a new action;

And third is a requirement for presenters to attest that all instructors they assign are eligible under the new rules.

This approach ensures consistency, provides crosschecks across POST Divisions, and shares responsibility between presenters and POST.

We anticipate there's probably going to be a number of challenges. However, we think there are several factors that strengthen the proposal.

Decertification and suspension actions are already covered under existing regulations with the recent adoption of 1052 and 1059.

Adoption of 7286 prohibitions would be consistent with existing agency policy requirements, which have been in place since 2023.

Third, as the regulations are directed to presenters, not individual instructors, the responsibility for compliance falls on the presenter, avoiding POST assuming a direct employment role with individual instructors.

And we feel that we have addressed some concerns regarding due process in a couple of different ways.

One, instructors prohibited either through decertification or 7286 would already have been subject to extensive agency review or POST review. And the proposed process builds in notice and presenter appeal before making any determination, which is consistent with how we do appeals under 1058 now anyway.

Moving forward, staff recommends that we conduct external stakeholder review and collect additional feedback, finalize the proposed regulatory language for Commission consideration, establish a target implementation date and communication plan for both instructors and presenters, and explore the adoption of student conduct guidelines to address inappropriate or disruptive student behavior.

I look forward to any questions you may have.

CHAIRPERSON LONG: Any questions or comments from Mr. Mendonsa on this item?

(No response.)

CHAIRPERSON LONG: Hearing none, thank you, sir.

Item l is a Report on Discussion Regarding Commission Reg 1005, Peace Officer Minimum Training Requirements. Chief Counsel William "Toby" Darden will continue his excellent in-depth reporting on this item.

I think the legislature should ask Toby to rewrite the whole section on Peace Officer 830.

MR. DARDEN: If asked, I would gladly comply.

CHAIRPERSON LONG: Careful what you volunteer for.

MR. DARDEN: Commissioners, this is a continuation of our ongoing discussions with respect to Regulation 1005 and updating our foundational training requirements for all categories of peace officer in California.

Remember, we have had several discussions about this during our Commission meetings. We have had stakeholder meetings, which Commissioners Braziel and Gordon graciously volunteered to participate in.

I made a number of efforts to try to move this forward, and it struck me that really to move the project forward, the only way to do it would be for me to go through the work of literally reviewing each category of peace officer in California in the Penal Code and Chapter 4.5, and making some attempt to try to determine, for each of those categories of peace officer, what the appropriate foundational training would be: RBC, SIBC, or 832.

And it was not as difficult as I thought. In the introduction -- surprisingly enough, it really was not.

So this is the draft regulation that you see. And, again, this is just for discussion purposes.

If you could scroll down a little bit.

So the draft starts out with some initial regulatory language, really just the basic proposition that peace officers shouldn't be appointed into positions requiring the exercise of authority that they have not been fully trained for.

And while there are some categories of peace officers in California over whom POST does not have

regulatory authority, the draft states that the regulation should be considered best practice standards for all peace officers in California, and that the Commission would encourage that the standard be followed for all peace officers regardless of whether or not the Commission has regulatory authority.

It cautions that law enforcement agencies should carefully consider whether to permit a law enforcement officer to carry a firearm if the officer has not completed either the full RBC, or, in the case of an officer with solely investigative authority, the SIBC.

And it states, consistent with existing POST regulation, that any officer that has not completed the Regular Basic Course must not engage in general law enforcement duties, as is defined by regulation, or uniformed patrol duties, again, which are defined by the Commission.

Now, most of the officers that I placed within the RBC requirement, again, only for discussion purposes, shouldn't be controversial, but there may be some that we may need to have some discussions, some additional discussions on.

So one example -- maybe you could move to page 5 real quick.

The draft regulation places peace officer park

rangers, over whom we have had some considerable discussions about, within the RBC category.

But the reason that I did that is because those park rangers that are appointed under Penal Code 830.31(b) are given by the legislature the primary duty of, quote, "protection of the park and the preservation of the peace therein."

So many of these categories, ranger, and, in addition, harbor and port police, who have the primary duty of enforcement of the law on or about the properties that they patrol, is that those duties, where you have a broad mandate to protect the park or protect the harbor or port properties, and to maintain and enforce the law within that jurisdiction, then that sounds like RBC.

One provision that the Commission may want to carefully consider -- and if we could go to page 10. And this is based on some discussion that I heard here at the Commission. I believe it may have been Commissioner Gordon, but I don't want to misstate that.

But I have, in the draft, again, for the RBC, and it is at the top of the page, that "Except as is otherwise specified in this regulation" -- and that is those other officers that are placed within the SIBC or in the 832 category -- that "any peace officer permitted

to carry a firearm by his or her employing agency while on duty or while off duty, regardless of the Penal Code section used by the employing agency as the authority for appointment or employment," should have the RBC.

So, again, what that says is, if you are carrying a firearm, and you are not otherwise an SIBC or 832 by regulation, that the Commission would say that is a requirement for the RBC.

Now, most of the officers that I placed in the SIBC provision are also likely not controversial.

Can we go now to the PDF, please.

So instead of having to go through page after page after page of the draft regulation, I put together a PDF, which I hope makes it a little bit simpler for you to see why -- or which officers have been placed in which category.

Can you go to the next slide.

This just talks about coverage of our existing regulatory structure.

Okay. Go on to the next one, please.

All right. So of all of the various categories you will see, I won't read each one of them, but the bullet points there show you which peace officers that are given peace officer authority by the California legislature have been put into either the RBC, the SIBC,

or 832.

And, again, this is just the RBC page. You may wonder with some of the -- for example, for the municipal utility district, or as we talked about harbor port police, transit, and so forth. That was because when you really look at the Penal Code section that grants them authority, they are doing general enforcement of the law, or generally they are responsible for the protection of those properties.

Okay. Can you go to the SIBC, please.

These, again, are not controversial. And I started it out with one which has been controversial in the past, and that is the DA inspector and investigators. But in the draft regulation, what I said is for any -- any individual officers that are placed within the SIBC portion of the regulation, they may have either the RBC or the SIBC. But they can have the SIBC and do not have to have the RBC if they are within this section of the regulation.

So as you see, many of them just logically fall there. And those are investigators by statute, food and drug, lottery, DLSC, insurance, and so forth.

Some of them you may wonder about, voluntary fire warden, for instance, was a provision of peace officer that I was not very familiar with. But it does appear

that those voluntary fire wardens are largely responsible for simply enforcement of the law relating to the forest and forest fires. So I thought that that was more akin to an investigator doing that sort of work.

Okay. Then when it came down -- if you can go to the final page -- to the Penal Code 832 training, there were not as many of them as I thought there would be. It really boiled down to the coroners, deputy coroners, of course jail deputies, and jail correctional officers, DOJ security officers. And the reason that they are in 832 and not in SIBC is because the DOJ security officers are very, very limited. They only have authority while they are on duty and only for security-type functions within the buildings. Same with the UC College of the Law.

Now, CDCR, parole, and correctional officers, they are not subject to 1005, but obviously, they will complete PC 832 training, so we put them on the slide just for information.

We are currently looking at county probation. I have got some questions as to where county probation would fit in.

But that's it, really. It was just an effort to try to move it forward.

And, again, I thought the best way to do that was literally to go category by category. And try to determine where they -- where they belong: SIBC, RBC, or 832.

So with that, we're just looking for guidance whether or not you have any thoughts about how we should move it forward from this point.

CHAIRPERSON LONG: Toby, so you are the -- the intent would be to put this out to the -- for comment to the associations and so forth and then bring it back in December?

MR. DARDEN: Certainly. Well, we have a number of ways that we can go. If we want to actually move it forward, then we can move it forward and send it out for public comment if the Commission believes that it is ready to go there.

Otherwise, if there's any desire for me to come back and rework it or to have some more fulsome discussions in December, we can certainly do that.

So it is up to the Commission as to what its desire is.

CHAIRPERSON LONG: Questions or comments?

Commission Nieto.

COMMISSIONER NIETO: Commissioner Nieto.

I do want more information about county probation

once you get there, Toby.

MR. DARDEN: Yes.

COMMISSIONER NIETO: Because that's going to affect a large number of employees for the 58 different counties. So some feedback when you get to that point.

MR. DARDEN: Okay. Good. Thank you.

COMMISSIONER BRAUN: Commissioner Braun.

Animal control officers. They do write search warrants and do some enforcement actions. Our animal control officers are 832.

MR. DARDEN: Yes. And the reason that animal control officers aren't in this regulation is that they are not given peace officer power.

COMMISSIONER BRAUN: Okay. I figured as much.

MR. DARDEN: Yeah. So, again, the intent of this regulation is I simply went through Chapter 4.5 and only those provisions that the legislature has given peace officer authority to.

So for any individuals that are considered public officers or their number -- such as animal control, that are not peace officers, but they are given certain duties or power or authority that looks like a peace officer, but they are not given peace officer authority by law, I did not include those. Because the intention here is only to cover those peace officers -- those

individuals that the legislature has given peace officer power to.

COMMISSIONER BRAUN: Thank you. And I share Commissioner Nieto's concerns with probation and having clear definition on that.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I would just like to thank you for the deep dive that you took. Clearly, there was much discussion when Commissioner Braziel and I attended the workshops. And I think, overall, once all of the members that were in the room of the workshops, from all the different groups and all the different -- including probation in CDCR, I think -- regardless, once we really dove into it, there was large scale agreement on most should be doing RBC. And I think this is going to take time, and this is not a broad-stroke brush that can just be done overnight. But I do think this change to the regulation and clarification is very necessary.

So I appreciate the time that you took to actually go through and identify each one, because I think that was part of -- when we did the workshops, part of the struggle of realizing how many different groups were in the Penal Code that this included, that were spelled out specifically.

So I do appreciate the time that you took, and I do

think -- for me personally, I think this was a great direction for us to continue to move in.

And to the question about input, there were a lot of various perspectives and different individuals in the room. And I would like to just thank POST staff because it was really thoughtful. It really did cover a wide variety. And there were actually very few -- there were a few executives in the room, but a lot of those were actually in the academies doing the work, from all different cross sections that were in the room. There were a few executives.

So I did appreciate this wasn't just an executive look. This was literally a bottom-to-top look, in my opinion. So I appreciate the time that was put and the time you have put into it because I think this is very reflective of where you need to get.

MR. DARDEN: You are very welcome. And so it absolutely was my pleasure to do it.

And just for the Commissioners on the question of county probation, the question that I had was that the county probation officers apparently believe statewide that their authority comes from Penal Code section 830.5. I didn't interpret the section that way, myself, just as a matter of statutory interpretation.

It looked to me like Penal Code 830.5, which grants

peace officer powers to certain probation officers, was to a much more limited group of probation officers than all county probation officers statewide.

Having said that, I asked someone to research it in my -- in my legal office, and they did. And there seems to be wide consensus throughout California that county probation officers do -- statewide, local county probations officers do obtain their authority through 830.5.

So just so that I understand, assuming that all county probation officers do have peace officer authority under 830.5 of the Penal Code, I'm just curious as to what the concern is: Would -- would the Commission agree that they would be given 832? Or would the idea that they would be more RBC or SIBC?

Yes.

COMMISSIONER GORDON: I will just say, I actually had -- at my table in my group -- a probation officer supervisor at the table who shared the training that they went to. So I do think there needs to be some work specifically around setting a standard throughout the state for probation that probably is a combination of 832 and the others, because they do a lot of the same academy pieces. It is just spelled out a little differently.

So I do think there's probably, you know, to Commissioner Nieto's point, some work to be done specifically with -- with the probation for that standard.

MR. DARDEN: And also, this is simply the foundational training regulation. So we have, for instance, with airport security, for instance, they have the RBC as the foundational training. But then they are also required to take the airport security courses.

And so, you know, again, the idea would be whether or not we, as a Commission, for probation, want to have a different set of foundational training for probation, where it is just 832, but then it is 832-plus effectively.

Or if it would be SIBC or SIBC-plus or RBC or RBC-plus.

So it sounds like we are talking probably about 832. But then the question is: What additional training would they have just as airport security folks and so forth have additional training?

Is that right, Commissioner?

COMMISSIONER GORDON: Yes. And I do think it needs to be a set standard throughout state for what they receive. But I think there is probably room for our work group, because they talked about what they get and

the standard that they get. So I think there's room for that. Because most of their PC 832 piece was their firearms component more than anything. And that was -- and I wouldn't want to see them have to do double the standard, where they are taking and, you know, the internal piece that most of the probation departments are doing, plus, on top of that.

So I -- for me, I think there just needs to be a better understanding of that piece.

COMMISSIONER MOON: Commissioner Moon.

Again, the standardization, because I think all probation departments are different across the state.

I was -- it was a surprise to me just returning from a conference to see a probation agency in California that their uniform is a patched uniform with a patch. And a full uniform with a handgun. That, to me, appears to be more of the overall law enforcement, at least, look.

So, again, it goes back to the harbor police, the park ranger police. If the -- if the visual is -- we're putting them, I think, at a disservice for training.

So if we're going to be standardized, we need to look at the entire state.

COMMISSIONER NIETO: Commissioner Nieto.

I am of the opinion also they've moved more towards

policing. I'm not saying put them under RBC. I think we need to look at it. But it might be an 830.5-plus thing.

But, again, I agree, it needs to be standard, and it is different. I know -- I've been throughout the state. I know Kelly has. And it is just different from where you are at.

I think part of it has to do with fiscal stuff trying to do more with less. And so, you know, the local agencies put more of a burden on their probation depending on where you are at on what they do or they don't do.

So...

MR. DARDEN: And I know one of the things I've been thinking is that, you know, when you have, for example, with the -- just a -- just as an example, the harbor police, where you have harbor officers that are doing police work, and they are responding to calls, and they are carrying guns and all that stuff, then that really looks RBC-ish.

If an agency wants to have a park ranger or a harbor employee that does not have peace officer powers, then that's fine. They can have a public officer or some other position where the individual doesn't have peace officer powers.

But if we're talking about probation officers that have peace officer powers, then the question, again, is: What's the foundational training? And then with the foundational training, then what additional training would be on top of it?

COMMISSIONER BRAUN: Commissioner Braun.

Currently, who oversees training for probation? I know that POST does not oversee training.

Is -- is there an entity that does?

MR. DARDEN: You know, I honestly don't know. This is not something that I --

COMMISSIONER MOON: STC.

MR. DARDEN: -- took a deep dive because we were looking at the question of the peace officer authority.

And I'm sorry. Is there a -- Commissioner Gordon or Commissioner Braun, did you want to --

COMMISSIONER MOON: I believe it is STC, STC certification. They have a juvenile probation officer Core and then an adult Core on the probation side.

EXECUTIVE DIRECTOR ALVAREZ: If I may add, Mr. Chair, they are required to complete the STC course, which I think is a ten-week course. I can't remember how many hours. Carrie is in the back. I think it's ten weeks within 120 days of being appointed. First they go through PC 832 training, and then they go

through the STC course by statute.

CHAIRPERSON LONG: Questions?

EXECUTIVE DIRECTOR ALVAREZ: If I may ask a question of Toby, because I think this is potentially a significant question. We have talked about it, Toby.

But on the chart, arson investigators --

MR. DARDEN: Yes.

EXECUTIVE DIRECTOR ALVAREZ: -- we listed as SIBC.

MR. DARDEN: Yes.

EXECUTIVE DIRECTOR ALVAREZ: Is the intent that -- is the intent that an arson investigator that works for a city fire department complete the SIBC as opposed to PC 832 training?

MR. DARDEN: That was the idea.

And, again, I think that the thought process is: If you have any investigator -- so, in other words, if you look at the other areas for SIBC, those are investigators that have a limited skill set, but they are to investigate, for example, ABC crimes, or Department of Insurance crimes, or that sort of thing.

So they have a limited area of their investigative skill and expertise. But the SIBC is still appropriate, because they are expected to do professional investigations.

So that was the intent, was to place arson

investigators in that category of specialized investigators that should have that training.

But, again, this was just my initial attempt at having something for discussion, and I would love to have the Commission's thought on any of these categories that they had questions about.

EXECUTIVE DIRECTOR ALVAREZ: I personally have not had any discussions with any fire folks about the SIBC versus PC 832. Obviously, CAL FIRE, which is part of the POST program and have a couple hundred peace officers, they have arson investigators. They all go through either the RBC or the SIBC. And I think they run an RBC academy.

MR. DARDEN: That's right.

EXECUTIVE DIRECTOR ALVAREZ: But they are going to be at, I presume, many small fire departments with ten or 12 people that an arson investigator is a -- it's a collateral duty.

And to require them to potentially go through a six-month academy on top of that, may -- may cause some concerns.

MR. DARDEN: Of course the thing to keep in mind is the scope of POST's existing regulatory authority. So if it's not a POST-participating agency, which most fire departments are not --

EXECUTIVE DIRECTOR ALVAREZ: It will not apply to them?

MR. DARDEN: -- then it would not apply to them.

So it is only -- so it really -- as you know, our regulatory authority is SB 2, so the 13510.1 category, which is not going to include those local arson investigators, POST-participating agencies which they likely would not be. So our regulation would not apply to them.

It would, again, say that it should be considered a standard for other agencies in employing peace officers to look up to.

But so yes, it would not apply to them unless they are POST-participating.

CHAIRPERSON LONG: Additional comments? Questions?

(No response.)

CHAIRPERSON LONG: The process then, Toby, as you see it going forth over the next couple of months?

MR. DARDEN: Well, what do you think, Mr. Executive Director?

EXECUTIVE DIRECTOR ALVAREZ: Yeah. Would you like us to put it out for public comment before we come back in December? Or would you like us to come back to you in December with the draft?

Sorry. Commissioner Braziel, I think I jumped in.

COMMISSIONER BRAZIEL: I think we at least need to reach out to Cal Sheriffs, mainly because we got the park ranger issue we talked about that's been on the forefront.

And also where we're putting custody staff, the nondeputy custody staff in that section.

Then the second conversation is: What do we do with 832, the number of hours there? But that's a separate conversation.

So I would at least reach out to -- and maybe Cal Chiefs, but Cal Sheriffs definitely has shown an interest, particularly Fresno and a couple of others. I would just reach out to them first before we go out to public comment, so they aren't surprised by it.

CHAIRPERSON LONG: Commissioner Gordon?

COMMISSIONER GORDON: I would agree with that.

CHAIRPERSON LONG: Agree?

COMMISSIONER GORDON: Just based on all the conversations would be to do some reach out, and then, you know, based on that, then put it out for public comment.

I think we do ourself a disservice if we put a draft without getting that public comment first. For me, I would rather know if we're missing something and where the points of concern are before the big rest of

the lift comes on the draft.

So I think it is fair to get that because for some of us, this is a big change. So I would support getting, you know, some individual reach out and then some -- the opportunity for some public comment. That would just be my thoughts on it.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: One thing we should be prepared when you have these conversations is: What do we -- what's our plan for those to gain compliance that currently aren't compliant? And grandfathering; how are we going to manage that?

Because there's a bunch of agencies there that we know are not compliant with the RBC or with the SIBC. And if we do this, what's our protocol for getting them in compliance? Or some of the options -- like you said, some of them, just make them public officers. They have that option. Here's what you do instead.

MR. DARDEN: Right. And as you remember, when we first started this journey -- how long ago was it now? Seems like a couple of years ago -- we were looking at both 1010 and 1005. Running them in parallel because of that -- that exact issue.

Yes.

COMMISSIONER GORDON: Well, and I think, too, just

based on some agency experience, for us, there are some carve-outs for the grandfathering piece because of how they were appointed when they were appointed. It would really affect moving forward. It is the concern of having to make -- you know, take all these folks and now send them, you know, maybe they have been doing this 20 years back through the academy. The way I understand the regulation -- and the expert can correct me if I'm wrong -- most of them would already -- this really affects those moving forward, then the backwards look.

MR. DARDEN: Correct. Under 1010, historically what we have done is we look at whether or not the entity that's attempting to come into the POST program, whether or not those officers were appointed in conformity with the law that existed at the time that they were appointed.

And then if so, they come into the program, but then from that point forward, under the old version, at least, of 1005, you know, if you are RBC, you know, RBC from that point forward.

So -- so, yes, what we have historically done with 1010 is look to see whether or not they were lawfully brought in at the time of their hire.

COMMISSIONER GORDON: And I would point out as part of that educational and reach-out process is making sure

that it is understood that under SB 2, regardless of whether or not they went to RBC or did not go to RBC, they fall under SB 2 and are held to the same -- those same standards. So I think that is part of -- especially because we are that forward-looking, this is that opportunity to make sure that that standard is met and we are setting them up for success.

And that's been part of the conversation, but I think would be a good reminder as part of that reach out and that educational process is that they now qualify under SB 2, and they have to meet that same standard for their conduct. So we want to make sure that they are getting the proper tools for that standard.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: Yeah. I agree with my colleagues, too, to bring this to Cal Chiefs and Cal Sheriffs first, just for some feedback. And we can bring it to PORAC also, and get input from the rest of the agencies, so we can bring that back in December.

CHAIRPERSON LONG: Thank you.

Toby, do you feel you have sufficient direction here?

MR. DARDEN: I believe so.

CHAIRPERSON LONG: All right. If there are no more comments or questions, I believe we are heading, Kathy,

to a lunch break here. Why don't we come back at 1:00? Got a long agenda.

And we will take a break now. And then lunch is here. And why don't we tee up the Commissioner Moon video in about ten minutes.

All right. Be back at 1:00.

(Break taken in proceedings.)

CHAIRPERSON LONG: Item m, Report on Decertification Course Content in Post-Certified Courses.

Chief Brian South from the Professional Conduct Central Bureau will report.

We can stall here for a minute, Brian, until we get -- everybody's back. You can talk about the game last night first for a little while if you want.

MR. SOUTH: I'm still crushed by that. Put that on the record.

CHAIRPERSON LONG: Mr. South.

MR. SOUTH: Thank you. Good afternoon, Mr. Chair and Commissioners. This will be a brief report on decertification SB 2 content in POST-certified courses.

This project came about after some internal discussion at POST and also commissioner comments. Looking at we should have standardized and consistent SB 2 decertification content in some of our

POST-certified courses.

So we identified a few of those. So Internal Affairs, Field Training Officer, POST Supervisory Course, and POST Management Course we felt should have high level but yet consistent and standardized material in these courses.

So we developed some of the content. Again, high-level bullet points that included the serious misconduct definitions, the reporting obligations from the agency, POST certificates, and how they essentially equate to a license for a peace officer. And the POST process for the cases that move forward.

So where do we stand right now? The IA courses, those are certified by our regional consultants. And working with them, many of those courses were put into modification, and are now updated with the new consistent standardized content. And that's both private presenters and agency presenters.

Another piece of this is next week, in fact, they will be dropping in on a course that is actually being delivered with this new material. So we can see how the material is actually being delivered with the questions that are coming out from the field, particularly in the Internal Affairs course, which is obviously foundational to our work the POSAD.

The FTO courses were also updated -- the field training program course and the FTO supervisor -- working with the basic training bureau staff, and they also met with their presenters and shared and discussed this information as well.

Worked with Training Program Services on the POST supervisory course. This was already in the process of an update, so it was perfect timing. And I had an opportunity to meet with the subject matter experts that were working on the SB 2 material at that time. So we worked together. And that course is now updated.

And in the fall, I will be presenting to the supervisory course facilitators, so the actual facilitators for that course. I will have a chance to meet with them and answer questions as well and hear what comes up from the field when they are teaching these courses.

And then, lastly, worked also with TPS on the POST Management Course. We now have a new instructor guide that has been sent out to the presenters with all this updated material. And that's effective July 1st.

And similarly, we're working with Andrew Mendonsa, looking at doing a course observation sometime in the fall, again with this updated material.

That is my report. Happy to answer any questions.

CHAIRPERSON LONG: Any questions or comments for Mr. South?

(No response.)

CHAIRPERSON LONG: Thank you. Thank you very much for the report.

Our next item, our consent item, is a Report on Certification/Decertification Update.

Bureau Chief Michelle Weiler, Bureau Chief Sarah Wallace, and Bureau Chief Brian South will report.

Now, before we begin, I'm sure that every commissioner who has reviewed this very thorough and extremely well-presented SB 2 data is impressed by the product. It's great information.

That said, and given our lengthy agenda today, we're still on the consent agenda, maybe -- it is 45 pages here. Rather than walk through all 45 pages, I suggest our presenter start with a summary overview, as we can obviously spend hours discussing data points. And not to cut off discussion, we'll just -- we will talk data points as long as anyone would like to.

But maybe we start with a summary and go from there. And I would recommend everybody carry this around with them.

I would also be very interested in what -- if anyone -- if the commissioners would like to, when we're

done talking about this, talk about what their takeaways were from this information. And I think there's some very big takeaways.

Ms. Weiler.

MS. WEILER: Good afternoon, Chair Long, Commissioners.

In the interest of time, I am going to skip over most of the slides that I usually go through, as they are redundant and you have them before you.

The one thing I wanted to highlight is on our second slide with the peace officer certification statistics where we have the data on immediate temporary suspensions, voluntary surrenders, temporary suspensions, that we removed this slide.

I wanted to point out that since this data was pulled on -- uh-oh -- since this data was pulled on August 15th, we have removed five immediate temporary suspensions but issued an additional nine.

And then we have also received an additional nine voluntary surrenders. And normally I don't give this type of update, but since they were so significant in numbers in the past couple of weeks, I wanted to bring that to your attention --

I'm sorry, Kathy. I'm talking really fast.

And then the remaining statistics I think you guys

can take a look through yourself.

I did want to advise that I know there was a request for additional deep dive on education information and numbers. I do have my team working on that, and I have to have that available for you in December to give you kind of an overview of what information we have and what information we have been able to glean from what we do have.

And then, again, you guys have the 1029 ineligibility determinations and the 1029 revocation information in front of you in the packet as well, so I'm going to skip that as well and pass it off to Sarah.

MS. WALLACE: Good afternoon, Chair and Commissioners.

POSAD has been working to build a comprehensive statistical data profile on serious misconduct cases as a result of questions and feedback that we've been receiving from the Board and Commission during the last meetings over the last year.

Before you is a 25-page -- or 25-slide, sorry -- statistical data profile that ranges from January 1st of 2023 to June 30th of 2025. We will continue to report in quarterly increments.

The profile highlights agency participating -- participation and reporting, intake of serious

misconduct reports, the overview of the public complaint process, average time frames to receive final dispositions of serious misconduct cases from agencies, as well as case closures, the prioritization of cases, types of POST actions taken, and disciplinary actions taken by POST.

I'm going to go over just a few highlights of some critical data points that we have found. On average, cases are closed within 200 days of receiving the final disposition from agencies. We have found approximately 2 percent of the cases resulted in disciplinary action being taken by POST, while 95 percent are usually closed without further action.

Overall, our disciplinary actions account for .2 percent of POST licensing population, and that is above the average compared to other California licensing agencies. For example, Board of Registered Nursing and the Medical Board of California.

We have attempted to compare to other POST agencies, but comparisons were invalid due to different disciplinary systems structures.

The acts that violate the law, dishonesty, and sexual assault continue to be the top allegations.

And a interesting tidbit at the end of the presentation includes almost half of the cases that

moved to Notice of Intent to result [sic] resulted in causes for action to be added or amended from the agencies' final determination to align with serious misconduct and frequent misconduct definitions.

The frequent additions include acts that violate the law and dishonesty.

I'm happy to take any questions or add any additional information to the data profile for a future meeting.

Thank you.

MR. SOUTH: Mr. Chair, if there's no questions, I have a brief Division update as well.

CHAIRPERSON LONG: Please.

MR. SOUTH: So just to go over a couple of quick things that are of note in the Division.

The first is a reorganization within the Division, within POSAD. So there's two components to this. The first is now we have three Professional Conduct Bureaus. You will recall we started with four, and the Professional Conduct Bureaus are essentially the investigative bureaus; these are the bureaus with the law enforcement consultants that are essentially the investigators.

So we have now folded the LA Bureau into the Southern Bureau. So we have the Northern Bureau, the

Central Bureau, and the Southern Bureau.

The second component to that is analyzing the volume, where the volume was coming from, for the counties that are allocated to each bureau. And what we found was there was more volume in Central than Northern, particularly the sustained cases that are the most likely to result in some sort of action.

So in doing that analysis, we did move some counties around. So now San Francisco County, Contra Costa County, and Alameda County have moved up to the Northern Bureau.

And Central Bureau, the bureau I oversee, is now Ventura and Santa Barbara in Central Bureau. We have found that that is actually equalizing the volume.

So that's the reorg.

I will touch on staffing and recruiting, particularly for our law enforcement consultants within the Division.

We have been able to hire on some very qualified full-time permanent law enforcement consultants. And we are currently not posting any more LEC RA positions; those retired annuitant part-time.

At the same time, we are posting for a fully remote based law enforcement consultant position -- positions.

And so starting in Professional Conduct Southern

Bureau, so that will be a fully remote-based investigator, which -- LEC -- which is going to serve to open up our hiring pool outside of sort of the Sacramento area to the rest of the state and really is enhancing our recruiting strategy.

The last thing I will mention is some updated written report documentation and processing.

So you may see or hear this term. We're going to start utilizing what is called a "Notice of Determination." And what that is, is the report that the law enforcement consultant, the investigator on the case, will write on cases that are moving forward.

That Notice of Determination essentially includes a summary of the serious misconduct allegations, our POST findings, our determination and the reasons therefore; that matches the statutory language, the reasons why we're taking that certification action.

That report will be included in the Notice of Intent to Revoke package that is sent to the subject officer.

If that officer does not respond within 30 days, that becomes a default revocation. This Notice of Determination report will then be the report that is uploaded onto the website. So the same report that the officer gets when they are receiving the Notice of

Intent, if they default, the public will also see that very same report.

You may recall that we had a different report called a Statement of Findings that was uploaded. This will just replace that. So if you see that term. What it -- what you will still see, though, for cases that are going to be appealed, and that will be presented to you, as the Commission; you will still get that full Investigative Summary and Findings document at that stage.

With that, that is my report on the Division updates. Happy to answer any questions.

CHAIRPERSON LONG: There's a treasure trove of data and information here. If there are no questions or comments right now, I think maybe we would ask Assistant Director Annemarie Del Mugnaio to join her colleagues up here.

I would be curious -- and maybe this will start some conversations -- if you have, Ms. Del Mugnaio, would you say are your takeaways from this -- from all of this data in terms of the -- of how it is working and what could be done better?

MS. DEL MUGNAIO: It's transparency. So we report to the legislature every year about the kind of overall efficiency of Senate Bill 2, what we have learned, what

we have done, how much is available in terms of transparency.

And we spoke early on about some of the limitations of Mark43, which is our case management system.

So we have continued to try and do as much as we can within that case management system to pull out some of these outcome measures or numbers, if you will.

We know what we have in terms of intake. We can tell you about the volume and we can tell you where the allegations are.

But that's not the story. The story is: What types of cases are resulting in administrative discipline? Why are those cases resulting in administrative discipline? And where are we seeing the misconduct?

And that's what we're trying to do with the statistical profile you see today is really start to look at the outcomes and whether or not agencies are, in fact, reporting information that aligns with POST investigation and POST outcomes.

For the most part, they are. Some of the nuances in terms of when we have a different outcome from what the allegation was from the agency, it is because the agency policies don't align with the nine acts of serious misconduct. But there is misconduct there. It

just falls under a different category.

So that's where you see the difference in terms of allegation versus outcome.

The other thing we had to look at was operational efficiency. So we talk a lot about vacancies and volume and how many cases each LEC has and how burdensome it is.

So then we had to look at counties. And what are we seeing volume by county, and how do we realign the state so that we know we're putting the workforce towards, as Bureau Chief South mentioned, those serious misconduct cases that we would say are Priority 1 cases, meaning we have a sustained allegation, and we have something -- or sustained finding from the agency, and we have something to move forward.

So really, the major takeaways, Chair Long, I would say, is transparency for the purposes of the Board and the Commission to understand what all that 40,000 intake represents, and then also how we're putting forth some operational efficiencies to try to get those outcomes in a quicker, maybe more productive way to the board, to the Commission, and then through the process.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Annemarie, are the agencies -- so can we delve a little bit -- are the

agencies having problems making a link or confusing the link between the allegation they are receiving and what they titled it, and putting them in the misconduct categories? Did I hear that right, or did I totally make that up?

MS. DEL MUGNAIO: Both. So I think they are -- they understand some of it --

(Laughter.)

COMMISSIONER BRAZIEL: Ignore that made-up part.

MS. DEL MUGNAIO: And I'm not being diplomatic. I'm being honest.

They understand some of it. But, you know, they will have a case that has perhaps seven or eight different findings or allegations and findings, some of which, you know, might be conduct unbecoming, that doesn't neatly fit into one of our nine categories of serious misconduct.

But as we delve into the investigation, we might find that conduct unbecoming may be abuse of power. So, again, it may come in as something, but we're conducting the investigation. Some of the dishonesty cases don't meet our definition of dishonesty, but there is serious misconduct and it may fall into one of the other nine categories. And based on our investigation, we're able to ferret that out.

Something Bureau Chief Ford, who we did a presentation before San Bernardino County Sheriff's Office yesterday, and something she mentioned, which I think is important to mention here today: I think we came into this thinking we're not going to do much in terms of an investigation. We're going to take this documentation. We're going to write it up. We're going to present it, and then we're going to have an outcome.

And what we're finding is, we're doing far more investigation than we ever thought we would do because they don't line up as neatly as we thought they would.

And that's not a bad thing. And it is not to say that agencies, you know, hopefully don't understand. It is saying that all those policy violations don't neatly fit into one of the categories.

So I think that's more of the takeaway.

COMMISSIONER BRAUN: Commissioner Braun.

Are you seeing cases reported to POST when you refer them to the agencies that they already have them, or are you seeing a lot like, "Oh, no, these weren't being investigated by the -- by the agencies"?

MS. DEL MUGNAIO: Great question.

Primarily, most of the time, it is actually in the stats. I'm going to have Sarah speak to that.

You are talking about when we have a public

complaint --

COMMISSINOER BRAUN: Right.

MS. DEL MUGNAIO: -- that comes in, and we refer it, does it already exist in our database?

COMMISSIONER BRAUN: Yeah. Exactly.

MS. WALLACE: We do. We are actually working on a further statistical breakdown that we hope to present at the next meeting that is really going to outline all of that information.

But there are frequently public complaints received where we refer them to the agency, where we have already received an agency misconduct report prior to even having the public complaint received.

So, of course, there are public complaints that come in with all varying allegations, and the agencies have been very quick to respond.

CHAIRPERSON LONG: If I were doing legislative oversight for this, would I -- could I -- how concerned should I be that there are, I think you said, 265 reporting agencies have no submissions whatsoever? You know, a couple years into it, how concerned ought we be over that piece of information right there?

MS. DEL MUGNAIO: So I would say based on what we know about those agencies that haven't reported, by and large, they are tiny. There's a couple of them that are

larger, and we have done some more recent outreach with one in particular agency that has a hundred-plus peace officers that doesn't have a report.

So I think we're making contact, and we're trying to figure out what that -- why there's not a report there. There is probably some work to do around underreporting. So proportionate reporting. If you have an agency that has 2500 peace officers, and you have only got a handful of complaints, there's probably some underreporting.

So I think there's going to continue to be an effort on the part of POST, and that's why we're still out there having these conversations, three years into this, with the law enforcement agencies about when they should be reporting and what they should be reporting.

And we continue to get interesting questions that I think are fair is, what type of bias cases should be we -- should we be reporting to POST? So that we're not inundating the system with cases that every time someone says, you only pulled me over because I'm X, versus an actual bias case that has that nexus between the peace officer's actions and their duty to perform their services equitably, safely, and fairly amongst the community.

So I think we're going to continue to educate law

enforcement agencies.

I don't know how direct of an answer that is because I can't say for sure, Chair Long, that agencies are intentionally not reporting. I think they are still figure -- some agencies are still figuring out how much to report.

COMMISSIONER BRAUN: Commissioner Braun.

As one of those agencies with zero reports and only 25 sworn, therefore, the caveat as to why I have zero reports, I wouldn't be opposed to a database that just has raw numbers. You know, Los Angeles Police Department has 10,000 employees, and this number of people complained -- officer complained against.

Mono County has 25 officers, and this number of reports have been reported.

And that's the way to hold those agencies accountable publicly. And then they're -- if they are a police chief, then their city council can take a look at that. If they are a sheriff, then they are elected -- electorate can look at that and say, "Are they doing their job?"

I don't have a -- I think it would be a beneficial piece of data for people to look at. Just one more piece of data.

MS. DEL MUGNAIO: I think early on we did some

initial reporting, and it was not received well. We actually put something out on the website, all agencies, and what they have reported.

We took it a step further, and we put what allegations were reported. And I think that's where perhaps that might have been a bridge too far because we didn't have any outcomes to offset those allegations.

So in your situation, you have 25 officers, and if you have reported that you had seven of them that had been submitted as serious misconduct complaints, and it involved dishonesty, sexual assault, abuse of power, that would be alarming for your community because then it is just left with: "Did that ever happen? Are those officers guilty of that?" And of 25 officers, we now have seven of them that we can't trust.

So I think when we initially tried to be transparent, it may have not been responsible, because unless we're going to have the offset of what happened with those cases, it paints a very dark picture for the community. And that might not be in the best interest of -- of policing.

But just the numbers themselves, how much they have reported, without any context, that might be a better solution.

COMMISSIONER BRAUN: Fair point. Thank you.

CHAIRPERSON LONG: Along those lines, one more question is: Would I -- again, if I were doing some oversight of SB 2 several years down the line, could I -- should I conclude with 95 percent of the reports having no action taken, that the net is too wide?

MS. DEL MUGNAIO: Yes. I think you could. I will make that bold statement. Yes. I think that's fair to say.

We are still spending a substantial amount of time dealing with, let's say, even if it is 88 percent of that 40,000 volume that are not sustained, unfounded, exonerated complaints, that we have to weed through in order to get to that very small number of cases that involve serious public health or public safety issues, that we should be spending 99 percent of our time focused on.

And I don't speak for our Executive Director when I say that.

CHAIRPERSON LONG: Any more questions or comments on the report?

(No response.)

CHAIRPERSON LONG: Excellent information. Thank you all very much.

Meagan, you're up. Meagan, right? Legislative Update. Legislative Liaison Meagan Poulos will report

on bills impacting POST that have survived the fiscal suspense process and now have until Friday to pass to the governor.

MS. POULOS: Yes. Exactly.

CHAIRPERSON LONG: Should be a much narrower list than you started with.

MS. POULOS: I have four to talk about. One has actually already been signed so I'll start there.

So AB 354 by Assembly Member Michelle Rodriguez. This bill allows POST to access CLETS-derived information for the purposes of criminal history information, criminal offender record information, criminal justice information, and other information, as prescribed by the purposes of carrying out our duties.

That bill was signed by the governor on July 14th and is effective immediately.

AB 400, this is the ongoing canine bill. It was significantly amended this last go-around in the Appropriations Committee. And it now requires POST to conduct a study on the use of canines for the legislature by July 1 of 2028.

The bill includes recommendations should -- for the study to consider. And I just wanted to note that previously the requirement was for the local agencies to simply adopt POST guidelines for policy for those canine

programs. So this is -- this is very different from what we saw earlier this year.

The next two are intertwined.

So AB 992. This bill would expand opportunities for peace officers to meet the education requirements as outlined previously in AB 89. It fixes that error of "and" -- "having a bachelor's degree and a modern policing degree" -- to an "or." And it extends the timeline for achieving those education requirements by January of 2031.

And just a reminder that that is for new officers and not current officers.

So the recent amendments to that bill will require out-of-state transfers and those with military experience that have less than eight years of experience in either of those two categories to then also have a -- one of those degrees as listed in the bill.

If you have more than eight years of military or out-of-state experience, then you are exempt from having to meet those education requirements.

And then the last bill that is intertwined with 992 is SB 385. This bill simply repeals the requirement that the POST Commission adopt the AB 89 report recommendations.

So that's all I have to report on today.

The governor has until October 12th to sign or veto, assuming that these bills make it past third reading by the end of this week.

CHAIRPERSON LONG: Questions for Ms. Poulos?

(No response.)

CHAIRPERSON LONG: Thank you very much.

We move now to voting items in the Basic Training Bureau and a Report on the Development of the Basic Course Curriculum and Proposed Pilot Program for Learning Domain 35 - Firearms and Chemical Agents.

Bureau Chief Carrie Hollar will report.

MS. HOLLAR: Thank you.

Good afternoon, Chair Long and Commissioners.

POST staff facilitated two workshops January and February of 2025 with stakeholders and subject matter experts related to PC 832 training. After reviewing the LD35, firearms/chemical agents, content and the training and testing specifications, the subject matter experts determined that PC 832 firearms course should include all content presented in the Regular Basic Course with the exception of the shotgun training and testing and chemical agents.

It would remove the current handgun test required for PC 832, but that would be replaced with the two combat tests -- handgun tests. Excuse me. One of those

tests is in daylight conditions and one is in low light.

The proposed changes would increase the course from 24 hours to 52 for the pilot.

Staff is requesting approval to pilot the 52-hour course with the following presenters: Santa Rosa Junior College, Tulare-Kings Law Enforcement Advisory Board, El Camino College, Cerro Coso College, Orange County Sheriff's Department, Yuba College, and Riverside County Sheriff's Office.

Because these 832 courses are not ran as frequently as the Regular Basic Course, we are asking to run this pilot through September of 2026.

Are there any questions you have?

COMMISSIONER COOPER: I do, Mr. Chair. Jim Cooper, Sacramento County.

So I've been working with Manny on this, and staff have been very helpful on this.

Just some questions. I employ 110 security officers in Sacramento County, and we have no idea what the universe is in the state. Obviously, in the Penal Code, there are agencies that have security officers.

But the need for a change, why is that? Was this driven by real world incidents in which security officers underperformed or by the SMEs? And SMEs, they are always going to say, "Hey, shooting more is good."

But I guess my issue is: Is these security officers, they are in typically static positions. They are guarding buildings. They aren't really doing a lot. So we are taking them from 24 hours to 54 hours, which is almost doubling it.

And the requirement for peace officers for sworn is 72 hours. So you are almost -- you are almost two-thirds of what a sworn officer, the training they will have.

Obviously, a lot of these security officers pay for it themselves. So that's going to increase costs for ammunition. It is going to increase our cost for staffing and training.

So I'm just -- you know, I'm trying to figure out why the need for this.

Right now, there's no continuous training for security officers; there's no qualification requirement. So you shoot for 54 hours to get your guard card, basically. And then there's no follow-up on that.

So I'm just trying to reconcile that knowing the costs are going to be passed on to students. And right now we're using these security officer -- it's kind of interesting -- to get them into law enforcement hopefully eventually transitioning to deputy sheriff. So, obviously, the costs are going up for them and for

us.

But it really comes back to: You are guarding a lot of county buildings, sheriff's buildings. You are not active out.

And then in low light, why low light for folks?

I see the SMEs saying this because, like I say, I go back to, you can never shoot too much, but in reality, these folks aren't going to do that.

So I'm just looking for some answers to that.

MS. HOLLAR: I think the first conversation started here at the Commission where some concerns were there's multiple positions throughout the state that carry firearms. I think there is concerns that those carrying firearms in a multitude of positions have a limited amount of training. They could take a life.

And so I think the push was to have more training with the firearms.

How we came up with the 52 hours is we took away the 16 hours for the shotgun and then four hours for the chemical agents.

The pilot may show that it doesn't require the 52 hours.

On the low light, there are security officers in positions that do work in the evening time. And I think the discussions on that was, they should be able to know

how to react and to handle those situations with low light.

We have CDC officers who provide transports at night, who have -- who are attending this 832 course.

And then the cost -- there is an extra cost for ammo that has to be in consideration.

But some of these answers might work through the pilot process.

COMMISSIONER COOPER: There's never been an incident that really drove this. Nothing has happened with security officers.

And still I guess the issue is: No one can tell me how many security officers we have in the state of California. Even though we're over them, we oversee them, no one knows.

MS. HOLLAR: We -- POST doesn't keep track of the PC 832 appointments. So we don't have that data. I would --

COMMISSIONER COOPER: But we're still going to mandate that, though.

That's the big issue in a mandate; it has -- it's like a solution in search of a problem. And that's -- that's the issue with this.

And it comes down to CDCR may transport inmates. You are right; you are correct on that. But in this,

for folks that are applying and coming on, they are having this double their training, but after that, it falls off. There's no follow through. There's no annual training they have.

So in training with this, firearms is a highly perishable skill. Eliminate any potential benefit for a cost increase. So you are training up front, but after that, there's no training.

So to me, it doesn't make any sense with that. Otherwise, perishable skills, there's ongoing continuing training.

And I will push back on that. Most of the security officers in the state pretty much work day shift guarding buildings. And the CDCR obviously, they shoot a lot more than -- most folks in the CDCR, they shoot once a month in the prisons. For obvious reasons, you may shoot two times a year, three times a year as far as sworn officers. Most agencies don't shoot that much.

There's no requirement from POST for a firearms training once you go through the academy.

So it is kind of Helter Skelter statewide. So this is a civilian position. And if it's so important, I -- granted, we're not under the purview of private security, which Consumer Affairs does. there's a lot more them than us. So it's the same circumstances and

the same issues we're dealing with.

So I keep coming back to this: There wasn't -- really wasn't a problem. I don't know how it came up to the surface, other than the SMEs pushing for it.

CHAIRPERSON LONG: I believe it came up from the Commission.

Commissioner Gordon.

COMMISSIONER GORDON: This didn't just come up from the SMEs. This actually came up as part of the discussion in the group that -- the work groups that Commissioner Braziel and I were part of.

COMMISSIONER COOPER: Right.

COMMISSIONER GORDON: And overwhelmingly, everyone in the room agreed that our current minimum standard is not an appropriate minimum standard, which is why the suggestion has been, and then working with the SMEs to actually pilot and not just mandate, "Okay, we're going to go to a random amount of time," but to actually pilot and see because this actually might be their only exposure to firearms training.

To your point, they are not qualifying. And we could get into a very long discussion about how we all feel, or may not feel, that they should be, but making sure that we are -- we are certifying that they can carry a firearm, that there is a basic level of training

that they have had the opportunity to work in low light, because that might be their only opportunity, but at least they have been exposed and understand the mechanics of that.

And currently, as I understand it, our current standard is actually less than what a security guard is required. So the fact that we don't even require the same level of firearms training that security guards -- private security guards are required to have, really -- just my opinion, and I can tell you it was, in fact, the opinion around the room, is a shortcoming.

But understanding the ammo and the other pieces of this, that's why the suggestion was to pilot and really figure out what the appropriate number of hours may be. Because in the end, it may not need to be 52. It may end up being 40 or...

So I think there's been a lot of work to be mindful of that piece. This isn't just arbitrary and, like I said, why it is a pilot and a longer pilot to see if that is really what is necessary, versus changing the regs to do that, without some thoughtful test of it.

COMMISSIONER COOPER: It is only 20 hours short of what a sworn officer goes through. So we might as well bump it up, that's so important, kick it up to 70.

COMMISSIONER GORDON: That actually was part of the

discussion is that there were a lot of folks in the room that thought it should be the same as RBC. And so this was the-- I think the SMEs' attempt to find what they feel is a happy medium for the pilot, but almost everyone in the room actually felt that the firearms piece should be the same as RBC.

So that discussion actually did occur. And there was some realization of what that meant and the pressure that put. So...

COMMISSIONER COOPER: I guess it comes back to, if we're going to mandate something, who is being impacted by this? And we haven't -- we can't -- we don't know that, the number of folks. Other than the Penal Code, I'm sure there are folks who use security officers. We have no idea what that is. And that's troubling for me as a Commissioner. And we should know what that universe is.

And it comes back to, it's a perishable skill. That's great. They are going through the training. And as soon as they are done with it, they forget it.

So if we're going to go to that length and say that they should have this amount of training, additional training, there should be mandated training as they go on.

So if we're going to do that, why not -- why

piecemeal it? Why not tackle a whole issue with that?

CHAIRPERSON LONG: Ms. Hollar, may I just ask a quick question along the lines of what has -- have these proposals been shared with these various associations? And has there been -- has there been a response?

MS. HOLLAR: Well, we had the chief probation officers. We had CDCR in the room as stakeholders.

So we haven't gone back to their associations, per se. But they were part of the group, the working group. And then some of our current presenters of the state were also involved.

COMMISSIONER COOPER: It goes back to CDCR, some prisons, a lot of them have their own ranges, those folks qualify once a month.

So it's very different -- you can't, to me, lump CDCR in -- CDCR in with the security officers.

MS. HOLLAR: And with the CDCR, what they had said was, if they aren't providing transport, they may not touch a gun ever until they get transported -- or go over to transport. So that was one of their concerns, too.

Toby, did you want to --

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Sure. A couple of things.

One, this came out of the 832, and the provisions

of 832 are decades old. So it was part of looking at it, and then it all got flagged because of SB 2. And we had long, robust conversation on a lot of these.

And entities, like Sheriff Cooper is talking about, can choose not to arm their security officers if they don't want the qualifications.

But we do have SB 2 agencies that are required, who have peace officer status, who are meeting the minimum 24 hours. And that's not just custody transport. It is all of DAPO, all of parole, all of probation, and others, who are out in the field 40 hours a week, and, at night, who didn't have to, by our regs, shoot at night, even though they are out during the evening hours.

So this is one of those -- we weren't looking for a problem. We are trying to get out of in front of a potential problem versus waiting for the crisis to happen and then responding to it.

There were -- was adequate representation in the room. And it goes back to, like we mentioned earlier, is with putting people in the different categories of peace officer who is going back out to Cal Chiefs, Cal Sheriffs, PORAC, saying, "Here's what the implications are going to be."

It is very loud and clear from the sheriffs: This

is financial for them. It is not about doing the right thing. It is about doing the cheapest thing. I'm going to be very candid about that. It is going to cost money to get to where we need to be, to do it right. I'm a big fan of doing it right. And once we start doing it right, then we're okay.

But I'm also a big fan of the pilot. So let's go pilot it, see what happens, adjust it before we roll it out. But at the same time, keep Cal Sheriffs, who is the big player in this, and probation and CDCR at the table saying, "Here's what we're finding."

The big issue for CDCR was, "Well, if we make people shoot at night without knowing what a low light qualification even was, we may fail people."

Well, if they can't -- if they are not proficient on a firearm at night, and yet you put people out with guns out at night, maybe we got a problem.

But, again, it was all about, "We might have to extend the academy; we might have to spend money."

So I also share Sheriff Cooper's strong concerns about, you shoot once a year, you say you are okay. And then they don't ever go back out again. That's a bigger problem that we also need to tackle. Like you said, maybe that's something we tackle at the same time.

But the biggie is going to be the security officers

at the state buildings and then the sheriffs who run security officers as a separate classification. And then custody as a separate classification. Because even the deputies -- Sheriff Cooper runs deputies as custody, but a lot of sheriffs run custody officers, who are now going to be -- also have the same requirement of the 52 hours.

So, again, it is just the communication piece. But I just want to give a little bit more background the robust conversations we had, and every -- all the stakeholders were very adamant about their position. And it pretty much came down to the money, the finances, of getting the people trained, and who -- how is that going to be covered, and how do we phase people in?

COMMISSIONER COOPER: And it can't be one size fits all. CDCR, they are not working the streets. If you are transporting, that is a whole different thing than actually working the streets.

Probation, absolutely. Some of those folks work the streets. So to me, we are lumping everybody together, well, there are different things with that. And security officers, for the most part, are static. It is what it is.

So it just can't be the cookie-cutter approach to jam them all together. You really have separate

categories with this.

MS. HOLLAR: Yeah. We did have those discussions on -- we had Post-it boards where we were trying to figure out all the different duties they do. And so we did have a lot of those discussions because there are several positions, and they have several different duties.

CHAIRPERSON LONG: Mr. Darden would like to comment.

MR. DARDEN: And so one of the concerns, Sheriff Cooper, the meetings that we had really came out of the discussions that we have had about the foundational training requirements.

And one of the points that I had made in that group that sort of elicited the discussion is that Section 832 of the Penal Code says that if you are going to be a peace officer in California, you shall go through the 832 training course, which is what POST designs and prescribes.

And it is very clear that with the 832 course, you can exercise the powers of a peace officer.

And so I think that was part of the discussion in the room was the concern that while we recognize that there are some categories of building inspectors and animal control and so forth, that those individuals may

take the 832 course, as well. The problem is that when POST has the statutory responsibility to design a course, an introductory training course, that then gives people the powers to be a peace officer and to carry a firearm, that was the concern.

And so I think what we heard in the room from all the folks that were gathered there was that before we allow somebody to be a peace officer and to carry a gun, that the course -- the 40-hour course and then the additional, you know, few hours for a firearm, which has been in existence -- I mean, I mentioned I took it in 1980, and it was 40 hours. And it still is today.

So I think the discussion in the room was that before POST designs a course that allows individuals to be a peace officer and to carry a gun, that we should consider upping it.

And I recognize, though, what you are saying that there are going to be a number of other individuals who may need to take the 832 course that are not peace officers. And it is going to have an impact on them.

COMMISSIONER COOPER: But I would also argue that deescalation and arrest control is just as important. Obviously, the firearm is that last tool you don't want to use.

MR. DARDEN: Sure.

COMMISSIONER COOPER: So, I mean, you can have an argument made for that too.

MR. DARDEN: Yeah.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. This -- we're dealing with the 24 hours to 52. We haven't gone with the 40 hours up to 400. I'm just throwing out a number, that is not real yet -- yet. We haven't got to that point yet to where it is like -- it is --

MR. DARDEN: 24.

COMMISSIONER BRAZIEL: We're kind of -- like you said, we're piecemealing it, but it's the right thing to do, to do the pilot because you can do the pilot with the guns.

But eventually, I have a strong feeling -- and Commissioner Gordon can jump in here that we'll be coming back to the Commission as members that -- with a significant increase on the number of hours from 40 to something much broader than that because of arrests and control, ACB, all that stuff, rules of law, all that.

Because 40 hours -- 40 hours and 20 -- 64 hours right now, according to our regulations, you can be a peace officer in the state of California with 64 hours of training and carry a gun. And we have people out there that have -- that are doing that with some of

these small districts. And that's scary.

And that's that getting out in front of this stuff. So...

COMMISSIONER COOPER: We'll wait and see how it goes with the pilot.

But I do think we need to think -- figure out how many security officers we have. Since we're mandating that training, we should know that universe.

CHAIRPERSON LONG: Ms. Hollar, could you speak briefly to the -- to the scope of the pilot? How many -- how many -- how widely the pilot would be? Which -- which academies? Which institutions are going to go? How widespread would the -- and how long will the pilot last?

MS. HOLLAR: Yeah. So we're proposing to run it for the next year, to September 2026. And then -- did you want me to list off the presenters?

CHAIRPERSON LONG: Just how many are we talking about?

MS. HOLLAR: One, two --

CHAIRPERSON LONG: Getting a sense of how broad this is.

MS. HOLLAR: -- eight.

CHAIRPERSON LONG: You are piloting with 10 percent, or you're piloting with 50 percent?

MS. HOLLAR: So there's eight presenters that reached out that wanted to be interested in it, which there's approximately, I want to say, 52 current presenters. Some presenters only present the arrest course. Some presenters only present the firearms.

I wish I had my spreadsheet that I provided Sheriff Cooper right now.

COMMISSIONER COOPER: But all those people also are going to be private security officers. They are not all going to be under our auspices. It will go to private sector because we all train for both.

CHAIRPERSON LONG: Right. Probably why he's asking regarding the scope of the -- of the pilot. Yeah.

MS. HOLLAR: Yeah. Those are just the presenters of the course.

CHAIRPERSON LONG: Mr. Executive Director.

EXECUTIVE DIRECTOR ALVAREZ: May I add something, Mr. Chair?

So if you grant us the authority to conduct the pilot, I know Bureau Chief Hollar mentioned the different presenters. But if you give us the ability to be agile in case some of those presenters fall off, and we have a new presenter come in that would like to present -- or, you know, present the pilot to allow us to do that. Because sometimes they don't put on a

course, or something happens.

And then perhaps with those presenters that do the pilot, right now, we know what department they are from if they are a part of POST, or it will say "other." Perhaps we can keep track, ask those presenters, "Who are those individual students?," so we don't have just an "other." Is it a public officer? Is it somebody else? That might be helpful just from a data standpoint.

CHAIRPERSON LONG: I think that would be almost essential that we are looking to --

MS. HOLLAR: Yes. And we have that. We have a couple of surveys we have already created for; one, the instructors to get the feedback from the instructors, and then; two, for the students. So that we can have feedback from the students and gather all that data from, you know, what they represent, where they are going to be working, why they are taking the course.

So we do have that ready to go.

CHAIRPERSON LONG: Thank you.

Commissioner Braziel.

COMMISSIONER BRAZIEL: I don't think -- I had a quick sidebar with Commission Cooper. I don't think it would be difficult to do a survey of the sheriffs' offices real quick and say, "How many security officers

do you hire that are 832?" Not custody. Maybe you can ask them that the same thing: "How many custody staff do you hire that are 832?"

So it would just be the POST -- POST agencies. I don't think he's talking about, you know, ABC security firm that hires private security that sends them. Or Sacramento City Building Inspectors. I think he's talking about POST -- POST agencies that would send people through. I don't think it would be hard to get the -- get the numbers he's talking about for what the effects are.

CHAIRPERSON LONG: Any other questions or comments?

Quick question that I'm sure most of you know the answer to. I don't.

What happens to the shotgun and chemical agents training?

MS. HOLLAR: What do -- what do you mean, "what happens to it"?

CHAIRPERSON LONG: Well, you are kind of -- you are losing some of that to account for the increased hours. So does that go away? Or has it just been deemed less important?

MS. HOLLAR: So specific to the PC 832 course, the subject matter experts felt that most security officers won't -- they won't be handling a shotgun. So that's

why it was kind of easy to take off because that provided in the Regular Basic Course.

And then same with the chemical agents. You know, probation, they need chemical agents, but they were probably the only ones that would require it for -- for specific to PC 832.

So those were why we kind of took those out.

As the experts went through the training and testing specifications, all the other content they felt was relevant to have someone who is going to be carrying a firearm be trained on.

CHAIRPERSON LONG: If there are no further questions or comments, is there a motion to approve the proposed changes to the development of the course curriculum and this proposed pilot?

COMMISSIONER BRAZIEL: Braziel. Move.

CHAIRPERSON LONG: Motion from Braziel. Is there a second?

COMMISSIONER GORDON: Second.

CHAIRPERSON LONG: Second, Gordon.

Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.
COMMISSIONER BRAZIEL: Yes.
MS. ESSEX: Cooper.
COMMISSIONER COOPER: Not voting.
MS. ESSEX: Doering.
COMMISSIONER DOERING: Yes.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: No.
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Rodriguez.
COMMISSIONER RODRIGUEZ: Not voting.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Not voting.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Abstain.
MS. ESSEX: Motion carries. Nine.

CHAIRPERSON LONG: Thank you very much.

Our next item is a Report on Amendments to Commission Regs 1005, 1007, 1008, and 1059 - the Instructor's Guide to Learning Activities.

Remember these amendments were approved by the full Commission in March, and they are before us today simply because we received a comment letter from Manjusha -- if I get this right -- Kulkarni, who is an attorney with the Asian American Pacific Island Alliance as well as the RIPA Board, who recommended an alternative learning activity under LD42's cultural diversity guidelines.

So the Commission has already approved the guidelines. So what is before us today is a comment letter saying there would be a suggestion that there's a better learning activity to replace the one adopted by the Commission already.

Ms. Hollar.

MS. HOLLAR: Yes.

So in January and March of 2024, we held workshops with 12 subject matter experts from academy presenters to update the Instructor's Guide to Learning Activities, which was last updated in 2005.

At the March -- excuse me, March 5th, 2025, Commission meeting, the proposed amendments for the guide was approved by the Commission, and the proposed

amendments were noticed to the public.

On June 30th, POST staff received a public comment, which was attached to the agenda. The training and testing specifications for Learning Domain 42, Cultural Diversity/Discrimination, requires students to -- sorry -- requires students participating in a series of learning activities, either selected from the Instructor's Guide to Learning Activities publication or from another comparable source.

At a minimum, each activity or combination of activities must address the following nine topics:

One, the impact racial profiling may have had on them as individuals or their community;

Two, concerns the students may have as to how racial profiling will affect them in the field;

Three, clarification on the myths and realities of racial profiling;

Four, the concept of individualized suspicion as it pertains to probable cause;

Five, how the history of the community can affect the way they view law enforcement today;

Six, law enforcement's obligation to various cultures within the community;

Seven, what law enforcement must do to increase trust with the community;

Eight, law enforcement's obligation to respond to and report incidents of discriminatory or biased practices by fellow officers and;

Nine, the importance of applying leadership during contacts with persons from diverse cultures as it pertains to profiling, ethics, and community policing.

The purpose and objective of these learning activities is to provide opportunities for discussions between the instructor and the students.

Currently, the four current activities I'm going to summarize.

Activity one is a group research and presentations on the history and issues of differing ancestries and cultural backgrounds.

Activity two covers racially biased policing and is presented as either small group work or class exercise and may be supported by an appropriate video clip of one or more incidents that have been in -- in regarding racial profiling by the police;

Activity three covers hate crimes, and students read a scenario with follow-up work by students to reinforce learning.

And at the conclusion of the individual or paired work, the instructor will select students to research laws related to the nature of the crime, how to identify

a hate crime as defined in the Penal Code, and how to properly investigate a crime of this nature.

Activity four has the students describe their own cultural heritage, discuss what experiences they or their friends and family members encountered where they felt they were treated differently because of their race, gender, appearance, or other similar factors.

This proposed activity number five provides an opportunity for the students to examine their personal biases and provides an opportunity for the instructor to then segue the conversation to how those biases might impact their daily job responsibilities and their behavior as peace officers.

The facilitator leads the discussion about how our lived experience -- experiences knowingly or unknowingly contribute to how we perceive individuals, form judgments, and make decisions about people when we have limited information.

Follow-up questions include asking students when having context to their selections, would it change their selection and why. And asks how does knowing more about an individual help prevent generalizations, prejudgments, and discriminate behavior.

The thought process of this learning activity from the subject matter experts was the audience are basic

course students -- excuse me -- basic course recruits and students. The activity will put it in a context in a way that someone with no law enforcement experience can understand and help them see that everyone has their own biases and that we cannot make assumptions based on limited information.

This sets the groundwork for what they will continue to learn throughout their law enforcement career.

At this time, I will take any questions you may have.

CHAIRPERSON LONG: Questions or comments?

I will ask Ms. Hollar to clarify what -- we get a lot of letters commenting on votes of the Commission. Some are errant. Some are -- this one seems to be, you know, certainly well thought out. And to just to go over it again, you feel that it is not -- it is not necessary?

MS. HOLLAR: Correct.

CHAIRPERSON LONG: It is not off point, correct?

MS. HOLLAR: Correct.

CHAIRPERSON LONG: But you feel it is not necessary because...

MS. HOLLAR: Of what the subject matter experts -- what their framework for having that activity was. We

felt it was sufficient.

CHAIRPERSON LONG: Is there a motion? We would need a motion. Generally, OAL prefers -- Office of Administrative Law prefers us to vote affirmatively to support the action we have already taken when there is a letter.

So in this case, we would seek a -- a motion to affirm the previous vote of the Commission.

Commissioner Therriault.

COMMISSIONER THERRIAULT: Commissioner Therriault. I just have a question.

So we would need a motion to adopt this? Is that what you are asking?

CHAIRPERSON LONG: No. We would -- if the motion -- what the staff is asking for is a motion to affirm what the Commission has already done and not amend.

COMMISSIONER THERRIAULT: I will make a motion to do just that.

CHAIRPERSON LONG: Not amend the amendments.

COMMISSIONER THERRIAULT: Absolutely. I will make a motion to affirm what we were already confirmed in previous Commissions.

CHAIRPERSON LONG: Yes. Is there a second?

COMMISSIONER BRAUN: Braun.

COMMISSIONER DOERING: Second. I think I understand the motion. So yeah.

COMMISSIONER THERRIAULT: After lunch.

CHAIRPERSON LONG: I will express my opinion. I think OAL is wrong. I don't think we need to vote to affirm something we have already voted on. But in deference to OAL, we will take an affirmative vote.

Ms. Essex, would you please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.

COMMISSIONER JOHNSON: Aye.

MS. ESSEX: Long.

CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: I affirm. Yes.
MS. ESSEX: Rodriguez.
COMMISSIONER RODRIGUEZ: Aye.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Beat me to it. Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries unanimously.
CHAIRPERSON LONG: The next item is the Certification Bureau. It is a report on proposed amendments. Again, these are amendments to amendments that the Commission has adopted; we adopted unanimously in March.
I would like to just point out, before Ms. Weiler begins, that if you looked at the language, it looks somewhat voluminous. It is, however -- these are technical and clarifying amendments the way the agenda lays it out. It does all the stuff we adopted in March in addition to the clarifying amendments that the staff is asking for at this point.
So it really is a technical clarifying amendment,

although the language looks voluminous.

Ms. Weiler.

MS. WEILER: Yes. Good afternoon, again.

As Chair Long mentioned, this was originally approved by the Commission at the March meeting. After being submitted to the Office of Administrative Law for review, they felt there were additional items that needed clarification. And they did also catch an error that we had missed. And that was specifically in 1202(a)(2)(A), there's a strikeout that I want to draw your attention to as it references a subsection that is no longer accurate because we renumbered these subsections when we proposed the original amendments in March.

And then additionally, if you go to 1202(c)(4)(E), 6 and 7, it was recommended by the Office of Administrative Law, that, for clarity purposes, we specify under 6 that we are looking for federal law enforcement experience and that these are the basic academies that we are looking for in terms of acceptability when we are granting service credit for employment in a federal law enforcement agency towards the eligibility of a professional certificate.

So as you may be familiar, when you are applying for a professional certificate, you have to have so many

years in service. And in order to accept the federal service, we're looking for certain academy trainings and certain federal law enforcement experience.

So they wanted us to clarify that we are looking for federal law enforcement academies and then spell out which ones we're looking for.

And then also we originally proposed in March that subsection (7)(B), where we listed the acceptable law enforcement experience or positions, and they wanted to make that -- or they requested that we move those into a subsection of (6) to, again, further clarify that it is not something completely separate. It is part of the consideration for federal law enforcement experience.

So that is part of the reason it looks so voluminous because now everything is blue and struck out to show that change.

And then one other piece I wanted to draw your attention to is on the Attestation of Peace Officer Eligibility form itself, we made two strikeouts where we had to correct the reference. So under the Information Privacy Act statement at the beginning.

I'm sorry, Kathy, for talking too fast.

We had to correct the reference information for who to contact regarding CPRAs, and then at the end of the form in the instructions, again, we were correcting the

contact information if there were questions about this form.

CHAIRPERSON LONG: Any questions or comments?

(No response.)

CHAIRPERSON LONG: Is there a motion to approve the proposed staff clarifying technical amendments to 1202 and 1003?

Is there a motion?

COMMISSIONER WOOLERY: Woolery. So moved.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER BRAZIEL: Braziel.

CHAIRPERSON LONG: Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, the motion passes unanimously.

We're going to jump ahead to 7 and 8 right now.

Number 7 is a report from the Executive Office. Staff Services Manager Kim Lyons will report on -- the Request to Approve the 2026-2030 Strategic Plan.

Ms. Lyons.

MS. LYONS: Good afternoon, Commissioners. Thank you for the opportunity to present the 2026 through 2030 Strategic Plan.

This plan builds on POST's long-term direction

while adding new strategies shaped by staff input, field feedback, and current law enforcement priorities.

Today's presentation includes a quick look back at the 2020 through 2025 Strategic Plan; a preview of the updated goals, strategies, and action items; and a brief overview of the implementation timeline.

So we'll start with a quick look back at the 2020 through 2025 Strategic Plan. This plan focused on strengthening POST's partnership across the state, enhanced transparency, supporting law enforcement training needs, enhancing how we deliver services and responsiveness to evolving public safety needs.

The plan also helped guide POST through complex challenges, including pandemic-related adjustments and an evolving public safety landscape.

The 2020 through 2025 Strategic Plan was built around collaboration and adaptability. And thanks to the hard work of POST staff and stakeholders, POST completed or made significant progress on 84 percent of the action items identified in the plan.

These accomplishments provided the momentum for shaping the new 2026 through 2030 Strategic Plan by setting the tone for the next phase of our work.

Next slide, please.

So with the development of this plan, in June of

2024, we began by forming a cross-functional team with representation from all 15 POST bureaus and various staff classifications, which ensured a comprehensive and inclusive planning process.

Then, in September of 2024, POST released a statewide survey to all POST PASS account holders requesting feedback and development of the strategic plan. We received approximately 800 responses from a variety of classifications, from sworn peace officers to dispatchers, to administrative professionals, which gave us critical insight into the development of our plan.

And we developed the plan not only based on the survey results but also from the internal input from the staff who helped build this plan.

And in -- earlier this year, we routed the plan through to the Executive Office for review.

One significant thing to note is similar to the prior plan, the 2026 through 2030 Strategic Plan is intended to be a living document. It is flexible enough to evolve with legislative changes, operational demands, and feedback from the field, as we begin to implement.

Okay. Next slide, please.

So we'll take a closer look at what is in this new plan, which you all currently have. And I should note that on page, I believe, 3 and 9, there was a typo. It

indicates 2020 through 2025 as far as the heading, and it should indicate 2026 through 2030. The plan you currently have in your possession has that corrected. But the one published on the agenda erroneously states the prior years.

So with the '26 through 2030 Strategic Plan, we decided to keep the five overarching goals from the last plan. And we thought this would give us consistency across cycles while allowing room to innovate and respond to changing needs.

The five goals we decided to keep in this plan are "Maintain Leadership in Emerging Issues in Law Enforcement," which means staying ahead of evolving trends and public safety priorities.

The second goal is "Increase Efficiency in POST Systems and Operations." And this is by modernizing internal processes to better support the field.

The third goal is "Increase Awareness and Access to POST Services and Products." And by this, we want to make it easier for law enforcement professionals to find and use our POST services.

The fourth goal is "Enhance Law Enforcement's Ability to Serve their Communities." And this is by supporting training and tools that enhance public service and community trust.

The fifth and final goal in our '26 through '30 plan is "Enhance Law Enforcement Certification Process." This is the most significant addition, although we mentioned this goal in the prior year's plan.

At the time, Senate Bill 2 had just chaptered, but now it's been fully incorporated into our strategic plan.

Within these five goals, we have identified 63 strategies and 163 action items on how to meet the identified strategies.

This plan is about building on progress while modernizing for the future. It focuses on staying ahead of emerging issues in law enforcement, approving efficiency through technology, expanding access to POST resources, and ensuring a fair and accountable certification process.

Overall, the plan is a roadmap for keeping training and standards relevant, effective, and trusted across California.

Upon approval of the plan, we'll move into the implementation phase in January. And over the next five years, we will -- our focus will shift from planning to putting these strategies into action.

Every action item we identified has clear

performance measures. And some strategies are currently underway. Especially those that have built on past initiatives.

And this also gives us continuity while creating early momentum with the plan.

And then upon implementation, each bureau will align its work plans to the new objectives with cross-bureau collaboration at the core of how we move forward with the plan.

Okay. Next slide, please.

As we close, thank you to the POST staff and the field partners with the development of this plan. Their input was essential.

And as we move forward, implementation will continue to remain collaborative, involving the bureaus, the Commission, stakeholders, and the law enforcement community. We'll track progress with measurable outcomes to ensure accountability and transparency and periodically report to the Commission as we make progress over the next five years.

And in closing, this plan reflects POST's commitment to supporting the profession and strengthening public trust. We look forward to your questions, partnerships, and the work ahead that we have identified.

CHAIRPERSON LONG: Thank you very much, Ms. Lyons.

Are there any questions or comments about the strategic plan?

Sheriff Moon?

COMMISSIONER MOON: I was just commenting it is a great plan. A lot of work.

CHAIRPERSON LONG: Do you want to move it? We need a motion.

COMMISSIONER MOON: Motion. Moon.

COMMISSIONER THERRIAULT: Second.

CHAIRPERSON LONG: Is there objection to unanimous consent to adopt the strategic plan?

(No response.)

CHAIRPERSON LONG: Seeing none, so adopted.

Thank you, Ms. Lyons.

MS. LYONS: Thank you.

CHAIRPERSON LONG: Number 8, and then we will go back to the order.

This is a Report on the Adoption of Commission Reg 1216 on the Disciplinary Guidelines, which this is another one of those items that we approved in March. Or was it -- no. Yeah.

MS. WEILER: June.

CHAIRPERSON LONG: It was in June. This was last meeting. That is back before us because, again, of two

different comment letters we received. So at issue is with the two -- the two comment letters.

I would also like to point out a misstatement in the agenda that I think is important. It states at one point following the discussion of the two comment letters, that POST will not be making any additional revisions to the proposed regulation.

Obviously, that is an error. I don't bring this up to find fault or anything. But simply to -- because organizations and individuals who take the time to offer public comment and write letters need to know that their time and the perspective is valued by the Commission, and acceptance or rejection of public comment is not a rubber stamp of any kind.

And that was simply a technical error that is in the agenda. So I just want to call attention so that any of the people who wrote letters or who have concerns do not think this was decided before we began our discussion today.

Ms. Weiler.

MS. WEILER: Yes. I own that mistake because I was using a template. I missed those revisions.

Yes. This is in response to public comments that were received during the public comment period between June 2025 and August -- June 20th, 2025, and August 4th,

2025, we received one public comment from PORAC and one public comment from Alliance San Diego.

And while I don't normally read directly from, I'm going to because they are public comments, and I don't want to misspeak on our responses.

So the Alliance San Diego expressed concerns that our discussion of bias in the proposed disciplinary guidelines do not align with the statutory definition of bias. However, when we did create these guidelines and present them before you, it was done with the understanding that they are not intended to further define or add clarity to our existing definitions as set forth in Commission Regulations and the Penal Code. Instead, they are to provide the Board, the Commission, and the administrative law judges with a guide for how the facts are to be considered when they are determining whether suspension, revocation, or a different disciplinary action are appropriate when considering the subject peace officer's certification during this phase of the proceedings.

So in regard to this particular public comment from Alliance San Diego, POST staff do not recommend that we need to make any additional revisions. Again, as we're not intending to redefine "bias." We're simply providing some framework for how to consider bias.

And then PORAC also expressed some concerns with considerations for dishonesty. They were looking within those considerations that the mitigating factors that we have listed are in opposition to the definition of dishonesty as they were established in the Penal Code and Commission Regulations. And they could potentially further define or clarify this definition.

Again, it was not our intent to redefine or put additional framework around the definition itself. These are, again, guidelines for how to consider these -- each individual cases.

And I did also want to point out that at this phase of the case, when they are brought before both the Board, the Commission, and then also the administrative law judges, if it reaches that point, is that at this point, the Division has already reviewed each of these cases in the investigations and found that there is clear and convincing evidence that the allegation of misconduct did occur. It is for the Board and the Commission to determine whether it is appropriate to move it forward to the administrative law judge for the full evidentiary hearing.

And so, again, we're not trying to put any kind of framework in terms of adding to the definition or changing these definitions in any way. The framework is

there for consideration.

And then in that regard, again, POST staff do not recommend making any additional revisions.

And then PORAC also did make one language suggestion. And their proposed language revision is:

"For this reason, dishonesty as defined in Commission Regulation 1205(a)(1), normally warrants revocation of an officer's certification. Commission Regulation 1205(a)(1) recognizes that if the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and was -- or was done willfully or intentionally with the intent to deceive, revocation is typically the appropriate penalty.

"For instance, lesser discipline may be considered if the statement was not made" -- and they proposed to strike out "was not made willfully or with the intent to deceive.

"Was not part of a pattern of incomplete or less than honest statements, can be attributed to demonstrable inability to properly recall events, was so insignificant or immaterial such that lesser care may have been used in ensuring the accuracy of the statement and sufficient mitigating circumstances exist, or where the officer voluntarily clarifies or corrects an earlier

statement under circumstances indicating that the earlier statement was a foible of memory and not an intentional attempt to deceive."

So in this case, we are interpreting that they are asking that we revise to say that they have to have both -- sorry -- that both willful intent -- it was done willfully, I'm sorry, and with the intent to deceive.

And our position is that that would bind us and restrict us in terms of how we are reviewing the cases before we present them before you, as well as how you and the Board and the administrative law judge may be considering that it must contain both, again, the intent to deceive and the willful intention.

So what we're looking at is that it may not have -- sorry. I'm trying to get through this as fast as I can, and now my brain is getting -- (laughter).

I'm just going to read our statement:

The proposed disciplinary guidelines notes several factors that may be considered in an appropriate case, if either or ... are present. The proposed disciplinary guidelines do not provide that both factors must be present for revocation to be appropriate -- to be the appropriate sanction. PORAC's proposed revision would remove the Commission's discretion to revoke a subject peace officer's certification if only one factor was

present, which is not the intention of the proposed regulatory language.

Therefore, staff do not believe it is necessary to revise this segment of the text.

Again, this would limit the Commission's discretion to take action in an appropriate case, such as where a false statement was made recklessly or without a reasonable basis for believing it to be true. While willfulness and intent are factors that may be considered in determining discipline, there are times when an unintentional omission or misstatement of facts is such that the harm or potential harm that arises from the act is so egregious that it warrants disciplinary action. It is within the jurisdiction of the Board, Commission, and administrative law judges to determine what a sufficient penalty should be, if at all, in cases of this nature.

Therefore, staff do not believe it is necessary to revise this segment of text.

Sorry if I jumbled that, Toby.

CHAIRPERSON LONG: No worries.

Ms. Del Mugnaio.

MS. DEL MUGNAIO: One quick statement.

I just want to summarize some of this. It is really about the penalty, not about the serious

misconduct.

The serious misconduct, as Michelle stated, has already been determined by the Commission, by you folks.

Now it is about the penalty.

And I also want to point out that in terms of lesser penalties, one thing that we're doing when we are trying to define lesser penalties by changing kind of the context of the definition is we're also, then, not considering the very thing that PORAC may have put toward as determination for lesser penalty may be something that we wouldn't even consider serious misconduct in moving forward. Where there was no intent to deceive, there was no willful act, and, in fact, the misconduct itself was just really a failure to recall the events that occurred. And that may not ever reach you.

So we want to make sure that we're not adding things into disciplinary guidelines that change the definition not favorably for the officer, either, and really takes out the impartiality and kind of the objectivity of that which is -- belongs to you as a Commission.

You as a Commission have already decided it's serious misconduct. Now we're looking at an appropriate penalty. So when we start getting into weeding out, was

it intentional, was it willful? They made a mistake; they couldn't recall. That shouldn't be here. We wouldn't really get to this point if that wasn't really the facts of the case.

So I don't want that to be lost.

Thank you.

CHAIRPERSON LONG: Thank you, Ms. Del Mugnaio.

Questions or comments to Ms. Del Mugnaio or Ms. Weiler?

(No response.)

CHAIRPERSON LONG: The staff is recommending that we affirm the adoption of Commission Reg 1216 as the Commission adopted it in June.

Is there such a motion?

COMMISSIONER BRAUN: Motion. Braun.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER GORDON: Gordon.

CHAIRPERSON LONG: Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.
MS. ESSEX: Doering.
COMMISSIONER DOERING: No.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: No.
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Rodriguez.
COMMISSIONER RODRIGUEZ: Yes.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: No.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries. 11 yeses and three noes.
CHAIRPERSON LONG: Kathy, would you like a break?
THE COURT REPORTER: Yes. Break, please.

CHAIRPERSON LONG: Thank you very much.

(Break taken in proceedings.)

CHAIRPERSON LONG: We're back to No. 5, and it is the Legal Affairs Bureau.

This is a recommended action to amend Commission Reg 1045 regarding the conflict of interest. Legal Affairs Bureau Attorney Bryant Henley will report.

Mr. Henley.

MR. HENLEY: Thank you, Mr. Chair, and good afternoon, Commissioners.

I will be brief. You have got a meaty agenda today, and this is a matter you all have seen. You saw it at the June meeting.

But just for a brief refresher, we -- many of us -- file Form 700 Statements of Economic Interests. And as part of that process with government agencies, we must go through a rule making to make changes to the Conflict of Interest Code.

Those changes that we were proposing, we presented to you in June. This Commission voted for us to move forward with those changes. We then took the next step to present those changes to our staff as well as to the Commission members.

We received feedback, written feedback, from some staff members about the Conflict of Interest Code. We

made three changes to the Conflict of Interest Code, which I could happily walk through, if you would like me to.

None of those changes affect the Commissioners themselves and their own reporting. But I'm happy to talk through the specific changes we are proposing to make, those changes we have made, and now if the Commission -- they are reflected in your packet. And if the Commission is prepared to vote and approve those changes, we will move forward to present those changes to the Fair Political Practices Commission, and then to the Office of Administrative Law, for final adoption.

So I will keep it brief, Mr. Chair and Commission Members. Happy to take questions if anyone has questions about the proposal.

CHAIRPERSON LONG: Any questions for Mr. Henley on the conflict of interest?

(No response.)

CHAIRPERSON LONG: Is there motion to approve the proposed action in the staff report?

COMMISSIONER NIETO: Nieto moves.

COMMISSIONER WOOLERY: Woolery. Second.

CHAIRPERSON LONG: Second.

Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, so moved unanimously.

We move now to -- I'm confused. We jumped all over. What number are we on?

EXECUTIVE DIRECTOR ALVAREZ: 6.

CHAIRPERSON LONG: So this item is a proposed regulation to essentially cross reference the definition of "biased conduct" as defined in Penal Code section 13510.6(a).

This is another one that was adopted by the Commission in June. In June, the Commission voted unanimously to address the Penal Code requirement to define "biased conduct" by using the statutory language found in the Penal Code.

The question today is simply whether the Commission should adopt the proposed reg to define "biased conduct" using the already-approved language found in Penal Code 13510.6. It is essentially a cross-referencing issue.

Law Enforcement Consultant Raymund Nanadiego will report.

MR. NANADIEGO: Thank you very much, Mr. Chair. And that is actually pretty much my presentation.

But this -- the additional follow-up discussions that we had as POST staff following the June Commission, we felt that this -- this new addition into regulation

as -- at 1022 would just simply add as an additional point of reference for law enforcement agencies. But it would just be statutory language only, as the Chair has mentioned.

CHAIRPERSON LONG: Is there a motion?

COMMISSIONER BRAUN: Motion. Braun.

COMMISSIONER DOERING: Doering. Second.

CHAIRPERSON LONG: Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, the motion passes unanimously.

We are now at No. 9. Correspondence.

The following correspondence was sent from POST to Robert Lopez, Chief, Baldwin Park Police Department, expressing sympathy over the tragic on-duty death of Officer Samuel Riveros.

To Jim McDonnell, Los Angeles Police Department, expressing sympathy over the tragic on-duty death of Sergeant Shiou Deng.

And to Jeff Macomber, Secretary, California Department of Corrections and Rehabilitation, expressing sympathy over the tragic on-duty death of Parole Agent Joshua Lemont Byrd.

And to Robert Luna, Sheriff, LA County Sheriff's

Department, expressing sympathy over the tragic on-duty deaths of deputies Joshua Kelly-Eklund, Victor Lemus, and William Osborn.

Old Business, there is none.

New Business, there is none.

COMMISSIONER BRAZIEL: I have -- I have one.

CHAIRPERSON LONG: Oh, I'm sorry.

COMMISSIONER BRAZIEL: Chair.

CHAIRPERSON LONG: I'm sorry. Commissioner Braziel.

COMMISSIONER BRAZIEL: Yes. So it's -- for those not familiar, I did some work for UCLA this last year. And part of that was kind of understanding what is going to happen down in Southern -- a general understanding what is going to happen down in Southern California with the Olympics in California.

And the recognition that -- and this is confirmed by the agencies down there -- that we're just short law enforcement officers in the state of California to manage an event like this.

So conversations come up, how do we fulfill that at the same time we might have fires and other things going on because we always do have mutual aid requests across the state.

That started a conversation about how -- is there a

potential, thinking outside the box, not just for the Olympics, but that causes the conversation, but just in general, given our staffing shortages in California, is there a potential for us to reach out to other states that we know have similar standards to us, the Commission knows them, to start working with their POST agencies to see how we can almost have a reciprocity on POST trainings.

So that in the event of a major event, it could be a 7.2 earthquake down here where we just need resources like the fire service has from agencies outside the state, they have already been precertified based on ongoing training evaluations, to be able to respond to a mutual aid request to us, and our kind of appreciation for the fact that they have been trained in the same way we have.

So I'm requesting staff to look into that through our regulations to see if we can do that and start partnering with states on the West Coast to see if there's some form of reciprocity we can have, similar to what the fire service has, in ensuring that there's some training standard between the multiple states, that they could come here in a crisis.

The thought I had was -- and, again, we can get fleshed out later -- is it would be very similar to a

mutual aid request.

Something happens in our jurisdiction, it goes through Cal OES. Cal OES basically has tapped out everybody in the state. They then can reach out to their counterparts in other states that we preapproved. And using that mutual aid process for those other states, get law enforcement agencies into our state on a mutual aid request.

Fire service does it. They do it for forest fires or wildland fires all the time. But I think it's time for us to start thinking that way given our natural disasters. And the Olympics just kind of brought it to the forefront, I guess. But it is beyond that.

It is just how do we do stuff and manage these bigger and bigger events? And right now, we're just -- we're fortunate that we have gotten through a bunch of them. But I think it is time now to have those conversations.

So my request is that POST staff come back with kind of an idea, a concept paper on what it would take to go to the states. Is if feasible? Not feasible? What do our regulations have? What do they show? What are the states they recommend that we reach out to, because we know we have similar standards to them. And then start having those conversations.

CHAIRPERSON LONG: Commissioner Braun.

COMMISSIONER BRAUN: Commissioner Braun.

As a county that borders five Nevada counties, we have mutual aid agreements with all five of those counties because we often do have to work together in the very far remote reaches with both counties.

I would be happy to assist with that if we come to making progress on that.

CHAIRPERSON LONG: Thank you, Commissioner Braziel.

Executive Director Alvarez, is that sufficient information for you to respond to Commissioner Braziel's request?

EXECUTIVE DIRECTOR ALVAREZ: Yes. I think so. Obviously, we talked in a little bit more detail about this already. Carrie Hollar is in the back, the Bureau Chief over Basic Training, as is Tom.

So we'll start having those discussions and come back in December with some concepts of how that would work.

Some of the challenges that we have discussed are really getting the state-mandated requirements covered. You know, there are certain -- certain requirements for California -- to be a peace officer in California. So we have to check on them to make sure those states have it. And what if they don't, how do we get them to have

it before they are appointed here as a peace officer.

So I think we can address it in December.

Just obviously, nothing final. But at least give you an update as to where we are and some ideas.

Thank you.

And thank you, Commissioner Braun, also, for volunteering.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: Commissioner Doering.

On that point, too, I just wanted to note if part of the requirements could be that those mutual aid requests continue to pay for their officers when they are being deployed. That it not be some agreement where the officers could be paid from a separate agency and be working at a double badge in capacity. Then they would have to continuously be employed by the agency that is hiring them for the mutual aid and not the California agency that is paying them a reduced hourly rate so they are not paying their employees overtime or something to that effect, because we have seen that issue on a smaller scale happen before in this state.

So just throwing that out for there for staff's consideration.

EXECUTIVE DIRECTOR ALVAREZ: Understand. Yes. Thank you.

CHAIRPERSON LONG: Any further questions? Any other new business?

(No response.)

CHAIRPERSON LONG: Future Commission dates:

December 3rd and 4th at POST World Headquarters.

After December 3rd and 4th, you can read them yourselves.

Number 13. Closed Session. We will now adjourn to closed session for a very brief closed session.

Commissioners, are we staying here for closed session?

(Noes.)

CHAIRPERSON LONG: Out this door. So commissioners will proceed to the closed session room, that no one has ever been to, and we will reconvene general session quickly.

(Closed session was held:

2:57 p.m. to 3:07 p.m.)

CHAIRPERSON LONG: If everyone can take their seats, we are back in regular session.

And we move now to the two peace officer certifications on today's agenda. Three additional cases will be heard tomorrow.

In these two cases before us, the record shows that revocation was recommended by the Peace Officer

Standards Accountability Division Board unanimous in both cases.

Let me begin --

Oh, there's Chris. You are not Toby anymore.

Let me begin by introducing Deputy Attorney General Christopher Beatty, the counsel for the Commission.

A few prefatory comments.

Today -- we make these comments before each hearing. Today we will review only the facts and evidence as presented by the Peace Officer Standards Accountability Division and the recommendations of the Peace Officer Standards Accountability Advisory Board.

This is not an evidentiary hearing. The rules of evidence do not apply. Evidence is not formally admitted into the record. There is no need to make objections, and objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this hearing will only determine if the matter proceeds to a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

For anyone commenting on a case, at this stage, the Commission will only consider facts that the Division, after investigation, believes can be proven at a later evidentiary hearing, and the recommendation of the

Advisory Board.

Today the Commission will hear arguments as to whether or not those facts as presented by the Division demonstrate a high probability that serious conduct, as defined, occurred.

No actions by the Commission prior to a full evidentiary hearing result in a final determination that an officer engaged in serious misconduct or that revocation or suspension is mandated. That will only be determined after an evidentiary hearing.

Now, following the presentation by the Peace Officer Standards Accountability Division, the Commission will have the opportunity to comment and ask questions, followed by the public comment from the subject officer and/or their counsel, followed by members of the public.

Further discussion by the Commission will, of course, always be allowed. The Commission may choose to go into closed session deliberations or not. After each case, motions will be considered.

Prefatory remarks being concluded, for our first case, Law Enforcement Consultant Robert Bringolf, Professional Conduct, LA County Bureau, and attorney Bryant Henley, Legal Affairs Bureau, will report on case POST2305110, Brian Kawamoto, who, at the time of the

events at issue in this case, was employed by the Torrance Police Department.

John.

MR. BRINGOLF: Good afternoon, Commissioners, Chair Long.

As introduced, my name is Robbie Bringolf. I'm here with respect to the case of POST v Brian Kawamoto, previously of the Torrance Police Department.

In this case, the Division found reasonable grounds to believe that while employed as a Torrance police officer, Mr. Kawamoto engaged in serious misconduct in violation of Penal Code Section 13510.8(b)(5) and Regulation 1205(a)(5), demonstrating bias, when he sent racist text messages to coworkers Between February 2019 and December 2019.

In the Division's Investigative Summary and Findings, it recommended revocation of Officer Kawamoto's POST certification.

In accordance with the requirements of Senate Bill 2, and as required by Penal Code Section 13510.85(a)(4), this matter was heard by the Peace Officer Standards Accountability Advisory Board on July 16th, 2025. Following the conclusion of that hearing, the Board voted unanimously to recommend revocation of Officer Kawamoto's POST certification.

The Division asks you to adopt that recommendation today.

As required by Penal Code Section 13510.85(a)(5), the record of that proceeding is before you, which includes the agenda and attachments from that meeting, a transcript of the relevant portions of the hearing, and the recommendation of the Board.

If the matter was heard in closed session by the Board, Commission counsel will be able to advise you with respect to those proceedings.

The law requires your review to be of that record before the Board, which is before you, and which you have had an opportunity to review.

To assist you in your review of that record, I will take you through the cases presented there. As the record shows, I presented the case before the Board substantially as follows:

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

He was terminated from Torrance Police Department on August 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 of 2022.

When analyzing the serious misconduct allegation of PC 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 towards a protected class 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 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 consistent with the officer's obligations to carry out the officer's duties in a fair, 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 his use of the term "moon crickets," Mr. Kawamoto stated the following, "So 'moon crickets' is a word that I heard 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 should have said -- I shouldn't have said that either, sir. It is offensive." End quote.

When the Internal Affairs investigator asked if the March 25th, 2019, message represented the only time when Mr. Kawamoto only 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 is also racist. Mr. Kawamoto's conduct in sending the message,

"I trust y'all have the moon crickets in custody in no time," shows prejudice and intolerance toward a protected class of persons.

Mr. Kawamoto's message also violated several of the Torrance Police Department's policies, included but not limited to their anti-harassment policies and general Orders 1.10.1, 1.10.3(b) and 2.33.1(d).

Even when viewed in the light most favorable to Mr. Kawamoto, the racist epithet used to describe the suspects in a shooting, who might be subject to enforcement action from the Torrance Police Department, necessarily erodes the public's confidence in his 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 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 answered, "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 forgone conclusion between these two officers.

This message exchange violated several of the Torrance Police Department's policies, as I indicated earlier.

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 nigglets we put down."

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

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

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

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

Finally, this is another example of a pervasive theme among Mr. Kawamoto and several of his coworkers,

and I find that a reasonable person would consider the use of the term "nigglets" to be racist and explicit demonstration of bias.

Further, the officers make jokes about a cardboard box being used for all the "nigglets" they put down. I find a reasonable person here would infer that the officers were saying the cardboard coffins were all -- for all of 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 is inferred that they are making light of a fatal police enforcement contact involving Black people.

I find this text in 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.

As mentioned before, this message exchange also violated several of the Torrance Police Department's policies, including but not limited to their anti-harassment policies, several of their General Orders, and -- yeah, and several of their 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.

On November 19th, 2019, there's a text conversation in which Mr. Kawamoto texted Officer Weldin, "Happy birfday, nigga."

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 spicy chicken sandwiches."

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

Weldin texted, "Make money, beat niggas."

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

Finally, this is another example of a pervasive 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 TPD's anti-harassment policies and a couple of their General Orders.

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, 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 24, 2019, text, Mr. Kawamoto sent an image meme to Officers Alonso, Tomsic, and Weldin which referenced a hanging -- excuse me, which referenced hanging a person.

In that image meme, there were three Christmas-related images: A star for the top of the Christmas tree, a Christmas ornament, and a candy cane. The fourth image was of an old black-and-white image of a Black person, which appeared 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 kwanza [sic]."

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 is 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 policies.

Mr. Kawamoto himself acknowledged that he knew the message was offensive to Black people. His conduct in sending the message shows prejudice and intolerance towards a protected class of persons. And 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 Kwanza [sic]" is unequivocally racist and

erodes the public's confidence in his ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Kawamoto's message shows 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.

These types of statements and messages discredit the Torrance Police Department in potentially irreparable ways, and as mentioned several times here, violated the Torrance Police Department's 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-listed text messages.

So following my presentation to the Board and as documented in the transcripts before you, there were no public comments related to this case by either the respondent or his counsel.

And as I mentioned before, the Board voted unanimously to recommend revocation of Kawamoto's POST certificates.

That concludes my presentation in this case. And I'm happy to answer any questions you may have.

CHAIRPERSON LONG: Thank you, Mr. Bringolf.

Are there questions or comments for Mr. Bringolf or Mr. Henley?

(No response.)

CHAIRPERSON LONG: Does the subject officer and/or counsel wish to make any public comment?

(No response.)

CHAIRPERSON LONG: I don't believe so, but let's be clear. No one on the line. No one physically present.

MR. HENLEY: Mr. Chair, Bryant Henley on behalf of the Peace Officer Standards Accountability Division.

Just for the record procedurally, I wanted to advise Mr. Chair and the Commission that POSAD, the Division, did reach out to both Mr. Kawamoto and his counsel on August 1st, with a notice inviting them to appear. Then again on August 18th, with the second follow-up; and a third follow-up on August 26th, all to the address that we received for Mr. Kawamoto and his counsel to receive information.

And we did not receive any responses to those three outreaches -- outreach attempts.

CHAIRPERSON LONG: Thank you very much, Mr. Henley.

Is there anyone here from the public that would like to address the Commission at this time?

Welcome. Hello again.

If it is your inclination, you may state your name

and organization.

MS. WILLIAMSON: I have to catch my breath because it was a lot to hear.

Commissioners, thank you for allowing me to speak. I also want to recognize the investigators who worked to ensure that officers face fact-based investigations rooted in evidence, the evidence trail these officers left behind.

MS. WILLIAMSON: My name is Tasha Williamson. I'm here as a community member, but not just any community member. I am a Black woman, a descendent of enslaved people who were brutalized, raped, bred like animals, and subjected to centuries of genocide that this country and law enforcement systems has yet to fully acknowledge as a part of their legacy.

The color of my skin is not invisible. And history shows us that law enforcement, since its very inception, has been built on racism and corruption. That is the truth.

And it is your daunting responsibility to hold accountable those continuing this not to prolong it.

Let me be clear: Officers should not only fear losing their badge, but they should also fear accountability, when they abuse power, when they show bias, and when they violate the law.

Put their picture alongside their status on your website, because the public should be just as aware when officers are criminals as when we are, when community members are criminals.

I show up to these meetings to bear witness, to speak truth, and to make sure that voices like mine are not erased from this process.

Today you must determine whether former Torrance Police Department Brian Kawamoto violated Senate Bill 2 on serious misconduct. The evidence is clear. He demonstrated racial bias against protected groups. Officers like him are exactly why Senate Bill 2 exists. He is the example of what law -- what this law was written for. The choice is yours. The community deserves law enforcements who do not contribute to crime statistics as criminals themselves.

When officers cross that line, they must be removed and permanently barred from serving in law enforcement so they can no longer harm the very communities they swore to protect.

We are not "niggers." We are not "nigglets," "moon crickets," "savage monkeys." We do not deserve to be beat by officers. We do not deserve our property to be vandalized. And we do not deserve to be hanging from Christmas trees. Water heater -- or put in water heater

boxes, cardboard boxes, and placed in coffins.

We are human beings. Our children are human beings, and they deserve to be free from racist acts by law enforcement.

We deserve the same protections, freedoms, and justice that White people sitting on this Commission and in this room never have to even question. They are born with.

Thank you.

CHAIRPERSON LONG: Thank you, Ms. Williamson. Thank you so much for taking the time to be here with us today.

Is there anyone else from the public who would care to address the Commission at this time?

(No response.)

CHAIRPERSON LONG: Any additional questions or comments from the commissioners?

(No response.)

CHAIRPERSON LONG: What is the will of the Commission? Does the Commission wish to adjourn into closed session, or is there a motion? A motion is always in order.

Commissioner Cooper.

COMMISSIONER COOPER: Commissioner Cooper. I make a motion that we revoke.

CHAIRPERSON LONG: Commissioner Cooper moves.
COMMISSIONER DOERING: Doering. Second.
CHAIRPERSON LONG: Second. Doering.
Mr. Chandler, please call the roll. Mr. Knapp.
MR. KNAPP: Yes. Thank you, Mr. Chair.
COMMISSIONER BARCELONA: Yes.
MR. KNAPP: Barcelona, aye.
Braun.
COMMISSIONER BRAUN: Yes.
MR. KNAPP: Braun, yes.
Braziel.
COMMISSIONER BRAZIEL: Yes.
MR. KNAPP: Braziel, aye.
Cooper.
COMMISSIONER COOPER: Yes.
MR. KNAPP: Cooper, aye.
Doering, yes.
COMMISSIONER DOERING: Yes.
MR. KNAPP: Doering, aye.
Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Ewell, aye.
Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Gordon, aye.

Johnson.

COMMISSIONER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Long.

CHAIRPERSON LONG: Aye.

MR. KNAPP: Long, aye.

Moon.

COMMISSIONER MOON: Yes.

MR. KNAPP: Moon, aye.

Nieto.

COMMISSIONER NIETO: Yes.

MR. KNAPP: Nieto, aye.

Rodriguez.

COMMISSIONER RODRIGUEZ: Yes.

MR. KNAPP: Rodriguez, aye.

Therriault.

COMMISSIONER THERRIAULT: Yes.

MR. KNAPP: Therriault, aye.

Woolery.

COMMISSIONER WOOLERY: Yes.

MR. KNAPP: Woolery, aye.

That's 14 yeses. Motion carries unanimously.

CHAIRPERSON LONG: Thank you, Mr. Knapp.

For our second and final case today, we again welcome Law Enforcement Consultant Robert Bringolf,

Professional Conduct LA County Bureau, and Attorney Bryant Henley, Legal Affairs Bureau, who will report on case POST2305111, Christopher Allen-Young, who, at the time of the events at issue in this case, was employed by the Torrance Police Department.

As the record shows, the vote of the Peace Officer Standards Accountability Advisory Board to revoke certification was unanimous.

Gentlemen.

MR. BRINGOLF: Thank you.

This will be the case POST v Christopher Allen-Young previously of the Torrance Police Department.

In this case, the Division found a reasonable grounds to believe that while employed as a Torrance police officer, Mr. Allen-Young engaged in serious misconduct in violation of PC Section 13510.8(b)(5) and Regulation 1205(a)(5), the demonstration of bias, when he sent racist text messages to coworkers between February 2019 and December 2019.

In the Division's Investigative Summary and Findings, it recommended revocation of Officer Allen-Young's POST certificate.

In accordance with the requirements of Senate Bill 2 and as required by Penal Code Section

13510.85(a)(4), this matter was heard by the Peace Officer Standards Accountability Advisory Board on July 16th, 2025. Following the conclusion of that hearing, the Board voted unanimously to recommend revocation of Officer Allen-Young's POST certification.

The Division asks you to adopt that recommendation today.

As required by Penal Code Section 13510.85(a)(5), the record of that proceeding is before you, which includes the agenda and attachments from that meeting, a transcript of the relevant portions of the hearing, and the recommendation of the Board.

If the matter was heard in closed session by the Board, Commission Counsel will be able to advise you with respect to those proceedings. I don't believe there was any closed session.

The law requires your review to be out of the record before the Board, which is before you, and which you have had an opportunity to review.

To assist you in your review of the record, I will take you through the case as presented there.

As the record shows, I presented the record before the Board substantially as follows:

Mr. Allen-Young began his law enforcement career with the Los Angeles Sheriff's Department as a Deputy

Trainee on November 18th, 2013. He was promoted to deputy sheriff on April 6th, 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 26th, 2023, Torrance Police Department, or TPD, reported allegations of serious misconduct against Mr. Allen-Young to POST pursuant to California PC Section 13510.9(a)(3).

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

As in the last case, 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, 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, actions, or conduct would lead a reasonable person to conclude that the officer has not or will not

fairly and impartially perform their law enforcement duties.

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

During the analyses 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 meme of Dave Chappelle that said, "Modern problems require modern solutions." And "When your GF" or girlfriend "is fucking a Black guy, so you break a tail light on his car so the police will stop and shoot him."

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

His message also violated several of the Torrance Police Department policies, including but not limited to, the TPD's anti-harassment policies 34.10 through 34.25, and 134.05 through 134.20, and also violated General Orders 1.10.1, 1.10.3(b), and 2.33.1(d).

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, we in the Division find that Mr. Allen-Young demonstrated bias with 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, "Moon cricket hunting."

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.

Even when viewed 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 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 "hunting" indicates that Mr. Allen-Young is targeting a certain demographic for enforcement action because of their race.

Accordingly, the Division finds that Mr. Allen-Young demonstrated bias within the meaning of PC Section 13510.8(b)(5) when he wrote the message "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 a use of force of a protected class of persons.

Mr. Allen-Young's response and involvement in this

message exchange violated several of the TPD's policies. 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 it shows 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 Black people is forgone conclusion between these two officers.

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

Following my presentation to the Board and as documented in the transcripts before you, there were no public comments related to this case by either the respondent or their counsel.

And as I mentioned before, the Board voted

unanimously to recommend revocation in Mr. Allen-Young's case as well.

That concludes my presentation of this case. And I'm happy to answer any questions that may have come up.

CHAIRPERSON LONG: Any questions for Mr. Bringolf?

(No response.)

CHAIRPERSON LONG: Any comments from the Commission?

(No response.)

CHAIRPERSON LONG: Does the subject officer and/or counsel wish to make public comment?

(No response.)

CHAIRPERSON LONG: I don't believe anyone is present.

Mr. Henley.

MR. HENLEY: Thank you, Mr. Chair. And again on behalf of the Division, Bryant Henley. The Division reached out to Mr. Allen-Young's counsel on three separate occasions; first on August 1st, to provide him with the notice of the time and appearance date here today to appear before this body; again, a second notice on August 18th; and then again, a third notice on August 26th. All of these messages were delivered to the address that was provided to the Division for communications with Mr. Allen-Young.

Mr. Allen-Young and his counsel did not respond to any of these messages.

CHAIRPERSON LONG: Would anyone from the public care to address the Commission at this time?

I see Ms. Williamson. Welcome again, Ms. Williamson.

MS. WILLIAMSON: Christopher Allen-Young transferred from the Los Angeles County Sheriff's Department, a department infamous for racism, deputy gangs, murder, and systemic corruption.

He transferred to the Torrance Police Department. Let's be honest. That is not a transfer into integrity. That is a transfer from one racist and corrupt department into another. Torrance PD has its own long history of racism, misconduct, and abuse of community trust.

If an officer looks like a racist, acts like a racist, and enforces the law with racism, then we must call it exactly what it is: Racism. A violation of Senate Bill 2.

These individuals are not protecting the public. They are a threat to public safety.

Do you all know how many people an officer can come in contact with? Yes, you do.

Imagine how much trauma is left in the wake of

these officers' racial bias policing.

Do not ask my community to calm down when we have been dealing with this form of policing for centuries.

Ask your officers to step up and end racism and remove officers who deem us worthy of being strange fruit on trees, deem us being worthy of death from a broken tail light.

The community deserves law enforcement officers who serve and protect, not officers who bring the same corruption, violence, and racism that have plagued their previous departments.

It is not enough to move them around from one agency to another like trading cards. That cycle ends here with you.

Decertification is not optional in cases like this. It is necessary to stop racist officers from moving department to department, continuing to harm the very communities they are sworn to serve.

The community deserves, the Black community deserves safety. The Black community deserves justice. And the Black community demands to not be traumatized by law enforcement.

Thank you.

CHAIRPERSON LONG: Thank you, Ms. Williamson. Again, thank you for taking the time to be here. Not

easy to get away and get through all this traffic. We appreciate your time.

Are there any additional questions or comments from Commissioners?

(No response.)

CHAIRPERSON LONG: Again, at this time, does the Commission wish to adjourn into closed session for deliberation, or is there a motion? A motion is always in order.

COMMISSIONER THERRIAULT: Commissioner Therriault. Motion to revoke.

CHAIRPERSON LONG: Motion. Therriault.

COMMISSIONER MOON: I will second it.

CHAIRPERSON LONG: Second.

Mr. Knapp, please call the roll.

MR. KNAPP: Thank you, Mr. Chair.

Barcelona --

CHAIRPERSON LONG: For revocation. The motion is to revoke.

MR. KNAPP: Thank you.

Mr. Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Barcelona, aye.

Braun.

COMMISSIONER BRAUN: Aye.

MR. KNAPP: Braun, aye.
Braziel.
COMMISSIONER BRAZIEL: Aye.
MR. KNAPP: Braziel, aye.
Cooper.
COMMISSIONER COOPER: Aye.
MR. KNAPP: Cooper, aye.
Doering.
COMMISSIONER DOERING: Aye.
MR. KNAPP: Doering, aye.
Ewell.
COMMISSIONER EWELL: Aye.
MR. KNAPP: Ewell, aye.
Gordon.
COMMISSIONER GORDON: Aye.
MR. KNAPP: Gordon, aye.
Johnson.
COMMISSIONER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Long.
CHAIRPERSON LONG: Aye.
MR. KNAPP: Long, aye.
Moon.
COMMISSIONER MOON: Aye.
MR. KNAPP: Moon, aye.

Nieto.
COMMISSIONER NIETO: Aye.
MR. KNAPP: Nieto, aye.
Rodriguez.
COMMISSIONER RODRIGUEZ: Aye.
MR. KNAPP: Rodriguez, aye.
Therriault.
COMMISSIONER THERRIAULT: Yes.
MR. KNAPP: Therriault, aye.
And Woolery.
COMMISSIONER WOOLERY: Yes.
MR. KNAPP: Woolery, aye.
That's 14 ayes. Motion carries.
CHAIRPERSON LONG: Thank you, Mr. Knapp.
Commissioners, is there anything else for today?
(No response.)
CHAIRPERSON LONG: We will reconvene at 9:00 a.m. tomorrow. That's 8:00 a.m. Alvarez time.
(Laughter.)
CHAIRPERSON LONG: Is there a motion to adjourn?
COMMISSIONER MOON: Motion. Moon.
COMMISSIONER THERRIAULT: Second.
CHAIRPERSON LONG: Is there a second?
(No response.)
CHAIRPERSON LONG: Seeing no objection, we are

adjourned until tomorrow. Thank you very much, Commissioners.

(Time noted: 3:46 p.m.)

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CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, 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, Kathryn S. Swank, a 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 29th day of September 2025.

KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

E R R A T A S H E E T

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AGENDA ITEM REPORT

Title: ACTION SUMMARY - SEPTEMBER 09, 2025, HUNTINGTON BEACH, CA

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Brandy Essex	**REVIEWED BY** Manny Alvarez Jr.	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/12/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting Action Summary from the last Commission meeting.

ATTACHMENT(S):
9.09.2025_CommissionMeeting_Action_Summary_BE_MA.pdf

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

POST COMMISSION MEETING

Golden West College
Regional Criminal Justice Training Center
15744 Goldenwest Street
Huntington Beach, CA 92647

September 09, 2025

ACTION SUMMARY

CALL TO ORDER

Chair Geoff Long called the meeting to order at 10:02 a.m.

FLAG SALUTE

The pledge of allegiance was led by Commissioner Doering

MOMENT OF SILENCE HONORING OFFICERS KILLED IN THE LINE OF DUTY

A moment of silence was held in honor of those peace officers who lost their life in the line of duty since the last Commission meeting.

- Sergeant Shiou Deng, Los Angeles Police Department
- Parole Agent Joshua Byrd, California Department of Corrections and Rehabilitation
- Detective Joshua Kelley-Eklund, Los Angeles County Sheriff's Department
- Detective Victor Lemus, Los Angeles County Sheriff's Department
- Detective William Osborn, Los Angeles County Sheriff's Department

ROLL CALL OF COMMISSION MEMBERS

PRESENT	PRESENT	ABSENT
Alan Barcelona	Jacob Johnson	
Ingrid Braun	Geoff Long - Chair	
Rick Braziel - Vice Chair	Shannan Moon	
Jim Cooper	Tina Nieto	
Justin Doering	Freddie Rodriguez	
P. Lamont Ewell	Benjamin Therriault	
Kelly Gordon	Stephen Woolery	

A calling of the roll reflected a quorum was present.

INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, CHIEF LEGAL COUNSEL, AND THE EXECUTIVE DIRECTOR

Chair Long introduced POST Advisory Committee Chair Chief Jason Salazar, Visalia Police Department, POST Chief Counsel William "Toby" Darden, along with POST Executive Director Manny Alvarez.

PUBLIC COMMENT PERIOD

Chair Long opened the floor for public comment. No comments were made during the public comment period.

Commissioner Therriault arrived during this period.

EXECUTIVE DIRECTOR COMMENTS

Chair Long introduced Executive Director Alvarez who addressed the Commission.

1. APPROVAL OF TRANSCRIPT AND ACTION SUMMARY

Approval of the Transcript and Action Summary of the following meeting:

a. Meeting Transcript – June 04, 2025
b. Action Summary – June 04, 2025

Chair Long called for unanimous consent to approve the Meeting Transcript and Action Summary of the June 04, 2025, Commission Meeting.

2. CONSENT

Chair Long announced the presentations on Consent Items: 2.e - p. He then asked if the Commission would like presentations on additional Consent Items.

There were no additional requests.

2.e. Report from the Racial and Identity Profiling Advisory Board (RIPA)

Chair Long called upon Co-Chair Angela Sierra, Racial and Identity Advisory Board, who provided a report.

This report was provided for information only. No action was required.

2.f. Report on Racial and Identity Profiling – Course Guidelines Update

Chair Long called upon Law Enforcement Consultant Mark Nagel, Management Counseling and Projects Bureau, who provided a report.

This report was provided for information only. No action was required.

2.g. Report on Update on K-9 Guidelines

Chair Long called upon Law Enforcement Consultant Michael Dalisay, Management Counseling and Projects Bureau, and Captain Brad Meyer, Butte County Sheriff's Office, who provided a report.

This report was provided for information only. No action was required.

2.h. Report on Anti-Reproductive Rights Crimes – Guidelines Update

Chair Long called upon Law Enforcement Consultant Mark Nagel, Management Counseling and Projects Bureau, who provided a report.

This report was provided for information only. No action was required.

2.i. Report on the Human Trafficking Guidelines Update

Continuing - Law Enforcement Consultant Mark Nagel, Management Counseling and Projects Bureau, who provided a report.

This report was provided for information only. No action was required.

2.j. Report on Office of Public Affairs Video Project

Chair Long called upon Executive Director Manny Alvarez, Executive Office, who provided a report.

This report was provided for information only. No action was required.

Transcribers break 11:44 a.m. - 12:00 p.m., while the Commissioners, staff and public watched two short videos: History of Policing and Dispatch video.

Chair Long called the meeting back to order and resumed recording after a transcriber break.

2.k. Report on Instructor Conduct Regulations

Chair Long called upon Law Enforcement Consultant Andrew Mendonsa, Training

Program Services Bureau who provided a report.

This report was provided for information only. No action was required.

2.l. Report on Discussion Regarding Commission Regulation 1005 - Peace Officer Minimum Training Requirements

Chair Long called upon Chief Counsel William "Toby" Darden, Legal Affairs Bureau, who provided a report. Executive Director Alvarez provided additional comments.

This report was provided for discussion and recommendations only.

Lunch Break: 12:35 p.m.
Reconvened: 1:07 p.m.

Video Played during Break – Rural Policing

2.m. Report on Decertification (SB-2) Course Content in POST-Certified Courses

Chair Long called upon Bureau Chief Brian South, Professional Conduct Central Bureau, who provided a report.

This report was provided for information only. No action was required.

2.n. Report on Certification/Decertification Update

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, Bureau Chief Sarah Wallace, Intake and Disposition Bureau and Bureau Chief Brian South, Professional Conduct Central Bureau, who provided a report.

This report was provided for information only. No action was required.

2. o. Report on Course Certification Statistics – NO PRESENTATION

2.p. Report on Legislative Update

Chair Long called upon Legislative Liaison Meagan Poulos, Public Affairs in the Executive Office, who provided a report.

This report was provided for information only. No action was required.

3. BASIC TRAINING BUREAU

3.a. Report on the Development of the Basic Course Curriculum and Proposed Pilot Programs for LD35 - Firearms/Chemical Agents

Chair Long called upon Bureau Chief Carrie Hollar, Basic Training Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the proposed changes as described in the report.

MOTION – Braziel, second – Gordon and carried unanimously by **ROLL CALL VOTE** with nine yes, one no - Johnson, and four abstention - Cooper, Rodriguez, Therriault, and Woolery to approve the proposed pilot program for LD35 – Firearms/Chemical Agent as described in in the report.

3.b. Report on Amendments to Commission Regulations 1005, 1007, 1008, and 1059 - Instructor's Guide to Learning Activities

Continuing Bureau Chief Carrie Hollar, Basic Training Bureau, who provided a report.

Commissioner Therriault made a **MOTION** to affirm what the Commission already confirmed in the previous Commission, not to amend the amendments.

MOTION – Therriault, second – Braun and carried unanimously by **ROLL CALL VOTE** not to amend the amendments to Commission Regulations 1005, 1007, 1008, and 1059 – Instructor's Guide to Learning Activities.

4. CERTIFICATION BUREAU

4.a. Report on Proposed Amendments to Commission Regulation 1202 - Peace Officer Certificates and Commission Regulation 1003 - Employment Status Notifications

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the proposed amendments as described in the staff report.

MOTION – Woolery, second – Braziel and carried by unanimous consent to approve the amendments to Commission Regulation 1202 – Peace Officer Certificates and Commission regulation 1003 – Employment Status Notifications as described in the staff report.

Out of order

7. EXECUTIVE OFFICE

7.a. Report on Request to Approve the 2026-2030 Strategic Plan

Chair Long called upon Staff Services Manager Kim Lyons, Executive Office, who provided a report.

Chair Long called for a **MOTION** to approve the 2026 – 2030 Strategic Plan as described in the staff report.

MOTION – Moon, second – Therriault and carried by unanimous consent to approve the 2026 – 2030 Strategic Plan.

8. PEACE OFFICERS STANDARDS ACCOUNTIBILTY DIVISION

8.a. Report on Proposed Adoption of Commission Regulation 1216 - Disciplinary Guidelines - Public Comment Received

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report. Assistant Executive Director Del Mugnaio offered additional comments.

Chair Long called for a **MOTION** to affirm the adoption of Commission Regulation 1216 as the Commission adopted in June.

MOTION – Braun, second – Gordon and carried by **ROLL CALL VOTE** with nine yes, and three no – Doering, Johnson, and Therriault to approve the proposed adoption of Commission regulation 1216 – Disciplinary Guidelines as described in the staff report.

Break: 2:29 p.m.
Reconvened: 2:46 p.m.

Chair Long called meeting back to order.

Bureaus and Agenda Items Taken Out of Order from Published Agenda, circling back to earlier agenda items.

5. LEGAL AFFAIRS BUREAU

5.a. Report on Action to Amend Commission Regulation 1045 - Conflict of Interest Code Pursuant to Government Code Section 87306

Chair Long called upon Attorney IV Bryant Henley, Legal Affairs Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the proposed action described in the staff report.

MOTION – Nieto, second – Woolery and carried by unanimous consent to approve the proposed action to amend Commission Regulation 1045 – Conflict of Interest Code Pursuant to Government Code Section 87306 as described in the staff report.

6. MANAGEMENT COUNSELING AND PROJECTS BUREAU

6.a. Report on the Proposed Regulation Change to Include the Definition of Biases Conduct

Chair Long called upon Law Enforcement Consultant Raymund Nanadiego, Management Counseling and Projects Bureau, who provided a report.

Commissioner Gordon called for a **MOTION** to approve the proposed regulations as described in the staff report.

MOTION – Braun, second – Doering and carried by unanimous consent to approved the proposed Regulation Change to Include the Definition of Biases Conduct as described in the staff report.

9. CORRESPONDENCE

The following correspondence was sent from POST:

- **Robert Lopez, Chief, Baldwin Park Police Department; expressing deep sympathy over the tragic on-duty death of Officer Samuel Riveros.**
- **Jim McDonnell, Chief, Los Angeles Police Department; expressing deep sympathy over the tragic on-duty death of Sergeant Shiou Deng.**
- **Jeff Macomber, Secretary, California Department of Corrections and Rehabilitation, expressing deep sympathy over the tragic on-duty death of Parole Agent Joshua Lemont Byrd.**
- **Robert G. Luna, Sheriff, Los Angeles County Sheriff's Department, expressing deep sympathy over the tragic on-duty deaths of Deputies Joshua Kelley-Eklund, Victor Lemus and William Osborn.**

10. OLD BUSINESS

None.

11. NEW BUSINESS

Commissioner Braun requested that POST staff return to the Commission a concept paper addressing law enforcement preparedness for the upcoming Olympics in California. Research and conversation should explore:

- Potential for concurrent disasters during the Olympic period
- Mutual aid coordination across the state
- Anticipated law enforcement staffing shortages

The request also includes a review of relevant regulations governing mutual aid, disaster response, and staffing protocols.

Executive Director Alvarez responded that the item would be brought to the December 2025 Commission meeting.

12. FUTURE COMMISSION DATES

Chair Long shared the future Commission meeting dates.

- December 03 - 04, 2025 - POST HQ, West Sacramento
- March 04 - 05, 2026 – San Diego, CA
- June 03 -04, 2025 – POST HQ, West Sacramento
- September 16 – 17, 2026 – Tentative, Southern CA
- December 02 – 03, 2026 – POST HQ, West Sacramento

13. CLOSED SESSION

Closed Session Convened: 2:57 p.m.

Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code section 11126(e)(1), the Commission hereby provides public notice that the following pending litigation matters may be considered and acted upon, as necessary and appropriate, in closed session.

a) Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951.

b) Mikkel Libarle v. POST, Sacramento Superior Court, Case No. 25WM000011.

Conference with Legal Counsel – Existing/Potential Litigation: Pursuant to Government Code section 11126(e)(1) and (2), the Commission hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code section 11126(e)(2)(B)(ii) and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see Government Code section

11126(e)(2)(B)(i)], or, based on existing facts and circumstances, if it has decided to initiate or is deciding to initiate litigation [see Government Code section 11126(e)(2)(C)], or, if in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is litigation, or significant exposure to litigation, against the state body [see Government Code section 11126(e)(2)(B)(i)].

c) Employee/personnel issue.

General Commission Session Ended – 3:07 p.m.

Respectfully Submitted,

Brandy Essex
Staff Services Analyst
Executive Office

AGENDA ITEM REPORT

Title: REPORT ON POST REIMBURSABLE PROGRAM - NEW AGENCY - VICTOR VALLEY UNION HIGH SCHOOL DISTRICT POLICE DEPARTMENT DISPATCH

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn		**REVIEWED BY** Justin Phung
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Victor Valley Union High School District Police Department has entered into the POST Reimbursable Program for its dispatchers effective October 8, 2025.

BACKGROUND: The Victor Valley Union High School District Police Department Dispatchers have been approved to participate in the POST Reimbursable Program pursuant to Penal Code sections 13510(a) and 13522. The agency has agreed to abide by Commission Regulations. A Resolution of the Board of Trustees of the Victor Valley Union High School District was adopted on April 10, 2025 as required by Penal Code section 13522. Two attachments are included: the Letter of Intent and the Resolution.

ANALYSIS: The agency presently employs one (1) dispatcher.

RECOMMENDATION: The Victor Valley Union High School District Police Department has entered into the POST Reimbursable Program for its dispatchers effective October 8, 2025.

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

ATTACHMENT(S):
Victor_Valley_Union_High_School_Letter_of_Intent_Dispatchers (1).pdf
Victor_Valley_Union_HS_Dispatch_Resolution_25-24.pdf

Victor Valley Union High School District
Police Department
Christopher Stowell, Chief of Police

01-28-24 s/b 1-28-25

Manuel Alvarez, Jr.
Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Mr. Alvarez:

The Board of Trustees of the Victor Valley Union High School District has empowered me to seek participation in the Commission on Peace Officer Standards and Training (POST) Reimbursable Program for our peace officers and public safety dispatchers. Please find enclosed the School Board Resolution #24-18 from the Victor Valley Union High School District declaring our intent to enter the POST Program.

We are ready for a review to finalize our acceptance. Please call at your earliest convenience.

Sincerely,

Christopher Stowell
Chief of Police
Victor Valley Union High School District Police Department

VICTOR VALLEY UNION HIGH SCHOOL DISTRICT
RESOLUTION NO. 25-24

Intent to Establish Dispatch Services within the District Police Department

A resolution accepting the requirements of Section 13510(c) and 13522, and 13512 of the Penal Code relative to the recruitment and training standards of Public Safety Dispatchers

WHEREAS, the Victor Valley Union High School District (District) Board of Trustees recognize the importance of enhancing the safety and security of its students, faculty, and staff through the effective operation of the School Police Department; and

WHEREAS, the District Board of Trustees declares that it desires to qualify to receive aid from the State of California under the provision of Section 13522, Chapter 1 of Title 4, Part 4 of the California Penal Code; and

WHEREAS, in order to improve the efficiency and responsiveness of the School Police Department, it is necessary to establish a Dispatch Center within the department to manage emergency communications, coordinate response efforts, and provide real-time support to law enforcement officers; and

WHEREAS, the Board of Trustees of the Victor Valley Union High School District intends to participate in the Peace Officer Standards and Training (POST) Public Safety Dispatcher Program in order to ensure that the Dispatch Center operates in accordance with state and federal regulations; accepts the requirements of Section 13510(c), Chapter 1, of Title 4, Part 4 of the California Penal Code, and will adhere to the standards for recruitment and training established by the Commission on POST for Public Safety Dispatchers; and

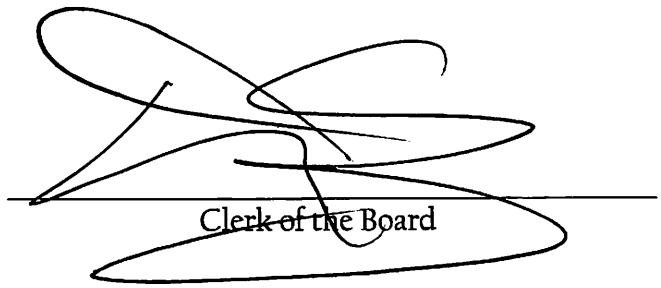
WHEREAS, the Board of Trustees of the Victor Valley Union High School District will adhere to the requirements of Section 13512, Chapter 1, that the Commission and its representatives may make such inquiries deemed appropriate by the Commission to ascertain that the public safety dispatcher personnel adhere to the standards for selection and training established by the Commission on POST.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Victor Valley Union High School District does hereby approve the creation of a Dispatch Center within the School Police Department; and

BE IT FURTHER RESOLVED, that while participating in the POST Public Safety Dispatcher Program, the School Police Department shall adhere to the minimum selection and training standards, as well as all other Commission requirements specified for public safety dispatchers; and

BE IT FURTHER RESOLVED, that the necessary steps will be taken to implement this program, including ensuring proper staff selection, training, and certification in compliance with POST requirements, to ensure that the Dispatch Center operates in a safe, effective, and legally compliant manner.

Adopted this 10th day of April, 2025.



Clerk of the Board

AGENDA ITEM REPORT

Title: REPORT ON COURSE CERTIFICATION STATISTICS

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Jet Alidon-Lam	**REVIEWED BY** Mike Radford	
REPORT DATE 10/29/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/30/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a status report of courses which have been certified and decertified from 07/01/2025 to 09/30/2025.

BACKGROUND: This report is submitted to the Commission quarterly to report the status of certified and decertified courses and presenters (Attachment A).

ANALYSIS: The following is a summary of the status report for 07/01/2025 to 09/30/2025:

Certified Presenters: 14
Decertified Presenters: 3
Certified Courses: 99
Course Modifications: 1,692
Decertified Courses: 31

Total Active Courses: 6,092

Total Active Presenters: 1,083

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

ATTACHMENT(S):
AttachmentA_Course_Certification_Statistics_Report_2025.07.01-2025.09.30.pdf

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
TRAINING DELIVERY AND COMPLIANCE SERVICE BUREAU
COURSE CERT STATS REPORT
REPORT FROM 07/01/2025 TO 09/30/2025

NEW PRESENTERS

APEX TRAINING SOLUTIONS - 8041
CHARLES GRACIE JIU-JITSU ACADEMY - 8036
DEFENDER PROJECT - 8042
EFFECTIVE FITNESS COMBATIVES - 8043
EMOTIONAL INTELLIGENCE LLC - 8039
JAMES F. VOGE - 1552
JOINT TACTICAL CONSULTING - 8038
LANCASTER POLICE DEPARTMENT - 1553
MOUNT SAN ANTONIO COLLEGE POLICE DEPARTMENT - 4121
PUBLIC SAFETY PEER SUPPORT ASSOCIATION - 8045
SANTA BARBARA AIRPORT POLICE DEPARTMENT - 2471
TALENTSMARTEQ - 8044
VICTOR VALLEY UNION HS PD - 1551
WAVE DIGITAL ASSET TRAINING ACADEMY - 8037

DECERTIFIED PRESENTERS

IXII TRAINING - 1281
LAW OFFICE OF DAVID R. DEMURJIAN, A.P.C. - 1357
TRANSFORMATIONAL CHANGE MGMT CONSULTING, LLC - 1531

SUMMARY OF TOTALS

	JULY	AUGUST	SEPTEMBER	TOTAL FOR JUL TO SEP	TOTAL YEAR-TO-DATE	TOTAL
PRESENTERS						
CERTIFIED NEW PRESENTERS	7	3	4	14	15	
DECERTIFIED PRESENTERS	0	2	1	3	3	
COURSES						
CERTIFICATION REQUESTS	34	44	33	111	111	
COURSES CERTIFIED	29	28	42	99	99	
COURSE MODIFICATIONS APPROVED	856	453	383	1692	1692	
DECERTIFIED COURSES	10	8	13	31	31	
INACTIVE COURSES	1	0	0	1	1	

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
TRAINING DELIVERY AND COMPLIANCE SERVICE BUREAU
COURSE CERT STATS REPORT
REPORT FROM 07/01/2025 TO 09/30/2025

TOTAL ACTIVE COURSES	**6092**
TOTAL ACTIVE PRESENTERS	**1083**

AGENDA ITEM REPORT

Title: REPORT ON UPDATE TO K-9 GUIDELINES

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Management Counseling and Projects Bureau	
RESEARCHED BY Mike Dalisay		**REVIEWED BY**
REPORT DATE 12/03/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

POST is seeking the Commission's feedback to validate the guidelines' legal and operational alignment, address any potential gaps, and finalize the document for implementation across California law enforcement agencies.

BACKGROUND:

Over the past three years, the California legislature has introduced multiple bills targeting the regulation of law enforcement K-9s, particularly those used for apprehension purposes. POST previously updated its K-9 Guidelines in 2014, and the current revision (published June 2024) aims to address evolving legislative proposals and align with contemporary best practices. The guidelines remain recommendations unless codified by legislation like AB 400, which focuses on apprehension K-9s and excludes explosive ordnance detection (EOD), therapy, or cadaver K-9s.

During the development of the recent guidelines, POST staff conducted workshops with Subject Matter Experts (SMEs), including K-9 trainers, handlers, and K-9 program supervisors and coordinators with the intent of refining training, supervision, and operational standards for police K-9s. These SMEs recommended specific training topics, durations, and eligibility criteria, emphasizing minimum standards for obedience, search, apprehension, control, de-escalation, and tracking/trailing. The workshops also addressed the need for additional training for dual-purpose K-9s, such as those trained in narcotics detection, recommending at least 20 hours of monthly documented training to maintain proficiency, with extra hours for specialized roles based on agency standards and

operational demands.

Since the original K-9 Guidelines were approved in July 1992, K-9 team functions have expanded significantly, necessitating updated benchmarks for obedience, search, apprehension, handler protection, handler selection, and evaluation. The guidelines provide flexible recommendations to assist agencies in developing policies tailored to their resource constraints and operational needs. Feedback during the June 2025 and September 2025 Commission meeting emphasized safety in evaluations (e.g., civil finds and prone agitator tactical releases) and evaluator qualifications. The guidelines maintain flexibility in evaluator criteria, prioritizing expertise and impartiality while avoiding rigid requirements like a minimum number of years as a handler.

Following the initial presentations at the June 2025 Commission meeting and again in September 2025, POST is now asking the Commission to validate the K-9 Guidelines for publishing.

ANALYSIS:

Since the last Commission meeting, AB 400 was not signed by Governor Newsom, however, the Commission seeks to ensure K-9 programs adhere to high standards of conduct and performance through uniform training recommendations.

Key topics from the June 2024 meeting include:

- **Public Concerns**: Emphasis on stricter oversight of apprehension K-9s to address excessive force risks, aligning with AB 400's accountability goals.
- **Safety in Evaluations**: Stakeholders highlighted risks in civil finds and prone agitator tactical release exercises, urging controlled training environments.
- **Training Hours**: Discussions over the 20-hour monthly training recommendation, with additional hours for dual-purpose K-9s (e.g., narcotics detection) questioned feasibility.
- **Evaluator Qualifications**: Flexibility in criteria, avoiding rigid experience requirements, to accommodate agency needs while ensuring impartiality.

The updated guidelines offer opportunities to standardize K-9 programs, enhance public trust, and support agencies with diverse sizes and budgets. Aligning with best practices, the

guidelines can proactively prepare agencies for legislative changes.

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

ATTACHMENT(S):
K-9 Guidelines 2025_11.18.25update.pdf

2025

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POST LAW ENFORCEMENT
K-9 GUIDELINES

CA COMMISSION ON POST

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POST Law Enforcement K-9 Guidelines

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Published June 2024, November 2024

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POST MISSION STATEMENT

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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ACKNOWLEDGMENTS

POST appreciates the dedication of the 2023-2024 subject matter expert group who assisted in the update of this guideline.

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Fontana Police Department

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FOREWORD

In 1991, a group of K-9 Officers, Law Enforcement Managers, and K-9 Trainers from throughout the state met to discuss the need for K-9 Team Standards in California. The group believed that local liability would be reduced if statewide K-9 Team Standards were available. They further believed that these standards, to be acceptable and have an impact, should be supported by the Commission on Peace Officer Standards and Training (POST).

In February 1992, POST brought this committee and other interested experts together, and they agreed to develop guidelines in the areas of Obedience, Search, Apprehension, Handler Protection, Handler Selection, and Evaluation. After initial development work and following several reviews which resulted in consensus, the proposed guidelines were submitted to and approved by the POST Commission in July 1992.

Following Commission action, POST brought the subject matter experts together again and developed suggested scenarios to test the recommended minimum K-9 Team Standards contained within the approved guidelines. POST developed a one-day Evaluator's Course and accompanying evaluation forms to train officers evaluating K-9 Teams.

Updates to this document aim to refine and streamline the guidelines. POST recognizes that agencies utilize K-9 teams in various capacities and with differing expectations.

Additionally, many more specialized K-9 team functions have developed in the decades since POST first created the guidelines. These guidelines recommend minimum training and evaluation benchmarks for K-9 Patrol and Detection functions. They are intended to assist agencies with recommendations to develop policies for the use and training of K-9 teams.

Questions regarding the POST Law Enforcement K-9 Guidelines should be directed to the Management Counseling and Projects Bureau at (916) 227-4852. Questions regarding certification of K-9 training courses should be directed to the Training Delivery and Compliance Bureau at (916) 227-4863.

Manuel Alvarez Jr.

POST Executive Director

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INTRODUCTION

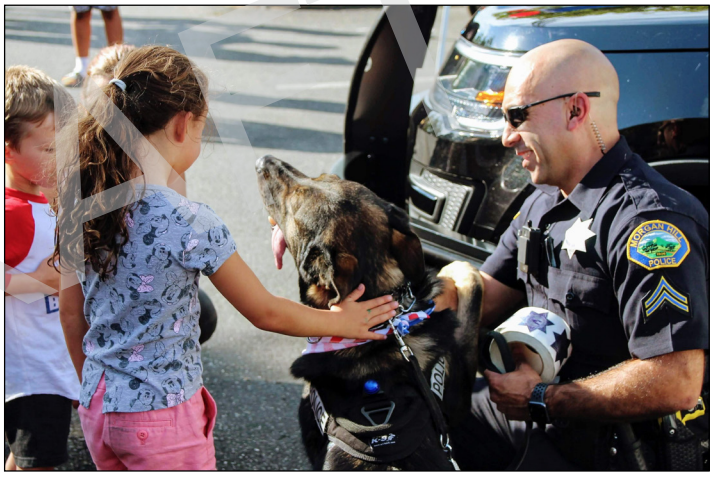
These guidelines are designed to assist agencies with minimum training and performance standards for patrol and detection K-9 teams. Patrol K-9 teams should meet minimum standards regarding obedience, search, apprehension, control, de-escalation, and tracking/ trailing.

Detection K-9 teams should meet minimum standards for detection of the odor(s) that the K-9 is trained to detect.

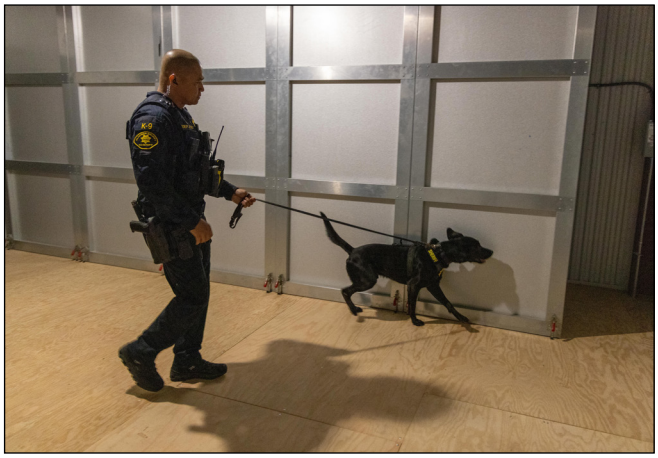
This categorization (patrol and detection) is intentionally basic. POST recognizes that there are many specializations among law enforcement K-9s. Specializations include explosives detection, cadaver detection, search and rescue, SWAT, and airport operations, among others.

These guidelines recognize that the use of K-9s by law enforcement personnel is of important concern to the community, including law enforcement, and that safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone, should be priority.









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K-9 EVALUATORS

The K-9 Team should be evaluated by a POST certified evaluator prior to general law enforcement deployment and re-evaluated annually.

Minimum Requirements for Law Enforcement K-9 Evaluators

1. The evaluator should have a minimum of five years of experience as a law enforcement K-9 handler or law enforcement K-9 trainer, and a minimum of 1000 hours of documented training in the area they are evaluating.
2. The evaluator should pass a POST certified K-9 evaluator's course. It is recommended that trainees provide verification of prerequisites to the course presenter prior to the beginning of the course.
3. To preserve the highest standards of professionalism and to avoid any perceived conflict of interest between the evaluator and the K-9 team, the evaluator:
    - Should not have a monetary interest in breeding/selling/training of the dog being evaluated.
    - Is advised not to be the handler of the dog being evaluated.

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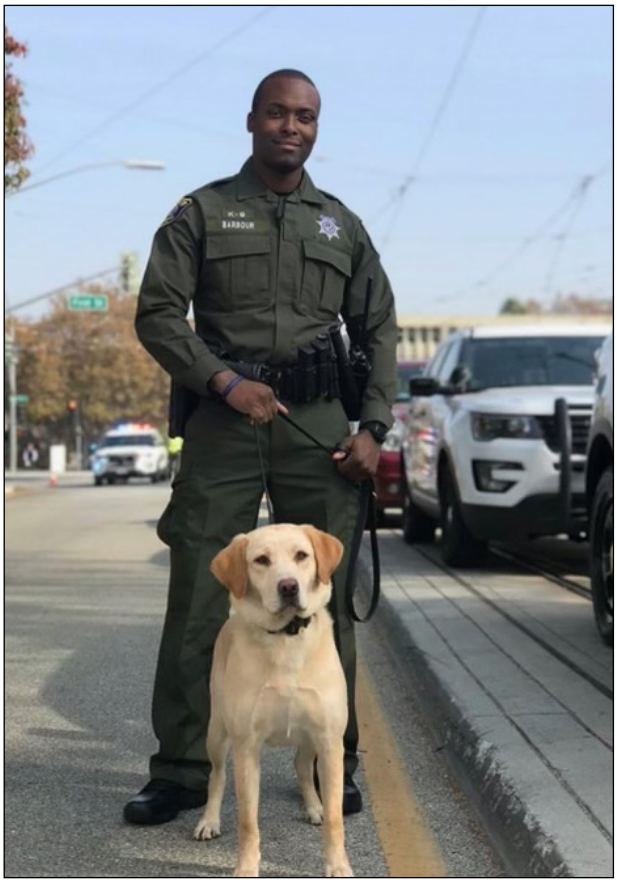
GENERAL TRAINING GUIDELINES

Minimum Standards for Basic K-9 Handler/Team Training

1. The K-9 handler should demonstrate an understanding of current laws and competence in exercising sound judgment and critical decision-making when using force to include during the training and development of a law enforcement K-9.
2. The K-9 handler should demonstrate an understanding of their agency's K-9 policy and should have the ultimate authority for deploying the K-9 in the field.
3. The K-9 handler/team should successfully pass an evaluation prior to law enforcement deployment. For purposes of these guidelines, an "alert" is behavior recognized by the handler that indicates the presence of a target odor.
4. In-service K-9 teams should complete 20 hours of documented training monthly to maintain basic patrol and/or detection proficiency, these training hours should be documented along with each K-9 deployment.
5. A K-9 team with multiple/added specializations (e.g., SWAT K-9, bomb detection, search and rescue) may require additional training to maintain proficiency. These additional hours should be documented by the K-9 handler.
6. K-9 teams should conduct POST annual recertification for the K-9 team.
7. If a K-9 team member has an extended absence from training, the K-9 team should be re-evaluated by a trainer prior to service being reinstated.

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K-9 TEAM EVALUATORS

In order to meet POST law enforcement K-9 guidelines, K-9 teams shall be assessed by an evaluator prior to general law enforcement deployment and at least once annually.

The evaluator and handler should not have a monetary interest in the breeding/selling/training of the K-9 being evaluated. This is to preserve the highest standards of professionalism and to avoid any perceived conflict of interest between the evaluator and the K-9 team.





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PATROL GUIDELINES

The release of a K-9 to search for or apprehend a suspect should be based upon the handler's reasonable belief that the suspect has committed, is committing, or is threatening to commit a serious offense under any of the following conditions:

1. There is a reasonable belief that the suspect poses an imminent or immediate threat of violence or serious harm to the public or an officer.
2. The suspect is physically resisting or threatening to resist arrest, and the use of a K-9 reasonably appears necessary to overcome such resistance.
3. Officers reasonably believe the suspect is concealed in an area where entry by a person would pose a threat to the safety of officers or the public.
4. Unless the handler reasonably believes that it would pose an imminent threat of danger to the officer or other persons or substantially increase the risk of a suspect's escape, a warning, clearly audible, within the deployment area announcing the potential release of a police K-9 if the suspect does not surrender should be given prior to the release of the K-9.
5. Once given, the handler should allow a reasonable opportunity for the suspect to comply with any warning, if feasible as defined in Government Code section 7286.

Except for narrowly defined circumstances, the K-9 should not be used for crowd control at an assembly, protest, or demonstration.

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K-9 TEAM COMPETENCIES

The following four K-9 team competencies outline minimum "patrol" performance standards that a K-9 team should be able to demonstrate. Testing for the following four competencies should be conducted in an environment closely simulating realistic job conditions and distractions.

1. **Obedience**

   The handler will demonstrate the ability to control the K-9 during an obedience performance test.

   a. The K-9 team will perform basic tactical movements and control off leash.

2. **Search**

   Under the direction and control of the handler, the K-9 will independently locate a hidden agitator/decoy in a structure or building and in an outdoor area within a reasonable amount of time, off leash.

   a. The K-9 will "alert" the handler after finding the agitator/decoy. Prior to the release of the K-9 , an announcement of intended use will be given. At least one search will be a civil find using no equipment on the agitator/decoy.

   b. The K-9 will locate a hidden agitator/decoy in a structure or building with multiple rooms and hiding locations places and "alert" the handler.

   c. The K-9 will locate a hidden agitator/decoy in a large outdoor area with multiple hiding locations and "alert" the handler.

3. **Apprehension**

   Under the direction of the handler and while off-leash, the K-9 will pursue and apprehend an agitator/decoy.

   a. The K-9 team will demonstrate a "pursuit and call off" prior to apprehension.

   b. On command from the handler, the K-9 will pursue and apprehend the agitator/decoy.

   c. From a reasonable distance and within a reasonable amount of time, on verbal command only, the K-9 will cease the apprehension.

   d. Handlers must demonstrate a tactical release from a prone agitator/decoy.

   e. Handlers will identify methods or equipment to aid with the release of the K-9 and demonstrate proficiency.

4. **Control and De-escalation**

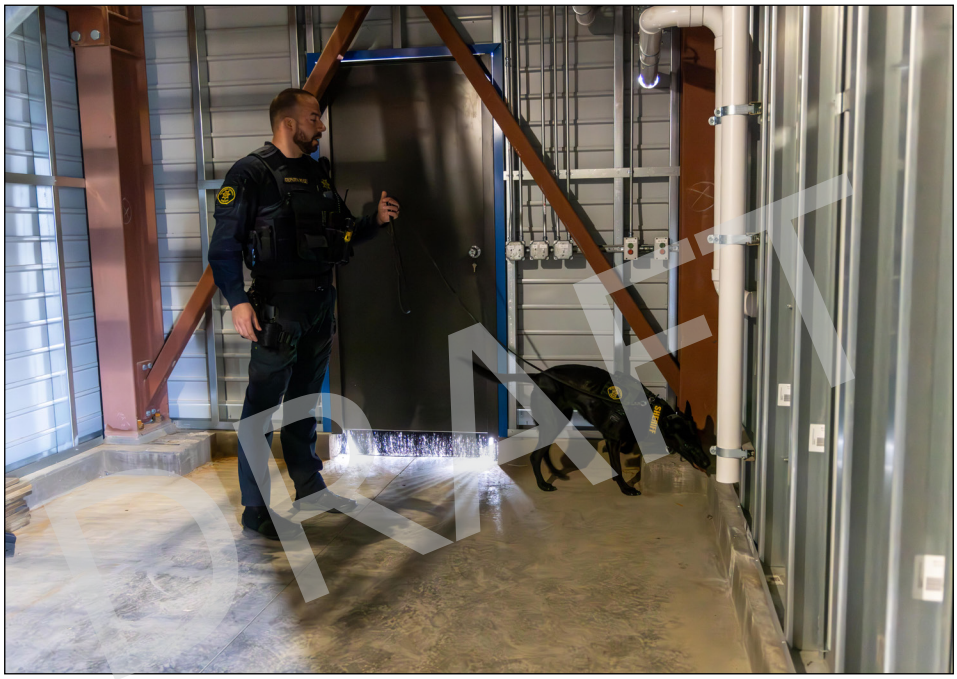
   The K-9 will remain under control while the handler attempts to gain compliance from the agitator/decoy.

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PATROL SCENARIOS FOR K-9 TEAM EVALUATIONS

The following are scenarios for a K-9 team evaluation in each of the competency areas. These scenarios contain minimum elements for an evaluation.

1. These exercises should be demonstrated in an environment closely simulating realistic job conditions and distractions without the use of a muzzle.
2. The evaluating instructor will be fully apprised of the pertinent agency policies and regulations prior to the commencement of all exercises conducted. The "correct" response or reaction of the handler, the K-9, or the two acting together, may differ from agency to agency, based on prevailing agency policy.



Obedience

Handlers will report to the evaluator with the K-9. At the direction of the evaluator, the team will complete the following exercises as called for by the evaluator off leash. During the exercise, the K-9 will be under the handler's control.

1. **Off-leash tactical obedience**

   This exercise will be performed using four stations or points of cover. The K-9 team starts from a position of cover near station number one. The K-9 is placed in a stationary position as the handler moves to the second station, leaving the K-9 behind. Once the handler is at the second station in a position of cover, the K-9 is called to a heel. From the second station, the handler has the K-9 heel to the third station. At the third station, the handler again assumes a position of cover, keeping the K-9 beside the handler in a controlled position. The handler leaves the K-9 and moves to the fourth station and assumes a position of cover. The handler recalls the K-9 to a heeling position, concluding the exercise. The K-9 must not break from stationary positions until called upon by the handler.

Search/Apprehension

During all the below exercises, a minimum of two people, which may include the evaluator, shall be present to simulate the presence of a search team. The K-9 should maintain neutrality to all persons present other than the agitator/decoy.

Based on the following criteria listed in this section, the evaluator will develop the certification scenarios which encompass the skills listed below.

The K-9 will demonstrate the following:

1. **Building Search**
   A structure or building with multiple rooms and hiding locations in which the K-9 will locate a hiding agitator/decoy. This scenario shall be demonstrated off-leash.

2. **Area Search**
   A large outdoor area with multiple hiding locations in which the K-9 will locate a hiding agitator/decoy. This scenario shall be demonstrated off-leash.

3. **Verbal Out**
   The K-9 will apprehend the agitator/decoy from a distance no less than ten yards from the handler. The handler, using verbal commands only, will have the K-9 release and recall back to the handler. This scenario shall be demonstrated off-leash and without the use of any correction device.

4. **Tactical Release**
   The handler will demonstrate the ability to physically remove the K-9 from the apprehension of an agitator/decoy, in a reasonable amount of time, in two separate scenarios. For the first, the handler will demonstrate the ability to physically remove the K-9 from an agitator/decoy in a prone position. For the second, handlers will identify a supplemental method they will use in aiding with the release and demonstrate its use in removing the K-9 from an agitator/decoy.

5. **Inaccessible Find**
   The alert to the presence of an inaccessible agitator/decoy with no equipment present. After the handler identifies the alert to the evaluator, the K-9 will then be recalled back to the handler's position. This scenario shall be demonstrated off-leash as part of the building search or area search, as determined by the evaluator.



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Call-off

This function is critical and separates the K-9 from all other less-than-lethal force options in that the handler has the ability to call off the K-9 prior to making contact with the agitator/decoy, within reason, to avoid a use of force.

1. This exercise will simulate a directed apprehension and will be conducted off-leash and without the use of any correction device.
2. The K-9 will be sent on a directed apprehension, from approximately 30 yards, on a visible and accessible agitator/decoy.
3. Once the K-9 is in the pursuit and committed to the agitator/decoy (approximately halfway), the handler will call off the apprehension using only voice commands.
4. The K-9 is not allowed to make contact with the agitator/decoy.
5. The K-9 may or may not be recalled to the handler at the discretion of the evaluator.

The scenario will conclude when the K-9 is under physical control of the handler.



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Control and De-escalation

The K9 handler will approach the agitator/decoy. The K-9 will remain under control while the handler attempts to gain compliance from the agitator/decoy for a minimum of 20 seconds. The circumstances of the scenario are at the discretion of the evaluator.



DETECTION GUIDELINES

The following K-9 team competency outlines minimum "detection" performance standards that a K-9 team should be able to demonstrate when adopting these guidelines.

Search

While demonstrating reasonable control and coordination between the handler and the K-9 used in the detection, the K-9 must find (within a reasonable period of time as determined by the evaluator) the odor(s) they have been trained to find in the environment(s) they have been trained to search.

1. The K-9 should not "alert" to anything that it is not trained to find
2. A false "alert" (as determined by the evaluator) is a failure
3. The agency will designate what odors may be used



Detection

The evaluator will be fully apprised of the pertinent agency policies and regulations prior to the commencement of the exercise. The "correct" response or reaction of the handler, the K-9, or the two acting together, may differ from agency to agency, based on prevailing agency policy.

1. While demonstrating reasonable control and coordination between the handler and the K-9 used in detection, the K-9 must find—within a reasonable period of time—the odor(s) identified.
2. There should be a recognized signal "alert" from the K-9 to the handler which indicates that the K-9 has located each odor.
3. The handler must be able to interpret the K-9's "alert" clearly enough to be able to inform the evaluator of the substance's location.
4. Once a handler has signaled their K-9's "alert" to the evaluator, the exercise is complete.
5. The handler must demonstrate the ability to control the K-9 fully throughout all phases of the search. The evaluation should contain at least one trained odor in each environment evaluated.

6. To ensure adequate scent dispersion, setup time for each sample of trained odor should be a minimum of 30 minutes prior to the actual search.
7. The actual target trained odor should be present for the evaluation of trained odor detection.

Detection Scenarios for K-9 Team Evaluations

The evaluator shall set up hides in test environments suitable to the K9 team being tested. Environments may include but are not limited to:

1. **Building Search**
   A minimum of three rooms, only one trained odor should be placed in any given room; one room must be blank with no trained odors present
2. **Open Area Search**
   Large, exterior area with one trained odor
3. **Vehicle Search**
   Minimum of three vehicles; only one trained odor should be placed on any vehicle; one vehicle must be blank with no trained odors present
4. **Other Search Area**
   As determined by the evaluator based on the needs of the agency

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Tracking/Trailing Guidelines

Minimum Standards for Tracking/Trailing Performance Standards

The purpose of this guideline is to determine the K-9's ability to follow the track/trail.

While demonstrating reasonable control and coordination between the handler and the K-9, the K-9 must find the article or odor to be tracked/trailed within a reasonable amount of time.



Tracking/Trailing Scenarios for K-9 Team Evaluations

1. The evaluator will have the track/trail laid in an environment suitable for the working conditions of the team being evaluated.
2. The evaluation must consist of two turns, a minimum of 100 yards, and one article or odor (if articles are trained).
3. The K-9 team will not be given the exact location of the start of the track/trail, but only the general area and the direction of travel by the evaluator.
4. The K-9 must provide an indication recognized by the handler when the article or odor is located.



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AGENDA ITEM REPORT

Title: REPORT ON UPDATE ON CHILD SAFETY GUIDELINES

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Management Counseling and Projects Bureau	
RESEARCHED BY Mike Dalisay		**REVIEWED BY**
REPORT DATE 12/03/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/18/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: POST is seeking the Commission's feedback to validate the guidelines' legal and operational alignment to finalize the document for implementation across California law enforcement agencies.

BACKGROUND: The Child Safety Guidelines were last updated in 2008.

ANALYSIS: With the creation of PC 832.2 in 2008, law enforcement and other local entities were encouraged to identify best practices regarding how to best collaborate in their response to a child's safety once their caregiver is arrested.

In August 2025, POST facilitated a two-day workshop with subject matter experts (SMEs) consisting of those outlined in PC 833.2. Some of these entities included, but are not limited to, Child Welfare Services, CA DOJ, and local law enforcement agencies. During this workshop, the guidelines were reviewed by the SMEs for accuracy, and they were updated to ensure contemporary alignment with legal, ethical, and agency best practices.

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

ATTACHMENT(S):
Child_Safety Guidelines 2025 DRAFT.pdf
Child_Safety Guidelines 2008.pdf

2025

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POST Guidelines for Child Safety

When a Custodial Parent or Guardian is Arrested

CA COMMISSION ON POST

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POST Guidelines for Child Safety - When a Custodial Parent or Guardian is Arrested

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SUBJECT MATTER EXPERTS ACKNOWLEDGMENTS

This document represents the collective effort of individuals from several organizations, agencies, and communities. The content contained herein does not necessarily represent the viewpoint or position of every advisor or author, however, it does represent the diverse perspectives and meaningful dialogue that is necessary to come together in a collaborative and respectful process.

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FOREWORD

Assembly Bill (AB) 1942 (Nava) was approved by the California Legislature and signed into law by Governor Arnold Schwarzenegger in September 2006. *AB 1942* added *Penal Code (PC) § 833.2*, which states (in part), *"…It is the intent of the Legislature to encourage law enforcement and county child welfare agencies to develop protocols in collaboration with other local entities, which may include local educational, judicial, correctional, and community-based organizations, when appropriate, regarding how to best cooperate in their response to the arrest of a caregiver parent or guardian of a minor child, to ensure the child's safety and well-being…"*

AB 1942 added *PC § 13517.7*, which (in part) directs the Commission on Peace Officer Standards and Training (POST) to *"…develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested…"* This publication serves to fulfill this directive and provides guidelines and training topics for use by law enforcement agencies. These guidelines do not constitute a policy, but should be considered in the development of specific policies and procedures to be followed when a caregiver parent or guardian is arrested.

POST staff assembled a broad representation of subject matter experts in the development of these guidelines. The information referenced and contained in this publication represents the best thinking of many experts in law enforcement and child welfare. POST is grateful for the assistance of those who so generously gave of their time and expertise. These guidelines are intended to be a resource for agency executives, watch commanders, and trainers to assist in providing for the well-being of California's most treasured resource — its children.

Questions or comments concerning these guidelines and curriculum should be directed to the POST Management Counseling and Projects Bureau at (916) 227-4261.

Manuel Alvarez Jr.
POST Executive Director

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INTRODUCTION

Extensive research has shown that adverse childhood experiences, including abuse, neglect, exposure to violence, and the sudden loss or removal of a caregiver, can have profound and lasting impacts on physical health, mental health, and social development. These impacts can manifest throughout an individual's lifetime, contributing to increased risks of chronic illness, substance abuse, criminal justice involvement, and intergenerational cycles of trauma. The arrest of a parent or guardian represents a particularly acute form of disruption, often combining sudden separation, uncertainty, and fear. When this event is not handled with care, it can compound existing trauma or create new emotional and physical risks for the child(ren).

These guidelines are intended to improve services and ensure child safety when a parent or guardian is arrested.

They provide key criteria for law enforcement agencies to consider in the development of policy and procedures to ensure child safety when a parent or guardian is arrested. Once the policy is developed, it should be formally issued and reinforced through training to ensure officers are well-informed about its contents.

A number of resources appear in the appendices of this publication. Beyond the guidelines, these resources provide the findings of academic research, case studies, and models from various communities. POST encourages readers to use these resources to gain better understanding of the issues and to develop solutions appropriate for individual communities.

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GUIDELINE 1

PROCEDURES DURING ARREST

Child safety is paramount for peace officers. It becomes an officer's responsibility when they arrest a parent or guardian of a minor child. At that moment, the parent or guardian is no longer free to perform their duty to care for their child(ren).
The officer must assume responsibility and the duty to ensure that the child(ren) receives appropriate care.

The complexity and level of care required depends on many factors. Foremost among these factors may be the availability of appropriate family/friends and the age and number of children needing care. Additional factors, such as location, mental and emotional states, and willingness to comply, may also present complications. When possible, officers should take reasonable steps to mitigate known factors in advance of an arrest. In other instances, prior identification of resources and review of procedures will mitigate the process and ensure the best possible outcome for the child(ren).

Penal Code *§ 13517.7(b)(1)*

Procedures to ensure that officers and custodial employees inquire whether an arrestee has minor dependent children without appropriate supervision:

1) Inquire about and confirm the location of minor children during arrest. If a child is not present, but evidence of a child exists, the officer should exercise due diligence in ensuring they have adequate care.
    a) Grandparents, aunts/uncles, older brothers or sisters, babysitters — any number of persons could be responsible (i.e., caregiver for a minor child). Ask the arrestee to determine if this responsibility for minor children exists.
2) Additional considerations during the arrest of caregiver:
    a) Engage with a trauma informed approach and child centered communication style (i.e., firm, respectful, empathetic approach in speaking with the arrested parent).
    b) Demonstrate cultural competency when interacting with the arrested parent and family.
    c) Document location of the child(ren) and who they are with, if the child(ren) is/are not with the parent, at the time of arrest.
3) Look for evidence of children.
    a) Some arrestees may not want their child(ren) "taken" by law enforcement. They may not be forthcoming with all information in effort to prevent separation from their child(ren).
4) Officers shall exercise due diligence in verifying the custody of children by

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consulting Child Welfare (or Protective) Services (CWS or CPS) and reviewing records of prior calls for service that may have involved children. Allow the arrestee reasonable time to arrange for care of minor child(ren) with a responsible party, as appropriate.

a) Temporary placement of minor child(ren) with family or friends is often most appropriate. Once it has been determined that minor child(ren) need(s) care, allow the arrestee to arrange for it as appropriate.

    i) Notify or request county CWS/CPS, as appropriate; check for criminal history and substantiated allegations against the potential caregiver in child welfare history, family, friends, associates (PC §§ 11167 (b) and (c) and 11166.3 (a)).

    ii) Document actions taken; ensure full name(s), address, and contact information for the caregiver.

    iii) Document the reasons if the arrestee did not have a say in the placement of the child. Identify reasonable efforts and take into account the condition of the arrestee (i.e., under the influence, WI 5150).

    iv) Ensure supervisor review.

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GUIDELINE 2

PROCEDURES DURING BOOKING

In some instances, officers may be unable to arrange for the care of minor child(ren) who are not present at the location of the arrest. It is essential that these arrangements be made during the booking process to ensure the safety of the child(ren).

Penal Code *§ 13517.7(b)(2)*

Authorizing additional telephone calls by arrestees so that they may arrange for the care of minor dependent child(ren):

1) The arresting officer shall confirm if the arrestee is responsible for minor child(ren).
    a) Allow the arrestee to make phone calls to arrange for the care of minor child(ren). When appropriate, it is recommended that additional call(s) are afforded to assist with the care of the child(ren). Allow additional phone calls as needed until the child(ren)'s care arrangements have been confirmed.
    b) Notify or request assistance from county CWS/CPS if there is a connection to child endangerment or a history of child welfare risk factors arising from the arrest, even if these factors are not the primary reason for the arrest.
    c) Document who was called, their phone number, and where the child(ren) can be located.
    d) Ensure supervisor review.
2) When appropriate, notify the booking officer or detention supervisor of the outcome(s) relating to minor child(ren). Coordination between the booking officer and the detention supervisor should ensure the safety of the child(ren) has been properly addressed.

NOTE: It is recommended to use open-ended questions rather than checkboxes/ checklists during the booking process.

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GUIDELINE 3

USE OF COUNTY CHILD WELFARE SERVICES

CWS/CPS agencies (also known as "social services" agencies) generally have greater capacities for meeting the needs of children than do law enforcement agencies. Therefore, it is of great benefit to law enforcement agencies to develop plans with local CWS/CPS agencies before these circumstances arise. Like any emergency or critical services system partnership, activation and the utilization of CWS/CPS will be more effective if *standard operating procedures and protocols are established prior to their need.*

Penal Code *§13517.7(b)(3)*

Use of county CWS/CPS, as appropriate, and other similar service providers to assist in the placement of dependent child(ren) when the parent or guardian is unable or unwilling to arrange suitable care for the child(ren):

1) Create a list of providers, services offered and contact information (to include CWS/CPS and child services agencies from various counties) and make it available to law enforcement and dispatchers. Law enforcement agencies are strongly encouraged to establish procedures with CWS/CPS agencies to assist in the disposition of minor child(ren) to:
    a) Achieve an expedited response and/or placement by CWS/CPS at the time of arrest.
    b) Define mandated roles and responsibilities of each agency and the associated activities necessary to ensure/facilitate the safe disposition of minor child(ren).
    c) Formalize information sharing (i.e., law enforcement and CWS/CPS to meet annually to review appropriateness of the current Memorandum of Understanding (MOU)).
2) Establish a Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA) with the local CWS/CPS provider.

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GUIDELINE 4

IDENTIFICATION OF LOCAL GOVERNMENT/ NON-GOVERNMENTAL AGENCIES

Identify appropriate service providers that can assist the agency in handling minor child(ren) when a parent or guardian has been arrested. Law enforcement agencies should plan and have an MOU or MOA in place with other governmental entities and primary child service agencies. Additionally, it is beneficial for law enforcement agencies to familiarize themselves with the many non-governmental agencies that serve the needs of specific populations and assist in certain child placement situations when the legal caregiver has made an appropriate plan for their care and protection.

Penal Code *§ 13517.7(b)(4)*

Identification of local government or non-governmental agencies that are able to provide appropriate custodial services:

1) Identify local CWS/CPS providers and their specific capacities (business hours, nights/weekends, response time, level of custodial care/placement available, etc.).
    a) County service agencies, to include:
        i) CWS/CPS
        ii) Juvenile services or probation
        iii) Mental health
    b) County office of education
        i) School district
        ii) School resource officers
        iii) Charter schools
        iv) Daycare centers
    c) Community action agency (private or non-profit organization that works to combat poverty)
    d) City or county teen center
    e) Child centered services
        i) YMCA/YWCA, Boys-Girls Clubs
        ii) Child abuse preventative services (e.g., *Olive Crest*)
    f) Religious organizations (church, halls, mosque, synagogue, temple, etc.)
    g) Family justice centers

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h) Child assessment centers

i) Local hospitals, if applicable

j) Other nonprofit or non-governmental organizations (be sure the organizations have been vetted through an on-going process)

2) Create a list of providers, services offered, and contact information and make it available to law enforcement and dispatchers.

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GUIDELINE 5

TEMPORARY SUPERVISION OF MINOR CHILDREN

There are many levels of supervision for minor child(ren), varying case by case. In one example, an officer may wait with a teenage child of an arrestee until the other parent arrives. In another instance, after an officer contacts CWS/CPS, the officer may need to wait with the child until their arrival. The officer **may need to contact CWS/CPS** to assist with transporting the **infant** to the hospital for necessary care. Finally, an officer may need to provide the transportation of the child to a designated service provider. In each situation, *officers are responsible for seeking the best possible solution for the situation and providing an age-appropriate explanation of the circumstances.* At the most basic level, this might mean protecting the child from the immediate environment (weather, danger, etc.). At a higher level, this might mean finding placement for the child with a family member who can help the child understand where the parent is being taken and why. In all circumstances, the goal is for the child(ren) to be safe and protected from emotional trauma.

Penal Code *§13517.7(b)(5)*

Temporary supervision of minor child(ren) to ensure their safety and well-being:

1) During the arrest:
   a) Employ a trauma-informed approach to shield the child(ren) from the immediate volatility of the arrest. When possible, consider the impact of sights, sounds, and interactions.
   b) Law enforcement should provide immediate supervision for the child(ren) until an appropriate caregiver arrives.
      i) Consideration should be given to the child's familiarity with the surroundings, comfort, safety, and emotional state.
      ii) Law enforcement should maintain self-awareness regarding their demeanor, actions, and overall presentation, and consider the potential impact these may have on the child(ren).
   c) Law enforcement should collaborate with local county CWS/CPS to establish a protocol for expedited response to assess the best disposition for the child(ren).
      i) The primary goal is to minimize traumatic effects on the child(ren) while maintaining the integrity of the arrest and the safety of all parties involved.

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GUIDELINE 6

SAMPLE PROCEDURES TO ASSIST STATE AND LOCAL GOVERNMENT

Many agencies have developed procedures for child safety that have proven successful. While communities often differ in their needs and expectations, a number of best practices have emerged related to child safety when the parent or guardian has been arrested. Identifying models that work is an excellent means for development of a customized, local solution.

Penal Code *§ 13517.7(b)(6)*

Sample procedures to assist state and local law enforcement agencies to develop ways to ensure the safety and wellbeing of child(ren) when the parent or guardian has been arrested:

1) Best Practices
    a) Co-location of Child Protective Services (CPS) social worker at law enforcement agency
    b) Designated law enforcement liaison CPS representative
    c) Designated liaison law enforcement officer to handle inquiries, complaints and questions from CPS
    d) Audit records management systems (RMS) to ensure cross-reporting requirements are met
    e) Cross training for law enforcement and social workers
        i) Agency roles and responsibilities
        ii) Child development and experience
            (1) Attention should be given to effects of exposure to parental arrest
            (2) How trauma may affect childhood development and behavior
        iii) Vicarious trauma
    f) Endorsement by agency leadership (creation of MOUs/MOAs)
2) Benefits
    a) Reduces traumatic effects on children during parental arrest
    b) Defuses volatile situations
    c) Expedited CWS/CPS response reduces officer's time at scene of arrest
    d) Creates goodwill between law enforcement, parents, and the community at large

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e) Encourages non-governmental organizations participation and resources

f) Identifies service providers and resources to reduce recidivism by enhancing early intervention

g) Enhances criminal investigations and child safety outcomes through the sharing of information

h) Enhances the relationship between law enforcement and county child welfare agencies

   i) Enables each to function more efficiently

   ii) Reduces number of children placed in protective custody

   iii) Provide greater buy-in from law enforcement

   iv) Clarifies responsibilities for involved parties

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APPENDIX A
TERMS AND DEFINITIONS

Several terms are used in this document that may require clarification. They are defined here, solely in reference to their use in this publication.

Arrest	The legal, physical apprehension of a parent, guardian, or caregiver, leaving them unable to carry out their responsibilities for taking care of a child.
Child	A person under the age of 18.
Child Welfare (or Protective) Services *(County CWS/CPS or other county services)*	Any number of social services available for a child (e.g., CWS/CPS, other child service agencies.).
Legal Guardian	An adult entrusted with the care of a child, assigned responsibility by the court.
Minor	Same as "child" above.
Officer	A peace officer as defined by *Penal Code § 832*.
Peace Officer	Same as "officer" above.
Law Enforcement Officer	Same as "officer" above.
Parent	A biological, adoptive, or legal guardian of a child, including any individual recognized by law as having parental rights and responsibilities.
Supervision	The act or process of maintaining oversite and providing care for a child.
Supervisor	Any officer who is responsible for approving or directing the work of other officers. A supervisor may or may not have a higher rank.
Temporary Supervision	The non-permanent act or process of maintaining oversite and providing care for a child.
Trauma Informed Approach	Emphasis in creating a safe and supportive environment for those who have experienced trauma, ensuring that services are delivered in a way that avoids re-traumatization and promotes recovery.
Vicarious Trauma	The emotional and physiological impact on individuals who are exposed to the traumatic experiences of others, often resulting from absorbing the trauma of the victims they serve.

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APPENDIX B
APPLICABLE STATUTES

The following California statutes are relevant to various situations involving child(ren).

Assembly Bill 1942

PC *§ 270.5*	Refusing to accept minor child into home or failing to provide alternative shelter.
PC *§ 271*	Abandonment of a child under 14 years of age.
PC *§ 271a* **years of age.**	Intentional failure to provide for a child under 14
PC *§ 273a*	To cause or permit child abuse or endangerment
PC *§ 832*	Peace officer defined.
PC *§ 832.2*	Every school police reserve officer must complete a training course approved by POST, which includes guidelines for reporting offenses related to campus violence and other school-related matters to relevant law enforcement agencies.
PC *§ 851.5(c)*	Custodial parent's right to phone calls at booking.
PC *§ 11165.2*	Neglect, severe neglect, general neglect defined.
PC *§ 11166.3 (a)*	Mandates that law enforcement and public child welfare agencies work together to coordinate existing duties with respect to child abuse investigations.
PC *§ 11167 (b) & (c)*	Outlines the authority for information sharing between child welfare agencies and law enforcement when investigating cases of child abuse and neglect.
PC *§ 13517*	The commission shall create guidelines for handling cases of child abuse or neglect, including determining protective custody and minimizing child interviews, and offering an optional specialist training course, developed in consultation with the State Office of Child Abuse Prevention.

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PC *§ 13517.7*	The commission shall create guidelines and training for state and local law enforcement to ensure child safety when a caregiver parent or guardian is arrested to include the following minimum topics: procedures for identifying dependent children without supervision, authorizing additional phone calls for care arrangements, utilizing county child welfare services, identifying local custodial agencies, providing temporary child supervision, and creating sample procedures.
Welfare and Institutions Code (WIC) *§ 300*	A child who is within the jurisdiction of the juvenile court for reasons which may include abuse, neglect, or caregiver absence/incapacity. Jurisdiction will be under juvenile CWS/CPS.
WIC *§ 305*	Any peace officer may, without a warrant, take into temporary custody a dependent child when there is reasonable cause to suspect child abuse or neglect that poses an imminent threat to the child's health and safety.
WIC *§ 625*	A child who is within the jurisdiction of the juvenile court for reasons which may include abuse or neglect. Jurisdiction will be under juvenile probation.
WIC *§ 827* **inspections.**	Wards and Dependent Children - records

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APPENDIX C
ADDITIONAL RESOURCES

Many publications and web pages provide insight into the issue of child welfare and custody. The following resources are provided as references for further study. The Commission does not necessarily endorse nor guarantee the content.

Boullier, M., & Blair, M. (2018). Adverse Childhood Experiences. *Pediatrics and Child Health*, 28(3), 132-137.

California Department of Social Services, Child Welfare Protection

Garrison, Tim. *How to Enhance Police Response to Kids Impacted by Violence.* Police1, August 2017,

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Siers-Poisson, Judith. *How Witnessing A Parent's Arrest Can Get 'Under The Skin' Of a Child.* Madison, WI: Institute for Research on Poverty. October 2021.

Simmons, Charlene Wear. *Children of Incarcerated Parents.* Sacramento, CA: California Research Bureau, State Library, March 2000 (CRB Note Vol. 7, No. 2).

Thurau, Lisa. *First, Do No Harm: Model Practices for Law Enforcement Agencies When Arresting Parents in the Presence of Children.* Washington, DC: Strategies for Youth

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POST Guidelines *for* Child Safety



When a Custodial Parent or Guardian Is

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POST Guidelines *for* Child Safety



When a Custodial Parent or Guardian Is ARRESTED

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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foreword

Assembly Bill (AB) 1942 (Nava) was approved by the California Legislature and signed into law by Governor Arnold Schwarzenegger in September 2006. AB 1942 added Penal Code (PC) §833.2, which states (in part), *"…It is the intent of the Legislature to* ***encourage law enforcement and county child welfare agencies to develop protocols in collaboration with other local entities****, which may include local educational, judicial, correctional, and community-based organizations, when appropriate, regarding how to best cooperate in their response to the arrest of a caretaker parent or guardian of a minor child, to ensure the child's safety and well-being…."*

AB 1942 added PC §13517.7, which (in part) directs POST to *"…develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested…"* This publication serves to fulfill this directive and provides guidelines and training topics for use by law enforcement agencies. These guidelines do not constitute a policy, but should be considered in the development of specific policies and procedures to be followed when a caretaker parent or guardian is arrested.

POST staff assembled a broad representation of stakeholders in the development of these guidelines. The information referenced and contained in this publication represents the best thinking of many experts in law enforcement and child welfare. POST is grateful for the assistance of those who so generously gave of their time and expertise. The Commission intends these guidelines as a resource for agency executives, watch commanders, and trainers to assist in providing for the well-being of California's most treasured resource — its children.

Questions about these guidelines may be directed to the Training Program Services Bureau at (916) 227-4885. Additional copies may be downloaded from POST's website at www.post.ca.gov.



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introduction

research has shown that traumatic events that occur during childhood can have negative impacts throughout an individual's lifetime. The arrest of a parent or guardian can cause emotionally traumatic impacts for a child. The possibility that a child might not receive appropriate care following the arrest of a parent or guardian could increase the emotional trauma and further lead to physical trauma. These guidelines aim to reduce these possibilities by limiting the trauma (emotional or physical) that children experience as the result of the arrest of a parent or guardian.

These guidelines are the result of Assembly Bill (AB) 1942 (Nava) and are intended to improve services and ensure child safety when a parent or guardian is arrested. One impetus for the legislation leading to these guidelines involved a specific California Bay Area case. In that case officers of a local police department arrested a parent/guardian and left the child of the arrestee with the proprietor of a nearby business. The child had no specific relationship with the proprietor beyond "some familiarity." Media outlets covered the story and the public and child welfare groups were troubled by the officers' actions. No policy or procedure dictated how the child should have been cared for. Fortunately, this case did not have negative consequences for the child. Clearly, however, the potential existed.

These guidelines provide key criteria for law enforcement agencies to consider in the development of policy and procedures to ensure child safety when a parent or guardian is arrested. Once the policy is developed, it should be promulgated and supported by training to ensure that officers are knowledgeable about the policy.

A number of resources appear in the appendices of this publication. Beyond the guidelines, these resources provide the findings of academic research, case studies, and models from various communities. POST encourages readers to use these resources to gain better understanding of the issues and to develop solutions appropriate for individual communities.

Training Program Services Bureau
Commission on POST

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GUIDELINE 1
procedures during arrest

Child safety is always important to peace officers. However, it becomes an officer's responsibility when he or she arrests a parent or guardian of a minor child. At that moment the parent or guardian is no longer free to perform their duty to care for their child(ren) — **the responsibility and duty transfers to the officer** who must ensure that the child receives appropriate care.

The complexity and level of care required depends on many factors. Foremost among these factors may be the availability of appropriate family/friends and the age and number of children needing care. Additional factors, such as location, mental and emotional states, and willingness to comply, may also present complications. When possible, officers should take reasonable steps to mitigate known factors in advance of an arrest. In other instances, prior identification of resources and review of procedures will mitigate the process and ensure the best possible outcome for the child.

penal code §13517.7(b)(1)

Procedures to ensure that officers and custodial employees inquire whether an arrestee has minor dependent children without appropriate supervision:

1) Inquire about and confirm the location of minor children during arrest.
   a) In the case of a DUI where a child is present in the vehicle, this may seem obvious. However, the arrestee may be on his/her way to pick up a child. An arrest in a mall, residence, restaurant, park, or business may have other implications. Grandparents, aunts/uncles, older brothers or sisters, babysitters — any number of persons could be responsible (i.e., have guardianship) for a minor child. Ask the arrestee to determine if this responsibility for minor children exists.
2) Look for evidence of children.
   a) Some arrestees may not want their child(ren) "taken" by law enforcement. They may lie in order to prevent this. Look for evidence that might corroborate any information received.
3) Allow the arrestee reasonable time to arrange for care of minor children with a responsible party, as appropriate.

a) Temporary placement of a minor child with family or friends is often most appropriate. Once it has been determined that minor children need care, allow the arrestee to arrange for it as appropriate.

   i) Notify/request county child welfare services, as appropriate.

   ii) Document actions taken.

   iii) Ensure supervisor review.

GUIDELINE 2
procedures during booking

frequently, officers will not be able to make arrangements for minor children (who are not present) at the arrest location. It is essential that these arrangements be made during the booking process to ensure child safety.

penal code §13517.7(b)(2)

Authorizing additional telephone calls by arrestees so that they may arrange for the care of minor dependent children:

1) Arresting officer shall confirm if the arrestee is responsible for minor children.
   a) Allow the arrestee to make phone calls to arrange for the care of minor children.
   b) Notify/request county child welfare services, as appropriate.
   c) Document actions taken.
   d) Ensure supervisor review.
2) Notify the booking officer/detention supervisor of the outcome(s) relating to minor children.

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GUIDELINE 3
use of county child welfare services

Child Welfare Services (CWS) agencies (also known as "social services" agencies) generally have greater capacities for meeting the needs of children than do law enforcement agencies. Therefore, it is of great benefit to law enforcement agencies to develop plans with local CWS agencies before these circumstances arise. Like any emergency or critical services system partnership, activation, and ***utilization of CWS will happen more effectively if standard operating procedures and protocols are established BEFORE they are needed.***

penal code §13517.7(b)(3)

Use of county child welfare services, as appropriate, and other similar service providers to assist in the placement of dependent children when the parent or guardian is unable or unwilling to arrange suitable care for the child or children:

1) Create a list of providers, services offered, and contact information and make it available to patrol officers and dispatchers.
2) Establish a *memorandum of understanding* (MOU) with the local CWS provider.
    a) Law enforcement agencies are strongly encouraged to establish procedures with county CWS agencies to assist in the disposition of dependent children to:
        i) Achieve expedited response and/or placement by CPS at the time of arrest.
        ii) Define mandated roles and responsibilities of each agency and the associated activities necessary to ensure/facilitate the safe disposition of minor children.
        iii) Formalize information sharing.

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GUIDELINE 4
identification of local government/ nongovernmental agencies

Identify appropriate service providers that can assist the agency in handling minor children when a parent or guardian has been arrested. Law enforcement agencies should plan and ***have MOUs in place with other governmental entities and primary CWS providers.*** Additionally, it is beneficial for law enforcement agencies to familiarize themselves with the many nongovernmental agencies that serve the needs of specific populations and assist in certain child placement situations.

penal code §13517.7(b)(4)

Identification of local government or nongovernmental agencies able to provide appropriate custodial services:

1) Identify local child welfare services (CWS) providers and their specific capacities (business hours, nights/weekends, response time, level of custodial care/placement available, etc.).
   - a) County CWS, to include:
     - i) Child Protective Services (CPS)
     - ii) Juvenile Services/Probation
     - iii) Mental Health
   - b) County Office of Education
   - c) School District
   - d) Community Action Agency
   - e) City/County Teen Center
   - f) YMCA-YWCA / Boys-Girls Clubs
   - h) Religious Organizations (church, halls, mosque, synagogue, temple, etc.)
   - i) Other Nonprofit/Nongovernmental Organizations
2) Create a list of providers, services offered, and contact information and make it available to patrol officers and dispatchers.

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GUIDELINE 5
temporary supervision of minor children

There are many levels of supervision for minor children. They will vary case by case. In one example, it might mean that an officer waits with a teenage child of an arrestee until the other parent arrives. In another instance, the officer might have to call CPS to come with a child safety seat to transport an infant to a hospital that can provide for the needs of a newborn. Finally, an officer may have to provide the transportation of the child to a designated service provider. In each situation, ***it is incumbent on the officer to try to provide the best possible solution for the situation***. At the most basic level, this might mean protecting the child from the immediate environment (weather, danger, etc.). At a higher level, this might mean finding placement for the child with a family member who can help the child understand where the parent is being taken and why. In all circumstances, the goal is for the child(ren) to be safe and protected from emotional trauma.

penal code §13517.7(b)(5)

Temporary supervision of minor children to ensure their safety and well-being:

1) During the arrest:
   - a) Protect child from the immediate volatile nature of the arrest.
   - b) Law enforcement should provide immediate supervision for the child(ren) until an appropriate caregiver arrives.
     - i) Consideration should be given to the child's familiarity with the surroundings, comfort, safety, and emotional state.
   - c) Law enforcement is encouraged to collaborate with local county child welfare services to establish a protocol for expedited response to assess the best disposition for the child(ren).
     - i) The primary goal is to minimize negative affects on the child(ren) while maintaining the integrity of the arrest and the safety of all involved parties.

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GUIDELINE 6
sample procedures to assist state and local government

many agencies have developed procedures for child safety that have proven successful. While communities often differ in their needs and expectations, ***a number of best practices have emerged relative to child safety*** when the parent or guardian has been arrested. Identifying models that work is an excellent means for development of a customized, local solution.

penal code §13517.7(b)(6)

Sample procedures to assist state and local law enforcement agencies to develop ways to ensure the safety and well-being of children when the parent or guardian has been arrested:

1) Notable models.
   a) Santa Clara County has developed the first social worker/peace officer joint response team.
   b) City of San Jose has a joint response (with social services) protocol for parental arrests.
   c) City and County of San Francisco and Los Angeles County all have procedures for officers to follow when a parent/guardian is arrested.
2) Recommended procedures (when possible).
   a) Co-location of CPS social worker at law enforcement agency.
   b) Designated liaison officer to handle inquiries, complaints and questions.
   c) Cross training.
      i) Agency roles and responsibilities.
      ii) Child development and experience.
         (1) Attention should be given to effects of exposure to parental arrest.
      iii) Children's exposure to violence.
   d) Endorsement by agency leadership.
   e) Creation of an oversight committee.
   f) Data collection for self-assessment and cost analysis.

3) Benefits.

   a) Reduces traumatic effects of a parental arrest on children.

   b) Defuses volatile situations.

   c) Reduces officer's time at scene of arrest.

   d) Creates goodwill between law enforcement, parents, and the community at large.

   e) Enhances early intervention.

   f) Enhances the relationship between law enforcement and county child welfare agencies.

      i) Enables each to function more efficiently.

      ii) Reduces number of children placed in protective custody.

      iii) Provide greater buy-in from law enforcement.

      iv) Clarifies responsibilities for involved parties.

APPENDIX A
terms and definitions

Several terms are used in this document that may require clarification. They are defined here, solely in reference to their use in this publication.

Arrest	A custodial situation where the parent or guardian who is the subject/suspect is not free to carry out their responsibilities for taking care of a child.
Child	A person under the age of 18 who is in (or requires) the care of another, older person.
Child Welfare Services (County Child Welfare Services or CWS)	Any number of social services available for a child (counseling, foster care, placement, etc.).
Dependent	*Same as "child" above.*
Guardian	A person who is responsible for a child. A guardian may or may not be related to the child. A guardian may or may not be an adult.
Minor	*Same as "child" above.*
Officer	A peace officer as defined by Penal Code §832.
Peace Officer	*Same as "officer" above.*
Law Enforcement Officer	*Same as "officer" above.*
Parent	The biological or adoptive person who has custody of a child.
Supervision	The short-term act or process of maintaining responsibility for and/or control over a child.
Supervisor	Any officer who is responsible for approving or directing the work of other officers. A supervisor may or may not have a higher rank.
Temporary Supervision	*Same as "supervision" above.*

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APPENDIX B
legislation: AB 1942

Chapter 729: An act to add Sections 833.2 and 13517.7 to the Penal Code, relating to arrests. *[Approved by Governor September 29, 2006. Filed with Secretary of State September 29, 2006.]*

assembly bill 1942 (Nava)

ARRESTS

Legislative Counsel's Digest

Existing law generally regulates the conditions of arrest.

This bill would express the intent of the Legislature regarding the development of protocols by law enforcement and other entities, pertaining to arresting caretaker parents or guardians of minors, to ensure the safety and well-being of the minor. The bill would also state that the Legislature encourages the Department of Justice to apply for a federal grant to train local law enforcement agencies and assist them in developing protocols pertaining to child safety when a caretaker parent or guardian is arrested.

Existing law establishes the Commission on Peace Officer Standards and Training and charges it with various responsibilities.

This bill would require the commission to develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 833.2 is added to the Penal Code, to read:

833.2(a) It is the intent of the Legislature to encourage law enforcement and county child welfare agencies to develop protocols in collaboration with other local entities, which may include local educational, judicial, correctional, and community-based organizations, when appropriate, regarding how to best cooperate in their response to the arrest of a caretaker parent or guardian of a minor child, to ensure the child's safety and well-being.

(b) The Legislature encourages the Department of Justice to apply to the federal government for a statewide training grant on behalf of

California law enforcement agencies, with the purpose of enabling local jurisdictions to provide training for their law enforcement officers to assist them in developing protocols and adequately addressing issues related to child safety when a caretaker parent or guardian is arrested.

SECTION 2. Section 13517.7 is added to the Penal Code, to read:

13517.7 (a) The commission shall develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested.

(b) The guidelines and training shall, at a minimum, address the following subjects:

(1) Procedures to ensure that officers and custodial employees inquire whether an arrestee has minor dependent children without appropriate supervision.

(2) Authorizing additional telephone calls by arrestees so that they may arrange for the care of minor dependent children.

(3) Use of county child welfare services, as appropriate, and other similar service providers to assist in the placement of dependent children when the parent or guardian is unable or unwilling to arrange suitable care for the child or children.

(4) Identification of local government or nongovernmental agencies able to provide appropriate custodial services.

(5) Temporary supervision of minor children to ensure their safety and well-being.

(6) Sample procedures to assist state and local law enforcement agencies to develop ways to ensure the safety and well-being of children when the parent or guardian has been arrested.

(c) The commission shall use appropriate subject matter experts, including representatives of law enforcement and county child welfare agencies, in developing the guidelines and training required by this section.

APPENDIX C
applicable statutes

The following California statutes are relevant to various situations involving children.

Penal Code §270.5	Refusing to accept minor child into home.
Penal Code §271	Abandonment of child under 14 years of age.
Penal Code §271a	Failure to provide for child under 14 years of age.
Penal Code §273a	Child abuse or endangerment.
Penal Code §851.5(c)	Custodial parent's right to phone calls at booking.
Penal Code §11165.2	Neglect, severe neglect, general neglect defined.
Welfare and Institutions Code §300	Dependent children — jurisdiction.
Welfare and Institutions Code §305	Dependent children — temporary custody and detention.
Welfare and Institutions Code §625	Wards — temporary custody and detention.

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APPENDIX D
additional resources

Many publications and web pages provide insight into the issue of child welfare and custody. The following resources are provided as references for further study. The Commission does not necessarily endorse nor guarantee the content.

California Attorney General's Office, Crime and Violence Prevention Center. *Safe from the Start: Reducing Children's Exposure to Violence – Promising Strategies and Programs Resource Guide.* www.safefromthestart.org/pdfs/promisingStrategies.pdf

California Department of Social Services, *Children and Family Services, Kinship Care.* www.childsworld.ca.gov/

Mumola, Christopher. *Incarcerated Parents and Their Children.* Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2000. www.ojp.usdoj.gov/bjs/pub/pdf/iptc.pdf

Nieto, Marcus. *In Danger of Falling through the Cracks: Children of Arrested Parents.* Sacramento, CA: California Research Bureau, State Library, April 2002 (CRB 02-009). www.library.ca.gov/crb/02/09/02-009.pdf

Nolan, Clare M. *Children of Arrested Parents: Strategies to Improve Their Safety and Well-Being.* Sacramento, CA: California Research Bureau, State Library, July 2003 (CRB 03-011). www.library.ca.gov/crb/03/11/03-011.pdf

Puddefoot, Ginny and Foster, Lisa K. *Keeping Children Safe when Their Parents Are Arrested: Local Approaches That Work.* Sacramento, CA: California Research Bureau, State Library, July 2007 (CRB-07-007). www.library.ca.gov/crb/07/07-006.pdf

Reed, Diane F. and Kate Karpilow. *Understanding the Child Welfare System in California: A Primer for Service Providers and Policymakers.* Berkeley, CA.: California Center for Research on Women and Families, Public Health Institute, 2002. www.ccrwf.org/publications/ChildWelfarePrimer.pdf

Simmons, Charlene Wear. *California Law and Children of Prisoners.* Sacramento, CA: California Research Bureau, State Library, February 2003 (CRB 03-003). www.library.ca.gov/crb/03/03/03-003.pdf

Simmons, Charlene Wear. *Children of Incarcerated Parents.* Sacramento, CA: California Research Bureau, State Library, March 2000 (CRB Note Vol. 7, No. 2). www.library.ca.gov/crb/00/notes/v7n2.pdf

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APPENDIX E
Links and URLs

below are the links used within this publication and their corresponding URLs to help locate the information on the web.

Link	URL
Copyright/Trademark Protection	http://www.post.ca.gov/conditions/#copyright
Assembly Bill 1942	http://info.sen.ca.gov/pub/05-06/bill/asm/ab_1901-1950/ab_1942_bill_20060314_amended_asm.pdf
City of San Jose	http://www.sanjoseca.gov/
City and County of San Francisco	http://www.ci.sf.ca.us/
Los Angeles County	http://lacounty.info/
Penal Code §832	http://law.onecle.com/california/penal/832.html
Penal Code §833.2	http://law.onecle.com/california/penal/833.2.html
PC §13517.7	http://law.onecle.com/california/penal/13517.7.html
Penal Code §270.5	http://law.onecle.com/california/penal/270.5.html
Penal Codes §271, §271a	http://law.onecle.com/california/penal/271.html
Penal Code §273a	http://law.onecle.com/california/penal/273a.html
Penal Code §851.5(c)	http://law.onecle.com/california/penal/851.5.html
Penal Code §11165.2	http://law.onecle.com/california/penal/11165.2.html
Santa Clara County	http://www.sccgov.org/

continues

Continued

Link	URL
Welfare and Institutions Code §300	http://law.justia.com/california/codes/wic/300-304.7.html
Welfare and Institutions Code §305	http://law.justia.com/california/codes/wic/305-324.5.html
Welfare and Institutions Code §625	http://law.justia.com/california/codes/wic/625-641.html

AGENDA ITEM REPORT

Title: REPORT ON WANDERING GUIDELINES

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Management Counseling and Projects Bureau	
RESEARCHED BY Kevin Hatano	**REVIEWED BY** Kirk Bunch	
REPORT DATE 12/03/2025	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

POST is seeking the Commission's feedback to validate the guidelines' legal and operational alignment to finalize the document for implementation across California law enforcement agencies.

BACKGROUND:

In 2024, the Commission on Peace Officer Standards and Training (POST) was directed by legislative mandate, Assembly Bill 2541 of 2024, to develop guidelines addressing wandering associated with Alzheimer's disease, dementia, and autism. Codified into law under Penal Code (PC) section 13515.40.

ANALYSIS:

Incidents of wandering among people with Alzheimer's disease, dementia, or autism are challenging and will increase in the future due to the growing prevalence of these conditions. Wandering-related missing person cases are among the most urgent and time-sensitive situations faced by law enforcement. These incidents require a specialized and informed response to ensure the safety and swift recovery of vulnerable individuals.

In March of 2025, POST staff facilitated a three day workshop with 18 subject matter experts (SMEs) including advocacy groups personally affected by wandering incidents, local law enforcement, Department of Justice (DOJ), mental health

professionals, and numerous governmental services agencies. The collaboration produced a comprehensive guideline that both satisfied the requirements of AB2541 and provided instruction to law enforcement on responding to incidents of wandering.

Bill Text - AB-2541 Peace officer training: wandering.

AB 2541 Peace officer training: wandering.

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

ATTACHMENT(S):
Wandering Guidelines_11.19.25.pdf

2025

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WANDERING GUIDELINES

CA COMMISSION ON POST

WWW.POST.CA.GOV

Wandering Guidelines

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Published November 2025

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POST MISSION STATEMENT

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the training of California law enforcement in serving its communities.

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SUBJECT MATTER EXPERTS ACKNOWLEDGMENT

This document represents the collective effort of individuals from several organizations, agencies, and communities. The content contained herein does not necessarily represent the viewpoint or position of every advisor or author, however, it does represent the diverse perspectives and meaningful dialogue that is necessary to come together in a collaborative and respectful process.

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FOREWORD

Incidents of wandering among people with Alzheimer's disease, dementia, or autism are challenging and will increase in the future due to the growing prevalence of these conditions. Statistically, half of people with autism and 60% of people with Alzheimer's or dementia will wander. Most deaths of those who wander are the result of drowning or exposure.

Wandering-related missing person cases are among the most urgent and time-sensitive situations faced by law enforcement. These incidents require a specialized and informed response to ensure the safety and swift recovery of vulnerable individuals.

In 2024, the Commission on Peace Officer Standards and Training (POST) was directed by legislative mandate, *Assembly Bill 2541 of 2024*, to develop guidelines addressing wandering associated with Alzheimer's disease, dementia, and autism. Codified into law under Penal Code (PC) section *13515.40*.

The Commission intends these guidelines to be a resource for law enforcement agencies in the development of departmental policies for responding to calls for service for those who wander.

The Commission appreciates the contributions and efforts of the subject matter experts who have developed these guidelines.

Questions and comments concerning these guidelines should be directed to the Management Counseling and Projects Bureau at (916) 227-4261.

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MESSAGE TO RESPONDERS REGARDING MISSING PERSONS WITH DEMENTIA OR AUTISM

Existing Missing Persons Guidelines address a wide range of considerations involved in responding to reports of missing individuals. Although those guidelines are distinct from this Wandering Guidelines document, they contain valuable information that can serve as a useful reference during the initial stages of any missing person investigation.

The following guidelines refer to wandering.

Investigating a missing person's case can be one of the most challenging assignments you will handle in your career. These cases are of particular heightened exigency among wanderers; specifically, those experiencing the widely dynamic symptoms of autism, dementia, and other related diagnoses. Cases of wandering present unique challenges which require specialized response strategies. As a responder, you are managing a scenario where the missing person's disappearance is unexpected and potentially dangerous to the wanderer given their vulnerable nature. Your immediate actions can significantly impact the likelihood of a safe recovery.

Wanderers may not recognize they are lost, may be unable to ask for help, and/or may react in uncharacteristic manners when approached by law enforcement or members of the public. They may be drawn to familiar locations from their past, or geographic attractions such as water sources, wooded areas, isolated buildings, or roadways, without any regard to their personal safety or survival. Wanderers face overwhelming risks of death associated with drowning, personal injury, and environmental exposure. Children with autism who wander are 160 times more likely to drown than the general pediatric population.

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The risks to wanderers are significant, can escalate quickly, and the immediate actions taken by responders are critical to enhancing the likelihood of a safe resolution. It is imperative that each case is handled with urgency, diligence, and sensitivity, in the furtherance of protecting those within our most vulnerable populations.

This guidance aims to equip you, as dispatchers, officers, and field supervisors, with the essential knowledge to appropriately respond to these challenging cases and maximize the chances of a successful recovery.

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BEHAVIORS

People with autism and/or dementia can exhibit odd behaviors that may make their condition difficult to discern by responding officers. The following are behaviors that may be indicative of autism or dementia.

Autism

- Repetitive behavior ("stimming"), including hand flapping, finger flicking, body rocking, waving a toy or object, pacing, repeated phrases
- High likelihood of seeking and entering a body of water
- Unusual use of, or interest in, objects (repeatedly fidgeting with a toy or moving an object back and forth, looking closely at something shiny)
- Self-injurious behavior: hitting, biting, pinching or scratching self, headbanging
- Eating non-edible objects, including trash, leaves, rocks, dirt
- Lack of eye contact or staring too closely
- Lack of facial expression or exaggerated facial expression (e.g., grimacing, squinting)
- Hypersensitivity to loud/sudden noises and flashing lights (may cover ears, yell, or vocalize to drown out sound, attempt to flee to a quieter place)
- No fear of danger (may climb up high, dart into traffic, jump into water)
- Difficulty following directions
- May not respond to their own name or verbal instructions
- May be slow to react or need more time to process instructions
- May echo or repeat what you're saying (echolalia)
- Unable to ask for help or communicate
- Speaking in an unusual manner (too loud or soft, using a monotone or sing-song voice)
- Scripting (saying or singing clips from TV, movies)
- Limited or no ability to speak
- May appear deaf
- May cry or make unusual sounds (squeaking, grunting, etc.)
- Over or under-sensitivity to pain or extreme temperatures (might not be able to indicate severe injury, may be dressed inappropriately for the weather)
- Might flee the scene and attempt to hide out of fear or overexcitement
- Hypersensitivity to touch (may react aggressively or attempt to escape when touched)
- Lack of modesty (might remove clothing)
- Unable to comprehend the risks of non-compliance, resulting in fight/flight response
- May not recognize an officer in uniform and understand their role

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- Lack of personal boundaries (might attempt to touch or smell first responders or inspect items on gun belt or load bearing vest, may sit or stand too close to strangers)
- May not understand gestures, facial expressions, or tone of voice
- Inappropriate emotional responses, such as excessive laughing and crying, or no visible reaction to a traumatic event
- Insisting on adhering to the same routine, becoming excessively upset when the routine has changed

Dementia

People with dementia often appear normal. Their illness can present as “invisible” depending on the stage of the disease or the time of day; however, some may exhibit:

- General confusion – e.g., where they are, what time it is, what part of the day it is
- Fear of strangers or interaction with others
- Inability to speak (aphasia)
- Odd or inappropriate response to simple questions
- Aggression (shouting or screaming, verbal abuse, and sometimes physical abuse)
- Delusions (unusual beliefs not based on reality)
- Hallucinations (hearing or seeing things that do not exist)
- Fidgeting or pacing, hand wringing
- Pulling at their clothes
- Touching themselves inappropriately
- Lack of modesty, removing clothes
- Repeating questions
- Inability to follow verbal directions
- Forgetting the names of people or items
- Difficulty following conversations

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Investigating a missing person case involving an individual with Alzheimer’s disease, dementia, or autism presents unique challenges that require specialized response strategies. As a responding officer, you are often entering a situation where the missing person’s disappearance is unexpected and potentially life threatening to the wanderer. Your immediate actions can significantly impact the likelihood of a safe recovery.

DEFINITIONS

The following are terms you may encounter with their definitions and case examples.

Elopement:
The behavior where an individual with autism spectrum disorder (ASD) leaves or bolts from a safe or supervised area without permission or awareness of their caregivers, which can lead to significant safety concerns.

Example(s):

- A 7-year-old child has left his classroom and was last seen walking towards the train station.
- A non-verbal adult walked away from his home and has been gone for two hours.

Stimming:
Self-stimulating behaviors, such as repetitive movements or sounds, often done to self-soothe or as an expression of excitement or stress. It is a coping mechanism for regulating sensory input, managing anxiety, and providing a sense of comfort. Stimming can be misinterpreted as non-compliance and/or being under the influence. Attempting to disengage or stop someone from stimming can cause dysregulation or meltdowns. Examples include flicking or flapping hands or fingers, repetitively moving and looking at an object, rocking the body, voice clearing, or repetition of sounds or words.

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Example:

- A non-verbal 14-year-old girl was reported at a local park acting erratically, pacing and talking to herself.

Echolalia:
The involuntary repetition or echoing of words or sentences someone else said. It is common for individuals with autism, and is typically unintentional, and not intended to mock or make fun of someone else.

Example:

- During an interaction, a child with autism may repeat an officer's words, such as "Can you show me your hands?" by saying, "Show me your hands, show me your hands." This is echolalia; a way the child processes language or self-regulates, not an act of defiance or mockery. Recognizing this can help prevent unnecessary escalation.

Autism, or Autism Spectrum Disorder (ASD):
A developmental disability characterized by challenges in social communication and interaction, and repetitive or restricted behavior and sensory sensitivities. Autism represents a wide range of abilities, behaviors and cognitive levels (refer to autism behaviors).

Alzheimer's Disease:
A common form of dementia, a disease that impacts memory, thinking, and self-care skills.

Dementia:
A broad term describing conditions that cause loss of cognitive skills, including memory loss, thinking, self-care, emotions, and social skills.

Non-verbal or Non-speaking:
A child or adult who cannot speak or uses minimal spoken words to communicate.

Augmentative and Alternative Communication (AAC):
Devices or methods for non-speaking individuals to communicate. These include electronic devices or tablet computers with pictures, graphics, or keyboards and speech-generating capabilities.

Example:

- A child is holding a tablet and pointing to image squares and a voice on the tablet says, "I'm hungry."

Sensory Sensitivities:
Heightened or reduced response to sensory input (e.g., sound, light, touch, temperature). Children and adults may become overwhelmed with sensory input in response to sirens, vehicle horns, flashing lights, etc., or may react in an unexpected way to being touched. Some individuals may appear non-reactive to pain, injury, or extreme temperatures, or behave fearlessly (e.g., climbing up high, jumping into water).

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Dependent Adult:
An adult who is reported missing and who has physical or mental limitations (e.g., Alzheimer's disease, dementia, or autism, which restricts their abilities to carry out normal activities).

Example:

- A 46-year-old man with memory impairment who resides at a care facility is reported missing after leaving the facility with a group of unknown visitors and then boards a city bus.

Lost Person:
A child or adult who is reported to have strayed away and whose whereabouts is unknown.

Example:

- A teenager is reported missing after they left a group of friends at their campsite to hike in a nearby wooded area and has failed to return before dark.

Wandering Adult:
Alzheimer's disease and dementia may cause people to lose their ability to recognize familiar places and faces. It's common for a person living with either disease to wander or become lost or confused about their location, and it can happen at any stage of the disease.

Example:

- An 80-year-old man leaves for his morning walk and does not return after an extended period of time.

RESOURCES

The resources below provide more information about dementia and autism and may be helpful in your investigation connecting with other relevant agencies, etc.

- *Department of Developmental Services – Emergency Preparedness – Provider*
- *Regional Contact List*
  https://www.dds.ca.gov/wp-content/uploads/2025/02/DDS_EmergencyCoordinatorContactList_202502.pdf
- *Find Your Regional Center*
- *DDS Autism Resource Hub*
- *Adult Protective Services*
- *National Center for Missing and Exploited Children - Resources on Autism and Wandering*
- *Silver Alert*
- *Find Your County Social Services Agency*
  (Child Welfare, Adult Protective Services, etc.)

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WANDERING INVESTIGATION CHECKLIST

PHASE 1

COMMUNICATIONS:

When taking an incoming call for service, follow the usual questions, but also think about whether the response needs higher priority by looking at the following factors:

- ☐ Was there a delay in time between the person missing and reporting to law enforcement?
- ☐ Medical concerns or diagnosis, disabilities, or other needs?
    - o Verbal or non-verbal
    - o How do they respond to their name?
- ☐ Wandering habits?
    - o Previous wandering, or elopement?
    - o Any Missing Person (MP) fascinations (animals, stores) or places normally absent without leave (AWOL)?
    - o Remember to ask open-ended questions to determine a pattern of behavior. Prior elopements do not necessarily predicate outcome.
- ☐ Identified hazards where the MP was last seen (bodies of water, pools, etc.)
    - o Use local mapping systems and deploy personnel to hazardous areas in addition to the point

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Once the call for service is determined to be a wandering episode, notify a field supervisor of the exigency of the circumstances.

After prioritizing and dispatching responders, continue to gather valuable intelligence through consideration of the following:

- ☐ Any locating devices with the MP?
    - o Air Tags, GPS trackers, RFID, etc.
- ☐ Cell phone or other items with the MP?
    - o Phone number, carrier, family finder apps
- ☐ Current photograph available?
- ☐ Description: race, sex, age, height, weight, clothing, name or quick response (QR), specific footwear, scars, marks, tattoos
- ☐ Left on foot or vehicle?
    - o Vehicle description
- ☐ Does the MP have any sensory issues, fears, or triggers?
    - o Sound, light, touch, dogs, aircraft, etc.

- Comfort items used by the MP?
  - Are the comfort items accounted for or are they missing as well?

INITIAL RESPONSE BY PATROL:

☐ Officers or other designated personnel should interview, with sensitivity, the reporting party and any witnesses to determine:
- If this is a wandering episode
- Are there any tracking devices on the wanderer?

☐ Conduct an immediate and thorough home/facility search, and:
- Consider unusual places such as drainage pipes, washers or dryers, narrow spaces between fences or buildings, refrigerators or freezers, piles of blankets or clothing, closets, and chimneys.

☐ General information:
- Existence of a cellphone for MP?
- Photograph (date of photo, and age of MP in photo)
- Any known medical issues:
  - Verbal/Non-verbal?
  - How do they respond to their name?
- Immediate hazards:
  - Consider bodies of water as a high value risk
  - Consider using mobile mapping apps to ID hazards
- Is there suicide risk?
- Confirm clothing description:
  - QR code, or marked with their name?
- Previous AWOL or wanderings:
  - Where did they go?
  - What are their favorite places?
  - Has MP spoken about, or tried to return to previous workplaces, homes, etc.?
- Last seen direction of travel
- Determine if the MP is registered with medical ID bracelet programs
- Recent trips, or hobbies:
  - Has MP expressed ideations of returning?

☐ Notify supervisor(s):
- Notify patrol via radio, or Mobile Data Computer (MDC)
- Have dispatch make hourly broadcasts

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- Consider contacting alert systems such as:
  - The California Highway Patrol for coordinating a Silver Alert
  - An Endangered Missing Advisory (EMA) alert

☐ Establish a command post:

- Perimeter search
  - Identify search distances by Lost Person Behavior (i.e., type of MP)
  - Consider foot search vs. traditional vehicle patrol
- Needs:
  - Search and Rescue
  - Canines
  - Air support
  - Marine patrol

☐ Drones/Unmanned Aerial Systems Notify Investigations:

- Notate when investigations are notified or arrived
- Obtain dental/x-ray authorization
  - Physician's/dentist's contact information

☐ Document:

- Provide information to dispatch for NCIC (National Crime Information Center) entry as soon as practicable (within two hours)
- Fill out MP report

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PHASE 2

INVESTIGATIONS:

☐ Meet with Reporting Party (RP) or family:

- Confirm information gained from dispatch, and/or patrol
- Get contact information for:
  - Family
  - Friends
  - School, teachers

☐ Care providers: medical, therapeutic

☐ Ensure the form(s) authorizing release of dental, skeletal, or x-ray records have been signed

- This may also be signed by any law enforcement officer

☐ Financial tracking:

- Does the MP have bank cards?

- When were they last used?
- Contact bank(s) for alerts if the cards are used

☐ Cell phone locators:
- Contact carrier
- Family consent, search warrant, or subpoena required to obtain data?

☐ Identify laws relating to emergency pings:
- California's Electronic Communications Privacy Act, Senate Bill 178 of 2015, generally prohibits government entities from accessing electronic communication information without a warrant, but has exceptions for emergencies.

☐ Exigency "ping":
- In situations of exigent circumstances, law enforcement may request a cell phone provider to "ping" a cell phone to determine its location without first obtaining a warrant.

☐ A warrantless "ping" based on exigent circumstances may be justified, "if the government entity, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires access to the electronic device information." (PC § 1546.1(c)(6))
- Request "carrier records" which include:
  - Call Detail Records (call and text transactions)
  - Subscriber Records (details about the person who got the phone, the account, and the phone itself)
  - Data Sessions (transactions showing bytes of data going to/from phone)
  - Specialized Location Data (data used by the engineers and the company to determine where their users are within the network)

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☐ Provide family with MP flyers or task them with the creation and distribution of flyers.

☐ Canvass the area
- Identify and interview potential witnesses
- Surveillance video
  - Traffic or city surveillance cameras
  - Ring doorbells
  - Business cameras

☐ Contact medical centers
- Hospitals, psychiatric facilities, etc.
- Exemptions to Health Insurance Portability and Accountability Act (HIPAA) protections
  - HIPAA Privacy Rule 45 CFR 164.510(1)(ii)[1] permits a covered doctor or hospital

1 Source: 491-May a provider disclose information to a person that can assist in sharing the patient's location and health condition? | HHS.gov

to disclose protected health information to a person or entity that will assist in notifying a patient's family member of the patient's location, general condition, or death.

45 CFR 164.512(f)(2) ***Permitted disclosures: Limited information for identification and location purposes.*** Except for disclosures required by law as permitted by paragraph (f)(1) of this section, a covered entity may disclose protected health information in response to a law enforcement official's request for such information for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, provided that:

(i) The covered entity may disclose only the following information:

(A) Name and address;

(B) Date and place of birth;

(C) Social security number;

(D) ABO blood type and rh factor;

(E) Type of injury;

(F) Date and time of treatment;

(G) Date and time of death, if applicable; and

(H) A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.

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45 CFR 164.512(j)(1)(i) ***Standard: Uses and disclosures to avert a serious threat to health or safety*** —

(a) Permitted disclosures. A covered entity may, consistent with applicable law and standards of ethical conduct, use or disclose protected health information, if the covered entity, in good faith, believes the use or disclosure:

(i)

(A) Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and

(B) Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat; or

(ii) Is necessary for law enforcement authorities to identify or apprehend an individual:

(A) Because of a statement by an individual admitting participation in a violent crime that the covered entity reasonably believes may have caused serious physical harm to the victim; or

(B) Where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody, as those terms are defined in § 164.501.

- CFR 164.510(b)(3) permits a covered entity to disclose a patient's location, general condition, or death for notification purposes when, in exercising professional judgement, it determines that doing so would be in the best interest of the patient.[2]

☐ Contact *Regional Centers for Insights or Information*

☐ Contact Adult Protective Services

☐ Enter vehicle plate "want" into the Network Communication System (NECS).

☐ Check License Plate Reader (LPR) databases.

☐ Evaluate the incident for:

- Standard runaway
- Accident
- Parental abduction
- Foul play or homicide

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2 Source: eCFR :: 45 CFR 164.510 -- Uses and disclosures requiring an opportunity for the individual to agree or to object.

PROTOCOLS FOR DEPLOYING LAW ENFORCEMENT AGENCY RESOURCES, INCLUDING, BUT NOT LIMITED TO, SEARCH AND RESCUE DOGS.

It is recognized that an agency's ability to respond, investigate, and search for a wanderer is largely dependent upon the resources available, the geographical terrain, and contextual circumstances of each case. But despite the wide array of agency capabilities across the state, there are core strategies, resources, and considerations that can be implemented for a greater likelihood of safe recovery. The following protocols have been drafted through a modern perspective of all agency types, small and large. While not every tool or resource listed may be relevant or accessible to each unique scenario, these protocols are designed to enhance various considerations and set a framework for efficient and expedited action. Bear in mind that the dynamics and evolution of each case may require simultaneous tasks or a reprioritization of needs as circumstances arise. To highlight the most basic phases of response, the protocols are organized as follows:

- **Phase 1:** The timeframe in which an agency initially responds to a report of a wanderer, gathers preliminary information, and determines the likelihood of an immediate location or recovery.
- **Phase 2:** When an immediate location or recovery is not likely or possible, utilization of the information gathered in Phase 1 to mobilize, delegate, and dispatch resources for immediate expansion of information, search efforts, and intelligence gathering.
- **Phase 3:** As mobilized search efforts are under way, additional considerations are available for broadened intelligence gathering and dissemination of information.
- **Phase 4:** Investigative considerations when the timeline expands and the case evolves into a longer-term investigation.

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Broken down into these phases of response, the following strategies should be considered:

Phase 1: Initial Response, Considerations, and Fact Gathering

I. Law enforcement report
   A. Timeframe of disappearance
   B. Circumstances of disappearance (if known)
   C. Any available tracking devices or data?
      1. Phone and device tracking: pings, apps, etc.
      2. Wandering prevention devices
   D. Possible destinations or areas of frequency
   E. Missing and Unidentified Persons Section (MUPS) entry as soon as feasible (required within two hours per PC § 14211(e))
      1. Consider relaying information to dispatch for quicker, remote entry of most pertinent mandatory data fields

II. Immediately accessible video footage
   A. Home surveillance
   B. Remote or cloud-based footage

III. Gather relevant images of person for dissemination

IV. Conduct efficient, thorough search of last known location

V. Establish last known location or immediate area and initial search and containment of last known location, then move to destinations and attractions (deploy hasty search teams)

VI. Air Support
   A. Helicopter and fixed-wing patrols
   B. Drones
      1. Forward-Looking Infrared (FLIR), heat detecting

VII. Immediately available tracking dogs

VIII. License Plate Reader (LPR) Alerts (If vehicle involved)
   A. Integrated vehicle cellular connections or tracking

IX. Notify any relevant Real-Time Crime Centers or Remote Video Monitoring sources for immediate assistance.

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Phase 2: Mobilization, Delegation, Search Implementation

I. Begin delegation structure
   A. Point of contact with family for real-time updates
      1. Collaboration with inner-family caregivers and friends who have greater knowledge and interaction with wanderer.
   B. Establish initial command post/staging area as needed
   C. Delegation of areas of responsibility
      1. Search areas
      2. Cameras and other intelligence canvass areas
      3. Information dissemination

II. Set a realistic search area given known factors
   A. Manner in which person departed
      1. On foot, bicycle, vehicle, etc.

         Note: Children with autism may travel in search of waterways further and faster than expected.

   B. Longer time missing likely requires larger search areas.
   C. Determine resources needed to conduct search in established area.

D. Initiate a thorough search of identified areas, with priority given to areas of heightened risk, such as pools, waterways, or other environmental hazards.
    1. Consider unconventional locations
        a. Unlocked vehicles
        b. Dead-end doorways, other hiding spots
        c. Train tracks or railways
        d. Elevated spaces
            i. Trees
            ii. Rooftops
            iii. Bridges

III. Contact local sheriff's office for additional resources, based on previous determinations.
    A. Additional personnel
        1. Law enforcement officers
        2. Dedicated dispatchers
        3. Establishment and monitoring of a tip line
        4. Volunteers
    B. California Governor's Office of Emergency Services (CAL OES) search management for mutual aid resources
        1. Incident management team
        2. Volunteer searchers
        3. Search and Rescue dogs
        4. Aircraft
        5. Off-road vehicles
        6. Communications

IV. Social media
    A. Common platforms: Nextdoor, Facebook, Instagram, Twitter, etc.
    B. High traffic pages within platforms

V. Notify or restrict publicly accessible transportation options (where relevant)
    A. Train stations
        1. BART, Amtrak, etc.
    B. Public bus authorities
    C. Airports
    D. Ports, docks, ferries
    E. Taxis and rideshare services
        1. Notifications or monitoring of concentrated pickup areas

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VI. Waterway patrols
   A. First responder vessels
   B. Search and Rescue vessels
   C. Dive teams
   D. Lifeguards
   E. Coast Guard

VII. Geographical announcements
   A. Reverse 911
   B. Alerts:
      1. California Highway Patrol (CHP)
      2. Be On the Lookout (BOLO)
      3. All-Points Bulletin Network (APBnet)

VIII. Contact hospitals, jails, homeless shelter, coroner (also ask for Jane Doe's)

IX. School notifications/checks (if relevant)

X. Broader video canvas – Determine last known location and/or direction of travel
   A. Neighborhood cameras
   B. Commercial districts
   C. Traffic and city surveillance cameras
   D. Databases with facial recognition capabilities
      1. Grocery stores
      2. Retail locations
      3. Law enforcement partners

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Phase 3: Enhanced and Broadened Search Efforts

I. Flyers:
   A. California Department of Justice (DOJ) MUPS
   B. National Center for Missing and Exploited Children (NCMEC) (if under the age of 21)
   C. Non-Profit Groups and Advocates
      1. Black & Missing Foundation
   D. Physical dissemination

II. News media release

III. Search and Rescue groups

IV. Volunteer canvassing and/or personal dissemination of information

V. Facial recognition databases (if available)

A. Grocery stores and retail locations
B. Medical facilities and shelters – “Jane Doe” database
C. Set up alerts if subject arrives at a later time

VI. Recontact hospitals and shelters with flyers and comprehensive data

Phase 4: Long Term Investigation

I. Broader video and sensory canvass
   A. Vehicle-affixed cameras
      1. Commercial trucks
      2. Integrated smart vehicles (i.e., Tesla)
      3. Public buses
         a. Any routes on or nearby last known area

II. Careful attention and consideration of nearby, attainable, isolated regions
   A. Gullies, creeks, drainage areas, large parks, hiking trails, etc.

III. Digital analysis
   A. Social media
      1. IP connections
      2. Login activity, proof of life
      3. Posts or page activity
   B. Account providers
      1. Google
      2. iCloud
   C. Banking sources
      1. Credit and banking cards
      2. Welfare spending
      3. Third party platforms
         a. Zelle
         b. Venmo
         c. Block Inc
   D. Cell phone or other items with the MP?
      1. Phone number, carrier, family finder apps (seek warrant if necessary)

IV. Victimology
   A. Friends and family
   B. Lifestyle, habits, and patterns

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DEVELOPING COMMUNITY AWARENESS CAMPAIGNS FOR WANDERING PREVENTION AND WATER SAFETY

Developing awareness and outreach for wandering prevention and water safety systems is critical for community safety. Marketing and outreach campaigns should be tailored to fit each agency and their location. Combinations of various strategies to reach target groups provide the best coverage. However, budgetary, staffing, and technological constraints may also dictate the feasible level of marketing. An effective strategy is to collaborate with other agencies to expand both outreach and expertise. The following are examples of marketing and outreach strategies employed by various departments:

1. PARTNERSHIPS

- School districts, non-public schools (schools for children with disabilities), day programs
- Collaboration between law enforcement agencies
- Regional centers – *The California Department of Developmental Services (DDS)* oversees the coordination and delivery of services for Californians with developmental disabilities through a statewide network of 21 community-based, non-profit agencies known as regional centers. To be eligible for services, a person must have a disability that begins before the individual's 18th birthday that is expected to continue indefinitely and present a substantial disability. Qualifying conditions include intellectual disability, cerebral palsy, epilepsy, autism, and other disabling conditions.
- Senior centers
- Health care organizations and districts – e.g., major health care providers that have programs for autism and/or dementia, local collaborative public health care districts/ organizations
- County or city departments of public health
- Caregiver organizations – Local, state, and non-profit. National organizations with local chapters:

2. ALZHEIMER'S AND DEMENTIA

- *https://www.alzheimersla.org/*
- *https://www.alzoc.org/*
- *https://www.alzsd.org/*
- *https://www.aarp.org/*

3. AUTISM

- *https://thearc.org/our-initiatives/health/*
- *https://www.autismspeaks.org/*
- *https://autismsociety.org/*
- *https://www.dds.ca.gov/rc/*

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4. PRINT MEDIA – BROCHURES, ONE-PAGERS & POSTERS

(See links to printable documents under resources)

Departments can create brochures, one-page overviews, or other marketing documents that are distributed at community events or posted in locations throughout the community. Brochure and poster placement at regional centers, community and senior centers, hospitals, rehabilitation centers, and doctors' offices provide a broad viewing by those who visit these locations.

5. SOCIAL MEDIA CAMPAIGN AWARENESS

Today, most government agencies, including police departments, utilize websites and social media to push important information out to their community quickly and easily. Department, municipality, and partner websites and social media sites can efficiently promote wandering prevention and water safety with little to no cost. To maximize efficiency, departments can schedule pre-written posts using their department template.

6. OTHER MUNICIPAL NOTIFICATION SYSTEMS

Many police departments and municipalities across the state have access to platforms that enable them to push information to subscribing community members via email, text message, or telephone message. If access to this type of system is already in place, it can be leveraged to send a short description of wandering prevention and water safety to subscribers.

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7. EVENTS

Some departments prefer a more face-to-face, or community policing model approach to outreach. In many cases, departments can reach out by hosting community events, beat outreach, printed media, and collaborating with local advocacy groups and caregivers. Sensory-friendly events can be held where police officers provide information about water safety and wandering prevention.

- *How to Host a Sensory Friendly First Responder Event for Children with Autism*

8. VIDEO/AUDIO MEDIA

Some departments develop videos and/or radio spots to be played on local cable television channels and radio stations to promote messaging to the community. This requires having access to technology necessary to develop the media piece. Producers and editors are often interested in special interest pieces that the community can relate to broad viewership/ listenership which would be excellent exposure for wandering prevention and water safety.

9. SUCCESS STORIES

It is crucial to share wandering success stories (where the missing individual was found safe) with the community and local media.

- Training for Law Enforcement and Community:
  - Notable statistics for foundational knowledge:

- *Over 90% of wandering deaths of children 14 years and younger are caused by drowning.*
- *People with autism are 160 times more likely to drown than their neurotypical peers.*
- *More than half of people living with dementia will wander at least once; many do so repeatedly.*

10. TRAINING FOR REPORTING PARTIES – WHAT TO SAY WHEN CALLING 911

- Location – Where the caller is and where the incident occurred
- Time of emergency – How long ago was the person last seen
- Diagnosis – Include any relevant conditions, such as autism or dementia, and any other at-risk factors
- Physical description – Include race, sex, age, height, weight, hair color, eye color, distinguishing characteristics
  - Clothing and belongings – Note what the person is wearing and any objects with them (e.g., backpack, scooter)
- Triggers, interests, and include areas of past interest
- Educate agencies about "Living Does" (unidentified living persons) in medical care. California guidelines stipulate that if a patient is unidentified and cognitively incapacitated, "the hospital may disclose only the minimum necessary information that is directly relevant to locating a patient's next-of-kin, if doing so is in the best interest of the patient." It's recommended for agencies to establish guidelines to identify Living Does with local hospitals and care facilities. Contact the CA DOJ MUPS Unit for more information.
- Regular roll call autism or dementia training
- Law enforcement resource templates – The following documents can be added to and customized with department logo:
  - ASD Quick Reference Guide – handout or mini fold
  - Alzheimer and Dementia Quick Reference Guide – handout or wallet-size
  - Wandering and Water Safety Quick Reference Guide

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11. RESOURCE GUIDES

Water Safety Resources:

- https://autismsociety.org/water-and-wandering/
- https://nationalautismassociation.org/watersafety/
- https://www.autismspeaks.org/tool-kit-excerpt/swim-and-water-safety
- https://bja.ojp.gov/program/kevin-avonte/overview

12. WANDERING PREVENTION RESOURCES

Autism:

- https://nationalautismassociation.org/wandering-quick-tips/
- https://www.theiacp.org/resources/fact-sheetbriefresourcetool/law-enforcement-resources-on-autism-spectrum-disorder
- https://www.theiacp.org/resources/fact-sheetbriefresourcetool/law-enforcement-resources-on-autism-spectrum-disorder

Alzheimer's:

- https://www.alz.org/help-support/caregiving/stages-behaviors/wandering
- https://www.alzheimersla.org/wp-content/uploads/2024/01/CaregiverTipSheets_GettingLost_8.5x11_0123.pdf
- https://www.alzheimersla.org/for-families/caring-for-a-person-with-memory-loss/safety/

Home Safety Webinars in English and Spanish:

- https://www.alzheimersla.org/videos/dementia-and-home-safety/

Voluntary Registries for Caregivers:

- https://lasd.org/specialalert/
- https://www.sacsheriff.com/pages/take_me_home_safely.php
- https://www.sdsheriff.gov/community/take-me-home-registry
- Return Home Registry | City of Irvine
- Safe Return Program – San Bernardino County Sheriff's Department
- https://www.riversidesheriff.org/768/Special-Needs-Reunification-Program

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TECHNOLOGICAL SOLUTIONS

Wandering prevention efforts utilize technology such as locating devices to help monitor individuals at risk, while organizations can collaborate to raise awareness and promote safety tools. Registries enable agencies and healthcare providers to securely and rapidly access important information locally and across regions, supported by public awareness campaigns and educational resources for families. Advanced community alert systems leverage geofencing and real-time notifications, allowing authorized agencies to send targeted emergency alerts based on the situation.

A. Wandering prevention resources:

- Locating devices (radio frequency transmitters, GPS wristbands, etc.)
- May collaborate with regional centers for awareness for people with developmental disabilities, and to purchase emergency alert or prevention devices for individuals with autism at risk of wandering.
- May collaborate with local senior centers, nursing facilities, community-based adult services programs for awareness among adults with Alzheimer's disease or dementia.
- County list of licensed residential or caregiving facilities

B. Proactive registries:

- Registry for agencies, hospitals, etc. to access across county boundaries
- Voluntary registry programs that store information, photographs, etc.
- Public awareness of registry
- Campaign with local regional centers
- Regional Center Emergency Coordinators list
- Local Alzheimer's agency, senior centers, etc. to register and educate families

C. California Area Agencies on Aging (AAA):

- AAA information packet or toolkit to distribute to people who register, including information about wandering risks, water safety, resources (e.g., regional center swimming lessons, what to include in emergency portion of Individual Program Plan), and importance of taking recent photographs.

D. Community alert systems:

- Local, rapid response
- Knowing who has authority to send alerts (Sheriff's Office or CHP)
- Wireless Emergency Alert (WEA)
- Alert warning systems or emergency safety profile system, Emergency Broadcast System
- Alerts for first responders only vs. emergency system subscribers vs. all wireless devices in an area
- Geofencing

Size of area depends on case. Factors include location, building and population density, terrain, person's mobility and health, etc.

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COORDINATION AND COMMUNICATION PROTOCOLS BETWEEN LAW ENFORCEMENT AGENCIES AND ALL OF THE FOLLOWING:

Interoperability and clear communication are imperative for any critical incident. When conducting a multi-disciplinary approach to search for one who wandered, collaboration and early action will dictate success.

Search and Rescue teams are generally under the jurisdiction of the local sheriff's office. Responding agencies should advise the Search and Rescue team when they determine they are searching for a wanderer as defined in this document. Those who specialize in Search and Rescue may offer insight, direction, or resources to the responding agency even prior to deployment.

Responding agencies should consider establishing a command post early in the event. Agencies should dedicate a talk-group or frequency which can be accessed by responding to allied agencies or resources to aid in interoperability. The primary agency should establish who is the point of contact at the Command Post to determine deployment strategies.

Search and Rescue assets can include but are not limited to:

- Incident management
- Cell-phone forensics (for the missing person)
- K9's with various search capabilities
- Ground personnel who are trained searchers and/or trackers
- Air support
- Communications teams and telecommunications equipment
- Mountain rescue teams
- Swift water and dive teams
- Off-Highway vehicles (Jeep, side-by-sides, E-bikes, and motorcycles)

The general public's participation is indispensable in the safe recovery of missing individuals, especially those who wander due to autism and dementia. While lacking formal training, community members can contribute significantly to search efforts. Bystanders can offer valuable information regarding potential sightings, direction of travel, and any observed behaviors of the missing person. Sharing pictures of the individual's clothing, and any items they may have with them, can also be helpful for the public to identify the missing person. Social media and community networks can be powerful tools for disseminating information about missing person cases. Increased public awareness can lead to a greater number of potential sightings and tips.

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ALERTS AND NOTIFICATIONS

- Administrative California Law Enforcement Telecommunications System (CLETS) messages to allied agencies
- Reverse 911 messages to the public with radius determined on a case-by-case basis
- Hospital and other medical care facilities
- All-Points Bulletin Network (APB Net) – Trak flyer
- Radio broadcast to “be on the look-out” to neighboring jurisdictions
- California Highway Patrol Emergency Notification and Tactical Alert Center (ENTAC)
- Social media with emphasis on target demographics
- Traditional media outlets to include television, print, and radio
- Public transportation

INVESTIGATIONS

- Interviews should not be limited to a single source, interviewing as many family members or acquaintances as possible for a holistic perspective of the wandering individual.
- Neighborhood canvassing can provide information regarding the habits of the wanderer and include information about direction of travel or privately owned cameras.
- Contact the county social services office to determine if there is existing case history.
- Access financial records to determine if the wanderer is utilizing funds.
- Determine if the wanderer’s previous address history is relevant to the search parameters.
- Computer/cellphone search history to determine points of interest.
- LPR system check, if vehicle associated.
- Utilize search capabilities for available camera systems.

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CLOSURE OF WANDERING PERSON INVESTIGATION

When a wandering person is found, the agency must report this to the CA DOJ and any other relevant agencies as appropriate, per PC § 14213.

A. When any person reported missing is found, the officer, dispatcher, or other designated personnel shall immediately report that information to CA DOJ.

B. The reporting party and other involved agencies shall be notified in accordance with local policy. This includes a reported missing juvenile’s school.

C. Any automated systems entries shall be canceled.

D. The locating agency shall also report to the law enforcement agency that took the initial report, within 24 hours, per PC § 14213(b).

E. In the event that a wandering person is found before being reported missing to CA

DOJ, a missing person report entry (followed by a cancellation) must still be made into CJIS/MPS systems and shall still be submitted to CA DOJ, per PC § 14213(c).

CONSIDERATIONS FOR CLOSURE OF A WANDERING PERSON INVESTIGATION

A. Careful consideration should be made concerning clearing a wandering person investigation.

B. Closure is appropriate when the wandering person is confirmed found or evidence has matched an unidentified living person or unidentified remains (full body recovery).
    1. If partial remains are recovered, the MPS entry must stay active until all remains have been recovered.

C. Inability to move forward in the investigation should not be a reason for closing a case:
    1. By closing a case in such a manner, all evidence may be lost for the future identification of a deceased person.
    2. An unidentified body may be discovered several years later, after the wandering person report had been filed and prematurely closed.
    3. In such a case, there may be no relevant evidence that may assist in identifying the body, further hindering a death investigation.
    4. MPS entries should not be removed or cancelled due to the discovery of any warrant (civil or criminal) that had been issued for the wandering person. The warrant may result from theft of the missing person's identity.

D. When the reported wandering person is under the age of 18:
    1. The missing child report should not be removed or cancelled from the MPS due to emancipation or reaching adulthood.
    2. The originating agency will receive an Emancipation Notification from NCIC upon the child's 18th birthday.
    3. The wandering child should remain classified under their actual age as when originally reported missing, regardless of their current age.
    4. The missing child report should not be cancelled and re-entered simply because the child has reached adulthood.

AGENDA ITEM REPORT

Title: REPORT ON THE STATUS OF OUT OF STATE OFFICERS

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Carrie Hollar	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/07/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This report is to update the Commission on the progress of researching out of state peace officers.

BACKGROUND:

At the September Commission meeting, the Basic Training Bureau was asked to research other western states to determine the similarity in training to California requirements. The purpose is to determine if there are peace officers from other identified and approved states, that could potentially be "pre-certified" to respond to California when there was a mutual aid request.

ANALYSIS:

The Basic Training Bureau staff has received the curriculum from Oregon (ATTACHMENT A), Washington (ATTACHMENT B), Arizona (ATTACHMENT C) and Nevada (ATTACHMENT D) and compared it with the current Training and Testing Specifications in California.

RECOMMENDATION:

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

ATTACHMENT(S):

ATTACHMENT A - LD Tracker_OR.pdf
ATTACHMENT C - LD Tracker_AZ.pdf
ATTACHMENT B - LD Tracker_WA.pdf
ATTACHMENT D - LD Tracker_NV.pdf

OREGON DPSST

Learning Domain	Domain Description	Minimum Hours	CA Mandates		OR (Lesson Plans)	OR Hours
1	Leadership, Professionalism & Ethics	9 hours	PC 832		Ethics	6 hours
2	Criminal Justice System	2 hours	PC 832		Intro to Criminal Justice System	4 hours
3	Principled Policing in the Community	26 hours	PC 832		Community Policing - Lab	2 hours
					Community Competency	4 hours
					History of Policing	2 hours
					Community Crime Prevention	2 hours
						16 hours short
4	Victimology/Crisis Intervention	6 hours			Behavioral Health: Crisis Intervention and De-escalation	4 hours
					Supporting Victims of Crime	1 hour
					Domestice Violence	4 hours
					Sexual Assault	4 hours
5	Introduction to Criminal Law	4 hours	PC 832		Criminal Law Pt 1	4 hours
					Civil Rights and Liabilities	4 hours
6	Property Crimes	6 hours			Criminal Law Pt 1 & 2	8 hours
7	Crimes Against Persons/Death Investigation	6 hours	PC 13519.3, PC 13515	**SIDS, Elder/Dependent abuse**	Criminal Law Person Offenses Pt 1 & 2 (has **Elder Abuse**)	8 hours
					Child Abuse (has **SIDS**)	6 hours
8	General Criminal Statutes	2 hours			Criminal Law: State and Public Justice	2 hours
9	Crimes Against Children	4 hours	PC 13517	**Child Abuse or Neglect**	Criminal Law Person Offenses Pt 2 (has **Child Neglect**)	4 hours
					Child Abuse & Neglect Investigation (has **Child Abuse & Neglect**)	6 hours
10	Sex Crimes	4 hours	PC 13516	**SA Investigative Procedures**	Criminal Law Person Offenses Pt 1 & 2 (has **SA Investigations**)	8 hours
11	Juvenile Law and Procedure	3 hours			Juveniles	4 hours
12	Controlled Substances	12 hours	PC 13519.5	**Drug Law Enforcement**	Criminal Law Pt 7	2 hours
					Drugs that Impair Driving (has **Drug LE**)	8 hours
13	ABC Law	2 hours			Criminal Law Pt 7	2 hours
14	Officer Wellness	8 hours			Fitness and Nutrition	6 hours
15	Laws of Arrest	12 hours			Civil Rights and Liabilities	4 hours
					Procedural Law 2 & 3	6 hours
					Use of Force	42 hours
16	Search and Seizure	12 hours	PC 832		Procedural Law 1, 2, & 3	12 hours
					Law Lab	2 hours

Leg Mandate
PC 832 Mandate
LD has both a Leg Mandate and is required in PC 832

17	Presentation of Evidence	6 hours	PC 872(b), PC 832	**Hearsay Testimony**	Officer in Court & Mock Trial	10 hours
					Domestic Violence (has **Hearsay Testimony**)	4 hours
					Procedural Law 3	4 hours
					Intoxilyzer Certification (has **Hearsay Testimony**)	6 hours
18	Investigative Report Writing	48 hours	PC 832		Report Writing 1 & 2 & Lab	8 hours
					Sexual Assault	4 hours
					DWI	16 hours
19	Vehicle Operations	40 hours	PC 13519.8	**High Speed Vehicle Pursuits**	Emergency Vehicle Operations (EVO 4 & 6 have **High Speed Pursuits**)	44 hours
20	Use of Force/Deescalation	16 hours	PC 13519.10, PC 832	**Use of Force**	**Use of Force**	42 hours
21	Patrol Techniques	12 hours			Contact & Cover	2 hours
					Vehicle Stops	28 hours
					Defensive Tactics	52 hours
22	Vehicle Pullovers	14 hours			Vehicle Stops	28 hours
23	Crimes in Progress	20 hours			Building Search and Tactical Movement 1-4	16 hours
24	Handling Disputes/Crowd Control	8 hours	PC 13514.5	**Civil Disobedience**	Use of Force: Law and Decision-Making (meets **PC 13514.5**)	22 hours
25	Domestic Violence	10 hours	PC 13519.41, PC 13519	**DV Complaints**	Domestic Violence 1 & 2 (meets **PC 13519.41, PC 13519)**	8 hours
26	Critical Incidents	8 hours	GC 8607, HSC 1797.187	**ICS 100, IS 700, SEMS, Carcinogenic materials**	**No SEMS; No ICS 100; No IS 700; No Carcinogenic materials.**	8 hours short; **short topics**
27	Missing Persons	4 hours	PC 13519.1	**Missing Persons**	**Missing Persons**	1 hour
					Missing Murdered & Indigenous People	1 hour
						2 hours short
28	Traffic Enforcement	16 hours			Motor Vehicle Code 1-2	4 hours
					Drugs that Impair Driving	8 hours
					FSTs	16 hours
					DWI Wet Lab	4 hours
29	Traffic Collision Investigations	12 hours	VC 40600	**Traffic Accident Investigation, Notice to Appear**	**Crash Investigations** (has **Citation at the Scene of a Crash**)	6 hours
						6 hours short
30	Crime Scenes, Evidence, and Forensics	12 hours	PC 13516	**SA Investigative Procedures**	Criminal Investigations: Complex Investigations	2 hours
					Criminal Law Person Offenses Pt 1 & 2 (has **SA Investigations**)	8 hours
31	Custody	2 hours				2 hours short
32	Lifetime Fitness	44 hours			Physical Fitness	22 hours
					OR-PAT	4 hours

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33	Arrest and Control	60 hours	PC 832		Defensive Tactics	52 hours
34	First Aid, CPR, and AED	21 hours	CCR Title 8, Section 5193; PC 13518; HSC 1797.183	**21 hours; Bloodborne pathogens, First Aid, CPR, AED**	Airway & Circulatory Anatomy & Physiology (**has CPR**)	4 hours
					Tactical Medicine (has **First Aid**)	3 hours
					Tactical Medicine Skills Lab	2 hours
					Not 21 hours. No bloodborne pathogens. No AED.	**12 hours short; short topics**
35	Firearms/Chemical Agents	72 hours	PC 33220(b), PC 832	**Shotgun; 24 Hours of Handgun**	Firearms 1-13 (all **handgun)**	52 hours
					No **Shotgun.**	**Short Shotgun**
36	Information Systems	2 hours			Communication for Policing 5	2 hours
37	People with Disabilities	15 hours	PC 13515.26, PC 13519.2	**15 hours; Persons with Mental Illness, Intellectual Disability, Substance Use Disorder, or Developmental Disabilities**	Effective Interactions with the Deaf/Hard of Hearing Community	2 hours
					Behavioral Health: Awareness (has **developmental disabilities**, **substance use disorder/addiction**, and **intellectual disability**)	8 hours
					Behavioral Health: Crisis Intervention and De-escalation (has **mental illness**)	4 hours
					Behavioral Health: Legal Considerations	2 hours
					Behavioral Health: Trauma	4 hours
38	Gang Awareness	2 hours	PC 13519.5	**Gang Law Enforcement**	Gangs (Optional)	2 hours short; short **topics**
39	Crimes Against the Justice System	4 hours	PC 832		Ethics Pt 2	2 hours
					Criminal Law 6	2 hours
40	Weapons Violations	4 hours			Criminal Law 5	2 hours
						2 hours short
42	Cultural Diversity/Discrimination	16 hours	PC 13519.6, PC 13519.7, PC 13519.41, PC 13519.4, PC 832	**Hate Crimes, Sexual Harassment in the Workplace, Sexual Orientation, Gender Minority groups; Racial/Cultural Diversity, Racial Profiling**	Bias Crime Investigations (meets **Hate Crimes, Sexual Orientation, Gender Identity**)	2 hours
					Indian Country Law (meets **Cultural Diversity**)	2 hours
					Community Competency (**Racial/Cultural Diversity**)	2 hours
					Bias Pt 1-3 (**Racial Profiling**)	6 hours
					Orientation/Administration (has **Sexual Harassment**)	2 hours
43	Terrorism Awareness	4 hours			Bombs & Explosives	2 hours
					Threat Assessment	2 hours
44	Active Shooter	16 hours			Active Threat	6 hours
						10 hours short
	Total Minimum Required Hours	680 hours			640 hours	

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Note
Highlights were made if the hours were 50% or less of what CA POST requires, or if there were Leg. Mandates missing/un-findable

ARIZONA MODULAR 2024/2025

Learning Domain	Domain Description	Minimum Hours	CA Mandates		AZ (Module Performance Objectives)	AZ hours
1	Leadership, Professionalism & Ethics	9 hours	PC 832		Ethics & Professionalism/Sup and Management 1.5	6 hours
2	Criminal Justice System	2 hours	PC 832		Constitutional Law 2.1	6 hours
3	Principled Policing in the Community	26 hours	PC 832		Interpersonal Communication 6.3	12 hours
					Police & the Community 6.5	4 hours
					Cultural Awareness 6.1	8 hours
4	Victimology/Crisis Intervention	6 hours			LE Services/Criminal Justice Systems 1.1	4 hours
					Victimology 6.2	3 hours
5	Introduction to Criminal Law	4 hours	PC 832		Intro to Criminal Law 2.1	4 hours
6	Property Crimes	6 hours			Investigation of Specific Crimes 5.9	10 hours
7	Crimes Against Persons/Death Investigation	6 hours	PC 13519.3, PC 13515	**SIDS, Elder/Dependent abuse**	Substantive Criminal Law 2.11 (has **elder abuse**)	13 hours
					Interpersonal Communication 6.3	4 hours
					Death Investigation (has **SIDS**) 5.7	4 hours
8	General Criminal Statutes	2 hours			Substantive Criminal Law 2.11	23.25 hours
9	Crimes Against Children	4 hours	PC 13517	**Child Abuse or Neglect**	Substantive Criminal Law 2.11 (has **Child neglect and abuse**)	5.5 hours
					Sex Crimes Investigations 5.6	4 hours
					Investigation of Specific Crime 5.9	10 hours
10	Sex Crimes	4 hours	PC 13516	**SA Investigative Procedures**	Substantive Criminal Law 2.11	3.5 hours
					Interpersonal Communications 6.3	12 hours
					Sex Crimes Investigations 5.6 (has **SA Investigative procedure**)	4 hours
11	Juvenile Law and Procedure	3 hours			Interviewing and Questioning 5.4	12 hours
					Juvenile Law & Procedure 2.8	4 hours
12	Controlled Substances	12 hours	PC 13519.5	**Drug Law Enforcement**	Substantive Criminal Law 2.11	1.5 hours
					Narcotics & Dangerous Drugs 5.10 (has **Drug LE**)	8 hours
13	ABC Law	2 hours			Substantive Criminal Law 2.11	1 hour
						Short 1 hour
14	Officer Wellness	8 hours			Stress Management 1.6	8 hours
15	Laws of Arrest	12 hours			Laws of Arrest 2.2	15 Hours
					Traffic Citations 4.2	5 hours
16	Search and Seizure	12 hours	PC 832		Search and Seizure 2.3	18 Hours
					Traffic Citations 4.2	5 hours
17	Presentation of Evidence	6 hours	PC 872(b), PC 832	**Hearsay Testimony**	Search and Seizure 2.3	6 hours
					Rules of Evidence 2.4 (has **hearsay testimony**)	6 hours

Leg Mandate
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18	Investigative Report Writing	48 hours	PC 832		Report Writing 7.1	24 hours
						Short 24 hours
19	Vehicle Operations	40 hours	PC 13519.8	**High Speed Vehicle Pursuits**	Tactical Driving 8.6 (has **high speed response**)	40 hours
20	Use of Force/Deescalation	16 hours	PC 13519.10, PC 832	**Use of Force**	Laws of Arrest 2.2 (has **UOF**)	15 hours
					Off Duty Officer Safety & Responsibilities 3.2	2 hours
21	Patrol Techniques	12 hours			Communication & Police Information Systems 3.9	3 hours
					Patrol & Observation 3.1	12 hours
22	Vehicle Pullovers	14 hours			Traffic Citations 4.2	5 hours
					Patrol & Observation 3.1	12 hours
23	Crimes in Progress	20 hours			Crimes in Progress 3.5	14 hours
24	Handling Disputes/Crowd Control	8 hours	PC 13514.5	**Civil Disobedience**	Crowd Control Formations & Tactics 3.6 (has **riots** and **non-hostile crowds**)	4 hours
					Civil Process & Civil Disputes 2.6	3 hours
25	Domestic Violence	10 hours	PC 13519.41, PC 13519	**DV Complaints**	Domestic Violence 3.3 (meets PC **13519**)	12 hours
26	Critical Incidents	8 hours	GC 8607, HSC 1797.187	**ICS 100, IS 700, SEMS, Carcinogenic materials**	Hazardous Materials 3.10 (has **ICS**)	4 hours
					Fires 3.12	1 hour
					Bomb Threats & Disaster Training 3.7 (has **toxic industrial chemicals, etc.**)	4 hours
					no **IS 700**, no **SEMS**	**missing topics**
27	Missing Persons	4 hours	PC 13519.1	**Missing Persons**	Investigation of Specific Crimes 5.9 (has **missing persons**)	10 hours
28	Traffic Enforcement	16 hours			Impaired Persons 4.1	12 hours
					Traffic Citations 4.2	5 hours
					Traffic Direction 4.5	4 hours
					Substantive Traffic Law Title 28 4.6	15 hours
29	Traffic Collision Investigations	12 hours	VC 40600	**Traffic Accident Investigation, Notice to Appear**	Traffic Collision Investigations 4.3 & 4.4 (has **TA Investigation**)	20 hours
					Laws of Arrest 2.2 (has **notice to appear**)	15 hours
30	Crime Scenes, Evidence, and Forensics	12 hours	PC 13516	**SA Investigative Procedures**	Prelim Investigations & Crime Scene Management 5.1	4 hours
					Crime Scene Investigation 5.2	4 hours
					Physical Evidence Procedures 5.3	6 hours
					Sex Crimes Investigations 5.6 (has **SA Investigative procedure**)	4 hours
31	Custody	2 hours			Interviewing & Questioning 5.4	12 hours

Leg Mandate
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32	Lifetime Fitness	44 hours			Physical Conditioning 8.3	20 hours
						Short 24 hours
33	Arrest and Control	60 hours	PC 832		Defensive Tactics 8.5	60.5 hours
34	First Aid, CPR, and AED	21 hours	CCR Title 8, Section 5193; PC 13518; HSC 1797.183	**21 hours; Bloodborne pathogens, First Aid, CPR, AED**	First Aid 8.1 (**all CA Mandates Covered**)	24 hours
35	Firearms/Chemical Agents	72 hours	PC 33220(b), PC 832	**Shotgun; 24 Hours of Handgun**	Firearms 8.2	70 hours
					No **Shotgun**.	**Short Shotgun**
36	Information Systems	2 hours			Prelim Investigations & Crime Scene Management 5.1	4 hours
37	People with Disabilities	15 hours	PC 13515.26, PC 13519.2	**15 hours; Persons with Mental Illness, Intellectual Disability, Substance Use Disorder, or Developmental Disabilities**	Interpersonal Communcation 6.3	12 hours
					Behavioral Health Crisis Response 3.4 (has **mental illness**)	8 hours
					missing **substance use disorders**, **developmental disability**, **intellectual disability**	**Short topics**
38	Gang Awareness	2 hours	PC 13519.5	**Gang Law Enforcement**	Organized Crime Activity 5.8 (has **Gang LE**)	8 hours
39	Crimes Against the Justice System	4 hours	PC 832		Ethics & Professionalism/Sup and Management 1.5	6 hours
					Substantive Criminal Law 2.11	0.5 hours
40	Weapons Violations	4 hours			Substantive Criminal Law 2.11	2 hours
						Short 2 hours
42	Cultural Diversity/Discrimination	16 hours	PC 13519.6, PC 13519.7, PC 13519.41, PC 13519.4, PC 832	**Hate Crimes, Sexual Harassment, Sexual Orientation, Gender Minority groups; Racial/Cultural Diversity, Racial Profiling**	Bias-Motivated Crimes 3.11 (has **hate crimes** and **gender bias**)	2 hours
					Defensive Tactics 8.5 (has **implicit/explicit bias**)	60.5 hours
					Cultural Awareness 6.1 (**has minority groups** & **cultural diversity)**	8 hours
					No **sexual harassment**; Very little **racial profiling**	**Short topics**
43	Terrorism Awareness	4 hours				Short 4 hours
44	Active Shooter	16 hours			Active Assailant Response 8.7	20 hours
	Total Minimum Required Hours	680 hours			672.25 hours	

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Note
Highlights were made if the hours were 50% or less of what CA POST requires, or if there were Leg. Mandates missing/un-findable

Learning Domain	Domain Description	Minimum Hours	CA Mandates		WA (Course Outcome Summaries or Learning Plans)	WA Hours
1	Leadership, Professionalism & Ethics	9 hours	PC 832		Ethics	7 hours
					Legal Authority: Duty to Intervene	3 hours
2	Criminal Justice System	2 hours	PC 832		Legal Authority: Criminal Procedures	6 hours
3	Principled Policing in the Community	26 hours	PC 832		Legal Authority: Criminal Investigations	30 hours
4	Victimology/Crisis Intervention	6 hours			Legal Authority: Criminal Investigations	30 hours
5	Introduction to Criminal Law	4 hours	PC 832		Legal Authority: Criminal Law	32 hours
6	Property Crimes	6 hours			Legal Authority: Criminal Law	4 hours
7	Crimes Against Persons/Death Investigation	6 hours	PC 13519.3, PC 13515	**SIDS, Elder/Dependent abuse**	Legal Authority: Criminal Investigations (has **SIDS** & **elder abuse**)	8 hours
8	General Criminal Statutes	2 hours			Legal Authority: Criminal Law	32 hours
9	Crimes Against Children	4 hours	PC 13517	**Child Abuse or Neglect**	Legal Authority: Criminal Investigations (has **Child Abuse**)	4 hours
					Legal Authority: Criminal Law	32 hours
10	Sex Crimes	4 hours	PC 13516	**SA Investigative Procedures**	Legal Authority: Criminal Investigations (has **trauma informed sexual assault investigations and interviews**)	4 hours
11	Juvenile Law and Procedure	3 hours			Legal Authority: Criminal Investigations	30 hours
					Patrol Procedure Basic: Phase C	60 hours
12	Controlled Substances	12 hours	PC 13519.5	**Drug Law Enforcement**	Patrol Procedure Basic (has **Drug LE**)	332 hours
13	ABC Law	2 hours			Traffic	34 hours
14	Officer Wellness	8 hours			Officer Wellness	64 hours
15	Laws of Arrest	12 hours			Legal Authority: Criminal Law	32 hours
16	Search and Seizure	12 hours	PC 832		Legal Authority: Criminal Investigations	2 hours
					Legal Authority: Criminal Procedures	6 hours
17	Presentation of Evidence	6 hours	PC 872(b), PC 832	**Hearsay Testimony**	Legal Authority: Criminal Investigations	2 hours
					Legal Authority: Criminal Procedures (has **hearsay**)	6 hours
18	Investigative Report Writing	48 hours	PC 832		Legal Authority: Criminal Investigations	30 hours
19	Vehicle Operations	40 hours	PC 13519.8	**High Speed Vehicle Pursuits**	EVOC Basic (has **high speed pursuit**)	40 hours
20	Use of Force/Deescalation	16 hours	PC 13519.10, PC 832	**Use of Force**	Control Defensive Tactics (has **use of force**)	104 hours
21	Patrol Techniques	12 hours			Patrol Procedure Basic	332 hours
22	Vehicle Pullovers	14 hours			Patrol Procedure Basic	332 hours
23	Crimes in Progress	20 hours			Patrol Procedure Basic	332 hours
24	Handling Disputes/Crowd Control	8 hours	PC 13514.5	**Civil Disobedience**	Patrol Procedure Basic	332 hours
					missing **civil disobedience**	**Short topic**

Leg Mandate
PC 832 Mandate
LD has both a Leg Mandate and is required in PC 832

25	Domestic Violence	10 hours	PC 13519.41, PC 13519	**DV Complaints**	Legal Authority: Criminal Investigations (has **DV Complaints/Reports**)	4 hours
					Legal Authority: Criminal Law	32 hours
26	Critical Incidents	8 hours	GC 8607, HSC 1797.187	**ICS 100, IS 700, SEMS, Carcinogenic materials**	Patrol Procedure Basic	332 hours
					missing **ICS 100**, **IS 700**, **SEMS**, and **carcinogenic material**	**Short topics**
27	Missing Persons	4 hours	PC 13519.1	**Missing Persons**	Legal Authority: Criminal Investigations (has **missing persons**)	1 hour
						3 hours short
28	Traffic Enforcement	16 hours			Traffic	34 hours
29	Traffic Collision Investigations	12 hours	VC 40600	**Traffic Accident Investigation, Notice to Appear**	Traffic (has **crash investigations** & **traffic citations/notice of infractions**)	34 hours
30	Crime Scenes, Evidence, and Forensics	12 hours	PC 13516	**SA Investigative Procedures**	Legal Authority: Criminal Investigations (has **trauma informed sexual assault investigations and interviews**)	30 hours
31	Custody	2 hours			Patrol Procedure Basic	332 hours
32	Lifetime Fitness	44 hours			Officer Wellness	64 hours
33	Arrest and Control	60 hours	PC 832		Control Defensive Tactics	104 hours
34	First Aid, CPR, and AED	21 hours	CCR Title 8, Section 5193; PC 13518; HSC 1797.183	**21 hours; Bloodborne pathogens, First Aid, CPR, AED**	Patrol Procedure Basic (has **bloodborne pathogens**, **first aid**)	6 hours
					missing **CPR**, missing **AED**, **not 21 hours**	**15 hours short; short topics**
35	Firearms/Chemical Agents	72 hours	PC 33220(b), PC 832	**Shotgun; 24 Hours of Handgun**	Firearms (has 80 hours of **handgun**)	80 hours
					missing **shotgun**	**Short shotgun**
36	Information Systems	2 hours			Legal Authority: Criminal Investigations	30 hours
					Patrol Procedure Basic	332 hours
37	People with Disabilities	15 hours	PC 13515.26, PC 13519.2	**15 hours; Persons with Mental Illness, Intellectual Disability, Substance Use Disorder, or Developmental Disabilities**	Legal Authority: Criminal Investigations (**mental illness)**	30 hours
					Communication (**disabilities**, **chemical dependency**)	8 hours
38	Gang Awareness	2 hours	PC 13519.5	**Gang Law Enforcement**	missing **Gang LE**	2 hours short; short **topic**
39	Crimes Against the Justice System	4 hours	PC 832		Legal Authority: Criminal Investigations	30 hours
40	Weapons Violations	4 hours			Legal Authority: Criminal Law	32 hours

Leg Mandate
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42	Cultural Diversity/Discrimination	16 hours	PC 13519.6, PC 13519.7, PC 13519.41, PC 13519.4, PC 832	**Hate Crimes, Sexual Harassment, Sexual Orientation, Gender Minority groups; Racial/Cultural Diversity, Racial Profiling**	Legal Authority: Criminal Investigations (has **Hate Crimes**, **refugee communities**, **minority groups**, **LGBTQ+, racial profiling)**	30 hours
					Communication (**gender nonconforming groups**)	47 hours
					Ethics (has **sexual harassment, gender expression, sexual orientation**)	7 hours
43	Terrorism Awareness	4 hours				4 hours short
44	Active Shooter	16 hours				16 hours short
	Total Minimum Required Hours	680 hours			720 hours	

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Note
Highlights were made if the hours were 50% or less of what CA POST requires, or if there were Leg. Mandates missing/un-findable

NEVADA POST 2025

Learning Domain	Domain Description	Minimum Hours	CA Mandates		NV (Instructional Subject)	NV Hours
1	Leadership, Professionalism & Ethics	9 hours	PC 832		Ethics in Law Enforcement	2 hours
						Short 7 hours
2	Criminal Justice System	2 hours	PC 832		Systems of Criminal Justice	2 hours
					Constitutional Law	4 hours
3	Principled Policing in the Community	26 hours	PC 832		History & Principles of Law Enforcement	2 hours
					Basic Patrol Procedures	44 hours
					Community Policing	4 hours
4	Victimology/Crisis Intervention	6 hours			Rights of Victims	2 hours
					Techniques of Interviewing and Interrogation	8 hours
					Crisis Intervention	6 hours
5	Introduction to Criminal Law	4 hours	PC 832		Civil Liability	2 hours
					Systems of Criminal Justice	2 hours
					Crimes Against Property	5 hours
					Child Abuse and Sexual Abuse of a Child	4 hours
					DV, Stalking and Agg. Stalking	36 hours
					Misc. Crimes, and more...	2 hours
6	Property Crimes	6 hours			Crimes Against Property	5 hours
7	Crimes Against Persons/Death Investigation	6 hours	PC 13519.3, PC 13515	**SIDS, Elder/Dependent abuse**	Abuse of Older Persons (**Elder Abuse**)	6 hours
					Laws Governing Coroners (has **SIDS**)	3 hours
					Crimes Against Persons	4 hours
8	General Criminal Statutes	2 hours			Child Abuse and Sexual Abuse of a Child	4 hours
					Misc. Crimes	2 hours
9	Crimes Against Children	4 hours	PC 13517	**Child Abuse or Neglect**	**Child Abuse** and Sexual Abuse of a Child	4 hours
10	Sex Crimes	4 hours	PC 13516	**SA Investigative Procedures**	Child Abuse and Sexual Abuse of a Child	4 hours
					Crimes Against Persons (has **SA Investigative Procedures**)	4 hours
					DV, Stalking and Agg. Stalking	36 hours
					Misc. Crimes	2 hours
11	Juvenile Law and Procedure	3 hours			Juvenile Law	2 hours
12	Controlled Substances	12 hours	PC 13519.5	**Drug Law Enforcement**	Laws Relating to Drugs/Current Trends in Drugs (has **Drug LE**)	6 hours
						Short 6 hours
13	ABC Law	2 hours			Juvenile Law	2 hours

Leg Mandate
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14	Officer Wellness	8 hours			Lifetime Fitness	2 hours
					Realities of LE	2 hours
						Short 4 hours
15	Laws of Arrest	12 hours			Probable Cause	9.5 hours
					Constitutional Law	4 hours
					Search and Seizure	10.5 hours
					Laws Relating to Arrest	4 hours
16	Search and Seizure	12 hours	PC 832		Search and Seizure	10.5 hours
17	Presentation of Evidence	6 hours	PC 872(b), PC 832	**Hearsay Testimony**	Courtroom Demeanor	5 hours
					Missing **hearsay**	**Missing topic**
18	Investigative Report Writing	48 hours	PC 832		Writing of Reports	5 hours
					Techniques of Interviewing and Interrogation	8 hours
						Short 35 hours
19	Vehicle Operations	40 hours	PC 13519.8	**High Speed Vehicle Pursuits**	Operation of Emergency Vehicles (has **high speed vehicle control)**	50 hours
					Basic Patrol Procedures	44 hours
20	Use of Force/Deescalation	16 hours	PC 13519.10, PC 832	**Use of Force**	**Use of Force**	4 hours
					Tactics for Arrest & Control Suspects/Methods for Arrest and the Use of Less Lethal Weapons	73 hours
21	Patrol Techniques	12 hours			Basic Patrol Procedures	44 hours
22	Vehicle Pullovers	14 hours			Unknown-risk and High-risk Vehicle Stops	35 hours
23	Crimes in Progress	20 hours			Searching of Buildings	17 hours
					Training Concerning Active Assailants	20 hours
					Survival of Peace Officers	3 hours
24	Handling Disputes/Crowd Control	8 hours	PC 13514.5	**Civil Disobedience**	NONE (missing **Civil Disobedience**)	Short 8 hours; **Missing topic**
25	Domestic Violence	10 hours	PC 13519.41, PC 13519	**DV Complaints**	Rights of Victims	2 hours
					DV, Stalking and Agg. Stalking (has **DV Complaints**)	36 hours
26	Critical Incidents	8 hours	GC 8607, HSC 1797.187	**ICS 100, IS 700, SEMS, Carcinogenic materials**	Counter-terrorism and WMD (**has biological incident, radiological incident**)	3 hours
					Missing **ICS 100, IS 700 and SEMS**	**Missing Topics;** short 5 hours

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27	Missing Persons	4 hours	PC 13519.1	**Missing Persons**	NCIC	2 hours
					missing **Missing Persons**	**missing topic;** short 2 hours
28	Traffic Enforcement	16 hours			Traffic Laws	9 hours
29	Traffic Collision Investigations	12 hours	VC 40600	**Traffic Accident Investigation, Notice to Appear**	Crash Investigations (has **TA Investigations** and **notice to appear**)	17 hours
30	Crime Scenes, Evidence, and Forensics	12 hours	PC 13516	**SA Investigative Procedures**	Investigation of Crime Scenes, Collection and Preservation of Evidence, and Fingerprinting (**SA Investigative Procedures**)	9 hours
31	Custody	2 hours			Laws Related to Correctional Institutions	2 hours
					Care of Persons In Custody	2 hours
32	Lifetime Fitness	44 hours			Lifetime Fitness	2 hours
					Physical Training and Testing	9 hours
					Physical Conditioning	54 hours
33	Arrest and Control	60 hours	PC 832		Tactics for Arrest & Control Suspects/Methods for Arrest and the Use of Less Lethal Weapons	73 hours
34	First Aid, CPR, and AED	21 hours	CCR Title 8, Section 5193; PC 13518; HSC 1797.183	**21 hours; Bloodborne pathogens, First Aid, CPR, AED**	Provision of Emergency First Aid/CPR (has **CPR, AED, First Aid**)	9 hours
					no **Bloodborne Pathogens**	**missing topic; short 12 hours**
35	Firearms/Chemical Agents	72 hours	PC 33220(b), PC 832	**Shotgun; 24 Hours of Handgun**	Training in the Use of Firearms (**handgun**)	85 hours
					No **Shotgun**	**Short Shotgun**
36	Information Systems	2 hours			NCIC	2 hours
37	People with Disabilities	15 hours	PC 13515.26, PC 13519.2	**15 hours; Persons with Mental Illness, Intellectual Disability, Substance Use Disorder, or Developmental Disabilities**	Handling Persons with Mental Illness (has **Mental Illness** and **Developmental Disabilities**)	2 hours
					Crisis Intervention	6 hours
					Missing **Intellectual Disability** and **Substance Use Disorder**	**Missing Topics; Short 7 hours**
38	Gang Awareness	2 hours	PC 13519.5	**Gang Law Enforcement**	Gangs and Cults	4 hours
					Missing **Gang LE**	**Missing topic**
39	Crimes Against the Justice System	4 hours	PC 832		Misc. Crimes	2 hours
						short 2 hours
40	Weapons Violations	4 hours			Misc. Crimes	2 hours
						short 2 hours

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42	Cultural Diversity/Discrimination	16 hours	PC 13519.6, PC 13519.7, PC 13519.41, PC 13519.4, PC 832	**Hate Crimes, Sexual Harassment, Sexual Orientation, Gender Minority groups; Racial/Cultural Diversity, Racial Profiling**	Cultural Awareness (Has **cultural diversity**)	2 hours
					Missing **Hate Crimes, Sexual Harassment, Sexual Orientation, Gender Minority groups; Racial Diversity, Racial Profiling**	**Short topics;** short 14 hours
43	Terrorism Awareness	4 hours			Counter-terrorism and WMD	3 hours
44	Active Shooter	16 hours			Training Concerning Active Assailants	20 hours
	Total Minimum Required Hours	680 hours			724 hours	

Leg Mandate
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Note
Highlights were made if the hours were 50% or less of what CA POST requires, or if there were Leg. Mandates missing/un-findable

AGENDA ITEM REPORT

Title: REPORT ON THE STATUS OF THE PC 832 FIREARMS PILOT - AGENCY SURVEY

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/07/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This report is provided for information only to provide the data collected from the survey. No action is required.

BACKGROUND: At the September Commission meeting, POST staff was asked to conduct a survey to determine how many agencies who employ limited peace officers would be affected by the changes to the PC 832 Firearms Course.

ANALYSIS:

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

AGENDA ITEM REPORT

Title: REPORT ON TRIBAL POLICE PILOT PROGRAM (AB 134)

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Legal Affairs Bureau	
RESEARCHED BY Bryant Henley	**REVIEWED BY** Manuel Alvarez, Jr.	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Governor Newsom signed Assembly Bill 134 into law on June 27, 2025. This new law establishes the Tribal Police Pilot Program (TPPP), and directs POST to implement and support the program in coordination with the Department of Justice.

BACKGROUND:

Approximately 109 federally recognized Native American Tribes are located in California. As sovereign nations, Tribes have the power to create their own laws and establish rules of governance in a manner that coexists with local, state and federal governments. This interplay between local, state, federal and Tribal governmental jurisdiction affects the extent to which a Tribal law enforcement officer may serve as a peace officer in California. Prior to the TPPP, the most common scenario where a Tribal law enforcement officer could lawfully exercise peace officer powers in California occurred when the officer was deputized by a County Sheriff pursuant to Penal Code sections 830.6 and 832.6. Tribal governments often run into challenges, however, when investigating and enforcing the law vis-a-vis non-Tribal residents who engage in potentially unlawful activity while on Tribal lands.

Assemblymember Ramos authored the TPPP to expand Tribal law enforcement authority for select officers who were properly trained and hired in accordance with California's more stringent peace officer requirements. Under the TPPP, the Department of Justice, in coordination with POST, must select three Tribal governments to participate in the TPPP.

In exchange for the authority to exercise peace officer powers

in California, the Tribes selected for participation in the TPPP must agree to surrender certain sovereign powers, and must agree to comply with certain California laws. Examples of such requirements include the Tribe's clear and unequivocal waiver of tribal sovereign immunity from any lawsuit arising out of the Tribe's participation in the TPPP, an agreement to provide public access to records in a manner substantively identical to California's Public Records Act, and a requirement that the selected Tribe must document each participating tribal officer's compliance with the appointment, training, education, hiring, eligibility and certification requirements applicable to California peace officers.

Among other requirements, any tribal law enforcement officer who seeks to obtain peace officer powers in California through the TPPP must obtain POST's Basic Certification and are subject to the reporting, investigation and decertification requirements established by Senate Bill 2.

ANALYSIS:

POST staff meet regularly with, and participate in a working group comprised of California Department of Justice personnel, including personnel from DOJ's Office of Native American Affairs, DOJ's Native American and Tribal Affairs unit and other DOJ subject matter experts. The purpose of these meetings is to work in close coordination with our DOJ partners to ensure proper monitoring, evaluation and support for the TPPP.

POST and DOJ invited all 109 Tribes to participate in "listening sessions" to learn more about the TPPP and to invite qualified Tribes to submit applications for selection to serve as one of the three Tribes that will participate in the program. These listening sessions were scheduled for November 18 and December 5. 2025. POST currently estimates that DOJ, in coordination with POST, will select up to three Tribes for participation before the end of January of 2026, and that the implementation process for the TPPP will begin on July 1, 2026.

RECOMMENDATION:

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

ATTACHMENT(S):

Tribal_Police_Pilot_Program_Excerpts_from_AB_134.pdf

Tribal Police Pilot Program: Excerpts from Assembly Bill No. 134

SEC. 2.

Section 830.83 is added to the Penal Code, immediately following Section 830.8, to read:

830.83. (a) Commencing on July 1, 2026, until July 1, 2029, a chief of police appointed by a qualified entity enrolled in the pilot program established by Section 11073 and meeting the requirements of a qualified member, or a police officer, public safety officer, or investigator employed in that capacity by a qualified entity enrolled in the pilot program established by Section 11073 and meeting the requirements of a qualified member, is a peace officer. As used in this section, “qualified entity” and “qualified member” have the meanings set forth in Section 11073.

(b) The authority of a peace officer designated pursuant to this section extends to any place within the territorial boundaries of the Indian country of the employing tribe, in accordance with and subject to any limitations of Public Law 280 (18 U.S.C. Sec. 1162). The authority of a peace officer designated pursuant to this section may also extend to any place in the state, under any of the following circumstances:

(1) At the request of a state or local law enforcement agency.

(2) Under exigent circumstances involving an immediate danger to persons or property, or the escape of a perpetrator.

(3) For the purpose of making an arrest consistent with Section 836, when a public offense has occurred, or there is probable cause to believe a public offense has occurred, within the Indian country of the tribe that employs the peace officer, and with the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by that chief, director, or officer to give consent, if the place is within a city, or of the sheriff, or person authorized by the sheriff to give consent, if the place is within an unincorporated area of a county.

(4) Notwithstanding paragraph (3), when the peace officer is in hot pursuit or close pursuit of an individual that the officer has reasonable suspicion has violated or attempted to violate state law and the violation occurred within the Indian country of the tribe that employs the peace officer.

(5) When delivering an apprehended person to the custody of a law enforcement authority or magistrate in the city or county in which the offense occurred.

(c) This section shall become operative only upon an appropriation of funds by the Legislature for the purposes of this section.

(d) This section shall remain in effect only until July 1, 2032, and as of that date is repealed.

SEC. 3.

Section 832.55 is added to the Penal Code, immediately following Section 832.5, to read:

832.55.

(a) Notwithstanding subdivision (a) of Section 13510.1, peace officers described in Section 830.83 shall be subject to the applicable requirements of, the certification program for peace officers described in Section 13510.1.

(b) (1) Every peace officer described in Section 830.83 shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training upon completion of a 12-month probationary period, but in no case later than 24 months after their employment, in order to continue to exercise the powers of a peace officer after the expiration of the 24-month period.

(2) If the probationary period established by the employing agency is 24 months, a peace officer described in this subdivision may continue to exercise the powers of a peace officer for an additional 3-month period to allow for the processing of the certification application.

(c) Each police chief, or any other person in charge of a qualified entity, as defined in Section 11073, as a condition of continued authority as a peace officer, shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training within two years of appointment.

(d) Subdivisions (b) and (c) shall not apply to a police officer, public safety officer, or investigator described in Section 830.83 who currently possesses a valid and active basic certificate.

(e) This section shall become operative only upon an appropriation of funds by the Legislature for the purposes of this section.

(f) This section shall remain in effect only until January 1, 2032, and as of that date is repealed.

SEC. 21.

Article 2.45 (commencing with Section 11073) is added to Chapter 1 of Title 1 of Part 4 of the Penal Code, to read:

Article 2.45. Tribal Police Pilot Program

11073.

(a) The Tribal Police Pilot Program is hereby established to operate from July 1, 2026, until July 1, 2029, under the direction of the Department of Justice and the Commission on Peace Officer Standards and Training.

(b) Notwithstanding any contrary provision of law, any qualified entity may notify the department that they wish to enroll in the pilot program and, upon verification by the department, in coordination with the commission, that the entity has complied with the requirements prescribed in subdivision (d), any qualified member of that entity shall be deemed a peace officer as provided in Section 830.83.

(c) (1) A person shall not be a qualified member unless the person completes and maintains all applicable requirements for the appointment, training, education, hiring, eligibility, and certification required for peace officers under state law, including, without limitation, those described in Sections 832 and 832.55 and any regulations adopted thereunder.

(2) A qualified member is subject to the requirements of Sections 13500 to 13519.15, inclusive, of this code, Sections 1029, 1030, 1031, and 1031.4 of the Government Code, and any regulations adopted thereto.

(3) A qualified entity designating a person as a peace officer pursuant to this program shall document that person's compliance with this subdivision and Section 832.55 and submit that documentation to the Commission on Peace Officer Standards and Training.

(d) A qualified entity enrolled in this pilot program shall do all of the following:

(1) Enact and maintain in continuous force a tribal law or resolution expressing their intent that tribal officers participating in this pilot program be California peace officers, and that the qualified entity be similarly situated to a California local law enforcement agency employing California peace officers, and adopting any requirements prescribed by this section and Sections 830.83 and 832.55.

(2) Adopt and maintain in continuous force for a period of no less than three years after the conclusion of the pilot program, tribal law that provides public access to records, and related procedures and remedies substantively identical to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) as to any record related to this pilot program. Such records include, without limitation, any record related to conduct specified in Section 832.7 by a person designated as a peace officer pursuant to this program, including any administrative record of the tribe specifically related to such conduct.

(3) Adopt and maintain in continuous force tribal law that provides procedures and remedies substantively identical to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) for any claim arising from any actions or omissions of a tribal police officer acting as a California peace officer pursuant to this program.

(4) Adopt and maintain in continuous force for no less than three years after the conclusion of the pilot program, tribal law that contains all of the following:

(A) A clear and unequivocal limited waiver of tribal sovereign immunity against any suit, liability, and judgment, including the full enforcement of judgments and collections for a peace officer designated pursuant to this program, in connection with any act or omission arising out of the qualified entity's participation in this pilot program, including, but not limited to, any act or omission by a tribal law enforcement officer exercising, or purporting to exercise, the authority granted by Section 830.83.

(B) An express agreement that the substantive and procedural laws of the State of California or of the United States, as applicable to California peace officers and their employers, shall govern any claim, suit, or regulatory or administrative action, and that the obligations, rights, and remedies shall be determined in accordance with those laws, and by the courts of the State of California or of the federal government, as applicable. This clause does not limit the jurisdiction of the court of a tribe, but the qualified entity shall clearly and unequivocally waive any right to require the exhaustion of remedies in a tribal court in connection with this pilot program.

(C) An express acknowledgment of the Attorney General's inherent authority over the peace officers and law enforcement agencies of the state pursuant to Section 13 of Article V of the California Constitution and a grant of authority over tribal law enforcement agencies to the Attorney General for the duration of the pilot program or later if there is an ongoing inspection, audit, review, or investigation.

(D) An express agreement that the qualified entity and its officers, employees, and other agents shall cooperate with any inspections, audits, and investigations by the Department of Justice or the Commission on Peace Officer Standards and Training in connection with the qualified entity's participation in this pilot program, including any sanction or discipline imposed by the department or commission, up to and including removal of the qualified entity from the pilot program described in this section. This section shall not limit the Attorney General's authority pursuant to Section 52.3 of the Civil Code and Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code to investigate a tribal law enforcement agency participating in this pilot program or to prosecute any action resulting from their participation.

(E) (i) A requirement for the qualified entity to carry sufficient insurance coverage for the liability of the qualified entity and its officers, employees, and other agents arising out of the qualified entity's participation in this pilot program.

(ii) The department shall determine, in consultation with the qualified entity, the amount of coverage that is sufficient for the requirement in clause (i).

(5) Comply with all applicable provisions of Section 832.5 and Chapter 1 (commencing with Section 13500) of Title 4, including all applicable remedies.

(6) Submit all required documentation of compliance with this subdivision to the Commission on Peace Officer Standards and Training, in a manner and form prescribed by the commission.

(7) Submit any data, statistics, reports, or other information requested by the Department of Justice for the monitoring and evaluation of the pilot program to the department in a manner and form prescribed by the department.

(8) Comply with all applicable provisions of Sections 13012, 13020 to 13023, inclusive, 13730, 13777, and 13519.4 of this code, Sections 7284.6, 12525, 12525.2, and 12525.5 of the Government Code, and any implementing regulations thereof, and all applicable remedies.

(9) Comply with any investigation or review by the Attorney General required under Section 12525.3 of the Government Code.

(10) Adopt and maintain in continuous force a policy prohibiting law enforcement gangs as required by Section 13670.

(11) Adopt and maintain in continuous force an ordinance or other enforceable policy that complies with the requirements of Section 13650.

(e) A qualified entity enrolled in this pilot program may establish a domestic violence death review team as described in, and subject to the applicable provisions of, Sections 11163.3 to 11163.5, inclusive.

(f) When a peace officer authorized under this program issues a citation for a violation of state law, the citation shall require the person cited to appear in the superior court of the county in which the offense was committed, and shall be submitted to the district attorney of that county.

(g) Any criminal charge resulting from a custodial arrest made by, or citation issued by, a peace officer designated pursuant to this program, while exercising the authority granted by Section 830.83, shall be within the jurisdiction of the courts of the State of California.

(h) Any official action taken by a peace officer designated pursuant to this program, while exercising the authority granted by Section 830.83, including, without limitation, any detention, arrest, use of force, citation, release, search, or application for, or service of, any warrant, shall

be taken in accordance with all laws applicable to a California peace officer employed by a local law enforcement agency.

(i) The sovereign immunity of the state shall not extend to any act or omission arising out of the qualified entity's participation in this pilot program, including, without limitation, any act or omission by a tribal law enforcement officer exercising, or purporting to exercise, any authority as a California peace officer. It is the intent of the Legislature that such tribal law enforcement officers be similarly situated to California peace officers employed by local law enforcement agencies.

(j) The peace officer authority granted to any person pursuant to this program shall be automatically revoked on July 1, 2029.

(k) (1) The Attorney General, in coordination with the Commission on Peace Officer Standards and Training, shall provide ongoing monitoring, evaluation, and support for the pilot program. This subdivision does not require the Attorney General or the commission to provide legal representation, advice, or counsel to any program participant.

(2) A qualified entity may terminate their participation in the pilot program at will, however, the requirements of paragraphs (2), (3), and (4) of subdivision (d) shall remain in effect.

(3) The Department of Justice, in coordination with the Commission on Peace Officer Standards and Training, may suspend or terminate a qualified entity's participation in the program for gross misconduct or for willful or persistent failure to comply with the requirements of this article.

(4) (A) (i) By no later than July 1, 2028, the department shall prepare and submit an interim report to the Legislature, the Assembly Select Committee on Native American Affairs, and the Assembly and Senate Public Safety Committees.

(ii) By no later than January 1, 2030, the department shall prepare and submit a final report to the Legislature, the Assembly Select Committee on Native American Affairs, and the Assembly and Senate Public Safety Committees.

(B) The reports required by this section shall include, without limitation, the impacts of the pilot program on case clearance rates, including, without limitation, homicide and missing persons cases, the impact of the pilot program on crime rates on Indian lands and surrounding communities, the impact of the pilot program on recruitment and retention of tribal police, a discussion of feasibility and implementation difficulties, and recommendations to the Legislature.

(C) The reports required by this paragraph shall be submitted in compliance with Section 9795 of the Government Code.

(l) The Tribal Police Pilot Fund is hereby created in the State Treasury. All moneys in the fund, upon appropriation by the Legislature, shall be used to assist Tribal Police Pilot Program participants with fiscal needs associated with the development of information technology, such as the establishment of databases and recordkeeping, necessary for the purposes of complying with any state-mandated reporting required of California law enforcement agencies and employers of peace officers.

(m) This section shall be construed to empower Indian tribes and tribal law enforcement officers to exercise powers conferred by the laws of the State of California in a manner consistent with those laws. Such powers are in addition to a tribe's inherent powers of self-government. This section shall not be construed to infringe upon the sovereignty of any Indian tribe nor their inherent authority to self-govern, including the authority to enact laws that govern their lands.

(n) Participating tribes may enter into an agreement to share liability and collaborate on Missing and Murdered Indigenous Persons cases.

(o) As used in this section, the following terms are defined as follows:

(1) “Department” means the Department of Justice or any subdivision thereof to whom the Attorney General has delegated responsibility for the provisions of this section.

(2) “Indian country” has the same meaning as provided in Section 1151 of Title 18 of the United States Code.

(3) “Qualified entity” means any of the three federally recognized tribes to be selected by the department, provided that those tribes elect to participate. In selecting the tribes, the department shall consider selecting tribes of different sizes from different parts of the state, as well as a tribe’s access to public safety resources.

(4) “Qualified member” means a chief of police who is appointed by, or a person who is regularly employed as a law enforcement, police, or public safety officer or investigator by, a qualified entity, and who meets all of the requirements and qualifications in subdivision (c), and who has been designated by the qualified entity to be a peace officer pursuant to this program.

11073.5.

This article shall remain in effect only until January 1, 2032, and as of that date is repealed.

11073.6.

This article shall become operative only upon an appropriation of funds by the Legislature for the purposes of this article.

AGENDA ITEM REPORT

Title: REPORT ON STATUS UPDATE REGARDING PROPOSED CHANGES TO COMMISSION REGULATION 1005

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Legal Affairs Bureau	
RESEARCHED BY William "Toby" Darden		**REVIEWED BY**
REPORT DATE 11/12/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission amend Commission Regulation 1005 to modify training requirements for certain peace officers?

BACKGROUND:

The Commission on several occasions has considered whether the foundational training requirements in Commission Regulation 1005 should be updated to provide more specificity for certain peace officer classifications in California. During the Commission's last discussion of the item on September 9, 2025, the Commission requested that the proposed draft amendments presented to the Commission on that date be forwarded to certain interested stakeholder groups for comment, and to then be put out for public comment. Letters were sent out to those stakeholder groups on October 8, 2025.

ANALYSIS:

Identified stakeholders were given a copy of the proposed regulatory amendments to the foundational training requirements and comment was requested from each. Specifically, letters were sent to the Peace Officers Research Association of California, the California Peace Officers Association, the California State Sheriff's Association, the California Police Chiefs Association and the California Statewide Law Enforcement Association.

The letters explained that the proposed regulatory changes applied to those peace officers who are, or who may become, subject to POST's regulatory jurisdiction or who choose to

voluntarily participate in the POST program, and who draw peace officer status from provisions of the Penal Code found in Chapter 4.5. It further explained that any written submissions and verbal feedback would be presented to the Commission at the December 3, 2025, meeting. Responses received to date are provided together with this report.

Staff presently expects to send the matter out for public comment in or around January 2026.

RECOMMENDATION: This report is presented for information and discussion only.

ATTACHMENT(S):

Proposed edits to Regulation 1005 _DRAFT.pdf
Reg1005_Proposal_10082025_CPCA.pdf
Reg1005_Proposal_10082025_CSSA.pdf
Reg1005_Proposal_10082025_CPOA.pdf
Reg1005_Proposal_10082025_PORAC.pdf
Reg1005_Proposal_10082025_CSLEA.pdf
PORAC's Comments to POST Reg. 1005.pdf

DRAFT: FOR DISCUSSION PURPOSES (NOT FILED WITH OAL)

PROPOSED CHANGES TO COMMISSION REGULATION 1005 (Cal. Code Regs. tit. 11, § 1005)

(Minimum Standards for Training).

11 CCR § 1005

§ 1005. Minimum Standards for Training. (Refer to Commission Regulation 1007 and Commission Procedure H for Reserve Peace Officer Training Standards).

(a) Minimum Entry-Level Training Standards (Required)

Peace officers are vested with extraordinary powers by virtue of their employment. For this reason, an officer should not be permitted to exercise peace officer powers unless they first successfully complete a course of training commensurate with the degree of authority they will be permitted to exercise by virtue of their appointment.

The standards set forth in this section establish the minimum required entry-level training standards for peace officers that are subject to POST regulations, including:

- Those peace officers enumerated in Penal Code section 13510.1;
- Peace officers employed by any POST-participating agency; and
- Peace officers required by law to either complete a course of training prescribed by POST or to obtain a Basic Certificate.

To the extent any other peace officer in the state is not subject to these regulations, the Commission considers the levels of training required herein to be consistent with best practices for sworn law enforcement officers in California, and encourages all agencies to subscribe to these baseline training standards in order to best protect the public, mitigate risk, and increase effectiveness of police responses to calls for service.

In particular, all law enforcement agencies should carefully consider whether to permit any law enforcement officer to carry a firearm that has not completed the Regular Basic Course (RBC) (or, in the case of investigators, the Specialized Investigative Basic Course). Officers that have not completed the RBC may not

engage in General Law Enforcement Duties (11 Cal. Code Regs § 1001(25)) or Uniformed Patrol Duties (See 11 Cal. Code Regs § 1001(75).) Moreover, pursuant to state law, any officer responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state must obtain a basic certificate as specified by statute, in order to continue to exercise peace officer powers. (Penal Code § 832.4.) In addition to the other requirements for issuance of a Basic Certificate as specified by these regulations, this requires completion of the RBC.

(1) Regular Basic Course Requirement: Unless otherwise specified by statute or by another provision of Commission regulations, the following categories of peace officers are required to complete the RBC before being assigned duties which include the exercise of peace officer powers:

(A) The following peace officers described in Penal Code section 830.1(a):

1. A sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county. (Penal Code § 830.1(a).)

2. A chief of police of a city or chief, director, or chief executive officer of a consolidated municipal public safety agency that performs police functions. (Penal Code § 830.1(a).)

3. A police officer, employed in that capacity and appointed by the chief of police or chief, director, or chief executive of a public safety agency, of a city. (Penal Code § 830.1(a).)

4. A chief of police, or police officer of a district, including police officers of the San Diego Unified Port District Harbor Police, authorized by statute to maintain a police department. (Penal Code § 830.1(a).)

5. A port warden or port police officer of the Harbor Department of the City of Los Angeles. (Penal Code § 830.1(a))

(B) The following peace officers described in Penal Code section 830.2:

1. Any member of the Department of the California Highway Patrol including those members designated under subdivision (a) of Section 2250.1 of the Vehicle Code, provided that the primary duty of the peace officer is the enforcement of any law relating to the use or operation of vehicles upon the highways, or laws pertaining to the provision of police services for the protection of state officers, state properties, and the occupants of state properties, or both, as set forth in the Vehicle Code and Government Code. (Penal Code § 830.2(a).)

2. A member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code. (Penal Code § 830.2(b).)

3. A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code. (Penal Code § 830.2(c).)

4. Employees of the Department of Fish and Game designated by the director, provided that the primary duty of those peace officers shall be the enforcement of the law as set forth in Section 856 of the Fish and Game Code. (Penal Code § 830.2(e).)

5. Employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the

peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code. (Penal Code § 830.2(f).)

6. The Director of Forestry and Fire Protection and employees or classes of employees of the Department of Forestry and Fire Protection designated by the director pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code. However, any such officer assigned solely to duties as an arson investigator may instead complete the Specialized Investigator's Basic Course. (Penal Code § 830.2(g).)

7. Marshals and police appointed by the Board of Directors of the California Exposition and State Fair pursuant to Section 3332 of the Food and Agricultural Code, provided that the primary duty of the peace officers shall be the enforcement of the law as prescribed in that section. (Penal Code § 830.2(i).)

(C) The following peace officers described in Penal Code section 830.3:

1. The chief, assistant chief, and all security and safety officers of museum security and safety of Exposition Park, as designated by the Exposition Park Manager pursuant to Section 4108 of the Food and Agricultural Code, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 4108 of the Food and Agricultural Code. (Penal Code § 830.3(r).)

(D) The following peace officers described in Penal Code section 830.31:

1. A police officer of the County of Los Angeles, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency or when performing necessary duties with respect to patrons, employees, and properties of his or her employing agency. (Cal. Penal Code § 830.31(a).)

2. A person designated by a local agency as a park ranger and regularly employed and paid in that capacity, if the primary duty of the officer is the protection of park and other property of the agency and the preservation of the peace therein. (Cal. Penal Code § 830.31(b).)

3. A peace officer of the Department of General Services of the City of Los Angeles who was transferred to the Los Angeles Police Department and designated by the Chief of Police of the Los Angeles Police Department, or his or her designee, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by the City of Los Angeles or when performing necessary duties with respect to patrons, employees, and properties of the City of Los Angeles. For purposes of this section, "properties" means city offices, city buildings, facilities, parks, yards, and warehouses. (Cal. Penal Code § 830.31(c)(1).)

4. A housing authority patrol officer employed by the housing authority of a city, district, county, or city and county or employed by the police department of a city and county, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency or when performing necessary duties with respect to patrons, employees, and properties of his or her employing agency. (Cal. Penal Code § 830.31(d).)

(E) The following peace officers described in Penal Code section 830.32:

1. Members of a California Community College police department appointed pursuant to Section 72330 of the Education Code, if the primary duty of the police officer is the enforcement of the law as prescribed in Section 72330 of the Education Code.

2. Persons employed as members of a police department of a school district pursuant to Section 38000 of the Education Code, if the primary duty of the police officer is the enforcement of the law as prescribed in Section 38000 of the Education Code.

3. Any peace officer employed by a K-12 public school district or California Community College district who has completed training as prescribed by subdivision (f) of Section 832.3 shall be designated a school police officer.

   Every school police officer employed by a K-12 school district or California Community College district after July 1, 1999, in addition to the Regular Basic Course, shall complete a POST-certified Campus Law Enforcement Course [(Commission Regulation 1081(a)] within two years of the date of first appointment.

(F) The following peace officers described in Penal Code section 830.33:

1. A member of the San Francisco Bay Area Rapid Transit District Police Department appointed pursuant to Section 28767.5 of the Public Utilities Code, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the district or when

performing necessary duties with respect to patrons, employees, and properties of the district.

2. Harbor or port police regularly employed and paid in that capacity by a county, city, or district other than peace officers authorized under Section 830.1, if the primary duty of the peace officer is the enforcement of the law in or about the properties owned, operated, or administered by the harbor or port or when performing necessary duties with respect to patrons, employees, and properties of the harbor or port.

3. Transit police officers or peace officers of a county, city, transit development board, or district, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

4. Any person regularly employed as an airport law enforcement officer by a city, county, or district operating the airport or by a joint powers agency, created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, operating the airport, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, and administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

   Every airport peace officer (Penal Code section 830.33) regularly employed and paid as such, in addition to the Regular Basic Course training requirement set forth in subsection 1005(a)(1), shall also complete a POST-certified Aviation Security Course [Commission Regulation 1081(a)], after appointment. Pursuant to Penal Code section 832.1, any

airport peace officer who has not satisfactorily completed the Aviation Security Course within the prescribed time shall not continue to have the powers of a peace officer until the officer has satisfactorily completed the course.

5. Any railroad police officer commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(G) The following peace officers described in Penal Code Section 830.34

1. Persons designated as a security officer by a municipal utility district pursuant to Section 12820 of the Public Utilities Code, if the primary duty of the officer is the protection of the properties of the utility district and the protection of the persons thereon.

2. Persons designated as a security officer by a county water district pursuant to Section 30547 of the Water Code, if the primary duty of the officer is the protection of the properties of the county water district and the protection of the persons thereon.

3. The security director of the public utilities commission of a city and county, if the primary duty of the security director is the protection of the properties of the commission and the protection of the persons thereon.

4. Persons employed as a park ranger by a municipal water district pursuant to Section 71341.5 of the Water Code, if the primary duty of the park ranger is the protection of the

properties of the municipal water district and the protection of the persons thereon.

(H) The following peace officers described in Penal Code Section 830.36

1. The Sergeant-at-Arms of each house of the Legislature, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

2. Marshals of the Supreme Court and bailiffs of the courts of appeal, and coordinators of security for the judicial branch, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

3. Court service officer in a county of the second class and third class, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(I) The following peace officers described in Penal Code Section 830.37

1. Firefighter/security guards by the Military Department, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(J) Except as specified in section (a)(2) or (a)(3), any peace officer permitted to carry a firearm by his or her employing agency while on duty and/or while off duty, regardless of the Penal Code section used by the employing agency as the authority for appointment or employment.

(K) Except as specified in section (a)(2) or (a)(3), any peace officer employed by a POST participating agency.

(2) Specialized Investigator's Basic Course: Unless otherwise specified by statute or by another provision of Commission regulations, the following categories of peace officers are required to complete either the Regular Basic Course or the Specialized Investigator's Basic Course before being assigned duties which include the exercise of peace officer powers:

(A) The following peace officers described in Penal Code section 830.1(a):

1. A marshal or deputy marshal of a superior court or county;

2. An inspector or investigator employed in that capacity in the office of a district attorney. In addition to the basic course training requirement, the POST-certified District Attorney Investigator Transition Course, Commission Procedure D-14, shall be completed within 12 months from the date of appointment;

3. The Attorney General and special agents and investigators of the Department of Justice are peace officers, and those assistant chiefs, deputy chiefs, chiefs, deputy directors, and division directors designated as peace officers by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state where a public offense has been committed or where there is probable cause to believe one has been committed.

(B) The following peace officers described in Penal Code section 830.2:

1. Persons employed by the Department of Alcoholic Beverage Control for the enforcement of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of any of these peace officers shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. (Cal. Penal Code § 830.2(h).)

2. Persons employed by the Department of Cannabis Control for the enforcement of Division 10 (commencing with Section 26000) of the Business and Professions Code and designated by the Director of the Department of Cannabis Control, provided that the primary duty of any of these peace officers shall be the enforcement of the laws as that duty is set forth in Section 26015 of the Business and Professions Code. (Cal. Penal Code § 830.2(j).)

(C) The following peace officers described in Penal Code section 830.3:

1. Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Dental Board of California, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code. (Cal. Penal Code § 830.3(a).)

2. Voluntary fire wardens designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of that code. (Cal. Penal Code § 830.3(b); 830.37(c).)

3. Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code. (Cal. Penal Code § 830.3(c).)

4. The chief of licensing and enforcement, supervising investigators, and investigators of the California Horse Racing Board designated by the board, if the primary duty of these peace officers is the enforcement of the Horse Racing Law (Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code), Chapter 10 (commencing with Section 330) of Title 9 of Part 1, and the federal Horseracing Integrity and Safety Act of 2020 (15 U.S.C. Sec. 3051 et seq.). (Cal. Penal Code § 830.3(d).)

5. The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 13104 of that code. (Cal. Penal Code § 830.3(e).)

6. Inspectors of the food and drug section designated by the chief pursuant to subdivision (a) of Section 106500 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 106500 of that code. (Cal. Penal Code § 830.3(f).)

7. All investigators of the Division of Labor Standards Enforcement designated by the Labor Commissioner, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Section 95 of the Labor Code. (Cal. Penal Code § 830.3(g).)

8. All investigators of the State Departments of Health Care Services, Public Health, and Social Services, the Department of Toxic Substances Control, the Office of Statewide Health Planning and Development, and the Public Employees' Retirement System, provided that the primary duty of these peace officers shall be the enforcement of the law relating to the duties of their department or office. Notwithstanding any other law, investigators of the Public Employees' Retirement System shall not carry firearms. (Cal. Penal Code § 830.3(h).)

9. Either the Deputy Commissioner, Enforcement Branch of, or the Fraud Division Chief of, the Department of Insurance and those investigators designated by the deputy or the chief, provided that the primary duty of those investigators shall be the enforcement of Section 550. (Cal. Penal Code § 830.3(i).)

10. Employees of the Department of Housing and Community Development designated under Section 18023 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 18023 of that code. (Cal. Penal Code § 830.3(j).)

11. Investigators of the office of the Controller, provided that the primary duty of these investigators shall be the enforcement of the law relating to the duties of that office. Notwithstanding any other law, except as authorized by the Controller, the peace officers designated pursuant to this subdivision shall not carry firearms. (Cal. Penal Code § 830.3(k).)

12. Investigators of the Department of Financial Protection and Innovation designated by the Commissioner of Financial Protection and Innovation, provided that the primary duty of these investigators shall be the enforcement of the provisions

of law administered by the Department of Financial Protection and Innovation. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms. (Cal. Penal Code § 830.3(l).)

13. Persons employed by the Contractors' State License Board designated by the Director of Consumer Affairs pursuant to Section 7011.5 of the Business and Professions Code, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 7011.5, and in Chapter 9 (commencing with Section 7000) of Division 3, of that code. The Director of Consumer Affairs may designate as peace officers not more than 12 persons who shall at the time of their designation be assigned to the special investigations unit of the board. Notwithstanding any other law, the persons designated pursuant to this subdivision shall not carry firearms. (Cal. Penal Code § 830.3(m).)

14. The Chief and coordinators of the Law Enforcement Branch of the Office of Emergency Services. (Cal. Penal Code § 830.3(n).)

15. Investigators of the office of the Secretary of State designated by the Secretary of State, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of, and Section 12172.5 of, the Government Code. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms. (Cal. Penal Code § 830.3(o).)

16. The Deputy Director for Security designated by Section 8880.38 of the Government Code, and all lottery security personnel assigned to the California State Lottery and designated by the director, provided that the primary duty of

any of those peace officers shall be the enforcement of the laws related to ensuring the integrity, honesty, and fairness of the operation and administration of the California State Lottery. (Cal. Penal Code § 830.3(p).)

17. Investigators employed by the Investigation Division of the Employment Development Department designated by the director of the department, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 317 of the Unemployment Insurance Code. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms. (Cal. Penal Code § 830.3(q).)

18. Employees of the Franchise Tax Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of the law as set forth in Chapter 9 (commencing with Section 19701) of Part 10.2 of Division 2 of the Revenue and Taxation Code. (Cal. Penal Code § 830.3(s).)

19. Investigators of the Department of Managed Health Care designated by the Director of the Department of Managed Health Care, provided that the primary duty of these investigators shall be the enforcement of the provisions of laws administered by the Director of the Department of Managed Health Care. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms. (Cal. Penal Code § 830.3(u).)

20. The Chief, Deputy Chief, supervising investigators, and investigators of the Office of Protective Services of the State Department of Developmental Services, the Office of Protective Services of the State Department of State Hospitals, and the Office of Law Enforcement Support of the California Health and Human Services Agency, provided that

the primary duty of each of those persons shall be the enforcement of the law relating to the duties of their department or office. (Cal. Penal Code § 830.3(v).)

(D) The following peace officers described in Penal Code section 830.35:

1. A welfare fraud investigator or inspector, regularly employed and paid in that capacity by a county, if the primary duty of the peace officer is the enforcement of the provisions of the Welfare and Institutions Code.

2. A child support investigator or inspector, regularly employed and paid in that capacity by a district attorney's office, if the primary duty of the peace officer is the enforcement of the provisions of the Family Code and Section 270.

(E) The following peace officers described in Penal Code section 830.37:

1. Members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers is the detection and apprehension of persons who have violated any fire law or committed insurance fraud.

2. Members other than members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers, when acting in that capacity, is the enforcement of laws relating to fire prevention or fire suppression.

(3) Introductory Training Course Specified in Penal Code section 832:

Penal Code section 832 provides that every person described as a peace officer in Chapter 4.5 of the Penal Code shall satisfactorily complete an introductory training course prescribed by the Commission on Peace Officer Standards and Training prior to the exercise of the powers of a peace officer and that such persons shall not have the powers of a peace officer until they satisfactorily complete the course. The fact that a person has completed an introductory course, however, does not mean that no further training is required, particularly when it comes to the exercise of the powers of a peace officer.

As specified in these regulations, any officer that has not completed the Regular Basic Course should not engage in General Law Enforcement Duties (11 Cal. Code Regs § 1001(25)) or Uniformed Patrol Duties (See 11 Cal. Code Regs § 1001(75)) based solely upon completion of an introductory course. Moreover, pursuant to state law, any officer responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state must obtain a basic certificate as specified by statute, in order to continue to exercise peace officer powers (Penal Code § 832.4) which, in addition to the other requirements for issuance of a Basic Certificate as specified by these regulations, this requires completion of the Basic Course.

(A) Every coroner or deputy coroner (as defined in Penal Code section 830.35(c)), regularly employed and paid as such, shall satisfactorily complete the Penal Code section 832 (PC 832) Arrest Course and, when applicable, the PC 832 Firearms Course, Commission Procedure D-1-7, before the exercise of peace officer powers. In addition to the PC 832 Course(s), satisfactory completion of the POST-certified Coroners' Death Investigation Course, Commission Procedure D-1-6, is also required within 12 months from date of appointment. The Coroners' Death Investigation Course requirement shall only apply to peace officer coroners hired on or after the agency enters the POST program.

(B) Every jail deputy (Penal Code section 830.1(c)) or correctional officer (Penal Code 830.55(a)(2)) shall satisfactorily meet the training requirements of the PC 832 Arrest and Firearms Course, Commission Procedure D-1-7; and within 120 days after the date of appointment, shall complete the training required by the Board of State and Community Corrections for custodial personnel pursuant to Penal Code section 6035, and the training required for custodial personnel of local detention facilities pursuant to Division 1 (commencing with Section 100) of Title 15 of the California Code of Regulations.

(C) Security officers of the Department of Justice (Penal Code § 830.4) when performing assigned duties as security officers.

(D) Security officers of the college named in Section 92200 of the Education Code. These officers shall have authority of peace officers only within the City and County of San Francisco. Notwithstanding any other law, the peace officers designated by this subdivision shall not be authorized by this subdivision to carry firearms either on or off duty.

DRAFT

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 8, 2025

Ms. Sara Edmonds, Executive Director
California Police Chiefs Association
P.O. Box 255745
Sacramento, CA 95865-5745

Re: Proposed Regulatory Action Regarding Peace Officer Minimum Training Requirements.

Dear Executive Director Edmonds,

The Commission on Peace Officer Standards and Training (POST) has asked that we make you aware of, and elicit any comments or concerns you or your organization may have, regarding proposed changes to POST's Minimum Standards for Training regulation, commonly referred to as Regulation 1005. (*See* Title 2, Cal. Code Regs, § 1005.)

This proposed regulation sets forth minimum training standards for those peace officers who are, or who may become, subject to POST's jurisdiction or who choose to voluntarily participate in the POST Program, and that draw peace officer status from provisions of the California Penal Code found in Chapter 4.5. As you may know, that Chapter extends peace officer status to a variety of persons in California who are employed for specific purposes.

The portions of the proposed regulation being sent to you are not intended to repeal other portions of Regulation 1005 currently in effect. In other words, we are sending to you for your review and comment only, the proposed revised portions of that Regulation setting minimum training standards for peace officers.

POST intends to send these proposed revisions out for public comment in mid-November and will inform the Commission of comments made by interested parties. Written submissions and verbal feedback regarding these proposals will be provided to the Commission at its December 3, 2025, meeting.

If you have any questions or concerns, please feel free to contact Assistant Executive Director Jim Grottkau at Jim.Grottkau@post.ca.gov or by phone at (916) 227-3935.

Sincerely,

Manuel Alvarez, Jr.
Executive Director

WD/ma

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 8, 2025

Ms. Carmen Green, Executive Director
California State Sheriffs' Association
1231 I Street, Suite 200
Sacramento, CA 95814

Re: Proposed Regulatory Action Regarding Peace Officer Minimum Training Requirements.

Dear Executive Director Green,

The Commission on Peace Officer Standards and Training (POST) has asked that we make you aware of, and elicit any comments or concerns you or your organization may have, regarding proposed changes to POST's Minimum Standards for Training regulation, commonly referred to as Regulation 1005. (*See* Title 2, Cal. Code Regs, § 1005.)

This proposed regulation sets forth minimum training standards for those peace officers who are, or who may become, subject to POST's jurisdiction or who choose to voluntarily participate in the POST Program, and that draw peace officer status from provisions of the California Penal Code found in Chapter 4.5. As you may know, that Chapter extends peace officer status to a variety of persons in California who are employed for specific purposes.

The portions of the proposed regulation being sent to you are not intended to repeal other portions of Regulation 1005 currently in effect. In other words, we are sending to you for your review and comment only, the proposed revised portions of that Regulation setting minimum training standards for peace officers.

POST intends to send these proposed revisions out for public comment in mid-November and will inform the Commission of comments made by interested parties. Written submissions and verbal feedback regarding these proposals will be provided to the Commission at its December 3, 2025, meeting.

If you have any questions or concerns, please feel free to contact Assistant Executive Director Jim Grottkau at Jim.Grottkau@post.ca.gov or by phone at (916) 227-3935.

Sincerely,

Manuel Alvarez, Jr.
Executive Director

WD/ma

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 8, 2025

Mr. Greg Wilson, Interim Executive Director
California Peace Officers' Association
2485 Natomas Park Drive, #540
Sacramento, CA 95833

Re: Proposed Regulatory Action Regarding Peace Officer Minimum Training Requirements.

Dear Interim Executive Director Wilson,

The Commission on Peace Officer Standards and Training (POST) has asked that we make you aware of, and elicit any comments or concerns you or your organization may have, regarding proposed changes to POST's Minimum Standards for Training regulation, commonly referred to as Regulation 1005. (*See* Title 2, Cal. Code Regs, § 1005.)

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Sincerely,

Manuel Alvarez, Jr.
Executive Director

WD/ma

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 8, 2025

Mr. Brian Marvel, President
Peace Officers Research Association of California
2940 Advantage Way
Sacramento, CA 95834

Re: Proposed Regulatory Action Regarding Peace Officer Minimum Training Requirements.

Dear President Marvel,

The Commission on Peace Officer Standards and Training (POST) has asked that we make you aware of, and elicit any comments or concerns you or your organization may have, regarding proposed changes to POST's Minimum Standards for Training regulation, commonly referred to as Regulation 1005. (*See* Title 2, Cal. Code Regs, § 1005.)

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If you have any questions or concerns, please feel free to contact Assistant Executive Director Jim Grottkau at Jim.Grottkau@post.ca.gov or by phone at (916) 227-3935.

Sincerely,

Manuel Alvarez, Jr.
Executive Director

WD/ma

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 8, 2025

Mr. Alan Barcelona, President
California Statewide Law Enforcement Association
2600 River Plaza Drive, Suite 250
Sacramento, CA 95833

Re: Proposed Regulatory Action Regarding Peace Officer Minimum Training Requirements.

Dear President Barcelona,

The Commission on Peace Officer Standards and Training (POST) has asked that we make you aware of, and elicit any comments or concerns you or your organization may have, regarding proposed changes to POST's Minimum Standards for Training regulation, commonly referred to as Regulation 1005. (*See* Title 2, Cal. Code Regs, § 1005.)

This proposed regulation sets forth minimum training standards for those peace officers who are, or who may become, subject to POST's jurisdiction or who choose to voluntarily participate in the POST Program, and that draw peace officer status from provisions of the California Penal Code found in Chapter 4.5. As you may know, that Chapter extends peace officer status to a variety of persons in California who are employed for specific purposes.

The portions of the proposed regulation being sent to you are not intended to repeal other portions of Regulation 1005 currently in effect. In other words, we are sending to you for your review and comment only, the proposed revised portions of that Regulation setting minimum training standards for peace officers.

POST intends to send these proposed revisions out for public comment in mid-November and will inform the Commission of comments made by interested parties. Written submissions and verbal feedback regarding these proposals will be provided to the Commission at its December 3, 2025, meeting.

If you have any questions or concerns, please feel free to contact Assistant Executive Director Jim Grottkau at Jim.Grottkau@post.ca.gov or by phone at (916) 227-3935.

Sincerely,

Manuel Alvarez, Jr.
Executive Director

WD/ma

VIA EMAIL [MANNY.ALVAREZ@POST.CA.GOV]

Manny Alvarez, Executive Director
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Re: PORAC's Comments to Proposed Regulatory Action
Commission Regulation 1005 - Minimum Standards for Training

Dear Manny:

The Peace Officers Research Association of California (PORAC) appreciates the opportunity to review and comment on proposed changes to POST Regulation 1005, Minimum Standards for Training (2 Cal. Code Regs. § 1005).

Regulation 1005 establishes entry-level training requirements for peace officers under POST oversight. Regulation 1005 outlines core requirements, including the Regular Basic Course for most peace officers. The proposed changes to Regulation 1005 reorganize and expand the framework for peace officer training and authority in California, providing a clearer, more prescriptive set of requirements keyed directly to statutory peace officer categories. In practical terms, this affects eligibility by mandating that all officers' training is strictly paired with statutory requirements and completed before exercising peace officer duties, with loss of such authority being an immediate consequence of non-compliance.

Summary of Changes

The proposed amendments to Regulation 1005 include three significant changes. First, Regulation 1005 "drill(s) down to each specific peace officer category listed in Penal Code section 830," rather than the current general language, which is less specific. Instead of a general training mandate for "general law enforcement" or "investigative law enforcement," the regulation now lists, in detail, which roles under each Penal Code section require the Regular Basic Course and which can use the Specialized Investigator's Basic Course or Penal Code section 832 training, which is now more narrowly authorized. For any officer not specifically included in the "exceptions" sections, only those meeting the outlined statutory authorities may use the lower training standard.

Next, the proposal changes distinguish between officers eligible only for abbreviated training (Penal Code § 832) and those performing general/investigative functions, who would need more comprehensive training (e.g., Regular Basic Course or Specialized Investigators' Basic Course). This change is prompted by concerns that some departments assign officers with only Penal Code section 832 training to perform duties requiring higher-level training. Officers completing only the Penal Code section 832 introductory course "should not engage in General Law

Enforcement Duties or Uniformed Patrol Duties…based solely upon completion of an introductory course." Officers assigned to prevention/detection of crime and general/criminal law enforcement "must obtain a basic certificate as specified by statute, in order to continue to exercise peace officer powers," requiring completion of the Regular Basic Course. Another significant addition is language prohibiting agencies from allowing any officer to carry a firearm without having completed the Regular Basic Course, unless they are an investigator eligible for the Specialized Investigators' Basic Course.

Finally, proposed regulatory changes add mandates for some specialized officer categories. Classifications such as district attorney investigators, specialized statutory investigators, coroners, jail deputies, and others remain subject to specialized or alternative training requirements, though the proposal consolidates and clarifies the statutory basis for each. For example, school police officers (K-12 or Community College) hired after July 1, 1999, in addition to the RBC, "shall complete a POST-certified Campus Law Enforcement Course" within two years of appointment. Every airport peace officer (Penal Code § 830.33) must "complete a POST-certified Aviation Security Course…after appointment." Coroners/deputy coroners must complete not only Penal Code section 832, but also a Coroners' Death Investigation Course within 12 months of appointment, if hired after the agency enters the POST program. Jail deputies and correctional officers (Penal Code §§ 830.1(c), 830.55(a)(2)) must complete the Penal Code section 832 Arrest and Firearms Course and Board of State and Community Corrections training within 120 days of appointment, as well as training for local detention facility custodial personnel. Several investigator/specialist roles must complete the Specialized Investigator's Basic Course or Regular Basic Course, and some now have additional transition, firearms, or role-based restrictions. Noncompliance removes peace officer powers until completion of the requisite training.

PORAC Comments

The draft changes to Regulation 1005 substantially increase prescriptive requirements for many peace officer roles, restrict the use of Penal Code 832 training to very limited circumstances, require new or additional training and completion timelines for specialized officers (with loss of authority for non-compliance), and impose new or clarified firearm restrictions on certain investigator classes. These changes are likely to burden affected California peace officers and PORAC members by increasing training costs and timelines, reducing operational flexibility, and risking loss of authority for failure to timely complete the requirements.

PORAC believes the proposed amendments to Regulation 1005 should be modified to ensure that California peace officers and PORAC members have adequate opportunity to complete any new training requirements before suffering any adverse employment consequences.

1. Grandfathering Clause and Transitional Protections:

The absence of grandfathering provisions in the proposed amendments to Regulation 1005 is a concern. Officers or agencies currently operating with the abbreviated Penal Code section 832 training may no longer be permitted to do so for general or investigative duties. These officers would potentially face additional training requirements, possibly resulting in delays in assignments, or loss of previously held peace officer authority until additional requirements are met. There is no mention of "grandfathering" or transitionary grace periods in the proposed amendments to Regulation 1005.

Provisions should be added to Regulation 1005 to ensure that currently serving officers are at least temporarily, if not permanently "grandfathered" in, so that revised training standards do not result in current officers losing their positions, status, or certification due to new or revised requirements. Transitional procedures and sufficient timelines should be added and defined to establish compliance for currently serving officers, and that due process protections are clarified for those at risk.

Additional language should be included in the proposed amendments to Regulation 1005 specifying that any officer who is unable to timely complete new training due to medical, family, geographic, or other hardship are entitled to an extension or waiver of the new training requirements on a showing of good cause. Provisions shielding officers from adverse employment action if compliance delays are attributable to agency or POST administrative processes rather than individual neglect, should also be included in the proposed amendments.

2. Recognition of Prior Equivalent Training:

The proposed regulatory changes should state that officers who have already completed comparable training (e.g., for laterals, transfers from out of state, or those with prior POST certificates) are deemed in compliance, provided that the job duties are substantially similar.

In addition, employing agencies should be required to recognize prior equivalent coursework or certification, and establish a process for appealing disputes over equivalency.

3. Due Process:

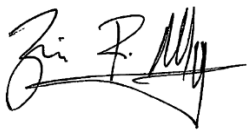
PORAC believes that any regulatory language authorizing the loss, suspension, or restriction of peace officer powers should automatically trigger the officer's right to written notice, an opportunity to respond, and an appeal hearing before the effective disqualification. The proposed amendments to Regulation 1005 should include clear advance notice, appeals, review, and dispute-resolution procedures for officers/employing agencies who disagree with POST's categorization or training requirement determinations.

The proposed changes should also allow for temporary assignments or rotations outside of an officer's original hire category without triggering abrupt or permanent changes in training/certification status, absent a reasonable re-training plan.

Finally, as a general observation, PORAC believes Chapter 4.5 of the Penal Code is overly complex and convoluted. The statutory provisions would benefit greatly from consolidation and streamlining of categories, qualifications and authority. Regulation 1005 exemplifies the complexity of the requirements and the compliance challenges created by the current statutory scheme. While the mere adoption of regulations cannot resolve these problems, PORAC could support clean-up legislation to streamline Chapter 4.5.

Your consideration of PORAC's comments is greatly appreciated.

Very truly yours,



Brian R. Marvel
President
Peace Officers Research Association of California

cc: PORAC Board of Directors

AGENDA ITEM REPORT

Title: REPORT ON THE QUALITY ASSESSMENT PROGRAM

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY John Tomasello	**REVIEWED BY** William Baldwin	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/17/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This agenda item provides analysis of the progress and efficacy of the Quality Assessment Program (QAP), as well as the measures taken to continually improve outcomes. The agenda will provide the general process used in the program, the number of courses selected for review, the number of instructor assessments completed, the number of courses requiring corrective action, and the number of recommendations provided to assist with improvement with instruction.

BACKGROUND:

The mission of the Commission on Peace Officer Standards and Training (POST) is to continually enhance the professionalism of California Law Enforcement in serving its community. The Quality Assessment Program (QAP) is contractually managed by the South Bay Regional Public Safety Training Consortium (South Bay), which provides a third-party validation that presenters are delivering the best training possible to California law enforcement personnel.

Another common reason for selecting a course for quality assessment is in response to an external complaint. When a complaint regarding a course or instructor(s) is received by POST, it is reviewed by POST staff and an investigation initiated, if warranted. As part of the review process, the complaint may be forwarded to the POST QAP manager, who

initiates a request for a QAP with the South Bay manager.

Once the program manager notifies presenters that their course has been selected for a QAP, POST provides the South Bay program manager with the Expanded Course Outline (ECO), instructor resumes, course hourly distribution/schedule, course safety plan (if applicable) and course budget (if applicable.) The assigned assessor will review those items, ensuring the course outline and lesson plan (if provided) adhere to legislative and regulatory requirements, the safety plan appears reasonable, the hourly distribution is complete, and the course budget is reasonable, before assessing the course.

All assessors in the program are graduates of Instructor Development Institute (IDI) Master Instructor Certification Course (MICC). The time required to complete the final stage of MICC is typically ten to twelve months and involves the creation of a course of instruction, which includes student learning outcomes, student learning activities, and a lesson plan, just to name a few. Once the course is validated, the student is required to pilot the approved, peer reviewed course. Only personnel that have completed the MICC course or are actively working in the latter stages of the MICC program, are allowed to assess courses in the QAP program.

The assessors, assigned with the provided course information, audit the assigned course. The assessors complete an instructor assessment for every instructor in the course, inspect the classroom or training location for suitability, and ensure safety protocols, if applicable, are adhered to. Many courses, depending on the length, have several instructors during the course of instruction, requiring multiple assessments. Upon completing the QAP, the assigned assessor returns the assessments to the South Bay program manager.

The POST QAP Manager reviews the assessments and sends a letter notifying the presenter of the outcomes. Some courses do not have identified deficiencies, and the letter requires no follow-up from the presenter. Other courses may have regulatory issues, such as missing resumes or correct formatting of the expanded course outline. Others involve instructor ratings of either “Unacceptable” or “Needs

Improvement" in one of the nine categories from the rubric. These issues are listed in the letter sent to the presenter. The presenter is given one month to respond with an action plan on how they can get the instructor to "Meets Standards" and address any other items that were discovered in the assessment. An internal note of the course assessment is placed in the internal comments of the EDI under that course number. If an instructor receives an unsatisfactory rating, the POST program manager will require that instructor's resume be removed from the course until the instructor attends recommended training to correct the deficiency. Once the instructor completes the training, the resume may be re-inputted into the course resumes, and the instructor will be allowed to instruct again. In most instances, a second QAP assessment will be assigned the first time that instructor returns to the classroom to confirm the deficiency has been corrected.

ANALYSIS:

From November 4, 2024, to November 4, 2025, one hundred and two (102) courses were assessed by the QAP. This number represents an approximate 7% increase from last year. Of the one hundred and two courses attended, there were one hundred and eighty-one (181) written assessments submitted, and three thousand, seven hundred eighty-three (3,783) course hours assessed.

Of the one hundred and two (102) courses, there were thirteen (13) courses that had instructors who received either a needs improvement or unsatisfactory rating in at least one of the rubric categories. There were three (3) courses that had a regulatory deficiency, and seventeen (17) courses that had both instructor issues and regulatory deficiencies.

Attachment A: POST form 2-341- Training Evaluation-Course & Instructor Assessment, of a below standard assessment (grading rubric included at bottom form). **Attachment B:** Notification letter sent by POST regarding Attachment A. **Attachment C:** After-Action Report sent by presenter addressing issues from Attachment A. **Attachment D:** POST form 2-341 that was above standard. **Attachment E:** Notification letter sent by POST to the presenter of the course. **Attachment F:** Diagram of the number of courses assessed and the outcome of those courses.

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

ATTACHMENT(S):

Attachment_A_-_2-341_Informant_Development_ Instructors_Redacted_V2.pdf
Attachment_B_-_Letter_to_Agency_Redacted.pdf
Attachment_C_-_Agency_Response_Redacted_V2.pdf
Attachment_D_-_2-341_Training_Evaluation_Redacted_V2_Redacted.pdf
Attachment_E_-_POST_Letter_Mann_Redacted_V2.pdf
Attachment_F_-_POST_QAP_Courses_Diagram.pdf

ATTACHMENT A

State of California – Department of Justice
TRAINING EVALUATION – COURSE & INSTRUCTOR ASSESSMENT
POST 2-341 (Revised 10/23)

Commission on
Peace Officer Standards and Training (**POST**)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

PRESENTATION INFORMATION

Course title	Control number	Date
Informant Development and Maintenance	2[redacted]	[redacted]

Instructor [redacted]	Evaluator [redacted]	
Agency/presenter [redacted]	City [redacted]	Zip
Number of students 32	Maximum number of students allowed 30	
Course coordinator Deputy [redacted]	Email [redacted]	[redacted]
Training commander Captain [redacted]	Email [redacted]	Phone
Instructor number 1-3 of 3 for this course		

REQUIRED POST DOCUMENTATION

- ☒ Expanded Course Outline
- ☒ Resumes
- ☒ Hourly Distribution
- ☐ Budget

	Yes	No	N/A
Safety Briefing Performed	☐	☐	☒
Safety Policies Reviewed	☐	☐	☒
Instructor/Student Ratio	☐	☐	☒

Notes: The course took place at the [redacted]. The classroom was rectangular with five student tables. Four tables were set up for six students and one table was set up for eight students. The room had three monitors across the front wall and two on each side wall that displayed the PowerPoint presentations and videos. Students could view a monitor from any seated position in the room. There were four large whiteboards affixed to the walls around the room and one small portable whiteboard sitting next to a lectern in the front of the room. The lectern was on the right side of the room in front of the second of five tables. The table of eight students was on the far-left side of the room. Sergeant [redacted], and Investigator [redacted], the three primary instructors of the course, introduced themselves to me before the first day of class began. Deputy [redacted] is the course coordinator and is new to this position and training. The room was set up for 33 students.

Instructional Design Recommendations: The room width is somewhat prohibitive to the engagement of all the students if the instructor remains at or near the lectern during instruction. It would benefit the course if the instructors moved around the classroom as they instructed. The distance between the two outside tables in the room made it difficult for students on the other end to hear students who spoke at one end of the room. This difficulty was accentuated by having two more students in the course than were allowed by the POST Certification.

INSTRUCTION AND FACILITATION

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Facilitation Skills (as appropriate for the lesson): Instructor communicated clearly, used active listening skills, engaged students with thoughtful questions, promoted student engagement.	☐ Instructor only lectured. Did not allow opportunity for student feedback, engagement, or participation.	☒ Instructor missed opportunities to engage students. Did not use questioning techniques to promote student dialogue. Relied too heavily on lecture.	☐ Instructor maintained a student-centered learning environment. Used active listening skills. Engaged students in open-ended questions. Promoted student participation in their own learning. Used lecture as appropriate.	☐ Instructor used student backgrounds and experiences in facilitating class dialogue. Posed questions back to the class when able. Encouraged all students to participate in the learning.	☐

Comments: The instructors missed multiple opportunities to engage the students. They did not use questioning techniques to promote student dialogue and relied too heavily on lecture. There was little promotion of student engagement.

Sgt. [redacted] stood behind the lectern every time he instructed. Most of the time, he had a clicker in his hand to advance the PowerPoint slides, so there did not appear to be a reason he could not have moved out from behind the computer screen. His instruction was approximately 85-90% lecture. We spoke throughout the class, and he told me he noticed many students were on their phones and laptops while he was instructing. I counted the students who were using their electronic devices while Sgt. [redacted] was instructing, regularly between one quarter and one third of the class. When Sgt. [redacted] introduced himself at the beginning of the class, he spoke about his experience and expertise for fourteen minutes.

Inv. [redacted] stepped away from the lectern and moved around the room as he instructed. He showed energy, and his movement appeared to initially get many of the students, especially at the far tables, interested. As he instructed on Protecting Identity, he displayed a question on the PowerPoint that read, "Why bother?" Instead of posing the question to the students, Inv. [redacted] answered the question himself. His movement changed from purposeful to pacing as he walked back and forth in front of the room. As Inv. [redacted] continued, he attempted to get the students involved by asking individual students to read the contents of the PowerPoint slides to the other students. The majority of questions Inv. [redacted] asked of the students required a one-word or yes/no answer. This did not encourage discussion or engagement by any of the other students. Inv. [redacted] introduced himself at the beginning of the class, which lasted for ten minutes.

Inv. [redacted] also stood behind the lectern when he instructed and rarely asked questions that required more than a short answer. His instruction was centered on lecture. When Inv. [redacted] introduced himself at the beginning of the class, the introduction lasted for more than ten minutes. Inv. [redacted] was effective during a role play where he acted as a confidential informant, which should be expanded and developed into a more engaging activity. After acting as a role player, Inv. [redacted] gave a detailed account of how the investigators handled the CI.

Recommendations:

1. At the beginning of the class, allow the students to get to know each other and get a feel for the class before providing them with extended descriptions of the instructors' experience. The students should be excited about what they will learn, experience, and take back with them. Instead of spending over thirty minutes discussing your experiences, ask what they want to get out of the class, and learn about the students.

2. Inv. [redacted] had an opportunity to ask questions of the students about the investigation he used as an example. This would have allowed the students to see how they would have handled things compared to how the original investigators did. This could have been a group project where each group was given the scenario and asked to make decisions throughout the stages. He could reveal the reality of it at the end, but the students would be engaged and see more of the reasoning behind the choices made and how those choices compared to their own.

3. The instructors in this course would benefit from attending an AICC course to learn how to better utilize open-ended questioning while facilitating discussion and learning.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Subject Matter Expertise: Instructor was up to date, well versed in the course material, was readily able to answer questions.	☐ Instructor did not appear to have sufficient knowledge in the topic and lacks credibility with students. Had difficulty answering student questions. Offered no evidence that he/she is keeping up with latest trends. Teaching was contradictory to the lesson. Instructor was unfamiliar with the lesson.	☐ Instructor lacked knowledge and appeared to lack credibility with students. Had difficulty answering questions.	☐ Instructor had sufficient knowledge of the topic. Was well versed in the course material. Instructor was up to date with current trends.	☒ Instructor had extensive credentials and experience in the course subject material. He/she was well versed, could readily answer all student questions, served as an example of an expert in the field.	☐

Comments: Comments:

All of the instructors chosen to participate in this course had sufficient knowledge of the topic and were up to date on current trends. Many of them were actively working with confidential informants and were able to share real-time experiences with the class. They were able to answer all of the students' questions. There was some ambiguity as to the preparedness of some of the guest instructors, as they seemed to show up for a question-and-answer session with little else scripted specifically for this course.

Recommendation:

1. The instructors should be provided with the expanded course outline and/or lesson plans for the block(s) they are going to teach so that they are aware of the objectives of their sessions. They should also confirm that their topics agree with what POST is expecting to be covered based on the provided ECO.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Time Management: Satisfied the learning objectives at an acceptable pace in the time allotted.	☐ Instructor failed to keep to a time schedule. Was rushed, unable to meet the objectives. Dismissed class early despite not covering all material.	☒ Instructor had trouble keeping to a time schedule. Sometimes missed student breaks. Ran over the scheduled ending time or was too far under the scheduled ending time. Did not meet objectives before dismissing class.	☐ Instructor kept to a time schedule that enabled him/her to cover all necessary information while maintaining student breaks and class dismissal times.	☐ Instructor effectively changed or adjusted the learning environment during the course of instruction to meet student needs and learning objectives. Allowed time for students to go beyond the lesson and/or expand. Adjusted time for students to ask questions and answer their questions.	☐

Comments: The instructors maintained regular student breaks on time and rarely ran over their scheduled times. However, they routinely were too far under the scheduled ending time and did not meet the objectives before dismissing the class for the day. Below is the adjusted schedule the class was given for lunch breaks and dismissal each day:

Monday: Lunch 1140 - 1300 (20 minutes extra) Dismissal 1625 (35 minutes early)
Tuesday: Lunch 1122 - 1300 (38 minutes extra) Dismissal 1530 (90 minutes early)
Wednesday: Lunch 1135 - 1300 (25 minutes extra) Dismissal 1630 (30 minutes early)
Thursday: Lunch 1122 - 1300 (38 minutes extra) Dismissal 1520 (100 minutes early)
Friday: Lunch 1133 - 1300 (27 minutes extra) Dismissal 1445 (135 minutes early)

= 538 minutes or almost 9 hours of missed instruction time.

In addition, the hourly distribution that was provided was inaccurate. I asked Deputy [redacted] to provide me with an updated hourly distribution, which he did on the second day of class. That update was also inaccurate. It was difficult to determine if the objectives of the course were met due to the expanded course outline (ECO) also being inaccurate and not always representing what was being taught.

Recommendations:

1. Lesson plans would assist the instructors in keeping on topic and determining what information needed to be covered before releasing the students for breaks or dismissal.

2. Expanding the curriculum beyond lecture to include group discussions, role plays, and scenarios would engage the students more and allow the instructors to better use their time in transmitting the material.

3. The coordinator and instructors should meet to establish the ECO content and build their lesson plans from there. After the lesson plans are established, the timing of the course will be easier to plan for the next course.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Professionalism: Attitude, language, conduct, and attire were appropriate.	☐ Instructor conduct was unacceptable for a professional training environment. Used unnecessary profanity outside the scope of course material, inappropriate attire, displayed a poor attitude toward the students or the course material.	☒ Instructor did not appear to be prepared for training, was dressed inappropriately given the environment, used profanity when unnecessary or not part of the curriculum.	☐ Instructor was prepared for the training, was dressed appropriately given the training environment, refrained from using profanity. Treated all students with respect. Displayed a positive attitude.	☐ Instructor was dressed appropriately given the training environment, did not use profanity. Communicated clearly using proper grammar. Treated all students with respect. Was enthusiastic about teaching. Maintained a professional demeanor. Treated instruction and students as a priority.	☐

Comments: The instructors treated all students with respect and displayed a positive attitude. They were enthusiastic about the topic and shared stories of spending time after class working with informants on actual cases. During our debrief session at the end of the course, the instructors revealed this was the first time they had presented this course. The previous instructor's thumb drive that contained the course content was destroyed, so these instructors had to develop the course from scratch. The issue of professionalism was predominantly a result of the guest instructors who presented during this course. However, a student who gave an example of how he had to record an informant with his body-worn camera for audio used profanity throughout his description of the event. This was not addressed by [redacted], who was leading the class then.

Additionally, Investigator [redacted] introduced himself on Friday and told the students that if they had a problem with offensive language, they should leave the classroom. He then used an excessive amount of profanity in a short amount of time before introducing another instructor.

[redacted] presented on DA contracts. [redacted]n used an excessive amount of profanity throughout his presentation such as explaining to an informant, "you understand you are signing up for a fucking shit ton of cases?" and when referring to who detectives chose to use as informants [redacted] said, "If they can't send the fucker to prison, I don't want to deal with him." The amount of profanity he used during his extended presentation significantly diminished his professionalism.

Recommendations:

1. It is the coordinator and main instructors' responsibility to recognize the guest instructors' lack of professionalism and bring it to their respective attention. That did not occur during this course. Before all upcoming courses, the coordinator should communicate with all instructors to review the expectation of professionalism, where profanity used out of context is unacceptable.

2. Instructors should remind students who use profanity excessively and/or out of context while attending the course of the professionalism required in POST courses and relate it to how they should speak when in front of their administration or the media.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Learning Resource Management: The use of technology and other instructional resources (PPT, web-based resources, easel pads/handouts (including virtual), breakout rooms, etc. to enhance curriculum delivery. Reference material could include internet links, suggested videos, experts, or other training material.	☐ Instructor did not use instructional resources. Did not promote engaging student learning using delivery resources. Did not provide reference material for use during or after the class.	☒ Instructor used a minimal number of instructional resources (e.g., PowerPoint only) in delivering course material. Missed opportunities to enhance the class with engaging resources.	☐ Instructor used a variety of methods and tools to support student-centered learning (PPT, web-based resources, easel pads/handouts including virtual), breakout rooms, etc. to enhance curriculum delivery as appropriate. Provided reference/resource material.	☐ Instruction was entirely student-centered with a wide variety of engaging classroom activities using multiple resources. Instructor provided students with useful resources for use during and after the course with direct application to skills used on the job.	☐

Comments: The instructors missed opportunities to enhance the class with engaging resources. For example, Inv. [redacted] was talking about Probable Cause declarations and displayed one on the screen. The font was so small that it was difficult to read. Inv. [redacted] read through the declaration quickly and then moved on to another topic.

At 1535 on the first day of class, the students were presented with a potentially engaging activity. Each table was provided with a scenario by Sgt. [redacted] and was asked to report back to the larger group how they would handle it. The groups were asked to write their responses on flip chart paper. When the students presented, they were allowed to remain seated, and the flip charts were not raised above the table level. The students at the other tables could not view what was on the flip charts. As each group presented, I noticed some of the groups kept the flip chart flat on the table, defeating the purpose of the flip chart altogether. When the presentations were complete, the flip chart papers were not posted in the room. Most of them were torn off and thrown away by the students. Since the other students were not engaged, many of them were on their phones or laptops and not paying attention to the presenting groups.

The videos chosen for the class were well-received and on topic. However, the instructors tended to summarize the videos rather than ask the students questions about what they saw. Several opportunities to facilitate discussions and enhance learning through the videos were overlooked.

Inv. [redacted] commented in the course that the paperwork completed by the students would be scrutinized thoroughly by multiple entities if a CI operation did not go well. Yet the students were not given any practice in filling out such paperwork during this course. If they do not learn how to correctly complete the paperwork for a CI operation in a class designed for that purpose, where will they learn to do it? Instead, Inv. [redacted] lectured about each section of a CI operation plan without engaging the students.

Recommendations:

1. The PC declarations could have been made into an exercise where the students were allowed to complete a mock PC declaration. According to the students, many of them had not completed one before, and this would give them valuable experience in returning to their agencies with knowledge they did not previously possess. The PC declaration may also be included as a handout that the students could take with them as a reference.

2. Flip charts are intended to convey ideas to the rest of the class. In this exercise, the instructors can create discussion when the

sharing groups' ideas are made available to the other students in written and verbal form.

3. Lesson plans should include questions to be posed to the students after each video to spur discussion and cover the main points of learning intended.

4. Callyou was mentioned several times in this course, but many of the students were not familiar with it. Setting up this technology for the students to experience would be enlightening and allow them to understand the capabilities of the resources that may be available to them at their own agencies.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Classroom Management: The instructor was flexible and responsive to student learning needs.	☐ Inflexible and unresponsive to student learning needs. Unable to resolve interruptions, distractions, and/or disruptive students in class.	☒ Recognized student learning needs but struggles with flexible delivery. Somewhat resolved interruptions, distractions, and/or disruptive students in class.	☐ Maintained empathy with students, identified emergent learning needs, and made purposeful course revisions on the fly. Identified risk management issues and resolved any potential distractions immediately to return the class to an effective learning environment.	☐ Promoted a student-centered learning environment to guide learning process while also assuring learning outcomes were met. Took potentially disruptive situation(s) and turned it into a teachable moment while maintaining tact and an effective learning environment.	☐

Comments: The instructors recognized the students' learning needs but struggled with flexible delivery. They somewhat resolved interruptions in class. The instructors spent time answering questions from a few outspoken students in the class. These students tended to dominate the conversations, and the instructors did not attempt to include additional students to spur discussions. The instructors also told me they noticed that several students were on their electronic devices during the class, but none of the instructors mentioned anything to the students.

Recommendation:

1. I mentioned to Sgt. [redacted], if he noticed several people on their phones, it may be because they were not being engaged. Sgt. [redacted] pointed out that one student in particular seated at the table directly in front of the lectern, seemed to be on his phone most of the time. I agreed and asked Sgt. [redacted] what could he do to change that. I suggested getting the students more engaged, out of their chairs, and working toward learning rather than listening for most of the class session. If given a task, they would actively work toward gaining the knowledge the instructors were trying to convey. In the debrief at the end of this course, I offered my assistance in helping the instructors and the coordinator develop learning activities to enhance student engagement. I provided my phone number and email address for consultation and agreed to assist as much as needed.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Real World Application: Presentation included instruction that provided knowledge, skills, and abilities in real world application.	☐ Instruction did not provide relevant information for application in real-world context	☒ Instructor missed opportunities to connect curriculum with real- world application. Relied too heavily on lecture with limited opportunities for students to apply the material.	☐ Instructor established relevance, provided instruction and curriculum that had real- world or tangible application outside the classroom.	☐ Instructor established relevance, provided instruction and curriculum that had real-world or tangible application outside the classroom. Instructor incorporated effective learning activities that enabled students to experience hands-on application.	☐

Comments: Multiple opportunities were missed to connect the curriculum to real-world applications. The instructors relied too heavily on lectures, with limited opportunities for the students to apply the material. Some examples:

Sgt. [redacted] displayed three case laws on a PowerPoint slide related to informants. Instead of asking the students to work in groups and apply the case law to a specific situation, Sgt. [redacted] played an audio recording of a case study on the topic. As I looked around the room, most students were not paying attention as they were looking at their phones, laptops, or eating. Sgt. [redacted] did not ask any questions after the audio case study concluded. Instead, Sgt. [redacted] gave an overview of what they had just listened to on the audio recording. Sgt. [redacted] moved on and repeated the same pattern for the other two case laws. I noticed two students struggling to keep their eyes open for this session, which was presented on the first day of the course before lunch.

Inv. [redacted] led a block on the contents of a CI packet. Each student was provided with a copy of the forms they will need to fill out when enrolling a CI, and the forms were also displayed on the PowerPoint. Inv. [redacted] went through the forms, box by box, explaining the need for each piece of information that needed to be obtained. As I looked around the room during this 45-minute session, I saw four students who appeared to be asleep. Their eyes were closed, and their heads kept bobbing as if they were catching themselves before their heads hit the table. There were eleven other students on their phones or laptops. Inv. [redacted] continued with his presentation despite the audience's lack of attention. Inv. [redacted] asked a question about the forms after Inv. [redacted] review. Inv. [redacted] received a short answer from one student and then gave an elongated answer to his own question.

The instructors had the potential for a successful real-world training opportunity when they asked Inv. [redacted] to stand in front of the room and act as a CI in a specific situation. Instead of having one group ask questions at a time, the students were all asked to ask questions they might want to know from a CI. This led to a few students dominating the questioning and most others being left out of the exercise.

Recommendations:

1. With the experience levels of the instructors in this class, there are ample opportunities to provide the students with connections between the material and real-world applications. In Sgt. [redacted] presentation mentioned above, he could have asked each group to determine how the case law would apply to a specific scenario that would be unique to each group. The group could then discuss and share their findings with the other members of the class so that learning and real-world application could take place.

2. Inv. [redacted] session would have benefited from having the students fill out the CI form on another student. This would have given them the opportunity to become familiar with the form and ask questions as they arose while keeping them engaged. Returning to their respective agencies with the experience of having filled out a CI form under the instructors' guidance would have helped many of those who were new to the form.

3. Inv. [redacted] exercise, in which he acted as an informant, could be more effective as a real-world application if it were altered to get more students involved. I would suggest allowing the groups to ask three questions before it becomes the next group's turn. The awaiting groups would be instructed to listen intently to create questions that might build on those already posed. The instructors could also require that a student at a table could not ask a second question before all of the other students at that table had asked a question. A debrief of the session might include a discussion of the types of questions asked, what was not asked but should have been, and what questions should be avoided.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Instructional Methods: Delivery applied to a variety of learning styles (visual/auditory/ tactile/kinesthetic), used activities, and learning domains (cognitive, affective, psychomotor) as appropriate.	☐ Instructor did not address different student learning styles at all. Used delivery methods that did not allow for student centered learning.	☒ Instructor missed opportunities to address different student learning style needs. Focused too much on one learning domain when the curriculum or topic crossed multiple domains.	☐ Instructor used a variety of delivery methods applicable to different learning styles and learning domains as appropriate for the course.	☐ Instructor delivered information in ways that involved all learning styles, fully utilized RIDEM principles (Relevance, Involvement, Discovery, Experience, Modeling). Incorporated learning domains as appropriate for the instruction.	☐

Comments: The instructors missed opportunities to address different student learning style needs. They focused too much on one learning domain when the curriculum crossed multiple domains. The delivery of this course was limited to visual (PowerPoint) and auditory (lecture) methods. This curriculum crosses the kinesthetic/tactile style and would benefit from course activities that allow students to become engaged in tactile work to reinforce learning. This would lead to involving the affective and psycho-motor learning domains. For example, instead of the instructors strictly lecturing and providing the information, the students should be asked to work for discovery through projects, role-plays, scenarios, group work, and facilitated discussion sessions. Allowing the students to work with the information they are presented before the instructors move on to another topic can help to ensure learning has taken place. The instructors in this course have the experience and job knowledge to come up with inventive ways to engage the students so that their lectures can be complemented and reinforced by engaging activities that will reinforce the material they present.

Recommendation:

1. Before the next presentation of this course, it is suggested that the instructors review their material for opportunities to implement activities for the students to participate in that will reinforce their learning and include a kinesthetic/tactile component. If they discover areas where they find themselves lecturing for extended periods of time, they should question if that is the most effective method of presenting the material.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Learner Validation: Student learning was measured or demonstrated.	☒ Instructor did not measure student skills or comprehension or provided answers without requiring students to demonstrate knowledge retention.	☐ Instructor missed opportunities to validate learning, or the testing was inappropriate for the curriculum (e.g., no skills demonstrations in psychomotor skills, etc.).	☐ Instructor utilized a form of testing to demonstrate knowledge or skills (written testing, group discussion feedback, student Q&A, application demonstration, etc.).	☐ Instructor used multiple opportunities for students to individually demonstrate their knowledge of the course material.	☐

Comments: The ECO stated that this course would include methods to assess the learning goals and objectives, including an oral exam, exercises and activities, and a skills demonstration. None of these evaluation assessments took place. Student learning was not measured or demonstrated throughout or near the end of this course. There was one short and impromptu review session during the course that entailed asking the students multiple questions about the content that had been covered. Only a few of the students were able to answer the questions. The instructors did not measure students' skills or comprehension. Based on this, the instructors are not aware of the efficacy of their course or what areas need to be improved to enhance student comprehension.

Recommendation:

1. I recommended to the instructors that they prepare the students throughout the week to engage with an informant in a scenario format on the final day of class. This would allow the student groups to utilize and demonstrate what they learned. This would demonstrate learner validation and real-world application while preparing the students to establish and maintain informants when they return to their respective agencies. This scenario could occur outside the classroom, with instructors or other staff acting as role-players. Throughout the week, the students could establish the need for the CI, fill out the CI form, communicate with the CI via phone, and ultimately meet with him/her at a remote location to obtain the information they desired. Upon returning to their respective agencies, the students would have the experience of establishing contact with a CI before doing it in a real-world environment.

2. An individual evaluation could be accomplished through a written evaluation or requiring two-person student team presentations on topics established by the instructors.

Additional Comments: Corporal [redacted] on the topic of Criminal Interdiction and Intel-based Enforcement Stops. Cpl. [redacted] is with a task force titled Vehicle Interdiction Pipeline Enforcement Resource (VIPER). He showed the mission statement of Viper and asked a good open-ended question, but didn't wait for anyone to answer it. Cpl. [redacted] answered his own question and continued with his lecture. He spoke rapidly and read many of the PowerPoint slides to the students. Cpl. [redacted] paced behind the podium for almost the entirety of his presentation.

One of the slides he showed listed the steps of an interdiction stop. There was so much information on it that it would have benefited the students to have it as a handout. Cpl. [redacted] made it clear to the students that a seizure wasn't worth an officer risking his/her safety. He then showed a video of one of his own traffic stops in which he conducted a search of a vehicle with two unrestrained suspects standing near the vehicle he was searching, without having a cover deputy present. One of the students questioned him about the search. Cpl. [redacted] said the search was near the end of his watch, and a cover deputy was not available at that time. His video contradicted his direction to the students about safety. Cpl. [redacted] showed a second video where he admittedly should have handcuffed a suspect during a search, but did not.

Cpl. [redacted] showed another video of the VIPER team that showed multiple vehicle searches, but had seemingly little to do with the topic of this course. At 1454 hours, Cpl. [redacted] told the students he was going to skip their break so that he could get them out early for the day at 1600. Cpl. [redacted] spoke on the topics of Post Seizure Considerations, Wall Stops, and Wall Memos. He displayed a wall memo on the screen for approximately fifteen seconds but it was not long enough for the students to obtain any information from it. He asked the students who had completed a wall memo in the past. Only a handful of students raised their hands. A handout of a wall memo may have been beneficial to pass out or have the students complete as an activity. One of the most telling statements made by Cpl. [redacted] was toward the end of his presentation when he said, "My forte isn't CIs, I haven't handled CIs in twelve years." None of the material presented in this segment was listed in the ECO.

Sgt. [redacted] instructed on the third day of the course on the topic of Human Trafficking. I could hear music playing while Sgt. [redacted] was speaking, and I asked Inv. [redacted] about it. He told me Sgt. [redacted] liked to have music on while he instructed. The music was distracting, especially with such a large room where it was difficult for the students to hear each other. Sgt. [redacted] moved well in front of the students and had some good interactions with some of the students, but posed few open-ended questions.

Sgt. [redacted] used an analogy relating democrats to people with mental deficiencies, potentially alienating parts of his audience. I had difficulty relating the material presented to any of the information listed in the ECO. As I looked around the room, there were eight to ten students on their phones/computers during this presentation. While one of Sgt. [redacted] team members was speaking from the back of the room, one of the student's phone became amplified. The student was watching an unrelated video on his phone during the presentation.

Sgt. [redacted] ran a group activity in which he gave each table a scenario with a CI who provided the team with a situation the groups were to plan an operation. The students had not yet received any training on planning an operation but they were being asked to perform it. He gave each group a different scenario verbally. The students would have benefited from having the scenario written down so they didn't miss any of the details. The students are asked to come to the front of the room and present their plans on flip charts. The first group went to the lectern and placed the flip chart behind the computer where three of the five groups could not see it. Sgt. [redacted] did not correct their placement. The second group held their flip chart on the slide of the lectern so that only half of the class could see it. Again, it was not corrected. The third and fourth groups presented well and closer to the center of the room. Sgt. [redacted] did not include the other students in the feedback of any of the groups' plans and commented on each of them himself. The final group did not use a flip chart and one of the students who presented used profanity out of context multiple times while he presented. This was not corrected by Sgt. [redacted]

Investigator [redacted] presented on Confidential Informant Development. He told engaging stories about how he established and maintained informants and asked the students to perform group work relevant to the topic. He paced on and off the lectern podium, but kept the interest of most of the students throughout the presentation. He brought in a guest speaker, a former informant, and had a question-and-answer session with the class that was informative and enlightening to the students. The students had an opportunity to learn from the informant in a safe environment. Inv. [redacted] could improve by asking more open-ended questions, but this was the most dynamic and effective learning session of the course.

Investigator [redacted] instructed on State and Federal CIs. Inv. [redacted] stood behind the lectern or leaned on it for most of the presentation. When he eventually moved away from it, he circled the lectern like a shark and returned without stepping off the podium on which it rested. Inv. [redacted] asked a few open-ended questions but answered most of them himself. When he did allow the students to answer, he was satisfied with a short answer and would continue to lecture. There were no discussions or student engagement during this training block.

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

April 23, 2025

Captain [redacted]

Re: Quality Assessment of the Informant Development and Maintenance Course

Dear Captain [redacted],

Thank you for the opportunity to conduct a quality assessment of the Informant Development and Maintenance course presented by the [redacted]. Please find the attached evaluation prepared by the assessor.

The assessment identified the following items that should be addressed:

1. The instructors received a “Needs Improvement” rating in the following categories:
    - Facilitation Skills
    - Time Management
    - Professionalism
    - Learning Resource Management
    - Classroom Management
    - Real World Application
    - Instructional Methods
2. They received a “Unacceptable” in the Learning Validation.
3. Regarding Facilitation Skills, the course relied too heavily on lectures without student engagement that added to the students being on their phone and laptops.
4. Regarding Time Management, there were longer than scheduled lunch periods and students were dismissed early, which is in conflict with the certified time period of the course.
5. Regarding Professionalism, Instructor [redacted] and Instructor [redacted] used excessive profanity that had nothing to do with the teaching of the courses. Instructor [redacted] used an analogy relating Democrats to mentally deficient people.
6. Regarding Learner Validation, the Expanded Course Outline (ECO) stated that the learning goals and objectives included an oral exam, exercises and activities, and a skill demonstration. None of those evaluations took place.

Although these instructors may be knowledgeable in their field, they need some type of adult learning training. I suggest that they attend the Academy Instructor Certification Course (AICC) or at the very least complete the self-paced course “”Learner’s First” on the POST Learning Portal before they instruct again.

Please submit an after-action report to LEC William Baldwin in a WORD or PDF document by May 15, 2025, addressing the above-mentioned items and how you will remedy them. The assessor provided many recommendations throughout the report.

Your organization’s commitment to quality and contemporary law enforcement training is appreciated by POST. It has been a pleasure working with you throughout this process.

Should you or your staff have any questions regarding the assessment process or individual evaluation recommendations, please contact LEC William Baldwin at (916) 227-4263.

Respectfully,

Thomas Chalk

Thomas Chalk
Bureau Chief, Training Program Services

TC:wb

[redacted]

ATTACHMENT C

To LEC William Baldwin,

Thank you for your thorough review, feedback, and suggestions regarding the Informant Development and Maintenance course. This course will provide students with the knowledge necessary to work informants for law enforcement agencies. We appreciate your time and commitment to providing a critical review and improvement of this course. We have carefully reviewed your evaluation and would like to address your feedback regarding the course instructors Facilitation Skills, Learning Resource Management, Classroom Management, Real World Application, and Instructional Methods. I would also like to address your feedback regarding Learner Validation, which received an Unsatisfactory rating.

- Facilitation Skills
- Time Management
- Professionalism
- Learning Resource Management
- Classroom Management
- Real World Application
- Instructional Methods

I believe all the above categories where a Needs Improvement rating are related to each other. With these listed deficiencies corrected, the Unsatisfactory area of Learner Validation will be remedied.

I also spoke with Sgt. [redacted], Inv. [redacted], and Inv. [redacted]. We discussed the Q.A.P at length. All instructors agreed that their teaching style was not student-centered, and it was lecture and delivery. This created a passive student role which did not require participation and/or critical thinking.

We also discussed A.I.C.C., and all instructors are interested in taking the course. They will be enrolled into the next A.I.C.C. course. Sgt. [redacted] also stated he would review his power point to see where he can engage the students better and create more activities. Additionally, by doing so, this would correct the extended lunches and dismissing the class early.

The cell phone usage will be addressed at the beginning of each class by the instructors giving an admonishment.

Inv. [redacted] and [redacted] will be talked to about their professionalism and excessive use of profanity. If needed, both instructors will be removed from teaching a block of the course.

In closing, we genuinely appreciate your evaluation of the course and your recommendations for improvement. Your feedback helps us identify areas where we can enhance the learning experience and deliver a more effective program. We are committed to addressing these concerns and implementing the necessary changes to ensure that future classes meet and exceed expectations.

Thank you for taking the time to provide your valuable feedback. If you have any additional suggestions or concerns, please do not hesitate to reach out. We value your input and look forward to providing an enhanced learning experience in the future.

Sincerely,

[redacted]
Deputy Sheriff / Advanced Officer Training
[redacted]

State of California – Department of Justice
TRAINING EVALUATION – COURSE & INSTRUCTOR ASSESSMENT
POST 2-341 (Revised 10/23)

Commission on
Peace Officer Standards and Training (**POST**)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

PRESENTATION INFORMATION

Course title	Control number	Date
Communications Training Officer	[redacted]	11/12/2024 to 11/14/2024

Instructor [redacted]	Evaluator [redacted]	
Agency/presenter [redacted] Emergency Number Association [NENA]	City [redacted]	Zip [redacted]
Number of students 22	Maximum number of students allowed 25	
Course coordinator [redacted]	Email [redacted]	Phone [redacted]
Training commander [redacted]	Email [redacted]	Phone [redacted]
Instructor number 1 of 1 for this course		

REQUIRED POST DOCUMENTATION

- ☒ Expanded Course Outline
- ☒ Resumes
- ☒ Hourly Distribution
- ☐ Budget

	Yes	No	N/A
Safety Briefing Performed	☒	☐	☐
Safety Policies Reviewed	☐	☐	☒
Instructor/Student Ratio	☒	☐	☐

Notes:
National Emergency Number Association [NENA] presented this three-day, 24-hour course. On day one, the class was held at the Stockton Fire Department, 110 W. Sonora Street, Stockton, CA. Parking was free but sparse. Detached restrooms were available, but plumbing issues necessitated a change of venue. On days two and three, class was held at the Stockton Fire Department EOC at 3606 Hendrix Drive, Stockton. Students had to pass through a locked gate, but parking was free and ample.

Additional information on the classrooms is included in the Classroom Management section.

I arrived at the facility at approximately 0800 on day one; class started at 0830. Lead instructor [redacted] greeted me.

Expanded Course Outline.
An Expanded Course Outline was received and generally followed with minor adjustments to accommodate flexibility in instruction.

Resumes.
A resume was received for instructor [redacted].

Hourly Distribution.
An Hourly Distribution was received and followed with minor adjustments to accommodate flexibility in instruction. Class began at 0830 instead of 0800, as shown on the Hourly Distribution.

Instructors on file for this course are as follows:

[redacted]

Recommendation: Review and update the list of instructors if applicable.

The course was taught as follows by Instructor [redacted]:

= Day One – Tuesday
•Tuckman's Stages of Group Development
•Bramson's Five Styles of Individual Thinking
•Adult Learning Concepts
•Problem-Based Learning
•Emotional Intelligence
•Myth of Generational Differences
•Gagne's Nine Events of Instruction

= Day Two – Wednesday
•Components of a Successful Training Program
•Effective Recruitment and Training
•Onboarding Programs
•Value of the Mission Statement for the CTO Program
•Training Methodology
•Training Documentation
•Training Cadre Responsibilities

= Day Three - Thursday
•Types of Law
•The CTO as a Leader, Mentor, and Coach
•Final course test and evaluation

Budget:
A budget is not required; this course is a Plan N/A.

Safety Briefing Performed:
A safety briefing was not required for classroom instruction; however, Instructor [redacted] directed students to the nearest emergency exits.

Safety Policies Reviewed:
A safety policy is not required for this course.

Instructor/Student Ratio:
Maximum enrollment is 25. There were 22 students in attendance.

Instructional Design Recommendations:
This course provides students with the skills to develop a training strategy in an interactive environment. Students were taken out of their comfort zones and challenged with hands-on learning activities to enhance their application of Adult Learning Concepts, effective recruiting and training techniques, strategies to mitigate liability, problem-solving tactics, and embracing their role as leaders, coaches, and mentors, to name a few. As written and delivered, there are no instructional design recommendations.

INSTRUCTION AND FACILITATION

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Facilitation Skills (as appropriate for the lesson): Instructor communicated clearly, used active listening skills, engaged students with thoughtful questions, promoted student engagement.	☐ Instructor only lectured. Did not allow opportunity for student feedback, engagement, or participation.	☐ Instructor missed opportunities to engage students. Did not use questioning techniques to promote student dialogue. Relied too heavily on lecture.	☐ Instructor maintained a student-centered learning environment. Used active listening skills. Engaged students in open-ended questions. Promoted student participation in their own learning. Used lecture as appropriate.	☒ Instructor used student backgrounds and experiences in facilitating class dialogue. Posed questions back to the class when able. Encouraged all students to participate in the learning.	☐

Comments:

Instructor [redacted] was engaging, personable, and energetic. She emphasized how much she enjoyed what she was doing and working with the students. [redacted] demonstrated excellent facilitation skills. [redacted] communicated clearly; [redacted] modulation was excellent. [redacted] refrained from using any profanity. Instructor [redacted] was well-versed in the curriculum and never relied on notes or PowerPoint presentations. As a seasoned facilitator, [redacted] used the right mix of her EMT and 911 experiences while tapping into the student's knowledge and expertise. [redacted] did not lecture or tell war stories. Even though both classrooms were small, [redacted] used the space well, consistently walking around, writing on the whiteboards and easel paper, and directing questions to the students.

Instructor [redacted] refrained from answering [redacted] own questions or interrupting a student mid-sentence. [redacted] used effective questioning techniques and was unafraid to wait through the silence for a response. For example:

- "No person has ever calmed down by being told to calm down. What happens when we match energy with the caller?"
- "Anyone ever had a bright shiny dispatcher that migrates to the mean dispatcher group? Why does that happen?"
- "Have you seen someone who changes, maybe the class clown, the person who has everything – and then they change? Why?"

This type of questioning was used throughout the course.

Before the introductions, Instructor [redacted] asked everyone to look inside their name tent, where [redacted] had placed a number. Students were moved to tables numbered one through five and immediately engaged in two learning activities.

 From the Ground Up: Students from different agencies were grouped and given dry spaghetti, string, tape, a marshmallow, scissors, and 20 minutes to build the tallest freestanding spaghetti tower capable of holding a marshmallow affixed to the top. Initially, some students were hesitant to work with new people. Within a very short time, those walls came down due mainly to Instructor [redacted] energy and continually walking around, checking their progress, and cheering the students on.

 Tuckman's Group Development: Students were asked to identify how their group moved through the phases of Tuckman's Group Development - Forming, Storming, Norming, Performing, and Adjourning [Mourning], and be prepared to share the process steps with the class. After all groups had presented, Instructor [redacted] asked, "Why does this matter when you have a trainee? Everyone learns differently."

After completing the above learning activities, Instructor Lockhart said, "Welcome to CTO Class! How do you think your trainee feels on day one? This is tough. I don't open with introductions for this class!" Students introduced themselves, including where they worked, their position, and class expectations, which Instructor Lockhart asked a student to capture on easel paper.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A

Subject Matter Expertise: Instructor was up to date, well versed in the course material, was readily able to answer questions.	☐ Instructor did not appear to have sufficient knowledge in the topic and lacks credibility with students. Had difficulty answering student questions. Offered no evidence that he/she is keeping up with latest trends. Teaching was contradictory to the lesson. Instructor was unfamiliar with the lesson.	☐ Instructor lacked knowledge and appeared to lack credibility with students. Had difficulty answering questions.	☐ Instructor had sufficient knowledge of the topic. Was well versed in the course material. Instructor was up to date with current trends.	☒ Instructor had extensive credentials and experience in the course subject material. He/she was well versed, could readily answer all student questions, served as an example of an expert in the field.	☐

Comments:

[redacted], ENP, retired [redacted]. [redacted] was the Deputy Director of Operations for St. Joseph County 911 in Indiana. [redacted] integrated the appropriate amount of personal yet relevant experience into the curriculum and established [redacted] credibility and expertise in the subject matter. Regardless of the questions asked, [redacted] answered in a manner that made sense to the students. Before moving on to the next topic, Instructor [redacted] never failed to ask if anyone had questions or comments.

Instructor [redacted] is the lead instructor for NENA. [redacted] has taught a myriad of courses for NENA, such as Customer Service, Supervisor, CTO, Advanced Fire Dispatch, ETC and ETC-1, and EMD-Q. Specific to this course, [redacted] teaches the following courses: Priority Dispatch Software-Use of the Protocol Software; IAED EMD-Q Quality Assurance Standards [properly reviewing calls for service]; IAED ETC [40-hour basic telecommunicator course, legal, call classification, technology, and wellness]; IAED ETC-I, [Instructor course for ETC, Instructional delivery]; NENA Leadership in the 9-1-1 Center [followership, emotional intelligence, and leadership styles]; NENA Advanced Fire Dispatch, Apparatus; MAYDAY [critical thinking for fire events]; NENA CTO [learning styles, standard evaluation guidelines, and evaluations]; NENA Supervisor [personality types, documentation, and conflict resolution]; and NENA Customer Service [de-escalating callers for officer safety, avoiding burnout, and risk].

Instructor [redacted] completed the following Instructor Development courses: IAED Instructor Academy-EMD-Q, IAED Instructor Academy-ETC-I, and NENA Instructor In-service/Update.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Time Management: Satisfied the learning objectives at an acceptable pace in the time allotted.	☐ Instructor failed to keep to a time schedule. Was rushed, unable to meet the objectives. Dismissed class early despite not covering all material.	☐ Instructor had trouble keeping to a time schedule. Sometimes missed student breaks. Ran over the scheduled ending time or was too far under the scheduled ending time. Did not meet objectives before dismissing class.	☐ Instructor kept to a time schedule that enabled him/her to cover all necessary information while maintaining student breaks and class dismissal times.	☒ Instructor effectively changed or adjusted the learning environment during the course of instruction to meet student needs and learning objectives. Allowed time for students to go beyond the lesson and/or expand. Adjusted time for students to ask questions and answer their questions.	☐

Comments:
Instructor [redacted] set a proactive tone by being in the classroom before the students daily. [redacted] moved the tables into groups, arranged the instructional material, ensured the audiovisual equipment was functional, and set up her PowerPoint presentations.

The scheduled break times were monitored; students were given timely and ample lunch periods. Instructor [redacted] made [redacted] available to students during the breaks and lunches and ensured that students had [redacted] contact information.

Instructor [redacted] effectively changed and adjusted the learning environment during the course of instruction to meet the student's needs when the class was moved to a new location on day two. Septic tank issues rendered the women's restroom inoperable at the first location. What started as a disruptive situation turned into a teachable moment, specifically demonstrating professionalism and tact when things go wrong very quickly.

Despite a locked gate and classroom at the second location and rearranging the tables and chairs to accommodate students in another small classroom, Instructor Lockhart pulled it together and started class on time.

All necessary information was covered, the learning objectives were satisfied at an acceptable pace, and ample time was afforded for students to ask questions.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Professionalism: Attitude, language, conduct, and attire were appropriate.	☐ Instructor conduct was unacceptable for a professional training environment. Used unnecessary profanity outside the scope of course material, inappropriate attire, displayed a poor attitude toward the students or the course material.	☐ Instructor did not appear to be prepared for training, was dressed inappropriately given the environment, used profanity when unnecessary or not part of the curriculum.	☐ Instructor was prepared for the training, was dressed appropriately given the training environment, refrained from using profanity. Treated all students with respect. Displayed a positive attitude.	☒ Instructor was dressed appropriately given the training environment, did not use profanity. Communicated clearly using proper grammar. Treated all students with respect. Was enthusiastic about teaching. Maintained a professional demeanor. Treated instruction and students as a priority.	☐

Comments:
Instructor [redacted] was dressed appropriately and professionally daily. [redacted] communicated clearly, used proper grammar, and refrained from using any profanity. [redacted] appeared very comfortable in front of the class. [redacted] easygoing yet professional presentation style, well-placed humor, student interactions, and demeanor were positive and amenable. [redacted] endeared [redacted] to the students with personal anecdotes without telling war stories.

Students from various agencies, including the Fairbanks [Alaska] Emergency Communications Center, St. Helena Police Department, Turlock Police Department, Hayword Police Department, City of Stockton Fire Department, Albany Police Department, San Joaquin County Sheriff's Department, Stanislaus Regional 911, Delano Police Department, Sacramento Regional Fire/EMS, Marin County Sheriff's Department, Vallejo Police Department, and the Stockton Police Department were in attendance. All were treated with respect.

When calling on or conversing with students, Instructor [redacted] used their name and, when appropriate, their agency, for instance, "RC, how would Stockton handle that?" [redacted] responded to student inquiries and thanked them for their input. Students were expected to participate in the learning activities and discussions, encouraged to ask questions, and asked to avoid excessive cell phone use. Before moving on to the next topic, Instructor [redacted] was consistent and never failed to ask if there were any questions or if anyone had more to add.

Students were given a profanity disclaimer before listening to and evaluating a couple of radio calls. Before playing an audio clip from a five-year-old caller whose parents were victims of a murder-suicide, students were given a trigger warning and encouraged to step out if necessary. Following the call, students were asked if they were ok and then sent on break. It was evident students were Instructor [redacted] priority.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A

Learning Resource Management: The use of technology and other instructional resources (PPT, web-based resources, easel pads/handouts (including virtual), breakout rooms, etc. to enhance curriculum delivery. Reference material could include internet links, suggested videos, experts, or other training material.	☐ Instructor did not use instructional resources. Did not promote engaging student learning using delivery resources. Did not provide reference material for use during or after the class.	☐ Instructor used a minimal number of instructional resources (e.g., PowerPoint only) in delivering course material. Missed opportunities to enhance the class with engaging resources.	☐ Instructor used a variety of methods and tools to support student-centered learning (PPT, web-based resources, easel pads/handouts including virtual), breakout rooms, etc. to enhance curriculum delivery as appropriate. Provided reference/resource material.	☒ Instruction was entirely student-centered with a wide variety of engaging classroom activities using multiple resources. Instructor provided students with useful resources for use during and after the course with direct application to skills used on the job.	☐

Comments:

Instructor [redacted] used engaging classroom activities and instructional resources to maintain a student-centered environment. Students were provided valuable resources for use during and after the course with direct application to skills used on the job. Below is a brief description of the resources and activities:

Students were given a spiral-bound notebook, Center Training Officer Program, NENA Education & Training. It was professionally done, printed on thick bond paper, and user-friendly. Inside were discussion and learning activity material, for example, Group Dynamics, Thinking Assessment, Thinking Assessment Scoring Sheet, Gagne's Nine Events of Instruction, Successful Training Program Success Triangle, Liability Definitions, and Information on NENA - what it costs and how to join, what the association is all about, ENP Certification, Education and Training courses, and Frequently Asked Questions. Students used this book for several learning activities and guided note-taking. Students were overheard commenting on the value of this book, specifically the note-taking pages.

The PowerPoint presentation contained a great deal of information. It was used with lectures to keep the class on track and to complement the learning activities. The graphics, used sparingly, were the appropriate size, professional, and integral parts of the learning activities and classroom discussions. My only recommendation is to change the pink background on the To Do slide [Mission Statement section] or make the font, which currently is white, a darker color.

Video: Discretionary Override. Leslie Whitham, ENP, NENA Instructor, narrated this video on discretionary override, what it is, and when to use it. She discussed how involved a trainer needs to be when they see their trainee going down a certain path, and weighing factors such as officer safety, public safety, and agency risk.

Easel pads, colored markers, and Post-it notes were used for the learning activities.

Videos and 911 calls were pivotal in augmenting the lectures, learning activities, and classroom discussions, providing a real-world context.

The video, "Millennials in the Workplace" by Simon Sinek, garnered positive feedback, as some already have Millennials in the workplace or are in the process of hiring them.

Suggested reading: Simon Sinek, "Why Leaders Eat Last."

Small and large group discussions and breakout groups were effectively used for learning activities, promoting collaboration and sharing of best practices.

Handout materials, such as scenarios and the Scavenger Hunt, were used for learning activities.

Web-based resource Kahoot! was used for a quiz of course material.

This course was integrated with the new NENA+ platform, which students can access with membership login credentials, https://www.nena.org/login.aspx. Non-NENA Members were emailed credentials. To fully participate in daily assignments, activities, to access the materials, and complete the course test, each student was required to bring a laptop to class. Certificates were available immediately after passing the test and submitting the evaluation if there were no outstanding invoices. The certificates were withheld until the outstanding invoice was paid.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A

Classroom Management: The instructor was flexible and responsive to student learning needs.	☐ Inflexible and unresponsive to student learning needs. Unable to resolve interruptions, distractions, and/or disruptive students in class.	☐ Recognized student learning needs but struggles with flexible delivery. Somewhat resolved interruptions, distractions, and/or disruptive students in class.	☐ Maintained empathy with students, identified emergent learning needs, and made purposeful course revisions on the fly. Identified risk management issues and resolved any potential distractions immediately to return the class to an effective learning environment.	☒ Promoted a student-centered learning environment to guide learning process while also assuring learning outcomes were met. Took potentially disruptive situation(s) and turned it into a teachable moment while maintaining tact and an effective learning environment.	☐

Comments:

Instructor [redacted] promoted a student-centered environment, beginning with well-organized classrooms. The original classroom was smaller than expected; however, Instructor [redacted] arranged the tables into pods for four to six students to sit comfortably. There was little room to walk between the tables; students' chairs were back to back, but [redacted] did an excellent job of making the best of the situation. A large projection screen was located at the front of the room, giving all students a clear view of instructor presentations. Coffee and snacks were provided daily.

Students were greeted on day one and asked to sign in, grab a name tent, student workbook, and a seat, but asked not to get comfortable! Instructor [redacted] reviewed the week's schedule, housekeeping issues, restroom locations, cell phone etiquette, specifically don't text as it is distracting, and safety evacuation and shelter-in-place procedures. On the PowerPoint slide was, "In Case of Fire, Exit Building Before Tweeting About It."

As mentioned in Time Management, septic tank issues in the women's restroom at the original location necessitated the move across town to the Stockton Fire Department EOC. Everything, including the work students had done, which was hanging on the walls, had to be packed up and moved. The new location was a little bigger, but not set up for group work. It did, however, have an indoor restroom and climate controls that worked. As mentioned, what started as a disruptive situation turned into a teachable moment, specifically demonstrating professionalism and tact when things go wrong very quickly. Instructor [redacted] modeled what a tenured, professional instructor looks like.

Students could fail forward and learn in a physically and psychologically safe environment. They were encouraged to ask questions, offer opinions, participate in the dialogue, and speak up if something did not make sense or required further clarification.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Real World Application: Presentation included instruction that provided knowledge, skills, and abilities in real world application.	☐ Instruction did not provide relevant information for application in real-world context	☐ Instructor missed opportunities to connect curriculum with real- world application. Relied too heavily on lecture with limited opportunities for students to apply the material.	☐ Instructor established relevance, provided instruction and curriculum that had real- world or tangible application outside the classroom.	☒ Instructor established relevance, provided instruction and curriculum that had real-world or tangible application outside the classroom. Instructor incorporated effective learning activities that enabled students to experience hands-on application.	☐

Comments:

Instructor [redacted] established relevance and provided instruction with real-world application outside the classroom. [redacted] incorporated practical, interactive learning activities that enable students to experience hands-on application.

Five Styles of Individual Thinking – Pairs: To increase understanding is to recognize which style of thinking the other person is engaging in during the interaction. Students were given the definitions of pragmatists, analysts, idealists, realists, and synthesists and asked to write two descriptive statements someone would make that could indicate they have a particular thinking style and two strategies for enhancing the interaction. Students worked in groups and reported back to the entire class. There was some discovery when students self-identified their own thinking style, some of which were a total surprise.

Adult Learning Concepts:

- Learning Modalities: audio, visual, kinesthetic, and tactile
- Domains of Learning: cognitive, psychomotor, and affective
- Self-efficacy
- Problem-based Learning
- Emotional Intelligence

Each group was assigned a different Adult Learning Concept to research and chart for a teachback to the entire class.

Learning Styles – What's Your Learning Style? Students completed a learning modality assessment and shared ideas on using this information during training. There was some discovery when students learned their actual learning modality differed from their perceived one. Students engaged in instructor-led facilitated discussion and Q&A.

- "As an auditory learner, what can a trainer do for you to help you learn? Partner with the "why"? What about audiobooks and podcasts? Would that help? You guys writing that down for your auditory learners?"
- "Who are the visual learners? How do we teach you? Flow charts, flashcards, step-by-step?"
- "Who are my kinesthetic learners? Just let me do it! Do you need any other queues? "

Emotional Hijacking: Working individually, using their workbooks, students described a situation when they were emotionally hijacked, circled the one emotion they felt, and then explained what they did. At their tables, they shared and voted on the worst one to share with the class. Instructor [redacted] said they were going to have a conversation about what they could have done differently. A student spoke about a call when the caller shot himself while on the phone with [redacted]. Said [redacted] thought she went into shock. [redacted] asked him to spell his name twice just to stall him. Someone asked what the trigger was. She quietly said, "The bang." Instructor [redacted] thanked students for sharing, then added, "We have to understand our own triggers to help our trainees work through it."

Today's Trainee: Group Exercise. Students were tasked with drawing what today's trainees look like, specifically how they look, what they are wearing, and if they have piercings, etc. – focus on who admin is hiring. The artwork was amazing, and the comments and questions from the "trainees" were hilarious. There was an "ah ha" moment when the groups realized their drawings and comments were virtually identical despite working at different departments. Some "trainee" comments are captured below:

- "Do I have to wear the uniform?"
- "Can I have this weekend off?" "Can I have Christmas off?" "I can't work overtime." [it's her first week]
- "No one ever taught me that!"
- Arrives late with Stanely and Starbucks cups. "Sorry I was late; the line at Starbucks was long."
- Profile of new employee: Energy drink, full makeup, eyelashes, no eye bags under their eyes.
- "Should I get his number?"
- "I applied on Indeed.com; what is this job?"

Instructor [redacted] commented about the biases and preconceived notions, then asked, "What are some good things about these folks?" The students quickly shifted gears and offered comments such as: they are here; they showed up; they are trying; they have fresh minds; they bring new outlooks; and they are good with technology. Instructor Lockhart asked, "What does someone who worked for Chick-fil-A bring to us in dispatch? Think about the biases you listed." Students said the trainees bring customer service and switch-tasking experience. Although students had a great time with this activity, Instructor [redacted] ensured students understood its importance through purposeful questioning.

Students watched a video by Simon Sinek, "Millennials in the Workplace," who phrases it succinctly: Millennials have been accused of being "narcissistic, self-interested, unfocused, lazy," and, most of all, "entitled." However, he argues, it's not really millennials' fault.

Instructor [redacted] held an excellent facilitated discussion, which rendered honest feedback. Most students said they received very little training; some admitted they never wanted to be a CTO. Discussion questions included:

- How does one become a CTO?
- What qualifications are needed? Do we put people in training positions that shouldn't be there? Why?
- What standards are in place?
- What in-house training do you get?

Discretionary Override – What is it, and when should you use it? Students watched a video narrated by Leslie Whitham, ENP, NENA Instructor, and discussed the parameters of discretionary override [DO], how involved the CTO needs to be, and knowing when to get involved and take over a call. Students were encouraged to share instances when they had to step in, why they stepped in, and the outcome.

Instructor [redacted] said, "I want everyone to stand up for this call. When I play this call, I want you to sit down when you would have taken over." A social worker calls 911 from a cell phone regarding child visitation. The call taker is clearly disengaged. Several students sat down immediately, yet one student remained standing throughout the entire call. It was eye-opening for the students to see how different their discretionary override protocols are. Instructor [redacted] asked leading questions, "Let's compare this call to the last one, where not enough information was received. How do you draw that line? Too much? Not enough? What do you have in place so this doesn't happen?" It was later revealed that the call taker left the job and started his own business about burnout.

Documenting Performance. Using templates in the workbook, students wrote their own performance category verbiage for Case Entry/Call Intake, Call Management, Geography, and Responder Safety, and using a color-coded form: Gold is expectations; Red will be 1s and 2s; Gray 3s and 4s; Green 5s and 6s; and Blue is exceptional.

Students listened to several actual 911 calls and were tasked with rating the trainees based on the forms they created. The calls were tough to listen to, especially the one where a five-year-old girl's parents were victims of a murder-suicide. [Students were given a trigger alert]. To hear her little voice telling the call taker that she saw blood and bullets could easily have distracted the students from accurately rating the call taker. Instructor [redacted] asked tough questions. "How did the call taker do? This is the Halo Effect, but let's break it down. She didn't ask the address – should she? What did she get? How did she really score? Look at the actual performance. Don't rate her based on your opinion; rate her based on what you have written. Responder safety? Why a five? What do you have written? Geography? She never asked for the address; she assumed there was a landline. How do you give feedback to this trainee who did an amazing job but got some low scores? Watch the Halo effect, rater bias; it all comes down to what you have written down, not what you think, what you can prove." This type of in-depth question-and-answer debrief was conducted after each of the calls.

Video: Liability, Wacky Warning Labels: someone did the very thing the label said not to do.

- Baby stroller: Remove child before folding.
- Laser printer cartridge: Warning: do not eat toner.
- Fireplace log: Risk of fire.
- Dishwasher: Do not allow children to play in the dishwasher.

Discussed the need for understanding liability:

- Telecommunicators expose their agency to liability each time they report to work.
- Ignorance of a policy or law does not protect an employee from legal action.
- Training employees using a formal training program limits liability exposure.

Types of Liability: A student read each aloud; Instructor [redacted] filled in the missing pieces.

- Qualified Immunity
- Liability
  - Duty; discretionary and ministerial
  - Breach of duty, Injury or damage, Proximal cause
- Special Relationships
- Vicarious Liability – big one for CTOs!
  - Responsibility assigned to one for the actions of another (Discretionary Override)
  - Liability continues even once the trainee is off training [this was a big "ah ha" moment]
- Respondent Superior
- Past Practice
- Negligence

- o Simple, Gross, and Wanton
- o Negligent Hiring and Negligent Retention
- o Negligent Entrustment and Negligent Supervision
- o Negligent Training or Failure to Train
- Maintenance of Training Records

Ethics vs. Morals: Examined the difference between ethics and morals, then, as a group, discussed and answered five scenarios from the workbook. Students had differing views on the fine line between the two and discussed whether some of the scenarios could be a combination of both.

Students listened to 911 calls and were asked to determine what type of liability issues applied. There was hesitation on the student's part as they were still unclear on the definitions, so Instructor [redacted] asked leading questions.

- Nashville 911. The call taker was overheard saying he didn't give a hoot [not his word] what happened to the caller.
  - o Was a policy violated? Was there a breach of duty? Any liability on the dispatch center? What do you have in place so that doesn't happen? Instructor [redacted] said the call taker was fired.
- Volusia CO, Fl. The trainer is captured on video on her cell phone as the trainee takes the call. The trainee sent help to the wrong address; the trainer failed to catch the trainee's mistake.
  - o What kind of liability is that? What about vicarious liability? When does she go off the rails and put her organization at risk? What do you have set up in your organization to avoid this? Unfortunately, the man died of a heart attack. Instructor [redacted] said the trainer lost her job.

Leadership Styles. Group Discussion/Learning Activity. Each group was assigned a different leadership style to research and chart for a teachback with the following directives:

- No Wikipedia [it was a running joke]
- What does it look like in action?
- How do you know someone is using it?
- List the pros, cons, and any famous people associated with that leadership style

There was a good discussion when students realized that the famous people fell into more than one leadership style, for example, Martin Luther King, Elon Musk, and Bill Gates. Instead of giving students the answer, Instructor [redacted] turned it around and asked, "Give me your thoughts on that."

Leader as a Coach: Group Discussion/Learning Activity. Each group was assigned a different coaching model to research and chart for a teachback: SMART [Specific, Measurable, Relevant, Attainable, Relevant, Timely]; FUEL [Frame the conversation, Understand the current state, Explore the desired state, Lay out a success plan]; GROW [Goal, Reality, Options, Will]; STEPPA [Subject, Target, Emotion, Perception, Plan, Pace, Act]; and OSKAR [Outcome, Scaling, Know-how, Affirm & Action, Review]. Students were reminded to consider the different learning styles when coaching, considering that one size does not fit all.

Discussed Difficult Conversations: Instructor Lockhart asked how many students have engaged in them with trainees - all hands went up, and all agreed it was one of the most challenging parts of their job. Through purposeful questioning and an excellent discussion, the students produced a good list:

- Prepare
- Be direct, stay on point
- Address the behavior, not the person
- Wach for diversion tactics [crier]
- Reference policy, training manual
- Witnesses, if needed

Discussed the difference between Remedial Training Plan v. PIP [Performance Improvement Plan]

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A

Instructional Methods: Delivery applied to a variety of learning styles (visual/auditory/ tactile/kinesthetic), used activities, and learning domains (cognitive, affective, psychomotor) as appropriate.	☐ Instructor did not address different student learning styles at all. Used delivery methods that did not allow for student centered learning.	☐ Instructor missed opportunities to address different student learning style needs. Focused too much on one learning domain when the curriculum or topic crossed multiple domains.	☐ Instructor used a variety of delivery methods applicable to different learning styles and learning domains as appropriate for the course.	☒ Instructor delivered information in ways that involved all learning styles, fully utilized RIDEM principles (Relevance, Involvement, Discovery, Experience, Modeling). Incorporated learning domains as appropriate for the instruction.	☐

Comments:

Instructor Lockhart used various media and delivery methods to connect with students with different learning styles. She brought a wealth of experience into the classroom and used appropriate personal experiences to reinforce content. Instructional methods included facilitated discussions, group activities, content-appropriate lectures, role-playing, student questioning, problem-solving exercises, student presentations, and mind mapping.

The entire course fully utilized RIDEM principles. Relevancy was evident as all students were training officers. The activities involved all students, tapping into their and Instructor Lockhart's experience. Discovery occurred when students completed the Learning Modalities Assessment and Five Styles of Individual Thinking assessments. Students were overheard commenting about how helpful this information would be for them as trainers if their trainees could take the assessments.

The PowerPoint presentations were well-crafted. They featured limited but excellent graphics, pictures, and wording. Slides contained learning activity exit instructions and student validation criteria.

Video clips of actual 911 incidents, which appealed to cognitive and affective domains, were effectively used in the learning activities to reinforce content, keeping the students engaged and connected to the real-world application of the concepts.

Students engaged in numerous learning activities that appealed to all learning styles. The learning activities were designed as closely as possible to what the students might experience in the field, requiring students to apply different learning styles in their learning. Students engaged in several kinesthetic learning activities, which got them out of their chairs and networking while reinforcing learning, for example, Scavenger Hunt Bingo. Every square listed something related to the prior day's curriculum. For example, Gagne's Nine Events of Instruction, What the heck is an Amygdala? My worst experience as a trainee was? Self-efficacy, The Cognitive Domain, Emotional Hijacking, and What's Good about Millennials? Students were asked to get up and move about the classroom, talk to each other, and fill out the form.

Handouts were used to help explain learning activities for visual learners. They were used for guided note-taking, to augment the learning activities, and for the scenarios.

Students used easel paper, colored markers, and Post-it Notes in the learning activities. Post-it notes were used for Gots and Needs and in the Qualifications and Support activity. Students identified what they needed from their Administration to build a successful training program.

Instructor Lockhart used hands-on where possible by having students do internet research for some of the learning activities.

Instructor Lockhart reviewed Gots and Needs on days two and three, focusing on the Needs. For example, one note said, "How not to make grading an attack, even if it's in the third person." Instead of spoon-feeding students the answer, she asked, "What do you guys think?" and turned it into a teachable moment and facilitated discussion, ultimately getting the answer from the students. She also turned Gots and Needs into review. When a student asked about dealing with a pragmatist trainee, she asked the students to remind her what pragmatist meant and how THEY would deal with it.

Kahoot!, an online game-based learning platform, was used for course review.

Recommendation:

POST has an excellent "Did you Know?" video titled "Public Safety Dispatcher: Calm in The Chaos." It offers a glimpse into the often chaotic world of dispatching by revealing both the personal and work-related challenges dispatchers face and their resilience in managing them. It is an effective way to emphasize the importance of their work.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A

Learner Validation: Student learning was measured or demonstrated.	☐ Instructor did not measure student skills or comprehension or provided answers without requiring students to demonstrate knowledge retention.	☐ Instructor missed opportunities to validate learning, or the testing was inappropriate for the curriculum (e.g., no skills demonstrations in psychomotor skills, etc.).	☐ Instructor utilized a form of testing to demonstrate knowledge or skills (written testing, group discussion feedback, student Q&A, application demonstration, etc.).	☒ Instructor used multiple opportunities for students to individually demonstrate their knowledge of the course material.	☐

Comments:

Several techniques were used to validate learning and measure student skills and comprehension. Students were actively involved in small and large group discussions, question-and-answer sessions, and numerous learning activities, all crucial to the learner validation process. The groups were tasked with discussing, charting, and presenting their findings to the class. Instructor [redacted] made a point of rotating presenters so everyone had a chance to speak.

Course Test: Students, working individually, were given 60 minutes to take a computer-based test.

Quiz: Students, working individually, engaged in a Kahoot! quiz that covered questions from the entire course. Some good-natured rivalry ensued. Instructor [redacted] reviewed questions students missed.

Scenario-based Role Play: Working in groups and individually, students were given scenarios of trainees with different learning modalities, different thinking styles, diverse backgrounds, various training issues, career aspirations, and experience, or lack thereof. Learning objectives were added to the scenario based on the day's curriculum. Students were expected to apply what they had learned. This activity culminated on day three with role-playing involving all students. Snippets of two trainees, Nick and Toni, are highlighted to show the level of detail of the trainee's bios.

Day One: Instructor [redacted] said, "Let's meet our trainees – Bruce, Nick, Steven, Diana, and Toni, and how they learn. How would you teach them using Gagne's Nine Events of Instruction?"

Day Two: Students introduced their trainees, discussed their challenges, what they would teach them, and documented the trainee's performance.

Day Three: Putting it all Together. Students were given a "wrinkle" for each of their trainees. They were tasked with documenting the issue and identifying the best coaching plan. After everyone had presented, the final step was introduced – role-playing. Someone from a different group played the role of another group's trainee. Instructor [redacted] gave the actors some coaching tips, their characters' bio, and the script.

NICK

= Meet Your Trainee – Nick Learning Modality: auditory

Nick is a transfer employee from your department. He was initially hired as field unit but was unable to pass training. While in the field, he was pleasant with the telecommunications staff and well-liked by his fellow officers. He did not pass training because he could not write comprehensive police reports. He is familiar with your agency policies and procedures on the field side of the house.

- Can you anticipate any challenges?
- How will you utilize his experience?
- What training ideas do you have that will capitalize on his learning style?

= Teach Your Trainee – Nick Learning Modality: auditory / Thinking Style: pragmatist

Nick becomes easily overwhelmed during busier times of the shift. He tends to take too much time exploring each call. He focuses on menial things when priority actions need to be taken. He has received accolades for outstanding customer service to citizens he assisted while working the night shift. Tonight, you want to focus on teaching Nick to prioritize his tasks.

- Gain Attention
- Inform Trainee of the Objective
- Stimulate Recall of Prior Learning
- Present Content
- Provide Trainee Guidance
- Elicit Performance
- Provide Feedback
- Assess Performance
- Enhance Retention

= Teach Your Trainee – Nick Learning Modality: auditory / Thinking Style: pragmatist

Nick responds well to your instruction and learns fast. Tonight, he gave unsolicited legal advice to two different callers. While his information may have been accurate, it was not appropriate. When you counseled him about this, his defense was, “But it’s not wrong; it’s the law.” He struggles with transitioning from ‘officer’ to ‘dispatcher.’ Nick also processed his first CPR call tonight. He was nervous and fumbled through POA QA with some awkward pauses and ‘uhms.’ You had to prompt him through the pre-arrival instructions.

- Document these two events on his DOR. Objective, not subjective.

TONI

= Does Toni Need Coaching? Learning Modality: tactile / Thinking Style: analyst

Toni has been in training for 2 months. She passes every geography test you give her but struggles with comprehension of the jurisdiction. She still doesn’t know commonly named areas such as malls, hospitals, and areas of town. She cannot quickly identify callers outside of the jurisdiction. These issues have been identified in at least 6 of the last 2 week's DORs.

- How will you document the issue today on the DOR?
- Identify your coaching plan.
- Draft your plan and be prepared to present it to the trainee.

= Role Playing Toni Learning Modality: tactile / Thinking Style: analyst [This sheet was given to the role player]

Toni is a young telecommunicator who moved to the area a month before getting hired. She is newly hired; her wife is a paramedic for one of your dispatch agencies. Toni is originally from the Dominican Republic and has a strong accent but is fluent in English. She is smart and picks up fast. Her previous employment was in the hospitality industry, where she worked for several agencies. Toni has been in training for 2 months. She passes every geography test you give her but struggles with comprehension of the jurisdiction. She still doesn’t know commonly named areas such as malls, hospitals, and areas of town. She cannot quickly identify callers outside of the jurisdiction. These issues have been identified in at least 6 of the last 2 weeks' DORs. She is eager to learn and do the right thing. She is analytical so she knows answers but can’t comprehend the big picture and putting it all together. Toni is tactile so she will be extremely fidgety – bounce the leg, click the pen, etc.

Instructor [redacted] walked around, listening to each group, offering subtle guidance. Based on observations and student testimonials, they took this activity seriously and enjoyed it. The debrief was informational and lively.

Recommendation:

Based on student feedback, my only recommendation is to broaden this activity and do more role-playing at each step, allowing students to put the course curriculum into practice.

Additional Comments:
Instructor [redacted] passion for teaching and connecting with the students was evident. On more than one occasion, she voiced her appreciation to the students for their excellent work and for taking the activities to heart. [redacted] was engaging and demonstrated empathy for the students. [redacted] demonstrated a high level of expertise and brought a wealth of information and experience to the classroom.

It was a pleasure meeting and learning from you, Instructor [redacted]! Take care!

I want to extend a special note of thanks to the members of the Stockton Fire Department for their hospitality and kindness and for ensuring the students were taken care of. It was so thoughtful of you to prepare lunch for us. Everything was delicious. Your balsamic vinaigrette was excellent – thank you for the recipe!

Thank you for all you do, be safe!

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

November 27, 2024

[redacted]

[redacted],

Thank you for the opportunity to conduct a quality assessment of the Communications Training Officer course presented by the National Emergency Number Association. The assessment has been attached to the notification email for your convenience.

Instructor [redacted] received the rating of "Above Standard" in all categories of the assessment. All other instructors met standards.

Your organization's commitment to contemporary law enforcement training is appreciated, and it has been a pleasure working with you throughout this process.

Should you or your staff have any questions regarding the assessment process or individual evaluation recommendations, please contact LEC William Baldwin at (916) 227-4263.

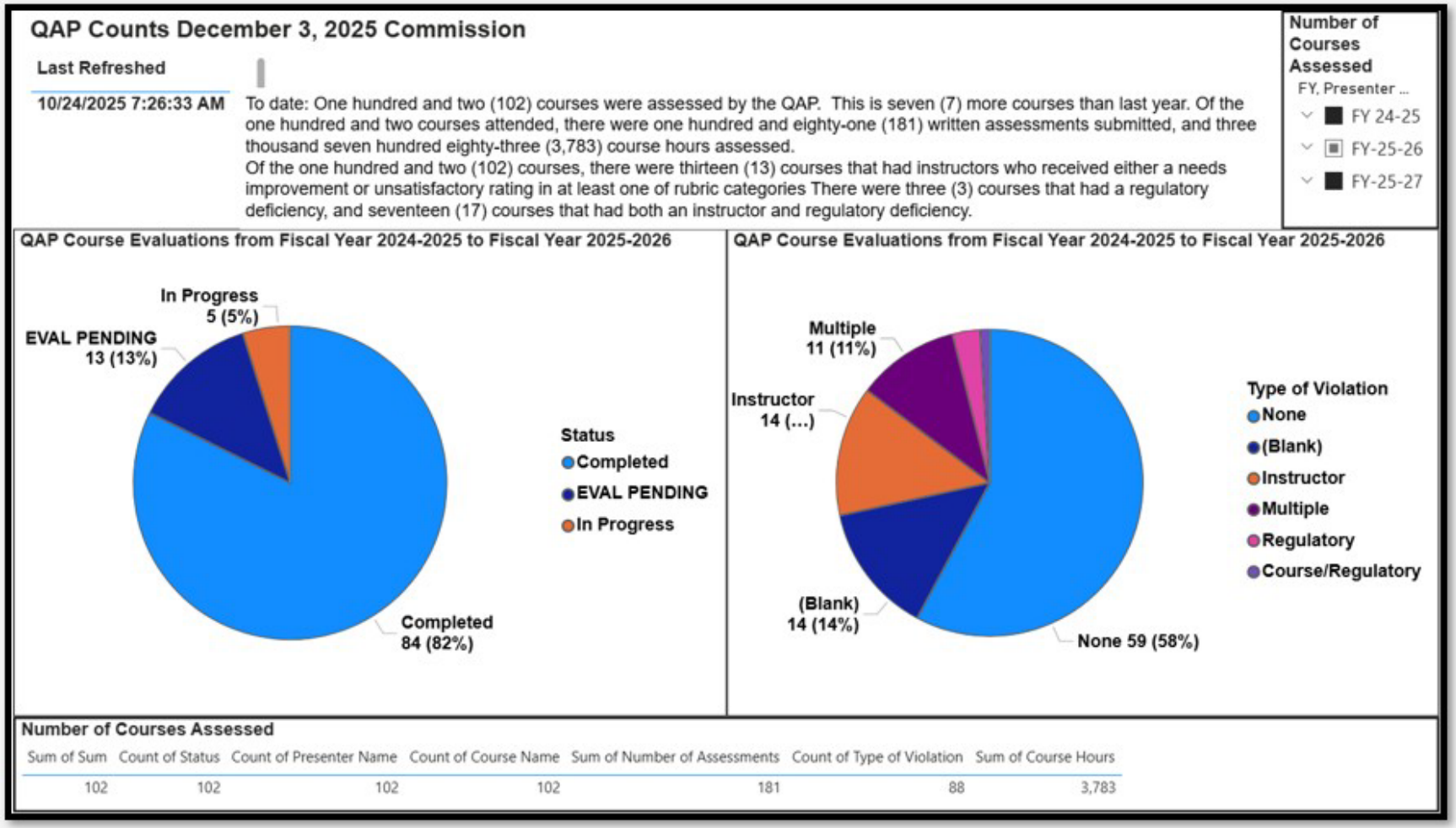
Respectfully,

Brad NewMyer

BRAD NEWMYER
Bureau Chief, Training Program Services

BN:wb

Attachment F



AGENDA ITEM REPORT

Title: REPORT ON CERTIFICATION/DECERTIFICATION UPDATE

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a report on updates regarding the operations of the Peace Officer Standards Accountability Division and to provide operational updates and statistical data on reports and cases of serious misconduct received by POST. Formerly knows as "SB 2 Update."

BACKGROUND: On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2, which outlines peace officer certification requirements in California. The investigations and the process for reviewing serious misconduct cases is now implemented within the Peace Officer Standards Accountability Division.

ANALYSIS: As the final provisions authorized under Senate Bill 2 took effect on January 1, 2023, POST staff reports out on the activities and relevant actions of the Peace Officer Standards Accountability Division and the Peace Officer Standards Accountability Advisory Board since the last Commission meeting.

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

ATTACHMENT(S):
1029_Revocation_List_December25_Commission.pdf
1029_Ineligible_List_December25_Commission.pdf
December 2025 POSAD Stats.pdf

1029 Revocation List – December 2025 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Biscailuz	James Lehr	CA Department of Justice (last employed May 30, 2019)	Northern	March 26, 2024	Felony, Penal Code section 487(b)(3), Grand Theft by an Employee
Browning	Chad Christopher	Hollister Police Department (last employed May 31, 2007)	Central	November 21, 2024	Felony, Penal Code section 245(a)(4), Assault by Means Likely to Produce Great Bodily Injury
Cavalli	Michael Anthony	Amador County Sheriff's Office/Coroner (last employed November 20, 2004)	Northern	September 9, 2024	Three felony violations of Penal Code section 289(a)(1)(c), Sexual Penetration by Use of Force of Minor Victims Over 14
Kirby	Christopher	Trinity County Sheriff's Department (last employed September 29, 2023)	Northern	January 8, 2025	Felony, Penal Code section 288.3(A), Contact with Minor for Sexual Offense Felony, Penal Code section 311.2(B), Exhibiting a Minor in Pornography
LaFlamme	Clint	Sacramento Police Department (last employed December 31, 1994)	Northern	June 17, 2022	Felony, Penal Code section 245(b), Assault with a semi-automatic Firearm

Laroche	Jonathan	El Cajon Police Department (last employed 5/22/2018)	Southern	July 11, 2024	Felony, 18 U.S.C. section 1001, False Statement
Mcclure	Jonathan David	Stanislaus County Sheriff's Office (last employed September 8, 2023)	Central	February 24, 2025	Felony, Penal Code Section 289.6(a)(2), Engaged in Sexual Activity with a Consenting Adult Confined in a Detention Facility
Oceguera-Rocha	Jorge	Riverside County Sheriff's Department (last employed 9/16/2023)	Southern	January 30, 2025	Felony, Health and Safety Code section 11351, Possession for Sale of Controlled Substance Felony, Health and Safety Code section 11352(a), Sales and Transportation of Controlled Substance
Pacheco	Kevin J.	Los Angeles County Sheriff's Department (last employed September 11, 2025)	Southern	November 19, 2024	Felony, Penal Code section 261.5(c), Unlawful Sexual Intercourse with a Minor More Than 3 Years Younger.
Saavedra	Eric	Los Angeles County Sheriff's Department (last employed 3/13/2025)	Southern	February 6, 2025	Felony, 18 U.S.C. section 241, Conspiracy Against Rights Felony, 26 U.S.C. section 7206(1), Making and Subscribing to a False Tax Return

Saldana	Derek	California Highway Patrol (last employed August 20, 2024)	Northern	May 13, 2025	Felony, Vehicle Code section 23153(b), Driving with a Blood Alcohol Content Over .08 Percent or More and Causing Injury
Stiles	Michael Graham	Stockton Police Department (last employed 3/30/2021)	Northern	January 18, 2024	Felony, Penal Code section 149, Assault by a Public Officer
Ulloa	Gustavo O.	San Bernadino County Sheriff's Department (last employed 10/18/2000)	Southern	February 15, 2022 July 22, 2024	Felony, Health and Safety Code section 11377(a), Possessing a Controlled Substance After a Specified Prior Conviction Felony, Penal Code 32, Accessory Felony, Penal Code 290.015(a) Failure to Register Upon Release From Incarceration
Vang	Xa	Butte County Sheriff's Office (last employed March 5, 2024)	Central	April 22, 2025	Felony, Penal Code section 245(a)(2), Assault with a Firearm
Vasquez	Anthony L.	Pinole Police Department (last employed June 28, 2021)	Central	February 3, 2023	Felony, Penal Code section 632(a), Eavesdropping
Villapudua	Omar	Stockton Police Department (last employed 3/30/2021)	Northern	January 18, 2024	Felony, Penal Code section 149, Assault by a Public Officer

Ward	Jesse Waymen	Kern County Sheriff's Office (last employed 6/8/2020)	Central	June 21, 2024	Felony, Penal Code section 273.5(a), Inflict Corporal Injury to a Spouse, Cohabitant Felony, Penal Code section 245(a)(4), Assault on a Person causing Great Bodily Injury
Williams	Jack Jeffrey	Riverside County Sheriff's Department (last employed December 14, 2024)	Southern	December 20, 2024	Felony, Penal Code section 487(a) Grand Theft of Personal Property.

1029 Ineligible List – December 2025 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Hall	Andrew	Contra Costa SO (last employed March 15, 2022)	Central	October 26, 2021	Felony, Penal Code section 245 (a)(2), Assault with a Firearm and special enhancement Penal Code section 12022.7 (a) Great Bodily Injury
Jimenez	Omar	Los Angeles Police Department (last employed 09/11/2013)	Southern	January 26, 2015	Felony, Penal Code section 182(a)(1) Conspiracy to Commit a Crime
Ramirez	Michael	Novato PD (Last employed January 30, 2016	Northern	August 23, 2016	Felony, Penal Code section 664/646.9(a), Attempt to Stalk

Peace Officer Standards Accountability Division

Certification Statistics

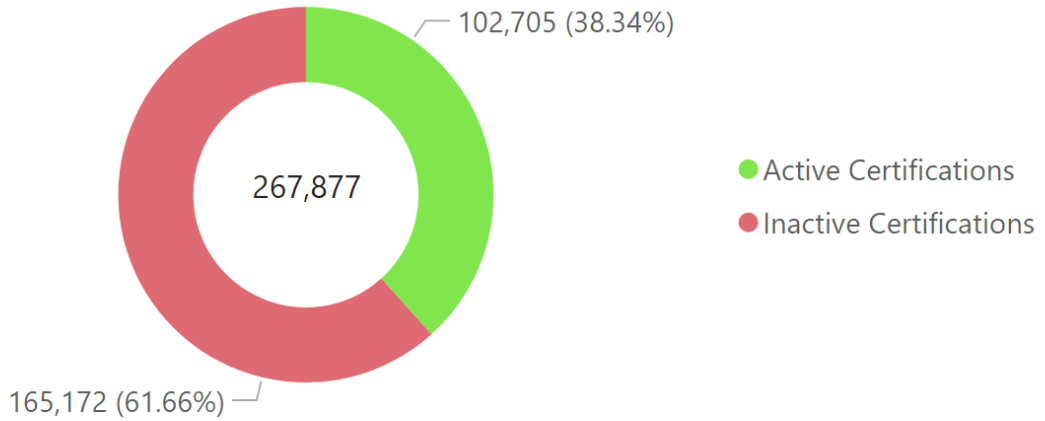
December 2025

Data through 11/15/2025

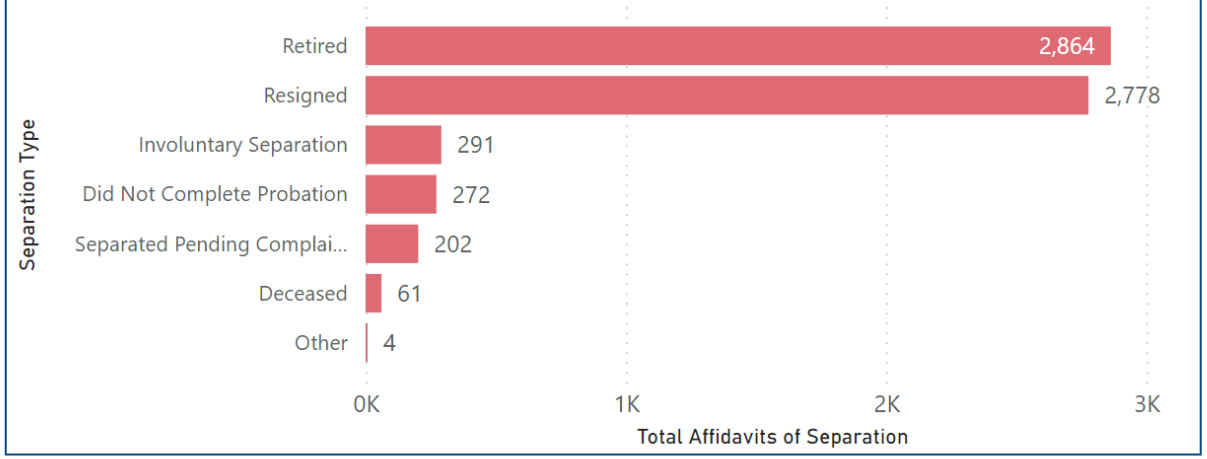
Peace Officer Certification Statistics

Report Year : 2025

Current Active and Inactive Certifications



Affidavits of Separation (AOS)



Current Full-time Peace Officers 83,113

Serious Misconduct Count 406

Total AOS 6,476

Serious Misconduct Reason	Count of Affidavits
Abuse of Power	36
Demonstrating Bias	33
Dishonesty	114
Egregious Repeated Acts	110
Failure to Cooperate with Investigation	13
Failure to Intercede	1
Law Enforcement Gang	3
Physical Abuse	58
Sexual Assault	38

Basic Certificates Issued 3,611

Appointments Approved 6,857

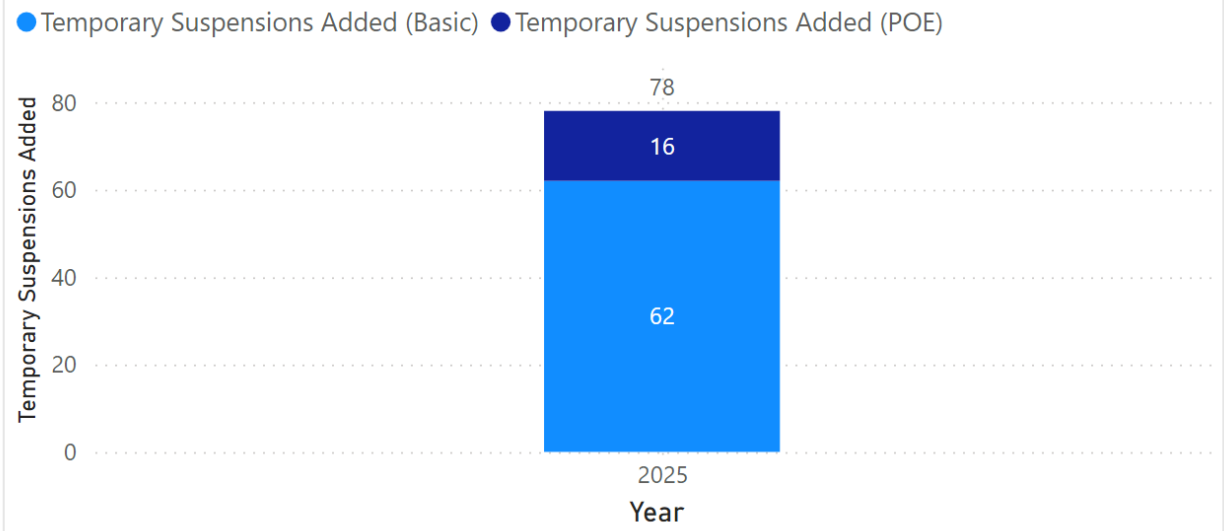
Proof of Eligibilities Issued 5,348

Distinct Officers with Serious Misconduct 302

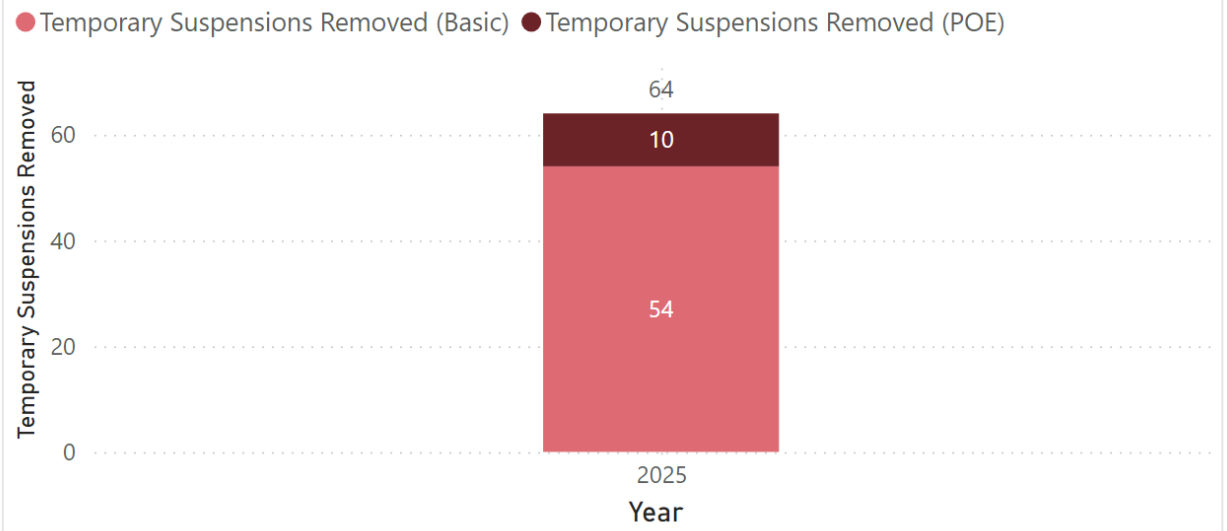
Peace Officer Certification Statistics

Report Year : 2025

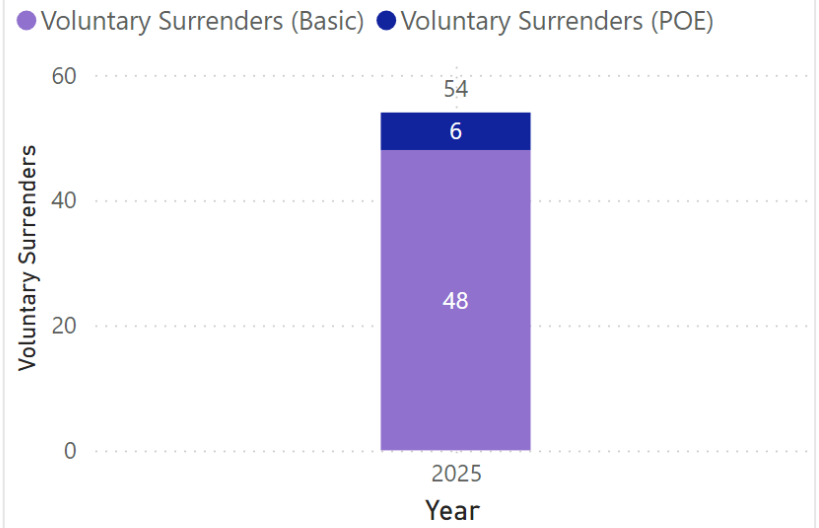
Temporary Suspensions Added by Year



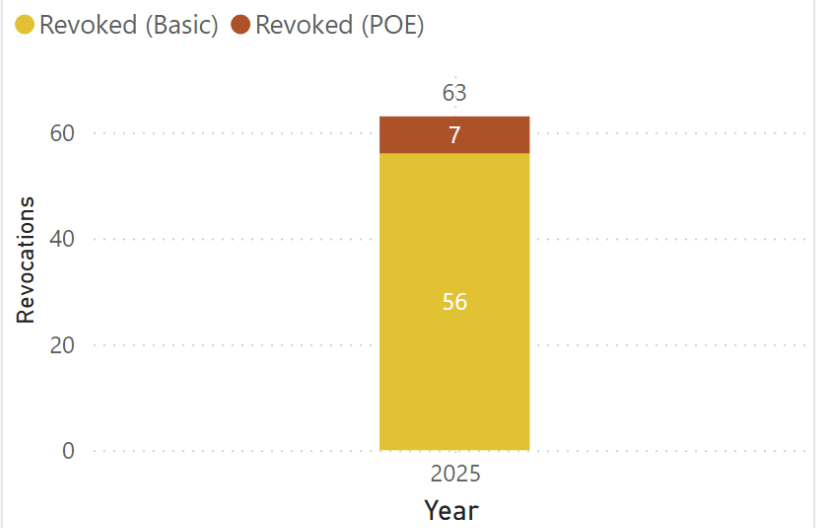
Temporary Suspensions Removed by Year



Voluntary Surrenders by Year



Revocations by Year

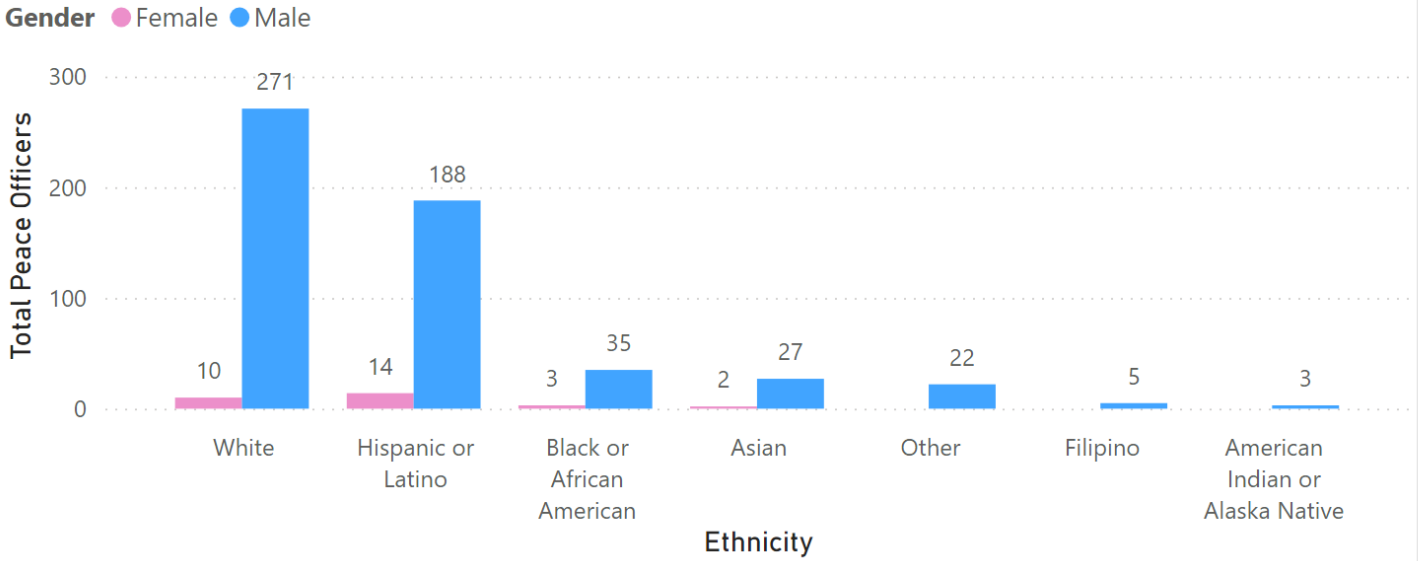


1029 Ineligibilities Added

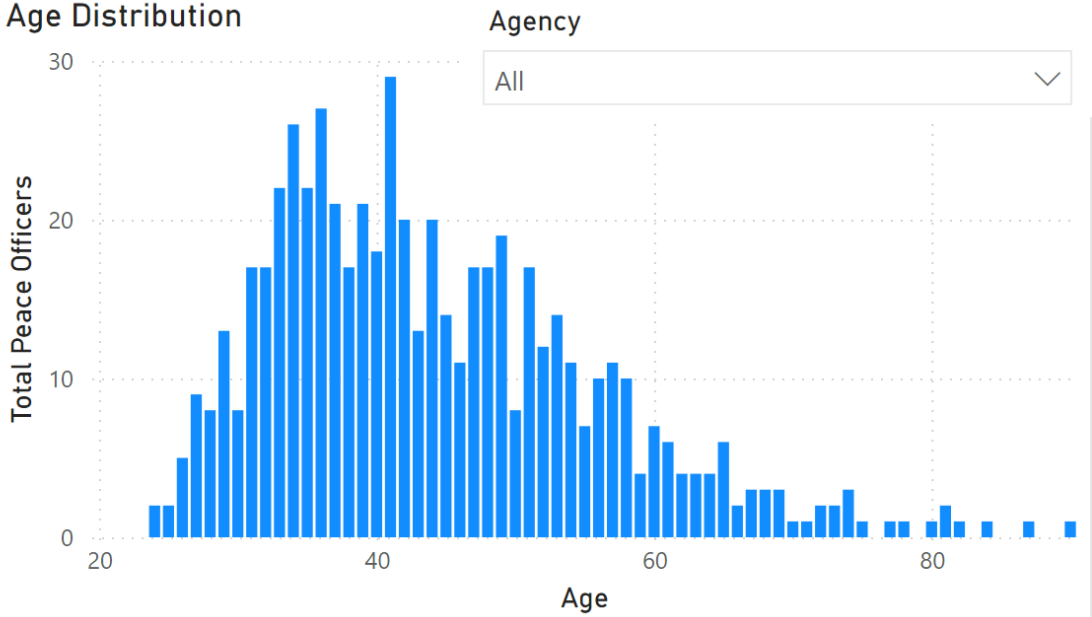
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Peace Officer Certification Statistics

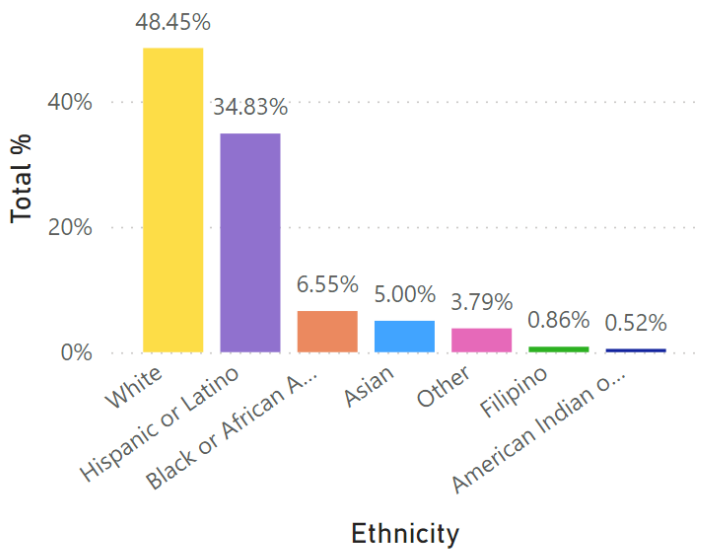
Demographics of peace officers that POST has taken action against



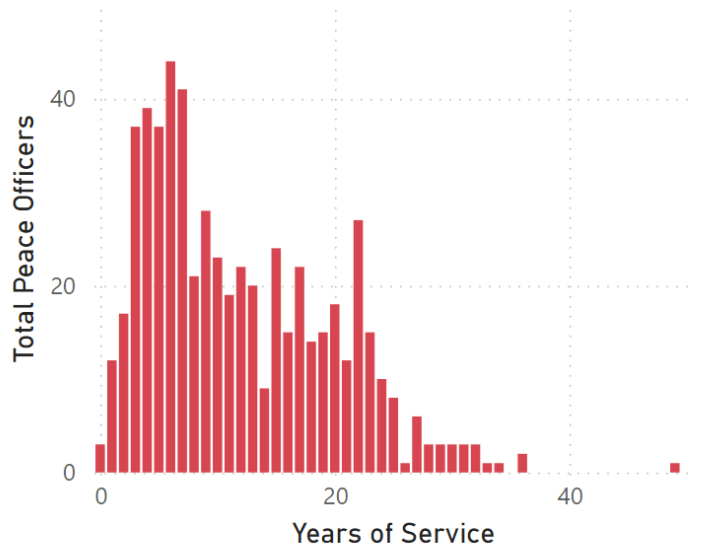
Age Distribution



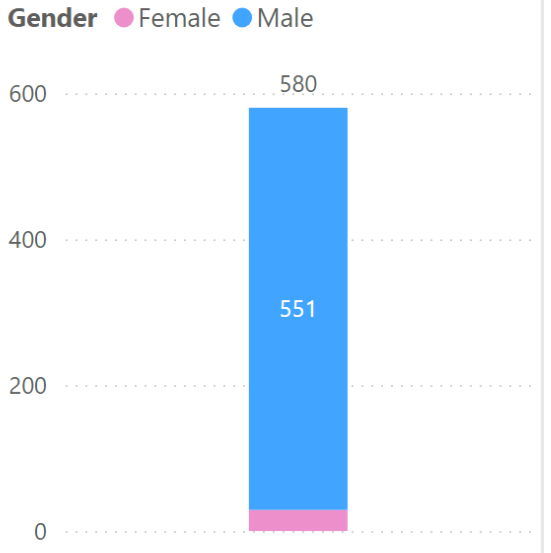
Total % by Ethnicity



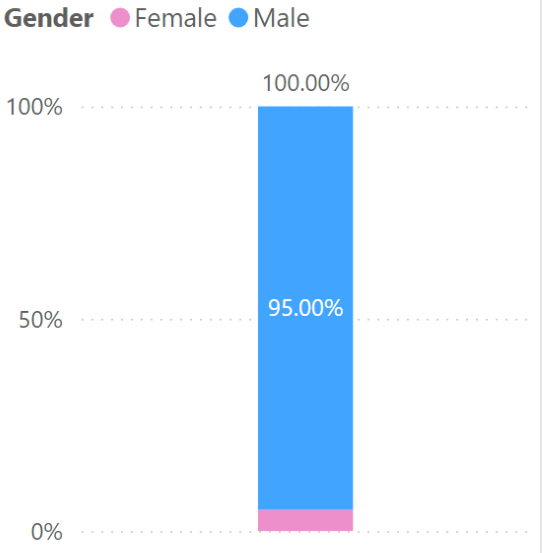
Years of Service Distribution



Female vs Male



Female vs Male (%)



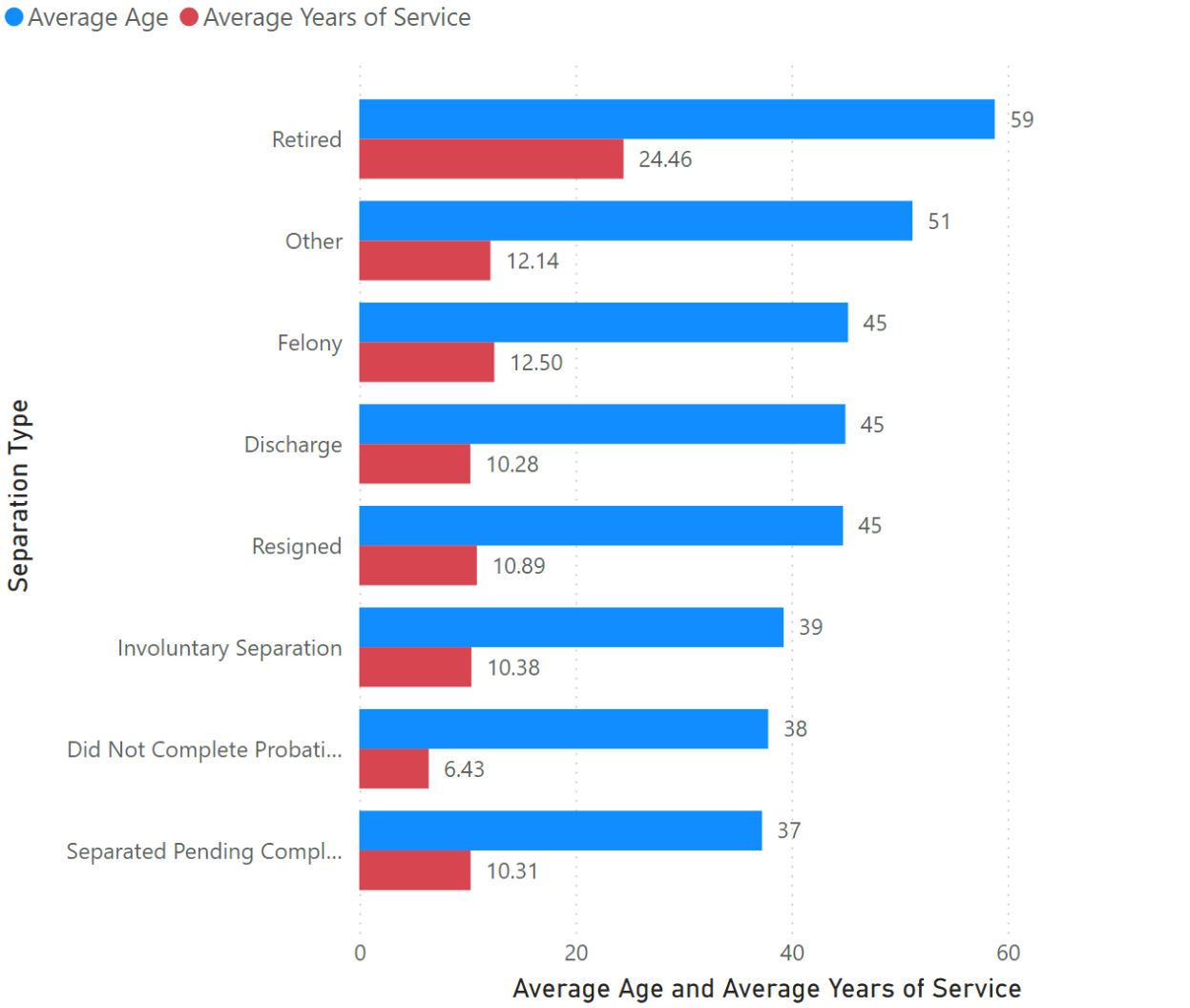
Peace Officer Certification Statistics

Demographics of peace officers that POST has taken action against

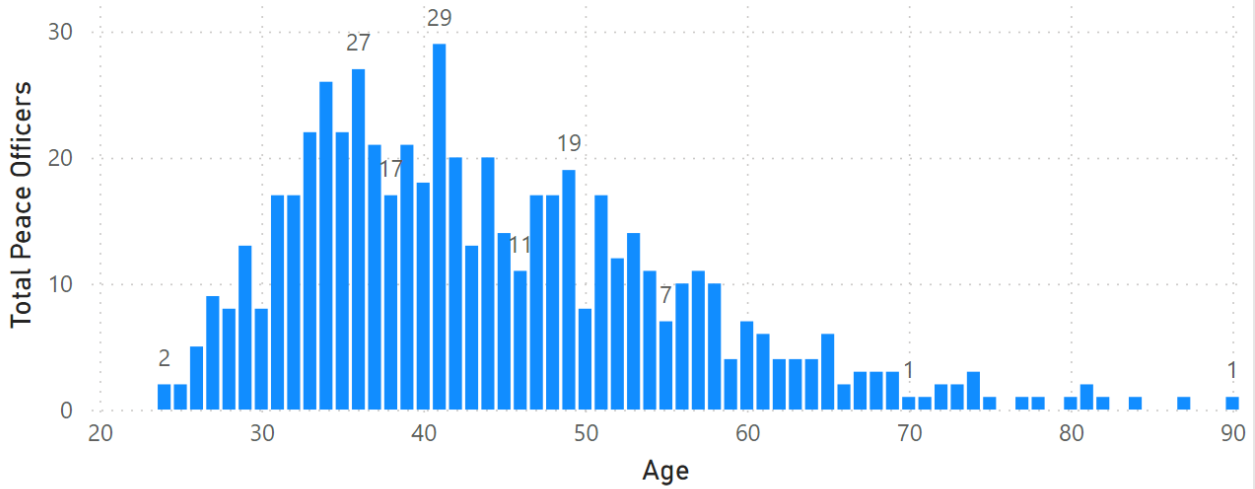
Separation Type: All

Agency: All

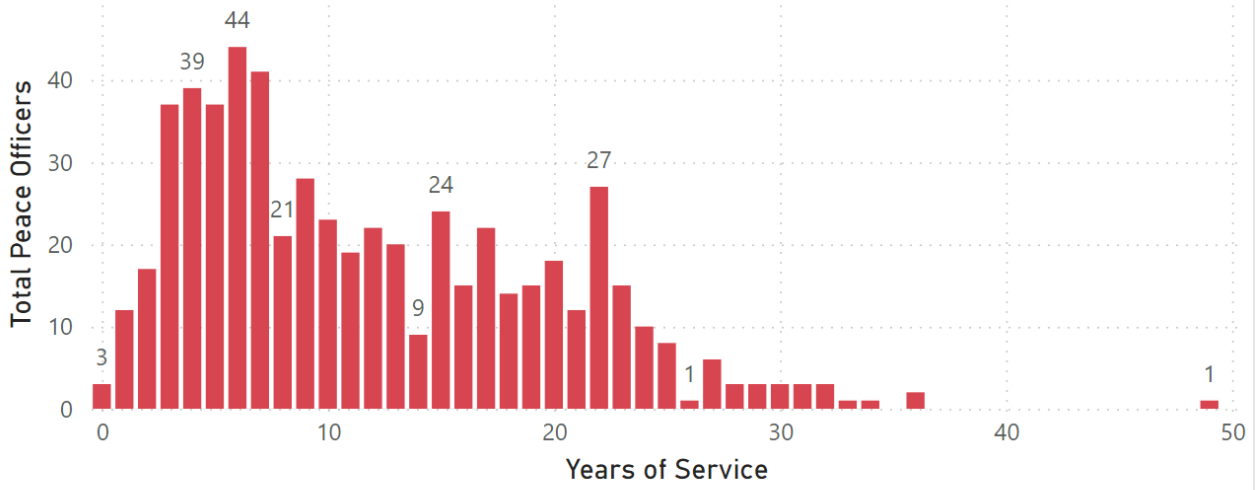
Average Age & Average Years of Service by Separation Type



Total Peace Officers by Age



Total Peace Officers by Years of Service

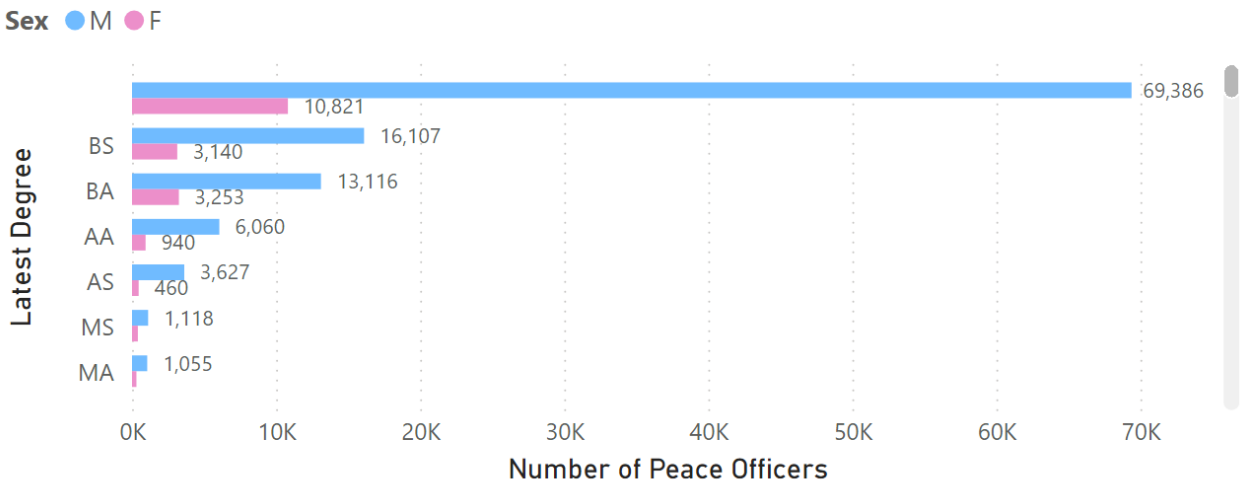


Peace Officer Education Statistics (Statewide)

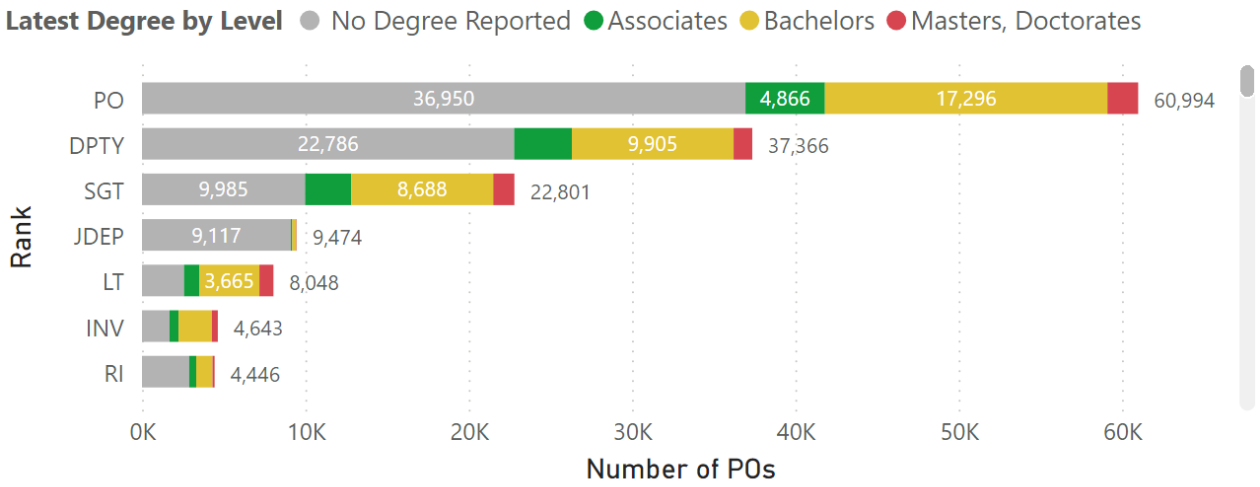
Statewide Data | Misconduct Data

Latest Degree (Select Blank for POs w/o Degrees): All | Rank: All | Sex: All | Ethncity: All | Agency: All

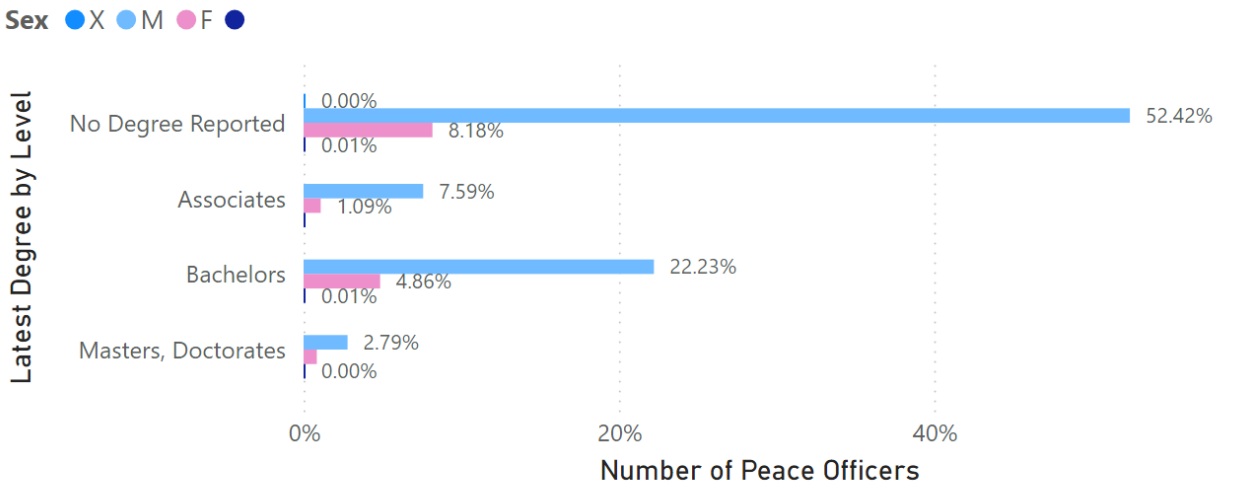
Number of Peace Officers by Latest Degree Earned (Statewide)



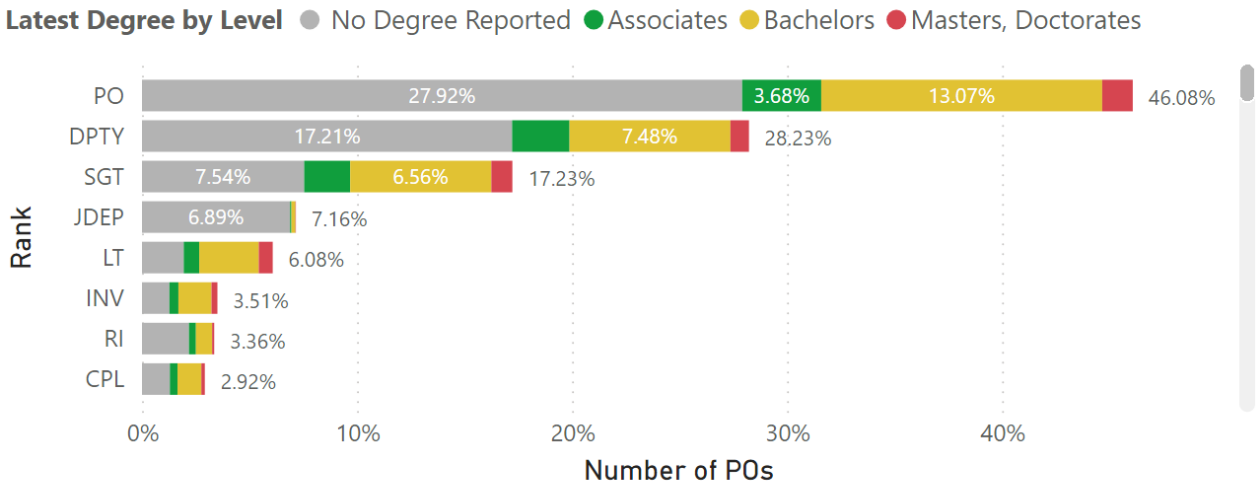
Number of POs by Rank and Latest Degree Earned (Statewide)



Number of Peace Officers by Latest Degree Earned (Statewide)



Number of POs by Rank and Latest Degree Earned (Statewide)

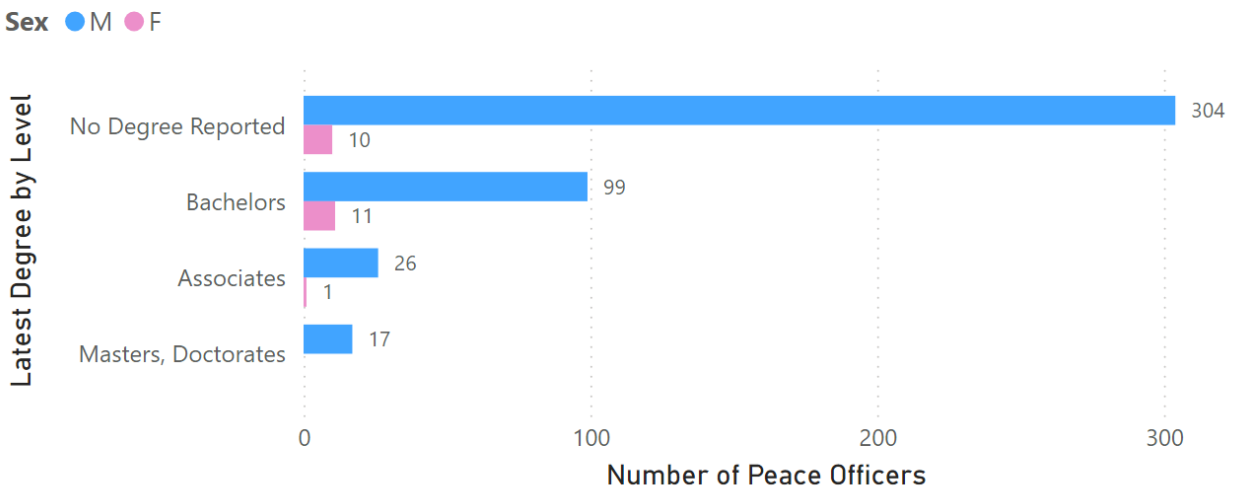


Peace Officer Education Statistics (Misconduct)

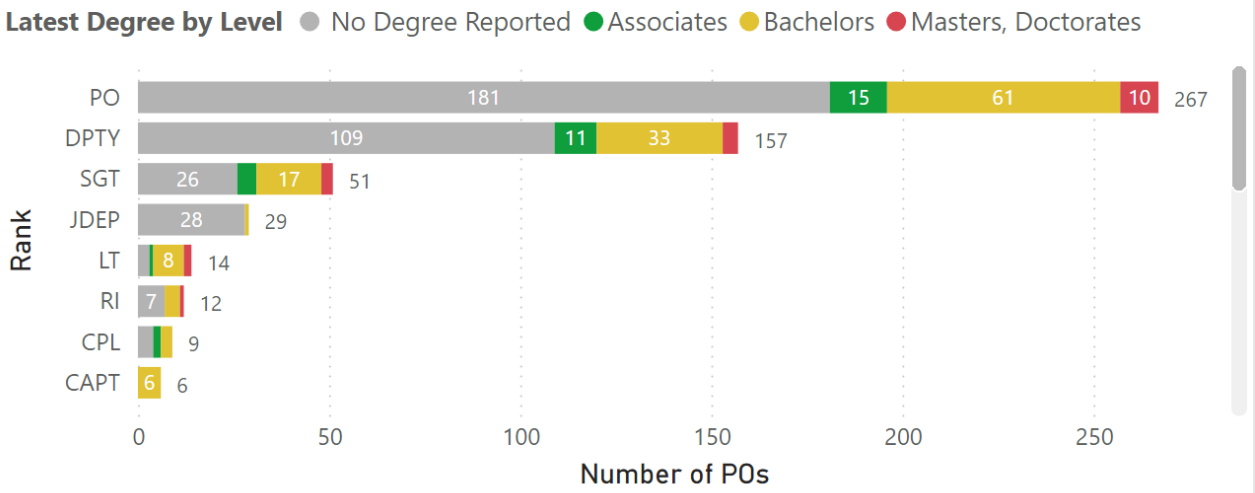
Statewide Data | Misconduct Data

Latest Degree (Select Blank for POs w/o Degree... : All | Rank : All | Sex : All | Ethnicity : All | Agency : All

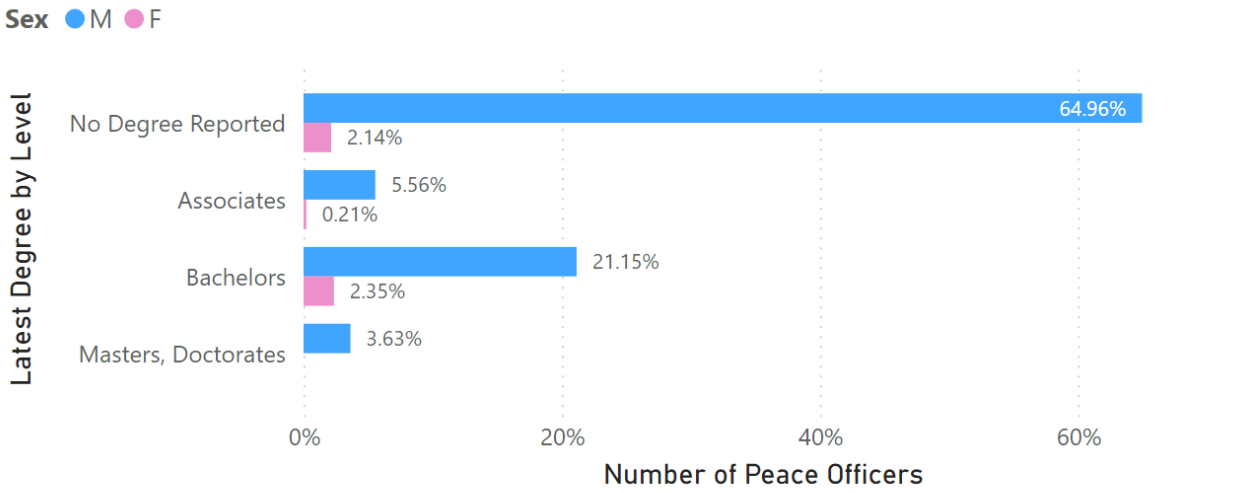
Number of Peace Officers by Degrees Earned (Misconduct)



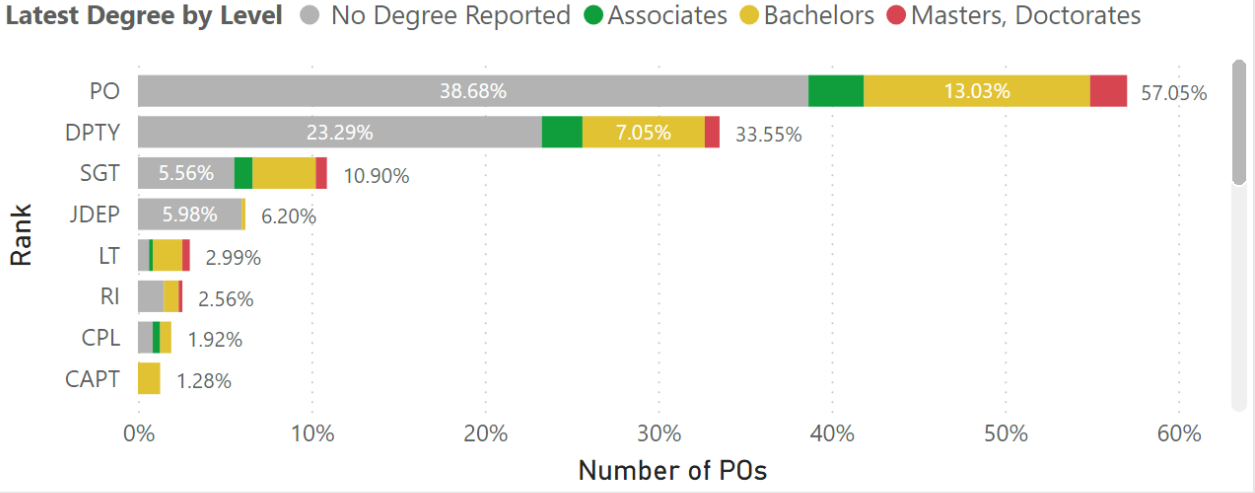
Number of POs by Rank and Latest Degree Earned (Misconduct)



Number of Peace Officers by Degrees Earned (Misconduct)



Number of POs by Rank and Latest Degree Earned (Misconduct)



Peace Officer Standards Accountability Division

Statistical Data Profile

December 2025

Data through 10/31/2025

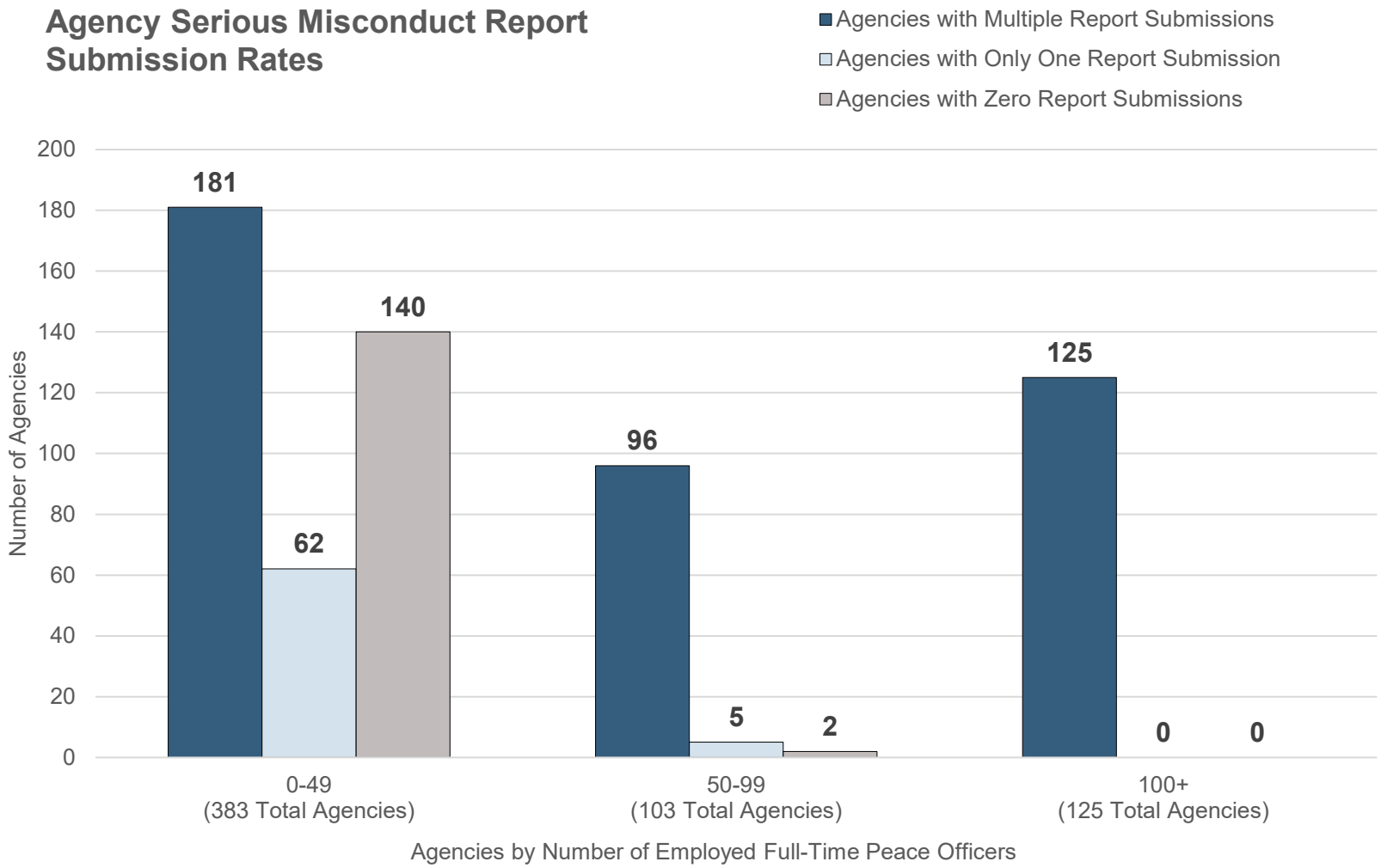
Agency participation for serious misconduct report submissions is at its highest since the implementation of SB 2.

611 agencies must report serious misconduct to POST.

Most agencies have submitted multiple serious misconduct reports to POST.

23% of agencies have not reported. Over half of these agencies employ less than 10 full-time peace officers.

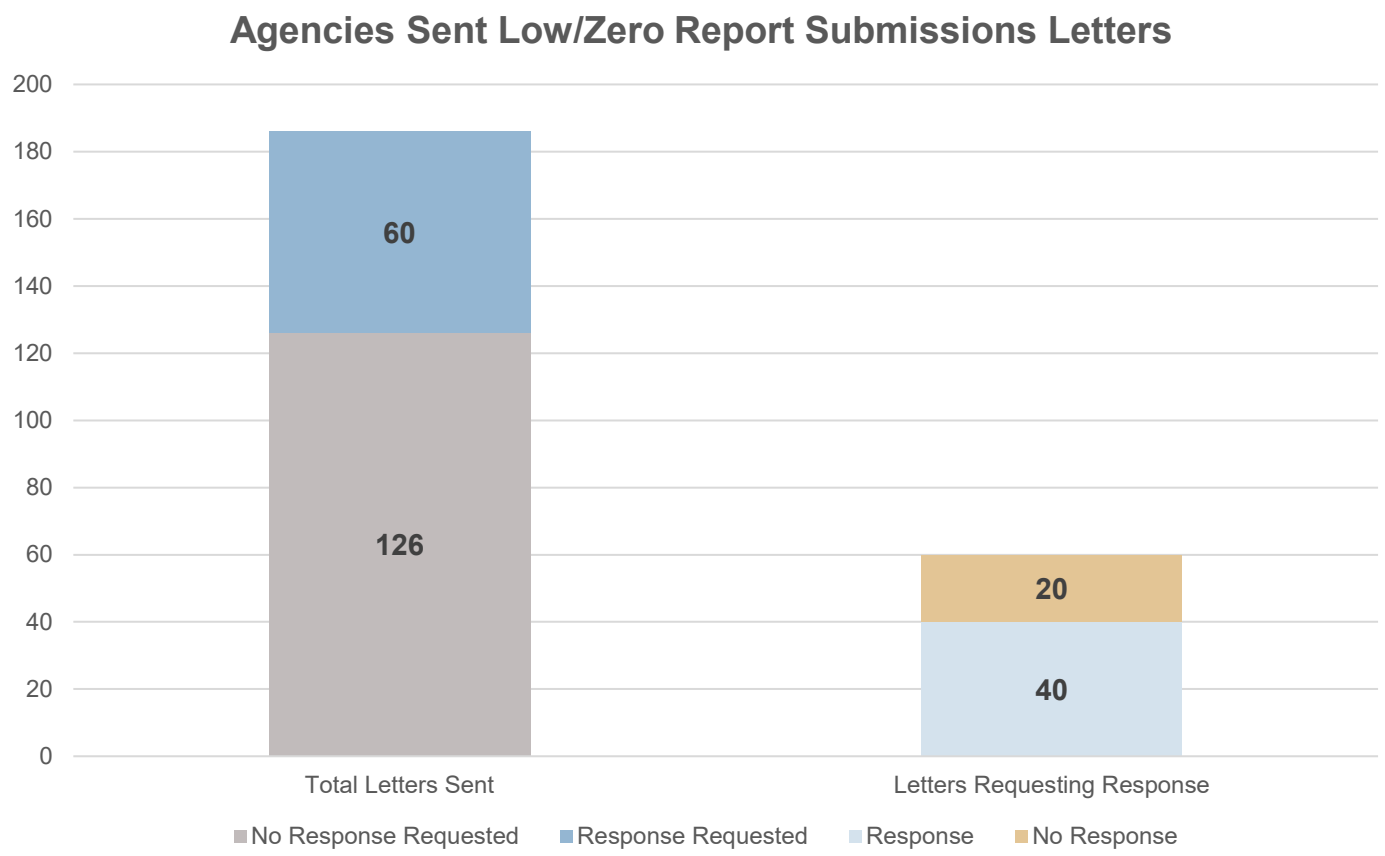
Agencies with a smaller number of peace officers are statistically expected to have less serious misconduct incidents and allegations.



POST tracks non-reporting agencies and conducts outreach to these agencies through various methods.

POST's efforts to conduct statewide outreach to non-reporting agencies include holding virtual and in-person trainings on serious misconduct reporting, the decertification process, and serious misconduct allegations and investigations.

Annually, POST sends a letter to non-reporting agencies to confirm if they had any serious misconduct to report.



In October 2025, POST identified **186 agencies** with less than expected, or zero, serious misconduct submissions.

- **60** Agencies identified as "Traditional Law Enforcement" (Police Departments, Sheriff's Offices, etc.) were sent a letter asking the Agency Head to respond and attest to the accuracy of POST's reporting.
- **126** Agencies identified as "Non-traditional Law Enforcement" (Railyards, DA's, etc.) were sent a letter advising them of the number of misconduct submissions received by POST.

Of the **60** letters sent requesting a response, **40** agencies responded to confirm the accuracy of the reporting.

The Division's intake of serious misconduct reports was heavily driven by the statutory retroactive reporting mandate, but numbers have since stabilized at ~2.5k reports per quarter.

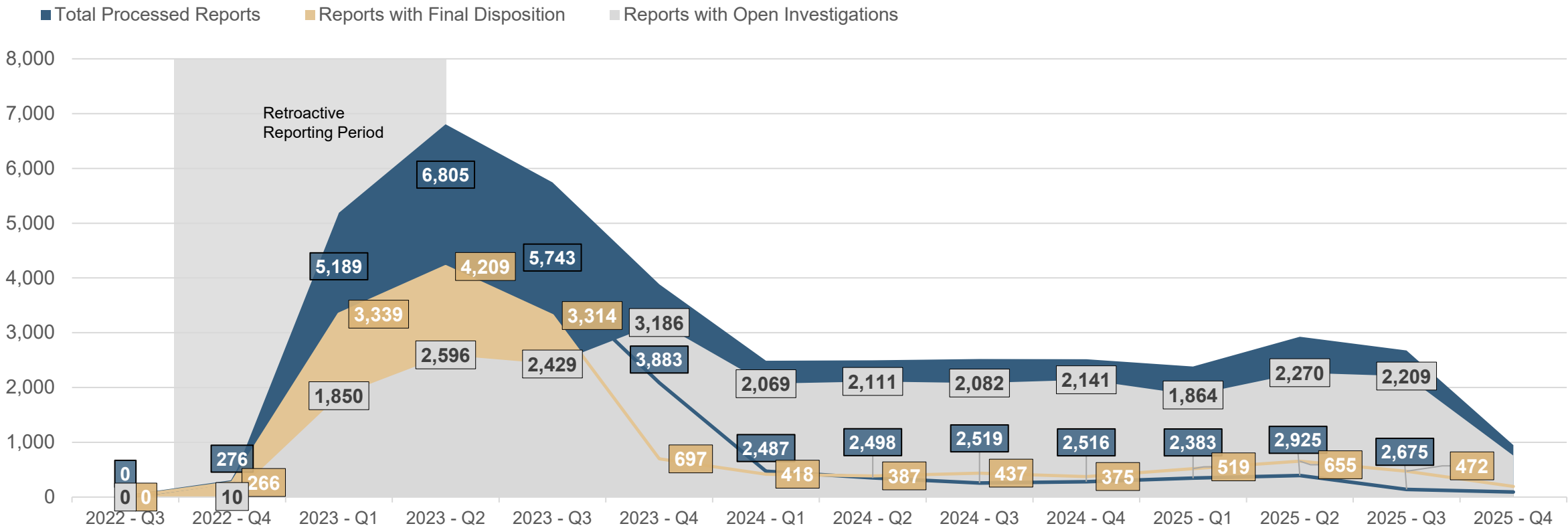
The Division processed over **40,000 Agency Misconduct reports.**

30% were received prior to the statutory retroactive reporting deadline: July 1, 2023.

44% of all reports were **retroactive reports** (incident date between January 1, 2020, and January 1, 2023.)

Since the 1st quarter of 2024, the Division routinely processes approximately **2,500 reports per quarter.**

Composition of Reports Processed by the Division

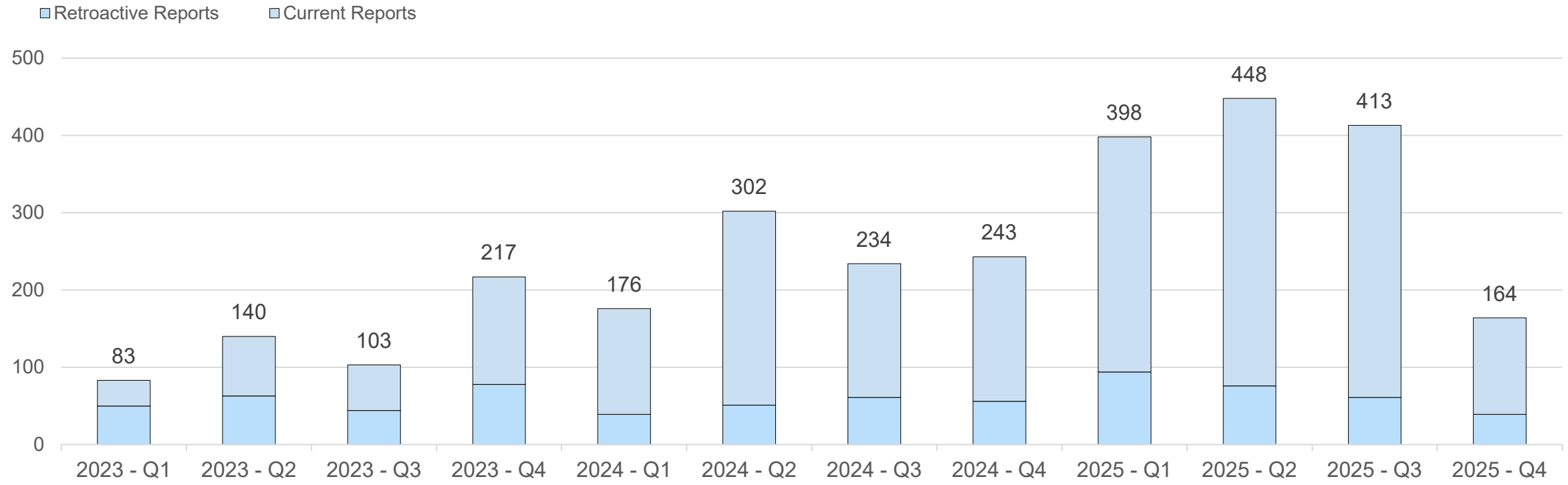


Nearly 2,900 public complaint reports processed by the Division; increasing public awareness of POST and the decertification process has resulted in a steady increase of public complaint submissions.

POST has received complaints against **over 1,700 officers** from a pool of approximately 1,200 complainants.

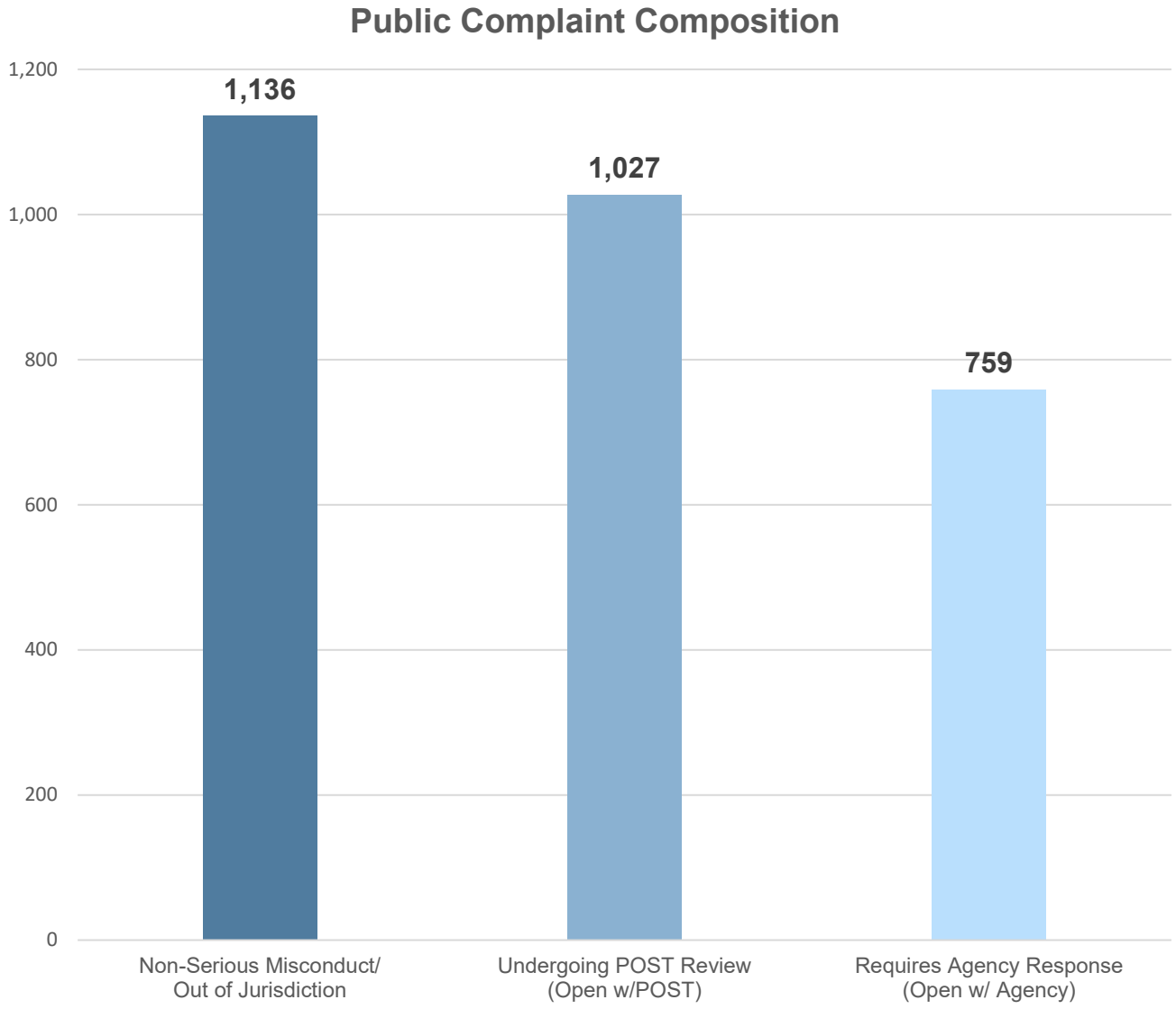
Agencies have submitted 668 Agency Misconduct reports to provide findings or notify POST of its ongoing investigation into the complaint. About 300 of these reports were submitted prior to POST's receipt of the public complaint.

Public Complaint Reports Processed by the Division



Total reflects the **number of officers** with potential serious misconduct allegations rather than the actual number of public complaints submitted by members of the public; if an individual files a complaint that contains multiple officers, POST will create a respective report for each named officer.

POST is actively reviewing complaints and coordinating with agencies for documentation; 35% are undergoing review for potential serious misconduct, while 39% have been closed.



1,136 (39%) complaints are closed.

These complaints were reviewed by POST and determined to be serious misconduct, not serious misconduct, or non-jurisdictional. POST can only take certification action against peace officers described in Penal Code section 13510.1(a**).**

1,027 (35%) complaints are undergoing POST review.

POST has received sufficient agency documentation to move forward with review. These complaints were identified for containing potential serious misconduct.

759 (26%) complaints require additional agency documentation.

POST communicates with agencies to receive ample documentation prior to its review.

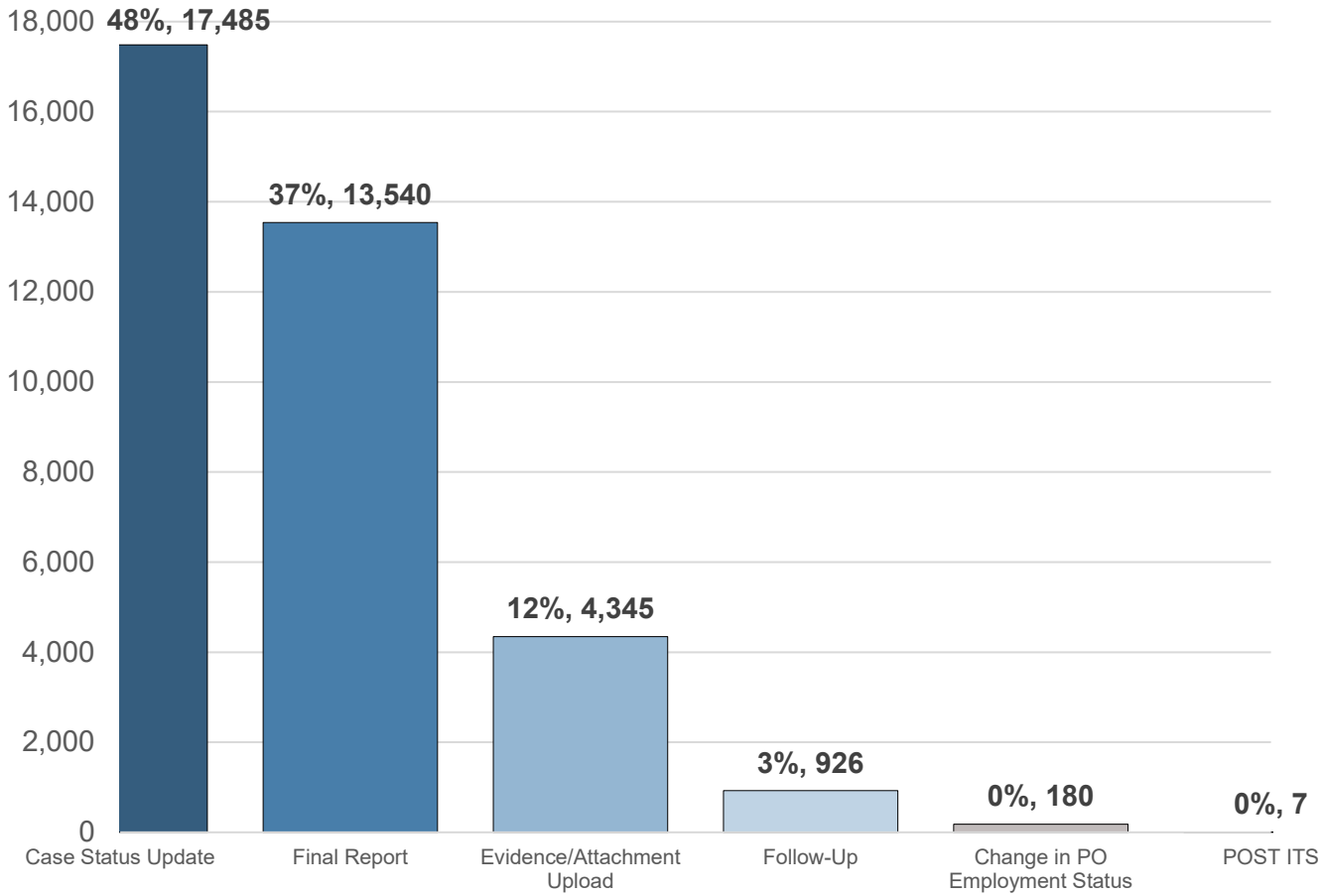
10 (0.3%) complaints have resulted in certification action.
These complaints have been reviewed by POST and resulted in revocation, ineligibility, or voluntary surrender of the subject officer's certification.

303 (10%) complaints are against Chiefs/Sheriffs.
These complaints are highly prioritized and brought to the attention of the Professional Conduct Bureau Chiefs, who will review the complaint and decide POST's next steps for investigation.

The Division has received over 36,000 report updates from agencies, most consisting of case status updates, evidence uploads, and agency findings.

Over 36,000 Agency Supplemental reports were submitted to provide additional information to Agency Misconduct reports and public complaints.

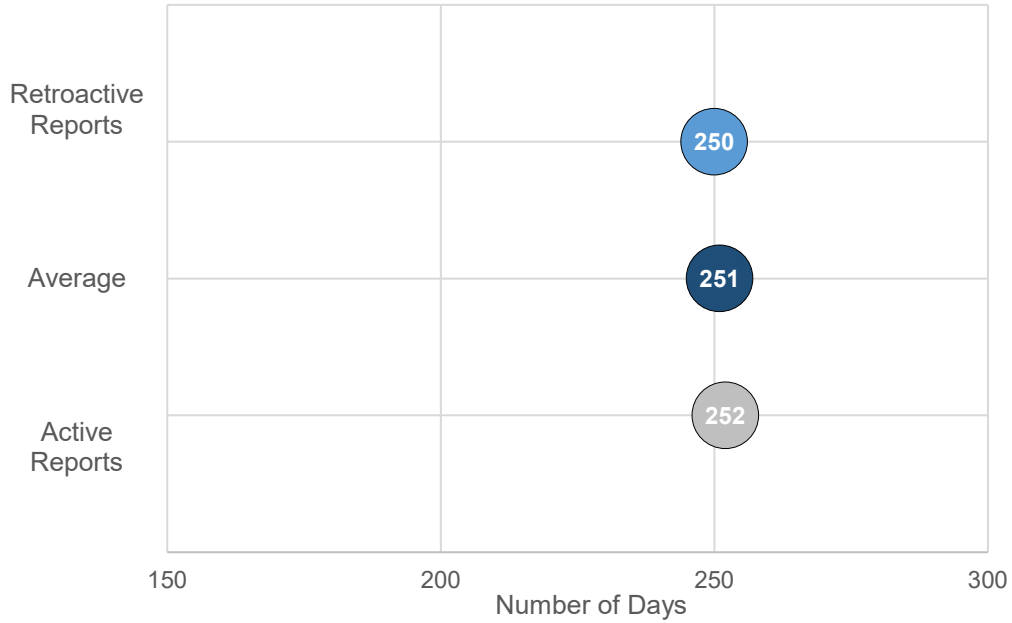
Types of Agency Supplemental Reports Submitted to POST



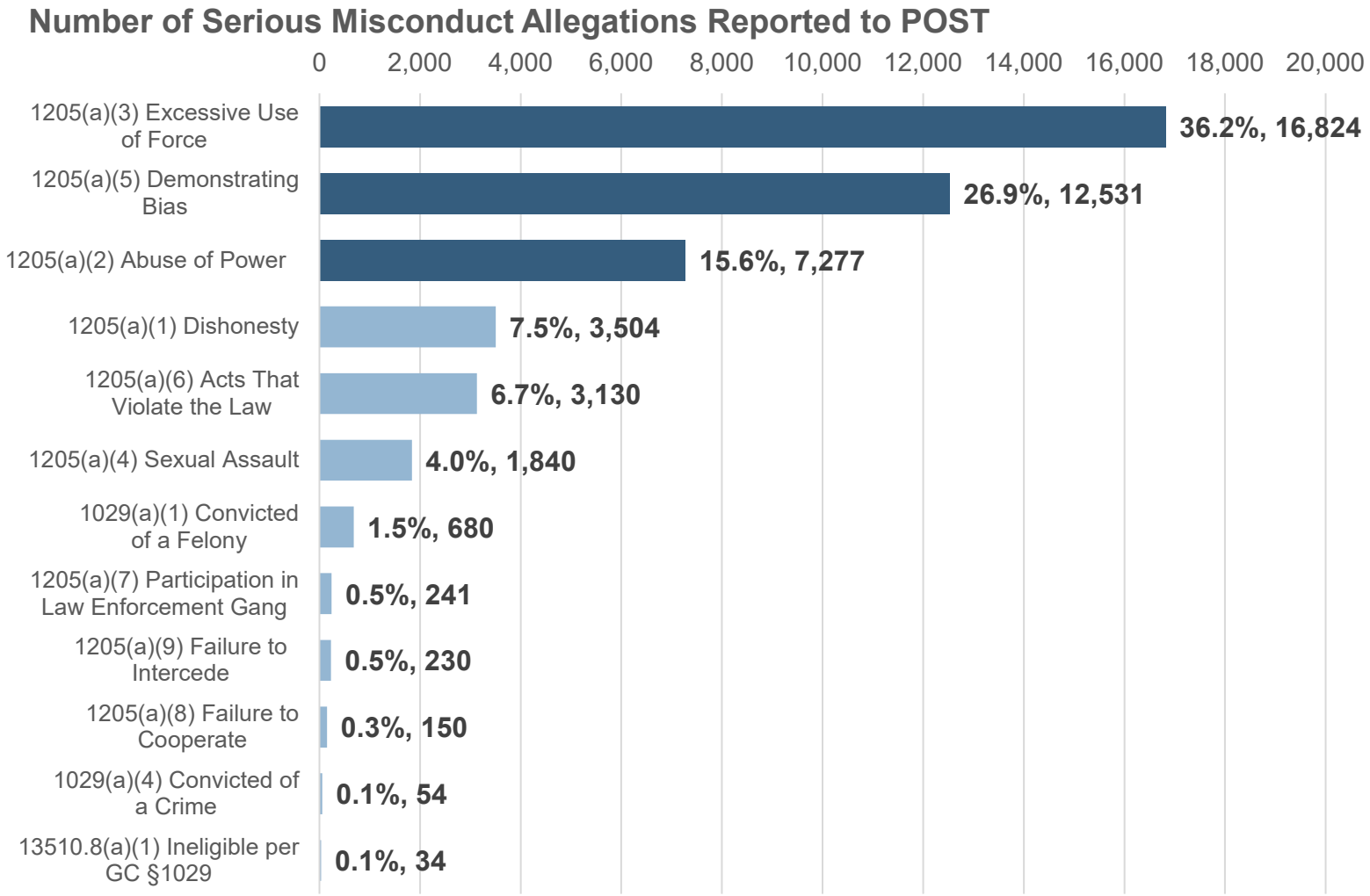
The average timeframe in which an open Agency Misconduct report receives agency findings through an Agency Supplemental report is **251 days**. This timeframe fluctuates when discerning active and retroactive reports.

On average, **retroactive reports** received agency findings in **250 days**. In contrast, **active reports** received agency findings later, within an average of **252 days**.

Average Agency Finding Submission Times By Incident Date



Over 46,000 serious misconduct allegations spanning 22,000+ officers statewide have been reported to POST; in accordance with statute, only 85% of the allegations are potentially actionable.



A report or complaint may contain multiple allegations.

22,409 subject peace officers (27% of total CA peace officers) received allegations.

About **31%** of allegations **occurred prior to January 1, 2022**.

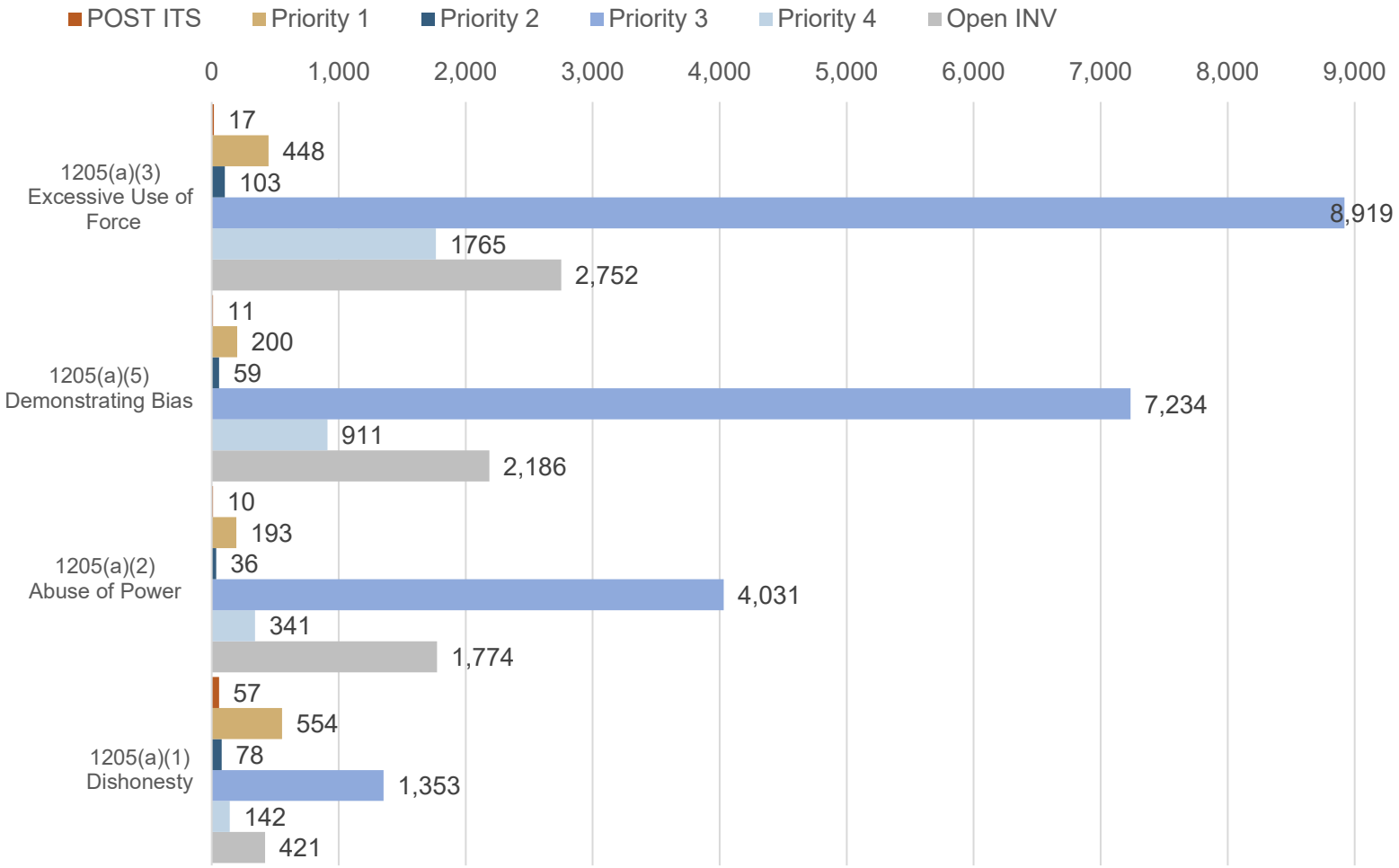
POST can only act against conduct that occurred prior to January 1, 2022, **if:**

(1) The subject officer's agency makes a final determination on its investigation **after** January 1, 2022,
or
(2) The allegations include dishonesty, sexual assault, and/or use of deadly force resulting in serious bodily injury or death.

Approximately **39,000** (85%) of the allegations **are considered potentially actionable** by POST.

Prioritization of reported allegations to POST: bulk of allegations receive Priority 3 and Open INV labels.

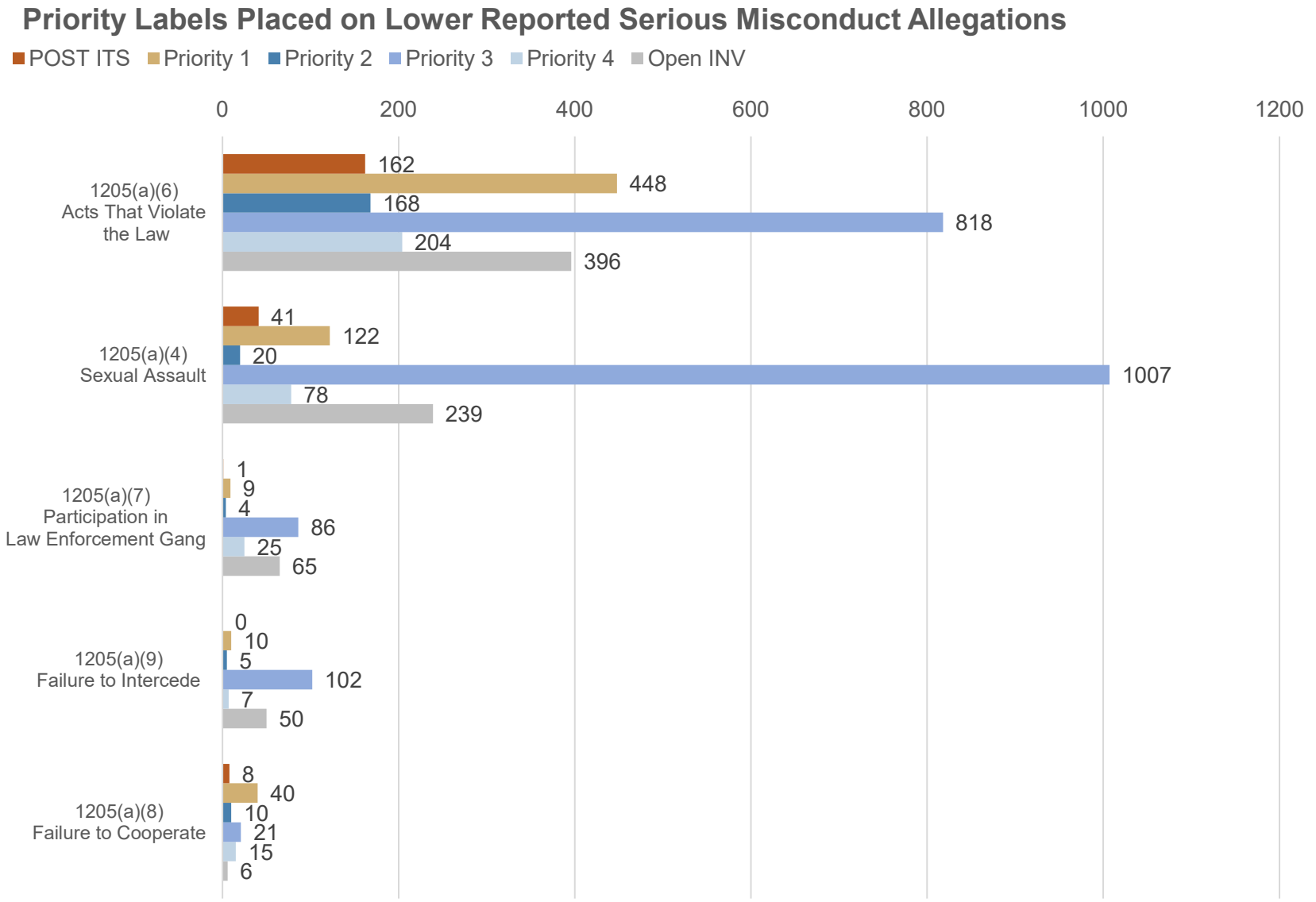
Priority Labels Placed on Top 4 Reported Allegations



* Labels are assigned upon review by Intake and Disposition Bureau. Prioritization is subject to change when reports are assigned into cases to Professional Conduct Bureau staff.

Label	Definition
POST ITS	Contains a potential ITS basis outlined in Penal Code section 13510.8(d).
Priority 1	Contains politically/media-sensitive content or sustained agency findings, regardless of the incident or agency finding date.
Priority 2	Contains sustained agency findings for policy violations that may or may not fall under the definition of serious misconduct.
Priority 3	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **after** January 1, 2022.
Priority 4	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **before** January 1, 2022.
OPEN INV	Contains an ongoing agency investigation without agency findings.

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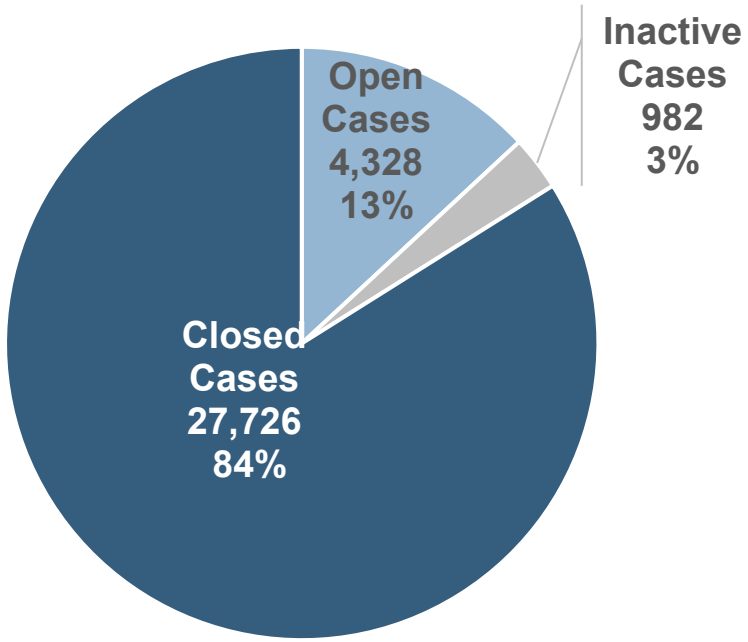
84% of ITS, Public Complaint, and Priority cases are closed; remaining ongoing caseload is prioritized based on agency findings and potential risk to public safety.

84% of ITS, Public Complaint, and Priority cases were closed following POST's review.

13% of these cases are open for POST's review.

The remaining **3% are considered inactive.**

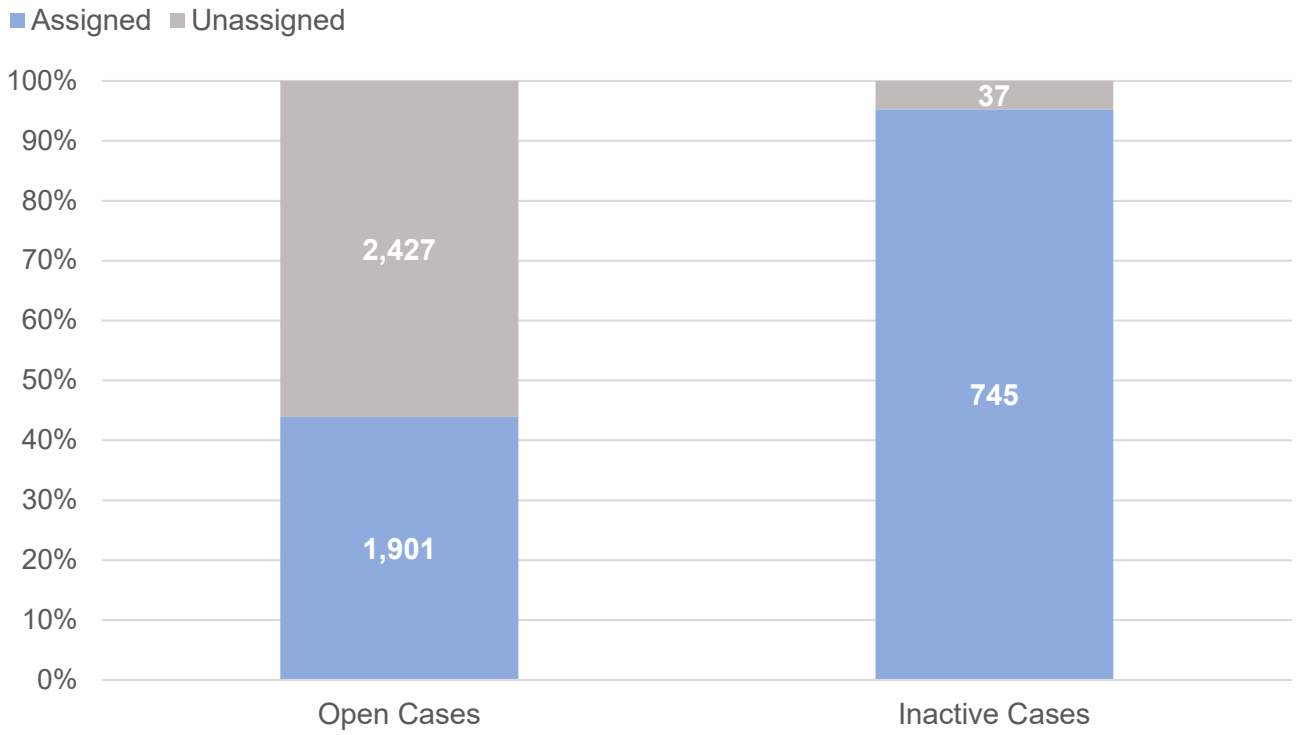
Case Statuses Among ITS, Public Complaint, and Priority Case Types



Open Cases - 44% have been assigned to staff for review; 56% are pending assignment.

Inactive Cases - 95% have been assigned to follow up with agencies on their investigation findings and/or monitor cases that pose a potential risk to public safety; 5% are unassigned due to the absence of agency findings.

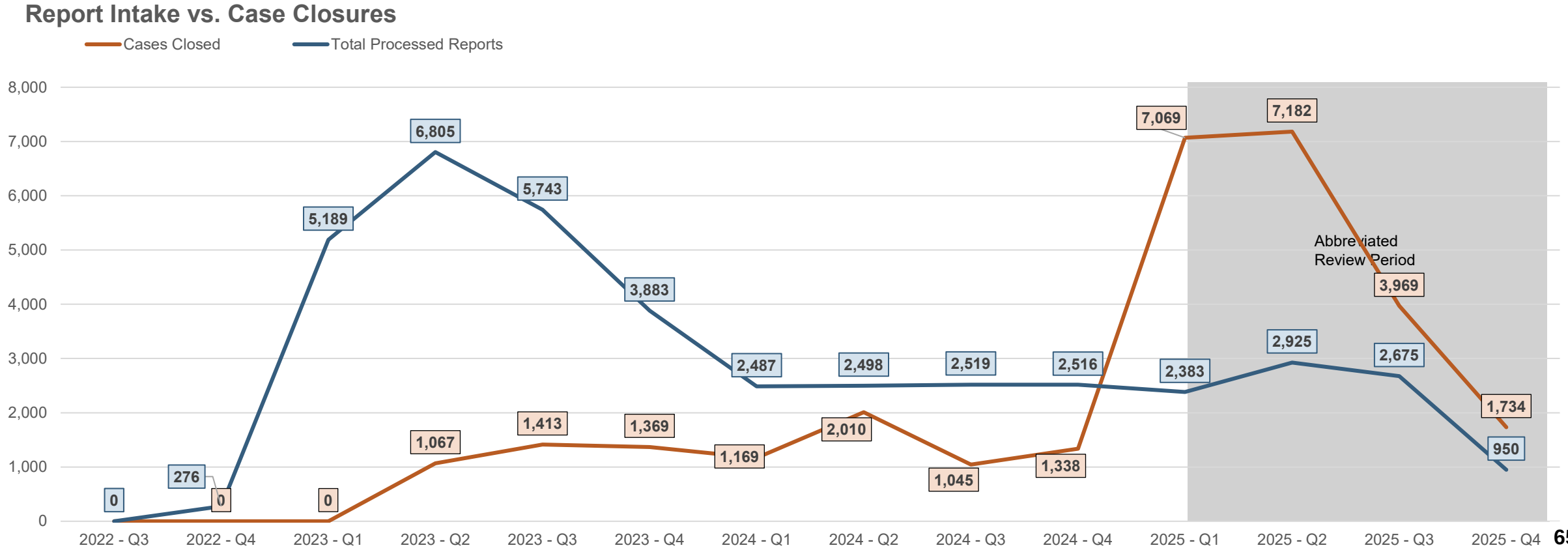
Assigned and Unassigned Open and Inactive ITS, Public Complaint, and Priority Cases



POST's case closures are catching up to its initial report intake; its abbreviated review process is aiding in backlog clearance.

In 2025 Quarter 1, the Division saw a spike in case closures due to a limited-time **Abbreviated Review** process to address the backlog of Priority 3 cases. Agency and POST's findings within Priority 3 cases saw little discrepancies in outcomes, and the Division determined it would be most responsible to prioritize and investigate cases that may contain serious misconduct.

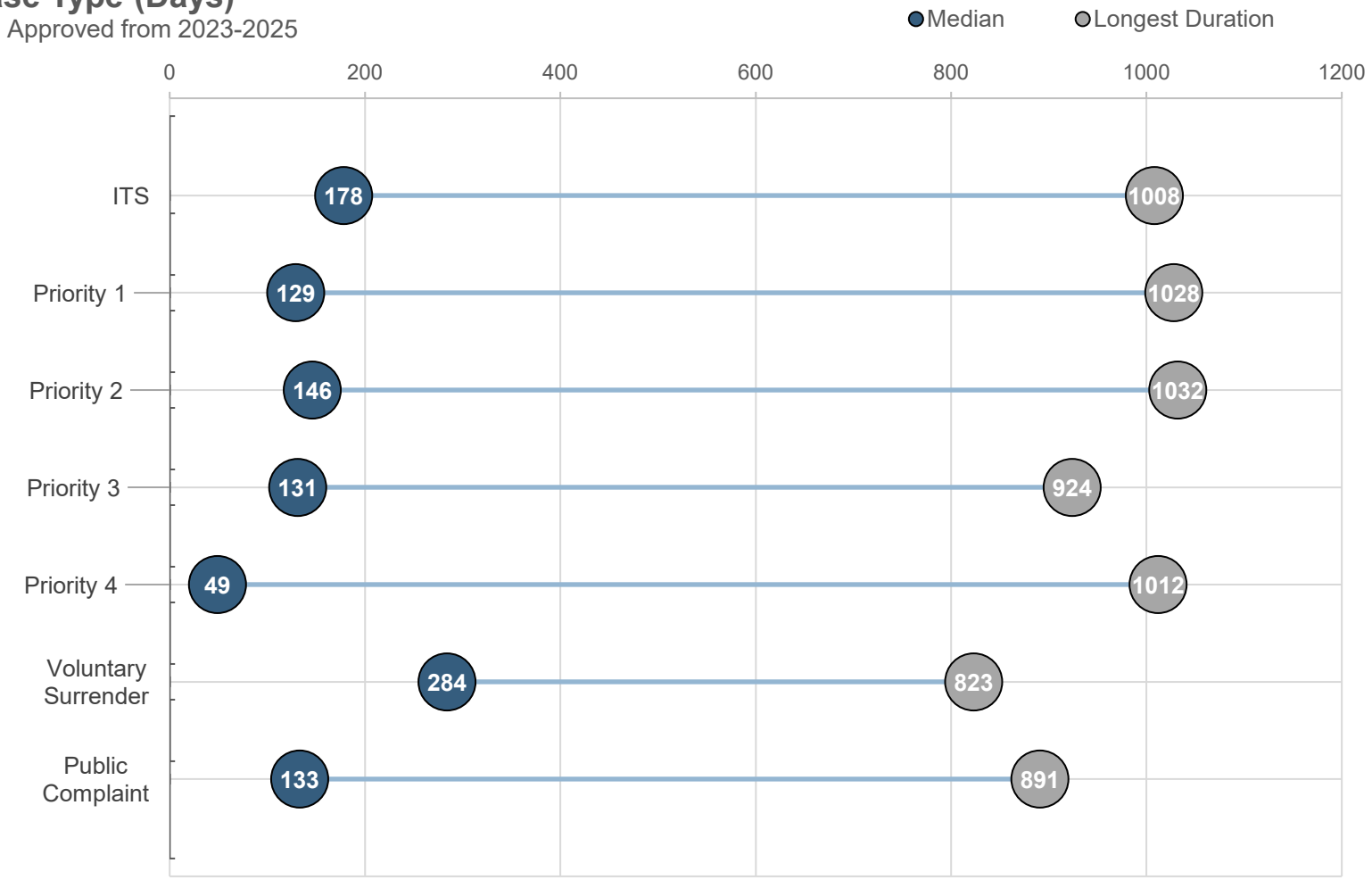
With most Priority 3 cases now closed under the Abbreviated Review process, the Division has initiated an audit phase to ensure proper case analysis and closure.



To date, all closed cases have been closed within the 3-year statutory timeframe, with ITS cases accelerated due to public safety risk.

Median vs. Maximum Case Closure Timeframes by Case Type (Days)

Reports Approved from 2023-2025



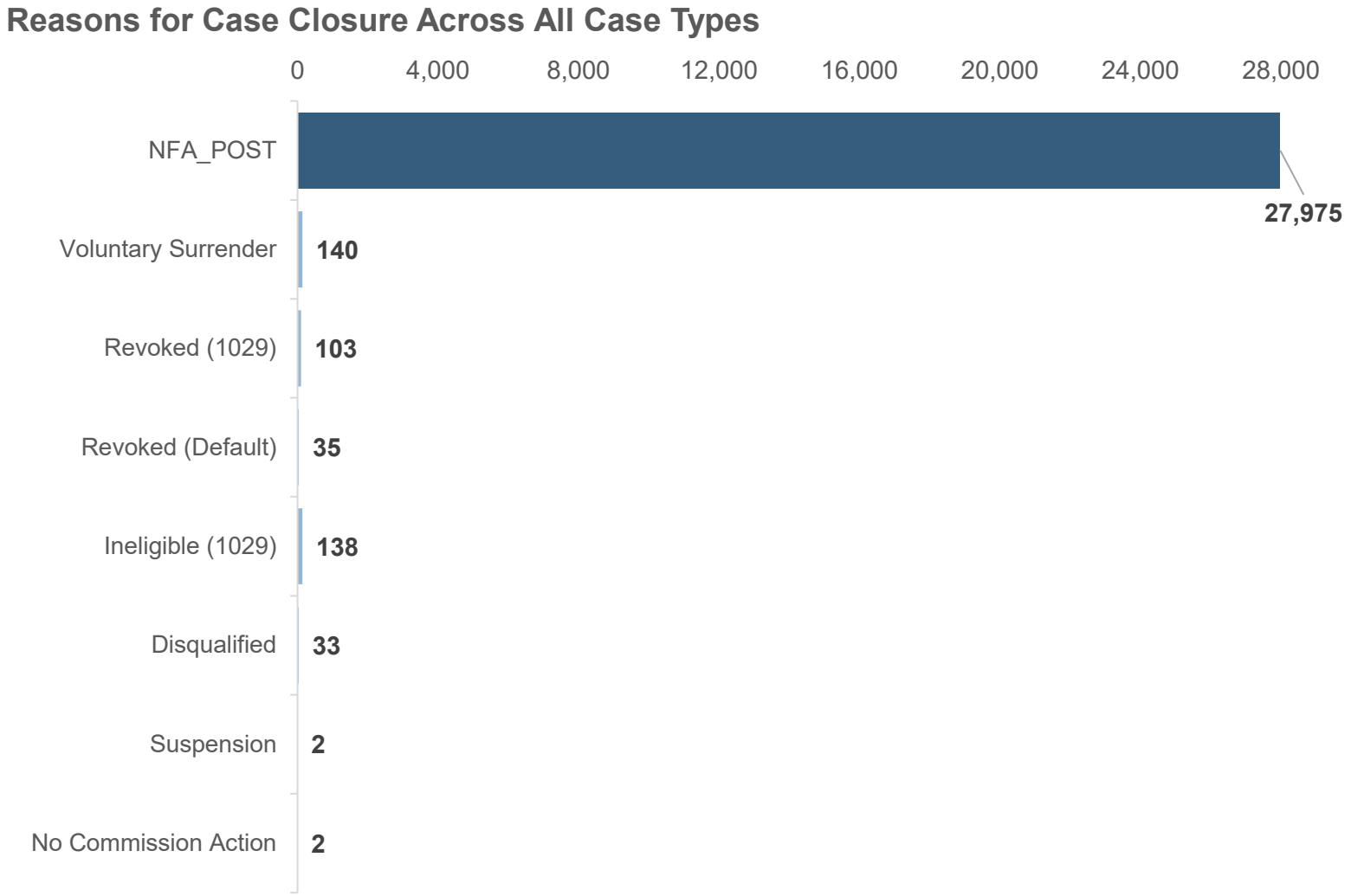
A case is considered open when POST receives the agency's findings up to the point in which POST comes to a determination on the case.

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

The median number of days for cases to close is 121 days.

Cases with longer investigation durations comprise of **0.4% of the closed cases**.

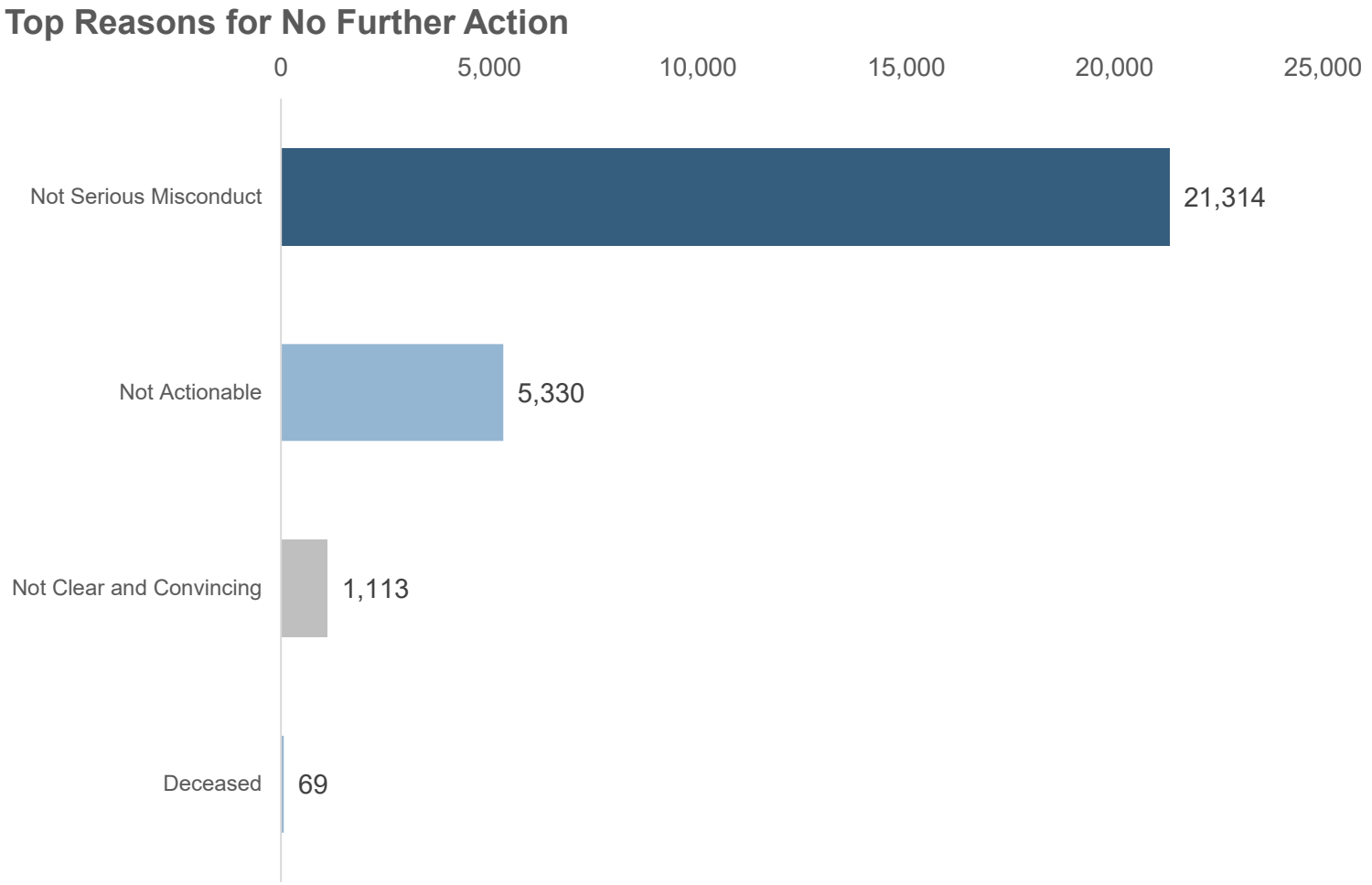
Approximately 3% of cases closed by POST resulted in disciplinary action. About 97% of cases were closed without further action.



No Further Action (NFA_POST) accounted for **97% of POST's case closures.**

Cases closed due to **revocation, Voluntary Surrender, and Ineligibility** make up **1.4%** of all closures.

Breakdown of No Further Action case closures: 76% considered not serious misconduct, 19% non-actionable, and 4% contained insufficient evidence.

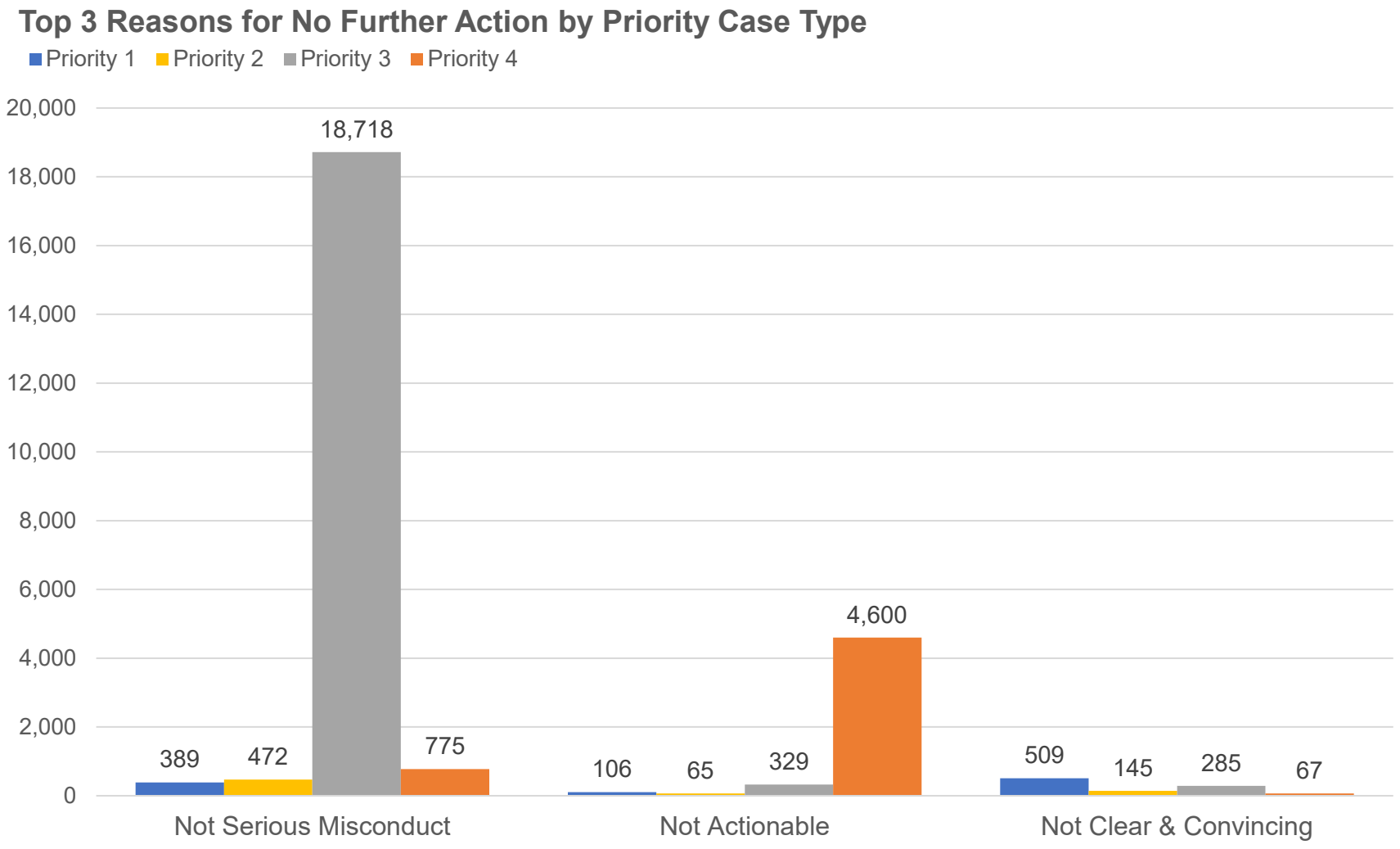


76% of NFA_POST cases were closed because they **did not meet the definition of serious misconduct.**

19% of these cases were closed for being **non-actionable**, meaning POST did not have the statutory authority to act on the case.

Only **4%** of NFA_POST cases were closed because there was **insufficient clear and convincing evidence**. Conduct within these cases may rise to the level of serious misconduct, but POST could not meet the burden of proof.

Closure trends among priority case types: most not serious misconduct and non-actionable cases are Priority 3 and 4, while Priority 1 cases see most evidentiary gaps.



92% of closures for failure to meet serious misconduct were **Priority 3 cases**.

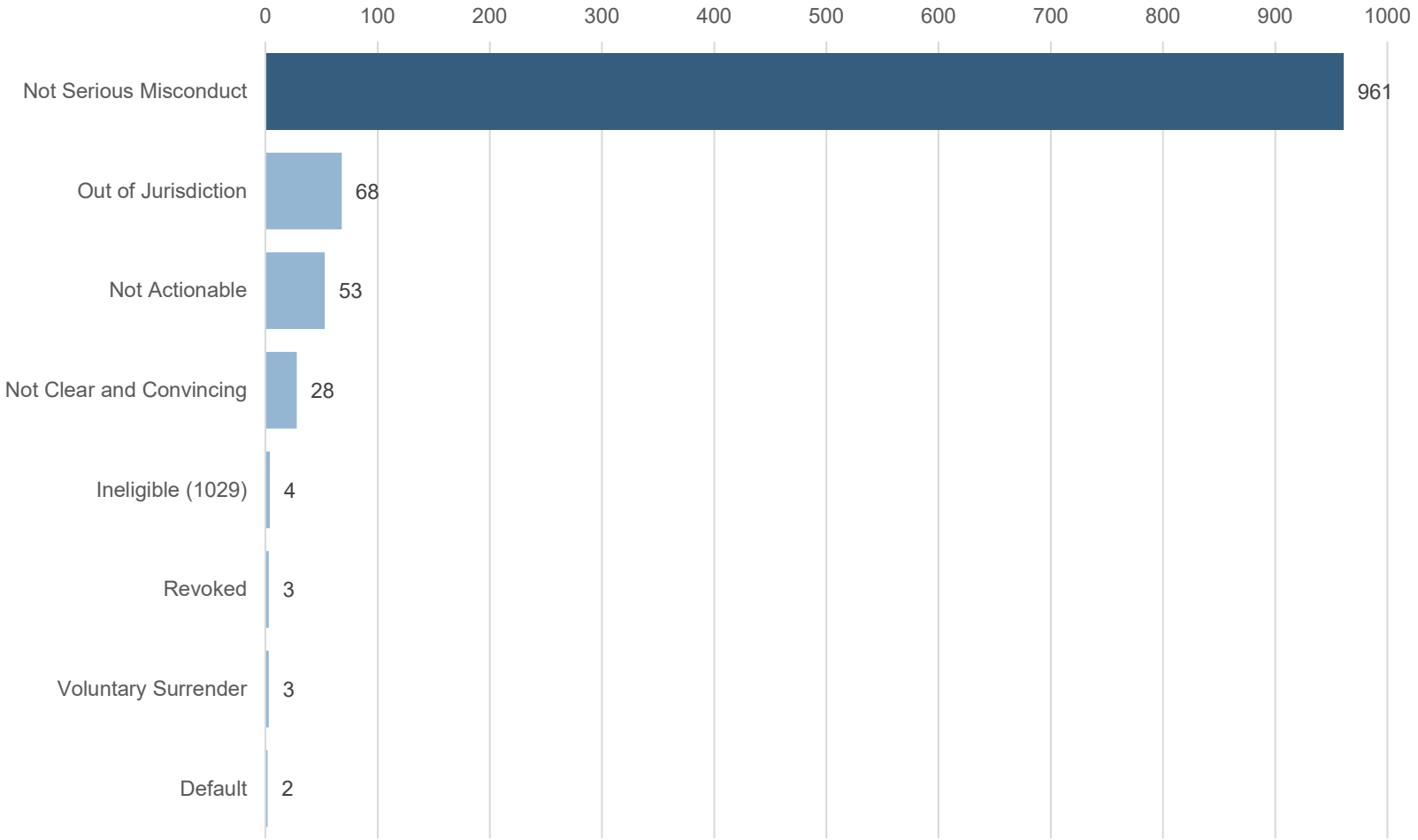
90% of non-actionable closures were **Priority 4 cases**, which aligns with expectations.

51% of cases closed for not meeting the clear and convincing evidentiary standard are **Priority 1 cases**.

Priority 1 and Priority 2 cases combined account for 65% of not clear and convincing closures.

Closure trends among public complaints: most complaints are closed out as not serious misconduct, non-jurisdictional, and non-actionable. A handful have resulted in certification action.

Top Reasons for Case Closure Among Public Complaints



85% of closed cases containing public complaint reports were closed out as **not serious misconduct.**

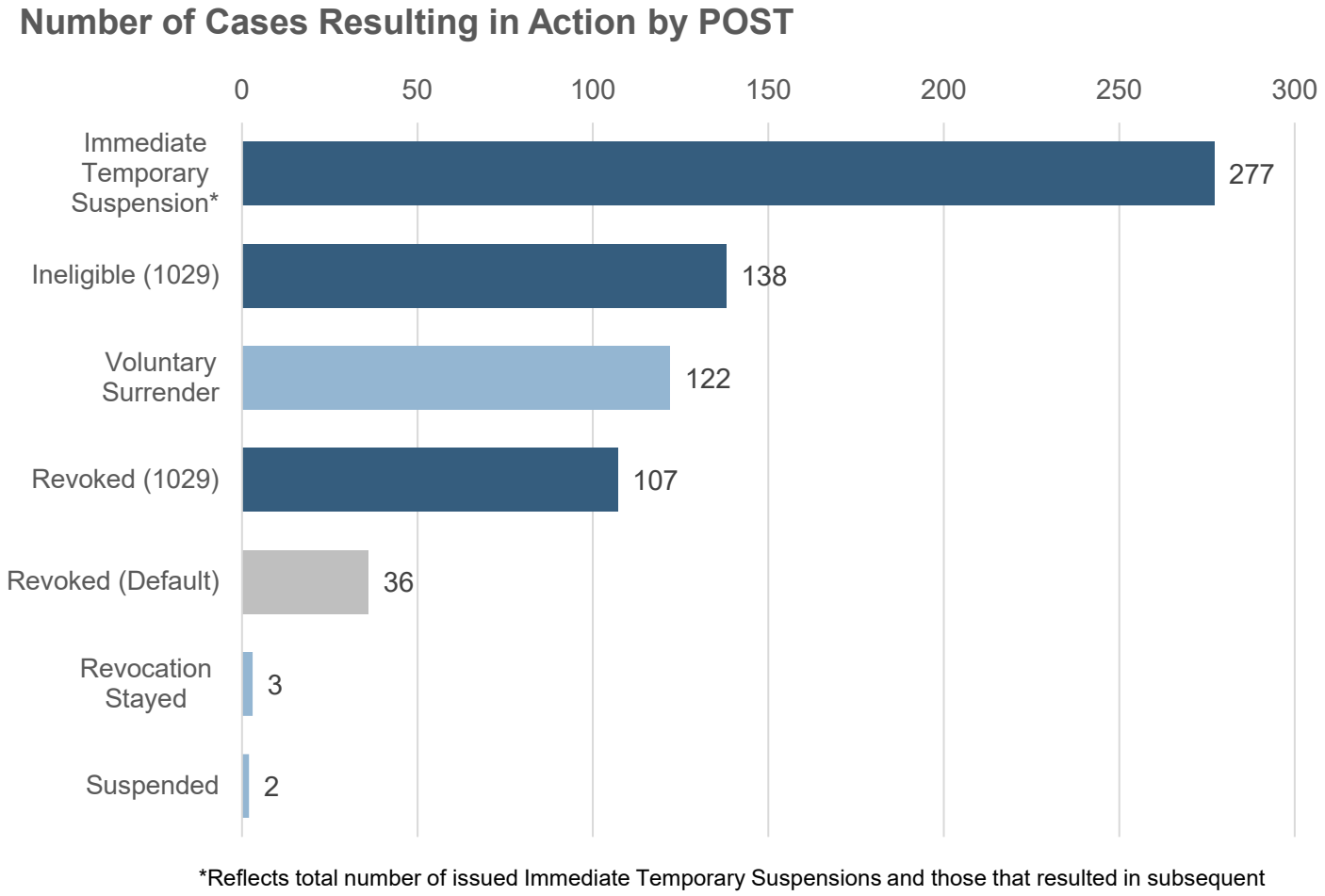
About 6% were closed out as **non-jurisdictional**, which occurs when a complaint indicates a person **not defined within Penal Code section 13510.1(a)**.

5% were closed out as non-actionable.

3% of may have met serious misconduct but did not meet the clear and convincing evidentiary standard.

1% resulted in certification action.

The number of disciplinary actions taken by POST is above average compared to other California regulatory licensing agencies.



*Reflects total number of issued Immediate Temporary Suspensions and those that resulted in subsequent

685 disciplinary actions have been imposed by POST. This amounts to **0.8% of actions** on POST's licensee population (~83k) annually.

This is above average compared to other CA licensing agencies:

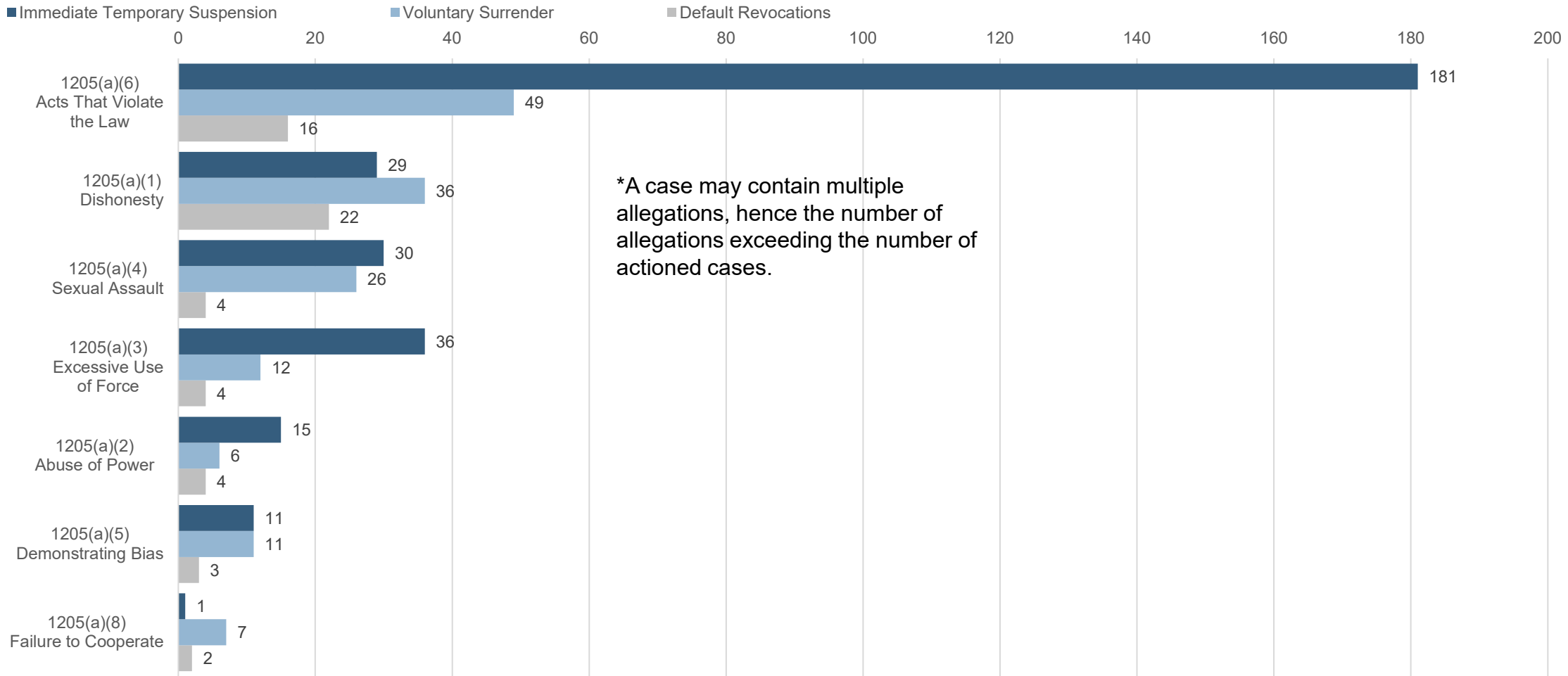
- **CA Board of Registered Nursing** (**0.1% actions** annually; ~650k licensed nurses): 1,509 administrative outcomes across FY 22-23 and FY 23-24.[1]
- **The State Bar of California** (**0.01% actions** annually; ~266k licensed attorneys): 472 administrative outcomes across FY 22-23 and FY 23-24.[2]
- **Medical Board of California** (**0.2% actions** annually; ~156k licensed physicians and surgeons): 645 administrative outcomes across FY 22-23 and FY 23-24.[3]

POST has attempted to compare its action rates to other state's peace officer training commissions and federal agencies, but found that comparisons were invalid due to dissimilar disciplinary systems and agency sizes.

1. California Department of Consumer Affairs, "Fiscal Year 2022-2023" and "Fiscal Year 2023-2024 Annual Report."
2. The State Bar of California, "Fiscal Year 2024 Annual Discipline Report."
3. California Department of Consumer Affairs, "Fiscal Year 2022-2023" and "Fiscal Year 2023-2024 Annual Report."

The top allegations resulting in action by POST are Acts that Violate the Law, Dishonesty, and Sexual Assault.

Serious Misconduct Allegations in Cases Resulting in Action



*A case may contain multiple allegations, hence the number of allegations exceeding the number of actioned cases.

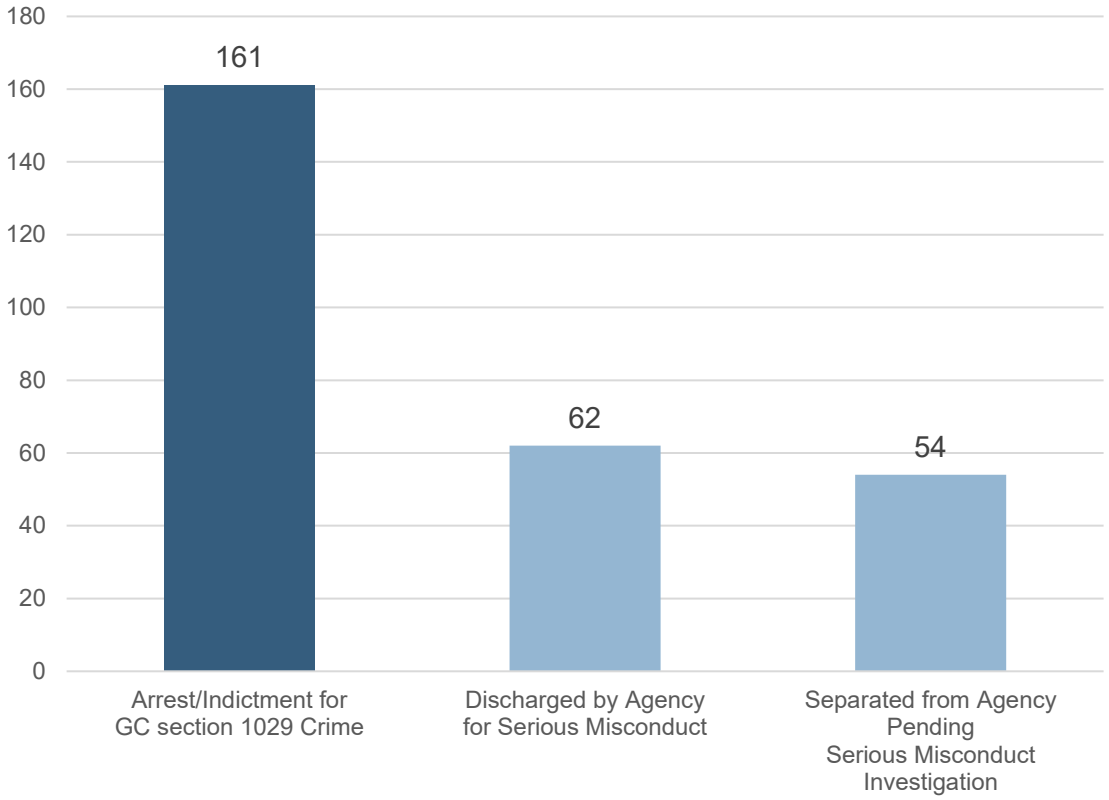
Arrests and indictments for Government Code section 1029 crimes are the highest basis for issued immediate temporary suspensions, contributing to relatively high revocation outcomes.

Bases for an immediate temporary suspension (ITS) are outlined in Penal Code section 13510.8(d). An ITS may be issued for one or more bases.

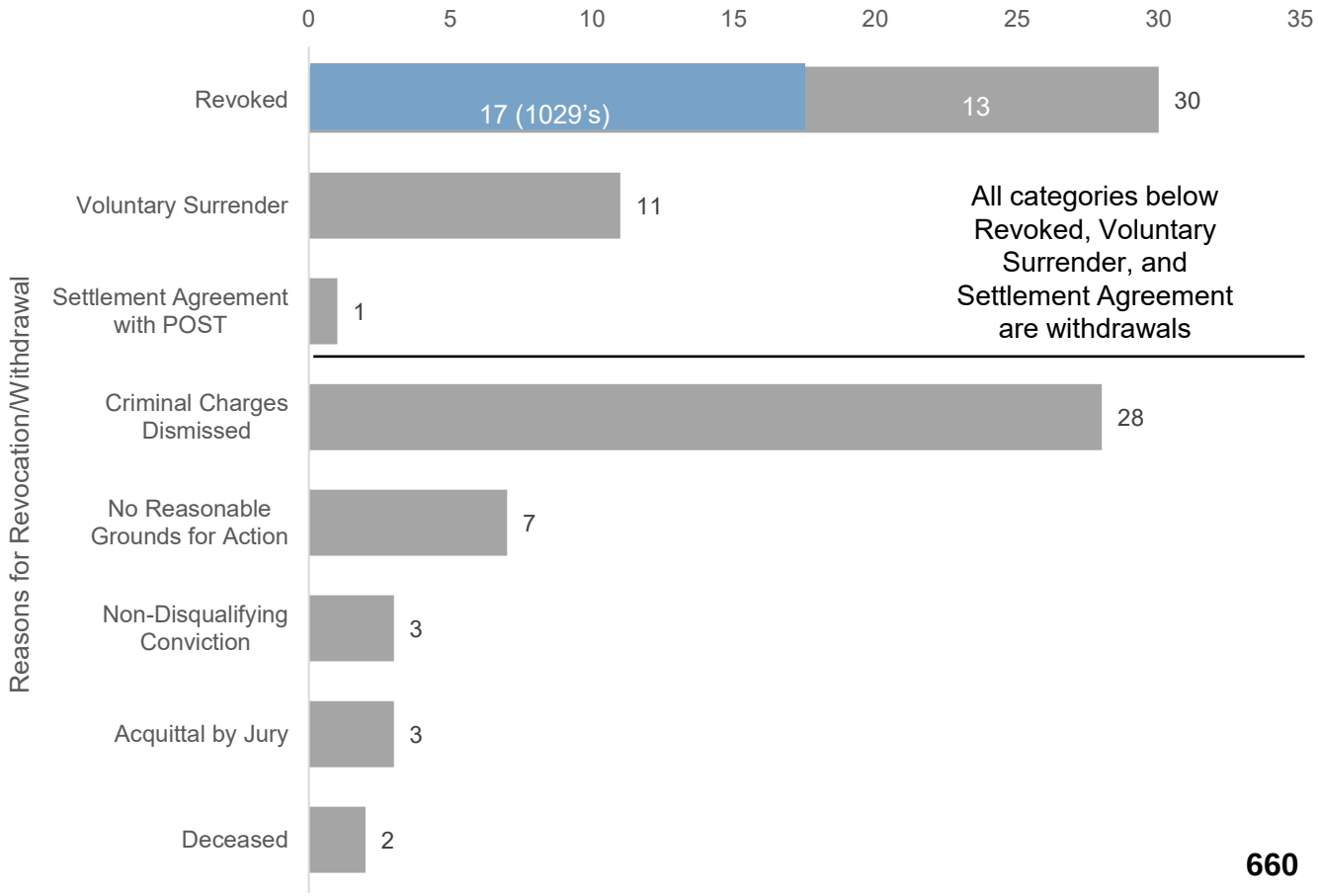
An ITS remains in effect until a final determination is made by the Commission, or the Executive Director withdraws the temporary suspension.

Number of Basis Considered for Issued Immediate Temporary Suspensions

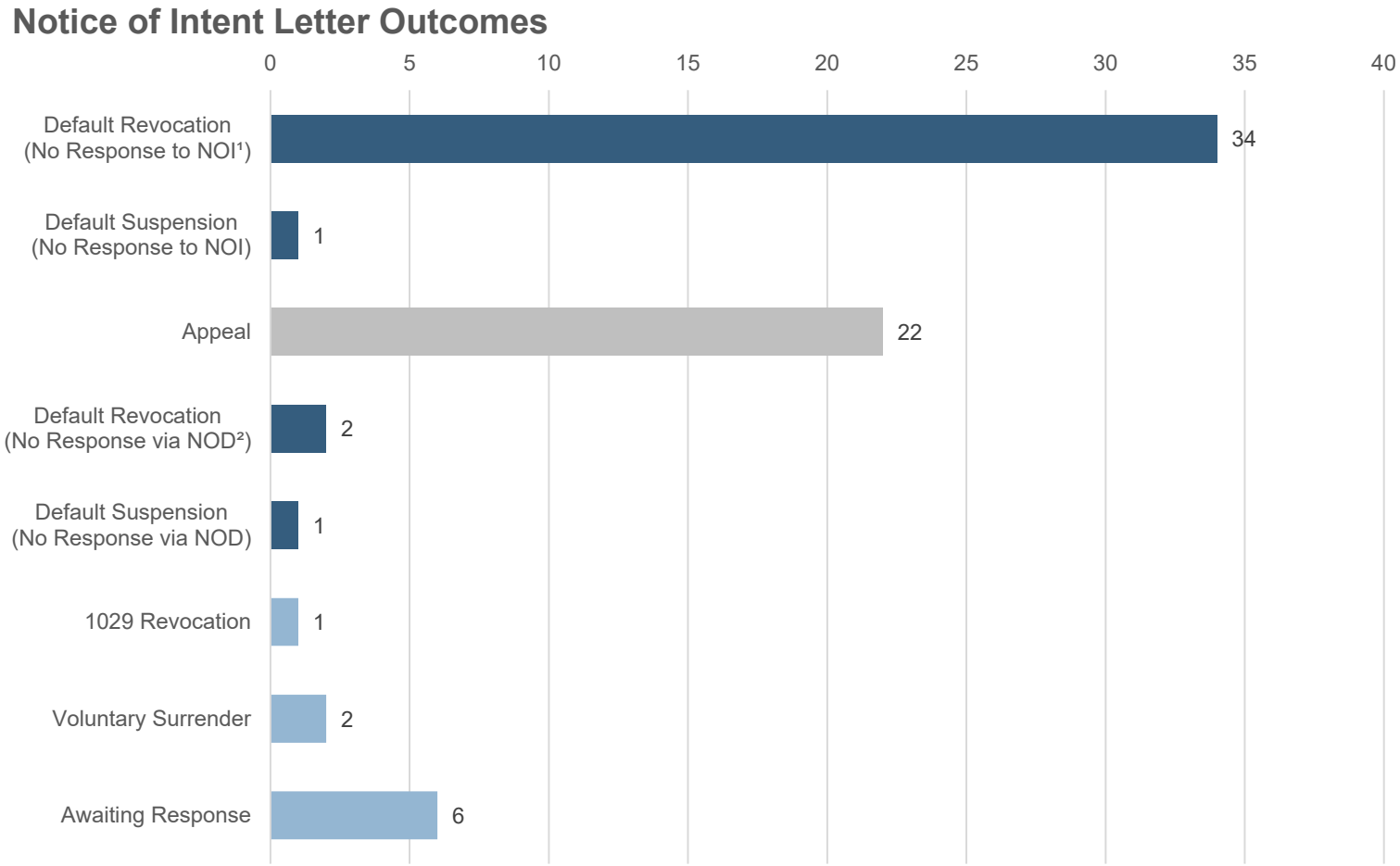
October 2025



Immediate Temporary Suspensions Resulting in Action or Withdrawal



Over half of subject officers who have received a Notice of Intent letter did not respond, resulting in default outcomes.



A total of 66 Notice of Intent letters have been sent.

38 Notices resulted in a default decision:

- 35 defaulted from failure to respond to the Notice within the 30-day appeal timeframe
- 3 defaulted after hearing before the Board and Commission due to failure to timely respond to POST's accusation with a Notice of Defense.

22 Notices resulted in appeals; of these appeals, 22 have been heard by the Board and 20 have been heard by the Commission.

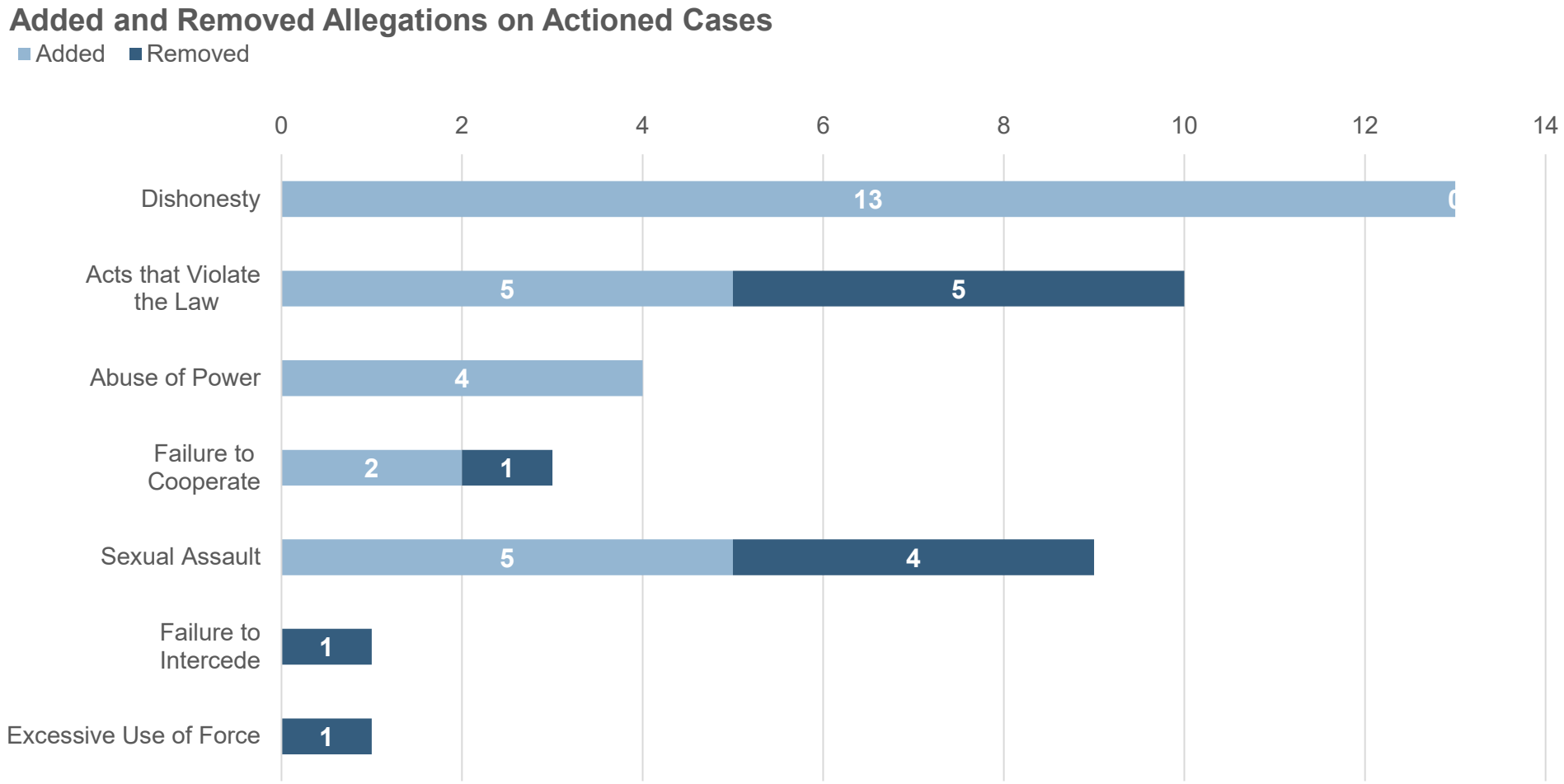
1. **Notice of Intent to Revoke letter**. Failure to respond within 30 days of the Notice's mailing date results in a default action without any further proceedings.
2. **Notice of Defense**. When the Commission deems that action against a peace officer's certification is warranted, POST works with the Attorney General's Office to file an accusation against the subject officer. In accordance with Government Code section 11520, failure to respond to this accusation with a Notice of Defense within 15 days results in the imposition of the Commission's determination without further proceedings.

Almost half of the cases receiving Notice of Intent letters involve POST capturing additional causes for action or amending the agencies' causes for action to align with the regulatory definitions of serious misconduct.

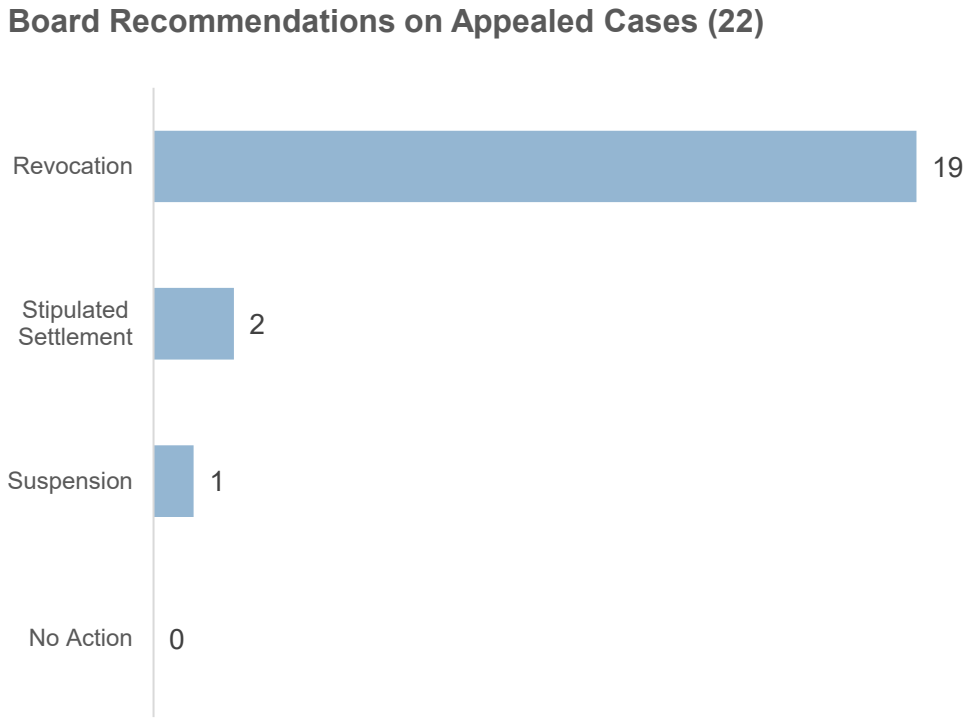
POST revised the original allegations submitted by agencies in **30 of the 66 cases** that received a Notice of Intent letter.

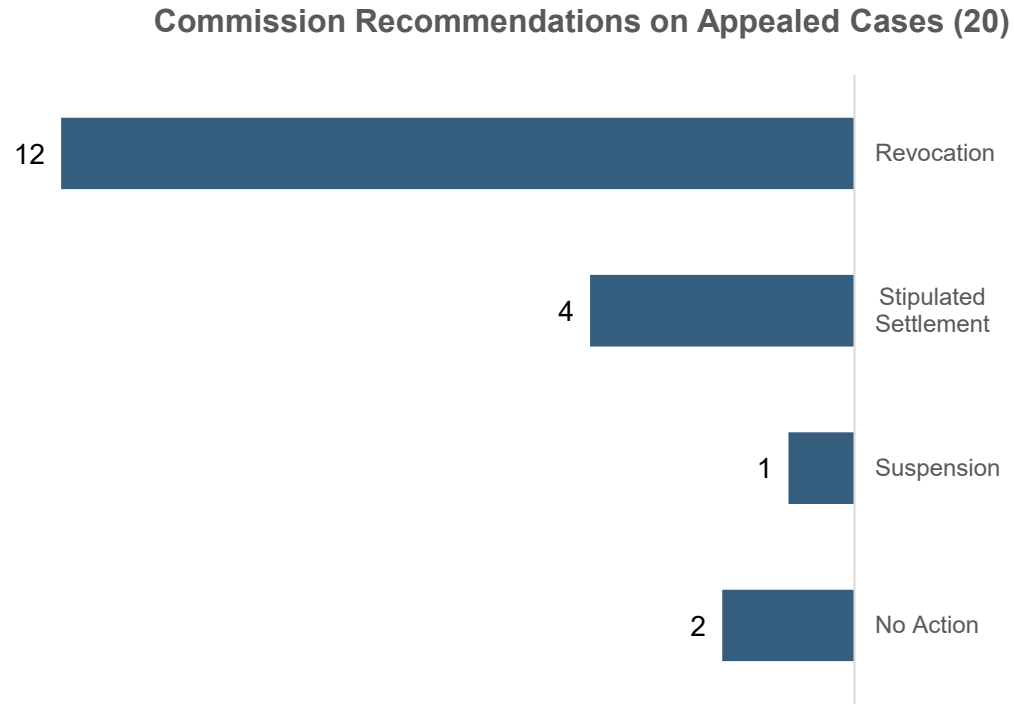
The **most frequent additions** were allegations of **Dishonesty, Sexual Assault,** and **Acts that Violate the Law.**

The **most common removals** were allegations of **Acts that Violate the Law** and **Sexual Assault**.



Comparing Board and Commission recommendations on appealed cases:





The Board has moved to revoke in most cases (19 out of 22), across a range of allegations. The exceptions include cases involving DUIs; one resulted in a suspension, which occurred before awareness of the stipulation process, while two were resolved through stipulated settlements.

The Commission has moved to revoke in just over half of cases (12 out of 20). Two cases with Dishonesty allegations resulted in no action. All DUI-related cases reviewed by the Commission (4) were resolved through stipulated settlements. One case involving excessive use of force resulted in suspension.

*The Commission sent one case back to POSAD for further investigation, resulting in the 19 recommendations for 20 cases.

Appendix

Glossary of Terms, Part One – General Terms

Accusation	A written statement of charges against a respondent. This statement also outlines the agency's jurisdiction and intended discipline over alleged conduct.
Agency Misconduct Report	A report created in Mark43 that provides information about serious misconduct allegations against a peace officer or law enforcement agency.
Agency Supplemental Report	A report created in Mark43 to provide additional information to an Agency Misconduct or Public Complaint report.
Case	When a serious misconduct report is approved, it is created into a case and assigned to POST staff for review. A case will contain at least one Agency Misconduct report or Public Complaint report (or both). It may also contain an Agency Supplemental report if the agency provides POST with further updates on the incident.
Commission	A group of up to 18 commissioners consisting of city and county administrators, law enforcement professionals, educators, and public members which meets at least three times a year to establish standards, regulations, and give direction to POST staff.
Default Revocation/Suspension	Disciplinary action taken against a peace officer's certification after failure to appeal the Division's Notice of Intent letter within 30 days or accusation with a Notice of Defense within 15 days.
Disqualified	An individual that is disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 and does not hold a Proof of Eligibility or certificate from POST.
Ineligible	An individual that is disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 prior to the enactment of SB 2 (January 1, 2022).
Mark43	The secure electronic records management system used by the Division to receive and manage serious misconduct reports and cases.
Notice of Defense	The document submitted by the respondent to preserve their right to a hearing after receiving an accusation. If a Notice of Defense is not timely filed within 15 days of the accusation's service, the agency may impose the outcome by default.
Notice of Intent Letter	Notice that provides the subject officer with a detailed explanation of the decertification procedure and the officer's rights to contest and appeal the Division's intent to take action against their peace officer certification.
Peace Officer Standards Accountability Advisory Board (Board)	An advisory body to the Commission that reviews serious misconduct cases involving peace officers. The Board was created by Senate Bill 2 and is comprised of 9 appointed members.
Peace Officer Standards Accountability Division (Division)	A new division created by Senate Bill 2 that is responsible for the intake and investigation of serious misconduct allegations that may provide grounds for suspension or revocation of a peace officer's certification.
Public Complaint	A complaint of potential serious misconduct from a member of the public.
Public Complaint Report	A report created in Mark43 that provides information about potential serious misconduct allegations from a public complaint.
Revoked	The peace officer has been decertified and may not exercise the duties and powers of a peace officer. A revocation is permanent, and the certification shall not be reactivated.
Immediate Temporary Suspension	The immediate suspension of a peace officer's certification, pending the outcome of an investigation related to allegations of serious misconduct, pursuant to Penal Code section 13510.8(d). The "temporary suspension" may be issued under the following circumstances: When a peace officer is arrested or indicted for a felony or other crime listed in Government Code section 1029, When a peace officer is discharged from a law enforcement agency for serious misconduct, or When a peace officer has separated from employment as a peace officer during a pending investigation into allegations of serious misconduct.
Suspension	A disciplinary action wherein a peace officer certification has been suspended for a specified period of time, not to exceed three years. A peace officer whose certification has been suspended may not be assigned duties which include the exercise of peace officer powers.
Voluntary Surrender (Surrender)	A person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission, forfeiting all rights and privileges associated with th certificate. A "surrender" has the same effect of a revocation in that it cannot be reactivated.

Glossary of Terms, Part Two – Case Terms and Priority Labels

Case Statuses	
Consolidated Case	Case status applied when a case is consolidated into another case due to multiple cases for the same individual/incident.
Deceased	Case status applied to cases that cannot be actioned due to the peace officer being deceased.
Disqualified	Case status applied to cases that result in an individual being disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 and does not hold a Proof of Eligibility or certificate from POST.
Ineligible	Case status applied to cases that result in an individual being disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 prior to the enactment of Senate Bill 2 (January 1, 2022).
Issued in Error	Case status applied to cases with reports/investigations that are generated in error.
NFA_POST	Case status applied to cases when the Division does not take action against a case due to insufficient evidence, absence of serious misconduct, or statutory limitations, etc.
No Commission Action	Case status applied to cases where the Commission's determines no action against a peace officer's certification following the Commission's review of the Board's recommendation.
Non-Jurisdictional	Case status applied to cases with allegations against an individual **not** appointed pursuant to Penal Code Section 830.1, 830.2 with the exception of subdivision (d), 830.3, 830.32, or 830.33.
Revoked	Case status applied to cases that result in the commission's revocation of a peace officer's certification.
Suspension	Case status applied to cases when the Commission's decision is to suspend the peace officer's certification.
Voluntary Surrender	Case status applied to cases where a peace officer voluntarily surrenders their certification.
Not Actionable	A closure justification for cases that cannot be acted upon due to lack of statutory authority, e.g, conduct and findings took place prior to January 1, 2022.
Not Clear and Convincing	A closure justification for cases where the clear and convincing evidentiary standard could not be established upon review and analysis of case facts.
Not Serious Misconduct	A closure justification for cases that did not involve acts of serious misconduct as defined in Commission Regulation 1205.
Labels	
POST ITS	Contains a potential ITS basis outlined in Penal Code section 13510.8(d).
Priority 1	Contains politically/media-sensitive content or sustained agency findings, regardless of the incident or agency finding date.
Priority 2	Contains sustained agency findings for policy violations that may or may not fall under the definition of serious misconduct.
Priority 3	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **after** January 1, 2022.
Priority 4	Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **before** January 1, 2022.
OPEN INV	Contains an ongoing agency investigation without agency findings.

Questions?

Thank you!

AGENDA ITEM REPORT

Title: REPORT ON CONTRACT EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2025-2026

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: For Fiscal Year 2025-2026 the Commission approved contracts in the amount of $26,979,137. In addition, POST had contracts not requiring Commission approval (less than $250,000) in the amount o**f $717,842.**

BACKGROUND:

ANALYSIS: Breakdown of expenditures for Commission approved contracts as of November 12, 2025, are as follows:

Fiscal Year 2025-2026 approved contracts = $26,979,137
Fiscal Year 2024-2025 executed contracts = $23,584,522
Fiscal Year 2024-2025 invoiced amount = $5,067,601

Balance = $18,516,921

Breakdown of expenditures for contracts not requiring Commission approval (less than $250,000) as of November 12, 2025, are as follows:

Fiscal Year 2025-2026 contracts = $717,842
Fiscal Year 2025-2026 executed amount = $625,683
Fiscal Year 2025-2026 invoiced amount = $131,279

Balance = $494,404

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

ATTACHMENT(S):
FY25-26 Contract Expenditures.pdf
FY25-26 Contract Expenditures2.pdf

PEACE OFFICER STANDARDS AND TRAINING - POST

Fiscal Year 2025-26 Contracts Expenditures

CONTRACTS	Approved Amount FY 25-26	Executed Amount FY 25-26	Invoiced Amount FY 25-26	Remaining Balance FY 25-26
Training Program Services (TPS)				
1. Institute of Criminal Investigation (ICI)	$ 5,499,135	$ 5,307,740	$ 464,120	$ 4,843,620
2. Command College (CC)	$ 484,685	$ 387,586	$ 19,924	$ 367,662
3. Sherman Block Supervisory Leadership Institute (SLI)	$ 2,875,154	$ 2,875,154	$ -	$ 2,875,154
4. Executive Development Course (EDC)	$ 373,930	$ 373,930	$ -	$ 373,930
5. Instructor Development Institute (IDI)	$ 1,299,064	$ 1,299,064	$ 74,339	$ 1,224,725
6. Museum of Tolerance (MOT)	$ 1,556,000	$ -	$ -	$ -
7. Management Course	$ 1,854,329	$ 1,854,329	$ 96,061	$ 1,758,268
8. Quality Assessment Program (QAP)	$ 698,224	$ 698,224	$ 81,761	$ 616,463
9. Supervisory Course	$ 1,660,603	$ 1,649,958	$ 128,237	$ 1,521,721
TPS SUBTOTAL:	$ 16,301,124	$ 14,445,985	$ 864,442	$ 13,581,543
Basic Training Bureau (BTB)				
10. Basic Academy Emergency Vehicle Operation Course (EVOC)	$ 4,237,500	$ 4,237,500	$ 841,500	$ 3,396,000
BTB SUBTOTAL:	$ 4,237,500	$ 4,237,500	$ 841,500	$ 3,396,000
Administrative Services Bureau (ASB)				
11. State Controller's Office (SCO) Audits*	$ 250,000	$ 250,000	$ 22,373	$ 227,627
ASB SUBTOTAL:	$ 250,000	$ 250,000	$ 22,373	$ 227,627
Learning Technology Resources (LTR)				
12. Development and Maintenance of Online Courses for the POST Learning Portal*	$ 500,000	$ 500,000	$ 500,000	$ -
13. Learning Portal Maintenance**	$ 2,789,854	$ 1,270,500	$ 1,158,000	$ 112,500
13. Digital Outpost***	$ 849,130	$ 849,130	$ 301,408	$ 547,722
15. CSU Long Beach (Force Option/Use of Force De-Escalation Training)	$ 651,529	$ 651,529		$ 651,529
LTR SUBTOTAL:	$ 4,790,513	$ 3,271,159	$ 1,959,408	$ 1,311,751
Peace Officer Standards Accountability Division (POSAD)				
16. Equipment, Software, and Data Storage for Mark 43	$ 1,400,000	$ 1,379,878	$ 1,379,878	$ -
POSAD SUBTOTAL	$ 1,400,000	$ 1,379,878	$ 1,379,878	$ -
BUREAU CONTRACTS TOTAL:	$ 26,979,137	$ 23,584,522	$ 5,067,601	$ 18,516,921

California Commission on Peace Officer Standards and Training ----------November 7, 2025

*Multi-year Contract (FY Breakdown: FY 25/26 $250,000 and FY 26/27 $250,000)
**Multi-year Contract (FY Breakdown: FY 25/26 $1,394,927 and FY 26/27 $1,394,927)
*** Multi-year Contract (FY Breakdown: FY 24/25 $298,665, FY 25/26 849,130 and FY 26/27 $497,235)

Peace Officer Standards and Training - POST
Fiscal Year 2025-2026 Bureau Contract Expenditures under $250k

Bureau Contracts	Approved Contract Amount	Executed	Invoiced	Balance
Basic Training Bureau (BTB)				
South Bay Regional Public Safety Training Center - AICC	$96,648	$96,648	$0	$96,648
Elavon *	$15,000	$5,000	$127	$4,873
Blue Peak Logic TMAS	$78,690	$78,690	$78,690	$0
BTB SUBTOTAL	**$190,338**	**$180,338**	**$78,817**	**$101,521**
Management Counseling and Projects Bureau (MCPB)				
OCSD Corner Course	$195,072	$195,072	$3,448	$191,624
MCPB SUBTOTAL	**$195,072**	**$195,072**	**$3,448**	**$191,624**
Computer Services Bureau (CSB)				
Caltronics Business Systems	$4,999	$4,999	$446	$4,553
Solutionz	$4,999	$4,999	$1,465	$3,534
BMI Imaging Systems	$2,675	$2,675	$669	$2,007
CSB SUBTOTAL	**$12,673**	**$12,673**	**$2,579**	**$10,094**
Executive Office (EXO)				
Kathryn Swank - Transcriber	$69,449	$69,449	$15,618	$53,831
EXO SUBTOTAL	**$69,449**	**$69,449**	**$15,618**	**$53,831**
Human Resources (HR)				
State Controllers Office (SCO) - MIRS	$3,650	$3,650	$0	$3,650
HR SUBTOTAL	**$3,650**	**$3,650**	$0	**$3,650**
Professional Conduct Central Bureau (PCCB)				
Lexis Nexis	$47,520	$47,520	$11,880	$35,640
PCCB SUBTOTAL	**$47,520**	**$47,520**	**$11,880**	**$35,640**
Professional Conduct Northern Bureau (PCNB)				
CHP Security Detail	$45,000	$45,000	$3,323	$41,677
PCNB SUBTOTAL	**$45,000**	**$45,000**	$3,323	**$41,677**
Legal Affairs Bureau (LAB)				
West Publishing Corp. *	$114,600	$37,440	$8,595	$28,845
LAB SUBTOTAL	**$114,600**	**$37,440**	**$8,595**	**$28,845**
Intake and Disposition (IDB)				
Accent on Languages *	$9,998	$4,999	$0	$4,999
IDB SUBTOTAL	**$9,998**	**$4,999**	**$0**	**$4,999**
Administrative Services Bureau (ASB)				
FedEx	$1,500	$1,500	$856	$644
GSO - Shipping Services	$9,000	$9,000	$1,640	$7,360
QUADIENT	$2,883	$2,883	$2,883	$0
Confidential Document Control	$5,160	$5,160	$1,290	$3,870
G5 Office Interiors, LLC	$10,000	$10,000	$350	$9,650
State Controller's Office	$1,000	$1,000	$0	$1,000
ASB SUBTOTAL	**$29,543**	**$29,543**	**$7,019**	**$22,524**
BUREAU CONTRACT TOTALS	**$717,842**	**$625,683**	**$131,279**	**$494,404**

Multi-Year Contracts *
Elavon *, 2024 - $5000.00, 2025 - $5000.00, 2026 - $5000.0(
West Publishing Corp. *, 2025 - $37440.00, 2026 - $38196.00, 2027 - $38964.0(
Accent on Languages *, 2025 - $4999.00, 2026 - $4999.0(

AGENDA ITEM REPORT

Title: REPORT ON EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2025-2026

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Total expenditures for Fiscal Year 2025-2026 are $ 39,651,144.

BACKGROUND:

ANALYSIS: Breakdown of expenditures as of November 12, 2025:

State Penalty Fund = $13,476,752
General Fund = $26,174,392

Total = $36,651,144

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

ATTACHMENT(S):
FY25-26 Expenditures SPF-GF.pdf
FY25-26 SPF Expenditures.pdf
FY25-26 GF Expenditures.pdf

PEACE OFFICER STANDARDS AND TRAINING

FY 2025-26 Expenditure Report

POST FUND EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
State Penalty Fund: Includes $1,556,000 towards Museum of Tolerance Training	$ 46,717,000	$ 13,476,752	$ 33,240,248
General Fund:	$ 56,207,000	$ 26,174,392	$ 30,032,608
*Reimbursement Authority:	$ 1,959,000	$ -	$ 1,959,000
POST TOTAL OTHER BUDGET AUTHORITY:	$ 104,883,000	$ 39,651,144	$ 65,231,856

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------November 12, 2025

PEACE OFFICER STANDARDS AND TRAINING

FY 2025-26 State Penalty Fund Expenditure Report

BUDGET EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
STATE PENALTY FUND			
Standards	$ 4,058,000	$ 1,152,803	$ 2,905,197
Training	$ 20,303,000	$ 7,956,845	$ 12,346,155
Peace Officer Training	$ 13,566,000	$ 2,396,953	$ 11,169,047
POST Administration	$ 8,790,000	$ 1,970,151	$ 6,819,849
POST TOTAL OTHER BUDGET AUTHORITY:	$ 46,717,000	$ 13,476,752	$ 33,240,248

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------November 12, 2025

PEACE OFFICER STANDARDS AND TRAINING

FY 2025-26 General Fund Expenditure Report

BUDGET EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
GENERAL FUND			
Standards	$ 14,579,000	$ 4,295,430	$ 10,283,570
Training	$ 8,450,000	$ 4,284,630	$ 4,165,370
Peace Officer Training	$ 20,000,000	$ 12,710,087	$ 7,289,913
POST Administration	$ 13,178,000	$ 4,884,245	$ 8,293,755
POST TOTAL OTHER BUDGET AUTHORITY:	$ 56,207,000	$ 26,174,392	$ 30,032,608

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GgovernorsBudget/8000/8120.pdf

AGENDA ITEM REPORT

Title: REPORT ON LEGISLATIVE UPDATE

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Meagan Poulos	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/17/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a legislative report with bills of interest from the 2025 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

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

BACKGROUND:

ANALYSIS:

RECOMMENDATION: This is a legislative report with bills of interest from the 2025 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

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

ATTACHMENT(S):
2025 Commission Briefing.pdf

POST Legislative Update

As of October 15, 2025

The legislation listed in this document are the legislative bills that POST is monitoring over the 2025 legislative session. These bills could have an impact on POST or be of significant interest to the law enforcement community. It is not a complete list.

For any questions on the legislative process or to receive a status update, please contact: POST Legislative Liaison, Meagan Poulos at (916) 227-2809 or Meagan.poulos@post.ca.gov.

AB 15 (Gipson) Open unsolved homicide: review and reinvestigation

Current law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law also defines manslaughter as the unlawful killing of a human being without malice, and establishes 3 kinds of manslaughter: voluntary, involuntary, and vehicular. This bill would require a law enforcement agency to review the casefile regarding an open unsolved homicide upon written application by certain persons to determine if a reinvestigation would result in probative investigative leads, as specified. The bill would define a homicide to include murder and manslaughter and an open unsolved homicide as a homicide committed after January 1, 1990, but no less than 3 years prior to the date of the application for case review, that was investigated by a law enforcement agency, for which all probative investigative leads have been exhausted and for which no suspect has been identified. If the review determines that a reinvestigation would result in probative investigative leads, this bill would require a reinvestigation, as specified.

STATUS: VETOED

AB 31 (Ramos) Peace officers: tribal police pilot project.

Summary: Current law defines those persons who are peace officers in the state, grants certain authority to those individuals and their employing entities, and places certain requirements on those individuals and their employing entities. Current law also grants specified limited arrest authority to certain other persons, including federal criminal investigators and park rangers and peace officers from adjoining jurisdictions. Current federal law authorizes tribal governments to employ tribal police for the enforcement of tribal law on tribal lands. Current federal law requires the State of California to exercise criminal jurisdiction on Indian lands. Current state law deems a tribal police officer who has been deputized or appointed by a county sheriff as a reserve or auxiliary deputy to be a peace officer in the State of California. This bill would, from July 1, 2026, until July 1, 2029, establish a pilot program under the Department of Justice and the Commission on Peace Officer Standards and Training granting peace officer authority to certain tribal police officers on Indian lands and elsewhere in the state under specified circumstances. The bill would authorize the department to select 3 tribal entities to participate, would set certain minimum qualifications and certification and training requirements for a tribal officer to act pursuant to this authority, and would place certain requirements on the employing tribe, including

a limited waiver of sovereign immunity, and the adoption of a tribal law or resolution authorizing that exercise of authority and providing for public access to certain records.
STATUS: 2-YEAR BILL*
**This bill language was adopted in the Public Safety trailer bill (AB 134) and is effective immediately.*

AB 68 (Gallagher) School safety: armed school resource officers.
Summary: Would require a school district or charter school to hire or contract with at least one armed school resource officer, as defined, authorized to carry a loaded firearm to be present at each school of the school district or charter school during regular school hours and any other time when pupils are present on campus, phased in by certain grade spans, as provided. By imposing an additional requirement on school districts and charter schools, the bill would impose a state-mandated local program.
STATUS: 2-YEAR BILL

AB 91 (Harabedian) State and local agencies: demographic data
Would, commencing January 1, 2028, require state and local agencies, as defined, that collect demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Middle Eastern or North African groups, as specified, and, with certain exceptions, to include that data in every demographic report published on or after January 1, 2029, and to make the aggregated data available to the public.
STATUS: CHAPTERED

AB 284 (Alanis) Law enforcement: Racial and Identity Profiling Advisory Board (RIPA).
Summary: Current law requires the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) for the purpose of eliminating racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement. Current law requires RIPA to include various members, including 2 representatives of human or civil rights tax-exempt organizations, 2 representatives of community organizations, and 2 religious clergy members, as specified. Current law authorizes the Governor, President pro Tempore of the Senate, and Speaker of the Assembly to each prescribe up to 2 other members to membership of RIPA. This bill would require RIPA to include in its membership the president of the California District Attorneys Association, or their designee.
STATUS: 2-YEAR BILL

AB 354 (Rodriguez, Michelle D) Commission on Peace Officer Standards and Training.
Summary: Current law requires any agency that employs peace officers to, within 10 days, notify the Commission on Peace Officer Standards and Training (POST) of specified occurrences including any complaint, charge, or allegation of serious misconduct by a peace officer employed by that agency and the final disposition of any investigation into that complaint, charge, or allegation, regardless of the discipline actually imposed. Current law provides that each law enforcement agency shall be responsible for the completion of an investigation into any allegation of serious misconduct by an officer, regardless of the officer's employment status. Current law establishes the California Law Enforcement

Telecommunications System (CLETS) within the Department of Justice to facilitate the exchange and dissemination of information between law enforcement agencies in the state. This bill would require POST employees whose job duties require access to criminal offender record information, state summary criminal history information, or information obtained from CLETS to undergo a fingerprint-based state and national criminal history background check, as specified.
STATUS: CHAPTERED

AB 400 (Pacheco) Law enforcement: police canines
Summary: Would require, on or before July 1, 2028, the Commission on Peace Officer Standards and Training to study and issue recommendations to the Legislature on the use of canines by law enforcement. The bill would require the commission to consider in its recommendations, among other things, instances of appropriate patrol use with a canine, as specified, and instances of appropriate use with a canine for detection, as specified. The bill would repeal these provisions on July 1, 2031.
STATUS: VETOED

AB 451 (Petrie-Norris) Law enforcement policies: restraining orders
Summary: Would require each municipal police department and county sheriff's department, the Department of the California Highway Patrol, and the University of California and California State University Police Departments to, on or before January 1, 2027, develop, adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protection and restraining orders that include firearm access restrictions. The bill would require these policies and standards to, among other things, provide a standard agency process for law enforcement to serve an order against a restrained person in a timely manner and ensure the agency consistently complies with specified requirements under California law governing service of protection and restraining orders. By expanding the duties of local law enforcement, this bill would impose a state-mandated local program.
STATUS: CHAPTERED

AB 572 (Kalra) Criminal procedure: interrogations.
Summary: Would require a peace officer, as defined, or a prosecuting attorney, before any initial formal interview of an immediate family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themselves and if the interview takes place in person, to show identification, to inform the person of the status of their family member, to inform the person that they are conducting a formal interview for the purposes of an investigation, as specified, and to inform the person that they have a choice to come to the station for the formal interview if they are asked to go and can have a trusted support person with them. The bill would provide that its provisions do not apply if the immediate family member is under custodial interrogation, as specified, or if the delay would result in the loss or destruction of evidence or pose an imminent threat to public safety. By increasing duties on local law enforcement, this bill would impose a state-mandated local program.
STATUS: CHAPTERED

AB 645 (Carrillo) Emergency medical services: dispatcher training.
Summary: Would require, by January 1, 2027, a public safety agency that provides "911" call processing services for emergency medical response to provide prearrival medical instructions to "911" callers requiring medical assistance, including, among other things, airway and choking medical instructions for infants, children, and adults and administration of naloxone for narcotics overdoses. The bill would require prearrival medical instructions to be approved by the local EMS agency medical director and implemented consistent with the medical protocols and procedures adopted by the public safety agency. By expanding the scope of a crime, and to the extent that the bill would create new duties for a public safety agency, the bill would impose a state-mandated local program.
STATUS: CHAPTERED

AB 847 (Sharp-Collins) Peace Officers: confidentiality of records
Summary: The California Public Records Act authorizes the inspection and copying of any public record except where specifically prohibited by law. Existing law, with specified exemptions, makes confidential the personnel records of peace officers and custodial officers and certain other records maintained by their employing agencies. Current law provides that this exemption from disclosure does not apply to investigations of these officers or their employing agencies or to related proceedings conducted by a grand jury, a district attorney's office, or the Attorney General's office. This bill would additionally grant access to the confidential personnel records of peace officers and custodial officers and records maintained by their employing agencies, as specified, to civilian law enforcement oversight boards or commissions during investigations or related proceedings concerning the conduct of those officers. The bill would require those oversight boards to maintain the confidentiality of those records, and would authorize them to conduct closed sessions, as specified, to review confidential records. The bill would additionally authorize a county inspector general to access those personnel records, as specified.
STATUS: CHAPTERED

AB 992 (Irwin) Peace officers.
Summary: Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above.
STATUS: CHAPTERED

AB 1013 (Garcia) Peace officer training: behavioral health.
Summary: Current law requires the Commission on Peace Officer Standards and Training to establish and keep updated a classroom-based continuing training course that includes instructor-led active learning, such as scenario-based training, relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders.

Current law requires the commission to make available the course to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties. This bill would authorize the commission to partner with local departments of behavioral health, community-based organizations, or nonprofit organizations to establish and keep updated this classroom-based continuing training course. The bill would require a law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties to complete the course.
STATUS: 2-YEAR BILL

AB 1115 (Castillo) Peace officers: mental health liaisons.
Summary: The California Constitution authorizes local governments to make and enforce all police and sanitary ordinances and regulations within its limits that are not in conflict with general laws. Existing law requires the board of supervisors of a county and the governing body of a city to take measures necessary to preserve and protect the public health in its jurisdiction. This bill would authorize a local government to designate one or more existing employees specializing in counseling or mental health services as a law enforcement mental health liaison to facilitate mental health support for peace officers who serve the local jurisdiction. This bill contains other related provisions.
STATUS: 2-YEAR BILL

AB 1178 (Pacheco D) Peace officers: confidentiality of records.
Summary: The California Public Records Act generally requires public records to be open for inspection by the public. Under current law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Current law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer. Current law authorizes an agency to redact the records disclosed for specified purposes including, among others, to remove personal data or information, as specified, and where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person. This bill would require a court, in determining whether to redact a record where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of a person, to consider whether a particular peace officer is currently operating undercover and their duties demand anonymity.
STATUS: CHAPTERED

AB 1388 (Bryan) Law enforcement: settlement agreements: prohibition.
Summary: Current law establishes the Commission on Peace Officer Standards and Training, and requires the commission to, among other things, establish a certification program for peace officers, as defined. Current law requires the commission to establish procedures for accepting complaints from members of the public regarding peace officers or law enforcement agencies that may be investigated. Current law establishes, within the commission, the Peace Officer Standards Accountability Division and requires the division, among other things, to bring proceedings seeking the suspension or

revocation of certification of a peace officer. The California Public Records Act generally requires public records to be open for inspection by the public. Existing law provides numerous exceptions to this requirement. Under current law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Current law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer. This bill would additionally exempt agreements between an employing agency and a peace officer that, among other things, require the agency to destroy, remove, or conceal a record of a misconduct investigation.
STATUS: CHAPTERED

AB 1489 (Bryan) Peace Officers
Summary: Would require a law enforcement agency that employs a peace officer to have a policy prohibiting that officer from carrying any firearm when the officer has a blood alcohol concentration greater than 0.00%, whether the officer is on duty or off duty, unless the officer is on duty and engaged in an undercover assignment in the course of their employment as a peace officer. By imposing new duties on local law enforcement, the bill would impose a state-mandated local program.
STATUS: 2-YEAR BILL

SB 7 (McNerney) Employment: automated decision systems
Existing law requires the Department of Technology to conduct, in coordination with other interagency bodies as it deems appropriate, a comprehensive inventory of all high-risk automated decision systems (ADS) that have been proposed for use, development, or procurement by, or are being used, developed, or procured by, any state agency. This bill would require an employer to provide a written notice that an ADS, for the purpose of making employment-related decisions, not including hiring, is in use at the workplace to all workers that will foreseeably be directly affected by the ADS, as specified. The bill would require the employer to maintain an updated list of all ADS currently in use. The bill would require an employer to notify, as provided, a job applicant that the employer utilizes an ADS when making hiring decisions, if the employer will use the ADS in making decisions for that position. The bill would prohibit an employer from using an ADS that does certain functions and would limit the purposes and manner in which an ADS may be used to make decisions. The bill would authorize a worker to request, and require an employer to provide, a copy of the most recent 12 months of the worker's own data primarily used by an ADS to make a discipline, termination, or deactivation decision, as specified. The bill would require an employer that primarily relied on an ADS to make a discipline, termination, or deactivation decision to provide the affected worker with a written notice, as specified. This bill contains other related provisions and other existing laws.
STATUS: VETOED

SB 277 (Weber Pierson) Criminal procedure: search of persons.
Summary: Current provisions of the United States and California Constitutions ensure the right of the people to be secure in their persons, houses, papers, and effects against warrantless seizures and searches. Case law establishes exceptions to this right, including allowing a peace officer to conduct a

limited search of a person for firearms or weapons if the peace officer reasonably concludes that the person detained may be armed and presently dangerous to the peace officer or others, or if the person consents to a search. This bill would authorize a peace officer to request consent to search an individual, their property, or their effects only if the officer is investigating a crime and has reasonable suspicion that the individual to be searched has an item in their possession that is evidence of criminal activity. The bill would require the officer to follow a specified procedure in a specified order, including advising the individual that their consent is voluntary, explaining to the individual the scope of the search, and recording the individual's consent. The bill would prohibit an officer from exceeding the scope of the search explained to the individual and would require the officer to discontinue the search if the individual withdraws their consent.
STATUS: 2-YEAR BILL

SB 385 (Seyarto) Peace Officers.
Summary: Current law required the Chancellor of the California Community Colleges, on or before June 1, 2023, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission, within 2 years of the submission of the report, to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above.
STATUS: CHAPTERED

SB 470 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting. This bill would instead repeal these provisions on January 1, 2030.
STATUS: CHAPTERED

SB 509 (Caballero) Office of Emergency Services: training: transnational repression
Current law establishes the California Specialized Training Institute within the Office of Emergency Services. This bill would require, on or before January 1, 2027, the Office of Emergency Services, through the California Specialized Training Institute, to develop a transnational repression recognition and response training, as specified.
STATUS: VETOED

SB 524 (Arreguin) Law enforcement agencies: artificial intelligence

Summary: Current law generally provides for the regulation of law enforcement agencies, including, among other things, requiring each local law enforcement agency to conspicuously post on their internet websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public under specified circumstances. This bill would require each law enforcement agency to maintain a policy to require an official report prepared by a law enforcement officer or any member of a law enforcement agency that is generated using artificial intelligence either fully or partially to include specified information, including a disclosure statement and the signature of the law enforcement officer or member of a law enforcement agency who prepared the official report, as specified. If an officer or any member of an agency uses artificial intelligence to create an official report, the bill would require the first draft created to be retained for as long as the official report is retained. The bill would, except for the official report, prohibit a draft of any report created with the use of artificial intelligence from constituting an officer's statement. The bill would require an agency utilizing artificial intelligence to generate a first draft or official report to maintain an audit trail that identifies, at a minimum, certain things, including the person who used artificial intelligence to create a report.

STATUS: CHAPTERED

SB 627 (Wiener) Law enforcement: masks

Summary: Existing law makes it a misdemeanor to wear a mask, false whiskers, or any personal disguise, as specified, with the purpose of evading or escaping discovery, recognition, or identification while committing a public offense, or for concealment, flight, evasion, or escape from arrest or conviction for any public offense. This bill would make it a crime for a law enforcement officer to wear a facial covering in the performance of their duties, except as specified. The bill would define law enforcement officer as anyone designated by California law as a peace officer who is employed by a city, county, or other local agency, and any officer or agent of a federal law enforcement agency or law enforcement agency of another state, or any person acting on behalf of a federal law enforcement agency or agency of another state. The bill would make a violation of these provisions punishable as an infraction or a misdemeanor, as specified. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

STATUS: CHAPTERED

SB 664 (Ochoa Bogh) Vehicles: public safety: Blue Envelope Program.

Summary: Current law requires the Department of Motor Vehicles to prescribe and provide suitable forms of applications, certificates of ownership, registration cards, driver's licenses, and all other forms that are deemed necessary. This bill would, by January 1, 2027, require the department, in consultation with relevant stakeholders, to develop a Blue Envelope Program. Under the program, the bill would require the blue envelope to contain specified information for requesters with a condition or disability, as specified. The bill would also authorize others, including a parent or legal guardian of a passenger with a disability, to request a blue envelope.

STATUS: 2-YEAR BILL

SB 691 (Wahab) Body-worn cameras: policies

Summary: Would require, on or before July 1, 2026, each law enforcement agency that has a body-worn camera policy to update that policy to provide guidance to personnel who wear body-worn cameras regarding the circumstances in which they are required to reasonably and temporarily limit the recording of medical or psychological evaluations, procedures, or treatment performed by emergency service personnel that may cause embarrassment or humiliation to the patient. The bill would also require that policy update to include a procedure for emergency service personnel to request the redaction of evidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel.

STATUS: 2-YEAR BILL

SB 734 (Caballero) Criminal procedure: discrimination

Summary: The Public Safety Officers Procedural Bill of Rights Act grants certain employment rights to public safety officers, as defined. The act prohibits, among other things, any punitive action against a public safety officer, denial of promotion on grounds other than merit, or threat of such treatment, because of the lawful exercise of the rights granted under the act, or the exercise of any rights under any existing administrative grievance procedure. The California Racial Justice Act of 2020 prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin. Current law authorizes a defendant to file a motion in the trial court or, if judgment has been imposed, to file a petition for writ of habeas corpus to allege a violation of this prohibition. Current law authorizes the Commission on Peace Officer Standards and Training to revoke the certification of a peace officer if the officer has, while employed as a peace officer, engaged in serious misconduct including, among other things, demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This bill would prohibit a punitive action, denial of promotion on grounds other than merit, or a revocation of certification proceeding from being undertaken against any public safety officer on the basis of a court finding made in a challenge brought under the California Racial Justice Act of 2020, and would prohibit those court findings from being introduced for any purpose in any administrative appeal of a punitive action.

STATUS: CHAPTERED

SB 805 (Pérez) Crimes

Existing law prohibits credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team, as specified. Existing law also prohibits willfully and credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team through or on an internet website, or by other electronic means, for the purposes of defrauding another. A violation of these prohibitions is punishable as a misdemeanor. This bill would revise and recast these provisions to prohibit impersonating a law enforcement officer, and would clarify that a law enforcement officer, for these

purposes, includes a federal law enforcement officer. The bill would extend these offenses to include willfully and credibly impersonating any of those entities through any means for the purpose of defrauding another. By expanding the scope of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.
STATUS: CHAPTERED

SB 857 (Committee on Public Safety) Public Safety Omnibus
This bill contains various, non-substantive, technical changes to the law. As it pertains to POST, this bill corrected the language of deescalation to de-escalation throughout the Penal and Government codes.
STATUS: CHAPTERED

AGENDA ITEM REPORT

Title: REPORT ON AMENDMENT TO COMMISSION REGULATION 1005 - TIMELINE ADJUSTMENT TO BASIC COURSE WAIVER STEP 3

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Michael Marshall	**REVIEWED BY** Manuel Alvarez, Jr	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve the proposed changes to Commission Regulations 1005 and the Basic Course Waiver Step 3 process?

BACKGROUND:

The Basic Course Waiver (BCW) / Specialized Investigators' Basic Course Waiver (SIBCW) process is an option for peace officers from other states to meet the Regular Basic Course (RBC) or Specialized Investigators' Basic Course (SIBC) training requirement. Applicants submit documentation of law enforcement training and employment, and POST staff evaluate the materials for equivalency to POST's mandates. Upon successful completion of the process, the appropriate Basic Course Waiver is issued.

The entire process is four major steps, and it requires successful completion of the requalification course or the test out option in Step 3. If applicants fail Step 3 (the requalification course/test out), they are allowed a second attempt to successfully complete Step 3, or they become ineligible for the BCW. They then would be required to successfully complete an RBC.

On October 1, 2023, when the second attempt at Step 3 was adopted by POST, the current time limits spelled out in regulation were overlooked, which created a conflict in regulation regarding time limits for the Step 3.

ANALYSIS:

The proposed changes to Commission Regulation 1005 (**Attachment A**) will give instructions to applicants for repeating Step 3 of the BCW process and will clarify the time limits.

The proposed changes will accomplish the following:

- Removes the conflicting 12 additional months an applicant was allowed to repeat Step 3.
- Establishes a 30-day window for an applicant to request to repeat Step 3 after a failure.
- Creates a process for POST to notify applicant in writing if they are approved to repeat Step 3.
- Clarifies the individual next steps in the BCW process.
- Implements a 180-day time limit to complete the repeat of Step 3, which is consistent with the other steps on the BCW process.

RECOMMENDATION:

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed amendments to Commission Regulation 1005 timelines for Basic Course Waiver Step 3 as described in the staff report.

ATTACHMENT(S):

ATTACHMENT A_Proposed Reg 1005.pdf

CCR § 1005 Minimum Standards for Training.

(a)(1)(C)

…

Once an assessment method is chosen, an individual may not switch to the other option. The BCW assessment process must be successfully completed within one hundred eighty days of notification by POST of approval of the evaluation.

…

iii. An individual who has failed the Requalification Course or testing option may repeat Step 3 one time, in accordance with the conditions set forth in this subdivision iii. ~~within 12 months of the date of failure.~~ After a 30-day waiting period, but no longer than 60 days from the date of the failure, the individual shall submit a written request to POST for approval to repeat Step 3. ~~before contacting the Requalification Presenter or POST Testing Center.~~ POST will notify the individual in writing as to whether they are approved to repeat Step 3 of the BCW process. If approved to repeat Step 3, the individual must successfully repeat Step 3 within 180 days of the date on the approval letter the individual receives from POST. ~~When~~ If an individual does not receive approval to repeat Step 3, or receives approval, but fails to successfully repeat Step 3, they are no longer eligible for a waiver and must complete the appropriate POST-certified basic course (RBC or SIBC) before exercising peace officer powers.

…

AGENDA ITEM REPORT

Title: REPORT ON AMENDMENT TO COMMISSION REGULATION 1004 - RESERVE FIELD TRAINING OFFICER EXEMPTION

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Stephen Crawford	**REVIEWED BY** Carrie Hollar	
REPORT DATE 11/05/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve the proposed changes to Commission Regulation 1004 regarding reserve field training officer exemptions as described in the staff report?

BACKGROUND:

The Field Training Program (FTP) has historically been governed by Commission Regulation 1004, which establishes the minimum standards for Field Training Officers (FTOs). To meet POST requirements, FTOs must satisfy the following five criteria:

1. Have been awarded a POST Basic Certificate (not a specialized certificate);
2. Have a minimum of one year of general law enforcement uniformed patrol experience;
3. Have been selected based upon a department-specific selection process;
4. Meet the training requirements specified in subsection 1004(d); and
5. Are not prohibited from training under the provisions of California Government Code section 7286(b)(18).

Additionally, Commission Regulation 1004 specifies that peace officers and Level I reserve peace officers must complete a FTP. The aforementioned minimum selection standards serve to enhance the credibility and professionalism of the FTO role.

POST staff identified regulatory language in Commission Regulation 1004(a)(4)(A) (**Attachment A**) that puts an unintended burden on two POST-participating agencies, the Santa Clara County Sheriff's Office and the Stockton Police Department. Both agencies maintain long-standing Memoranda of Understanding (MOUs) with institutions of higher learning, Stanford University's Department of Public Safety and University of the Pacific's Department of Public Safety, respectively. Under these agreements, Level I reserve officers are employed by the university's public safety departments and are appointed by the sponsoring law enforcement agency. Due to limited staffing, both sponsoring law enforcement agencies struggle to assign their FTOs to new trainees at the university public safety departments. As a result, POST staff propose this regulatory change to allow an exemption option for Level I reserve officers at the university departments of public safety to work in an FTO role if they meet certain criteria. The proposal creates subsection 1004(a)(4)(A)(1).

ANALYSIS:

The following Commission Regulation (Attachment A) is affected by the proposed changes:

- Commission Regulation 1004 - Field Training Program

The proposed changes will accomplish the following:

- Creating an exemption request option that permits Level I Reserve Officers who meet specific criteria to serve as Field Training Officers.
- Creates criteria for the officer to be assigned as a FTO, including:
    - Employment with a private university under an agreement with a POST-participating department
    - Full-time Level I reserve peace officer appointment with POST-participating department
    - Sufficient qualifications to serve as a FTO, as specified in subdivisions (a)(4)(B-E)
- Creates requirements for the exemption request letter to the Executive Director, including:
    - Individual's name
    - POST ID number
    - An attestation they will be supervised by the SAC at the appointing department
    - A description of the intended duty assignments

- Creates a limitation indicating the exemption is only valid for the private university indicated in the request and is for the Field Training Officer assignment described in the request.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments to Commission Regulation 1004 which creates an exemption request option permitting Level I Reserve Officers who meet specific criteria to serve as Field Training Officers.

ATTACHMENT(S):

ATTACHMENT A_Reg 1004 Reserve FTO Exemption_proposed.pdf
ATTACHMENT B_LETTER OF SUPPORT_STANFORD UNIV DPS.pdf
ATTACHMENT C_LETTER OF SUPPORT_SANTA CLARA SO.pdf
ATTACHMENT D_LETTER OF SUPPORT_UNIV OF THE PACIFIC DPS.pdf

ATTACHMENT A

CCR § 1004 Field Training Program.

(a)

…

(3) The Field Training Program shall have a Field Training Supervisor/Administrator/Coordinator (SAC) who:

(A) Has been awarded or is eligible for the award of a POST Supervisory Certificate;

(B) Has been appointed by the department head (or their designee); and

(C) Meets the training requirement specified in subsection 1004(c).

(4) The Field Training Program shall have Field Training Officers (FTOs) who:

(A) Have been awarded a POST Basic Certificate (not Specialized);

1. Exemption from POST Basic Certificate Requirement:
An individual may receive an exemption from the Basic Certificate requirement by the Executive Director under the following circumstances:
a. The individual is employed as a full-time peace officer by a private university under an agreement with a POST-participating department;
b. The individual is appointed as a full-time Level I Reserve by the POST-participating department; and
c. The individual does not possess a POST Basic Certificate but otherwise has sufficient qualifications to serve as a Field Training Officer, as specified in subdivisions (a)(4)(B-E);
d. The POST-participating department head shall submit an exemption request letter that includes 1) the individual's name, 2) POST ID number, 3) an attestation they will be supervised by the SAC at the appointing department, and 4) a description of the intended duty assignments.
e. Any exemption granted by the Executive Director is specific to the private university indicated in the request and is for the Field Training Officer assignment described in the request.

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(B) Have a minimum of one year general law enforcement uniformed patrol experience;

(C) Have been selected based upon a department-specific selection process;

(D) Meet the training requirements specified in subsection 1004(d); and

(E) Are not prohibited from training as specified in California Government Code section 7286(b)(18).

(5) Trainees shall be supervised depending upon their assignment.

(A) A trainee assigned to general law enforcement uniformed patrol duties shall be under the direct and immediate supervision (physical presence) of a qualified Field Training Officer (as described in subsection 1004(a)(4)).

…

STANFORD UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY

Laura L. Wilson, *Director*

September 26, 2025

Manny Alvarez, Executive Director
CA Commission on Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Executive Director Alvarez,

I am writing to express my support for the proposed regulatory change that would enable select Stanford University Department of Public Safety (SUDPS) deputies who do not possess a basic P.O.S.T. certificate to serve as field training officers (FTOs) pursuant to P.O.S.T.'s approval.[1] As you are aware, the role of an FTO is crucial in shaping the competencies and effectiveness of new recruits, and allowing SUDPS deputies to take on this responsibility can bring substantial benefits to SUDPS and the community we serve.

I would like to underscore that SUDPS will follow the P.O.S.T. approved field training program of the Santa Clara County Sheriff's Office, which is the government entity that grants peace officers powers to Stanford deputies, who are Reserve Deputy Sheriffs of Santa Clara County. The Santa Clara County Sheriff's Office will maintain oversight responsibility of the field training program. This partnership ensures that SUDPS will comply with all established training requirements, including those applicable to the FTOs such as completing the comprehensive 40-hour training course, as well as ongoing refresher classes to ensure that all training officers remain current in best practices and methodologies. SUDPS acknowledges the importance of adhering to these standards and is committed to nominating for consideration individuals who meet the qualifications necessary to serve effectively as Field Training Officers and to adhering to the standards set forth by Sheriff's Office field training program.

SUDPS deputies possess a wealth of experience and specialized knowledge specific to campus law enforcement. By allowing them to serve as FTOs, CA P.O.S.T. would be acknowledging the unique qualifications of these individuals and enhancing the training experience for recruits. Additionally, this regulatory change would contribute to the professional development of SUDPS deputies themselves, providing them with opportunities for leadership and mentorship that can boost morale and job

[1] SUDPS deputies are classified as Reserve Peace Officers pursuant to 830.75PC. Due to this Reserve status, SUDPS deputies do not qualify for a basic P.O.S.T. certificate, which renders them unable to serve as FTOs under current P.O.S.T. regulations. SUDPS deputies work full-time and perform the same law enforcement functions as regular peace officers.

233 Bonair Siding Road • Stanford, CA 94305-7240 • Tel: (650) 723-9633 • Fax: (650) 323-1178

STANFORD UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY

Laura L. Wilson, *Director*

satisfaction. This is especially important in retaining experienced officers who play a vital role in community policing and proactive public engagement.

In conclusion, I support the proposed regulatory changes and appreciate your assistance in addressing this matter.

Sincerely,

Laura Wilson

Laura Wilson
Stanford University DPS, Chief of Police

Cc: Captain Frank Zacharisen, Santa Clara County Sheriff's Office

233 Bonair Siding Road • Stanford, CA 94305-7240 • Tel: (650) 723-9633 • Fax: (650) 323-1178

County of Santa Clara
Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4611

Robert Jonsen
Sheriff

October 30, 2025

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
Sacramento, CA 95605

Dear Members of the Commission:

I am writing to express my support for the proposed regulatory changes that would authorize select Stanford University Department of Public Safety (SUDPS) deputies to serve as Field Training Officers (FTOs), subject to individual approval by the Commission on Peace Officer Standards and Training (P.O.S.T.). The FTO role is vital to ensuring the readiness, professionalism, and effectiveness of newly appointed peace officers. Allowing qualified SUDPS deputies to serve in this capacity would strengthen the department's training program and further enhance public safety within the campus community.

SUDPS will nominate eligible deputies for consideration by P.O.S.T., with each approval evaluated on a case-by-case basis rather than through a blanket authorization. Approved SUDPS FTOs will operate under the Santa Clara County Sheriff's Office's P.O.S.T.-approved Field Training Program. While SUDPS may adapt certain elements of the program to reflect the specific needs of the university environment, all core standards, competencies, and training objectives established by P.O.S.T. and my Office will be fully met.

As Reserve Deputy Sheriffs of Santa Clara County, SUDPS deputies fall under the authority of my Office, which grants their peace officer powers. My Office will retain ultimate oversight responsibility to ensure SUDPS administers the FTO program appropriately—verifying that all required topics are covered, standards are maintained, and instruction aligns with established best practices. In addition, all SUDPS FTOs will complete the required 40-hour FTO training course and periodic refresher training to ensure ongoing compliance and professional excellence.

SUDPS deputies bring valuable expertise in campus law enforcement, community engagement, and safety education. Recognizing their qualifications through this proposed change will not only enhance the field training experience for new recruits but also promote leadership development and retention among experienced deputies.

For these reasons, I respectfully urge the Commission's support for the proposed regulatory changes. Thank you for your consideration and continued partnership in advancing the professionalism and effectiveness of California's peace officers.

Sincerely,

Robert Jonsen
Sheriff

UNIVERSITY OF THE
PACIFIC

October 1, 2025

Manny Alvarez, Executive Director
California Commission on Police Officers Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Executive Director Alvarez,

Dept. of Public Safety
3601 Pacific Ave.
Stockton, CA 95211
Tel 209.946.2537
Fax 209.946.2288

I am writing to express my support for the changes that Stephen Crawford has proposed to POST Regulation 1004, which would allow qualified officers at the University of the Pacific to serve as Field Training Officers. Currently, the University of the Pacific, as a private university, gets its police powers through an MOU with the Stockton Police Department. Pursuant to 830.75 of the Penal Code, my officers and I are Reserves Level 1. Although we all work full-time and conduct all the same duties as regular police officers, as reserve officers, we are unable to receive POST Certificates, other than Reserve. As you know, regulation 1004 currently requires FTOs to hold a Basic Certificate, among other requirements.

Historically, I was able to hire many lateral officers, like me, who already possessed their Basic and other certificates. Over the past few years, the hiring climate has changed. Laterals are a scarce commodity. I must now hire trainees and sponsor them through an academy to fill my open officer positions. I can no longer staff my FTO positions with these laterals, although I have several excellent officers who have been through an approved FTO course; they cannot officially be FTOs without a certificate. I have worked closely with the FTP SAC at Stockton Police Department and Stephen Crawford at POST to have a compliant Field Training Program. At Mr. Crawford's suggestion, I recently completed the FTP SAC class, as I am one of only two lateral officers here who have a supervisory certificate.

I believe in the role of the Commission on Police Officers Standards and Training and salute the recent changes that have been made to improve our profession and how we our seen by others. I also believe that the role of an FTO is significant, and only the best officers should be placed in these positions. I have some highly qualified officers who will shape respectful and ethical new officers. Unfortunately, the way the regulations are written now, it is impossible for me to bring my Field Training Program into Compliance.

During our conversation, Mr. Crawford suggested edits to Regulation 1004 that he plans to propose. These edits would add an exemption for Pacific Officers and the officers at the other two Universities in the same position. Although it would be nice to grant my officers the ability to acquire POST certificates, this is an easier change for the time being and would allow us to have a

compliant FTO Program overseen by the Stockton Police Department's Field Training Program. I respectfully submit to you my support for these changes to Regulation 1004.

Sincerely,



Grant Bedford
Chief of Police
University of the Pacific

AGENDA ITEM REPORT

Title: REPORT ON THE ADOPTION OF REGULATION 1022 - DETERMINATION OF BIAS

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Management Counseling and Projects Bureau	
RESEARCHED BY Raymund Nanadiego	**REVIEWED BY**	
REPORT DATE 10/23/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/17/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the adoption of Regulation 1022 - Determination of Bias as previously approved during the September 2025 Commission meeting?

BACKGROUND: Following the September 2025 Commission meeting and the approval to adopt Regulation 1022 - Determination of Bias, POST staff submitted the proposed regulatory action to the Office of Administrative Law. The notice was published on October 17, 2025 to begin the 45-day public comment period. This agenda item is intended to present any public comment received to the Commission for discussion.

ANALYSIS: As voted by the Commission during the June and September 2025 meetings, the verbiage for Regulation 1022 to define "biased conduct" would reflect statutory language in Penal Code 13510.6(a) without additional language. Regulation 1022 would serve as an additional point of reference for law enforcement agencies.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the adoption of Regulation 1022 - Determination of Bias as approved by the Commission during the September 2025 meeting.

ATTACHMENT(S):

Commission Agenda Item Report June 2025.pdf

Commission Meeting Transcript June 2025.pdf

Commission Meeting Transcript September 2025.pdf
Proposed Text Reg 1022.pdf

AGENDA ITEM REPORT

Title: REPORT ON ESTABLISHING A DEFINITION OF "BIASED CONDUCT" PURSUANT TO ASSEMBLY BILL 443 AND PENAL CODE 13510.6

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Management Counseling and Projects Bureau	
RESEARCHED BY Raymund Nanadiego		**REVIEWED BY**
REPORT DATE 04/23/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/13/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: How should the Commission define "biased conduct" as required by AB 443 and Penal Code 13510.6?

BACKGROUND: Assembly Bill 443 (AB 443) and Penal Code section 13510.6 require the Commission to establish a definition of "biased conduct" and states that beginning on January 1, 2026, when investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes "biased conduct," using the definition developed by the Commission.

POST staff convened a group of subject matter experts on March 18-20, 2025 to provide insight and help meet the requirements in AB 443 (Jackson, 2023) and Penal Code 13510.6. The group included members of the California District Attorneys Association, the California State Sheriffs' Association, the Peace Officers Research Association of California, the Racial and Identity Profiling Advisory Board, the California Department of Justice, background investigators, and internal affairs investigators.

The diverse group of subject matter experts met over the three-day workshop to assist the Commission in meeting the requirements of AB 443 and Penal Code 13510.6 through their collective insight. The subject matter experts had legal, academic, or law enforcement backgrounds and came from various regions around the state. The group provided a

suggested definition for "biased conduct" and input to expand guidance for background and internal affairs investigations by law enforcement agencies through their collaborative effort and diverse expertise.

ANALYSIS:

Statutory language in Penal Code 13510.6(a) states that, "the commission shall establish a definition of 'biased conduct' that, at a minimum, includes all of the following:

(1) Biased conduct includes any conduct, including, but not limited to, conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, as defined in Section 13101, motivated by bias toward any person's protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code.

(2) Biased conduct may result from implicit and explicit biases.

(3) Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that the officer's conduct resulted from bias towards that person's membership in a protected class described in paragraph (1) of Penal Code 13510.6.

(4) An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct.

During the March 2025 workshop, the group of subject matter experts collaborated on a suggested definition. Please refer to Attachment A. The suggested definition in Attachment A is a collaborative product from the subject matter experts in the workshop, and not an independent work product by POST staff. The accompanying information in Attachment A is offered by the subject matter experts as suggestions and context to help meet the requirements of AB 443 and Penal Code 13510.6.

The suggested definition by the subject matter experts in the workshop provides considerations to expand the statutory language in Penal Code 13510.6(a) by introducing or paraphrasing statutory language by using verbiage such as, "...action or inaction...", "...whether on duty or off-duty...", and omits "...encounters with the public, first responders, or employees of criminal justice agencies, as defined in Section 13101", and "an officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct."

The following are possible wording options to define "biased

conduct" using statutory language only from Penal Code 13510.6 (option A) and combining language introduced by the subject matter experts found in Attachment A with statutory language from Penal Code 13510.6 (option B):

OPTION A (statutory language only):

Pursuant to Penal Code section 13510.6(a), when investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes "biased conduct," using the following definition:

Biased conduct includes any conduct, including, but not limited to, conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, as defined in Section 13101, motivated by bias toward any person's protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code.

For purposes of this definition:

(a) Biased conduct may result from implicit and explicit biases.

(b) Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that the officer's conduct resulted from bias towards that person's membership in a protected class described in paragraph (1) of Penal Code 13510.6(a).

(c) An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct.

OPTION B (statutory language combined with language from Attachment A):

Pursuant to Penal Code section 13510.6(a), when investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes "biased conduct," using the following definition:

Biased conduct includes any conduct, including, but not limited to, conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, as defined in Section 13101, motivated by bias toward any person's protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code.

For purposes of this definition:

(a) Biased conduct may result from action or inaction
(b) Biased conduct may occur on duty or off duty
(c) Biased conduct may result from implicit and explicit biases

(d) Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that the officer's conduct resulted from bias towards that person's membership in a protected class described in paragraph (1) of Penal Code 13510.6(a)

(e) An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve and establish a definition of "biased conduct" as required in Penal Code 13510.6.

ATTACHMENT(S):
Determination_of_Bias_Guidelines_LC_IEB_BP_04.14.2025 (1).pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

WEDNESDAY, JUNE 4, 2025

10:00 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:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

INGRID BRAUN
Sheriff
Mono County Sheriff's Office

JIM COOPER
Sheriff
Sacramento County Sheriff's Office

JUSTIN DOERING
Senior Deputy Sheriff
Ventura County

KELLY GORDON
Chief
Santa Barbara Police Department

JACOB "JAKE" JOHNSON
Officer
California Highway Patrol

SHANNAN MOON
Sheriff
Nevada County Sheriff's Office

TINA NIETO
Sheriff
Monterey County Sheriff's Office

FREDDIE RODRIGUEZ
Public Member

POST COMMISSIONERS PRESENT
(Continued)

BENJAMIN THERRIAULT
Sergeant
Richmond Police Department

STEPHEN WOOLERY
Ex-Officio
Rob Bonta, Attorney General
Department of Justice

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ALSO PRESENT

SEAN DURYEE
California Highway Patrol

HILLARY EDWARDS
California State University Long Beach
Center for Criminal Justice

JOELA JIMENEZ
San Bernardino County Sheriff's Department

RON MARK
California State University Long Beach
Center for Criminal Justice

CARLOS MONTES-PONCE
ACLU Northern California

GEORGE PARAMPATHU
ACLU California Action

DR. CASSANDRA VIETIN
UC San Diego

KIMBERLY ZARAGOSA
Contra Costa County District Attorney's Office

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CHAIRPERSON LONG: No comment? All right.

Anyway, a report from the Management Counseling and Projects Bureau on establishing a definition of "biased conduct," as required pursuant to Assembly Bill 443 and Penal Code 13510.6.

Executive Director -- Assistant Executive Director Annemarie Del Mugnaio and LEC Raymund Nanadiego will report.

MR. NANADIEGO: Good afternoon again. Actually --

CHAIRPERSON LONG: Oh, I'm sorry. I wasn't even looking. I thought Annemarie was coming forward. And the attorney, Simone Renteria, is here. Thank you.

MR. NANADIEGO: Yes, sir. Attorney IV Simone Renteria will be joining me today.

Okay. We have a PowerPoint for this one.

Thank you, sir.

Assembly Bill 443 established Penal Code section 13510.6 and requires the Commission to create a definition of "biased conduct."

It states that beginning on January 1st, 2026, when investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes, quote, "biased conduct," using the definition developed by the

Commission.

Next slide, please.

POST staff convened a group of subject matter experts on March 18 to 20, 2025, to provide insight and help meet the requirements of Penal Code 13510.6.

The group included Jay Boyarsky from the Santa Clara District Attorney's Office and Assistant CEO Jonathan Raven representing the California District Attorneys Association;

Detective Ashleigh Oliver from the Sacramento County Sheriff's Office and Constitutional Policy -- Policing Advisor Mary Izadi from the Orange County Sheriff's Department representing the California State Sheriffs Association;

Lieutenant Carmelin Rivera from the San Diego Police Department representing PORAC, or the Peace Officers Research Association of California;

Special Agent-in-Charge Lottie Bloxsom from the DOJ;

Sergeant Robert Raw from the San Mateo County Sheriff's Office;

Captain Sean Frost from the San Francisco Police Department;

Retired Lieutenant Paul Henry from the Santa Rosa Police Department;

And Administration of Justice Department Chair Cheryl Mackey from Chabot College;

The representatives from the RIPA Board included:

Marisol Leon from the DOJ;

Co-Chair Andrea Guerrero;

And Public Defender Soley Diallo from Riverside County.

The diverse group of subject matter experts met over the three-day workshop to assist the Commission in meeting the requirements of AB 443 and Penal Code section 13510.6 through their collective insight. The subject matter experts had legal, academic, or law enforcement backgrounds and came from various regions around the state.

The group provided a suggested definition for, quote, "biased conduct" to the Commission and offered input to expand guidance for background and Internal Affairs investigations by law enforcement agencies through their collaborative effort and diverse expertise.

The suggested definition was included in this agenda item as Attachment A and as a collaborative product of the subject matter experts in the workshop, not an independent work product by POST staff.

The accompanying information in Attachment A is

offered by the subject matter experts as suggestions and context to help the Commission meet the requirements of Penal Code 13510.6.

The group discussed how bias operates not only through what people do but also through the way -- through what they fail to do.

Within the context of AB 443, they talked about some of the academic literature on bias and key examples like failure to intervene and use of force incidents that could make officers complicit in bias or unlawful actions.

They also discussed neglecting to investigate certain complaints since failure to act on reports due to biased assumptions could reflect systemic bias through inaction.

Traffic stops also came up since inaction within agencies can enable a culture of racial bias and lack of accountability.

The subject matter experts agreed that including, quote, "inaction" in the definition is critical.

The suggested definition by the subject matter experts in the workshop provides considerations to expand the statutory language in Penal Code 13510.6(a) by introducing or paraphrasing statutory language by using verbiage such as, quote, "action or inaction";

quote, "whether on-duty or off-duty," but omitted some language that the statute mandates be included. For example, quote, "encounters with the public, first responders, or employees of criminal justice agencies as defined in section 13101"; and also, quote, "an officer need not admit bias or prejudiced intent for conduct to be determined to be biased conduct," end quote.

Next slide, please.

And one more, please.

Two options to define "biased conduct" are provided on the screen in yellow font. This is Option A. And it defines "biased conduct" using statutory language only.

Next slide, please.

Option B replicates Option A with the added language from the subject matter experts-suggested definition in the workshop, found in the agenda attachment.

Option B is not the identical definition suggested by the subject matter experts, as additional text was needed to comply with the statute mandate. Option B was constructed as a suggested definition to meet the statute's requirements while including additional language recommended by the subject matter experts.

We'll take any questions.

CHAIRPERSON LONG: Questions on the definitions?

Questions?

COMMISSIONER BRAUN: I have a procedural question.

Are we supposed to pick between Option A here and Option B here? Okay.

CHAIRPERSON LONG: That would be the recommendation of staff. That is certainly an option.

I think it is easier, actually, if you look at the agenda, it shows A and B laid out kind of the same. And the only real difference is there's two -- there's two components, really.

Correct me if I'm wrong, Raymund.

That B has "biased conduct may result from action or inaction" and "biased conduct may occur on-duty or off-duty." Those two statements are not in A, which simply relies on the statutory definition.

MR. NANADIEGO: That's correct, sir.

CHAIRPERSON LONG: So, really, it is just two lines that are of difference.

And if there's no comments right now, I know there were quite a few comments from Jason's gang.

Chief, would you like to talk a little bit about that, please?

MR. SALAZAR: Thank you, Mr. Chair.

I will do my best to sum- -- we did have a fairly robust discussion. I will do my best to summarize it.

But there was some discussion primarily to, as well, just with regards to difficulty determining bias, as it can be a subject of evaluation. And some questions as to whether or not once a definition is adopted, if POST provides guidelines to agencies particularly on how to determine bias in a background or IA investigations. And we were told that would take place.

There were some comparisons to SB 2 issues regarding some -- this definition potentially being overly broad. And particularly with concerns about the terms in Option B, that reference "inaction" and then the "off-duty" reference as well. And comments made regarding law enforcement doesn't always have a duty to act in certain circumstances.

And so ensuring that that doesn't get labeled then as "inaction" for purposes of bias, particularly as it relates to response to mental health calls. You have seen, you know, a number of agencies now that have adopted either disengagement policies or not responding to mental health. Can that be somehow determined to be inaction for purposes of bias against a protected class?

And then the references to "off-duty." Is there a duty to act while off-duty or a consequence for inaction while off-duty? There was some discussion around, you

know, the combination of those two: "Inaction," "off-duty."

There was -- Attachment A provides some additional context to the definitions that are provided here. And so if -- when you read through the attachment that is included in the staff report, it goes into depth as to, kind of, what the intent of each of those comments was made. However, those would not be provided as context once you adopt the definition.

At some point, I suppose it could be provided as part of a guideline for either background or IA investigations. But the definition, as it stands alone, without some of that context, had some concern for members of the Advisory Committee.

I would say it was about -- there was 12 members of the Advisory Committee. I believe there were five that were not in favor of Option B, and preferred Option A. And the concerns primarily kind of surrounding "inaction" and "off-duty" and quite a bit of discussion on those two items.

CHAIRPERSON LONG: Thank you, Chief.

Comments or questions?

COMMISSIONER BRAUN: Commissioner Braun.

I feel like we had a lesson learned on this before, where we spent hours coming up with a definition only to

be told that the statutory definition was preferred by OAL.

So should we cut to the chase on this one, Toby? And just -- or is this different?

CHAIRPERSON LONG: I would -- go ahead, Toby.

MR. DARDEN: Sure.

So the law does require for POST to establish this definition. And then agencies are required to use the definition when they are conducting any investigation of a bias-related complaint. So we are obligated to establish the definition.

Just with -- as with SB 2, the Legislature said we could develop the definition of "serious misconduct," but there was minimum content that was required.

Same here. So we can establish the definition.

It is possible for us to put additional information within the definition beyond that which the Legislature has specified as the minimum. So we can do that.

Hopefully OAL wouldn't give us any pushback if we wanted to go with the Option B.

But again, that's -- it is up to the Commission as to which option it wishes to -- to go with. If the Commission is concerned about Option B and the "inaction" language, I do have some potential additional language that I could propose that might help mitigate

some of the concern. But that's at the discretion of the Commission; if you would like to hear it.

COMMISSIONER BRAUN: Thank you.

I agree with what was discussed yesterday about the off-duty/on-duty/inaction, especially given the circumstance -- the consideration on when we are not required to take action. And if we're saying now that we -- inaction is -- I'm not being clear. But I think you get what I'm saying.

Kelly does.

CHAIRPERSON LONG: I would like to suggest that -- listening to the Advisory Committee yesterday, I thought this one might be -- meet both sides halfway. I don't know. I talked to Toby a little bit. I talked to Jason about it a little bit.

But striking the "biased conduct may occur on-duty or off-duty," which seemed to cause the most headaches. Leaving the "biased conduct may result from action or inaction with" -- go ahead, Toby. Jump in as a --

MR. DARDEN: Okay. So --

CHAIRPERSON LONG: With additional language that clarifies what exactly that means.

MR. DARDEN: Sure.

So I drafted this just as a possible to clarify or mitigate. If we leave the "action or inaction" in it,

it would be the following:

"For purposes of this regulation, 'inaction' refers to a failure to act when, pursuant to governing law or in accordance with the policy of the employing agency, the peace officer is obligated to take action."

So, again, what that does is say, "action or inaction." But the "inaction" is referring to only those instances where the officer is obligated to take action in accordance with governing law or the policy of the employing agency.

So I thought that might be a way to mitigate it if the Commission wants to leave in the action/inaction language.

MS. DEL MUGNAIO: Chair Long, may I add something?

CHAIRPERSON LONG: Please.

MS. DEL MUGNAIO: So in response to that -- because I know it is getting kind of a cold reception -- there is one thing that is already in "serious misconduct." And I want to make sure we continue to separate 443 from serious misconduct, because one doesn't mean the other.

So when we define "an act of demonstrated bias," for the purposes of serious misconduct, that is an act or action that is occurring. That's an active step; someone has done something. And the definition is different and it's been defined. So this doesn't mean

"serious misconduct."

But the one thing that comes up is failure to intercede. That is already something that's required of an officer in use of force.

And if that were what we were referring to, in terms of "inaction," then a failure to intercede, based on some sort of explicit or implicit bias, could, in fact, render the officer to have committed some kind of serious misconduct.

I just want you to keep that in mind, because that would be an inaction, on-duty behavior.

The only other thing I wanted to mention -- and then Simone can kind of elaborate on this. The bill does a couple of things:

It requires us to establish a definition for the purpose of investigating misconduct or investigating -- excuse me -- complaints of bias, not necessarily misconduct. But it also establishes or serves to require POST to establish guidelines for agencies conducting investigations into applicants in terms of whether or not there's been any biased conduct before you are hiring someone on to your law enforcement agency. And that's looking through social media checks, etc.

So there's a requirement in the law that POST will

develop guidance on that, which is a little different than what we are talking about here with the definition in terms of the investigation. So it is twofold. And I just don't want that to get lost.

So for what it is worth.

COMMISSIONER THERRIAULT: Commissioner Therriault.

COMMISSIONER DOERING: Commissioner Doering.

COMMISSIONER THERRIAULT: Go ahead.

COMMISSIONER DOERING: Just wanted to -- based off our prior conversations and talking about expanding definitions, I don't know that I see a need, at least from my point of view, to expand more than what the statutory regulations already say with Option A. I feel like we -- when we start adding things and pigeonholing ourselves a little bit more, it becomes a little bit more difficult for the Commission to make decisions. And I know we have talked about expanding definitions before.

But initially, in reading this, I don't -- I don't know why we would work to expand the definition further when we already have the statutory regulation there.

Just my thoughts.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: And I would also add, you know, if there's a failure to intercede, and during the

investigation it shows that the cause is bias, then that bias charge does come out. So there is a way that agencies have, and then POST has, to deal with that concern; you know, the inaction piece specifically related to that duty to intercede.

I'm not in favor of adding that and using -- and using B, because I think you are adding a very broad, from action to inaction, even by adding the additional language that you are suggesting.

And I'm not a fan of the on-duty or off-duty either.

So my vote is for A.

MR. DARDEN: If I may, if you don't mind. I just want to make sure that we're all on -- exactly on the same page. And hopefully the Commission understands. We're not doing anything here with respect to the definitions of "serious misconduct." That's not what this is. So we're all on the same page on that.

Because, really, this is just a result of a report that was done by the State Auditor, who thought that law enforcement agencies, when investigating biased-related complaints, just didn't understand enough about what bias was and what might be causing it.

And so passed this bill, which basically just says we come up with the definition. Agency, when it is

investigating bias, has to use that definition in order to determine if bias occurred.

But there's no sanction attached to our definition. It is simply something that the agency is required to use if there's a determination that biased conduct occurred.

It is completely up to the agency to decide if it did. And the complaint was a citizen's complaint that came in the door; then the agency might decide it is a training issue or a -- or it is a violation of policy or there's no violation at all.

So I just wanted to make sure we were all clear on that. And perhaps we were.

COMMISSIONER BARCELONA: That includes B as well? That includes B as well, the option?

MR. DARDEN: Yeah. So the Options A or B are just the mechanisms for us to try to satisfy the statutory mandate that POST is required to establish a regulatory definition by 1/1/26.

COMMISSIONER BARCELONA: The "off-duty" point really bothers me.

MR. DARDEN: Yeah.

COMMISSIONER NIETO: Commissioner Nieto.

MR. DARDEN: That was the subject matter experts that had suggested that.

Yeah.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: I would prefer, like Commissioner Braun, not to go down that rabbit hole again. Keep it as simple as we can keep it, as a Commission.

And I do appreciate the auditor coming in and making a suggestion to let POST decide.

COMMISSIONER GORDON: And with that, I will make a motion to -- for recommendation A.

CHAIRPERSON LONG: Second?

COMMISSIONER THERRIAULT: Commissioner Therriault. Second.

CHAIRPERSON LONG: Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Abstain.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

(No response.)

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.

COMMISSIONER JOHNSON: Yes.

MS. ESSEX: Long.

CHAIRPERSON LONG: Abstain.

MS. ESSEX: Moon.

COMMISSIONER MOON: Yes.

MS. ESSEX: Nieto.

COMMISSIONER NIETO: Yes.

MS. ESSEX: Therriault.

COMMISSIONER THERRIAULT: Yes.

MS. ESSEX: Woolery.

COMMISSIONER WOOLERY: Yes.

MS. ESSEX: Two abstentions.

CHAIRPERSON LONG: Motion carries. 11-zip.

We will now take a break. Is 3:00 o'clock good enough, Kathy?

THE COURT REPORTER: That's fine.

CHAIRPERSON LONG: We will take a break until 3:00 o'clock. Thank you.

(Break taken in proceedings.)

CHAIRPERSON LONG: We're back in session.

Due to side-bar conversations, I think we have got

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

TUESDAY, SEPTEMBER 9, 2025

10:02 A.M.

MEETING HELD

AT GOLDEN WEST COLLEGE

REGIONAL CRIMINAL JUSTICE TRAINING CENTER

MULTIPURPOSE ROOM

15744 GOLDENWEST STREET

HUNTINGTON BEACH, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

INGRID BRAUN
Sheriff
Mono County Sheriff's Office

JIM COOPER
Sheriff
Sacramento County Sheriff's Office

JUSTIN DOERING
Senior Deputy Sheriff
Ventura County

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

JACOB "JAKE" JOHNSON
Officer
California Highway Patrol

SHANNAN MOON
Sheriff
Nevada County Sheriff's Office

TINA NIETO
Sheriff
Monterey County Sheriff's Office

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

POST COMMISSIONERS PRESENT

FREDDIE RODRIGUEZ
Public Member
Speaker of Assembly

BENJAMIN THERRIAULT
Sergeant
Richmond Police Department

STEPHEN WOOLERY
Ex-Officio
Rob Bonta, Attorney General
Department of Justice

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MICHELLE WEILER
Bureau Chief
Certification Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

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ALSO PRESENT

BRAD MEYER
Captain
Butte County Sheriff's Office

JASON SALAZAR
California Police Chiefs Association
(Chairperson POST Advisory Committee)

ANGELA SIERRA
Racial and Identity Profiling Advisory Board

TASHA WILLIAMSON
Public Speaker

---o0o---

CHAIRPERSON LONG: Seeing none, so moved unanimously.

We move now to -- I'm confused. We jumped all over. What number are we on?

EXECUTIVE DIRECTOR ALVAREZ: 6.

CHAIRPERSON LONG: So this item is a proposed regulation to essentially cross reference the definition of "biased conduct" as defined in Penal Code section 13510.6(a).

This is another one that was adopted by the Commission in June. In June, the Commission voted unanimously to address the Penal Code requirement to define "biased conduct" by using the statutory language found in the Penal Code.

The question today is simply whether the Commission should adopt the proposed reg to define "biased conduct" using the already-approved language found in Penal Code 13510.6. It is essentially a cross-referencing issue.

Law Enforcement Consultant Raymund Nanadiego will report.

MR. NANADIEGO: Thank you very much, Mr. Chair. And that is actually pretty much my presentation.

But this -- the additional follow-up discussions that we had as POST staff following the June Commission, we felt that this -- this new addition into regulation

as -- at 1022 would just simply add as an additional point of reference for law enforcement agencies. But it would just be statutory language only, as the Chair has mentioned.

CHAIRPERSON LONG: Is there a motion?

COMMISSIONER BRAUN: Motion. Braun.

COMMISSIONER DOERING: Doering. Second.

CHAIRPERSON LONG: Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, the motion passes unanimously.

We are now at No. 9. Correspondence.

The following correspondence was sent from POST to Robert Lopez, Chief, Baldwin Park Police Department, expressing sympathy over the tragic on-duty death of Officer Samuel Riveros.

To Jim McDonnell, Los Angeles Police Department, expressing sympathy over the tragic on-duty death of Sergeant Shiou Deng.

And to Jeff Macomber, Secretary, California Department of Corrections and Rehabilitation, expressing sympathy over the tragic on-duty death of Parole Agent Joshua Lemont Byrd.

And to Robert Luna, Sheriff, LA County Sheriff's

TEXT OF PROPOSED REGULATION ACTION
Adopt Regulation 1022 – Determination of Bias
Commission Regulation 1022

---

§ 1022. Determination of Bias.

(a) Biased conduct includes any conduct, including, but not limited to, conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, as defined in Penal Code Section 13101, motivated by bias toward any person's protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code. Biased conduct may result from implicit and explicit biases. Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that the officer's conduct resulted from bias towards that person's membership in a protected class described in this subsection. An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct.

Note: Authority cited: Section 13510.6, Penal Code. Reference: Sections 13510.6, 13519.4, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSAL TO REVISE REGULATION 1953 TO INCLUDE TRANSFERABILITY OF PEACE OFFICER BACKGROUND INVESTIGATION FILES BETWEEN AGENCIES AND TO UPDATE THE EDUCATION REQUIREMENT FOR CONSISTENCY WITH RECENT LEGISLATIVE CHANGES

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Strategic Communications and Research Bureau	
RESEARCHED BY Kelli Surawski		**REVIEWED BY** Erik Apperson
REPORT DATE 10/24/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/17/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

A proposal for transferability of peace officer background investigation files was initially presented for discussion at the November 2024 Commission meeting at the request of the California Police Chief's Association (Cal Chiefs).

At the June 2025 Commission meeting, an update was provided to the Commission and POST staff received direction to propose a revision to Regulation 1953: Peace Officer Background Investigation. Additional proposed changes to this regulation are for consistency with recent legislation. This item is being presented for consideration and voting by the Commission.

BACKGROUND:

The initial discussion of transferability of peace officer background investigation files was requested by a member of the Cal Chiefs. A concern expressed from the discussion was that agencies with smaller budgets do not have the resources and/or funds available to conduct a peace officer background investigation in a time when hiring applicants is demanding.

Further discussion regarding the transferability transpired between POST and Cal Chiefs in April 2025. The decision was to provide a proposed update to the Commission for consideration at the June 2025 Commission meeting. At the June meeting, POST was directed by the Commission to propose revisions to Regulation 1953 for the transferability of

peace officer background investigation files. The proposed regulation change is included as Attachment A.

ANALYSIS:

Transferability of Background Files

Based on conversations with and suggestions from Cal Chiefs, the POST Advisory Committee, and the Commission, the following parameters for the transferability of peace officer background investigation files were identified:

- The transfer of a complete background investigation file will be at the discretion of both employing agencies.
- Only a complete background investigation conducted within the past 12 months would be eligible for transfer.
- The complete background investigation is only available for transfer one time.
- A background investigation update is required from when the background investigation was initially completed.

For consistency with current requirements and to provide further clarity, POST is also proposing to add the following:

- The appointment date on the Attestation of Peace Officer Eligibility (POST 2-356) (Attachment E) signed by the hiring authority or its designee is no later than 12 months from the date of the signature of the Hiring Authority Designee on the Verification of Qualification for Peace Officer Appointment (POST 2-355) (Attachment D) form in the initial background investigation file.
- The complete background investigation file becomes the responsibility of the agency to which it is transferred.

Legislative Change

AB 992 was signed into law by Governor Newsom on October 1, 2025 (Attachment F). This law makes changes to GC 1031(e), peace officer education requirements. Specifically, the legislation allows for the acceptance of equivalency evaluations of foreign degrees by specified credential evaluation services. For consistency with AB 992, POST is modifying subsection (e)(5)(A) of Regulation 1953, Peace Officer Education Verification, which references GC § 1031(e), to include the approved language. This law change goes into effect on January 1, 2026.

Language Removal

Subsection (f)(1)(A)1. of Regulation 1953 (Attachment C)

contains repetitive and confusing verbiage which is also contained in subsection (c)(1)(C) of Regulation 1950 (Attachment B). For clarity, it is proposed to remove the language “Per Commission Regulation 1950(c)(1)(C), a background investigation update on a peace officer who is reappointed within 180 days of voluntary separation is at the discretion of the hiring authority.” from Regulation 1953. The language will remain unchanged in Regulation 1950.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes as described in the staff report.

ATTACHMENT(S):

Attachment A - Reg 1953 Text Proposed.pdf
Attachment B - Regulation 1950.pdf
Attachment C - Regulation 1953.pdf
Attachment D - POST 2-355.pdf
Attachment E - POST 2-356.pdf
Attachment F - AB 992.pdf

ATTACHMENT A

TEXT OF PROPOSED REGULATION ACTION
11 CCR § 1953
Commission Regulation 1953 – Peace Officer Background Investigation

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§ 1953. Peace Officer Background Investigation.

Regulation 1953(a) continued

(b) Background Investigation Evaluation Criteria

The background and personal history sections of the Bias Assessment Framework [Commission Regulation 1955(d)(3)] and the entire set of POST Background Investigation Dimensions (Dimensions), herein incorporated by reference, described in the *POST Background Investigation Manual -- Guidelines for the Investigator (202~~2~~5)* -- Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills - shall be considered in the conduct of every peace officer background investigation. The manual provides guidance in conducting background investigations. The use of the manual is discretionary, with the exception of the Dimensions and the relevant sections of the Bias Assessment Framework.

Regulation 1953(c) – (e)(1-4) continued

(5) Education Verification

(A) Every peace officer candidate shall meet one of the following minimum education requirements pursuant to Government Code section 1031(e):

1. Be a high school graduate of one of the following:

a. A U.S. public school, or

b. An accredited U.S. Department of Defense high school, or

c. An accredited or approved public or nonpublic high school.

2. Pass the General Education Development (GED) test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level.

3. Pass the California High School Proficiency Examination, or

4. Have attained a two-year, four-year, or advanced degree from an accredited college or university.

Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using state or local government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED or Cognia, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFNSSAA). A foreign college or university degree may be evaluated for equivalency by a credential evaluation service holding membership in the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators, Inc. (AICE).

Regulation 1953(e)(5)(B) – (e)(12) continued

(f) Background Investigation Updates

(1) Eligibility

(A) If a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The peace officer candidate is being reappointed to the same POST-participating department. ~~Per Commission Regulation 1950(c)(1)(C), a background investigation update on a peace officer who is reappointed within 180 days of voluntary separation is at the discretion of the hiring authority.~~

Regulation 1953(f)(1)(A)2. - (f)(1)(B) continued

(C) At the discretion of the hiring authority and with the consent of the agency that conducted the initial background investigation, an updated background investigation, as opposed to a complete new background investigation, may be conducted provided the following additional conditions are met:

1. The peace officer candidate was initially investigated by a California POST-participating department in accordance with all current requirements,

2. The POST-participating department that initially completed the background investigation shall provide the complete background file to the hiring authority. (Note: a copy of the initial background investigation file shall be retained by the initial investigating agency),

3. The POST-participating department that initially completed the background investigation has not provided the peace officer candidate's initial background investigation file to any other department,

4. The appointment date on the Attestation of Peace Officer Eligibility (POST 2-356) signed by the hiring authority or its designee is no later than 12 months from the date of the signature of the Hiring Authority Designee on the Verification of Qualification for Peace Officer Appointment (POST 2-355) form in the initial background investigation file, and

5. Both POST-participating departments understand and agree that POST may, without cause and at any time, inspect all background investigation records for the peace officer candidate that are in the possession of either POST-participating department.

The new background investigation file in the possession of the hiring authority is not transferable. The retention of all background investigation records, including the initial and updated background investigations, shall be the responsibility of the hiring authority; however, the initial investigating agency shall retain a copy as provided in (f)(1)(C)2., above.

Regulation 1953(f)(2)(A) continued

(B) The department shall conduct investigations of all new information reported by the candidate on the new personal history statement.

1. For candidates reappointed to the same department per subsection 1953(f)(1)(A)1., the new background investigation shall cover the period since the candidate separated from the department.

2. For candidates transferring, without a separation, to a different department within the same city, county, state, or district per subsection 1953(f)(1)(A)2., ~~or~~ interim chiefs who meet the requirements of subsection 1953(f)(1)(B), or candidates whose background is being transferred per subsection 1953(f)(1)(C), the new background investigation shall cover the period since the date the previous background investigation was completed.

Regulation 1953(f)(2)(C) - (g) continued

Credits

Note: Authority cited: Sections 1029, 1030, 1031, 1031.2, 1031.3 and 1031.4, Government Code; and Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.2, 1031.3 and 1031.4, Government Code; Section 12500, Vehicle Code;

Sections 13510, 13680, 13681, 13682, 13683 and 29805, Penal Code; and Title 18 Section 922(d)(9), US Code.

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Division 2. Commission on Peace Officer Standards and Training
Article 5. Peace Officer and Public Safety Dispatcher Selection Requirements

11 CCR § 1950

§ 1950. Peace Officer Selection Requirements.

Currentness

(a) Peace Officer Selection Requirements

The purpose of these regulations is to implement the minimum peace officer selection standards set forth in California Government Code sections 1029, 1031 and 1031.4, and as authorized by California Penal Code section 13510. Peace officer training requirements are addressed separately in Commission Regulations 1005 and 1007. All POST documents and forms mentioned in these regulations are available on the POST website (www.post.ca.gov).

(1) Every POST-participating department and/or agency (hereinafter referred to as "department") shall ensure that every *"peace officer candidate"*, as defined in subsection 1950(b), satisfies all minimum selection requirements specified in the following regulations unless waived by the Commission on a case by case basis. Statutory requirements in these regulations cannot be waived by the Commission.

- Reading and Writing Ability Assessment (Commission Regulation 1951)
- Oral Interview (Commission Regulation 1952)
- Background Investigation (Commission Regulation 1953)
- Medical Evaluation (Commission Regulation 1954)
- Psychological Evaluation (Commission Regulation 1955)

(2) All requirements specified in these regulations shall be satisfied prior to the date of employment. For purposes of these regulations, "date of employment" is defined as date of appointment as a peace officer or, at the department's discretion, the date the candidate is hired as a trainee and enrolled in a POST-certified basic course.

(b) Peace Officer Candidate Definition

For purposes of these regulations, a *"peace officer candidate"* is any individual, regardless of rank or Penal Code classification, who applies for a peace officer position with a POST-participating department, regardless of the individual's prior law enforcement experience either at that department or at a different department within the same city, county, state or district.

(c) Exceptions

For purposes of these regulations, peace officers described in this section are not considered "candidates" and are therefore exempted from Commission Regulations 1951-1955.

(1) The department has sole responsibility for determining what, if any, assessments are necessary for a peace officer who:

(A) Changes peace officer classifications, such as from reserve officer to regular officer, within the same POST-participating department if documentation is available for inspection verifying that all current minimum selection requirements were previously met, and the peace officer has worked continuously for the department since the time of initial appointment.

(B) Is employed by a department that, through reorganization, is merged with another department within the same city, county, state or district, if documentation is available for inspection verifying that the officer was hired in accordance with the POST requirements in effect at the time of hire.

(C) Is reappointed to the same POST-participating department within 180 days of voluntary separation.

(2) For a peace officer who has been mandatorily reinstated, the department shall:

(A) Report the reinstatement to POST in accordance with Commission Regulation 1003(b)(2);

(B) Resubmit the officer's fingerprints to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to verify legal eligibility for a peace officer position (California Government Code sections 1029 and 1030) and to determine eligibility to possess a firearm [Penal Code section 29805 and U.S. Code Title 18 section 922(d)(9)]. Fingerprints do not need to be resubmitted if the officer was never removed from the department's peace officer files of the DOJ or FBI;

(C) Perform a records check of the California Department of Motor Vehicles (California Vehicle Code section 12500);

(D) Verify qualification for appointment as a peace officer (Government Code section 1029).

(3) Publicly elected peace officers are exempted from Commission Regulations 1951-1955.

(d) Adoption of Additional Requirements and/or Higher Standards The requirements described herein serve as minimum selection requirements. Per Government Code section 1031(g) and Penal Code section 13510(d), the adoption of more rigorous requirements, higher standards, additional assessments and/or more in-depth evaluations than those stated in these regulations is at the discretion of the employing department.

Credits

NOTE: Authority cited: Sections 1029, 1030, 1031 and 1031.4, Government Code; and Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.4 and 12900 et seq., Government Code; Section 12500, Vehicle Code; Sections 29805 and 13510, Penal Code; and Title 18 Section 922(d)(9), US Code.

HISTORY

1. Change without regulatory effect renumbering former section 9050 to new section 1950, including amendment of section and NOTE, filed 11-26-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 48).

2. Amendment of subsection (a)(2) filed 12-12-2013; operative 4-1-2014 (Register 2013, No. 50).

3. Change without regulatory effect amending subsections (a), (c)(2)(A) and (d) filed 12-9-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 50).

4. Change without regulatory effect amending subsection (c)(2)(A) filed 8-2-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 32).

5. New subsection (c)(1)(C) filed 10-31-2016; operative 1-1-2017 (Register 2016, No. 45).

6. Governor Newsom issued Executive Order N-63-20 (2019 CA EO 63-20), dated May 7, 2020, which extended certain timeframes related to the reemployment of former peace officers, due to the COVID-19 pandemic.

7. Amendment of subsections (a)(1), (c) and (c)(3) filed 10-15-2021; operative 1-1-2022 (Register 2021, No. 42). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

8. Change without regulatory effect amending subsection (a), adopting new subsection (c)(2)(E) and amending NOTE filed 12-30-2021 pursuant to section 100, title 1, California Code of Regulations; operative 1-1-2022 (Register 2021, No. 53).

9. Change without regulatory effect adopting article 5 heading (sections 1950-1960) filed 3-9-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 10).

10. Change without regulatory effect amending NOTE filed 1-4-2023 pursuant to section 100, title 1, California Code of Regulations (Register 2023, No. 1).

11. Amendment of subsection (c)(2)(A), repealer of subsection (c)(2)(C), subsection relettering, amendment of newly designated subsections (c)(2)(C)-(D) and amendment of NOTE filed 8-29-2023; operative 8-29-2023 pursuant to Government Code section 11343.4(b)(3) (Register 2023, No. 35).

12. Amendment of subsection (c)(2)(A) filed 2-6-2024; operative 2-6-2024 pursuant to Government Code section 11343.4(b)(3) (Register 2024, No. 6).

This database is current through 10/17/25 Register 2025, No. 42.

Cal. Admin. Code tit. 11, § 1950, 11 CA ADC § 1950

END OF DOCUMENT

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§ 1953. Peace Officer Background Investigation.

Currentness

(a) Government Code Mandate

Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character [Government Code section 1031(d)] and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer, including any acts requiring denial of employment pursuant to the California Law Enforcement Accountability Reform (CLEAR) Act (Penal Code section 13680, et seq.).

(1) Effective July 1, 2023, every background investigator shall satisfactorily complete POST-certified background investigation training prior to conducting investigations.

(b) Background Investigation Evaluation Criteria

The background and personal history sections of the Bias Assessment Framework [Commission Regulation 1955(d)(3)] and the entire set of POST Background Investigation Dimensions (Dimensions), herein incorporated by reference, described in the *POST Background Investigation Manual -- Guidelines for the Investigator (2022)* -- Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills - shall be considered in the conduct of every peace officer background investigation. The manual provides guidance in conducting background investigations. The use of the manual is discretionary, with the exception of the Dimensions and the relevant sections of the Bias Assessment Framework.

(c) Personal History Statements

(1) Every peace officer candidate shall complete, sign, and date a personal history statement at the onset of the background investigation. A personal history statement can be either the *Personal History Statement -- Peace Officer*, POST 2-251 (1/2024) or until June 30, 2024, an alternative personal history statement.

(2) An alternative personal history statement shall include inquiries related to the following areas of investigation:

A. Personal identifying information,

B. Relatives and references contact information,

C. Education history,

D. Residence history,

E. Experience and employment history,

F. Military history,

G. Financial history,

H. Legal history,

I. Driving history,

J. Other topics related to moral character.

(3) The personal history statement shall also include inquiries addressing all disqualifications for peace officer appointment as specified in Government Code Section 1029(a).

(4) Effective July 1, 2024, the personal history statement shall be the *Personal History Statement – Peace Officer*, POST 2-251 (1/2024), herein incorporated by reference, or an electronic personal history statement that is an exact replication of the questions contained in the POST 2-251.

(d) Collection of Background Information: Pre and Post Conditional Offer of Employment

(1) Non-medical or non-psychological background information may be collected after a conditional offer of employment (COE) is issued if it could not have reasonably been collected prior to the COE (Government Code Section 1031.2). This may include:

(A) Official documents that cannot be obtained and evaluated in a timely manner during the pre-offer period, and

(B) Information derived from contacts and interviews with references.

(2) At the post-offer stage, background investigators, examining physicians, examining psychologists, and others involved in the hiring decision shall work cooperatively to ensure that each has the information necessary to conduct their respective investigations and/or assessments of the candidate.

(e) Areas of Investigation

(1) Employment Eligibility Verification

(A) Effective January 1, 2023, every peace officer candidate must be legally authorized to work in the United States under federal law (Government Code sections 1031(a)).

(B) Proof of employment eligibility is prescribed by Section 274a.2 of Title 8 of the Code of Federal Regulations, specifically USCIS *Form I-9 -- Employment Eligibility Verification Form*. Documentation must include either a completed Form I-9 verifying the employer has examined documents as identified in the List of Acceptable Documents, or any document(s) required for completion of the Form I-9. Documents shall be original, certified copies, or copies that include a notation by the investigator that the originals or certified copies were reviewed.

(2) Age Verification

(A) Every peace officer candidate shall be minimally 21 years of age on or before the date of appointment as a peace officer. Peace officers appointed under section 830.1(c) of the Penal Code must be a minimum of 18 years of age on or before the date of appointment. (Government Code section 1031.4).

(B) Proof of age shall be satisfied by any document accepted for proof of employment eligibility, or other official documentation (e.g., birth certificate, driver's license), verifying date of birth deemed acceptable by POST.

(3) Criminal and Other Qualification Records Checks -- Local, State, and National

Every peace officer candidate shall be the subject of criminal and other records searches at the local, state, and national levels to determine legal eligibility for peace officer employment [Government Code sections 1029, 1030 and 1031(c)], eligibility to carry a firearm [Penal Code section 29805; U.S. Code Title 18, section 922(d)(9)], and to assess moral character [Government Code section 1031(d)].

(A) Local searches shall include inquiries with local law enforcement departments where the candidate has lived, worked, attended school, or frequently visited. Proof of local searches shall be documented by a letter or other written documentation from each department contacted. If a contacted department does not provide written documentation, the request for information shall be noted.

(B) A state search shall include forwarding the candidate's fingerprints to the California Department of Justice (DOJ) to establish the candidate's legal eligibility for employment (Government Code section 1029) and eligibility to possess a firearm [Penal Code section 29805; U.S. Code Title 18 section 922(d)(9)]. Proof of a state search shall be documentation issued by the DOJ consisting of an official clearance return and an authorization to possess and carry firearms. The authorization shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

(C) A national search shall include forwarding the candidate's fingerprints to the Federal Bureau of Investigation (FBI). Proof of a national search shall consist of an official clearance from the FBI. The clearance shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

(D) Verification of qualification for appointment as a peace officer, pursuant to Government Code section 1029.

(4) Driving Record Check

(A) Every peace officer candidate's driving history, if any, shall be checked to assess behaviors consistent with the safe and appropriate operation of a motor vehicle and adherence to the law.

(B) Proof of the driving history check shall consist of a written driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of employment.

(5) Education Verification

(A) Every peace officer candidate shall meet one of the following minimum education requirements pursuant to Government Code section 1031(e):

1. Be a high school graduate of one of the following:

a. A U.S. public school, or

b. An accredited U.S. Department of Defense high school, or

c. An accredited or approved public or nonpublic high school.

2. Pass the General Education Development (GED) test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level.

3. Pass the California High School Proficiency Examination, or

4. Have attained a two-year, four-year, or advanced degree from an accredited college or university.

Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using state or local government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED or Cognia, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFNSSAA).

(B) Proof shall consist of an official transcript or other means of verifying satisfactory completion of educational requirements deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(6) Employment History Checks

(A) Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the candidate's personal history statement.

(B) Every peace officer candidate, with prior peace officer experience, shall be the subject of a search of their general personnel file and/or a separate file designated by the department or agency, pursuant to Penal Code section 832.12(b).

(C) Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

(7) Relatives/Personal/Secondary References Checks

(A) Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the candidate's personal history statement. Additional references (e.g., secondary references), provided by the initial contacts, shall also be contacted and interviewed to determine whether the candidate has exhibited behavior incompatible with the position sought. Sufficient information shall be collected and reviewed to determine candidate suitability.

(B) Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate and additional references provided by the initial contacts (e.g., secondary references) were interviewed. Documentation shall include the identity of each individual contacted, if the contact is an initial or secondary reference, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.

(8) Dissolution of Marriage Check

(A) Every peace officer candidate who indicates one or more marriage dissolutions on the personal history statement shall have his/her court issued dissolution documents and legal separation decrees reviewed as an indication of personal integrity, financial responsibility, and other relevant aspects of candidate suitability.

(B) Proof of the dissolution/separation of marriage check shall be documented by a copy of all final court-issued dissolution documents and legal separation decrees.

(9) Neighborhood Checks

(A) Every peace officer candidate shall be the subject of contacts and interviews with current and, where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought.

(B) Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented.

(10) Military History Check

(A) When applicable, a candidate shall be required to present proof of Selective Service registration or military service records.

(B) Proof of a military history check shall consist of written verification of Selective Service registration, except for women or any man born prior to January 1, 1960. For any candidate who indicates military history on the personal history statement, proof shall consist of an official copy of their DD-214 long form or equivalent documentation of foreign military service, if available.

(11) Credit Records Check

(A) Every peace officer candidate shall be the subject of a credit record search with a bona fide credit reporting agency (i.e., Experian, TransUnion, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.

(B) Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of employment.

(12) Social Media Check

(A) Every peace officer candidate shall be the subject of a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of Commission Regulation 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code section 13680(g)(1). Social media may include, but not be limited to, social networking sites, online forums, blogs, and video sharing platforms. Searches must be conducted in compliance with state and federal laws.

(B) Proof shall consist of documentation verifying a social media search was conducted which, at a minimum, shall include written documentation of websites searched and/or services used, including webpage URLs and findings. When there is evidence of activity relevant to peace officer suitability, documentation shall consist of screenshots, printouts, website links, and/or other documentation verifying the information and shall be limited to that which is relevant to suitability for peace officer employment.

(f) Background Investigation Updates

(1) Eligibility

(A) If a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The peace officer candidate is being reappointed to the same POST-participating department. Per Commission Regulation 1950(c)(1)(C), a background investigation update on a peace officer who is reappointed within 180 days of voluntary separation is at the discretion of the hiring authority.

2. The peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, state, or district that maintains a centralized personnel and background investigation support division.

(B) At the discretion of the hiring authority, if an interim police chief was initially investigated by a California POST participating department in accordance with all current requirements and the background file has been determined compliant by POST, an updated background investigation, as opposed to a complete new background investigation, may be conducted provided the following three conditions are met:

1. The results of the initial background investigation are available and have been reviewed by the hiring authority,

2. The initial background investigation was conducted within the past five years, and

3. The individual has served as an interim police chief within the last 24 months.

The retention of all background investigation records, including the initial and updated background investigations, shall be the responsibility of the hiring authority.

(2) Update Requirements

(A) A new personal history statement [subsection 1953(c)] with updated information covering the period from the last personal history statement to the current date shall be completed by the peace officer candidate.

(B) The department shall conduct investigations of all new information reported by the candidate on the new personal history statement.

1. For candidates reappointed to the same department per subsection 1953(f)(1)(A)1., the new background investigation shall cover the period since the candidate separated from the department.

2. For candidates transferring, without a separation, to a different department within the same city, county, state, or district per subsection 1953(f)(1)(A)2., or interim chiefs who meet the requirements of subsection 1953(f)(1)(B), the new background investigation shall cover the period since the date the previous background investigation was completed.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's peace officer files of the DOJ or FBI, 3) Driving Record Check, and 4) Credit Record Check.

(D) Verification of qualification for appointment as a peace officer, pursuant to Government Code section 1029.

(E) Updated background investigation documentation shall be maintained with the initial background investigation documents.

(F) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

(g) Documentation and Reporting

(1) Background Narrative Report

The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and any findings of behaviors, traits and/or attributes that may be relevant to bias per the Bias Assessment Framework [subsection 1953(b)], including whether the candidate has engaged or is engaging in membership in a hate group, participation in any hate group activity or advocacy of public expressions of hate, per Penal Code section 13680, et seq. The report shall identify the data sources reviewed for the findings, regardless of weight given.

The report shall include narrative information in order of, and consistent with, the required areas of investigation [subsection 1953(e)] using the following headings:

(1) Employment Eligibility

(2) Age Verification

(3) Criminal and Other Qualification Records Checks -- Local, State, and National

(4) Driving Record Check

(5) Education Verification

(6) Employment History Checks

(7) Relatives/Personal/Secondary References Checks

(8) Dissolution of Marriage Check

(9) Neighborhood Checks

(10) Military History Check

(11) Credit Records Check

(12) Social Media Check

The report, along with all supporting documentation obtained during the course of the background investigation, including relevant documentation of bias-related findings and documentation obtained through the social media search [subsection 1953(e)(12)], shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

(2) Verification of Qualification for Peace Officer Appointment

(A) Every peace officer candidate shall meet all selection requirements prior to the date of employment, per Commission Regulation 1950.

(B) Proof of verification of qualification for peace officer appointment shall be documented via the *Verification of Qualification for Peace Officer Appointment*, POST 2-355 (01/2023), hereby incorporated by reference.

(3) Retention

The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in Government Code section 12946.

(4) Information Access

The narrative report and any other relevant background information [subsection 1953(g)(1)] shall be shared with the psychological evaluator [Commission Regulation 1955(e)(3)]. This information shall also be shared with others involved in the hiring process, such as screening physicians, if it is relevant to their respective evaluations.

This information must be furnished to those conducting background investigations of peace officer candidates on behalf of other law enforcement departments except as specifically provided by statute (Government Code section 1031.1, Government Code section 6250 et seq, Labor Code section 1050, Labor Code section 1054, O'Shea v. General Telephone Co. (1987) 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the prospective department to determine the suitability of the peace officer candidate.

Credits

NOTE: Authority cited: Sections 1029, 1030, 1031, 1031.2, 1031.3 and 1031.4, Government Code; and Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.2, 1031.3 and 1031.4, Government Code; Section 12500, Vehicle Code; Sections 13510, 13680, 13681, 13682, 13683 and 29805, Penal Code; and Title 18 Section 922(d)(9), US Code.

HISTORY

1. Change without regulatory effect renumbering former section 9053 to new section 1953, including amendment of section and NOTE, filed 11-26-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 48).

2. Change without regulatory effect amending subsection (d) filed 12-9-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 50).

3. Change without regulatory effect amending subsections (e)(5)(A)2. and (e)(5)(A)4. filed 1-27-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 5).

4. Amendment of subsections (c) and (g)(3) filed 2-24-2016; operative 4-1-2016 (Register 2016, No. 9).

5. Amendment of subsections (f)(1)(A)1.-2. and (f)(2)(B)2. filed 10-31-2016; operative 1-1-2017 (Register 2016, No. 45).

6. Amendment of subsections (b) and (c) and new subsections (f)(1)(B)-(f)(1)(B)3. filed 2-27-2018; operative 4-1-2018 (Register 2018, No. 9).

7. Amendment of subsection (f)(2)(B)2. filed 10-24-2018; operative 1-1-2019 (Register 2018, No. 43).

8. Amendment of subsections (f)(1)(A)1., (f)(2)(A), (f)(2)(B)1.-2. and (g)(3) filed 10-15-2021; operative 1-1-2022 (Register 2021, No. 42). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

9. Change without regulatory effect amending subsections (e)(2)(A) and (e)(3), adopting subsections (e)(3)(D), (e)(6)(B) and (f)(2)(D), relettering subsections and amending NOTE filed 12-30-2021 pursuant to section 100, title 1, California Code of Regulations; operative 1-1-2022 (Register 2021, No. 53).

10. New subsection (a)(1) filed 5-24-2022; operative 7-1-2022 (Register 2022, No. 21).

11. Amendment of subsections (b), (e)(1)(A), (e)(5)(A)4. and (e)(7)(A)-(B), new subsections (e)(12)-(e)(12)(B), amendment of subsections (g)(1) and (g)(3) and amendment of NOTE filed 7-18-2022; operative 8-1-2022 pursuant to Government Code section 11343.4(b)(3) (Register 2022, No. 29).

12. Redesignation and amendment of portions of subsection (c) as new subsections (c)(1)-(c)(2)J., new subsection (c)(3), amendment of subsection (d)(1), new subsections (g)(2)-(g)(2)(B) and subsection renumbering filed 11-3-2022; operative 1-1-2023 (Register 2022, No. 44).

13. Change without regulatory effect amending subsection (a), repealing subsection (e)(1)(B), relettering subsections, amending subsection (e)(5)(A)4. and amending NOTE filed 1-4-2023 pursuant to section 100, title 1, California Code of Regulations (Register 2023, No. 1).

14. Amendment of subsections (e)(7) and (g)(1) filed 6-8-2023; operative 10-1-2023 (Register 2023, No. 23).

15. Amendment of subsections (e)(1)-(e)(1)(B), (e)(2)(A)-(B), (e)(12)(A), (g)(1) and (g)(2)(B) filed 8-29-2023; operative 8-29-2023 pursuant to Government Code section 11343.4(b)(3) (Register 2023, No. 35).

16. Amendment of subsection (c)(1), new subsection (c)(4) and amendment of NOTE filed 9-11-2023; operative 1-1-2024 (Register 2023, No. 37).

17. Change without regulatory effect amending subsections (c)(1) and (c)(4) filed 1-17-2024 pursuant to section 100, title 1, California Code of Regulations (Register 2024, No. 3).

This database is current through 10/17/25 Register 2025, No. 42.

Cal. Admin. Code tit. 11, § 1953, 11 CA ADC § 1953

END OF DOCUMENT

ATTACHMENT D
State of California – Department of Justice **VERIFICATION OF QUALIFICATION FOR PEACE OFFICER APPOINTMENT**
POST 2-355 (01/2023)

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

Name	Position		Birthdate

Documents confirmed in background file	Y/N/NA	Verified By	Date
Background Narrative - 11 CCR §1953(g)(1)			
POST Personal History Statement or Equivalent - 11 CCR §1953(g)(1)			
DOJ Fingerprints - 11 CCR §1953(g)(1)			
DOJ Firearms Clearance - 11 CCR §1953(g)(1)			
FBI Clearance - 11 CCR §1953(g)(1)			
NDI query (if applicable) - 11 CCR §1953(g)(1)			
California POST query (if applicable) - 11 CCR §1953(g)(1)			
DMV Records - 11 CCR §1953(g)(1)			
Local Agency Inquiries - 11 CCR §1953(g)(1)			
Credit Records Check - 11 CCR §1953(g)(1)			
Education Verification - 11 CCR §1953(g)(1)			
Employment Eligibility Verification - 11 CCR §1953(g)(1)			
Age Verification - 11 CCR §1953(g)(1)			
Military History - 11 CCR §1953(g)(1)			
Dissolution of Marriage - 11 CCR §1953(g)(1)			
Employment History - 11 CCR §1953(g)(1)			
Peace Officer file review (if applicable) - Penal Code §832.12			
Relative/Personal References (Identified and Interviewed) - 11 CCR §1953(g)(1)			
Secondary References (Identified and Interviewed) - 11 CCR §1953(g)(1)			
Social Media Checks - 11 CCR §1953(g)(1)			
Neighborhood Contacts - 11 CCR §1953(g)(1)			
Medical Suitability Declaration - 11 CCR §1953(g)(1)			
Psychological Suitability Declaration - 11 CCR §1953(g)(1)			
Eligibility For Appointment			
Reading and Writing Assessment completed - 11 CCR §1951			
Oral Interview completed - 11 CCR §1952			
Background complete prior to appointment - 11 CCR §1950(a)(2)			
Applicant is not disqualified from peace officer employment (Government Code §1029 and §1031)			
Applicant is at least 21 years of age*			
Applicant is medically suitable for appointment - 11 CCR §1954			
Applicant is psychologically suitable for appointment - 11 CCR §1955			

PRINT NAME OF HIRING AUTHORITY DESIGNEE	TITLE
SIGNATURE OF HIRING AUTHORITY DESIGNEE	**DATE**

POST USE ONLY

** Exception: Government Code 1031.4. PC830.1(c) peace officers shall minimally be 18 years of age*

ATTACHMENT E

State of California – Department of Justice

ATTESTATION OF PEACE OFFICER ELIGIBILITY

POST 2-356 (05/2025)

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information. POST is requesting this information pursuant to POST regulation section 1003. Submission of all requested information is mandatory. Failure to provide any part of the requested information may delay processing of this application or result in an incomplete record. The requested information will be used to process the addition of a peace officer to a POST Agency Roster. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual for whom personal information is collected has the right to inspect that information in any record maintained by POST. Inquiries may be directed to the POST Information Practices Act Coordinator at the address listed above or may be emailed to *CPRA@post.ca.gov.*

SECTION 1: IDENTIFICATION

1. POST ID *(If known)*	5. RACE/ETHNICITY
2. NAME *(Last, First, Middle)*	6. APPOINTMENT DATE
3. BIRTHDATE	7. RANK
4. GENDER ☐ Male ☐ Female ☐ Non-binary	8. AGENCY

SECTION 2: PEACE OFFICER ATTESTATION

9. For all peace officer appointees, this attestation shall be signed under penalty of perjury:

I certify (or declare) under penalty of perjury under the laws of the State of California that the information provided during the background process, as described in Government Code §1029, 1031, 1031.4, and Commission Regulations §1950-1955 is true and correct.

PRINT NAME OF PEACE OFFICER APPOINTEE	CONTACT NUMBER
SIGNATURE OF PEACE OFFICER APPOINTEE	DATE

SECTION 3: AGENCY ATTESTATION

10. For all applicants *(Initials required by employing agency hiring authority)*:

_____ The individual being appointed has been evaluated in accordance with and met all minimum peace officer background and hiring requirements as described in Government Code §1029, 1031, 1031.4, and Commission Regulations §1950-1955.

11. For applicants with previous employment as a peace officer *(Initials required by employing agency hiring authority)*:

_____ I attest the appointing agency has requested and reviewed records of any investigations of misconduct involving the applicant and maintained in the officer's designated file as described in Penal Code §832.12.

_____ Beginning January 1, 2023, I attest the agency has contacted POST to inquire as to the facts and reasons a peace officer became separated from any previous employing agency as described in Penal Code §13510.9(d)(3).

I hereby attest the individual being appointed is eligible to be employed and hold office as a peace officer in California.

SECTION 4: HIRING AUTHORITY SIGNATURE OR AUTHORIZED DESIGNEE

PRINT NAME OF HIRING AUTHORITY	CONTACT NUMBER
SIGNATURE OF HIRING AUTHORITY	EMAIL
TITLE	DATE

POST USE ONLY

DETAILED INSTRUCTIONS

Entry Details ***SECTION 1: IDENTIFICATION***	**Box 1:** Enter the Registered POST Identification Number if it is known. **Box 2:** Legal Name **Box 3:** Date of Birth **Box 4:** Gender: 1. Select male if the applicant identifies as male. Select female if the applicant identifies as female. Select non-binary if the applicant identifies as non-binary. **Box 5:** Race/Ethnicity: ***American Indian or Alaska Native*** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment. ***Asian*** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Thailand, and Vietnam. ***Black or African American*** A person having origins in any of the black racial groups of Africa. ***Filipino*** A person having origins in any of the original peoples of the Philippine Islands. ***Hispanic or Latino*** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. ***Native Hawaiian or Other Pacific Islander*** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. ***White*** A person having origins in any of the original peoples of Europe, Middle East, or North Africa. ***Other*** **Box 6:** Date appointed to the hiring agency. **Box 7:** Rank: Must be listed as a peace officer as one of the following ranks: • Acting Chief • Agent • Assistant Chief • Assistant Marshal • Assistant Sheriff • Captain • Chief • Chief Deputy • Chief Investigator • Commander • Coroner • Corporal • Court Deputy • Deputy • Deputy Chief • Deputy Commissioner • Deputy Coroner • Deputy Coroner Manager • Deputy Marshal • Detective • Director • Division Chief • Inspector • Investigator • Investigator Manager • Investigator Supervisor • Investigator, Welfare Fraud • Investigator Manager, Welfare Fraud • Investigator Supervisor, Welfare Fraud • Jail Deputy • Lieutenant • Manager • Marshall • Police Officer • Ranger • Ranger Manager • Ranger Supervisor • Reserve Level I • Reserve Level II • Reserve Level III • Sergeant- at- Arms • Sergeant-at-arms Chief • Sergeant • Sheriff/Coroner • Special Agent • Supervisor • Undersheriff • Warden **Box 8:** Agency name
SECTION 2: PEACE OFFICER ATTESTATION	9. Attestation and signature required for all peace officer appointees. This section is to be signed under penalty of perjury.

DETAILED INSTRUCTIONS

SECTION 3: AGENCY ATTESTATION	10. Initials required for all applicants. 11. Initial only if the applicant has been previously employed as a peace officer.
SECTION 4: HIRING AUTHORITY SIGNATURE OR AUTHORIZED DESIGNEE	Only the hiring authority or an authorized designee can attest and sign.
AUTHORIZED DESIGNEE	
How To Submit	This document must be uploaded with the notice of appointment for newly appointed peace officers or any peace officer that is a lateral or has had a break in service via the POST Electronic Data Interchange (EDI). Download this document, initial, sign where required, and upload the document to the notification of appointment. If any missing information is identified, it will be returned to the agency for correction.
Approval Process	After a notice of appointment is completed, POST will verify that all information is completed before the peace officer is added to the agency roster. If any missing information is identified, it will be returned to the agency via EDI. The peace officer will not be added to the agency roster until the form is completed and reviewed by POST.
POST Contacts	For assistance with the attestation form call or email: **Phone:** (916) 227-3765 **Email:** *Certificates@post.ca.gov*

ATTACHMENT F

Assembly Bill No. 992

CHAPTER 175

An act to amend Section 1031 of, and to add Section 1031.5 to, the Government Code, and to amend Section 13511.1 of the Penal Code, relating to peace officers.

[Approved by Governor October 1, 2025. Filed with Secretary of State October 1, 2025.]

legislative counsel's digest

AB 992, Irwin. Peace officers.

Existing law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission to approve and adopt the education criteria for peace officers, based on the recommendations in the report.

This bill would repeal the requirement for the commission to approve and adopt the criteria described above.

Existing law requires a peace officer to meet specified requirements, including, to be a high school graduate or meet equivalency standards, as specified, or to attain a 2-year, 4-year, or advanced degree from an accredited college or university.

This bill would authorize specified credential evaluation services to evaluate the equivalency of a foreign college or university degree for purposes of attaining a degree as described above. The bill would require, commencing January 1, 2031, a peace officer, as specified, to attain one or more specified degrees or certificates no later than 36 months after receiving their basic certificate by the commission, as specified, unless the person is employed by the Department of Corrections and Rehabilitation or as a deputy sheriff of specified counties and is employed to perform duties relating to custodial facilities, as specified, has at least 8 years of experience as a sworn peace officer of another state or at least 8 years of military service in the Armed Forces of the United States, as specified, is employed as a peace officer by the State Department of State Hospitals, or is, as of December 31, 2030, currently enrolled in a basic academy or is employed as a peace officer by a public entity in California. The bill would require a peace officer with experience as a sworn peace officer from another state or with experience serving in the Armed Forces of the United States who served for less than 8 years, as specified, to attain one or more of the specified degrees or certificates no later than 48 months after receiving their basic certificate by the commission. The bill would authorize coursework

completed as part of military or law enforcement training to count toward a degree or certificate, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be legally authorized to work in the United States under federal law.

(b) Be 18 years of age or older.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) Be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be either a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using state or local government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED or Cognia, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFNSSAA). A foreign college or university degree may be evaluated for equivalency by a credential evaluation service holding membership in the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators, Inc. (AICE).

(f) Be found to be free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer.

(1) Physical condition shall be evaluated by a licensed physician and surgeon.

(2) Emotional and mental condition shall be evaluated by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical

residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued postdoctorate.

The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of preemployment psychological screening of peace officers.

(g) This section shall not be construed to preclude the adoption of additional or higher standards, including age.

(h) This section shall be interpreted and applied consistent with federal law and regulations. This section shall not be construed to permit an employer to override or bypass work authorization requirements stated in Section 274a.2 of Title 8 of the Code of Federal Regulations.

SEC. 2. Section 1031.5 is added to the Government Code, to read:

1031.5. (a) (1) In addition to the standards in Section 1031, commencing January 1, 2031, each state officer and employee designated as a peace officer as described in Section 830.1, with the exception of those described in subdivision (c) of that section, 830.2, with the exception of those described in subdivision (d) of that section, 830.3, 830.32, or 830.33 of the Penal Code, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program shall attain one or more of the following degrees or certificates no later than 36 months after receiving their basic certificate by the commission:

(A) An associate's degree from a community college that is accredited by an agency recognized by the United States Department of Education.

(B) A bachelor's degree or other advanced degree from a college or university that is accredited by an agency recognized by the United States Department of Education.

(C) A modern policing degree, as described in subdivision (b).

(D) A professional policing certificate, as described in subdivision (c).

(2) Notwithstanding paragraph (1), a person who is either of the following shall attain one or more of the degrees or certificates set forth in subparagraph (A), (B), (C), or (D) of paragraph (1) no later than 48 months after receiving their basic certificate by the commission:

(A) An individual with experience as a sworn peace officer from another state who served as a peace officer for less than eight years and with a separation in good standing.

(B) An individual with experience serving in the Armed Forces of the United States who served for less than eight years and with an honorable discharge if their military service has concluded.

(3) Paragraph (1) does not apply to either of the following:

(A) An individual with at least eight years of experience as a sworn peace officer from another state and with a separation in good standing.

(B) An individual with at least eight years of military service in the Armed Forces of the United States and with an honorable discharge if military service has concluded.

(b) A modern policing degree shall meet all of the following criteria:

(1) Require at least 60 semester units or 90 quarter units of degree-applicable credit coursework from a college or university that is accredited by an agency recognized by the United States Department of Education.

(2) Award credits for required commission-certified academy course instruction.

(3) Offer courses that include, but are not limited to, the following list of subjects:

(A) Communications.

(B) Psychology.

(C) Writing.

(D) Ethics.

(E) Criminal Justice.

(c) A professional policing certificate may be offered by any accredited college or university, and shall meet all of the following criteria:

(1) Require at least 16 semester units or 24 quarter units of degree-applicable credit coursework from a college or university that is accredited by an agency recognized by the United States Department of Education.

(2) Offer courses that include, but are not limited to, the following list of subjects:

(A) Communications.

(B) Psychology.

(C) Writing.

(D) Ethics.

(E) Criminal Justice.

(d) (1) Coursework completed as part of the commission-certified academy shall count toward the modern policing degree and professional policing certificate and may count toward any associate degree or bachelor's degree described in subparagraphs (A) and (B) of paragraph (1) of subdivision (a).

(2) Coursework completed as part of military or law enforcement training that is within the curriculum of a modern policing degree as described in subdivision (b) or a professional policing certificate as described in subdivision (c) by an individual during prior employment in the military or in law enforcement in another state may count toward a modern policing degree as described in subdivision (b) or a professional policing certificate as described in subdivision (c).

(3) Coursework completed as part of the commission-certified academy shall not solely satisfy the unit requirement for a professional policing certificate.

(e) This section does not apply to any person who, as of December 31, 2030, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California.

(f) This section does not apply to any person who is employed as a peace officer by the State Department of State Hospitals.

SEC. 3. Section 13511.1 of the Penal Code is amended to read:

13511.1. (a) The commission, stakeholders from law enforcement, including representatives of law enforcement administration and law enforcement employees, the California State University, including administration and faculty members, and community organizations shall serve as advisors to the office of the Chancellor of the California Community Colleges to develop a modern policing degree program. By June 1, 2023, the office of the Chancellor of the California Community Colleges, in consultation with the stakeholders, shall submit a report on recommendations to the Legislature outlining a plan to implement this program. The recommendations in the report shall:

(1) Focus on courses pertinent to law enforcement, which shall include, but not be limited to, psychology, communications, history, ethnic studies, law, and those determined to develop necessary critical thinking skills and emotional intelligence.

(2) Include allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.

(A) It is the intent of the Legislature that allowances for prior experience in this paragraph for those with military experience may be provided to those with military specializations pertinent to law enforcement, including those specializations in community relations, deescalation, foreign language translators, and those determined to require necessary critical thinking skills and emotional intelligence.

(B) It is the intent of the Legislature that allowances for prior experience specified in this paragraph shall be granted to those of good moral character, and shall not be granted to those with prior sustained disciplinary actions taken against them, except that the Commission on Peace Officer Standards and Training may, after considering the severity of the sustained misconduct or violation, grant a partial allowance.

(3) Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer.

(4) Include recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access that fulfill the minimum education requirements to be adopted, pursuant to this section, for employment as a peace officer.

(b) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

O

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED CHANGES TO COMMISSION REGULATIONS REGARDING INSTRUCTOR CONDUCT

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Andrew Mendonsa	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the staff-recommended amendments to Commission regulations and the adoption of Commission Regulation 1050 to establish Minimum Good Conduct Standing Requirements for Instruction Facilitators?

BACKGROUND: During the November 12, 2024 Commission meeting, staff presented a report to the Commission on the need for regulations to address instructor good conduct and performance in certified courses. At that time, the Commission directed staff to explore a process for assessing instructors and holding instructors to standards of conduct and performance.

The regulations are made pursuant to the authority under:

Penal Code 13503

The Commission is authorized to develop and implement programs to increase the effectiveness of law enforcement and when those programs involve training and education courses to cooperate with and secure the cooperation of state-level peace officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs. The Commission is further authorized to cooperate with and to secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions. The Commission is authorized to do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

Penal Code 13512

The Commission shall make such inquiries as may be necessary to determine whether every city, county, city and county, and district receiving state aid under this chapter is adhering to the standards for recruitment and training established pursuant to this chapter.

ANALYSIS:

Since the November meeting, staff has worked to develop a proposed set of conduct standards, performance standards, and a consistent and transparent process for the investigation of complaints. POST staff has worked internally to develop the proposed regulations. The proposed regulations and revisions to existing regulations are now before this Commission (Attachment A). If the Commission votes to adopt these revisions, POST staff will file the appropriate documents with the Office of Administrative Law in order to begin the formal rulemaking process.

RECOMMENDATION:

If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments as described in the staff report.

ATTACHMENT(S):
Attachment A- Proposed Reg Language 1050 11_17_25am V3.pdf

11 CCR § 1050

§ 1050. Minimum Requirements for Instruction Facilitators.

a) For purposes of this section "instruction facilitator" is defined in Regulation 1001.

b) Presenter Requirements

1) The presenter shall be responsible for ensuring that every instruction facilitator obtains a POST ID prior to instructing or facilitating the presenter's POST-certified course.

2) The presenter shall ensure that every instruction facilitator has not had a "substantiated" "abuse of force" complaint within the meaning of Government Code section 7286, subdivision (b)(18).

3) Individuals shall not be permitted to be an instruction facilitator in a POST-certified course if the person has become ineligible to hold office as a peace officer pursuant to section 1029 of the Government Code, or, if their peace officer certification;

(A) Is currently suspended by either the Commission or the Executive Director of POST (shall only apply during the period of suspension),
(B) Has been revoked by the Commission, or
(C) Was voluntarily surrendered to the Commission.

4) If an immediate temporary suspension does not result in a Commission action, the individual may be reinstated as an eligible instruction facilitator in a POST-certified course upon reinstatement of their certification.

5) Upon request, presenters shall provide complete and accurate information to POST.

c) Instruction facilitator Standards

1) The presenter shall ensure that every instruction facilitator:

(A) Is competent and qualified to teach and teaches, the POST-certified course in a manner that addresses all of the approved and required course content, including the approved expanded course outline content and required minimum course requirements set forth in Commission Regulation 1082. For purposes of this subdivision, "qualified" shall mean the instruction facilitator has the

necessary academic qualifications, professional training, and relevant experience to effectively instruct students the required course content. For an instruction facilitator to be "qualified," the instruction facilitator must go beyond just possessing knowledge of the subject; and must have the ability to communicate that knowledge, manage the classroom, and assess student learning for the certified course.

(B) Does not engage in behavior either during or outside of instruction hours, which is of such a nature that it causes discredit to POST or the instruction facilitator's employing presenter.

(C) Does not violate the Unruh Civil Rights Act (Civil Code section 51), the California Fair Employment and Housing Act (Government Code sections 12900, et seq.), and does not otherwise engage in harassment or discrimination based on any status protected by law.

(D) Does not retaliate against a student for expressing concerns or complaining about any instruction facilitator's conduct.

(E) Conducts themselves in a professional manner at all times while facilitating the course and at any time while interacting with students during the administration of the course. For purposes of this subsection, the requirement to conduct themself in a professional manner means facilitating the certified course in a manner that fully supports the POST-approved course objectives and treats all individuals with respect, dignity, and consideration, regardless of an individual's background or circumstances.

(F) Refrains from engaging in extraneous discourse on subjects that are unnecessary when facilitating the course content, such as political commentary, religious beliefs, or other social commentary.

(G) Has not had a substantiated abuse of force complaint. For purposes of this subdivision, an instruction facilitator shall not participate in facilitating course material for at least three years from the date that a complaint is substantiated.

(H) Facilitates course content in a manner that is aligned with POST's learning domains, safety guidelines, and other guidelines, and further, that is consistent with principles of professional policing and law.

(I) Prior to serving as an instruction facilitator of any of the specialized subjects set forth in Commission Regulation 1070, meets the requirements of Commission Regulation 1070.

(J) Reports any complaint, including but not limited to a complaint filed pursuant to subdivision (d), to the presenter that received certification for the POST-certified course.

(K) Cooperates and participates in any evaluation performed pursuant to the Quality Assessment Program (QAP).

(L) Cooperates fully in any investigation into a POST-certified course. Presenters shall, at all times, provide complete and accurate information to POST related to said investigation.

d) Assessment

1) Presenters shall ensure, and periodically verify, that their instruction facilitators meet the conduct expectations of this section.

2) POST may periodically assess certified courses through an on-site evaluation process (e.g. QAP, Basic Course Certification Review, etc.) to ensure presenters and instruction facilitators meet the conduct and instruction requirements of this section.

e) Complaint Procedure

1) Presenters shall maintain a process for accepting complaints concerning any course for which the presenter received POST certification, including a complaint about a presenter, or instruction facilitator.

(A) The presenter shall notify POST, in writing, within five (5) business days of receiving a complaint.

2) Depending upon the nature of the allegations, POST may;

(A) Conduct an independent investigation
(B) Refer the complaint to the presenter, or
(C) Refer the complaint to another appropriate entity for investigation.

f) Investigation Procedure

1) In addition to the complaint procedure described in this subdivision, POST reserves the right to initiate an investigation on its own, due to results from a QAP, or for any other reason.

2) If POST refers the complaint to the presenter for investigation, the presenter shall be responsible for the investigation of any complaint made pursuant to this section. The presenter shall complete the investigation within 60 days from the date POST refers the complaint to the presenter, and shall provide a report of the investigation to POST.

g) Disposition of Complaint

1) Upon completion of an investigation, POST may take the following action(s);

(A) Accept the investigation and recommended findings concerning the complaint;
(B) Direct the presenter to conduct further investigation;
(C) Direct the presenter to take remedial or corrective action, including but not limited to, taking remedial or corrective action to meet course certification standards as set forth in Commission Regulations 1050-1055, 1059 and 1070;
(D) Suspend or decertify a course, or deny course certification in accordance with Commission Regulations 1057 and 1058;
(E) In the event that POST determines that an instruction facilitator's actions pose a risk that the conduct will be repeated, may place current or future students in jeopardy, or it is in the best interest of the public welfare, POST may immediately place all POST-certified courses taught by that instruction facilitator into modification pursuant to Commission Regulation 1056. Except under extenuating circumstances, POST shall provide at least 15 days' notice to all affected presenters before placing the POST-certified course(s) into modification;

1. For purposes of this section, "extenuating circumstances" shall mean that POST has determined the instruction facilitator's actions create an imminent risk of harm and require immediate course modification.

2) If POST takes an action pursuant to subdivision (e)(2) that identifies a specific instruction facilitator and prohibits that instruction facilitator from facilitating a POST certified course, POST shall notify the presenter in writing of the identity of the instruction facilitator and shall provide the presenter with a reference to the appeals process set forth in Commission Regulations 1057 and 1058.

3) The party responsible for the investigation shall notify the complainant, in writing, when the investigation is completed. The notification shall also include a summary of the disposition of the complaint.

h) The presenter shall maintain all documentation required by this section for a period of no less than three years, and such documentation shall be subject to POST audit.

i) As a condition of POST certification, POST reserves the right to audit any certified course without cause and at any time.

TEXT OF PROPOSED REGULATION ACTION
Commission Regulations 1001, 1051, 1052, 1057, 1059, 1070 and add New Regulation 1050 – Standards for Instructors

NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Sections 830.1, 13503, 13507, 13510, 13510.1, 13510.3, 13510.5, 13519.4, 13519.12, 13523, Penal Code.

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11 CCR § 1001
§ 1001. Definitions.

(1) "Academy Coordinator" is an individual responsible for the coordination of instruction and the management of basic courses.

(2) "Academy Director" is an individual responsible for the management of an academy which requires instructional planning, organization of training resources, selection and motivation of training personnel, and control and discipline of the training environment.

(3) "The Act" refers to Part 4, Title 4 of the Penal Code of California, commencing at Section 13500 and entitled, "Standards and Training of Local Law Enforcement Officers."

(4) "Actual Course Presentation Cost" is the total allowable direct and indirect expenses (see Commission Regulation 1054) to conduct one presentation of a POST-certified course, less any subventions from outside sources. Subventions received from outside sources may include, but are not limited to, fees, grants, gifts, Full-Time Equivalent Student (FTES) shares from community college affiliations, and monetary equivalents of services, equipment or materials provided in support of the course.

(5) "Agency Presenter" is a department, or departments working together under a joint powers or other agreement, eligible for POST reimbursement which presents POST-certified training course(s).

(6) "Assistant Department Head" is an individual occupying the first position subordinate to a department head, is generally responsible for supervision of middle managers and/or supervisors and is a position for which commensurate pay is authorized.

(7) "Asynchronous Learning" is when participants engage with each other and the same course content while separated by distance and time. Much of the distance learning in higher education is asynchronous via Internet discussion forums and online collaboration tools.

(8) "Backfill Reimbursement" is the reimbursable allowance for an agency's expense of paying salary at the overtime rate to a peace officer employee who replaces another peace officer employee for his/her attendance of selected POST-certified training [reference Commission Regulation 1015(d)].

(9) “Blended Learning” is an instructional method that combines the use of online media and classroom instruction. In a blended learning environment, students complete a course that integrates online learning via instructor-led or self-paced instruction with face to face classroom instruction. Basic Courses certified under Commission Regulation 1059 are not authorized for online course delivery.

(10) “Certified Course” (see “POST-certified Course”).

(11) “Cheating” is any act or attempt to gain or provide unethical advantage to anyone involved in a POST-certified course. Cheating includes, but is not limited to, the following acts or attempts to:

(A) Use, obtain or provide any material that gives unethical advantage to any person preparing for, or taking, any test.

(B) Plagiarize.

(C) Aid, abet, conceal or fail to report an act of cheating.

(12) “Cheating in Basic Courses” is any attempt or act by a peace officer trainee to gain an unfair advantage or give an unfair advantage to another peace officer trainee or group of trainees taking a POST-mandated basic course examination.

(13) “Commission” is the Commission on Peace Officer Standards and Training.

(14) “Commuter Trainee” is one who attends a training course and travels between his or her department or normal residence and the course site each day.

(15) “Continuing Professional Training (CPT)” is training that exceeds the training required to meet or requalify in entry-level minimum standards. It is required for certain peace officer and dispatch personnel employed by POST participating departments to maintain, update, expand, and/or enhance an individual's knowledge or skills. This includes the training required for the Perishable Skills Program.

(16) “Course Decertification” is the act of removing a course from the catalog of certified courses for reasons specified in Commission Regulation 1057.

(17) “Course Suspension” is the act of denying a presentation request for a course for reasons specified in Commission Regulation 1057. While the course is suspended, it may remain in the catalog of certified courses until the conditions supporting the suspension are resolved.

(18) "Department or Participating Department" is any law enforcement entity or independent communications agency which has made application to and been accepted by the Commission to participate in POST programs and receive services. Eligibility and participation requirements are set forth in Commission Regulation 1010.

(19) "Department Head" is the chief law enforcement executive.

(20) "Distance Learning (DL)" refers to an instructional strategy in which students are distributed geographically as they attend class, and communication is made possible through technology. Learning typically occurs through synchronous learning, asynchronous learning, a combination of synchronous and asynchronous learning, or self-paced learning.

(21) "Distance Learning Platform (DLP)" refers to the technological tool or environment used to present a distance learning course.

(22) "Executive Position" is a position above the middle management position, up to and including department head, for which commensurate pay is authorized, and is responsible principally for command assignments and the supervision of subordinate middle management and supervisory positions. The executive position is most commonly the rank of captain or higher.

(23) "First-level Supervisory Position" is the supervisory peace officer position between the operational level and the "middle management position" responsible for the direct supervision of subordinates. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions. The first-level supervisory position is most commonly the rank of sergeant.

(24) "Full-time Employment" is employment as defined by a state, local, or department regulation, charter, resolution, or ordinance; wherein, the employee normally works in excess of 20 hours weekly or 87 hours monthly; is tenured or has a right to due process in personnel matters; and is entitled to workers compensation and retirement provisions as are other full-time employees of the same personnel classification in the department.

(25) "General law enforcement duties" are duties which include the investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, and performing any enforcement action on the full range of law violations.

(26) "Guest Speaker" is an individual who is invited to speak in a POST-certified course because of his/her expertise in a specialized subject area, and who is directly overseen by the primary instructor.

(27) "High School" is either a United States public school that meets the high school

standards set by the state in which it is located, an accredited United States Department of Defense high school, or an accredited nonpublic high school. Any accrediting association shall be recognized by the Secretary of the United States Department of Education.

(28) "Hybrid Course" is a course delivered using any combination of the following instructional delivery methods: self-paced training, instructor-led online training, or instructor-led in-person training. Basic Courses certified under Commission Regulation 1059 are not authorized for online course delivery.

(29) "Instruction facilitator" refers to Academy Coordinators, Academy Directors, Guest Speakers, Facilitators of Team Building Workshops and Executive Seminars, Instructors, Modular Format Coordinators, PC 832 Coordinators, Recruit Training Officers, Role Players, Scenario Evaluators, and Scenario Managers, as defined in this section. "Instruction facilitator" shall also include every individual engaged in the instruction of course content, including but not limited to contractors employed by the presenter, the presenter itself, and owners or employees of the presenter.

(~~29~~30) "Instructor" is an individual responsible for the coordination and instruction for a particular subject area(s). The responsibilities include oversight of subject content and logistics.

(~~30~~31) "Instructor-Led Training" refers to any course in which an instructor is present to facilitate learning. This can be done online or in-person. Basic Courses certified under Commission Regulation 1059 are not authorized for online course delivery.

(~~31~~32) "Jail Deputy" is a deputy sheriff, regularly employed and paid as such, of a county, to be a peace officer as described in Penal Code section 830.1(c), and is employed to perform duties exclusively or initially related to custodial assignments.

(~~32~~33) "Lateral Entry" refers to a hiring practice which may exempt an individual from some of the department's hiring and training procedures, as the individual's prior experience, level of responsibility, and/or training are taken into consideration for appointment.

~~33~~34) "Learning Activity" is a facilitated, performance-based component of instruction. Learning activities are student-focused and require the learner to be actively involved in structured work designed to enhance the acquisition of knowledge, skills, or competencies. The use of learning activities is consistent with principles of adult learning. Learning activities are integrated into the delivery of instruction as a means of reinforcing taught concepts, introducing relevant topics, or to enhance student retention necessary to achieve competence. Students participating in a learning activity may be coached or provided feedback. Unlike tests, learning activities are not graded.

(~~34~~35) "Learning Domain" is an instructional unit that covers related subject matter. Training specifications for each learning domain include learning needs, learning objectives, and hourly requirements. Training specifications for a domain also may include learning activities and testing requirements.

(~~35~~36) "Learning Management System (LMS)" refers to any software application used to administer, document, track, report, automate, and deliver courses or other training resources.

(~~36~~37) "Learning Need" is a general statement justifying the training for a specific learning domain.

(~~37~~38) "Learning Objective" is a statement that describes an expected training outcome related to a learning need.

(~~38~~39) "Legislatively mandated training" is training that may or may not be POST-certified, and shall consist of POST-specified curriculum as required by law. It may be presented as a stand-alone course, a telecourse, or as part of a POST-certified course. Minimum standards for legislatively mandated training are set forth in Commission Regulation 1081.

(~~39~~40) "Limited Function Peace Officer" is a deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, a police officer of a district authorized by statute to maintain a police department, who is designated on or prior to June 30, 1985, to be a peace officer as described in Penal Code section 830.1, and is employed to perform duties other than the prevention and detection of crime and the general enforcement of the criminal laws of the state.

(~~40~~41) "Middle Management Position" is a management peace officer position between the first-level supervisory position and the department head position responsible for management and/or command duties. The middle management position is most commonly the rank of lieutenant or higher.

(~~41~~42) "Mockup" is a two-dimensional illustration of an interaction with an added surface layer that communicates the visual design (colors, images, typography).

(~~42~~43) "Modular Format Coordinator" is an individual responsible for the management and presentation of Regular Basic Course--Modular Format courses.

(~~43~~44) "Non-sworn Personnel Performing Police Tasks" are those full-time, non-peace officer employees of participating departments for whom reimbursement may be claimed, based upon actual job assignment, as determined and approved by the Commission.

(~~44~~45) "Online course" refers to a course that is held virtually and is both presented and attended exclusively by an online audience over the Internet. This definition is inclusive of webinars. POST credit is not given for recorded courses. Basic Courses certified under Commission Regulation 1059 are not authorized for online course delivery. For the purposes of certification, online courses will be divided into the following two components:

(A) Instructor-led training

(B) Self-paced training which includes self-paced courses available on the POST Learning Portal

(~~45~~46) "Paraprofessional" is a full-time employee of a department and includes, but is not limited to, such job classifications as: community service officer, police trainee, and police cadet.

(~~46~~47) "PC 832 Coordinator" is an individual responsible for the management and presentation of PC 832 courses.

(~~47~~48) "POST-certified Course" or "Certified Course" is a program of instruction authorized by the Commission for presentation that follows the requirements set forth in Commission Regulations 1051-1059.

(~~48~~49) "POST Learning Portal" is a secure website maintained by POST for use by California peace officers, dispatchers, and law enforcement instructors to access self-paced and instructor-led training videos as well as other training resources and informational videos.

(~~49~~50) "Peace Officer Trainee" is an applicant for a basic course examination who has not been hired by a department or agency and has not been sworn as a peace officer.

~~(50)~~(51) "Perishable Skills Program (PSP)" refers to the psychomotor and communications refresher training required to be completed by all peace officers below the level of middle management. The specific topics and hourly requirement of the PSP are described in Commission Regulation 1005.

(52) "Presenter" is the individual or organization that receives POST-certification for a specific POST-certified course. The individual's or organization's status as a presenter is valid solely for that specific POST-certified course. For the definition of "Agency Presenter" see Commission Regulation 1001, subdivision (5).

~~(51)~~ (53) "Prototype" is a low-fidelity sample that includes limited functionality, interaction, and visual design.

~~(52)~~ (54) "Public Safety Dispatcher" is a non-peace officer who is employed full-time or part-time to perform duties which include receiving emergency calls for law enforcement service and/or dispatching law enforcement personnel.

(55) "Quality Assessment Program (QAP)" is the method that POST uses to evaluate the design and delivery of POST-certified training. The QAP results in the issuance of recommendations for both POST and training providers to improve the quality of training delivered by an agency or a private training presenter.

~~(53)~~ (56) "Quasi-supervisory Position" is a peace officer position above the operational level which is assigned limited responsibility for the supervision of subordinates, or intermittently is assigned the responsibility of first-level supervision. The quasi-supervisory position is a rank below sergeant.

~~(54)~~ (57) "Records Supervisor" is a full-time, non-peace officer employee of a participating California law enforcement agency who performs law enforcement records supervising duties which include records maintenance, control, release, destruction, and security 50% or more of the time within a pay period.

~~(55)~~ (58) "Recruit Training Officer" is a supervisory position of trainees attending a Regular Basic Course--Standard Format, Regular Basic Course--Modular Format or the Specialized Investigators' Basic Course.

~~(56)~~ (59) "Regular Officer" is a sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, a police officer of a district authorized by statute to maintain a police department, a police officer of a department or district enumerated in Penal Code section 13507, or a peace officer member of the California Highway Patrol.

~~(57)~~ (60) "Reimbursement" is the financial aid allocated from the Peace Officer Training Fund, as provided in Penal Code section 13523.

~~(58)~~ (61) "Reimbursement Plans" are assigned to POST-certified courses. Each plan consists of a combination of training-related expenditures approved by the Commission. The various plans are set forth in Commission Regulation 1015(c)(2).

~~(59)~~ (62) "Reimbursement Program" is the financial aid allocation program provided for in Penal Code section 13523 in which the Commission makes payment for POST-certified training expenses. Departments which have been approved by the Commission and which employ full-time peace officers and/or dispatchers described in Penal Code section 13510 are eligible for financial aid.

~~(60)~~ (63) "Remedial Training" is a period of time in which the presenter provides specific

instruction to reinforce the required concepts and/or skills after a student has failed an initial test.

~~(61)~~ (64) "Resident Trainee" is one who, while away from his or her department or normal residence, attends a training course and takes lodging and meals at or near the course site for one or more days/nights.

~~(62)~~ (65) "Scenario Evaluator" is an individual responsible for the observation, safety, and evaluation of basic course trainees during scenario testing.

~~(63)~~ (66) "Scenario Manager" is an individual responsible for the management of scenario demonstrations or testing events which require organization of training resources, selection, and supervision of evaluators and role players, control and security of POST testing materials and safety of scenario testing participants.

~~(64)~~ (67) "Self-Paced Evaluation Activities" are activities designed to measure whether the learner has achieved a sufficient change in his/her knowledge, skill, and/or attitude.

~~(65)~~ (68) "Self-Paced Instructional Objectives" specify in measurable terms what the learner will be able to do as a result of instruction.

(A) At a minimum, the instructional objectives must include the behavior and the conditions under which student performance shall be measured.

(B) The level of performance used in the objectives must match the outcome desired of the student upon completion of the course. For example, what is the student expected to know or be able to do at the conclusion of the course and does the measured performance meet this expectation?

~~(66)~~ (69) "Self-Paced Student Activities" are the exercise(s) that the learner engages in to change his/her knowledge, skill, and/or attitude around a particular area of performance.

~~(67)~~ (70) "Self-Paced Training" refers to an instructional strategy in which the learner completes the course at their own pace, having control over the duration of time necessary to complete the course materials.

~~(68)~~ (71) "Specialized Law Enforcement Department" is a department or segment of a department which:

(A) has policing or law enforcement authority imposed by law and whose employees are peace officers as defined by law; and

(B) is engaged in the enforcement of regulations or laws limited in scope or nature; or

(C) is engaged in investigative or other limited law enforcement activities in the enforcement of criminal law.

~~(69)~~ (72) "Specialized Peace Officer" is a peace officer employee of a specialized law enforcement agency.

~~(70)~~ (73) "Synchronous Learning" is when participants engage in the same learning process at the same time. Nearly all traditional classroom learning is synchronous.

~~(71)~~ (74) "Test" is an evaluation of the extent to which students have satisfied one or more learning objectives. The required tests are specified in the Training and Testing Specifications for Peace Officer Basic Courses. Two types of tests are used in the Requalification Course:

(A) POST-Constructed Comprehensive Test: A POST-constructed test that measures acquisition of knowledge on multiple learning objectives.

(B) Exercise Test: Any test other than a POST-constructed comprehensive test that measures the acquisition of knowledge and/or skills or the competencies required to achieve one or more learning objectives.

~~(72)~~ (75) "Test-Use and Security Agreement" is an accepted agreement between a basic course presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific confidential POST-constructed test material. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation section 1057.

~~(73)~~ (76) "Test Administration and Security Policy" is a written procedure established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols. In accordance with Commission Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

~~(74)~~ (77) "Three-year rule" is the rule that relates to the necessity to requalify basic training or arrest and firearms (PC 832) training. (Refer to Commission Regulations 1008 and 1080).

~~(75)~~ (78) "Trainee" is an employee of a department who is either attending a POST-certified course or participating in a POST-approved Field Training Program/Police Training Program under the direct and immediate supervision of a qualified Field Training

Officer.

~~(76)~~ (79) "Uniformed patrol duties" are general law enforcement duties which include the detection and investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, general enforcement of all state and local laws including physical arrests of suspects, and working with the community to reduce crime and address community concerns. These duties are performed by peace officers, wearing a department uniform, carrying a firearm, and utilizing a marked emergency vehicle.

~~(77)~~ (80) "Variable Format" identifies a course that utilizes core curriculum as the foundation and provides for either additional hours of expanded certified training or an alternative online course format. For expanded certified training, the core curriculum does not change; however additional hours will include supplemental related content presented as lecture, learning activities, exercises, or facilitated discussion. For alternative online course formats, the core curriculum does not change, however the delivery method will change and shall adhere to the guidelines set forth by Commission Regulation 1053.

~~(78)~~ (81) "Webinar" (see Online Course)

~~(79)~~ (82) "Web-Based Training (WBT)" (see Online Course)

~~(80)~~ (83) "Wireframe" is a two-dimensional illustration of an interaction that specifically focuses on space allocation and prioritization of content, functionalities available, and intended behaviors.

NOTE: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Sections 830.1, 13503, 13507, 13510, 13510.1, 13510.3, 13510.5 and 13523, Penal Code.

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11 CCR § 1051
§ 1051. Course Certification Program.

(a) The Commission administers the Course Certification Program to provide needed and quality training to law enforcement personnel. References to a course being "POST-certified" means that the Commission has approved presentation of the course in accordance with Commission Regulations ~~1052~~1050-1056, and 1059.

NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

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11 CCR § 1052
§ 1052. Requirements for Course Certification (Refer to Commission Regulation

1059 for Basic Course Certification Requirements).

(a) Instructor-Led Training

Every instructor-led training course submitted to POST for certification, including those presented in a classroom setting or delivered online (i.e., live webinars) but excluding basic courses certified under Commission Regulation 1059, shall be evaluated in accordance with the following factors:

(1) Development of course was approved by regional consultant based on an established ongoing, unmet training need;

(2) Course Content;

(3) Expanded course outline; Certification I and II will include a statement of purpose. Certification I will require second level of detail, Certification II will require third level of detail or learning objectives and minimum topics. A sufficient level of detail must be included to sufficiently explain the course content.

(4) Hours of Instruction;

(5) Qualifications of Instructors, Coordinators, and/or Academy Staff (reference Commission Regulation 1050 for instruction facilitator minimum requirements and Regulations 1070 and 1071 for minimum training standards);

~~(A) Individuals shall not be permitted to instruct in a POST-certified course if the person has become ineligible to hold office as a peace officer pursuant to Section 1029 of the Government Code, or, if their peace officer certification:~~

~~1. Is currently suspended by either the Commission or the Executive Director of POST (shall only apply during the period of suspension),~~

~~2. Has been revoked by the Commission, or~~

~~3. Was voluntarily surrendered to the Commission.~~

~~(B) If an immediate temporary suspension does not result in a Commission action, the individual may be reinstated as an eligible instructor in a POST-certified course upon reinstatement of their certification.~~

…

(b) Instructor-led Training Course Certification Request Training presenters have the option to submit an instructor-led training course to POST for a Certification I or Certification II request. Conferences, agency specific courses, and courses not financially subsidized by POST, in whole or part, including student per diem or travel, may be submitted as a Certification I request. Any course may be submitted as a Certification II request. Legislatively mandated courses, courses financially subsidized by POST, in whole or part, perishable skills courses, and manipulative skills courses shall be submitted as a Certification II request. The following information, provided to POST via EDI, shall constitute a complete course certification request for instructor-led training and for the instructor-led portion of a blended learning course:

(1) Course Administration Information collected via EDI shall consist of the following:

…

(2) Course instructor resume, shall be completed by the course presenter for each instructor assigned to instruct in any POST certified/ approved course. Any instructor for a POST Certification I or Certification II request must meet the minimum requirements set forth in subdivisions (a) and (b) of Commission Regulation 1050. The Presenter Approval section of the resume shall be completed for each instructor of a "Specialized Training Subject", listed in Commission Regulation 1070 in compliance with Commission Regulation 1082, and who has been evaluated and met the instructor training requirements. The course instructor resume information collected via EDI shall consist of the following:

(A) Course title

(B) Presenter submitting resume

(C) Personal information

1. POST ID

2. Instructor's name (first, middle, last, suffix)

…

(G) Presenter approval

1. Presenter/designee (person authorized to approve instructor)

a. Name (first, middle, last)

b. An attestation by the presenter that the instructor meets the minimum requirements set forth in subdivisions (a) and (b) of Commission Regulation 1050.

…

(d) Modifications to Course Certification

All courses shall be presented as certified. Course presenters shall submit via EDI modification(s) to the budget, course content, total course hours, instructors, location, and/or number of presentations a minimum of 45 days in advance of a course presentation. Approval of the modification must be granted via EDI prior to the presentation of the course. CPT credit will not be awarded to students attending courses presented prior to modification approval.

(e) Courses for which POST has established minimum curriculum and/or hourly requirements must comply with those requirements at the time of the certification request and any subsequent presentations. (See Commission Regulation(s) 1081, 1082, and any training specifications referenced in Commission Procedure D-1, which have been incorporated into regulation by reference.) An exception would be a course pilot presentation that is determined to meet amended curriculum, hourly, and/or course certification requirements, in which case, POST certification and presentation approval may be granted. In addition to meeting the amended curriculum, hourly, and/or course certification requirements, a pilot presentation must meet any additional requirements set forth in Commission Regulations 1050, 1052, 1054, 1055, 1056, and 1059. Any course attendee who has successfully completed a POST-certified pilot presentation shall receive credit for the training (thus satisfying the training mandate) even though the training occurred prior to the adoption of the training mandate or required curriculum/hours. POST has established the following process for approval and implementation of a pilot presentation:

(1) Any interested person may submit a request for a pilot presentation, in writing, to the Executive Director. Each request shall minimally include the purpose, fiscal impact, desired outcome, implementation plan, and evaluation method of the pilot presentation;

(2) POST Staff will determine whether a pilot presentation will be implemented based

on the following factors:

(A) The proposed pilot presentation meets stakeholder needs;

(B) The proposed pilot presentation has statewide applicability;

(C) The proposed pilot presentation is not tailored to one specific group/agency, and;

(D) The cost to run the proposed pilot presentation, if any;

(E) The instructors for the proposed pilot presentation meet minimum requirements set forth in Commission Regulation 1050.

…

(*l*) The Commission shall only endorse or co-sponsor courses, seminars, or conferences when POST has assisted in planning the event, developing the subject matter or program, and selecting instructors or speakers.

NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

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11 CCR § 1057

§ 1057. Denial of Course Certification/Suspension/Decertification.

An action to deny certification, or to suspend or decertify a course may be taken by an Assistant Executive Director when:

(a) There is no current demonstrated need for the course set forth in Commission Regulation 1052 (a) or (b), or

(b) There is no current demonstrated need for the basic course set forth in Commission Regulation 1059(a) or (b), or

(c) There is no longer a demonstrated need for the course, or

(d) There is failure to comply with requirements set forth in Commission Regulations ~~1052~~1050-1055, ~~and~~ 1059, and 1070, or

(e) There are other reasons warranting denial of certification/suspension/decertification as determined by the Commission.

NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(c), Penal Code.

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11 CCR § 1059
§ 1059. Requirements for Basic Course Certification.

(a) Instructor-Led Basic Course Training

Each request for certification of a basic course [i.e., Regular Basic Course (standard and modular formats), Specialized Investigators' Basic Course, PC 832 Arrest and Firearms Course, and the Requalification Course] submitted to POST shall be evaluated in accordance with the following criteria:

(1) Basic courses certified under this Regulation section are not authorized for Web-based Training (Refer to Commission Regulation 1001). Temporary exemptions may be granted by the Executive Director during a period when the Governor of California declares a State of Emergency;

(2) Development of the course was approved by the Basic Training Bureau based on an established ongoing, unmet training need;

(3) A completed Basic Course Certification Attestation, POST 2-351 (4/2021) and, when necessary, an expanded course outline minimally to the third level of detail to sufficiently explain any course content to be presented beyond that required in the Training and Testing Specifications for Peace Officer Basic Courses, to include:

(A) Hours of Instruction

(B) Learning activities (e.g., table-top exercises, role playing, scenarios) or other means of assessing student learning (e.g., cognitive or manipulative skills test)

1. Provide brief description of any learning activity (as defined in Commission Regulation 1001) that may be used during each course presentation.

2. Training presenters shall have the flexibility to select any of the learning activities they described during a course presentation, provided the course content is delivered as certified.

(4) Qualifications of Instructors, Directors, Coordinators, Recruit Training Officers, Scenario Managers, Scenario Evaluators, and/or Test Proctors/Evaluators (refer to Commission Regulations 1050 for instruction facilitator minimum requirements, 1070 and 1071 for minimum training standards and Commission Procedures D-1-1 to D-1-7 for test proctor/evaluator training requirements)

…

(b) Instructor-Led Basic Course Training Certification Request

The following information, provided to POST via EDI, shall constitute a complete course certification request for a basic course:

(1) Course Administration Information collected via EDI shall consist of the following:

…

(2) Course instructor resume, shall be completed by the course presenter for each instructor assigned to instruct and/or proctor/evaluator assigned to administer a test in any POST certified/approved basic course. Each instructor must meet the instruction facilitator minimum requirements set forth in subdivisions (a) and (b) of Commission Regulation 1050. The Presenter Approval section of the resume shall be completed for each instructor of a "Specialized Training Subject", listed in Commission Regulation 1070 in compliance with Commission Regulation 1082, and/ or test proctor/evaluator administering a test in compliance with Commission Procedures D-1-1 to D-1-7, and who has been evaluated and met the instructor/proctor/evaluator training requirements. The course instructor resume information collected via EDI shall consist of the following:

(A) Course title

(B) Presenter submitting resume

(C) Personal information

1. POST ID

2. Instructor's name (first, middle, last, suffix)

…

(G) Presenter approval

1. Presenter/designee (person authorized to approve instructor)

a. Name (first, middle, last)

(3) Course Certification Attestation, POST 2-351 (4/2021), signed by Director or Coordinator and, when necessary, an expanded course outline that shall minimally include: presenter name and presenter identification number and course name or title on each page, page numbers, and subject topics to the third level of detail to sufficiently indicate the technical information in the subject areas, methods for assessing student learning. Presenters may introduce new learning activities not referenced/described during the initial course certification process to enhance learning. Any new learning activity introduced into the course curriculum on other than a temporary basis shall be added to the expanded course outline and submitted to POST staff for approval of the course modification.

(A) The Course Certification Attestation information collected via EDI shall consist of the following:

1. Presenter Name

2. Course Name or Title

3. Course Control Number

4. Presenter agreement of the following:

a. Adopt and present the current curriculum, hours, and testing requirements outlined in both the Training and Testing Specifications for Peace Officer Basic Courses and any pilot approved Training and Testing Specifications at the time of course certification.

b. Maintain records of the curriculum presented in lesson plan form, total instructional hours, instructors, test proctor(s)/evaluator(s), scenario managers, scenario evaluators, and scenario role players for each presentation of the course, and, upon request, make these documents available for inspection by POST.

c. Comply with all other requirements for basic course certification as outlined in this Regulation section and submit all other requirements through EDI (e.g., course instructor resumes, safety policy, etc.).

d. Submit course roster and complete schedule upon completion of the course.

e. An attestation by the presenter that each instructor meets the instruction facilitator minimum requirements set forth in subdivisions (a) and (b) of Commission Regulation 1050.

…

NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

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11 CCR § 1070
§ 1070. Minimum Training Standards for Instructors of POST-Certified Specialized Training.

Effective: October 1, 2022

(a) Minimum Training Standards

Instructors of any of the specialized subjects* listed in subsection 1070(b) shall successfully complete the corresponding training course listed in subsection 1070(b) or complete the equivalency process outlined in subsection 1070(c).

(1) Effective March 1, 2008, completion of the Academy Instructor Certification Course specified in Commission Regulation 1082 or passage of the AICC Equivalency Process specified in Commission Regulation 1009(c)(4) shall be required within 12 months of appointment as a Regular Basic Course (RBC) instructor. As specified in Commission Regulation 1009(a)(2), appointment as an RBC instructor shall be assessed as the date the instructor first commences instruction.

*The following specialized subjects listed in subsection 1070(b) are excluded: Institute of Criminal Investigation, Motorcycle Training, and Supervisory Leadership Institute.

(2) Presenters who employ instructors of specialized subjects shall attest, via the EDI Course Instructor Resume, that the instructor(s) meet the minimum training standard applicable to instructors as follows:

(A) Primary Instructors (defined in Commission Regulation 1001) All primary instructors shall meet the instruction facilitator minimum requirements set forth in Commission Regulation 1050 and shall also meet the minimum training standard prior to instructing in the specialized subject. (This also includes instructors of specialized instructor training courses.)

(B) Instructors (non-primary)

All non-primary instructors who on or after July 1, 2002, are 1) First assigned to instruct in a specialized subject area or 2) transfer to a different training institution and are assigned to instruct in a specialized subject area shall meet the instruction facilitator minimum requirements set forth in Commission Regulation 1050 and shall also meet the minimum training standard prior to instructing in the specialized subject. (This also includes instructors of specialized instructor training courses.)

(C) Guest Speakers (defined in Commission Regulation 1001) Guest speakers are exempt from the minimum training standard; however, guest speakers shall adhere to the standards for any instruction facilitator, including the standards set forth in subdivision (b)(1) of Commission Regulation 1050.

NOTE: Authority cited: Sections 13503, 13506 and 13519.12, Penal Code. Reference: Sections 13503(e), 13519.4 and 13519.12, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED ADOPTION OF COMMISSION REGULATION 1216 - DISCIPLINARY GUIDELINES - REVISIONS TO PREVIOUSLY APPROVED PROPOSED TEXT

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Michelle Weiler	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/13/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

POST does not currently have disciplinary guidelines to assist the Peace Officer Standards Accountability Advisory Board (Board), the Commission, and the Administrative Law Judges (ALJs) when considering the appropriate imposition of discipline for a peace officer who has committed one of the nine acts of serious misconduct and is subject to suspension or revocation. It is important for POST to consider establishing disciplinary guidelines to help guide these bodies, and ensure a fair and consistent approach to imposing discipline on a peace officer's certification for acts of serious misconduct that are similar in degree and nature. While the Commission voted to approve the originally proposed regulatory action on June 4, 2025 and reaffirmed it's approval on September 9, 2025, during the rulemaking process and review by Office of Administrative Law, it was determined that revisions to the proposed text were necessary to provide additional clarity.

BACKGROUND:

Senate Bill (SB) 2 (Stats 2021) sets forth due process through the Administrative Procedures Act (APA) which includes an opportunity for a peace officer, subject to decertification, to be afforded an evidentiary hearing before an ALJ. Currently, POST does not have disciplinary guidelines to assist the ALJ when considering the appropriate imposition of discipline.

The Office of Administrative Hearings (OAHs) is responsible for the administrative proceedings wherein a state oversight agency is seeking to revoke or otherwise restrict a person's

license to serve in a regulated profession. ALJs oversee the administrative hearings and are responsible for issuing a proposed decision to the respective state agency. The proposed decision typically includes a recommended sanction or penalty, e.g., suspension, probation, revocation, and these recommendations are formulated using the oversight agency's disciplinary guidelines. Disciplinary guidelines are developed to establish consistency in an agency's imposition of discipline for similar acts of misconduct.

In recent discussions with the OAH, the Division Chief Administrative Law Judge confirmed that ALJs will issue proposed recommended penalties with their decisions and therefore, rely heavily on agency disciplinary guidelines. By establishing the disciplinary guidelines, the ALJ will have a clearer understanding of the Commission's decisions when formulating their proposed decisions. Further, the disciplinary guidelines take into consideration the mitigating and aggravating factors outlined in Commission Regulation 1213 - Suspension and Revocation of Peace Officer Certification, otherwise known as the "1213 Factors."

At the meeting held on June 4, 2025, the Commission voted to approve the proposed text of Commission Regulation 1216 and the accompanying Disciplinary Guidelines as factors for consideration of penalty related to peace officer certification actions. During the public comment period between June 20, 2025 and August 4, 2025, POST received one public comment from PORAC in opposition to the proposed disciplinary guidelines. At the meeting held on September 9, 2025, after a review of the public comments submitted, the Commission affirmed their prior vote to approve the proposed text of Commission Regulation 1216.

During the rulemaking process and review by Office of Administrative Law, it was determined that revisions to the proposed text were necessary to provide additional clarity related to aggravating and mitigating circumstances and aspects of Standard Terms and Conditions item six.

ANALYSIS:

During the rulemaking process and review by Office of Administrative Law, it was determined that revisions to the proposed text were necessary to provide additional clarity related to aggravating and mitigating circumstances and aspects of Standard Terms and Conditions item six.

The additional revisions to the proposed text include:

- Adding references to Commission Regulation 1213 when mentioning aggravating and mitigating factors in the Preface

and Introduction. This will make clear to the Board, Commission, ALJs, the regulated public, and general public where the aggravating and mitigating factors to be considered are referenced in regulation and identify which factors are to be considered.

- Make revisions to Standard Terms and Conditions Item Six to:
  - Make minor grammatical corrections related to the revisions to text,
  - Replace "on forms provided by the Commission" with "a report" to align with the requirement for a quarterly report,
  - Specify that the report shall be completed as directed in the stipulated settlement or final decision and order by the Commission, and
  - Specify that the due dates for quarterly reporting will be identified in the stipulated settlement or final decision and order by the Commission.

RECOMMENDATION:

Should the Commission approve the additional revisions to the proposed text of Commission Regulation 1216 to correct statutory references and the accompanying Disciplinary Guidelines as factors for consideration of penalty related to peace officer certification actions to provide clarity related to aggravating and mitigating circumstances and Standard Term number six?

If the Commission concurs, the appropriate action would be a **MOTION** to approve the Disciplinary Guidelines as as proposed in the staff report.

ATTACHMENT(S):

TPRA_Reg1216_revised_1025.pdf
POST_DISCIPLINARY_GUIDELINES_1025.pdf

ADOPT
TEXT OF PROPOSED REGULATORY ACTION
Commission Regulation 1216

§ 1216. POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions.

(a) In reaching a decision pursuant to section 11517 of the Government Code, the Commission shall consider the disciplinary guidelines entitled *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions* (March 2025), which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Commission, in its sole discretion, determines that the facts of the particular case warrant such deviation - for example: the presence of mitigating or aggravating factors, as identified in Commission Regulation 1213; the age of the case; evidentiary problems.

Note: Authority cited: Sections 13503, 13506, 13509.5, 13510, Penal Code. Reference: Section~~s 11400,~~ 11517, Government Code; Section 13510, Penal Code.

POST DISCIPLINARY GUIDELINES

FACTORS FOR CONSIDERATION OF PENALTY RELATED TO PEACE OFFICER CERTIFICATION ACTIONS

PREFACE

The Commission on Peace Officer Standards and Training (Commission) establishes minimum standards for the physical, mental, and moral fitness of peace officers, adopts rules establishing minimum training standards for peace officers, and, as a part of its certification program, licenses peace officers and investigates and reviews allegations of serious misconduct in order to determine whether the peace officer's certification should be suspended or revoked.

Senate Bill 2 (Stats. 2021, c. 409, § 12, eff. Jan. 1, 2022) (SB 2) requires POST to review and investigate reports of "serious misconduct" by peace officers, as defined in Penal Code section 13510.8, which includes, but is not limited to, dishonesty, abuse of power, physical abuse (including, but not limited to, the excessive or unreasonable use of force), sexual assault, demonstration of bias, egregious or repeated acts that violate the law, participation in a law enforcement gang, failure to cooperate with an investigation into potential police misconduct, and failure to intercede. POST may suspend or revoke the certification of officers who are found to have engaged in serious misconduct. POST has also promulgated regulations (11 Cal Code Regs, § 1205) which further define serious misconduct.

California employs more than 85,000 peace officers, most of whom are subject to SB 2. One of the many goals of SB 2 was to address an issue involving officers who are accused of misconduct at one agency and react by moving to another agency in an attempt to avoid the imposition of discipline. Prior to SB 2, agencies would often discontinue an investigation if an officer resigned, as there was no longer an employment consequence that can be imposed upon an officer who no longer works for the agency. SB 2 now requires that agencies complete investigations even if the officer resigns, and SB 2's disclosure provisions, found in Penal Code section 13510.9, serve to ensure that such peace officer disciplinary records are shared amongst law enforcement agencies conducting background investigations for potential hires. Penal Code §13510.85(c) also requires POST to report its decertification actions to a national database, the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, which is accessed by law enforcement entities across the country.

SB 2 required the creation of a new division, the Peace Officers Standards and Accountability Division (Division), within POST. The Division is responsible for the intake and investigation of serious misconduct allegations. Prior to the issuance of an Accusation to revoke or suspend a peace officer's certification, Penal Code section 13509.5(b) mandates that the Division review investigations of allegations that may provide grounds for suspension or revocation of a peace officer's certification based on serious misconduct, conduct additional investigations as necessary, and to present

findings and recommendations to the Peace Officer Standards Accountability Advisory Board (Board). During the Division's investigation, a thorough analysis of the allegations is conducted to determine whether there is clear and convincing evidence that an act (or acts) of serious misconduct occurred. This includes but is not limited to a review of the evidence; the agency's findings; the peace officer's service record, including patterns of prior related conduct; mitigating or aggravating circumstances identified in Commission Regulation 1213; and interviews with the subject peace officer and witnesses. Once the analysis of facts is complete, the case moves through two levels of internal panel review – the first is with a panel of bureau chiefs, including those not assigned to the Division and the second is with executive management, including the Executive Director. POST legal counsel guide Division staff throughout the entirety of the process to ensure the findings are sound and hold up to established legal standards.

If the Division finds reasonable grounds for revocation or suspension of a peace officer's certification, following review and approval by the Executive Director or their designee, it shall provide the subject peace officer with a Notice of Intent to Revoke and include a detailed explanation of the decertification procedure and their rights to respond (Penal Code § 13510.85(a)(1)). Upon notification the division has found reasonable grounds for suspension or revocation, the peace officer may file a request for review by the Board and Commission. The request for review must be received or postmarked within 30 calendar days of the latest date of mailing of the notice of intent to revoke. If the peace officer fails to file a request for review, the peace officer's certification is suspended or revoked without further proceedings (Penal Code § 13510.85(a)(2)).

If a request for review is filed, the matter is set for an initial hearing before the Board.[1] Pursuant to Penal Code section 13510.85, the Board reviews the findings of investigations presented by the Division and makes a recommendation on what action should be taken against the certification of the subject peace officer. The Board is presented with a detailed investigative summary of the Division's findings along with relevant exhibits which serve as the Division's evidence in support of its findings of serious misconduct. This hearing is limited to a review of the Division's findings and recommendations; no witness testimony or presentation of additional evidence or argument is permitted. During the public comment period, the peace officer or the peace officer's representative may address the issue of the sufficiency of the division's findings before the Board (Title 11, Cal. Code Regs. § 1209(e)(2)(B)).

[1] It is important to understand at the outset that these initial proceedings by the Board and Commission are not evidentiary and, as discussed below, determine only whether the matter will be referred back to the Division for the initiation of proceedings for a formal hearing pursuant to the APA. This normally involves a referral by the Division, through its counsel, to the Attorney General's office for the preparation of an appropriate accusatory pleading and the initiation of proceedings under the APA. During these initial hearings, no factual determinations are made as to whether the subject peace officers engaged in serious misconduct or what penalty may be appropriate, as these determinations are only made after an administrative hearing has taken place before the Office of Administrative Hearings (OAH). Rather, the determinations at the initial stage are limited, as discussed below, to a review of the evidence found by the Division to determine whether that evidence would, if proven by the Division at a full hearing (and without regard to any additional evidence or defenses that may later be proven at that full hearing) establish clear and convincing evidence (a high probability) that serious misconduct occurred.

POST DISCIPLINARY GUIDELINES

If the Board finds the facts, as presented by the Division, would support clear and convincing evidence of serious misconduct at a full evidentiary hearing, it may recommend that a peace officer's certification be revoked or suspended for a period of up to three years (Cal. Penal Code § 13510.85(a)(4)). The Board's recommendation to the Commission requires a majority vote of the Board members present and is based on whether the record, as presented by the Division, supports the Division's conclusion that serious misconduct occurred, as established by clear and convincing evidence (Cal. Penal Code § 13510.85(a)(4)).

The Commission reviews all recommendations made by the Board. The Commission's decision to adopt a recommendation by the Board to seek revocation requires a two-thirds vote of the Commissioners present and is based on whether the record, in its entirety, supports the Board's conclusion that the facts as presented by the Division, would support clear and convincing evidence of serious misconduct at a full evidentiary hearing, serious misconduct occurred. Cal. Penal Code § 13510.85(a)(5)). The Commission returns any determination requiring action to be taken against an individual's certification to the Division to initiate proceedings for a formal hearing before an Administrative Law Judge (ALJ) in accordance with the Administrative Procedure Act Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, which is subject to judicial review as set forth in that Act (Cal. Penal Code § 13510.85(a)(6)).

POST DISCIPLINARY GUIDELINES

INTRODUCTION

Peace officers are vested with extraordinary powers by virtue of their position, which include the ability to detain and arrest, conduct searches and seizures, and to use force in the course of their duties, up to and including the use of deadly force. Penal Code section 13509.6(c) provides that the "protection of the public and all constitutional and statutory rights shall be the highest priority for the board as it upholds the standards for peace officers in California."

An act of serious misconduct committed by a peace officer is inconsistent with the powers with which they were entrusted by virtue of their position and may pose a grave risk to the public if the individual is permitted to continue to exercise such powers. However, the Commission recognizes that each case is unique and that variations from the proposed guidelines may be appropriate based upon mitigating and aggravating circumstances identified in Commission Regulation 1213. For this reason, the Commission has established minimum and maximum penalties to assist in determining the appropriate level of discipline.

The Commission has adopted these Disciplinary Guidelines to provide uniform guidance for particular violations to Administrative Law Judges, attorneys, certified peace officers, the public, the Board, the Commission, and others involved in the Commission's disciplinary processes. These guidelines are incorporated by reference in regulation so that the processes used by the Board and Commission are readily available and transparent.

The Board and Commission carefully consider the totality of the circumstances of each case with the safety and protection of the public being paramount. Therefore, the Commission requests that the Administrative Law Judge clearly delineate the factual basis for reaching the decision. If an Administrative Law Judge finds that serious misconduct occurred but deviates from these Guidelines, the Commission requests that the Administrative Law Judge explain in full the circumstances and reasons for that decision so it may evaluate the appropriateness of the decision.

Suspension of certification may be appropriate if the Respondent has demonstrated that it is in the best interest of the public if their certification is suspended for a specified period in order to correct deficiencies in skills or education, or to attend to personal rehabilitation. The Respondent must also demonstrate the protection of the public will not be compromised by permitting them to return to work as a peace officer once these deficiencies have been addressed. The Commission has determined that the minimum penalty in serious misconduct cases should always include a recommendation for revocation or suspension, with the possibility for the revocation or suspension to be stayed if terms and conditions of probation are imposed. Probationary conditions shall minimally include standard terms and conditions imposed for all cases, and optional terms and conditions used for specific violations that may be warranted by the unique facts of the case.

POST DISCIPLINARY GUIDELINES

FACTORS TO BE CONSIDERED IN DETERMINING SUSPENSION OR REVOCATION

The Board and Commission have adopted a list of factors to be considered in determining whether suspension or revocation is appropriate. (Title 11, Cal. Code Regs, § 1213). These Disciplinary Guidelines are to be used *in connection with* the factors identified in Commission Regulation 1213 in order to understand the Board and Commission's positions regarding the weight to be given to the various factors that are relevant to any particular case. The Commission will not consider suspension, and will only consider revocation, in instances where the subject peace officer's misconduct would preclude the successful prosecution of any current or future arrest, such as is often the case in the dishonesty category.

Furthermore, the Commission will not consider suspension, and will only consider revocation, in instances where the subject peace officer's conduct is so serious or repeated that rehabilitation would not serve the public interest. For example, these Guidelines provide that a peace officer committing an on-duty, non-consensual, sexual assault would, in the Board and Commission's view, warrant revocation. This is because, without regard to the other enumerated factors, the Board and Commission believe that the nature and severity of the offense (factor one), the harm to the victim, the public, and the profession (factor two), and the fact that the offense was committed on duty (factor three) would outweigh any other factors.

POST DISCIPLINARY GUIDELINES

SPECIFIC CONSIDERATIONS BY PENAL CODE SECTION

A peace officer may have their certification suspended or revoked if the individual has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in Penal Code § 13510.8(b). (Cal. PC § 13510.8(a)(2)). The Commission has, by regulation, promulgated a definition of serious misconduct which governs these determinations. (Title 11, Cal. Code Regs. § 1205). Where the Commission has added to the definition of serious misconduct, as described in Penal Code § 13510.8(b), these guidelines include the expanded definition of the specified category of serious misconduct as defined in Commission Regulation 1205.

POST DISCIPLINARY GUIDELINES

SPECIFIC OFFENSES

DISHONESTY

Penal Code Section 13510.8(b)(1): 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.

POST Regulation 1205(a)(1): 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. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

Maximum Penalty: Revocation

Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions, as deemed appropriate

Considerations: Dishonesty is a serious offense in law enforcement. A peace officer's credibility is a key element in criminal cases, which rely upon their veracity in establishing the lawfulness of the actions taken by the peace officer and the guilt of the criminal defendant. A peace officer known to lie may be placed on a *Brady* list[2], a fact

[2] A "*Brady* list" refers to a system, index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias. This list is maintained by a prosecutorial agency or office in accordance with the holding in *Brady v. Maryland* (1963) 373 U.S. 83. (Cal. Gov. Code §3305.5). The *Brady* obligation requires the prosecution to disclose material exculpatory evidence, including potential impeachment evidence, to the defense. This duty extends beyond the prosecutor's office to include evidence known to others acting on the government's behalf, such as police officers. (*Serrano v. Superior Court* (2017) 16 Cal.App.5th 759). The prosecution must share any information it has regarding whether the personnel records contain *Brady* material and let the defense decide whether to file a motion seeking discovery of potentially exculpatory information. (*People v. Superior Court* (Johnson) (2015) 61 Cal.4th 696). An officer's dishonesty can severely undermine their

that is disclosed to criminal defendants and may jeopardize the prosecution of a case. For this reason, dishonesty as defined in Commission Regulation 1205(a)(1), normally warrants revocation of an officer's certification. Commission Regulation 1205(a)(1) recognizes that if the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest, or was done willfully or intentionally, with the intent to deceive, revocation is the appropriate penalty.

Some instances of dishonesty may warrant consideration of a lesser penalty under rare circumstances, even if it meets the statutory definition. For instance, lesser discipline may be considered if the statement was not made willfully or with the intent to deceive, was not part of a pattern of incomplete or less than honest statements, can be attributed to a demonstrable inability to properly recall events, was so insignificant or immaterial such that lesser care may have been used in ensuring the accuracy of the statement and sufficient mitigating circumstances exist, or where the officer voluntarily clarifies or corrects an earlier statement under circumstances indicating that the earlier statement was a foible of memory and not an intentional attempt to deceive.

credibility as a witness; honesty, integrity, and credibility are paramount attributes for police officers. (See Crawford v. City of Los Angeles (2009) 175 Cal.App.4th 249, 257, 95 Cal.Rptr.3d 550 ["Termination based upon a false statement by a peace officer is indisputably within the City's power."]; Ackerman v. State Personnel Bd. (1983) 145 Cal.App.3d 395, 400, 193 Cal.Rptr. 190 ["the credibility and honesty of an officer are the essence of the function"]; Kolender v. San Diego County Civil Service Com. (2005) 132 Cal.App.4th 716, 721, 34 Cal.Rptr.3d 1 [" 'A [police officer's] job is a position of trust and the public has a right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer.'"].)

POST DISCIPLINARY GUIDELINES

ABUSE OF POWER

Penal Code Section 13510.8(b)(2): Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.

Commission Regulation 1205(a)(2): Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Abuse of power may take many forms, and an evaluation of the totality of the circumstances is essential in determining the appropriate penalty. If an abuse of power is more appropriately characterized, for instance, as excessive force or sexual assault, those serious misconduct categories should be cited instead of abuse of power. On the other hand, there may be instances where a peace officer's conduct does not meet the definition of a serious misconduct category like excessive force or sexual assault, and yet the conduct demonstrates a clear abuse of a given peace officer's supervisory powers or status as a peace officer.

Aggravating factors when considering revocation may include, among other things, when a peace officer isolates or intimidates witnesses in order to interfere with the administration of justice or to satisfy a personal interest that is inconsistent with the duties and responsibilities of a peace officer, knowingly fails to report crimes or inaccurately reports crimes to avoid further investigation or referrals to the District Attorney's Office, knowingly misrepresents or misreports a victim's or witness's statements in reports, discourages truthful testimony or encourages false testimony, knowingly obtains a false confession, or knowingly makes a false arrest. Similarly, any intentional misuse of the power and authority given to a peace officer to subvert an investigation, for personal gain, or to cause harm to another, would normally warrant revocation. Any misuse of power and authority for such purposes indicates that the public would be at risk should the peace officer continue to have such power and authority.

Suspension may be warranted when the officer reasonably believed they were acting in good faith, that the conduct was permitted by law or departmental policy, or did not, in light of all of the circumstances, intentionally attempt to take an unjust advantage over

persons, property, or situations, by the improper exercise of power and authority granted to them by virtue of their position.

POST DISCIPLINARY GUIDELINES

PHYSICAL ABUSE

Penal Code Section 13510.8(b)(3): Physical abuse, including, but not limited to, the excessive or unreasonable use of force as described in Penal Code section 835a.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Revocation is appropriate when excessive or unreasonable force results in death or serious bodily injury. Revocation is also appropriate when the officer has engaged in multiple acts of excessive or unreasonable force, even if death or serious bodily injury has not resulted from those uses of force.

Because agency policies vary to some degree regarding what may be considered unreasonable or excessive use of force, each case will be fact specific and depend in large part on the necessity for the type and degree of force used by the peace officer. Consideration shall be based upon the totality of the circumstances known by the peace officer at the time of the incident. For guidance, the California Penal Code outlines the legal framework detailing when a peace officer may use reasonable force to effect an arrest or overcome resistance. (See Penal Code section 835a).

Acts that may result in physical assault allegations often include inappropriate uses of take down techniques and restraint holds, deployment of batons, tasers, and officer involved shootings. The harm done to the victim or the potential harm that could have resulted from the peace officer's conduct is always a consideration.

An analysis of facts surrounding the use of force will be important in determining whether suspension is appropriate. For example, will similar behavior in the future likely be preventable with training, or was the act so severe or aggravated that additional training is unlikely to prevent recurrence. Another consideration includes whether there is any documented pattern of unreasonable or excessive force used by the peace officer. The peace officer's past conduct is also relevant in proving whether the peace officer knew, or should have known, the conduct at issue was excessive. Absent an established pattern, and depending on the nature of the force used, a single incident may potentially be resolved by means of suspension and additional training. However, revocation is not incumbent upon a pattern of behavior.

POST DISCIPLINARY GUIDELINES

SEXUAL ASSAULT

Penal Code Section 13510.8(b)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7.

Cal. Penal Code § 832.7 (b)(1)(B)(ii)-(iii):

(ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

Commission Regulation 1205(a)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7, and shall extend to acts committed amongst members of any law enforcement agency.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Non-consensual conduct which constitutes sexual assault as defined above warrants revocation, regardless of whether it occurs on or off-duty. Examples of non-consensual acts as described in section 832.7(b) include "commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor or under the color of authority."

Since the law considers the propositioning for, or commission of, any sexual act on-duty a sexual assault, any instance involving any sexual act while on-duty, even if consensual, would constitute serious misconduct. Suspension may be warranted if the act occurred on duty but involved entirely consensual conduct, was limited in nature, and did not jeopardize public safety (for instance by an inability to respond to calls for service).

To the extent the consensual sexual act in question was committed solely amongst members of the law enforcement agency, the appropriate penalty may depend upon the respective job titles and supervisory responsibilities of the subject peace officer and the other consenting employee. Suspension may be warranted if the subject peace officer

and the other employee were in a similar job classification, whereas a more substantial penalty is justified if the peace officer supervised the other employee.

Similarly, when viewing the circumstances in their entirety, the negative impact that the sexual act has on the law enforcement agency, or the protection of the public, are important considerations. A consensual sexual act that has little to no adverse effect on the interests of justice may warrant suspension when compared to a consensual sexual act that directly prejudices an investigation. This would include, but not be limited to, inappropriate relationships with witnesses, victims, informants, or suspects.

POST DISCIPLINARY GUIDELINES

DEMONSTRATING BIAS

Penal Code Section 13510.8(b) (5): Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

Commission Regulation 1205(a)(5): Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is "demonstrating" bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, his or her law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Peace officers are granted extraordinary powers to deprive persons of their property, liberty, and even their life, and a peace officer that targets individuals for unfair treatment based upon membership in a protected class should not be entrusted with such powers. Serious misconduct is shown if the peace officer's words, actions or conduct are: 1) inconsistent with the peace officer's obligation to carry out the their duties in a fair and unbiased manner, 2) violates applicable law, or 3) violates department policy.

A peace officer shows or displays, by their words, actions or other conduct, prejudice, intolerance, contempt or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5),

when such words, actions or other conduct would lead a reasonable person to conclude that the peace officer has not, or will not, fairly and impartially perform his or her law enforcement duties. Under these circumstances, revocation is the appropriate penalty.

A peace officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped. It is important to note that the peace officer's demonstration of bias must be either in violation of the law or department policy or be inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. The degree to which this is true may be a factor in considering a lesser penalty.

The peace officer's role and level of participation in the act of demonstrating bias may also warrant suspension. Whether the incident was isolated or demonstrated a pattern of biased behavior may help to determine whether a lesser penalty is appropriate. However, revocation is not incumbent upon a pattern of behavior.

POST DISCIPLINARY GUIDELINES

ACTS THAT VIOLATE THE LAW

Penal Code Section 13510.8(b) (6): 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.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The law provides that discipline is appropriate where an act is *either* sufficiently egregious *or* repeated so as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. Therefore, a single act may be sufficient to impose discipline, notwithstanding the Legislature's use of the term "acts," either because it is itself sufficiently severe, or where, upon consideration of other relevant factors (such as a prior pattern of behavior or a history of engaging in improper acts) the act is considered egregious based upon a consideration of the individual's pattern or history of behavior.

In accordance with Government Code section 1029, a peace officer's certification shall be revoked in cases involving disqualification, generally resulting from convictions for felonies and certain misdemeanors. However, separate from the question of a GC § 1029 disqualification, an act may be grounds for revocation as serious misconduct even if it does not meet the section 1029 threshold. As to those acts, the Legislature did not make every violation of the law grounds for discipline, and instead qualified that those acts that are considered serious misconduct must be either inconsistent with a peace officer's obligation to uphold the law or inconsistent with the peace officer's obligation to respect the rights of members of the public.

Generally, revocation is appropriate when a peace officer's violation of the law results in a serious risk of harm to the public, whether the officer is on or off duty. The nature of the violation, whether the conduct would meet the elements of a felony or misdemeanor, should also be considered in determining whether a lesser penalty is warranted.

Another factor to consider is whether the act has been repeated, and whether the repeated nature demonstrates a likelihood of recurrence. The length of time between repeated acts is also a factor. Acts that occur within a shorter amount of time may warrant a stronger penalty, such as revocation, while acts that are remote or further apart may warrant a lesser penalty.

In cases where alcohol or substance use has resulted in, or contributed to, a violation of law, even in some instances of repeated or egregious violations of law, a term of

suspension and/or probation with optional terms and conditions related to abstaining from alcohol and substance use and participating in regular testing may be appropriate based on the rehabilitative efforts of the subject officer and the lapse of time since the alcohol or substance use and violation(s) of law.

Crimes committed while on-duty (such as an assault under color of authority or other act where the peace officer uses or is aided by his or her position in the commission of a crime) are presumptively revocation cases.

POST DISCIPLINARY GUIDELINES

LAW ENFORCEMENT GANG

Penal Code Section 13510.8(b) (7): Participation in a law enforcement gang. For the purpose of this paragraph, a "law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: In cases where the subject peace officer's activities have resulted in wrongful convictions, harm to an individual(s), or have created a culture within the law enforcement agency that prevents other peace officers from reporting misconduct or interceding when witnessing misconduct for fear of being retaliated against, are factors to consider for revocation.

Revocation may be warranted when the peace officer's participation in a law enforcement gang has resulted in a violation of the law, such as a provable felony or misdemeanor, injury to a person(s), or damage to property. The peace officer's level of participation, such as whether they had an active or passive role in the illegal act should also be considered in determining whether suspension is warranted. For example, suspension may be appropriate if there is sufficient evidence to demonstrate that the subject peace officer was coerced into participation in the law enforcement gang through intimidation, retaliation, or threats to the safety of the subject peace officer or their family. Similarly, suspension may be appropriate if the evidence demonstrates that the subject peace officer became a member of the gang because of the pressures of organizational culture, but did not actively participate in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing. Both of these should be weighed against whether the subject peace officer reported the gang to appropriate supervisors and if not, why they did not do so. However, organizational pressure or coercion does not preclude revocation.

POST DISCIPLINARY GUIDELINES

FAILURE TO COOPERATE

Penal Code Section 13510.8(b)(8): Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to Chapter 1 of Title 4 of Part 4 of the Penal Code. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The central objective of any investigation is to expose the truth. As the Law Enforcement Code of Ethics recognizes, peace officers must remain "[h]onest in thought and deed…." A failure to cooperate with an investigation is antithetical to the very core of a peace officer's responsibilities. A peace officer who fails to cooperate with an investigation has made a conscious decision to obstruct the objectives of law enforcement. For this reason, a peace officer's failure to cooperate with an investigation into potential police misconduct normally warrants revocation.

As is true for all citizens, peace officers may exercise their individual rights under the United States Constitution, the California Constitution, or any other law. California law expressly recognizes that the *lawful* exercise of those rights does not constitute serious misconduct. The key word here is "lawful."

One concern a peace officer may reasonably have when deciding whether to cooperate with an investigation into peace officer conduct is whether any statements they make will incriminate themselves, thereby implicating the peace officer's right to assert their peace officer privileges under both the Fifth Amendment to the United States Constitution and article I, section 15, clause 6 of the California Constitution. The California Supreme Court addressed this concern in a case entitled *Lybarger v. City of Los Angeles.* This case resulted in a common admonition known as the *Lybarger* admonition, which is frequently provided to peace officers who believe their cooperation in an investigation into misconduct could be self-incriminating. The *Lybarger* admonition notifies the peace officer subject to questioning that their statements cannot be used against them criminally.

Once this admonition is given, a peace officer's decision to remain silent and refuse to cooperate with an investigation is not a lawful exercise of a constitutional right. As the California Supreme Court emphasized in *Lybarger*, a peace officer has "…neither a constitutional nor a statutory right to remain *free of administrative sanction*…." (Emphasis in original.) Indeed, the Public Safety Officers Procedural Bill of Rights Act

specifically provides that the failure to answer questions directly related to an investigation may result in punitive action. (Cal. Gov. Code §§ 3304(a)).

Accordingly, once a peace officer receives the *Lybarger* admonition, their refusal to cooperate for fear of self-incrimination is unjustified as a matter of law and therefore cannot be considered as a circumstance justifying a lesser penalty.

A failure to cooperate may arise when a peace officer refuses to comply with a lawful order to turn over agency or personal equipment that may, or does, contain incriminating evidence in a criminal, civil, or administrative investigation. Alternatively, a failure to cooperate may arise when a peace officer destroys agency or personal equipment or data that they knew, or should have known, contained evidence that was relevant to a pending investigation. Failure to cooperate may further arise where a peace officer alters or destroys evidence before turning it over to misdirect an investigation, cover up wrongdoing, or to implicate another peace officer. In such cases, the extent to which the peace officer's failure to cooperate prevents an investigation from moving forward and determining what occurred should be considered in determining whether revocation or suspension is appropriate.

POST DISCIPLINARY GUIDELINES

FAILURE TO INTERCEDE

Penal Code Section 13510.8(b)(9): Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The preservation of life is one of the most elementary duties of a peace officer. Life's value exists in equal measure for both the innocent as well as those suspected of criminal activity. Every peace officer, by virtue of the badge, stands in a unique position to prevent unnecessary harm to others. This is especially true when confronted with a fellow peace officer engaged in excessive use of force. If a peace officer observes another peace officer using force clearly beyond that which is necessary under the circumstances, the presence of that peace officer on the scene accentuates their responsibility to intercede and protect lives.

When determining the appropriate penalty for a peace officer who fails to intercede, consideration of the totality of the circumstances is especially important. As the use of force becomes increasingly unreasonable from an objective peace officer's point of view, the penalty for failure to intercede increases accordingly. Where the use of force is objectively unreasonable, but to a low degree, the failure to intercede may warrant a lesser penalty.

The totality of the circumstances can be important in other ways as well. For example, other peace officers may have additional information about a subject that is unknown to the peace officer who is later subject to decertification proceedings. Under these circumstances, what the subject peace officer knows or reasonably should know about a subject may tend to work in favor of a greater or lesser penalty. The opposite is equally true. When a peace officer is unfamiliar with a suspect, it is crucial to consider what an objectively reasonable peace officer would do under the totality of the circumstances known to that peace officer considering their unfamiliarity with the suspect.

POST DISCIPLINARY GUIDELINES

PROBATION TERMS AND CONDITIONS

The Commission's primary responsibility is protection of the public. The Commission believes that in disciplinary matters where probation has been imposed, terms and conditions should be established to provide for public protection while allowing the probationer to demonstrate rehabilitation. The following terms and conditions of probation provide for public protection while establishing a mechanism for monitoring the progress of a probationer's rehabilitation.

POST DISCIPLINARY GUIDELINES

LISTING OF PROBATION CONDITIONS – STANDARD AND OPTIONAL

Standard Terms and Conditions for All Decisions and Orders

1. **Certification Revoked.** Respondent's certification is revoked.

2. **Certification Revoked, Revocation Stayed.** It is hereby ordered that (insert certificate type and number), issued to Respondent (name of responded) is/are revoked. However, the revocation(s) is/are stayed and Respondent is placed on probation for _____ years on the following conditions:

3. **Certification Suspension.** Respondent's certification shall be suspended for _____ days/months/years.

4. **Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

5. **Obey All Laws.** Respondent shall obey all federal, state, and local laws. A full detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing withing seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

6. **Submit Quarterly Reports.** The respondent shall submit quarterly to the Commission, or its designee, under penalty of perjury, ~~on forms provided by the Commission,~~ a report stating whether there has been compliance with all terms and conditions of probation. Omission or falsification in any manner of any information in ~~on~~ these reports shall constitute a violation of probation and shall result in summary revocation of Respondent's restricted certification. If the final written quarterly report is not made as directed in the stipulated settlement or final decision and order by the Commission, the period of probation shall be extended until the final report is received by the Commission. Any period(s) of delinquency in submitting a report as directed by the stipulated settlement or final decision and order by the Commission may be added to the total period of probation.

   The due dates for the quarterly reporting periods listed below will be specified in the stipulated settlement or final order from the Commission. ~~and due dates are as follows:~~

   Quarter I (January 1 to March 31)
   Quarter II (April 1 to June 30)

Quarter III (July 1 to September 30)
Quarter IV (October 1 to December 31)

7. **Serious Misconduct.** Respondent shall not engage in any acts of serious misconduct as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

8. **Interview with the Commission.** Within 30 days of the effective date of the Decision, Respondent shall appear in person or via video conference, if approved by the Commission for an interview with its designated probation monitors to review the terms and conditions of probation. Thereafter, the respondent shall, upon reasonable request, report or appear in person as directed. The interview with the Commission shall not be tolled.

9. **Personal Appearances.** Upon reasonable notice by the Commission, the respondent shall report to and make personal appearances at times and locations as the Commission may reasonably direct.

10. **Cooperation with Commission Staff.** Respondent shall cooperate with the Commission's staff as needed to ensure Respondent is complying with the terms of probation. The respondent shall communicate directly with the Commission, or its designee; written communications from the Commission, or its designee, will only be sent to the Respondent.

11. **Changes of Employment or Address.** The respondent shall notify the Commission in writing of any and all changes of peace officer employment and residence address within fourteen (14) calendar days of such change.

    Respondent will at all times comply with the California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has their current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 12798 et seq. and California Penal Code section 832.7.

12. **Notice to Employers.** Respondent shall provide any current, future, or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any

current, past, future, or potential law enforcement employer of Respondent, upon the employer's request.

13. **Comply with Probation.** Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

14. **Continuance of Probationary Term and Completion of Probation**. If Respondent violates the terms of this probation in any respect, the Commission, after giving Respondent notice and the opportunity to be heard, may set aside the stay order, and impose the revocation or suspension of Respondent's certification.

    If Respondent disputes the Commission's determination that a violation of probation has occurred, Respondent shall have 35 calendar days from the date of mailing of the notification letter to file with the Commission a dispute to the action being taken on Respondent's certification. The Respondent shall fully explain the factual and legal basis of their dispute to the asserted probation violation, and supply at that time any evidence supporting the dispute as to the probation violation. The Commission shall consider Respondent's argument and evidence before taking action on the Respondent's certification. If Respondent fails to respond, this action shall become final, and the file will be closed.

    If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's certification, or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's certification, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Commission.

    Upon successful completion of probation, Respondent's certification shall be fully restored.

15. **Certification Surrender.** During Respondent's term of probation, Respondent may surrender their certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

    Surrender of Respondent's certification shall be considered a disciplinary action and shall become part of Respondent's certification history with the Commission.

POST DISCIPLINARY GUIDELINES

Optional Terms and Conditions of Probation. In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on the nature of the serious misconduct violations and the fact pattern specific to individual cases.

16. **California POST Supplemental Training Requirement**. Within _____ days of the effective date of this Decision or _____, Respondent shall take and successfully complete POST-certified training in one or more of the following areas:

    _____

    _____

    _____

    _____

    The respondent is responsible for all costs associated with completing the required POST-certified courses. (Examples of areas to require training in include use of force, report writing, ethics, bias, diversity, LGBTQI, gender awareness, sexual harassment, workplace harassment, anger management, decision-making, de-escalation, duty to intercede, emotional intelligence/survival, problem solving, and stress management.)

17. **Criminal Probation Reports.** Respondent shall provide the Commission with a copy of the standard terms and conditions of Respondent's criminal probation, as well as copies of all criminal probation reports and the name of their probation officer. If the Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

18. **Counseling/Psychotherapy.** Within 30 days of the effective date of this Decision, Respondent shall submit to the Commission, for its prior approval, the name, license number, and qualifications of one or more culturally competent[3] licensed psychologists or therapists with a PhD, PsyD, MS or LCSW who have experience in treating the underlying mental health condition(s) that may have contributed to the serious misconduct actions of the subject peace officer. The selected practitioner(s) shall be licensed in good standing in the State of California and shall not have been subjected to formal discipline by a licensing board in or outside of California within the preceding seven years and shall demonstrate experience in providing culturally competent examination and counseling of first responders. The selected practitioner(s) shall have had no prior professional or personal relationship with the respondent. Within 60 days of the Decision, Respondent shall begin seeing their provider, following their treatment plan, and engaging in the therapeutic process. The purpose of the therapy is to assist the Respondent with amassing tools and

[3] A culturally competent therapist for law enforcement is a mental health professional who is trained to work with police officers and understand their unique needs and challenges. These therapists can provide support, treatment, and interventions tailored to the specific context of law enforcement work, addressing issues such as stress, trauma, and mental health conditions.

skills that can be used to mitigate any barriers to engaging in sound police work and maintaining a healthy home life. The Respondent shall have the selected practitioner submit the treatment plan to the Commission which shall include number of prescribed sessions. If applicable, the practitioner shall provide quarterly status reports to the Commission noting if the respondent is attending and participating in treatment. At no time shall the practitioner send protected health information to the Commission without the written consent of the Respondent. Should the practitioner believe the Respondent is not making progress in therapy, and believes the Respondent poses potential harm to the public, they will recommend to the Commission the Respondent be sent to a Fitness for Duty evaluation. All costs shall be borne by the Respondent.

19. **Fitness for Duty Evaluation[4].** Within 60 days of the effective date of this Decision, Respondent shall submit to the Commission, for its prior approval, the name, license number, and qualifications of one or more culturally competent licensed psychiatrists or psychologists with experience in conducting fitness for duty evaluations for peace officers, pursuant to Government Code section 1031(f)(2). The selected practitioner(s) shall be licensed in good standing in the State of California and shall not have been subjected to formal discipline by a licensing board in or outside of California within the preceding seven years and shall demonstrate experience in providing culturally competent examination of first responders. The selected practitioner(s) shall have had no prior professional or personal relationship with the respondent. Within 60 days of the Decision, Respondent shall undergo a mental health evaluation by the selected licensed practitioner(s). The respondent shall have the selected practitioner submit their evaluation to the Commission within 14 calendar days after the completed evaluation. The evaluation provided to the Commission shall advise whether the respondent is able to safely return to the profession with or without continued therapy/treatment or requires time away from the profession while undergoing therapy/treatment. If applicable, the respondent shall undergo treatment as prescribed until the selected practitioner deems the respondent is able to independently, and safely, return to the profession with or without continued therapy/treatment. If applicable, the respondent shall cause the approved culturally competent practitioner to provide quarterly status reports to the Commission. The quarterly status reports shall report whether the respondent is attending and participating in treatment. All costs shall be borne by the Respondent.

20. **Alcohol or Drug Counseling.** Within 30 days of the effective date of this Decision, Respondent shall enter, attend, and participate in an alcohol/drug rehabilitation program for _____. Respondent shall submit written proof from the selected program confirming attendance and participation in the program to the

[4] Law enforcement fitness for duty evaluations are specialized mental health examinations designed to assess whether an officer may have a psychological condition that impairs their ability to perform essential job functions or poses a direct threat. These evaluations are ordered by the department when there is objective evidence that an employee may be unable to safely perform their job due to a psychological condition or impairment.

Commission in Respondent's quarterly written reports. All costs for attending said program shall be borne by the Respondent.

21. **Proof of Completion.** Respondent shall provide the Commission with proof of completion and/or participation in all _____ abuse treatment and counseling programs taken to date, as well as the results of any _____ testing they have taken to date.

22. **Submit to Alcohol or Drug Testing.** Respondent shall participate in a random, biological fluid testing program approved by the Commission. The length of time and frequency will be up to ____ times per year on a random basis. Respondent is responsible for keeping the Commission informed at all times of Respondent's current telephone number. In the event Respondent's telephone number changes, Respondent shall update the Commission within 48 hours.

    Respondent shall also ensure that messages may be left at the telephone number when they are not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

    If Respondent has a confirmed positive finding for _____ and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

23. **Abstain from Controlled Substances.** Respondent shall abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act (Health and Safety Code section 11000 et seq.), and dangerous drugs as defined in Business and Professions Code section 4022, except for medication lawfully prescribed to Respondent by a licensed practitioner for a bona fide illness. Upon request of the Commission or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the Respondent's treatment.

24. **Abstain from Alcohol Use.** Respondent shall abstain from the use of products or beverages containing alcohol.

25. **Tolling.** This term shall not apply until Respondent secures appointment to a new peace officer position. Regardless of the effective date of this agreement, this term shall be tolled until Respondent is appointed to a peace officer position, if not currently employed, after which this term shall be operative for _____ years, during which time Respondent will remain on probation.

POST DISCIPLINARY GUIDELINES

Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled when they reside outside of California and the period of probation shall be automatically extended for the same period they reside outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws, Criminal Court Orders, Comply with Probation, Violation of Probation, and Certification Surrender.

AGENDA ITEM REPORT

Title: FINAL DECISION / STATUS OF SETTLEMENT DISCUSSIONS - POST2302971 - GABRIEL MERCADO GAXIOLA (POST ID B49-S96)

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Legal Affairs Bureau	
RESEARCHED BY Carrie Woolley	**REVIEWED BY** Toby Darden	
REPORT DATE 11/19/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/19/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The matter is before the Commission for review and action regarding a stipulated settlement agreement concerning the subject peace officer's certification status.

BACKGROUND: The Respondent began his employment with the Los Angeles Police Department (LAPD) on October 26, 1998, as a police officer and was promoted to the rank of sergeant on July 7, 2019. At the time of the incident, he was assigned as a full-time sergeant. Currently, the Respondent is employed with the LAPD as a sergeant. This position is a peace officer position as defined under California Penal Code section 830.1(a) and is required to be certified pursuant to California Penal Code section 13510.1(a).

On May 13, 2022, while off-duty, Respondent was arrested for driving while under the influence of alcohol. As an aggravating circumstance, Respondent had been previously arrested for driving under the influence of alcohol on July 10, 2016, for which Respondent received a misdemeanor conviction and 3 years of probation. On January 26, 2024, Respondent signed a Rehabilitation Agreement with the LAPD, which required him to complete certain specified terms in rehabilitation in return for the LAPD holding any disciplinary terms in abeyance. On February 9, 2024, Respondent pled no contest to the misdemeanor driving under the influence charge for his May 13, 2022 driving under the influence arrest, and was placed on probation for 60 months, ordered to install an ignition interlock device on his vehicle, and ordered to complete an 18-month

alcohol program.

On January 16, 2025, the Peace Officer Standards Accountability Advisory Board (POSAAB) recommended revocation of Respondent's peace officer certification, with the revocation stayed for 10 years, subject to a stipulated settlement agreement to be approved by the Commission. On March 5, 2025, the Commission reviewed and the Board's recommendation and adopted the Board's recommendation to revoke the Respondent's peace officer certification and impose a stay on the revocation but modified the stay of the revocation to 5 years, subject to a stipulated settlement agreement between Respondent and the Commission.

ANALYSIS:

On March 5, 2025, the Commission heard the case and passed a motion directing counsel to draft specified settlement terms and negotiate said terms with the Respondent based on the goals identified by the Commission.

Staff was able to reach an agreement on the proposed settlement in this matter and, as such, the matter is again before the Commission for a motion to adopt the settlement agreement and impose the terms and conditions on Mr. Gaxiola's peace officer certification status as set forth in the signed stipulated settlement agreement.

RECOMMENDATION:

If the Commission concurs, the appropriate action would be a **MOTION** to adopt the settlement terms as described in the staff report.

ATTACHMENT(S):

Stipulation _Gaxiola_Redacted.pdf

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General
DIANA PETIKYAN
Deputy Attorney General
State Bar No. 306153
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6193
Facsimile: (916) 731-2126
E-mail: Diana.Petikyan@doj.ca.gov
Attorneys for Complainant

BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **GABRIEL GAXIOLA** [redacted] **Basic Certificate No. 99416** **Intermediate Certificate No. 70050** **Advanced Certificate No. 100133** Respondent.	Case No. 2302971 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Manuel Alvarez, Jr. (Complainant) is the Executive Director of the California Commission on Peace Officer Standards and Training (Commission). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Diana Petikyan, Deputy Attorney General.

2. Gabriel Gaxiola (Respondent) is represented in this proceeding by Leslie Wilcox of Wilcox & Associates, P.C., 3505 Long Beach Blvd, Suite 1C, Long Beach, CA 90807; (562) 375-4263.

3. On or about April 28, 2000, the Commission issued Basic Certificate Number 99416 to Respondent.

4. On or about November 15, 2000, the Commission issued Intermediate Certificate Number 70050 to Respondent.

5. On or about February 28, 2005, the Commission issued Advanced Certificate Number 100133 to Respondent.

JURISDICTION

6. Accusation No. 2302971 was filed before the Commission, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 3, 2025.

7. A copy of Accusation No. 2302971 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2302971. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 2302971.

12. Respondent agrees that his Basic Certificate, Intermediate Certificate, and Advanced Certificate are subject to discipline and he agrees to be bound by the Commission's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Commission. Respondent understands and agrees that counsel for Complainant and the staff of the Commission may communicate directly with the Commission regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Commission considers and acts upon it. If the Commission fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Commission shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Commission may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Basic Certificate No. 99416, Intermediate Certificate No. 70050, and Advanced Certificate No. 100133 issued to Respondent Gabriel Gaxiola are revoked. However, the revocations are stayed and Respondent is placed on probation for five (5) years on the following conditions.

IT IS FURTHER ORDERED that any new certification(s) issued while Respondent remains on probation shall also be placed on probation subject to the same terms and conditions applicable to Respondent's existing certification.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

2. **Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

3. **Serious Misconduct:** Respondent shall not engage in any acts of serious misconduct, as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

4. **Comply with Probation.** Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

Respondent will at all times comply with California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has his current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 1798 et seq. and California Penal Code section 832.7.

Upon successful completion of probation, Respondent's certification shall be fully restored.

5. **Proof of Completion.** Respondent shall provide the Commission with proof of completion and/or participation in all alcohol abuse treatment and counseling programs taken to date, as well as the results of any alcohol testing he has taken to date.

6. **Notice to Employers.** Respondent shall provide any current, future or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future or potential law enforcement employer of Respondent, upon the employer's request.

7. **Violation of Probation.** If Respondent violates any of the terms or conditions of his probation, the Commission, in its sole discretion, may take any of the following actions, separately or in combination:

a. Notify Respondent in writing (notification letter) that the Commission intends to set aside the stay and impose the stayed discipline (in this case, revocation of Respondent's certification) no sooner than 35 days after the date of mailing the notification letter to Respondent. If Respondent disputes the Commission's determination that a violation of

probation has occurred, Respondent shall have 35 days from the date of mailing of the notification letter to mail a written response setting forth any dispute or disagreement with the action being taken on Respondent's certification to the Commission at the address set forth in the notification letter. In the response, the Respondent shall fully explain the factual and legal basis of their dispute, and supply at that time any evidence supporting their position. Any arguments and evidence submitted by the Respondent will be considered by the Executive Director before rendering a decision whether Respondent's probation was violated and whether any action should be taken on the Respondent's certification. Following review of the evidence and arguments, the Executive Director shall decide as to whether the stayed discipline will be imposed. If the Respondent fails to respond within 35 days of the date of mailing of the notification letter, the revocation order shall be summarily entered by the Executive Director and become final, and the file will be closed.

b. Serve a Petition to Revoke Probation upon Respondent in accordance with the procedures outlined in the California Administrative Procedure Act. In accordance with that Act, Respondent will have an opportunity for a hearing upon the issues raised in the Petition. After a request to prepare a Petition to Revoke Probation has been transmitted to the Attorney General's Office, Respondent's probationary period shall be tolled until the Petition has been acted upon by the Commission, or in the case of a default, by the Executive Director.

c. Serve an Accusation and Petition to Revoke Probation alleging a new act or acts of serious misconduct and any violations of probation upon Respondent in accordance with the procedures outlined in the California Administrative Procedure Act. In accordance with that Act, Respondent will have an opportunity for a hearing upon the issues raised, including whether probation was violated. The Accusation and Petition to Revoke Probation will be served upon the Respondent in accordance with the procedures outlined in the California Administrative Procedure Act following a determination by the Commission that proceedings are warranted as provided under Penal Code section 13510.85, subdivision (a)(5), and Commission Regulation 1209. After Respondent has received notice from the division as set forth in Penal Code section 13510.85, subdivision (a)(1), Respondent's probationary period shall be tolled until the

Accusation and Petition to Revoke Probation has been acted upon by the Commission, or in the case of a default, by the Executive Director.

8. **Certification Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's certification shall be considered a disciplinary action and shall become a part of Respondent's certification history with the Commission.

9. **Abstain from Alcohol and Cannabis and Submit to Tests and Samples.** Respondent shall abstain from the use of alcohol and cannabis and, at his expense, shall participate in a random, biological fluid testing program which the Commission approves. The length of time and frequency will be up to 15 times per year on a random basis. Respondent is responsible for keeping the Commission informed of Respondent's current telephone number at all times and in the event Respondent's telephone number changes, Respondent shall update the Commission within 48 hours. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

If Respondent has a confirmed positive finding for alcohol or cannabis and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

10. **Tolling of Probation.** Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled if and when he resides outside of California and the period of probation shall be automatically extended for

the same period he resides outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Criminal Court Orders; Comply With Probation; Violation of Probation; and Certification Surrender.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Basic Certificate, Intermediate Certificate, and Advanced Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Commission on Peace Officer Standards and Training.

DATED: _____

GABRIEL GAXIOLA
Respondent

I have read and fully discussed with Respondent Gabriel Gaxiola the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

LESLIE WILCOX
Attorney for Respondent

the same period he resides outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Criminal Court Orders; Comply With Probation; Violation of Probation; and Certification Surrender.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Basic Certificate, Intermediate Certificate, and Advanced Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Commission on Peace Officer Standards and Training.

DATED: 10/13/2025

GABRIEL GAXIOLA
Respondent

I have read and fully discussed with Respondent Gabriel Gaxiola the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/13/2025

LESLIE WILCOX
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Commission on Peace Officer Standards and Training.

DATED: 10/13/2025

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

DIANA PETIKYAN
Deputy Attorney General
Attorneys for Complainant

LA2025301867
67779119

Exhibit A

Accusation No. 2302971

BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **GABRIEL GAXIOLA** [redacted] **Basic Certificate No. 99416** **Intermediate Certificate No. 70050** **Advanced Certificate No. 100133** Respondent.	Case No. 2302971

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Commission on Peace Officer Standards and Training as its Decision in this matter.

This Decision shall become effective on _____.

It is so ORDERED _____.

_____
FOR THE COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
STATE OF CALIFORNIA

AGENDA ITEM REPORT

Title: CORRESPONDENCE SENT BY POST

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: The following correspondence was sent from POST to:

- Jeffrey Palmer, Chief, Chowchilla Police Department, expressing deep sympathy over the tragic on-duty death of Officer Ray Barrantes.
- Ray Sweeney, Chief, La Mesa Police Department, expressing deep sympathy over the tragic on-duty death of Officer Lauren Craven.
- Shannon Dicus, Sheriff - Coroner, San Bernardino County Sheriff's Department, expressing deep sympathy over the tragic on-duty death of Deputy Andrew Nuñez.
- Garrett Kennedy, Chief, Alhambra Police Department, expressing deep sympathy over the tragic on-duty death of Officer Alec Sanders.

ATTACHMENT(S):
Chowchilla_PD-Officer_Cond-Lttr_Ray_Barrantes.pdf
LaMesa_PD-Officer_Lauren_Craven.pdf
San_Bernardino_Cnty_PD-Deputy_Andrew_Nunez.pdf
Alhambra_PD-Officer_Alec_Sanders.pdf

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 06, 2025

Jeffrey Palmer, Chief
Chowchilla Police Department
122 Trinity Avenue
Chowchilla, CA 93610

Dear Chief Palmer:

On behalf of the California Commission on Peace Officer Standards and Training (POST), and POST staff, please accept our deepest sympathy and condolences upon the tragic on-duty death of Officer Ray Barrantes.

In these troubling times of law enforcement scrutiny, the health and well-being of our officers is crucial. All who have ever worn the badge feel your loss. Our communities share your pain. Ultimately, society feels the tremor of the tragic death of one who commits their life to holding the thin line between peace and chaos, for standing for something good.

I never met Officer Barrantes. However, I know he stood the line between right and wrong, darkness and light. He faced challenges and danger. He gave order to chaos and hope to despair. He was quick to defend and frequently chose action over caution.

He railed against injustice. I know he stood in loyalty and faced conflict shoulder-to-shoulder with his brothers and sisters and proudly committed to being a small part of a greater cause.

His absence will forever be a void in the lives that he touched. We commit ourselves to the eternal memory and honor of his life.

It is with great sadness in our hearts that we offer our support to you and your department at this tragic time.

Sincerely,

Manuel Alvarez, Jr.

MANUEL ALVAREZ, JR.
Executive Director

MA:be

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 24, 2025

Ray Sweeney, Chief
La Mesa Police Department
8085 University Avenue
La Mesa, CA 91942

Dear Chief Sweeney:

On behalf of the California Commission on Peace Officer Standards and Training (POST), and POST staff, please accept our deepest sympathy and condolences upon the tragic on-duty death of Officer Lauren Craven.

In these troubling times of law enforcement scrutiny, the health and well-being of our officers is crucial. All who have ever worn the badge feel your loss. Our communities share your pain. Ultimately, society feels the tremor of the tragic death of one who commits their life to holding the thin line between peace and chaos, for standing for something good.

I never met Officer Craven. However, I know she stood the line between right and wrong, darkness and light. She faced challenges and danger. She gave order to chaos and hope to despair. She was quick to defend and frequently chose action over caution.

She railed against injustice. I know she stood in loyalty and faced conflict shoulder-to-shoulder with her brothers and sisters and proudly committed to being a small part of a greater cause.

Her absence will forever be a void in the lives that she touched. We commit ourselves to the eternal memory and honor of her life.

It is with great sadness in our hearts that we offer our support to you and your department at this tragic time.

Sincerely,

MANUEL ALVAREZ, JR.
Executive Director

MA:be

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

October 28, 2025

Shannon Dicus, Sheriff - Coroner
San Bernardino County Sheriff's Department
655 East Third Street
San Bernardino, CA 92415

Dear Sheriff Dicus:

On behalf of the California Commission on Peace Officer Standards and Training (POST), and POST staff, please accept our deepest sympathy and condolences upon the tragic on-duty death of Deputy Andrew Nunez.

In these troubling times of law enforcement scrutiny, the health and well-being of our officers is crucial. All who have ever worn the badge feel your loss. Our communities share your pain. Ultimately, society feels the tremor of the tragic death of one who commits their life to holding the thin line between peace and chaos, for standing for something good.

I never met Deputy Nunez. However, I know he stood the line between right and wrong, darkness and light. He faced challenges and danger. He gave order to chaos and hope to despair. He was quick to defend and frequently chose action over caution.

He railed against injustice. I know he stood in loyalty and faced conflict shoulder-to-shoulder with his brothers and sisters and proudly committed to being a small part of a greater cause.

His absence will forever be a void in the lives that he touched. We commit ourselves to the eternal memory and honor of his life.

It is with great sadness in our hearts that we offer our support to you and your department at this tragic time.

Sincerely,

MANUEL ALVAREZ, JR.
Executive Director

MA:be

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

November 21, 2025

Garrett Kennedy, Chief
Alhambra Police Department
211 S First Street
Alhambra, CA 91801

Dear Chief Kennedy:

On behalf of the California Commission on Peace Officer Standards and Training (POST), and POST staff, please accept our deepest sympathy and condolences upon the tragic on-duty death of Officer Alec Sanders.

In these troubling times of law enforcement scrutiny, the health and well-being of our officers is crucial. All who have ever worn the badge feel your loss. Our communities share your pain. Ultimately, society feels the tremor of the tragic death of one who commits their life to holding the thin line between peace and chaos, for standing for something good.

I never met Officer Sanders. However, I know he stood the line between right and wrong, darkness and light. He faced challenges and danger. He gave order to chaos and hope to despair. He was quick to defend and frequently chose action over caution.

He railed against injustice. I know he stood in loyalty and faced conflict shoulder-to-shoulder with his brothers and sisters and proudly committed to being a small part of a greater cause.

His absence will forever be a void in the lives that he touched. We commit ourselves to the eternal memory and honor of his life.

It is with great sadness in our hearts that we offer our support to you and your department at this tragic time.

Sincerely,

MANUEL ALVAREZ, JR.
Executive Director

MA:be

AGENDA ITEM REPORT

Title: NEW ADVISORY COMMITTEE MEMBER APPOINTMENT

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: Request to appoint Support Services Manager Rebekah Biedermann, La Verne Police Department to the POST Advisory Committee, as a representative for Contemporary Public Safety Dispatcher. If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Rebekah Biedermann.

ATTACHMENT(S):
Advisory Nomination of Biedermann_Nov 2025.pdf

Citrus Heights Police Department
6315 Fountain Square Drive | Citrus Heights, CA 95621 | (916) 727-5500
Alexander A. Turcotte, Chief of Police

November 7, 2025

Commissioner Geoff Long
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: Appointment of Rebekah Biedermann to the POST Advisory Committee

Dear Commissioner Long,

In support of the State of California's Commission on Peace Officer Standards and Training (POST) and to ensure the representation of Public Safety Dispatchers in the advancement of the mission of Policing, it is my pleasure to nominate Rebekah Biedermann, Support Services Manager of the La Verne Police Department, for the appointment to the Contemporary Public Safety Dispatcher of the POST advisory Committee.

Rebekah currently serves not only the members of the La Verne Police Department and their community, but she also serves as a board member on the California Law Enforcement Telecommunications System (CLETS) Users Group, the Women Leaders in Law Enforcement of LA County, and the National Emergency Numbers Association (NENA) Women in 9-1-1. Her expertise as a Public Safety Dispatcher is sought out by those who need subject matter experts to teach dispatchers and officers at local academies and she has been an active contributor to the revision of standards for the Communication Training Officers guide for the Association of Public-Safety Communications Officials (APCO), as well as learning domains found within the revised POST Basic Academy for Public Safety Dispatchers.

Rebekah's commitment to public safety is unwavering, as evidenced by her lifelong learning journey. Her strong representation in the Sherman Block Institute Class 450 and her Center Manager Certification Program and Emergency Number Professional designations from NENA are testament to her deep mastery of the technical and operational sides of 9-1-1. Rebekah's dedication to Public Safety, from her role as a Police Explorer in 1991 to her current leadership in the industry, illustrates her unwavering commitment.

It is with great optimism that I nominate Rebekah for this role. I firmly believe that she will bring a fresh perspective and elevate the robust discussions of the Advisory Committee. Her clear view of how to further the mission of POST to *continually enhance the professionalism of California Law enforcement in serving its communities* is a promising sign of her potential contribution.

Thank you for your time and consideration in reviewing Rebekah's nomination.

Chela Cottrell, ENP, CMCP
Police Services Manager

AGENDA ITEM REPORT

Title: REPORT ON SELECTION OF COMMISSION VICE CHAIR

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/30/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission decide to select a vice chair for calendar year 2026?

BACKGROUND: California Penal Code 13501 reads as follows pertaining to the designation of the chair and vice chair:

"The Governor shall designate the chair of the Commission from among the members of the Commission. The person designated as the chair shall serve at the pleasure of the Governor. The Commission shall annually select a vice chair from among its members. A majority of the members of the Commission shall constitute a quorum."

ANALYSIS: California Penal Code 13501 requires the Commission to annually select a vice chair from among its members. The Commission has not held an annual selection discussion for the vice chair during the last twelve months. The Commission will hold a discussion and select the vice chair for calendar year 2026.

RECOMMENDATION: California Penal Code 13501 requires the Commission to annually select a vice chair from among its members. The vice chair shall be selected during the meeting on December 03, 2025.

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
12/03/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
William Imboden	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The Commission previously heard this matter and referred it back to the Division so that additional documentation and information could be gathered. The Board then heard the matter again on November 6, 2025, and determined to affirm its previous recommendation for revocation. Accordingly, the matter is again before the Commission for review and action regarding the subject peace officer's certification status.

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

BACKGROUND:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of “Supervisor”. On June 5, 2022, Respondent was demoted back to the rank of Detective.

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

This case, which is again before the Commission, alleges the

Respondent, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. During the Administrative Investigation into the alleged serious misconduct of “Acts That Violate the Law” (attempting to purchase an illegal firearm silencer, a Felony), the Respondent was found to be dishonest when he stated he did not try to purchase a firearm silencer. These actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent’s actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead “No Contest” to the misdemeanor charge of Penal Code sections 664 and 30605(a); Attempt to Possess an Assault Weapon. The Felony charge was only dismissed as part of the plea agreement. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (CBP). He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The item CBP seized, which was addressed to Respondent at his home

address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

On July 16, 2025, this investigation was presented to the Peace Officer Standards Accountability Advisory Board (Board). Respondent attended remotely and spoke during the public comment session. After the presentation by POSAD, the Board retired to closed session. At the conclusion of the closed session meeting, the Board unanimously recommended the case to the Commission for revocation of Respondent's Peace Officer certification. On September 10, 2025, POSAD presented this investigation to the Commission. Respondent was not present but was represented by Counsel. At the conclusion of the presentation, the Commission then retired to closed session. At the conclusion of closed session, the Commission returned the case to POSAD for further investigation stating they would like to see additional documents regarding why dishonesty was not an allegation made by LAPD; and referred the matter back to POSAAB.

After reviewing the attached documents and the information gathered from LAPD for this supplemental investigation, coupled with the Investigative Summary and Findings dated March 13, 2025, the Division believes the evidence is clear and convincing Respondent committed the serious misconduct of Dishonesty when he denied purchasing a firearm silencer. Respondent continued his dishonest statements throughout the Board of Rights hearing, denying he intentionally purchased a firearm silencer marketed as a fuel filter. Additionally, clear and convincing evidence exists to show Respondent committed the serious misconduct of Acts that Violate the Law when he committed a felony buy purchasing an illegal firearm silencer over the internet from a company in China, and had it shipped to his home address.

RECOMMENDATION:

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

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

ATTACHMENT(S):

BRS01_POST2306324_Walden Luke_Supplemental ISF.pdf
BRS02_POST2306324_Walden_Luke_POSTProfile_Redacted_LAB edits.pdf
BRS03_POST2306324_Walden Luke_Atch.A_LAPD Administrative Investigation 21-001144_Redacted.pdf
BRS04_POST2306324_Walden Luke_Atch. B_21-001144 Supplement - No redactions.pdf
BRS05_POST2306324_Walden Luke_Atch. C_LOT CF21-001144.pdf
BRS06_POST2306324_Walden Luke_Atch. D_BOR Rationale_Redacted.pdf
BRS07_POST2306324_Walden Luke_Atch. E_BOR Transcript 1_Redacted.pdf
BRS08_POST2306324_Walden_Luke_BOR_Transcript_2_Redacted.pdf
BRS09_POST2306324_Walden Luke_Atch. G_BOR Transcript 3_No Redactions.pdf
BRS10_POST2306324_Walden Luke_Atch. H_BOR Decision_No Redaction.pdf
BRS11_POST2306324_Walden Luke_Atch. I_ATF Bulletin Solvent Trap - No Redactions.pdf
BRS12_POST2306324_Walden Luke_ Atch. J_ATF Bulletin Fuel Filter - No Redactions.pdf
BRS13_POST2306324_Walden Luke_Atch. K_LAPD Criminalist Report - No Redaction.pdf
BRS14_POST2306324_Walden Luke_Atch. L_Criminal Court Document_Redacted.pdf
BRS15_POST2306324_Walde Luke_Atch. M_Pictures of Seized Item.pdf
BRS16_POST2306324_Walden Luke_Atch. N_Pictures Packaging_Redacted.pdf
BRS17_POST2306324_Walden Luke_ Atch. O_Picture Amazon Purchase_No Redaction.pdf
BRS18_POST2306324_Walden Luke_Atch. P_ DMV Vehicle Reg_Redacted.pdf
BRS20_POST2306324_Walden Luke_Atch. R_LAPD Daily Worksheet_Redacted.pdf
BRS21_POST2306324_Walden Luke_Atch. S_LAPD Respondent Firearm Printout_Redacted.pdf
BRS22_POST2306324_Walden Luke_Atch. T_LAPD Property Report - No Redactions.pdf
BRS23_POST2306324_Walden Luke_Atch. U_Pictures of Respondent's Vehicles_Redacted.pdf
BRS24_POST230324_Walden Luke_Atch. V_LAPD Email RE Honesty Allegation.pdf
BRS25_POST2306324_Walden Luke_Atch. W_ISF dated 3-13-25.pdf
BRS26_POST2306324_Wlden Luke_Atch. X_Transcript 07-16- 2025 POSAAB.pdf
BR01_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png

BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf
POST2306324_Walden_Luke_July_2025_POSAAB_Agenda_Record.pdf
POST2306324_Walden_Luke_Board_Recommendation_Signed.pdf
POST2306324_Walden_Luke_Transcript_Board_07.16.2025.pdf
POST2306324_Walden_Luke_November_2025_POSAAB_Agenda_Record.pdf
POST2306324_Walden_Luke_Board_Recommendation_Signed (2).pdf
POST2306324_Walden_Luke_Transcript_Board_11.06.2025.pdf
BRS19_POST2306324_Walden_Luke__DOJ_Email_of_Respondent_s_Firearms_Redacted
LAB Review.pdf



INVESTIGATIVE SUMMARY AND FINDINGS
(Supplemental)

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 9/30/2025

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I. Executive Summary and Findings

Between January 2021, and March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as "fuel filters" by Chinese companies. On or about March 17, 2021, Respondent, while off-duty purchased a purported automotive fuel filter online from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was trying to purchase a fuel filter for a 1980's Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent "Guilty" of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave, citing his tenure and service as reasons for leniency.

The investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAD) determined that in addition to an allegation of *Acts that Violate the Law* in violation of Penal Code section 13510.8(b)(6), an allegation of *Dishonesty* in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

On July 16, 2025, this investigation was presented to the Peace Officer Standards Accountability Advisory Board (Board). Respondent attended remotely with a representative and spoke during the public comment session. After the presentation by POSAD, the Board asked several questions of Respondent, then retired to closed session. At the conclusion of the closed session meeting, the Board unanimously recommended the case to the Commission for revocation of Respondent's Peace Officer certification.

On September 10, 2025, POSAD presented this investigation to the Commission. Respondent was not present but was represented by Counsel. At the conclusion of the presentation, Respondent's Counsel made remarks and then the Commission asked several questions of POSAD and Respondent's Counsel. The Commission then retired to closed session. At the conclusion of closed session, the Commission returned the case to POSAD for further investigation stating that they would like to see additional documents; directed POSAD to determine, if not apparent in the additional documents, why dishonesty was not an allegation made by LAPD; and referred the matter back to the Board.

II. Investigative Methodology

This supplemental report summarizes the findings related to a follow-up investigation into allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The follow-up investigation included a review of the LAPD administrative investigation, the Letter of Transmittal, the Board of Rights Rationale, the transcript of the Board of Rights hearing, and contact with the LAPD Professional Standards Bureau.

The Division analyzed the information obtained in this follow-up investigation and in the initial investigation using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that the Division believes establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

A. Respondent's Peace Officer Certificates and Employment

Respondent began his employment with LAPD as a full-time peace officer on July 6, 1998. He has no additional law enforcement appointments in California.

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from POST:

Certificate Type	***Date Issued***
Basic	1/20/2000
Intermediate	6/03/2008
Advanced	2/10/2011
Supervisory	10/24/2016

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

California Penal Code section 13510.8(c)(5) provides that the Commission "*shall* consider the peace officer's prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation".

On October 07, 2012, Respondent was promoted to the rank of Detective 1 and on June 15, 2014, was promoted to the supervisory rank of Detective 2. On June 5, 2022, Respondent was reassigned back to the lower paygrade of Detective 1, with no supervisory authority. These classification changes were administrative and therefore, there are no disciplinary records documenting this reassignment.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course
- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update

- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

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.

IV. Procedural Background

On September 10, 2025, during their regularly scheduled meeting, the POST Commission was presented the POSAD investigation related to POST2306324. At the conclusion of the presentation and discussion, the Commission directed POSAD to conduct a further investigation and return to the Board with the following additional documents for consideration:

- The entire LAPD Internal Affairs investigation report (CF# 21-001144)
- The LAPD administrative adjudication (Letter of Transmittal)
- The BOR decision rationales
- The BOR hearing transcripts

Additionally, the Commission wanted an explanation from LAPD why an allegation of "Dishonesty" had not been included in their findings at the conclusion of the IA investigation, and an understanding of whether Respondent was demoted from a supervisory Detective position to a non-supervisory position and whether that action was disciplinary in nature.

V. Factual Background and Summary of Further Investigation

On April 26, 2021, LAPD began a criminal investigation into the allegation that Respondent purchased a firearm silencer online from a company in China. They also began an administrative investigation which was conducted simultaneously by a separate investigator. Both investigations were compiled under the same report number, CF21-001144.

On June 30, 2021, the criminal investigation was presented to the Los Angeles County District Attorney's Office for consideration of charges. On February 23, 2022, the completed administrative investigation was approved and submitted to the Commander of the Special Operations Division to begin the adjudication process. (Attachment A).

On March 14, 2022, Captain Lillian Carranza, Commanding Officer of the Gang and Narcotics Division (Respondent's Commanding Officer), issued a request for a supplemental investigation to answer several specific questions she had. On January 12, 2023, Captain Carranza was provided with an eleven-page supplemental report with the answers. (Attachment B)

On February 21, 2023, Captain Carranza authored the adjudication Letter of Transmittal directing Respondent to a Board of Rights with a recommendation of termination from employment. (Attachment C)

Beginning on February 13, 2024, and concluding on February 15, 2024, the LAPD BOR conducted a hearing regarding the recommendation to terminate Respondent's employment. On February 14, 2024, at the conclusion of the evidentiary hearing the BOR Panel (Panel) unanimously concurred that Respondent had purchased and attempted to possess a firearm silencer and found him "Guilty" of the one-count allegation. Their four-page rationale for this decision described their basis for coming to this conclusion, including the relevant testimony and evidence presented, credibility determinations, the burden of proof for the agency, and reasonable inferences that may be drawn from the record. (Attachment D)

The Rationale addressed the testimony of the LAPD's witnesses and experts as well as Respondent's assertion that he was a car enthusiast rebuilding an older vehicle. The Rationale also addressed the fact that Respondent stated he had been qualified as a gun expert for the purpose of testifying in State court proceedings.

On February 15, 2024, the Panel heard testimony from character witnesses, LAPD witnesses, reviewed evidence, and then deliberated on the discipline to impose. At the conclusion of their deliberation, the Panel issued a four-page Rationale of their decision, which reduced the recommended discipline from termination of employment to a 30-day suspension. (Attachment

D) The Panel's rationale for reducing the imposed discipline acknowledged that Respondent was found guilty of committing a felony, and that continued employment could create complications for the agency with respect to Respondent being placed on a "Brady List"[1]. However, they decided Respondent's otherwise clean record, his years of service, and his commendations, "….outweighs the potential harm of your mistake."

During their investigation into Walden's misconduct, POSAD requested the transcripts for the BOR hearing on March 11, 2025. At that time the transcripts had not been produced. The transcripts were completed in three sections totaling 436 pages and released on June 25, 2025. LAPD provided them to POSAD on June 26, 2025. (Attachments E - G).

On September 11, 2025, POSAD submitted an inquiry to the LAPD Professional Standards Bureau (PSB) to determine why after sustaining the allegation of purchasing a firearm silencer, an allegation of dishonesty had not been included in the administrative investigation when it was submitted for final disposition, asserting that the Respondent's explanation during his IA interview was dishonest.

On September 24, 2025, PSB Captain David Hwang responded via email that LAPD decided not to "stack" the allegations against Respondent and just address the underlying allegation of purchasing a firearm silencer. Captain Hwang further stated, "….the absence of an allegation for providing false statements should not, in any way, indicate the Department believed his [Respondent] testimony to Internal Affairs was truthful." (Attachment V).

However, LAPD did address their concerns with Respondent's deceit and lack of accountability during the BOR hearing on February 15, 2024. LAPD asserted during their closing argument before the BOR that Respondent failed to take accountability for his actions every time the opportunity was presented, he was deceitful in providing false evidence, and lacked personal integrity, stating, "he displayed a series of evidence trying to either deceive or convince us that his actions were not what he was taking accountability for." *BOR Transcript 3*, page 65, line 23-25. Respondent's supervisor also refuted Respondent's claim that he would not have known the seized item was a silencer because it was his job to know what it was. *BOR Transcript 2*, page 116, line 25- page 117, line 4. The agency made it clear during the BOR hearing that they were concerned with Respondent's lack of honesty even if it wasn't framed in the form of an allegation.

[1] The California Brady Law refers to the obligation, stemming from the federal Supreme Court case Brady v. Maryland and codified in California Penal Code section 1054.1(e), for prosecutors to disclose "Brady material"—evidence that is exculpatory or undermines the credibility of a prosecution witness. The defense can file a "Brady motion" to request this information, which includes any evidence that could favor the defendant on the issue of guilt or punishment, or help impeach a witness.

With respect to Respondent's reclassification from supervising Detective to non-supervising Detective, according to PSU Sergeant Graham Dawson, the move was made as part of a management decision, not tied to discipline, as allowed for within LAPD policy section 3-763.55. No specific reason was given.

VI. Analysis and Findings

At the serious misconduct hearing before the Board on July 16, 2025, and the serious misconduct Commission hearing on September 10, 2025, the Division presentation included documents in support of their investigation to include:

ATF bulletins regarding solvent traps and fuel filters, the LAPD Criminalist report, criminal court documents, the BOR Rationale following the guilt phase of their proceeding, and numerous pictures of the seized item, the packaging, and a fuel filter Respondent purchased through Amazon.

At the direction of the POST Commission, the Division is including additional documents for the Board to review and consider, including the entire Internal Affairs (IA) Report and IA Supplement. As part of the direction by the Commission to present the entire IA report, the Division has included the following requested documents as attachments to this supplemental Investigative Summary and, includes documents that were listed as Addenda in the IA report and the IA Supplemental report:

IA Report CF21-001144
IA Supplement CF21-001144
Letter of Transmittal CF21-001144
Board of Rights decision
Board of Rights Rationale on Findings and Rationale on Penalty
Board of Rights Transcript (three files)
DMV Vehicle Registration Records
DOJ Email of Respondent's Firearms
LAPD Daily Worksheet
LAPD Printout of Respondent's firearms
LAPD Property Report
Pictures of Respondent's Vehicles

With the exception of the Board of Rights transcripts that were not yet available at the time that the Notice of Intent to Revoke was served on Respondent and the Board of Rights Rationale on Penalty, the Division possessed these items at the time of its initial investigation and information from them was incorporated into the Investigative Summary and Findings where relevant. The Investigative Summary and Findings was presented to the Board on July 16, 2025, and the Commission on September 10, 2025.

However, the Division makes the following corrections to its initial Investigative Summary and Findings:

- The Division learned via written and verbal public comment at the Board hearing on July 16, 2025, that Respondent was not aware of the LAPD investigation being conducted into his purchase of an illegal firearm silencer until he was presented with an order to appear for an interview, which occurred on January 11, 2022. Therefore, the Division's assertion in the Investigative Summary and Findings that he purchased the second fuel filter in August of 2021 as an attempt to bolster an alibi cannot be proven as factual.

- Additionally, the Division stated in the initial Investigative Summary and Findings that Respondent had been a member of the LAPD "Gun Unit" for three years. This assertion was based on the LAPD Administrative Investigation written report, Page 8, beginning at line 29 where it was reported Respondent was assigned to the Gang and Narcotics Division since April 2009 where he worked, ".... in an abatement unit, the Buy Team, the Gun Unit, and the…. (FBI) Gang Task Force for "approximately the last three years." Respondent stated at the Board hearing that he was only assigned to the Gun Unit, which is a unit within the Gang and Narcotics Division, for one year during that 3-year period.

However, neither these corrections nor the additional records acquired (the BOR transcripts) revealed any information that materially altered POSAD's analysis and findings, that Respondent engaged in serious misconduct, both *Acts That Violate the Law* and *Dishonesty.* The additional documentation included herein strengthens the Division's allegations by providing clarity on why LAPD did not put forth an allegation of Dishonesty in their IA report while at the same time showing that they did recognize the deceit and lack of accountability demonstrated by Respondent.

Further, in the Board of Rights transcripts, labeled *BOR Transcript 1*, page 95 beginning at line 21, Respondent is asked what training he has received related to firearm silencers. Respondent states, "Zero". However, upon further questioning, Respondent admits under oath that he trained with firearms with silencers during range training with LAPD, while assigned to the Gang and Narcotics Division. This contradicts Respondents statements made during the July 16, 2025, serious misconduct Board hearing, while answering questions from the Board, when Respondent stated "I've never dealt with a suppressor. I've never seen one in real life." *POSAAB Transcript*, dated July 16, 2025; page 140, line 21-22.

On page 97 of *BOR Transcript 1* Respondent explained his research on silencers as the unit's firearms expert and stated he researched them so that he could identify them if his unit got one from a gang member. This research and knowledge coupled with his already acquired knowledge and expertise in the area of firearms would make him a subject matter expert for the purposes of courtroom testimony.

Additionally, Respondent made the argument at his July 16, 2025 serious misconduct Board hearing, that he did not know the item he purchased using his PayPal account was a firearm silencer, however on page 99 of *BOR Transcript 1*, beginning at line 1, Respondent offers that he did Google picture searches of suppressors or silencers and that, as part of those searches, he did look at items marketed as fuel filters that were used as firearm silencers. Beginning at line 8, Respondent was asked if he looked at items marketed as fuel filters that were used as firearm silencer. He responds with, "Yes." He is then asked if he saw pictures of items marketed as solvent traps used as firearm silencers. He answers, "At some point I think that popped up." Having seen those pictures prior to purchasing the purported fuel filter from China, he would have recognized the item he purchased as being an illegal silencer being marketed as a fuel filter. This is further supported by the testimony of Lieutenant Bixler who supervised Respondent when he worked in the Gun Unit. Lieutenant Bixler testified that an individual who belongs to the LAPD Gun Unit would be able to discern a silencer if they saw it. *BOR Transcript 2*, page 121. Additionally, in response to the question "would the feature of monolithic core be something that Luke Walden was familiar with from his time in the Gun Unit?", Lieutenant Bixler responded "yes." *BOR Transcript 2*, page 116, line 25- page 117, line 4.

In *BOR Transcript 1*, page 115 beginning at line 1, when being questioned about the ATF Bulletins related to fuel filters used as silencers, Respondent contradicts himself when he states that he did not work with the ATF. When questioned about prior statements that he did work with the ATF, "… I worked with the ATF, DEA, FBI, HIS, …", Respondent stated he never personally worked with the ATF, he worked with people who worked with the ATF.

In *BOR Transcript 1* Page 119, beginning at line 8, Respondent is asked, “So is there any reason you ordered a “Napa 4003” after repeatedly looking into “Napa 4003” as part of your duties into suppressors in your job?”

Respondent answered, “Well, I ordered a fuel filter for my car, whatever the code delineation for that part, I don't remember what it was.”

Continuing through page 122, line 15, Respondent avoided answering direct questions by offering partial answers:

Q. Okay. And where did you buy this fuel filter from?

A. I do not recall.

Q. One second. What kind of fuel filter were you trying to buy?

A. A high flow fuel filter.

Q. So the thread on purchase, if I’m correct, is 1/2 by 28, correct?

A. I never got it, so I don't know.

Q. So you don't know specifically what you bought, you just bought an item without knowing what it was?

A. I bought an item I never received, so I couldn't verify what you're asking.

Q. So on the item you were trying to buy, what would the thread barrel or the thread TPI have been?

A. Well, I was hoping the thread would be half-inch by 28.

Q. Why were you hoping half-inch by 28?

A. Because it's a common standard size.

Q. Common standard size for what?

A. For threading.

Q. For threading for what?

A. For fuel filters, for fuel connectors.

Q. Okay. I'm going to refer you to Department's 3, page 6.

A. Is that the ATF?

Q. Yes.

A. Page 6.

Q. Yes. Under "common fuel filter threads," can you point out to me where it says 1/2 by 28?

A. No.

Q. Okay. What number do you see under "common filter threads for Napa 4003"?

A. It's three-quarters.

Q. Okay. So where did you hear that 1/2 by 28 was common for a fuel filter?

A. Because there's a reducer for the inlet, so on a fuel filter, you have the filter, and then There's reducers, just like the one that I purchased and I told the department about, for different size fuel lines. You buy the fuel filter, you get half-inch, basically there's -- it's a -- I forgot what it's called, it's, I call it a nipple, but it's basically a bolt with a hole through the middle of it, one size is the half-inch by 28, and that screws into the side of the fuel filter, then the fuel goes through that hole, and there's a nipple that basically, it's a male end that comes out, it's in the picture of the thing I bought. And then you have another female nut and basically you slide that onto the fuel line, you cut the fuel line and you use a fuel line expansion thing that basically allows the fuel line to be opened up, and when you pull the nut over it and you put the fuel filter on there, you can tighten it and it basically -- it's like a gas line on a house. There's a nipple, it has a nut and it pressurizes the system so it won't leak out, because you can't just put two nuts together, it will leak constantly, like on your dryer or on your gas line for your stove.

After reviewing the attached documents and the information gathered from LAPD for this supplemental investigation, coupled with the Investigative Summary and Findings dated March 13, 2025, the Division believes the evidence is clear and convincing Respondent committed the serious misconduct of *Dishonesty* when he denied purchasing a firearm silencer, and attempted to mislead investigators with the excuse of trying to buy a high-performance fuel filter. Respondent continued his dishonest statements throughout the Board of Rights hearing, denying he intentionally purchased a firearm silencer marketed as a fuel filter despite stating he had researched that very item for work related purposes, including seeing pictures of fuel filters and solvent traps marketed as firearm silencers prior to making his purchase. As indicated above, Respondent continued to be dishonest during the Board's July 16, 2025, serious misconduct hearing.

Additionally clear and convincing evidence exists to show Respondent committed the serious misconduct of *Acts that Violate the Law* when he committed a felony buy purchasing an illegal firearm silencer over the internet from a company in China, and had it shipped to his home address.

Refer to the ISF dated March 13, 2025, for additional detail and analysis.

VII. Supporting Evidence

- Attachment A – LAPD Administrative Investigation CF21-001144

  Attachment B – CF21-001144 Supplement
- Attachment C – LOT CF21-001144
- Attachment D – BOR Rationale
- Attachment E – BOR Transcript 1
- Attachment F – BOR Transcript 2
- Attachment G – BOR Transcript 3
- Attachment H – BOR Decision
- Attachment I – ATF Bulletin – Solvent Traps
- Attachment J – ATF Bulletin – Fuel Filters
- Attachment K – LAPD Criminalist Report
- Attachment L – Criminal Court Documents
- Attachment M – Pictures – seized item
- Attachment N – Pictures – packaging
- Attachment O – Pictures – Amazon purchase
- Attachment P – DMV Vehicle Registration Records
- Attachment Q – DOJ Email of Respondent's Firearms

- Attachment R – LAPD Daily worksheet
- Attachment S – LAPD Printout of Respondent's Firearms
- Attachment T – LAPD Property Report
- Attachment U – Pictures of Respondent's Vehicles
- Attachment V – LAPD Email RE: Honesty Allegation
- Attachment W – POSAD ISF Dated March 13, 2025
- Attachment X – Transcript - July 16, 2025 POSAAB Board hearing

POST PROFILE NAME:

WALDEN, LUKE BAXTER

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 10/14/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A95-T18	LOS ANGELES PD	[redacted]	[redacted]	

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
97748	B	01/20/2000		53.00		
93079	I	06/03/2008	42	53.00		[redacted]
86768	A	02/10/2011	78	53.00	0.00	
85863	S	10/24/2016	78.00	0.00	0.00	

Total Number of Certificates: 4

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
07/06/1998	10/07/2012	7	PO	07/06/1998	19420	LOS ANGELES PD	F	P	
07/06/1998	06/15/2014	7	DET	10/07/2012	19420	LOS ANGELES PD	F	P	
07/06/1998	06/05/2022	7	SUP	06/15/2014	19420	LOS ANGELES PD	F	P	
07/06/1998			DET	06/05/2022	19420	LOS ANGELES PD	F	P	

***Reason for Separation: 7 = Promotion/Demotion**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/31/1998	K	4890-23272-98-072	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
01/15/1999	A	1850-00100-98-001	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
02/18/1999	K	1850-21025-98-021	16	R	Y	19420	LAPD		ARREST/CONTROL TACTICS UPDATE
04/08/1999	K	1850-20680-98-110	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
04/08/1999	K	1850-29901-98-258	2		Y	19420	LAPD		S&K-INTOXIMETER
08/03/1999	K	1850-23761-99-014	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/08/2000	K	1850-29900-99-314	8		Y	19420	LAPD		S&K-CRIME SCENE INVEST
02/17/2000	K	1850-29900-99-388	8		Y	19420	LAPD		S&K-.45 PISTOL TRANSITION COUR
05/23/2000	K	1850-29900-99-665	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
01/15/2001	K	1850-29900-00-299	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
01/19/2001	K	1850-32290-00-003	32		Y	19420	LAPD		JUVENILE LAW ENFORCEMENT
02/19/2001	K	1850-29900-00-421	8		Y	19420	LAPD		S&K-FIREARMS BEAN BAG
07/11/2001	K	1850-32095-01-023	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/03/2001	K	1850-22405-01-021	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
04/10/2002	K	1850-22405-01-139	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
05/14/2002	K	1850-21025-01-054	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/13/2002	K	1850-22405-01-089	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
10/04/2002	K	1850-32651-02-001	40		Y	19420	LAPD		NARC INVESTIGATION
10/21/2002	K	4890-23284-02-001	8		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT
03/06/2003	K	1850-29900-02-415	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
03/25/2003	K	1850-29900-02-473	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
07/11/2003	K	1850-22120-03-001	24		Y	19420	LAPD		SURVEILLANCE TECHNIQUES
08/04/2003	K	1850-29900-03-024	8		Y	19420	LAPD		S&K-MANAG WORKPLACE MOD #248
10/23/2003	K	1850-23161-03-009	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
11/07/2003	K	1850-31725-03-004	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/19/2003	K	1850-29900-03-083	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
03/02/2004	K	1850-31810-03-025	16		Y	19420	LAPD	*	FIREARMS/SEMI-AUTO PISTOL
01/20/2005	K	1850-21025-04-031	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
06/21/2005	K	1850-32075-04-039	16		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/10/2005	K	1850-22414-05-008	2	X	Y	19420	LAPD		FIREARMS/OFCR SURVL SHOOTING
10/24/2005	K	1850-31767-05-032	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/14/2006	K	1850-22418-05-002	4		Y	19420	LAPD		PEDESTRIAN STOPS/WEAPONS
02/14/2006	K	1850-20832-05-002	4		Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
04/27/2006	K	1850-23161-05-023	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
05/04/2006	K	1850-32075-05-023	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/30/2006	K	1850-24270-05-016	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
09/14/2006	K	1850-32095-06-017	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/10/2006	K	1850-32693-06-026	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
11/28/2006	K	1850-32075-06-020	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
01/10/2007	K	1850-29502-06-064	4	X	Y	19420	LAPD	*	DRIVING(PSP)
01/10/2007	K	1850-21124-06-059	4	R	Y	19420	LAPD	*	FOOT PURSUITS
01/10/2007	K	1850-29000-06-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
05/23/2007	K	1850-32075-06-050	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
07/31/2007	K	1850-21018-07-017	2		Y	19420	LAPD		BUILDING SEARCHES
07/31/2007	K	1850-22418-07-009	4		Y	19420	LAPD	*	PEDESTRIAN STOPS/WEAPONS
07/31/2007	K	1850-20832-07-010	4	R	Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
09/06/2007	K	1850-32075-07-022	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
10/02/2007	K	1850-21752-07-010	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/04/2007	K	1850-32075-07-048	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
03/05/2008	K	1850-32693-07-013	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
10/24/2008	K	1850-31725-08-001	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/07/2008	K	1850-21165-08-006	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
01/05/2009	K	1850-31789-08-091	8	X	Y	19420	LAPD		WMD UPDATE
01/21/2009	K	1850-20662-08-009	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
04/15/2009	K	1850-24270-08-014	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-24270-09-004	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-21647-09-027	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/13/2010	K	1850-32693-09-012	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
05/12/2010	K	1850-29503-09-109	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
05/25/2010	K	1850-32078-09-037	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/07/2010	K	1850-20147-09-208	10		Y	19420	LAPD		MACTAC BASIC
07/06/2010	K	1850-21165-10-042	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
07/06/2010	K	1850-21065-10-140	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/29/2010	K	1850-22680-10-001	8		Y	19420	LAPD		P.R.O.A.C.T.
04/26/2011	K	1850-24270-10-007	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/13/2011	K	1850-32693-11-002	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/15/2012	K	1850-21752-11-036	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
05/29/2012	K	1850-24270-11-024	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/03/2012	K	1850-32078-12-067	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/28/2012	K	1850-22435-12-003	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
03/05/2013	K	1850-32078-12-085	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/04/2013	K	9260-22020-12-025	8		Y	19420	DOJ		ELECTRONIC SURVEILLANCE
06/19/2013	K	1850-32693-12-025	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
09/10/2013	K	1850-24270-13-004	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/17/2013	K	1850-32078-13-010	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
11/06/2013	K	1850-24270-13-015	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
02/20/2014	K	1850-32693-13-024	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/19/2014	K	1850-29502-13-140	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/19/2014	K	1850-21124-13-073	4	X	Y	19420	LAPD	*	FOOT PURSUITS
03/25/2014	K	1850-32078-13-076	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/12/2014	K	1850-32693-13-034	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
06/27/2014	D	1850-00400-13-008	80		Y	19420	LAPD		SUPERVISORY COURSE
06/30/2014	K	9180-25554-13-365	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
07/02/2014	K	1850-29000-14-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
08/05/2014	K	1850-29000-14-255	2	X	Y	19420	LAPD		MENTAL HEALTH UPDATE
09/18/2014	K	1850-32085-14-001	24	X	Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
10/20/2014	K	1850-32078-14-048	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/30/2014	G	1850-31487-14-001	24	X	Y	19420	LAPD		INVESTIGATIVE SUPERVISORY OPERATIONS-DETECTIVES
04/13/2015	K	1850-32078-14-147	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/10/2015	K	1850-21124-15-013	4		Y	19420	LAPD	*	FOOT PURSUITS
08/13/2015	K	1850-32691-15-014	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
10/17/2015	K	1850-20167-15-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
01/14/2016	K	1850-24270-15-022	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
03/16/2016	K	1850-21165-15-019	4	R	Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
03/30/2016	K	1820-21842-15-018	8	X	Y	19420	LASD		COPLINK BASIC USERS' COURSE
04/06/2016	K	1850-32078-15-055	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/29/2016	K	1850-32691-15-012	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
07/07/2016	K	9180-25554-16-007	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
11/02/2016	K	1850-32078-16-072	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/10/2016	K	1850-32592-16-011	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/15/2016	K	1850-21185-16-070	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
04/25/2017	K	1850-32078-16-155	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/22/2017	K	1850-29303-17-029	4	X	Y	19420	LAPD		BELOW 100
08/22/2017	K	1850-20268-17-028	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
10/03/2017	K	1850-24270-17-007	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/24/2017	K	9180-25585-17-116	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
11/09/2017	K	1850-32078-17-077	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
02/01/2018	K	1850-29502-17-058	4	X	Y	19420	LAPD	*	DRIVING(PSP)
02/01/2018	K	1850-21124-17-008	4	X	Y	19420	LAPD	*	FOOT PURSUITS
04/12/2018	K	1850-32078-17-187	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
09/20/2018	K	9180-25587-18-082	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
10/04/2018	K	1850-24270-18-015	6	X	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/01/2018	K	1850-29503-18-043	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2018	K	1850-32691-18-015	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
12/05/2018	K	1850-32078-18-084	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/18/2018	K	1850-21954-18-071	9	X	Y	19420	LAPD	*	CROWD CONTROL
10/01/2019	K	1850-32078-19-020	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/02/2019	K	1850-29503-19-038	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
02/18/2020	K	9180-25585-19-233	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
06/17/2020	K	1850-20799-19-078	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
07/23/2020	K	1850-32592-20-004	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/01/2020	K	9180-25590-20-154	2	X	Y	19420	POST		COURTROOM TESTIMONY (WEB)
12/08/2020	K	1850-21954-20-014	9	X	Y	19420	LAPD	*	CROWD CONTROL
12/15/2020	K	9180-25588-20-168	4	X	Y	19420	POST		CALLERS IN CRISIS: SUICIDAL CALLERS (WEB)
04/28/2021	K	1850-32063-20-024	8	X	Y	19420	LAPD		FIREARMS - SIGHTING SYSTEMS
03/20/2024	K	1850-32095-23-075	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
03/21/2024	K	1850-29503-23-144	4		Y	19420	LAPD	*	ARSTCTL(PSP)
03/25/2024	K	9181-25586-23-269	8	X	Y	19420	CAPLP		FIRST AID/CPR/AED (WEB)
03/29/2024	K	1850-21115-23-010	8		Y	19420	LAPD	*	DRIVER TRAINING UPDATE
03/31/2024	K	1850-21772-23-063	8	X	Y	19420	LAPD		TACTICAL EMERG. FIRST AID/TRAUMA CARE
03/31/2024	K	1850-34490-23-015	8	X	Y	19420	LAPD		LEADERSHIP DEVELOPMENT PROGRAM
03/31/2024	K	1850-33886-23-030	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
05/01/2024	K	1850-32078-23-125	4	X	Y	19420	LAPD		FIREARMS/TACTICAL RIFLE UPDATE
07/31/2024	K	1850-10738-24-038	8	X	Y	19420	LAPD		ACTIVE BYSTANDER FOR LAW ENFORCEMENT
04/09/2025	K	1487-29540-24-283	2		Y	19420	PLI	*	STRATEGIC COMMUNICATIONS (PSP)
04/22/2025	K	1487-29580-24-296	4		Y	19420	PLI	*	USE OF FORCE (PSP)
05/14/2025	K	1820-28007-24-027	8	X	Y	19420	LASD		FACIAL RECOGNITION TECHNOLOGY
05/20/2025	K	1850-32095-24-208	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
05/20/2025	K	1850-29503-24-182	4		Y	19420	LAPD	*	ARSTCTL(PSP)
08/25/2025	K	1487-20185-25-056	4	X	Y	19420	PLI		DE-ESCALATION AWARENESS AND COM.

***Meets Perishable Skills**

FOOTNOTES

Date	Additional Information/Actions Taken
12/04/2023	This peace officer's certification was temporarily suspended by the POST Executive Director from 05/18/2023 to 12/04/2023.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES

This section will only appear if applicable.

FOOTNOTES

This section reserved for additional information.

INVESTIGATIVE RESPONSIBILITY:

The Investigating Officer (IO) Detective II Ross Nemeroff, Serial No. 31679, Special Operations Division (SOD), can be reached at telephone number (323) 276-7114. Any request for a supplemental investigation must be approved by the Commanding Officer (CO), SOD, by way of an Intradepartmental Correspondence, Form 15.02.00.

STATUTE ISSUES:

The case was referred to the Los Angeles County District Attorney's Office protocol for the allegations of criminal misconduct.

BACKGROUND:

Pursuant to my current criminal investigation, I recently spoke with various federal investigators from the United States Department of Homeland Security and Department of Justice, specifically officers/agents assigned to Homeland Security Investigations (HSI), Custom Border Patrol (CBP), and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regarding an influx of non-regulated firearm suppressors entering the United States via foreign sources. According to CBP officers, they are working to combat the flow of these suppressors into the United States and have intercepted thousands of suppressors, or parts of suppressors, being shipped into the United States from various senders based out of China.

The intercepted packages are often mislabeled and incorrectly manifested, thus giving the impression that the item contained in the shipping package is something else. Senders have often identified the contents of the packages as "filters," "machine filter nozzle," "motorcycle filter," "fuel filter," other items with the word "filter," or "solvent traps" in the commodity description. Additionally, I toured CBP's Los Angeles International Mail Facility where international mail is screened and inspected by CBP officers. I witnessed how suspected contraband is detected and identified utilizing a dedicated X-Ray machine.

I have further read Technical Bulletins published by the ATF (Technical Bulletins dated April 20, 2017 and October 30, 2019) regarding the detection and identification of firearm silencers, which have been marketed as "inline filters" and "solvent traps" (Addenda 1 and 2). The Technical Bulletins also referenced that legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through. Devices that have a hole in or index mark for a hole in the front end-cap are classified as a "firearm silencer" under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered silencers by simply coring a hole in the closed end which would prevent the device from trapping dirt or solvents. Some devices marketed as "solvent traps" and "fuel filters" have index markings showing where to drill a hole that would modify the trap into a silencer. Some also include silencer baffles, which are

common in firearm suppressors but which serve no legitimate purpose in a solvent trap or fuel filter.

Additionally, I researched Title 18, United States Code, Section 921 (a)(24), which defined a firearm silencer or "suppressors" as "any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication." The State of California defined the term "silencer" as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a felony for a person, firm, or corporation to possess a silencer.

Federal investigators informed me that in order to legally possess a suppressor, an individual must apply for and receive advanced approval from the ATF. A silencer must also have a registered serial number and bear that serial number. An individual who had obtained ATF approval to receive and possess a silencer would appear on the National Firearms Registration and Transfer Record.

The NFA prohibits the importation of suppressors unless they are for the use by the United States, for scientific research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. Similarly, the Gun Control Act (GCA) of 1968, confided at Title 18, United States Code, Chapter 44, requires that firearms imported into the United States bear a serial number and restricts importation to firearms "generally recognized as particularly suitable for or readily adaptable to sporting purposes."

Lastly, I conducted numerous searches on the internet, specifically YouTube, which revealed numerous videos of "fuel filters" and "solvent traps" being used as firearm suppressors. As a result of my investigative research into silencers and conversations with federal investigators, I gained a general understanding of how people attempt to unlawfully purchase, smuggle, and use silencers.

SUMMARY:

On April 22, 2021, CBP Officer Marisela Peña was assigned to the Los Angeles International Mail Facility located at 20700 Denker Avenue, Torrance California, 90501. At approximately 12:03 PM, Peña was screening a bin of parcels from the People's Republic of China utilizing a dedicated X-Ray machine. She subsequently identified 13 objects that were consistent with firearm silencers. The objects were contained in 13 separate parcels destined to various recipients throughout California. All of the parcels were declared by the shipping agent as "fuel filters." Through Peña's training and experience, she recognized that firearm silencers are often declared as fuel filters to avoid detection and that most of these firearm silencers were shipped from China. CBP generated a list of the 13 intercepted parcels and contacted various HSI offices for possible investigation. One of the parcels was addressed to Luke Walden, with an address of [redacted] CBP contacted the HSI Office in the San Fernando Valley and the case was assigned to HSI Special Agent Razmik Madoyan.

Note: CBP conducts routine examinations of parcels shipped by foreign mail services before the parcels are prepared for delivery to their final destination. Due to the large volume of cargo that enters the United States on a daily basis, CBP is unable to examine all parcels. CBP uses a variety of methods to select parcels for border search examination, including random and targeted inspections. Pursuant to their authority under Title 19, Code of Federal Regulations Section 162.6, also known as "Border Search Authority", CBP officers and certain other law enforcement officers may conduct examinations of goods entering the United States without a search warrant, probable cause, or individualized suspicion. Additionally, searches at the border do not require probable cause or a warrant. United States v. Ramsey, 431 U.S. 606, 619 (1977).

HSI Special Agent Razmik Madoyan conducted a preliminary investigation of Walden and the parcel that was intended to be delivered. The tracking number associated with the parcel was listed as "LY694058860CN." During his research, Madoyan discovered that Walden was employed by the LAPD and notified his supervisor. The notification subsequently led to my involvement in the case.

Utilizing Department resources, I confirmed that Walden is employed by the LAPD as a Detective II assigned to Gang and Narcotics Division (GND) and is assigned to an office located at LAPD within Olympic Area Community Police Station. According to Department resources, Walden's home address is listed as [redacted]

On April 26, 2021, I responded to the HSI office in the San Fernando Valley and took possession of the parcel. The parcel was purple in color, partially opened, and was contained inside a larger clear evidence bag. A photographer from LAPD's Technical Investigation Division responded to the location and photographed the parcel, its contents, and a control log. Upon inspection of the outside of the parcel, I noted the shipping label was addressed to Luke Walden at [redacted] The sender was labeled as Xu Shi Ming, from Wuhan, China. The description of the item was a "fuel filter" with a weight of .225 kilograms and a value of 10 dollars. The shipping label contained the following characters: 螺旋1/2-28單芯汽車燃油濾清器. A search of those characters on the internet website "Google Translate," interpreted this as "Spiral ½ - 28 single-core automobile fuel filter (6-inch ½"– 28-black spiral P0171289910).

Note: The thread measurement, "½ - 28" appears in the ATF Technical Bulletin 20-21, *Inline Filter Firearm Silencers*, on page 5. A ½ - 28 RH bolt thread can be applied to the following firearms; AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 tactical rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

Upon viewing the contents of the parcel, I noticed a black-colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked end cap, a threaded ring, and a plastic tube. On May 12, 2021, I booked the device and its components at Property Division under DR#219913105 (Addenda 3).

Criminalist Fadil Biraimah, Serial No. N3140, Forensic Science Division (FSD), examined the device and its components. Biraimah concluded that the assembly, as received, is a silencer as described in California Penal Code Section 17210 (Addenda 4).

I contacted the California Department of Justice (Cal DOJ) and obtained a list of all firearms that were registered to Walden. According to the list, Walden has 48 registered firearms, many of which are compatible with the ½ - 28 barrel thread sizes. The firearms include 39 handguns, 8 rifles, and 1 shotgun.

On April 28, 2021, I requested that Information Technology Bureau (ITB) conduct an audit of Walden's internet search history on Department computers between January 1, 2020, to April 28, 2021.

ITB produced Excel spreadsheets containing the requested data which included keyword searches for "silencer, fuel filter, solvent trap, China, threaded barrel, firearm, barrel, 33410, and rifle." Walden visited websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that are registered to him, a rifle that is registered to him, and threaded barrels for weapons that are not registered to him.

www.kimberamerica.com website searches

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005 (Walden has 2 Kimber .45 cal handguns registered to him)
- 9 mm Stainless Steel Threaded Barrel SKU: 4000006 (Walden does not have a Kimber 9mm registered to him)

www.opplanet-trybe.com website searches

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel (Walden has 1 Glock 22 registered to him)
- TRYBE Defense Glock 23/32 9mm threaded Conversion Pistol Barrel (Walden does have a Glock 23/32 registered to him)
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel (Walden has 1 Glock 34 registered to him)
- TRYBE Defense AR Pistol Barrel 9mm (Walden has AR 9mm Pistol registered to him)
- TRYBE Defense Sig Sauer P320 (Walden does not have a Sig Sauer P320 registered to him)

www.pealtier.com website searches

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator (Walden has a Ruger .22 rifle registered to him)

The Department computer audit also revealed that Walden visited websites that advertised the sale of "fuel filters." Walden overwhelmingly searched an inner thread size of ½ -28 converting to an outer thread size of 5/8 – 24. The ½ -28 thread size would apply to many of the weapons registered to Walden.

www.pealtier.com website search

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com website search

- WIX WF10429 Fuel Filter unknown thread size.

www.yhothe.com website search

- Fuel Filter for 4002 WIX ½ -28 5/8 – 24

www.rallyset.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent trap for Napa 4003 WIX 24003

www.bupuff.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com website search

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ -28 5/8 -24

www.kikogift.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com website search

- Fuel Filter Solvent trap

www.qoopuff.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

On June 30, 2021, I presented this case to the Los Angeles County District Attorneys Office, Justice System Integrity Division for filing consideration.

ADDENDA

1. A-F ATF Bulletin "Inline Filter" Firearm Silencers, Technical Bulletin 20-01
2. A-H ATF Bulletin "Solvent Traps", Technical Bulletin 17-02
3. Property Report DR#219913105
4. A-C Forensic Science Division Report

SUBMITTED BY:

ROSS NEMEROFF, Detective II
Complaint Investigator
Special Operations Division

APPROVED:

KENNETH CABRERA, Lieutenant
Officer in Charge
Special Operations Division

All information subsequent to this page was obtained in furtherance of an administrative complaint investigation. Pursuant to Penal Code Section 832.7, it is deemed CONFIDENTIAL. The subsequent information herein has not and shall not be used in furtherance of any criminal investigation, unless mandated by applicable law.

Penal Code Section 832.7 (a) states, "The personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

INVESTIGATIVE RESPONSIBILITY

The Investigating Officer (I/O) for this case was Sergeant II John Jizmejian, Serial No. 33615, Special Operations Division (SOD). He can be contacted at (323) 276-7115. Any requests for supplemental investigation must be approved by the Commanding Officer, SOD, via an Intradepartmental Correspondence, Form 15.2.00.

STATUTE ISSUES

This case is tolled due to an ongoing criminal investigation.

SUMMARY

Detective II Ross Nemeroff, Serial No. 31679, SOD, was assigned to investigate alleged criminal misconduct by Detective II Luke Walden, Serial No. 34898, Gang and Narcotics Division. On June 30, 2021, Nemeroff presented his investigation to the Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID), for filing consideration.[1]

This case was assigned to the I/O (Jizmejian) for the purposes of interviewing Walden and conducting the administrative investigation.

ALLEGATION

ALLEGATION 1. The Department alleges that on an unknown date, Detective Walden, while on duty or off duty, attempted to obtain a firearm silencer.

STATEMENT

Walden[2] was assigned to GND since April 2009. He worked various assignments in GND, including an abatement unit, the Buy Team, the Gun Unit, and the Federal Bureau of Investigation (FBI) Gang Task Force for approximately the last three years.

Walden was in the process of re-building two vehicles that he owned; a 1985 and a 1983 Toyota Celica. Walden ordered a fuel filter for the 1985 Celica which never arrived. Walden did not recall the vendor or when he ordered the item. He later ordered another fuel filter from Amazon.com which he received. Walden never ordered or attempted to obtain a firearm silencer.

> **Note:** Walden provided pictures of the vehicles he was working on, a picture of the type of fuel filter he ordered and received, and a bracket for the filter. The I/O verified both vehicles were registered to Walden (Addenda 5-7).

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[1] A filing determination was not made by JSID when this investigation was submitted for review.
[2] The I/O conducted a digitally recorded interview of Walden on January 11, 2022. The recording of the interview was placed on a compact disc and booked at Technical Investigation Division, Control No. 771659.

Walden had some knowledge about silencers which he obtained during his assignments; however, he was not an expert. He knew that firearm silencers were illegal to possess. Walden did not dispute the results of the audit of his internet search history by Information Technology Bureau. Walden explained that he utilized a Department computer to conduct internet searches on silencers only for work related reasons. Walden did not recall when he conducted the searches or what keywords he used. Walden explained that he obtained information from sources provided by the FBI regarding suspects wishing to sell "ghost guns" which possibly led to some of the information captured in the audit. Also, on occasion he obtained information or leads which resulted in internet research that may have been captured in the audit as well.

INVESTIGATOR'S NOTE

1. On April 26, 2021, Nemeroff responded to the United States (U.S.) Department of Homeland Security, U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI), office in the San Fernando Valley. Nemeroff took possession of the parcel in question that was addressed to Walden. A photographer assigned to TID responded and photographed the parcel and its contents. The photographs were assigned Control No. D0803173 (Addendum 8).

ADDENDA

5A-D. Pictures of Walden's vehicles, California license plate nos. [redacted] and [redacted].
6A-B. Pictures of the type of fuel filter and bracket Walden ordered.
7A-B. Registration information regarding Walden's vehicles.
8A-F. Photographs, Control No. D0803173.

SUBMITTED BY:

JOHN JIZMEJIAN, Sergeant
Special Operations Division

APPROVED:

2/23/22

AMMON WILLIAMS, Detective
Acting Officer in Charge
Special Operations Division

OMAR BAZULTO, Captain
Commanding Officer
Special Operations Division

INTRADEPARTMENTAL CORRESPONDENCE

January 12, 2023
13.2

TO: Commanding Officer, Gang and Narcotics Division

FROM: Commanding Officer, Special Operations Division

SUBJECT: SUPPLEMENTAL INVESTIGATION, CF No. 21-001144

SUMMARY

Captain III Lillian Carranza, Serial No. 26994, Gang and Narcotics Division (GND), raised the following issues/concerns during adjudication and requested a supplemental investigation. This correspondence was completed to address the investigative issues.

Detective II Ross Nemeroff, Serial No. 31679, Special Operations Division (SOD), conducted the criminal investigation for CF No. 21-001144, and Sergeant II John Jizmejian, Serial No. 33615, SOD, conducted the administrative investigation. Nemeroff provided responses to the issues raised in the Request for Supplemental Investigation that pertained to the criminal portion of the investigation and Jizmejian provided responses to the concerns that pertained to the administrative portion of the investigation. Jizmejian formatted the document and presented it for review.

<u>Issue No. 1</u>
Investigation Page Nos. 4-5, indicate several websites that Walden visited which advertised the sale of threaded barrels for weapons.

- Please indicate the dates that each of these websites were visited. If visited on multiple occasions, please include also. The search results should also be an addenda item.

RESPONSE

December 21, 2020 8:08:15 AM
www.sarcoinc.com/1911-45-threaded-5-barrel/

February 2, 2021 6:10:48 AM
www.pealtier.com/products/aluminum-barrel-end-thread-protector-for-ruger-1022-1022-muzzle-brake-12x28-58x24-750-adapter-combo-223-308-compensator

February 2, 2021 6:10:48 AM
www.facebook.com/tr/?id=406640317076297&ev=PageView&dl=https://www.pealtier.com/products/aluminum-barrel-end-thread-protector-for-ruger-1022-1022-muzzle-brake-12x28-58x24-750-adapter-combo-223-308-compensator

February 3, 2021 6:20:22 AM
www.pealtier.com/products/aluminum-barrel-end-thread-protector-for-ruger-1022-1022-muzzle-brake-12x28-58x24-750-adapter-combo-223-308-compensator

February 3, 2021 6:20:23 AM
t.paypal.com/ts?pgrp=muse:third-party:analytics-xo::JS7ADHMWV292A-1&page=muse:third-party:analytics-xo::JS7ADHMWV292A-1:::&tsrce=tagmanagernodeweb&comp=tagmanagernodeweb&sub_component=analytics&s=ci&item=2ff7ee45-e21a-4b4e-bac1-e39f81025e71&fltp=analytics&mrid=JS7ADHMWV292A&code=CHECKOUT_BUTTON&partner_name=CHECKOUT_BUTTON

February 24, 2021 8:58:45 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000005_45_threadedbarrel_alt.jpg

February 24, 2021 8:58:45 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000006_9mmthreadedbarrel.jpg

February 24, 2021 9:07:06 AM
store.kimberamerica.com/45-acp-stainless-steel-threaded-barrel

February 24, 2021 9:07:31 AM
store.kimberamerica.com/45-acp-stainless-steel-threaded-barrel

March 10, 2021, 05:56:56 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000005_45_threadedbarrel_alt.jpg

March 10, 2021, 05:56:56 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000006_9mmthreadedbarrel.jpg

March 10, 2021, 05:58:10 AM
store.kimberamerica.com/media/catalog/product/cache/2/thumbnail/50x50/9df78eab33525d08d6e5fb8d27136e95/4/0/4000005_45_threadedbarrel_alt.jpg

March 11, 2021, 06:46:32 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-glock-22-31-9mm-threaded-conversion-pistol-barrel-1-2-x-28-416r-stainless-steel-black-nitride-tpbconvg22-31-bn-main.jpg

March 11, 2021, 06:46:32 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-match-grade-non-threaded-pistol-barrel-glock-19-19x-black-nitride-pbg19-bn-main.jpg

March 11, 2021, 06:46:37 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-glock-23-32-9mm-threaded-conversion-pistol-barrel-1-2-x-28-416r-stainless-steel-black-nitride-tpbconvg23-32-bn-main.jpg

March 11, 2021, 06:46:38 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-grade-threaded-pistol-barrel-1-2-x-28-thread-glock-34-black-nitride-tpbg34-bn-main-1.jpg

March 15, 2021, 07:15:36 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-7-5-in-thin-profile-ar-pistol-barrel-9mm-1-2x28-threads-nitride-black-barpist759mm-main.jpg

March 15, 2021, 07:16:10 AM
op2.0ps.us/70-70-ffffff/opplanet-trybe-defense-grade-threaded-pistol-barrel-sig-sauer-p320-1-2-x-28-thread-black-nitride-tpbsig320-bn-main-2.jpg

March 15, 2021, 07:16:10 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-grade-threaded-pistol-barrel-1-2-x-28-thread-glock-34-black-nitride-tpbg34-bn-main-1.jpg

April 28, 2021 2:33:23 PM
www.brownells.com/items/1911-threaded-barrel.aspx

April 28, 2021 2:33:52 PM
www.brownells.com/handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels-prod77975.aspx

Note: The results of the audit by Information Technology Bureau of Walden's internet search history on Department computers was placed on a compact disc (CD) by Nemeroff (Addendum 9).

- Was Walden asked specifically about visiting each of these websites? If so, what was his response to each?

RESPONSE

Walden was not asked specifically about visiting each of these websites. The CO, SOD, made a determination that a re-interview of Walden will not be conducted due to ongoing criminal proceedings.

- Was Walden able to provide a DR number, booking number, or case that required the searches?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted due to ongoing criminal proceedings.

Issue No. 2

Investigation Page No. 5, lines 7-9, indicated that "Walden overwhelmingly searched an inner thread size of ½ - 28 converting to an outer thread size of 5/8 - 24. The ½ - 28 size would apply to many of the weapons registered to Walden."

- The wording "overwhelmingly" may appear biased. Please give an actual numerical amount for each of the searched items or consider "predominately."

RESPONSE

The word "overwhelmingly" was originally used to account for 26 Uniform Resource Locaters (URL) containing the thread size data of 1/2 - 28 5/8 -24. Senior Systems Analyst David Nuno, Serial No. N6213, Customer Support and IT Security Section, ITD, advised the IO that when date and time stamps of URLs are separated by mere seconds, this would be considered "advertisements rendering automatically." Further explained, if an internet user searched a website and an ad popped up on the screen, without the internet user interacting with the keyboard or mouse, this would automatically generate a new URL similar to the original. URLs separated by minutes could be considered "user actions," meaning with the internet user interacting with the keyboard or mouse.

- Please indicate the dates that each of these items were searched. If visited on multiple occasions, please include also. The search results should also be included as an addenda item.

RESPONSE

In February 2021, Walden searched for thread size data of ½ - 28 5/8 - 24 on five occasions.

February 3, 2021 6:06:31 AM
l.facebook.com/l.php?u=https://www.yhothe.com/products/car-oil-fuel-filter-for-4003-wix---1-2-28-5-8-24

February 3, 2021 6:21:27 AM
www.facebook.com/tr/?id=406640317076297&ev=ViewContent&dl=https://www.pealtier.com/products/new-fuel-filter-suit-for-napa-4003-wix-24003-58-24-12-or-12-28-12-turbo-air-filter-threaded-end-cap

February 24, 2021 8:44:10 AM
www.rallyset.com/products/clearance-price-32.99-last-day-for-napa-4003-wix-24003---1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

February 24, 2021 8:44:33 AM
www.facebook.com/tr/?id=2397049842031 23&ev=PageView&dl=https://www.rallyset.com/products/clearance-price-32.99-last-day-for-napa-4003-wix-24003---1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

February 24, 2021 8:46:42
www.facebook.com/tr/?id=2397049842031 23&ev=SubscribedButtonClick&dl=https://www.rallyset.com/checkouts/1575441d37bba5f5002fcf507245e94c?step=shipping_method&rl=https://www.rallyset.com/products/clearance-price-32.99-last-day-for-napa-4003-wix-24003---1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

In March 2021, Walden searched for thread size data of ½-28 5/8-24 on five occasions.

March 16, 2021 7:10:01 AM
www.napa4003solventtraps.com/products/aluminum-12-10-6-extension-spiral-12-20-12-28-58-24-m141-m141l-car-fuel-filter-car-solvent-trap-for-napa-4003-wix-24003

March 16, 2021 7:21:39 AM
l.facebook.com/l.php?u=https://www.bupuff.com/products/buy-1-get-1-free-%F0%9F%94%A5last-day-%F0%9F%94%A5-for-napa-4003-wix-24003-1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

March 16, 2021 9:06:29 AM
l.facebook.com/l.php?u=https://www.riorrkids.com/products/clearance-price-car-oil-fuel-filter-for-4003-wix-12-28-58-24

March 16, 2021 9:10:08 AM
l.facebook.com/l.php?u=https://www.kikogift.com/products/buy-1-get-1-free-%F0%9F%94%A5last-day-%F0%9F%94%A5-for-napa-4003-wix-24003-1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

March 29, 2021 6:01:42 AM
www.qoopuff.com/products/for-napa-4003-wix-24003-1-2-28-5-8-24-fuel-filter-aluminum-solventtrap?fbclid=IwAR3VdO9dlGEUfev6TDp1zfroqyHUDeBNfltzQCkg91TehivOPb7AFZbPN0g

- The statement that the "thread size would apply to many of the weapons registered to Walden" is vague and non-specific. Please clarify what is meant by "apply to" and indicate specifically which weapons registered to Walden that these parts would actually "apply to." There are only a few of the firearms that have threads on the barrel. Therefore, "apply to many of the weapons" would require modification to the firearms which there is no indication that Walden did.

RESPONSE

Refer to page 3, lines 39-41. The ATF Technical Bulletin on thread size of silencers and weapons that they are compatible with.

Refer to page 4, lines 11-14 for information regarding Walden's registered firearms. Walden visited websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that are registered to him, a rifle that is registered to him, and threaded barrels for weapons that are not registered to him.

The specific weapons that the threaded barrel would apply to are indicated on page 4, lines 26-43 and page 5, lines 1-4.

An example of the process of installing a silencer on a handgun is as follows;

1. Determine what handgun you would like to apply a silencer to.
2. In this example, a Glock 34, 9mm.
3. Purchase a threaded barrel that would replace the unthreaded barrel of the Glock 34.
4. Take apart the Glock 34 to the extent authorized for routine cleaning, lubrication, and minor repairs (Field Strip).
5. Remove the unthreaded barrel and replace it with the threaded barrel.
6. Purchase a "solvent trap" "in-line filter" silencer that is compatible with the thread size and diameter to the Glock 34 barrel.
7. Screw the female end of the silencer on the male end of the threaded barrel.

Note: Nemeroff reviewed information for this supplemental investigation regarding Walden's registered firearms and discovered additional firearms registered to Walden than indicated in the original report (page 4, lines 11-14). Nemeroff discovered 41 handguns, one shotgun, and 12 rifles registered to Walden (Addenda 10-11).

- Indicate if any of these "fuel-filters" researched would fit either of the two older model Toyota Celica vehicles owned by Walden.

RESPONSE

On June 17, 2022, Jizmejian met with Acting General Automotive Supervisor Gregory Field, Serial No. N1304, Motor Transport Division. Field reviewed the websites Walden visited that advertised the sale of "fuel filters" as indicated on page 5, lines 11-43 and page 6, lines 1-7 of the original report. Field advised that Napa was a retailer for auto parts and WIX was a company that produced auto filters. However, the dimensions indicated on the websites visited by Walden were not consistent with any fuel filter for a vehicle.

Issue No. 3.

The allegation, as framed is vague. Depending on the date range the queries were made as indicated in the audit, the allegation should be re-framed to conform to proof as such:

ALLEGATION 1. The Department alleges that between xxxxx dates, Detective Walden, attempted to obtain a firearm silencer in violation of California State law.

RESPONSE

After further review, a determination was made to provide a date for the alleged misconduct. Please see the heading "ADDITIONAL" of this Intradepartmental Correspondence for the rationale of this determination. Therefore, ALLEGATION 1 was re-framed as such:

ALLEGATION 1. The Department alleges that on March 17, 2021, Detective Walden, while off duty, attempted to obtain a firearm silencer in violation of California State law.

Note: Walden's duty status at the time of the alleged misconduct was obtained via the Deployment Planning System (Addendum 12).

Issue No. 4.

Investigation Page No. 8, lines 33-37, indicated that Walden ordered a fuel filter for the 1985 Celica which never arrived. Walden stated he did not recall when he ordered the item. Walden should be re-interviewed to address the following questions if not already asked.

- Was Walden asked to check his bank and or credit card statements to look for the charge? If so, what was his response?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted.

- Was he [Walden] asked what form of payment he used to buy the (intercepted) item and how much he paid for the filter he never received?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted.

- Was he [Walden] asked if he attempted to call about or locate the missing package? Did he take any action to cancel the transaction for a product not received like contact his credit card company and report it was not received?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted.

- What were the dates that the searches occurred in relation to the date the item was intercepted by Customs and Border Patrol.

RESPONSE

The "solvent trap" and "in-line" filter searches spanned from January 13, 2021 through March 29, 2021. The package was intercepted on April 22, 2021.

- Was there a date indicated on the mailing label of the original package identified in Addendum A.

RESPONSE

There was no date indicated on the mailing label of the original package.

- The package was intercepted on April 22, 2021. Did the intercepted item match any of the items that Walden queried in the audit? If so, which item(s)?

RESPONSE

The intercepted item referenced contained the following characters on the shipping label: 螺旋1/2-28單芯汽車燃油濾清器. A search of those characters on the internet website "Google Translate," interpreted this as "Spiral ½ - 28 single-core automobile fuel filter (6-inch ½"– 28-black spiral P0171289910). This "fuel filter" measurement was a common search noted in the audit.

- Was there any attempt by the IO to contact the vendor and ascertain the date of the order?

RESPONSE

The phone number on the package, 86135540123 was not a working number. The country code for China is 86. The area code for Hanyang, Wuhan is 7212, thus the phone number on the label is incorrect.

The address, 206 Hao, Hanyang, Wuhan, Hubei, China, does not exist on a google map web search. The China Post (the official postal service of China) did not produce any results on sender information.

- Was there a search warrant served on Walden's personal computer or cloud to determine research conducted or items ordered?

RESPONSE

No search warrant was conducted on Walden's personal computer as the Department audit produced extraordinary results related to this case.

- Was the item intercepted photographed at all angles? Did it have indentations?

RESPONSE

The item was photographed at multiple angles by Photographer 3 Karen Coogle, Serial No.V8680, Forensic Sciences Division. She took 17 photos of the packaging as well as the items contained within the package.

This item was inspected on March 15, 2022, by Lieutenant II Eric Bixler, Serial No. 33309, GND.

- Did the item contain instructions?

RESPONSE

No.

- Did the item intercepted fit a 1985 Celica?

RESPONSE

Field reviewed the photographs taken by Coogle of the item (Addendum 8) and concluded that the item was not a fuel filter for a vehicle and that it would not fit on a 1985 Celica.

ADDITIONAL

Nemeroff conducted an additional review of Walden's internet searches in response to the Request for Supplemental Investigation. The review resulted in the discovery of a website link of PayPal.com that succeeded internet searches for either threaded barrel or fuel filter. On June 2, 2021, Nemeroff obtained a search warrant for Walden's PayPal account records. A search of the records revealed that on March 17, 2021, at 0828 hours, a transaction was completed for $45.96 for the purchase of a "NAPA 4003 WIX 24003-1/2-28 5/8-24 FUEL FILTER ALUMUNUM SOLVENT TRAP / 1 / 2-28-XH-." On July 12, 2022, Nemeroff provided the additional information to the Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID), for filing consideration (Addendum 13).

On November 14, 2022, Nemeroff obtained a Probable Cause Arrest Warrant for Walden and a search warrant of his residence. On November 15, 2022, SOD personnel arrested and booked Walden for 33410 Penal Code (PC), Possession of a Silencer, Booking No. 6502060. SOD personnel conducted a search of Walden's home which resulted in no additional evidentiary material for this investigation. On November 16, 2022, the Los Angeles County District Attorney's Office, JSID, filed one felony count of Attempted Possession of a Silencer, in violation of PC Sections 664 and 33410.

INVESTIGATOR'S NOTES

1. Some of the of the URLs referenced in this document have been abbreviated to preserve the continuity of this investigation. A complete list of the URLs is contained within Addendum 9.

2. Jizmejian placed a copy of the results of the search warrant conducted by Nemeroff of Walden's PayPal account records and the photographs of the item by Coogle onto Addendum 9.

ADDENDA

9.	CD.
10A-R.	Email dated April 22, 2021, from California Department of Justice for Walden's registered firearms.
11A-B.	List of Walden's registered firearms prepared by Nemeroff.
12.	Daily Worksheet Portrait, dated March 17, 2021, with Walden's work hours.
13.	Follow-Up Investigation dated July 12, 2022.

SUBMITTED BY:

JOHN JIZMEJIAN, Sergeant
Special Operations Division

APPROVED:

JAMIE BENNETT, Lieutenant
Officer in Charge
Special Operations Division

OMAR BAZULTO, Captain
Commanding Officer
Special Operations Division

LETTER OF TRANSMITTAL
CF No. 21-001144

ADJUDICATION

Complainant: Madoyan, Razmik

The Complaint Investigation, CF No. 21-001144, resulted in one allegation of misconduct against one Department employee:

Detective II Luke Walden — Gang and Narcotics Division (GND)
Serial No. 34898

The allegation is listed below with recommendations for classification and supporting rationale.

ALLEGATION 1 . The Department alleges that on March 17, 2021, Detective Walden, while off duty, attempted to obtain a firearm silencer.

CLASSIFICATION

It is recommended that Allegation No. 1 be classified as **SUSTAINED**.

RATIONALE

Between January 2021 and March 2021, Detective Walden searched for Napa 4003 and WIX 2403 on a Department computer. These are from different Chinese websites. He searched for silencers, fuel filters and solvent traps. Even though the Napa 4003 and WIX 24003 are listed as fuel filter/solvent traps, the pictures show that they are firearm silencers and internet searches show that the items are firearm silencers.

On March 17, 2021, Detective Walden used his PayPal account to purchase a WIX 24003 fuel filter and input his home address as to where the item should be shipped. On April 22, 2021, Customs and Border Protection intercepted a batch of silencers from the same company, listed as "fuel filter." One of the packages was addressed to Luke Walden and had his home address. The package was turned over to HSI Agent Raznmik Madoyan. Madoyan discovered that the recipient, Luke Walden, was employed by the Los Angeles Police Department and subsequently notified Internal Affairs Division who took over investigative responsibility of the case. Inside the package labeled, "fuel filter," Forensic Science Division, Criminalist Fadil Biraimay, determined that the package contained a firearm silencer, not a fuel filter. Acting General Automotive Supervisor, Gregory Field, reviewed the websites delineating what the WIX 24003 filter was and opined that the item is not consistent with any fuel filter for a vehicle. California Penal Code Section 664/33410 states that it is illegal to attempt to possess a silencer.

Therefore, this allegation is best classified as *Sustained.*

DIGITAL IN-CAR VIDEO/BODY WORN VIDEO/AUDIO RECORDINGS

N/A.

EMPLOYEE DEVELOPMENT PLAN:

N/A.

PENALTY

Due to the serious nature of the allegation, it is recommended that Walden be ordered to a Board of Rights with the recommendation of Removal.

WORK HISTORY ANALYSIS

Detective Walden has been with the Department for over 24 years and had been assigned to GND for approximately 12 years at the time of occurrence. A review of Walden's complaint history revealed no prior complaints of a similar nature.

Walden has a total of 155 citizen and Department commendations. He has 9 prior pursuits, 21 non-categorial Uses of Force and 1 categorical Use of Force. The analysis did not identify any risk management or pattern of conduct issues.

WORK PERMIT REVIEW

A review of Detective Walden's work permit history revealed that he does not have any current work permits. There were no conflict-of-interest concerns, impairment of performance or efficiency issues identified.

RELIEF FROM DUTY RECOMMENDATIONS

It is recommended that Walden be relieved of duty pending the outcome of the Board of Rights.

DOWNGRADE CONSIDERATIONS

None.

APPROVED BY:

LILLIAN L. CARRANZA, Captain
Commanding Officer
Gang and Narcotics Division

02-21-23
Date

RATIONALE ON FINDINGS

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

WEDNESDAY, FEBRUARY 14, 2024

. . . . .

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE

PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS, INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE

PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE FINDINGS PHASE OF THIS BOR CASE.

--OOO--

RATIONALE ON PENALTY

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

THURSDAY, FEBRUARY 15, 2024

MS. AMIN: THIS IS THE BOARD'S RATIONALE OF THE DISCIPLINARY FINDINGS IN THE MATTER OF LUKE WALDEN, BOX FILE NO. 31674

THE BOARD HAS COMPLETED ITS DELIBERATIONS FOR PENALTY AND WE WILL RENDER A UNANIMOUS DECISION. THE BOARD HAS GIVEN CAREFUL CONSIDERATION TO AN APPROPRIATE PENALTY IN THIS MATTER. WE HAVE REVIEWED DETECTIVE WALDEN'S PERFORMANCE HISTORY, DISCIPLINARY HISTORY, COMMENDATIONS AND WE HAVE HEARD FROM HIS FIVE CHARACTER WITNESSES. WE ALSO HEARD FROM TWO DEPARTMENT WITNESSES.

IN ADDITION, WE RECEIVED INTO EVIDENCE ACCUSED EXHIBIT F, WHICH WAS ORDER OF WITHDRAWAL OF THE IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST CERTIFICATES, DATED DECEMBER 4, 2023.

DETECTIVE WALDEN'S RECORD SHOWS 24 YEARS OF SERVICE WHERE HE HAS RECEIVED TWO MAJOR COMMENDATIONS AND 155 MINOR COMMENDATIONS FROM CITIZENS, THE BUREAU, AREA AND OTHERS. HIS DISCIPLINARY HISTORY CONSISTED

OF MINOR SUSTAINED ADMONISHMENT FOR A TRAFFIC COLLISION IN 2002.

WE HEARD FROM THE FOLLOWING CHARACTER WITNESSES: RETIRED DETECTIVE JAMES MCSORLEY WHO WAS WITH THE DEPARTMENT FOR 30 YEARS AND WORKED AS DETECTIVE WALDEN'S CO-SUPERVISOR IN THE GND DEPARTMENT IN 2015; RETIRED LIEUTENANT JESSE KANE, WHO WAS ON THE JOB FOR 28 YEARS; DETECTIVE CRAIG MARQUEZ, WHO HAS BEEN ON THE JOB FOR 28 YEARS, WAS WITH GND FOR FOUR YEARS, AND WORKED WITH DETECTIVE WALDEN ON THE GUN UNIT; RETIRED LIEUTENANT SCOTT MCNIEL, WHO WAS EMPLOYED BY LAPD FOR NEARLY 27 YEARS, HE WORKED WITH GND AS A DETECTIVE III, AND WAS WALDEN'S DIRECT SUPERVISOR FOR TWO YEARS; LASTLY, WE HEARD FROM DETECTIVE HUGO AYON, WHO WORKS GND ON THE FBI TASK FORCE, AND HAS BEEN ON THE JOB FOR 24 YEARS.

WE ALSO HEARD FROM THE FOLLOWING DEPARTMENT WITNESSES: DETECTIVE III MICHAEL HACKMAN, WHO IS THE OFFICER IN CHARGE OF ANALYSIS AND REGULATORY COMPLIANCE. DURING HIS TESTIMONY HE EXPLAINED THE PROCESS OF THE POST LICENSURE AND REGULATORY PROCEDURE, AND THAT THIS BOARD IS COMPLETELY INDEPENDENT AND SEPARATE FROM THE POST. ON THE ONE HAND THE BOARD IS AN EMPLOYMENT ACTION, WHEREAS THE POST IS A LICENSURE-BASED PROCESS. HE ALSO EXPLAINED

STANDARD OF REVIEW FOR POST IS OF A CLEAR AND CONVINCING, WHEREAS THE BOARD IS BY A PREPONDERANCE OF THE EVIDENCE.

WE ALSO HEARD FROM CAPTAIN YASIR GILLANI WHO HAS BEEN ON THE DEPARTMENT FOR 25 YEARS AND IS A COMMANDING OFFICER OF RISK MANAGEMENT. HE EXPLAINED THAT THERE IS A CONCERN AND POSSIBLY A NEGATIVE EFFECT OF THE MISDEMEANOR CONVICTION AND OUR GUILTY FINDING IN THIS CASE. HE ALSO EXPLAINED THAT ONCE A PERSON IS PLACED ON BRADY, IT MAY AFFECT HIS ABILITY TO TESTIFY, HOWEVER, THAT WOULD BE UP TO THE DA'S DEPARTMENT TO DETERMINE HIS ABILITY TO TESTIFY. ONCE ON BRADY, IT'S NOT A DONE DEAL AND IT IS POSSIBLE TO BE REMOVED FROM A BRADY LIST.

THE CHARACTER WITNESSES HAVE A COLLECTIVE EXPERIENCE OF MORE THAN 136 YEARS OF SERVICE AND HAVE UNANIMOUSLY COMMENDED WALDEN ON HIS POSITIVE WORK ETHIC. DETECTIVE AYON EXPLAINED THAT HE IS A PERSON OF INTEGRITY WHO EARNED EVERYONE'S TRUST THAT HE WAS A GREAT COP. DETECTIVE AYON, HAVING BEEN TOLD OF THE GUILTY FINDING IN THIS CASE, SAID THAT HE WOULD BE HAPPY TO HAVE HIM WORK FOR HIM.

WALDEN WAS FOUND GUILTY OF WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER. THE BOARD OF RIGHTS MANUAL, 12TH EDITION, PAGE 3, STATES THAT,

"IN THE EVENT THAT A FINDING OF GUILTY IS MADE, PENALTIES PERMITTED BY SECTION 1070, MUST BE IMPOSED. THE NATURE AND EXTENT OF THE PENALTY SHOULD BE COMMENSURATE WITH THE PARTICULAR CONDUCT FOR WHICH THE ACCUSED HAS BEEN FOUND GUILTY."

WHEN ASSESSING THE PENALTY, THERE IS AN EXAMINATION OF MOTIVATION, DAMAGE, KNOWLEDGE, INTENT AND HISTORY. THE BOARD BELIEVES THAT YOU SHOULD HAVE KNOWN NOT TO ATTEMPT TO MAKE THE PURCHASE. HOWEVER, TO YOUR CREDIT, YOU HAVE A LONG HISTORY OF GOOD WORK WITH THE DEPARTMENT AND THAT THIS OUTWEIGHS THE POTENTIAL HARM CAUSED BY YOUR MISTAKE. THE BOARD DOES NOT BELIEVE THAT THERE IS ANY IMMEDIATE HARM TO HEALTH OR SAFETY TO THE PUBLIC AS A RESULT OF THIS GUILTY FINDING.

THIS BOARD FURTHER BELIEVES THAT THE SEVERITY OF THE PUNISHMENT SHOULD BE REDUCED FOR A LONG-TERM EMPLOYEE WITH A GOOD WORK RECORD AND WITHOUT HAVING SIGNIFICANT SUSTAINED PRIOR COMPLAINTS. DETECTIVE WALDEN HAS PROVIDED 24 YEARS OF SERVICE TO THE LAPD AND THE LOS ANGELES COMMUNITY AND WE TRUST HE WILL HAVE MANY FUTURE YEARS OF SERVICE TO OUR COMMUNITY, HOPEFULLY UNBLEMISHED.

THEREFORE, IT IS THE UNANIMOUS

RECOMMENDATION OF THIS BOARD TO THE CHIEF OF POLICE THAT THE PENALTY IMPOSED BE A SUSPENSION OF 30 DAYS.

THIS CONCLUDES THE BOARD OF RIGHTS.

--OOO--

BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

SONIA AMIN, CHAIRMAN

IN THE MATTER OF:	)
	)
	)
LOS ANGELES POLICE DEPARTMENT	) **B.F. NO. 31674**
BOARD OF RIGHTS HEARING	) **C.F. NO. 21-001144**
	)
IN RE: LUKE WALDEN #34898,	)
	)

TRANSCRIPTION OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

TUESDAY, FEBRUARY 13, 2024

REPORTED BY:

ANNA M. SANCHEZ
CSR NO. 8516

APPEARANCES:

FOR THE DEPARTMENT: SERGEANT DANIEL SLATER
AND
DCA SNEZHANNA DIDICH
DEPARTMENT ADVOCATES
201 N. FIGUEROA STREET
16TH FLOOR
LOS ANGELES, CA 90012

FOR THE ACCUSED: BILL SEKI
ATTORNEY AT LAW
600 WILSHIRE BOULEVARD
SUITE 1250
LOS ANGELES, CA 90017

BOARD MEMBERS: SONIA AMIN
DANIEL ORTEGA
PATRICIA STRONG-FARGAS

ALSO PRESENT:

SGT. GIPSON
SGT. VILLAFANA
JASMINE RICHAU

I N D E X

FOR THE DEPARTMENT:	DIRECT	CROSS	REDIRECT	RECROSS
SGT. JOHN JIZMEJIAN	20	51	71, 77, 80, 81	79
SGT. LUKE WALDEN	84	128	145, 154	169, 152

E X H I B I T S

DEPARTMENT'S:	DESCRIPTION	MARKED	ENTERED
1	PHOTOGRAPH	23	23
2	ATF BULLETIN 1702, 8 PAGES	25	25
3	ATF BULLETIN 20-01, 6 PAGES	26	26
4	PROPERTY REPORT	28	28
5	PHOTOGRAPHS, 21 PAGES	29	29
6	LABORATORY REPORT SID 21-007329	30	30
7	A DISK	32	32
8	PAYPAL RECORDS,	35	35
9	DOCUMENT TITLED, "FOLLOW UP INVESTIGATION DR21991310	35	35
10	E-MAIL, 20 PAGES	40	40
11	DOCUMENT TITLED, "GND/ FBI GANG TASK FORCE DAILY WORKSHEET PORTRAIT	44	44

(CONT'D) INDEX

EXHIBITS

DEPARTMENT'S:	DESCRIPTION	MARKED	ENTERED
12	TRANSCRIPT OF LUKE WALDEN'S INTERVIEW, 22 PAGES	46	46
13	DISK OF TRANSCRIPT OF LUKE WALDEN'S INTERVIEW	46	46
14	PRELIMINARY HEARING MINUTES, 5 PAGES	48	48
15	MINUTE ORDER, DATED SEPTEMBER 29, 2023, 4 PAGES	50	50
16	MANUAL SECTION 210.35, CONDUCT UNBECOMING AN OFFICER	85	85
17	STANDARD BASE ASSESSMENT FROM OCTOBER 7, 2017 TO OCTOBER 6 2018 OF DETECTIVE LUKE WALDEN, 6 PAGES	87	87
18	DOCUMENT TITLED, "ASSAULT WEAPON IDENTIFICATION GUIDE," 6 PAGES	90	90

ACCUSED'S:	DESCRIPTION	MARKED	ENTERED
A	PHOTOGRAPHS, 21 PAGES	57	57
B	ADDENDA 6-A, 2 PAGES	61	61
C	PHOTOGRAPHS, 10 PAGES	134	134

LOS ANGELES POLICE DEPARTMENT

B.F. NO. 31674

C.F. NO. 21-001144

. . . . . .

THE MATTER OF LUKE WALDEN, #34898, DETECTIVE I, CAME ON REGULARLY FOR HEARING BEFORE THE BOARD OF RIGHTS ON TUESDAY, FEBRUARY 13, 2024, AT 1200 HOURS, IN BOARDROOM NO. 5, FIGUEROA PLAZA BUILDING; THE BOARD CONSISTING OF:

SONIA AMIN, CHAIRMAN

DANIEL ORTEGA, ASSOCIATE

PATRICIA STRONG-FARGAS, ASSOCIATE

. . . . . .

SERGEANT DANIEL SLATER APPEARED AS THE DEPARTMENT ADVOCATE; BILL SEKI, ATTORNEY AT LAW, APPEARED AS THE DEFENSE REPRESENTATIVE; THE ACCUSED BEING PRESENT.

. . . . . .

ANNA M. SANCHEZ, CSR NO. 8516, HAVING BEEN DULY APPOINTED AND SWORN BY THE CHAIRMAN OF THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER TO REPORT IN SHORTHAND WRITING THE TESTIMONY AND PROCEEDINGS UPON THE HEARING, WAS DIRECTED BY SAID DEPARTMENT

ADVOCATE TO THEREAFTER REDUCE SAID SHORTHAND NOTES INTO TYPING.

. . . . . .

THE RECORDS INDICATE THAT ALL JURISDICTIONAL REQUIREMENTS HAVE BEEN COMPLIED WITH. WHEREFORE, THE BOARD PROCEEDED IN THE SAID HEARING AS PRESCRIBED IN THE CHARTER OF THE CITY OF LOS ANGELES, SECTION 1070.

. . . . . .

THE ACCUSED WAS CHARGED IN A FORMAL WRITTEN COMPLAINT VERIFIED BY THE CHIEF OF POLICE AS FOLLOWS:

COUNT 1. ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER.

(REPORTER SWORN.)

MS. AMIN: ALL PARTIES ARE HERE. WE HAVE A FULL HOUSE. LET'S GO AHEAD AND INTRODUCE OURSELVES FOR THE RECORD SO WE KNOW WHO ALL IS HERE.

I'M SONIA AMIN, I'M GOING TO BE CHAIR.

TO THE LEFT, I HAVE?

MR. ORTEGA: DAN ORTEGA.

MS. STRONG-FARGAS: PATRICIA STRONG-FARGAS.

MS. AMIN: AND FOR THE DEPARTMENT?

SGT. SLATER: FOR THE DEPARTMENT, I'M SERGEANT DANIEL SLATER.

MS. AMIN: AND YOUR CO-CHAIR?

MS. DIDICH: MY NAME IS SNEZHANNA DIDICH, I'M A DEPUTY CITY ATTORNEY ALSO WITH THE DEPARTMENT.

MS. AMIN: OKAY. NICE TO SEE YOU.

ALL RIGHT. AND BEHIND YOU, SECOND ROW?

SGT. GIPSON: SECOND ROW, SERGEANT GIPSON, ADVOCATE.

SGT. VILLAFANA: SERGEANT VILLAFANA, I'M JUST HERE TO OBSERVE.

MR. SEKI: GOOD MORNING, BILL SEKI. OR GOOD AFTERNOON, MY NAME IS BILL SEKI. AND TO MY LEFT IS DETECTIVE WALDEN.

MS. AMIN: OKAY. GREAT. DOES THE ACCUSED WANT TO HEAR HIS RIGHTS OR DO YOU WAIVE?

MR. SEKI: WE WILL WAIVE READING OF THE RIGHTS.

MS. AMIN: SOUNDS GOOD.

WE HAVE BEFORE US ONE COUNT, WHICH IS, "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

HOW DO YOU PLEA TO THAT?

DET. WALDEN: NOT GUILTY.

MS. AMIN: AND IS THE DEPARTMENT READY TO PROCEED?

SGT. SLATER: THE DEPARTMENT IS READY, MA'AM.

MS. AMIN: WOULD YOU LIKE TO DO AN OPENING STATEMENT?

SGT. SLATER: YES, MA'AM.

MS. AMIN: ALL RIGHT. GO AHEAD.

SGT. SLATER: GOOD MORNING, OR AT THIS POINT, GOOD AFTERNOON. MY NAME IS SERGEANT DANIEL SLATER. I WILL BE REPRESENTING THE DEPARTMENT IN THE MATTER BEFORE THIS BOARD OF RIGHTS.

THE DEPARTMENT ALLEGES ONE COUNT OF MISCONDUCT AGAINST DETECTIVE LUKE WALDEN FOR ACTIONS HE TOOK WHILE OFF DUTY. REGARDING THE COUNT BEFORE THIS BOARD, "ON OR ABOUT MARCH 17TH, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

WHAT YOU WILL HEAR THROUGH THIS BOARD IS THAT DETECTIVE WALDEN'S ACTIONS WERE NOT OF MOMENTARY LAPSE IN JUDGMENT, RATHER, DETECTIVE WALDEN'S ACTIONS WERE DELIBERATE AND CALCULATED, BUT MORE THAN THAT, THEY WERE AN ABUSE OF THE POSITION OF TRUST HE IS IN FOR HIS OWN INTENTIONAL PERSONAL GAIN THAT RESULTED IN A VIOLATION OF THE LAW. THE VERY SAME LAWS THAT DETECTIVE WALDEN WAS ENTRUSTED WITH UPHOLDING EVERY DAY THAT HE PUT ON HIS UNIFORM.

YOU WILL HEAR FROM SERGEANT JOHN JIZMEJIAN OF THE LOS ANGELES POLICE DEPARTMENT SPECIAL OPERATION DIVISION AND SERGEANT JIZMEJIAN WILL EXPLAIN THAT

THERE HAD BEEN AN INFLUX OF FIREARM SILENCERS BEING BROUGHT INTO THIS COUNTRY ILLEGALLY, THAT POSSESSION OF A SILENCER IS ILLEGAL AND THAT THERE IS NO EXEMPTION FOR LAW ENFORCEMENT OFF DUTY TO OWN OR POSSESS A LAW ENFORCEMENT -- OR SILENCER IN THE STATE OF CALIFORNIA.

SERGEANT JIZMEJIAN WILL EXPLAIN HOW THESE FIREARM SILENCERS ARE DISGUISED OFTEN AS INNOCUOUS FUEL FILTERS IN AN ATTEMPT TO PASS THROUGH CUSTOMS AND BORDER PROTECTION, AND THAT LAW ENFORCEMENT WAS AWARE OF THIS METHOD OF CIRCUMVENTING THE LAW.

SERGEANT JIZMEJIAN WILL DETAIL WHY AND HOW ONE SUCH ITEM WAS INTERCEPTED BY CUSTOMS AND BORDER PROTECTION ADDRESSED TO DETECTIVE WALDEN, INCLUDING DETECTIVE WALDEN'S HOME ADDRESS AND NAME. SERGEANT JIZMEJIAN WILL ALSO EXPLAIN ON TOP OF THE INCREASED ENFORCEMENT BY CUSTOMS AND BORDER PROTECTION, THAT THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS RECENTLY RELEASED SEVERAL LAW ENFORCEMENT BULLETINS DETAILING HOW INDIVIDUALS WERE SECRETLY IMPORTING THESE OTHERWISE ILLEGAL FIREARM ACCESSORIES.

THESE ATF BULLETINS WERE AVAILABLE TO THE LAPD, AND WHAT YOU'LL LEARN IS AS A MEMBER OF THE ELITE GUN UNIT, DETECTIVE WALDEN WOULD HAVE HAD ACCESS AND KNOWLEDGE OF THESE THINGS. YOU WILL SEE THAT

MR. WALDEN'S PAYPAL RECORDS WILL MAKE CLEAR THAT HE DID, IN FACT, PURCHASE THE ITEM, EVEN THOUGH IT WAS LABELED AS A FUEL FILTER, THAT WAS INTERCEPTED BY CUSTOMS AND BORDER PATROL.

SERGEANT JIZMEJIAN WILL ALSO TELL YOU, IN THE COURSE OF HIS INVESTIGATION, HE LEARNED MR. WALDEN HAS NUMEROUS FIREARMS REGISTERED TO HIM, MANY OF WHICH WILL BE COMPATIBLE WITH THE INTERCEPTED ITEM WITH A SIMPLE CONVERSION. CONVENIENTLY ENOUGH, DETECTIVE WALDEN'S COMPUTER SEARCH HISTORY SHOWS HIM SEARCHING FOR FIREARMS AND THE ACCESSORIES THAT WOULD MAKE THE CONVERSION TO ACCEPT THE SILENCER ACCEPTABLE.

SERGEANT JIZMEJIAN WILL TELL YOU THAT DETECTIVE WALDEN WAS CONFRONTED WITH ALL THE INFORMATION AGAINST HIM AND HE DENIED ATTEMPTING TO PURCHASE A FIREARM SILENCER, AND INSTEAD, CLAIMED THE ITEM WAS A FUEL FILTER FOR A VEHICLE HE WAS REBUILDING. HOWEVER, YOU WILL HEAR FROM DIRECTOR OF POLICE TRANSPORTATION, GREG FIELD, WHO WILL EXPLAIN THAT HE REVIEWED THE ITEM AND HE DETERMINED THERE WAS NO WAY THE RECOVERED DEVICE COULD BE USED AS A FUEL FILTER AND HE WILL EXPLAIN TO YOU WHY NOT.

YOU WILL THEN HEAR FROM FORENSIC SCIENCE DIVISION, CRIMINALIST III, FADIL BIRAIMAH. CRIMINALIST BIRAIMAH WILL EXPLAIN TO YOU THAT HE

SPECIFICALLY WAS TASKED WITH EXAMINING FIREARMS AND FIREARMS COMPONENTS, INCLUDING SILENCERS AS PART OF HIS DUTIES WITH THE LAPD. HE WILL TELL YOU THAT HE REVIEWED THE ITEMS RECOVERED AND ADDRESSED TO MR. WALDEN AND IT WAS ABUNDANTLY CLEAR THAT DETECTIVE WALDEN HAD PURCHASED A FIREARM SILENCER BASED ON SPECIFIC CONSTRUCTION AND DESIGN ELEMENTS WITHIN THE RECOVERED ITEM.

AFTER THE DEPARTMENT HAS PRESENTED ALL THIS EVIDENCE, I AM CONVINCED THAT YOU WILL SEE THAT DETECTIVE WALDEN ATTEMPTED TO UTILIZE HIS POSITION AND KNOWLEDGE TO CIRCUMVENT THE SAME LAWS HE TOOK AN OATH TO UPHOLD. THOUGH OFF DUTY, THIS ACTION IS A BLEMISH ON THE DEPARTMENT AND NOT JUST DETECTIVE WALDEN. AS POLICE OFFICERS, WE ARE TASKED WITH FOLLOWING THE LAW AND WE ARE HELD TO A HIGHER STANDARD THAT DETECTIVE WALDEN DID NOT MEET. THANK YOU.

MS. AMIN: THANK YOU, SERGEANT.

MR. SEKI?

MR. SEKI: GOOD AFTERNOON BOARD MEMBERS, SIMPLY PUT, DETECTIVE WALDEN IS A VICTIM OF BIAS POLICING. IT'S BIAS POLICING, TYPICALLY WE THINK OF BIAS POLICING WHERE OFFICERS FOCUS ON SOMEBODY BECAUSE OF THEIR RACE, ETHNICITY, RELIGION, GENDER. AND IN THIS PARTICULAR CASE, THE FOCUS WAS PUT ON DETECTIVE

WALDEN BECAUSE OF HIS EMPLOYMENT AS A POLICE OFFICER, AND ALONG WITH IT CAME CERTAIN ASSUMPTIONS BY THE DEPARTMENT WITHOUT FACTS.

IN FACT, WHAT YOU'LL LEARN IS THAT FACTS THAT WERE PRESENTED TO THE DEPARTMENT AS PART OF THEIR INVESTIGATION WERE IGNORED, IGNORED IN ORDER TO CATCH THE BOOGEY MAN, SOMEBODY THEY BELIEVED WAS COMMITTING A CRIME IN THEIR MIDST.

NOW, ONE OF THE THINGS YOU'LL LEARN IS DETECTIVE WALDEN HAS BEEN A MEMBER OF THIS DEPARTMENT FOR OVER 25 YEARS, HE'S HAD A NUMBER OF DIFFERENT POSITIONS, DEALING WITH TASK FORCE, GANG INVESTIGATION, AND ALSO, AS WAS MENTIONED, HE WORKED THE GANG NARCOTIC DIVISION, FOR ONE YEAR HE WORKED IN THE GANG UNIT. THEY END UP FOCUSING ON GUNS THAT ARE SEIZED FROM GANG MEMBERS AND OTHER CRIMINALS IN DETERMINING WHETHER OR NOT THEY ARE COMPLIANT WITH THE LAW, SUCH AS ASSAULT WEAPONS, THINGS LIKE THAT.

NOW, ONE OF THE THINGS THAT YOU'LL LEARN ABOUT DETECTIVE WALDEN IS NOT ONLY IS HE A POLICE OFFICER, BUT HE'S ONE OF THOSE NEIGHBORS, ONE OF THOSE NEIGHBORS WHO YOU MIGHT NOT WANT IN YOUR NEIGHBORHOOD. DURING THE COURSE OF THIS YOU'LL GET SOME PHOTOGRAPHS, WHICH WERE PRESENTED TO THE DEPARTMENT, WHICH THEY SAW, WHERE DETECTIVE WALDEN IS A TINKERER. HE'S AN

AMATEUR CAR BUILDER. HE'S GOT CARS IN HIS FRONT YARD, ON THE SIDE OF HIS HOUSE, IN THE BACK OF HIS HOUSE, ALL IN DIFFERENT STATES OF REPAIR. HE'S THE TYPE OF GUY WHO WILL HAVE A CAR SITTING UP ON BLOCKS, HE'LL BE TINKERING WITH THEM ON WEEKENDS, LEARNING HOW TO CHANGE THEM, FIX THEM, EVEN WORKING ON THEM WITH HIS SON. THAT'S ONE OF THE FACTS THAT YOU'LL LEARN THAT THE DEPARTMENT IGNORED AS PART OF THEIR INVESTIGATION.

NOW, ONE OF THE THINGS HE HAD WAS HE HAD A COUPLE OF CELICAS, TOYOTA CELICAS, IN HIS DRIVEWAY. ONE OF THEM, AN '85 CELICA, HE WAS CHANGING COMPLETELY. IF YOU'RE A CAR BUFF, YOU'LL UNDERSTAND THIS. CELICAS COME WITH A FOUR-CYLINDER ENGINE. HE WAS REMOVING THAT FOUR-CYLINDER ENGINE AND HE WAS GOING TO PUT A V8 IN THERE, A WINDSOR 351, A SUBSTANTIAL BIGGER ENGINE. IN FACT, WITH THAT, HE WAS GOING TO HAVE TO TAKE OUT THE FUEL TANK, PUT A DIFFERENT FUEL TANK IN, AND HE WAS GOING TO HAVE TO CREATE A FUEL SYSTEM IN ORDER THAT GAS COULD BE PUMPED THROUGH THAT WITH ENOUGH GAS TO POWER THE 351 IN HIS CARBURETORS.

AS MOST TINKERERS OR MECHANICS, THEY'RE LOOKING FOR THINGS THAT THEY CAN USE, MAYBE SOMETHING THEY HAVEN'T USED BEFORE. ONE OF THE THINGS HE KNEW HE HAD TO GET IS A FUEL FILTER, SOMETHING THAT WOULD

HELP WITH THE PRESSURE, 'CAUSE THE PRESSURE CHANGES FROM THE FUEL TANK ALL THE WAY TO THE ENGINE. ALWAYS LOOKING FOR DIFFERENT ITEMS. AND AN ITEM THAT HE FOUND ONLINE WAS, YOU'RE GOING TO SEE PHOTOGRAPHS OF IT, AND MAYBE EVEN IN REAL LIFE, WHAT WAS DESCRIBED AS A FUEL FILTER.

YOU GOT TO LEARN THAT THESE FUEL FILTERS, ANOTHER FACT THAT THE DEPARTMENT IGNORED, WERE WIDELY ADVERTISED THROUGHOUT THE INTERNET. IN FACT, YOU'RE GOING TO HEAR FROM A WITNESS, HE'LL TELL YOU THAT THESE WERE EVEN SOLD BY WALMART. SO THESE SO-CALLED ILLEGAL THINGS KNOWN AS FUEL FILTERS WAS SOLD BY ONE OF THE LARGEST COMPANIES ONLINE IN THE UNITED STATES.

HOWEVER, DETECTIVE WALDEN FOUND ONE SIMILAR, HE LIKED IT, HE ENDED UP BUYING IT. YOU'RE GOING TO LEARN THAT THESE FUEL FILTERS ARE DESIGNED IN A MANNER WHICH CAN BE ALTERED FOR THEM TO BE USED AS SILENCERS, IN FACT, YOU'LL HEAR THERE ARE ONLINE VIDEOS, YOU TUBE VIDEOS, THINGS LIKE THAT, TO TELL YOU HOW YOU CAN MODIFY THEM. YOU HAVE TO DRILL THIS, YOU HAVE TO GET A DIFFERENT BARREL FOR THE GUN, IT HAS TO MATCH UP, ALL THESE DIFFERENT THINGS.

WHEN HE ORDERED THAT FUEL FILTER, HE ORDERED IT FOR THIS PROJECT. AND LIKE MANY THINGS THAT ARE ORDERED FROM CHINA ONLINE, HE NEVER RECEIVED IT.

YOU'LL LEARN THAT IN APRIL OF '21, CUSTOMS AND BORDER PATROL AT THE AIRPORT HAD A FOCUS ON ITEMS COMING IN FROM CHINA. I BELIEVE IT WAS APRIL 21ST, A CUSTOMS AGENT NOTICED A LARGE NUMBER OF THESE FUEL FILTERS COMING FROM AN AREA OF CHINA AND THEY BELIEVED THAT THESE WERE SILENCERS. 13 ITEMS HAD BEEN ORDERED BY DIFFERENT PEOPLE.

WHEN THEY RAN PEOPLE, THEY FOUND OUT THAT DETECTIVE WALDEN WAS A POLICE OFFICER AND THEREIN STARTED THE BIAS POLICING. YOU'LL LEARN THAT UNLIKE THE OTHER INDIVIDUALS WHO HAD ORDERED THOSE ITEMS AND RECEIVED JUST A LETTER FROM CUSTOMS SAYING, "HEY, YOU KNOW WHAT, YOU MAY HAVE VIOLATED OUR LAWS OF THE UNITED STATES, YOU MAY HAVE ORDERED SOMETHING WHICH MAY BE ILLEGAL." DETECTIVE WALDEN DIDN'T GET THAT. THE FOCUS WAS ON HIM. AND ONCE THEY RAN HIM, THEY REALIZED HE HAD A LOT OF GUNS. HE HAS GUNS, IT'S A SILENCER, HE MUST BE GUILTY OF IT, ASSUMPTIONS THAT WERE MADE THAT YOU'LL LEARN ABOUT.

BUT ONE OF THE OTHER FACTS THAT THE DEPARTMENT HAS IGNORED THROUGH ALL OF THIS IS THAT WHEN HE DIDN'T GET THAT FUEL FILTER, HE REALIZED, "I NEED TO ORDER IT FROM A MORE REPUTABLE PLACE." SO IN AUGUST, FOUR MONTHS AFTER THAT PARCEL WAS SEIZED, AND HE WAS NEVER INFORMED ABOUT IT BEING SEIZED, FROM

AMAZON, HE ORDERED A FUEL FILTER, ALONG WITH THE BRACKET, EVIDENCE THAT HE INTENDED TO BUY A FUEL FILTER FOR HIS PROJECT, SOMETHING WHICH THE DEPARTMENT HAS IGNORED IN THEIR INVESTIGATION. IT WASN'T UNTIL JANUARY OF '23, WHEN HE WAS INTERVIEWED BY INTERNAL AFFAIRS, THAT IT WAS FOUND OUT THAT THE PARCEL THAT HE HAD ORDERED WAS ACTUALLY SEIZED.

DURING HIS INTERVIEW WITH JOHN JIZMEJIAN, HE WAS FORTHRIGHT, YOU'RE GOING TO HEAR THAT INTERVIEW, AND HE DESCRIBED FOR HIM THIS WAS FOR A PROJECT OF MINE. IN FACT, HE DESCRIBED IN DETAIL THAT HE WAS WORKING ON AN '85 CELICA, CHANGING THE ENGINE OUT FROM A FOUR CYLINDER TO AN EIGHT CYLINDER, AND HE HAD TO CREATE A FUEL SYSTEM FOR IT, SOMETHING TO HELP WITH THE PRESSURE AND EQUALIZER. HE EVEN PROVIDED THEM WITH THE SAME THING THAT I'M SHOWING YOU RIGHT NOW, THIS RECEIPT FROM AMAZON, WHICH SHOWS HIM ORDERING IT AND EVEN SHOWS THE PRODUCT.

BUT YOU'LL LEARN, THAT INSTEAD OF TAKING HIS WORD FOR IT, INSTEAD OF LOOKING AT THE FACTS IN FRONT OF THEM, THE DEPARTMENT CONTINUED WITH THEIR WITCH HUNT TO THE POINT WHERE THEY CHARGED HIM CRIMINALLY WITH ATTEMPTING TO OBTAIN A SILENCER.

NOW, ONE OF THE THINGS I TOLD YOU ABOUT IS THE PRODUCT, AS IT COMES IN, DOESN'T ATTACH TO ANY

GUN, IN FACT, YOU'RE GOING TO LEARN A LITTLE BIT MORE ABOUT GUNS THAN YOU EVER ANTICIPATED YOU'RE GOING TO KNOW. YOU HAVE TO HAVE A BARREL THAT'S THREADED. MOST PISTOL DON'T COME WITH THREADED BARRELS, IN FACT, IT'S ILLEGAL TO HAVE THAT. YOU'RE GOING TO LEARN THAT THE 43 GUNS THAT HE HAD, THEY COULDN'T FIND ONE SINGLE GUN THAT MATCHED THE THREADING ON THIS.

IN FACT, YOU'RE GOING TO FIND THAT HE DIDN'T HAVE ANY THREADED BARRELS IN HIS HOUSE, THAT HE HADN'T ORDERED ANY THREADED BARRELS, THAT THERE WAS NOTHING THAT WOULD HAVE FIT THIS. YOU'RE GOING TO LEARN THAT THE THREADING, IN FACT, IS DIFFERENT, THERE'S METRIC THREADING VERSUS, I GUESS, IT'S U.S. THREADING AND THEN THEY HAVE TO BE COMPATIBLE, THREADING LEFT, THREADING RIGHT, WHATEVER IT IS. YOU'RE GOING TO HEAR THERE WAS AN END CAP ON THIS, THAT THIS END CAP HAS TO BE MILLED. THERE MAY BE A MARK ON THERE, BUT IT HAS TO BE DRILLED IN ORDER FOR THAT TO BE USED AS A SILENCER. YOU'RE GOING TO HEAR HE NEVER GOT THIS ITEM AND INSTEAD HAD TO ORDER THIS SECONDARY FUEL FILTER.

THE DEPARTMENT, IN THEIR INVESTIGATION, IS GOING TO CALL SOMEBODY FROM THE MOTOR POOL AND HE'S GOING TO BASICALLY TELL YOU THAT THIS PARTICULAR ITEM, THE ONE THAT WAS SEIZED, WOULD HAVE WORKED AS A FUEL FILTER FOR A CELICA. BUT WHAT THE DEPARTMENT DIDN'T

ASK HIM TO DO WAS TO DETERMINE WHETHER OR NOT A FUEL FILTER, A HIGH VOLUME FUEL FILTER, COULD BE USED IN A MODIFICATION WHERE A FUEL TANK IS BEING CHANGED TO GO TO A V8, WHERE A FUEL SYSTEM HAS TO BE BUILT TO ALLOW THE FUEL TO GET TO THE CARBURETOR. HE'LL TELL YOU THIS IS NOT ONE OF THOSE FUEL FILTERS THAT WOULD GET FROM AUTO ZONE, SOMEWHERE ELSE, A LITTLE PLASTIC THING, AND BECAUSE OF THAT, THIS WOULD NOT BE USEABLE.

IN THE END, YOU'RE GOING TO LEARN THAT THERE WERE A LOT OF ASSUMPTIONS THAT WERE MADE ABOUT DETECTIVE WALDEN AND HIM ORDERING THAT ITEM. YOU'RE GOING TO LEARN THAT THESE ASSUMPTIONS AND THESE BIASES AND STEREOTYPES WERE BUILT IN. AND YOU'RE GOING TO SEE THAT PURSUANT TO BOARD OF RIGHTS MANUAL 363.70, THAT ANY EVIDENCE HAS TO BE CREDIBLE AND OF SOLID VALUE. AND INFERENCES, BASED ONLY ON POSSIBILITY, SUSPICION, SPECULATION, IMAGINATION, GUESSWORK, ET CETERA, HAVE TO BE REJECTED.

WE'RE CONFIDENT, IN THE END, WHEN YOU SEE ALL THE EVIDENCE, THAT THE DEPARTMENT HAS A MASS, IT'S ALL BASED UPON SUPPOSITION, CONJECTURE AND GUESSWORK, AND ULTIMATELY, THE FACTS THAT WERE IN FRONT OF HIM, THAT HE IS A PROJECT GUY, A TINKERER, THE FACT THAT HE ORDERED A SECOND FUEL FILTER ONLY FOUR MONTHS AFTER HE DIDN'T RECEIVE THE OTHER ONE. THE FACT THAT HE IS

REBUILDING A CELICA, NOT WITH THE SAME ENGINE, BUT WITH A COMPLETELY DIFFERENT SYSTEM, ENGINE, FUEL TANK, ET CETERA, ARE ALL IGNORED.

AND LASTLY, YOU'RE GOING TO LEARN THAT WHILE HE MAY HAVE WORKED THE GUN UNIT, HIS SUPERVISOR WILL COME IN AND TELL YOU THAT AT THE TIME THAT HE WAS THERE, THEY NEVER RECEIVED ANY TRAINING REGARDING THIS PARTICULAR DEVICE BEING ILLEGAL OR BEING A SILENCER.

IN THE END, YOU'LL HAVE NO OTHER CHOICE BUT TO FIND THAT THE DEPARTMENT'S CASE AGAINST DETECTIVE WALDEN IS BIAS POLICING. IGNORE THE EVIDENCE TO FIND THE BOOGEY MAN, GUESSWORK AND SUPPOSITION AND YOU'LL HAVE TO RETURN A FINDING OF NOT GUILTY. THANK YOU.

MS. AMIN: OKAY. SERGEANT SLATER, ARE YOU READY TO CALL YOUR FIRST WITNESS?

SGT. SLATER: WE ARE. THE DEPARTMENT WOULD LIKE TO CALL SERGEANT JOHN JIZMEJIAN.

(PAUSE IN THE PROCEEDINGS.)

MS. AMIN: GOOD AFTERNOON, SERGEANT, HOW ARE YOU?

SGT. JIZMEJIAN: GOOD. HOW ARE YOU?

MS. AMIN: CAN YOU TELL US YOUR FULL NAME.

SGT. JIZMEJIAN: JOHN, J-O-H-N, JIZMEJIAN, J-I-Z-M-E-J-I-A-N.

MS. AMIN: ALL RIGHT. DO YOU SOLEMNLY SWEAR

OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN THE HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

SGT. JIZMEJIAN: I DO.

MS. AMIN: THANK YOU. PLEASE HAVE A SEAT. YOUR WITNESS, PLEASE.

SERGEANT JOHN JIZMEJIAN,
WAS CALLED AS A WITNESS BY
THE DEPARTMENT, HAVING BEEN
FIRST DULY SWORN, WAS EXAMINED
AND TESTIFIED AS FOLLOWS:

DIRECT-EXAMINATION

BY SGT. SLATER:

Q. SERGEANT JIZMEJIAN, WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A SERGEANT WITH SPECIAL OPERATIONS DIVISION.

Q. AND WHAT IS SPECIAL OPERATIONS DIVISION?

A. IT'S A DIVISION WITHIN THE POLICE DEPARTMENT THAT HANDLES CRIMINAL ALLEGATIONS AGAINST DEPARTMENT PERSONNEL, IT ALSO DOES WORKERS' COMP FRAUD BY DEPARTMENT PERSONNEL AND SOD, SPECIAL OPERATIONS DIVISION, HAS AN INTERNAL SURVEILLANCE COMPONENT, AS WELL.

Q. THANK YOU. HOW LONG HAVE YOU WORKED THAT ASSIGNMENT, SIR?

A. ABOUT THREE AND A HALF YEARS.

Q. THANK YOU. CAN YOU, JUST FOR THE BOARD'S KNOWLEDGE, GIVE US A BRIEF OVERVIEW OF YOUR DEPARTMENT CAREER, SUPERVISORY CAREER?

A. PRIOR TO INTERNAL AFFAIRS OR PRIOR TO SOD, I WAS ASSIGNED TO INTERNAL AFFAIRS. I WORKED THE CRIMINAL AND ADMINISTRATIVE SECTIONS, PRIOR TO THAT, I WAS A SUPERVISOR AT RAMPART DIVISION, THERE I WORKED PATROL, AS A PATROL SUPERVISOR IN THE VICE UNIT.

Q. OKAY. WERE YOU ASSIGNED TO INVESTIGATE A C.F. NO. 21-001144?

A. YES.

Q. WHO WAS THE ACCUSED OFFICER IN THAT CASE?

A. DETECTIVE LUKE WALDEN.

Q. OKAY. WHAT WERE YOUR RESPONSIBILITIES IN THAT INVESTIGATION?

A. TO DO THE ADMINISTRATIVE INVESTIGATION.

Q. NOW, YOU SAY "THE ADMINISTRATIVE INVESTIGATION," CAN YOU CLARIFY A LITTLE BIT WHAT THAT MEANS?

A. SO THERE'S TWO PARTS, THERE WERE TWO PARTS TO THIS INVESTIGATION, ONE WAS THE CRIMINAL PART AND ONE WAS THE ADMINISTRATIVE PART.

Q. OKAY. AND WHEN YOU SAY YOU WERE ASSIGNED THE ADMINISTRATIVE INVESTIGATION, WHY ARE THEY SEPARATED?

A. THEY'RE SEPARATED TO PROTECT THE CRIMINAL INVESTIGATION, TO PROTECT THE OFFICER'S RIGHTS.

Q. WERE YOU EVENTUALLY BRIEFED INTO THE CRIMINAL INVESTIGATION?

A. I WAS.

Q. AND WHO WERE YOU BRIEFED INTO THAT INVESTIGATION BY?

A. BY THE -- MY COLLEAGUE WHO CONDUCTED THE CRIMINAL INVESTIGATION, DETECTIVE ROSS NEMEROFF.

Q. AND DID YOU REVIEW DETECTIVE NEMEROFF'S INVESTIGATION?

A. I DID.

Q. OKAY. HOW DID YOU BECOME AWARE OF THE ALLEGATION AGAINST MR. WALDEN?

A. I BECAME AWARE OF IT FROM DETECTIVE NEMEROFF.

Q. AND HOW DID HE BECOME AWARE OF IT?

A. CUSTOMS AND BORDER PATROL X-RAYED A BIN OF PARCELS, PACKAGES COMING INTO THE U.S. FROM OVERSEAS, THEY FOUND 13 PACKAGES WITHIN THAT BIN THAT WERE LABELED AS FUEL FILTERS, BUT THEY SUSPECTED THEY WERE FIREARM SILENCERS. ONE OF THE PACKAGES WAS ADDRESSED

TO DETECTIVE LUKE WALDEN, CUSTOMS AND BORDER PATROL THEN NOTIFIED HSI, HOMELAND SECURITY INVESTIGATIONS, AND THEY NOTIFIED THE POLICE DEPARTMENT.

Q. DO YOU KNOW IF THE RECOVERED PACKAGE WAS PHOTOGRAPHED?

A. IT WAS.

SGT. SLATER: ALL RIGHT. AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S 1, A ONE-PAGE PHOTOGRAPH OF A RECOVERED PARCEL.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 1, A PHOTOGRAPH, 1 PAGE, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. CAN YOU TAKE A MOMENT TO REVIEW THIS PHOTOGRAPH.

A. OKAY. I REVIEWED IT.

Q. IS THIS THE PACKAGE THAT WAS RECOVERED?

A. YES.

Q. WHO WAS THIS PACKAGE ADDRESSED TO?

A. LUKE WALDEN.

Q. AND WHERE WAS THE PACKAGE ADDRESSED TO?

A. HIS HOME ADDRESS.

Q. WAS THERE ANY OTHER WRITING ON THIS PACKAGE THAT YOU REVIEWED?

A. THERE WAS SOME CHINESE WRITING.

Q. DID YOU GET THAT CHINESE TRANSLATED?

A. I DID NOT.

Q. DID SOMEBODY GET THAT CHINESE WRITING TRANSLATED?

A. YES.

Q. WHO WAS THAT?

A. ROSS NEMEROFF.

Q. AND IF YOU RECALL, WHAT WAS THIS TRANSLATED TO?

A. I WOULD HAVE TO REFER BACK TO THE REPORT TO REFRESH MY MEMORY. THE CHINESE WRITING WAS TRANSLATED TO "SPIRAL, 1/2-28, SINGLE CORE AUTOMOBILE FUEL FILTER (SIX INCH, ONE-HALF INCH-28 BLACK SPIRAL "P0171289910.)"

Q. THANK YOU. NOW, YOU MENTIONED THIS WAS SCREENED BECAUSE IT WAS LABELED AS A FUEL FILTER BY CUSTOMS AND BORDER PROTECTION. WHY WERE PACKAGES LABELED AS FUEL FILTERS BEING SCREENED?

MR. SEKI: OBJECTION; CALLS FOR SPECULATION.

MS. AMIN: IF YOU CAN ANSWER IT, GO AHEAD.

SGT. JIZMEJIAN: ACCORDING TO CUSTOMS AND BORDER PATROL, THEY INTERCEPTED THOUSANDS OF PARCELS

FROM CHINA LABELED AS FUEL FILTERS, FILTERS, SOLVENT TRAPS THAT WERE IN ACTUALITY FIREARM SILENCERS.

Q. YOU HOW DID YOU COME TO KNOW THAT INFORMATION?

A. I TALKED TO MY COLLEAGUE, ROSS NEMEROFF, WHO WAS DOING THE CRIMINAL INVESTIGATION, HE BRIEFED ME ON THAT. I READ HIS REPORT, AS WELL. AND I ALSO READ TWO TECHNICAL BULLETINS FROM ATF, ALCOHOL, TOBACCO, FIREARMS, ABOUT SILENCER.

Q. WHEN YOU SAY YOU READ TWO TECHNICAL BULLETINS, ARE YOU --

I'D LIKE TO MARK AND ENTER TWO SEPARATE TECHNICAL BULLETINS, ATF TECHNICAL BULLETIN 1702, AN 8-PAGE DOCUMENT, DATED APRIL 20TH, 2017; AND TECHNICAL BULLETIN 20-01, A 6-PAGE DOCUMENT DATED OCTOBER 30TH, 2019.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE AS EXHIBIT 2 AND 3.

SGT. SLATER: BILL, I DIDN'T WRITE ON IT, BUT THE "17" WILL BE "NO. 2."

(DEPARTMENT'S EXHIBIT NO. 2, ATF BULLETIN 1702, 8 PAGES WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

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(DEPARTMENT'S EXHIBIT NO. 3, ATF BULLETIN 20-01, 6 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. HAVE YOU REVIEWED THE TWO TECHNICAL BULLETINS I PROVIDED?

A. YES.

Q. ARE THOSE THE TECHNICAL BULLETINS YOU REFERRED TO WHEN YOU SAID YOU REVIEWED THEM?

A. YES.

Q. OKAY. REFERRING TO THESE DOCUMENTS, YOU SAID YOU REVIEWED THESE AND THEY BRIEFED -- THESE DOCUMENTS PROVIDED YOU SOME ENLIGHTENMENT ON ITEMS BEING SMUGGLED IN AS SILENCERS?

A. YES.

Q. CAN I HAVE YOU REFER TO TECHNICAL BULLETIN 17.02, MARKED AS DEPARTMENT'S 2.

A. OKAY.

Q. DID THIS DOCUMENT DEFINE A FIREARM SILENCER?

A. IT DID.

Q. ARE SILENCERS LEGAL IN THE STATE OF CALIFORNIA?

A. THEY ARE NOT.

Q. ALL RIGHT. ARE LAW ENFORCEMENT OFFICERS LEGALLY ALLOWED TO POSSESS A SILENCER WHILE OFF DUTY?

A. NO.

Q. WHAT WAS THE SILENCER DEFINED AS, ROUGHLY, BY THIS DOCUMENT?

A. IT'S A DEVICE THAT SUPPRESSES OR LESSENS THE SOUND OF A GUN GOING OFF, THE GUN FIRING, OR IT'S LIKE A COMBINATION OF PARTS THAT DO THE SAME THING BUT AE INTENDED TO ACT AS A SILENCER.

Q. AND AFTER HSI, AND JUST TO BE CLEAR, I DON'T KNOW IF YOU CLARIFIED THIS POINT, WHAT IS HSI?

A. HOMELAND SECURITY INVESTIGATION.

Q. WHY WERE THEY THE ONES TO NOTIFY YOUR PARTNER?

A. THEY HANDLED THE CRIMINAL CASE FROM THEIR END.

Q. OKAY. SO AFTER HSI NOTIFIED YOUR PARTNER OF THE RECOVERED ITEMS, WHAT STEPS WAS TAKEN?

A. DETECTIVE NEMEROFF WENT TO HSI OFFICE AND RECOVERED -- TOOK THE ITEM FROM THEM.

SGT. SLATER: ALL RIGHT. AT THIS TIME, I'D LIKE TO MARK AND ENTER A ONE-PAGE DOCUMENT, A PROPERTY REPORT.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE.

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(DEPARTMENT'S EXHIBIT NO. 4, PROPERTY REPORT, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. WHEN DETECTIVE NEMEROFF TOOK THIS ITEM INTO CUSTODY, DID HE COMPLETE A PROPERTY REPORT?

A. YES.

Q. IS THIS THE PROPERTY REPORT THAT HE COMPLETED.

A. IT IS.

Q. ALL RIGHT. WAS THE RECOVERED ITEM ANALYZED?

A. IT WAS.

Q. WHO CONDUCTED THIS ANALYSIS?

A. A TECHNICIAN FROM FORENSIC SCIENCES DIVISION BY THE NAME OF "FADIO BUSILAH."

Q. DO YOU MEAN FADIL BIRAIMAH?

A. YES.

Q. OKAY. AND BEFORE WE GET TO THAT POINT, ACTUALLY, WERE PHOTOGRAPHS TAKEN OF THE ITEM WHEN IT WAS RECOVERED?

A. YES.

SGT. SLATER: I'D LIKE TO MARK DEPARTMENT'S 5, A 21-PAGE DOCUMENT, PHOTOS OF THE RECOVERED ITEM AND PACKAGING THAT IT CAME WITH.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 5, PHOTOGRAPHS, 21 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. ARE THESE THE PHOTOGRAPHS THAT WERE TAKEN OF THE RECOVERED ITEM?

A. YES.

Q. NOW, YOU MENTIONED CRIMINALIST FADIL BIRAIMAH TOOK AN EXAMINATION OF THIS ITEM; IS THAT CORRECT?

A. YES.

Q. DID HE COMPLETE A REPORT IN ANY WAY OF DOCUMENTING THAT?

A. YES.

SGT. SLATER: AT THIS TIME I'D LIKE TO ENTER DEPARTMENT'S NO. 6, A 3-PAGE DOCUMENT TITLED, "LABORATORY REPORT SID 21-007329."

MR. SEKI: NO OBJECTION.

MS. AMIN: ALL RIGHT. ENTERED INTO EVIDENCE.

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(DEPARTMENT'S EXHIBIT NO. 6, A DOCUMENT TITLED, "LABORATORY REPORT SID 21-007329," 3 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. AFTER EXAMINING THIS ITEM, DID THE CRIMINALIST COME TO ANY CONCLUSION?

A. HE DID.

Q. AND I APOLOGIZE FOR GETTING AHEAD OF MYSELF THERE.

WHAT WAS HE ASKED TO ANALYZE THIS ITEM FOR?

A. TO SEE IF IT'S A SILENCER FOR A HANDGUN.

Q. OKAY. WAS IT FOR A HANDGUN --

A. FOR A FIREARM, I'M SORRY.

Q. AND WHAT CONCLUSION DID HE REACH?

A. THAT IT WAS A SILENCER FOR A FIREARM.

Q. AND IS THAT THE REPORT IN FRONT OF YOU THAT WE'RE DISCUSSING?

A. YES.

Q. ALL RIGHT. AFTER YOUR PARTNER RECOVERED THE FIREARM, WHAT OTHER INVESTIGATIVE ACTIONS WERE TAKEN, I MEAN, NOT THE FIREARM, THE ITEM FROM HSI?

A. SO DETECTIVE NEMEROFF CONTACTED OUR INFORMATION TECHNOLOGY BUREAU, IT'S LIKE OUR IT

DEPARTMENT, AND HE HAD THEM QUERY DETECTIVE WALDEN'S INTERNET SEARCH HISTORY USING DEPARTMENT COMPUTERS. HE ALSO CONTACTED THE CALIFORNIA DEPARTMENT OF JUSTICE AND OBTAINED A LIST OF FIREARMS THAT HAVE BEEN REGISTERED TO DETECTIVE WALDEN.

Q. THANK YOU. I JUST NEED ONE SECOND TO FIND WHERE IN HERE A DISK WENT.

(PAUSE IN THE PROCEEDINGS.)

BY SGT. SLATER:

Q. YOU SAID YOUR PARTNER CONTACTED ITD TO DO AN AUDIT OF HIS COMPUTER USAGE, WHAT SPECIFICALLY WAS AUDITED?

A. HIS COMPUTER USAGE DURING A TIME FRAME, I THINK IT WAS JANUARY 1 OF 2020 TO APRIL 28TH OF '21.

Q. AND HOW WAS THAT -- WAS A KEYWORD SEARCHED USED AS THAT AUDIT?

A. THERE WAS CERTAIN KEYWORDS, "SILENCER" AND OBJECTS ASSOCIATED WITH SILENCERS, "THREADED BARREL, FUEL FILTER."

SGT. SLATER: OKAY. AT THIS TIME I WOULD LIKE TO MARK AND ENTER DEPARTMENT'S 7, THE KEYWORD "SEARCH RESULTS." THEY ARE ON A DISK, DUE TO THE SIZE. I WILL PULL THEM UP ON THE SCREEN MOMENTARILY, BUT FOR NOW, I'D LIKE TO MARK AND ENTER THEM AS DEPARTMENT'S 7 ON A DISK.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. ENTERED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 7, A DISK, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. AND IF REQUESTED, LATER IN THE DAY OR AT ANOTHER POINT, I CAN PROVIDE THESE ON A USB OR ANOTHER ITEM. BUT WE HAVE LIMITED USB'S, SO FOR NOW, THEY'RE ON A DISK.

MS. AMIN: IS IT POSSIBLE TO CONDENSE THE FILE AND SEND IT BY E-MAIL?

SGT. SLATER: I SHOULD BE ABLE TO. DON'T QUOTE ME ON THAT UNTIL I CONFIRM.

MS. AMIN: OKAY. SO EACH OF US CAN HAVE A COPY.

SGT. SLATER: BUT WE SHOULD BE ABLE TO SEND THAT ELECTRONICALLY, AS WELL.

ONE SECOND, PLEASE.

(PAUSE IN THE PROCEEDINGS.)

MR. ORTEGA: IS THIS GOING TO PROJECT ON THAT MONITOR?

SGT. SLATER: IT WILL, SIR, IN JUST A MOMENT.

Q. DID YOU GET A COPY OF THAT AUDIT AS PART OF

YOUR INVESTIGATION?

A. I DID, YES.

Q. OKAY. WHAT WERE THE RESULTS OF THAT AUDIT?

A. THERE WERE MULTIPLE SEARCHES FOR THREADED BARREL AND FOR FILTER. AND, ALSO, THERE WERE MULTIPLE HITS FOR THREADED BARREL, MULTIPLE SEARCHES FOR THREADED BARREL, FOR FUEL FILTER, AND ALSO THERE WAS ONE WEBLINK TO A PAYPAL -- A LINK TO A PAYPAL WEBSITE.

Q. THANK YOU. JUST ONE MOMENT, AND I'M GOING TO DIRECT YOU TO THE SCREEN IN FRONT OF YOU.

BUT DIRECTING YOU SPECIFICALLY, I'M GOING TO PULL UP THE KEYWORD SEARCH OF "FUEL" FOR MARCH OF 2021, LINE 330.

CAN YOU SEE THAT FROM HERE?

A. YES.

Q. OKAY. AND IF NECESSARY, WE CAN HAVE YOU WALK CLOSER OR HAVE ANYBODY MOVE CLOSER THAT NEEDS TO SEE IT.

IS THIS ONE OF THOSE SEARCHES THAT YOU REFERENCED?

A. YES.

Q. AND CAN YOU READ WHAT LINE 330 -- WHAT THE URL STARTS WITH?

A. "PAYPAL.COM\TS?PGRP."

Q. THAT'S FINE, THAT'S ENOUGH.

AND THEN THE SECTION IN RED AT THE END OF THAT URL BOX?

A. "CHECKOUT BUTTON."

Q. I APOLOGIZE, THE NEXT SECTION IN RED. IF I NEED, I CAN HAVE YOU MOVE CLOSER.

A. SO THE NEXT RED?

Q. YEAH, THE NEXT RED.

A. "CHECKOUT BUTTON."

Q. AFTER "CHECKOUT BUTTON."

A. "NAPA-4003-WIX240031-2-205-8-245-8-24 FUEL FILTER-ALUMINUM SOLVENT TRAP."

Q. THANK YOU.

AND DIRECTING YOU TO THE LINE IMMEDIATELY PRECEDING THAT, WHAT WAS FIRST IMMEDIATELY BEFORE THE PAYPAL URL?

A. "FACEBOOK.COM."

Q. AND THEN THE LINE DIRECTLY UNDER "FACEBOOK.COM"?

A. "FUEL FILTER ALUMINUM SOLVENT."

Q. THANK YOU.

SO YOU MENTIONED THAT PAYPAL WAS DISCOVERED AS ONE OF THE ITEMS ON THESE SEARCH LISTS, WHAT ACTIONS WERE TAKEN AFTER THE PAYPAL DISCOVERY?

A. MY COLLEAGUE, ROSS NEMEROFF, THEN WROTE A SEARCH WARRANT FOR DETECTIVE WALDEN'S PAYPAL ACCOUNT.

Q. AND HOW WERE THE RESULTS OF THAT SEARCH WARRANT DOCUMENTED?

A. HE WROTE A 3.14 REPORT, WHICH IS A FOLLOW-UP REPORT.

SGT. SLATER: OKAY. AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S 8, THE PAYPAL RECORDS, ON A DISK, WHICH WILL ALSO BE E-MAILED TO THE BOARD MEMBERS LATER TODAY.

AND DEPARTMENT'S 9, A ONE-PAGE DOCUMENT TITLED, "FOLLOW UP INVESTIGATION DR21991310."

MR. SEKI: I HAVE NO OBJECTION TO EITHER.

MS. AMIN: OKAY. SO EXHIBIT 8 AND 9 WILL BE ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 8, A DISK WITH PAYPAL RECORDS, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

(DEPARTMENT'S EXHIBIT NO. 9, A DOCUMENT TITLED, "FOLLOW UP INVESTIGATION DR21991310," WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. DID THE RESULTS OF THAT PAYPAL LOG DOCUMENT WHO THE PAYPAL ACCOUNT BELONGED TO?

A. THE SEARCH WARRANT?

Q. YES.

A. YES.

Q. AND WHO WAS DISCOVERED TO BE THE OWNER OF THAT PAYPAL ACCOUNT?

A. DETECTIVE LUKE WALDEN.

Q. OKAY. AND WAS ANYTHING ELSE DISCOVERED AFTER RECEIVING A COPY OF THE PAYPAL RESULTS?

A. NEMEROFF DISCOVERED THAT A PAYPAL RECORD HAD A PURCHASE OF A FUEL FILTER.

Q. STANDBY ONE SECOND.

AND DID YOU REVIEW THOSE PAYPAL TRANSACTIONS, AS WELL?

A. YES.

Q. I'M GOING TO PUT ON THE SCREEN THE PAYPAL TRANSACTIONS, SPECIFICALLY LINE 79. REFERRING TO LINE 79, UNDER THE COLUMN THAT SAYS, "NET," WHAT DO YOU SEE?

A. NEGATIVE SIGN AND THEN $45.96, USD.

Q. OKAY. AND THEN MOVING THROUGH THAT, ON LINE 79, UNDER "SHIPPING ADDRESS," WHAT ADDRESS WAS LISTED THERE, AS WELL AS WHAT INDIVIDUAL?

A. IT HAS DETECTIVE WALDEN'S NAME WITH HIS HOME ADDRESS.

Q. AND UNDER ITEM TITLE, WHAT ITEM IS LISTED IN LINE 79?

A. IT SAYS, "BUY 1 GET 1 FREE," SAYS, "LAST DAY

FOR NAPA-4003-WIX-4003-1-2-28-5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP."

Q. THANK YOU.

DIRECTING YOU BACK TO THE ATF TECHNICAL BULLETIN 20-01, WHICH WAS DEPARTMENT'S 3, MAY I HAVE YOU REFER TO DEPARTMENT'S 3, PLEASE.

A. OKAY.

Q. IS THE NAPA 4003 FUEL FILTER REFERENCED IN THIS BULLETIN ANYWHERE?

A. IT IS.

Q. DO YOU RECALL WHAT PAGE THAT WAS ON?

A. IT'S THE LAST PAGE.

Q. WHEN YOU SAY "THE LAST PAGE," ARE YOU REFERRING TO PAGE 6?

A. YES.

Q. OKAY. AND WHAT IS THE REFERENCE ON PAGE 6 REFERRING TO?

A. THE SIZE OF THE THREADING, 3/4 OF AN INCH.

Q. OKAY. WHEN YOU SAY "THREAD 3/4 OF AN INCH," HOW DID YOU COME TO KNOW WHAT 3/4 OF AN INCH MEANS?

A. I DID AN INTERNET RESEARCH.

Q. OKAY. ON PAGE 4 OF THIS DOCUMENT, I'M GOING TO DIRECT YOU TO 4, IS THE NAPA 4003 FILTER REFERENCED ON PAGE 4?

A. YES.

Q. AND WHAT DID THIS DOCUMENT HAVE TO SAY ABOUT ITEMS MARKED AS A NAPA 4003 FILTER?

A. SO IT SAYS, ACCORDING TO THE ATF, THE PEOPLE WHO WROTE THIS DOCUMENT, WHEN YOU DO AN INTERNET SEARCH FOR NAPA 4003, THE RESULTS COME UP WITH DIFFERENT WEBSITES SELLING FIREARM SILENCERS UNDER THE GUISE OF FUEL FILTERS, CLAIMING TO BE FUEL FILTERS.

Q. AND ON THE ONES THAT ARE SOLD AS FIREARM FUEL FILTERS, WHAT IS THE THREAD SIZE ON THOSE ITEMS?

A. FIREARMS -- CAN YOU REPEAT THAT QUESTION.

Q. YOU REFERENCED THAT ON PAGE 4, THE ATF IDENTIFIED ITEMS MARKETED AS NAPA THAT ARE ACTUALLY SILENCERS, DID THIS DOCUMENT REFERENCE THE THREAD SIZE OF THE ITEMS THAT ARE SILENCERS?

A. IT DID.

Q. AND WHAT WAS THAT?

A. HALF-INCH BY 28.

Q. ARE THERE OTHER OPTIONS FOR THE SILENCERS THAT THREAD SIZE?

A. YES.

Q. WOULD IT BE SAFE TO SAY, THEN, THAT 1/2 BY 28 IS A COMMON THREAD SIZE FOR FIREARMS?

A. I WOULD BELIEVE SO.

MR. SEKI: OBJECTION; LACKS FOUNDATION. CALLS FOR SPECULATION. HE'S NOT AN EXPERT IN THIS.

SGT. SLATER: LET ME REPHRASE MY QUESTION THEN.

Q. DID THE ATF IN THIS DOCUMENT IDENTIFY 1/2 BY 28 AS A THREAD SIZE USED ON FIREARM SUPPRESSORS?

A. YES.

Q. AND TO BE CLEAR, THAT'S DIFFERENT THAN THE 3/4 THREAD THAT WAS MARKETED AS THE FUEL FILTER SIZE, CORRECT?

A. CORRECT.

Q. THANK YOU.

AND WHAT WAS THE THREAD SIZE WHEN WE TRANSLATED THE CHINESE WRITING ON THE ITEM THAT WAS INTERCEPTED?

A. 1/2 BY 28.

Q. NOW, YOU MENTIONED THAT YOUR PARTNER CONTACTED SOMEBODY ABOUT THE FIREARMS OWNED BY DETECTIVE WALDEN?

A. YES.

Q. WHO DID HE CONTACT?

A. HE CONTACTED THE CALIFORNIA DOJ, DEPARTMENT OF JUSTICE.

Q. AND WHY WOULD HE CONTACT THE DEPARTMENT OF JUSTICE?

A. BECAUSE THEY -- WHEN YOU BUY A GUN IN CALIFORNIA, YOU HAVE TO REGISTER IT, AND THEY HAD THE

DATABASE FOR THE REGISTERED FIREARMS.

Q. SO IF I'M HEARING YOU CORRECTLY, WHAT YOU'RE SAYING IS THAT THE DOJ TRACKS FIREARMS OWNED BY INDIVIDUALS?

A. YES.

Q. AND AFTER HE CONTACTED THEM, WHAT HAPPENED?

A. IT PROVIDED DETECTIVE NEMEROFF A LIST OF THE GUNS OR THE FIREARMS REGISTERED -- THAT WERE REGISTERED TO LUKE WALDEN.

SGT. SLATER: AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S 10, A 20-PAGE DOCUMENT CONTAINING AN E-MAIL REQUESTING A FIREARMS RUN AND THE RESULTS OF THAT FIREARM RUN.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 10, AN E-MAIL, 20 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. SO I'D LIKE TO REFER YOU TO DEPARTMENT'S 10, THE DOCUMENT I JUST GAVE YOU, REFERRING TO PAGES 19 AND 20, CAN YOU EXPLAIN WHAT THESE TWO PAGES ARE?

A. THESE TWO PAGES WERE PREPARED BY MY CO-WORKER, ROSS NEMEROFF.

Q. OKAY. CAN YOU BREAK DOWN WHAT EACH OF THESE COLUMNS IS SUPPOSE TO REPRESENT?

A. NEMEROFF LOOKED INTO EACH FIREARM THAT THE DOJ PROVIDED HIM AS BEING REGISTERED TO LUKE WALDEN. HE RAN THE SERIAL NUMBERS FOR THE HISTORY OF THE FIREARMS AND MADE A DETERMINATION IF THEY WERE BOUGHT OR SOLD.

Q. OKAY. SO IF I'M UNDERSTANDING YOU CORRECTLY, THE FIRST COLUMN INDICATES IF AT SOME POINT MR. WALDEN HAD BOUGHT OR SOLD ONE OF THESE GUNS, THE SECOND COLUMN IS THE TYPE OF GUN, AS IN THE MANUFACTURER, THE THIRD IS THE CALIBER, THE FOURTH COLUMN WOULD BE THE PRODUCT TYPE, SO WITHIN A MANUFACTURER, THE TYPE OF GUN IT IS, AND THEN THE DOT COLUMN WOULD BE THE DATE OF TRANSFER, FINALLY THE SERIAL, AND THEN IF IT'S DOCUMENTED WITH THE DOJ, A DOCUMENTED TRANSFER TO ANOTHER INDIVIDUAL, CORRECT?

A. CORRECT.

Q. SO CIRCLING BACK TO DEPARTMENT'S 3 ONE MORE TIME, DID THIS DOCUMENT IDENTIFY THE COMMON THREAD SIZES OF CERTAIN FIREARM BARRELS?

A. IT DID.

Q. WHAT WAS IDENTIFIED AS THE THREAD SIZE FOR NINE-MILLIMETER HANDGUNS?

A. 1/2 BY 28.

Q. AND WHAT WAS IDENTIFIED AS THE THREAD SIZE FOR AR-15 TYPE RIFLES?

A. 1/2 BY 28.

Q. AND WHAT WAS THE THREAD SIZE FOR RUGER 1022 RIFLES?

A. THE SAME, 1/2 BY 28.

Q. DID MR. WALDEN OWN ANY NINE-MILLIMETER HANDGUNS?

A. YES.

Q. DID MR. WALDEN OWN ANY AR-STYLE RIFLES?

A. YES.

Q. DID MR. WALDEN OWN ANY RUGER 1022'S?

A. YES.

Q. NOW, IN THE OPENING, MR. SEKI, THE DEFENSE ATTORNEY, MENTIONED THAT A THREADED BARREL WAS NECESSARY TO AFFIX THINGS TO A PISTOL IN THE STATE OF CALIFORNIA?

MR. SEKI: I'M GOING TO OBJECT AS VAGUE TO "THINGS," I DON'T KNOW WHAT "THINGS" ARE.

BY SGT. SLATER:

Q. TO ATTACH FIREARM BARREL ATTACHMENTS TO FIREARMS IN THE STATE OF CALIFORNIA; IS THAT CORRECT?

MR. SEKI: WELL, I GUESS THAT'S IRRELEVANT. BARREL ATTACHMENTS, I DON'T KNOW WHAT BARREL ATTACHMENTS ARE. IF YOU'RE SPECIFICALLY ASKING ABOUT

SILENCERS, THEN ASK ABOUT SILENCERS, BUT BARREL ATTACHMENTS CAN BE A NUMBER OF THINGS.

MS. AMIN: SUSTAINED.

BY SGT. SLATER:

Q. IN HIS OPENING, MR. SEKI ADDRESSED THAT A THREADED BARREL WOULD BE NECESSARY TO ATTACH A FIREARM SILENCER TO A BARREL; IS THAT CORRECT?

MR. SEKI: OBJECTION; LACKS FOUNDATION. WE DON'T KNOW THAT HE'S AN EXPERT ON THAT OR IF HE HAS KNOWLEDGE OF IT.

MS. AMIN: IF YOU HAVE KNOWLEDGE OR ABILITY TO ANSWER, THAT'S FINE.

SGT. JIZMEJIAN: REPEAT THE QUESTION, PLEASE.

BY SGT. SLATER:

Q. ARE THREADED BARRELS -- I'LL MOVE ON. I'LL ADDRESS THIS THROUGH ANOTHER WITNESS.

ALL RIGHT. I WANT TO DIRECT YOU NOW TO MR. WALDEN'S WORK STATUS, DOES THE DEPARTMENT TRACK WHEN ITS EMPLOYEES ARE WORKING?

A. YES.

Q. HOW DOES THE DEPARTMENT TRACK WHEN EMPLOYEES ARE WORKING?

A. WE HAVE AN INTERNAL DATABASE CALLED DEPLOYMENT PLANNING SYSTEM.

Q. AND WHAT IS -- WHAT DOES DEPLOYMENT PLANNING SYSTEM TRACK ON TOP OF IF AN EMPLOYEE IS WORKING?

A. IT TRACKS THEIR WORK HOURS, AS WELL.

SGT. SLATER: I'D LIKE TO MARK AND ENTER A ONE-PAGE DOCUMENT TITLED, "GND/FBI GANG TASK FORCE DAILY WORKSHEET PORTRAIT" FOR WEDNESDAY, MARCH 17, 2021.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT'S ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 11, DOCUMENT TITLED, "GND/FBI GANG TASK FORCE DAILY WORKSHEET PORTRAIT," WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. HAVE YOU SEEN THIS DOCUMENT BEFORE, SIR?

A. YES.

Q. IS LUKE WALDEN'S WORK STATUS FOR THAT DAY DOCUMENTED ON THIS SHEET?

A. YES.

Q. WHAT TIME WAS LUKE WALDEN SCHEDULED TO BEGIN HIS SHIFT THAT DAY?

A. 0600.

Q. WHAT TIME DID HE ACTUALLY BEGIN HIS SHIFT?

A. 0900.

Q. SO ACCORDING TO THIS DOCUMENT, WAS LUKE WALDEN ON DUTY AT 0828 A.M. ON MARCH 17, 2021?

A. HE WAS NOT.

Q. AND AS PART OF YOUR INTERVIEW INTO THIS MATTER, I MEAN, INVESTIGATION INTO THIS MATTER, DID YOU CONDUCT AN INTERVIEW WITH DETECTIVE WALDEN?

A. I DID.

Q. ONE SECOND, PLEASE.

WAS THAT INTERVIEW RECORDED?

A. IT WAS.

SGT. SLATER: AT THIS TIME, I'D LIKE MARK AND ENTER DEPARTMENT'S 12, A 22-PAGE TRANSCRIPT OF A RECORDED INTERVIEW OF LUKE WALDEN. AND DEPARTMENT'S 13, A DISK OF THAT INTERVIEW.

MR. SEKI: SO THIS IS THE FIRST I'M SEEING OF THE TRANSCRIPT. I HAVEN'T BEEN PROVIDED THIS TRANSCRIPT.

SGT. SLATER: THE DEPARTMENT --

MR. SEKI: YOU KNOW WHAT, LET ME RETRACT. I DID GET IT. I'M SORRY. I HAVE NO OBJECTION TO 12 OR 13.

MS. AMIN: OKAY. THAT WILL BE ADMITTED INTO EVIDENCE.

MR. ORTEGA: DID YOU SAY 12 AND 13?

SGT. SLATER: 13 WILL BE THE DISK, 12 WILL BE THE TRANSCRIPT.

(DEPARTMENT'S EXHIBIT NO. 12, TRANSCRIPT OF LUKE WALDEN INTERVIEW, 22 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

(DEPARTMENT'S EXHIBIT NO. 13, DISK OF TRANSCRIPT OF LUKE WALDEN'S INTERVIEW, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. DURING YOUR INTERVIEW, WAS DETECTIVE WALDEN'S WORK HISTORY EVER DISCUSSED?

A. YES.

Q. WAS WALDEN EVER ASSIGNED TO THE GUN UNIT?

A. YES.

Q. WAS WALDEN EVER ASSIGNED TO A FEDERAL TASK FORCE?

A. YES.

Q. DID DETECTIVE WALDEN TELL YOU HE HAD QUALIFIED AS A COURT EXPERT ON FIREARMS AND TESTIFIED BEFORE ON SUCH MATTERS?

A. YES.

Q. DID YOU DISCUSS THE INTERCEPTED ITEM DURING YOUR INTERVIEW?

A. YES.

Q. WHAT DID DETECTIVE WALDEN TELL YOU THE ITEM WAS FOR?

A. HE SAID HE WAS REBUILDING AN OLDER VEHICLE, AN '85 TOYOTA CELICA, AND HE THOUGHT HE ORDERED A FUEL FILTER FOR THE VEHICLE, BUT HE NEVER RECEIVED THE ITEM.

Q. FOLLOWING YOUR INTERVIEW WITH DETECTIVE WALDEN AND HIS STATEMENT THAT HE PURCHASED THE ITEM AS A FUEL FILTER FOR A VEHICLE HE WAS REBUILDING, DID YOU TAKE ANY INVESTIGATIVE ACTIONS?

A. I WENT AND INTERVIEWED A SUPERVISOR GREG FIELD OR FIELDS, HE'S ASSIGNED TO MOTOR TRANSPORT DIVISION, THAT'S THE DIVISION THAT HAS OUR MECHANICS, OUR AUTOMOTIVE PEOPLE, AND I ASKED HIM -- I SHOWED HIM THE WEBLINKS THAT MY COLLEAGUE, NEMEROFF, DISCOVERED DURING HIS ITD INQUIRY OF DETECTIVE WALDEN'S INTERNET SEARCHES, SPECIFICALLY THE FUEL FILTER SEARCHES, AND I ALSO SHOWED HIM PICTURES OF THE DEVICE THAT WAS RECOVERED, AS WELL.

Q. SO WHEN MR. FIELD --

A. OR ITEM RECOVERED, I'M SORRY.

Q. SO WHEN MR. FIELD REVIEWED THE PHOTO OF THE ITEM RECOVERED, DID HE COME TO A CONCLUSION?

A. YES.

Q. AND WHAT WAS THAT CONCLUSION?

A. HE SAID THAT THE ITEM IS NOT A FUEL FILTER FOR A VEHICLE.

Q. OKAY. WAS THIS CASE -- WHAT WE'VE HEARD, AS MENTIONED IN THE OPENING, THIS WAS PRESENTED FOR CRIMINAL FILING, ARE YOU AWARE OF WHAT OCCURRED WITH THAT CRIMINAL FILING?

A. I AM.

Q. ALL RIGHT. WAS THIS CASE -- WAS A PRELIMINARY HEARING HELD IN THIS MATTER?

A. YES.

Q. AND WHAT IS A PRELIMINARY HEARING?

A. IT'S A HEARING WITH A JUDGE TO DETERMINE IF THERE'S ENOUGH EVIDENCE TO MOVE TO TRIAL.

SGT. SLATER: OKAY. AT THIS TIME I'D LIKE TO MARK AND ENTER A FIVE-PAGE DOCUMENT AS DEPARTMENT'S 14, AND THIS IS THE MINUTES FROM THE PRELIMINARY HEARING.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ENTERED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 14, PRELIMINARY HEARING MINUTES, 5 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. WAS A PRELIMINARY HEARING HELD ON THIS MATTER ON MARCH 9TH OF 2023?

A. YES.

Q. AND WHAT WAS THE OUTCOME OF THAT PRELIMINARY HEARING?

A. DETECTIVE WALDEN WAS HELD TO ANSWER.

Q. AND THEN AFTER THE PRELIMINARY HEARING AND BEING HELD TO ANSWER, DO YOU KNOW WHAT HAPPENED WITH THE COURT CASE?

A. DETECTIVE WALDEN PLED OUT TO AN OFFENSE.

Q. DO YOU KNOW WHAT OFFENSE HE PLED OUT TO?

A. POSSESSION -- ATTEMPT POSSESSION OR POSSESSION OF ASSAULT WEAPON.

SGT. SLATER: AT THIS TIME I'D LIKE TO MARK AND ENTER A 4-PAGE DOCUMENT, DEPARTMENT'S NO. 15, THE MINUTES FROM THE SEPTEMBER 29, 2023 PROCEEDINGS OR, YEAH.

MR. ORTEGA: I HAVE A QUESTION.

SGT. SLATER: YES.

MR. ORTEGA: IS THE TERM "HELD TO ANSWER," AS THE NON-LAWYER HERE, DOES THAT REQUIRE YOU TO SAY GUILTY OR NOT GUILTY?

MR. SEKI: NO. IT'S BASICALLY A FINDING BY THE COURT THAT ALLOWS THE CASE TO PROCEED FORWARD, SO

IT'S A CHECK ON THE POWERS OF THE GOVERNMENT.

BY SGT. SLATER:

Q. AND JUST TO BE CLEAR, I KNOW YOU SAID IT, BUT IN CASE THERE'S ANY QUESTIONS FOR THE BOARD, ULTIMATELY WHEN YOU SAY "HE PLEAD OUT," WHAT DOES "PLEAD OUT" MEAN?

A. HE -- HE ARRANGED AN AGREEMENT WITH THE PROSECUTORS TO BE FOUND CULPABLE OF AN OFFENSE.

MR. ORTEGA: YEAH, I DO KNOW WHAT PLEAD OUT MEANS.

SGT. SLATER: JUST COVERING THE BASIS FOR IT.

MR. ORTEGA: I APPRECIATE IT.

MS. AMIN: ANY OBJECTION TO 15?

MR. SEKI: OH, I'M SORRY, NO OBJECTION.

MS. AMIN: SO ADMITTED.

(DEPARTMENT'S EXHIBIT NO. 15, MINUTE ORDER, DATED SEPTEMBER 29, 2023, 4 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

SGT. SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: WE'LL BE BACK IN 10.

(RECESS TAKEN.)

MS. AMIN: BACK ON THE RECORD.

MR. SEKI, IT'S YOUR CROSS.

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. SO SERGEANT JIZMEJIAN, LET ME KIND OF -- I'M NOT GOING TO REPEAT EVERYTHING, BUT KIND OF BACKTRACK FROM THE BEGINNING. WE HAVE DEPARTMENT'S NO. 1, WHICH IS A PHOTOGRAPH OF A PARCEL THAT WAS SEIZED BY CUSTOMS AND BORDER PATROL, CORRECT?

A. YES.

Q. AND IN TERMS OF THIS PARTICULAR PARCEL, DID YOU DO ANY RESEARCH REGARDING THE ORIGINS OF THIS MEANING, WHERE THIS CAME FROM, THE COMPANY IT CAME FROM, ANYTHING LIKE THAT?

A. I, PERSONALLY?

Q. YES.

A. I DID NOT.

Q. DO YOU KNOW IF DETECTIVE NEMEROFF AT ANY POINT DID ANY RESEARCH ON IT?

A. I BELIEVE HE DID AN INTERNET SEARCH OF THE PHONE NUMBER AND MAYBE THE ADDRESS OF THE -- OF THE SENDER. I'D HAVE TO REFER TO MY REPORT TO REFRESH MY MEMORY.

Q. ONE OF THE THINGS THAT YOU SAID, AND MAYBE IT WASN'T CLEAR TO EVERYBODY, BUT CUSTOMS AND BORDER PATROL FOCUSED ON A BIN OF 13 ITEMS FROM THIS

PARTICULAR COMPANY; IS THAT CORRECT?

A. I BELIEVE THERE WAS A BIN WITH MULTIPLE ITEMS, 13 THAT WERE OUT OF THE BIN WERE IDENTIFIED BY CUSTOMS AND BORDER PATROL AS SUSPECTED FIREARM SILENCERS.

Q. DO YOU KNOW WHETHER OR NOT THEY WERE ALL FROM THE SAME COMPANY?

A. I DON'T.

Q. AND DO YOU KNOW WHAT WAS CONTAINED IN THOSE OTHER ITEMS?

A. WHICH OTHER ITEMS?

Q. THE 12 ITEMS THAT WERE SEIZED.

A. ACCORDING TO CUSTOMS AND BORDER PATROL, THEY SUSPECTED ALL 13 TO BE FIREARM SILENCERS.

Q. BUT YOU DON'T KNOW IF, IN FACT, THEY OPENED THEM UP, USED THEM, ANALYZED THEM?

A. I DON'T.

Q. YOU ONLY KNOW ON THIS PARTICULAR CASE, THIS ONE PACKAGE WAS IDENTIFIED AND THEN TURNED OVER TO LAPD; IS THAT CORRECT?

A. YES.

Q. AND IS IT CORRECT TO SAY THAT HOMELAND SECURITY ENDED UP DOING SOME RESEARCH IN DETERMINING THAT DETECTIVE WALDEN WHOSE NAME APPEARS ON HERE, THEY DETERMINED HE WAS A LAW ENFORCEMENT OFFICER?

A. YES.

Q. AND THEN THEY CONTACTED LAPD?

A. YES.

Q. AND THEN LAPD TOOK IT FROM THERE TO CONDUCT THEIR INVESTIGATION, CORRECT?

A. CORRECT.

Q. ONE OF THE THINGS THAT WAS SHOWN TO YOU BY SERGEANT SLATER HAD TO DEAL WITH INTERNET SEARCHES, USING KEYWORDS SUCH AS "FUEL FILTER, THREADED BARREL," ET CETERA?

A. CORRECT.

Q. AND YOU FOUND ONE WHICH HAD A WEBLINK TO A PAYPAL ACCOUNT, CORRECT?

A. DETECTIVE NEMEROFF FOUND THAT WEBLINK.

Q. DID DETECTIVE NEMEROFF GO TO THAT WEBSITE TO SEE WHAT WAS BEING ADVERTISED?

A. I DON'T KNOW.

Q. YOU WERE SHOWN A PAYPAL DATABASE OR RECORDS FOR DETECTIVE WALDEN AND, AGAIN, IT CAME UP WITH A PURCHASE OF A NAPA 4003 WIX, AND THERE'S SOME OTHER STUFF, FUEL FILTER, ALUMINUM SOLVENT TRAP, CORRECT?

A. YES.

Q. WERE YOU EVER ABLE TO FIND THE WEBSITE ASSOCIATED WITH THAT?

A. I DIDN'T LOOK.

Q. DO YOU KNOW IF DETECTIVE NEMEROFF LOOKED?
A. I DON'T KNOW.
Q. ONE OF THE THINGS THAT YOU SAID THAT THERE WAS A SEARCH ASSOCIATED WITH FACEBOOK.COM FOR A FUEL FILTER, CORRECT?
A. YES.
Q. AND APPARENTLY THERE WAS ON MARCH 17TH OF 2021?
A. YES.
Q. WERE YOU ABLE TO FIND THAT FACEBOOK.COM WEBSITE TO SEE WHAT WAS BEING ADVERTISED?
A. I DON'T KNOW. I DIDN'T DO -- I HAD ADMINISTRATIVE INVESTIGATIVE RESPONSIBILITIES TO DO THE ADMINISTRATIVE INVESTIGATION FOR THIS CASE, DETECTIVE NEMEROFF HAD THE CRIMINAL PORTION. I DON'T KNOW IF HE DID WHAT MR. SEKI IS ASKING.
Q. CORRECT ME IF I'M WRONG, JUST SO THE BOARD UNDERSTANDS, YOU HAVE PARALLEL INVESTIGATIONS, ADMINISTRATIVE INVESTIGATION AND CRIMINAL INVESTIGATION, CORRECT?
A. THEY'RE NOT PARALLEL.
Q. WELL, I MEAN, YOU'RE BASICALLY CONDUCTING AN ADMINISTRATIVE INVESTIGATION FOR THE SAME SUBJECT AS THE CRIMINAL INVESTIGATION; IS THAT CORRECT?
A. YES.

Q. OKAY. AND WHILE THEY'RE NOT, AS YOU SAY, PARALLEL, BASICALLY YOU'RE INVESTIGATING THE SAME THINGS, CORRECT?

A. YES.

Q. YOU DON'T HAVE TO RELY SOLELY ON WHAT THE CRIMINAL INVESTIGATOR DOES, YOU CAN CONDUCT YOUR OWN INVESTIGATION, CORRECT?

A. IT'S STANDARD PRACTICE TO DO WHAT I DID.

Q. WELL, I DON'T KNOW WHAT THAT MEANS, "TO DO WHAT I DID," WHAT DOES THAT MEAN?

A. TO CONDUCT ADMINISTRATIVE INVESTIGATION, NOT TO REHASH OR RECONDUCT THE CRIMINAL INVESTIGATION.

Q. SO IF YOU'RE GIVING INFORMATION AS PART OF THE ADMINISTRATIVE INVESTIGATION, YOU CAN FOLLOW UP ON THAT, CAN'T YOU?

A. YES.

Q. NOW, ONE OF THE THINGS YOU LEARNED IN TERMS OF A TIMELINE HERE, WE HAVE MARCH 17TH, WHICH IS APPARENTLY WHEN THIS ITEM WAS ORDERED THROUGH PAYPAL, CORRECT?

A. YES.

Q. AND YOU UNDERSTAND THAT APRIL 22ND, 2021 IS WHEN CUSTOM AND BORDER PATROL ENDED UP SEIZING THAT ITEM, CORRECT?

A. CORRECT.

Q. AND THEN I THINK WE HAVE A PROPERTY RECEIPT DATED MAY 11TH IS WHEN LAPD TOOK CUSTODY OF THE PARCEL THAT'S DEPICTED IN DEPARTMENT'S 1, CORRECT?

A. THAT'S THE DATE THAT THE REPORT WAS WRITTEN.

Q. OKAY. NOW, WHEN YOU INTERVIEWED DETECTIVE WALDEN, HE INDICATED TO YOU THAT HE HADN'T RECEIVED A FUEL FILTER THAT HE HAD ORDERED, CORRECT?

A. YES.

Q. IN FACT, HE SAID THAT HE ORDERED A DIFFERENT ONE, CORRECT --

A. YES.

Q. -- FROM AMAZON, BECAUSE HE KNEW THAT IF IT GOT LOST, HE CAN GET HIS MONEY BACK, CORRECT?

A. I DON'T KNOW IF HE -- IF HE EXPLAINED WHY -- IF HE EXPLAINED IT THAT WAY. I DON'T RECALL IF I ASKED HIM, EITHER, BUT HE SAID HE ORDERED ANOTHER ONE BECAUSE THE OTHER ONE DIDN'T ARRIVE.

Q. AND YOU ASKED HIM TO PROVIDE YOU WITH PHOTOGRAPHS OR PROOF THAT HE HAD ORDERED THAT ITEM, CORRECT?

A. YES.

Q. AND HE DID THAT, DIDN'T HE?

A. YES.

Q. IN FACT, HE PROVIDED YOU WITH PHOTOGRAPHS OR SHOTS THAT INDICATED THAT ON AUGUST 21ST OF 2021, HE

ORDERED A FUEL FILTER FROM AMAZON, CORRECT?

A. YES. HE GAVE ME A PICTURE OF AN ITEM THAT HE -- THAT HE PURCHASED.

MR. SEKI: SO I HAVE A 4-PAGE DOCUMENT HERE I'D LIKE MARKED AS ACCUSED A.

LET ME HAVE A MOMENT, PLEASE.

(PAUSE IN THE PROCEEDINGS.)

MR. SEKI: DO YOU HAVE AN OBJECTION?

SGT. SLATER: DID I NOT SAY THAT? NO OBJECTION. I'M SORRY, THAT'S ON US.

MS. AMIN: NO OBJECTION. IT'S ADMITTED INTO EVIDENCE.

(ACCUSED EXHIBIT A, PHOTOGRAPHS, 4 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY MR. SEKI:

Q. SO SERGEANT JIZMEJIAN, I'M HAVING YOU LOOK AT WHAT'S BEEN MARKED AS ACCUSED A, AND JUST REALLY AT THE FIRST PAGE, THERE'S TWO PHOTOGRAPHS THAT ARE DEPICTED THERE.

DO YOU RECALL SEEING SOMETHING -- DID YOU RECEIVE SOMETHING SIMILAR TO THE ITEMS DEPICTED ON PAGE 1 OF ACCUSED A?

A. YEAH, YOU SENT ME AN E-MAIL SIMILAR BUT NOT THIS.

Q. AND WHEN YOU RECEIVED THAT, DID YOU END UP SHOWING THAT PARTICULAR ITEM, THE EVIL ENERGY INLINE 100 MICRON FUEL FILTER, DID YOU END UP SHOWING THAT TO THE FORENSIC EXPERT?

A. SO YOU SENT ME A PICTURE OF AN ITEM, I BELIEVE YOU SAID IT'S SIMILAR TO WHAT WALDEN HAD PURCHASED, I DIDN'T SHOW THAT TO THE FORENSIC EXPERT, NO.

Q. IS THERE A REASON YOU DIDN'T SHOW IT TO HIM?

A. I DIDN'T -- NO THERE ISN'T.

Q. I MEAN, ONE OF THE THINGS HERE, WE WANT TO DETERMINE WHETHER OR NOT DETECTIVE WALDEN IS PURCHASING SILENCERS OR FUEL FILTERS, CORRECT?

A. CORRECT.

Q. OKAY. AND SO WE'VE GOT THIS ITEM THAT WAS LISTED AND IT'S LISTED AS A FUEL FILTER ON AMAZON, RIGHT?

A. RIGHT.

Q. AND YOU'VE GOT THIS FIREARM OR TECHNICAL BULLETIN, WHICH IS MARKED AS DEPARTMENT'S 3, DEALING WITH INLINE FILTER FIREARM SILENCERS, AND YOU HAVE PICTURES OF ITEMS; THE ITEM THAT'S DEPICTED HERE, DOES IT LOOK SIMILAR TO ANY OF THE ITEMS THAT WERE IN THE TECHNICAL BULLETIN THAT YOU RECEIVED?

A. IT LOOKS SIMILAR TO INLINE FILTER.

Q. AND HE TOLD YOU THAT BECAUSE HE, AND WHEN I SAY "HE," DETECTIVE WALDEN, TOLD YOU THAT WHEN HE DIDN'T RECEIVE A FUEL FILTER THAT HE ORDERED, HE ENDED UP ORDERING THIS ONE?

A. HE SAID HE ORDERED ANOTHER ONE. I DON'T KNOW IF IT WAS THIS ONE OR NOT.

Q. BUT YOU GAVE IT -- HE SENT YOU PICTURES, RIGHT?

A. I THINK YOU SENT AN E-MAIL OF A LIKE ITEM THAT --

Q. RIGHT.

A. -- YOU SAID THAT HE PURCHASED.

Q. BUT YOU DIDN'T FOLLOW THROUGH TO DETERMINE WHETHER OR NOT THAT, IN FACT, WAS A FUEL FILTER?

A. WHAT YOU E-MAILED ME?

Q. CORRECT.

A. I DID NOT.

Q. ONE OF THE THINGS THAT YOU SAID YOU DID WAS YOU ENDED UP GOING TO -- YOU ENDED UP GOING TO, IS HE A MECHANIC AT THE MOTOR POOL?

A. HE'S A SUPERVISORY MECHANIC.

Q. AND YOU ASKED -- YOU SHOWED HIM THE PICTURE OF THE ITEM THAT HAD BEEN SEIZED BY THE CUSTOMS AND BORDER PATROL, CORRECT?

A. ALL THE PICTURES, YEAH.

Q. DID YOU ASK HIM IF IT WAS A FUEL FILTER OR DID YOU ASK HIM IF IT WAS A FUEL FILTER THAT WOULD FIT A CELICA?

A. SO HE SAID THAT IT'S NOT A FUEL FILTER, PERIOD, FOR A VEHICLE.

Q. DID HE ACTUALLY SEE THE ITEM?

A. THE PHYSICAL ITEM?

Q. YES.

A. NO, JUST PICTURES.

Q. SO WHAT'S DEPICTED IN ACCUSED A, THAT PARTICULAR FILTER, DID YOU SHOW THAT TO MR. FIELD TO DETERMINE WHETHER OR NOT THAT WAS A FUEL FILTER THAT COULD BE USED WITH AN AUTOMOBILE?

A. SO WHAT I'M LOOKING AT IS NOT WHAT YOU SENT ME.

MR. SEKI: OKAY. SO HERE'S WHAT I'LL DO, THEN, I HAVE ADDENDA 6-A FROM THE ADMINISTRATIVE INVESTIGATION, I DON'T HAVE COPIES OF IT, BUT WE CAN MARK THIS AS ACCUSED B, 2 PAGES, AND WE CAN MAKE COPIES ON A BREAK.

MS. AMIN: ALL RIGHT. NO PROBLEM.

SGT. SLATER: NO OBJECTIONS.

MS. AMIN: OKAY. EXHIBIT B --

BY MR. SEKI:

Q. LET ME GET THIS IN FRONT OF YOU

(INDICATING).

A. OKAY.

MS. AMIN: -- IS ENTERED INTO EVIDENCE.

(ACCUSED EXHIBIT B, ADDENDA 6-A, 2 PHOTOGRAPHS, WERE MARKED FOR IDENTIFICATION.)

BY MR. SEKI:

Q. I WILL PUT THIS IN FRONT OF YOU, B. YOU SEE THOSE TWO PHOTOGRAPHS, CORRECT?

A. YES.

Q. OR COPIES?

A. YES.

Q. THAT'S WHAT WAS SENT TO YOU, CORRECT?

A. YES.

Q. DID YOU SHOW MR. FIELD WHAT'S DEPICTED ON PAGE 1, WHICH IS LISTED ON 6-A, THE FUEL FILTER, DID YOU SHOW THAT TO HIM TO DETERMINE WHETHER OR NOT THAT WAS A FUEL FILTER?

A. I DID NOT.

Q. IS THERE A REASON YOU DIDN'T?

A. IT DIDN'T OCCUR TO ME, AND I BELIEVE IT WAS A FUEL FILTER.

Q. WELL, YOU GOT THIS -- LET ME LOOK AT THIS.

YOU INTERVIEWED DETECTIVE WALDEN JANUARY 11TH, 2022, CORRECT?

A. I DON'T RECALL, BUT --

Q. IF YOU LOOK AT THE TRANSCRIPT THAT'S IN FRONT OF YOU, WHICH HAS BEEN MARKED AS DEPARTMENT'S 12.

A. I'LL TAKE YOUR WORD FOR IT.

Q. OKAY. AND THIS WAS -- THE ITEMS YOU HAVE IN FRONT OF YOU, THE TWO PICTURES --

A. YES.

Q. -- WERE SENT TO YOU SHORTLY AFTER, CORRECT?

A. I BELIEVE SO, YES.

Q. WHEN DID YOU MEET WITH GREG FIELD?

A. IT WAS MONTHS LATER. I HAVE TO LOOK AT MY NOTES OR LOOK AT A DOCUMENT, BUT IT WAS A WHILE LATER.

Q. OKAY. IS IT FAIR TO SAY, THEN, YOU BELIEVE THE ITEM IN FRONT OF YOU, WHICH HAS BEEN MARKED AS ACCUSED B, WAS, IN FACT, A FUEL FILTER, YOU HAD NO QUESTIONS ABOUT THAT?

A. WELL, I'M NOT SAYING THAT, BUT I'M SAYING, IT LOOKS LIKE A FUEL FILTER BASED UPON MY VERY LIMITED KNOWLEDGE IN THIS MATTER.

Q. AND IF I GO TO WHAT'S BEEN MARKED AS DEPARTMENT'S 3, AND I GO TO PAGE 3 OF 6, YOU HAVE DEPARTMENT'S 3 IN FRONT OF YOU?

A. I'M SORRY?

Q. THAT'S THE TECHNICAL BULLETIN, THE ONE DATED

OCTOBER 30TH OF 2019.

A. OKAY.

Q. CAN I HAVE YOU TURN TO PAGE 3.

A. OKAY.

Q. YOU SEE THERE'S SOMETHING THAT SAYS, "THREADED ADAPTER" AND "NAPA 4003 IFF"?

A. YES.

Q. AND KIND OF LOOKS SIMILAR TO WHAT'S DEPICTED IN ACCUSED B; ISN'T THAT CORRECT?

A. CORRECT.

Q. HERE, THIS IS LISTED AS AN EXAMPLE OF A FIREARM SILENCER, CORRECT?

A. YES.

Q. AND YET, WHEN YOU WERE GIVEN A PICTURE OF WHAT HE HAD ORDERED, YOU ASSUMED IT WAS A FUEL FILTER; IS THAT CORRECT?

A. YES.

Q. DID YOU EVER FOLLOW UP ON AMAZON TO DETERMINE WHETHER OR NOT THIS ITEM WAS SOLD BY AMAZON?

A. I DID NOT.

Q. DID YOU EVER SEARCH THE WEB TO DETERMINE WHETHER OR NOT THAT ITEM THAT'S IN ACCUSED B COULD BE USED AS A FUEL FILTER OR HOW IT WOULD BE USED AS A FUEL FILTER?

A. NO.

Q. ONE OF THE THINGS THAT HAPPENED DURING THE INTERVIEW OF DETECTIVE WALDEN ON JANUARY 11TH, 2022, AND I'M GOING TO REFER YOU TO PAGE 8 OF THAT -- OF DEPARTMENT'S 12 OF THE TRANSCRIPT. SO DEPARTMENT'S 12, THE TRANSCRIPT, PAGE 8.

A. OKAY.

Q. STARTING WITH LINE 1, YOU HAD A DISCUSSION WITH DETECTIVE WALDEN ABOUT THE FACT THAT HE WAS BUILDING TWO CARS, CORRECT?

A. YES.

Q. THEY WERE BOTH CELICAS, CORRECT?

A. YES.

Q. AND HE WAS ACTUALLY BUILDING ONE WITH HIS SON, CORRECT?

A. I BELIEVE THAT'S WHAT HE TOLD ME.

Q. AND THEN IF WE GO DOWN TO LINE 15.

A. OKAY.

Q. HE DESCRIBES THAT -- STARTS OFF WITH "ANSWER, WE ARE DOING IT AS A FAMILY PROJECT, SOMETHING I LEARNED FROM MY DAD. AND THEN I HAVE AN '85 CELICA," CORRECT?

A. YES.

Q. AND HE DESCRIBED FOR YOU THAT THE WORK HE WAS DOING ON THE '85 CELICA WAS BASICALLY TAKING THE WHOLE CAR APART, RIGHT?

A. YES.

Q. YOU SAID HE'S SWITCHING THE MOTOR TO GET A BIGGER ENGINE, A SUPER ENGINE, BECAUSE THE CELICA HAD A FOUR-CYLINDER ENGINE, CORRECT?

A. YES.

Q. AND THEN HE ALSO INDICATED TO YOU THAT HE WAS TRYING TO UPDATE THE FUEL SYSTEM SO THE CAR CAN TAKE THE FUEL, BECAUSE IF YOU PUT A BIGGER ENGINE, YOU NEED MORE GAS, RIGHT?

A. RIGHT.

Q. DID YOU EVER DISCUSS THAT WITH MR. FIELD --

A. I DIDN'T.

Q. -- ABOUT MODIFYING A VEHICLE, PUTTING A NEW ENGINE IN, MAYBE PUTTING A NEW FUEL TANK IN AND SETTING UP A FUEL SYSTEM FOR THAT CAR?

A. I DID NOT.

Q. ARE YOU A MECHANIC YOURSELF?

A. NO.

Q. SO FAIR TO SAY, THEN, BUILDING A FUEL SYSTEM FOR A MODIFIED ENGINE AND FUEL TANK IS SOMETHING YOU HAVE NO KNOWLEDGE OF?

A. I KNOW MAYBE ZERO, A LITTLE ABOVE ZERO IN REGARDS TO THAT.

Q. IS THERE A REASON YOU DIDN'T ASK MR. FIELD ABOUT THAT, WHETHER OR NOT, IF YOU'RE EXCHANGING AN

ENGINE AND A FUEL TANK THAT YOU HAVE TO -- WHAT WOULD BE NEEDED TO CREATE A FUEL SYSTEM?

A. I DID NOT.

Q. ONE OF THE THINGS THAT DETECTIVE WALDEN DESCRIBES FOR YOU IS THAT YOU HAVE TO DEAL WITH PRESSURE IF YOU'RE PUTTING A NEW ENGINE AND A NEW FUEL TANK, CORRECT?

A. I DON'T RECALL THAT EXACTLY, BUT IF YOU REFER -- IF YOU SHOW ME THE LINES --

Q. SURE.

A. -- IT WILL REFRESH MY MEMORY.

Q. PAGE 9.

A. OKAY.

Q. AND WE'LL START WITH LINE 16.

AND HIS ANSWER WAS, "YEAH, UNIVERSAL FUEL FILTER. SINCE THE ONE NEVER CAME, I PURCHASED ANOTHER ONE FROM AMAZON. I HAVE PHOTOS OF THAT ALL, IF YOU GUYS NEED IT" --

A. OKAY.

Q. -- RIGHT?

AND THEN IF YOU GO DOWN TO LINE 20, IT SAYS, "BUT, BASICALLY, IT'S JUST SO THAT IT COULD RUN THE FUEL OR ENOUGH FUEL BECAUSE PRESSURE CHANGES ON FUEL FILTERS, DEPENDING ON WHAT YOU USE," RIGHT?

A. YES.

Q. AND THEN HE GOES ON, ON LINE 23, "SO IF YOU BUY A CHEAP ONE THAT'S LIKE 50 BUCKS, THE FILAMENT INSIDE, WHATEVER'S IN THERE, IT WON'T ALLOW ENOUGH PRESSURE TO GET" -- "IF YOU PUT A V-8 OR A 6-CYLINDER, A BIGGER ENGINE THAN WHAT'S IN THE CAR," RIGHT?

A. YES.

Q. SO ONE OF THE CONCERNS THAT HE EXPRESSED TO YOU ABOUT BUYING A UNIVERSAL FILTER IS TRYING TO GET ENOUGH FLOW TO HELP EQUALIZE THE PRESSURE, ET CETERA, CORRECT?

A. CORRECT.

Q. BUT YOU DIDN'T ASK MR. FIELD ABOUT THAT?

A. I DID NOT.

Q. IN RESEARCHING FOR THIS CASE OR CONDUCTING YOUR INVESTIGATION, YOU UNDERSTAND THAT ITEMS THAT WERE IDENTIFIED AS NAPA 4003 WIX FUEL FILTERS COULD BE USED AS SILENCERS, CORRECT?

A. SO ACCORDING TO THE ATF BULLETIN, IF YOU GOOGLE NAPA 4003, THE RESULTS SHOW WEBSITES THAT SELL FIREARM SILENCERS UNDER THE GUISE OF FUEL FILTERS.

Q. NOW, THE WAY YOU PHRASE THAT, I WANT TO MAKE SURE, DO THEY SAY, WHEN YOU GOOGLE THEM, THIS IS A SILENCER BUT WE'RE SELLING IT AS A FUEL FILTER OR DO THEY SELL IT AS A FUEL FILTER?

A. THEY SELL IT AS A FUEL FILTER.

Q. DID YOU YOURSELF CHECK ANY WEBSITES?
A. YES.
Q. AND THERE WERE A NUMBER OF WEBSITES, RIGHT?
A. A LOT, YES.
Q. DID YOU DETERMINE THAT THEY WERE EVEN SOLD ON COMMERCIAL INTERNET MARKETING SITES LIKE WALMART, TARGET, ANYTHING LIKE THAT?
A. THAT, I DIDN'T SEE.
Q. HAD YOU LEARNED THAT IN YOUR INVESTIGATION THAT THEY AT ONE TIME BEEN SOLD THROUGH WALMART?
A. I WASN'T AWARE OF THAT, IF THAT'S TRUE.
Q. SO IF THESE ARE TO BE USED AS SILENCERS -- LET ME REPHRASE.

IN YOUR REVIEW OF WEBSITES, DID YOU DETERMINE WHETHER ANY AMERICAN BASED COMPANIES WERE SELLING THESE SILENCERS?
A. I DON'T KNOW. I DID A VERY LIMITED REVIEW.
Q. YOU PRESENTED SOMETHING THAT YOUR PARTNER DID, DEPARTMENT'S 10, SO THIS HAS TO DEAL WITH THE DOJ RUN THAT WAS DONE, DO YOU SEE THAT? DO YOU HAVE IT?
A. YES.
Q. YOU SAID IT TALKED ABOUT REGISTERING OR GUNS THAT WERE REGISTERED TO WALDEN, BUT BASICALLY WHAT THIS IS, PARTY TRANSACTIONS, SALES OF WEAPONS, CORRECT?

A. YEAH, TRANSACTIONS, YES.

Q. AND DO YOU KNOW -- LET ME REPHRASE THIS.

AS PART OF THE CRIMINAL INVESTIGATION, THERE WAS A SEARCH WARRANT FOR HIS HOME, CORRECT?

A. YES. MY COLLEAGUE, ROSS NEMEROFF, AUTHORED A SEARCH WARRANT FOR DETECTIVE WALDEN'S HOME.

Q. AND A NUMBER OF WEAPONS, APPROXIMATELY 43 WEAPONS, WERE SEIZED AS A RESULT OF THAT, CORRECT?

A. I'M NOT AWARE OF ANY WEAPONS, 43 WEAPONS BEING SEIZED.

Q. DO YOU KNOW IF 43 WEAPONS WERE FOUND OR ANY WEAPONS SEIZED?

A. I'M NOT AWARE OF 43 WEAPONS BEING SEIZED. I THINK THEY SEIZED ONE WEAPON.

Q. DO YOU KNOW IF ANY COMPARISON OF THE WEAPONS FOUND WAS DONE TO THIS PARTICULAR LIST TO DETERMINE WHETHER OR NOT THIS LIST WAS ACCURATE?

A. I'M NOT AWARE OF WHAT DETECTIVE NEMEROFF DID AS FAR AS THE WEAPONS PRESENT AT MR. -- DETECTIVE WALDEN'S HOUSE.

Q. AND JUST TO BE CLEAR, YOU'RE NOT A FIREARMS EXPERT, RIGHT?

A. I AM NOT.

Q. YOU'VE NEVER TESTIFIED AS A FIREARMS EXPERT?

A. I HAVE NOT.

Q. WHATEVER LIMITED KNOWLEDGE YOU HAVE IS BASICALLY FROM READING ITEMS IN THIS PARTICULAR CASE; IS THAT CORRECT?

A. IN REGARDS TO SILENCERS, MR. SEKI, OR FIREARMS, IN GENERAL?

Q. WELL, IN TERMS OF -- LET'S START WITH SILENCERS AND THE USE OF SILENCERS.

A. JUST LIMITED TO MY -- WHAT I DID ON THIS CASE.

Q. IT WOULD BE LAWFUL TO POSSESS THE SILENCER IF YOU REGISTERED IT OR IF YOU WERE REGISTERED, CORRECT?

A. I BELIEVE IF YOU'RE REGISTERED OUT OF STATE, NOT IN CALIFORNIA.

Q. ARE YOU SURE?

A. THAT'S MY UNDERSTANDING.

Q. OKAY. FROM THE QUESTIONS I JUST ASKED YOU, IS IT FAIR TO ASSUME, AGAIN, I HATE ASSUMING, BUT IS IT FAIR TO ASSUME THAT YOU DID NOT PARTICIPATE IN THE SEARCH OF DETECTIVE WALDEN'S RESIDENCE?

A. I WAS AT THE SEARCH, HOWEVER, I DIDN'T PARTICIPATE IN LOOKING AT THE FIREARMS PRESENT AT HIS RESIDENCE.

Q. SO DID YOU PARTICIPATE IN SEARCHING?

A. I HELPED OUT SEARCHING, I BELIEVE, THE

GARAGE.

Q. DID YOU -- IS IT FAIR TO SAY, AT HIS RESIDENCE, HE HAD A NUMBER OF CARS THAT WERE IN DIFFERENT STAGES OF MODIFICATION?

A. YES, I DID OBSERVE THAT.

Q. HE HAD CARS THAT WERE UP ON BLOCKS, RIGHT?

A. YES.

Q. HE HAD FRONT ENDS OR THINGS HANGING IN HIS GARAGE?

A. HE HAD A BUNCH OF CARS -- MANY CAR PARTS IN HIS GARAGE.

Q. OKAY. FAIR TO SAY, IT LOOKED LIKE HE WAS SOMEBODY WHO WORKED ON CARS A LOT?

A. YES.

MR. SEKI: I DON'T HAVE ANYTHING ADDITIONAL FOR YOU AT THIS TIME. THANK YOU.

MS. AMIN: SERGEANT?

SGT. SLATER: JUST A COUPLE OF THINGS.

REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. FIRST, I WANT TO DIRECT YOU TO THE TRANSCRIPT WE JUST SPOKE ABOUT. REFERRING TO DEPARTMENT'S NO. 12, AGAIN, PAGE 9, AND I'M GOING WITH STARTING AT LINE 23.

DID YOU DISCUSS -- GIVE ME A MOMENT TO THINK

HOW TO WORD THIS.

DID MR. WALDEN EXPLAIN ANYTHING ABOUT THE PRICE OF FILTERS AND THE BENEFITS OF CERTAIN PRICES OF FILTERS TO YOU DURING YOUR INTERVIEW WITH HIM?

A. HE SAID IF YOU BUY A CHEAP ONE, IT'S LIKE 50 BUCKS, THE FILAMENT INSIDE, WHATEVER IS IN THERE, WON'T ALLOW ENOUGH PRESSURE FOR THE ENGINE TO WORK, BASICALLY. AND THEN THE CHEAP ONE, HE'S TALKING ABOUT A FUEL FILTER.

Q. SO HE SAID "CHEAP ONE," REFERRING TO 50 BUCKS, WAS NOT SUFFICIENT FOR WHAT HE BELIEVED HE WOULD NEED, CORRECT?

A. THAT'S WHAT HE SAID, YEAH.

Q. ALL RIGHT. THEN I'M GOING TO DIRECT YOU BACK TO DEPARTMENT'S 8, BUT IT WILL BE ON THE SCREEN FOR YOU.

HOW MUCH WAS THE ITEM IN LINE 79 PURCHASED FOR?

A. 45.96.

Q. AND, ALSO, DOES THAT DESCRIPTION OF THAT ITEM, DID IT HAVE ANY INDICATION OF HOW MANY ITEMS YOU GOT IF YOU PURCHASED THAT, AGAIN, REFERRING TO LINE 79 UNDER "ITEM TITLE"?

A. IT SAID, "BUY 1 GET 1 FREE, LAST DAY."

Q. SO IT'S INDICATING THAT YOU CAN GET TWO FOR

THE PRICE OF $45, IF I'M CORRECT?

A. THAT'S WHAT IT SAYS.

Q. OKAY. WAS THERE ANY BRACKET INCLUDED WITH THAT PURCHASE?

A. I DON'T RECALL. CAN YOU SCROLL FURTHER TO THAT, PLEASE.

Q. YES. I'LL DO THIS, ACTUALLY, JUST TO MAKE IT A LITTLE CLEARER. IF YOU LOOK AT THE TOP, IT HAS --

A. OKAY.

Q. WAS THERE ANY BRACKET INCLUDED IN THAT?

A. IT DOESN'T SAY A BRACKET IS INCLUDED.

Q. SO I JUST WANT TO BE CLEAR, THE ITEM MARKED AS ACCUSED A LISTS A BRACKET, AS WELL AS A FUEL FILTER?

A. ACCUSED A IS WHAT MR. SEKI GAVE ME.

Q. THE ORIGINAL SET OF PAPERS HE GAVE YOU TODAY, NOT THAT ONE.

MR. SEKI: THE OTHER ONE.

BY SGT. SLATER:

Q. THE STAPLED TWO PAGES.

A. I'M SORRY. YEAH, IT HAD A LIST OF BRACKET FOR 10.99.

Q. OKAY. AND HOW MUCH IS THE FUEL FILTER ON HERE?

A. 25.99.

Q. OKAY. AND THEN ADDITIONALLY YOU MENTIONED THAT THE PHOTOS HE PROVIDED, YOU ASSUMED WAS A FUEL FILTER, WHY DID YOU ASSUME THAT WAS A FUEL FILTER?

A. BECAUSE IT'S COMING FROM AN ATTORNEY OF THE PERSON WHO WE'RE INVESTIGATING.

Q. OKAY.

SGT. SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING BASED ON THAT.

MS. AMIN: ALL RIGHT. LET ME ASK MY ASSOCIATE CHAIRS.

EXAMINATION

BY MR. ORTEGA:

Q. I HAVE ONE QUESTION, AND MAYBE I'M JUST MIXED UP, BUT I BELIEVE THAT THERE WAS AN EXHIBIT FROM THE DEPARTMENT THAT I CAN'T FIND, THAT APPEARED TO LIST, IF I'M UNDERSTANDING THE DOCUMENT CORRECTLY, FIREARMS THAT WERE PURCHASED BY OFFICER WALDEN, IS THAT CORRECT OR AM I IMAGINING IT, BECAUSE I CAN'T FIND THAT?

SGT. SLATER: SO THAT'S GOING TO BE --

MR. SEKI: NO. 10.

SGT. SLATER: -- DEPARTMENT'S 10.

AND JUST FOR THE BOARD'S CLARIFICATION, THE FIRST MAJORITY OF THE PAGES LIST THE TRANSFERS IN THEIR, BASICALLY THE APPEARANCE THAT WE GET THEM, AND THEN THE LAST COUPLE OF PAGES, FROM WHAT SERGEANT JIZMEJIAN EXPLAINED, ARE HIS PARTNER SUMMARIZED THEM INTO A SET OF COLUMNS FOR EASIER VIEWING.

BY MR. ORTEGA:

Q. I'M SORRY, I WAS LOOKING THROUGH THE PAGES. IS THIS -- ARE THESE ITEMS THAT WERE PURCHASED BY OFFICER WALDEN?

SGT. SLATER: THEY WERE -- I'LL HAVE --

SERGEANT JIZMEJIAN, I'LL HAVE YOU ANSWER THAT FIRST SO THEN I'M NOT TESTIFYING.

SGT. JIZMEJIAN: DETECTIVE NEMEROFF MADE THAT LIST AND HE MADE THAT BASED UPON A CHECK THROUGH DEPARTMENT RESOURCES OF THE SERIAL NUMBERS FOR THE FIREARMS.

BY MR. ORTEGA:

Q. AND ARE THESE SERIAL NUMBERS ITEMS THAT WERE PURCHASED BY OFFICER WALDEN?

A. DETECTIVE NEMEROFF LISTED WHICH ONES IN THE FIRST COLUMN, WHICH ONES HE HAD BOUGHT AND WHICH ONES HE HAD SOLD.

Q. YEAH.

A. AND THE DATES OF THEM.

Q. SO THESE ARE TRANSACTIONS BY OFFICER WALDEN?
A. YES.
Q. GOT YOU. I JUST WANTED DO MAKE SURE THAT I WAS UNDERSTANDING THESE DOCUMENTS.
THAT'S ALL THE QUESTIONS I HAVE.
MS. STRONG-FARGAS: I DON'T HAVE ANY QUESTIONS.

EXAMINATION

BY MS. AMIN:
Q. THE FUEL FILTER THAT CAME FROM ASIA, THAT ITEM CANNOT BE USED AS A FUEL FILTER?
A. ACCORDING TO THE DEPARTMENT EMPLOYEE, I INTERVIEWED MR. FIELD, HE SAID IT'S NOT A FUEL FILTER FOR A CAR.
Q. BUT CAN IT BE USED AS A FUEL FILTER, DO YOU KNOW?
A. I DON'T KNOW.
Q. WAS IT BECAUSE OF THE THREADS AT THE END?
A. HE TOLD --
Q. DO YOU KNOW WHY?
A. I DON'T -- I DON'T RECALL IF I ASKED THEM WHY, NO.
Q. BUT IT'S ADVERTISED ON THE WEB AS A FUEL FILTER?
A. YES.

Q. IS IT ADVERTISED ANYWHERE AS A FIREARM SILENCER?

A. NOT THAT I'M AWARE OF.

Q. SO IF I WANTED TO BUY A FIREARM SILENCER, HOW WOULD I KNOW THAT THIS FUEL FILTER CAN BE USED AS A SILENCER, JUST WONDERING?

A. I MEAN, IF YOU DON'T KNOW ANYTHING ABOUT CARS OR SILENCERS, THEN I DON'T THINK YOU'D BE ABLE TO KNOW.

Q. SO YOU DON'T HAVE TO KNOW ABOUT CARS AND SILENCERS TO BE ABLE TO BUY THIS FUEL FILTER TO USE IT AS A SILENCER?

A. THAT'S POSSIBLE, YES.

MS. AMIN: NOTHING FURTHER FROM ME.

DEPARTMENT, ANY QUESTIONS?

SGT. SLATER: YES. I HAVE MAYBE ONE, MAYBE A COUPLE OF QUICK FOLLOW UP.

FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. AS PART OF YOUR INVESTIGATION IN THIS MATTER, DID YOU WATCH ANY YOU TUBE VIDEOS RELATED TO THIS PRODUCT?

A. YES.

Q. AND WHAT DID THOSE VIDEOS DEPICT?

A. THEY SHOWED HOW SIMILAR ITEMS WERE ATTACHED

TO A GUN AND SHOT.

Q. AND DID THEY SHOW ANY USE OF THIS ITEM AS A FUEL FILTER ON A CAR?

A. NOT THE VIDEOS I LOOKED AT.

Q. AND JUST TO CLARIFY, YOU SAID THAT THE ATF HAD PUSHED OUT MATERIAL EXPLAINING THESE ITEMS THAT WERE BEING MARKETED AS FUEL FILTERS BUT NOT HAVE FUEL FILTER CAPABILITIES, CORRECT?

A. CORRECT.

Q. DO YOU KNOW WHY THEY WERE BEING MARKETED AS FUEL FILTERS?

A. MY ASSUMPTION OR --

MR. SEKI: I'M GOING TO OBJECT. IT CALLS FOR SPECULATION, JUST BASED ON "MY ASSUMPTION."

MS. AMIN: IF YOU CAN ANSWER, GO AHEAD.

SGT. JIZMEJIAN: WHAT I THINK IS BECAUSE --

MR. SEKI: AGAIN, I THINK THAT'S SPECULATION, HE HAS NO FOUNDATION OR KNOWLEDGE.

MS. AMIN: WELL, HE DID SOME RESEARCH IN HIS INVESTIGATION OF THE CASE, SO IF WHATEVER YOU WERE ABLE TO DISCOVER, IF YOU CAN RESPOND TO THE QUESTION, GO AHEAD.

SGT. JIZMEJIAN: I THINK THAT THEY'RE NOT -- THEY'RE ADVERTISING THEM AS FUEL FILTERS BECAUSE ADVERTISING THEM AS SILENCERS WOULD BE ILLEGAL IN SOME

STATES.

BY SGT. SLATER:

Q. DID DETECTIVE NEMEROFF EVER BRIEF YOU ON THAT FACT?

A. HE BRIEFED ME ON THIS CASE.

Q. AND DID HE SPEAK TO HSI ABOUT THAT FACT?

A. YES, ACCORDING TO HIS REPORT.

SGT. SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH, REAL QUICKLY.

RECROSS-EXAMINATION

BY MR. SEKI:

Q. YOU SAID YOU LOOKED AT YOU TUBE VIDEOS TO SEE HOW TO MODIFY THE FILTER TO BE USED AS A SILENCER, CORRECT?

A. NO. I LOOKED AT YOU TUBE VIDEOS TO SEE HOW THESE ITEMS OR THESE TYPES OF ITEMS ARE BEING USED AS SILENCERS.

Q. RIGHT. DID YOU EVER SEARCH THROUGH VIDEOS OR ANYWHERE ON THE INTERNET TO SEE HOW YOU WOULD USE IT AS A FUEL FILTER?

A. I DID NOT.

Q. HOW COME?

A. 'CAUSE I DID A SEARCH OF SILENCERS AND I VIEWED THE VIDEOS THAT CAME UP FOR SILENCERS.

Q. OKAY.

MR. SEKI: NOTHING ADDITIONAL.

MS. AMIN: DEPARTMENT, ANYTHING ELSE?

FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. I WANT TO BE CLEAR, DID YOU SPECIFICALLY SEARCH SILENCERS OR DID YOU JUST SEARCH NAPA 4003 AND SILENCER VIDEOS CAME UP?

A. BOTH. I KEYED -- PUT IN SILENCER, THE KEYWORD, AND THEN I ALSO DID NAPA 4003.

Q. SO WHEN YOU SEARCHED JUST NAPA 4003, VIDEOS OF IT BEING USED AS A SILENCER?

A. YES.

SGT. SLATER: NO FURTHER. THANK YOU.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING.

MS. AMIN: BOARD MEMBERS?

FURTHER EXAMINATION

BY MR. ORTEGA:

Q. I HAVE ONE QUESTION, DOES EVERY POLICE OFFICER HAVE ACCESS TO THIS BULLETIN TO TELL THEM, HEY, THERE ARE FUEL FILTERS THAT ARE BEING SORT OF SOLD AS -- THERE ARE DEVICES THAT CAN BE USED AS SILENCERS THAT ARE BEING SOLD AS FUEL FILTERS; DOES EVERYBODY HAVE THIS OR WOULD YOU HAVE TO KNOW THIS

YOURSELF?

SGT. SLATER: I'M GOING TO HAVE THE IO, SO I'M NOT TESTIFYING.

SGT. JIZMEJIAN: SO THE INFORMATION CONTAINED IN THOSE TECHNICAL BULLETINS, THEY'RE NOT COMMON KNOWLEDGE WITH LAW ENFORCEMENT PERSONNEL, AND I WASN'T AWARE OF ALL THE INTRICACIES REGARDING SILENCERS AND FUEL FILTERS UNTIL READING THOSE AND BEING BRIEFED BY ROSS NEMEROFF.

BY MR. ORTEGA:

Q. THESE TECHNICAL BULLETINS ARE ISSUED BY, I GUESS, ATF, WHO IS THE TARGETED RECIPIENT OF THIS INFORMATION?

A. THAT, I DON'T KNOW IF IT'S AN INTERNAL DOCUMENT OR FOR OTHER POLICE AGENCIES, AS WELL. I DON'T KNOW.

MR. ORTEGA: OKAY. THANK YOU.

MS. AMIN: DEPARTMENT, ANYTHING ELSE?

FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. JUST TO REFER YOU TO THE BOTTOM OF ATF TECHNICAL BULLETIN, SO EITHER DEPARTMENT'S 3 OR DEPARTMENT'S 2.

A. OKAY.

Q. WHAT IS "UNCLASSIFIED LAW

ENFORCEMENT/SENSITIVE" MEAN?

A. THAT IT'S FOR DISBURSEMENT TO LAW ENFORCEMENT AGENCIES.

Q. OKAY. SO THESE TYPES OF DOCUMENTS DO GET DISBURSED TO LAW ENFORCEMENT AGENCIES EVEN IF YOU DIDN'T PERSONALLY SEE IT?

MR. SEKI: WELL, I'M GOING TO OBJECT, HE DOESN'T KNOW -- HE DOESN'T WORK FOR ATF, HE DOESN'T KNOW WHAT THEIR DISBURSAL IS. EVERYTHING WOULD BE AN ASSUMPTION OR SPECULATION. AND IT'S LEADING, ALSO.

MS. AMIN: SUSTAINED.

SGT. SLATER: NO FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. SEKI?

SGT. SLATER: OUR ONLY REQUEST IS THAT WE'D BE ABLE TO RECALL THE WITNESS IF NEEDED.

MS. AMIN: ALL RIGHT. MR. SEKI?

MR. SEKI: NO QUESTIONS.

FURTHER EXAMINATION

BY MS. AMIN:

Q. DID THIS REPORT COME FROM THE ATF WEBSITE, DO YOU KNOW?

A. MY COLLEAGUE, ROSS NEMEROFF, OBTAINED THOSE DOCUMENTS, MA'AM. I DON'T KNOW HOW HE OBTAINED THEM.

Q. WOULD YOU KNOW IF A GUN EXPERT FROM YOUR GUN

DEPARTMENT WOULD HAVE ACCESS TO THE ATF WEBSITE?

A. I WOULD NOT KNOW THAT. I DON'T KNOW THAT.

MS. AMIN: ALL RIGHT. THAT'S FINE. THANK YOU.

ANYBODY ELSE HAVE ANY MORE QUESTIONS?

ALL RIGHT. SO YOU'RE NOT GOING TO BE EXCUSED, BECAUSE WE MAY CALL YOU BACK, SO YOU'RE EXCUSED FOR NOW. THANK YOU VERY MUCH.

SGT. JIZMEJIAN: OKAY. THANK YOU.

MS. AMIN: ALL RIGHT. CAN WE GO AHEAD WITH OUR NEXT WITNESS.

SGT. SLATER: YES. THE DEPARTMENT WOULD LIKE TO CALL DETECTIVE LUKE WALDEN, HOWEVER, CAN WE HAVE LIKE A FIVE-MINUTE BREAK?

MS. AMIN: YES. LET'S COME BACK AT 2:10.

(RECESS TAKEN.)

MS. AMIN: BACK ON THE RECORD.

SGT. SLATER: THE DEPARTMENT CALLS DETECTIVE WALDEN.

MS. AMIN: DETECTIVE, COULD YOU PLEASE STATE YOUR FULL NAME.

DET. WALDEN: LUKE BAXTER WALDEN.

MS. AMIN: DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE

TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

DET. WALDEN: YES, MA'AM.

MS. AMIN: THANK YOU. HAVE A SEAT.

DETECTIVE LUKE WALDEN,

WAS CALLED AS A WITNESS BY

THE DEPARTMENT, HAVING BEEN

FIRST DULY SWORN, WAS EXAMINED

AND TESTIFIED AS FOLLOWS:

DIRECT-EXAMINATION

BY SGT. SLATER:

Q. GOOD AFTERNOON, DETECTIVE WALDEN.

A. GOOD AFTERNOON.

Q. HOW LONG HAVE YOU BEEN EMPLOYED BY THE LAPD?

A. 24 YEARS AND 11 MONTHS.

Q. AND WHEN DID YOU PROMOTE TO DETECTIVE?

A. OH, GOOD GRIEF, I DON'T REMEMBER.

Q. WOULD IT BE ACCURATE TO SAY 2012?

A. YEAH.

Q. AND ARE YOU A DEPARTMENT SUPERVISOR OR WERE YOU A DEPARTMENT SUPERVISOR EVER?

A. I WAS, YES.

Q. AND ARE YOU FAMILIAR WITH THE DEPARTMENT MANUAL SECTION 210.35, CONDUCT UNBECOMING AN OFFICER?

A. YES.

SGT. SLATER: I'D LIKE TO MARK AND ENTER

THIS AS DEPARTMENT'S 16, IT'S A ONE-PAGE DOCUMENT.

MR. SEKI: THANK YOU. NO OBJECTION.

MS. AMIN: OKAY. ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 16, MANUAL SECTION 210.35, CONDUCT UNBECOMING AN OFFICER, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. DID YOU TAKE AN OATH OF OFFICE WHEN YOU JOINED THE DEPARTMENT?

A. YES, I DID.

Q. AND TO BE CLEAR, WAS THAT OATH TO UPHOLD THE CONSTITUTION OF BOTH THE UNITED STATES AND THE STATE OF CALIFORNIA?

A. YES, SIR, IT WAS.

Q. AND JUST FOR THE RECORD, IT WAS EARLIER MENTIONED THAT SOMETHING WAS SHIPPED TO [redacted] STREET, IS THAT AN ADDRESS OF YOURS?

A. YES.

Q. HOW LONG HAVE YOU LIVED THERE?

A. OVER 20 YEARS.

Q. WHAT WAS YOUR RANK AND ASSIGNMENT IN MARCH OF 2021?

A. I WAS A DETECTIVE/SUPERVISOR RUNNING THE FBI JOINT TASK FORCE WITH THE LA COUNTY SHERIFF'S

DEPARTMENT, LAPD AND THE FBI.

Q. AND PRIOR TO THAT, HAVE YOU EVER WORKED THE GUN UNIT?

A. YES, FOR ABOUT A YEAR.

Q. WHAT IS THE PURPOSE OF THE DEPARTMENT'S GUN UNIT?

A. PURPOSE OF THE GUN UNIT IS, AT THE TIME WHEN I WAS THERE, I DON'T KNOW IF THE MISSION HAS CHANGED, BUT WE TARGETED PROHIBITED POSSESSORS, PEOPLE WHO ARE NOT SUPPOSE TO OWN FIREARMS, EX-CONS, FELONS, [redacted] WE WOULD DO INVESTIGATIONS AND ULTIMATELY WRITE SEARCH WARRANTS AND SERVE THE WARRANTS ON THEIR HOUSE BASED ON THE INFORMATION THAT WE GOT [redacted] THEN WE'D FIND ADDITIONAL FIREARMS AND AMMUNITION AT THE RESIDENCE ABOUT 100 PERCENT OF THE TIME.

Q. WAS ONE OF THE DUTIES IN THE GUN UNIT TO ASSIST WITH ASSAULT WEAPON INVESTIGATIONS?

A. YES.

Q. AND DID YOU, IN YOUR TIME IN THE GUN UNIT, HAVE ANY RATINGS COMPLETED?

A. YES.

Q. WHAT IS A RATING?

A. A RATING IS BASICALLY A PERFORMANCE EVALUATION AND IT'S DONE ANNUALLY, UNLESS YOU TRANSFER, AND IT HAS TO BE DONE "TRANSFERRED."

SGT. SLATER: AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S NO. 17, A 6-PAGE DOCUMENT, A STANDARD BASE ASSESSMENT FROM OCTOBER 7, 2017 TO OCTOBER 6, 2018 FOR DETECTIVE WALDEN.

MR. SEKI: THANK YOU. DID YOU SEND ME THIS?

SGT. SLATER: I DID.

MR. SEKI: DO YOU REMEMBER WHEN?

SGT. SLATER: IF YOU GIVE ME A MOMENT, I CAN VERIFY WHEN.

MR. SEKI: I GOT IT. I GOT IT.

NO OBJECTION.

MS. AMIN: OKAY. SO ADMITTED.

(DEPARTMENT'S EXHIBIT NO. 17, A STANDARD BASE ASSESSMENT FROM OCTOBER 7, 2017 TO OCTOBER 6 2018 OF DETECTIVE LUKE WALDEN, 6 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. CAN I HAVE YOU REVIEW THE JOB DESCRIPTION ON THIS DOCUMENT, PLEASE.

A. OKAY.

Q. WAS ONE OF YOUR DUTIES IN THE GUN UNIT INVOLVED WITH MODIFIED GUNSMITHING OF FIREARMS?

A. WHERE'S THAT AT? I DON'T SEE IT UNLESS YOU WANT TO --

Q. CAN I DIRECT YOU TO THE SECOND PARAGRAPH, STARTING WITH THE SECOND TO THE LAST LINE, "TEAM LEADER."

A. OH, YES.

Q. AND WAS ONE OF YOUR DUTIES THE ASSEMBLING AND DISASSEMBLING OF FIREARM COMPONENTS?

MR. SEKI: I DON'T THINK HE ANSWERED THE FIRST ONE.

SGT. SLATER: I BELIEVE HE SAID "YES," UNLESS I MISHEARD HIM.

MR. SEKI: I THINK HE SAID "YES," HE SEES IT.

MS. AMIN: HOW ABOUT YOU ASK HIM THE QUESTION AGAIN.

BY SGT. SLATER:

Q. LET ME RE-CLARIFY, THEN.

WAS ONE OF YOUR DUTIES IN THE GUN UNIT INVOLVED WITH MODIFIED GUNSMITHING?

A. YES.

Q. OKAY. AND WAS ONE OF YOUR DUTIES TO BE FAMILIAR WITH THE ASSEMBLY AND DISASSEMBLING OF

FIREARMS, INCLUDING FIREARM COMPONENTS?

A. CLARIFY "COMPONENTS."

Q. YOUR RATING SAYS YOU WERE FAMILIAR WITH FIREARM COMPONENTS, WHAT IS A FIREARM COMPONENT TO YOU?

A. MAGAZINES, BARRELS, SLIDES, INTERNALS FOR THE FIREARM.

Q. WOULD THAT INVOLVE SILENCERS?

A. NO.

Q. NO. OKAY. WERE YOU A GUN EXPERT?

A. YES, FOR SPECIFIC FIREARMS.

Q. WERE YOU FAMILIAR WITH ASSAULT WEAPON LAWS?

A. YES.

Q. OKAY. SO BY BEING FAMILIAR WITH ASSAULT WEAPON LAWS, YOU WOULD BE FAMILIAR WITH THE COMPONENTS OF AN ASSAULT WEAPON, CORRECT?

A. YES.

Q. DOES THE DEPARTMENT HAVE ASSAULT WEAPON IDENTIFICATION GUIDE ON IT'S INTER DEPARTMENT WEBSITE?

A. I DON'T KNOW.

Q. YOU WERE IN THE GUN UNIT, CORRECT?

A. YEAH, BUT I DON'T KNOW IF THEY HAVE ONE, IF IT WAS PUT OUT, WHAT TIME OR WHEN AND WHAT DATE.

SGT. SLATER: AT THIS TIME, I'D LIKE TO MARK AND INTRODUCE DEPARTMENT'S 18, A 6-PAGE DOCUMENT

TITLED, "ASSAULT WEAPON IDENTIFICATION GUIDE." THAT WAS PULLED FROM THE DEPARTMENT'S INTER WEB, UNDER THE GND WEBSITE ON THAT INTER WEB. AND I SHOULD REPHRASE MY STATEMENT, AN EXCERPT FROM THE DEPARTMENT'S ASSAULT WEAPON IDENTIFICATION GUIDE.

MS. AMIN: EXCERPT?

SGT. SLATER: EXCERPT.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. SO ENTERED.

(DEPARTMENT'S EXHIBIT NO. 18, DOCUMENT TITLED, "ASSAULT WEAPON IDENTIFICATION GUIDE," 6 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. SO ACCORDING TO YOUR RATING, YOU WERE AN EXPERT ON ASSAULT WEAPON LAWS AND YOU MENTIONED THAT IDENTIFYING ASSAULT WEAPONS WAS ONE OF YOUR RESPONSIBILITIES IN THE GUN UNIT, AM I CORRECT?

A. YES.

Q. ALL RIGHT. SO WITH THAT BEING SAID, DID YOU REFER TO THIS ASSAULT WEAPON IDENTIFICATION GUIDE DURING YOUR IDENTIFICATION OF ASSAULT WEAPONS?

A. YES. AND THE PENAL CODE.

Q. AND THE PENAL CODE?

A. YES.

Q. BUT YOU'VE SEEN THIS DOCUMENT, THOUGH?

A. I DON'T KNOW WHEN THEY PRODUCED THIS. I KNOW ONE OF THE GUYS WAS WRITING IT, BUT I DON'T KNOW WHEN IT GOT PRODUCED.

Q. SO ON THE FIRST PAGE, I'D LIKE TO REFER YOU TO THE 3RD EDITION, NOVEMBER 2001.

A. OKAY. I DON'T RECALL EVER HAVING THIS, ME, PERSONALLY.

Q. OKAY. SO HOW DID YOU FAMILIARIZE YOURSELF WITH WHAT AN ASSAULT WEAPON WAS THERE, THEN?

A. WELL, THERE'S A PENAL CODE AND IT SPEAKS ABOUT THE OFFENDING FEATURES, SO BACK IN 1999, SB123, I BELIEVE IT'S 123, THEY OUTLAWED ASSAULT WEAPONS IN THE STATE OF CALIFORNIA AND THEY GO BY CLASSIFICATION BY SPECIFIC NAME, AR-15, THEN THEY WENT TO A SECOND SECTION IN THE PENAL CODE SECTION THAT TALKS ABOUT -- 'CAUSE THE FIREARMS COMPANIES WERE CHANGING NAMES, SO THEY HAD AN AR-15, AND THEN THEY CHANGED IT TO THE COLT SPORTER TO MAKE IT SOFTER FOR PEOPLE TO BUY. AND THEN JUST PLAYED THIS GAME WITH THE FEDERAL GOVERNMENT AND THE STATE OF CALIFORNIA TO CHANGE THE NAMES SO THAT THEY COULD GET BY SELLING THESE FIREARMS LEGALLY.

AND THEN THERE'S ANOTHER SECTION IN THERE WHERE THEY'VE CHANGED IT TO -- MOST OF THE FIREARMS

THAT WE DEAL WITH WERE A AK-47 TYPES OR AK-47 VARIANTS, AR-15 OR AR-15 VARIANTS, AND THAT'S PRETTY MUCH FOR THE ASSAULT WEAPONS, IF THAT MAKES ANY SENSE.

Q. CAN A PISTOL BE AN ASSAULT WEAPON?

A. YES.

Q. YOU SAID "OFFENDING FEATURES," WHAT ARE THE OFFENDING FEATURES ON A PISTOL THAT WOULD BE AN ASSAULT WEAPON?

A. IF I REMEMBER CORRECTLY, YOU CAN HAVE A -- IF IT HAS THE ATTACHMENT WHERE YOU CAN PUT A FORWARD GRIP, YOU CAN PUT -- YOU HAVE TO CHANGE OUT THE BARREL AND PUT A THREADED BARREL. I DON'T KNOW THEM ALL OFF THE TOP OF MY HEAD, I HAVE TO REFER TO THEM.

Q. CAN I REFER YOU TO PAGE 5 OF THIS DOCUMENT, THEN. AND BEFORE WE GO DOWN THAT, JUST FOR CLARIFICATION, WHAT IS A PISTOL VERSUS A RIFLE, WHAT'S THE DIFFERENCE?

A. YOU SAID PAGE WHAT, SORRY, OF THE DOCUMENT?

Q. "5" OF THE DOCUMENT.

A. WHAT IS A PISTOL?

Q. LIKE WHAT'S THE DIFFERENCE BETWEEN A PISTOL AND RIFLE, JUST FOR CLARIFICATION?

A. PISTOL IS BASICALLY A HANDGUN, COULD BE A REVOLVER, COULD BE A SINGLE SHOT, COULD BE A SEMIAUTOMATIC, COULD BE A SEMIAUTOMATIC PISTOL; A

RIFLE IS A LONG GUN AND THERE'S SPECIFICATIONS WITHIN THE PENAL CODE SYSTEM DELINEATING LENGTHS OF BARRELS, WHICH MAKES THEM LEGAL TO BE A CERTAIN TYPE OF RIFLE. IF IT'S SHORTER THAN THAT, IT BECOMES A SHORT BARREL RIFLE, AND THESE ARE ILLEGAL IN THE STATE OF CALIFORNIA, AS WELL, UNLESS YOU HAVE DOCUMENTATION FROM DOJ OR THE FEDERAL GOVERNMENT WHERE YOU GET A LICENSE TO PURCHASE SPECIFIC TYPES OF WEAPONS AND MACHINES GUNS, FULLY AUTOMATIC SHORT BARREL RIFLES, UNLESS YOU'RE ASSIGNED TO A LAW ENFORCEMENT AGENCY THAT ISSUES YOU ONE, BUT THAT IS ASSIGNED TO THE AGENCY AND YOU ARE THE RECIPIENT OF THAT SPECIFIC TYPE OF RIFLE.

Q. AND I THANK YOU FOR THAT EXPLANATION. I APOLOGIZE, I MEANT TO SAY PAGE 6 OF THIS DOCUMENT.

A. OH.

Q. IF YOU CAN TURN TO PAGE 6. I SAID 5, BUT I MEANT 6.

SO REFERRING TO PISTOLS, WHAT ARE THE OFFENDING CHARACTERISTICS FOR AN ASSAULT WEAPON ON A PISTOL?

A. I'D HAVE TO REFER TO MY -- IF IT'S OKAY IF I TAKE SOME TIME TO READ IT?

Q. YOU MAY.

A. 'CAUSE I DON'T REMEMBER OFF THE TOP OF MY

HEAD. THERE'S A LOT OF DIFFERENT THINGS IN HERE, MOST OF IT YOU WOULD HAVE A DETACHABLE MAGAZINE THAT COMES IN AND OUT OF THE MAGAZINE, WELL, IT'S SEMIAUTOMATIC, IT CAN HAVE A THREADED BARREL OR EITHER A FLASH SUPPRESSOR, YOU CAN PUT A FORWARD GRIP, BUT THE GUN HAS TO BE ABLE TO ACCEPT IT AS -- THERE'S A GROOVE ON THE TOP OF THE GUN, YOU'LL HAVE TO BE ABLE TO ATTACH IT. I DON'T KNOW VERY MANY PISTOLS, BUT AN AR-15 --

Q. I'LL JUST DIRECT YOU BACK TO PISTOLS. OKAY, REGARDING PISTOLS, WHAT ARE THE OFFENDING FEATURES REGARDING PISTOLS?

A. WELL, AN AR-15 CAN'T BE CLASSIFIED AS A PISTOL.

Q. OKAY.

THE REPORTER: CAN YOU PLEASE USE YOUR MIC, I'M SORRY.

DET. WALDEN: YES, CERTAINLY.

SO BASIC- -- I'M JUST GOING TO GO OFF OF THIS. "SEMIAUTOMATIC PISTOL WITH CAPACITY TO ACCEPT A DETACHABLE MAGAZINE, A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH SUPPRESSOR FOR SILENCER, A SECOND HANDGRIP, A SHROUD SO THAT YOU BASICALLY DON'T BURN YOUR HAND, ACCEPTING A DETACHABLE MAGAZINE AT THE SAME LOCATION OUTSIDE OF THE PISTOL GRIP OR A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE THAT HAS THE CAPACITY TO

ACCEPT MORE THAN 10 ROUNDS."

BY SGT. SLATER:

Q. SO I JUST WANT TO BE CLEAR ON THIS POINT, A THREADED BARREL IS CAPABLE OF ACCEPTING A SILENCER AS ONE OF THE OFFENDING FEATURES ON A ASSAULT PISTOL?

A. YES.

Q. AND YOU TESTIFIED ON YOUR KNOWLEDGE OF COMPLEX WEAPON LAWS AND ASSAULT LAWS, ACCORDING TO THIS RATING, CORRECT?

MR. SEKI: I'M GOING TO OBJECT. I THINK THAT MISSTATES THE EVIDENCE. HE DIDN'T TESTIFY AS TO HIS KNOWLEDGE OF COMPLEX LAWS DEALING WITH THIS.

MS. AMIN: HE DIDN'T REALLY SAY THAT.

SGT. SLATER: OKAY. LET ME REPHRASE THIS, MY STATEMENT.

Q. ACCORDING TO THIS RATING, YOU DEVELOPED AND WERE FAMILIAR WITH ASSAULT WEAPON LAWS, INCLUDING FIREARM COMPONENTS, CORRECT?

A. YES.

Q. THANK YOU.

WHAT TRAINING HAVE YOU HAD RELATED TO FIREARM SILENCER?

A. ZERO.

Q. DO YOU RECALL, IN YOUR INTERVIEW, SAYING YOU HAD TRAINING ON FIREARM SILENCERS?

A. YES. BUT IT'S NOT TRAINING TO HOW THEY WORK. I WENT TO A TRAINING DAY AND I SHOT FIREARMS THAT HAD SILENCERS.

Q. OKAY. AND ON THIS TRAINING DAY WHERE YOU SHOT FIREARM SILENCERS, WHY WERE YOU SHOOTING FIREARM SILENCERS?

A. THE LAPD PUT OUT A TRAINING DAY WITH DIFFERENT VENDORS FOR OUR SPECIALIZED UNIT, SO WHERE I WORK IS A SPECIALIZED DIVISION, THERE'S FEW OF THEM THROUGH THE DEPARTMENT, A LOT OF UNDERCOVER DETECTIVES LIKE MYSELF OR PLAIN CLOTHES DETECTIVES WERE GETTING THE OPPORTUNITY FROM -- TO GO AND TEST THESE WEAPONS, SYSTEMS TO SEE HOW THEY WOULD OPERATE, TO SEE IF THE DEPARTMENT WOULD BE INTERESTED IN PURCHASING THESE TYPES OF WEAPONS FOR OUR USE IN ARRESTS AND TAKEDOWNS AND CONDUCTING SEARCH WARRANTS, AND THEY WERE LOOKING INTO PURCHASING SUPPRESSED WEAPONS FOR THE HEARING ISSUE THAT A LOT OF US DEAL WITH.

IF YOU'VE EVER SHOT A GUN INSIDE OF A CAR OR IN A ROOM WITHOUT HEARING PROTECTION, IT'S VERY PAINFUL. AND HAVING BEEN IN AN OFFICER-INVOLVED SHOOTING IN A CAR, I'VE LOST PART OF MY HEARING FROM IT. SO IT WOULD BE BENEFICIAL, ESPECIALLY MOST OF THE TAKEDOWNS THAT WE DO AND THE ARRESTS THAT WE DO WORK FROM A CAR, IF YOU GET IN A SHOOTING, YOU DON'T HAVE

TIME TO PUT ON YOUR SAFETY GLASSES AND YOUR EAR PLUGS TO SHOOT, SO NOT IN AN OPEN AREA WHERE THE SOUND CAN GO OUT INTO THE VOID, IT STAYS REVERBERATING INSIDE OF THE CAR, SO THAT WAS KIND OF PUSHING WITH THAT KIND OF TRAINING EXPERIENCE.

Q. THANK YOU FOR THAT EXPLANATION.

HAVE YOU DONE ANY RESEARCH INTO FIREARM SILENCERS FOR ANY OTHER REASONS?

A. YES.

Q. WHAT WAS THAT RESEARCH?

A. WHILE I WAS IN THE F.B.I. TASK FORCE PRIOR TO THIS SITUATION HERE, WE WERE GETTING A LOT OF CLUES THAT SILENCERS WERE BEING SOLD AS FIREARMS, AND AS THE FIREARM'S EXPERT, I STARTED RESEARCH IT, BECAUSE I WANTED TO KNOW WHAT TO LOOK FOR IF WE DID PURCHASE THEM, WE PURCHASED A LOT OF GUNS FROM SUSPECTED DEALERS AND GANG MEMBERS, PART OF INVESTIGATIONS THAT WE WORKED IN CRIMINAL ENTERPRISES, SO IF WE GOT THAT, IT WOULD BE KIND OF TO LOOK AT IT AND GO YAY OR NAY, YOU KNOW, OR THIS IS BOGUS OR THIS ISN'T GOING TO WORK, BUT I STILL HAVE LIMITED KNOWLEDGE ON IT. I DIDN'T REALLY GET IT, IT NEVER CAME TO FRUITION ON ANY OF THE INVESTIGATIONS THAT WE HANDLED.

Q. SO YOU MENTIONED THAT YOU TESTIFIED ON ASSAULT WEAPONS BEFORE AS ONE OF YOUR

RESPONSIBILITIES, HOW MANY TIMES DO YOU THINK YOU'VE TESTIFIED AS AN EXPERT ON ASSAULT WEAPONS?

A. MAYBE FOUR, FIVE TIMES.

Q. DO YOU RECALL IN YOUR INTERVIEW TELLING SERGEANT JIZMEJIAN THAT YOU WERE AN EXPERT ON ASSAULT PISTOLS?

A. YES.

Q. DO YOU RECALL TELLING HIM THAT YOU WERE FAMILIAR WITH -- YOU HAD TO FAMILIARIZE YOURSELF WITH YOUR RESPONSIBILITY AS HOW ASSAULT PISTOLS WERE BUILT?

A. I'D HAVE TO REFER TO THE THING.

Q. CAN I REFER YOU TO PAGE 17 IN YOUR TRANSCRIPT. IT'S GOING TO BE DEPARTMENT'S NO. 10 -- NOT 10, STANDBY -- 12.

A. WHAT PAGE? SORRY.

Q. 12, SIR. I'M SORRY. PAGE 17 OF 12.

A. WHAT LINE, SIR?

Q. I'M GOING TO START YOU AT THE BEGINNING OF THE PAGE.

A. OKAY.

Q. AND IN YOUR RESEARCH FOR FIREARM SILENCERS, DO YOU RECALL LOOKING INTO FUEL FILTER WEBSITES AS PART OF THAT?

A. I DIDN'T PURPOSELY LOOK AT FUEL FILTERS OR SOLVENT TRAPS. I PUT IN SUPPRESSORS OR SILENCERS, AND

I LIKE TO GOOGLE PICTURE SEARCH SO I KNOW WHAT I'M LOOKING AT, AS OPPOSED TO A WRITTEN DEFINITION, AND I JUST BASICALLY WENT DOWN A RABBIT HOLE, PICTURES OF STUFF, DIFFERENT STUFF THAT CAN BE USED, TWO LITER BOTTLES, YOUR WATER BOTTLE, POTATO, A WHOLE BUNCH OF STUFF.

Q. SO IN YOUR GOING DOWN THE RABBIT HOLE, AS YOU DESCRIBED IT, DID YOU LOOK AT ITEMS MARKETED AS FUEL FILTERS THAT WERE USED AS FIREARM SILENCERS?

A. YES.

Q. OKAY. AND DID YOU LOOK AT ITEMS MARKETED AS SOLVENT TRAPS USED AS FIREARMS SILENCERS?

A. AT SOME POINT I THINK THAT POPPED UP.

Q. AND WERE YOU ASKED ABOUT THE SPECIFIC KEYWORD SEARCHES YOU WERE DOING DURING YOUR INTERVIEW WITH SERGEANT JIZMEJIAN?

A. I BELIEVE SO, YES, SIR.

Q. ONE MOMENT, PLEASE.

DO YOU RECALL TELLING SERGEANT JIZMEJIAN THAT THERE WAS A SOURCE THAT WAS GOING TO SELL YOU FIREARMS AND SILENCERS?

A. YES.

Q. WHEN WAS THAT BROUGHT TO YOUR ATTENTION?

A. I DON'T KNOW THE DATE, SIR, I JUST KNOW THAT IT WAS SUPPOSE TO HAPPEN AND THE FBI TAKES THEIR TIME,

SO IT DIDN'T HAPPEN.

Q. SO WHEN WORKING WITH THE FBI, ARE THERE OTHER FEDERAL AGENCIES INVOLVED IN YOUR WORK WITH THE FBI?

A. NO, IT'S AN FBI TASK FORCE.

Q. BUT WHILE ON THE FBI TASK FORCE, DO YOU INTERACT WITH OTHER FEDERAL AGENCIES?

A. DO YOU WANT ME TO BE BLUNT?

Q. YES.

A. THE FBI DOESN'T LIKE TO WORK WITH ANYBODY ELSE. THEY -- IT'S REALLY HARD. I HAD TO WORK -- UP UNTIL THE POINT I LEFT, WE WERE TRYING TO GET HSI ONBOARD, BECAUSE WE DEALT WITH MS13 ENTERPRISE AND 18TH STREET, AND A LOT OF THOSE PEOPLE ARE NOT SUPPOSE TO BE HERE, AND THEY HAVE A RED NOTICE OR AN ARREST WARRANT FROM INTERPOL AND WE, LAPD, PER POLICY, CAN'T ARREST THEM. AND THE FBI WON'T DO IT BECAUSE IT'S NOT IN THEIR JOB DESCRIPTION. SO I KIND OF MADE THAT HAPPEN BECAUSE WE COULD MAKE THE ARREST AND HSI CAN DEAL WITH THAT PROBLEM, ESPECIALLY IF WE CAME IN CONTACT WITH SAID PERSONS. BUT OTHER THAN THAT, NO, WE DIDN'T REALLY DEAL WITH OTHER AGENCIES.

Q. OKAY. THANK YOU.

DURING YOUR INTERVIEW WITH SERGEANT JIZMEJIAN, DO YOU RECALL HIM ASKING YOU SPECIFICALLY

IF SEARCHING FUEL FILTER AND SOLVENT TRAPS IS PART OF YOUR FBI TASK FORCE RESPONSIBILITIES?

A. IF I REMEMBER CORRECTLY, I EXPLAINED THAT IT WAS PART OF THE CASES THAT WE WERE GETTING INFORMATION FROM OUR SOURCES AND OTHER PEOPLE WITHIN THE DEPARTMENT THAT WERE EXPLAINING, HEY, THESE ARE THE THINGS TO LOOK OUT FOR, BUT IT NEVER HAPPENED, SO IT WAS BASICALLY POINTLESS.

Q. SO YOU GOT INFORMATION FROM SOURCES TO LOOK OUT FOR FUEL FILTERS AND FIREARM SILENCERS?

A. NO. I GOT, LOOK OUT FOR SUPPRESSORS. I WAS LOOKING FOR SUPPRESSORS ATTACHED TO FIREARMS, NOT SPECIFICALLY THE FUEL FILTERS OR THE SOLVENT TRAPS. I JUST KNOW THAT ALL THAT POPS UP IN THE INTERNET, IF YOU START LOOKING AT SILENCERS, IT'S JUST HUNDREDS OF PICTURES AND PEOPLE CONVERTING EVERYTHING TO DO SO.

Q. YOU SAY "SUPPRESSOR," IS SUPPRESSOR A COMMON NAME FOR SILENCER?

A. YEAH. FROM WHAT I UNDERSTAND, IN THIS INVESTIGATION, AND ME LOOKING IT UP NOW AFTER THE TIME OF ME KNOWING THAT I WAS PART OF AN INVESTIGATION TO RESEARCH TO UNDERSTAND. I UNDERSTAND THE WORD "SILENCER" IS SOMETHING THAT'S USED IN THE FILM INDUSTRY. A GUN SILENCER DOESN'T SILENCE THE BULLET LIKE IT DOES IN THE MOVIES, IT'S NOT QUIET. IT JUST

REDUCES THE DECIBELS OF THE BULLET COMING OUT OF THE GUN.

AND BASED ON WHAT I KNOW NOW, AFTER ALL OF THIS HAPPENING, YOU HAVE TO HAVE A GUN -- A GUN WITH A THREADED BARREL, YOU HAVE TO HAVE A CERTAIN TYPE OF AMMUNITION, WHICH IS SUBSONIC OR LESS THAN THE SOUND -- LESS THAN THE SPEED OF SOUND FEED PER SECOND, I DON'T KNOW THE NUMBER, I'M NOT GOOD AT MATH, AND IT JUST REDUCES THE SOUND SO THAT IT'S NOT PAINFUL TO YOUR EARS WHEN YOU'RE FIRING THE WEAPON.

Q. SO I JUST WANT TO CLARIFY A POINT OFF WHAT YOU SAID.

SO ARE YOU INDICATING THAT PRIOR TO ALL THIS BEGINNING, YOU DIDN'T KNOW YOU NEEDED A THREADED BARREL FOR A SILENCER?

A. NO, I KNEW I NEEDED A THREADED BARREL.

Q. I WANT TO DIRECT YOU, STARTING ON PAGE 17 OF YOUR TRANSCRIPT, ON LINE 24.

A. OKAY.

Q. SO LATER IN YOUR INTERVIEW, SERGEANT JIZMEJIAN ASKED YOU IF YOU HAD HAD YOUR MEMORY REFRESHED REGARDING FUEL FILTERS OR SOLVENT TRAPS, AND YOU SAID -- DO YOU RECALL TELLING HIM, "I DON'T REMEMBER THE SPECIFIC KEYWORDS YOU GUYS ARE TALKING ABOUT. I CAN TELL YOU THAT SOME OF THAT STUFF WAS

PROVIDED TO ME THROUGH WORD OF MOUTH, THROUGH THE SOURCES, 'HEY, CAN YOU LOOK THIS UP,'" YOU KNOW, "WHAT IS THIS?" AND SO YOU START RESEARCHING IT -- "BUT THOSE PIECES, AND I'M GOING TO JUMP TO LINE 9 HERE, "BUT THOSE PIECES NEVER CAME TO FRUITION WITH THE BAD GUYS."

WHAT DO YOU MEAN "THOSE PIECES NEVER CAME TO FRUITION WITH THE BAD GUYS"?

A. THE FIREARMS WHICH IS SUPPRESSORS OR THE SOUNDS, THEY JUST NEVER MATERIALIZED.

Q. BUT THE POINT I'M GETTING AT, SIR, IS YOU REALIZE THAT THE WORD "SUPPRESSOR" AND "FUEL FILTER" WERE ASSOCIATED AT THAT POINT WHEN YOU WERE LOOKING IT UP, CORRECT?

A. NO, I WAS STILL RESEARCHING IT. I DIDN'T HAVE THE SPECIFIC KNOWLEDGE.

Q. BUT YOU HAD RESEARCHED THAT TOPIC, CORRECT?

A. WELL, I DIDN'T HAVE THE SPECIFIC KNOWLEDGE TO PUT TWO AND TWO TOGETHER, AS FAR AS AT THE TIME OF THE RESEARCH, IT WAS IN ITS INFANCY.

Q. BUT YOU HAD BEEN RESEARCHING IT, "YES" OR "NO"?

A. YEAH. TILL --

Q. OKAY. THANK YOU.

WHEN WAS THIS INVESTIGATION HAPPENING?

A. MARCH OF '21 OR MARCH OF '20 -- I THINK IT WAS '21. I'M NOT 100 PERCENT SURE.

Q. DID YOU HAVE ANY DOCUMENTATION OF THAT INVESTIGATION?

A. NO.

Q. ALL RIGHT. I'M GOING TO GET INTO SOME OF THE SPECIFIC THINGS YOU SEARCHED ON YOUR DEPARTMENT COMPUTER AT THAT TIME. JUST ONE SECOND.

SO REFERRING TO THE KEYWORD SEARCH, SPECIFICALLY THE DECEMBER 2020 TAB, I'M GOING TO PUT IT ON THE SCREEN NOW.

A. OKAY.

Q. LINE 1 OF 6, CAN YOU SEE THAT?

A. YES.

Q. ALL RIGHT. NEXT TO YOUR -- OR IN COLUMN D, CAN YOU TELL ME WHAT THAT SEARCH IS?

A. ARE YOU TALKING ABOUT THE "WW"?

Q. YES.

A. I DON'T KNOW WHAT THIS IS, "SARCOINC.COM, 1911-45-THREADED-BARREL-5-BARREL."

Q. WHAT IS A "1911"?

A. IT'S A PISTOL AND 45-CALIBER.

Q. AND WHAT IS THE "5 BARREL" REFERRING TO?

A. WELL, I DON'T KNOW. IT COULD BE 5 INCHES, BUT I'D HAVE TO LOOK AT THE WEBSITE.

Q. WHY WERE YOU SEARCHING THIS ITEM?

A. BECAUSE THAT WAS THE TYPE OF WEAPONS THAT WE WERE COMING IN CONTACT WITH THAT SUPPOSEDLY HAD SUPPRESSORS WHERE THEY WERE GOING TO SELL US WITH SUPPRESSORS.

Q. SO AS EARLIEST OF DECEMBER OF 2020, YOU WERE COMING INTO SALES OF SUPPRESSORS AS PART OF YOUR JOB DUTIES?

A. I WAS NOT.

Q. WELL, THEN, WHY WERE YOU SEARCHING THIS?

A. BECAUSE THE GUYS WERE DOING THAT AND I WAS HELPING OUT WITH GETTING INTEL AND HELPING THEM WITH THEIR CASES.

Q. SO AS EARLY OF 2020, INVESTIGATIONS THAT YOU WERE HELPING WITH WERE COMING INTO CONTACT WITH FIREARMS WITH SUPPRESSORS?

A. YES.

Q. AND DO YOU PERSONALLY OWN ANY 1911S?

A. YES, I DO.

Q. OKAY. IF YOU WERE LOOKING INTO ILLEGAL FIREARM SALES WITH SUPPRESSORS, WHY WERE YOU LOOKING AT A GUN WEBSITE FOR THAT?

A. A GUN WEBSITE -- WELL, I DON'T KNOW WHAT THE WEBSITE HAS, YOU KNOW, I DON'T -- I MEAN, I CAN'T TELL YOU WHAT --

Q. OKAY. WE'LL MOVE PAST THAT POINT, THEN.

WHILE I JUMP INTO THE NEXT ONE, I'M NEXT REFERRING YOU TO THE TAB OR THE SECTION THAT WAS THE FEBRUARY 2021 BARREL?

A. OKAY.

Q. REFERRING YOU TO LINE 7, UNDER COLUMN D, THAT URL, CAN YOU READ ME WHAT THAT URL SAYS?

A. YOU SAID LINE 7, CORRECT?

Q. YES, SIR. I'LL PUT THE TAB ON IT FOR YOU.

A. "WWP" -- I CAN'T EVEN READ THAT -- "PEALTIER.COM/PRODUCTS/ALUMINUM-BARREL-END-THREAD-PROTECTOR-FOR RUGER-1022-MUZZLE-BRAKE." IT LOOKS LIKE, "1-2-X-28-58." I CAN'T READ THAT. I'M SORRY.

Q. THAT'S FINE.

A. MY EYESIGHT IS CRAP.

Q. WHAT IS THE 12 X 28 REFERRING TO?

A. HALF-INCH BY 28, IT'S A THREAD -- A THREAD PITCH.

Q. OKAY. AND WHAT IS A RUGER 1022?

A. IT'S A RIFLE.

Q. WHAT IS A THREAD PITCH?

A. IT'S JUST THE THREADING. SO THERE'S SAE, WHICH IS STANDARD, I CAN'T REMEMBER THE NAME OF IT, AND THEN THERE'S METRIC, AND THEY'RE A DIFFERENT THREADS, LIKE FOR BOLTS, THERE'S FINE, COURSE, AND

THAT BASICALLY JUST DELINEATES HOW MANY THREADS PER INCH, I BELIEVE.

Q. AND WHAT IS THE IMPORTANCE OF A THREAD PITCH?

A. IT JUST MEANS THAT YOU HAVE TO HAVE THE CERTAIN BOLTS OR I'LL JUST USE A BOLT FOR REFERENCE BECAUSE THAT'S WHAT I KNOW.

IF YOU HAVE A BOLT AND YOU HAVE A NUT AND YOU'RE GOING TO SCREW THEM TOGETHER, THEY BOTH HAVE TO BE THE SAME THREAD, OTHERWISE THEY WON'T GO TOGETHER.

Q. I KNOW YOU'RE REFERRING TO A BOLT, BUT WHAT IS THE RELEVANCE OF A THREAD PITCH ON A GUN?

A. WELL, IF YOU HAVE A THREADED BARREL IN A GUN AND IT HAD A RECEPTACLE LIKE FLASH SUPPRESSOR OR A SILENCER, THAT THREAD, THE FEMALE END OF THE THREAD IN THE SUPPRESSOR WOULD HAVE TO -- WOULD BE LIKE THE NUT, AND THAT WOULD GO ON THE BARREL, WHICH WOULD BE LIKE THE BOLT.

Q. OKAY. SO IN FEBRUARY OF 2021, WHY WERE YOU RESEARCHING RUGER 1022 MUZZLE BRAKE WITH A 12 X 28 THREAD PITCH?

A. I DON'T KNOW.

Q. DO YOU OWN A RUGER 1022?

A. YES, I DO.

Q. A LITTLE FURTHER IN THIS DESCRIPTION, I'VE

PUT IT AT THE TOP SO YOU CAN SEE THE WHOLE THING, THERE'S AN ADAPTER COMBO 223-308, WHAT DOES "223" REFER TO?

A. THAT IS -- WELL, THAT'S A CALIBER FOR A RIFLE AND 308 IS A CALIBER FOR A RIFLE.

Q. AND WHAT IS AN ALLUMINUM BARREL THREAD AND PROTECTOR?

A. WELL, BASED ON WHAT'S UP THERE, IF YOU HAVE A THREADED BARREL AND YOU'RE GOING TO HAVE TO PUT A NUT ON THERE SO THAT YOUR THREAD DON'T GET SMASHED OR BEAT UP OR RUINED WHEN YOU'RE USING THE FIREARM WITHOUT THE MUZZLE BRAKE OR THE SUPPRESSOR THAT WOULD BE ON THE END OF THE GUN.

Q. OKAY. I'M GOING TO REFER YOU NOW TO LINE 17. BEAR WITH US AS I TRY AND MAKE THIS VISIBLE ON THE SCREEN.

A. NO WORRIES.

Q. WHAT DAY DO YOU SEE IN COLUMN B?

A. SORRY, 17? FEBRUARY 3RD.

Q. OKAY. AND THEN I'M GOING TO JUST CIRCLE BACK TO THE COLUMN THAT WE WERE JUST LOOKING AT FOR A SECOND.

WHAT DAY DO YOU SEE IN LINE 7?

A. THE 2ND OF FEBRUARY.

Q. AND SO THE NEXT DAY, ON FEBRUARY 3RD, WHAT

IS IN THE URL SEARCH?

A. THE -- IT LOOKS LIKE THE SAME THING.

Q. WHY DID YOU LOOK AT THIS TWO DAYS IN A ROW?

A. I DON'T KNOW.

Q. OKAY. DO YOU HAVE ANY -- NO, THAT'S ENOUGH. I'LL LEAVE THAT AS IT IS.

I'M GOING TO DIRECT YOU TO LINE 33 NOW, THEN. WHAT DAY DO YOU SEE HERE?

A. FEBRUARY 3RD.

Q. ALL RIGHT. LOOKING AT THE COLUMN I'VE HIGHLIGHTED FOR YOU.

A. OKAY.

Q. THERE WAS A DOCUMENTED SEARCH CONTAINING BOTH THE FOLLOWING: FUEL FILTER SWEEP FOR NAPA 4003 WIX 582412 OR 122812 AIR FILTER THREADED, AND ALSO A SEARCH FOR RUGER 1022 MUZZLE BRAKE ADAPTER COMBO 223-308.

WHAT DOES FUEL FILTER SWEEP FOR NAPA 4003 WIX REFER TO?

A. WELL, BASED ON THE ATF PAPERWORK, I GUESS, I DON'T KNOW.

Q. I'M GOING TO RESTATE -- I'M NOT ASKING BASED OFF THE ATF PAPERWORK, THIS IS FROM FEBRUARY 2021.

IN FEBRUARY OF 2021, WHY WERE YOU --

A. WELL, I DON'T KNOW BY SPECIFIC DATES, BUT I

AM GOING TO BELIEVE THAT IT WAS -- I WAS CLICKING ON PICTURES AND THAT'S ALL THE STUFF THAT CAME UP. IT WASN'T SPECIFIC TO LIKE TARGETING THESE SPECIFIC NAMES.

Q. SO WHAT DO YOU MEAN YOU WERE CLICKING ON PICTURES?

A. GOOGLE SEARCH.

Q. SO WHAT WERE YOU SEARCHING FOR?

A. WELL, AT THE TIME, LOOKS LIKE THREADED PROTECTOR FOR RUGER 1022. BUT I DON'T RECALL INDEPENDENTLY. I'M JUST GOING BY WHAT'S UP THERE.

Q. SO YOU DON'T HAVE ANY INDEPENDENT RECOLLECTION OF WHY YOU WERE SEARCHING FOR BOTH THE NAPA 4003 WIX AND A RUGER THREADED PROTECTOR?

A. NO.

Q. BUT WOULD IT BE SAFE TO SAY, AS OF FEBRUARY 2021, YOU HAD SEARCHED NAPA 4003 WIX IN CONJUNCTION WITH A THREADED BARREL?

A. WELL, I DON'T BELIEVE THAT I SEARCHED THAT SPECIFIC THING, BUT BASED ON THIS, YES.

Q. THIS IS A -- WHEN YOU WERE INTERVIEWED BY SERGEANT JIZMEJIAN, DID HE ASK YOU IF THIS WAS YOUR INTERNET HISTORY?

A. I DON'T BELIEVE SO.

Q. ONE MOMENT, PLEASE. CAN I REFER YOU TO

PAGE 18, LINE 18.

A. 18/18?

Q. YES.

A. OKAY.

Q. WAS IT -- DID YOU SAY THAT IT WAS SAFE TO SAY WHATEVER YOU WERE SEARCHING WAS PART OF WHAT YOU ANTICIPATED GETTING AS PART OF YOUR JOB DUTIES?

MR. SEKI: I'M GOING TO OBJECT. I THINK WITHIN THE FIRST QUESTION WAS THAT HE WAS SHOWN THIS DOCUMENT. I DON'T KNOW THAT THIS DOCUMENT WAS EVER SHOWN TO HIM, NOR IS IT REFLECTED IN THIS TRANSCRIPT.

MS. AMIN: CAN YOU RESTATE YOUR QUESTION.

BY SGT. SLATER:

Q. WHEN ASKED BY SERGEANT JIZMEJIAN, YOU SAID THAT YOU TOLD HIM YOU LOOKED UP SOME OF THIS STUFF BECAUSE YOU HAD HEARD ABOUT IT THROUGH SOURCES OR THROUGH WORD OF MOUTH, AND THEN YOU WERE ASKED BY YOUR ATTORNEY, MR. SEKI HERE, ON LINE 14, WHATEVER SEARCHES WERE DONE WAS WORK-RELATED, CORRECT?

A. YES.

Q. SO THE SEARCHES THAT WERE RECOVERED WERE WORK-RELATED IS WHAT YOUR EXPLANATION WAS?

A. YES.

Q. SO AS PART OF YOUR WORK DUTIES, YOU LOOKED UP NAPA 4003 WIX, THEN?

MR. SEKI: WELL, I'M GOING TO OBJECT. I THINK THAT MISSTATES THE EVIDENCE. I THINK THE EVIDENCE IS THAT HE CLICKED ON PICTURES.

MS. AMIN: WELL, YOU CAN ASK, DID YOU LOOK IT UP.

BY SGT. SLATER:

Q. HOW DID YOU GET TO THESE PICTURES?

A. SUPPRESSOR AND YOU CLICK ON PICTURES AND GOOGLE, AND THEN IT GOES INTO ALL THESE DIFFERENT WEBSITES. YOU GO TO ONE PICTURE, THE NEXT PICTURE, IT'S LIKE WATCHING THINGS ON YOU TUBE, YOU JUST GO DOWN THIS, YOU'VE WASTED 45 MINUTES OF YOUR TIME.

Q. OKAY. ON MULTIPLE DAYS, YOU LOOKED INTO, AT LEAST, THE THREADED BARREL, CORRECT?

A. YES.

Q. I'M GOING TO REFER YOU NOW TO LINE 91, AGAIN, IN COLUMN D OR 92.

WHAT WAS SEARCHED ON THAT COLUMN?

A. THAT WAS A PICTURE OF A KIMBER --

THE REPORTER: A WHAT?

DET. WALDEN: A PICTURE OF A KIMBER 1911-45 THREADED BARREL.

BY SGT. SLATER:

Q. WHAT MAKES YOU THINK IT WAS A PICTURE?

A. 'CAUSE I REMEMBER IT POPPED UP ON THE

PICTURES AND I CLICKED ON IT.

Q. IS THERE ANY INDICATION ON THIS URL THAT IT'S A PICTURE?

A. NO. I REMEMBER INDEPENDENTLY DOING IT BECAUSE I THOUGHT, OH, THAT'S NICE.

Q. SO I JUST WANT TO BE CLEAR, YOU REMEMBER AN INDEPENDENT RECOLLECTION OF LOOKING AT A SPECIFIC PICTURE, BUT YOU DON'T REMEMBER WHY YOU WERE LOOKING AT THE NAPA 4003?

A. NO, I WASN'T LOOKING AT THE NAPA 4003 AS SPECIFIC, I WAS LOOKING AT PICTURES AND ALL OF THAT STUFF POPPED UP. I REMEMBER THE KIMBER BECAUSE IT LOOKED NICE.

Q. WHY WERE YOU SEARCHING FOR KIMBER THREADED BARREL?

A. BECAUSE THERE'S SPECIFIC FIREARMS THAT WERE SUPPOSED TO BE SOLD TO US AND THEY WERE 1911 VARIANTS AND THAT'S WHAT POPPED UP WHEN I WAS CLICKING ON PICTURES. IT WASN'T SPECIFIC TO THE KIMBER.

Q. I'M GOING TO REFER YOU TO ANOTHER SET OF SEARCHES NOW. I APOLOGIZE THAT WE'RE DOING SO MANY SEARCHES, BUT THERE WAS A LOT COVERED.

REFERRING YOU TO THE MARCH 2021 KEYWORD SEARCH "FUEL."

A. OKAY.

Q. LINE 306, WHAT DAY IS THIS?
A. THAT'S THE 16TH.
Q. OF?
A. 2021.
Q. AND WHAT PRODUCT IS BEING SEARCHED IN LINE 306?
A. WAIT. OH, SORRY, I WAS LOOKING AT 305. IT SAYS, "ALUMINUM," I CAN'T -- OH, "NAPA4003SOLVENT TRAPS.COM."
Q. I APOLOGIZE. IT'S KIND OF A LONG URL, MOVING FURTHER PAST THAT, AFTER THE NAPA 4003, WHAT NEXT IS -- OH, SORRY.
A. THAT'S ALL RIGHT.
Q. I'M JUST GOING TO HOLD IT HERE.
A. OKAY. "ALUMINUM-10-12-SIX-EXTENSION-SPIRAL," I DON'T KNOW WHAT THAT IS, "12-20-12-28-58-24-M141-M141-CAR-FUEL-FILTER-CAR-SOLVENT-," THAT'S ALL I GOT, "TRAP-FOR-NAPA-4003- WIX-24003."
Q. SO WE'VE COVERED FROM DECEMBER TO MARCH, JUST A PORTION OF THE THINGS YOU SEARCHED AT THIS TIME. BUT DURING THAT ENTIRE FOUR-MONTH PERIOD, YOU WERE SEARCHING NAPA 4003 AND YOU DON'T RECALL WHY?
A. IT WASN'T SPECIFIC TO THAT NUMBER.
Q. OKAY. AND YET THEY KEEP POPPING UP?
A. YEAH, BECAUSE THAT'S WHAT POPS UP ON ALL THE

WEBSITES.

Q. AND WHY WERE THEY POPPING UP ON ALL THE WEBSITES?

A. I DON'T KNOW.

Q. BUT THIS WAS PART OF YOUR INVESTIGATION IN THE SILENCERS OR SUPPRESSORS, AS YOU CALLED THEM, CORRECT?

A. YES.

Q. SO OVER A FOUR-MONTH WINDOW, YOU REPEATEDLY SAW THIS DURING YOUR INVESTIGATION INTO SUPPRESSORS?

A. YES.

Q. ALL RIGHT. DOES THE DEPARTMENT RECEIVE UNCLASSIFIED LAW ENFORCEMENT SENSITIVE DOCUMENTS FROM OTHER AGENCIES?

A. DEPENDS IF YOU WORK WITH THAT AGENCY.

Q. OKAY. BUT DO THEY RECEIVE SUCH DOCUMENTS?

A. YES.

Q. DOES THE GUN UNIT WORK WITH THE ATF?

A. YES.

Q. DID YOU WORK -- I WANT TO BE CLEAR ABOUT THIS, YOU WORKED THE GUN UNIT, CORRECT?

A. YES.

Q. HAVE YOU SEEN THOSE TWO DOCUMENTS BEFORE, THE TECHNICAL BULLETINS?

A. NO, I HAVE NEVER SEEN THEM.

Q. DURING YOUR TIME WITH THE GUN UNIT, DID YOU INTERACT WITH THE ATF, HOWEVER?

A. NO, I DID NOT.

Q. NOT AT ALL?

A. NO.

Q. NOT WHEN YOU TESTIFIED IN FEDERAL CASES?

A. I NEVER TESTIFIED IN FEDERAL CASES.

Q. ONE SECOND. CAN I REFER YOU TO PAGE 5 OF YOUR TRANSCRIPT?

A. PAGE 5?

Q. YES, PLEASE. CAN I HAVE YOU READ LINES 13, PLEASE.

A. "PROSECUTED. I WORKED WITH THE ATF, DEA, FBI, HSI AND CURRENTLY I'M ASSIGNED DETECTIVE SUPERVISOR FOR GND/FBI TASK FORCE."

Q. SO AGAIN, DID YOU WORK WITH THE ATF?

A. I DIDN'T PERSONALLY WORK WITH THE ATF. THERE WERE PEOPLE ASSIGNED IN THE GUN UNIT THAT WERE ATF TFO'S, THEY WORKED WITH THE ATF. I NEVER WAS ALLOWED TO BECAUSE I WASN'T A TFO.

Q. SO WHY DOES YOUR TRANSCRIPT SAY, "I WORKED WITH THE ATF," THEN?

A. BECAUSE THOSE PEOPLE THAT WERE ASSIGNED TO THE GUN UNIT AT LAPD, THEY WERE ATF TFO'S AND I WORKED WITH THEM.

MR. SEKI: CAN YOU EXPLAIN WHAT A TFO IS?

DET. WALDEN: A TFO IS TASK FORCE OFFICER, SO BASICALLY WHEN I WAS A TASK FORCE OFFICER WITH THE FBI, YOU GO THROUGH AN EXTENSIVE BACKGROUND AND YOU DO A POLY, ALL THIS STUFF, AND THEN THEY SWEAR YOU IN, AND NOW YOU'RE ALLOWED TO MAKE ARRESTS FEDERALLY AND ALSO LOCALLY. THEY USED TFO'S IN THE STATE OF CALIFORNIA, BECAUSE CALIFORNIA CONSTITUTION DOESN'T ALLOW AGENTS TO MAKE STATE ARRESTS, SO THEY USE US TO MAKE THE STATE ARRESTS. A LOT OF TIMES WE GO MAKE AN ARREST ON A CASE, WHATEVER WE'RE DOING, AND IF THE AUSA, USA ATTORNEY, DOESN'T WANT TO FILE A CASE AT THE FEDERAL LEVEL, THEY REFER IT TO THE STATE LEVEL AND THEN WE WOULD HAVE TO TESTIFY IN THE CASE.

Q. OKAY. SO THEN WHY DIDN'T YOU SAY, "I WORK WITH TFO'S," WHY DID YOU SAY, "I WORK WITH THE ATF"?

A. 'CAUSE THEY'RE ATF TFO'S AND TECHNICALLY I'M NOT WORKING DIRECTLY WITH THEM.

Q. WE'LL MOVE PAST THAT.

JUST BEFORE THAT POINT, STARTING AT LINE 8, YOU SAID, "I WAS ASSIGNED TO THE GUN UNIT WHERE I GAINED EXPERTISE" --

A. YES.

Q. -- "AND AKAR VARIANTS AND WEAPONS SYSTEMS TO TESTIFY AS A COURT QUALIFIED EXPERT ON VARIOUS CASES,

NOT ONLY THE ONES IN THE GUN UNIT, BUT ALSO TO ASSIST CASES FOR, YOU KNOW, THE ONES THAT GO FEDERALLY PROSECUTED."

A. YES.

Q. SO DID YOU ASSIST AND TESTIFY IN CASES THAT WENT FEDERALLY PROSECUTED?

A. NO, I NEVER TESTIFIED IN A FEDERAL CASE.

Q. THEN WHY DOES THIS SAY, "TESTIFY AS A COURT QUALIFIED EXPERT"?

A. BECAUSE I DID TESTIFY IN COURT --

Q. ON ONES THAT WERE FEDERALLY PROSECUTED?

MR. SEKI: NO, I THINK THAT'S SEMANTICS; THAT'S ARGUMENTATIVE. THAT'S TOTALLY INAPPROPRIATE.

SGT. SLATER: WE'LL MOVE PAST THAT POINT.

MS. AMIN: RIGHT.

BY SGT. SLATER:

Q. SO FROM DECEMBER TO MARCH, YOU REPEATEDLY LOOKED UP PHOTOS THAT INCLUDED NAPA 4003 WIX, CORRECT?

MR. SEKI: ASKED AND ANSWERED.

DET. WALDEN: YES.

BY SGT. SLATER:

Q. AND THEN WE'VE HEARD TESTIMONY THAT YOU ORDERED THROUGH YOUR PAYPAL A NAPA 4003 WIX FUEL FILTER; IS THAT CORRECT?

A. YES.

Q. IS THERE ANY REASON WHY THE FUEL FILTER ORDERED IS THE SAME AS THE ONE YOU WERE LOOKING INTO AS PART OF YOUR JOB DUTIES FOR SUPPRESSORS?

MR. SEKI: I'M GOING TO OBJECT AS TO VAGUE. WHAT "IS THE SAME"?

MS. AMIN: RESTATE IT, PLEASE.

BY SGT. SLATER:

Q. SO IS THERE ANY REASON YOU ORDERED A NAPA 4003 AFTER REPEATEDLY LOOKING INTO NAPA 4003 AS PART OF YOUR DUTIES INTO SUPPRESSORS IN YOUR JOB?

A. WELL, I ORDERED A FUEL FILTER FOR MY CAR, WHATEVER THE CODE DELINEATION FOR THAT PART, I DON'T REMEMBER WHAT IT WAS.

Q. SO, AGAIN, REFERRING TO DEPARTMENT'S 8, THE PAYPAL TRANSACTIONS WHICH ARE NOW ON UP ON THE SCREEN AGAIN, ON LINE 79, IT SPECIFICALLY SAYS, UNDER ITEM TITLE, "BUY ONE, GET ONE FREE, NAPA-4003-WIX-1-2-X-28-X-24-FUEL FILTER SOLVENT TRAP."

OKAY. AND THAT IS THE SAME ITEM YOU WERE LOOKING INTO AS PART OF YOUR INVESTIGATION OF SUPPRESSORS AS YOU STATED, CORRECT?

A. BASED ON THAT, THAT'S THE RECEIPT FOR -- I NEVER SEEN BEFORE. AND I DIDN'T PURPOSELY LOOK FOR NAPA 4003, I LOOKED FOR A FUEL FILTER, AND I PURCHASED A FUEL FILTER FOR MY CAR, SO I DIDN'T GOOGLE OR LOOK

UP OR WRITE, HEY, I WANT TO BUY THAT NAPA 4003, I LOOKED AND BOUGHT A FUEL FILTER FOR MY CAR, IT JUST HAPPENS TO BE IN THE DESCRIPTION OF THE PURCHASE ON PAYPAL.

Q. OKAY. AND WHERE DID YOU BUY THIS FUEL FILTER FROM?

A. I DO NOT RECALL.

Q. ONE SECOND. WHAT KIND OF FUEL FILTER WERE YOU TRYING TO BUY?

A. A HIGH FLOW FUEL FILTER.

Q. SO THE THREAD ON PURCHASE, IF I'M CORRECT, IS 1/2 BY 28, CORRECT?

A. I NEVER GOT IT, SO I DON'T KNOW.

Q. SO YOU DON'T KNOW SPECIFICALLY WHAT YOU BOUGHT, YOU JUST BOUGHT AN ITEM WITHOUT KNOWING WHAT IT WAS?

A. I BOUGHT AN ITEM I NEVER RECEIVED, SO I COULDN'T VERIFY WHAT YOU'RE ASKING.

Q. SO ON THE ITEM YOU WERE TRYING TO BUY, WHAT WOULD THE THREAD BARREL OR THE THREAD TPI HAVE BEEN?

A. WELL, I WAS HOPING THE THREAD WOULD BE HALF-INCH BY 28.

Q. WHY WERE YOU HOPING HALF-INCH BY 28?

A. BECAUSE IT'S A COMMON STANDARD SIZE.

Q. COMMON STANDARD SIZE FOR WHAT?

A. FOR THREADING.

Q. FOR THREADING FOR WHAT?

A. FOR FUEL FILTERS, FOR FUEL CONNECTORS.

Q. OKAY. I'M GOING TO REFER YOU TO DEPARTMENT'S 3, PAGE 6.

A. IS THAT THE ATF?

Q. YES.

A. PAGE 6.

Q. YES. UNDER "COMMON FUEL FILTER THREADS," CAN YOU POINT OUT TO ME WHERE IT SAYS 1/2 BY 28?

A. NO.

Q. OKAY. WHAT NUMBER DO YOU SEE UNDER "COMMON FILTER THREADS FOR NAPA 4003"?

A. IT'S THREE-QUARTERS.

Q. OKAY. SO WHERE DID YOU HEAR THAT 1/2 BY 28 WAS COMMON FOR A FUEL FILTER?

A. BECAUSE THERE'S A REDUCER FOR THE INLET, SO ON A FUEL FILTER, YOU HAVE THE FILTER, AND THEN THERE'S REDUCERS, JUST LIKE THE ONE THAT I PURCHASED AND I TOLD THE DEPARTMENT ABOUT, FOR DIFFERENT SIZE FUEL LINES. YOU BUY THE FUEL FILTER, YOU GET HALF-INCH, BASICALLY THERE'S -- IT'S A -- I FORGOT WHAT IT'S CALLED, IT'S, I CALL IT A NIPPLE, BUT IT'S BASICALLY A BOLT WITH A HOLE THROUGH THE MIDDLE OF IT, ONE SIZE IS THE HALF-INCH BY 28, AND THAT SCREWS INTO

THE SIDE OF THE FUEL FILTER, THEN THE FUEL GOES THROUGH THAT HOLE, AND THERE'S A NIPPLE THAT BASICALLY, IT'S A MALE END THAT COMES OUT, IT'S IN THE PICTURE OF THE THING I BOUGHT.

AND THEN YOU HAVE ANOTHER FEMALE NUT AND BASICALLY YOU SLIDE THAT ONTO THE FUEL LINE, YOU CUT THE FUEL LINE AND YOU USE A FUEL LINE EXPANSION THING THAT BASICALLY ALLOWS THE FUEL LINE TO BE OPENED UP, AND WHEN YOU PULL THE NUT OVER IT AND YOU PUT THE FUEL FILTER ON THERE, YOU CAN TIGHTEN IT AND IT BASICALLY -- IT'S LIKE A GAS LINE ON A HOUSE. THERE'S A NIPPLE, IT HAS A NUT AND IT PRESSURIZES THE SYSTEM SO IT WON'T LEAK OUT, BECAUSE YOU CAN'T JUST PUT TWO NUTS TOGETHER, IT WILL LEAK CONSTANTLY, LIKE ON YOUR DRYER OR ON YOUR GAS LINE FOR YOUR STOVE.

Q. IT'S BEEN MENTIONED THAT YOU'RE, AS IT WAS QUOTED, "A TINKERER," DO YOU OFTEN BUY CAR PARTS ONLINE?

A. YES.

Q. WHERE DO YOU NORMALLY BUY YOUR CAR PARTS ONLINE FROM?

A. EVERYWHERE.

Q. EVERYWHERE?

A. YES.

Q. I'M GOING TO NOW AGAIN DIRECT YOU TO ANOTHER

KEYWORD SEARCH OF MARCH OF 2021, ON LINE 26. WHAT DAY WAS THAT? IT MAY STILL NEED A SECOND TO APPEAR ON THE SCREEN.

A. SORRY. CAN YOU DO THAT?

Q. I'LL --

A. YEAH. IT JUST SAYS -- I'M ASSUMING IT'S MARCH 11TH.

Q. IF I GET CLOSE, THAT'S FINE.

A. NO, CAN YOU JUST SLIDE IT OVER.

Q. YEAH.

A. TO WHERE YOU WANT ME TO -- OH, ARE YOU LOOKING AT -- NO, GO BACK.

Q. SORRY. THAT'S WHY I DIDN'T WANT TO MOVE IT.

A. IT HAS A BUNCH OF NUMBERS.

Q. LOOK AT THE TOP, I CLICKED ON IT, WHAT DATE DO YOU SEE?

A. WHERE ARE YOU AT?

Q. OKAY. MARCH 11TH, 2021. SO ON MARCH 11TH YOU SEARCHED FOR "OPPPLANET-TRYBE-DEFENSE-GRADE-1-2-X-28-GLOCK-34-NITRIDE." WHY DID YOU SEARCH THIS?

A. BECAUSE THOSE ARE COMMON BARRELS FOR THE GHOST GUNS THAT WE RECOVER IN INVESTIGATIONS, SO.

Q. AND IN THIS, WHAT DID THE "1-2-X-28-THREAD" REFER TO?

A. I DON'T -- I'M ASSUMING IT'S A THREADED

BARREL. OH, YEAH, "THREADED PISTOL BARREL, 1-2-X-28 THREADED-GLOCK-34-BARREL" OR "BLACK-NITRIDE."

Q. DO YOU RECALL WHY YOU WERE SEARCHING FOR THIS ITEM?

A. YES.

Q. WHY WAS THAT?

A. THAT IS A COMMON BARREL FOR A GLOCK OR GLOCK CLONE THAT CAN BE PUT INTO A GLOCK OR GLOCK CLONE OR AN EIGHT PERCENTER OR A GHOST GUN, AND YOU CAN PUT IT IN THE GUN AND YOU CAN HAVE A THREADED BARREL, EITHER PUT A FLASH SUPPRESSOR, WHICH IF YOU BUILD A COMPETITION PISTOL, FLASH SUPPRESSOR HELPS REDUCE THE RECOIL OF THE PISTOL SO YOU CAN STAY ON TARGET AND DELIVER MORE ROUNDS DOWN RANGE SO IT REDUCES THE RECOIL OR YOU CAN PUT A SILENCER ON IT.

Q. SO, AGAIN, THE THREAD FOR SILENCERS WOULD BE 1/2 BY 28 THREAD, IS WHAT YOU'RE SAYING?

A. IT DEPENDS ON THE GUN.

Q. FOR THIS NINE-MILLIMETER, THOUGH, IT WOULD BE 1/2 BY 28?

A. I'M ASSUMING.

Q. DO YOU OWN ANY NINE-MILLIMETER GLOCK 34'S?

A. YES, I DO.

Q. YOU MENTIONED THAT YOU NEEDED A FUEL FILTER FOR YOUR CELICA, THAT'S WHY YOU ORDERED THIS ITEM.

HOW DOES THAT FUEL FILTER WORK?

A. WELL, A FUEL FILTER, BASED ON MY KNOWLEDGE OF TAKING THEM APART AND PUTTING THEM BACK TOGETHER, THE FUEL IS TAKEN FROM THE GAS TANK, IT RUNS THROUGH THE FUEL LINE, IT GOES THROUGH A FILTER SYSTEM TO KEEP ALL THE DEBRIS AND SETTLEMENT THAT YOU GET, SO WHEN YOU GO TO THE GAS STATION, YOU BUY GAS, THERE'S SEDIMENT IN THE BOTTOM OF THOSE TANKS, AND HERE IN THE LOVELY STATE OF CALIFORNIA, THEY HAVE CHANGED THE GAS CHEMICAL MAKE UP TO MORE ETHANOL IN IT AND RAISED THE PRICES SO WE CAN BE GREENER OR CLEANER, THAT ETHANOL GOES UP OUR FUEL SYSTEMS, INJECTION SYSTEMS AND ALL THE STUFF WE HAVE TO DEAL WITH WHICH CAUSES MORE MAINTENANCE, IT'S ONLY HERE IN CALIFORNIA, DON'T ASK ME WHY. THE FUEL GOES THROUGH THE FUEL FILTER, YOU NEED PRESSURE AND VOLUME OF AN AMOUNT OF FUEL TO GET TO THE FRONT OF THE CAR. THERE MAY BE A RETURN SYSTEM THAT COMES BACK TO THE FUEL TO THE GAS TANK, DEPENDING ON THE SYSTEM.

WHAT'S A FUEL FILTER? YOU HAVE A FUEL FILTER THAT'S IN THE LINE, YOU'LL HAVE A FUEL FILTER NEXT TO EITHER THE CARBURETOR OR THE INJECTION SYSTEM, BECAUSE THE LAST THING YOU WANT IS DIRT OR SEDIMENT IN YOUR INJECTORS OR IN YOUR CARBURATION WITHIN YOUR NEEDLE SYSTEM FOR THE OLD CARS THAT WILL GUM UP YOUR

CAR AND IT WON'T WORK.

Q. SO ARE YOU INDICATING THAT YOUR -- WELL, LET ME -- BEFORE I GET AHEAD OF THE TOPIC.

SO IF I'M HEARING YOU CORRECTLY, A FUEL FILTER NEEDS TO BE ABLE TO FILTER WITH SOME SORT OF FILTRATION DEVICE, CORRECT?

A. BASED ON MAY KNOWLEDGE, YES.

Q. OKAY. AND WHEN WE LOOKED AT YOUR PAYPAL RECORDS, YOU INDICATED YOU DON'T REMEMBER SPECIFICALLY PAYING FOR THAT ITEM, BUT THOSE ARE YOUR PAYPAL RECORD ITEMS, CORRECT?

A. YES.

Q. SO ARE YOU INDICATING THAT YOUR PAYPAL ITEMS ARE INCORRECT BY SAYING THAT YOU DON'T RECALL ORDERING THAT ITEM WITH THE 1/2 BY 28?

MR. SEKI: OBJECTION; MISSTATES THE EVIDENCE.

MS. AMIN: SUSTAINED.

BY SGT. SLATER:

Q. IF IT WAS RECORDED ON YOUR PAYPAL TRANSACTIONS, IS THAT AN ITEM YOU ORDERED?

A. YES.

Q. AND WHEN YOU SAW YOUR PAYPAL RECORDS, DID YOU ALERT ANYONE THAT YOU DID NOT RECALL ORDERING THAT ITEM?

MR. SEKI: OBJECTION --

BY SGT. SLATER:

Q. THE NAPA 4003 FILTER WE POINTED TO ON LINE 79?

MR. SEKI: OBJECTION; VAGUE AS TO WHEN, WHAT TIME THEY SAW HIS PAYPAL RECORDS.

MS. AMIN: WELL, HE REFERRED TO LINE 79, SO YOU MIGHT HAVE TO SHOW HIM TO REFRESH HIS MEMORY.

BY SGT. SLATER:

Q. THIS PURCHASE YOU SEE AT THE TOP BOX, YOU SAID YOU DIDN'T RECALL THAT?

A. NO. I SAID I BOUGHT A FUEL FILTER. I DON'T REMEMBER IT SAYING ANY OF THAT BECAUSE I DIDN'T LOOK AT MY PAYPAL RECORDS, I BOUGHT A FUEL FILTER. YOU'RE GOING OFF THE RECORDS, I'M GOING OFF OF I PURCHASED A FUEL FILTER ONLINE.

DOES THAT MAKE SENSE?

Q. SOMEWHAT. ONE MOMENT, PLEASE.

SO IN PREPARATION FOR THIS HEARING OR YOUR CRIMINAL CASE, DID YOU REVIEW YOUR PAYPAL RECORDS?

A. NO.

SGT. SLATER: I THINK THE DEPARTMENT HAS NO FURTHER FOR NOW.

MS. AMIN: MR. SEKI?

MR. SEKI: ANNA, YOU NEED A BREAK?

THE REPORTER: CAN WE TAKE A BREAK?

MS. AMIN: OKAY. SURE. 10 MINUTES?

THE REPORTER: YES.

MS. AMIN: WE'RE OFF.

(RECESS TAKEN.)

MS. AMIN: OKAY. MR. SEKI, YOUR WITNESS.

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. IF YOU CAN FIND IT IN THERE, ACCUSED A.

A. THIS ONE?

Q. YES. YOU GOT A COUPLE OF THINGS IN FRONT OF YOU. SO THERE IS THE TWO PHOTOS WHICH WE WILL MAKE COPIES OF, WHICH ARE ACCUSED B.

DO YOU RECOGNIZE THOSE?

A. YES.

Q. AND WERE THOSE PROVIDED TO SERGEANT JIZMEJIAN AT HIS REQUEST?

A. YES. --

Q. AND THE REASON FOR PROVIDING THEM WERE WHAT?

A. TO SHOW THAT I HAD PURCHASED ANOTHER FUEL FILTER BECAUSE I DIDN'T GET THE FIRST ONE.

Q. AND ESSENTIALLY, ACCUSED A DEPICTS THOSE TWO ITEMS THAT ARE IN B; IS THAT CORRECT?

A. YES.

Q. OKAY. SO LET'S LOOK AT "A." A IS THE SCREEN SHOT THAT YOU CREATED?

A. ARE YOU TALKING ABOUT THE BIG ONE OR THE LITTLE ONE?

Q. JUST THE FIRST PAGE.

A. YES.

Q. AND WHAT DOES IT REFLECT?

A. IT REFLECTS A SPECIFIC -- IT'S THE ORDER DETAILS OF THE FUEL FILTER AND THE BRACKET.

Q. SO IS IT FAIR TO SAY PAGE 1 AND PAGE 2 SHOW THAT YOU ORDERED IT FROM AMAZON, CORRECT?

A. YES.

Q. DID YOU EVER RECEIVE IT?

A. YES.

Q. I'M GOING TO HAVE YOU TURN TO PAGE 3 AND PAGE 4. TELL US WHAT PAGE 3 AND PAGE 4 ARE?

A. PAGE 3 IS THE BOX THAT THE ITEM COMES IN, FUEL FILTER. AND THEN PAGE 4 IS THE BOX OPENED WITH THE FUEL FILTER IN IT AND SOME DIRECTIONS ON HOW TO INSTALL IT.

Q. OKAY. ONE OF THE THINGS THAT YOU WERE EXPLAINING WHEN ASKED BY SERGEANT SLATER WAS HOW A FUEL FILTER WORKS, YOU TALKED ABOUT THE HALF-INCH BY 28, YOU SAID IT'S A STANDARD SIZE, AND THEN YOU STARTED TALKING ABOUT WHAT YOU DESCRIBED AS NIPPLES,

RIGHT, THE CONNECTORS?

A. YES.

Q. AND IF WE LOOK AT PAGE 1 OF ACCUSED A, WHERE IT SAYS, "EVIL ENERGY INLINE 100," IT APPEARS TO DEPICT THE FUEL FILTER AND THERE SEEMS TO BE 1, 2 3, 4, 6 ITEMS UNDERNEATH THEM, RIGHT? WHAT ARE THE SIX ITEMS?

A. SO THE SIX ITEMS, WHICH IS HERE, THEY'RE CUT OFF HERE, BUT THESE ARE THE NIPPLES THAT GO ON -- I'M SORRY -- SO THESE ARE THE NIPPLES THAT ARE THREADED ONE STANDARD SIZE WITH AN O-RING THAT GOES AND ATTACHES ON EITHER SIDE OF THE FUEL FILTER SO THAT YOU CAN CUT YOUR FUEL LINE OR YOUR NEW FUEL LINE WHEN YOU INSTALL IT, AND THEN YOU HAVE TO HAVE AN ADDITIONAL, I'LL CALL THEM NUTS THAT YOU WOULD PUT ON THE FUEL LINE, YOU WOULD CHANGE THE FUEL LINE TO BE ABLE TO ATTACH IT AND PUT IT IN PLACE, AND THEN THE BRACKET IS TO HOLD IT UP THERE SO IT DOESN'T JUST FLY ALL OVER THE PLACE.

Q. YOU HAD MENTIONED THE TERM "HIGH FLOW FUEL FILTER," IS WHAT'S DEPICTED IN ACCUSED A AND B A HIGH FLOW FUEL FILTER?

A. YES.

Q. CAN YOU EXPLAIN WHY YOU WOULD NEED A HIGH FLOW FUEL FILTER?

A. OKAY. SO BASED ON, I'LL CALL IT, FRANKENSTEIN THE CAR, YOU'RE TAKING A CAR THAT NORMALLY COMES WITH A FOUR-CYLINDER ENGINE WITH MAYBE 180 HORSEPOWER, AND WHAT I'M DOING IS I'M PUTTING A V8, WHICH IS FOUR MORE PISTONS, AND IT WILL HAVE ROUGHLY 400 MORE HORSEPOWER, SO I'M BASICALLY BUILDING A RACE CAR. SO TO SUPPLY THE AMOUNT OF FUEL THAT YOU WOULD TAKE FROM THE GAS TANK TO GO TO THE ENGINE, YOU NEED MORE VOLUME OR MORE FUEL, SO YOU WOULD HAVE TO CHANGE, AT THE VERY LEAST, YOU WOULD HAVE CHANGE THE FUEL FILTER TO ALLOW THE VOLUME OF FUEL TO GO THROUGH THERE, BECAUSE IT GETS PRESSURIZED, YOU'RE GOING TO HAVE, AT THE FUEL, AT THE GAS TANK, YOU'RE GOING TO HAVE A FUEL PUMP AND THAT PUMPS ELECTRONICALLY, YOU'LL HEAR IT TURN ON, DEPENDS ON WHAT KIND OF CAR, IT PUMPS THE FUEL AND PRESSURIZES THE SYSTEM AND YOU NEED THE VOLUME OF FUEL TO GET TO THE ENGINE, OTHERWISE IT WILL START THE ENGINE AND YOU WON'T BE ABLE TO RUN THE CAR.

Q. SO IF I CAN SIMPLIFY IT, THE AMOUNT OF FLOW NEEDED FOR A FOUR-CYLINDER WOULD BE DIFFERENT FOR THE AMOUNT OF FLOW FOR AN EIGHT-CYLINDER, WOULD THAT BE ACCURATE?

A. YES.

Q. YOU SAID YOU'RE FRANKENSTEINING, SO, AS I UNDERSTAND, YOU'RE NOT USING THE CELICA ENGINE,

BECAUSE YOU'RE PUTTING A BIGGER ENGINE IN, CORRECT?

A. YES.

Q. YOU'RE NOT USING THE FUEL TANK OR FUEL CYLINDER THAT COMES WITH THE CELICA, BUT YOU'RE USING A DIFFERENT ONE?

A. YES.

Q. AND YOU DON'T HAVE A STOCK OR A STANDARD MANUFACTURER FUEL SYSTEM, YOU HAVE TO CREATE YOUR OWN?

A. YES.

Q. AND SO BY ORDERING THIS HIGH VOLUME OR HIGH FLOW FUEL SYSTEM, YOU WERE TRYING TO GET MORE GAS TO THE ENGINE, THE CARBURETOR, FUEL INJECTOR, WHATEVER IT MAY BE; IS THAT CORRECT?

A. YES.

Q. AND YOU'RE ALSO GOING TO HAVE ANOTHER FUEL FILTER SOMEWHERE DOWN THE LINE?

A. YES.

Q. AND WHAT'S THE PURPOSE OF THE SECOND FUEL FILTER?

A. SO THE SECOND ONE WILL ALLOW FOR ANY SEDIMENT THAT THE FIRST ONE, HIGH FLOW, DIDN'T CATCH, SO DEPENDS ON THE FILTRATION SYSTEM. SO IT'S BASICALLY YOU'RE PROTECTING YOUR INJECTION SYSTEM, WHICH IS WHAT SPRAYS THE GAS INTO YOUR PISTONS OR YOUR CARBURETOR FROM BEING FOULED UP, 'CAUSE IF THAT

HAPPENS, THEN YOU GOT TO TAKE THE WHOLE FUEL SYSTEM OFF AT THE ENGINE, CLEAN IT, AND THEN PUT IT BACK ON. SO YOU'RE TRYING TO ELIMINATE EXTRA WORK FOR YOURSELF TO GET IT RUNNING AND BE SERVICEABLE.

Q. AT THE TIME YOU ORDERED THIS FUEL FILTER, AUGUST 21ST OF 2021 FROM THE AMAZON, DID YOU KNOW THAT THE FIRST FILTER YOU HAD ORDERED HAD BEEN CONFISCATED OR SEIZED BY CUSTOMS AND BORDER PATROL?

A. NO.

Q. WHAT DID YOU THINK HAPPENED TO IT?

A. WELL, EITHER IT NEVER WAS SENT OR PORCH PIRATES GOT IT OR IT FELL OFF THE TRUCK. I DON'T KNOW.

Q. DID YOU DO ANYTHING TO TRY AND RESEARCH WHAT HAPPENED OR FIGURE OUT WHERE IT WAS?

A. NO. I WAS SO BUSY WITH WORK, IT JUST TOTALLY SLIPPED MY MIND.

Q. SO YOU HAD THIS OTHER ONE, HAVE YOU USED IT YET?

A. NO. I'M BASICALLY DISASSEMBLING THE ENTIRE CAR RIGHT NOW.

Q. WHEN YOU ORDERED THE FIRST FUEL FILTER THAT DIDN'T COME TO YOU, WERE YOU LOOKING FOR A HIGH VOLUME OR HIGH FLOW FUEL FILTER?

A. YES.

Q. AND IS THAT WHAT YOU THOUGHT YOU WERE GOING TO GET?

A. YES.

Q. HOW MANY CARS DO YOU HAVE?

A. EIGHT OR SEVEN.

Q. THAT'S AT YOUR HOUSE?

A. WELL, SEVEN AT THE HOUSE.

MR. SEKI: I HAVE 10 PAGES HERE WHICH PURPORTS TO DEPICT THE WALDEN RESIDENCE AND DIFFERENT ITEMS, CARS, ET CETERA, AROUND THE HOUSE, AND I'D LIKE TO HAVE THIS MARKED NEXT IN LINE AS ACCUSED C, I BELIEVE.

SGT. SLATER: NO OBJECTION.

MS. AMIN: OKAY. SO ENTERED.

(ACCUSED EXHIBIT C, PHOTOGRAPHS, 10 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY MR. SEKI:

Q. DETECTIVE WALDEN, I'VE PROVIDED YOU WITH 10 PAGES THAT HAS BEEN MARKED AS ACCUSED C, CAN YOU WALK US THROUGH THE DIFFERENT PAGES THAT ARE THERE.

A. SURE. PAGE 1 IS A FRONT VIEW OF MY HOUSE WITH MY 1967 MUSTANG HATCHBACK; AND THE '85 CELICA, WHICH IS UP ON JACK STANDS BECAUSE I'M DISASSEMBLING IT, ALONG WITH MY SON'S '83 CELICA, WHICH WE'RE

BUILDING TOGETHER, SO WE'RE DOING TWO AT THE SAME TIME, AND MY TRUCK.

Q. LET'S TURN TO PAGE 2.

A. PAGE 2 IS JUST THE TWO CELICAS THAT ARE BEING WORKED ON. SO THE BLUE ONE IS THE '85 AND THE RED ONE THAT HAS MULTIPLE COLORS IS MY SON'S CAR.

Q. AND JUST BEFORE WE GO THERE, THE '85 IS THE ONE WHERE YOU'RE ACTUALLY CHANGING OUT THE ENGINE, THE FUEL TANK, EVERYTHING?

A. YES.

Q. OKAY. AND THAT'S WHAT THE FUEL FILTER WAS GOING TO BE USED FOR?

A. YES.

Q. PAGE 3?

A. THAT'S MY SON, MR. PICKLE'S CAR, BEFORE IT WAS CHANGED.

Q. OKAY. PAGE 4?

A. PAGE 4 IS A 1985 FIERO THAT HAS A FERRARI BODY CONVERSION THAT'S NOT FINISHED.

Q. NEXT PAGE.

A. PAGE 5 IS MY 1970 240Z.

Q. OKAY. PAGE 6?

A. PAGE 6 IS 355 FERRARI CHASSIS.

Q. PAGE 7?

A. PAGE 7 IS THE HONDA 750 CHASSIS ON A CHASSIS

OR FRAME.

Q. THAT'S A MOTORCYCLE?

A. YEAH, THAT'S MY MOTORCYCLE.

Q. NEXT PAGE.

A. NEXT PAGE IS PAGE 8, THAT'S THE INDEPENDENT REAR SUSPENSION FOR MY SUPRA, THAT'S NOT IN ANY OF THE PICTURES.

Q. OKAY. AND THEN, PAGE 9?

A. PAGE 9 IS THE BACK GARAGE WHICH HAS THE F40 BODY AND UNDERNEATH THAT, YOU CAN'T TELL THAT THERE'S A FERRARI CHASSIS UNDER THERE.

Q. AND THEN THE LAST PAGE?

A. LAST PAGE, PAGE 10, IS THE REAR HALF OF THE FERRARI.

Q. SO IT LOOKS LIKE YOU HAVE A LOT OF DIFFERENT PROJECTS GOING ON AT ONE TIME?

A. YES.

Q. NONE TO COMPLETION?

A. WELL, I WAS WORKING A LOT, SO, NO.

Q. OWNING A SILENCER, IS THAT LEGAL IN CALIFORNIA?

A. DEPENDS.

Q. WHAT DO YOU MEAN?

A. WELL, YOU HAVE TO HAVE A LICENSE FROM THE ATF AND YOU HAVE TO REGISTER IT, FROM WHAT I

UNDERSTAND, AND JUST LIKE A MACHINE GUN. SO IF YOU HAVE A GUN THAT'S FULLY AUTOMATIC, YOU HAVE TO HAVE A CERTAIN TYPE OF LICENSE THROUGH THE ATF AND YOU HAVE TO PAY SOME MONEY AND THEY DO A BACKGROUND AND THEY SAY YOU CAN OWN THESE TYPES OF WEAPONS. AND THERE'S ANOTHER ONE CALLED CURIO AND RELIC, THOSE ARE FOR GUNS THAT ARE VERY VINTAGE, YOU KNOW, THAT ARE EXPENSIVE FOR MOST PEOPLE.

THE REPORTER: CAN YOU USE YOUR MIC, I'M SORRY.

DET. WALDEN: YEAH, SURE.

SO CURIO, I DON'T KNOW HOW TO SPELL IT, AND RELIC, THOSE ARE -- THAT'S A LICENSE THAT YOU GET, AND THERE'S JUST DIFFERENT LICENSES AND YOU HAVE TO GO THROUGH BACKGROUND CHECK AND PAY FOR THE REGISTRATION, BUT SOME PEOPLE CAN OWN SUPPRESSORS IN THE STATE OF CALIFORNIA. I DON'T REMEMBER THE CLASS AND THE NUMBER ASSOCIATED WITH THE LICENSE OFF THE TOP OF MY HEAD.

BY MR. SEKI:

Q. I THINK ONE OF THE THINGS THAT WE'VE COME TO LEARN FROM THE QUESTIONING IS THAT IN ORDER TO USE A SUPPRESSOR, YOU HAVE TO -- IT HAS THREADS ON IT, IT HAS THREADS ON THE END OF BARREL; IS THAT CORRECT?

A. YES.

Q. WOULD THAT MEAN THE BARREL ITSELF WILL BE

THREADED?

A. YES.

Q. AND IF YOU LOOK AT WHAT'S BEEN MARKED AS DEPARTMENT'S 18 AND GO TO PAGE 6, UNDER "PISTOLS, 4-A," IT SAYS THAT HAVING A THREADED BARREL -- A PISTOL WITH A THREADED BARREL WOULD BE CONSIDERED AN ASSAULT WEAPON; IS THAT CORRECT?

A. YES.

Q. DO YOU OWN ANY PISTOLS WITH A THREADED BARREL?

A. NO.

Q. HAVE YOU ORDERED ANY THREADED BARRELS?

A. NO.

Q. SO YOU DON'T HAVE ANY PISTOLS THAT WOULD BE IDENTIFIED AS AN ASSAULT WEAPON; IS THAT CORRECT?

A. I BELIEVE I HAVE ONE, BUT IT'S REGISTERED.

Q. OKAY. DOES IT HAVE A THREADED BARREL?

A. NO, IT DOESN'T.

Q. IN ORDER FOR YOU TO ATTACH THIS SILENCER THAT WAS CONFISCATED BY CUSTOMS AND BORDER PATROL, THAT'S THE SUBJECT OF THIS, WHAT WOULD YOU HAVE TO DO TO ATTACH IT TO ANY OF YOUR GUNS?

A. I WOULD HAVE TO BUY A THREADED BARREL, TAKE THE GUN APART, INSTALL THE THREADED BARREL, DEPENDING ON WHAT TYPE OF GUN IT IS, AND MAKE SURE THAT IT'S

OPERABLE AND THE GUN WORKS AND DOESN'T GO TO CATASTROPHIC FAILURE, AND THEN YOU CAN ATTACH THE SILENCER OR SUPPRESSOR.

Q. THREADED BARRELS. ARE THREADED BARRELS STANDARD AT THE 1/2 BY 28, I GUESS, THE THREADED ON THIS SILENCER OR THIS FUEL FILTER?

A. FOR SPECIFIC CALIBERS, BASED ON WHAT I'VE LEARNED SINCE THIS, I WAS AWARE OF THIS INVESTIGATION ON ME.

Q. YOU DIDN'T ANSWER. I MEAN, YOU'RE SAYING THERE ARE GUNS THAT HAVE THAT SPECIFIC THREADING?

A. YES, BUT NOT ALL OF THEM.

Q. OKAY. IT WAS BROUGHT UP DURING SOME OF THESE INTERNET SEARCHES WHERE YOU'RE CLICKING ON THINGS, THERE WAS A KIMBER 1911, WHAT IS A KIMBER 1911?

A. KIMBER IS A MANUFACTURER, SO IT WOULD BE LIKE FORD OR KIA OR TOYOTA. AND 1911 IS JUST THE TYPE OF FIREARM, SO IT'S THE STYLE. AND IT'S A STANDARD WEAPON THAT WAS USED OR COPIED FROM WORLD WAR, I THINK IT WAS, II. IT WAS STANDARD ISSUE IN WORLD WAR II.

Q. DO YOU KNOW IF -- AND YOU OWN KIMBERS?

A. YES.

Q. 1911'S?

A. YES, SIR.

Q. BUT NONE WITH A THREADED BARREL?
A. NO, SIR.
Q. DO YOU KNOW IF THE THREADED BARREL FOR A KIMBER IS STANDARD WITH THAT THREADING THAT WOULD MATCH THE SILENCER?
A. NO, IT'S COMPLETELY DIFFERENT THAN THE 1/2 BY 28.
Q. SO WHAT WOULD YOU HAVE TO DO TO GET IT TO FIT?
A. IT WON'T WORK.
Q. WHAT ABOUT GLOCKS, DO YOU OWN ANY GLOCKS?
A. YES, I DO.
Q. NONE WITH THREADED BARRELS?
A. NO, NO THREADED BARRELS.
Q. BASED UPON YOUR RESEARCH, ARE THERE THREADED BARRELS THAT WOULD FIT THE SILENCER FOR A GLOCK?
A. YES.
Q. SO THOSE YOU WOULD HAVE TO ORDER, RIGHT?
A. YES.
Q. AND IN THE STATE OF CALIFORNIA, OWNING A THREADED BARREL IS ILLEGAL ON A PISTOL, CORRECT?
A. YOU CAN OWN A THREADED BARREL AND YOU CAN OWN THE PISTOL, BUT IF YOU PUT THEM TOGETHER, THAT MAKES THEM ILLEGAL, BUT SIDE BY SIDE, NO.
Q. OTHER STATES DON'T HAVE THE SAME LAWS OR

RULES, CORRECT?

A. CORRECT.

Q. AND, IN FACT, IN OTHER STATES, YOU CAN OWN A SILENCER, RIGHT?

A. YES.

Q. WOULD YOU EVER BUY A SILENCER?

A. NO.

Q. WHY NOT?

A. IT'S ILLEGAL.

Q. ONE OF THE THINGS WE HEARD ABOUT WAS, AS A RESULT OF THIS INVESTIGATION, YOU WERE PROSECUTED CRIMINALLY; IS THAT CORRECT?

A. YES.

Q. WHAT HAPPENED WITH YOUR CRIMINAL MATTER?

A. THE DISTRICT ATTORNEY DECIDED TO CHANGE THE CHARGE AND GIVE ME A MISDEMEANOR.

Q. SO THAT WAS PART OF A PLEA BARGAIN?

A. YES.

Q. AND I BELIEVE IF WE LOOK AT DEPARTMENT'S 15, THE MINUTES FROM THAT, YOU ENDED UP ENTERING A PLEA OF NO CONTEST; IS THAT CORRECT?

A. YES.

Q. AND THE REASON YOU ENTERED A PLEA OF NO CONTEST?

A. WELL, 'CAUSE I'M NOT GUILTY.

Q. SO WHY DID YOU END UP PLEADING IF YOU'RE NOT GUILTY?

A. BECAUSE I CAN'T AFFORD OVER $100,000 IN LEGAL FEES. I HAVE TWO KIDS AND A MORTGAGE, AND SO I JUST CAN'T AFFORD IT, SO I TOOK THE EASY WAY OUT IN HOPES THAT I CAN GO BACK TO WORK AND SUPPORT MY FAMILY.

Q. WHEN YOU WERE INTERVIEWED BY SERGEANT JIZMEJIAN, WERE YOU TRUTHFUL?

A. YES.

Q. AT ANY POINT IN TIME, DID YOU KNOWINGLY ORDER A SILENCER FROM CHINA?

A. NO.

Q. A COUPLE OF THINGS BEFORE WE -- I'M DONE WITH YOU, I JUST WANT YOU TO EXPLAIN, BECAUSE YOU USED A COUPLE OF TERMS, I WANT TO MAKE SURE THE BOARD UNDERSTAND? IN ONE OF YOUR ANSWERS, YOU DESCRIBED A CLONE, I THINK WE KIND OF UNDERSTAND WHAT A CLONE IS BUT CAN YOU EXPLAIN WHAT A CLONE GUN IS?

A. SO THERE ARE SPECIFIC MANUFACTURERS OR TYPES OF WEAPONS, WHEN I TALK ABOUT AK-47'S, AR-15'S, GLOCKS, AND THEN THERE'S 1911'S, THOSE ARE THE FOUR MAIN GUNS THAT ARE CLONED OR MADE INTO AN 80-PERCENTER.

WHAT AN 80-PERCENTER IS, IT'S A FIREARM

PIECE, BUT IT'S NOT YET A FIREARM, IT'S JUST A PIECE THAT THAT 80-PERCENTER OF THE WORK IS DONE TO MAKE IT A GUN, AND YOU, AS THE PURCHASER, YOU BUY IT AND YOU DRILL OUT WHERE THEY GIVE YOU A GUIDE, AND THEN YOU CAN BUILD THE REST OF THE GUN SO IT'S AN OPERABLE FIREARM, WE CALL THOSE CLONES.

80-PERCENTERS OR GHOST GUNS, THOSE GUNS DEPENDING ON THE CONFIGURATION, THEY'RE NOT ILLEGAL TO OWN, UNLESS THEY'RE MADE INTO WHAT WOULD BE UNDER THE ASSAULT WEAPONS, THEY HAVE THE OFFENDING FEATURES. AND BASICALLY THOSE ARE THE FOUR TYPES OF GUNS, AK, AR, 1911 AND CLOCK COPIES, AND THAT'S BASICALLY WHAT A LOT OF PEOPLE DO.

THEY'RE CALLED GHOST GUNS BECAUSE THEY DON'T HAVE SERIALS, SERIAL NUMBERS ATTACHED TO THEM. IF YOU WANT TO BUILD ONE IN THE STATE OF CALIFORNIA, GET ON THE WEBSITE, YOU HAVE TO GET PERMISSION AND THEN YOU OPT FOR A SERIAL NUMBER, THEY GIVE YOU A SERIAL NUMBER AND THEN YOU BUILD THE GUN AND YOU REGISTER IT WITH THE STATE OF CALIFORNIA SO THAT THEY HAVE A RECORD OF THE FIREARM.

Q. AND JUST QUICKLY, IN TERMS OF THE TECHNICAL BULLETINS WHICH HAVE BEEN MARKED AS DEPARTMENT'S 2 AND DEPARTMENT'S 3, PRIOR TO THIS CASE COMING TO EXIST, HAD YOU EVER SEEN EITHER OF THESE?

A. NO, I'VE NEVER SEEN EITHER ONE OF THESE.

Q. AND HAD YOU EVER HAD SPECIFIC TRAINING ON SILENCERS BEING BUILT FROM FUEL FILTERS?

A. NO.

Q. WHEN I LOOK AT WHAT'S BEEN MARKED AS DEPARTMENT'S 3, AND IT TALKS ABOUT INLINE FIREARM SILENCERS, ACTUALLY LET ME GO TO, I'M SORRY, DEPARTMENT'S 2, SOLVENT TRAPS, AND I'LL GO TO PAGE 2.

WHAT'S DEPICTED THERE, LOOKS LIKE AN OIL FILTER, RIGHT?

A. YES.

Q. AND SO AN OIL FILTER CAN BE MODIFIED TO BE USED AS A SILENCER?

A. BASED ON THIS BULLETIN, I'M ASSUMING SO.

Q. OKAY. AND IS IT ILLEGAL TO BUY AN OIL FILTER?

A. NO, SIR.

Q. ARE THERE OTHER ITEMS THAT CAN BE USED AS "SILENCERS" THAT YOU ARE AWARE OF THAT ARE SOLD JUST REGULARLY IN PUBLIC?

A. YES.

Q. LIKE?

A. TWO LITER COKE BOTTLE, POTATO. I KNOW IT SOUNDS DIFFERENT, BUT A POTATO HAS BEEN USED FOR A SILENCER. FLASHLIGHTS CAN BE MODIFIED, LIKE THOSE BIG

STREAM LIGHTS, THEY CAN BE MODIFIED AND TURNED INTO A SILENCER. AT THE TOP OF MY HEAD, I CAN'T REALLY THINK, BUT --

Q. ONE OF THE THINGS THAT YOU DESCRIBED IN TERMS OF A SILENCER, YOU SAID IT WAS MORE LIKE A SOUND SUPPRESSOR, RIGHT, AS OPPOSED TO TRULY BEING SILENT?

A. YES.

Q. AND YOU TALKED ABOUT HAVING TO USE SUBSONIC AMMUNITION IN ORDER FOR IT TO BE EFFECTIVE, CORRECT?

A. YES.

Q. DO YOU OWN ANY SUBSONIC AMMUNITION?

A. NO, SIR.

Q. HAVE YOU EVER OWNED ANY SUBSONIC AMMUNITION?

A. NO, SIR.

Q. WHERE DO YOU GET SUBSONIC AMMUNITION, IF YOU KNOW?

A. I DON'T KNOW.

MR. SEKI: I DON'T HAVE ANYTHING ELSE TO ASK YOU. THANK YOU.

MS. AMIN: SERGEANT?

SGT. SLATER: YES, PLEASE. THANK YOU.

REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. I'D LIKE TO REFER YOU TO DEPARTMENT'S 14, PLEASE. THAT IS THE MINUTES FROM YOUR PRELIM,

SPECIFICALLY PAGE 5.

A. LET ME FIND IT.

Q. I KNOW THERE'S A LOT OF DOCUMENTS THERE.

A. SORRY. LAST STACK.

Q. NO PROBLEM AT ALL.

CAN I HAVE YOU REVIEW PAGE 5, PLEASE. LET ME KNOW WHEN YOU HAD TIME.

A. OKAY.

Q. DURING YOUR PRELIMINARY HEARING, WAS THAT A MOTION TO DISMISS DUE TO INSUFFICIENT EVIDENCE?

A. YES.

Q. WAS THAT MOTION GRANTED?

A. NO.

Q. AFTER THAT MOTION, DID YOU THEN TAKE A PLEA DEAL?

A. NO.

Q. NOT NECESSARILY THAT DAY, BUT AT SOME POINT AFTER THAT MOTION, DID YOU TAKE A PLEA DEAL?

MR. SEKI: AFTER THE MOTION OR AFTER THE PRELIMINARY HEARING?

SGT. SLATER: AFTER THE PRELIMINARY HEARING.

DET. WALDEN: REPEAT THE QUESTION, PLEASE. SORRY.

BY SGT. SLATER:

Q. YOU TESTIFIED THAT IN YOUR PRELIMINARY

HEARING THERE WAS A MOTION TO DISMISS BASED OFF INSUFFICIENCY OF EVIDENCE AND THAT WAS DENIED. AT SOME POINT, AFTER THAT POINT, DID YOU SUBMIT YOUR PLEA?

A. YES.

Q. THANK YOU.

IN YOUR TESTIMONY TODAY, YOU STATED YOU WERE A TINKERER AND YOU ORDERED PARTS FROM NUMEROUS DIFFERENT WEBSITES, YET YOU DIDN'T FOLLOW UP WHEN THE ITEM DIDN'T ARRIVE. CAN YOU EXPLAIN TO ME WHY YOU WOULDN'T FOLLOW UP ON A $50 ITEM THAT DIDN'T ARRIVE?

A. WELL, IT DIDN'T ARRIVE, SO I DIDN'T FOLLOW UP BECAUSE I WAS SO BUSY AT WORK. AT THE TIME, I WAS WORKING A TASK FORCE AND OUR HOURS CHANGED ALL THE TIME, SO MONDAY I WOULD COME IN AT 3:00 A.M. AND WE'D DO SURVEILLANCE ALL DAY, AND I HAD TO DO SUPERVISOR DUTIES; AND THEN TUESDAY WE'D COME IN AT 10:00; AND WEDNESDAY WE'D COME IN AT 3:00 A.M.; AND THURSDAY WE'D COME IN AT NOON AND WORK ALL NIGHT; FRIDAY, SOMETIMES WE GOT CALLED SATURDAY, SO I WAS ALWAYS AT WORK, DEPENDING ON, YOU KNOW, THE HAVES AND NEEDS. I WAS ONE OF THE ONLY FIELD SUPERVISORS. THERE WAS A DIII, BUT I WAS THE ONE ALWAYS AT WORK.

Q. THANK YOU.

SO YOU NEVER FOLLOWED UP WITH THE WEBSITE

FROM THE PRODUCT YOU ORDERED DESPITE RECEIVING IT?

A. NO.

Q. IT WAS -- I JUST WANT TO BE CLEAR ON THIS, IT WAS ALSO YOUR TESTIMONY YOU DON'T REMEMBER WHAT WEBSITE YOU SPECIFICALLY PURCHASED THAT FROM?

A. YEAH, THAT IS CORRECT.

Q. AND YET YOU ORDERED A REPLACEMENT FROM AMAZON?

A. YES.

Q. YOU MENTIONED ON, I BELIEVE, IT'S DEFENSE A OR ACCUSED A, THAT THE FILTER YOU ORDERED CAME WITH VARIOUS, AS YOU CALLED THEM, ATTACHMENTS AT THE END; WHAT SIZE ARE THOSE ATTACHMENTS, THE THREADS ON THOSE?

A. I DON'T KNOW. I HAVEN'T REVIEWED THE THREADING ON THOSE.

Q. OKAY. THEN WHY WOULD YOU ORDER IT IF YOU DON'T KNOW WHAT THE THREAD SIZE WAS?

A. BECAUSE IT COMES WITH THE NIPPLES THAT -- I DON'T NEED TO WORRY ABOUT THE THREADS --

Q. LET ME REPHRASE MY STATEMENT.

WHAT SIZE DID THOSE NIPPLES COME IN?

A. WELL, THEY COME IN VARIOUS SIZES. THE HOLE IN THE MIDDLE OF THE NIPPLE, THAT IS WHAT -- SO THE BIGGER THE HOLE, THE BIGGER THE THREAD, SO I DIDN'T NEED TO BECAUSE IT GAVE ME AN ASSORTMENT TO CHANGE MY

FUEL LINE TO A BIGGER FUEL LINE, SO I DIDN'T REALLY NEED TO WORRY ABOUT THE THREAD SIZE BECAUSE IT COMES WITH THE PARTS THAT I NEEDED. I WOULD HAVE HAD TO BUY THEM FOR THE OTHER FUEL FILTER, BUT THEY DIDN'T HAVE IT.

Q. OKAY. LET ME REPHRASE MY STATEMENT, THEN.

THE NIPPLES, DO YOU KNOW WHAT SIZE THEY CAME IN?

A. NO, I DIDN'T CHECK IT.

Q. OKAY. AND THIS ITEM, YOU ORDERED A BRACKET WITH IT, DID YOU ORDER A BRACKET WITH THE OTHER FUEL FILTER THAT DIDN'T ARRIVE?

A. IT WAS NOT AN OPTION.

Q. OKAY. DO YOU HAVE A SUPPRESSOR LICENSE?

A. NO, I DO NOT.

Q. YOU MENTIONED YOU PLED OUT BECAUSE IT WAS THE CHEAPER OPTION. WHY WOULD YOU TAKE A -- LET ME REPHRASE THAT QUESTION.

DOES THE DEPARTMENT HAVE PROCEDURES IN PLACE IF A CASE IS FOUND NOT TO HAVE ENOUGH EVIDENCE TO DISMISS A CASE?

MR. SEKI: OBJECTION. I DON'T UNDERSTAND THE QUESTION.

SGT. SLATER: I'LL REWORD IT.

Q. AS A DETECTIVE SUPERVISOR, DID YOU HAVE THE

ABILITY TO DISMISS CASES IF THERE WAS NOT SUFFICIENT EVIDENCE?

A. NO.

Q. DO YOU KNOW WHAT A 17(B)4 IS?

A. YEAH. BUT I DON'T DO THAT, THE DA DOES THAT. SO YOU DO ALL THE WORK. I DON'T JUDGE MY WORKERS AND SAY, "YOU DON'T HAVE ENOUGH TO FILE." I LISTEN, I READ THE REPORTS, IF THE PROBABLE CAUSE IS THERE TO MAKE THE ARREST, THEN I DO, THEN THEY TAKE IT TO THE DISTRICT ATTORNEY, JUST LIKE I DID, AND THE DISTRICT ATTORNEY SAYS, "NO, WE WILL FILE THIS." OR "YES, WE WILL FILE THIS" OR "NO, THERE'S NOT ENOUGH." AND THEY'LL DO A KICKBACK AND THEY'LL ASK FOR ADDITIONAL EVIDENCE TO BOLSTER THE CASE OR MAKE THE CASE STRONGER. OR, DEPENDING ON THE COURT, IT COULD BE SENT TO THE CITY ATTORNEY FOR CONSIDERATION AND IT WILL GO FROM WHATEVER FELONY TO A MISDEMEANOR, UNLESS IT WAS A MISDEMEANOR, THEN THE CITY ATTORNEYS HANDLE IT.

Q. SO IF I'M UNDERSTANDING WHAT YOU'RE SAYING, IF THERE WASN'T ENOUGH EVIDENCE, THE DA WOULD HAVE NOTIFIED THE DEPARTMENT, CORRECT?

A. I ASSUME SO. I HOPE SO.

Q. ONE SECOND, PLEASE.

IS ONE OF THE CORE VALUES "INTEGRITY IN ALL

WE SAY AND DO"?

A. YES.

Q. WOULD TAKING A PLEA DEAL --

MR. SEKI: I'M GOING TO OBJECT; ARGUMENTATIVE. I THINK IT GOES TO ATTORNEY-CLIENT PRIVILEGE. I THINK IT GOES INTO A BUNCH OF OTHER --

MS. AMIN: HE DIDN'T FINISH HIS QUESTION. YOU READ HIS MIND?

MR. SEKI: ABSOLUTELY. I THINK IT AN ABSURD QUESTION TO ASK. I THINK IT'S REALLY RIDICULOUS TO ASK SOMETHING LIKE THAT.

MS. AMIN: ALL RIGHT. LET HIM FINISH THE QUESTION, THOUGH, FIRST.

WHAT WAS YOUR QUESTION?

BY SGT. SLATER:

Q. WOULD TAKING A PLEA DEAL WHEN YOU'RE INNOCENT DEMONSTRATE INTEGRITY IN ALL YOU SAY AND DO?

MR. SEKI: OBJECTION; ARGUMENTATIVE. I THINK IT'S INAPPROPRIATE. I THINK IT GETS INTO ISSUES OF ATTORNEY-CLIENT PRIVILEGE. I THINK IT'S GETS INTO A LOT OF OTHER DEALS. I THINK HE'S ALREADY EXPLAINED IT, SO I THINK IT'S INAPPROPRIATE.

MS. AMIN: THAT'S OUR JUSTICE SYSTEM IN ITSELF, SO WE'LL SUSTAIN THAT.

YOU CAN ASK A DIFFERENT QUESTION.

SGT. SLATER: ONE MOMENT.

Q. IT'S BEEN ASKED, BUT I WANT TO BE CLEAR ON THIS POINT, DO YOU BELIEVE YOU ORDERED A SILENCER?

A. NO, I BELIEVE I ORDERED A FUEL FILTER.

Q. AND THROUGHOUT THIS INVESTIGATION, DO YOU BELIEVE YOU DEMONSTRATED THE INTEGRITY EXPECTED OF A POLICE OFFICER?

A. YES.

SGT. SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

RECROSS-EXAMINATION

BY MR. SEKI:

Q. DID YOU TESTIFY AT YOUR PRELIMINARY HEARING?

A. NO.

Q. DID YOU PRESENT A DEFENSE AT YOUR PRELIMINARY HEARING?

A. I DID NOT.

Q. YOU HAVE THE RIGHT NOT TO PRESENT ANYTHING, CORRECT?

A. YES, SIR.

Q. AND THIS IS REALLY, ASIDE FROM YOU BEING INTERVIEWED IN YOUR INTERNAL AFFAIRS INTERVIEW WITH SERGEANT JIZMEJIAN, THIS IS YOUR FIRST OPPORTUNITY TO REALLY TELL WHAT HAPPENED, RIGHT?

A. YES.

Q. AND IS IT YOUR UNDERSTANDING THAT THE ADMINISTRATIVE INTERVIEW WHICH YOU DID WITH SERGEANT JIZMEJIAN WAS NOT PART OF THE CRIMINAL MATTER?

A. YES.

Q. IN FACT, YOU UNDERSTAND THE LAW AS THEY CANNOT BE CONNECTED, CORRECT?

A. YES.

Q. THE FACT THAT YOU TURNED OVER EXCULPATORY EVIDENCE, POTENTIAL EXCULPATORY EVIDENCE TO JIZMEJIAN, IT WAS YOUR UNDERSTANDING HE COULD NOT PROVIDE THAT TO THE CRIMINAL MATTER BECAUSE IT WAS ADMINISTRATIVELY DONE?

A. YES.

Q. SO THE DA OR THE PROSECUTOR HAD NO IDEA THAT YOU ORDERED A SECOND FUEL FILTER; IS THAT CORRECT?

A. YES, SIR.

Q. WHY DID YOU USE AMAZON FOR THE SECOND FILTER?

A. WELL, I ALREADY LOST 50 BUCKS SO I FIGURED IF I DIDN'T GET IT, THEY WOULD REPLACE IT.

MR. SEKI: THANK YOU. NOTHING FURTHER.

MS. AMIN: DEPARTMENT?

SGT. SLATER: JUST ONE QUICK FURTHER.

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FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. SO IF I'M UNDERSTANDING YOUR TESTIMONY, YOU'RE SAYING YOU LOST 50 BUCKS BUT YOU NEVER BOTHERED TO CHECK THE WEBSITE THAT YOU GOT IT FROM OR CHECK STATUS OF THE ITEM?

A. HAVING PURCHASED THINGS IN THE PAST, SOMETIMES THEY TAKE THREE, FOUR, FIVE MONTHS, IT DEPENDS. SOMETIMES THEY DON'T SHOW UP. BUT I WAS SO BUSY, I'M A SINGLE PARENT, I'M DOING AN ADDITION TO MY HOUSE, I'M BUILDING CARS, IT ESCAPED MY MIND. IT'S NOT THE MOST IMPORTANT -- CLEARLY IT IS NOW, BUT AT THE TIME, IT WAS NOT THE MOST IMPORTANT ISSUE IN MY LIFE. I HAVE CHILD CUSTODY STUFF I HAVE TO DEAL WITH, NOW I'M DEALING WITH CRIMINAL STUFF, NOW I MAY LOSE MY JOB, AND I TOLD THE TRUTH.

Q. ONE LAST THING.

SO AS WE DISCUSSED AND AS YOUR TESTIMONY HAS POINTED OUT TODAY, DESPITE BEING AN ASSAULT WEAPON -- OR ASSAULT WEAPON EXPERT AND CONTINUOUSLY SEARCHING ITEMS AS PART OF YOUR DUTIES AS PART OF A TASK FORCE AND ASSAULT WEAPONS EXPERT, ARE YOU CLAIMING YOU DON'T KNOW ANYTHING ABOUT THIS NAPA 4003 USED AS A SILENCER?

A. WELL, NOW I KNOW.

Q. AND AT THE TIME YOU WERE SEARCHING NAPA 4003

ON YOUR WORK COMPUTER, DID YOU NOT KNOW THAT?

A. NO. I SEARCHED SUPPRESSORS, I DIDN'T SEARCH NAPA 4003. YOU KEEP HONING IN ON A SPECIFIC NUMBER, THAT'S NOT WHAT I LOOKED FOR. I LOOKED FOR SPECIFIC THINGS AND I LOOKED AT PICTURES ON THE INTERNET TO BETTER FAMILIARIZE MYSELF WITH WHAT SILENCERS WERE, BECAUSE I DIDN'T WANT TO GO TO A HOUSE AND BE THE WEAPONS EXPERT AND BE THERE LIKE, WHAT ARE THESE TUBES FOR? SO I STARTED LOOKING INTO IT. BUT IT NEVER HAPPENED, SO I STOPPED. IT NEVER CAME TO FRUITION, NONE OF THE CASES CAME TO FRUITION.

I WORKED UNDERCOVER NARCOTICS, I DID THAT FOR LIKE 15 YEARS, PEOPLE WHO SAY, HEY, THERE'S DOPE AT THIS HOUSE, OH, NO, THE DOPE IS GONE, IT'S THAT FAST. SAME WITH FIREARM STYLES IN THE STREET, HEY, I HAVE A GUN. IF YOU'RE NOT THERE WITHIN THE FIRST HOUR, THE GUN IS GONE.

WE TRY TO BUY GUNS THAT WERE USED IN MURDERS, WE'VE DONE IT SOMETIMES SUCCESSFULLY, SOMETIMES IT DIDN'T WORK OUT BECAUSE THE BAD GUY, WHOEVER HAS THAT GUN, HE DOESN'T WANT TO -- OR HE DOESN'T WANT THESE ITEMS BECAUSE THEY'RE ILLEGAL AND HE WANTS HIS MONEY.

WE'RE TALKING BOTTOM OF THE BARREL, THESE ARE NOT FIREARM SUPPLIERS, LIKE ARMS SUPPLIERS THAT

YOU WOULD HAVE TO DEAL WITH. THESE ARE GUYS, HEY, I GOT A GUN, YOU WANT TO BUY IT. AND THE INFORMANT WOULD BE, YEAH, BUT IF WE DON'T GO NOW WITH THE INFORMATION, WE'LL LOSE IT. SAME WITH DOPE, SAME WITH ANY OTHER CONTRABAND THAT WE'RE DEALING WITH.

Q. OKAY. BUT THE QUESTION WAS, WERE YOU LOOKING AT NAPA 4003 OR ANYTHING THAT COULD BE A FUEL FILTER USED AS A SILENCER DURING THAT TIME?

A. NOT FUEL FILTER USED AS A SILENCER. I WAS LOOKING UP SILENCERS OR SUPPRESSORS, AND I LOOKED AT PICTURES, DIDN'T LOOK UP SPECIFIC, HEY, THIS THING.

SGT. SLATER: THANK YOU. NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING.

MS. AMIN: ALL RIGHT. I'M GOING TO INVITE MY ASSOCIATE MEMBERS HERE, DO YOU HAVE ANY QUESTIONS?

MS. STRONG-FARGAS: NOT AT THIS TIME.

MR. ORTEGA: I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. CAN YOU TELL ME WHAT DAY YOU BECAME AWARE THAT YOU WERE BEING INVESTIGATED FOR ATTEMPTING TO BUY A SILENCER?

A. I DON'T -- IF I CAN LOOK AT MY PHONE, I HAVE IT SAVED IN MY RECORDS.

Q. SURE.

A. BUT I KNOW IT WAS AFTER -- I GOT AN E-MAIL FROM JIZMEJIAN, IS THAT CORRECT HOW YOU SAY HIS NAME, AND I SAVED IT. WHOOPS, BACK, IF I CAN FIND IT. I BELIEVE IT WAS IN SEPTEMBER, BUT I'LL HAVE TO FIND IT. OH, GOOD GRIEF. THERE'S A BUNCH OF CAR PICTURES. OH, HERE IT IS. SEPTEMBER 14TH IS WHEN I GOT AN E-MAIL FROM JOHN JIZMEJIAN SAYING I WAS AN ACCUSED IN A COMPLAINT.

MS. AMIN: OF '21?

DET. WALDEN: YES, MA'AM. SO ALMOST A MONTH OR TWO-THIRDS OF A MONTH AFTER I HAD BOUGHT THE REPLACEMENT FILTER.

BY MR. ORTEGA:

Q. AND I HAVE ANOTHER QUESTION, THIS EVIL ENERGY INLINE 100 MICRON FUEL FILTER, HAVE YOU INSTALLED IT IN THE SUPRA?

A. NO, BECAUSE I'M DOING THE WHOLE FUEL SYSTEM, SO I'M TAKING OUT THE ENGINE, TRANSMISSION, THE FUEL SYSTEM, AND I WAS GOING TO DO A, BASICALLY TAKE THE FUEL FILTER, PUT IT IN AND SEE IF IT WOULD ALLOW THE FLOW, BUT I NEVER GOT TO THAT POINT BECAUSE ALL THIS STUFF HAPPENED AND I WAS WORKING AND DEALING WITH CHILD STUFF.

Q. OKAY. AND YOU MENTIONED EARLIER THAT THE

SUPRAS, YOU NEVER FINISHED WORKING ON THEM?

A. RIGHT NOW I'M WORKING ON THE CELICA, SO I'VE BASICALLY TAKEN THE COMPLETE SUSPENSION OFF AND I'M REBUILDING THE REAR END, SO IT WILL -- SO EVERYTHING HAS TO CHANGE, YOU PUT A BIGGER MOTOR, YOU NEED A FUEL SYSTEM, FUEL FILTERS, FUEL CELLS.

I'M IN THE PROCESS OF REBUILDING THE REAR END AND I'M USING AN 8.8 MUSTANG REAR END AND THE ORIGINAL REAR END HAD DRUM BRAKES, THIS ONE IS GOING TO HAVE DISK BRAKES SO IT CAN TAKE MORE TORQUE, AND THEN THE FRONT SUSPENSION IS BEING REBUILT, SO IT'S ALL IN PIECES. BUT ONCE YOU START TAKING ONE PART OFF, THEN YOU START -- THEN YOU GO, OH, I HAVE TO CLEAN IT, NOW I HAVE TO PAINT IT, BECAUSE IF YOU WANT TO PUT IT BACK TOGETHER, YOU WANT IT TO BE NICE.

Q. OKAY. I HAVE ANOTHER QUESTION FOR YOU, WHY WOULD YOU ORDER THE FIRST ONE FROM CHINA THREE YEARS AGO AND THEN ANOTHER ONE A FEW MONTHS AFTER THAT AND NOT INSTALL THEM?

A. WELL, ORIGINALLY I WAS GOING TO INSTALL THEM, BUT THEN WE WERE GETTING CALLED OUT ON THE WEEKENDS AND WORKING EXTRA OVERTIME.

Q. SO IT WAS WORK, BASICALLY?

A. I JUST NEVER HAD THE TIME.

MR. ORTEGA: I KNOW HOW THAT IS. OKAY.

THAT'S ALL THE QUESTIONS I HAVE.

EXAMINATION

BY MS. AMIN:

Q. WHEN WERE YOU OFF THE JOB FROM THE DEPARTMENT?

A. ASSIGNED HOME?

Q. YES, ASSIGNED HOME.

MR. SEKI: DO YOU HAVE THE COMPLAINT SHEET?

MS. STRONG-FARGAS: YEAH, IT'S HERE.

DET. WALDEN: I WANT TO SAY --

BY MS. AMIN:

Q. WHEN YOU WERE SERVED?

MR. SEKI: APRIL 21ST OF '23.

BY MS. AMIN:

Q. AND WHEN YOU ORDERED THE ITEM FROM AMAZON, YOU ORDERED A BRACKET FOR THE FILTER?

A. YES, MA'AM.

Q. BUT THE FIRST ORDER, THAT COMPANY DIDN'T HAVE A BRACKET, DID YOU ORDER A BRACKET FROM SOMEBODY ELSE?

A. NO, I JUST FIGURED I WAS GOING TO HARDLINE IT IN AND THEN BUILD MY OWN BRACKET. I'M A CERTIFIED WELDER, I WAS A CERTIFIED WELDER. I WENT THROUGH CERTIFICATION WHEN I WAS 18. I WENT THROUGH ELECTRICAL DISTRIBUTION ENGINEERING THROUGH DWP. SO

PRIOR TO BEING A COP AT 18 YEARS OLD, I DID ALL THAT STUFF. I CAN FABRICATE ANY CAR STUFF, THAT'S BASICALLY WHY I DO THE FABRICATION, BUT YOU CAN'T REALLY FABRICATE FUEL PARTS, YOU CAN FABRICATE FUEL LINES BECAUSE THEY'RE METAL.

MR. ORTEGA: CAN YOU FABRICATE A SILENCER?

DET. WALDEN: POSSIBLY, YES, IF I KNEW WHAT I WAS DOING.

MR. ORTEGA: WOULD YOU KNOW HOW TO DO IT?

DET. WALDEN: I'D HAVE TO RESEARCH IT.

BY MS. AMIN:

Q. CAN YOU MAKE A BARREL FOR THE SILENCER?

A. NO.

Q. OR THE THREADING?

A. NO, I WOULDN'T EVEN ATTEMPT THAT.

Q. ON YOUR EXHIBIT C, ACCUSED C, WHEN WERE THE PICTURES TAKEN, WHAT DATE, WHAT YEAR?

A. THIS YEAR, EXCEPT FOR TWO, THREE, THOSE ARE OLDER PICTURES FROM -- THESE ARE THE ONES THAT I SENT TO JIZMEJIAN.

Q. AT THE TIME OF YOUR INTERVIEW?

A. YES, MA'AM.

MS. AMIN: GO AHEAD.

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EXAMINATION

BY MS. STRONG-FARGAS:

Q. YOU WERE TALKING ABOUT, YOU KNOW, YOUR POSITION IN THE GUN UNIT DEPARTMENT?

A. YES, MA'AM.

Q. AND YOU WERE SAYING THAT A LOT OF THE INDIVIDUALS THAT YOU HAVE ARRESTED OR BEEN INVOLVED IN WHEN THEY DO SOMETHING WRONG WAS HARD CORE, MAYBE YOU DIDN'T SAY IT THAT WAY, BUT THEY'RE NOT THE GREATEST PEOPLE ON EARTH.

DID YOU EVER -- MAYBE YOU DIDN'T SAY IT THAT WAY, OKAY, MAYBE I'M ADDING THAT PART, BUT YOU CAN CORRECT ME AFTER THAT. BUT DID YOU EVER COME ALONG AND FIND SILENCERS WHEN YOU WERE DEALING WITH THOSE INDIVIDUALS THAT YOU CALL THEM SOMETHING, BUT DID YOU EVER --

A. NO, I NEVER CAME ACROSS ANY SILENCERS OR SUPPRESSORS OR ANYTHING WITH THAT WHEN DEALING WITH THE PEOPLE I DEALT WITH. AND THE MAJORITY OF THE PEOPLE WOULD BE, WE CALL THEM TOP 10-PERCENTERS, THEY REPEAT CRIMES, THERE'S VERY FEW OF THEM. BUT THERE ARE PEOPLE WHO COMMITTED A BURGLARY WHEN THEY WERE 18, YOU KNOW, 30 YEARS AGO, AND THEN THEY WERE UNAWARE OF THEIR RIGHTS AS FAR AS OWNING FIREARMS AND BULLETS AND STUFF LIKE THAT, AND THEY WERE LIKE, HEY, MAN, THAT

WAS A LONG TIME AGO, WE HAD TO EDUCATE THEM. WE DIDN'T ALWAYS ARREST EVERYBODY. WE WOULD SEIZE THE FIREARMS AND GIVE THEM A RECEIPT AND WE WOULD TALK WITH THE DISTRICT ATTORNEY'S OFFICE AND SEE IF THEY WERE GOING TO WANT TO PROSECUTE OR NOT. THEY WERE THE FINAL SAY, BUT SOMETIMES WE HAD THE LEEWAY OF SAYING, HEY, THIS GUY HAS A BURGLARY, IT WAS LIKE WHEN HE WAS, YOU KNOW, 18 AND HE WAS STUPID AND, YOU KNOW, OR WHATEVER, OR AS A JUVENILE, WHATEVER. I DON'T REALLY SEE WHY RUIN HIS LIFE EVEN FURTHER. SO SOME MERCY WAS AT LEAST TRIED WHEN WE DID OUR CASES IN THE GUN UNIT.

Q. HAVE YOU EVER BEEN AROUND GHOST GUNS?

A. YES, MA'AM.

Q. YEAH, A LOT OF GHOST GUNS?

A. YEAH, THERE'S A TON OF THEM OUT THERE. WE WERE PURCHASING THEM FROM -- BEFORE I LEFT, THAT'S -- I THINK WE BOUGHT 150 GUNS. AND WHEN WE TALKED TO -- HE WAS TALKING ABOUT PISTOLS, AN AR-15 CAN BE IN PISTOL CONFIGURATION, SO THEY CONSIDERED IT A PISTOL, BASED ON THE DESCRIPTIONS AND STUFF LIKE THAT, SO IT'S THE LENGTH OF THE BARREL, BUT IT'S REALLY AN ASSAULT RIFLE, BUT IF YOU TAKE THE -- IT'S VERY SPECIFIC, IF YOU TAKE THE STOCK OFF, IT'S NOW A PISTOL, YOU KNOW, IT'S SEMANTICS WITH THE LAW.

Q. SO YOU'RE SAYING YOU'RE VERY KNOWLEDGEABLE

ABOUT GHOST GUNS AND HOW --

A. YEAH, THE GUN PART, YES, MA'AM.

Q. SILENCERS?

A. NO, NOT SILENCERS.

Q. NOT KNOWLEDGEABLE ABOUT THAT AT ALL?

A. WELL, NOW, AFTER ALL THIS, I HAD TO RESEARCH --

Q. OH.

A. YEAH, IT WAS IN ITS INFANCY.

Q. SO WHEN YOU WERE GOING ONLINE --

A. YES, MA'AM.

Q. -- AND THE PICTURES KEPT POPPING UP?

A. IT'S A BLACK TUBE WITH A HOLE IN IT, THAT'S WHAT YOU KEEP GETTING. SOME OF THEM -- A GENERAL SILENCER FROM A SILENCER MANUFACTURER IS ANYWHERE FROM 500 TO $1000, RIGHT, AND THAT'S BECAUSE THEY TAKE THE TIME TO ENGINEER THE PART THAT IT WORKS PROPERLY AND IT DOESN'T GO TO CATASTROPHIC FAILURE WHEN YOU PUT IT ON THE FRONT OF THE GUN. AND THEN THERE'S SPECIFIC SIZES TO SPECIFIC GUNS, LIKE THE HALF-INCH BY 28, WHICH EVERYBODY KEYED IN ON FOR THE THREAD, THAT WILL NOT WORK ON 1911, A 1911 BARREL IS A COMPLETELY DIFFERENT THREAD.

Q. SO WHEN THOSE PICTURES POPPED UP AND YOU KEPT -- IN THOSE THREE TO FOUR MONTHS, YOU KEPT

LOOKING AT THEM, OR AT LEAST WHEN THEY CAME UP YOU LOOKED AT IT, WAS IT BECAUSE -- WAS IT A KNOWLEDGE BASE THAT YOU WERE SEEKING THOSE PICTURES?

A. IT WAS PARTIAL KNOWLEDGE SO THAT I COULD KNOW WHAT TO LOOK FOR WHEN WE WENT TO A HOUSE. OR IF WE PURCHASED IT FROM, YOU KNOW, THE GUY THAT'S SENDING US THE MESSAGE, HEY, I HAVE THESE SILENCERS OR THESE GUNS WITH SILENCERS ON THEM. SO I KNEW WE WEREN'T LOOKING AT SOME GUY WHO TAPED SOMETHING ON THE END OF THE GUNS. 'CAUSE WE HAVE PURCHASED GUNS IN THE PAST AND THEY WERE INOPERABLE OR THEY GAVE US A GUN BUT NO MAGAZINE. OR, I REMEMBER WE BOUGHT SOME LIKE WORLD WAR II RELIC FROM LIKE GERMANY, BOLT-ACTION THING.

Q. SO BEING THAT YOU WERE -- THE PICTURES POPPED UP, YOU KEPT LOOKING FOR A FEW MONTHS TO BE KNOWLEDGEABLE IN CASES FOR YOUR WORK, DID YOU THINK ABOUT THAT SILENCERS WERE ILLEGAL WHEN YOU WERE LOOKING AT THOSE PICTURES?

A. YES, MA'AM.

Q. YOU DID?

A. YEAH.

MS. STRONG-FARGAS: OKAY.

FURTHER EXAMINATION

BY MS. AMIN:

Q. ALL RIGHT. YOU TOLD US EARLIER YOU ATTENDED

A TRAINING DAY WHERE YOU TESTED FIREARM SILENCERS?

A. YES.

Q. OKAY. WHEN WAS THAT?

A. I DON'T KNOW. I'D HAVE TO -- I REALLY DON'T KNOW THE DATE.

Q. WAS IT 10 YEARS AGO OR WAS IT --

A. NO. IT WAS WITHIN -- WITHIN THE -- LET'S SEE, I WENT TO --

Q. WAS IT DURING THE TIME OF YOUR TASK FORCE?

A. YEAH, TASK FORCE.

MR. ORTEGA: THIS WAS WORK-RELATED, THOUGH?

DET. WALDEN: YES, SIR.

THE TASK FORCE, SO BETWEEN 2020 OR I DON'T KNOW WHEN I GOT THERE, 2020 TO BEFORE I LEFT, SO IT'S EITHER 2019 OR 2020, AND THEN -- BUT IT WAS EARLY ON WHEN I FIRST GOT THERE.

BY MS. AMIN:

Q. OKAY. WELL, YOUR FIRST SEARCH YOU WERE LOOKING AT DECEMBER 2021/2020, THERE WERE BARRELS THAT YOU WERE SEARCHING, SO YOU ATTENDED THE TRAINING SEMINAR SHORTLY BEFORE THAT?

A. IT WAS A WHILE BEFORE, BUT WE JUST TESTED THEM, THEY DIDN'T TAKE THEM APART AND EXPLAIN.

Q. OKAY.

A. WE JUST SHOT THEM TO SEE WHAT THEY WERE

LIKE.

Q. AND YOU WERE INTERESTED IN THAT BECAUSE YOU SUFFERED FROM HEARING LOSS BECAUSE OF THE GUNS THAT YOU HAD, YOU SHOT?

A. NO. THAT'S WHAT THEY WERE TRYING TO EXPLAIN WHEN -- WHY THE DEPARTMENT WANTED TO POSSIBLY INTRICATE SUPPRESSORS INTO THE WORK FORCE BECAUSE A MAJORITY OF US WORK FROM OUR CARS. I SPENT LIKE 16, 17 YEARS WITH SURVEILLANCE, MOSTLY NARCOTICS, AND YOU'RE AT A VERY HIGH LIKELIHOOD THAT YOU MAY ENCOUNTER SOMEONE ELSE IN A NEIGHBORHOOD THAT YOU'RE NOT LOOKING AT AND GET INTO AN OFFICER-INVOLVED SHOOTING, BECAUSE WE DON'T LOOK LIKE THE COPS, WE LOOK LIKE, YOU KNOW, I LOOKED HOMELESS FOR A DECADE, AND SO YOU GET CHALLENGED A LOT, DEPENDING ON THE NEIGHBORHOOD, BECAUSE THEY DON'T KNOW YOU, YOU'RE NOT SUPPOSED TO BE THERE, DEPENDING ON WHERE WE'RE AT, SO SOME SHOOTINGS HAVE HAPPENED THAT WAY, AND A MAJORITY OF THE SHOOTINGS THAT WE'RE INVOLVED IN ARE FROM OUR CAR. SO BECAUSE YOU'RE SITTING THERE AND YOU'RE DOING SURVEILLANCE AND YOU'RE DOWN THE STREET, YOU TRY TO EXIT, BUT THE CAR GIVES YOU SOME FORM OF COVER, SO YOU USE YOUR DOORS AND ALL THAT, AND WHEN YOU'RE UNDERCOVER, LIKE I HAVE BEEN FOR YEARS, YOU'RE NEVER WEARING A VEST, BECAUSE YOU'RE IN AN UNDERCOVER

CAPACITY, BECAUSE A VEST WOULD DEFEAT THE PURPOSE, PEOPLE WOULD BE LIKE, HEY, THAT GUY IS A COP, SO YOU TRY NOT TO DRAW ATTENTION TO YOURSELF.

Q. DID I MISHEAR YOU WHEN YOU SAID --

THE REPORTER: CAN YOU USE YOUR MIC, I'M SORRY.

BY MS. AMIN:

Q. DID I MISHEAR YOU, I THOUGHT YOU SAID THAT YOU HAD SUFFERED HEARING LOSS FROM SHOOTING YOUR GUN?

A. YES. I WAS INVOLVED IN AN OFFICER-INVOLVED SHOOTING OF AN ACTIVE SHOOTER ON MAY 1ST, 2013 AT 9:25 IN THE MORNING AT 5TH AND WALL. THERE WAS A MAN SHOOTING IN A LIQUOR STORE OF PEOPLE, AND I ENGAGED IN THE MAN SHOOTING AT PEOPLE IN THE LIQUOR STORE.

Q. WAS THAT BOTH EARS OR JUST ONE?

A. EXCUSE ME?

Q. WAS THAT BOTH EARS?

A. MOSTLY RIGHT SIDE. YOU'LL CATCH ME GO (INDICATING).

MR. ORTEGA: THIS HAPPENED FROM ONE SHOOTING INCIDENT?

DET. WALDEN: YEAH. BECAUSE ALL OF THE -- THE REVERBERATION, 'CAUSE, OKAY, SO THEY TOLD ME AFTER, YOU SHOULD PROBABLY ROLL DOWN YOUR WINDOWS BECAUSE THE CONCUSSION OF THE BLAST OF THE" -- "THE

EXPLOSION FROM THE GUN NEEDS A PLACE TO ESCAPE, IT'S NOT GOING TO GO OUT THAT WINDOW, IT'S GOING TO GO INTO THE CAB OF THE CAR.

SO, YEAH, I AM -- I HAVE HEARING DAMAGE AND IT'S SOME CERTAIN TONES THAT ARE HARD FOR ME TO HEAR, AND THEN IT SOUNDS LIKE IF YOU TOOK A STYROFOAM CUP AND YOU PUT IT ON THE SIDE OF YOUR HEAD AND YOU'RE LISTENING TO A CONVERSATION. THAT'S 99 PERCENT OF THE TIME. AND I GET TINNITUS VERY BAD, SO IT RINGS VERY BAD IN MY EARS AND IT'S PIERCING.

BY MS. AMIN:

Q. DID CPD OR HOMELAND SECURITY EVER CONTACT YOU ABOUT CONFISCATING YOUR CAR OR YOUR SHIPMENT?

A. NO, MA'AM.

Q. DID YOU HAVE TRACKING ON THE PACKAGE THAT YOU GOT NOTIFICATION THAT IT WAS DELIVERED OR EN ROUTE TO YOUR DELIVERY?

A. I DON'T REMEMBER IF I EVEN CHECKED THE TRACKING. USUALLY MOST THINGS GIVE YOU A TRACKING NUMBER OR THERE'S GOING TO BE A DATE IT'S GOING TO SHOW UP. I JUST DON'T RECALL EVER CHECKING, BECAUSE WE WERE JUST WORKING SO MUCH, SO IT WAS A MOOT POINT.

MS. AMIN: DO YOU HAVE ANY OTHER QUESTIONS?

MS. STRONG-FARGAS: NO.

MR. ORTEGA: NO.

MS. AMIN: OKAY. MR. SEKI?

MR. SEKI: I JUST WANT TO CLARIFY SOMETHING.

FURTHER RECROSS-EXAMINATION

BY MR. SEKI:

Q. DETECTIVE WALDEN, YOU SAID THAT SEPTEMBER 14TH, 2021 IS WHEN YOU RECEIVED AN E-MAIL FROM SERGEANT JIZMEJIAN NOTIFYING YOU THAT YOU WERE AN ACCUSED IN A COMPLAINT, CORRECT?

A. YES, SIR.

Q. BUT IT DIDN'T TELL YOU WHAT YOU WERE ACCUSED OF?

A. THAT'S CORRECT.

Q. AND IT WASN'T UNTIL MUCH LATER WHEN YOU WERE CLOSER TO YOUR INTERVIEW WHEN YOU FOUND OUT WHAT IT WAS?

A. YES, SIR.

Q. AND YOU WERE INTERVIEWED IN JANUARY '22?

A. YES, SIR.

Q. AND SHORTLY BEFORE THEN IS WHEN YOU WERE INFORMED WHAT THE ALLEGATION WAS?

A. YES, SIR.

MR. SEKI: THANK YOU.

MS. AMIN: DEPARTMENT?

SGT. SLATER: NOTHING FURTHER FROM THE DEPARTMENT AT THIS TIME.

MS. AMIN: DID YOU KNOW BEFORE ALL OF THIS STARTED THAT CBP X-RAYS PACKAGES?

DET. WALDEN: NO, I NEVER WORKED WITH THEM, SO I DON'T HAVE A CLUE.

MS. AMIN: NOTHING ELSE FROM ME.

ALL RIGHT. ANYONE? NO? OKAY. LOOKS LIKE YOU'RE DONE. THANK YOU VERY MUCH, YOU'RE EXCUSED.

SO LOOKING AT THE HOUR NOW, SINCE IT'S ALMOST 4:30.

DEPARTMENT?

SGT. SLATER: I TOOK THE LIBERTY OF RELEASING MY PENDING WITNESS, SO WE CAN WRAP UP WHENEVER YOU GUYS ARE READY FOR THE DAY AND START AGAIN TOMORROW.

MS. AMIN: IF THERE'S NO BUSINESS, THEN WE'LL CONCLUDE FOR TODAY.

WHAT TIME SHOULD WE MEET TOMORROW?

SGT. SLATER: THE DEPARTMENT IS AVAILABLE WHENEVER THE BOARD IS.

MR. SEKI: 9:00 A.M.?

MS. AMIN: 9:00 A.M.

MS. STRONG-FARGAS: YES.

MS. AMIN: 9:00 A.M. TOMORROW MORNING.

WE'RE OFF THE RECORD.

///

(THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER ADJOURNED 1640 HOURS, AND WAS SCHEDULED TO RECONVENE ON FEBRUARY 14, 2024, AT 0900 HOURS.)

--OOO--

REPORTER'S CERTIFICATE

I, ANNA SANCHEZ, CSR NO. 8516, DO HEREBY CERTIFY: THAT THE FOREGOING PAGES COMPRISE A FULL TRANSCRIPT OF THE BOARD OF RIGHTS TAKEN BEFORE ME ON TUESDAY, FEBRUARY 13, 2024, IN THE MATTER OF LUKE WALDEN, SERIAL #34898, B.F. #31674, AT THE TIME AND PLACE THEREIN SET FORTH; AND WAS TAKEN DOWN BY ME IN SHORTHAND, AND THEREAFTER TRANSCRIBED INTO TYPEWRITING BY ME TO THE BEST OF MY ABILITY;

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR, NOR RELATED TO ANY PARTY TO SAID ACTION, NOR IN ANYWISE INTERESTED IN THE OUTCOME HEREUNTO.

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 29TH DAY OF MAY, 2025.

ANNA M. SANCHEZ, CSR NO. 8516
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA

BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

MS. S. AMIN, CHAIRPERSON

IN THE MATTER OF:	
LOS ANGELES POLICE DEPARTMENT BOARD OF RIGHTS HEARING	B.F. 31674
	C.F. 21-001144
IN RE: LUKE WALDEN, #34898	

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

WEDNESDAY, FEBRUARY 14, 2024

REPORTED BY:

DENISE C. RIVERA
CSR NO. 7535

APPEARANCES:

FOR THE DEPARTMENT:	SERGEANT DANIEL SLATER DEPARTMENT ADVOCATE 201 NORTH FIGUEROA ST. SUITE 1600 LOS ANGELES, CA 90012
FOR THE ACCUSED:	MR. BILL SEKI ATTORNEY AT LAW 600 WILSHIRE BLVD. SUITE 1250 LOS ANGELES, CA 90017
BOARD MEMBERS:	MS. S. AMIN MR. D. ORTEGA MS. P. STRONG-FARGAS
ALSO PRESENT:	SERGEANT MAYRA VILLAFANA MR. DANIEL LEE MR. JONATHAN NGUYEN MR. HOWARD PARK

I-N-D-E-X

FOR THE DEPARTMENT:	DIRECT	CROSS	REDIRECT	RECROSS
MR. DANIEL FIELD	7	22	28 50 57	31 40 62
MR. FADIL BIRAIMAH	69	85	92 97	102

FOR THE ACCUSED:	DIRECT	CROSS	REDIRECT	RECROSS
LT. ERIC BIXLER	108	112	117	

CHARACTER WITNESSES:

MR. JAMES MCSORLEY	149	155
MR. JESSE KANE	162	
DET. CRAIG MARQUEZ	170	176

E X H I B I T S

DEPARTMENT'S:	FOR IDENTIFICATION	IN EVIDENCE
(NONE)		

ACCUSED'S:	FOR IDENTIFICATION	IN EVIDENCE
D - SCREENSHOT OF FUEL FILTER	140	140
E - SCREENSHOT OF FUEL FILTER	140	140
F - POST ORDER WITHDRAWAL	186	186

BOARD'S:		
1 - SCREENSHOTS OF WEBSITE SEARCH	56	56

LOS ANGELES POLICE DEPARTMENT

B.F. 31674

C.F. 21-001144

. . . . .

THE MATTER OF LUKE WALDEN, #34898, DETECTIVE, CAME ON REGULARLY FOR HEARING BEFORE THE BOARD OF RIGHTS CONSISTING OF:

MS. S. AMIN, CHAIRPERSON

MR. D. ORTEGA, ASSOCIATE

MS. P. STRONG-FARGAS, ASSOCIATE

AT 0911 HOURS, WEDNESDAY, FEBRUARY 14, 2024, AT 201 NORTH FIGUEROA STREET, SUITE 1600, LOS ANGELES, CALIFORNIA.

SERGEANT DANIEL SLATER APPEARED AS THE DEPARTMENT ADVOCATE; MR. BILL SEKI, ATTORNEY AT LAW, APPEARED AS THE DEFENSE REPRESENTATIVE; THE ACCUSED BEING PRESENT.

. . . . . .

DENISE C. RIVERA, CSR NO. 7535, HAVING BEEN DULY APPOINTED AND SWORN BY THE CHAIRMAN OF THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER TO REPORT IN SHORTHAND WRITING THE TESTIMONY AND PROCEEDINGS UPON THE HEARING, WAS DIRECTED BY SAID DEPARTMENT ADVOCATE TO THEREAFTER REDUCE SAID SHORTHAND NOTES INTO TYPING.

. . . . . .

THE RECORDS INDICATE THAT ALL JURISDICTIONAL REQUIREMENTS HAVE BEEN COMPLIED WITH. WHEREFORE, THE BOARD PROCEEDED IN THE SAID HEARING AS PRESCRIBED IN SECTION 1070, ARTICLE X, CHARTER OF THE CITY OF LOS ANGELES.

. . . . . .

THE ACCUSED WAS CHARGED IN A FORMAL WRITTEN COMPLAINT VERIFIED BY THE CHIEF OF POLICE AS FOLLOWS:

COUNT 1: ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER.

. . . . . .

MS. AMIN: BACK ON THE RECORD.

LET ME SWEAR IN THE COURT REPORTER.

(REPORTER SWORN.)

MS. AMIN: GOOD MORNING, ALL. AND I SEE WE HAVE SOME NEW FACES SO LET'S INTRODUCE OUR NEW SECOND ROW ATTENDEES. WHO DO WE HAVE BACK THERE?

MR. LEE: HI. MY NAME IS DANIEL LEE. I'M FROM THE CITY ATTORNEY'S OFFICE. I'M GOING TO BE ONE OF THE NEW ADVOCATES JOINING YOU.

MS. AMIN: OKAY. THANK YOU. AND NEXT TO YOU?

MR. NGUYEN: HI. MY NAME IS JONATHAN NGUYEN. I'M ALSO A NEW ADVOCATE WITH THE CITY

ATTORNEY'S OFFICE.

MS. AMIN: OKAY. GREAT.

AND WE'RE READY TO CONTINUE WITH THE NEXT WITNESS FOR THE DEPARTMENT?

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: ALL RIGHT. LET'S GO.

SERGEANT SLATER: THE DEPARTMENT WOULD LIKE TO CALL GREGORY FIELD.

MS. AMIN: PLEASE DO.

(WITNESS ENTERS THE BOARDROOM.)

MS. AMIN: GOOD MORNING.

MR. FIELD: GOOD MORNING.

MS. AMIN: HOW ARE YOU?

MR. FIELD: I'M GOOD.

MS. AMIN: NICE TO SEE YOU. CAN YOU TELL US YOUR NAME, PLEASE?

MR. FIELD: MY NAME IS GREG FIELD.

MS. AMIN: AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GAVE IN THE CASE NOW IN HEARING BEFORE THE BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. FIELD: I DO.

MS. AMIN: HAVE A SEAT, PLEASE. AND IS IT F-I-E-L-D?

MR. FIELD: F-I-E-L-D.

MS. AMIN: GO AHEAD.

MR. SEKI: JUST PRESS THE BUTTON RIGHT IN FRONT OF AND IT WILL TURN GREEN. PERFECT. THANK YOU.

SERGEANT SLATER: THANK YOU.

MR. GREGORY FIELD,

WAS CALLED AS A WITNESS BY THE DEPARTMENT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, MR. FIELD?

A. GOOD MORNING.

Q. SO WHEN YOU ANSWER QUESTIONS, JUST FOR THE BOARD, IF YOU CAN FACE THEM WHEN YOU'RE ANSWERING JUST SO THEY CAN HEAR YOU CLEARLY.

WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. SO MY CURRENT RANK IS DIRECTOR I OF POLICE TRANSPORTATION WITH LAPD MOTOR TRANSPORT DIVISION.

Q. AND WHAT WAS YOUR RANK AND ASSIGNMENT IN 2021?

A. THAT WOULD HAVE SENIOR AUTOMATIVE SUPERVISOR.

Q. AND WHAT IS A SENIOR AUTOMATIVE SUPERVISOR?

A. SO A SENIOR AUTOMOTIVE SUPERVISOR WITHIN M.T.D. IS -- IT'S A POSITION THAT OVERSEES HALF OF THE OPERATION. THERE'S TWO SENIOR AUTOMOTIVE SUPERVISORS, AND THEY SPLIT THE OPERATIONS BETWEEN THE TWO OF THEM.

Q. AND WHEN YOU SAY "OPERATIONS," WHAT ARE YOU REFERRING TO?

A. SO I'M REFERRING TO 26 GARAGES THAT SERVICES AND REPAIR LAPD'S FLEET.

Q. THANK YOU.

AND WHAT IS YOUR TRAINING AND EXPERIENCE WHEN YOU REFER TO SERVICING AND REPAIRING VEHICLES?

A. OKAY. SO I'VE BEEN IN THE AUTOMOTIVE REPAIR INDUSTRY FOR 43 YEARS. DURING THAT TIME I WORKED A LOT IN TUNE-UP SHOPS, INDEPENDENT GARAGES, DEALERSHIPS. AND I WAS A.S.E. CERTIFIED IN ENGINE PERFORMANCE AND BRAKES. I HAD A CERTIFICATION FOR -- FROM THE STATE OF CALIFORNIA AS A BRAKE AND LAMP ADJUSTER, AND ALSO THROUGH THE STATE OF CALIFORNIA BUREAU OF AUTOMOTIVE REPAIR AS A SMOG INSPECTOR.

Q. DID ANY OF YOUR TRAINING HAVE TO DO WITH FUEL SYSTEMS?

A. YES. SO AS AN AUTO MECHANIC, MY SPECIALITY WAS AUTOMATIVE TUNE-UP, AND THAT WAS DEALING MAINLY WITH IGNITION AND FUEL SYSTEMS.

Q. OKAY. WHEN YOU SAY "FUEL SYSTEMS," WOULD

THAT INCLUDE FUEL FILTERS AND FUEL LINES?

A. ABSOLUTELY.

Q. RELATED TO TOYOTA SPECIFICALLY, DO YOU HAVE ANY TRAINING AND EXPERIENCE?

A. SO I WORKED FOR A TOYOTA DEALERSHIP FOR APPROXIMATELY FIVE YEARS, AND THEY SENT US THROUGH TRAINING, ELECTRONIC ENGINE CONTROLS, ENGINE PERFORMANCE, AND TRANSMISSION CLASS. AND THERE'S PROBABLY A COUPLE OTHERS. I DON'T REALLY REMEMBER.

Q. OKAY. SO WOULD YOU BE KNOWLEDGEABLE ON WHAT THE PURPOSE OF A FUEL FILTER IS?

A. YES.

Q. WHAT IS THE PURPOSE OF A FUEL FILTER?

A. SO A FUEL FILTER IS SIMPLY A DEVICE THAT TRAPS DIRT, SEDIMENT, DEBRIS THAT MIGHT BE IN THE FUEL SYSTEM COMING FROM THE FUEL TANK AND TRAVELING UP TO EITHER A CARBURETOR OR A FUEL INJECTION SYSTEM, THE FUEL INJECTORS.

Q. OKAY. HOW MANY FUEL FILTERS DO YOU THINK YOU'VE WORKED ON THROUGHOUT YOUR EXPERIENCE WITH VEHICLES?

A. I WOULDN'T KNOW THE EXACT NUMBER, BUT IT'S IN THE HUNDREDS.

Q. OKAY. AND WHAT ABOUT 1980 MODEL CELICAS, HAVE YOU WORKED ON ANY OF THOSE?

A. 1980?

Q. '80'S.

A. OH, '80'S, YEAH. OH, YEAH.

Q. OKAY. SPECIFICALLY '85?

A. YES.

Q. HOW MANY DO YOU THINK YOU'VE WORKED ON ON THE '85 CELICAS?

A. THOSE WERE PRETTY POPULAR IN THE '80S. I WAS WORKING AT A SMOG SHOP FOR QUITE A WHILE WHERE WE DID A LOT OF TUNE-UPS AND SMOG INSPECTIONS, INCLUDING THOSE YEAR MODELS. I WOULD SAY DOZENS FOR SURE. I COULDN'T SAY EXACTLY HOW MANY, BUT I WOULD SAY FOR SURE DOZENS OF FUEL FILTERS.

Q. AND HAVE YOU KEPT YOUR KNOWLEDGE OF FUEL FILTERS AND FUEL SYSTEMS UP TO DATE?

A. OH, YEAH. NOTHING MUCH HAS CHANGED OVER THE YEARS.

SERGEANT SLATER: AT THIS TIME I'D LIKE TO HAVE THE BOARD QUALIFY MR. FIELD AS AN EXPERT ON FUEL FILTERS?

MS. AMIN: ANY OBJECTION.

MR. SEKI: I'LL SUBMIT.

MS. AMIN: OKAY. YOU'RE QUALIFIED.

MR. FIELD: AWESOME. I'LL TELL MY BOSS WHEN I GET BACK TO WORK.

BY SERGEANT SLATER:

Q. MR. FIELD, WERE YOU EVER ASSIGNED TO CONDUCT AN ANALYSIS AS PART OF AN INVESTIGATION OF DR-219913105?

A. YES.

Q. WHO ASKED YOU TO DO THIS?

A. DETECTIVE JIZMEJIAN.

Q. THANK YOU.

WHAT WAS THE PURPOSE OF THAT ANALYSIS?

A. THE PURPOSE OF THE ANALYSIS WAS TO LOOK AT SOME PHOTOS OF AN OBJECT AND TO DETERMINE WHETHER IT COULD BE A FUEL FILTER.

Q. OKAY. THERE ARE PILES OF PAPER IN FRONT OF YOU. THE ONE ON THE LEFT IS A PILE OF DEPARTMENT EXHIBITS. I'D LIKE TO DIRECT YOU TO DEPARTMENT NO. 5, AND THEY'LL BE NUMBERED IN THE YELLOW TABS.

A. (WITNESS PERUSES DOCUMENT.)

NO. 5.

Q. THANK YOU.

CAN YOU LOOK THROUGH THOSE PHOTOS REAL FAST?

A. SURE. OKAY.

Q. WERE THESE THE PHOTOS YOU REVIEWED IN YOUR EXAMINATION OF THAT ITEM?

A. YES.

Q. AND PRIOR TO THIS HEARING, WERE YOU SHOWN

THE PHYSICAL ITEM, AS WELL?

A. YES. PRIOR TO THIS HEARING I WAS.

SERGEANT SLATER: OKAY. AT THIS TIME I WOULD LIKE TO PROVIDE FOR EXAMINATION -- HOWEVER, IT WON'T BE MARKED AND ENTERED AS IT IS A PHYSICAL ITEM -- THE RECOVERED ITEMS THAT WERE RECOVERED BY DETECTIVE NEMEROFF.

MS. AMIN: OKAY.

BY SERGEANT SLATER:

Q. AFTER REVIEWING THOSE PHOTOGRAPHS, DID YOU MAKE ANY DETERMINATION REGARDING WHETHER OR NOT THE ITEM IN THE PHOTOGRAPHS COULD BE USED AS A FUEL FILTER?

A. YES.

Q. AND WHAT WAS THAT DETERMINATION?

A. THAT THEY COULD NOT.

Q. OKAY. I'M GOING PROVIDE YOU WITH A SERIES OF ITEMS. AND FOR THE COURT REPORTER'S REFERENCE, IT'S ONE BLACK END PIECE, ONE BLUE TUBE, AND A SERIES OF ITEMS WITH A YELLOW "6" THROUGH "8" ON THEM. CAN YOU TELL ME WHY THIS ITEM WOULD NOT WORK AS A FUEL FILTER (INDICATING)?

A. SO THE MAIN REASON WHY THIS COULD NOT BE A FILTER IS THERE IS NO FILTER ELEMENT WITHIN IT TO TRAP AND STOP DEBRIS FROM FLOWING THROUGH.

Q. OKAY. IS THIS ITEM "DISASSEMBABLE"? CAN YOU DISASSEMBLE THIS ITEM?

A. YES. SO IF I CAN?

Q. YOU MAY.

A. SO NORMALLY, IF THIS BODY WERE THE HOUSING OF A FUEL FILTER, WITHIN IT WOULD BE AN ELEMENT THAT COULD TRAP DEBRIS, DIRT, SAND, ANYTHING THAT MIGHT BE IN THE FUEL SYSTEM. SO IN ORDER FOR THAT TO HAPPEN, YOU KNOW, SOME OF THESE FILTERS ARE MEASURED IN MICRONS. SO THIS -- IT COULD BE EITHER A PAPER FILTER ELEMENT OR IT COULD BE A FINE MESH SCREEN OF SOME KIND, EITHER PLASTIC OR METAL. AND -- I MEAN, LOOKING AT THIS, THERE'S -- THIS WOULD JUST BE A FLOW-THROUGH. IF FUEL WERE TO FLOW INTO THIS DEVICE, IT WOULD JUST FLOW THROUGH AND OUT WITHOUT ANY FILTRATION WHATSOEVER. I MEAN, THE HOLES THAT ARE HERE COULD TRAP A PRETTY LARGE OBJECT; BUT THE FUEL FILTER ITSELF IS DESIGNED TO PREVENT SMALL PARTICLES LIKE DIRT, DEBRIS, SAND, THINGS LIKE THAT.

Q. OKAY. AND THE END CAP, NOT THE RING YOU UNSCREWED, BUT THE END CAP, WOULD THAT SERVE ANY PURPOSE IN A FUEL FILTER (INDICATING)?

A. NO.

Q. OKAY.

A. IT WOULD HAVE TO HAVE AN OUTLET. SO THE

FUEL HAS TO COME IN AND GO OUT SOME SOMEWHERE. AND SO IF THERE'S JUST A HOLE GOING IN, LET'S SAY, AND NOWHERE FOR IT TO FLOW BACK OUT, THERE WOULD BE NO WAY IT COULD BE A FUEL FILTER.

Q. WHAT ABOUT THE BLUE TUBE THAT WAS INCLUDED WITH THIS ITEM, WOULD THAT BE IN ANY WAY NEEDED FOR A FUEL FILTER?

A. NO.

Q. DO YOU SEE ANY PURPOSE RELATED TO FUEL SYSTEMS FOR THAT BLUE TUBE?

A. NO.

Q. DO YOU SEE ANY PURPOSE FOR ANY OF THE ITEMS THAT I PROVIDED YOU IN A FUEL SYSTEM?

A. NO.

Q. OKAY. AND I BELIEVE YOU STATED, BUT I JUST WANT TO BE CLEAR, WHEN YOU EXAMINED THE PHOTOGRAPHS, YOU STATED THAT THIS WOULD NOT WORK AS A FUEL FILTER, CORRECT?

A. CORRECT.

Q. AFTER EXAMINING THE ITEM IN ITS PHYSICAL PRESENCE, DO YOU STILL BELIEVE THAT?

A. THAT IT CANNOT BE USED?

Q. YES.

A. YES, I BELIEVE THAT.

Q. ALL RIGHT. IF THIS ITEM WAS ATTACHED TO A

FUEL SYSTEM, DO YOU KNOW WHAT WOULD OCCUR?

A. WELL, IF YOU WERE TO MODIFY IT TO WHERE IT COULD BE ATTACHED TO A FUEL SYSTEM AND, YOU KNOW, IT HAD AN OUTLET, IT WOULD REALLY DO NOTHING.

Q. OKAY.

A. THE FUEL WOULD JUST FLOW THROUGH IT.

Q. WHAT WOULD IT TAKE TO MAKE THIS USABLE AS A FUEL FILTER?

A. WELL, YOU'D HAVE TO -- YOU'D HAVE TO MODIFY IT TO WHERE FUEL LINES COULD BE ATTACHED TO EITHER SIDE, TO EITHER END; AND YOU'D HAVE TO CREATE SOME SORT OF ELEMENT THAT WOULD GO INSIDE THAT COULD ACTUALLY FILTER THE FUEL PROPERLY.

Q. OKAY. WHAT DO YOU MEAN BY "MODIFY" IT?

A. SO DEPENDING ON THE FUEL SYSTEM ITSELF AND ON A CELICA, IF IT WAS CARBURETED, THERE WOULD BE TWO HOSES WITH CLAMPS THAT WOULD HAVE TO HAVE AN INLET NIPPLE AND AN OUTLET THAT THEY WOULD -- THEY WOULD SLIP OVER AND THE CLAMP WOULD CLAMP DOWN ON TOP OF THEM. AND THEN LATER WITH FUEL INJECTION, WHICH OCCURRED IN 1984 AND ABOVE, THEY WENT TO A METAL FILTER, THE BODY BEING PROBABLY DOUBLE THE WIDTH OF THIS (INDICATING), AND THEN THEY USED BANJO FITTINGS ON THAT, B-A-N-J-O.

SO IT'S -- IN ESSENCE, AT THE END OF THE

FUEL LINE, THERE'S A CYLINDRICAL-SHAPED FITTING, AND THAT WOULD GO OVER THE TOP OR THE END OF THE FILTER. AND THEN THERE'S A HOLLOWED OUT BOLT THAT WOULD ALLOW FUEL TO FLOW THROUGH IT THAT WOULD ATTACH IT TO THE END OF THE FILTER. SO THE FUEL WOULD COME THROUGH THE HOSE THROUGH THAT SECURE -- THE BOLT AND THEN DOWN INTO THE FILTER AND THEN BACK OUT THE OTHER SIDE THE SAME WAY (INDICATING).

Q. OKAY.

A. AND THEN WITHIN THAT BODY, IN MOST CASES, IT WAS A PAPER ELEMENT --

Q. OKAY.

A. -- YOU KNOW, THAT FILTERED THE FUEL.

Q. ALL RIGHT. AND TO MAKE ALL THE MODIFICATIONS YOU JUST DESCRIBED TO THIS, WOULD THAT BE ECONOMICALLY AFFORDABLE?

A. NO. THERE'S -- THERE'S ALL KINDS OF COMPANIES OUT THERE THAT MAKE AFTER-MARKET -- THERE'S O.E.M., ORIGINAL EQUIPMENT MANUFACTURER. YOU CAN BUY -- YOU CAN BUY A TOYOTA FILTER EVEN FROM OUTSIDE COMPANIES. YOU DON'T HAVE TO EVEN GO TO TOYOTA. SO -- I MEAN, FROM MY PERSPECTIVE, IF I NEED TO PUT A FUEL FILTER ON A TOYOTA CELICA, IT'S JUST VERY SIMPLE TO GO TO AN AUTO PARTS STORE, TO GO TO A DEALERSHIP, OR EVEN ONLINE, AND FIND THE ORIGINAL EQUIPMENT THAT

JUST BOLTS RIGHT ON. EVERYTHING'S THERE, AND IT WORKS. TO FIND A DEVICE LIKE THIS AND TO MODIFY IT TO THE DEGREE THAT IT WOULD TAKE TO MAKE IT A FILTER WOULD JUST NOT MAKE ANY ECONOMIC SENSE OR TIME FOR THAT MATTER, THE AMOUNT OF LABOR INVOLVED.

Q. THERE'S BEEN TALK THAT THE ACCUSED WAS TRYING TO BUILD WHAT HE DESCRIBED AS A HIGH-PERFORMANCE FUEL SYSTEM. DO YOU SEE ANY USE OF THIS DEVICE IN THE ANY SORT OF HIGH-PERFORMANCE FUEL SYSTEM?

A. NO, I DON'T.

Q. WHY IS THAT?

A. WELL, AGAIN, IF YOU WERE -- EVEN IF YOU WERE TO MODIFY THIS THE WAY IT SITS AND MODIFY IT TO WHERE YOU HAVE FITTINGS ON BOTH SIDES TO WHERE YOU COULD PUT IT INLINE IN A FUEL SYSTEM, IT'S -- IT JUST DOESN'T DO ANYTHING. IT DOESN'T FILTER. IT DOESN'T CREATE MORE PRESSURE. AND, IN FACT, IT WOULDN'T EVEN REDUCE PRESSURE IF YOU WANTED TO DO THAT, WHICH WOULD BE UNUSUAL.

Q. OKAY. I'M NOW GOING TO DIRECT YOU TO THE OTHER PILE. THERE'S A PILE IN FRONT OF YOU LABELED "ACCUSED A." DO YOU MIND TAKING A LOOK AT THAT ITEM?

A. OKAY.

Q. THERE ARE TWO ITEMS ON THAT, ONE LABELED

"EVIL ENERGY INLINE 100 MICRON FUEL FILTER" AND ONE LABELED "EVIL ENERGY 50 MILLIMETER CAR MOUNTING BRACKET SINGLE FILTER." IF YOU CAN, WOULD EITHER OF THOSE ITEMS BE COMPATIBLE WITH THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU?

A. WOULD THEY BE COMPATIBLE? WELL, I DON'T SEE ANY COMPATIBILITY WITH THIS -- WITH THE FILTER ITSELF. AND THE BRACKET, I DON'T KNOW THE ACTUAL WIDTH OF THAT; BUT IF YOU'RE ASKING IF IT COULD MOUNT ON HERE AND THEN USE IT AS A MOUNT TO MOUNT IT ON SOMETHING, YEAH, YOU COULD PROBABLY -- YOU COULD PROBABLY USE IT FOR THAT IF THE CIRCUMFERENCE OF THAT CIRCLE IS THE RIGHT SIZE. BUT I WOULDN'T KNOW.

Q. OKAY. YOU WOULDN'T KNOW THE SIZE.

BUT A BRACKET WAS ORDERED WITH THE EVIL ENERGY INLINE 100 FUEL FILTER. WHY WAS A BRACKET -- OR WHY WOULD A BRACKET BE ORDERED WITH A FUEL FILTER?

A. SO THAT YOU COULD MOUNT IT --

Q. OKAY.

A. -- INSIDE -- PROBABLY INSIDE THE ENGINE COMPARTMENT IN MOST CASES.

Q. OKAY.

A. YOU KNOW, YOU CAN MOUNT A FUEL FILTER ANYWHERE BETWEEN THE FUEL TANK AND, IF IT'S CARBURETED OR FUEL-INJECTED, ANYWHERE IN BETWEEN, OR THE FUEL

PUMP, IF IT HAS A FUEL PUMP.

Q. OKAY.

A. SO THAT MOUNT WOULD BE ORDERED TO BE ABLE TO ATTACH THAT FILTER TO THE VEHICLE.

Q. OKAY. SO YOU WOULD NEED -- WHEN YOU'RE ORDERING A FUEL FILTER THEN, IT WOULD BE LOGICAL THAT YOU WANT TO ORDER A MOUNT COMPATIBLE WITH IT?

A. YES.

Q. OKAY.

A. IF YOU'RE ORDERING SOMETHING AFTERMARKET LIKE THIS, YES. IF YOU ORDER THE ORIGINAL EQUIPMENT FUEL FILTER, IT'S ALREADY GOING TO HAVE EVERYTHING YOU NEED ON THE CAR BECAUSE YOU'RE LITERALLY REMOVING THE ONE AND THEN REPLACING THE NEW ONE IN THE SAME EXACT PLACE, THE SAME BRACKET, THE SAME MOUNTING PLACE.

Q. ALL RIGHT.

A. SO EVERYTHING IS THERE FOR YOU.

Q. IF I'M HEARING YOU CORRECTLY -- AND I APOLOGIZE FOR CLARIFYING THIS, BUT IF I HEARD WHAT YOU SAID CORRECTLY, IF YOU ORDER A MODIFIED SYSTEM, YOU WOULD WANT TO ORDER THE APPROPRIATE BRACKET TO MATCH THAT MODIFICATION --

A. YES.

Q. -- CORRECT?

A. YES.

Q. AND LOOKING AT THE EVIL ENERGY INLINE ON ACCUSED A, ARE THERE DIFFERENCES BETWEEN THAT AND THE ITEM ON THE TABLE IN FRONT OF YOU?

A. WELL, ONE OF THE BIG DIFFERENCES IS THE SELECTION OF FITTINGS YOU HAVE THERE, WHICH WOULD ALLOW YOU TO ADAPT THAT TO -- AT LEAST TO A CERTAIN NUMBER OF VEHICLES' FUEL LINES. SO THE BIG DIFFERENCE HERE WOULD BE THE FITTINGS THEMSELVES, I THINK.

Q. OKAY. AND I'LL HAVE YOU LOOK THROUGH THE OTHER PAGES OF EXHIBIT A.

A. (WITNESS PERUSES DOCUMENT.)

OKAY.

Q. WHAT DIFFERENCE DO YOU SEE BETWEEN THAT ITEM AND THE ITEM ON THE TABLE IN FRONT OF YOU?

A. WELL, IT'S INTERESTING THAT THERE'S ACTUAL INSTRUCTIONS TO ATTACH IT TO A VEHICLE, NUMBER ONE. NUMBER TWO, AGAIN, THE MAIN THING FOR ME IS THE FITTINGS; BUT IT ALSO APPEARS TO BE WIDER IN DIAMETER, AT LEAST IT APPEARS TO BE SHORTER IN LENGTH. I THINK THAT'S THE MAIN THING.

Q. DO YOU KNOW WOULD THAT ITEM WORK AS A HIGH-PERFORMANCE FUEL FILTER?

A. WELL, I'M NOT REAL FAMILIAR WITH THIS ITEM; BUT, YES, I MEAN, THEY'RE CALLING IT "100 MICRON FUEL FILTER." THE FACT THAT IT'S A METAL BODY, IT APPEARS

TO BE THAT IT COULD BE, YEAH.

Q. OKAY. WHAT IS A HIGH-PERFORMANCE FUEL SYSTEM?

A. SO A HIGH-PERFORMANCE FUEL SYSTEM WOULD BE A SYSTEM THAT CAN PROVIDE A HIGH VOLUME OF FUEL AND USUALLY AT A HIGHER PRESSURE. SO YOU'RE NORMALLY GOING TO USE THAT IN A CASE WHERE YOU PUT A HIGHER PERFORMANCE ENGINE IN PLACE; RACE CARS, DRAG RACING, EVEN IN YOUR OWN VEHICLE. WHEN THERE'S A NEED FOR A HIGHER VOLUME OF FUEL, YOU MODIFY THE FUEL SYSTEM TO BE ABLE TO PROVIDE THE AMOUNT OF FUEL THAT A HIGH-PERFORMANCE ENGINE NEEDS AS COMPARED TO A STOCK ENGINE.

Q. DO HIGH-PERFORMANCE ENGINES AND FUEL LINES STILL NEED TO BE FILTERED?

A. YES. YOU'RE ALWAYS GOING TO FILTER THE FUEL, YEAH.

Q. WHAT HAPPENS IF YOU DON'T FILTER OR HAVE FILTRATION MEDIA IN THE FILTER?

A. SO IF YOU WERE TO GET CONTAMINATION IN YOUR FUEL TANK, IN YOUR FUEL SYSTEM BY ANY MEANS, YOU RISK DEBRIS AND DIRT GETTING INTO THE FUEL INJECTORS, WHICH CAUSE -- IT WILL START TO CAUSE MISFIRES. IT COULD EVEN CAUSE THE ENGINE NOT TO START AT ALL.

Q. THANK YOU.

AT THIS TIME, NO FURTHER.

MS. AMIN: OKAY. MR. SEKI?

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. THANKS FOR BEING HERE, MR. FIELD.

A. YOU'RE WELCOME.

Q. WHEN YOU MET WITH OR SPOKE WITH DETECTIVE JIZMEJIAN, HE TOLD YOU THE FILTER WAS FOR A TOYOTA CELICA, CORRECT?

A. I BELIEVE THAT WAS RIGHT, YEAH.

Q. DID HE TELL YOU THAT THERE WAS A MODIFICATION BEING DONE ON IT WHERE A WINDSOR 351 WAS GOING TO REPLACE THE CELICA ENGINE, IN ADDITION, A FUEL TANK OR FUEL CELL WAS GOING TO BE REPLACED?

A. NO.

Q. DID HE TELL YOU THAT A HIGH VOLUME OR HIGH-FLOW FUEL FILTER WAS -- WHAT WAS BEING ORDERED?

A. NO.

Q. DID HE EVER SHOW YOU THE ITEMS THAT APPEAR IN ACCUSED A, THE EVIL ENERGY?

A. NO. THIS IS THE FIRST TIME I'VE SEEN THAT.

Q. DID HE EVER ASK YOU TO DO ANY RESEARCH REGARDING NAPA 4003 WIX FUEL FILTERS?

A. YES.

Q. OKAY. AND DID YOU LOOK THOSE UP?

A. I DID.

Q. ARE THERE'S A VARIETY OF SITES ON THE INTERNET THAT SELL NAPA 4003 FUEL FILTERS, CORRECT?

A. WELL, I DIDN'T SEE A FUEL FILTER. THIS WOULD POP UP (INDICATING).

Q. WELL, LET ME ASK YOU THIS. I'M GOING TO HAVE YOU LOOK AT SOMETHING IN THE OTHER PILE. IT'S EXHIBIT 3. SO UNDERNEATH THE PURPLE -- NOT IN THAT STACK, THE OTHER STACK (INDICATING). SORRY. WE'RE GOING TO --

A. THAT'S OKAY.

Q. SO THAT'S "2."

A. SO NO. 3?

Q. NO. 3. I'M GOING TO HAVE YOU TURN TO PAGE 3.

A. (WITNESS PERUSES DOCUMENT.)

Q. SO THIS BULLETIN PUTS OUT THINGS THAT ARE IDENTIFIED AS NAPA 4003 FILTERS. AND LOOKING AT THE ONE ON THE BOTTOM, IT SAYS, "INLINE FILTER MARKETED AS NAPA 4003." DO YOU SEE THAT?

A. YES.

Q. OKAY. THERE, IT HAS -- LOOKS LIKE THERE WAS AN INTERNAL ELEMENT THERE, WHICH APPEARS TO BE A

FILTER, RIGHT?

A. YES.

Q. SOMETHING LIKE THAT IS MORE AKIN TO WHAT YOU WANT TO SEE IN SOME SORT OF FUEL FILTER; IS THAT RIGHT?

A. THAT'S CORRECT.

Q. SOME SORT OF AFTERMARKET FUEL FILTER, CORRECT?

A. OR ANY FILTER, YEAH, YOU'D HAVE AN ELEMENT SUCH AS THAT, YES.

Q. AND SAFE TO SAY, TYPICALLY, WHEN YOU LOOK AT O.E.M.'S, OR ORIGINAL EQUIPMENT MANUFACTURER FILTERS, THEY ARE TYPICALLY HOUSED IN LIKE A PLASTIC HOUSING AS OPPOSED TO LIKE THESE METAL HOUSINGS?

A. WELL, NOT IN ALL CASES; BUT THAT WAS COMMON, YES.

Q. RIGHT. AND ESPECIALLY FOR THAT GENRE OF '85 CELICA, CORRECT?

A. SO FOR THE '85 CELICA, IT WOULD HAVE BEEN A METAL HOUSING.

Q. OKAY. SO MUCH SMALLER, RIGHT? THAN THE SIZE OF THE ITEM THAT WAS ORDERED?

A. IT WOULD HAVE BEEN A WIDER BODY --

Q. RIGHT.

A. -- BUT PROBABLY SHORTER.

Q. RIGHT.

A. PROBABLY SHORTER A LITTLE BIT THAN THAT.

Q. OKAY. WHEN YOU SAW -- WHEN YOU ENDED UP DOING THE RESEARCH ON THE INTERNET AND FOUND, I GUESS, THE ITEMS, THE 4003, DID MOST OF THEM LOOK LIKE WHAT'S IN FRONT OF YOU, THE PHYSICAL ITEM OR DID THEY LOOK LIKE WHAT'S PICTURED ON PAGE 3 HERE?

A. MOST OF THEM LOOKED LIKE THIS ITEM HERE.

Q. DO YOU FIND ANY THAT WERE SIMILAR TO PAGE 3?

A. I DID NOT.

Q. OKAY. DO YOU FIND ANY THAT WERE MARKETED BY COMPANIES THAT WERE BASED IN THE UNITED STATES?

A. YOU KNOW, I DON'T RECALL SEEING WHERE THEY CAME FROM.

Q. I'M GOING TO HAVE YOU FLIP BACK -- AND I'M SORRY -- TO THE EVIL ENERGY ONE. SO YOU'RE DONE WITH THAT DOCUMENT (INDICATING).

A. GOT IT.

Q. ARE YOU FAMILIAR WITH THE EVIL ENERGY FILTER?

A. TODAY I LEARNED ABOUT THIS.

Q. OKAY. SO YOU HAVEN'T SEEN IT BEFORE?

A. I HAVE NOT.

Q. HAVE YOU -- BEING IN THE INDUSTRY AS LONG AS

YOU HAVE AND HAVING THE EXPERIENCE YOU HAVE, AT ANY POINT IN TIME HAVE YOU PUT TOGETHER A RACE ENGINE?

A. YOU KNOW, THAT'S SOMETHING I WAS NEVER REALLY INVOLVED WITH.

Q. SO DID YOU EVER STRIP A CAR APART AND LIKE REPLACE THE ORIGINAL ENGINE WITH ANOTHER ENGINE, REPLACE THE FUEL CELL AND HAVE TO BUILD A FUEL SYSTEM?

A. NO. I NEVER PERSONALLY HAVE DONE THAT.

Q. LOOKING AT WHAT'S IN FRONT OF YOU, "A," THE EVIL FUEL FILTER, IT DOESN'T SHOW YOU ANY PICTURES OF WHAT'S INSIDE. IT JUST SAYS IT'S 100 MICRON FUEL FILTER, CORRECT?

A. THAT'S CORRECT.

Q. ONE OF THE RISKS -- WOULD YOU AGREE ONE OF THE RISKS OF BUYING THINGS ONLINE IS YOU DON'T KNOW WHAT THE INTERIOR NECESSARILY LOOKS LIKE?

A. YEAH, I MEAN -- YES, I THINK THERE IS -- THERE'S ALWAYS A RISK IF YOU DON'T KNOW EXACTLY WHAT'S IN THERE.

Q. AND HAVE YOU EVER BOUGHT AFTERMARKET PARTS ONLINE OR DO YOU NORMALLY JUST GO TO THE SHOP, YOU KNOW, AUTO ZONE OR WHATEVER ELSE, PEP BOYS?

A. I -- FOR THE MOST PART, I -- I'M TRYING TO THINK IF I'VE ORDERED AUTO PARTS ONLINE. I DON'T THINK SO. I'M JUST HAPPY GOING DOWN TO THE LOCAL AUTO

PARTS STORE --

Q. OLD SCHOOL.

A. -- FOR THE MOST PART.

Q. YEAH.

A. I MEAN, NOWADAYS YOU CAN LOOK UP ON YOUR PHONE AND EVEN SEE IF THEY -- LIKE AUTO ZONE, FOR EXAMPLE --

Q. RIGHT?

A. -- IF THEY EVEN HAVE IT IN STOCK. YOU CAN BUILD YOUR OWN LIBRARY OF VEHICLES, YOU KNOW. THAT'S THE JUST THE WAY I DO IT.

Q. OKAY. SO YOU HAD NO IDEA THAT THE CAR THAT WAS BEING LOOKED AT WAS NOT GOING TO HOUSE A CELICA ENGINE BUT WAS GOING TO HOUSE A WINDSOR 351?

A. NO, I DID NOT KNOW THAT.

Q. YOU KNOW WHAT A WINDSOR 351 IS, RIGHT?

A. IT'S A FORD V-8, YEAH.

Q. AGAIN, HIGH-PERFORMANCE ENGINE, RIGHT?

A. WELL, IT CAN BE, YES.

Q. ESPECIALLY --

A. IF IT'S BUILT UP.

Q. -- IN A SMALL CAR LIKE A CELICA?

A. THAT WOULD BE A MONSTER.

Q. AND YOU HAVE TO HAVE THE RIGHT FLOW. YOU COULDN'T USE THE TOYOTA FUEL SYSTEM FOR THAT.

A. PROBABLY NOT.

Q. YOU'D HAVE TO MODIFY SOMETHING.

A. I WOULD SAY YES.

Q. ARE YOU FAMILIAR WITH FUEL SYSTEMS HAVING TWO FILTERS, MORE THAN JUST ONE FILTER, BUT MAYBE MULTIPLE FILTERS ATTACHED?

A. PERSONALLY, NO. IS THAT POSSIBLE, YEAH. YOU COULD PUT MORE THAN ONE FILTER --

Q. SEVERAL PUMPS ATTACHED, FUEL PUMPS?

A. NORMALLY THERE'S ONE FUEL PUMP, YOU KNOW. EVEN IN A PERFORMANCE ENGINE, YOU'RE GOING TO HAVE A HIGH-VOLUME, HIGH-PRESSURE BUMP.

Q. AND ONE OF THE IMPORTANT THINGS IS MAINTAINING PRESSURE, RIGHT? MAINTAINING THE PRESSURE FROM THE FUEL CELL, THE FUEL TANK, ALL THE WAY TO WHATEVER CARBURETION DEVICE YOU HAVE.

A. YES.

Q. THANK YOU VERY MUCH.

A. YOU'RE WELCOME.

MS. AMIN: OKAY. REDIRECT?

SERGEANT SLATER: YES, PLEASE.

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. MR. FIELD, YOU MENTIONED -- YOU WERE ASKED

IF THIS ITEM HAD POPPED UP AND YOU STARTED TO GIVE AN ANSWER. WHAT DID POP UP WHEN YOU SEARCHED THE ITEM ONLINE?

A. SO ON YOUTUBE THERE WAS SEVERAL VIDEOS, AND ALL OF THEM REFER TO IT AS A SUPPRESSOR OR A SOLVENT -- I CAN'T REMEMBER THE OTHER WORD. BUT THE WORD SUPPRESSOR WAS USED AND -- I MEAN, VIDEOS THAT STAND OUT ACTUALLY SHOW IT ATTACHED TO FIREARMS.

Q. DID YOU SEE ANY VIDEOS IT WAS ATTACHED TO A VEHICLE?

A. NO.

Q. IF THIS ITEM HAD BEEN ATTACHED TO A WINDSOR 351 V-8 ENGINE, WHAT WOULD IT HAVE THIS -- WHAT IMPACT WOULD THIS HAVE ON A FUEL SYSTEM?

A. IN THIS STATE IT WOULD HAVE NONE. IT WOULD FREE-FLOW WITHOUT REALLY, YOU KNOW, ANY CAUSE OR EFFECT. I MEAN, WORSE CASE SCENARIO, IT COULD BE A LITTLE RESTRICTIVE IF YOU WANT A HIGH-FLOW, HIGH-VOLUME, HIGH-PRESSURE FUEL SYSTEM. BUT AS FAR AS FILTRATION, IT WOULDN'T DO ANYTHING.

Q. OKAY. AS FAR AS FILTRATION, IF THIS HAD BEEN ATTACHED TO MULTI-PUMP FUEL SYSTEM, WHAT BENEFITS WOULD IT HAVE?

A. NONE.

Q. OKAY.

NO FURTHER AT THIS TIME. ACTUALLY, ONE FURTHER QUESTION.

THE WORD "MICRON" HAS BEEN MENTIONED A COUPLE OF TIMES. WHAT IS A MICRON?

A. IT'S A MEASUREMENT -- IT'S A MEASUREMENT OF, I GUESS, A DIAMETER. VERY, VERY SMALL.

Q. OKAY. AND THAT DIAMETER IS USED FOR WHAT?

A. IT'S USED FOR -- I MEAN, FOR AN EXAMPLE, IT WOULD BE USED FOR -- IN CASE OF FILTERS, LET'S SAY YOU HAD -- JUST PICTURE LIKE A WINDOW SCREEN, RIGHT, THAT MESH. IN MICRONS IT WOULD BE A SMALLER -- THE HOLE THAN A WINDOW SCREEN, IF YOU WANT TO CALL IT THAT. AND THEN IF YOU PICTURE THAT INSIDE THIS BODY, THAT COULD, IN ESSENCE, BE USED AS A FILTER MEDIA TO TRAP DIRT AND DEBRIS. SO THEY MEASURE IN MICRONS BECAUSE IT'S VERY TINY, AND YOU WANT TO BE ABLE TO TRAP EVEN THE SMALLEST PARTICLE OF DEBRIS IN A FUEL SYSTEM, ESPECIALLY IN A PERFORMANCE MODEL.

Q. AND IN A PERFORMANCE MODEL, ARE ANY OF THE HOLES IN THAT DEVICE IN FRONT OF YOU FUEL FILTER MICRON SIZE?

A. NO.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

RECROSS EXAMINATION

BY MR. SEKI:

Q. WHEN YOU SAID YOU SEARCHED ONLINE, YOU MENTIONED YOUTUBE VIDEOS. DID YOU JUST LOOK AT YOUTUBE VIDEOS OR DID YOU LOOK --

A. SO I ALSO SEARCHED -- OH, I'M SORRY.

Q. I DIDN'T FINISH THE QUESTION.

A. YES, SIR.

Q. OR DID YOU LOOK AT -- DO A SEARCH TO PURCHASE ITEMS?

A. YES. SO, YOU KNOW, IF YOU PUT IN THE NAPA 4003, THIS ITEM WOULD COME UP (INDICATING).

Q. OKAY. AND THERE WERE MANY SITES WHERE YOU COULD PURCHASE IT FROM, CORRECT?

A. I BELIEVE THERE WERE. I DON'T REMEMBER EXACTLY. I DIDN'T PAY MUCH ATTENTION TO THE ACTUAL SITES THEMSELVES.

Q. AND WERE THEY LISTED AS A FUEL FILTER OR SOLVENT CATCHER?

A. YEAH, THAT SOUNDS RIGHT.

Q. OKAY. SO THE ADDITIONAL RESEARCH YOU DID WAS GOING INTO YOUTUBE TO SEE HOW YOU WOULD USE THIS; IS THAT CORRECT?

A. CORRECT.

Q. OKAY. BUT JUST IN TERMS OF PURCHASING THE

ELEMENTS, JUST A GOOGLE SEARCH OR AN INTERNET SEARCH, IT WOULD PULL UP THESE TYPES OF ITEMS THAT'S IN FRONT YOU; IS THAT CORRECT?

A. YES.

Q. WITHOUT ANY FURTHER DESCRIPTION, JUST A FILTER?

A. I BELIEVE THAT'S CORRECT, YES.

Q. THANK YOU.

A. UH-HUH (INDICATING YES).

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT. THANK YOU.

MS. AMIN: LET ME INVITE MY ASSOCIATE MEMBERS. ANY QUESTIONS?

EXAMINATION

BY MS. STRONG-FARGAS:

Q. AFTER YOU EXAMINED THE INFORMATION ON A-1, AND IT WAS QUOTED PREVIOUSLY THAT -- YOU BEING THE PROFESSIONAL ON IT, YOU COULD TAKE THIS ITEM AND SUPE UP -- LET ME SEE IF I CAN GET IT RIGHT -- SUPE UP THE CAR TO, YOU KNOW, FILTRATION FROM ONE 4-CYLINDER TO AN 8-CYLINDER. AND THE REPLY WAS -- THE ANSWER IS "NO," IS THAT CORRECT, THAT YOU GAVE TO THE OFFICER PREVIOUSLY?

A. OKAY. I'M A LITTLE CONFUSED.
Q. OKAY.
A. ARE YOU ASKING IF THIS COULD BE USED AS A PERFORMANCE FILTER (INDICATING)?
Q. YES.
A. IT APPEARS SO.
Q. OKAY.
MS. AMIN: "THIS" MEANING ACCUSED EXHIBIT A.
MS. STRONG-FARGAS: "A."
MR. FIELD: YES.
MR. ORTEGA: NO. HE'S POINTING AT --
MR. SEKI: THE EVIL ENERGY.
MS. STRONG-FARGAS: THE EVIL --
MR. ORTEGA: HE'S POINT TO --
THE REPORTER: WAIT. ONE AT A TIME.
MS. STRONG-FARGAS: I'M SORRY.
MR. ORTEGA: OKAY. I'M SORRY.
MR. FIELD: YEAH, THE EVIL ENERGY INLINE --
MS. STRONG-FARGAS: IS THE --
THE REPORTER: WAIT, WAIT.
MR. FIELD: I'M SORRY.
THE REPORTER: ONE AT A TIME.
THANK YOU. GO AHEAD.
MR. FIELD: OKAY. COULD YOU REPEAT THE QUESTION SO I CAN --

BY MS. STRONG-FARGAS:

Q. I'M TRYING TO SAY THE PROPER WORDS THAT WERE USED HERE.

AFTER EXAMINING THE EVIL ENERGY INLINE 100 MICRON, COULD THIS ITEM BE USED TO SUPE UP A 4-CYLINDER TO AN 8-CYLINDER?

A. I'M NOT AN EXPERT ON THAT PARTICULAR PIECE, BUT IT DOES APPEAR TO BE SOMETHING THAT YOU COULD DO THAT WITH.

Q. OKAY.

A. I MEAN, YOU REALLY -- YOU'D HAVE TO HAVE MORE INFORMATION TO REALLY KNOW EXACTLY WHAT IT CAN BE USED FOR. YOU NEED TO KNOW HOW MUCH FUEL TO CONTROL. SO WHEN YOU BUILD AN ENGINE, WHEN YOU HAVE A PROJECT LIKE THAT, PART OF THE PROCESS IS UNDERSTANDING HOW MUCH FUEL AND HOW MUCH PRESSURE YOU NEED TO GET TO THE CARBURETOR OR THE FUEL INJECTORS IN ORDER FOR IT TO WORK PROPERLY. SO ONCE YOU KNOW THAT, THEN YOU START TO RESEARCH WHAT KIND FILTRATION WOULD I WANT THAT CAN ALLOW THAT TYPE OF VOLUME, RIGHT? SO -- I MEAN, WITHOUT KNOWING EXACTLY WHAT THIS IS CAPABLE OF DOING -- I DON'T KNOW IF I WOULD CHOOSE THAT, BUT --

Q. OKAY.

A. BUT IT LOOKS LIKE IT COULD BE USED IN THAT PURPOSE, YOU KNOW, DEPENDING ON THE APPLICATION.

Q. OKAY. YOU KIND OF ANSWERED MY NEXT QUESTION. MY NEXT QUESTION IS BEING THE MECHANIC THAT YOU ARE AND HAVE WORKED WITH THIS, I WAS GOING TO ASK WOULD YOU USE THIS OR IS THERE SOMETHING I CAN GO TO AUTO ZONE AND PURCHASE THAT COULD DO IT BESIDES DOING ALL THE CHANGES HERE?

A. THERE MAY BE SOMETHING AT AUTO ZONE; BUT IF YOU WERE -- NORMALLY, IF YOU'RE BUILDING A PERFORMANCE ENGINE, YOU'RE USING A LOT OF AFTERMARKET COMPONENTS. YOU'RE GOING TO REPLACE, YOU KNOW -- I MEAN, ESPECIALLY A CELICA BEING CONVERTED TO A V-8 FORD ENGINE, THERE'S GOING TO BE A LOT OF MODIFICATIONS DONE.

MS. STRONG-FARGAS: OKAY.

MS. AMIN: MR. ORTEGA?

MR. ORTEGA: YEAH, I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. IS IT NORMAL TO BE ABLE TO DISASSEMBLE FUEL FILTERS LIKE THAT? BECAUSE THE MESH -- THE ONES THAT I HAVE SEEN -- FIRST, ALL THE ONES I'VE SEEN WERE PLASTIC. MAYBE THEY WERE CHEAP. BUT THEY WERE SELF-CONTAINED UNITS THAT WHEN YOU NEEDED TO REPLACE THEM, YOU DIDN'T TAKE THE PAPER OUT. YOU JUST TOOK IT

OUT AND REPLACED THE WHOLE UNIT. IS THAT TYPICALLY HOW FUEL FILTERS COME OR CAN YOU DISASSEMBLE THEM?

A. SO MOST OF THEM ARE SEALED LIKE YOU SAID. SO IF YOU WERE TO GO AND REPLACE A FUEL FILTER ON MOST VEHICLES, IT WOULD BE -- YOU WOULD REMOVE IT FROM THE VEHICLE. THE NEW ONE IS INSTALLED. THERE IS NO DISASSEMBLY.

Q. RIGHT.

A. NOW, THERE IS SUCH A THING AS CANISTER-TYPE FILTERS WHERE YOU CAN TAKE THEM APART. AND THE FILTER ELEMENT IS REMOVED, BUT THAT'S PRETTY RARE.

Q. BECAUSE YOU RISK CONTAMINATION OF THE FILTER --

A. IT JUST DEPENDS ON THE STYLE. SO I'LL JUST SAY THAT ALL THE FUEL FILTERS I'VE EVER REPLACED WERE LIKE YOU JUST DESCRIBED. THEY WERE SEALED UNITS. THEY CAME SEALED. THE ELEMENT IS SEALED INSIDE WHETHER IT'S PLASTIC OR METAL, AND YOU SIMPLY REPLACE THAT WHOLE PIECE.

Q. YEAH. THAT'S WHAT I WAS USED TO, AS WELL.

ONE MORE QUESTION. FOR A PERSON WHO IS A TINKERER OF CARS, SOMEBODY WHO KNOWS AUTO MECHANICS, WOULD SOMEONE WITH THAT LEVEL OF EXPERIENCE LOOK AT SOMETHING LIKE THIS AND BE ABLE TO TELL THAT THIS IS NOT A FUEL FILTER (INDICATING)?

A. I THINK SO. YOU KNOW -- I THINK SO, YOU KNOW. I THINK YOU'RE TALKING ABOUT DO-IT-YOURSELFERS. THEY CALL THEM "DIY-ERS" NOW.

Q. RIGHT.

A. OKAY. SO IN MY OPINION, MY PROFESSIONAL OPINION, PEOPLE LIKE THAT ARE GOING TO BE KNOWLEDGEABLE ENOUGH TO BE ABLE TO REPLACE SOME OF THE PARTS ON THEIR CAR, INCLUDING FUEL FILTERS. AND IN MOST CASES, FROM MY EXPERIENCE, THEY WOULD SIMPLY BUY A LIKE ITEM AND REPLACE IT DIRECTLY WITH THE ONE THAT'S ON THE CAR.

SO TO GO TO THE LENGTH OF MODIFICATION, IT GETS UP -- YOU KNOW, IT GETS TO ANOTHER LEVEL OF TECHNICALITY. AND IF YOU'RE JUST TINKERING AND YOU'RE A DIY-ER, YOU'RE BASICALLY JUST MAINTAINING YOUR VEHICLE FOR THE MOST PART. YOU START GETTING INTO HIGHER LEVELS OF MAJOR MODIFICATIONS, THEN, YOU KNOW -- I'M NOT SAYING IT'S IMPOSSIBLE FOR SOMEBODY LIKE THAT TO NOT BE ABLE TO VIEW THAT AND MAKE AN ASSUMPTION OR DECISION ABOUT IT. BUT I THINK FOR MOST PEOPLE, YEAH, IT WOULDN'T EVEN COME INTO PLAY.

Q. OKAY. THANK YOU.

SERGEANT SLATER: I'D JUST LIKE TO INTERRUPT. FOR THE RECORD, THE ITEM THAT YOU WERE JUST POINTING TO, SIR, WAS DEPARTMENT'S 3, PAGE 4,

CORRECT?

MR. ORTEGA: CORRECT.

SERGEANT SLATER: THANK YOU.

EXAMINATION

BY MS. AMIN:

Q. OKAY. SO IF AN ONLINE SHOPPER IS LOOKING FOR A FUEL FILTER AND COMES ACROSS A PICTURE OF JUST THAT BARREL, GOT ALL THE LITTLE DETAILS, AND INTENDS TO BUY IT AS A FUEL FILTER, WOULD THEY KNOW BY LOOKING AT THE ONLINE PICTURE THAT IT SAYS "NAPA 4003 FUEL FILTER," WOULD THAT PERSON KNOW THAT IS NOT A FUEL FILTER?

A. THAT'S A GOOD QUESTION. I GUESS THAT WOULD DEPEND ON THEIR LEVEL OF KNOWLEDGE AND EXPERIENCE. I MEAN, IF YOU'RE LOOKING FOR A SPECIFIC PART AND YOU KNOW WHAT YOU'RE LOOKING FOR, THEN THAT WOULD BE OBVIOUS THAT IT'S NOT WHAT YOU'RE LOOKING FOR. IF YOU DO AN ARBITRARY SEARCH FOR A FUEL FILTER AND THAT COMES UP, WOULD YOU KNOW WHETHER IT IS OR NOT? I WOULD SAY -- AND I DON'T REMEMBER -- IF THE PHOTOGRAPHS SHOW THE INTERNAL, THIS BAFFLE, IF YOU WANT TO CALL IT THAT, THEN THEY SHOULD KNOW THAT THAT CANNOT FILTER FUEL.

Q. RIGHT.

A. IF IT JUST SHOWED THIS CYLINDER, WHICH IS SORT OF SIMILAR TO THIS EXHIBIT A-1, THE ASSUMPTION COULD BE MADE THAT THERE'S A FILTER INSIDE THERE.

Q. BUT WE DON'T KNOW WHAT THE WEBSITE ADVERTISEMENT DEPICTED FROM THE PURCHASE?

A. NO. I DON'T KNOW.

Q. YOU'VE NEVER SEEN IT, NEVER TRIED TO TRACK DOWN THE ACTUAL SITE THAT IT WAS PURCHASED FROM?

A. NO, NO. I DID A QUICK SEARCH AND, YOU KNOW, I DIDN'T GO MUCH FURTHER.

Q. SO IF I UNDERSTAND YOU CORRECTLY, SIMILAR TO EXHIBIT ACCUSED A, FIRST PAGE, IF IT ONLY SHOWED A BARREL LIKE THIS, IT'S POSSIBLE THAT THE BUYER WOULD THINK THAT IT'S A FUEL FILTER AS ADVERTISED?

A. YES. AND -- BUT KEEP IN MIND, THIS HAS ALL OF THOSE FITTINGS THAT SHOWED THAT THERE IS A WAY TO ADAPT THE FUEL LINES. THERE'S A -- I MEAN, THAT'S A BIG CLUE.

MS. AMIN: SO I WOULD LIKE TO ASK THE DEPARTMENT IF YOU'RE ABLE OPEN UP THE WEBSITE THAT THEY SHOWED US FROM THE SEARCH THAT SHOWED NAPA 4003 FUEL FILTER, WHAT DOES IT LOOK LIKE?

SERGEANT SLATER: SO "YES" AND "NO." THE DEPARTMENT, AFTER YESTERDAY'S TESTIMONY, IS TRYING TO -- IS WORKING ON ACQUIRING SOME OF THE STILLS. THE

WEBSITE LINKS AS THEY ARE NO LONGER FUNCTIONAL. BUT THE -- UPON OUR REVIEW OF THE MINUTE ORDER OF THE PRELIMINARY HEARING, WE SAW FIVE ITEMS WERE ENTERED AS PHOTOGRAPHS. THE CRIMINAL INVESTIGATOR HAS SINCE RETIRED. SO WE'RE ATTEMPTING TO GET THOSE ITEMS AND ENTER THEM AND THEN WE'LL NEED TO -- WE'LL LAY A FOUNDATION, BUT WE NEED TO VERIFY THAT.

MS. AMIN: WELL, CAN YOU GO TO THE VENDOR'S WEBSITE THAT'S ON THE PACKAGING AND SEE -- SEARCH THEIR FUEL FILTER NAPA 4003 -- WHATEVER THE NUMBER IS?

SERGEANT SLATER: I WILL VERIFY. I BELIEVE THAT THAT WEBSITE WAS NO LONGER FUNCTIONING, AS WELL, BUT I WILL VERIFY THAT.

MS. AMIN: OKAY. THANK YOU.

I HAVE NO OTHER QUESTIONS. DEPARTMENT, DO YOU HAVE ANY QUESTIONS?

SERGEANT SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH. I JUST WANT TO CLARIFY SOMETHING.

FURTHER RECROSS EXAMINATION

BY MR. SEKI:

Q. WHEN YOU WERE EXPLAINING, MR. FIELD, TO MR. ORTEGA IN TERMS OF FUEL FILTER, YOU TALKED ABOUT

"DIY-ERS," "DO-IT-YOURSELFERS," WHICH IS DIFFERENT FROM SOMEBODY WHO IS CREATING A WHOLE NEW HIGH-PERFORMANCE SYSTEM, RIGHT?

A. I WOULD SAY YES. I MEAN, SOMEBODY THAT'S TAKING ON A PROJECT OF THAT NATURE, YEAH, THEY'RE PROBABLY A LITTLE MORE KNOWLEDGEABLE ABOUT AUTOMOTIVE SYSTEMS.

Q. WHEN YOU'RE LOOKING AT RACING ENGINES OR DOING STUFF, I MEAN, PEOPLE WHO DO THOSE THINGS HAVE THE ABILITY TO MODIFY, FABRICATE, DO OTHER THINGS?

A. MANY DO.

Q. THEY CAN FIGURE OUT -- AND CORRECT ME IF I'M WRONG, IN YOUR EXPERIENCE, THEY CAN GET SOMETHING AND FIGURE OUT A WAY TO MAKE IT WORK.

A. IN MANY CASES, YES. I WOULD SAY IN MANY CASES, YES.

Q. AND DEALING WITH CREATING A FUEL SYSTEM FROM SCRATCH, THERE'S A LOT OF TRIAL AND ERROR --

A. WELL --

Q. -- IF YOU KNOW. I DON'T KNOW -- YOU HAVEN'T DONE IT, RIGHT?

A. I JUST -- FROM MY PERSPECTIVE, THERE'S JUST SO MANY SYSTEMS AND PIECES AND PARTS AVAILABLE THAT YOU COULD CHOOSE FROM. ALMOST ANY PROJECT, IT WOULD BE EASY TO FIND THOSE ITEMS AND BUILD YOUR SYSTEM WITH

WHAT ALREADY EXISTS. GOING TO THE LENGTHS OF A LOT OF MODIFICATIONS -- I MEAN, THERE MIGHT BE CASES, DEPENDING ON THE PROJECT. BUT THERE'S A LOT OF PARTS AND EQUIPMENT AVAILABLE FOR PERFORMANCE --

Q. SURE.

A. -- AVAILABLE. SO MOST PEOPLE, AT LEAST PEOPLE THAT I KNOW FROM MY PERSPECTIVE, ARE NOT GOING TO GO TO THIS HUGE LENGTH OF MODIFYING THINGS. THEY'RE GOING TO PURCHASE SOMETHING THEY KNOW THEY CAN BOLT IN EASILY BECAUSE -- YOU KNOW, AS MUCH FUN AS THEY'RE HAVING DOING THIS PROJECT, THEY ALSO WANT IT TO BE EFFICIENT. THEY WANT -- THE ESTHETICS ARE IMPORTANT, AND THEY ALREADY HAVE THE KNOWLEDGE OF SYSTEMS THAT ARE OUT THERE AND AVAILABLE. SO IN MOST CASES THAT I'M AWARE OF --

Q. SO --

A. -- IF SOMEBODY SETS OUT TO DO A PROJECT, THEY SORT OF MAP OUT HOW THEY'RE GOING TO DO IT, INCLUDING FUEL SYSTEMS. AND THEY PROBABLY, IN MOST CASES, HAVE ALREADY PICKED OUT A FUEL CELL, WHICH IS THE TANK, THE FUEL LINES THEY'RE GOING TO USE, THE FILTER, THE PUMP, WHATEVER THEY'RE DOING. IT'S ALL AVAILABLE.

Q. OKAY. BUT YOU YOURSELF HAVE NEVER DONE THAT; IS THAT CORRECT?

A. I HAVE NEVER DONE ONE PERSONALLY, NO.

Q. AND ONE OF THE THINGS YOU TALKED ABOUT, THERE ARE PRODUCTS THAT ARE OUT THERE, IF YOU'RE INTO RACING, YOU WOULD PROBABLY ASSUME SOMEBODY WOULD GO TO A RACING SITE, RIGHT, OR A SITE THAT SPECIALIZES IN RACING?

A. YES.

Q. ARE YOU FAMILIAR WITH RACING SITES?

A. I CAN'T NAME ONE OFF THE TOP OF MY HEAD RIGHT NOW.

Q. ARE YOU FAMILIAR WITH SUMMIT RACING?

A. I'VE HEARD OF SUMMIT RACING, YES.

Q. OKAY. GIVE ME ONE SECOND HERE.

I DON'T KNOW IF THERE'S A WAY TO PUT THIS UP ON THE SCREEN OR NOT.

SERGEANT SLATER: DOES YOUR COMPUTER HAVE AN HG MIC ON IT?

BY MR. SEKI:

Q. YOU SEE WHAT'S ON THE SCREEN?

A. YES.

Q. SO IT'S SUMMIT RACING EQUIPMENT. AND YOU GOT A NUMBER OF DIFFERENT FUEL FILTERS THAT ARE PICTURED THERE, CORRECT? SO WHEN YOU SAY YOU CAN GO TO A SITE, YOU CAN GO TO A SITE LIKE THIS AND LOOK FOR THINGS LIKE THIS THAT HAVE DIFFERENT FUEL FILTERS; IS

THAT CORRECT (INDICATING)?

A. YES.

Q. AND I'M GOING TO CLICK ON -- THERE'S ONE HERE, "K.R.C. RACING FUEL FILTER HOUSING." IT SAYS IT CAN BE SPECIAL ORDERED, 54.99. BASICALLY, IT JUST GIVES YOU THIS PICTURE WITHOUT ANY FURTHER DESCRIPTION. SO WHEN YOU SEE SOMETHING LIKE A HOUSING AND IT DOESN'T HAVE FITTINGS OR ANYTHING ELSE WITH IT, IT JUST BASICALLY HAS ITS HOUSING, WHAT'S YOUR UNDERSTANDING OF WHAT THIS WOULD BE USED FOR?

A. WELL, I MEAN, I'M NOT FAMILIAR WITH THAT ITEM. THEY'RE DESCRIBING IT AS A FUEL FILTER HOUSING. SO I WOULD HAVE TO ASSUME THAT YOU COULD MAYBE PUT AN ELEMENT INSIDE OF THAT HOUSING. THERE MAY BE DIFFERENT CHOICES PERHAPS OF ELEMENTS TO GO INSIDE IT.

Q. NOW, THIS IS MORE LIKE WHAT YOU -- WHAT'S IN FRONT OF YOU, IT SAYS -- "INVICTA FILTER" IS THE SITE.

A. OKAY.

Q. "ALLUMINUM FUEL FILTER, MONOCORE SOLVENT TRAP FUEL FILTER, SOLVENT TRAP KIT, NAPA 4003 WIX." THIS IS THE TYPE OF THING THAT YOU ENDED UP SEEING; IS THAT CORRECT?

A. YES.

Q. AND LET ME SEE IF I CAN -- SO IF SOMEBODY WERE TO LOOK AND SEE SOMETHING LIKE THIS, IT'S GOT

BASICALLY ALL THESE THINGS -- IT LOOKS LIKE -- IF YOU DON'T KNOW ANY BETTER, IT LOOKS LIKE IT CAN BE USED FOR SOMETHING, RIGHT?

A. WELL, IN THIS CASE, THEY'RE ACTUALLY SHOWING THE INSERT, WHICH PEOPLE WITH KNOWLEDGE WOULD KNOW THAT THAT CAN'T FILTER FUEL.

Q. IF YOU DO A GOOGLE SEARCH FOR HIGH-VOLUME FUEL FILTERS, YOU COME UP WITH -- THERE'S ITEMS HERE THAT LOOK KIND OF LIKE WHAT YOU WERE TALKING ABOUT THAT ARE HOUSED, A LITTLE SMALLER, FATTER. YOU HAVE THIS ONE UP HERE, IT'S NISHIMOTO HIGH-FLOW FUEL FILTER. HERE'S A WIX ONE. AND THEN YOU HAVE A.E.M. ELECTRONICS. A.E.M. UNIVERSAL HIGH-VOLUME FUEL FILTER. ANOTHER ONE, HIGH-FLOW. SO THESE -- YOU HAVE TO KIND OF GO THROUGH DIFFERENT THINGS AND FIND SOMETHING THAT YOU LIKE OR SOMETHING THAT YOU THINK WOULD WORK FOR YOU; IS THAT CORRECT?

A. YES.

Q. HERE -- YOU CAN SEE THIS ONE HERE WHICH IS FLIPPING THE NAPA 4003 WIX FUEL FILTER TITANIUM. IS THIS THE TYPE OF SEARCH THAT YOU DID?

A. I DON'T RECALL THESE EXACT SCREENS THAT CAME UP FOR ME; BUT, YES, IT WAS SIMILAR.

Q. OKAY. AND THEN YOU'RE LOOKING AT THINGS THAT ARE SIMILAR IN TERMS OF SIZE. I'M JUST -- THIS

GOES BACK TO SUMMIT, BUT IT DEALS WITH SOMETHING THAT HAS AN ELEMENT IN IT, FITTINGS, THINGS LIKE THAT, RIGHT (INDICATING)?

A. YES. SO IN THE CASE WHERE YOU SEE AN ACTUAL FILTER ELEMENT, THAT'S A GOOD CLUE.

Q. OKAY. NOW I'M GOING TO TURN YOU TO -- BACK TO DEPARTMENT'S 3, AND IT HAS THIS INLINE FUEL FILTER. OBVIOUSLY, YOU'RE NOT AN EXPERT IN WEAPONS, RIGHT?

A. CORRECT.

Q. OKAY. ACCORDING TO WHAT THE A.T.F. HAS PUT OUT HERE, IT LOOKS SIMILAR IN THIS PICTURE TO KIND OF WHAT WE JUST LOOKED AT ON SCREEN, RIGHT?

A. YES.

Q. THEY CLAIM THIS IS NOT A FUEL FILTER.

A. OKAY.

Q. BUT YOU SEE A FUEL ELEMENT IN THERE, RIGHT?

A. I DO.

Q. SO SOMEBODY WOULD LOOK AT THAT AND SEE THAT FUEL ELEMENT, IT WOULD MAKE SENSE, "OH, MAYBE THAT'S A FUEL FILTER," RIGHT?

A. THAT COULD DEFINITELY BE DECIDED, YES.

Q. OKAY. WOULD YOU AGREE THEN JUST BASED UPON YOUR TESTIMONY THAT SOMEBODY WHO IS DOING A COMPLETE MODIFICATION, MAYBE BUILDING A RACE CAR OR SOMETHING LIKE THAT, THEY COULD POINT TO A SITE SIMILAR TO ONES

WE JUST LOOKED AT?

A. THEY COULD.

MR. SEKI: OKAY.

MS. AMIN: BEFORE YOU DISCONNECT, I HAVE A QUESTION.

EXAMINATION

BY MS. AMIN:

Q. THAT ALLUMINUM ONE THAT MR. SEKI WAS FLASHING THROUGH THAT HAD THE HOUSING AND THAT INNER TUBE WITHOUT THE FILTER AND THE ATTACHMENTS WIT THE BLUE STRIP AT THE ENDS LOOKS EXACTLY LIKE WHAT YOU HAVE ON THE DESK EXCEPT SILVER.

A. VERY SIMILAR.

Q. SO YOU'RE SAYING THAT THAT'S NOT A FUEL FILTER LIKE THEY'RE ADVERTISING BUT A SILENCER?

A. I'M NOT SAYING THAT.

Q. OKAY. BUT IT'S NOT A FUEL FILTER.

A. WELL, I'D HAVE TO GO BACK AND REFERENCE AGAIN, BUT --

Q. IT'S THAT SECOND --

MR. SEKI: I'M SORRY. LET ME GO BACK TO WHERE WE WERE.

MS. AMIN: IT'S THE ALUMINUM FUEL FILTER, THE SECOND ONE (INDICATING).

SERGEANT SLATER: AND THE DEPARTMENT WOULD LIKE SCREENSHOTS CAPTURED OF THESE ITEMS.

MR. FIELD: YOU'RE TALKING ABOUT THIS ONE HERE (INDICATING)?

MS. AMIN: YEAH. SO THOSE --

MR. FIELD: SO HERE --

THE REPORTER: ONE AT A TIME.

BY MS. AMIN:

Q. SO THOSE FIVE ITEMS IN THE PICTURE WHICH ARE THE FIVE ITEMS, EXCEPT DIFFERENT COLOR, OR MAYBE SIZE, LENGTHS. I DON'T KNOW.

A. RIGHT.

Q. BUT PRETTY MUCH THE SAME ITEM.

A. SAME, YES.

Q. SO THAT'S NOT A FUEL FILTER?

A. NO, NO.

MR. SEKI: YOU CAN SEE THE GOOGLE SEARCH ON TOP IS "HIGH-VOLUME FUEL FILTER."

MS. AMIN: YEAH.

MR. SEKI: RIGHT?

MR. FIELD: OKAY. YES.

MR. SEKI: OKAY. I DON'T HAVE A GOOD SCREENSHOT.

SERGEANT SLATER: I'M NOT FAMILIAR WITH YOUR COMPUTER.

MS. AMIN: YOU CAN USE YOUR CELL PHONE AND TAKE A PICTURE AND E-MAIL IT.

MR. SEKI: YOU MUST HAVE KIDS.

MS. AMIN: YEAH.

MR. ORTEGA: I HAVE -- AGAIN, ONE LAST QUESTION. SOMEBODY WHO KNOWS CARS, EVEN A WEEKEND TINKERER, SHOULD KNOW THAT THAT BAFFLE INSIDE ISN'T GOING TO FILTER ANYTHING, RIGHT?

MR. FIELD: I AGREE WITH THAT, YES.

MS. AMIN: SO IT'S FALSE ADVERTISING.

MR. ORTEGA: YEAH. THAT'S --

MR. FIELD: WELL, YEAH, IT IS.

MS. AMIN: IF I DON'T KNOW THE DIFFERENCE, TO ME, IT SAYS "FUEL FILTER." OKAY. FUEL FILTER. I'M NOT A TINKERER, BUT --

MR. FIELD: YEAH, THAT'S --

MS. AMIN: WELL, WE DON'T KNOW WHAT --

MR. FIELD: AGAIN, I'M 43 YEARS IN THE BUSINESS. I'VE CHANGED HUNDREDS OF FUEL FILTERS. AND, YOU KNOW, IT'S EASY FOR ME TO SAY THAT'S NOT. IT'S EASY. BUT THAT'S WHY I'M HERE, RIGHT?

MS. AMIN: RIGHT.

ANY MORE QUESTIONS? DEPARTMENT?

SERGEANT SLATER: YES. JUST ONE MOMENT, PLEASE.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. SO A COUPLE QUICK QUESTIONS. THE ITEM YOU SAW ON THE SCREEN, THAT SILVER DEVICE THAT LOOKS LIKE THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU --

A. YES.

Q. -- YOU SAID THAT CAN'T BE USED AS A FUEL FILTER. CAN YOU -- I KNOW YOU'VE TOUCHED ON IT, BUT CAN YOU EXPLAIN TO THE BOARD WHY THAT ITEM COULDN'T BE A FUEL FILTER JUST TO BE CLEAR?

A. SO THE MAIN REASON IS THE CENTER INSERT. IT'S NOT A FILTER MEDIUM.

Q. OKAY.

A. IT'S A WIDE OPEN DEVICE.

MS. AMIN: A HOLE.

MR. FIELD: THERE'S A HOLE TO THIS FILTER. YOU CAN LOOK STRAIGHT THROUGH IT. SO, AGAIN, A FILTER HAS TO HAVE SCREEN OR A PAPER ELEMENT OF SOME TYPE, SOME TYPE OF MEDIA THAT CAN -- USUALLY MEASURED IN MICRONS THAT CAN TRAP AND STOP DEBRIS FROM FLOWING THROUGH THE FUEL SYSTEM.

BY SERGEANT SLATER:

Q. AND THAT WOULD BE READILY APPARENT TO SOMEBODY WHO'S CAPABLE OF REBUILDING THEIR OWN FUEL SYSTEM, CORRECT?

A. I WOULD SAY "YES" TO THAT.

Q. AND THEN IS THAT THE SAME ITEM YOU SAW BEING USED AS A SILENCER IN VIDEOS?

A. YES.

SERGEANT SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: MS. STRONG?

MS. STRONG-FARGAS: NO.

MS. AMIN: OKAY. NO FURTHER QUESTIONS. THANK YOU VERY MUCH. YOU ARE EXCUSED.

MR. FIELD: THANK YOU.

MS. AMIN: ALL RIGHT. SHALL WE TAKE A BREAK?

SERGEANT SLATER: YES.

MR. AMIN: BACK IN TEN.

OFF THE RECORD.

(BRIEF RECESS WAS TAKEN.)

MS. AMIN: LET'S GO BACK ON THE RECORD.

DEPARTMENT, DO YOU HAVE ANOTHER WITNESS?

SERGEANT SLATER: WE DO. BUT A MATTER OF BUSINESS BEFORE OUR NEXT WITNESS, LAST NIGHT -- OR FOLLOWING OUR FIRST DAY YESTERDAY, WE DETERMINED AND DISCOVERED THAT LOOKING AT THE PRELIM MINUTES, THERE WERE ITEMS THAT WERE NOT INCLUDED IN THE DISCOVERY WE

RECEIVED. THE DEPARTMENT SENT AN E-MAIL TO THE RETIRED CRIMINAL INVESTIGATOR REQUESTING ON PAGE 4 OF 5, ITEMS 5, 6, 7 AND 8. I HAVE SPOKEN TO OUR DISCOVERY UNIT, AND WE RECEIVED THOSE ITEMS. THEY'RE THE SCREENSHOTS OF PAGES THAT WERE VISITED BY MR. WALDEN IN THE COMPUTER AUDIT. WE HAVE THEM AVAILABLE. WOULD YOU LIKE THEM ENTERED AS BOARD EXHIBITS, SINCE YOU HAD ALSO JUST REQUESTED THOSE ITEMS NOW THAT WE HAVE CONFIRMED WE RECEIVED THEM?

MR. SEKI: I'D LIKE TO SEE THEM FIRST BEFORE --

MS. AMIN: OKAY.

MR. ORTEGA: CAN YOU RESTATE WHAT THAT IS?

SERGEANT SLATER: THE PRELIMINARY HEARING HAD FIVE OR FOUR IMAGES ENTERED RELATED TO THE COMPUTER AUDIT THAT WAS DONE ON MR. WALDEN'S COMPUTER, SPECIFICALLY A ONE-PAGE SCREENSHOT OF A Q-O-O, PUFF, P-U-F-F WEBSITE; A ONE-PAGE SCREENSHOT OF A KIKOGIFT WEBSITE, A ONE-PAGE SCREENSHOT OF KIMBER WEBSITE, AND A ONE-PAGE SCREENSHOT OF SOLVENT TRAP FUEL FILTER WEBSITE THAT WERE FOUND AS PART OF THE KEYWORD QUERY. THEY WERE ENTERED IN THE PRELIMINARY HEARING. THEY WERE NOT PART OF THE DISCOVERY WE RECEIVED WHEN WE GOT OUR ADMINISTRATIVE PACKET. SO AFTER SEEING THIS LAST NIGHT, WE REACHED OUT TO THE RETIRED INVESTIGATOR.

AND THOUGH HE IS NOT AVAILABLE TO TESTIFY, HE DID HAVE THESE ITEMS AND E-MAILED THEM TO US, AND THE BOARD ASKED ABOUT THEM.

MR. ORTEGA: SO IS IT CORRECT -- IS MY UNDERSTANDING CORRECT THAT THESE ARE THE IMAGES THAT ONE WOULD GET WHEN SOMEBODY WOULD ENTER A SEARCH WORD INTO --

SERGEANT SLATER: THESE ARE THE IMAGES THAT WERE PULLED DIRECTLY FROM THE SEARCH WORDS THAT WERE RECOVERED OF MR. WALDEN'S COMPUTER. THESE ARE THE IMAGES AND WEBSITES THAT HE WAS LOOKING AT ACCORDING TO THE PRELIMINARY HEARING.

MS. DIDICH: IF I MAY, IF WE TRY TO LOOK AT THE LINKS NOW, THEY'RE BROKEN. THIS WAS A COUPLE OF YEARS AGO, AND THESE SCREEN-GRABS OCCURRED WHEN THE LINKS WERE STILL FRESH AND AVAILABLE. AND SO THAT'S WHAT THEY ARE OF.

MS. AMIN: SO IT'S NOT REALLY THE WORD SEARCH. IT IS THE LINKS THAT OPEN UP --

SERGEANT SLATER: THE LINKS ARE --

MS. AMIN: WHEN YOU PUT "WW" IN AND THE REST OF THE LINKS, THAT'S WHAT YOU OPEN. IT'S NOT THE ACTUAL WORD IN THE GOOGLE SEARCH LINE.

SERGEANT SLATER: SO FROM THEIR -- I'M TRYING TO THINK HOW TO EXPLAIN IT. THE WORD SEARCH

WAS DONE AND THESE POPPED UP AS THE WEBSITES RELATED TO THOSE WORD SEARCHES IN -- THAT WERE CLICKED ON.

MS. AMIN: RIGHT. BUT YOU DON'T KNOW WHAT THE WORD SEARCHES WERE. ONLY THE LINKS THAT CAME UP.

SERGEANT SLATER: THEY'RE PART OF THE SERIES OF WORD SEARCHES THAT WAS PROVIDED TO THE BOARD YESTERDAY.

MS. AMIN: OKAY.

MR. ORTEGA: SO IN WHAT WE SAW YESTERDAY, ARE YOU ABLE TO TELL US WHAT SOMEBODY TYPED INTO THE KEYBOARD TO GET THAT LINK TO APPEAR?

SERGEANT SLATER: I CAN'T SPECIFICALLY SAY -- IT MAY BE EASIER TO DEMONSTRATE IF I MAY PULL UP A WORD SEARCH.

MS. AMIN: SURE.

MR. SEKI, DID YOU HAVE AN OBJECTION TO THE --

MR. SEKI: I WANT TO SEE WHAT HE'S GOING TO DO FIRST. I WANT TO SEE THE MAGIC HE'S GOING TO MAKE.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: SO AS EXPLAINED YESTERDAY, THE DEPARTMENT DID AN AUDIT OF MR. WALDEN'S COMPUTER USAGE AND DISCOVERED THAT HE HAD VISITED A NUMBER OF WEBSITES. WHAT THE AUDIT WAS BROKEN DOWN INTO WAS THIS EXCEL SHEET DEPICTING WHAT KEYWORD SEARCH WAS

USED TO CORRESPOND TO THE RETURNS. SO THEY DID A KEYWORD SEARCH FOR "FUEL" AND THE FOLLOWING MULTIPLE HUNDRED OF SEARCH RETURNS RETURNED FOR 2021 CONTAINING THE KEYWORD SEARCH "FUEL." WHAT FURTHER THE DEPARTMENT DID WAS BREAK THAT DOWN INTO THE URL THAT WAS VISITED AS PART OF THAT SEARCH. SO IN THIS EXAMPLE, ON LINE 398 OF THE MARCH 2021 KEYWORD "FUEL," A WEBSITE WWW.KIKOGIFT.COM/PRODUCTS/BUY-1-GET-1-FREE, NUMBER SYMBOLS -- CONTINUING TO NAPA 4003 WIX 24003, 1/2-28 WAS VISITED.

SOME OF THOSE WERE ENTERED IN AS SCREEN-GRABS. THE ACTUAL WEBSITE WAS VISITED BY THE CRIMINAL INVESTIGATOR AND ENTERED AS A SCREEN-GRAB INTO THE CRIMINAL COURT PROCEEDING. THESE ARE THE IMAGES FROM VISITING THAT URL. HE ENTERED FOUR DIFFERENT SCREENSHOTS OF WEBSITES HE VISITED FROM THIS WORD SEARCH. DOES THAT MAKE SENSE?

MR. ORTEGA: YES.

SERGEANT SLATER: OKAY.

MS. AMIN: YES, IT MAKES SENSE; BUT IT'S NOT THE ACTUAL WORD SEARCH ENTERED IN THE GOOGLE WORD LINE. IT'S YOUR WORD THAT YOU ENTERED "FUEL" AND CAME UP WITH ALL OF THESE URL'S.

SERGEANT SLATER: THESE ARE ALL HITS CORRESPONDING TO WHEN HE USED THE WORD "FUEL" IN SOME

WAY.

MR. ORTEGA: THAT'S WHAT I UNDERSTAND.

SERGEANT SLATER: IT DOESN'T MEAN NECESSARILY THAT HE SEARCHED THE WORD "FUEL." IT MEANS ANY INTERNET RETURN THAT INVOLVED THE WORD "FUEL" THAT WAS DONE IN CORRESPONDENCE TO ACTIVITY ON HIS WORK COMPUTER.

MS. AMIN: RIGHT. OKAY.

ALL RIGHT. SO ANY OBJECTION TO PAGE 5, 6, 7, 8? IT'S GOING TO BE ADMITTED AS BOARD 1.

MR. SEKI: OKAY.

MR. ORTEGA: IS IT -- OH, BOARD 1.

(BOARD'S EXHIBIT 1 WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

SERGEANT SLATER: IN THAT LIGHT WE WOULD LIKE TO RECALL MR. FIELD AND HAVE HIM TAKE A LOOK AT A COUPLE OF THE IMAGES THAT ARE GOING TO APPEAR.

MS. AMIN: OKAY. CAN WE GET THE EXHIBITS?

SERGEANT SLATER: YES. I'M JUST LABELING THEM NOW.

MR. SEKI: I ALREADY HAVE IT.

SERGEANT SLATER: YOU ALREADY HAVE IT?

MR. SEKI: YOU GAVE IT TO ME.

MS. STRONG-FARGAS: THANK YOU.

SERGEANT SLATER: OF COURSE.

(MR. FIELD IS RECALLED TO THE STAND.)

MS. AMIN: WELL, WE MISSED YOU SO MUCH, YOU HAD TO COME BACK.

MR. FIELD: I DON'T THINK MY BOSS IS GOING TO SAY THE SAME THING WHEN I GET BACK. WE'LL SEE.

MS. AMIN: ALL RIGHT. SO YOU'RE STILL UNDER OATH.

OKAY. WE HAVE ADDITIONAL QUESTIONS FOR YOU

MR FIELD: OKAY.

MS. AMIN: I'M GOING TO TURN YOU OVER TO THE DEPARTMENT.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. ALL RIGHT. MR. FIELD, THANK YOU FOR YOUR PROMPT RETURN.

A. NO PROBLEM.

Q. IN YOUR PRIOR TESTIMONY YOU WERE ASKED IF YOU LOOKED AT SOME OF THE WEBSITES THAT HAVE BEEN VISITED, IF YOU'D BE ABLE TO IDENTIFY AN ITEM AS A FUEL FILTER. WE HAVE PRESENTED A SERIES OF PHOTOGRAPHS TO THE BOARD. THESE ARE SCREENSHOTS OF WEBSITES VISITED BY HE MR. WALDEN. CAN I HAVE YOU TAKE A LOOK THROUGH THOSE FIVE PAGES? YOU CAN GO PAGE

BY PAGE, PLEASE.

MR. SEKI: YOU WANT HIM TO LOOK AT ALL FIVE PAGES? BECAUSE THE LAST TWO ARE IRRELEVANT, I SUPPOSE.

SERGEANT SLATER: I'D STILL LIKE HIM TO LOOK AT IT. I DON'T INTEND TO ASK HIM ABOUT THOSE, BUT JUST SO HE'S SEEN ALL THE ITEMS THAT WERE ENTERED.

MR. FIELD: (PERUSES DOCUMENTS.)

OKAY.

BY SERGEANT SLATER:

Q. LOOKING AT PAGE 1, SIR -- I REALIZE THE PAGE CUTS OFF, BUT HOW IS THAT ITEM DESCRIBED?

A. WELL, IT'S A NAPA 4003 WIX 24003 1/2-28, 5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP.

Q. AND LOOKING AT THE PHOTOS, NOT JUST ONE PHOTO BUT THE ENTIRE SET OF PHOTOS ON THIS PAGE, DOES RESEMBLE THE PHYSICAL ITEM THAT WAS PROVIDED TO YOU TODAY?

A. YES.

Q. ALL RIGHT. WOULD THIS ITEM WORK AS A FUEL FILTER?

A. NO.

Q. AND I KNOW IT'S BEEN ASKED BY THE BOARD, BUT CLARIFY FOR THIS ITEM SPECIFICALLY, WOULD SOMEBODY KNOWLEDGEABLE ENOUGH TO CHANGE MULTIPLE COMPONENTS OF

AN ENGINE SETUP RECOGNIZE THIS AS A FUEL FILTER?

MR. SEKI: I'M GOING TO OBJECT. THAT CALLS FOR SPECULATION. HE DOESN'T HAVE THE SAME OR SIMILAR KNOWLEDGE. WE DON'T KNOW THAT HE HAS THE SIMILAR KNOWLEDGE AS MR. WALDEN. HE'S NEVER PUT TOGETHER A HIGH-PERFORMANCE ENGINE ON HIS OWN. THERE'S A LOT OF OTHER THINGS. WE'VE ALREADY HEARD IT'S CUMULATIVE ANYWAY.

MS. AMIN: IT'S SUSTAINED. MAYBE YOU CAN JUST EXPAND ON WHAT SIMILAR KNOWLEDGE, WHAT TYPE OF PERSON YOU JUST -- WHAT DO YOU MEAN?

BY SERGEANT SLATER:

Q. WOULD SOMEBODY DESCRIBED AS A "TINKERER" HAVE KNOWLEDGE THAT THIS IS NOT A FUEL FILTER?

MR. SEKI: I'M GOING TO OBJECT AS TO WHAT A "TINKERER" IS. A "TINKERER" IS AMBIGUOUS, VAGUE. YOU ALREADY HEARD THE TESTIMONY. IT'S --

MS. AMIN: ITS OKAY.

IF YOU CAN ANSWER THE QUESTION, GO AHEAD.

MR. FIELD: OKAY. IN ANY OPINION, THEY WOULD RECOGNIZE THAT THIS IS NOT A FUEL FILTER.

BY SERGEANT SLATER:

Q. OKAY. MOVING TO THE NEXT PAGE, THE QOOPUFF ON PAGE 2, HOW WAS THAT ITEM DESCRIBED?

A. BUY 1 GET 1 FREE FOR NAPA 4003 WIX 24003

1/2-28, 5/8-24 FUEL FILTER, ALUMINUM SOLVENT TRAP.

Q. AND LOOKING AT THIS IMAGE, DOES THIS RESEMBLE THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU?

A. A LITTLE DIFFERENT, BUT YES.

Q. WHEN YOU SAY "A LITTLE DIFFERENT," HOW SO?

A. SO THE CENTER PIECE SEEMS TO HAVE A LITTLE BIT DIFFERENT CONFIGURATION TO THE DESIGN. THE BAFFLES, IF YOU WILL.

Q. AND DESPITE THOSE BAFFLES BEING SLIGHTLY DIFFERENT, WOULD THAT ITEM WORK AS A FUEL FILTER?

A. NO.

Q. ALL RIGHT. WOULD A TINKERER RECOGNIZE THAT?

MR. SEKI: OBJECTION. SAME OBJECTION AS LAST TIME.

MS. AMIN: SOMEONE WITH EXPERIENCE WITH REPLACING FUEL LINES.

MR. FIELD: SOMEONE WITH EXPERIENCE IN REPLACING FUEL LINES AND FILTERS WOULD KNOW THAT THAT'S NOT A FILTER.

BY SERGEANT SLATER:

Q. OKAY. MOVING TO PAGE 3, CAN YOU READ WHAT THE WEBSITE AT THE TOP OF THIS PAGE IS?

A. "WWW.SOLVENTTRAPFUELFILTER.COM."

Q. OKAY. AND DOES THE ITEM ON PAGE 3 RESEMBLE

THE PHYSICAL ITEM IN FRONT OF YOU?

A. YES.

Q. WOULD THAT ITEM WORK AS A FUEL FILTER?

A. NO.

Q. ALL RIGHT. ONE MOMENT, PLEASE.

I'M GOING TO DIRECT YOUR ATTENTION TO THE SCREEN. THIS IS MARKED AS DEPARTMENT'S 8. HOWEVER, FOR VIEWING PURPOSES, I PUT IT ON THE SCREEN. SPECIFICALLY, I'M GOING TO DIRECT YOU TO LINE 79, UNDER "ITEM TITLE." THIS WAS THE ITEM THAT WAS PURCHASED BY MR. WALDEN WE'VE HEARD IN TESTIMONY. HOW IS THIS ITEM DESCRIBED?

A. YOU WANT ME TO READ THE SCREEN?

Q. JUST --

MR. SEKI: THE DOCUMENT SPEAKS FOR ITSELF. WE DON'T NEED HIM FOR THAT. YOU ALL HAVE LOOKED AT IT.

MS. AMIN: WE CAN READ IT. WE KNOW WHAT IT SAYS.

SERGEANT SLATER: OKAY.

Q. LOOKING AT THE ITEM TITLE ON LINE 79, WHICH IS RIGHT ABOVE THE PLUS -- AND IF YOU NEED TO GET CLOSER, YOU CAN.

A. OKAY.

Q. IS THAT THE SAME ITEM TITLE YOU JUST -- OR

THE ITEM WEB SHOTS YOU JUST READ?

MR. SEKI: I'M GOING TO OBJECT. IT SPEAKS FOR ITSELF. YOU ALL CAN REACH YOUR OWN CONCLUSION.

MS. AMIN: YOU CAN ANSWER THE QUESTION. OVERRULED.

MR FIELD: YES.

SERGEANT SLATER: OKAY. NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

FURTHER RECROSS EXAMINATION

BY MR. SEKI:

Q. HAVE YOU EVER SEEN -- IN YOUR SEARCHES, YOU SAID YOU NEVER SAW A SIMILAR FUEL FILTER OR AN ITEM DESCRIBED AS A FUEL FILTER USED AS A FILTER OR ANY PICTURE OF IT USED AS A FILTER; IS THAT CORRECT?

A. I'M SORRY. I DON'T UNDERSTAND THE QUESTION.

Q. DID YOU SEE ANY PICTURE OF THE ITEM OR SIMILAR ITEMS UTILIZED AS A FUEL FILTER?

A. IN THE DESCRIPTION -- I THINK FUEL FILTER WAS THERE IN THE DESCRIPTION.

Q. DID YOU EVER SEE IT HOOKED UP TO ANYTHING OR --

A. NO. WELL, THE ONLY THING -- THE ONLY TIME I SAW IT HOOKED UP TO ANYTHING WAS IN A VIDEO.

Q. SO, IF I CAN, I'VE GOT A SITE HERE I WANT YOU TO TAKE A LOOK AT.

OBVIOUSLY, IF SOMEBODY WERE TO ASK FOR ASSISTANCE AGAIN --

SERGEANT SLATER: CAN I SEE IT BEFORE WE PUT IT ON THE SCREEN? NO OBJECTION.

BY MR. SEKI:

Q. SO THIS IS A WEBSITE NAPAFUELFILET.COM, AND THERE'S A PICTURE HERE --

CAN YOU LOWER THE --

SERGEANT SLATER: GOES AWAY IN A SECOND.

BY MR. SEKI:

Q. YOU GOT SEVERAL DIFFERENT SCREENSHOTS BELOW THE MAIN ONE, WHICH IF I CLICK ON IT, IT'S SIMILAR TO THE ITEM WE'RE LOOKING AT OR THAT'S IN FRONT OF YOU, CORRECT (INDICATING)?

A. YES.

Q. AND IN THIS ONE IT ACTUALLY HAS SOME SORT OF SETUP, WHICH APPARENTLY IS UTILIZING THAT FILTER. DID YOU EVER SEE ANYTHING LIKE THAT?

A. I DON'T RECALL SEEING THAT. CAN I TAKE A CLOSER LOOK?

Q. SURE. I HAVE A SCREENSHOT THAT I'VE TAKEN THAT I'LL CIRCULATE. IS IT POSSIBLE THAT SOMEBODY LOOKING AT THIS SITE MIGHT SAY, "OH, MAYBE THERE IS A

WAY TO USE IT AS A FILTER"?

A. IS IT POSSIBLE, YES. I HAVE A PERSONAL OPINION ABOUT IT.

SERGEANT SLATER: CAN WE HAVE THAT STILL ON THE SCREEN FOR A MINUTE?

MR FIELD: SO --

BY MR. SEKI:

Q. WELL, I'M NOT ASKING FOR YOUR PERSONAL OPINION.

A. OKAY.

Q. WE'VE HEARD YOUR PERSONAL OPINION ALREADY SO --

A. NO PROBLEM.

MR. SEKI: OKAY. I DON'T HAVE ANY ADDITIONAL QUESTIONS.

BY SERGEANT SLATER:

Q. LOOKING AT THAT IMAGE, MR. FIELD, IS THAT A LEGITIMATE FUEL FILTER SETUP?

A. IT WOULD BE NOTHING LIKE I'VE EVER SEEN. AND THE BLUE HOSE COMING OFF, WHICH APPEARS TO BE COMING OFF THE END ON THE RIGHT, IT ALMOST APPEARS TO BE GOING INTO THE AIR INDUCTION HOSE. THAT'S THAT SORT OF BAFFLED BLACK CYLINDER-SHAPED HOSE. YOU SEE THE BLUE HOSE ON THE RIGHT (INDICATING). IF THAT, INDEED, IS HOOKED TO THE AIR INDUCTION SYSTEM, THEN IT

HAS NOTHING TO DO WITH FUEL. THE OTHER THINK I NOTICE IS THAT THE OTHER END, THERE'S NO -- THERE'S NO OUTLET. SO IF THAT'S BEING PORTRAYED AS A FUEL FILTER, THEN IF FUEL'S GOING IN ON THAT RIGHT SIDE, IT'S NOT COMING BACK OUT ANYWHERE.

Q. WOULD PEOPLE WHO ARE FAMILIAR WITH CHANGING FUEL LINES AND FUEL SYSTEMS RECOGNIZE THAT THAT DOES NOT SHOW AN ACCURATE USE OF A FUEL FILTER?

A. YES.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: BOARD MEMBERS? MR. ORTEGA, DO YOU HAVE A QUESTION?

MR. ORTEGA: NOT FOR THIS WITNESS.

MS. STRONG-FARGAS: NO.

EXAMINATION

BY MS. AMIN:

Q. SO ARE YOU SAYING THAT PICTURE WITH THE FUEL FILTER DEPICTED INSIDE OF WHAT LOOKS LIKE AN ENGINE IS FALSE?

A. I'M NOT SAYING IT'S FALSE. I'M SAYING THAT THAT IS NOT SET UP TO FILTER FUEL. I DON'T KNOW WHAT THAT IS.

Q. DO YOU KNOW WHY ANYONE WOULD PORTRAY IT AS A FUEL FILTER IF IT'S NOT A FUEL FILTER?

A. WELL, I CAN GIVE YOU MY OPINION.

Q. OKAY.

A. IT'S TO PROBABLY DECEIVE PEOPLE OR TO FURTHER THE ACT, I WOULD SAY, OF DISPLAYING IT OR SELLING IT. IF IT'S BEING -- SO THIS DEVICE HERE IS BEING SOLD AS A FUEL FILTER. IT IS, OBVIOUSLY, NOT A FUEL FILTER. IT'S JUST ONE MORE WAY OF DISPLAYING IT AS SUCH. IT DOESN'T PROVE THAT IT IS IN MY OPINION.

Q. BUT IN YOUR OPINION, IT PROVES THAT IT IS NOT A FUEL FILTER?

A. I'M SAYING THE WAY IT IS CONNECTED, IT COULDN'T BE, YES.

Q. ALL RIGHT. THANK YOU. I HAVE NOTHING ELSE.

DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. SEKI?

MR. SEKI: NO, NOTHING FURTHER.

MS. AMIN: BOARD. NO?

ALL RIGHT. ONE MORE TIME.

MR FIELD: ARE YOU SURE?

MS. AMIN: MAYBE. THANK YOU VERY MUCH.

SERGEANT SLATER: WE'LL CALL YOU. DON'T

CALL US.

MR FIELD: THANK YOU ALL.

MS. AMIN: ALL RIGHT. TAKE CARE.

(MR. FIELD LEAVES THE BOARDROOM.)

DEPARTMENT, DO YOU HAVE ANY OTHER WITNESSES?

SERGEANT SLATER: THE DEPARTMENT HAS ONE FURTHER WITNESS. HIS NAME IS FADIL BIRAIMAH.

MR. SEKI: AND WITH REGARD TO THIS PARTICULAR WITNESS, THERE'S A LAB REPORT ALREADY ENTERED, DEPARTMENT'S 6. WE WOULD BE WILLING TO STIPULATE THAT THE TESTIMONY HE WOULD PROVIDE IS BASICALLY RELATIVE TO THE LABORATORY, AND WE'D AGREE THAT IT WOULD BE THE SAME. I DON'T KNOW THAT THERE'S ANY NEED TO HAVE HIM. WE ALREADY HAVE THE LAB REPORT IN.

MS. AMIN: SO DO YOU WANT TO GIVE AN OFFER OF PROOF?

SERGEANT SLATER: WELL, WE INTEND TO HAVE HIM SPEAK TO MORE THAN JUST THE LAB REPORT. WE HAVE --

MS. AMIN: OKAY.

MR. SEKI: WELL, AN OFFER OF PROOF. THAT'S NOT AN OFFER OF PROOF.

MS. AMIN: NO. SO YOU HAVE MORE EVIDENCE THAN JUST THE LAB REPORT?

SERGEANT SLATER: YES.

MS. AMIN: OKAY. THEN LET'S HEAR IT.

(MR. BIRAIMAH ENTERS THE BOARDROOM.)

MS. AMIN: GOOD MORNING.

MR. BIRAIMAH: GOOD MORNING.

MS. AMIN: THANK YOU FOR COMING IN. CAN YOU TELL US YOUR NAME, PLEASE?

MR. BIRAIMAH: MY NAME IS FADIL BIRAIMAH.

MS. AMIN: CAN YOU SPELL IT?

MR. BIRAIMAH: FIRST NAME, F-, AS IN FRANK, -A-D-I L; LAST NAME B-, AS IN BOY, -I-R-A-I-M-A-H.

MS. AMIN: OKAY. THANK YOU FOR THAT.

AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. BIRAIMAH: I DO.

MS. AMIN: THANK YOU SO MUCH. HAVE A SEAT.

MR. BIRAIMAH: THANK YOU.

MS. AMIN: YOUR WITNESS.

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, SIR. THANK YOU FOR COMING IN TODAY.

A. GOOD MORNING.

Q. WHEN YOU ANSWER OR TESTIFY, CAN YOU JUST FACE TOWARDS THE BOARD AND USE MICROPHONE SO EVERYBODY CAN HEAR YOU?

A. YES.

Q. THANK YOU SO MUCH.

SIR, WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A CRIMINALIST III WITH THE FORENSIC SCIENCE DIVISION. I'M ASSIGNED TO THE FIREARM ANALYSIS UNIT.

Q. AND WHAT DOES THE FIREARM ANALYSIS UNIT DO, SIR?

A. WE HANDLE ALL ANALYTICAL REQUESTS WITH REGARDS TO FIREARMS OR SHOOTING SCENES IN THE CITY OF LOS ANGELES. SO WE DO -- OUR MAIN WORK IS THE WORK THAT'S COMMONLY REFERRED TO AS BALLISTIC COMPARISON WITHIN THE LABORATORY.

Q. WHEN YOU SAY "BALLISTIC COMPARISON," WHAT DOES THAT MEAN?

A. SO WE EXAMINE EXPENDED AMMUNITION COMPONENTS IN ORDER TO TRY AND DETERMINE WHETHER THEY'VE BEEN FIRED IN THE SAME FIREARM. THIS CAN APPLY TO BULLETS OR CARTRIDGE CASES. SO THAT'S THE BULK OF OUR WORK IN THE UNIT.

Q. DO YOU DO ANY WORK EXAMINING FIREARMS AND FIREARMS COMPONENTS?

A. YES.

Q. DO SOME OF THOSE COMPONENTS YOU EXAMINE INCLUDE SILENCERS?

A. YES. WE EXAMINE DEVICES IN ORDER TO DETERMINE IF THEY FALL UNDER LEGAL CLASSIFICATIONS FOR RESTRICTIONS. THIS WOULD INCLUDE SILENCERS, AND SO-CALLED SOUND SUPPRESSORS.

Q. AND YOU SAID "SO-CALLED SOUND SUPPRESSORS." ARE THOSE TWO EXPRESSIONS USED SYNONYMOUSLY?

A. ALSO CALLED "SOUND SUPPRESSORS," YES. THEY'RE ESSENTIALLY EXCHANGEABLE. SILENCER IS A LITTLE BIT OF A MISNOMER. THAT WAS SELF-APPLIED EARLY ON BY THE EARLY INVENTORS. SOUND SUPPRESSOR IS A LITTLE MORE TECHNICALLY ACCURATE, BUT THEY'RE -- WE'RE TALKING ABOUT THE SAME DEVICES.

Q. WHAT TRAINING AND EXPERIENCE DO YOU HAVE PERTAINING TO FIREARMS COMPONENTS AND FIREARMS ANALYSIS?

A. WELL, WHEN I TRANSFERRED TO THE DIVISION, I HAD A GENERAL BACKGROUND IN NATURAL SCIENCE. IN ORDER TO PERFORM THE WORK WE CALL "BALLISTICS," IT REQUIRED ME TO TAKE A LENGTHY PROGRAM WE CALL THE FIREARM EXAMINER TRAINING PROGRAM. THIS HAS A DURATION OF

MORE THAN TWO-AND-A-HALF YEARS. IT TRAINS THE EXAMINERS IN THE BASICS OF MECHANICS AND OPERATION OF FIREARMS AND AMMUNITION COMPONENTS, ALL THE WAY THROUGH DIFFERENT FIREARM MECHANISMS, RESTRICTED DEVICES, AS WELL AS THE MICROSCOPIC TECHNIQUES THAT WE ACTUALLY USE TO MATCH ITEMS ON A MICROSCOPE. I COMPLETED THAT PROGRAM IN 2009, AND I'VE COMPLETED ABOUT 300 CASES, EXAMINED MORE THAN 3,000 ITEMS OF EVIDENCE.

Q. AND IN THOSE CASES AND EXAMINATIONS, HAVE YOU EXAMINED ANY SILENCERS OR FIREARM SUPPRESSORS?

A. I HAVE.

Q. OKAY. DO YOU KNOW HOW ANY OF THOSE FIREARM SILENCERS OR SUPPRESSORS WERE MARKETED WHEN THEY WERE RECOVERED?

A. YES.

Q. WERE ANY OF THEM EVER MARKETED OR SOLD AS NAPA 4003?

A. YES. IN RECENT YEARS THERE'S BEEN SORT OF A BLOOM OF A NEW TYPE OF DEVICE THAT WE'VE JUST BEEN BECOMING ACCUSTOMED WITH. THEY ARE COMMONLY SOLD IN PARTIALLY FINISHED CONDITION, AND THEY MAY BE SOLD UNDER NAMES THAT ARE NOT QUITE CONSISTENT WITH THEIR ACTUAL PHYSICAL FEATURES. ONE OF THE SORT OF CODE WORDS FOR THIS TYPE OF DEVICE WOULD BE NAPA 4002, I

BELIEVE. THERE'S A FEW OTHERS. BUT THESE LITTLE WORDS WILL ACTUALLY CONNECT YOU WITH THE MARKETERS OF THE DEVICE ONLINE.

Q. AND YOU SAID "4002." DID YOU MEAN 4003?

A. I'M SORRY. 4003.

Q. THANK YOU.

DO YOU RECEIVE ANY ONGOING CONTINUING EDUCATION AS PART OF YOUR CAREER?

A. YES.

Q. WHAT DOES THAT -- WHAT FORM DOES THAT CONTINUING EDUCATION TAKE?

A. THERE ARE SPECIFIC TRAINING MODULES THAT WE UNDERTAKE WITHIN THE UNIT, AS WELL THERE'S -- IN OUR PROFESSIONAL COMMUNITY, THERE'S LITERATURE PUBLISHED BY ORGANIZATIONS SUCH AS THE ASSOCIATION OF FIREARM AND TOOLMARK EXAMINERS. THIS IS THE PREMIER PROFESSIONAL ORGANIZATION FOR FORENSIC FIREARMS. THEY PUBLISH A SCIENTIFIC JOURNAL AND ALSO HAVE CONVENTIONS AND MEETINGS. SO THEIR MATERIAL IS PARAMOUNT TO OUR TRAINING AND OUR MAINTAINING CURRENT, AS IS THE RESEARCH THAT WE DO AS WE ENCOUNTER NEW CHALLENGES AND CASEWORK. IT'S PART OF OUR JOB TO ADAPT TO THAT. ESPECIALLY IN MY CURRENT ROLE AS CRIMINALIST II, IT'S ALSO A TECHNICAL LEAD POSITION WITHIN THE FIREARMS UNIT. SO I ALSO HAVE, IN ADDITION TO CASEWORK,

PARTICIPATE IN TRAINING OTHER PEOPLE AND SPECIAL PROJECTS AND CASEWORK.

Q. DOES THAT INCLUDE ANY INFORMATION FROM THE A.T.F.?

A. IT HAS.

Q. HAVE YOU RECEIVED ANY TECHNICAL BULLETINS FROM THE A.T.F.?

A. I HAVE REVIEWED A FEW TECHNICAL BULLETINS REGARDING THIS MATERIAL, YES.

Q. IN THE PAPERWORK IN FRONT OF YOU, THERE'S SOME ITEMS LABELED DEPARTMENT 2 AND DEPARTMENT 3. CAN I HAVE YOU REVIEW THOSE?

A. YES.

Q. JUST FOR THE SAKE OF SPEED --

A. YOU SAID DEPARTMENT 3? THANK YOU.

Q. OF COURSE.

A. (WITNESS PERUSES DOCUMENTS.)

YES. I'VE REVIEWED THOSE DOCUMENTS AND I DO RECOGNIZE THEM.

Q. OKAY. CAN I DIRECT YOU TO DEPARTMENT 2, THE A.T.F. TECHNICAL BULLETIN 1702?

A. YES.

Q. WHAT WAS THIS BULLETIN REGARDING?

A. SO THIS IS ABOUT SO-CALLED SOLVENT TRAPS. THIS IS A CLASS OF DEVICE THAT'S SORT OF BLOSSOMED

AFTER THE GHOST GUN ISSUES COME TO LIGHT IN THE PAST FIVE YEARS OR SO. SO THESE ARE DEVICES THAT ARE PHYSICALLY VERY CLOSE TO FINISHED SILENCERS OR SOUND SUPPRESSORS. THEY'RE SOLD UNDER A DIFFERENT TERMINOLOGY AS A GUN CLEANING DEVICE THEY CALL A SOLVENT TRAP.

Q. SO YOU MENTIONED A GUN CLEANING DEVICE. CAN A SOLVENT TRAP HAVE A LEGITIMATE PURPOSE?

A. IT IS POSSIBLE. THERE IS A POSSIBILITY OF ATTACHING ONE OF THESE DEVICES TO A BARREL IN ORDER TO CAPTURE CLEANING FLUID. IT IS NOT A VERY COMMON USE AND THEIR FEATURES ARE VERY PECULIAR TO ACHIEVE THAT FUNCTION.

Q. ARE SOLVENT -- YOU SAID THEY HAVE A PARTICULAR USE THAT COULD BE LEGITIMATE. ARE SOLVENT TRAPS EVER MODIFIED FOR ILLEGITIMATE PURPOSES?

A. YES.

Q. AND WHY IS THAT?

A. THERE ARE VERY SIMPLE FINISHING PROCESSES, NAMELY JUST DRILLING ONE OR A FEW HOLES, THAT CAN RENDER THESE DEVICES FULLY OPERATIONAL AS SOUND SUPPRESSORS.

Q. DO YOU KNOW WHAT AN INDEX MARKING IS?

A. I DO.

Q. AND WHAT IS AN INDEX MARKING?

A. SO WHEN MANUFACTURING -- FINISHING THE MANUFACTURE OF THESE DEVICES, IT'S VERY IMPORTANT TO CLEAR A PASSAGE FOR A BULLET THAT IS VERY CLOSE TO THE CENTER OF THE DEVICE. TO ACHIEVE THAT YOU NEED TO DRILL HOLES THROUGH EITHER THE END CAP OR THE END CAP AND OTHER SURFACES WE CALL "BAFFLES" VERY CLOSE TO THE CENTER OF THOSE ITEMS WHERE A BULLET MAY STRIKE IT AS IT ATTEMPTS TO TRAVERSE THE DEVICE. IN ORDER TO FACILITATE DRILLING THAT HOLE IN A PROPER LOCATION, THE DEVICES THAT I HAVE EXAMINED, AS WELL AS ASSEMBLED, HAVE WHAT'S CALLED AN INDEX MARK. IT'S A SMALL DIVOT IN THE CENTER OF THE ITEM THAT GUIDES THE DRILL SO THAT COULD BE DRILLED IN THE PROPER LOCATION.

Q. AND ARE YOU FAMILIAR WITH FUEL FILTERS, SIR?

A. I AM.

Q. WOULD AN ITEM BE ABLE TO BE USED AS BOTH A FUEL FILTER AND A SOLVENT TRAP?

A. NO. NONE OF THE -- NOT THAT I'M AWARE.

Q. OKAY. AN ITEM WAS RECOVERED AND IT WAS MARKETED AS A FUEL FILTER ALUMINUM SOLVENT TRAP. WOULD THOSE TWO USES BE COMPATIBLE?

A. THESE ARE -- NO. THEY SOMETIMES WILL APPLY DIFFERENT LABELS, AND THESE ARE CONTRADICTORY. A SOLVENT TRAP IS INTENDED TO BE A RECEPTACLE, ESSENTIALLY A BOTTLE. AND THAT'S ALL YOU WOULD HAVE

TO USE TO FULFILL THAT FUNCTION. A FILTER INHERENTLY HAS AN INLET AND AN OUTLET THAT ALLOWS MATERIAL TO GO THROUGH AND BE FILTERED. SO THESE ARE TWO COMPLETELY DIFFERENT FUNCTIONS.

Q. OKAY. CAN I DIRECT YOU TO DEPARTMENT 3, PLEASE, NOW?

A. YES.

Q. CAN I HAVE YOU REVIEW THE FIRST PARAGRAPH OF PAGE 2 UNDER "SOLVENT TRAPS," PLEASE?

A. YES.

Q. WHAT DID THIS PARAGRAPH HAVE TO SAY ABOUT FRONT END -- OR PILOT HOLES OR INDEX MARKERS? WHAT DID THIS EXPLAIN?

A. THIS EXPLAINS THE A.T.F.'S POSITION ON INDEX MARKS THAT -- WITH RESPECT TO THE LEGAL CLASSIFICATION AS THE STATUTES ARE WRITTEN, THE STATUTES COVER DEVICES INTENDED TO BE USED IN THE FABRICATION OF SUPPRESSORS. THE A.T.F. CONTENDS THAT THE INDEX MARK IN AN END CAP OR IN THE BAFFLES FULFILLS THAT REQUIREMENT, MEANING THAT THE DEVICE WOULD, THEREFORE, VIOLATE THE STATUTE AND BE REGULATED.

Q. CAN I HAVE YOU REVIEW THE FOURTH PARAGRAPH OF THIS PAGE UNDER "INLINE FUEL FILTERS" BEGINNING WITH "FUEL DISPENSING SYSTEM HOSES" (INDICATING)?

A. YES.

Q. DID THE A.T.F. IDENTIFY A TYPICAL SIZE FOR FUEL DISPENSING HOLES?

A. YES.

Q. AND WHAT SIZE WAS THAT?

A. THEY IDENTIFIED SOME OF THE SIZES AS 3/4-INCH AND ALSO 1-INCH N.P.T.

Q. AND WHAT IS "N.P.T."?

A. IT IS NATIONAL PIPE TAPERED. IT'S A THREADING CONFIGURATION THAT IS STANDARDIZED I THINK IN THE UNITED STATES TO ALLOW A SECURE FLUID CONNECTION.

Q. OKAY. DID YOU REVIEW AN ITEM AS PART OF THE INVESTIGATION OF D.R. 219913105?

A. YES.

Q. ALL RIGHT.

A. SEVERAL ITEMS, I SHOULD SAY.

Q. CAN I DIRECT YOU TO THE PHYSICAL ITEMS ON THE TABLE IN FRONT OF YOU (INDICATING)?

A. YES.

Q. ARE THOSE THE ITEMS YOU REVIEWED?

A. YES, THEY ARE. ALL THE -- THE FOUR METALLIC ITEMS I'M LOOKING AT ALL BEAR THE CASE INFORMATION, WHICH I INSCRIBED DURING MY EXAMINATION, ALSO MY STYLIZED INITIALS AND SERIAL NUMBER.

Q. ALL RIGHT. WHAT WAS THE PURPOSE OF THE

ANALYSIS OF THESE ITEMS?

A. THEY WERE SUBMITTED AS PART OF A SOUND SUPPRESSOR DETERMINATION ANALYSIS.

Q. AND WHAT WAS THE CONCLUSION YOU REACHED?

A. THE REPORTED CONCLUSION IS THAT THE ASSEMBLY AS I RECEIVED IT IS A SILENCER AS DEFINED BY THE CALIFORNIA PENAL CODE SECTION, I BELIEVE IT IS 17210.

Q. AND WHY DID YOU COME TO THAT CONCLUSION?

A. THIS DETERMINATION IS MADE BASED ON PHYSICAL CHARACTERISTICS OF THE ITEMS. THIS IS A VERY PECULIAR USE TO SUPPRESS SOUND WHILE NOT IMPEDING THE PROGRESS OF A BULLET. IT LEADS TO VERY RECOGNIZABLE PHYSICAL FEATURES AND IT'S A FEW NARROW FAMILIES OF DESIGN THAT CAN ACCOMPLISH THAT ACTUAL FUNCTIONALITY. WE EXAMINE THE STRUCTURE OF THE DEVICES FOR FEATURES THAT ARE CONGRUENT WITH THOSE PATTERNS OF DESIGN. WHEN WE SEE SIGNIFICANT INDICATIONS OF THESE DESIGNS, THEN THAT FULFILLS OUR DETERMINATION THAT IT IS A SOUND SUPPRESSOR, ALSO THAT IT IS COVERED UNDER THE RELEVANT STATUTE.

Q. AND WHAT SIGNIFICANT DESIGN FEATURES LEAD YOU TO BELIEVE THAT WAS A FIREARM SILENCER OR SUPPRESSOR?

A. SO THERE ARE SEVERAL LEVELS TO THAT STATUTE. AN INTACT DEVICE MAY QUALIFY; A COMBINATION OF PARTS

MAY QUALIFY; OR A SINGLE PART BY ITSELF MAY QUALIFY. SO ASSEMBLED IN A CERTAIN WAY, THIS DEVICE QUALIFIES AS AN ASSEMBLED DEVICE. I RECEIVED IT WITH THE ITEM 8 COMPONENT. THIS IS WHAT YOU CALL A "MONOCORE BAFFLE." IT WAS INSERTED INTO THE EXTERIOR TUBE LIKE SO (INDICATING) AND SECURED WITH THE ITEM 6 RING. SO IN THIS CONFIGURATION, THE DEVICE IS CONFIGURED AND READY TO BE ATTACHED TO A FIREARM AND USED. SO IT DOES QUALIFY AS A SINGLE ASSEMBLY AS A SOUND SUPPRESSOR.

THE MOST UNMISTAKABLE FEATURE IS THIS CAREFULLY-MACHINED INTERNAL COMPONENT. IT IS A MONOCORE BAFFLE, MEANING IT IS MACHINED FROM A SINGLE PIECE OF ALUMINUM. YOU CAN TELL THERE'S A LOT OF MATERIAL WASTED TO PRODUCE THAT DEVICE. THE MATERIAL IS REMOVED IN ORDER TO PROVIDE THESE DIVIDERS CALLED "BAFFLES," WHICH WILL THEN COMPARTMENTALIZE THE INSIDE OF THIS TUBE. IT ALSO HAS A CENTRAL PASSAGE THAT IS CLEAR THROUGH THE DEVICE.

I RECEIVED IT ALSO WITH THIS ITEM, ITEM 5 (INDICATING). THIS IS AN END CAP. IT IS SOLID. THERE IS NO HOLES THROUGH THIS ITEM; HOWEVER, AT THE CENTER THERE IS AN INDEX MARK. AGAIN, CONFIGURE THE ITEM WITH ITEM 8, THE BAFFLE INSIDE THE TUBE, AND I CAN AFFIX THE ITEM 5 END CAP (INDICATING). SO AS YOU CAN SEE, IT IS NOT IN OPERABLE CONDITION. HOWEVER,

BASED ON THE FACT THAT THE END CAP HAS THAT INDEX MARK, THIS IS REGARDED AS AN INDICATION THAT IT IS INTENDED TO BE FINISHED BY THE END USER THROUGH A SIMPLE DRILLING PROCESS. I'VE PERFORMED THIS PROCESS AS PART OF A RECONSTRUCTION ON ANOTHER HOMICIDE CASE.

SO THE COMBINATION OF PARTS, INCLUDING THIS ITEM, WOULD ALSO QUALIFY, IN MY OPINION, UNDER THE SECOND CLAUSE WITHIN THE RELEVANT STATUTE.

Q. THANK YOU.

DID YOU EXAMINE -- IN YOUR EXAMINATION DID YOU DETERMINE IF THERE WAS A WAY THIS COULD BE ATTACHED TO A FIREARM?

A. YES.

Q. AND HOW COULD THIS ITEM BE ATTACHED TO A FIREARM?

A. THE DEVICE HAS THE MONOCORE SUPPRESSOR, HAS AN INTERNALLY-THREADED OPENING WE CALL A THREADED COLLAR. IT IS THREADED, WHAT WE CALL, A FEMALE THREADED CONFIGURATION SO THAT ANOTHER ITEM CAN BE SCREWED INTO THAT END OF THE DEVICE AND SECURED. THIS IS HOW SOUND SUPPRESSORS ARE SECURED TO THREADED BARRELS. SO IT DOES HAVE THAT COMPONENT.

Q. DID YOU DETERMINE THE THREAD SIZE OF THAT COLLAR?

A. THERE WAS A THREAD CONFIGURATION MARKED ON

THE BOX CONTAINING THESE ITEMS, AND I DID TAKE A MEASUREMENT OF INTERNAL DIAMETER FINDING THAT THE DIAMETER WAS CONSISTENT WITH THAT MARKED THREAD CONFIGURATION.

Q. AND WHAT WAS THAT MARKED THREAD CONFIGURATION?

A. IT WAS CALLED 1/2 BY 28.

Q. DO YOU KNOW WHAT TYPE OF FIREARMS A 1/2 BY 28 THREAD CONFIGURATION WOULD BE COMPATIBLE WITH?

A. IT IS COMMON WITH SEVERAL CALIBERS. IT IS UP TO THE TRADITIONS OF THE MANUFACTURERS WHICH CALIBERS. BUT I KNOW A 9-MILLIMETER LUGER; ANOTHER CARTRIDGE WOULD BE 223 REMMINGTON. THIS IS A CARTRIDGE THAT IS COMMON IN AR-15 STYLE RIFLES, AS WELL AS 22-RIMFIRE CARTRIDGES, INCLUDING 22 LONG RIFLES. A LESSER-KNOWN NEWER CARTRIDGE IS CALLED 5.7 BY 28 MILLIMETER. THIS IS A NEWER HANDGUN CARTRIDGE THAT HAS BEEN CHAMBERED IN FIREARMS, WHICH ARE PRODUCED WITH THIS THREAD CONFIGURATION.

Q. ARE YOU FAMILIAR WITH THE CONCEPT OF A THREADED BARREL?

A. YES.

Q. WHAT WOULD IT TAKE TO EQUIP A HANDGUN WITH A THREADED BARREL?

A. IT WOULD REQUIRE A BRIEF DISASSEMBLY PROCESS

WE CALL THE FIELD-STRIPPING. I BELIEVE THE NAME IS BECAUSE IT CAN BE DONE IN THE FIELD IF YOU WERE A SOLDIER WITHOUT TOOLS. IT'S A DISASSEMBLY THAT DOESN'T REQUIRE TOOLS. IT JUST BREAKS THE GUN DOWN TO THREE OR FOUR PARTS FOR CLEANING PURPOSES. THIS SIMPLE DISASSEMBLY PROCESS WOULD REQUIRE TO REMOVE THE BARREL AND REPLACE IT WITH A BARREL THAT EXHIBITS A THREADED EXTENSION AT THE MUZZLE END, WHICH CAN BE INSERTED INTO A MUZZLE ATTACHMENT, INCLUDING SOUND SUPPRESSORS.

Q. CAN I DIRECT YOU TO THE PAGES IN FRONT OF YOU TITLED "BOARD 1," PLEASE?

A. BOARD 1?

Q. YES, THAT PACKET. SPECIFICALLY I'D LIKE TO DIRECT YOU TO PAGE 4.

A. OKAY. I'M ON PAGE 4.

Q. THIS IS IDENTIFIED AS A 9-MILLIMETER STAINLESS STEEL THREADED BARREL (INDICATING). WOULD THAT BE COMPATIBLE WITH THE THREAD SIZE ON THE ITEM -- THE PHYSICAL ITEM ON THE TABLE?

A. I DON'T SEE A THREAD SIZE ON THIS PAGE, PAGE 4. IT IS A 9-MILLIMETER CALIBER REPLACEMENT BARREL THAT IS THREADED, BUT IT DOESN'T LIST THE CONFIGURATION ON THIS SHEET.

Q. EARLIER YOU STATED THAT THE STANDARD

9-MILLIMETER THREAD WOULD BE 1/2 BY 28. IS THAT ACCURATE?

A. YES. I'VE -- THE LITERATURE REPRESENTED -- REPRESENTS IT AS THE MOST COMMON THREAD CONFIGURATION FOR THAT CALIBER.

Q. LOOKING AT THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU, THE ACCUSED HAS STATED HE ORDERED THAT ITEM AS A FUEL FILTER. IN YOUR OPINION, IS THAT IN ANY WAY POSSIBLE?

A. NO.

Q. WHY NOT?

A. SO THIS ITEM HAS A GENERAL EXTERNAL APPEARANCE SIMILAR TO SOMETHING CALLED AN INLINE FUEL FILTER. HOWEVER, IT HAS THIS OPENING AND THE BAFFLE STRUCTURE PREVENTS FROM FUNCTIONING IN THAT MANNER. SO AN INLINE FUEL FILTER, TO MY KNOWLEDGE, FUEL COMES IN ONE END AND COMES OUT THE OTHER END. IN BETWEEN IT ESSENTIALLY ACTS LIKE A COMMUTER TUNNEL. IMAGINE THAT THERE'S A VEHICLE BROKEN DOWN IN THE CENTER LANE. TRAFFIC HAS TO DIVERT AROUND THAT VEHICLE IN ORDER TO TRAVERSE THE TUNNEL AND THEN IT TRAVERSES BACK TO THE CENTER TO EXIT THE OTHER SIDE. THAT'S HOW A FUEL FILTER WORKS. IT WOULD ACTUALLY INCLUDE SORT OF A TUBE WITHIN THIS TUBE THAT IS THE FILTRATION MEDIA. SO THE TRAFFIC -- THE FUEL WOULD COME IN, DIVERT TO

THE SIDE OF THE TUBE; AND THEN AS IT IS DIVERTED BACK TO THE CENTER TO EXIT THE DEVICE, IT PASSES THROUGH THE MEMBRANE OF THAT ACTUAL FILTER (INDICATING).

SO THAT PHYSICAL PROCESS IS IMPOSSIBLE, IN MY OPINION, WITH THIS DEVICE. IT HAS A CLEAR PASSAGE THROUGH THE CENTER. I'LL POINT THAT OUT TO EACH OF YOU (INDICATING). AND THAT IS THE ONLY PASSAGEWAY THROUGH THE DEVICE. SO THERE IS NO WAY FOR THE FUEL TO DIVERT TO THE EXTERIOR AND FILTER BACK TOWARDS THE INSIDE OF THE DEVICE THROUGH FILTRATION MEDIA.

SO IT IS INTERESTING THAT SOUND SUPPRESSORS ARE ESSENTIALLY THE EXACT OPPOSITE OF A FILTER, BECAUSE FILTERS ARE MEANT TO ALLOW THE FLUID COMPONENTS TO PASS THROUGH WHILE STOPPING THE SOLID COMPONENT. SUPPRESSORS ARE BUILT FOR THE EXACT OPPOSITE FUNCTIONALITY. THEY WANT THE SOLID BULLETS TO BE ABLE TO PASS THROUGH DIRECTLY THROUGH THE ACTUAL CENTER OF THE DEVICE WHILE THE FLUID, HERE THE GAS, IS ALLOWED TO EXPAND, SLOW DOWN, AND DECREASE ITS PRESSURE AND PERCEIVE SOUND.

SO LONG STORY SHORT, PHYSICALLY, IT'S INCOMPATIBLE WITH FILTRATION FUNCTIONALITY.

Q. AND IN YOUR TRAINING AND EXPERIENCE, HAVE YOU ENCOUNTERED ITEMS LIKE THIS BEING MARKETED AS FUEL FILTERS?

A. YES.

Q. ALL RIGHT. AND DESPITE THEM BEING MARKETED AS FUEL FILTERS, DO THEY HAVE THAT FUNCTION?

A. NO.

Q. AND DO YOU HAVE AN OPINION ON WHY THEY WOULD BE MARKETED AS FUEL FILTERS WITHOUT THAT FUNCTION?

A. I BELIEVE IT IS SO THAT THEY CAN MARKET, COMMUNICATE BETWEEN SELLER AND BUYER, WITHOUT STATING A FUNCTION THAT IS REGULATED.

Q. AND HAVE YOU WORKED ANY CASES WHERE AN ITEM WAS RECOVERED MARKETED AS A FUEL FILTER AND WAS USED AS A SILENCER?

A. I'VE WORKED CASES WITH DEVICES OF THIS GENERAL TYPE. I DON'T KNOW SPECIFICALLY HOW THEY WERE MARKETED, BUT THE CONFIGURATION OF THE DEVICES I'VE OBSERVED. I'VE OBSERVED THEM BEING MARKETED ONLINE UNDER A SOLVENT TRAP OR FUEL FILTER MONIKER INTERCHANGEABLY.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. MR. BIRAIMAH, HOW MANY GUNS THAT DETECTIVE

WALDEN OWNED WOULD FIT THAT? DID YOU EVER DO A COMPARISON?

A. NO. I WAS ASSIGNED THE EXAMINATION OF ITEMS 2 THROUGH 9. MY REQUEST DID NOT INCLUDE ANY FIREARMS.

Q. AND AS I UNDERSTAND IT, IN ORDER FOR IT TO WORK, YOU HAVE TO HAVE A THREADED BARREL, CORRECT?

A. IN ORDER TO ATTACH IT TO A GUN AND TO OPERATE THE SUPPRESSOR, YES, YOU WOULD NEED A THREADED BARREL MOUNTED ON A FIREARM.

Q. WERE YOU EVER TOLD THAT ANY THREADED BARRELS WERE FOUND AS PART OF A SEARCH OF DETECTIVE WALDEN'S FIREARMS OR HIS HOME?

A. NO. THE INFORMATION I RECEIVED WAS ABOUT THESE PARTICULAR ITEMS AND WAS EXTREMELY BRIEF.

Q. SO IN THIS PARTICULAR CASE, THAT ITEM YOU HAVE IN FRONT OF YOU IS ABOUT SIX INCHES OR SO; IS THAT CORRECT? I THINK YOU MAY HAVE MEASURED IT. WOULD THAT BE ACCURATE?

A. YES. IT'S JUST OVER SIX INCHES WHEN FULLY ASSEMBLED.

Q. AND WOULD YOU BE ABLE TO USE REGULAR AMMUNITION FOR IT TO BE EFFECTIVE OR WOULD YOU HAVE TO HAVE SUBSONIC AMMUNITION FOR IT TO BE EFFECTIVE?

A. IT IS MORE EFFECTIVE WITH SUBSONIC

AMMUNITION. I'VE EXPERIENCED THIS MYSELF. THERE ARE DIFFERENT COMPONENTS TO THE SOUND. SUBSONIC AMMUNITION SIMPLY MEANS THAT IT'S A HEAVIER BULLET. IT IS MOVING SLOWER WHILE STILL REMAINING EFFECTIVE ON THE TARGET. SUBSONIC AMMUNITION REDUCES THE SOUND BY ELIMINATING PART OF THAT WE CALL A SONIC CRACK. AND IT DOES FURTHER REDUCE THE PERCEIVED SOUND AND IMPROVES THE FUNCTIONALITY OF THE DEVICE.

Q. SO AS YOU INDICATED IN THIS PARTICULAR CASE, IT WOULD ONLY -- IT COULD POSSIBLY FIT A THREADED BARREL THAT WOULD BE ASSOCIATED WITH A 9-MILLIMETER 223, .22 RIMFIRE, OR 5.7 BY 28, CORRECT?

A. THOSE ARE THE CALIBERS THAT I'M AWARE OF, MANUFACTURERS CHOOSING TO THREAD BARRELS IN THOSE CALIBERS COMPATIBLE WITH A DEVICE SUCH AS THE MARKINGS HERE. THIS IS UP TO THE WILL OF THE MANUFACTURER. IT'S NOT CONTROLLED HOW THEY THREAD THEIR GUNS. THEY JUST TEND TO ADHERE TO TRADITIONS TO MAKE MARKETING EASIER.

Q. HAVE YOU EVER ACTUALLY UTILIZED ONE OF THOSE TO TEST IT?

A. YES.

Q. OKAY. AND WAS --

A. I'M SORRY. NOT THIS DEVICE.

Q. YEAH, THAT PARTICULAR DEVICE.

A. NOT THIS DEVICE, NO.

Q. HAD YOU EVER SEEN ANY TESTING OF IT, ANY RESULTS OF TESTING TO SEE IF IT'S EFFECTIVE?

A. THIS DEVICE?

Q. YEAH.

A. OPERATION ISN'T REQUIRED FOR IT TO BE COVERED UNDER THE REGULATION. IT'S NOT PART OF OUR NECESSARY ANALYSIS. NO, I HAVE NOT OBSERVED ANY TESTING OF THIS DEVICE WITHIN ACTUAL FIREARMS.

Q. KNOWING WHAT YOU KNOW ABOUT GUNS, KNOWING WHAT YOU KNOW ABOUT WHAT'S EXPELLED WHEN A GUN IS FIRED, KNOWING WHAT YOU KNOW ABOUT SOUND, BULLETS, SPEED, ET CETERA, THE SIZE OF THAT IN THE CONSTRUCTION, DO YOU HAVE AN OPINION ON WHETHER OR NOT IT WOULD BE AN EFFECTIVE SUPPRESSOR?

A. I DON'T HAVE AN OPINION ABOUT HOW EFFECTIVE IT WOULD BE. ITS STRUCTURES, I EXPECT IT TO HAVE A DISCERNIBLE EFFECT. I CAN'T WEIGH THAT EFFECT VERSUS SUPPRESSORS OF OTHER DESIGNS.

Q. ON THE TECHNICAL BULLETIN THAT'S MARKED AS DEPARTMENT'S 3, SO THAT'S THE ONE DEALING WITH THE INLINE FILTER FIREARM SILENCERS?

A. YES, I HAVE THAT.

Q. OKAY. CAN I HAVE YOU TURN TO PAGE 3?

A. YES.

Q. SO THE BOTTOM ITEM SAYS, "INLINE FILTER MARKETED AS NAPA 4003." THIS APPARENTLY IS NOT A FIREARM -- OR THIS APPARENTLY IS A SILENCER ACCORDING TO A.T.F., CORRECT?

A. CORRECT.

Q. AND ONE OF THE THINGS IT SAYS IS THAT "THE FILTER ELEMENT IS TOO SHORT FOR HOUSING AND WILL ALLOW FLUIDS TO BYPASS WITHOUT FILTERING."

A. I SEE THAT.

Q. HAVE YOU SEEN SOMETHING LIKE THIS OR ENCOUNTERED ANYTHING LIKE THIS?

A. I HAVE NOT ENCOUNTERED A DEVICE THAT ACTUALLY HAD FILTRATION MEDIA. THAT TUBE WITHIN A TUBE PART I WAS TALKING ABOUT, THAT'S WHAT WE'RE SEEING AT THE BOTTOM OF THIS EXHIBIT IN THAT YELLOW COMPONENT (INDICATING). NONE OF DEVICES I EXAMINED ACTUALLY HAD THAT COMPONENT, WHICH IS ACTUALLY MORE CHARACTERISTIC OF SOMETHING THAT IS MANUFACTURED TO FILTER FUEL.

Q. SO IF YOU WERE TO LOOK AT THIS, YOU WOULD THINK IT WOULD BE A FUEL FILTER?

A. WHICH PICTURE?

Q. THE ONE ON THE BOTTOM.

A. IT HAS A FILTRATION ELEMENT. HOWEVER, IT ALSO HAS THAT HOLE DRILLED THROUGH THE CENTER. SO

THIS IS THE PROBLEM AREA. THAT HOLE IS ALSO MARKED WITH THE THREAD CONFIGURATION OF MUZZLE ATTACHMENTS. SO ON THE BASIS OF THAT, THIS WOULD APPEAR TO BE AN AMATEUR ALTERATION OF A PRODUCT THAT WAS MADE FOR A DIFFERENT USE, AS OPPOSED TO A PRODUCT ON THE TABLE IS NOT REPURPOSED. IT WAS MANUFACTURED FOR A PARTICULAR USE.

Q. COULD YOU TURN PAGE 5 OF 6 IN DEPARTMENT'S 3.

A. YES.

Q. SO THERE APPEARS TO BE A TABLE HERE (INDICATING). AND AMERICAN STANDARD THREAD SAYS, "THE FOLLOWING LIST OF KNOWN FIREARM BARREL THREADS SIZES IS NOT ALL-INCLUSIVE AN INTENDED AS A GENERAL REFERENCE."

YOU REFERRED TO 1/2 BY 28 WITH A RIGHT HAND TWIST AS SOMETHING THAT COULD BE ATTACHED TO MOST 223'S, .22 CALIBERS, 9 MILLIMETERS, RUGER 10/22'S, CORRECT?

A. I DIDN'T SPECIFY RUGER 10/22.

Q. OKAY. 5 BY 7. I'M SORRY. 5.7 CALIBER BY 28, CORRECT? IS THAT --

A. GUNS OF THOSE CALIBERS ARE ADVERTISED TO HAVE THIS THREAD CONFIGURATION ON THE MUZZLE END.

Q. OKAY. IF THERE IS A THREADED BARREL?

A. CORRECT. THESE ARE TYPICALLY AFTERMARKET PARTS THAT DO NOT COME FROM THE FACTORY WITH YOUR ACTUAL NAME-BRAND PISTOL WITH A THREADED BARREL. YOU NEED TO PURCHASE IT AND INSTALL IT BY THAT FIELD-STRIPPING PROCESS I DESCRIBED EARLIER.

Q. OKAY. AND YOU CAN SEE THIS CHART WHERE IT LISTS 1/2 BY 28 RH, OR RIGHT HAND -- RIGHT-HANDED TWIST, IT KIND OF LISTS THE DIFFERENT FIREARMS THAT YOU TALKED ABOUT, CORRECT? THE CALIBER OF FIREARMS THAT YOU TALKED ABOUT?

A. YES. IT DOES LIST THE CALIBERS THAT I MENTIONED.

Q. SO WHAT YOU HAVE IN FRONT OF YOU, YOU SAID WAS 1/2 BY 28, THAT WOULD NOT FIT A GUN THAT WOULD BE THREADED FOR 5/8 BY 24 WITH A RIGHT-HAND TWIST, CORRECT?

A. A 1/2 INCH BY 28 THREAD CONFIGURATION SOCKET THAT'S THE FEMALE END SHOULD NOT BE ABLE TO PROPERLY AFFIX TO THAT OTHER THREAD CONFIGURATION THAT YOU MENTIONED, WHICH I BELIEVE IS 5/8 BY 24.

Q. OKAY. JUST TO CLARIFY, AT NO TIME WERE YOU EVER ASKED TO COMPARE WHETHER THAT DEVICE IN FRONT OF YOU WOULD FIT ANY OTHER WEAPONS OWNED BY DETECTIVE WALDEN; IS THAT CORRECT?

A. CORRECT.

Q. THANK YOU.

I HAVE NOTHING FURTHER.

MS. AMIN: DEPARTMENT?

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. CAN I DIRECT YOU, AGAIN, SIR, TO BOARD 1, PAGES 4 AND 5?

A. YES.

Q. I JUST WANT TO BE CLEAR, SPECIFICALLY ON PAGE 4, THIS WOULD BE AN EXAMPLE OF A BARREL THAT IF YOU SWITCHED IT OUT, WOULD ACCEPT A THREADED ATTACHMENT, CORRECT (INDICATING)?

A. CORRECT. SO THIS BARREL HAS THE THREADED PORTION ON THE BARREL. SO YOU CAN SEE AT THE RIGHT SIDE OF THIS SILVERY OBJECT, THERE'S A DARKER PORTION THERE. THIS IS THE PART THAT WOULD BE THREADED LIKE THE OUTSIDE OF A SCREW. IT APPEARS TO HAVE WHAT'S CALLED A THREAD PROTECTOR SCREWED ON TO IT. SO THIS BARREL HAS THE EXTERNALLY PLACED THREADS, THE MALE THREAD CONFIGURATION, WHICH CAN ACCEPT MUZZLE ATTACHMENTS SUCH AS THE DEVICE -- SUCH AS THE DEVICE IN THE PROPER USE.

Q. AND DIRECTING YOU TO PAGE 5 OF THAT SAME EXHIBIT, SIR --

A. SORRY.

Q. -- IS THAT AN EXAMPLE OF A THREADED BARREL FOR A DIFFERENT CALIBER?

A. YES.

Q. DO YOU KNOW OR DID THE A.T.F. TECHNICAL BULLETIN ADVISE WHAT THE THREAD FOR A .45 CALIBER WOULD BE?

A. I BELIEVE IT DID. I DON'T KNOW IT OFF THE TOP OF MY HEAD, BUT IT'S A LARGER IN DIAMETER THAN THE 1/2 INCH THAT WE'RE TALKING ABOUT.

Q. CAN I REFER YOU TO PAGE 5 OF THE A.T.F. TECHNICAL BULLETIN IN FRONT OF YOU?

A. YES.

Q. IS .45 CALIBER LISTED ON THERE ANYWHERE?

A. YES, IT IS.

Q. AND WHAT SIZE THREAD WOULD THAT NEED?

A. I SEE IT IN TWO POSITIONS. THE FIRST IS .578 BY 28 RIGHT HAND. THE OTHER IS 7/8-INCH BY 9 RIGHT HAND (INDICATING).

Q. THANK YOU.

NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING.

EXAMINATION

BY MS. AMIN:

Q. EARLIER YOU STATED THAT YOU NEVER -- YOU DID NOT TEST THIS PARTICULAR ITEM THAT'S ON THE DESK. HAVE YOU TESTED ANY SIMILAR NAPA 40- -- WHATEVER THE NUMBER IS -- ON A GUN, A FIREARM?

A. YES. I'VE TEST-FIRED THAT TYPE OF DEVICE.

Q. AND IT WORKS? IT WORK AS A SUPPRESSOR?

A. YES. IT WAS A SLIGHTLY DIFFERENT DESIGN. THIS WAS AN EXTENSIVE CASE SO WE ACTUALLY HAD R.H.D. ORDER THE PARTS. I DRILLED THROUGH ALL THE INDEX HOLES CREATING THAT CENTRAL PASSAGE. WE AFFIXED IT TO A PISTOL. FIRED AMMUNITION THROUGH THAT, BOTH SUBSONIC AND STANDARD AMMUNITION. IT MADE A SUBSTANTIAL CHANGE TO THE REPORT OF THE GUN -- THE SOUND OF THE GUN. I WOULD SAY THAT IT SOUNDED MORE LIKE HITTING A GOLF BALL RATHER THAN AN ACTUAL GUNSHOT.

Q. OKAY. AND DEPARTMENT'S 10 TO YOUR LEFT STACK THERE, IT'S A THICK PACKAGE --

A. YES.

Q. IF YOU --

A. I HAVE DEPARTMENT 10.

Q. IF YOU CAN FLIP TO THE BACK A FEW PAGES, A LIST OF FIREARMS THAT WERE PURCHASE AND SOLD BY THE

DETECTIVE. DO YOU SEE FIREARMS ON THAT LIST THAT WOULD ACCOMMODATE THIS NAPA 4003 THAT COULD BE ATTACHED TO THEM?

A. I'M LOOKING AT PAGE 19 OF 20. AM I LOOKING AT THE RIGHT PAGE?

Q. YES.

A. YES. NOTABLY HERE I SEE GLOCK .9 MILLIMETER. THE GLOCK PATTERN FIREARMS, THESE -- THIS IS THE TYPE OF GUN THAT I USED IN MY PREVIOUS CASE. THEY SELL A LOT OF AFTERMARKET BARRELS, INCLUDING THREADED BARRELS, INCLUDING THE 1/2 BY 28 CONFIGURATION THREADED BARRELS. THOSE WOULD BE COMPATIBLE WITH THE CONFIGURATION OF THE DEVICE AS IT IS MARKED ON THE PACKAGING.

Q. SO JUST THE GLOCK .9 MILLIMETER, NOTHING ELSE?

A. NOT ONLY. THERE ARE AFTERMARKET BARRELS FOR OTHER BRANDS. I KNOW OF BARRELS FOR SMITH & WESSON, BARRELS FOR SIG SAUER. THAT IS BY NO MEANS ALL-INCLUSIVE. THEY CAN BE -- THEY'RE MANUFACTURED BY SMALL COMPANIES. THEY DON'T HAVE TO BE MANUFACTURED BY THE ACTUAL MAKER THEMSELVES OF THE ACTUAL FIREARM.

Q. SO IS THIS THE SMITH & WESSON .9 MILLIMETER OR 357 OR SOMETHING ELSE -- OR COLT .45 OR SOMETHING ELSE?

A. ABOUT THE ONE THAT I INITIALLY SAW, I SEE A SMITH & WESSON .9 MILLIMETER MP9L. FURTHER DOWN THERE'S ANOTHER SMITH & WESSON .9 MILLIMETER MP9L. I WOULD NOT EXPECT -- YOU MENTIONED 357. I'M NOT SURE ABOUT THE MODEL NUMBER. IF WE'RE TALKING ABOUT A 357 MAGNUM REVOLVER, THEN, NO, THEY ARE TYPICALLY NOT FITTED WITH SUPPRESSORS. IF THIS IS A 357 SIG, THAT'S A PISTOL CALIBER, THEN IT IS POSSIBLE THAT IT WOULD BE COMPATIBLE.

Q. OKAY. THANK YOU.

ANYBODY HAVE ANY QUESTIONS? MR. ORTEGA?

MR. ORTEGA: YEAH. I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. FOR SOMEBODY WHO HANDLES THIS QUANTITY OF WEAPONS WHO SEES THAT ITEM, IS THAT -- SHOULD THAT ITEM BE RECOGNIZABLE AS A SILENCER TO A GUN ENTHUSIAST?

A. YES.

MR. SEKI: I'M GOING TO OBJECT. I THINK THAT CALLS FOR SPECULATION.

MS. AMIN: YOU'RE GOING TO OBJECT TO A BOARD MEMBER?

MR. SEKI: I DO IT ALL THE TIME, AND I THINK

A COURT OF APPEALS WOULD REQUIRE ME TO DO THAT.

MS. AMIN: OKAY. ALL RIGHT. SO SPECULATION --

CAN YOU EXPAND ON YOUR QUESTION?

MR. ORTEGA: NO. IT WAS A SIMPLE QUESTION. I THINK I GOT MY RESPONSE.

MR. SEKI: WELL, SHE DIDN'T RULE ON MY OBJECTION.

MS. AMIN: OKAY. OVERRULED, OVERRULED.

ALL RIGHT. DO YOU HAVE ANY QUESTIONS?

MS. STRONG-FARGAS: NO.

MS. AMIN: OKAY.

MR. SEKI: I HAVE TO CLARIFY.

SERGEANT SLATER: THE DEPARTMENT ALSO WOULD LIKE TO CLARIFY SOME THINGS.

MS. AMIN: GO AHEAD.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. SIR, SINCE IT'S BEEN BROUGHT UP, I'M GOING TO DIRECT SIMULTANEOUSLY TO BOTH DEPARTMENT 3 AND DEPARTMENT 10. FOR DEPARTMENT 3 I'D LIKE TO DIRECT YOU TO PAGE 5. FOR DEPARTMENT 10 I'D LIKE YOU TO START ON PAGE 19, PLEASE.

A. OKAY. I HAVE THOSE PAGES IN FRONT OF ME.

Q. THANK YOU.

IN YOUR TESTIMONY TODAY YOU SAID THERE WERE A NUMBER OF IDENTIFIED COMMON THREADED 1/2 BY 28 CALIBER STYLE FIREARMS, CORRECT?

A. BARRELS WITH THAT THREAD CONFIGURATION ARE COMMON IN A NUMBER OF CALIBERS, YES.

Q. THANK YOU.

SO USING THIS REFERENCE IN DEPARTMENT 3, AR-15, M-16, AND AR-180'S WOULD BE COMPATIBLE WITH 1/2 BY 28, CORRECT?

MR. SEKI: I'M GOING TO OBJECT BECAUSE I THINK THE QUESTION OR HYPOTHETICAL LACKS THE FACT THAT YOU NEED A THREADED BARREL ON ALL OF THOSE.

MS. AMIN: WELL, YOU CAN BRING IT UP ON CROSS.

MR. SEKI: WELL, IF HE'S GOING TO ASK IT -- BECAUSE IT GOES TO THE QUESTION THAT YOU ASKED, AS WELL. IF YOU BUY A GUN IN THE STATE OF CALIFORNIA, THE BARRELS ARE NOT THREADED. SO UNLESS THERE'S SOME SORT OF EVIDENCE THAT THE DEPARTMENT HAS THAT ANY OF THESE GUNS HAVE THREADED BARRELS, THE QUESTION REALLY IS IRRELEVANT.

SERGEANT SLATER: THE DEPARTMENT DISAGREES. THE DEPARTMENT IS NOT IMPLYING ANY ONE OF THE GUNS I WILL OR HAVE ASKED ABOUT HAS A THREADED BARREL. BUT

AS WE'VE DEMONSTRATED THROUGH THE TESTIMONY OF MULTIPLE WITNESSES, THE SWAPPING OF A BARREL IS AT BEST EASILY ACCOMPLISHED WITHOUT TOOLS. AND I JUST WANT TO KNOW IF CERTAIN ITEMS ON THIS LIST COULD HAVE THEIR BARRELS SWAPPED. AGAIN, I'M NO IMPLYING THAT ANYBODY HAS A THREADED BARREL.

MS. AMIN: OVERRULED.

BY SERGEANT SLATER:

Q. SO WOULD AN AR-15, M-16, OR AR-180 BE COMPATIBLE WITH A THREADED BARREL IF THEY HAD A THREADED BARREL? SORRY. LET ME REPHRASE THAT.

WOULD AN AR-15, M-16, OR AR-180 STYLE WITH A THREADED BARREL MOST COMMONLY BE THREADED 1/2 BY 28 RIGHT HAND?

A. THEY ARE KNOWN TO BE THREADED IN THAT CONFIGURATION. IT DOES NOT MEAN IT'S THE ONLY ONE, BUT IT IS A WELL-KNOWN CONFIGURATION FOR THOSE FIREARMS.

Q. ARE ANY AR-15, M-16, OR AR-180 STYLE RIFLES ON THE -- LISTED ON EITHER 19 OR 20 OF DEPARTMENT 10?

A. YES. I DO SEE SOME THAT ARE ACTUALLY MARKED 556. THAT'S AN MMP 15. THAT IS A -- THAT'S AN AR-STYLE RIFLE. ALSO THE ONE BELOW IT, STAR-15 --

MR. ORTEGA: WHAT PAGE ARE WE ON?

MR. BIRAIMAH: SORRY. PAGE 20. IT IS IN

THE BLOCK OF HIGHLIGHTED FIREARMS AT THE BOTTOM THERE (INDICATING).

SO 556 IS A SORT OF A MILITARY ANALOGUE FOR THE 223 REMMINGTON CIVILIAN CARTRIDGE. THEY ARE PHYSICALLY INTERCHANGEABLE. SO, YES, MP-15, THAT IS A RIFLE I'M AWARE OF. I WOULD ANTICIPATE THE STAR-15 VERY COMMONLY WHEN THEY NAME IT THAT WAY, IT IS AN AR-15 PATTERN RIFLE, AND IT IS OF THE PROPER CALIBER. 556, PHYSICALLY INTERCHANGEABLE WITH THE CALIBER 223 THAT WE'VE BEEN SPEAKING ABOUT.

Q. DID PAGE 5 OF DEPARTMENT 3 IDENTIFY RUGER 10/22 AS A RIFLE THAT WOULD COMMONLY HAVE A 1/2 BY 28 RIGHT HAND TWIST?

MR. SEKI: I'M GOING TO OBJECT TO THE QUESTION AS PHRASED. "COMMONLY HAVE" MEANS AFTERMARKET BARREL ATTACHED TO IT, NOT AS IT IS SOLD. SO AS A PHRASED THE IMPLICATION IS IT'S SOLD THAT WAY.

SERGEANT SLATER: I CAN REPHRASE.

MS. AMIN: PLEASE. THANK YOU.

BY SERGEANT SLATER:

Q. WOULD A RUGER 10/22 WITH A THREADED BARREL MOST COMMONLY BE THREADED IN 1/2 BY 28 RIGHT HAND?

A. IT IS KNOWN TO BE THREADED IN THAT CONFIGURATION.

Q. DO YOU SEE ANY RUGER 10/22'S ON THIS LIST,

REFERRING TO DEPARTMENT 10, PAGES 19 AND 20.

A. I DO. I SEE ONE RIGHT AWAY HIGHLIGHTED ON PAGE 19, THE THIRD HIGHLIGHTED FIREARM, RUGER .22 IS THE REFERENCE SHORTHAND REFERRING TO CALIBER. 10/22 IS A VERY COMMON SEMI-AUTOMATIC RIFLE.

Q. YOU MENTIONED MOST THREADED .9 MILLIMETERS WOULD BE THREADED IN A 1/2 BY 28 RIGHT HAND TWIST. AND IF I UNDERSTAND YOU CORRECTLY, TO CHANGE A .9 MILLIMETER TO A THREADED BARREL WOULD BE A SIMPLE FIELD-STRIPPING PROCESS, CORRECT?

A. CORRECT. ONE, THE LITERATURE ADVERTISES THAT IT'S THE MOST COMMON CONFIGURATION BASED ON THE MANUFACTURERS THAT PUT OUT. YES, THE SWAPPING OF THAT BARREL CAN BE DONE WITHIN A MATTER OF SECONDS TO MINUTES.

Q. AND WOULD THE .9 MILLIMETERS LISTED ON PAGES 19 AND 20 OF DEPARTMENT 10 BE CAPABLE OF ACCEPTING A THREADED BARREL WITH THAT FIELD-STRIPPING PROCESS?

A. YES. SOME I'VE DONE MYSELF. OTHERS ARE CONSISTENT WITH THAT CAPABILITY, YES.

Q. AND FINALLY, SIR, COMING BACK TO YOUR TRAINING AND CONTINUING EDUCATION ON SILENCERS, HAVE YOU SEEN VIDEOS OF THIS ITEM, THE PHYSICAL ITEM, BEING USED AS A SILENCER?

A. THIS ITEM IN FRONT OF ME?

Q. NOT THE ACTUAL ITEM THAT WAS RECOVERED, BUT ITEMS MARKETED OR SOLD WITH THAT DESIGN AND LOOK.

A. I BELIEVE SO. I'VE SEEN VIDEOS ONLINE OF PEOPLE DISCHARGING DEVICES. IT'S USUALLY DIFFICULT TO TELL PRECISELY WHAT INTERNAL CONFIGURATION THAT DEVICE IS WHEN THEY'RE SHOOTING IT. BUT I'VE SEEN VIDEOS OF, YES, PEOPLE POSTING FIREARMS WITH ATTACHMENTS OF THIS GENERAL TYPE.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

RECROSS EXAMINATION

BY MR. SEKI:

Q. TWO THINGS. DEPARTMENT'S 3, THE TECHNICAL BULLETIN -- I THINK IT'S THAT SAME ONE.

A. YES.

Q. PAGE 4?

A. YES.

Q. YOU TALKED ABOUT DRILLING A NUMBER OF HOLES -- THE DEVICE THAT'S DEPICTED AT THE TOP OF PAGE, WAS WHAT SIMILAR TO WHAT YOU ENDED UP SHOOTING OR WORKING ON, TESTING?

A. YES.

Q. OKAY. SO IT WASN'T THE CHAMBER TYPE. IT

WAS BASICALLY SEVERAL DIFFERENT PIECES WITHIN THAT AND YOU HAD TO REPLACE OR SLIDE IN? IS THAT IT? HOW DID THAT WORK?

A. IT'S NOT A MONOCORE COMPONENT. IT USES THE SEVERAL METAL CAPS. THEY STACK LIKE CUPS. SO ESSENTIALLY IF YOU LOOK AT AN X-RAY OF THE FINISHED ITEM, IT WOULD APPROXIMATE THIS CONFIGURATION; BUT IT'S CONSTRUCTED OF SEPARATE COMPONENTS, AS OPPOSED TO THIS ONE MACHINED COMPONENT.

Q. AND IN THIS PARTICULAR DIAGRAM OR PICTURE HERE ON THE LEFTHAND SIDE, YOU CAN KIND OF SEE THE INTERNAL STACKED PIECES; IS THAT CORRECT?

A. SO THE TOP HALF OF THE PAGE, THE BOTTOM LEFT PHOTO WITH THE SILVERY OBJECTS, YES, YOU CAN SEE THOSE BAFFLES STACKED UP ONE ON TOP OF THE OTHER SORT OF LIKE A STACK OF COFFEE CUPS BELOW THE ACTUAL CYLINDER.

Q. I WANT TO MAKE THIS CLEAR. THREADED BARRELS IN PISTOLS ARE ILLEGAL IN CALIFORNIA, CORRECT?

A. ON PISTOLS WITH DETACHABLE MAGAZINES, THAT WOULD BE AN OFFENDED FEATURE MAKING IT A CALIFORNIA ASSAULT WEAPON.

Q. AND GUNS THAT ARE SOLD IN CALIFORNIA CANNOT HAVE THREADED BARRELS; IS THAT CORRECT?

A. THE THREADED BARRELS ARE NOT A FIREARM. THAT'S -- IT'S A REPLACEMENT PART. SO MY

UNDERSTANDING IS YOU DON'T NEED ANY SORT OF CLEARANCE TO PURCHASE IT. ESSENTIALLY WHETHER YOU PURCHASE THE SCREW THAT GOES ON A GUN, THE BARREL ITSELF IS NOT CONSIDERED THE FIREARM. IT'S THE FRAME THAT'S CONSIDERED THE FIREARM.

SO MY UNDERSTANDING, TO COMPLY WITH THE LAW, IF YOU SOLD A FIREARM WITH THE THREADED BARREL, THAT FIREARM WOULD BE ILLEGAL. THE BARREL ITSELF, I DON'T BELIEVE FOLLOWS UNDER THE SAME REGULATION BECAUSE IT'S A PART.

Q. SO MAYBE I MISPHRASED MY QUESTION. MAYBE IT WAS POORLY PHRASED. BUT BASED UPON YOUR KNOWLEDGE, FIREARMS THAT ARE SOLD IN CALIFORNIA THAT HAVE AN ATTACHED BARREL, THE BARRELS ARE NOT THREADED; IS THAT CORRECT?

A. LEGALLY SOLD. THAT'S MY BELIEF.

Q. AND AS FAR AS YOU KNOW, NONE OF THE BARRELS THAT WERE ATTACHED OR POSSESSED BY -- NONE OF THE FIREARMS POSSESSED BY DETECTIVE WALDEN HAVE THREADED BARRELS?

A. ALL I KNOW ABOUT THE FIREARMS IS THE LIST THAT I JUST REVIEWED. IT DOES NOT HAVE ANY INDICATION THAT I WAS AWARE OF ABOUT THE BARREL CONDITION.

Q. WOULD YOU ASSUME THAT IF A GUN HAD A THREADED BARREL THAT SOMEBODY WOULD BE PROSECUTED FOR

POSSESSING AN ASSAULT WEAPON, IF YOU KNOW?

A. NO, NOT NECESSARILY.

MR. SEKI: I DON'T HAVE ANYTHING ELSE. THANK YOU.

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: OKAY.

MS. STRONG-FARGAS: NO.

MS. AMIN: NO FURTHER QUESTIONS.

EXAMINATION

BY MR. ORTEGA:

Q. ACTUALLY, I DO HAVE A QUESTION AND IT'S NOT ANECDOTAL. BUT IN EVERY PICTURE THAT I'VE SEEN OF THIS ASSEMBLY EXIT, THEY SHOW A PIPE. SOMETIMES THIS IS BLUE, SOMETIMES -- IN THIS CASE IT'S RED (INDICATING). IS THAT JUST FOR SUBTERFUGE -- IS THERE ANY PURPOSE FOR THIS DEVICE OR IS IT JUST TO MAKE IT LOOK LIKE IT'S PART OF A FILTERED SYSTEM WHERE FLUID GOES THROUGH IT?

A. RIGHT. THIS IS -- THE REPRESENTATION OF THE DEVICE THAT YOU'RE TALKING ABOUT, YES. IT'S VERY COMMON. THE MONOCORE STACK IS SO DISTINCTIVE. I SUPPOSE THAT THEY ARE INCORPORATING THIS AS SUBTERFUGE, AS YOU SAID. THIS ACTUAL TUBE DOES NOT

FIT ANY PART OF THE OTHER COMPONENTS WHATSOEVER. AND SO IT'S NEARLY COMICAL, IN MY VIEW. IT'S KIND OF LIKE PUTTING A FAKE MUSTACHE ON AND EXPECTING YOU TO BELIEVE I'M A DIFFERENT PERSON. THAT'S MY VIEW OF WHAT THIS IS. I HAVEN'T HAD MANY CONVERSATIONS ABOUT IT, BUT, YOU KNOW, IT'S A JOKE.

Q. OKAY. THANK YOU.

(MR. BIRAIMAH LEAVES THE BOARDROOM.)

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: OKAY. NOW WE'RE DONE. THANK YOU VERY MUCH. YOU'RE EXCUSED.

MR. BIRAIMAH: THANK YOU.

SERGEANT SLATER: TWO MATTERS BEFORE WE MOVE ON. ONE, DOES THE HEARING REPORTER NEED A BREAK?

THE REPORTER: YES. THANK YOU.

SERGEANT SLATER: MAY I REQUEST A BREAK?

MS. AMIN: YES.

OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

(BRIEF RECESS WAS TAKEN.)

(LIEUTENANT BIXLER JOINS THE PROCEEDINGS.)

MS. AMIN: WE'RE ALL HERE. BACK ON THE RECORD.

DOES THE DEPARTMENT HAVE ANY BUSINESS TO DISCUSS BEFORE WE CONTINUE WITH THE WITNESS?

SERGEANT SLATER: NO. THE DEPARTMENT SEES THAT THE DEFENSE HAS CALLED A WITNESS. THE DEPARTMENT WOULD LIKE AN OFFER OF PROOF AS TO RELEVANCE AND WHAT HE'S GOING TO TESTIFY TO BEFORE WE BEGIN.

MS. AMIN: OKAY.

MR. SEKI: SO THIS IS LIEUTENANT BIXLER, WHO WAS A SUPERVISOR OF OFFICER WALDEN WHEN HE WAS IN THE GUN UNIT OR G.N.D. RATHER. HE CAN DESCRIBE HIS DUTIES, TRAINING REGARDING SILENCERS OR LACK THEREOF, RECEIVING TECHNICAL BULLETINS. IN ADDITION, HE REVIEWED THE INVESTIGATION. HE WILL TESTIFY THAT NO THREADED BARRELS WERE RECOVERED AS A RESULT OF THE SEARCH WARRANT.

SERGEANT SLATER: THAT'S FINE. THE DEPARTMENT'S FINE WITH THAT.

MS. AMIN: BEFORE WE GO ON, ARE YOU -- IS THE DEPARTMENT RESTING OR DO YOU HAVE --

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: YOU ARE?

MS. STRONG-FARGAS: OH, YOU'RE RESTING?

SERGEANT SLATER: THE DEPARTMENT RESTS.

MS. AMIN: OKAY. ALL RIGHT.

STATE YOUR NAME, PLEASE, AND SPELL IT.

LIEUTENANT BIXLER: ERIC BIXLER, E-R-I-C, B-I-X-L-E-R.

MS. AMIN: OKAY. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE IN THE HEARING BEFORE THE BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

LIEUTENANT BIXLER: YES, I DO.

MS. AMIN: THANK YOU. HAVE A SEAT.

OKAY. MR. SEKI?

LIEUTENANT ERIC BIXLER,
WAS CALLED AS A WITNESS BY THE
ACCUSED, HAVING BEEN FIRST DULY
SWORN, WAS EXAMINED AND TESTIFIED
AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. SIR, LET'S START WITH WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A LIEUTENANT. I'M CURRENTLY ASSIGNED TO GANG AND NARCOTICS DIVISION, THE UNITED STATES MARSHALL'S APPREHENSION TASK FORCE, F.B.I. GANG TASK FORCE, AND THE F.B.I. VIOLENT TRANSNATIONAL ORGANIZED

CRIME TASK FORCE.

Q. HOW LONG HAVE YOU BEEN A MEMBER OF LAPD?

A. 28 YEARS.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. SINCE 2002.

Q. HOW LONG HAVE YOU BEEN TO ASSIGNED TO G.N.D.?

A. FIVE YEARS.

Q. AND WHILE YOU WERE THERE, HAVE YOU SUPERVISED DETECTIVE LUKE WALDEN?

A. YES, I HAVE.

Q. CAN YOU TELL US WHAT HE WAS DOING, WHAT HIS DUTIES WERE AT THE TIME YOU WERE SUPERVISING?

A. IN 2018 UNTIL 2019 HE WAS IN THAT GUN UNIT, AND THEN I MOVED HIM OVER TO MY F.B.I. GANG TASK FORCE IN 2019, 2020, RIGHT IN THERE.

Q. WHEN HE WAS IN THE GUN UNIT, DID HE HAVE SPECIFIC DUTIES?

A. YES.

Q. CAN YOU DESCRIBE THOSE FOR THE BOARD, PLEASE?

A. HIS DUTIES AT THAT TIME WERE GOING THROUGH



[redacted]

Q. WHAT TRAINING, IF ANY, ARE YOU AWARE OF THAT -- WELL, LET ME REPHRASE THIS. ARE YOU AWARE OF DETECTIVE WALDEN HAVING ANY TRAINING RELATED TO SILENCERS OR IDENTIFICATION OF SILENCERS?

A. OFFICIAL TRAINING, NO. JUST ON-THE-JOB TRAINING.

Q. WHAT DO YOU MEAN BY ON-THE-JOB TRAINING?

A. HE WAS -- OUR DETECTIVE III IN CHARGE OF THE UNIT, HE WOULD PROVIDE TRAINING AND GUIDANCE, AS WELL AS OTHER SEASONED DETECTIVES AND INVESTIGATORS.

Q. IN FRONT OF YOU YOU HAVE -- THERE'S -- NOT THAT (INDICATING), BUT THE PAPERWORK IN FRONT OF YOU. YOU HAVE ITEMS THAT ARE MARKED DEPARTMENT'S 2 AND 3. THEY'RE THE A.T.F. TECHNICAL BULLETINS. SO THERE'S ONE AT THE FAR RIGHT AND THEN -- THAT ONE (INDICATING).

A. NO. 2 AND NO. 3 HERE, YES.

Q. ARE YOU FAMILIAR WITH THOSE?

A. I HAVE SEEN THEM, YES.

Q. ARE THOSE ROUTINELY DISTRIBUTED TO MEMBERS OF G.N.D.?

A. WE PULL MOST OF THEM AND REVIEW ALMOST ALL OF THEM AND RECEIVE PROBABLY HUNDREDS OF THEM A YEAR.

Q. AND IS THAT PART OF A REGULAR LAPD TRAINING OR NOT?

A. REGULAR TRAINING, NO. WE JUST HAPPEN TO RESEARCH WHAT'S GOING ON; AND IF IT'S RELEVANT TO WHAT WE'RE DOING AT THE TIME, THEN WE LOOK THEM UP. IF IT'S NOT, THEN WE DON'T.

Q. SO IT'S MORE OF A RESEARCH RESOURCE AS OPPOSED TO MANDATORY TRAINING?

A. CORRECT.

Q. OKAY. AS A LIEUTENANT OF G.N.D., WERE YOU AWARE OF THE INVESTIGATION THAT WAS DONE IN THIS MANNER?

A. YES.

Q. AND HOW IS THAT?

A. WHEN THE INVESTIGATION WAS DONE, I WAS PRESENTED WITH THE WRITTEN INVESTIGATION FROM INTERNAL AFFAIRS. AND I REVIEWED IT TO COMPLETE A LETTER OF TRANSMITTAL, WHICH IS AFTER I SEE THE INVESTIGATION, I RECOMMEND WHAT I WOULD SEE IN THE INVESTIGATION, WHAT THE PENALTY SHOULD BE AND THEN SUBMIT IT TO MY CAPTAIN. BUT IN THIS CASE, ONCE I RECEIVED IT, THERE WAS A BUNCH OF INACCURACIES IN THE INVESTIGATION. SO I KICKED IT BACK TO INTERNAL AFFAIRS, AND THEN IT CAME

BACK. AT ANOTHER TIME IT WAS COMPLETE AND MY CAPTAIN JUST HANDLED IT AT THAT POINT.

Q. BASED UPON YOUR REVIEW OF THE INVESTIGATION, WERE ANY WEAPONS THAT WERE POSSESSED BY DETECTIVE WALDEN, DID THEY HAVE THREADED BARRELS?

A. NO.

Q. THANK YOU.

I HAVE NOTHING ADDITIONAL.

MS. AMIN: JUST FOR THE RECORD, I NOTICE THAT WE HAVE AN ADDITIONAL PERSON OBSERVING. LET'S JUST PUT ON THE RECORD WHO THAT PERSON IS.

MR. PARK: GOOD AFTERNOON. ADVOCATE CITY ATTORNEY HOWARD PARK.

MS. AMIN: NICE TO SEE YOU. THANK YOU.

ALL RIGHT. GO AHEAD, DEPARTMENT. CROSS?

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD AFTERNOON, LIEUTENANT.

A. GOOD AFTERNOON.

Q. I'LL KEEP THIS QUICK. I KNOW YOU HAVE PLACES TO BE.

TO BE CLEAR, DID YOU SAY THAT THE A.T.F. TECHNICAL BULLETINS WERE REVIEWED BY MEMBERS OF THE GUN UNIT?

A. THEY COULD HAVE BEEN.

Q. OKAY.

A. I HAVE SEEN THEM SINCE BECAUSE -- LET'S GO BACK. THE REASON I KNOW ABOUT THESE IS ABOUT 2022, WE STARTED SEEING A LOT OF THE -- SUPPRESSORS STARTED COMING IN THROUGH THE INTERNATIONAL MAIL FACILITY, WHICH IS CUSTOMS AND BORDER PROTECTION. THEY BECAME AWARE OF THOSE AND THEY WOULD SEIZE THOSE. SO THAT'S ABOUT WHEN THEY CAME IN. PRIOR TO THAT WE WERE DOING GLOCK SWITCHES SO THEN WE'D REVIEW THE TECHNICAL BULLETINS AS THINGS BECOME RELEVANT.

ABOUT 2021 IS -- 2022 IS WHEN THE SILENCERS STARTED COMING IN TO THE I.M.F. BEFORE THAT IT WAS GLOCK SWITCHES WERE THE NUMBER ONE THING BECAUSE THEY WERE IN SEVERAL OFFICER-INVOLVED SHOOTINGS WHERE THE SUSPECTS WERE --

THE REPORTER: SIR, YOU HAVE TO SLOW DOWN.

LIEUTENANT BIXLER: OKAY. SORRY.

THE REPORTER: ARE YOU SAYING "GLOCK SWITCHES"?

LIEUTENANT BIXLER: GLOCK SWITCHES. THEY'RE LITTLE SWITCHES YOU PUT IN THE BACK OF ANY STANDARD GLOCK, IT WILL MAKE IT A FULLY AUTOMATIC WEAPON. SO WE WERE DEALING WITH THOSE BECAUSE THERE HAD BEEN SEVERAL OFFICER-INVOLVED SHOOTINGS WHERE THEY SHOT THE

POLICE. SO THAT WAS A PRIORITY WITH US, A.T.F., C.B.P., AND H.S.I. AT THE TIME.

BY SERGEANT SLATER:

Q. BUT TO BE CLEAR, TECHNICAL BULLETINS ARE AVAILABLE AND ARE VIEWED BY MEMBERS OF THE GUN UNIT -- YOU SAID HUNDREDS OF THEM ARE VIEWED. SO AS THEY BECOME AVAILABLE, THEY ARE VIEWABLE.

A. YES.

Q. OKAY. AND THE DATE ON THOSE TECHNICAL BULLETINS?

A. OCTOBER 30TH OF 2019.

Q. WAS THAT THE TIME FRAME WHICH LUKE WALDEN WAS IN THE GUN UNIT?

A. YES.

Q. OKAY. NOW, YOU MENTIONED YOU WERE RESPONSIBLE FOR SUPERVISING LUKE WALDEN IN THE GUN UNIT. WERE ONE OF HIS RESPONSIBILITIES TO IDENTIFY ASSAULT WEAPONS?

A. YES.

Q. AND WAS ONE OF THOSE RESPONSIBILITIES TO IDENTIFY SILENCERS OR, AS THEY'RE COMMONLY KNOWN, SUPPRESSORS, IF THEY WERE PART OF AN ASSAULT WEAPON?

A. YES.

Q. WHAT ON-THE-JOB TRAINING DID MEMBERS OF THE GUN UNIT HAVE TO IDENTIFY SILENCERS AND FIREARMS?

A. AS I SAID BEFORE, WE JUST -- OTHER DETECTIVES WILL TRAIN YOU WHAT WE SAW; AND, BASICALLY, AT THE TIME IT WAS FAIRLY SIMPLE. SOMETIMES THERE IS A -- WHEN YOU HAVE A WEAPON WITH A THREAD BARREL, YOU CAN THREAD ON A SILENCER. AND SOMETIMES IT'S ALSO A BARREL SHROUD BECAUSE A LOT TIMES THEY HAVE BARREL SHROUDS THAT MAKE THEM LOOK NEAT. SO THEY HAVE -- THEY HAVE WHAT LOOKS LIKE A SILENCER, BUT IT'S JUST SOMETHING TO THREAD ON. BUT THERE'S NOTHING THERE TO TRAP THE GASES OR DIMINISH THE SOUND OF A FIREARM REPORT. SO IT'S REALLY A BARREL EXTENDER. AND THEN IF IT HAD BAFFLING OR A MONOLITHIC CORE INSIDE OF IT, THEN THAT WOULD A SUPPRESSOR. SO WE DIDN'T NEED TO GO OFF OF LIKE FEDERAL STANDARDS WHERE IT HAS TO REDUCE BY A CERTAIN DECIBEL AMOUNT. IT WAS JUST A SILENCER OR IT'S NOT.

Q. IF I HEARD YOU CORRECTLY, YOU SAID IF IT HAD A MONOCORE BAFFLE?

A. MONOLITHIC.

Q. MONOLITHIC CORE? WHAT IS A MONOLITHIC CORE?

A. MONOLITHIC CORE IS A PIECE OF METAL INSIDE A SINGLE PIECE OF METAL, AND THAT'S GOING TO HAVE NO TUNNELS FOR GAS AND SOUND TO GO UP THERE, AND THAT WOULD HELP DIMINISH THE REPORT; OR YOU HAVE BAFFLING, WHICH IS LIKE WASHERS OF DIFFERENT SIZES OR A PACKING

OF LIKE FIBERGLASS INSIDE TO HELP ABSORB THE SOUND.

Q. DO YOU SEE A MONOLITHIC CORE ON THAT TABLE?

A. THIS APPEARS TO BE ONE RIGHT HERE ONE OF MY LEFT (INDICATING).

Q. AND WAS THAT SOMETHING THAT LUKE WALDEN WOULD HAVE BEEN FAMILIAR WITH IN HIS TIME IN THE GUN UNIT?

A. 'CAUSE IT'S UP HERE, I THINK IT'S THE SAME ONE I REVIEWED ONCE THIS CASE WAS GOING ON AND I CAME TO LOOK IT, AND THIS IS A SUPPRESSOR.

Q. WOULD IT --

A. IT'S APART RIGHT NOW, BUT TOGETHER IT'S A SUPPRESSOR.

Q. OKAY. AND SO IN YOUR OPINION, THAT'S A SUPPRESSOR?

A. YES, IF YOU PUT IT TOGETHER.

MR. SEKI: IT'S NONRESPONSIVE. HE DIDN'T ANSWER THE QUESTION. THE QUESTION WAS WHETHER OR NOT LUKE WOULD HAVE BEEN AWARE OF THAT, IF YOU KNOW.

LIEUTENANT BIXLER: OH, THAT, I DON'T KNOW.

MS. AMIN: SUSTAINED.

LIEUTENANT BIXLER: AS FAR AS THIS, HE NEVER SAW IT SO HE WOULDN'T KNOW IF IT WAS --

BY SERGEANT SLATER:

Q. LET ME REPHRASE MY QUESTION THEN. WOULD THE

FEATURE OF MONOLITHIC CORE BE SOMETHING THAT LUKE WALDEN WAS FAMILIAR WITH FROM HIS TIME IN THE GUN UNIT?

A. YES.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH, BRIEFLY.

REDIRECT EXAMINATION

BY MR. SEKI:

Q. ONE OF THE THINGS YOU TALKED ABOUT, YOU SAID IN 2022 IS WHEN SILENCERS BECAME A BIGGER ISSUE AT -- AND YOU DESCRIBED THE AIRPORT WITH CUSTOMS, BORDER PATROL, CORRECT?

A. C.B.P. AT THE INTERNATIONAL MAIL FACILITY.

Q. OKAY. AND HOW WOULD ALL BECOME INVOLVED IN THAT OR BE NOTIFIED ABOUT IT?

A. HOW IT WORKS IS C.B.- -- CUSTOMS AND BORDER PROTECTION, THEY'RE THE ONES WHO OPERATE THE INTERNATIONAL MAIL FACILITY. SO ALL MAIL COMES IN THROUGH THERE, WHETHER IT'S PRIVATE, U.P.S., WHATEVER, IT DOESN'T MATTER. IT COMES IN. THEY GO THROUGH -- THE MAIL COMES IN. A CERTAIN PERCENTAGE OF PACKAGES THEY GO THROUGH. THEN WHEN THEY COME ACROSS SOMETHING THEY THINK IS ILLEGAL, LIKE IN THIS CASE, EITHER THE

GLOCK SWITCHES OR THE SILENCERS, THEY WOULD RUN A --

[redacted]

Q. OKAY. YOU ENDED UP -- AND I DON'T HAVE THE YEARS IN MY MIND RIGHT NOW, BUT YOU SAID THAT DETECTIVE WALDEN WORKED IN THE GUN UNIT FROM 2018 TO 2019. AND THEN SOMEWHERE IN 2019 HE WAS MOVED TO THE TASK FORCE.

A. YES. THE F.B.I. GANG TASK FORCE.

Q. OKAY. AND THE F.B.I. TASK FORCE, WHAT WAS THE FOCUS THERE?

A. WE FOCUSED PRIMARILY ON WORK -- THERE'S TWO SECTIONS. CRIMINAL ENTERPRISE 5, WHICH IS WHAT WE DO. AND THAT IS INVESTIGATING THE MEXICAN MAFIA AND THEN

GANGS UNDERNEATH THAT, SUBSET OF THE MEXICAN MAFIA.

Q. SO IN TERMS OF DEALING WITH SILENCERS OR GUNS AT THAT TIME, WOULD HE HAVE DEALT WITH THAT ON A REGULAR BASIS?

A. THEY CARRY FIREARMS AND AMMUNITION SO WE DO IT IN THAT CAPACITY TO GO AFTER THE GANGS. SO WE DON'T DO IT JUST LIKE AN INDIVIDUAL TAKE-DOWN USUALLY. IT'S WE PUT OUR RICO CASE TOGETHER. SO SOMETIMES WE DO INDIVIDUAL CASES WITH FIREARMS, AND THEN WE WOULD USE THOSE, DISMISS THE CASE IN A STATE FILING. AND THEN WE WOULD PUT IT ALL TOGETHER FOR A FEDERAL FILING SO WE COULD DO A RICO ON THEM.

Q. THANK YOU.

NOTHING ADDITIONAL.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. ORTEGA, QUESTIONS?

EXAMINATION

BY MR. ORTEGA:

Q. DID I UNDERSTAND YOU CORRECTLY -- OR MAYBE I NEED YOU TO CLARIFY FOR ME -- I REMEMBER THAT WHEN YOU BEGAN YOUR TESTIMONY, YOU MENTIONED DEFICIENCIES IN THE REPORT THAT YOU SENT BACK TO I THINK INTERNAL

AFFAIRS?

A. YES.

Q. WAS THAT THE INVESTIGATION ON OFFICER -- ON OFFICER BIXBY (SIC) -- OR ON THE DEFENDANT HERE?

A. YES, IT WAS.

Q. OKAY. WHAT WAS THE NATURE OF THE INACCURACIES?

A. I KNOW THAT FOR SURE, 'CAUSE THEY WERE SAYING HE WAS IN POSSESSION OF A BUNCH OF ASSAULT PISTOLS. HE SAID THAT A LOT OF PISTOLS HE POSSESSED HAD THREAD BARRELS ON THEM. BUT THEY WENT AND RAN THEM ONLINE. THEY DIDN'T ACTUALLY -- THEY WEREN'T PERTAINING TO THE FIREARMS HE HAD IN HIS POSSESSION, BECAUSE -- LIKE SO MY PISTOL ON MY SIDE, I CAN ORDER IT FROM A COMPANY IN A DIFFERENT STATE WITH A THREADED BARREL, WHICH IN CALIFORNIA, THAT THREADED BARREL WOULD MAKE IT AN ASSAULT PISTOL. CALIFORNIA, YOU CAN'T BUY THEM HERE. SO EVERYTHING WAS SHIPPED IN THAT WAS PURCHASED WITH A CALIFORNIA-COMPLIANT PISTOL; SO, THEREFORE, THEY WERE NOT ASSAULT PISTOLS. AND THE REPORT -- IN THE REPORT IT SAID THEY WERE ASSAULT PISTOLS, AND THEY WEREN'T. THEY WERE JUST NORMAL PISTOLS. SO THAT WAS A BIG HUGE MISNOMER ON HOW THEY CLASSIFIED THE PISTOLS.

Q. THANK YOU FOR CLARIFYING THAT. I THOUGHT

THAT'S WHAT I HEARD. THANK YOU.

MS. STRONG-FARGAS: THAT WAS MY QUESTION.

EXAMINATION

BY MS. AMIN:

Q. BUT THE ITEMS ON THE DESK THERE TO YOU ARE CLEARLY NOT -- ARE USED FOR A SILENCER?

A. THIS ONE PUT TOGETHER IS A SILENCER, YES.

Q. AND ANY OTHER PURPOSE THAT YOU KNOW OF.

A. NO.

Q. CAN'T BE A FUEL FILTER?

A. THE WAY THIS IS RIGHT HERE, IT WOULD NOT BE. IT'S GOING TO BE JUST A SILENCER.

MS. AMIN: OKAY.

EXAMINATION

BY MR. ORTEGA:

Q. I HAVE -- AND MAYBE YOU'VE ALREADY SAID THIS, BUT AN INDIVIDUAL THAT BELONGS TO THE GUN UNIT FOR LAPD WOULD BE ABLE TO DISCERN THAT, RIGHT?

A. YES.

Q. A SILENCER IF THEY SAW IT?

A. YES.

Q. OKAY.

A. IF THEY SAW IT, YES.

MS. AMIN: OKAY. ANY OTHER QUESTIONS? MR. SEKI?

MR. SEKI: NO.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER.

MS. AMIN: YOU SURE?

SERGEANT SLATER: I'M SURE THIS TIME.

MS. AMIN: ALL RIGHT. THANK YOU VERY MUCH. YOU'RE EXCUSED.

LIEUTENANT BIXLER: THANK YOU.

MR. SEKI: DO YOU NEED PARKING?

LIEUTENANT BIXLER: YES.

MS. AMIN: SO WE'RE GOING TO BREAK FOR LUNCH?

MR. SEKI: WE'LL REST, AND THEN WE CAN TAKE A LUNCH BREAK AND COME BACK AND DO CLOSINGS.

MS. AMIN: SURE. ONE HOUR. BACK AS 1:15. THANK YOU.

(LUNCH RECESS WAS TAKEN FROM 1216 HOURS UNTIL 1316 HOURS.)

MS. AMIN: LOOKS LIKE WE'RE ALL HERE, AND I UNDERSTAND THAT THE DEPARTMENT AND THE DEFENSE HAVE NOW RESTED. READY FOR CLOSING STATEMENTS?

SERGEANT SLATER: YES, MA'AM.

MR. SEKI: YES.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: GOOD AFTERNOON. DETECTIVE WALDEN WOULD HAVE YOU BELIEVE THIS IS A MATTER OF CONVENIENCE. HE WANTS YOU TO BELIEVE THE FACTS THAT ARE CONVENIENT FOR HIM, BUT THERE ARE POINTS I WOULD LIKE TO EMPHASIZE. DETECTIVE WALDEN IS A DEPARTMENT AND COURT-CERTIFIED GUN EXPERT. YET WHEN ASKED BEFORE THIS BOARD, HE CONTINUALLY DOWNPLAYED HIS KNOWLEDGE. THIS WAS REFUTED BY HIS VERY SUPERVISOR, LIEUTENANT BIXLER, WHO EXPLAINED THAT AS A MEMBER OF THE GUN UNIT, DETECTIVE WALDEN HAD RECEIVED ON-THE-JOB TRAINING AND HAD ACCESS TO THE A.T.F. TECHNICAL BULLETINS THAT DESCRIBED THE SPECIFIC FEATURES OF A SILENCER AND HOW A SILENCER WORKS AND ATTACHES TO A FIREARM. LIEUTENANT BIXLER STATED THAT AT THE TIME WALDEN WAS IN THE UNIT, HE WOULD HAVE BEEN FAMILIAR WITH THE DISTINCTIVE MONOCORE FEATURES OF A FIREARM SILENCER, AND THAT THE ITEM RECOVERED EN ROUTE TO WALDEN COULD BE NOTHING BUT A SILENCER.

ADDITIONALLY, WALDEN HAS DOWNPLAYED THE FACT THAT OVER FOUR-PLUS MONTHS, HE WAS VIEWING AND RESEARCHING SILENCERS AS PART OF HIS WORK. AND AS REFERENCED IN BOARD EXHIBIT 1, WE HAVE FROZEN SOME WEB PAGES VIEWED BY DETECTIVE WALDEN. THESE ITEMS CLEARLY DEPICT THE DISTINCTIVE FEATURES THAT LIEUTENANT BIXLER

IDENTIFIED AS PART OF A SILENCER. THE DESCRIPTION ON THE ACTUAL ITEM ORDERED AS INDICATED IN DETECTIVE WALDEN'S PAYPAL IS WORDED EXACTLY AS THE WEB PAGES FROZEN AND VIEWED BY DETECTIVE WALDEN.

ADDITIONALLY, DETECTIVE WALDEN HAS PURCHASED WHAT WAS LABELED AND IDENTIFIED AS A SOLVENT TRAP FUEL FILTER ALSO IDENTIFIED IN THOSE SAME FROZEN WEB PAGES. YOU HEARD FROM CRIMINALIST BIRAIMAH. THE SOLVENT TRAP AND FUEL FILTER ARE NOT INTERCHANGEABLE ITEMS, AND THEY LITERALLY DO THE OPPOSITE ACTIONS.

DETECTIVE WALDEN HAS EMPHASIZED THAT HE HAD AN EXTENSIVE KNOWLEDGE OF REBUILDING FUEL SYSTEMS, AND CERTAINLY SOMEONE WITH THE AMOUNT OF EXPERIENCE WALDEN HAS WHO IS CAPABLE OF REBUILDING THE ENTIRE FUEL LINE AND CHANGING THE ENGINE IN A VEHICLE, WOULD KNOW IF SOMETHING HAD TWO OPPOSING CONTRADICTING WORDS IN ITS TITLE THAT IT PROBABLY WAS NOT WHAT IT WAS MARKETED AS. EVEN IF DETECTIVE WALDEN WANTED TO CONVERT THAT RECOVERED ITEM TO USE IN HIS VEHICLE, WE HAVE HEARD FROM MR. FIELD THAT THERE WERE MULTIPLE -- AND I'M GOING TO GET THREE SPECIFIC REASONS WHY THIS WOULD BE IMPRACTICAL. ONE, THE AMOUNT OF LABOR TO USE THIS ITEM IN A VEHICLE WOULD BE IMPRACTICAL AND IS NOT TIME-EFFICIENT, ESPECIALLY FOR SOMEONE, AS DETECTIVE WALDEN CLAIMED, WHO WAS TOO BUSY TO EVEN SWAP OUT THE

FUEL FILTER WHEN HE RECEIVED IT.

SECONDLY, IT WAS NOT COST-EFFECTIVE TO USE THIS ITEM IN A VEHICLE. THERE WERE SPECIFIC CHANGES THAT WOULD NEED TO BE DONE AND ADDITIONAL ITEMS THAT WOULD NEED TO BE PURCHASED.

LASTLY, AS MR. FIELD POINTED OUT, THE FILTER THAT WALDEN ORDERED LATER IN AUGUST CAME WITH INSTRUCTIONS. HOWEVER, AS THE PROPERTY REPORT IN YOUR EXHIBITS WILL INDICATE, THERE WERE NO INSTRUCTIONS INCLUDED WITH THE INTERCEPTED ITEM THAT MR. WALDEN HAD ORDERED.

DETECTIVE WALDEN HAS TRIED TO MISLEAD BOTH THE INVESTIGATORS IN THIS BOARD BY CLAIMING THAT HE ORDERED THE PART AS A FUEL FILTER FOR HIS VEHICLE. DETECTIVE WALDEN WOULD LIKE TO EMPHASIZE HE REBUILDS CARS AND FUEL SYSTEMS, BUT IS CONVENIENTLY NOT AWARE OF WHAT ITEM HE PURCHASED, DESPITE THE FACT THAT HE VIEWED AN ITEM WITH THE SAME NAME THAT HAD THE SAME DISTINCTIVE FEATURES.

FINALLY, I WOULD LIKE TO EMPHASIZE THAT THIS MATTER WAS PRESENTED CRIMINALLY, AND THAT PRELIMINARY HEARING DETERMINED THERE WAS ENOUGH EVIDENCE TO HOLD WALDEN TO ANSWER, AND THAT ONLY AFTER BEING HELD TO ANSWER AND HIS MOTION TO DISMISS WAS DENIED DID HE THEN PLEA OUT. THANK YOU.

MS. AMIN: MR. SEKI:

MR. SEKI: THANK YOU.

GOOD AFTERNOON. BEFORE I GET INTO OTHER COMMENTS, LET ME JUST MENTION THAT THE LAST PART MENTIONED BY SERGEANT SLATER IS INAPPROPRIATE UNDER THE BOARD OF RIGHTS MANUAL. YOU'RE NOT SUPPOSED TO GIVE CONSIDERATION TO ANY CRIMINAL ASPECT.

AS WE STARTED OFF IN THE BEGINNING, BIASED POLICING. AND YOU HEARD IT TODAY FROM LIEUTENANT BIXLER. THEY WOULD RUN PEOPLE TO DETERMINE WHETHER OR NOT THEY HAD FELONIES; AND IF THEY DID, THERE WOULD BE SOME SORT OF CRIMINAL INVESTIGATION THAT WOULD BE ONGOING. BUT IF THEY HAD NOTHING, WHAT WOULD HAPPEN? H.I.S., CUSTOMS AND BORDER PATROL WOULD SEND A LETTER SAYING "YOU MAY BE DOING SOMETHING WRONG." I CAN RELATE TO THAT. I'VE ACTUALLY HAD A LETTER LIKE THAT. I HAVE A HABIT, NOT A GREAT HABIT, BUT I LOVE CIGARS. I LOVE CUBAN CIGARS. ABOUT 20 YEARS AGO, I FOUND A SITE WHERE I CAN ORDER CUBAN CIGARS FROM HONG KONG. NOW, I HAD ORDERED A NUMBER OF CIGARS WITHOUT ANY PROBLEMS. AND ONE DAY I GET A LETTER OF ALL PLACES TO MY OFFICE, WHICH WAS OPENED BY OUR MAIL PERSON AND WAS FROM U.S. TREASURY SAYING, "YOU MAY BE IN VIOLATION OF THE U.S/CUBAN EMBARGO." OKAY. I'VE BEEN FOUND, BUT I WASN'T A CRIMINAL, AT LEAST I DIDN'T THINK I WAS, AND

I GOT A LETTER.

HERE, WHAT HAPPENED TO HIM WAS COMPLETELY DIFFERENT. IT WAS "WE'RE GOING TO FIND YOU, AND YOU'RE THE BOOGYMAN." AND ONE OF THE OTHER THINGS I TOLD YOU WAS THERE'S BEEN COMPLETE NEGLECT OF THE FACTS IN THIS CASE. LET'S START WITH THIS. DID HE ORDER A SILENCER? THE SHORT ANSWER IS GOING TO BE "YES" BECAUSE THAT'S WHAT IT WAS DETERMINED TO BE, A SILENCER. BUT AS YOU SEE ON GOOGLE, IT'S MARKETED AS EVERYTHING BUT. AND IT'S NOT JUST ONE SITE. THERE ARE PROBABLY THOUSANDS OF SITES. IN THE SHORT TIME THAT WE LOOKED AT IT ONLINE, YOU CAN SEE ALL THE THINGS THAT POPPED UP, "FUEL FILTER," "FUEL FILTER," "FUEL FILTER." WHAT ABOUT THE 12 OTHER FUEL FILTERS THAT WERE CONFISCATED BY CUSTOMS AND BORDER PATROL? YOU DIDN'T HEAR ANYTHING ABOUT THOSE. THEY IDENTIFIED ONE PERSON, LUKE WALDEN; AND THE INVESTIGATION STARTED.

BUT WE HAVE, AGAIN, ABOUT FACTS THAT ARE BEING IGNORED, THEY HAVE ALL OF THESE WEBSITES, AND THEY WANT TO SAY, "OH, HE KNEW EVERYTHING ABOUT IT. HE SHOULD HAVE KNOWN. HE HAD THE KNOWLEDGE." HE HAD THE ABILITY TO KNOW. THE QUESTION IS DID HE TRULY KNOW OR NOT?

HE WAS WORKING ON SOMETHING, A CAR,

REBUILDING IT. I SHOULDN'T EVEN SAY "REBUILDING" IT; CREATING A NEW CAR. TAKING AN OLD ENGINE OUT, PUTTING A NEW ENGINE IN, PUTTING A NEW FUEL TANK, HAVING TO CREATE A FUEL SYSTEM AND LOOKING FOR WHAT'S KNOWN AS A HIGH-FLOW OR HIGH-VOLUME FUEL FILTER. AND, AGAIN, WHEN HE RAN IT AND YOU SAW IT, HIGH-VOLUME OR HIGH-FLOW FUEL FILTER, YOU SEE ALL THE THINGS THAT CAME UP, INCLUDING THIS PARTICULAR ITEM. I THINK A COMMENT WAS, "WELL, MAYBE THIS IS FALSE ADVERTISING." IT IS. BUT THINK ABOUT IT. FACTS. IF HE WAS GOING TO ORDER A SILENCER, WOULDN'T HE HAVE TO HAVE SOMETHING TO PUT IT ON?

NOW, ONE OF THE THINGS THAT THE DEPARTMENT -- AND THEY TALK ABOUT INTEGRITY IN ALL WE SAY AND DO -- DID NOT PRESENT TO YOU WAS THAT THE GUNS THAT HE HAD, NONE OF THEM HAD A THREADED BARREL. THEY WERE TRYING TO GIVE YOU AN ASSUMPTION, TRY TO BAMBOOZLE YOU, THE WAY THIS WHOLE INVESTIGATION HAS BEEN. "OH, YEAH. IT WILL FIT THIS GUN; IT WILL FIT THIS GUN." BUT IT WOULDN'T BECAUSE NONE OF THEM HAD THREADED BARRELS. IN FACT, NO THREADED BARRELS WERE FOUND. AND HAD THEY BEEN, YOU WOULD HAVE KNOWN ABOUT IT. INTEGRITY IN ALL WE SAY AND DO, AND YET THEY TELL YOU THAT? THIS IS COMPLETELY CONTRARY TO WHAT YOU'RE REQUIRED TO DO IN THE BOARD OF RIGHTS MANUAL. 363.70

TALKS ABOUT THE EVIDENCE THAT'S SUFFICIENT. IT SAYS, "EVIDENCE MUST BE REASONABLE IN NATURE, CREDIBLE, AND OF SOLID VALUE." I READ THIS TO YOU AT THE BEGINNING. "INFERENCES BASED ONLY ON MERE POSSIBILITY, SUSPICION, SPECULATION, IMAGINATION, GUESSWORK, SUPPOSITION, CONJECTURE, OR SURMISE MUST BE REJECTED." THEY WANT YOU TO ASSUME, JUST LIKE THEY DID IGNORING THE FACTS. THERE ARE NO GUNS WHICH WOULD ATTACH TO IT. AND THINK ABOUT THIS. IF HE REALLY WANTED TO ORDER A SILENCER AND HE DIDN'T GET THIS ONE, WHY WOULD HE ORDER ANOTHER ONE? HE DIDN'T KNOW THAT HIS PACKAGE HAD BEEN CONFISCATED. REMEMBER, THIS WAS ALL SECRET. HE DIDN'T FIND OUT THAT HE WAS UNDER INVESTIGATION UNTIL SEPTEMBER. HE HAD NO IDEA. AND YET WHAT DOES HE DO? IN AUGUST OF '21 HE ORDERS A FUEL FILTER FROM AMAZON, ONE THAT LOOKS LIKE SOME OF THE FUEL FILTERS IN THE TECHNICAL BULLETINS. BUT THE TESTIMONY WE HEARD TODAY IS "EH, APPEARS TO BE A FUEL FILTER," 'CAUSE IT HAS THESE FITTINGS AND IT HAS A BRACKET AND ALL OF THAT. WELL, HE DECIDED HE WAS GOING TO ORDER IT BECAUSE HE KNEW IF IT DIDN'T COME, HE COULD GET A REFUND. DOES THAT MAKE SENSE?

I GOT YOU TELL YOU, PREPARING FOR THIS CASE, I REALIZED, DECEMBER YOU BUY ALL THESE PRESENTS FOR PEOPLE, I HAD ORDERED AN ITEM. IT WAS LIKE A LITTLE

TRAIN SET. IT WAS SOMETHING THAT WAS KIND OF COOL. IT HAD A TRACK. IT CAN GO ALL AROUND. IN FACT, THE CAR THAT WENT ON IT COULD GO UPSIDE DOWN. I THOUGHT THIS WAS PERFECT FOR MY ASSOCIATE'S KIDS. IT POPPED UP ON MY PHONE ON INSTAGRAM, AND I ORDERED IT. IT SAID I WOULD GET IT BEFORE CHRISTMAS, AND CHRISTMASTIME CAME. AND I DIDN'T THINK MUCH ABOUT IT BECAUSE THERE WERE A COUPLE OF OTHER THINGS THAT I HAD ORDERED THAT I HADN'T RECEIVED. YOU KNOW WHAT, IT'S FEBRUARY 14TH TODAY AND I STILL DON'T HAVE IT. YOU MIGHT SAY TO YOURSELF, WELL, CAN'T YOU LOOK IT UP? I DON'T KNOW HOW. I DON'T EVEN KNOW WHAT SITE I GOT IT FROM. I HAVE DIFFERENT PAY THINGS, PAYPAL, SHOPIFY, SOME OTHER THINGS. I HAVE NO IDEA WHAT ACCOUNT I USED. AND THE EASIEST THING FOR ME TO DO AT THIS POINT IN TIME -- IT'S FEBRUARY, BUT THEY'RE GETTING A DIFFERENT CHRISTMAS PRESENT. IT'S EASY FOR US TO SAY, YEAH, GO BACK, SEE WHERE YOU ORDERED IT FROM, WHATEVER ELSE, ALL OF THIS STUFF. HE DID WHAT MADE SENSE. HE WAS OUT 40 BUCKS. WHAT DID HE DO? HE WENT TO A SITE THAT HE KNEW WAS RELIABLE AND ORDERED SOMETHING THAT HE COULD USE. FACTS. HE WAS WORKING ON CARS. FACTS. YOU HAVE ALL OF THAT IN FRONT OF YOU. SHOWED YOU PICTURES OF ALL THE DIFFERENT VEHICLES HE'S WORKING ON IN DIFFERENT STATES OF DISREPAIR OR REPAIR, WHATEVER

IT MAY BE. BUT THESE ARE THE FACTS. THE FACTS ARE HE ORDERED SOMETHING THAT WAS IDENTIFIED AS A FUEL FILTER. SHOULD HE HAVE KNOWN BETTER? MAYBE. IT'S EASY FOR US TO SAY, YEAH, WE ASSUME THAT HE WOULD HAVE KNOWN ALL OF THAT. BUT, AGAIN, IT'S AN ASSUMPTION. WE DON'T KNOW FOR SURE. AND HE ORDERS WHAT HE BELIEVES IS GOING TO BE A HIGH-FLOW OR A HIGH-VOLUME FUEL FILTER FOR THE FUEL SYSTEM HE IS CREATING WHEN HE'S PUTTING A V-8 ENGINE IN HIS CAR. NEVER GETS IT. HE ORDERS SOMETHING ELSE, WHICH CAN BE USED. YOU HAVE TO ASK YOURSELF, WHY WOULD HE ORDER THAT WHEN HE DIDN'T KNOW THE ORIGINAL PACKAGE HAD BEEN CONFISCATED. HE HAD NEVER BEEN TOLD ABOUT THAT, INSTEAD OF JUST ORDERING ANOTHER ITEM EXACTLY THE SAME IF HE REALLY WANTED A SILENCER. THOSE ARE REALLY THE KEY FACTS TO THIS CASE. THE KEY THINGS THAT THEY IGNORED.

IF YOU THINK ABOUT THE INVESTIGATION, WE HAVE SERGEANT JIZMEJIAN UP HERE. WHAT DID HE TELL YOU WHEN HE HAD ASKED FOR THESE PHOTOGRAPHS OF SOMETHING THAT HAD BEEN PURCHASED? WHAT DID HE DO WITH IT? ABSOLUTELY NOTHING. I MEAN, HE GOT THE TECHNICAL BULLETINS, AND YOU LOOK AT THE TECHNICAL BULLETINS, AND THIS LOOKS SIMILAR TO THE ITEMS THAT ARE IN THERE THAT ARE SUPPOSED TO BE SILENCERS. AND YET HE NEVER PRESENTED THIS TO ANYBODY TO DETERMINE WHETHER OR NOT

IT WAS A SILENCER. HE NEVER CHECKED TO SEE WHETHER OR NOT THERE WERE ANY GUNS THAT HAD THREADED BARRELS. IN FACT, HE WAS THERE DURING THE SEARCH. HE HAD THIS, AND HE COULD HAVE LOOKED FOR THIS OR COULD HAVE LOOKED FOR OTHER ITEMS, BUT HE DIDN'T.

ASSUMPTIONS WERE MADE THROUGHOUT. BECAUSE HE'S A POLICE OFFICER, BECAUSE HE'S IN THE GUN UNIT, HE SHOULD KNOW. AND YET WHERE ARE THE FACTS TO PROVE THAT? WHAT HAVE THEY GIVEN YOU? A LOT OF SPECULATION, A LOT OF THINGS THAT, "OH, YEAH, I GUESS SO. MAYBE." BUT THEY NEVER GAVE YOU PROOF THAT HE VIEWED ANY OF THOSE TECHNICAL BULLETINS OR THAT HE HAD A NEED TO. THE BEST THEY GAVE YOU IS THAT HE ENDED UP VIEWING THESE THINGS. AND WHAT DID HE TELL YOU? I'M HOLDING UP WHAT'S BEEN MARKED AS DEPARTMENT'S -- OR EXCUSE ME -- BOARD 1, THESE PAGES (INDICATING), AND HE VIEWED THEM; BUT WE DON'T KNOW WHAT ELSE WAS AROUND IT OR SURROUNDED IT. WE HAVE THESE SCREENSHOTS.

THE WAY THAT DETECTIVE WALDEN DESCRIBED TO YOU THAT HE DID SEARCHES IS THE WAY THAT MOST OF US DO IT. GET PICTURES. YOU PUNCH ON IT, YOU PUNCH ON IT, YOU PUNCH ON IT. THINGS POP UP. YOU COULD GO DEEPER IF YOU NEED TO; BUT, FOR THE MOST PART, HE'S DOING THAT. WHAT DOES THIS TELL YOU? HE WAS LOOKING FOR A FUEL FILTER. OKAY. THAT'S PROBABLY IT. WE DON'T

HAVE ANYTHING MORE.

THE TECHNICAL BULLETINS THAT YOU WERE GIVEN, AGAIN, A LOT OF ASSUMPTIONS IN HERE, THAT HE SHOULD HAVE SEEN THIS OR SHOULD HAVE KNOWN ABOUT IT, BUT WE HAVE NO PROOF THAT HE DID. BUT ONE OF THE INTERESTING THINGS THAT YOU LEARN FROM ALL OF THIS IS ANYTHING CAN BE A SILENCER, RIGHT? A FRAM OIL FILTER COULD BE RIGGED TO BE A SILENCER. THAT'S SOMETHING YOU SEE IN ALL OF OUR CARS, FUEL FILTERS, UNLESS YOU HAVE A CUSTOM WHERE YOU DON'T NEED IT. BUT, TYPICALLY, AN OIL FILTER, YOU CAN USE A POTATO; YOU CAN USE A PILLOW LIKE THEY DO IN THE MOVIES. ANYTHING CAN BE USED. WE'VE HEARD ABOUT FLASHLIGHTS BEING USED. SO IF SOMEBODY ORDERS A FRAM FILTER AND THEY KNOW THAT IT'S LISTED IN HERE AS SOMETHING THAT CAN BE USED AS A SILENCER AND IT COMES FROM CHINA, DOES THAT NECESSARILY MEAN THEY'RE ORDERING A SILENCER? NO. THEY COULD BE ORDERING A FILTER.

THE INTERNET HAS THINGS SO ACCESSIBLE TO EACH AND EVERY ONE OF US, AND SOMETIMES YOU GET PRODUCTS THAT ARE EXACTLY WHAT THEY'RE SUPPOSED TO BE. SOMETIMES YOU GET THINGS THAT DON'T EVEN FIT. I GOT SOMETHING THE OTHER DAY -- AGAIN, TELLING ABOUT MY SHOPPING HABITS, PROBABLY SHOPPING TOO MUCH. AS MY DAUGHTER WOULD SAY, I'VE GOT A SHOPPING PROBLEM. BUT

I ORDERED THESE THINGS THAT ARE SUPPOSED TO GO AROUND YOUR NECK AND THEY'RE SUPPOSED TO BE LIKE NECK WARMERS. THEY HAVE A HEATING ELEMENT IN THEM. AND I LOOK AT THE PICTURE, AND THERE'S A BATTERY THAT'S SUPPOSED TO BE PART OF IT. AND WHAT I GOT, THERE WAS NO BATTERY. WHEN I TRIED TO FIGURE OUT IF I COULD RETURN THAT, THERE WAS NO RETURN ADDRESS. I DIDN'T KNOW HOW TO GO BACK AND GET -- AND, AGAIN, I DIDN'T ORDER IT FROM AMAZON. I ORDERED IT FROM SOMETHING THAT POPPED UP ON MY INSTAGRAM. AND, AGAIN, I'VE GOT TO STOP DOING THAT BECAUSE I'M ORDERING FROM PLACES THAT THE PRODUCTS EITHER AREN'T COMING OR THEY'RE NOT GOOD. BUT SOMETIMES YOU GET STUFF, AND IT'S NOT WHAT YOU EXPECT IT TO BE. AND UNTIL YOU ACTUALLY GET IT, YOU DON'T KNOW.

DID LUKE WALDEN GET THE ITEM TO EXAMINE IT, TO SEE IT, TO KNOW EXACTLY HOW IT WAS GOING TO WORK OR IF IT WAS GOING TO WORK OR IF HE HAD TO, I DON'T KNOW, FABRICATE SOMETHING TO HELP IT WORK? I MEAN, HE HAS THAT ABILITY? NO, HE DIDN'T EVEN GET THAT.

THE QUESTION CAME UP FROM MR. ORTEGA, "HEY, COULD YOU FABRICATE A SILENCER?" HE'S LIKE, "WELL, IF I LEARNED HOW AND HAD THE RIGHT SPECS, I HAVE THE ABILITY TO PROBABLY DO THAT."

SOMEBODY WHO KNOWS GUNS, WHY WOULD -- AND,

AGAIN, IT'S A LITTLE DIFFERENT. YOU KNOW A GUN. YOU'RE SPENDING MONEY, HUNDREDS, MAYBE EVEN THOUSANDS OF DOLLARS ON BUYING A WEAPON, AND YOU'RE GOING TO GET THIS $40 THING FROM CHINA THAT YOU'RE GOING TO PUT ON AS A, QUOTE, UNQUOTE, "SILENCER"? STRUCTURALLY, YOU DON'T KNOW WHAT IT'S LIKE. YOU DON'T KNOW WHETHER IT'S GOING TO WITHSTAND IT. AND, AGAIN, THE MOST IMPORTANT THING, YOU DON'T EVEN HAVE ANYTHING IT'S GOING TO FIT ON. BUT LET'S SAY YOU DID, WHY WOULD YOU DO THAT? WHY NOT FABRICATE SOMETHING? WHY NOT MAKE IT SO THAT YOU KNOW IT'S GOING TO WORK SO THAT YOU KNOW IT'S GOING TO WORK SO THAT YOU HAVE ALL THE TECHNICAL ASPECTS FOR IT?

COULD HE HAVE BEEN KNOWINGLY ORDERING A SILENCER? THE ANSWER IS "YES." BUT IS THAT EQUALLY PLAUSIBLE THAT HE KNOWINGLY BELIEVED HE WAS ORDERING A FUEL FILTER? AGAIN, LOOKING AT ALL THE FACTS THAT ARE IN FRONT OF YOU, NOT THE ASSUMPTIONS THE DEPARTMENT'S GIVING YOU, BUT THE FACTS; NO GUNS THAT WOULD FIT; NO THREADED BARRELS; THE FACT THAT HE ORDERED A FUEL FILTER; THE FACT THAT HE DIDN'T ORDER ANOTHER, QUOTE, UNQUOTE, SILENCER; THAT HE'S GOT ALL THESE CARS THAT ARE THERE; THAT HE DIDN'T KNOW THAT HIS PACKAGE HAD BEEN CONFISCATED; THAT HE HAD NO KNOWLEDGE THAT HE WAS EVEN THE SUBJECT OF A COMPLAINT UNTIL SEPTEMBER OF

'21; THAT HE GAVE HIS INTERVIEW AND YOU READ HIS INTERVIEW AND LISTENED TO HIS INTERVIEW AND YOU WILL HEAR THE SINCERITY IN HIS VOICE THAT HE DIDN'T KNOW. AND HE WOULDN'T DO THIS AND JEOPARDIZE HIS CAREER FOR SOMETHING HE KNEW WAS ILLEGAL. THOSE ARE THE FACTS, AND THE FACTS LEAD YOU TO ONLY ONE CONCLUSION, THAT HE IS NOT GUILTY OF THE ALLEGATION. THANK YOU.

MS. AMIN: DOES THE DEPARTMENT HAVE A REPLY?

SERGEANT SLATER: THE DEPARTMENT HAS A QUICK REPLY.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: MR. SEKI IS EMPHASIZING THAT THIS IS A CASE BUILT ON ASSUMPTIONS. BUT THIS IS NOT A CASE BUILT ON ASSUMPTIONS. THIS HAS FAR MORE THAN ASSUMPTIONS. WE HAVE DEMONSTRATED FACTS THROUGHOUT THIS CASE. THOUGH MR. WALDEN HIMSELF DENIES KNOWING WHAT A FIREARM IS, HE ADMITS HE WAS A FIREARMS EXPERT. HE ADMITS HE KNEW HOW SILENCERS WORK AND HAD HAD AT LEAST SOME TRAINING IN SILENCERS AND CONTINUED TO RESEARCH THE TOPIC. HIS OWN SUPERVISOR CAME IN AND SAID THE MEMBERS OF HIS UNIT WOULD KNOW AND HAD RECEIVED TRAINING. THAT IS NOT AN ASSUMPTION. THAT IS THE HEAD OF THE UNIT COMING IN AND SAYING THIS IS WHAT THAT UNIT KNEW AND WHAT THEY WERE EXPECTED TO KNOW TO DO THEIR DUTIES AND THEIR JOBS. YOU DON'T

WANDER INTO THAT UNIT. YOU'RE SELECTED AND YOU'RE SUPPOSED TO KNOW AND YOU'RE EXPECTED TO KNOW WHAT YOUR DUTIES ARE.

HOW IS IT PLAUSIBLE THAT SOMEONE WITH THE LEVEL OF KNOWLEDGE DEMONSTRATED BY MR. WALDEN WOULD NOT KNOW WHAT A MONOCORE BAFFLING IS WHEN IT WAS EMPHASIZED THROUGH FACTUAL EVIDENCE AND THROUGH THE TESTIMONY OF MULTIPLE EXPERTS THAT IT ONLY HAS A SINGLE USE AS A SILENCER. THAT IS NOT AN ASSUMPTION. THAT IS A FACT, A FACT THAT MR. WALDEN IN THE GUN UNIT WAS TRAINED ON AND WAS EXPERIENCED ON AS TESTIFIED BY HIS COMMAND, BY HIS RATINGS, AND BY HIS EXPERIENCES TESTIFYING AS AN EXPERT.

MR. SEKI HAS EMPHASIZED THAT THIS IS A CASE OF BIASED POLICING. THAT IS A MISINTERPRETATION OF THE FACTS. POLICE OFFICERS ARE HELD TO THE HIGHEST STANDARD. WALDEN HIMSELF HAS TESTIFIED THAT HE TOOK AN OATH TO UPHOLD THE CONSTITUTION OF THIS NATION AND THIS STATE. AND AS A LAW ENFORCEMENT OFFICER, THERE IS A CODE OF ETHICS THAT WE ALL MUST ABIDE BY. AND PART OF THAT IS -- AND I'M GOING TO QUOTE HERE, QUOTE, "I WILL BE EXEMPLARY IN OBEYING THE LAWS OF THE LAND AND THE REGULATIONS OF MY DEPARTMENT," END QUOTE.

YES, SOME PEOPLE WHO ORDERED THESE ITEMS RECEIVED A LETTER. MR. WALDEN DID NOT RECEIVE A

LETTER. MR. WALDEN IS A LAW ENFORCEMENT OFFICER WITH KNOWLEDGE, TRAINING, AND EXPERIENCE AND HELD TO THE HIGHEST STANDARD THAT SOCIETY EXPECTS OF OUR CITIZENS. SOCIETY DOES NOT WANT TO HEAR AND DOES NOT DESERVE TO BE TOLD THAT LAW ENFORCEMENT OFFICERS ARE USING THEIR POSITION TO CIRCUMVENT THE LAW AND USING THEIR KNOWLEDGE TO ATTEMPT TO GET AROUND THE STOP MEASURES IN PLACE.

FINALLY, MR. SEKI HAS EMPHASIZED REPEATEDLY THROUGHOUT THIS TESTIMONY THAT THERE ARE NO THREADED BARRELS RECOVERED. THE COUNT IS NOT THAT HE ATTACHED A SILENCER TO A THREADED BARREL. THE COUNT IS NOT THAT HE HAD A THREADED BARREL. BUT IT IS IMPORTANT TO EMPHASIZE THAT MR. WALDEN WAS RESEARCHING THREADED BARRELS THAT WOULD HAVE BEEN COMPATIBLE WITH THIS ITEM THAT MR. SEKI HAS ADMITTED IS A SILENCER.

THANK YOU. NO FURTHER.

MS. AMIN: ALL RIGHT. THE BOARD WILL NOW DELIBERATE, AND WE'LL GO OFF THE RECORD.

(BOARD DELIBERATES.)

MS. AMIN: LOOKS LIKE WE'RE ALL HERE. LET'S GO BACK ON THE RECORD.

SERGEANT SLATER: MA'AM, BEFORE WE PROCEED, A QUICK MATTER OF BUSINESS.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: REGARDING THE IMAGES WE HAD SCREEN-SHOTTED, I JUST WANTED TO OFFICIALLY GET THEM MARKED AND ENTERED.

MS. AMIN: OKAY. IS THAT MR. SEKI'S PICTURES?

MR. SEKI: YES.

SERGEANT SLATER: YES.

MR. SEKI: THANK YOU.

MS. AMIN: ARE THEY GOING TO BE ACCUSED EXHIBITS?

MR. SEKI: I GUESS SO WE'LL MAKE IT "D" AND "E," PLEASE.

MR. SLATER: SO FOR "D" WE'LL DO THE --

MR. SEKI: BLUE SCREEN?

SERGEANT SLATER: YOU WANT TO DO THIS ONE?

MR. SEKI: THAT ONE IS "D." THANK YOU.

SERGEANT SLATER: OKAY. THE OTHER ONE IS "E."

MR. SEKI: THANK YOU.

SERGEANT SLATER: COPY OF "D," MA'AM.

MR. ORTEGA: THANK YOU.

MS. STRONG-FARGAS: THANK YOU. AND LIKEWISE "E."

MR. ORTEGA: THANK YOU.

(ACCUSED'S EXHIBITS D AND E
WERE MARKED FOR IDENTIFICATION AND
ENTERED INTO EVIDENCE.)

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS,

INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE

USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE

FINDINGS PHASE OF THIS BOR CASE.

IS THIS DEPARTMENT READY WITH THE EMPLOYMENT PACKAGE TO CONTINUE WITH THE PENALTY PHASE?

SERGEANT SLATER: THE DEPARTMENT IS READY. I JUST NEED A MOMENT TO GRAB THOSE ITEMS.

MS. AMIN: OKAY.

(SERGEANT SLATER RETRIEVES PACKAGES.)

SERGEANT SLATER: FOR THE RECORD, THE DEPARTMENT IS PROVIDING ONE PERSONNEL PACKAGE, THREE DIVISIONAL PERSONNEL PACKAGES, AND A COPY FOR EACH BOARD MEMBER OF DETECTIVE WALDEN'S COMMENDATIONS AND HIS REDACTED COMPLAINT HISTORY.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: STARTING IN THE MIDDLE.

MS. AMIN: THANKS.

(BOARD REVIEWS PACKAGES.)

MS. AMIN: DID SOMEBODY COUNT ALL OF THESE (INDICATING)?

MR. SEKI: YES.

MS. AMIN: OKAY. WHAT DO YOU HAVE?

MR. SEKI: 155.

SERGEANT SLATER: AND THE DEPARTMENT STIPULATES TO THAT.

MS. AMIN: WHICH IS INCLUDING MINOR FROM BUREAU, OTHER --

MR. ORTEGA: THESE ARE ALL COMMENDATIONS?

MR. SEKI: CORRECT.

MS. AMIN: YEAH. CITIZEN BUSINESS, AREA, AND TWO MAJOR --

MR. SEKI: YES.

MS. AMIN: -- FROM THE DEPARTMENT.

IS THERE ANYTHING, DETECTIVE WALDEN, THAT YOU WANT TO DRAW OUR ATTENTION TO SPECIFICALLY IN YOUR LENGTHY RECORD HERE?

DETECTIVE WALDEN: I GUESS THE MAJORS. MERITORIOUS SERVICE AWARD AND --

MS. AMIN: THE STAR?

DETECTIVE WALDEN: AND A POLICE STAR.

MS. AMIN: IS THAT THE POLICE STAR?

DETECTIVE WALDEN: YES, MA'AM. WE SAVED A GUY FROM BEING SHOT TO DEATH, AND WE PULLED HIM OUT OF THE LINE OF FIRE BECAUSE HE HAD BEEN SHOT ABOUT EIGHT TIMES. AND I COVERED ALL THE GUYS WITH MY RIFLE AS THEY PULLED HIM TO SAFETY.

MS. AMIN: OKAY.

MR. ORTEGA: IF THERE WERE ANY PREVIOUS BOARDS, WOULD THAT INFORMATION BE ON HERE?

MR. SEKI: HE HAS NO OTHER -- HE HAS THE ONE SUSTAINED COMPLAINT ONLY, WHICH IS FOR THE TRAFFIC. THAT'S IT.

MR. ORTEGA: YEAH, I GOT THAT.

MR. SEKI: THAT'S IT.

MS. STRONG-FARGAS: JUST LOOKING AT YOUR WORK IN NARCOTICS AND IT'S VERY GOOD, VERY GOOD.

DETECTIVE WALDEN: THANK YOU, MA'AM.

MS. STRONG-FARGAS: THANK YOU.

DETECTIVE WALDEN: IT WAS A PLEASURE. I REALLY LIKED WORKING WITH THE CITY ATTORNEYS IN THE ABATEMENT OFFICE. THAT WAS THE MOST EFFECTIVE JOB THAT I'VE HAD. I'VE WORKED GANGS. I'VE WORKED UNDERCOVER. BUT WORKING ABATEMENTS WITH THE CITY ATTORNEY, YOU CAN ACTUALLY DO SOMETHING FOR QUALITY OF LIFE WITH THE PEOPLE THAT LIVE IN THAT NEIGHBORHOOD. I MEAN, WE HAD A CASE WHERE AN ELDERLY WOMAN WAS BEING TAKEN ADVANTAGE OF BY HER FAMILY MEMBERS, AND THEY WERE STEALING HER CHECKS. AND SHE WAS EMACIATED. SHE DIDN'T HAVE FOOD. WE ULTIMATELY DID THE INVESTIGATION AND MADE THE ARREST. AND WITH THAT, THE CITY ATTORNEY WAS ABLE TO SEIZE THE RESIDENCE, SELL IT, AND TAKE THE MONEY THAT THEY MADE FROM THE SALE OF THE HOUSE AND PUT HER IN ASSISTED LIVING. SO WE DID A LOT OF THAT WITHIN THE COMMUNITY AS FAR AS DEALING WITH PROBLEM LOCATIONS WITH THE CITY ATTORNEY. I DID THAT FOR SEVEN YEARS. YEAH. IT WAS A GOOD JOB.

MS. STRONG-FARGAS: GOOD JOB.

DETECTIVE WALDEN: THANK YOU.

MS. AMIN: CAN I JUST POINT OUT THE LAST MINOR COMMENDATION ON THE LAST PAGE, IT SAYS "1967."

MR. SEKI: HE WASN'T BORN.

MS. AMIN: I DON'T THINK THAT'S RIGHT.

DETECTIVE WALDEN: TIME MACHINE.

SERGEANT SLATER: FROM TIME TO TIME THE DEPARTMENT HAS BEEN KNOWN TO MAKE AN ENTRY INCORRECTLY.

MS. AMIN: OKAY. ALL RIGHT. AND WE HAVE FINISHED REVIEWING PACKAGES AND RETURNING BOTH DIVISIONAL AND ALL THE STUFF. EVERYTHING BACK.

SERGEANT SLATER: THANK YOU.

MR. ORTEGA: DOES THAT GO BACK TO YOU?

SERGEANT SLATER: THEY'RE COPIES.

MR. ORTEGA: OKAY.

SERGEANT SLATER: SO WE DON'T NEED TO TAKE THEM, BUT WE CAN TAKE THEM.

MR. ORTEGA: OKAY.

MS. AMIN: ALL RIGHT. DO YOU INTEND TO CALL ANY WITNESSES?

SERGEANT SLATER: THE DEPARTMENT DOES HAVE A RISK MANAGER, BUT THEY ARE NOT AVAILABLE UNTIL TOMORROW.

MS. AMIN: OKAY.

MR. SEKI: AND WE HAVE ABOUT SIX WITNESSES. THREE WOULD BE TELEPHONIC. I HADN'T ANTICIPATED THEM YET, BUT I CAN TRY AND REACH OUT IF YOU CAN GIVE ME A MOMENT AND SEE IF WE CAN --

MS. AMIN: IT'S UP TO YOU IF YOU WANT TO DO IT NOW. IT'S FINE.

MR. SEKI: OR WE CAN DO IT TOMORROW. TOMORROW -- IF WE CAN GO OFF THE RECORD.

MS. AMIN: LET'S GO OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

(BRIEF RECESS TAKEN.)

MS. AMIN: LET'S GO BACK ON THE RECORD.

WE'RE READY TO HEAR FROM CHARACTER WITNESSES, MR. SEKI.

MR. SEKI: WE HAVE THREE CHARACTER WITNESSES. I'M GOING TO CALL RETIRED DETECTIVE JAMES MCSORLEY FIRST.

(TELEPHONIC WITNESS.)

MR. SEKI: HEY, SIR. BILL SEKI HERE.

MR. MCSORLEY: YES, SIR.

MR. SEKI: OKAY. I HAVE YOU ON SPEAKERPHONE IN THE BOARDROOM. LET ME GO AROUND ROOM SO YOU KNOW WHO'S HERE. WE HAVE OUR CIVILIAN BOARD. THE CHAIRPERSON IS MS. AMIN; WE HAVE PASTOR STRONG; AND WE HAVE MR. ORTEGA. REPRESENTED BY THE DEPARTMENT, WE

HAVE SERGEANT SLATER. WE HAVE A COURT REPORTER HERE. SO YOU'RE GOING TO HAVE TO GO SLOW. BE CLEAR. AND ALSO DETECTIVE WALDEN IS PRESENT.

AND BEFORE YOU TESTIFY, MS. AMIN IS GOING TO SWEAR YOU IN, SIR.

MR. MCSORLEY: YES, SIR.

MS. AMIN: CAN YOU GIVE US YOUR FULL NAME AND SPELL IT, PLEASE?

MR. MCSORLEY: MY NAME IS JAMES MCSORLEY, J-A-M-E-S, M-C-S-O-R-L-E-Y.

MS. AMIN: ALL RIGHT. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. MCSORLEY: I DO.

MS. AMIN: THANK YOU FOR THAT, AND THANK YOU FOR PARTICIPATING TODAY.

SO WE'LL TURN YOU OVER TO MR. SEKI.

MR. JAMES MCSORLEY,

WAS CALLED AS A CHARACTER WITNESS

BY THE ACCUSED, HAVING BEEN FIRST

DULY SWORN, WAS EXAMINED AND TESTIFIED

AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. THANK YOU, SIR. BILL SEKI AGAIN.

LET'S START OUT WITH THIS. ARE YOU CURRENTLY EMPLOYED?

A. I AM, SIR.

Q. WHAT DO YOU DO?

A. I JUST STARTED THIS WEEK WITH THE EL SEGUNDO POLICE DEPARTMENT AS A LATERAL AFTER 25 YEARS OF SERVICE WITH THE LOS ANGELES POLICE DEPARTMENT.

Q. WHEN DID YOU LEAVE LAPD?

A. ON FEBRUARY 1ST.

Q. WHAT WAS YOUR RANK AND ASSIGNMENT WHEN YOU LEFT LAPD?

A. I WAS A DETECTIVE II SUPERVISOR IN THE GANG AND NARCOTICS DIVISION GUN UNIT.

Q. AND YOU SAID THAT YOU HAD WORKED FOR 25 YEARS IN LAPD?

A. I HAVE, WITH PREVIOUS SERVICE IN THE NEW YORK CITY POLICE DEPARTMENT, AS WELL.

Q. OKAY. HOW MUCH TIME TOTAL IN LAW ENFORCEMENT THEN?

A. I'VE BEEN DOING THAT THREE DECADES NOW AND GROWING.

Q. THANK YOU, SIR. APPRECIATE THAT.

HOW LONG HAVE YOU BEEN A SUPERVISOR OR WERE YOU A SUPERVISOR IN LAPD?

A. I BECAME A SUPERVISOR IN -- I WOULD SAY IN 2012. SOMEWHERE IN THAT VICINITY. IT'S BEEN SO LONG AND SO MUCH FUN, I LOSE TRACK.

Q. AND THEN HOW LONG WERE YOU IN G.N.D.?

A. I WAS THERE FROM -- I LANDED THERE IN ABOUT 2015.

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU HAVE AN OPPORTUNITY TO COME TO WORK WITH OR KNOW LUKE WALDEN?

A. I DID.

Q. AND CAN YOU EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM?

A. WHEN I FIRST ARRIVED AT G.N.D., I WAS ASSIGNED TO THE NARCOTICS ABATEMENT UNIT WHERE I WAS CO-SUPERVISORS WITH LUKE.

Q. OKAY. AND TELL US ABOUT YOUR OBSERVATIONS OF LUKE AS A CO-WORKER, AS A SUPERVISOR, ET CETERA?

A. WELL, COMING TO A DIVISION WHERE I PRETTY MUCH KNEW NO ONE, IT WAS LIKE A BREATH OF FRESH AIR BEING PARTNERED UP WITH LUKE AND BEING IN A TIGHT UNIT WITH HIM. HE WAS ONE OF THE MOST FORTHCOMING, HELPFUL, ENERGETIC, AND FUN PEOPLE TO BE AROUND AND TOOK ME UNDER HIS WING AND SHOWED ME WHAT G.N.D. WAS

ABOUT AND WHAT THE UNIT WAS ABOUT AND JUST WAS EXTREMELY HELPFUL IN EVERY AREA POSSIBLE OFF DUTY AND ON DUTY. I CONSIDERED HIM -- WE INSTANTLY BECAME FRIENDS. I WAS AN ADMIRER OF HIM AND JUST A HUGE FAN. HE WAS VERY HELPFUL OF MAKING A SMOOTH TRANSITION COMING FROM ONE DIVISION TO ANOTHER.

Q. SO YOU TALKED ABOUT SOME OF THE THINGS. LET ME SEE IF I CAN GET MORE SPECIFIC. AS A SUPERVISOR -- HE WAS A SUPERVISOR AT THAT UNIT. HOW WAS HE AS A SUPERVISOR?

A. HE LED BY EXAMPLE. HE WAS A TRUE LEADER IN TRYING TO HELP OTHERS IN EVERY WAY POSSIBLE. AND BY -- AND IN OTHER WAYS OF SHOWING IF HE SCREWED UP IN SOME AREAS, HE WAS THE FIRST ONE TO OWN UP AND, YOU KNOW, REPENT FOR HIS SINS OR WHATEVER THINGS THAT WENT WRONG. HE WAS THE FIRST ONE TO SAY "I SCREWED UP" AND THIS IS HOW -- "IT WON'T HAPPEN AGAIN AND THIS IS WHAT I'LL DO TO CORRECT THAT IN THE FUTURE." SO IT WAS A VERY INSPIRING TO SEE. AND, YEAH, I'LL USE THAT IN MY METHODOLOGY, IN MY MINDSET OF TRYING TO LEAD OTHERS, AS WELL, INSTEAD OF JUST PUTTING EGO ASIDE AND JUST SAYING, "HEY, WE COULD HAVE DONE THIS BETTER. THAT'S MY FAULT." AND, "YEAH, LET'S BECOME BETTER BY, YOU KNOW, JUST EMBRACING OUR FAILURES AND MAKING OURSELVES STRONGER."

SO JUST VERY REFRESHING AND HUMBLING AND INSPIRING AT THE SAME TIME. SO, YEAH, I THINK IT JUST RAISED EVERYONE ELSE TO A NEW LEVEL.

Q. AND YOU KIND OF TOUCHED ON THIS, BUT MAYBE YOU CAN BE A LITTLE MORE SPECIFIC. HOW WAS HE RECEIVED BY HIS SUBORDINATES?

A. BY SUBORDINATES? REALLY WELL, BECAUSE WHEN YOU'RE WORKING WITH SOMEONE, AROUND SOMEONE THAT'S FREE OF HUBRIS AND FILLED WITH GOOD HUMOR AND GOOD NATURE AND JUST REALLY GOOD QUALITIES THAT YOU WANT TO ASPIRE TO YOURSELF, IT KIND OF BECOMES CONTAGIOUS. AND IT ENABLED EVERYONE TO WORK FREELY AND RAISE MORALE AND MADE WORK -- COMING TO WORK SOMETHING THAT YOU REALLY LOOKED FORWARD TO INSTEAD OF SOMETHING THAT WAS NOT LOOKING FORWARD TO. SO IT WAS ALMOST, YOU KNOW, TO THAT POINT WHERE YOU -- WHEN YOU WERE OFF DUTY, YOU WISH YOU WERE ON DUTY. IT WAS SO MUCH FUN AND YOU GOT SO MUCH WORK DONE AND YOU WERE EFFICIENT AND HAPPY. SO IT WAS REALLY A POSITIVE WORKPLACE. WHEN HE WASN'T AROUND, YOU COULD FEEL THE ENERGY GO DOWN. WHEN HE WAS AROUND, THE ENERGY WENT UP.

Q. GREAT. THANK YOU SO MUCH FOR THAT.

YOU KNOW, WE'RE HERE IN THIS BOARD OF RIGHTS. HE WAS CHARGED WITH ATTEMPTING TO POSSESS A SILENCER. HE WAS FOUND GUILTY BY THE BOARD. KNOWING

THAT, DOES THAT IN ANY WAY CHANGE ANY OF YOUR VIEWS OR OPINIONS OF HIM?

A. NOT AT ALL. NOT AT ALL. WE ALL MAKE MISTAKES, AND I THINK -- MISTAKES ARE ALMOST LIKE A -- AND I KNOW IT'S LUKE'S MINDSET -- THEY'RE ALMOST LIKE GIFTS IN DISGUISE. THEY'RE GOING TO MAKE US BETTER FOR IT. AND BY SOMEONE HAVING A MISTAKE AND STAYING ON THE JOB, THEY CAN BE -- THEY CAN WARN OTHERS, AND THEY CAN JUST BE A FORCE MULTIPLIER, WHAT NOT TO DO OR HOW TO HANDLE YOUR FAILURES OR PERCEIVED FAILURES AND MISTAKES, AND WE NEED THAT. WE NEED PEOPLE TO SHOW THAT THINGS COULD GO WRONG AND YOU CAN COME OUT BETTER FOR IT AND SHOW OTHERS HOW TO PERSEVERE AND PUSH THROUGH THOSE HARDSHIPS.

SO I THINK IT'S A GOOD THING WHEN WE FAIL. IT'S TOUGH GOING THROUGH IT, BUT WE BECOME BETTER FOR IT AND WE CAN BE A GOOD EXAMPLE ON HOW TO HANDLE THAT IN THE FUTURE. SO I HAVE NO MISGIVINGS OR NO RESOLUTIONS (SIC) WITH SHOWING SOMEONE LIKE LUKE COMING BACK ON THE JOB AND MEETING OTHERS. I THINK IT WILL BE BETTER FOR EVERYONE, BETTER FOR HIM. AND NO PROBLEMS WHATSOEVER. AND DOING THESE TYPE OF THINGS, CHARACTER REFERENCES, I DON'T TAKE IT LIGHTLY. I DON'T DO IT FOR EVERYONE. THERE'S ONLY A FEW SELECT PEOPLE ON THIS JOB THAT I CALL FRIENDS. AND MY

FRIENDSHIP, TO EARN THAT TITLE, IS VERY HARD FOR ME TO CALL SOMEONE A FRIEND. THEY HAVE TO -- EVERYONE ELSE ARE ASSOCIATES AND THERE'S NOTHING WRONG WITH THAT, BUT IN ORDER TO EARN THE TITLE OF FRIENDSHIP, YOU HAVE TO JUMP THROUGH A LOT OF HOOPS AND YOU HAVE TO GO THROUGH RESISTANCE. SO BY THAT, I MEAN, YOU HAVE TO EARN THAT. IT'S JUST NOT GIVEN OUT. AND LUKE HAS ACHIEVED THAT. I CONSIDER HIM A BROTHER. AND HE -- WHEN I WAS GOING THROUGH A DIVORCE ON THE JOB AND A HARD TIME, HE WAS THERE FOR ME. HE WAS ABLE TO GET ME THROUGH THAT BY GIVING ME GREAT ADVICE AND BEING A FANTASTIC LEADER AND JUST BEING FRIENDS WITH SOMEONE THAT MAYBE WASN'T SO POPULAR AND FRIENDS HAS REALLY EARNED THAT I THINK THROUGH RESISTANCE, YOU KNOW, BY OVERCOMING SOMETHING. IT'S LIKE YOU'RE NOT A DOCTOR OR A HOMICIDE DETECTIVE AND SO YOU WENT TO TRIAL AND SOLVED A CASE AND WENT THROUGH -- JUMPED THROUGH ALL THESE HOOPS WHERE YOU SAVED THAT PERSON ON THE OPERATING TABLE, AND THEN YOU REALLY EARNED THAT TITLE OF HOMICIDE DETECTIVE, OF FRIEND, OF DOCTOR. SO LUKE HAS EARNED THAT TITLE, YOU KNOW, THAT I'VE BESTOWED UPON HIM OF FRIEND AND BROTHER. AND JUST BECAUSE HE MADE THAT MISTAKE, IT WILL NEVER BE TAKEN AWAY FROM HIM. I THINK IT'S GOING TO MAKE HIM A BETTER PERSON, A BETTER SUPERVISOR, A BETTER COP, A BETTER PERSON

OVERALL. AND I HAVE NO MISGIVINGS ABOUT THAT WHATSOEVER.

Q. THANK YOU VERY MUCH FOR SHARING ALL THIS.

ONE OF THE THINGS I KIND OF CUT OFF ON, YOU SAID YOU WERE LATERALLING OVER TO EL SEGUNDO. ARE YOU STILL IN A SUPERVISORY POSITION OR --

A. NO, NO. I'M STARTING BACK -- STARTING BACK AT THE BOTTOM. AND IT'S NOT REALLY THE BOTTOM. JUST THE BEGINNING, I SHOULD SAY. SO GOING BACK TO THE ROOTS OF BEING A -- WHAT I CAME ON THE JOB TO BE POLICEMAN AND INTERACT WITH COMMUNITY AGAIN AT THE BEST LEVEL I THINK. YOU KNOW, THAT 911, THAT FIRST -- THAT FIRST CALL, THAT FIRST INTERACTION WITH LAW ENFORCEMENT SHOULD BE SUPER IMPORTANT NOWADAYS. SO --

Q. GREAT.

A. -- THAT'S WHERE I'M AT.

Q. THANK YOU SO MUCH.

SO I'M DONE WITH MY QUESTIONS FOR YOU. SERGEANT SLATER MAY HAVE QUESTIONS AND THE BOARD MAY HAVE QUESTIONS. SO PLEASE HANG ON.

A. YES, SIR.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. OFFICERS MCSORLEY, AM I PRONOUNCING THAT

CORRECT?

A. YES, SIR.

Q. CAN YOU HEAR ME?

A. YEAH, I CAN HEAR YOU A LITTLE -- SOUNDS A LITTLE DISTANCE, BUT I CAN HEAR YOU.

Q. CAN YOU HEAR ME BETTER HERE?

A. A LITTLE BIT BETTER.

Q. ALL RIGHT. YOU MENTIONED ONE OF THE ATTRIBUTES YOU ADMIRED ABOUT DETECTIVE WALDEN WAS THAT HE TAKES ACCOUNTABILITY FOR HIS ACTIONS; IS THAT CORRECT?

A. YES, SIR.

Q. ALL RIGHT. ARE YOU AWARE THAT PRIOR TO THIS PROCEEDING, HE HAD A CRIMINAL MATTER RELATED TO THIS CHARGE?

A. YES.

Q. AND ARE YOU AWARE THAT HE TOOK A PLEA IN THAT MATTER?

A. YES.

Q. DOES THAT RAISE CONCERNS AS A DEPARTMENT SUPERVISOR ABOUT HIS CAPABILITIES AS AN OFFICER?

A. NO. I MEAN, IT SHOWS OWNERSHIP THAT HE'S WILLING TO STEP FORTH AND ACCEPT RESPONSIBILITIES FOR HIS MISTAKES AND, YOU KNOW, THROUGH YOUR MERCY UPON THE COURT OF WHATEVER THEY SENTENCE HIM WITH THAT WAS

GOING TO BE HIS FATE. SO I'M ALL ABOUT OWNERSHIP AND REDEMPTION AND OVERCOMING OBSTACLES. SO, NO, I HAVE NO RESERVATIONS WITH THAT. I THINK IT'S APPLAUDABLE.

Q. OKAY. NOW, WHEN HE GOT IN FRONT OF THIS BOARD, WHEN ASKED WHY HE TOOK A PLEA, HE STATED THAT HE TOOK A PLEA BECAUSE HE COULD NOT FACE THE LEGAL FEES AND HE DENIED THE ALLEGATIONS BEFORE HIM IN FRONT OF THIS BOARD. DOES THAT DEMONSTRATE TAKING OWNERSHIP OF HIS ACTIONS?

A. YOU KNOW WHAT, I THINK AS YOU GO THROUGH THESE LEGAL PROCEEDINGS, THE MINDSET IS YOU CAN GET CLOUDED AT TIMES. I'VE KNOWN SEVERAL GUYS THAT HAVE BEEN THROUGH THESE PROCEEDINGS. AND IT TAKES A TOLL IN YOUR MIND OF -- YOU KNOW, YOU CAN GO THROUGH A WIDE RANGE OF EMOTIONS THAT CHANGE MANY TIMES THROUGH THE PROCESS OF OWNING UP TO IT, OF WANTING TO GET IT OVER WITH AND TO EVERYTHING ELSE IN BETWEEN. SO AT THAT TIME THAT MIGHT HAVE BEEN HIS MINDSET, AND I KNOW IT'S PROBABLY CHANGED MANY DIFFERENT TIMES. IT'S KIND OF LIKE BEING IN A MARRIAGE. FIRST YOU FALL IN LOVE, THEN YOU FALL OUT OF IT, THEN YOU GO BACK AND FORTH. SO IT'S A PART OF THE PROCESS. AND I THINK, YOU KNOW, THOSE THINGS WILL CHANGE IN THE FUTURE AS THEY DO RIGHT NOW IN THE PRESENT.

SO I UNDERSTAND. AT THE TIME IT MIGHT NOT

BE WHAT SOMEONE WANTS TO HEAR, BUT, YOU KNOW, IT'S AN IMPERFECT SYSTEM AND THE MIND AND EVERYTHING ELSE, IT'S VERY FRAGILE. AND THE DISCIPLINARY PROCESS TAKES ITS TOLL ON PEOPLE IN VERY DIFFERENT WAYS. SO I UNDERSTAND BOTH SIDES OF THE COIN.

Q. BUT MY QUESTION TO YOU, SIR, WAS DOES THAT DEMONSTRATE TAKING ACCOUNTABILITY FOR HIS ACTION, TELLING THE BOARD THAT HE DID NOT COMMIT IT AFTER PLEADING GUILTY IN COURT?

MR. SEKI: OBJECTION. HE DIDN'T PLEAD GUILTY IN COURT.

SERGEANT SLATER: PLEADING --

MR. SEKI: NO CONTEST.

BY SERGEANT SLATER:

Q. -- NO CONTEST. I APOLOGIZE. PLEADING NO CONTEST IN COURT.

A. YES. I UNDERSTAND THE PROCESS OF PLEADING NO CONTEST AND ACCEPTING IT. THAT WAS HIS FORM OF ACCEPTANCE AND OWNERSHIP OF IT.

Q. AGAIN, I'M NOT ASKING ABOUT IN THE COURT SETTING, SIR. I'M TRYING TO CLARIFY. BUT WHEN HE GOT TO THE BOARD, DID IT DEMONSTRATE OWNERSHIP BY TELLING THE BOARD THAT HE WAS NOT GUILTY?

A. IF THAT'S WHAT HE FEELS. AND I KNOW LUKE AS A PERSON AND HE'S DEMONSTRATED TO ME IN THE PAST, IF

THAT'S WHAT HE BELIEVES, THAT'S THE WAY HE'S OWNING IT, THAT'S THE WAY -- THAT'S WHAT HE BELIEVES AND SO --

Q. OKAY.

A. -- I UNDERSTAND THAT, YEAH.

Q. THANK YOU.

NO FURTHER.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: I HAVE NO QUESTIONS.

MS. STRONG-FARGAS: NO.

EXAMINATION

BY MS. AMIN:

Q. DO YOU BELIEVE THAT HE CAN CONTINUE AS A DETECTIVE HAVING BEEN FOUND GUILTY OF ATTEMPTING TO OBTAIN A FIREARM SILENCER?

A. YES, MA'AM.

Q. HE CAN PERFORM HIS JOB? CAN HE TESTIFY IN COURT? BECAUSE HE HAS BEEN QUALIFIED AS A GUN EXPERT PREVIOUSLY, AND HE HAS TESTIFIED, I BELIEVE HE SAID FIVE TIMES IN CRIMINAL PROCEEDINGS. WOULD HE BE ABLE TO STILL CONTINUE IN THAT POSITION, IF YOU KNOW?

A. CONTINUE TO BE A GUN EXPERT IN COURT, YOU'RE SAYING?

Q. YES.

A. YES.

SERGEANT SLATER: I'M GOING TO OBJECT.

MR. MCSORLEY: TO TESTIFY AS AN EXPERT JUST MEANS AN EXPERT IS SOMEONE PER THE L.A. D.A.'S GUIDELINES AS SOMEBODY WHO KNOWS -- HAS MORE KNOWLEDGE OF IT THAN THE AVERAGE LAYPERSON. SO IF THAT COMES TO A PITCHESS MOTION AND IT COMES TO LIGHT, I DON'T THINK THAT WILL TAKE AWAY ANY OF HIS CREDIBILITY AS A GUN EXPERT OR TO TESTIFY. YOU KNOW, IT WILL JUST BE BROUGHT OUT HE HAS A MISDEMEANOR CONVICTION OF A CRIME LIKE MANY OTHER OFFICERS DO THAT ARE STILL ON THE JOB FUNCTIONING AS A FULL-FLEDGED OFFICER. I DON'T THINK THAT WILL TAKE AWAY ANYTHING.

MS. AMIN: OKAY. NOTHING ELSE FROM ME. THANK YOU.

ANYBODY ELSE HAVE ANY QUESTIONS? MR. SEKI?

MR. SEKI: NO.

I THINK THAT PRETTY MUCH DOES IT FOR YOU, SIR. THANK YOU SO MUCH FOR TAKING THE TIME OUT FROM YOUR DAY. WE APPRECIATE IT AND THAT'S ALL.

MS. AMIN: THANK YOU. YOU'RE EXCUSED.

MS. STRONG-FARGAS: THANK YOU.

MR. MCSORLEY: THANK YOU ALL. APPRECIATE IT.

MR. SEKI: BYE-BYE.

MR. MCSORLEY: BYE-BYE.

(END OF TESTIMONY OF MR. MCSORLEY.)

MR. SEKI: NEXT I'M GOING TO CALL RETIRED LIEUTENANT JESSE KANE.

(TELEPHONIC WITNESS.)

HEY, SIR. BILL SEKI HERE.

MR. KANE: HEY, HOW ARE YOU?

MR. SEKI: I'M DOING GREAT. I HAVE YOU ON SPEAKERPHONE AND YOU'RE IN THE BOARDROOM. LET ME GO AROUND THE BOARDROOM SO YOU KNOW WHO'S HERE.

WE HAVE OUR CIVILIAN BOARD MEMBERS. OUR CHAIR IS MS. AMIN. WE HAVE OUR ASSOCIATE MEMBERS, PASTOR STRONG-FARGAS AND ALSO MR. ORTEGA. ON BEHALF OF THE DEPARTMENT IS SERGEANT SLATER, WHO IS AN ASSOCIATE ADVOCATE. WE HAVE A COURT REPORTER PRESENT SO I NEED YOU TO SPEAK CLEARLY AND SLOWLY. AND ALSO PRESENT IS DETECTIVE WALDEN.

AND BEFORE WE GO ANY FURTHER, MS. AMIN WILL SWEAR YOU IN, SIR.

MR. KANE: OKAY.

MS. AMIN: GOOD AFTERNOON. THANK YOU FOR TESTIFYING TODAY.

CAN YOU SPELL YOUR NAME FOR US, PLEASE?

MR. KANE: YOU NEED ME TO SPELL IT?

MR. SEKI: YES.

MR. KANE: THE FIRST IS JESSE, J-E-S-S-E; THE LAST IS KANE, K-A-N-E.

MS. AMIN: ALL RIGHT. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOUR SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. KANE: YES, I DO.

MS. AMIN: ALL RIGHT. THANK YOU.

MR. JESSE KANE,

WAS CALLED AS A CHARACTER WITNESS BY THE ACCUSED, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. ALL RIGHT. SIR, BILL SEKI AGAIN. LET ME START OFF WITH THIS. ARE YOU CURRENTLY EMPLOYED?

A. NO. I RETIRED FROM THE DEPARTMENT IN AUGUST -- OR JULY 31ST OF '22.

Q. AND WHEN YOU RETIRED, WHAT WAS YOUR RANK AND ASSIGNMENT?

A. I WAS A LIEUTENANT II ASSIGNED TO G.N.D.

Q. HOW MANY YEARS HAD YOU SPENT WITH LAPD

BEFORE RETIRING?

A. I DID -- I'M STILL A RESERVE SO TECHNICALLY STILL WITH THEM; BUT AS FULL-TIME SWORN, I DID 28 YEARS.

Q. THANK YOU, SIR.

HOW LONG WERE YOU A SUPERVISOR?

A. I BECAME A SUPERVISOR IN '05 WHEN I MADE SERGEANT, AND I STAYED EITHER A SERGEANT OR A LIEUTENANT SINCE THEN.

Q. OKAY. YOU SAID YOU WORKED G.N.D. HOW LONG DID YOU WORK G.N.D.?

A. SO I GOT TO G.N.D. IN 2016, AND THEN I -- I GOT THERE AS A LIEUTENANT I IN 2016. I LEFT TO GO TO I.T.D., INFORMATION TECHNOLOGY BUREAU, TO GET MY LIEUTENANT II SPOT 'CAUSE THERE WAS A SPOT OVER THERE. AND THEN I CAME BACK TO G.N.D. IN 2018.

Q. OKAY.

A. SO I LEFT FOR ABOUT -- I WAS GONE ABOUT A YEAR, YEAR-AND-A-HALF BEFORE I CAME BACK LIEUTENANT II.

Q. OKAY. SO DURING YOUR TIME WITH THE DEPARTMENT, HAVE YOU HAD AN OPPORTUNITY TO WORK WITH, OBSERVE, OR SUPERVISE LUKE WALDEN?

A. YES. SO LUKE AND I HAVE PROBABLY KNOWN EACH OTHER I'M GOING TO -- IT'S GOT TO BE OVER 20 YEARS

BECAUSE WE WORKED, IF I RECALL CORRECTLY, IN VAN NUYS TOGETHER. AND SINCE I LEFT VAN NUYS IN '05 WHEN I MADE SERGEANT, IT'S BEEN 24 -- IT HAS TO BE OVER 20 YEARS AGO THAT WE'VE KNOWN EACH OTHER. WE WORKED SOME TIME THERE. I DON'T RECALL US BEING PAIRED UP IN A CAR TOGETHER, BUT WE WORKED AROUND EACH OTHER. AND THEN WHEN I GOT -- AND THEN THROUGH TRAINING, WE HAD INTERACTIONS. AND THEN WHEN I GOT TO G.N.D., I WAS -- HE WAS ALREADY -- IF I'M CORRECT, HE WAS ALREADY A D-II THERE, AND I WAS A LIEUTENANT COMING IN. AND HE WOULD HAVE BEEN -- HE WOULD HAVE REPORTED EITHER TO THE D-III IF THEY HAD ONE, AND THERE WERE TIMES HE WOULD HAVE REPORTED DIRECTLY TO ME. JUST BECAUSE OF THE WAY THINGS WORKED OUT, HE WOULD HAVE BEEN ACTING D-III, AND I WOULD HAVE BEEN OVER AT HIS UNIT AT DIFFERENT TIMES.

Q. OKAY. SO BASED UPON YOUR TIME, IT SOUNDS LIKE YOU GUYS HAD A LOT OF INTERACTION OVER THE YEARS. CAN YOU -- BASED UPON THOSE INTERACTIONS AND OBSERVATIONS, CAN YOU TELL THE BOARD ABOUT THE TYPE OF POLICE OFFICER WE HAVE IN LUKE WALDEN?

A. SO LUKE'S ALWAYS BEEN -- ALWAYS BEEN STAND-UP. HE'S ALWAYS, YOU KNOW, DONE HIS JOB. HE'S NEVER SHIRKED RESPONSIBILITY. HE'S -- HE'S JUST BEEN A GREAT GUY TO HAVE AROUND. YOU KNOW, HE COULD BE

LIGHTHEARTED AT TIMES; BUT WHEN HE'S DOING HIS JOB, HE'S FOCUSED. HE'S BEEN A GO-TO GUY FOR ME WHEN I WOULD -- ESPECIALLY AS A SUPERVISOR, YOU'RE LIKE, "HEY, I NEED SOMEBODY TO DO SOMETHING," OR I NEED -- ESPECIALLY IF HE WAS IN A SUPERVISOR POSITION, AS WELL, WHEN THERE WAS THINGS THAT GOT PUSHED DOWN, DEPARTMENT CHANGES OR WHATEVER, AND WE WOULD HAVE THOSE CONVERSATIONS, "HEY, I NEED YOU TO TALK --" DISCUSS -- WHICHEVER THE TOPIC WAS THAT WAS CHANGING, "I NEED -- YOU KNOW, WE NEED TO PUSH IT DOWN TO THE -- TO THE OTHER EMPLOYEES," HE'D BE LIKE, "YEAH." AND WE WOULD TALK ABOUT WHETHER WE AGREED OR DISAGREED. AT THE END OF THE DAY, THIS WAS THE DIRECTION THE DEPARTMENT'S GOING, AND WE WILL FOLLOW ALONG, AND HE ALWAYS DID THAT. HE STEPPED UP AND SAID, "HEY, THE DEPARTMENT WANTS US TO GO LEFT. WE'RE GOING TO GO LEFT TODAY; AND UNTIL THEY CHANGE IT, WE'RE GOING TO FOLLOW THAT LINE."

AND SO HE WAS A GREAT PERSON TO HAVE AS A SUPERVISOR FOR ME BECAUSE HE WAS -- HE DIDN'T LET HIS PERSONAL EMOTIONS OR ANYTHING GET IN THE WAY. HE JUST DID HIS JOB AND WHATEVER THE DIRECTION WAS -- IF THE DEPARTMENT WANTED SOMETHING, HE DID IT. IF -- YOU KNOW, I WAS TRYING TO THINK OF SOMETHING. AND I REMEMBER A TIME AND I -- I DON'T REMEMBER WHAT

HAPPENED SPECIFICALLY, BUT I KNOW WE DID A SEARCH WARRANT OR SOMETHING, AND I THINK SOMETHING BROKE IN THE RESIDENCE. AND HE PULLED ME ASIDE AND SAID, "I -- YOU KNOW, WE KIND OF BROKE SOMETHING DURING THE SEARCH." YOU KNOW, THEY COULD HAVE EASILY KEPT IT SILENT AND NO ONE WOULD HAVE PROBABLY KNOWN. BUT WE, YOU KNOW, WENT THROUGH, DID THE PAPERWORK AND LEFT HIM WITH IT SAYING, "HEY, IF THEY WANTED IT FOR THE CLAIM FOR THE DAMAGE --" I DON'T REMEMBER WHAT IT WAS. IT WOULD BE MUCH -- I WISH I COULD BECAUSE I JUST REMEMBER THE INCIDENT OF HIM COMING UP TO ME, PULLING ME ASIDE AND SAYING, "HEY, WE HAVE A SMALL ISSUE."

SO AS A SUPERVISOR, HE WAS -- NEVER TRIED TO DISGUISE SOMETHING. IF WE MESSED SOMETHING UP, HE WAS ALWAYS WILLING TO SAY, "HEY, WE MESSED SOMETHING UP." AND IF WE DID THINGS RIGHT, HE WAS ALWAYS RIGHT THERE MAKING SURE THAT EVERYBODY ELSE AROUND US GOT THE AFFIRMATIONS THEY DESERVED FOR DOING A GOOD JOB.

SO I -- YOU KNOW, HE WAS A GREAT PERSON TO HAVE WORKING FOR ME AND AROUND ME.

Q. LET ME ASK YOU THIS. YOU TALKED ABOUT HIM AS A SUPERVISOR. HOW DO YOU -- DO YOU KNOW HOW HE WAS PERCEIVED BY HIS SUBORDINATES?

A. AS YOU KNOW, SOMETIMES PEOPLE WILL GO AROUND SUPERVISION TO GO UP, AND I NEVER HEARD A NEGATIVE

THING ABOUT HIM FROM D-III'S THAT HE WORKED FOR OR FROM THE D-I'S AND EVEN SOME OF THE OFFICERS THAT WERE AROUND HIM. BECAUSE REMEMBER, WE GET -- I ALSO WORKED -- I ALSO WORKED AROUND HIM WHEN WE WERE DOING THE -- WE WOULD GO OUT TO THE DIVISIONS, AND WE WOULD INTERACT WITH MULTIPLE PEOPLE NOT ONLY DURING NARCOTICS DIVISION, BUT WE ALSO HANDLE -- NARCOTICS UNIT, BUT WE WOULD ALSO USE DIVISIONAL PERSONNEL OFFICERS AND STUFF TO COME IN AND -- SUPPORT AND SUPPLEMENT OUR NEED FOR -- PERSONNEL-WISE, AND I NEVER HEARD ANYBODY COME UP TO ME AND SAY THAT THEY EVER HAD ANY ISSUES WITH HIM.

Q. SO WE'RE IN THIS BOARD. THE ALLEGATION WAS THAT HE ATTEMPTED TO PURCHASE OR OBTAIN A FIREARM SILENCER, AND HE WAS FOUND GUILTY OF THAT BY THE BOARD. KNOWING ALL OF THAT, DOES THAT IN ANY WAY CHANGE ANY OF YOUR THOUGHTS OR OPINIONS ON HIM?

A. NO. YOU KNOW WHAT, IF HE MADE A MISTAKE, THAT'S -- YOU KNOW, THAT'S SOMETHING THAT HE HAS TO DEAL WITH. BUT AS FAR AS A PERSON AND AS FAR AS HIM EVER WORKING FOR ME, I WOULD HAVE -- I WOULD HAVE NO PROBLEM WITH HIM WORKING FOR ME. I WOULD HAVE NO PROBLEM WITH HIM COMING OVER ON A PERSONAL BASIS AND HAVING HIM AT MY HOUSE. YOU KNOW, HE'S ALWAYS BEEN A -- HE'S ALWAYS BEEN HONEST AND STRAIGHTFORWARD TO

ME. SO I'VE NEVER HAD AN ISSUE AT ALL. AND TO THIS DAY, I STILL FEEL THAT WAY ABOUT HIM.

Q. ALL RIGHT. YOU'VE BEEN GREAT IN GIVING US A LOT OF INFORMATION ABOUT HIM. THIS IS MY LAST QUESTION TO YOU. IS THERE ANYTHING ELSE YOU THINK THE BOARD NEEDS TO KNOW ABOUT LUKE THAT MAY HELP THEM IN MAKING THEIR DECISION?

A. YOU KNOW, IF HE MADE A MISTAKE, I DON'T THINK THIS IS A HILL THAT'S THAT BIG OF A HILL FOR HIM. YOU KNOW, MISTAKES HAPPEN. AND, YOU KNOW, LET'S HOPE EVERYBODY CAN GET BEYOND THIS. I DON'T KNOW WHAT ELSE TO SAY. I KNOW HE'S BEEN A GREAT PERSON AND, YOU KNOW, WE'VE BECOME FRIENDS SINCE THEN ON A PERSONAL BASIS. SO, YOU KNOW, I'M ROOTING FOR HIM.

Q. OKAY. PERFECT. THANK YOU.

I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU, BUT SERGEANT SLATER OR THE BOARD MAY. SO PLEASE HANG ON.

A. NO PROBLEM.

SERGEANT SLATER: NOTHING FROM THE DEPARTMENT. I HAVE NOTHING.

MR. ORTEGA: I DON'T HAVE ANY.

MS. AMIN: OKAY. NO MORE QUESTIONS FROM ANYONE. THANK YOU VERY MUCH FOR YOUR TIME.

MR. KANE: THANK YOU. HAVE A GREAT DAY.

MR. SEKI: THANK YOU, SIR. TAKE CARE. BYE-BYE.

MR. KANE: THANK YOU. BYE.

(END OF TELEPHONIC WITNESS.)

MR. SEKI: THEN OUR LAST WITNESS FOR TODAY WILL BE DETECTIVE CRAIG MARQUEZ.

LET ME TRY ONE MORE TIME.

DETECTIVE MARQUEZ?

DETECTIVE MARQUEZ: YES. HELLO. SORRY. I PUNCHED THE WRONG BUTTON.

MR. SEKI: ALL RIGHT, SIR. THANK YOU VERY MUCH. I HAVE YOU ON SPEAKERPHONE. LET ME WALK AROUND THE ROOM SO YOU KNOW WHO'S HERE.

DETECTIVE MARQUEZ: OKAY.

MR. SEKI: WE HAVE OUR CIVILIAN BOARD LED BY OUR CHAIR MS. AMIN, AND WE HAVE OUR ASSOCIATE BOARD MEMBERS PASTOR STRONG-FARGAS ALONG WITH MR. ORTEGA. ON BEHALF OF THE DEPARTMENT, WE HAVE SERGEANT SLATER, WHO IS THE ASSOCIATE ADVOCATE. THERE IS A COURT REPORTER IN THE ROOM. SO WE NEED YOU TO SPEAK SLOWLY AND CLEARLY, AND ALSO WE HAVE DETECTIVE WALDEN.

BEFORE WE GO ANY FURTHER, MS. AMIN WILL SWEAR YOU IN.

MS. AMIN: DETECTIVE, BEFORE I DO, SPELL YOUR NAME FOR US.

DETECTIVE MARQUEZ: MY NAME IS CRAIG, C-R-A-I-G; MARQUEZ, M-A-R-Q-U-E-Z.

MS. AMIN: ALL RIGHT. THANK YOU.

AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOUR SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

DETECTIVE MARQUEZ: I DO.

MS. AMIN: ALL RIGHT. GO AHEAD.

DETECTIVE CRAIG MARQUEZ,
WAS CALLED AS A CHARACTER WITNESS
BY THE ACCUSED, HAVING BEEN FIRST
DULY SWORN, WAS EXAMINED AND TESTIFIED
AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. THANK YOU, SIR. BILL SEKI ONCE AGAIN.

LET'S START WITH THIS. WHAT'S YOUR CURRENT RANK AND ASSIGNMENT?

A. CURRENTLY I'M A DETECTIVE SUPERVISOR SERVING IN TRAINING DIVISION. I AM CURRENTLY ALSO THE OFFICER CHARGE OF DETECTIVE TRAINING FOR THE LOS ANGELES POLICE DEPARTMENT.

Q. HOW MUCH TIME DO YOU HAVE WITH THE

DEPARTMENT?

A. 28 YEARS.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. I'VE BEEN A SUPERVISOR FOR TWO YEARS.

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU EVER WORK G.N.D.?

A. YES.

Q. HOW LONG DID YOU WORK THERE?

A. APPROXIMATELY FOUR YEARS?

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU HAVE AN OPPORTUNITY TO WORK WITH OR SUPERVISE OR BE SUPERVISED BY DETECTIVE LUKE WALDEN?

A. YES.

Q. EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM.

A. SO MYSELF AND LUKE WERE BOTH ASSIGNED TO -- WE WERE BOTH ASSIGNED TO GANG AND NARCOTICS DIVISION. SO WE KNEW EACH OTHER THROUGH THERE BECAUSE WE WORKED DIFFERENT SQUADS, BUT THEN ALSO LATER ON WE WORKED IN THE GUN UNIT TOGETHER.

Q. OKAY. WHAT DID YOU DO IN THE GUN UNIT?

A. WE WORKED CASES WHERE -- WE WORKED CASES WHERE WE HAVE PEOPLE THAT ARE PROHIBITED POSSESSORS. WE WERE IN CHARGE OF DOCUMENTING THE AMMUNITION LAW FOR THOSE VENDORS SELLING AMMUNITION IN THE CITY OF LOS ANGELES. I WAS TASKED WITH ALSO CONDUCTING AND

HANDLING THE APPLICATIONS FOR PEOPLE WHO ARE APPLYING TO GET THEIR CONCEALED CARRY WEAPONS PERMIT.

Q. OKAY. TELL US ABOUT WHAT TYPE OF OFFICER YOU WERE WORKING WITH WHEN YOU WERE WORKING WITH DETECTIVE WALDEN?

A. ONE OF THE THINGS THAT REALLY STRUCK ME -- AND BEFORE I SAY, I JUST WANT TO THANK THE BOARD FOR EVERYTHING YOU DO. WE TRULY APPRECIATE YOU SACRIFICING YOUR TIME AND PUTTING THE EFFORT FOR THIS REALLY IMPORTANT ROLE IN THE DEPARTMENT AND ALSO FOR THE CITY. SO FROM THE BOTTOM OF MY HEART, I THANK YOU FOR TAKING ON THAT ROLE AND STEPPING UP AND FILLING THAT ROLE.

ONE OF THE THINGS THAT REALLY STRUCK ME AS FAR AS LUKE IS THAT -- I'M A RESIDENT OF LOS ANGELES. SO I HAVE A VESTED INTEREST IN THE PEOPLE WHO ARE OFFICERS, SUPERVISORS, DETECTIVES IN THE CITY THAT I LIVE IN. AND ONE OF THE THINGS THAT REALLY STRUCK ME ABOUT LUKE IS, YOU KNOW, HE'S -- HE TREATS -- HE TREATS OUR RESIDENTS JUST -- I MEAN, AS BEST AS YOU CAN EVER ASK OF ANY PUBLIC SERVANT. HE HAS EMPATHY FOR PEOPLE WHO MIGHT HAVE TAKEN THE WRONG TURN, MADE SOME BAD CHOICES IN LIFE, OR EVEN THE PEOPLE WHO ARE OF THE CRIMINAL ELEMENT. HE IS A PERSON THAT TAKES EXTREME CARE ON HOW HE PRESENTS AND HOW HE TREATS

PEOPLE. TO ME THAT MEANS -- TO ME THAT MEANS MORE TO ME AS A RESIDENT THAN JUST AS A DETECTIVE AND AS A POLICE OFFICER BECAUSE IT'S SOMEBODY THAT I CAN TRUST WITH THE PUBLIC. JUST EVEN IN CONVERSATION, YOU KNOW, ONE OF THE THINGS THAT I JUST KNOW IN LIFE AND BEING A PARENT AND BEING INVOLVED IN ORGANIZATIONS, SOMETIMES PEOPLE WHO CHOOSE PUBLIC SERVICE OR CHOOSE A LINE OF WORK, A LOT OF THAT IS NOT REALLY WHO THEY ARE. ONE THING I LIKE ABOUT LUKE OR ONE THING I NOTICE ABOUT LUKE WORKING WITH HIM IS THAT EVEN WHEN WE'RE AWAY, EVEN WHEN WE'RE NOT DEALING WITH THE PUBLIC, HE HAS A -- HE HAS A REALLY KEEN SENSE OF EMPATHY. I DON'T THINK IN ALL THE YEARS THAT I'VE KNOWN HIM, I NEVER HEARD HIM TALK BADLY ABOUT -- EVEN THE -- EVEN THE PEOPLE WHO ARE CRIMINALS WHO WE ARE INVESTIGATING OR ANYTHING ELSE, HE DOESN'T -- HE HAS ENORMOUS CONTROL OF HIS FACULTIES AS FAR AS NEVER SHOWING -- NEVER SHOWING ILL-TEMPER. HE -- A LOT OF THAT HAS TO DO WITH HIS FAITH, AND THAT'S JUST MY OPINION. I THINK IT HAS TO DO WITH HIS FAITH. WE TALK ABOUT -- WE BOTH SHARE A COMMON TRAIT IN THAT WE'RE BOTH SINGLE DADS. WE TALK A LOT ABOUT THAT, AND WE TALK A LOT ABOUT HOW BEING A DAD AFFECTS OUR WORK IN OUR WORK LIFE. AND THAT'S REALLY WHAT I -- I REALLY THINK AND I REALLY ADMIRE ABOUT LUKE. AND HE BRINGS -- HE BRINGS THE

PERSPECTIVE OF BEING A DAD AND MAYBE NOT HAVING THE IDEAL SITUATION IN HIS PERSONAL LIFE, AND HE BRINGS IT OUT, DOESN'T HOLD IT AGAINST ANYBODY. BUT ALSO THERE'S THAT SERVICE. THERE'S THAT SERVICE OF -- NOT JUST TO OFFICERS -- IT'S APPRECIATED, BUT EVEN TO THE PEOPLE THAT WE LIVE -- THAT LIVE IN OUR CITY AND PEOPLE THAT LIVE IN OUR COMMUNITY, IT'S THAT SERVICE, YOU KNOW, THAT'S OUR CORE VALUE IN EVERYTHING THAT -- I MEAN, THAT REALLY DRAWS ME TO LUKE, BUT ALSO SETS HIM APART FROM THE PEERS -- FROM HIS PEERS AND EVEN OTHER PEOPLE IN THIS PROFESSION.

Q. EXCELLENT. LET ME INTERRUPT YOU HERE THEN. THANK YOU FOR SHARING ALL OF THAT WITH US.

WE'RE IN THIS BOARD TODAY AND LUKE WAS CHARGED WITH ATTEMPTING TO POSSESS A FIREARM SILENCER SUPPRESSOR. BASED UPON THE EVIDENCE THAT WAS PRESENTED, THE BOARD FOUND HIM GUILTY. KNOWING ALL OF THAT -- AND YOU KNOW A LITTLE BIT ABOUT FACTS HERE, RIGHT?

A. YES.

Q. OKAY. SO KNOWING WHAT YOU KNOW, DOES THAT IN ANY WAY CHANGE YOUR OPINIONS OR OBSERVATIONS OF LUKE AS A PERSON OR AS A POLICE OFFICER?

A. NO, NO. IN FACT, I HAD A CONVERSATION EVEN WITH OUR CAPTAIN, LIKE I WOULD LOVE TO HAVE HIM COME

AND WORK WITH ME.

Q. WHY?

A. YOU KNOW -- OKAY. SO I'VE ACTUALLY HAD THIS CONVERSATION WITH LUKE, AND MAYBE HE DOESN'T WANT ME TO SHARE IT, BUT I'M GOING TO SHARE IT ANYWAY. YOU KNOW, HERE'S -- ULTIMATELY, AS A SUPERVISOR, YOU'RE RESPONSIBLE FOR YOUR PEOPLE. YOU'RE RESPONSIBLE FOR THE PEOPLE THAT YOU ARE IN CHARGE OF. AND I WANT SOMEBODY THAT'S GOING TO COME AND WORK WITH ME WITH THE RIGHT ATTITUDE. WITH ALL THIS STUFF THAT'S BEEN GOING ON, HE HAS A GREAT ATTITUDE, AND HE NEVER -- YOU KNOW, I DON'T THINK HE'S EVER TALKED ILL OF ANYBODY OR -- ANYBODY ELSE. AND, YOU KNOW, I KNOW A LOT OF OFFICERS THAT HAVE BEEN -- THAT HAVE GOTTEN THEMSELVES IN SITUATIONS AND THEY TURN AND THEY -- AND THEY'RE ANGRY AND THEY'RE BITTER AT EVERYTHING, AND THAT'S NOT LUKE. AND I WOULD WANT HIM -- I SAID THIS JUST THE OTHER DAY TO MY CAPTAIN. I'M LIKE, "HEY, IF LUKE GETS THROUGH THIS AND EVERYTHING ELSE, I WOULD WANT HIM TO COME AND WORK FOR ME." AND I WOULD -- YOU KNOW, AND I TALK TO HIM -- HEY, I WANT HIM 'CAUSE WE NEED -- WE NEED PEOPLE LIKE THAT. AND NOT JUST THAT, BUT I'M -- WE'RE AT THE ACADEMY, AND WE ARE HERE WITH YOUNGER OFFICERS OR RECRUITS AND ALSO YOUNGER DETECTIVES. AND I CAN TEACH THEM A LOT THINGS OR -- I CAN'T TEACH THEM

ATTITUDE. HAVING A POSITIVE ATTITUDE AND HAVING A GOOD OUTLOOK, NOT JUST ON LIFE, BUT SERVING THE LAPD, IT'S -- I MEAN, IT'S SO MUCH EASIER WHEN YOU'RE WIRED LIKE THAT, AND HE IS. HE'S WIRED LIKE THAT, AND I WOULD LOVE HIM COME AND WORK FOR ME.

Q. GREAT. WELL, THANK YOU VERY MUCH FOR SHARING ALL OF THAT.

I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU. SERGEANT SLATER MAY OR THE BOARD MAY SO HANG ON, PLEASE.

A. OKAY.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD AFTERNOON, SIR. THIS IS SERGEANT SLATER.

A. HEY, HOW YOU DOING, SERGEANT.

Q. VERY WELL. HOW ARE YOU?

A. GOOD, GOOD, GOOD.

Q. CAN YOU HEAR ME OKAY?

A. YEAH. IT'S PERFECT.

Q. THANK YOU, SIR. I JUST HAVE A COUPLE QUICK QUESTIONS THEN WE'LL BE ON YOUR WAY.

IN THE ACADEMY DO YOU TEACH RECRUITS TO ACCEPT RESPONSIBILITY FOR THEIR ACTIONS?

A. OH, SURE. YES.

Q. OKAY. AND IS ONE OF OUR CORE VALUES "INTEGRITY IN ALL WE SAY AND DO"?

A. YES.

Q. OKAY. DOES THE FACT THAT DETECTIVE WALDEN, DESPITE PLEADING NO CONTEST IN THE CRIMINAL SIDE OF THIS MATTER, CAME BEFORE THIS BOARD AND DENIED THE ALLEGATIONS BEFORE HIM DEMONSTRATE INTEGRITY?

A. WELL, I WOULD SIT THERE AND I WOULD SAY, YES, BUT IN THE SENSE THAT SOMEBODY ACCEPTED -- REGARDLESS OF THE FACTS OR WHETHER OR NOT YOU AGREE OR NOT, THE INTEGRITY THAT YOU'RE ACTUALLY SITTING THERE AND ACCEPTING RESPONSIBILITY. IT'S NOT WHETHER OR NOT YOU DID IT OR NOT BECAUSE THAT CAN BE VERY SUBJECTIVE. ONE OF THE THINGS -- AND THIS IS WHAT I REALLY LIKE ABOUT -- IN THE END, HE'S A SUPERVISOR, AND HE'S -- YOU MIGHT -- YOU MIGHT NOT BE AT FAULT -- AND THIS IS WHAT I TEACH RECRUITS AND THIS IS WHAT I TEACH OFFICERS. YOU MIGHT NOT BE AT FAULT, BUT IN THE END YOU'RE RESPONSIBLE. AND I THINK FOR LUKE, THAT'S ALL I CAN ASK FOR. HEY, YOU MIGHT NOT BE AT FAULT; BUT IN THE END, YOU'RE RESPONSIBLE. AND HE TOOK RESPONSIBILITY FOR IT, WHICH IS ALL THAT I CAN ASK. I WOULDN'T ASK THAT OF ANY OTHER POLICE OFFICER. I WOULDN'T ASK THAT OF ANYBODY ELSE. AND THIS IS WHAT I

TEACH, AND I TEACH IT TO MY KIDS, TOO. HEY, IT MIGHT NOT BE YOUR FAULT, BUT IN THE END IT'S YOUR RESPONSIBILITY. SO ACCEPT THE RESPONSIBILITY AND THEN WE CAN GO FROM THERE.

Q. OKAY. I MAY HAVE MISSTATED OR YOU MAY HAVE MISUNDERSTOOD WHAT I SAID AND I APOLOGIZE. BUT HOW IS COMING IN FRONT OF THE BOARD AND DENYING THE ALLEGATIONS ACCEPTING RESPONSIBILITY?

A. OH, I'M GLAD YOU ASKED THAT. SO ONE OF THE THINGS IS THAT IF -- OKAY. THERE CAN BE A LOT OF DIFFERENCES OF OPINION. AND THAT'S -- I RESPECT ALL OPINIONS. NOW, HE HAS A -- HE HAS AN OPINION. I RESPECT HIS OPINION. THE BOARD HAS AN OPINION. AND JUST BECAUSE -- LISTEN, JUST BECAUSE YOU -- JUST BECAUSE YOU DISAGREE WITH AN OPINION DOESN'T MAKE IT -- DOESN'T NECESSARILY MAKE IT WRONG. WE ALL COME WITH DIFFERENT OPINIONS AND THAT'S -- YOU KNOW, AND THAT'S PART OF WHAT WE TEACH OTHER PEOPLE. THIS IS WHAT WE TEACH OUR -- THERE CAN BE A LOT OF DIFFERENCES OF OPINIONS. THIS IS -- IN THE END THIS IS -- THIS IS A PART OF POLICE WORK. SO THERE CAN BE A LOT OF DIFFERENCES OF OPINIONS. WHAT YOU'LL FIND, ESPECIALLY IN DETECTIVE WORK, YOU CAN BE OF A STRONG OPINION. THE DISTRICT ATTORNEY CAN HAVE A DIFFERENT OPINION. A JURY, THERE'S GOING TO BE TIMES WHERE A JURY HAS COME

TO A DIFFERENT CONCLUSION THAN I HAVE. THERE'S A PLACE FOR ALL OF THAT. SO THERE MIGHT BE -- TWO THINGS CAN BE RIGHT AT THE SAME TIME.

SO I THINK IN YOUR CASE, WHEN WE TALK ABOUT THE INTEGRITY, WHAT I LOOK AT IS ARE YOU ACCEPTING WHATEVER OUTCOME THAT COMES OUT OF IT, REGARDLESS OF THE OPINIONS. SO -- I MEAN, I HAVE A DIFFERENT -- I, TOO, HAVE AN OPINION. BUT TO ME, IT'S -- OKAY. THERE'S A DIFFERENCE OF OPINION AND ARE YOU ACCEPTING OF OTHER PEOPLE'S OPINIONS, REGARDLESS OF WHETHER OR NOT YOU AGREE WITH IT OR NOT. AND TO ME THAT TALKS TO YOUR INTEGRITY.

Q. THANK YOU, SIR.

ONE LAST QUESTION. YOU MENTIONED THAT YOU HAVE EXPECTATIONS OF THE OFFICERS IN THE CITY YOU LIVE IN. IS ONE OF THOSE EXPECTATIONS FOR THE OFFICERS OF THE CITY YOU LIVE IN TO UPHOLD THE LAW?

A. ABSOLUTELY.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: YEAH. I HAVE ONE. SHOULD I GET CLOSER TO IT?

MS. AMIN: SURE.

EXAMINATION

BY MR. ORTEGA:

Q. DETECTIVE CRAIG, IS IT?

A. DETECTIVE MARQUEZ.

Q. DETECTIVE MARQUEZ. OKAY. I'M SORRY.

A. YOU CAN CALL ME CRAIG.

Q. MY NAME IS DAN ORTEGA. I'M A CIVILIAN MEMBER. I'VE GOT ONE QUESTION FOR YOU.

A. SURE.

Q. AS A SUPERVISOR WOULD A POLICE OFFICER WHO -- YOU KNOW, WHO HAS PLEADED NO CONTEST TO A MISDEMEANOR RELATED TO GUN PURCHASES -- THIS OFFICER TESTIFIED IN COURT -- OR HAS TESTIFIED REGULARLY. DO YOU THINK THAT THIS -- WOULD YOU SAY THAT THIS WOULD UNDERMINE AN OFFICER'S CREDIBILITY IN COURT TESTIMONY HAVING THIS EXPERIENCE BEHIND HIM?

A. I'M VERY GLAD YOU ASKED THAT QUESTION. SO I ACTUALLY TEACH BRADY AS PART OF -- SO -- YOU KNOW, SO BRADY LAW AND THE BRADY CASE LAW AND THAT -- AS FAR AS THE TESTIMONY AND WHAT EXCLUDES IT. SO THERE'S MISDEMEANORS AND THERE'S CERTAIN TYPES OF MISDEMEANORS. SO THERE'S A LOT OF DIFFERENT THINGS AS FAR HAS SOMEBODY PLEADING OUT. SO WE HAVE OFFICERS THAT HAVE PLED NO CONTEST TO D.U.I. WE HAVE OFFICERS THAT PLEAD NO CONTEST TO -- RIGHT NOW WE'RE IN THE

MIDDLE OF A DISCUSSION IN PUBLIC WHERE WE HAVE PEOPLE WHO WERE DREAMERS AND THEIR CITIZENSHIP IS UNDER QUESTION AND WHETHER OR NOT THEY CAN LEGALLY OWN FIREARMS. SO MY THING IS THAT, OKAY, THERE ARE SOME THINGS I WILL TELL UNEQUIVOCALLY, YOU CANNOT OR SHOULD NOT BE A POLICE OFFICER WITH. IF THIS WAS DOMESTIC VIOLENCE, YOU CAN'T. I'M SORRY. YOU JUST -- I MEAN, YOU CAN'T. ONE, YOU WON'T BE ABLE TO CARRY A GUN, AND I DON'T WANT TO -- I DON'T WANT TO GO DOWN THE RABBIT HOLE SAYING ANY TYPE OF DOMESTIC VIOLENCE IS ACCEPTABLE. IF SOMEBODY COMMITTED A SEXUAL CRIME, THEN I WILL SIT THERE AND I WILL TELL THE BOARD, EVEN IF IT'S A MISDEMEANOR, IT'S SOMETHING OF SEXUAL VIOLENCE OR SEXUAL ASSAULT OR ANY OF THAT SORT, THEN WE CAN'T -- 'CAUSE THERE'S CERTAIN THINGS WE CAN'T HAVE ANY TOLERANCE FOR. I THINK WHEN YOU'RE LOOKING AT THIS IN -- OR YOU'RE LOOKING AT THIS TYPE OF CRIME, IS IT SOMETHING THAT INHERENTLY IS GOING TO STOP SOMEBODY FROM SERVING THE PUBLIC, MAYBE TESTIFYING, OR SOMETHING OF THAT SORT? AND I DON'T SEE IT. I JUST -- AT LEAST IN MY OPINION. THAT'S MY THING. AND I DON'T THINK THAT THE NATURE OF THE CRIME IS CONSISTENT WITH THINGS THAT WE HAVE ZERO TOLERANCE ON. AND I THINK THE BOARD WOULD AGREE WITH ME THAT IF SOMEBODY COMMITTED A SEXUAL CRIME OR SOMETHING OF

DOMESTIC VIOLENCE, THEN THERE WOULD BE NO -- IT WOULD BE NO -- IT WILL BE A "NO" RIGHT ACROSS THE BOARD. AND EVEN IF I HAD THE SAME RELATIONSHIP WITH LUKE AND HE COMMITTED AN ACT OF DOMESTIC VIOLENCE, I WOULD TELL YOU "NO."

Q. OKAY. I UNDERSTAND THAT THOSE ARE YOUR VALUE JUDGMENTS, BUT --

A. YES.

Q. BUT WE'RE TALKING ABOUT AN OFFICER WHO HAS BEEN FOUND GUILTY OF AN OFFENSE THAT IN A CRIMINAL SETTING WOULD BE CONSIDERED A FELONY. YOU'RE TELLING ME --

MR. SEKI: NO, IT'S NOT. I'M SORRY. ARE YOU TALKING ABOUT WHAT HE PLED TO?

MR. ORTEGA: NO. I'M TALKING ABOUT WHAT WE FOUND HIM GUILTY OF. DO YOU UNDERSTAND THE DIFFERENCE? I MEAN, DO YOU SEE WHAT THE QUESTION IS?

MR. SEKI: NO, I UNDERSTAND YOUR QUESTION.

Q. SO MY QUESTION TO YOU IS ARE YOU TELLING ME THAT YOU DO NOT SEE THAT THIS WOULD IMPUGN THIS OFFICERS' WORD IN A COURT OF LAW?

A. NO. BECAUSE WHAT WE'RE TALKING ABOUT IS AN ATTEMPT, RIGHT? SO ATTEMPT POSSESSION. SO POSSESSION IN THE ATTEMPT -- SO IF YOU LOOK AT THE ACTUAL POSSESSION AND POSSESSION OF -- LET'S JUST SAY FOR

LACK OF -- POSSESSION OF A SILENCER, WITH POSSESSION OF A SILENCER, YOU STILL HAVE TO -- YOU STILL HAVE TO GET THE INTENT PART UNDER FEDERAL STATUTE, 935. SO YOU STILL HAVE TO HAVE THE POSSESSION AND THERE STILL HAS TO BE SOME KIND OF --

SERGEANT SLATER: I'M GOING TO OBJECT. HE HASN'T LED ANY FOUNDATION FOR THIS KNOWLEDGE. HE HASN'T DEMONSTRATED KNOWLEDGE --

MR. ORTEGA: AND I THINK WE'RE GETTING OFF TRACK.

BY MR. ORTEGA

Q. I THINK YOU ANSWERED MY QUESTION. WE JUST DISAGREE ON THIS ISSUE, BUT THANK YOU FOR YOUR INPUT. I APPRECIATE IT.

A. THANK YOU.

MR. ORTEGA: I HAVE NO FURTHER QUESTIONS.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FOR THIS WITNESS.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: ALL RIGHT. THANK YOU VERY MUCH, DETECTIVE MARQUEZ. YOU ARE EXCUSED.

MR. SEKI: THANKS, DETECTIVE.

DETECTIVE MARQUEZ: THANK YOU. THANK YOU,

FOLKS.

MR. SEKI: BYE-BYE.

DETECTIVE MARQUEZ: BYE.

(END OF TELEPHONIC WITNESS.)

MS. AMIN: ALL RIGHT. ANY OTHER WITNESSES?

MR. SEKI: NO OTHER WITNESS.

I DO HAVE A DOCUMENT THAT I WANT TO INTRODUCE AND MARK. I DON'T KNOW IF IT NEEDS TO BE MARKED AS AN ACCUSED EXHIBIT. THIS IS FROM THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING. AND IT IS ENTITLED "ORDER WITHDRAWAL OF IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST CERTIFICATE." BASICALLY, IT INDICATES THAT THEY FIND NO REASON FOR HIM TO BE DISQUALIFIED FROM HOLDING OFFICES OR BEING AN EMPLOYED AS A POLICE OFFICER BASED UPON HIS CRIMINAL CONVICTION.

MR. ORTEGA: ARE YOU TALKING ABOUT THIS SPECIFIC CASE HERE?

MR. SEKI: YES.

SERGEANT SLATER: I'M GOING TO REQUEST A MOMENT TO REVIEW THIS.

MS. AMIN: ALL RIGHT. WHAT WAS THE TITLE? ORDER OF WITHDRAWAL --

MR. SEKI: "ORDER OF WITHDRAWAL OF IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST

CERTIFICATE." WHAT HAPPENS IS WHEN AN OFFICER'S ARRESTED OR CHARGED WITH CERTAIN CRIMES, POST, WHICH IS RESPONSIBLE FOR LICENSING THEM, WILL TEMPORARY SUSPEND IT UNTIL PROCEEDINGS ARE DONE. HERE, THEY WERE -- WHEN HE WAS INITIALLY CHARGED, BUT SINCE THE CRIMINAL CASE HAS BEEN CONCLUDED, THEY'VE BASICALLY WITHDRAWN THAT AND INDICATED THEY SEE NO NEED FOR THAT -- THEY SEE NO REASON FOR HIM TO BE DISQUALIFIED FROM BEING A POLICE OFFICER.

MS. AMIN: BASED ON A CRIMINAL MISDEMEANOR.

MR. SEKI: RIGHT.

MS. AMIN: DO THEY MAKE ANOTHER DETERMINATION AFTER THIS?

MR. SEKI: NO. 'CAUSE IT'S THE SAME -- IT'S ESSENTIALLY THE SAME SET OF FACTS.

MS. AMIN: OKAY.

MR. SEKI: SO THEY HAVE REVIEWED THIS, AND THAT'S BASICALLY WHAT IT'S GOING TO BE.

MS. AMIN: OKAY. ALL RIGHT. ANY OBJECTION?

SERGEANT SLATER: NO OBJECTION FROM THE DEPARTMENT.

MS. AMIN: OKAY.

MR. SEKI: I DON'T KNOW IF I NEED TO MARK THIS --

MR. ORTEGA: "F."

MR. SEKI: "F"? SURE.

MR. ORTEGA: THIS DOCUMENT IS A DEPARTMENT DOCUMENT?

MR. SEKI: NO. THIS IS A STATE OF CALIFORNIA --

MR. ORTEGA: STATE OF CALIFORNIA.

MR. SEKI: -- COMMISSION ON PEACE OFFICER STANDARDS. SO THEY'RE THE ONES THAT ARE RESPONSIBLE FOR --

MS. AMIN: THANK YOU.

MR. SEKI: -- CERTIFYING POLICE OFFICERS. AND UNDER THE COMMISSION OF CERTAIN CRIMES, OR EVEN, YOU KNOW, DEPENDING IF IT WAS SOMETHING DIFFERENT. SAY HE HADN'T BEEN CHARGED, THEN THEY WOULD BASICALLY END UP REVIEWING THIS LATER. BUT SINCE HE WAS CHARGED AS A RESULT OF ALL THIS, THEY GET IT, THEY REVIEW IT, AND THEY MAKE THEIR DETERMINATION OF WHETHER OR NOT THEY BELIEVE HE CAN CONTINUE BEING A POLICE OFFICER.

(ACCUSED'S EXHIBIT F WAS
MARKED FOR IDENTIFICATION AND
ENTERED INTO EVIDENCE.)

MS. AMIN: DOES THE DEPARTMENT HAVE ANYTHING TO OFFER FOR TODAY?

SERGEANT SLATER: THE DEPARTMENT WILL HAVE A WITNESS TO TESTIFY TO CERTAIN STATEMENTS THAT WERE

JUST MADE REGARDING THIS DOCUMENT TOMORROW.

MS. AMIN: TOMORROW. OKAY.

MR. SEKI, DO YOU HAVE ANYTHING ELSE?

MR. SEKI: NO. WE HAVE THREE WITNESSES FOR TOMORROW, THOUGH.

MS. AMIN: OKAY. AND YOU WANTED TO START AT 10:30; IS THAT CORRECT?

MR. SEKI: PLEASE.

MS. AMIN: OKAY. THAT'S IT FOR TODAY.

WE'RE OFF THE RECORD.

MR. SEKI: THANK YOU.

(THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER ADJOURNED AT 1550 AND WAS SCHEDULED TO RECONVENE ON FEBRUARY 15, 2024, AT 1030 HOURS.)

--OOO--

REPORTER'S CERTIFICATE

I, DENISE C. RIVERA, CSR NO. 7535, DO HEREBY CERTIFY:

THAT THE FOREGOING PAGES COMPRISE A FULL TRANSCRIPT OF PROCEEDINGS TAKEN BEFORE ME ON WEDNESDAY, FEBRUARY 14, 2024, AT THE TIME AND PLACE THEREIN SET FORTH; AND WAS TAKEN DOWN BY ME IN SHORTHAND AND THEREAFTER TRANSCRIBED INTO TYPEWRITING BY ME TO THE BEST OF MY ABILITY;

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL NOR RELATED TO ANY PARTY TO SAID ACTION, NOR IN ANYWISE INTERESTED IN THE OUTCOME THEREOF.

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 25TH DAY OF JUNE, 2025.

_____
DENISE C. RIVERA
CSR NO. 7535
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA

BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

MS. S. AMIN, CHAIRMAN

IN THE MATTER OF:	)	
	)	
LOS ANGELES POLICE DEPARTMENT	)	
BOARD OF RIGHTS HEARING	)	B.F. 31674
	)	C.F. 21-001144
IN RE: LUKE WALDEN, #34898	)	
_____	)	

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, FEBRUARY 15, 2024

REPORTED BY:

GINA ARIAS
C.S.R. NO. 11554

APPEARANCES:

FOR THE DEPARTMENT:	SERGEANT D. SLATER DEPARTMENT ADVOCATE 201 NORTH FIGUEROA SIXTEENTH FLOOR LOS ANGELES, CA 90012
FOR THE ACCUSED:	MR. B. SEKI ATTORNEY AT LAW 600 WILSHIRE BOULEVARD SUITE 1250 LOS ANGELES, CA 90017
BOARD MEMBERS:	MS. S. AMIN MR. D. ORTEGA MS. P. STRONG-FARGAS
ALSO PRESENT:	SERGEANT P. PAK

I-N-D-E-X

FOR THE DEPARTMENT:	DIRECT	CROSS	REDIRECT	RECROSS
MICHAEL HACKMAN	24	29	35	
YASIR GILLANI	39	52	62	62

FOR THE ACCUSED:	DIRECT	CROSS	REDIRECT	RECROSS
SCOTT MCNEIL	7	13		
HUGO AYON	18			

E X H I B I T S

(NONE.)

LOS ANGELES POLICE DEPARTMENT

B.F. 31674

C.F. 21-001144

THE MATTER OF LUKE WALDEN, #34898, CAME ON REGULARLY FOR HEARING BEFORE THE BOARD OF RIGHTS CONSISTING OF:

MS. S. AMIN, CHAIRMAN

MR. D. ORTEGA, ASSOCIATE

MS. P. STRONG-FARGAS, ASSOCIATE

AT 1030 HOURS ON THURSDAY, FEBRUARY 15, 2024, AT 201 NORTH FIGUEROA, 16TH FLOOR, LOS ANGELES, CALIFORNIA.

SERGEANT D. SLATER APPEARED AS THE DEPARTMENT ADVOCATE; MR. B. SEKI, ATTORNEY AT LAW, APPEARED AS THE DEFENSE REPRESENTATIVE; AND THE ACCUSED WAS PRESENT.

GINA ARIAS, C.S.R. NO. 11554, HAVING BEEN DULY APPOINTED AND SWORN BY THE CHAIRMAN OF THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER TO REPORT IN SHORTHAND WRITING THE TESTIMONY AND PROCEEDINGS UPON THE HEARING, WAS DIRECTED BY SAID DEPARTMENT ADVOCATE TO THEREAFTER REDUCE SAID SHORTHAND NOTES INTO TYPING.

THE RECORDS INDICATE THAT ALL JURISDICTIONAL REQUIREMENTS HAVE BEEN COMPLIED WITH. WHEREFORE, THE BOARD PROCEEDED IN THE SAID HEARING AS PRESCRIBED IN THE CHARTER OF THE CITY OF LOS ANGELES, SECTION 1070.

THE ACCUSED WAS CHARGED IN A FORMAL WRITTEN COMPLAINT VERIFIED BY THE CHIEF OF POLICE AS FOLLOWS:

COUNT 1: ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER.

MS. AMIN: ON THE RECORD.

(REPORTER SWORN.)

MS. AMIN: MR. SEKI, YOU HAVE A WITNESS FOR US TODAY?

MR. SEKI: YES. WE HAVE RETIRED LIEUTENANT SCOTT MCNEIL.

(TELEPHONIC TESTIMONY.)

MR. SEKI: SIR, BILL SEKI HERE.

MR. MCNEIL: HOW ARE YOU?

MR. SEKI: I HAVE YOU ON SPEAKER PHONE. AND I'M GOING TO GO AROUND THE ROOM TO LET YOU KNOW WHO'S PRESENT. OKAY. WE HAVE OUR CIVILIAN BOARD MEMBERS OUR CHAIR, MS. AMIN. OUR ASSOCIATE HEARING OFFICERS PATRICIA STRONG-FARGAS AND MR. ORTEGA. ON BEHALF OF

THE DEPARTMENT, WE HAVE SERGEANT SLATER. THERE IS A COURT REPORTER HERE TAKING EVERYTHING DOWN, SO I NEED YOU TO BE CLEAR. AND THEN ALSO DETECTIVE WALDEN IS PRESENT.

AND BEFORE WE GO ANY FURTHER, MS. AMIN WILL SWEAR YOU IN.

MS. AMIN: BEFORE I DO THAT, CAN YOU SPELL YOUR NAME FOR US, PLEASE.

MR. MCNEIL: I AM STANDING IN PARKING LOT.

MS. AMIN: CAN YOU SPELL YOUR NAME FOR US, PLEASE.

MR. MCNEIL: S-C-O-T-T, M-C-N-E-I-L.

MS. AMIN: ALL RIGHT.

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. MCNEIL: I DO.

MS. AMIN: THANK YOU.

SCOTT MCNEIL

WAS CALLED AS A WITNESS BY THE ACCUSED, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. BILL SEKI AGAIN. PLEASE START WITH THIS, ARE YOU CURRENTLY EMPLOYED?

A. I AM EMPLOYED.

Q. OKAY. WHAT DO YOU DO?

A. I ACTUALLY AM A SECURITY MANAGER AT A LOCAL CHURCH.

Q. PRIOR TO DOING THAT, WERE YOU EMPLOYED IN LAW ENFORCEMENT?

A. I WAS.

Q. AND BY WHOM?

A. I WAS A LOS ANGELES POLICE OFFICER FOR TWO MONTHS SHY OF 27 YEARS, I RETIRED TWO YEARS AGO.

Q. YOU RETIRED TWO YEARS AGO?

A. YES, SIR.

Q. WHEN YOU LEFT, WHAT WAS YOUR RANK AND ASSIGNMENT?

A. I WAS A LIEUTENANT II OF POLICE ASSIGNED TO GANG AND NARCOTICS DIVISION.

Q. AND HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. I BECAME A SUPERVISOR IN 2007 OR 2008.

Q. AND I KNOW YOU SAID IT, BUT I DON'T RECALL, YOU HAD BEEN A MEMBER OF THE DEPARTMENT FOR HOW LONG?

A. TWO MONTHS SHY OF 27 YEARS.

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU HAVE AN OPPORTUNITY TO WORK WITH OR SUPERVISE DETECTIVE LUKE WALDEN?

A. I DID.

Q. CAN YOU PLEASE EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM AND THE TYPES OF INTERACTIONS YOU HAD WITH HIM?

A. I BECAME CLOSE WITH DETECTIVE WALDEN AROUND 2016. I WAS A DETECTIVE III OFFICER IN CHARGE OF THE UNDERCOVER NARCOTICS BUY TEAM. I HAD BEEN THROUGHOUT MY CAREER DOING VARIOUS ASSIGNMENTS HERE AND THERE, BUT I PERSONALLY WAS HIS DIRECT SUPERVISOR FOR TWO YEARS.

Q. AND WHAT TYPE OF THINGS WAS HE DOING FOR YOU?

A. I AM SORRY?

Q. WHAT TYPE OF THINGS WAS HE DOING FOR YOU WHEN YOU WERE SUPERVISING HIM?

A. LUKE WAS A SUPERVISOR IN THE UNDERCOVER BUY TEAM FOR ME. HE HELPED RUN THE DAY-TO-DAY UNDERCOVER NARCOTICS OPERATION. HE DID THE MAJORITY OF THE ADMINISTRATIVE WORK, EMPLOYEE DEVELOPMENT, MONITORING, HE WAS AN INTEGRAL PART OF THAT SQUAD.

Q. TELL US ABOUT THE TYPE OF OFFICER THAT LUKE WAS WHEN YOU WERE SUPERVISING HIM?

A. MY GOOD FRIEND LUKE WALDEN, I THINK THAT LUKE IS A KIND, CARING INDIVIDUAL. HE IS A PERSON OF INTEGRITY. HE IS SOMEBODY WHO I LEARNED -- I DON'T TRUST ANYBODY, HE WAS ONE WHO EARNED EVERYBODY'S TRUST. HE IS AN OUTSTANDING SUPERVISOR, LAW ENFORCEMENT OFFICER, AND I CONSIDER HIM A GOOD FRIEND TO THIS DAY.

Q. YOU HAVE TALKED ABOUT HIM IN GENERAL TERMS BUT ARE THERE ANY SPECIFIC QUALITIES THAT STAND OUT WHEN YOU THINK ABOUT LUKE AND THE TYPE OF OFFICER HE IS?

A. SPECIFIC QUALITIES, HE WAS VERY DETAILED ORIENTED, HE WAS VERY THOROUGH, ARE THESE THE TYPES OF QUALITIES YOU ARE LOOKING FOR?

Q. SURE.

A. HE WAS VERY ORGANIZED. I RELIED HEAVILY ON HIM DUE TO THE NATURE OF THE ASSIGNMENT. I HAD TO HAVE A LOT OF TRUST IN THAT PERSON. HE HAD TO BE SOMEONE WHO COULD BE COUNTED ON TO DO THE RIGHT THING AT THE RIGHT PLACE. AND I HAVE ALWAYS CONTINUED TO THIS DAY THINK OF HIM IN SUCH A FASHION.

Q. THANK YOU. I EXPLAINED BRIEFLY TO YOU THE NATURE OF THIS BOARD OF RIGHTS. HE HAS BEEN FOUND GUILTY BY THE BOARD OF ATTEMPTING TO OBTAIN A FIREARM SILENCER. HEARING THAT, DOES THAT IN ANY WAY CHANGE

YOUR OBSERVATIONS, OPINIONS, OF LUKE AT ALL?

A. IT DOES NOT. AND I SAY THAT BECAUSE I GOT MORE DETAILS ABOUT THIS FROM YOU. I NEVER DISCUSSED THIS WITH LUKE IN ANY MANNER. I AM ACTUALLY SURPRISED BY A GUILTY FINDING. I DON'T KNOW THE DETAILS SO I CAN'T COMMENT ON IT.

Q. OKAY. I KNOW YOU ARE NOT HERE, BUT YOU KNOW WHAT A SUPERVISOR DOES FOR LAPD, RIGHT?

A. I DO.

Q. AND KNOWING THAT HE HAD BEEN FOUND GUILTY OF, THIS PARTICULAR CHARGE, IF YOU WERE STILL HERE AS A LIEUTENANT II, WOULD YOU HAVE ANY HESITATION OR CONCERNS ABOUT HAVING HIM WORK FOR YOU?

A. ABSOLUTELY NOT.

Q. CAN YOU EXPLAIN WHY NOT?

A. I WAS WAITING FOR THAT. I DIDN'T WANT TO JUMP AHEAD, SIR.

Q. I DON'T KNOW ANY DETAILS ABOUT THE FINDINGS, THERE ARE -- THIS IS HOW I LIVE MY LIFE, LIKE I SAID.

SERGEANT SLATER: I AM GOING TO OBJECT. HE JUST SAID HE DOESN'T KNOW ANY DETAILS ABOUT THE FINDINGS AND AS SUCH, I DON'T THINK HE IS QUALIFIED TO ANSWER THIS STATEMENT.

MR. SEKI: SOMEBODY MADE AN OBJECTION. YOU WERE EXPLAINING WHY YOU DIDN'T HAVE ANY HESITATION.

WE ARE GOING TO HAVE A RULING BY THE CHAIR.

MS. AMIN: OVERRULED. HE CAN ANSWER.

BY MR. SEKI:

Q. NOW YOU CAN EXPLAIN.

A. WITHOUT HAVING THE DETAILS OF IT, LET'S SAY ALL YOU KNOW HE WAS FOUND GUILTY OF THAT CRIME. AS A LAW ENFORCEMENT PROFESSIONAL, IT RUNS IN MY FAMILY, MY FATHER WAS A LAW ENFORCEMENT, I AM A SECURITY MANAGER AT A RATHER LARGE MEGA CHURCH, THERE ARE CRIMES OF THINGS SAY, FOR EXAMPLE, A PEDOPHILE, A CHILD MOLESTER, SOMETHING THAT WOULD HAVE A LARGE OR TAKE A LARGE PIECE OF BEING A PEACE OFFICER WHERE SOMEONE IN MY OPINION CANNOT, IF I'M TOLD HE WAS FOUND GUILTY OF ATTEMPTING TO POSSESS, THERE IS NO POSSESSION WHICH IS MY FIRST QUESTION AN ATTEMPT TO POSSESS IS NOT A CRIME OF MORALE TURPITUDE. I WORKED HOMICIDE ON TWO OCCASIONS, THERE ARE A LOT OF FACTORS. I HAD AN OFFICER ARRESTED WHILE IN LAS VEGAS IN POSSESSION OF COCAINE, AND I THOUGHT TO MYSELF AND I SAW THE VIDEO FOOTAGE, IT WAS LARGE INVESTIGATION OF INTERNAL AFFAIRS. AND I THOUGHT TO MYSELF, THERE IS NO WAY TO EXPLAIN THAT WHERE IT WOULDN'T BE AN ISSUE OF MORALE TURPITUDE, THEY CAN'T SAY, NOT MY PANTS, THAT'S DIFFERENT THAN BEING IN POSSESSION OF A SILENCER, IT'S AN ATTEMPT POSSESSION SO FOR THOSE FACTS, NOT RELATED

TO THAT, TO HIS DUTIES BECAUSE I PERSONALLY SUPERVISED HIM. I REMAIN CLOSE FRIENDS EVEN THOUGH I AM OUT OF STATE, HE IS A MAN OF INTEGRITY. HE IS A PERSON I WOULD TRUST PERIOD.

Q. THANK YOU. LAST QUESTION, OPEN ENDED, BUT OBVIOUSLY IS THERE ANYTHING ELSE THAT YOU HAVEN'T SPOKEN ABOUT WHICH MAY BE IMPORTANT FOR THE BOARD TO KNOW?

A. ABSOLUTELY. ABSOLUTELY. FIRST THING THAT COMES TO MIND, THAT MAN IS A DEAR, DEAR, CARING, KIND FATHER. HE IS A LOVING MAN TO HIS TWO CHILDREN, WE TALK ABOUT THAT. I UNDERSTAND THERE WAS AN INTERNAL AFFAIRS INVESTIGATION. I WAS A CONSUMMATE PROFESSIONAL, MAYBE I HAVE ACHIEVED SOME PRETTY NICE AUTHORITY OF THE POLICE DEPARTMENT. I MADE IT CLEAR I DON'T WANT TO TALK ABOUT IT, JUST IN CASE. WE ALWAYS TALKED ABOUT HIS CHILDREN. THAT MAN, I AM A SECURITY MANAGER AT A MEGA CHURCH. THAT MAN IS FIRST AND MORE NOW A GOD NEARING INDIVIDUAL. AND SECONDLY AN UNBELIEVABLY PROUD, GOOD, CARING FATHER TO HIS CHILDREN. THAT CATCHES ME OFF GUARD WITH PEOPLE IN THIS WORLD. THEY DON'T HAVE THOSE TWO QUALITIES THAT WALDEN POSSESSES. THAT'S HOW I BASE MY FAMILY AND FRIENDS ON GOD NEARING AND GOOD TO THEIR FAMILY AND FRIENDS, AND THAT'S LUKE WALDEN.

MR. SEKI: THANK YOU VERY MUCH FOR SHARING THAT. I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU. SERGEANT SLATER MAY OR THE BOARD MAY, SO PLEASE HANG ON.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, SIR. CAN YOU HEAR ME?

A. I CAN. GOOD AFTERNOON.

Q. IT'S MORNING HERE, IT MIGHT BE AFTERNOON WHERE YOU ARE, BUT GOOD TIME OF DAY TO YOU.

I HAVE A COUPLE QUICK QUESTIONS FOR YOU, SIR, YOU MENTION IT WAS ONLY AN ATTEMPT TO POSSESS A SILENCER, IS ATTEMPT VIOLATION OF A LAW STILL A CRIME?

A. YES.

Q. ARE YOU AWARE THAT ATTEMPT POSSESSION OF A SILENCER WAS A FELONY CRIME?

A. I HONESTLY DON'T KNOW. IF YOU TELL ME IT IS, I CAN'T ARGUE IT. I WAS NOT A GUN GUY, BUT WHATEVER THE PENAL CODE SECTION SAYS. I DO KNOW THERE WAS A MISDEMEANOR SO IT'S NOT NECESSARILY A FELONY. IT'S A WOBBLER WHICH WAS DROPPED DOWN TO A MISDEMEANOR WHICH GOES TO MORAL TURPITUDE IN THE COURT SYSTEM.

Q. AS SUCH, DO YOU NOT HAVE CONCERN THAT THAT WOBBLER WAS A FELONY THAT HE ATTEMPTED TO COMMIT?

A. CAN I ELABORATE ON THAT ANSWER?

Q. YOU MAY.

A. IF HE WAS A 911 ATTACKER IN POSSESSION OF A SILENCER, I WOULD HAVE ISSUES WITH IT. IF HE IS LAW ABIDING CITIZEN WHO WAS A TENURED LAW ENFORCEMENT OFFICER AND I DEALT WITH THE DISTRICT ATTORNEY, THE CITY ATTORNEY, I FILED NUMEROUS CASES UP TO AND INCLUDING MURDER-BASED UPON MORALE TURPITUDE, AND THE LAW INTERPRETS WOBBLERS BASED ON SUCH, SO I DON'T HAVE THE DETAILS OF WHY IT WENT TO A MISDEMEANOR, BUT IN MY PERSONAL AND PROFESSIONAL EXPERIENCE, THE CASE WAS DROPPED TO A MISDEMEANOR, THEY LOOK AT MORALE TURPITUDE ISSUES AND I DON'T BELIEVE THAT'S ONE OF THE CASES. THERE ARE CERTAIN CRIMES YOU COMMIT, YOU CANNOT BE A POLICE OFFICER. MY EXPERIENCE IS SOMEONE WHO IS ATTEMPTING TO POSSESS A SILENCER WOULD NOT BE HELD OR NOT BE TERMINATED BASED ON THAT BECAUSE OF MORALE TURPITUDE ISSUES. IN HIS CAREER, HE HAS BEEN AN OUTSTANDING OFFICER, I IMAGINE THE DISTRICT ATTORNEY LOOKED AT IT AND SAID MORALE TURPITUDE, WE DON'T HAVE ANY ISSUES, AND IT WAS DROPPED DOWN TO A WOBBLER, SO IT'S A LITTLE BIT DIFFERENT HERE.

Q. YOU ALSO MENTIONED THAT YOU HAD LESS CONCERNS BECAUSE IT WAS ONLY AN ATTEMPT, WOULD YOU HAVE FURTHER CONCERN IF HE HAD ACTUALLY ACQUIRED THE

ITEM?

A. I WANT TO MAKE SURE IT'S CONVEYED CLEARLY, IF I CAME ACROSS SOMEBODY WHO HAD A MANIFESTO TO KILL PEOPLE AND THEY NEEDED A SILENCER TO DO CERTAIN THINGS TO ACCOMPLISH A HEINOUS HORRIFIC ATTACK, AN ATTEMPT WOULD BE ONE ISSUE, BUT FOR MY PERSONAL KNOWLEDGE AND EXPERIENCE WITH LUKE WALDEN AND I HAVE REMAINED FRIENDS WITH HIM SINCE I RETIRED, I SEE NO MORALE TURPITUDE ISSUES WITH THAT PERSON. I MEAN, I CAN'T COMMENT ON WHAT HAPPENED AND WHY IT HAPPENED BECAUSE I DON'T KNOW, I AM DISTANCING MYSELF FROM THAT, BUT BASED ON HIS CHARACTER, HIS PERSONALITY, AND THE WAY HE CARRIED HIMSELF FOR ALL OF THOSE YEARS, I DON'T SEE ANY MORALE TURPITUDE ISSUES WITH IT. I'M NOT AFRAID OF IT.

Q. I AM NOT ASKING IF YOU AFRAID OR FRIGHTENED, YOU SAID SINCE IT WAS ONLY AN ATTEMPT, IT WAS LESS OF A CONCERN TO YOU. IF HE HAD MANAGED TO SUCCEED IN ACQUIRING THE ITEM, WOULD THAT BE A CONCERN TO YOU?

A. THAT'S A DIFFICULT QUESTION TO ANSWER, SIR. I DON'T KNOW WHAT THE PURPOSE TO POSSESS IT FOR AND I WAS TOLD I WAS JUST BRIEFED THAT IT WAS NOT A SILENCER, THAT IT WAS A CAR PART, I HAD ZERO CONCERN.

Q. THE BOARD HAS DETERMINED THAT IT WAS A SILENCER, DOES THAT CHANGE YOUR CONCERN AT ALL?

A. NO, BECAUSE OF THE PERSON WHO I KNOW HIM TO BE IS CARE AND CONCERN FOR GOD, FOR HIS CHILDREN, HE IS WHAT I CALL THE EPITOME OF A POLICE OFFICER. HE SHOULD BE ON THE POSTER BOARD. IF HE TOLD ME HE HAD A MANIFESTO AND HE WAS GOING TO GO INTO A SCHOOL AND MURDER EVERYBODY, I WOULD BE VERY CONCERNED, ABSOLUTELY, BUT BEARING THAT THE STATE OF TEXAS THERE ARE SILENCERS ALL OVER THIS PLACE, I HAVE A LARGE CHURCH OF 4,000 PEOPLE, OVER 12,000 PEOPLE A WEEKEND IN ATTENDANCE, A GOOD 50 PERCENT CARRY GUNS AND THEY ARE GOD FEARING, LAW ABIDING CITIZENS, IT IS NOT CONCERNING TO ME FOR THOSE CONCERNS.

SERGEANT SLATER: THANK YOU. NO FURTHER FOR ME, SIR. THE BOARD MAY HAVE SOME QUESTIONS THOUGH, SO JUST STAND BY, PLEASE.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: NO.

MS. AMIN: WE DO NOT HAVE ANY QUESTIONS FOR YOU, SIR. THANK YOU VERY MUCH FOR YOUR TIME.

MR. SEKI: NO ADDITIONAL QUESTIONS FOR YOU, SIR. WE APPRECIATE YOUR TIME AND I KNOW YOU ARE IN A PARKING LOT. WE TOOK YOU AWAY FROM A MEAL. THANK YOU VERY MUCH FOR GIVING US YOUR TIME.

MR. MCNEIL: HE IS WORTH MY TIME. AND I APPRECIATE EVERYBODY. BE SAFE. GOD BLESS.

MR. SEKI: LET ME SEE IF OUR OTHER PERSON AVAILABLE. WE TRIED CALLING HIM. WE HAD COMMUNICATED WITH HIM. THIS IS GOING TO BE HUGO AYON.

(TELEPHONIC TESTIMONY.)

MR. SEKI: DETECTIVE. THIS IS LUKE WALDEN'S ATTORNEY. HOW ARE YOU?

I HAVE YOU ON SPEAKER PHONE. WE ARE IN THE BOARD ROOM AND I AM GOING TO GO AROUND THE ROOM TO LET YOU KNOW WHO IS HERE AND YOU ARE GOING TO BE SWORN IN.

FIRST WE HAVE OUR CIVILIAN BOARD MEMBERS, MS. AMIN, WE HAVE OUR ASSOCIATE MEMBERS, PASTOR STRONG-FARGAS ALONG WITH MR. ORTEGA. ON BEHALF OF THE DEPARTMENT IS SERGEANT SLATER. THERE IS A COURT REPORTER TAKING EVERYTHING DOWN, SO I NEED YOU TO SPEAK SLOWLY AND CLEARLY. AND LUKE WALDEN IS HERE. AND AT THIS POINT IN TIME, MS. AMIN IS GOING TO SWEAR YOU IN, SIR.

MS. AMIN: GOOD MORNING. THANK YOU FOR PARTICIPATING TODAY. CAN YOU PLEASE GIVE US YOUR FULL NAME AND SPELL IT.

DETECTIVE AYON: FIRST NAME HUGO, H-U-G-O, LAST NAME AYON, A-Y-O-N.

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU SHALL GIVE IN THE CASE NOW HEARING BEFORE THIS BOARD OF RIGHTS

SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?"

DETECTIVE AYON: YES, I DO.

MS. AMIN: THANK YOU.

HUGO AYON,

WAS CALLED AS A WITNESS BY THE ACCUSED, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. BILL SEKI ONCE AGAIN. LET'S START WITH THIS, WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A DETECTIVE II ASSIGNED TO GANG AND NARCOTICS DIVISION. I WORK THE FBI GANG TASK FORCE.

Q. HOW LONG HAVE YOU BEEN A MEMBER OF THE LAPD?

A. I ACTUALLY JUST CELEBRATED MY 25TH ANNIVERSARY YESTERDAY.

Q. CONGRATULATIONS. THANK YOU FOR YOUR SERVICE. HOW LONG HAVE YOU BEEN IN THIS TASK FORCE?

A. I CAME IN I BELIEVE IT WAS MAY OF 2019.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. WELL, KIND OF IT'S A TWO-PART QUESTION. AND I MADE SERGEANT IN JUNE OF 2015 TO 2016, REVERTED BACK

TO DI, AND I PICKED UP A SERGEANT II SPOT A YEAR AGO IN JANUARY.

Q. SO YOU HAVE A SPLIT TIME A COUPLE OF YEARS, RIGHT?

A. YES.

Q. PERFECT. LET'S START WITH THIS. LUKE WALDEN, CAN YOU EXPLAIN TO THE BOARD HOW IT IS YOU KNOW LUKE?

A. YES, LUKE WAS DII HERE IN THE TASK FORCE WHEN I GOT HERE.

Q. AND WHAT WAS YOUR RELATIONSHIP WITH HIM?

A. WELL, I WAS HIS SUBORDINATE, BUT HE KNEW THAT I HAD PRIOR SUPERVISOR EXPERIENCE, AND HE LOOKED TO ME FOR, YOU KNOW, TO KIND OF ACT LIKE A SUPERVISOR. HE LOOKED AT ME AS A PEER.

Q. TELL US ABOUT YOUR OBSERVATIONS OF HIM AS A SUPERVISOR?

A. YOU KNOW WHAT HE WAS, I COULD ALWAYS COUNT ON LUKE TO BE HONEST WITH ME WITH THE SQUAD. HE WAS HONEST WITH US, HE WAS FAIR, YOU KNOW, HE TRIED TO HELP US OUT WITH HIS EXPERIENCE AND HE WAS JUST GENERALLY A GOOD GUY, SOMEBODY WITH A GOOD HEART AND KNEW THAT HE WOULD DO THE RIGHT THING FOR US AND YOU KNOW JUST ENJOYED BEING AROUND HIM.

Q. WHAT ABOUT AS A POLICE OFFICER, TELL US HOW

HE FUNCTIONED AS A POLICE OFFICER?

A. GREAT COP. TO ME, PERSONALLY, THAT'S THE BEST COMPLIMENT I CAN GIVE SOMEBODY. SOMEBODY ASKED ABOUT A CERTAIN PERSON I SAID, "HE IS A GREAT COP," THAT TO ME IS THE HIGHEST COMPLIMENT I CAN GIVE SOMEBODY ON THE PROFESSIONAL SIDE. LUKE WAS A GREAT COP.

Q. WHAT MADE HIM A GREAT COP?

A. YOU KNOW WHAT, I THINK HE JUST HAD A KNACK FOR THE TYPE OF WORK HE DID, DOING NARCOTICS WORK IN PLAINCLOTHES-TYPE INVESTIGATIONS THAT WE WORK WITH. TONS OF EXPERIENCE. HE HAD A WORK ETHIC DRIVE. AND HE JUST HAD A KNACK. I THINK SOME PEOPLE ARE BORN INTO THIS JOB AND I THINK HE WAS ONE OF THEM.

Q. YOU KNOW, WE ARE IN THIS BOARD OF RIGHTS, AFTER EVIDENCE AND TESTIMONY, THE BOARD FOUND LUKE GUILTY OF ATTEMPTING TO POSSESS A FIREARM SILENCER, HEARING THAT, DOES THAT IN ANY WAY AFFECT YOU OR CHANGE YOUR THOUGHTS ABOUT HIM?

A. NOT AT ALL.

Q. WHY NOT?

A. LIKE I MENTIONED BEFORE, LUKE HAS A BIG HEART. HE ALWAYS HAS THE BEST INTENTIONS. HE IS SITTING IN FRONT OF THE BOARD, HE IS A BIG MUSCULAR GUY. HE CAN PULL A SMALL AUTOMOBILE OVER HIS HEAD,

BUT THERE IS NOT A BAD BONE IN HIS BODY. HE IS A GOD FEARING MAN. HE LOVES HIS FAMILY. HE LOVES HIS KIDS. AND HE LOVES HIS COWORKERS. HE ALWAYS TREATED US FAIRLY. ALWAYS HAD OUR BEST INTENTIONS AT HEART AND I DON'T BELIEVE THAT'S CHANGED.

Q. I APPRECIATE YOU SHARING WHAT YOU HAVE SHARED WITH US. IS THERE ANYTHING ELSE YOU THINK THE BOARD NEEDS TO KNOW ABOUT LUKE TO HELP THEM MAKE THEIR DECISION?

A. WELL, HE HAS BEEN GOING THROUGH THIS FOR A COUPLE OF YEARS, LIKE I SAID, HE IS STRONG IN HIS FAITH AND THAT'S HELPED HIM. ON A PERSONAL NOTE, HE HAS HELPED ME THROUGH SOME DIFFICULT TIMES AND HE CONTINUES TO DESPITE WHAT HE IS GOING THROUGH. AND I THINK THAT SPEAKS VOLUMES OF THE TYPE OF PERSON AND CHARACTER THAT HE HAS. I JUST HOPE THAT THE BOARD SEES FIT.

Q. LET ME ASK YOU THIS. IF HE WERE TO MAINTAIN HIS JOB, WOULD YOU HAVE ANY HESITATIONS OR CONCERNS ABOUT HIM WORKING FOR YOU?

A. NOT AT ALL. IF I COULD, I WOULD GRAB HIM UP IN A SECOND.

Q. GREAT. THANK YOU FOR SHARING ALL OF THAT. I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU. SERGEANT SLATER MAY OR THE BOARD MAY, SO PLEASE HANG

ON.

A. SURE.

SERGEANT SLATER: NOTHING FROM THE DEPARTMENT. THANK YOU, THOUGH.

MS. AMIN: BOARD MEMBERS? NOTHING FROM US THANK YOU VERY MUCH.

MR. SEKI: SIR, NO ADDITIONAL QUESTIONS. THANK YOU VERY MUCH FOR TAKING THE TIME TO SPEAK TO US. WE ARE GOING TO HANG UP. HAVE A GREAT DAY.

MS. AMIN: MR. SEKI, ANYBODY ELSE?

MR. SEKI: NO, THAT DOES IT FOR OUR WITNESSES.

MS. AMIN: SO ARE YOU RESTING OR ARE YOU DONE?

MR. SEKI: WE ARE DONE UNLESS SOMETHING UNUSUAL COMES UP.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: SO THE DEPARTMENT HAS WITNESSES STILL TO CALL ONE IS TO ADDRESS SOME CONCERNS THE DEPARTMENT HAS WITH THE ACCUSED'S F THAT WAS INTRODUCED AT THE END OF THE DAY, BUT THEY ARE NOT AVAILABLE UNTIL 1230. AND THEN WE HAVE A RISK MANAGER AND THEY ARE NOT AVAILABLE UNTIL 1300. I REALIZE THAT IS SHORTLY AFTER WE JUST BEGAN, BUT HOW THINGS LINE UP THEY ARE NOT AVAILABLE UNTIL THOSE TIMES.

MS. AMIN: DOES THAT MEAN WE CAN TAKE A LUNCH? CAN YOU GUYS TAKE A LUNCH AT THIS TIME?

SERGEANT SLATER: WHATEVER THE BOARD WOULD LIKE DO, WE CAN DO.

MS. AMIN: WELL, WE HAVE NO OTHER OPTION. WE WILL COME BACK AT 1230.

MR. SEKI: GREAT. THANK YOU.

(A LUNCH RECESS WAS TAKEN.)

SERGEANT SLATER: THE DEPARTMENT AT THIS TIME WOULD LIKE TO CALL DETECTIVE MICHAEL HACKMAN.

MS. AMIN: ALL RIGHT.

(TELEPHONIC TESTIMONY.)

SERGEANT SLATER: SIR, THIS IS SERGEANT SLATER. YOU ARE ON SPEAKER PHONE IN THE BOARD OF RIGHTS AS WE DISCUSSED. CAN YOU HEAR ME.

DETECTIVE HACKMAN: I CAN HEAR YOU.

SERGEANT SLATER: YOU ARE GOING TO BE SPEAKING THROUGH A PHONE, SO IF YOU CAN JUST SPEAK CLEARLY AND ARTICULATELY. OUR CHAIRPERSON IS MS. AMIN. OUR ASSOCIATES ARE MR. ORTEGA AND MS. STRONG-FARGAS. AND MR. SEKI IS HERE AS WELL.

CAN YOU SPEAK?

DETECTIVE HACKMAN: GOOD AFTERNOON EVERYONE.

SERGEANT SLATER: SIR, I'M GOING TO HAVE YOU SWORN IN BY THE CHAIRPERSON AND WE WILL PROCEED.

MS. AMIN: GOOD AFTERNOON. THANK YOU FOR BEING HERE TODAY BY TELEPHONE. CAN YOU SPELL YOUR NAME FOR US?

DETECTIVE HACKMAN: SURE. MICHAEL HACKMAN, M-I-C-H-A-E-L, HACKMAN, H-A-C-K-M-A-N.

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?"

DETECTIVE HACKMAN: I DO.

MS. AMIN: THANK YOU.

MICHAEL HACKMAN,

WAS CALLED AS A WITNESS BY THE DEPARTMENT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. DETECTIVE HACKMAN, HOW LONG HAVE YOU BEEN A MEMBER OF THE LOS ANGELES POLICE DEPARTMENT?

A. I HAVE BEEN A MEMBER FOR TEN YEARS.

Q. AND WHAT IS YOUR CURRENT POSITION AND RANK?

A. I'M A DETECTIVE III AT PROFESSIONAL

STANDARDS BUREAU AND I AM THE OFFICER IN CHARGE OF OUR ANALYSIS AND REGULATORY COMPLIANCE SECTION.

Q. AND AS THE OFFICER IN CHARGE OF THE ANALYSIS REGULATORY COMPLIANCE SECTION, DO YOU ALSO OVERSEE THE SERIOUS MISCONDUCT REPORTING UNIT?

A. I DO.

Q. IN THESE POSITIONS, WHAT ARE YOUR DUTIES?

A. AS THE O.I.C. I AM RESPONSIBLE FOR POLICY DEVELOPMENTS FOR SUPPORTING AND FOR OVERSEEING THE HYPE REPORTING UNIT WHICH COMPLIES WITH THE SENATE BILL 2.

Q. WHAT IS SENATE BILL 2?

A. SENATE BILL 2 WAS LEGISLATION THAT CHANGED THE CALIFORNIA PEACE OFFICERS STANDARDS AND TRAINING COMMITTEE INTO A LICENSING AND REGULATORY OVERSIGHT COMMISSION WITH THE POWER TO ISSUE AND DECERTIFY POLICE OFFICER CERTIFICATES.

Q. AND WHEN YOU SAY "DECERTIFY CERTIFICATES," WHAT DO YOU MEAN BY "DECERTIFY"?

A. SO REMOVE THE LICENSE ABILITY SO NOW THE POLICE OFFICER IN CALIFORNIA, SIMILAR TO LAWYERS, AND DOCTORS, AND DENTIST, THAT WE HAVE A PROFESSIONAL LICENSE THAT IS SUBJECT TO RENEWAL OR REVOCATION.

Q. ARE YOU FAMILIAR WITH IMMEDIATE TEMPORARY SUSPENSION?

A. I AM.

Q. WHAT IS AN IMMEDIATE TEMPORARY SUSPENSION?

A. AN IMMEDIATE TEMPORARY SUSPENSION IS THE ABILITY FOR POST, IT'S UNDER 13510.8(D) OF THE PENAL CODE AND IT ALLOWS THE EXECUTIVE DIRECTOR OF POST TO IMMEDIATELY WITHOUT THE ENTIRE INVESTIGATION BEING COMPLETED, SUSPEND THE POLICE OFFICER LICENSE OF AN INDIVIDUAL WHEN THE INDIVIDUAL IS EITHER ARRESTED OR SUBJECT TO INDICTMENT FOR A FELONY, OR IS UNDER INVESTIGATION FOR SERIOUS MISCONDUCT AND HAS LEFT THE IMPLYING AGENCY.

Q. DOES THE LOS ANGELES POLICE DEPARTMENT NOTIFY POST SPECIFICALLY THE SB2 SECTION OF POST AT ANY OTHER TIME DURING THE INVESTIGATIONS?

A. WE DO. THERE ARE, FOR COMPLETE INVESTIGATION, THERE ARE THREE TRIGGERING CASE THAT WE HAVE TO MAKE NOTIFICATION. THE FIRST IS WITHIN TEN DAYS OF WHEN THE ALLEGATION IS RECEIVED. THE SECOND IS WITHIN TEN DAYS OF THE AGENCY SUSTAINING THE SERIOUS MISCONDUCT ALLEGATION IF IT IS SUSTAINED. AND THE THIRD TRIGGERING POINT IS WITHIN TEN DAYS OF THE COMPLAINT BEING CLOSED OUT. WHEN A COMPLAINT BEING CLOSED OUT IF THERE IS A BOARD OF RIGHTS INVOLVED A COMPLAINT IS CLOSED OUT FOR BOARD OF RIGHTS AFTER BOARD OF RIGHTS IS CONCLUDED AND THE FINAL

DISCIPLINARY ACTION HAS BEEN IMPLEMENTED.

Q. SO IF I'M HEARING YOU CORRECTLY, JUST BECAUSE A TEMPORARY SUSPENSION IS ISSUED, DOES NOT MEAN THAT POST WILL NOT TAKE OTHER ACTIONS LATER ON INCLUDING AFTER A BOARD OF RIGHTS HAS BEEN CONCLUDED; IS THAT CORRECT?

A. THAT'S CORRECT. IT'S AN INDEPENDENT ACTION THEY CAN TAKE WHEN THEY THINK THERE MAY BE AN IMMEDIATE HARM TO THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC ISSUANCE OR WITHDRAW OF THE TEMPORARY SUSPENSION DOESN'T ACTUALLY IMPACT THE FINAL ACTION BEING TAKEN IN THE MATTER.

Q. IS THERE SOME SORT OF NOTIFICATION ISSUED IF POST DOES NOT INTEND TO TAKE ANY FURTHER NOTIFICATION?

A. YES, IF POST DECIDES NOT TO MAKE ANY NOTIFICATION IN THE MATTER, THE OFFICER AND THE DEPARTMENT ARE MAILED A LETTER THAT SAYS THE CASE IS BEING CLOSED AND THERE ARE NO FURTHER ACTIONS.

Q. HAVE YOU REVIEWED CF NO. 21-001144 AS PART OF YOUR DUTIES?

A. I HAVE.

Q. HAVE WE RECEIVED ANY NO ACTION LETTERS FROM POST REGARDING THAT?

A. WE HAVE NOT.

Q. AND AT THE CONCLUSION OF THIS BOARD

REGARDLESS OF THE DECISION OF THE BOARD TODAY, WILL THERE BE A NOTIFICATION TO POST?

A. THERE WILL BE.

Q. AND DOES THE DECISION OF POST HAVE ANY IMPACT ON THE DECISIONS -- OR LET ME REPHRASE THAT.

IS THE DECISION MADE BY THE DEPARTMENT ON THE OUTCOME OF THIS BOARD SEPARATE FROM POST DECISION?

A. IT IS SEPARATE, CORRECT.

Q. CAN YOU EXPLAIN HOW SO?

A. SO THE DECISION OF THE BOARD IS AS AN EMPLOYMENT ACTION AND THE DECISION OF POST IS A REGULATORY ACTION, LICENSING ACTION, SO WHATEVER DECISION IS MADE FOR RETAINING OR DISCIPLINING THE OFFICER AT A BOARD OF RIGHTS, POST INDEPENDENTLY CAN CHOOSE WHETHER OR NOT THE INDIVIDUAL CAN ACT AS POLICE OFFICER CERTIFICATE.

Q. BUT THAT DECISION HAS NO BEARING ON THE DEPARTMENT'S DECISION; CORRECT?

A. CORRECT.

Q. HAVE YOU REVIEWED ACCUSED'S F, IT WAS E-MAILED TO YOU YESTERDAY?

A. I HAVE.

Q. IS THERE ANYTHING IN THIS LETTER THAT INDICATES THAT POST DOES NOT INTEND TO TAKE FURTHER ACTION AGAINST MR. WALDEN?

A. THERE IS NOT. AND IN THE LETTER, I BELIEVE TOWARDS THE END OF THE LAST FULL PARAGRAPH, IT MENTIONS THAT THEY ARE WITHDRAWING THE TEMPORARY SUSPENSION WITHOUT PREJUDICE AND WITHOUT FULL RIGHT TO TAKE ANY ACTION THAT THEY DEEM NECESSARY FOR THE SERIOUS MISCONDUCT.

SERGEANT SLATER: THANK YOU. THE DEPARTMENT HAS NOTHING FURTHER FOR YOU AT THIS TIME BUT THE BOARD AND THE DEFENSE MAY BOTH, SO I AM GOING TO HAND YOU OVER TO MR. SEKI AT THIS TIME.

DETECTIVE HACKMAN: OKAY.

CROSS-EXAMINATION

BY MR. SEKI:

Q. DETECTIVE HACKMAN, BILL SEKI HERE.

A. HI, SIR.

Q. GIVE ME ONE SECOND. SO SERIOUS MISCONDUCT IS DEFINED 13510.8; CORRECT?

A. CORRECT.

Q. AND THERE ARE SEVERAL DIFFERENT CATEGORIES UNDER SUBSECTION B OF THAT SECTION; CORRECT?

A. YES, THERE ARE NINE.

Q. SO ON SUBSECTION 1 RELATES TO DISHONESTY; CORRECT?

A. CORRECT.

Q. 2 IS ABUSE OF POWER, INCLUDING BUT NOT LIMITED TO INTIMIDATING WITNESSES, KNOWINGLY OBTAINING A FALSE CONFESSION, ET CETERA?

A. CORRECT.

Q. SUBSECTION 3, PHYSICAL ABUSE; IS THAT RIGHT?

A. YES.

Q. IS SUBSECTION 4, I WILL TEST YOU, WHAT IS SUBSECTION 4?

A. I DON'T KNOW. I BELIEVE IT'S PROBABLY SEXUAL ASSAULT.

Q. EXACTLY. VERY GOOD. SUBSECTION 5, DEMONSTRATING BIAS ON THE BASIS OF RACE, ET CETERA, ET CETERA; CORRECT?

A. CORRECT.

Q. SUBSECTION 6 DEALS WITH ACTS OF VIOLATING THE LAW AND ARE SUFFICIENTLY EGREGIOUS OR REPEATED AS TO BE INCONSISTENT WITH THE A POLICE OFFICER'S OBLIGATION TO UPHOLD THE LAW OR RESPECT THE RIGHTS OF MEMBERS OF THE PUBLIC, AS DETERMINED BY THE COMMISSION; CORRECT?

A. CORRECT.

Q. SUBSECTION 7 IS PARTICIPATION IN A LAW ENFORCEMENT GANG; IS THAT CORRECT?

A. THAT'S CORRECT.

Q. SUBSECTION 8 DEALS WITH FAILURE TO COOPERATE

WITH AN INVESTIGATION INTO POTENTIAL POLICE MISCONDUCT, ET CETERA; CORRECT?

A. CORRECT.

Q. SUBSECTION 9 DEALS WITH FAILURE TO INTERCEDE WHEN PRESENT AND OBSERVING ANOTHER OFFICER USING FORCE WHICH IS CLEARLY BEYOND THAT THAT IS NECESSARY, ET CETERA; CORRECT?

A. THAT'S CORRECT.

Q. SO WHEN YOU ALL SEND THESE THINGS TO POST, DO YOU DETERMINE WHETHER OR NOT SOMETHING CONSTITUTES SERIOUS MISCONDUCT OR IS THAT LEFT UP TO POST?

A. WE DETERMINE IF THE ALLEGATION MEETS THE THRESHOLD CRITERIA FOR SERIOUS MISCONDUCT, THEY DECIDE IF IT'S ACTIONABLE WITHIN THEIR PERIMETERS.

Q. ARE YOU USING THE SAME DEFINITIONS AS POST IN DETERMINING WHAT SERIOUS MISCONDUCT IS?

A. WE HAVE.

Q. ISN'T IT TRUE ANY FINDING OF GUILTY IN A BOARD OF RIGHTS IS THEN FORWARDED OVER TO POST?

A. THAT IS CORRECT, YES.

Q. EVEN IF IT DOESN'T FALL WITHIN ONE OF THESE CATEGORIES; IS THAT CORRECT?

A. SORRY. THAT IS INCORRECT.

Q. SO CLARIFY FOR ME, PLEASE, ILLUMINATE ME?

A. IF THERE WERE A FINDING OF GUILTY IN A BOARD

OF RIGHTS THAT AN OFFICER FAILED TO WEAR A SEATBELT DURING THAT PURSUIT, THAT WOULD NOT BE FORWARDED INTO POST BECAUSE THAT DOES NOT MEET SERIOUS MISCONDUCT.

Q. IF SOMEBODY WERE TO BE FOUND GUILTY OF DRIVING UNDER THE INFLUENCE, WOULD THAT BE FORWARDED TO POST?

A. THAT IS FACT SPECIFIC INQUIRY GENERALLY THE FIRST TIME DUI NO INJURIES THEY THEN DIDN'T TRY TO FLEE THE SCENE OF FIRST TIME DUI IS GENERALLY NOT FORWARDED, SECOND TIME DUI'S, DUI WITH INJURIES DUE DUI WITH AGGRAVATING CIRCUMSTANCES THOSE ARE REPORTED TO POST.

Q. SOMETHING DEALING WITH DOMESTIC VIOLENCE THAT WOULD BE SENT OVER TO POST; CORRECT?

A. AGAIN, IT WOULD DEPEND ON THE CIRCUMSTANCES BUT DOMESTIC VIOLENCE ARE SUBMITTED TO POST.

Q. ONCE IT'S SUBMITTED TO POST, THE DEPARTMENT, BASICALLY, ALLOWS POST TO DO WHAT IT'S SUPPOSED TO DO; CORRECT?

A. THAT'S CORRECT.

Q. DO YOU KNOW WHAT THE STANDARD OF REVIEW IS BY POST WHEN REVIEWING SOMETHING TO DETERMINE WHETHER OR NOT SOMEBODY IS FOUND GUILTY OF SOMETHING AND THEY ARE GOING TO, BASICALLY, SUSTAIN AND REVOKE THE CERTIFICATION?

A. YES, IT'S CLEAR AND CONVINCING EVIDENCE.
Q. THAT'S PURSUANT TO 13510.8; CORRECT?
A. THAT'S CORRECT.
Q. HAVE YOU PARTICIPATED IN ANY POST HEARINGS?
A. THEY HAVE ONLY HAD A ONE HEARING FOR AN LAPD SO FAR AND IT DID NOT REQUIRE PARTICIPATION.
Q. IN FACT, IT IS STILL ON-GOING, ISN'T IT?
A. IT IS, YES.
Q. SO NO FINAL ADJUDICATION HAS BEEN MADE BY POST ON ANY OF THE THINGS THAT HAVE BEEN FORWARDED TO THEM; IS THAT CORRECT?
A. THAT IS INCORRECT.
Q. OKAY. SO CLARIFY FOR ME, PLEASE.
A. SO THEY HAVE TAKEN ACTION ON ALL THE REPORTS FORWARDED TO THEM WHERE THE EMPLOYEE IS INELIGIBLE TO HOLD A LICENSE UNDER 1029.
Q. SO IF SOMEONE WAS INELIGIBLE BECAUSE THEY PLEAD TO A FELONY, THAT WOULD BE SOMETHING THAT THEY HAVE TAKEN ACTION ON; RIGHT?
A. YES, THEY HAVE TAKEN ACTION ON THOSE SO FAR.
Q. OR IF A PERSON HAS BEEN DISCHARGED FROM THE MILITARY FOR COMMITTING AN OFFENSE WHICH COULD HAVE BEEN A FELONY?
A. THAT'S CORRECT. I DON'T BELIEVE THAT HAS COME UP YET.

Q. SO ASIDE FROM THOSE, WHERE THERE HAS BEEN AN INSTANCE OF A BOARD OF RIGHTS AND SOMEBODY BEING FOUND GUILTY, HAS POST TAKEN ANY FINAL ACTION AGAINST ANYONE AS FAR AS YOU KNOW?

A. AS FAR AS I KNOW, THEY HAVE NOT YET.

Q. AND YOU ARE FAMILIAR AGAIN WITH WHAT WAS SENT TO YOU REGARDING DETECTIVE WALDEN, WHERE THERE WAS A WITHDRAW OF THE TEMPORARY SUSPENSION; CORRECT?

A. CORRECT.

Q. AND READING THAT, POST WOULD VIEW THE CONVICTION OF THE MISDEMEANOR; CORRECT?

A. CORRECT.

Q. AND THEY INDICATED IN THAT WITHDRAW THAT WAS AT THAT POINT IN TIME, BASED UPON THAT CONVICTION, THEY DIDN'T BELIEVE THERE WAS ANYTHING THAT WOULD PREVENT HIM FROM BEING A LAW ENFORCEMENT OFFICER; IS THAT ACCURATE?

A. NO. WHAT THEY INDICATED IS IT DIDN'T MEET ONE OF THE TWO CRITERIA FOR THE IMMEDIATE TEMPORARY SUSPENSION, WHICH IS SUBJECT TO, BASICALLY, A FELONY CHARGE OR SEPARATION FROM THE AGENCY WHILE UNDER INVESTIGATION FOR SERIOUS MISCONDUCT, THEY DIDN'T MAKE A JUDGMENT AS TO WHETHER OR NOT THE SERIOUS MISCONDUCT OCCURRED WOULD PREVENT HIM.

Q. AS I READ IT, AS A RESULT NO REASON EXIST TO

PRESENTLY THAT WILL BE DISQUALIFIED FROM HOLDING OFFICERS BEING EMPLOYED AS A PEACE OFFICER FOR THE REASONS SET FORTH IN GOVERNMENT CODE SECTION 1029; CORRECT?

A. THAT'S CORRECT.

Q. THE LETTER IS STATING HE IS GOING TO BE DISQUALIFIED ON THE BASIS OF HAVING A FELONY. AGAIN, IN TERMS OF A HEARING, THAT'S CONDUCTED BY THE POST COMMISSION OR THE COMMISSION THAT THEY SET UP AND THERE ARE SEVERAL LEVELS OF REVIEW; CORRECT?

A. THAT'S CORRECT.

Q. AGAIN, THE STANDARD OF REVIEW IS CLEAR AND CONVINCING; IS THAT ACCURATE?

A. THAT IS ACCURATE, YES.

MR. SEKI: THANK YOU. I HAVE NOTHING ADDITIONAL. THANK YOU VERY MUCH. THERE MAY BE ADDITIONAL QUESTIONS FOR YOU.

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. JUST A COUPLE QUICK THINGS TO CLARIFY. DETECTIVE HACKMAN THIS IS SERGEANT SLATER AGAIN.

HOW LONG HAS POST BEEN HOLDING THESE HEARINGS FOR?

A. THEY JUST FULLY ESTABLISHED THE COMMITTEE

AND THE ADVISORY BOARD WITHIN THE LAST FEW MONTHS.

Q. IT'S ONLY BEEN A FEW MONTHS THAT THEY EVEN HAD THE ABILITY TO HOLD THESE COMMITTEES, IF I'M HEARING YOU CORRECTLY?

A. THAT'S IS CORRECT. THEY INTEND TO HOLD TWO ADDITIONAL HEARINGS IN MARCH FOR OUR DEPARTMENT.

Q. THANK YOU. AND I WANT TO BE CLEAR. THE COUNT THAT DETECTIVE WALDEN WAS FOUND GUILTY BY THIS BOARD IS, ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER, WILL THIS CONSTITUTE SERIOUS MISCONDUCT THAT WILL BE REPORTED TO POST?

A. YES, IT WOULD.

SERGEANT SLATER: THANK YOU. THE BOARD MAY HAVE QUESTIONS. PLEASE STAND BY.

DETECTIVE HACKMAN: YES.

MS. STRONG-FARGAS: DETECTIVE HACKMAN, IF THIS BOARD -- NEVER MIND. I JUST THOUGHT THROUGH MY OWN QUESTION AND I DON'T HAVE ANY QUESTIONS. SORRY.

EXAMINATION

BY MS. AMIN:

Q. SO THIS BOARD IS SEPARATE AND INDEPENDENT FROM THE POST OBLIGATIONS OF LICENSE REVIEW; IS THAT CORRECT?

A. THAT IS CORRECT, YES.

Q. AND OUR REQUIRED PROOF IS BY A PREPONDERANCE OF THE EVIDENCE WHEREAS POST IS CLEAR AND CONVINCING, AND THOSE ARE ENTIRELY DIFFERENT STANDARDS, RIGHT?

A. THAT IS CORRECT, YES.

Q. SO I'M AT A LOSS OF WHY YOU ARE HERE FOR US. HOW YOUR CRITERIA FOR POST AND POST REVIEW HAVE NO BEARING ON OUR REVIEW OR OBLIGATIONS TO THE EMPLOYMENT ACTION BEFORE US OR ARE THERE POST-RELATED OBLIGATIONS TO US?

A. SO I'M GOING TO TRY TO ANSWER THAT AS BEST I CAN. I MIGHT GET AN OBJECTION SO LISTEN TO THAT. THERE ARE NO OBLIGATIONS THAT YOU AS A BOARD HAVE TO POST OR VICE VERSA THERE IS A CONSIDERATION THAT, I BELIEVE, THAT --

MR. SEKI: I AM GOING TO OBJECT.

MS. AMIN: HOLD ON. MR. SEKI IS TRYING TO OBJECT.

MR. SEKI: I AM GOING TO OBJECT. HE IS NOT IN A POSITION TO DO IT. THE NEXT WITNESS WHO IS A RISK MANAGER IS PROBABLY MORE APPROPRIATE AUTHORIZED TO ANSWER THAT QUESTION SINCE HE IS, BASICALLY, THE PERSON WHO SENDS THINGS THROUGH AND THE GATE KEEPER TO FORWARD THINGS TO POST AS OPPOSED TO THE RISK MANAGER WHO WOULD HAVE A BETTER ANSWER FOR YOU.

SERGEANT SLATER: AND THE DEPARTMENT IS NOT CALLING HIM TO TELL YOU WHAT YOUR OBLIGATIONS ARE, ONLY TO EXPLAIN THE DOCUMENT THAT WAS PRESENTED AT THE END OF THE DAY.

MS. AMIN: ACCUSED EXHIBIT F, THAT'S ALL HE IS HERE FOR? NOT TO TELL THE BOARD HOW TO PROCEED.

NEVER MIND. I HAVE NO OTHER QUESTIONS.

BY MS. STRONG-FARGAS:

Q. I THOUGHT OF ANOTHER ONE OR I THINK I CRYSTALIZED MY QUESTION, I THINK. IN THE SCENARIO WHICH THIS BOARD REACHES A SENTENCING DECISION, AND DOCUMENTS IT AND ISSUES THAT DECISION AND THAT DECISION ULTIMATELY GOES TO POST. DETECTIVE HACKMAN, DOES THAT HAVE ANY BEARING ON THE DETERMINATION OF YOUR RECOMMENDATION? DOES WHAT WE CONCLUDE IN THE SENTENCING PHASE HAVE ANY BEARING ON YOUR DETERMINATION?

A. NO, IT DOES NOT. MY UNIT DOESN'T MAKE RECOMMENDATIONS TO POST. WE JUST REPORT ON THE OBJECTIVE CRITERIA AND PROVIDE THE SUPPORTING DOCUMENTATIONS THEY REQUEST FOR THEIR OWN DETERMINATIONS.

MS. AMIN: ANY OTHER QUESTIONS, DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT, MA'AM.

MS. AMIN: MR. SEKI?

MR. SEKI: NO, MA'AM.

MS. AMIN: ALL RIGHT. DETECTIVE, THANK YOU VERY MUCH FOR YOUR TIME AND THE INFORMATION YOU PROVIDED. YOU ARE EXCUSED.

DEPARTMENT, DO YOU HAVE ANOTHER WITNESS?

SERGEANT SLATER: YES. THE DEPARTMENT WOULD LIKE TO CALL CAPTAIN YASIR GILLANI.

MS. AMIN: I'M GOING TO SWEAR YOU IN. DO YOU SOLEMNLY SWEAR OR AFFIRM THE EVIDENCE YOU SHALL GIVE WILL BE THE WHOLE TRUTH?

CAPTAIN GILLANI: I DO.

YASIR GILLANI,

WAS CALLED AS A WITNESS BY THE DEPARTMENT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

MS. AMIN: THANK YOU. HAVE A SEAT.

DEPARTMENT, YOUR WITNESS.

SERGEANT SLATER: THANK YOU.

DIRECT EXAMINATION

SERGEANT SLATER:

Q. GOOD AFTERNOON, CAPTAIN. HOW LONG HAVE YOU

BEEN A MEMBER OF THE LOS ANGELES POLICE DEPARTMENT?

A. NEXT WEEK WILL BE 25 YEARS.

Q. THANK YOU. HAPPY ANNIVERSARY. WHAT IS YOUR CURRENT POSITION AND ASSIGNMENT?

A. I'M THE COMMANDING OFFICER OF RISK MANAGEMENT LEGAL AFFAIRS DIVISION.

Q. AND WHAT ARE YOUR ASSIGNMENTS OR WHAT ARE YOUR DUTIES AND RESPONSIBILITIES AS THE COMMANDING OFFICER OF LEGAL MATTERS?

A. WE HAVE FOUR DIFFERENT SECTIONS. WE HAVE A SECTION OF DETECTIVES THAT WORK WITH THE CITY ATTORNEYS WHO DEAL WITH LITIGATION FROM OUTSIDE USE OF FORCE CASES, UNLAWFUL ARRESTS, THINGS RELATED TO THE PROTEST IN 2020. I HAVE A GROUP OF DETECTIVES THAT WORK WITH OUR CITY ATTORNEYS THAT DEFEND EMPLOYMENT LITIGATION BROUGHT BY EMPLOYEES. I HAVE ANOTHER SECTION BOUGHT BY PUBLIC REQUEST AND CALIFORNIA PUBLIC ACT 1421, THE SENATE BILL, YOU ARE OBLIGED TO DISCLOSE PUBLIC. AND I HAVE A SECTION OVERSEES A RISK MANAGEMENT EXECUTIVE COMMITTEE. THERE'S A COMMITTEE CONSISTING OF DETECTIVE ORGANIZATION AND WE MEET MONTHLY AND DISCUSS PERSONNEL WHO HAVE RISK MANAGEMENT ISSUES GOING FORWARD AND POTENTIAL DUTY RESTRICTIONS, OR NOT ALLOWING THEM TO WORK CERTAIN ASSIGNMENTS OR WATCHES, THINGS OF THAT NATURE. THAT SECTION ALSO HAS

A UNIT THAT DEALS WITH PITCHES MOTIONS WHERE WE TAKE FILES TO COURT AND THEY WORK CLOSELY WITH THE D.A.'S OFFICE WITH BRADY TIPS.

Q. AND WHAT BACKGROUND AND TRAINING EXPERIENCE DO YOU HAVE THAT PREPARED YOU FOR THESE ROLES?

A. SO 25 YEARS ON THE JOB, SOME OF MY ASSIGNMENTS I THINK ARE APPLICABLE. I WAS AN INVESTIGATOR AT RISK MANAGEMENT LEGAL AFFAIRS DIVISION. I DID THAT FOR THREE YEARS. AS A SERGEANT I WORKED INTERNAL AFFAIRS. I WORKED AS AN INVESTIGATOR FOR ABOUT EIGHT MONTHS AND THEN I WORKED AS AN ASSOCIATE ADVOCATE FOR ABOUT THREE YEARS. I DID BOARDS OF RIGHTS CASES. AS A LIEUTENANT I WAS THE DEPARTMENT ADVOCATE FOR ABOUT EIGHT MONTHS BEFORE I MADE CAPTAIN. I BECAME A CAPTAIN IN TWO DIFFERENT AREAS HOLLYWOOD AND WEST LOS ANGELES DIVISION. AND MY CURRENT ROLE HERE I ALSO HAVE A JURIST DOCTRINE DEGREE I OBTAINED BEFORE I CAME ONTO THE JOB.

Q. YOU MENTIONED ONE OF YOUR RESPONSIBILITIES IS TO ACT AS A DEPARTMENT RISK MANAGER. AS A RISK MANAGER IS IT YOUR RESPONSIBILITY TO ASSESS THE FUTURE OF DEPARTMENT EMPLOYEES WHO HAVE BEEN FOUND GUILTY OF COMMITTING SERIOUS MISCONDUCT?

A. YES, THAT'S ONE OF THE ROLES I HAVE.

Q. WHAT IS SERIOUS MISCONDUCT?

A. ALL MISCONDUCT IS SIGNIFICANT. NOW, REALISTICALLY, WE DON'T TERMINATE EVERYONE FOR DOING EVERYTHING. AN OFFICER WHO GETS ARRESTED FOR A DUI MAY GET SUSPENSION DAYS, MORE SIGNIFICANT MISCONDUCT IS CRIMINAL ACTS. OBVIOUSLY, I KNOW THE DUI IS A CRIMINAL ACT, BUT WE LOOK AT ALCOHOL AS SOMETHING MORE OF A DISEASE IN POSSIBLE TREATMENT. BUT OTHER CRIMINAL ACTS WHERE OFFICERS IS FOUND GUILTY OF A MISDEMEANOR OR FELONY CRIME, WE BELIEVE THAT'S PRETTY SIGNIFICANT MISCONDUCT. AND WHEN WE HAVE ISSUES LIKE THAT THAT COME BEFORE A BOARD OF RIGHTS, THAT'S WHY I AM HERE TESTIFYING THOSE ARE THINGS WE LOOK AT MOVING FORWARD.

Q. DID YOU HAVE AN OPPORTUNITY IN YOUR POSITION TO REVIEW THE COMPLAINT INVESTIGATION AND LETTER OF TRANSMITTAL REGARDING THE CASE WE ARE HERE FOR TODAY CF 21-001144?

A. I DID.

Q. AND ARE YOU AWARE THAT DETECTIVE WALDEN HAS BEEN FOUND GUILTY OF THIS BOARD OF A SINGLE COUNT OF "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER," END QUOTE?

A. YES.

Q. IS THAT CONSIDERED SERIOUS MISCONDUCT BY THE STATE OF CALIFORNIA?

A. IN THE STATE OF CALIFORNIA IT IS A CRIME TO PURCHASE A SILENCER, SO, YES, BY COMMITTING A CRIME THAT IS CONSIDERED SERIOUS MISCONDUCT.

Q. IS THE FACT THAT HE ATTEMPTED AND DID NOT ACTUALLY MANAGE TO SUCCESSFULLY OBTAIN THE SILENCER, THE ATTEMPT IS STILL THERE, IT'S LIKE TRYING TO BUY DRUGS OR TRYING TO BUY SOMETHING THAT IS ILLEGAL TO POSSES, YOU ARE TRYING TO ATTEMPT TO TRY TO GET THAT ITEM. ARE YOU AWARE THAT DETECTIVE WALDEN HAD CRIMINAL CHARGES FILED AGAINST HIM AS PART OF THIS INVESTIGATION?

A. I WAS ADVISED THAT, YES.

Q. ARE YOU AWARE HE WAS ENDED UP PLEADING OUT TO A MISDEMEANOR?

A. I KNOW THERE WAS A MISDEMEANOR PLEA, I'M NOT SURE WHAT THE CHARGE WAS.

Q. DOES THE DEPARTMENT EMPLOY ANYONE WHO HAS BEEN CONVICTED OF A FELONY?

A. ONE OF THE CONDITIONS IS YOU CANNOT HAVE A FELONY, SO NO.

Q. IS THE FACT THAT WALDEN HAS PLED OUT TO A MISDEMEANOR CHARGE A CONCERN TO YOU IN YOUR ROLE AS A RISK MANAGER?

A. THE FACT THAT THERE WAS A CRIME COMMITTED AND THIS BOARD HAS FOUND HIM GUILTY OF COMMITTING THE

CRIME, THE SCALE OF BEING A FELONY OR MISDEMEANOR, I THINK IT IS STILL CONCERNING THE FACT THAT IT IS NOT A FELONY, THERE WOULD HAVE BEEN ANOTHER COUNT BROUGHT AGAINST HIM IF HE WAS CONVICTED OF A FELONY. WE DON'T HAVE THAT MISDEMEANOR THERE IS STILL A CONCERN MOVING FORWARD OF HAVING SOMEONE WHO HAS PLED GUILTY OF COMMITTING A CRIMINAL ACT, MAINTAINING HIS POSITION AS A POLICE OFFICER.

Q. WHAT ARE THE SOLE FUNCTIONS OF A POLICE OFFICER, SIR?

A. SO OUR OFFICERS ARE REQUIRED TO RESPOND TO CALLS, TAKE CRIME REPORTS, TESTIFY IN COURT WHICH IS VERY SIGNIFICANT PART OF BEING A POLICE OFFICER. MANY OTHER THINGS WE DO, BUT I DON'T WANT TO GO TOO FAR INTO IT.

Q. WOULD THE FACT THAT DETECTIVE WALDEN WAS CONVICTED OF A MISDEMEANOR WEAPONS CHARGE HAVE AN IMPACT OF HIM TO COMPLETE THE FUNCTIONS OF A POLICE OFFICER?

A. ONE OF MY BRADY ISSUES, IF BRADY NOTIFICATION IS --

MR. SEKI: OBJECTION. NONRESPONSIVE. THE QUESTION IS WOULD IT PREVENT HIM.

SERGEANT SLATER: I WILL REWORD IT.

BY SERGEANT SLATER:

Q. FIRST YOU MENTION THAT ONE OF RESPONSIBILITIES TO DEAL WITH BRADY ISSUES BUT EXPLAIN TO THE BOARD WHAT A BRADY ISSUE IS?

A. SO ONE OF MY UNIT DUTIES IS BRADY TIPS. WHENEVER AN EMPLOYEE IS FOUND GUILTY OF SIGNIFICANT MISCONDUCT BEING CONVICTED OF A CRIME WOULD BE ONE OF THOSE WE NOTIFY THE DISTRICT ATTORNEY'S OFFICE. THEY THEN PUT A BRADY NOTIFICATION TO A EMPLOYEE'S FILE SO WHEN A EMPLOYEE COMES TO TESTIFY, THAT INFORMATION IS DISCLOSED TO THE DEFENSE. IN TERMS OF HIS ABILITY TO TESTIFY, THAT WOULD BE ONE UP TO THE D.A.'S OFFICE AND THE D.A. HANDLING THOSE CASES, I DON'T WANT SAY "YES" OR "NO" BUT IT WOULD DEFINITELY BE A TIP MADE AND THE D.A.'S OFFICE WOULD BE NOTIFIED.

Q. KEEPING THAT IN MIND, WOULD THE FACT DETECTIVE WALDEN WAS CONVICTED OF A MISDEMEANOR WEAPONS CHARGE?

MS. AMIN: YOUR WORDS ARE MIXED UP THERE.

BY SERGEANT SLATER:

Q. KEEPING THE BRADY EXPLANATION YOU JUST GAVE IN MIND, WOULD THE FACT THAT DETECTIVE WALDEN PLED OUT ON A MISDEMEANOR WEAPONS CHARGE HAVE AN IMPACT ON HIS ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF A POLICE OFFICER?

A. IT COULD.

Q. DOES THE DEPARTMENT HAVE OTHER OFFICERS CONVICTED OF A MISDEMEANOR EMPLOYED?

A. YES, WE DO.

Q. AND WHY DO WE HAVE THOSE OFFICERS EMPLOYED?

A. TAKING ASIDE DUI CASES, WE DO HAVE EMPLOYEES WHO HAVE DUI CASES WHO GET MISDEMEANOR, WE RETAIN THEM. WE ALSO HAVE EMPLOYEES WHO ARE CONVICTED OF DOMESTIC VIOLENCE, BRANDISHING, OTHER MISDEMEANOR CRIMES OFTENTIMES THOSE ARE DIRECTED TO A BOARD OF RIGHTS SUCH AS THIS ONE AND THE BOARD FINDS THE OFFICER GUILTY OF THAT COUNT AND DOES NOT REMOVE THAT OFFICER, THE DEPARTMENT HAS TO THEN RETAIN THAT OFFICER AND FIND A PLACE WHERE WE CAN KEEP THEM AND OFTENTIMES WITH NO PUBLIC CONTACT OR NOT NECESSARILY DOING THE ESSENTIAL JOB OF A POLICE OFFICER.

MR. ORTEGA: CAN I ASK A QUESTION? WHAT WAS THE EXAMPLE OF THE INSTANCE THAT YOU JUST GAVE US, WHAT WOULD A -- CAN YOU REPEAT THE SCENARIO THAT YOU SAID?

BY SERGEANT SLATER:

Q. YOU SAID THAT IS A DECISION MADE BY THE BOARD, AFTER THE CHIEF DIRECTED THEM TO A BOARD OF RIGHTS, THE CASES I AM REFERRING TO?

A. YES.

Q. AND DOES THE CHIEF HAVE THE ABILITY TO

DISAGREE WITH THE BOARD IF THE BOARD MAKES A DECISION NOT TO RELIEVE AN OFFICER AT THAT POINT?

A. THE CHIEF OF POLICE CAN ONLY LOWER A DECISION OF THE BOARD, HE CANNOT INCREASE THE DECISION.

Q. THE CHIEF OF POLICE IN THIS MATTER HIS RECOMMENDATION WAS FOR THE RELIEVE OF DETECTIVE WALDEN; DOES THE CHIEF CONSULT WITH ANYONE WHEN MAKING HIS RECOMMENDED DISCIPLINE?

A. ULTIMATELY, IT'S THE CHIEF OF POLICE'S DECISION TO RECOMMEND AN INDIVIDUAL BE DIRECTED TO A BOARD OF RIGHTS IN THIS PROCESS. I HAVE BEEN IN THE ROOM WHEN THOSE DECISIONS ARE MADE, HE DOES HAVE OTHER UPPER COMMAND STAFF THERE PERSONNEL FROM INTERNAL AFFAIRS. SO SOME DISCUSSIONS ARE HAD SOMETIMES, SOMETIMES IT'S JUST A PRESENTATION AND A DECISION IS MADE, EVERY SITUATION IS DIFFERENT.

Q. DOES THE CHIEF, FROM WHAT YOU ARE SAYING WITH THE UPPER COMMAND STAFF AND INTERNAL AFFAIRS PERSONNEL BEING THERE, DOES THE CHIEF RECEIVE ANY ADVISEMENT FROM THE COMMAND STAFF INCLUDING AND NOT LIMITED TO THE POLICE OFFICERS OF CONSTITUTIONAL POLICING?

A. SO, AGAIN, THE CONSTITUTIONAL POLICING POLICY IS IN THE ROOM WHEN THE DECISIONS ARE MADE, THE

WAY A RECOMMENDATION IS MADE TO THE CHIEF IS AS YOU SEE IN THE LETTER OF TRANSMITTAL, THE COMMAND USUALLY MAKES A RECOMMENDATION AND IT GOES UP TO THE BUREAU LEVEL, DEPUTY CHIEF OR COMMANDER, THEY WILL MAKE A RECOMMENDATION. IT GOES TO INTERNAL AFFAIRS, THEY MAKE A RECOMMENDATION, AND ULTIMATELY THAT'S ALL PRESENTED TO THE CHIEF.

Q. AND ARE YOU AWARE WHAT THE RECOMMENDATIONS IN THIS MATTER WERE FROM EACH LEVEL?

A. I BELIEVE EVERYTHING WAS DIRECTED TO A BOARD OF RIGHTS.

Q. WHAT DOES "DIRECTED TO A BOARD OF RIGHTS" MEAN WHEN RECOMMENDED?

A. THIS PROCESS WHEN THEY ARE DIRECTED TO A BOARD OF RIGHTS, ULTIMATELY FOR REMOVAL.

Q. THE OFFICE OF CONSTITUTIONAL POLICING, THAT WAS MENTIONED?

A. THAT'S THE CHAIN OF COMMAND I WORK UNDER. SO I HAVE A BOSS WHO IS A CIVILIAN ATTORNEY AND SHE IS RANK OF AN ASSISTANT CHIEF AND SHE DEALS WITH CONSTITUTIONAL ISSUES ORGANIZATIONALLY AND SHE ALSO HAS THE DIVERSITY EQUITY INCLUSION GROUP UNDER HER AND RISK MANAGEMENT UNDER.

Q. IS THE FACT DETECTIVE WALDEN WAS A DEPARTMENT SUPERVISOR AT THE TIME OF THIS INCIDENT A

CONCERN TO YOU AS A RISK MANAGER?

A. YES.

Q. WHY IS THAT?

A. WE HOLD OUR OFFICERS TO A VERY HIGH STANDARD. WE HOLD OUR SUPERVISORS ACTUALLY EVEN A HIGHER STANDARD WE EXPECT HIM TO OBEY THE LAW ON AND OFF DUTY AND UPHOLD THE PRINCIPALS OF THE ORGANIZATION.

Q. DOES DETECTIVE WALDEN'S SERVICE AND COMMENDATIONS ALLEVIATE ANY OF YOUR CONCERNS?

A. I DON'T KNOW IF IT "ALLEVIATES" IS THE RIGHT WORD I AM NOT HERE TO TESTIFY ANYTHING IN HIS WORK HISTORY OR WORK BACKGROUND. I DON'T THINK THERE'S ANY ISSUES THERE. I THINK THE ISSUE IS THIS ONE COUNT OF THE CRIME HE COMMITTED AND THAT BOARD FOUND HIM GUILTY OF.

Q. ARE YOU FAMILIAR WITH THE EXPRESSION "NEGLIGENT RETENTION"?

A. YES.

Q. WOULD NEGLIGENT RETENTION APPLY IF WE WERE TO RETAIN DETECTIVE WALDEN?

A. YES.

Q. CAN YOU EXPLAIN WHY SO?

A. THAT IS WHERE AN EMPLOYER IS AWARE OF, IN THIS CASE, MISCONDUCT WHICH HAS OCCURRED WHICH AN

EMPLOYEE HAS COMMITTED. IF THAT EMPLOYER IS UNABLE TO REMOVE THAT EMPLOYEE, THAT EMPLOYEE STAYS EMPLOYED BY THAT ORGANIZATION THAT THERE ARE POTENTIAL ISSUES THAT COMES WITH CIVIL LIABILITY LATER ON. IF AN EMPLOYER KNOWS THAT THE EMPLOYEE HAS DONE SOMETHING THEN THAT EMPLOYEE CONTINUES WORKING FOR THE EMPLOYER AND THE EMPLOYEE DOES SOMETHING LATER ON IF WE GET SUED, WE CAN'T SAY WE DIDN'T KNOW. WE CAN'T ARGUE THIS IS AN INDIVIDUAL SITUATION, WE WILL HAVE TO ASSUME SOME RESPONSIBILITY FOR THAT ORGANIZATIONALLY.

Q. DID THIS ALLEGATION GARNER ANY MEDIA ATTENTION FOR THE DEPARTMENT?

MR. SEKI: OBJECTION. RELEVANCE.

MS. AMIN: OVERRULED.

CAPTAIN GILLANI: I BELIEVE IT DID, YES.

BY SERGEANT SLATER:

Q. DID THIS MEDIA ATTENTION HAVE A NEGATIVE ATTENTION WITH THE DEPARTMENT'S RELATIONSHIP WITH THE COMMUNITY?

MR. SEKI: OBJECTION. CALLS FOR SPECULATION.

MS. AMIN: OVERRULED.

CAPTAIN GILLANI: ANY TIME AN EMPLOYEE IS ARRESTED OR CHARGED WITH A CRIME, THAT ALWAYS BRINGS A NEGATIVE IMPLICATION TO THE DEPARTMENT. WE HOLD OUR

EMPLOYEES TO A HIGH STANDARD. THEY ARE POLICE OFFICERS. WE EXPECT THEM TO OBEY THE LAW ON AND OFF DUTY AND IF ONE OF OUR EMPLOYEES DOES NOT AND THAT INFORMATION GOES PUBLIC, IT ALWAYS BRINGS A NEGATIVE BLACK EYE TO THE ORGANIZATION.

Q. IN YOUR ROLE AS A RISK MANAGER, DO YOU BELIEVE THE DEPARTMENT WHAT IMPACT DOES THIS HAVE ON FELLOW OFFICERS OF THE DEPARTMENT IF WE RETAIN DETECTIVE WALDEN?

A. I WOULDN'T TESTIFY -- I DON'T KNOW. I JUST I COULDN'T ANSWER THAT QUESTION.

Q. KEEPING YOUR THOUGHTS AS THE DEPARTMENT'S RISK MANAGER IN MIND, IN THE DEPARTMENT'S OPINION SHOULD DETECTIVE WALDEN CONTINUE TO BE EMPLOYED WITH THIS DEPARTMENT?

A. SPEAKING ON BEHALF OF THE ORGANIZATION, THE POTENTIAL LIABILITY GOING FORWARD AND THE FACT THAT, AGAIN, THERE'S A MISDEMEANOR CRIME THIS BOARD HAS FOUND HIM GUILTY OF, AND THE POTENTIAL ISSUES FOR THEM IN THE FUTURE, AND WHAT DO WE DO WITH AN EMPLOYEE IF THEY ARE FOUND GUILTY OF A MISDEMEANOR CRIME SUCH AS THIS, MY OPINION IS HE SHOULD NOT BE RETAINED AS A POLICE OFFICER.

Q. AND BASED OFF A FINDING OF GUILTY, DO YOU BELIEVE DETECTIVE WALDEN WILL BE ABLE TO WORK IN THE

GUN UNIT AT SOME POINT IN THE FUTURE?

A. I CAN ONLY SPEAK TO THE EXPERIENCES I HAVE SEEN. I KNOW ANOTHER EMPLOYEE WHO WAS CONVICTED OF BRANDISHING ORGANIZATIONALLY WE PRECLUDE HER FROM CARRYING A FIREARM ON AND OFF DUTY SO SHE IS, BASICALLY, ACTING AS A SECRETARY NOT A POLICE OFFICER. I WOULD THINK THAT A SIMILAR SITUATION WOULD HAPPEN HERE IF WE RETAINED HIM, SO HE COULD NOT FUNCTION IN THE ROLE OF A POLICE OFFICER BECAUSE HE COULD NOT CARRY A FIREARM.

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT AT THIS TIME.

MS. AMIN: MR. SEKI?

CROSS-EXAMINATION

BY MR. SEKI:

Q. IS THERE ANYTHING THAT PREVENTS HIM FROM CARRYING A FIREARM?

A. THAT WOULD BE ORGANIZATIONAL.

Q. BUT FROM THE PENAL CODE, THERE IS NOTHING THAT PREVENTS HIM?

A. CORRECT, NOT LEGALLY.

Q. YOU ARE NOT AWARE OF ANY OTHER LAW OUT THERE THAT WOULD PREVENT DETECTIVE WALDEN FROM CARRYING A FIREARM; CORRECT?

A. CORRECT.

Q. IN FACT, YOU TALK ABOUT NEGATIVE MEDIA, WE HAVE OFFICERS WHO HAVE BEEN FOUND OUT OF POLICY SHOOTINGS WHO ARE RETAINED BY THIS DEPARTMENT?

A. WE DO.

Q. IT HAPPENS ALL THE TIME?

A. I WOULDN'T SAY, "ALL THE TIME," BUT IT HAPPENS MORE OFTEN THAT THAN WE LIKE.

Q. SO OFFICERS THAT ARE FOUND OUT OF POLICY THAT GARNERS NEGATIVE MEDIA?

A. THAT'S CORRECT.

Q. IT PORTRAYS OFFICERS NEGATIVELY TO THE DEPARTMENT?

A. YES.

Q. DO YOU KNOW HOW MANY OFFICERS ARE RETAINED THAT HAVE BEEN FOUND GUILTY OF OUT OF POLICY SHOOTINGS?

A. I DON'T KNOW THAT NUMBER.

Q. ONE THING YOU TALKED ABOUT DUI'S; DUI'S ARE CRIMINAL?

A. YES.

Q. IN FACT, SOMEBODY BEING PUT BEHIND THE WHEEL OF A 2000-POUND METAL VEHICLE WHICH HAS THE POTENTIAL TO KILL PEOPLE?

A. YES.

Q. IT'S MORE THAN JUST IN SOME OCCASIONS, THERE ARE PEOPLE WHO ARE INVOLVED IN HIT AND RUNS WHO ARE STILL RETAINED BY THIS DEPARTMENT; CORRECT?

A. THERE ARE, YEAH.

Q. TYPICALLY, ANYONE CONVICTED OF A MISDEMEANOR WHO IS ON PROBATION IS REPORTED TO BRADY; CORRECT?

A. YES.

Q. IN FACT, PEOPLE WHO MAY BE CONVICTED OF DISTURBING THE PEACE, VIOLATION OF PENAL CODE SECTION 415 WHO ARE ON PROBATION END UP BEING PART OF THE BRADY TIP?

A. WE WILL GIVE THE TIP WHEN THEY PUT THEM ON BRADY IT IS UP TO THE D.A.

Q. EVEN SOMETHING AS SIMPLE AS DRUNK IN PUBLIC THAT COULD BE PART OF A BRADY TIP?

A. YES.

Q. IN TERMS OF BRADY AN OFFICER CAN BE GET REMOVED FROM BRADY?

A. THEY CAN.

Q. ONCE THEIR PROBATION IS OVER THEY CAN APPLY TO THE D.A. OFFICE AND HAVE THE D.A. DETERMINE WHETHER THEY WILL REMAIN IN BRADY?

A. THEY ARE TRANSFERRED TO THE ORWITS SYSTEM, BUT YES.

Q. THEY WOULD BE REMOVED FROM BRADY?

A. CORRECT.

Q. IN TERMS OF BRADY, ONE OF THE THINGS YOU SAID IT REQUIRES THE PROSECUTION TO DISCLOSE TO THE DEFENSE THAT A WITNESS IS IN BRADY OR MAY HAVE CIRCUMSTANCES THAT HAVE PUT THEM IN BRADY; CORRECT?

A. I DON'T KNOW IF I SAID THAT, BUT THAT SOUNDS CORRECT.

Q. AND, ULTIMATELY, IT'S UP TO THE PROSECUTOR TO DETERMINE WHETHER OR NOT THAT WITNESS IS GOING TO TESTIFY; CORRECT?

A. CORRECT.

Q. DO YOU KNOW HOW MANY OFFICERS ON THIS DEPARTMENT ARE IN BRADY?

A. WE HAVE APPROXIMATELY 90 OFFICERS IN RISK MANAGEMENT, NOT ALL OF THEM ON BRADY THE MAXIMUM BUT I KNOW IT'S SIGNIFICANTLY LESS THAN THAT.

Q. AREN'T THERE OFFICERS WHO ARE ON BRADY WHO AREN'T NECESSARILY IN RMEC?

A. I COULDN'T ANSWER THAT. I DON'T KNOW OF ANY.

Q. JUST BECAUSE YOU HAVE A DUI DOESN'T PUT YOU IN RMEC; CORRECT?

A. IF YOU ARE ON BRADY, YES, YOU WILL BE. IF YOU HAVE A DUI AND PUT ON BRADY LIST WE WILL KEEP YOU IN RMEC.

Q. WHAT IF YOU HAVE DISTURBING THE PEACE AND YOU ARE ON PROBATION, WILL YOU BE PUT ON RMEC?

A. I DON'T KNOW IF DISTURBING THE PEACE THAT THEY HAVE BRADY LETTERS, SO THEY WOULDN'T BE ON RMEC, BUT IF YOU DID HAVE A DISTURBING THE PEACE AND A BRADY LETTER WAS ISSUED, YOU WOULD BE UNDER RMEC.

Q. JUST BECAUSE YOU ARE IN RMEC, DOESN'T MEAN YOU ARE PREVENTED FROM DOING POLICE WORK; ISN'T THAT CORRECT?

A. NO.

Q. THERE ARE A NUMBER OF OFFICERS WHO ARE IN RMEC WHO STILL PATROL THE STREETS; CORRECT?

A. THERE ARE.

Q. NEGLIGENT RETENTION IF AN EMPLOYER IS AWARE OF WHAT MAY CONSTITUTE MISCONDUCT, THEY CAN BE HELD LIABLE IF THEY KEEP THAT EMPLOYEE. OUT OF POLICY SHOOTING, THAT WOULD BE CONSIDERED MISCONDUCT WOULDN'T IT?

A. IT COULD BE, YES.

Q. IF YOU GO TO A BOARD AND IT'S FOUND TO BE OUT OF POLICY AND YOU ARE RETAINED THAT WOULD BE NEGLIGENT RETENTION?

A. IT IS.

Q. THAT DOESN'T NECESSARILY MEAN THAT YOU DON'T PATROL THE STREETS; RIGHT?

A. NO, WE HAVE OFFICERS WHO WITH OUT OF POLICY SHOOTING THAT ARE IN THE STREETS.

Q. THERE ARE OUT OF POLICY USE OF FORCES WHERE OFFICERS ARE STILL RETAINED BY THE DEPARTMENT?

A. CORRECT.

Q. AND STILL PATROL THE STREETS?

A. YES.

Q. THERE ARE A NUMBER OF ISSUES FOR WHICH OFFICERS HAVE BEEN FOUND GUILTY AT BOARDS OF RIGHTS WHICH THEY HAVEN'T BEEN FIRED FOR BUT ARE STILL RETAINED BY THE THIS DEPARTMENT; CORRECT?

A. YES.

Q. I WANT TO CLARIFY SOMETHING. I KNOW YOU MINIMIZED IT. SERIOUS MISCONDUCT. DO YOU USE THE SAME STANDARD AS POST IN DEFINING WHAT SERIOUS MISCONDUCT IS?

LET ME REPHRASE THIS. DO YOU KNOW WHAT THE STANDARD OF OR DEFINITION OF SERIOUS MISCONDUCT PURSUANT TO THE STANDARD USED BY POST?

A. I COULDN'T GIVE IT TO YOU.

Q. SO YOUR STANDARD OF SERIOUS MISCONDUCT IS ONE THAT IS, I GUESS, INSTITUTIONAL?

A. YES.

Q. AND IT MAY NOT NECESSARILY CONSTITUTE SERIOUS MISCONDUCT FOR POST?

A. I DON'T KNOW. I HAVEN'T READ THE POST DEFINITION IN A LONG TIME.

MR. SEKI: I DON'T HAVE ANYTHING ADDITIONAL AT THIS TIME. THANK YOU.

MS. AMIN: ANY REDIRECT FROM THE DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: ANY QUESTIONS?

MS. STRONG-FARGAS: NO.

MR. ORTEGA: NO.

EXAMINATION

BY MS. AMIN:

Q. YOU EXPLAINED TO US THAT BASED ON THE MISDEMEANOR CONVICTION AND OUR GUILTY FINDING, IT IS A CONCERN AND IT COULD AFFECT DETECTIVE WALDEN'S EMPLOYABILITY, BUT HOW DOES THAT RECONCILE WITH YOUR BELIEF THAT HE SHOULD NOT BE RETAINED?

A. WELL, AS A RISK MANAGER, I ALWAYS HAVE TO LOOK AT THE WORST CASE SCENARIO, WHAT THE WORST CASE SCENARIO IF THE D.A. OFFICE IMPLEMENTED A BRADY LETTER.

Q. THAT'S MY QUESTION. IF IT COULD, MAYBE, BUT THEN YOUR CONCLUSION IS NO?

A. RIGHT. YOU ARE RIGHT BUT, AGAIN, AS THE

RISK MANAGER FOR THE ORGANIZATION, I HAVE TO LOOK AT THE WORST CASE SCENARIO.

Q. THAT'S THE POSITION FOR WHICH YOU JUDGE AS THE RISK MANAGER, OBVIOUSLY, YOU WANT TO MINIMIZE RISK FOR THE DEPARTMENT?

A. CORRECT. AND HAVING AN EMPLOYEE WHO HAS BRADY ISSUE, THEIR CONCERN IS GOING TO GO INTO COURT TESTIFYING ORGANIZATIONALLY, WE WILL LOOK AT THAT AND SAY WE ARE TO PUT HIM SOMEWHERE WHERE NOW HE CAN'T PUT IN THOSE POSITIONS TO TESTIFY. WE ARE TAKING AN EMPLOYEE WHO IS GOING TO GET PAID THE SALARY OF HIS CURRENT RANK WITHOUT BEING ABLE TO DO THE JOB AS A POLICE OFFICER. WE ARE GOING TO BE STUCK WITH AN EMPLOYEE WHO WE CAN'T USE AS A POLICE OFFICER.

Q. POTENTIALLY?

A. POTENTIALLY.

Q. WE HAVE HEARD FROM THREE DETECTIVES, TWO LIEUTENANTS, CUMULATIVE OF 108 YEARS EXPERIENCE. AND TWO OF THEM WHO WERE WORKING IN THE GND DEPARTMENT ALL OF THEM SAID THAT DETECTIVE WALDEN CAN WORK WITH THEM. THEY WOULD BE HAPPY TO HAVE HIM WORKING FOR THEM. AND WOULD BE ELIGIBLE TO WORK IN THEIR DEPARTMENTS. DON'T THESE PEOPLE KNOW WHAT NEGLIGENT RETENTION IS OR THAT HE CAN'T PERFORM HIS DUTIES?

A. I DON'T THINK THEY DO.

Q. WHY DON'T YOU TEACH THEM THAT THEY CAN'T COME BACK TO WORK? ORGANIZATIONALLY, THERE IS A SEPARATION BETWEEN THE RANK OF LIEUTENANT AND CAPTAIN AND ABOVE?

A. LIEUTENANT RANK AND OTHER RANKS ARE A LITTLE BIT CLOSER TO THE INDIVIDUAL AS A RANK OF CAPTAIN, WE SEE THE BIGGER PICTURE ORGANIZATIONALLY, POTENTIAL RISK MANAGEMENT AND ULTIMATELY THE CHIEF OF POLICE HAS TO MAKE THAT DECISION FOR THE BETTERMENT OF THE DEPARTMENT. THEY ARE LOOKING FOR THE BETTERMENT OF THE EMPLOYEE, HE IS A GOOD EMPLOYEE. I HAVE NO CONCERNS ABOUT THAT. HE CAN WORK WITH US. WE CAN STILL HAVE HIM HERE. WE AS AN ORGANIZATION WOULD HAVE TO LOOK AT THE BIGGER PICTURE. WHAT HAPPENS IF THIS EMPLOYEE GETS INTO A SHOOTING? WILL THIS COME UP? WHAT HAPPENS IF THE EMPLOYEE IS SUED LATER ON? WE WILL BE HELD ACCOUNTABLE FOR KEEPING THEM. WHAT HAPPENS IF A EMPLOYEE BUYS ANOTHER SILENCER OR TRIES TO BUY ANOTHER WEAPON? WHAT ORGANIZATIONALLY, WHAT RAMIFICATIONS WILL THOSE HAVE? THAT'S WHERE THE DIFFERENCE IS.

Q. MANY OF THESE FOLKS WERE OR AND ARE SUPERVISORS IN YOUR DEPARTMENT, AND THEY HAVE TO GIVE THE ASSIGNMENTS TO FOLKS WHO WORK FOR THEM, DON'T THEY, HOW ARE THEY NOT AWARE OF WHERE THESE PEOPLE CAN

WORK? THEY MUST HAVE SOMEONE WHO IS NOT ELIGIBLE TO GO ON THE FIELD AND HAS TO WORK AS A SECRETARY, AS YOU MENTIONED IN ONE OF YOUR EXAMPLES, BECAUSE THEY WERE INVOLVED IN SOME CRIME AND THEY CAN'T GO OUT IN THE FIELD, AREN'T THEY AWARE OF THE RAMIFICATIONS OF SIMILAR CONVICTIONS?

A. I DON'T KNOW. I DON'T KNOW WHO THESE FIVE INDIVIDUALS ARE. I AM SURE THEY HAVE THE BEST INTENTIONS AT HEART BUT ORGANIZATIONALLY, WHEN WE ARE LOOKING AT A SITUATION WHERE AN EMPLOYEE CAN OR CAN'T GO OUT THAT RISK MANAGEMENT EXECUTIVE COMMITTEE THAT CONSIST OF THE THREE DEPUTY CHIEFS OF THE DEPARTMENT, THE OFFICE OF CONSTITUTIONAL POLICING, THE DEPARTMENT THE INTERNAL AFFAIRS, THE COMMANDER IN CHARGE OF EMPLOYEE RELATIONS GROUP, THEY LOOK AT THAT PICTURE THERE ARE NO LIEUTENANTS ON THAT BOARD, THERE ARE NO DETECTIVES, THEY ARE LOOKING AT THAT PICTURE. I DON'T KNOW WHAT THEY KNOW OR DON'T KNOW ABOUT WHAT AN EMPLOYEE CAN OR CAN'T DO. YOU ALSO HAVE TO REALIZE BECAUSE OF THE POLICE OFFICERS BILL OF RIGHTS, WE DON'T SHARE WITH OUR MEMBERS WHAT AN EMPLOYEE DID. AND WE DO SITUATIONALLY HAVE RAP SHEETS, BUT WE DON'T TIE THOSE INTO INDIVIDUAL EMPLOYEES. AN EMPLOYEE MAY NOT BE ABLE TO WORK THE FIELD AND WHERE THE FELLOW DETECTIVES DON'T KNOW WHY THEY ARE BEING BENCHED,

THERE ARE A LOT OF THINGS THAT GO WITH THAT.

MS. AMIN: ALL RIGHT. NOTHING ELSE FOR ME.

MR. SEKI: I HAVE A FOLLOW UP.

SERGEANT SLATER: I HAVE FOLLOW UP.

MS. AMIN: GO AHEAD, DEPARTMENT.

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. DOES THE FACT THAT ONE OF THOSE EMPLOYEES THAT MADE THE RECOMMENDATION THAT THEY WOULD BE OKAY WORKING WITH DETECTIVE WALDEN, THE FACT THAT HE SAID IT WAS BECAUSE IT WAS ONLY AN ATTEMPT RAISE A CONCERN FOR YOU?

A. I THINK AN ATTEMPT LIKE TESTIFIED TO, I DON'T THINK ATTEMPT, I THINK THE ACT WAS MADE, THE GUILTY FINDING BY THIS BOARD WAS FOUND THE MISDEMEANOR CONVICTION, THE EMPLOYEE WAS THERE.

SERGEANT SLATER: THANK YOU.

RECROSS-EXAMINATION

BY MR. SEKI:

Q. SIR, HOW MANY TIMES HAVE YOU TESTIFIED IN THESE PROCEEDINGS?

A. PROBABLY SIX OR SEVEN.

Q. AND ARE YOU ALWAYS CALLED WHENEVER THE

INITIAL RECOMMENDATION IS REMOVAL; CORRECT?

A. THE ONES THAT I TESTIFIED TO ARE REMOVALS, YES.

Q. AND EVEN IF THE BOARD HAS FOUND INDIVIDUALS NOT GUILTY OF ORIGINAL CHARGES, YOU STILL TESTIFIED OR HAD SOMEONE FROM YOUR OFFICE TESTIFY REGARDING REMOVAL WHEN SOMEBODY HAS BEEN FOUND NOT GUILTY, BUT FOUND GUILTY OF OTHER COUNTS; IS THAT CORRECT? YOU UNDERSTAND WHAT I AM SAYING?

A. NO.

Q. SOMEBODY IS CHARGED WITH FIVE COUNTS AND THEY ARE FOUND NOT GUILTY OF FOUR BUT THE ORIGINAL RECOMMENDATION WAS REMOVAL, YOU STILL COME TO TESTIFY?

A. I DON'T THINK WE WOULD UNLESS THAT ONE COUNT WAS A REMOVAL COUNT. LET'S SAY AN EMPLOYEE WAS CHARGED WITH FIVE DIFFERENT COUNTS AND FOUND NOT GUILTY OF FOUR OF THEM, BUT THE FIFTH ONE WAS A SIGNIFICANT COUNT THAT THE CHIEF OF POLICE WANTED REMOVAL ON THEN, YES, WE WOULD TESTIFY.

Q. HAVE YOU EVER TESTIFIED THAT SOMEBODY SHOULD BE RETAINED?

A. NOT IN THOSE SEVEN OR EIGHT TIMES I HAVE TESTIFIED.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE

DEPARTMENT.

MS. AMIN: NO MORE QUESTIONS. THANK YOU VERY MUCH. YOU ARE EXCUSED.

ANYTHING FURTHER FROM THE DEPARTMENT?

SERGEANT SLATER: NO, MA'AM.

MS. AMIN: MR. SEKI?

MR. SEKI: I HAVE NO ADDITIONAL WITNESSES. I DON'T KNOW IF YOU WANT TO ENTERTAIN REMARKS FROM US OR NOT, IT'S UP TO YOU.

MS. AMIN: DID THE DEPARTMENT HAVE, I BELIEVE THERE ARE OFTENTIMES A RECOMMENDATION FOR PENALTY; IS THERE A RECOMMENDATION YOU WANT TO SHARE WITH US?

SERGEANT SLATER: WE HAVE A PENALTY ARGUMENT IF YOU ARE READY FOR THAT NOW.

MS. AMIN: SURE. LET'S TAKE A BREAK.

(PAUSE IN THE PROCEEDINGS.)

MS. AMIN: BACK ON THE RECORD. AND THE DEPARTMENT WANTED TO OFFER A SUMMARY OR ARGUMENTS?

SERGEANT SLATER: YES, MA'AM. THANK YOU.

GOOD AFTERNOON. AS WE HAVE HEARD, THE CHIEF OF POLICE HAS RECOMMENDED DETECTIVE WALDEN BE REMOVED FROM HIS POSITION AS A MEMBER OF THE LOS ANGELES POLICE DEPARTMENT. THE TITLE OF LOS ANGELES POLICE OFFICER IS ONE THAT COMES WITH THE UPPER MOST

RESPONSIBILITY. THE OFFICERS OF THIS DEPARTMENT ARE REQUIRED TO HOLD THEMSELVES TO THE HIGHEST STANDARDS AND BE EXEMPLARY EMBODYING THE CORE VALUES OF THIS DEPARTMENT. SPECIFICALLY IN THIS CASE, SPECIFIC REVERENCE FOR THE LAW AND INTEGRITY IN ALL WE SAY AND DO.

AS WE HEARD WHEN DETECTIVE WALDEN FIRST JOINED THIS PROFESSION, HE TOOK AN OATH AND HE HAS EXPLAINED, THAT WAS TO UPHOLD THE CONSTITUTION ABOVE THE NATION AND THE STATE. THE SAME OATH WAS REAFFIRMED WHEN HE WAS PROMOTED AND GAVE THE PRIVILEGE TO BE A DETECTIVE. DETECTIVE WALDEN FELL SHORT OF UPHOLDING THIS OATH. WHAT IS OF MORE CONCERN THOUGH TO THIS DEPARTMENT IS THE ACTIONS THAT DETECTIVE WALDEN TOOK AFTER HE MADE THE DECISION, AND IT WAS A DECISION TO VIOLATE THE LAW.

DESPITE HIS CHARACTER WITNESSES TESTIFYING REPEATEDLY THAT DETECTIVE WALDEN WAS THE TYPE OF MAN WHO WOULD TAKE ACCOUNTABILITY FOR HIS ACTIONS, WALDEN DID JUST THE OPPOSITE. AT THE BEGINNING OF THIS PROCEEDING WHEN HE HAD THE OPPORTUNITY TO TAKE ACCOUNTABILITY FOR HIS ACTIONS, HE PLED NOT GUILTY. AND HE DISPLAYED A SERIES OF EVIDENCE TRYING TO EITHER DECEIVE OR CONVINCE US THAT HIS ACTIONS WERE NOT WHAT HE WAS TAKING ACCOUNTABILITY FOR.

DETECTIVE WALDEN EXPLAINED TO THIS BOARD HE WAS A FIREARMS EXPERT AND A VEHICLE EXPERT. AND EVEN AFTER PLEADING OUT IN THE CRIMINAL OFFENSE, THE RECOVERED SILENCER WAS STILL ONLY A FUEL FILTER AND HE WOULD NOT HAVE ANY KNOWLEDGE OF THIS ITEM BEING A SILENCER. WHEN IT REALLY MATTERED, WHEN HIS INTEGRITY WAS TRULY PUT TO THE TEST, DETECTIVE WALDEN SHOWED HIS COLORS. IT TOOK DETECTIVE WALDEN, LIEUTENANT BIXLER COMING IN TO REFUTE THESE CLAIMS. LIEUTENANT BIXLER EXPLAINED DESPITE DETECTIVE WALDEN SAYING HE WOULD NOT HAVE ANY KNOWLEDGE OF THIS, HE EITHER HAD THE KNOWLEDGE AND HAD FORGOTTEN IT, OR WHEN HE WAS TESTIFYING AS AN EXPERT, HE SHOULD NOT HAVE BEEN BECAUSE THE OFFICERS IN HIS UNIT WERE EXPECTED TO KNOW WHAT THESE ITEMS WERE AND WOULD KNOW WHAT THESE ITEMS WERE.

DETECTIVE MARQUEZ TESTIFIED YESTERDAY HE EXPECTS THE OFFICERS OF THIS DEPARTMENT TO UPHOLD THE LAW. THIS BOARD HAS FOUND DETECTIVE WALDEN GUILTY OF TAKING STEPS TO VIOLATE THE LAW. AND THOUGH HE EVENTUALLY PLED TO A MISDEMEANOR, THE CRIME HE TRIED TO COMMIT AS POINTED OUT BY MR. ORTEGA YESTERDAY, WAS A FELONY. YES, WALDEN HAS HAD A CAREER FILLED WITH ACHIEVEMENTS AND SERVICE. HOWEVER, HIS ACTIONS IN THIS MATTER BEFORE THE BOARD ARE NOT ACCEPTABLE TO THE

STANDARDS OF LOS ANGELES POLICE DEPARTMENT. AND PRIOR ACHIEVEMENTS DO NOT OUTWEIGH THE SERIOUSNESS OR CONSEQUENCES OF HIS ACTIONS, AS WE HAVE HEARD FROM OUR RISK MANAGER TODAY. THE CHIEF OF POLICE IN ITS ADJUDICATION TOOK INTO ACCOUNT THESE FACTORS, SUCH AS WALDEN'S PAST, HIS PERFORMANCE AND SERVICE TO THIS DEPARTMENT, HE ALSO CONSULTED WITH COMMAND AS WE HAVE HEARD, INCLUDING VARIOUS CHIEFS THROUGHOUT THE DEPARTMENT, PROFESSIONAL STANDARDS BUREAU, AND THE OFFICE OF CONSTITUTIONAL POLICING, AND TOOK THESE FACTORS INTO CONSIDERATION.

DESPITE ALL OF THAT, THE CHIEF STILL MADE THE SAME RECOMMENDATION AT EACH LEVEL OF REVIEW THROUGHOUT THIS PROCESS PRIOR MADE THAT RECOMMENDATION. RETAINING DETECTIVE WALDEN COMES WITH FAR GREATER CONSEQUENCES THAN ALLOWING DETECTIVE WALDEN TO RETAIN HIS POSITION AND POSSIBLY NOT BE ABLE TO BE IN THE STREET OR TESTIFY. SUCH A DECISION WOULD BE AN INSULT TO THE OFFICERS WHO HAVE HONORABLY HELD THEMSELVES TO THE HIGH STANDARDS THIS COMMUNITY EXPECTS AND WOULD SEND A MESSAGE THAT CONSEQUENCES FOR CRIMINAL ACTS AND FAILURE TO TAKE ACCOUNTABILITY FOR SUCH CRIMINAL ACTS, MAY LEAD TO NOTHING MORE THAN A COUPLE DAYS AT HOME WITHOUT PAY. FOR THIS REASON, THE DEPARTMENT RESPECTFULLY REQUESTS YOU UPHOLD THE

CHIEF'S DECISION TO REMOVE DETECTIVE WALDEN. THANK YOU.

MS. AMIN: MR. SEKI?

MR. SEKI: YOU HAD THE OPPORTUNITY TO HEAR FROM WITNESSES WHO WORKED WITH DETECTIVE WALDEN, WHO KNOW HIM ON A PERSONAL BASIS, WHO WERE ABLE TO VOUCH FOR HIS WORK ETHIC, HIS CHARACTER, HIS CREDIBILITY. YOU WERE ABLE TO SEE HIS PERSONNEL PACKAGES WHICH DISPLAYED TO YOU THE TYPE OF POLICE OFFICER AND PERSON THAT HE IS. IT'S RARE TO SEE AN OFFICER WITH TWO MAJOR COMMENDATIONS, A POLICE MEDAL AND A MERITORIOUS BADGE, IN ADDITION TO 155 OTHER COMMENDATIONS. YOU SAW HIS WORK THROUGH POLICE SBA'S STANDARD BASED ASSESSMENTS AND THEY WERE ALL INCREDIBLY POSITIVE. ONE OF THE THINGS THAT'S ALREADY HAPPENED TO HIM WHICH CAME OUT, HE IS NO LONGER A SUPERVISOR. HE HAS ALREADY BEEN DEMOTED OR DOWNGRADED TO A DETECTIVE. HE HAS TAKEN PUNISHMENT THERE.

I WANT TO MAKE IT CLEAR, YOU ALL FOUND HIM GUILTY OF ATTEMPTING TO POSSESS A FIREARM SILENCER WHICH, UNFORTUNATELY, WHICH IS MISCONDUCT, IT'S NOT A FELONY THOUGH, THE STANDARD IS DIFFERENT THAN A CRIMINAL CASE. IN A CRIMINAL CASE IT'S BEYOND A REASONABLE DOUBT, AND THE PROSECUTOR, OBVIOUSLY, IN THE D.A.'S OFFICE DIDN'T BELIEVE THEIR CASE WAS VERY

STRONG OTHERWISE THEY WOULDN'T HAVE PLED IT DOWN.

WHAT IS THERE THAT PREVENTS HIM FROM BEING A POLICE OFFICER? NOTHING. THERE IS NOTHING IN THE LAW THAT PREVENTS HIM FROM CARRYING A GUN AND CARRYING OUT HIS DUTIES. THERE IS A LOT OF WHAT IFS. A LOT OF IF THIS HAPPENS, IF THIS HAPPENS, IF THIS HAPPENS, AND A LOT OF TIMES NONE OF THAT COMES TRUE. WHEN YOU TALK ABOUT NEGLIGENT RETENTION, AND AS WE TALKED ABOUT IN TERMS OF PEOPLE BEING INVOLVED IN USES OF FORCE, WHICH ARE OUT OF POLICY. IF YOU NEGLIGENTLY RETAIN SOMEONE LIKE THAT, AND YOU GET INVOLVED IN ANOTHER USE OF FORCE, OR ANOTHER, THAT WOULD EXPOSE HIM TO A LOT OF LIABILITY OR SHOOTINGS, THAT WOULD EXPOSE HIM TO A LOT OF LIABILITY. LOOKING AT THE TRACK RECORD OF THIS INDIVIDUAL WHO HAS ONE SUSTAINED COMPLAINT, OTHER THAN THIS, FOR BEING INVOLVED IN AN ACCIDENT WHERE HE GOT AN ADMONISHMENT, HE HAS NOTHING ELSE AFTER 26 YEARS. THAT SPEAKS VOLUMES FOR YOU BEING ABLE TO TRUST HIM.

THE PENALTY GUIDE WHICH YOU HAVE IN FRONT OF YOU IS JUST A RECOMMENDATION, BUT IF YOU LOOK AT IT, THERE'S NOTHING THAT REALLY QUALIFIES SPECIFICALLY FOR THIS. THERE IS A SECTION THAT DEALS WITH UNBECOMING CONDUCT AND THERE'S A SECTION THERE CONDUCT ON OR OFF DUTY WHICH MAY BRING DISCREDIT TO THE DEPARTMENT. PAGE 12 OF 13, THERE THE GUIDE IS ANYWHERE WHERE IT

SAYS B TO BOARD OF RIGHTS, AND B IS AN OFFICIAL REPRIMAND, 10 TO 15 DAYS UP TO A BOARD OF RIGHTS. AND THE BOARD OF RIGHTS, AS YOU KNOW, SUSPENSION DAYS CAN RANGE FROM ONE DAY UP TO 65.

IN THIS PARTICULAR CASE, I WOULD ASK YOU TO CONSIDER THE WITNESSES, I WOULD ASK YOU TO CONSIDER POLICE TRACK RECORD WITH THE DEPARTMENT, I WOULD ASK YOU TO CONSIDER ALL THE THINGS YOU KNOW ABOUT HIM THAT WILL ASSURE YOU, YOU WON'T SEE HIM AGAIN. AND, BASICALLY, GIVE HIM A SUSPENSION, A SUSPENSION SOMEWHERE IN THE RANGE OF 15 TO 22 DAYS AS BEING APPROPRIATE. THANK YOU.

MS. AMIN: DID YOU WANT TO REBUT?

SERGEANT SLATER: TWO QUICK POINTS, PLEASE.

MR. SEKI AS A DEFENSE ATTORNEY HAS WILDLY MISINTERPRETED THE PLEA DEAL PROCESS AND SHOULD KNOW BETTER THAN THAT, JUST BECAUSE HE TOOK A PLEA DEAL DOES NOT MEAN THE DISTRICT ATTORNEY'S OFFICE DID NOT FEEL CONFIDENT WITH THEIR CASE, THAT IS NOT THE ONLY REASON --

MR. SEKI: I AM GOING OBJECT. HE HAS NO FOUNDATION FOR UNDERSTANDING WHAT IT IS. HE IS NOT A LAWYER. HE HASN'T BEEN PARTICIPATING IN IT. HE DIDN'T PARTICIPATE IN THIS, NOR THE DISCUSSION.

MS. AMIN: YOU OPENED THE DOOR, SAYING WHAT

IT WAS BASED ON, SO WE WILL LET HIM CONTINUE.

SERGEANT SLATER: THAT IS A MISREPRESENTATION OF WHY PLEA DEALS OCCUR. IT IS NOT THE ONLY REASON PLEA DEALS OCCUR. AND I THINK IT'S IMPORTANT TO KEEP IN MIND THE PLEA DEAL ONLY OCCURRED AFTER HE WAS HELD TO ANSWER, AND AFTER AN ATTEMPT TO DISMISS THE CASE WAS DENIED.

MR. SEKI: THE PRELIMINARY HEARING WHERE HE DID NOT TESTIFY, NOR ANY DEFENSE WAS PRESENTED BECAUSE THAT'S NOT WHAT IS REQUIRED AT A PRELIMINARY HEARING, SO THAT NEEDS TO BE UNDERSTOOD WHICH APPARENTLY THE DEPARTMENT DOESN'T UNDERSTAND WHAT GOES ON IN A PRELIMINARY HEARING. THANK YOU.

MS. AMIN: ARE YOU DONE? ANYTHING ELSE?

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: WE WILL NOW GO OFF THE RECORD AND DELIBERATE.

(THE BOARD DELIBERATES.)

MS. AMIN: BACK ON THE RECORD. AND JUST FOR RECORD PURPOSES, I NOTICE WE HAVE ANOTHER VISITOR IN THE ROOM. CAN YOU PLEASE TELL US WHO YOU ARE FOR THE RECORD.

SERGEANT PAK: YES. MY NAME IS SERGEANT PETER PAK, P-A-K, PROFESSIONAL STANDARDS BUREAU.

MS. AMIN: GREAT.

THIS IS THE BOARD'S RATIONALE OF THE DISCIPLINARY FINDINGS IN THE MATTER OF LUKE WALDEN, BOX FILE NO. 31674

THE BOARD HAS COMPLETED ITS DELIBERATIONS FOR PENALTY AND WE WILL RENDER A UNANIMOUS DECISION. THE BOARD HAS GIVEN CAREFUL CONSIDERATION TO AN APPROPRIATE PENALTY IN THIS MATTER. WE HAVE REVIEWED DETECTIVE WALDEN'S PERFORMANCE HISTORY, DISCIPLINARY HISTORY, COMMENDATIONS AND WE HAVE HEARD FROM HIS FIVE CHARACTER WITNESSES. WE ALSO HEARD FROM TWO DEPARTMENT WITNESSES.

IN ADDITION, WE RECEIVED INTO EVIDENCE ACCUSED EXHIBIT F, WHICH WAS ORDER OF WITHDRAWAL OF THE IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST CERTIFICATES, DATED DECEMBER 4, 2023.

DETECTIVE WALDEN'S RECORD SHOWS 24 YEARS OF SERVICE WHERE HE HAS RECEIVED TWO MAJOR COMMENDATIONS AND 155 MINOR COMMENDATIONS FROM CITIZENS, THE BUREAU, AREA AND OTHERS. HIS DISCIPLINARY HISTORY CONSISTED OF ONE MINOR SUSTAINED ADMONISHMENT FOR A TRAFFIC COLLISION IN 2002.

WE HEARD FROM THE FOLLOWING CHARACTER WITNESSES: RETIRED DETECTIVE JAMES MCSORLEY WHO WAS WITH THE DEPARTMENT FOR 30 YEARS AND WORKED AS DETECTIVE WALDEN'S CO-SUPERVISOR IN THE GND DEPARTMENT

IN 2015; RETIRED LIEUTENANT JESSE KANE, WHO WAS ON THE JOB FOR 28 YEARS; DETECTIVE CRAIG MARQUEZ, WHO HAS BEEN ON THE JOB FOR 28 YEARS, WAS WITH GND FOR FOUR YEARS, AND WORKED WITH DETECTIVE WALDEN ON THE GUN UNIT; RETIRED LIEUTENANT SCOTT MCNEIL, WHO WAS EMPLOYED BY LAPD FOR NEARLY 27 YEARS, HE WORKED WITH GND AS A DETECTIVE III, AND WAS WALDEN'S DIRECT SUPERVISOR FOR TWO YEARS; LASTLY, WE HEARD FROM DETECTIVE HUGO AYON, WHO WORKS GND ON THE FBI TASK FORCE, AND HAS BEEN ON THE JOB FOR 24 YEARS.

WE ALSO HEARD FROM THE FOLLOWING DEPARTMENT WITNESSES: DETECTIVE III MICHAEL HACKMAN, WHO IS THE OFFICER IN CHARGE OF ANALYSIS AND REGULATORY COMPLIANCE. DURING HIS TESTIMONY HE EXPLAINED THE PROCESS OF THE POST LICENSURE AND REGULATORY PROCEDURE, AND THAT THIS BOARD IS COMPLETELY INDEPENDENT AND SEPARATE FROM THE POST. ON THE ONE HAND THE BOARD IS AN EMPLOYMENT ACTION, WHEREAS THE POST IS A LICENSURE-BASED PROCESS. HE ALSO EXPLAINED STANDARD OF REVIEW FOR POST IS OF A CLEAR AND CONVINCING, WHEREAS THE BOARD IS BY A PREPONDERANCE OF THE EVIDENCE.

WE ALSO HEARD FROM CAPTAIN YASIR GILLANI WHO HAS BEEN ON THE DEPARTMENT FOR 25 YEARS AND IS A COMMANDING OFFICER OF RISK MANAGEMENT. HE EXPLAINED

THAT THERE IS A CONCERN AND POSSIBLY A NEGATIVE EFFECT OF THE MISDEMEANOR CONVICTION AND OUR GUILTY FINDING IN THIS CASE. HE ALSO EXPLAINED THAT ONCE A PERSON IS PLACED ON BRADY, IT MAY AFFECT HIS ABILITY TO TESTIFY, HOWEVER, THAT WOULD BE UP TO THE DA'S DEPARTMENT TO DETERMINE HIS ABILITY TO TESTIFY. ONCE ON BRADY, IT'S NOT A DONE DEAL AND IT IS POSSIBLE TO BE REMOVED FROM A BRADY LIST.

THE CHARACTER WITNESSES HAVE A COLLECTIVE EXPERIENCE OF MORE THAN 136 YEARS OF SERVICE AND HAVE UNANIMOUSLY COMMENDED WALDEN ON HIS POSITIVE WORK ETHIC. DETECTIVE AYON EXPLAINED THAT HE IS A PERSON OF INTEGRITY WHO EARNED EVERYONE'S TRUST THAT HE WAS A GREAT COP. DETECTIVE AYON, HAVING BEEN TOLD OF THE GUILTY FINDING IN THIS CASE, SAID THAT HE WOULD BE HAPPY TO HAVE HIM WORK FOR HIM.

WALDEN WAS FOUND GUILTY OF WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER. THE BOARD OF RIGHTS MANUAL, 12TH EDITION, PAGE 3, STATES THAT,

> "IN THE EVENT THAT A FINDING OF GUILTY IS MADE, PENALTIES PERMITTED BY SECTION 1070, MUST BE IMPOSED. THE NATURE AND EXTENT OF THE PENALTY SHOULD BE COMMENSURATE WITH THE PARTICULAR CONDUCT FOR WHICH THE ACCUSED HAS BEEN FOUND GUILTY."

WHEN ASSESSING THE PENALTY, THERE IS AN EXAMINATION OF MOTIVATION, DAMAGE, KNOWLEDGE, INTENT AND HISTORY. THE BOARD BELIEVES THAT YOU SHOULD HAVE KNOWN NOT TO ATTEMPT TO MAKE THE PURCHASE. HOWEVER, TO YOUR CREDIT, YOU HAVE A LONG HISTORY OF GOOD WORK WITH THE DEPARTMENT AND THAT THIS OUTWEIGHS THE POTENTIAL HARM CAUSED BY YOUR MISTAKE. THE BOARD DOES NOT BELIEVE THAT THERE IS ANY IMMEDIATE HARM TO HEALTH OR SAFETY TO THE PUBLIC AS A RESULT OF THIS GUILTY FINDING.

THIS BOARD FURTHER BELIEVES THAT THE SEVERITY OF THE PUNISHMENT SHOULD BE REDUCED FOR A LONG-TERM EMPLOYEE WITH A GOOD WORK RECORD AND WITHOUT HAVING SIGNIFICANT SUSTAINED PRIOR COMPLAINTS. DETECTIVE WALDEN HAS PROVIDED 24 YEARS OF SERVICE TO THE LAPD AND THE LOS ANGELES COMMUNITY AND WE TRUST HE WILL HAVE MANY FUTURE YEARS OF SERVICE TO OUR COMMUNITY, HOPEFULLY UNBLEMISHED.

THEREFORE, IT IS THE UNANIMOUS RECOMMENDATION OF THIS BOARD TO THE CHIEF OF POLICE THAT THE PENALTY IMPOSED BE A SUSPENSION OF 30 DAYS.

THIS CONCLUDES THE BOARD OF RIGHTS.

(THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER ADJOURNED AT 1425 HOURS.)

REPORTER'S CERTIFICATE

I, GINA ARIAS, CERTIFIED SHORTHAND REPORTER FOR THE STATE OF CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING PAGES COMPRISE A FULL TRANSCRIPT OF PROCEEDINGS TAKEN BEFORE ME ON THURSDAY, FEBRUARY 15, 2024, AT THE TIME AND PLACE THEREIN SET FORTH, AND WAS TAKEN DOWN BY ME IN SHORTHAND AND THEREAFTER TRANSCRIBED INTO TYPEWRITING TO THE BEST OF MY ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID ACTION NOR IN ANYWISE INTERESTED IN THE OUTCOME THEREOF.

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS MAY 1ST, 2025.

_____
GINA ARIAS
C.S.R. NO. 11554

LOS ANGELES POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE
DECISION OF THE BOARD OF RIGHTS AND EXECUTION OF THE ORDER

IN THE MATTER OF)
)
LUKE WALDEN, #34898)
)

CASE FILE NO. 21-001144
BOX FILE NO. 31674
DATED APRIL 12, 2023

RECEIVED
FEB 22 2024
POLICE COMMISSION

TO THE CHIEF OF POLICE:

DECISION OF THE BOARD

The above-entitled matter came on regularly for hearing before this Board of Rights (Board) on the verifed complaint of COP M. MOORE filed with the Board of Police Commissioners on APRIL 4, 2023, all preliminary and jurisdictional requirements having been substantially complied with: The accused having been provided all rights set forth in the Los Angeles City Charter Section 1070, the Board having heard all evidence properly and legally offered and the accused given a reasonable opportunity to defend against the charges preferred.

After a full and impartial hearing on its merits, the Board deliberated and carefully considered all the evidence adduced before it at such hearing and upon such evidence and not otherwise base and hereby certifies its decision as follows:

The Board finds that accused is GUILTY OF COUNT 1.

The Board therefore prescribes its penalty as follows: THAT DETECTIVE LUKE WALDEN BE SUSPENDED FROM HIS POSITION AS DETECTIVE FOR A PERIOD OF 30 SUSPENSION DAYS.

We hereby certify to the above:

MS. K. AMIN — Chairperson
MR. D. ORTEGA — Member
MS. P. STRONG-FARGAS — Member

Dated FEBRUARY 15, 2024

EXECUTION OF THE ORDER

To LUKE WALDEN, member of the Los Angeles Police Department:

Under the power conferred upon me by Section 1070, Article X, Charter of the City of Los Angeles, and pursuant to the above order of the Board of Rights, I hereby:

☐ Remove you from your position as _____ in the Los Angeles Police Department effective _____, 20____.

☑ Suspend you from your position as DETECTIVE in the Los Angeles Police Department, for a period of 30 working days with total loss of pay, effective _____, 20____.

☐ Demote you from your position as _____, Code No. _____, to the position of _____, Code No. _____, effective _____, 20____.

☐ Reprimand you.

☒ Restore you to your position as DETECTIVE in the Los Angeles Police Department.

Dated 2-24-24

Chief of Police

The time limit for seeking review of this administrative determination and preparation of record is governed by Section 1094.6 of the California Code of Civil Procedure. See page two for that Section.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon LUKE WALDEN, #34898 at 1500 hours FEBRUARY 22, 20 24.

☐ By handing him/her thereof personally at _____ (address)

☒ By forwarding a copy thereof by first-class mail postage prepaid, addressed to him/her at last known address at _____ (address)

[illegible] #1517
Member of the Los Angeles Police Department

01.73.00 (01/14)

BOX FILE

RECEIVED
FEB 2 2 2024
POLICE COMMISSION

1094.6. [Time limit for seeking review of administrative determinations: Preparation of record: Application to local agency]

(a) Judicial review of any decision of a local agency, other than school district, as the term local agency is defined in Section 54951 of the Government Code, or of any commission, board, officer or agent thereof, may be had pursuant to Section 1094.5 of this code only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.

(b) Any such petition shall be filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision, or for a written decision or written findings supporting the decision, in any applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date it is announced. If the decision is not announced at the close of the hearing, the date, time, and place of the announcement of the decision shall be announced at the hearing. If there is a provision for reconsideration, the decision is final for purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this section on the date that reconsideration is rejected. If there is a provision for a written decision or written findings, the decision is final for purposes of this section upon the date it is mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the party seeking the writ. Subdivision (a) of Section 1013 does not apply to extend the time, following deposit in the mail of the decision or findings, within which a petition shall be filed.

(c) The complete record of the proceedings shall be prepared by the local agency or its commission, board, officer, or agent which made the decision and shall be delivered to the petitioner within 90 days after he has filed a written request therefor. The local agency may recover from the petitioner its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the local agency or its commission, board, officer, or agent, all written evidence, and any other papers in the case.

(d) If the petitioner files a request for the record as specified in subdivision (c) within 10 days after the date the decision becomes final as provided in subdivision (b), the time within which a petition pursuant to Section 1094.5 may be filed shall be extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.

(e) As used in this section, decision means a decision subject to review pursuant to Section 1094.5, suspending, demoting, or dismissing an officer or employee, revoking, or denying an application for a permit, license, or other entitlement, imposing a civil or administrative penalty, fine, charge, or cost, or denying an application for any retirement benefit or allowance.

(f) In making a final decision as defined in subdivision (e), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section.

As used in this subdivision, "party" means an officer or employee who has been suspended, demoted or dismissed; a person whose permit, license, or other entitlement has been revoked or suspended, or whose application for a permit, license, or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied.

(g) This section shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply.

BOX FILE

April 20, 2017

"Solvent Traps"

This information is provided to assist ATF personnel tasked with differentiating so-called "solvent traps" from firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

Background:

Numerous manufacturers and sellers are marketing devices that they call "solvent traps." These devices often resemble firearm silencers, and many contain multiple design characteristics of firearm silencers. "Solvent traps" are marketed as devices which are attached to the barrel of a firearm during cleaning in order to catch excess cleaning fluids. These devices attach to firearm barrels in the same method as firearm silencers.

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"*...any device **for** silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and **intended** for use in assembling or fabricating a firearm silencer or firearm muffler, and any part **intended** only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

As highlighted in the above definition, a key factor in distinguishing between a "solvent trap" and a firearm silencer is the **intended** use for the device. Some devices called "solvent traps" may have a legitimate purpose as a firearm accessory. However, while the manufacturer's stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use.

2A

Background (cont.):

Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, and freeze plugs are sometimes used to assemble firearm silencers. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise demonstrates these articles are to be used for making a firearm silencer. Once such an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the GCA and NFA and is properly classified as a "firearm silencer."

Identification:

The first "solvent traps" that the Firearms & Ammunition Technology Division examined were in the form of repurposed oil filters. While some sellers marketed these devices as "solvent traps," others sold them as NFA registered firearm silencers, under names such as the "Econo-can." Registered firearm silencers of this type may have the thread adaptor as the registered part.

Many unmodified oil filters are recognized as having a legitimate purpose as "solvent traps" and are not generally classified as firearm silencers unless used as a firearm silencer.



Oil Filter



"Solvent trap"



Firearm with solvent trap attached

2B

Identification (cont.):

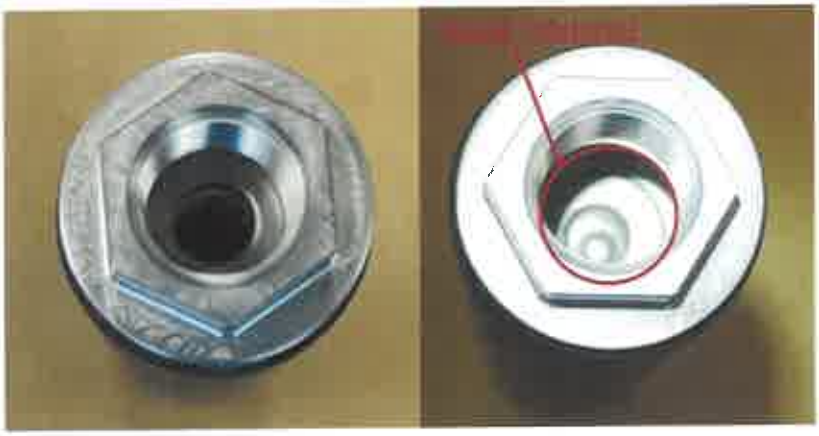


Firearm Silencer

The next phase of "solvent traps" evolution was the use of fuel filters, which more closely resembled the appearance of traditional firearm silencers. Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.



Fuel Filter "Solvent trap"



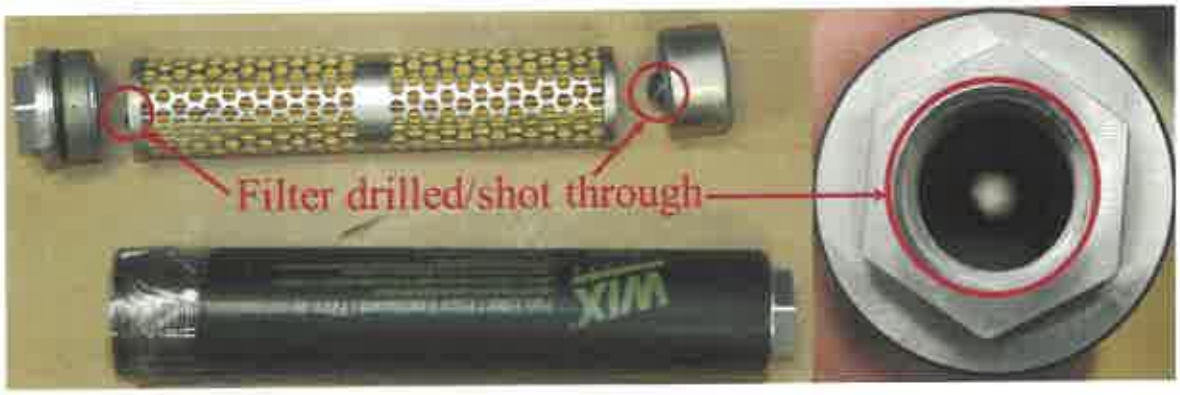
Fuel Filter "Solvent trap"

2C

Identification (cont.):



Firearm Silencer



Firearm Silencer

Flashlight bodies are also sold as "solvent traps," with one end threaded to attach to a firearm barrel and the forward end-cap solid. Like unmodified oil filters or fuel filters, many flashlight "solvent traps" have been determined to have a legitimate purpose of catching excess cleaning fluids.



Flashlight "Solvent trap"



Flashlight "Solvent trap"

20

Identification (cont.):

However, flashlight "solvent traps" are sometimes sold with index markings, showing where the hole would need to be drilled in order to modify the "solvent trap" into a firearm silencer. FATD has consistently held the opinion that any index marking is the same as having a hole in the location of the index. Accordingly, any flashlight "solvent trap" with a hole drilled in the forward end-cap could be classified as a firearm silencer.



Flashlight Firearm Silencer



Flashlight Firearm Silencer



Flashlight Firearm Silencer

The current trend in the "solvent trap" market are devices which utilize the characteristics of firearm silencers. Unlike the previously mentioned oil/fuel filters and flashlight "solvent traps," these devices are not repurposed. These devices are specifically manufactured as firearm silencers while being marketed as "solvent traps." These devices often come with a set of "spacers" which resemble firearm silencer baffles.

These "spacers" serve no legitimate purpose in a "solvent trap" as they prevent the collection of cleaning fluids. Some sellers have also marketed their devices as "dry storage containers" which are reportedly or allegedly designed to safely store items such as heirloom seeds. FATD does not recognize this stated purpose as a legitimate reason to attach such a device to a firearm barrel as the objective design features support classification as a firearm silencer.

2E

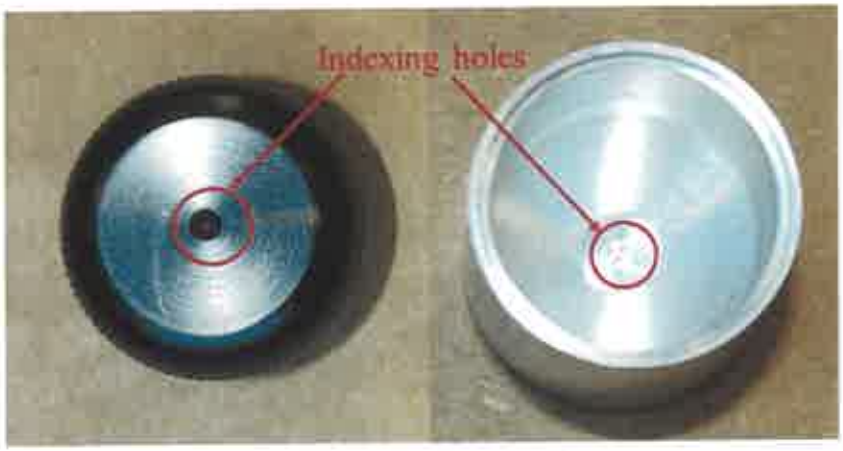
Identification (cont.):



Firearm Silencer

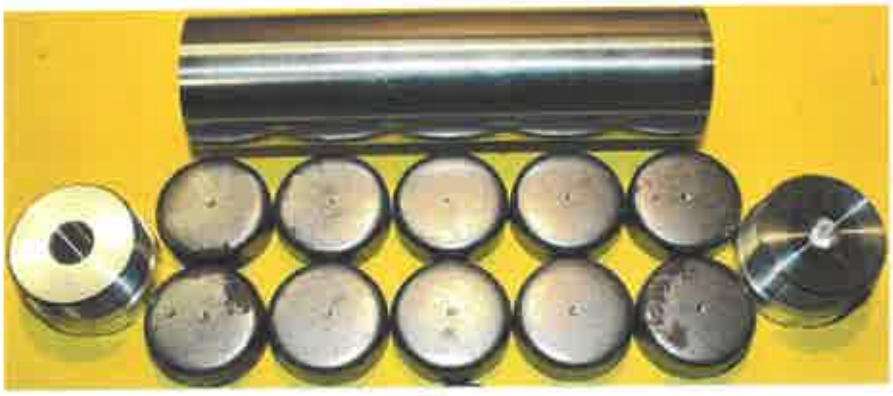


Firearm Silencer baffles



Firearm Silencer components

Identification (cont.):



Firearm Silencer



End-cap Modified freeze plug

In conclusion, for a device to be considered a "solvent trap" and not a firearm silencer, it must be designed and actually function in such a way to trap and hold cleaning fluids without holes, index markings or other design features that demonstrate it is actually intended to be used for silencing the report of a firearm. Such an item is considered a solvent trap because the statutory definition of silencer does not include otherwise unregulated items simply because they have the capability, or may be adapted, to be used as silencers. Instead, the statute speaks of a device "for" silencing or muffling. Therefore, mere possession of a "solvent trap" or components which *could* be used in the assembly of a firearm silencer does not necessarily constitute possession of a firearm silencer. Intent must be demonstrated or communicated. For example, indexing holes as shown above demonstrate such intent because these serve no benefit in collecting solvent or debris, but demonstrate the location of holes if these parts are to be used in a silencer.

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Identification (cont.):

Finally, an unregulated device such as a "solvent trap" may be repurposed by an individual such that a regulated NFA firearm silencer is made. Where the objective design or characteristics of the item do not make it clear that the item is now "for" silencing or diminishing the report of a portable firearm, it is the Special Agent's responsibility to establish the requisite intent.

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FATD cannot render a formal determination without physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

October 30, 2019

"Inline Filter" Firearm Silencers

This information is provided to assist ATF personnel in identifying devices marketed as "inline filters" that are actually firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean, "*...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

ATF Firearms & Ammunition Technology Division Technical Bulletin 17-02 addressed various types of filters used as "solvent traps" and "firearm silencers." Bulletin 17-02 determined that an unmodified "spin-on" automotive filter is suitable for use as a "solvent trap." With regard to an "inline fuel filter" (IFF), the bulletin acknowledged holes on each end but, relying on solid filter interior, stated "*Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.*"

Recently, FTCB has observed an increased number of criminal cases involving firearm silencers manufactured from IFFs. This increase in the use of IFFs as silencers, as well as the need for more thorough analysis of these items, prompted FTCB personnel to clarify the classification of inline filters purportedly used as solvent traps.

Solvent traps

Legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. **The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through (including "pilot" holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or indexing mark for a hole in the front end-cap are classified as a "firearm silencer" under the NFA.**

Inline filters

In contrast to spin-on filters, IFFs have holes at both ends and are specifically designed to allow fluid to pass through; therefore, inline filters are not objectively suitable for use as solvent traps. Therefore, the only logical purpose for attaching an IFF to the muzzle of a firearm is for use as a firearm silencer.

As referenced in Bulletin 17-02, IFFs are designed to use filter elements or flow valves without center holes. This is a design characteristic IFFs share with some firearm silencers. For example, U.S. Patent 4,530,417 mentions creating a center hole through baffles or wipes installed in a firearm silencer using the first round fired through the device. FTCB personnel tested several commercially sourced IFFs and found that an *unmodified* IFF attached to the barrel of a firearm functions to reduce the report of a portable firearm utilizing this method and would therefore meet the definition of a "firearm silencer."

Fuel dispensing system hoses and nozzles typically utilize 3/4" or 1" National Pipe Tapered (NPT) threads, but threaded firearm barrels are not compatible. Adapters are therefore needed to attach IFFs to firearms (see chart below). FTCB research found no fuel fittings of the same size and pitch as those commonly found on firearm barrels. NOTE: Multiple adapters may be needed between the barrel and IFF.

Accordingly, FTCB has determined that an inline fuel filter possessed with a firearm modified to accept it, or with an adaptor(s) designed to affix the filter to the muzzle of a firearm (multiple adapters may be required), demonstrates intent to use the inline fuel filter to silence, muffle, or diminish the report of a portable firearm; therefore, it is a "**firearm silencer**" as defined. Further, as discussed below, an inline fuel filter with an end-cap having threads of the same size and pitch of those commonly found on threaded firearm barrels is a "**firearm silencer**" as defined.

YouTube contains a plethora of videos demonstrating IFFs (attached to firearm barrels) being used as silencers. Additionally, there are numerous websites on the Internet marketing various parts and kits intended for use in IFFs. A simple Google search for "NAPA 4003" will return

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multiple sites advertising items promoted as "fuel filters" that have no filtering capability. Similar parts and kits are also marketed as "solvent traps," "solvent trap accessories," or "dry storage containers."

Such deceptive advertisements sometimes include an "NFA Warning" or a legal disclaimer regarding the use or modification of these devices as, or in the fabrication of, firearm silencers. The inclusion of these disclaimers or statements, as well as customer comments and reviews, suggest the seller's knowledge of the intended end use of those items.

Some of the devices marketed as IFFs come assembled with end-caps threaded with the same sizes as found on firearm barrels, which negates the need for a thread adapter. These devices may contain the same threads in each end-cap, different sized threads in each end-cap, or even a threaded rear end-cap along with an unthreaded front end-cap.

EXAMPLES OF "FIREARM SILENCERS"

Threaded adapter and NAPA 4003 IFF

Threaded adapter for use with spin-on and inline filters. Multiple external thread pitches for use with different sized threads. Most common internal thread pitches are: 1/2-28 or 5/8-24 for compatibility with threaded firearm barrels. The adapter pictured is for use in attaching various sized automotive filters and is externally threaded with: 3/4-16, 13/16-16, and 3/4NPT (tapered pipe threads). NAPA/WIX IFFs are assembled with 3/4NPT internal threads in both end-caps.



Inline filter marketed as NAPA 4003

End-caps typically contain internal threads compatible with threaded firearm barrels. Most common sizes are 1/2x28 or 5/8x24. Filter element is too short for housing and will allow fluids to bypass without filtering. May have different size threads in each end cap or may have threads in only one end while other end has an unthreaded hole. End-cap may be marked inside or out with thread size.

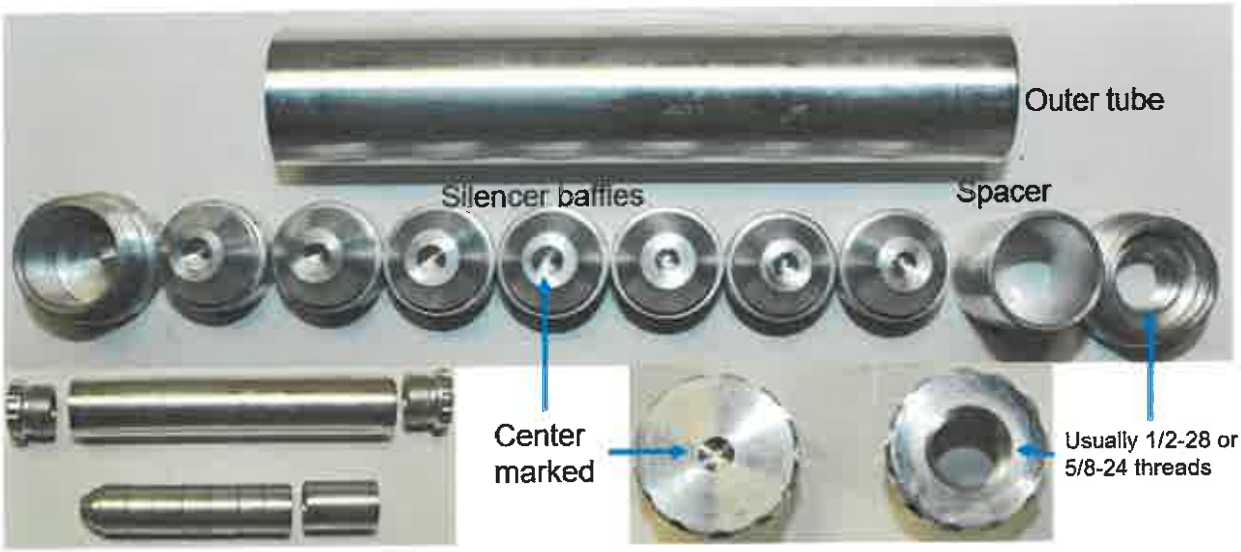




1C

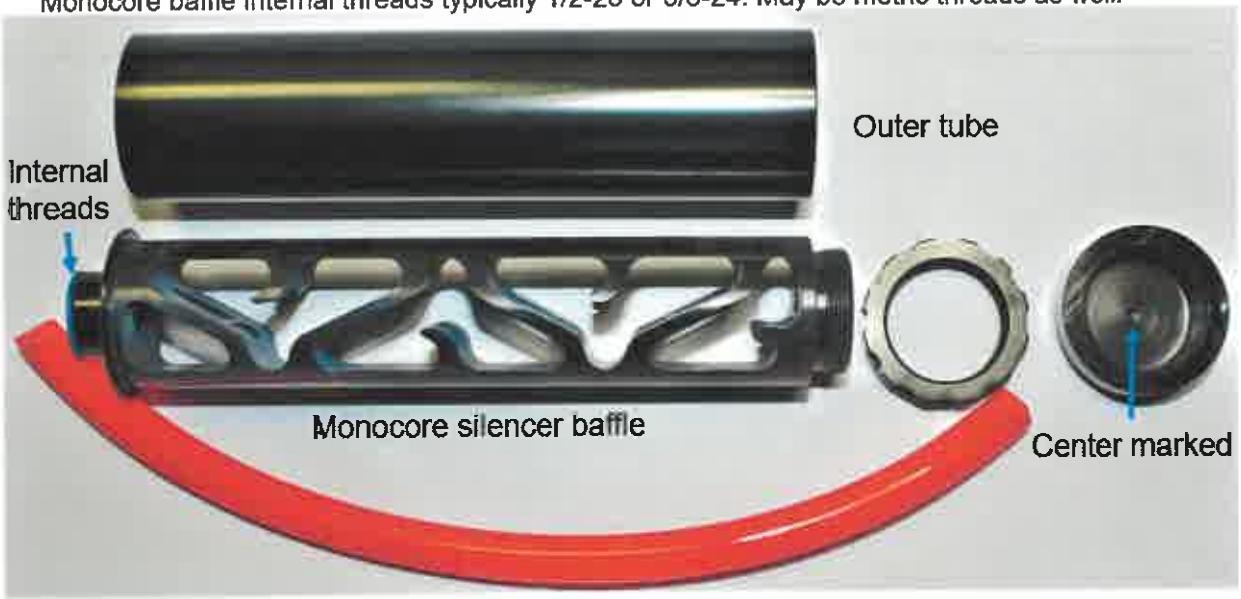
Marketed as NAPA 4003 filter

No filtering capability. Multiple silencer baffles and end-cap with center indicated. Includes a spacer to create a "blast chamber" at barrel end of device, a known silencer feature.



Marketed as NAPA 4003 filter

No filtering capability. Monocore silencer baffle with one end threaded for attachment to firearm barrel. Pictures on website may include mock-up of device, with hose attached, on a car or motorcycle engine. Includes an open nut to retain tube over monocore baffle and a closed end-cap with a mark indicating the center, and a length of hose. No fittings for included hose. Monocore baffle internal threads typically 1/2-28 or 5/8-24. May be metric threads as well.



ID

The following list of known firearm barrel thread sizes is not all-inclusive and intended only as a general reference.

AMERICAN STANDARD THREADS

THREAD	APPLICATION	CALIBER	TYPE
1/2-20 RH	Tec 22	.22 Caliber	Pistol
1/2-20 RH	CZ-452/455	.22 / 17 HMR	Rifle
1/2-28 RH	AR-15, M-16, AR-180	.223 / 5.56	Rifle
1/2-28 RH	Most Threaded .223 / 5:56		Rifle
1/2-28 RH	Most Threaded .22's		Rifle / Pistol
1/2-28 RH	Most Threaded 9mm		Pistol
1/2-28 RH	Ruger 10/22 Tactical	.22 Caliber	Rifle
1/2-28 RH	Newer Mini 14	.223 / 5.56	Rifle
1/2-28 RH	MPA57	5.7x28 MM	Submachine Pistol
1/2-28 RH	MPA "Mini"	9MM	Submachine Pistol
1/2-36 RH	AR-15, M-16, AR-180	9mm	Rifle
9/16-24 LH	FN FAL	.308 Caliber	Rifle
9/16-24 RH	Most Threaded .40		Pistol
9/16-24 RH	AR Grendel	6.50	Rifle
9/16-24 RH	Older Mini 14	.223 / 5.56	Rifle
9/16-24 RH	L1-A1	.308 Caliber	Rifle
9/16-24 RH	Glock 20	10 mm	Pistol
9/16-24 RH	H&K 94	9x19mm	Rifle
9/16-24 RH	MP5	9mm	Submachine Pistol
.578x28 RH	Most Threaded .45 Caliber		Pistol
.578x28 RH	Threaded 1911	.45 Caliber	Pistol
5/8 x 11 RH	M11/M12	.380 Caliber	Submachine Pistol
5/8-24 RH	Most Threaded .308		Rifle
5/8-24 RH	Many Threaded .30		Rifle
5/8-24 RH	UZI Carbine/ SMG	9mm	Rifle
5/8-24 RH	Ruger Mini 30	.30 Caliber	Rifle
5/8-24 RH	AR-10 / M14	.308 Caliber	Rifle
5/8-24 RH	300 Blackout	.300 Caliber	Rifle
5/8-24 RH	AR-15	7.62x39	Rifle
11/16x16 RH	MPA .45 Caliber Rifles		
11/16x24 RH	.450 Bushmaster		Rifle
11/16x24 RH	Alternative .308 Threading		Rifle
11/16x24 RH	Alternative bull barrel Threading		Rifle
3/4-10 RH	M10 / M11	9mm	Submachine Pistol
3/4-24 RH	Desert Arms Tactical Rifles		
7/8" x 9 RH	MPA10	.45 Caliber	Submachine Pistol
7/8" x 14 RH	All Barretts & EDM	.50 BMG	Rifle
1" x 14 RH	AR450	.50 BMG	Rifle
1" x 14 RH	McMillian TAC-50	.50 BGM	Rifle

IE

METRIC THREADS

THREAD	APPLICATION	CALIBER	TYPE
M8 x .75 RH	Walter p22	.22 Caliber	Pistol
M8 x .75 RH	M&P 22	.22 Caliber	Pistol
M8 x .75 RH	Colt/Umarex 1911 A1	.22 Caliber	Pistol
M8 x .75 RH	Colt Gold Trophy	.22 Caliber	Pistol
13mm x 1 LH	Steyr Aug	.223 /5.56	Rifle
13mm x 1 RH	Galil	.223 / 5.56	Rifle
13mm x 1 RH	Galil	.308 / 7.62	Rifle
13mm x 1 RH	Older Glock 26	9x19mm	Pistol
13.5mm x 1 LH	Sig P228/P229/P239	9mm	Pistol
14mm x 1 LH	AK-47	7.62x39	Rifle
14mm x 1 RH	VZ58	7.62x39	Rifle
14mm x 1 RH	Yugo SKS	7.62x39	Rifle
15mm x 1 RH	H&K 91 / G3	7.62x39	Rifle
15mm x 1 RH	H&K 93 / 33 / G-53	5.56	Rifle
16mm x 1 LH	Threaded H&K .45 Barrels		Pistol
16mm x 1 RH	H&K Mark 23 (Socom)	.45 Caliber	Pistol
17mm x 1 RH	MAS 1949-56	.308 Caliber	Rifle
18mm x 1 RH	Sako TRG	.338 Caliber	Rifle
18mm x 1.5 RH	Accuracy International	.338 Caliber	Rifle
22mm x.75 RH	Saiga 12 Gauge		Shotgun
		7.62x39, 7.62x54	
24mm x 1.5 RH	AK-74	5.45x39	Rifle
		5.56x45	
26mm x 1.5 LH	PAP M92 / M85	7.62x39	Pistol

COMMON FILTER THREADS

THREAD	APPLICATION
3/4-16 RH	Ford, Dodge, & Jeep Spin-on Oil Filters
13/16-16 RH	Chevy & GM Spin-on Oil Filters
3/4 NPT	Standard Pipe fittings
3/4 NPT	Napa 4003 Inline Fuel Filter
3/4 NPT	Wix 24003 Inline Fuel Filter

This information is intended to assist ATF and law enforcement personnel in identifying items marketed as "inline filters" that are "firearm silencers" as defined. If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

IF

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-21-007329 / Req. # 0001
Report finalized: June 1, 2021

DR #:	21-99-13105	**Name Associated:**	NEMEROFF
Requested By:	NEMEROFF #31679	**Offense:**	Other
Contact:	31679@lapd.online	**Service:**	Firearms - Test Fire Firearm

Analysis Requested: -- Determine if the assembly, as received, is a silencer as described in California penal code section 17210.

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 6 (LIMS #1-6): One (1) metal ring
- Item 7 (LIMS #1-7): One (1) outer tube
- Item 8 (LIMS #1-8): One (1) monocore baffle

Dates of Laboratory Activity: 5/14/2021 — 5/25/2021

Observation(s)

Items 6 through 8 were received as a single assembly. As received, the item 8 monocore baffle is secured within the item 7 outer tube by the item 6 metal ring.

TESTING:

- An external inspection of the assembly was conducted to assess its general appearance, condition and construction.

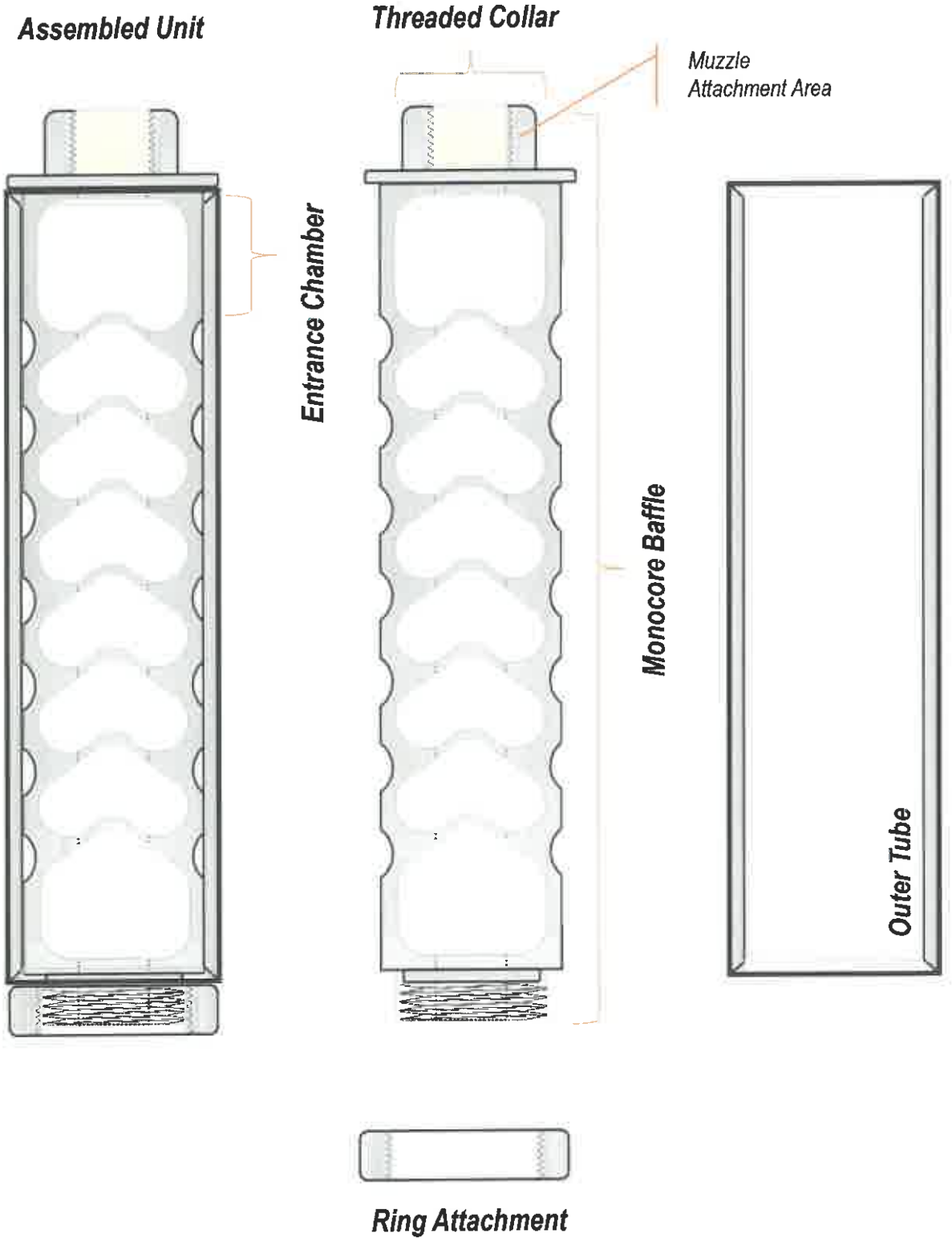
- The assembly was dismantled and inspected for distinctive silencer structural features.

TEST RESULTS:
The external inspection revealed the assembly to be in good condition. 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. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. 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 volume into 8 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.

Conclusion(s)

The assembly, as received, is a silencer as described in California penal code section 17210.

Not to Scale


Assembled Unit
Threaded Collar
Muzzle
Attachment Area
Entrance Chamber
Monocore Baffle
Outer Tube
Ring Attachment

Analyst: F. Biraimah #N3140 323-415-8169 5-27-21

Admin Review: R. Garcia #G9120 6- 1-21

Tech Review: R. Garcia #G9120 6- 1-21

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 43 HON. KIMBERLEY BAKER GUILLEMET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
PLAINTIFF,)
VS.) CASE NO. BA510524
LUKE WALDEN,)
DEFENDANT.)

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PRELIMINARY HEARING

MARCH 9, 2023

APPEARANCES:

FOR THE PEOPLE: OFFICE OF THE DISTRICT ATTORNEY
BY: KRISTOPHER GAY, DEPUTY
211 WEST TEMPLE STREET, SUITE 200
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT: SEKI, NISHIMURA & WATASE, LLP
BY: BILL SEKI, ATTORNEY AT LAW
600 WILSHIRE BOULEVARD, SUITE 1250
LOS ANGELES, CALIFORNIA 90017

HTA: MARCH 23, 2023
DEPARTMENT 119

PRISCILLA MIRELES, CSR NO. 14080
OFFICIAL REPORTER

MAR 20 2023

M A S T E R I N D E X

CHRONOLOGICAL INDEX OF WITNESSES

PEOPLE'S	DIRECT	CROSS	REDIRECT	RECROSS
NEMEROFF, ROSS	4	38	--	--

DEFENSE	DIRECT	CROSS	REDIRECT	RECROSS
(NONE.)				

INDEX OF EXHIBITS

PEOPLE'S EXHIBIT	DESCRIPTION	FOR I.D.	IN EVD.	WITHDRAWN OR REJECTED
1	FOUR-IMAGE PHOTOGRAPH	11	45	
2	FOUR-IMAGE PHOTOGRAPH	12	45	
3	FOUR-IMAGE PHOTOGRAPH	14	45	
4	FOUR-IMAGE PHOTOGRAPH	21	45	
5	SCREENSHOT	28	45	
6	SCREENSHOT	30	45	
7	SCREENSHOT	31	45	
8	SCREENSHOT	32	45	
9	PAYPAL DOCUMENT	34	45	

DEFENSE EXHIBIT	DESCRIPTION	FOR I.D.	IN EVD.	WITHDRAWN OR REJECTED
(NONE.)				

CASE NUMBER:	BA510524
CASE NAME:	PEOPLE VS. LUKE WALDEN
	THURSDAY, MARCH 9, 2023
LOS ANGELES, CALIFORNIA	HON. KIMBERLEY BAKER GUILLEMET,
DEPARTMENT 43	JUDGE
REPORTER:	PRISCILLA MIRELES, CSR NO. 14080
TIME:	A.M. SESSION

APPEARANCES:

DEFENDANT, LUKE WALDEN, PRESENT WITH COUNSEL, BILL SEKI, ATTORNEY AT LAW; KRISTOPHER GAY, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

-OOO-

THE COURT: WE'RE ON THE RECORD. PEOPLE VS. LUKE WALDEN, CASE NO. BA510524.

APPEARANCES, PLEASE.

MR. SEKI: GOOD MORNING, YOUR HONOR. BILL SEKI APPEARING WITH MR. WALDEN.

MR. GAY: KRISTOPHER GAY FOR THE PEOPLE. GOOD MORNING.

THE COURT: THANK YOU. AND GOOD MORNING.

WE ARE HERE FOR PRELIMINARY HEARING. ARE BOTH PARTIES READY TO PROCEED?

MR. SEKI: YES.

MR. GAY: READY.

THE COURT: ALL RIGHT. AND COUNSEL, DO YOU WAIVE

FURTHER READING AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS AND ENTER A PLEA OF NOT GUILTY ON BEHALF OF YOUR CLIENT?

MR. SEKI: YES.

THE COURT: IS THERE A MOTION TO DESIGNATE AN INVESTIGATING OFFICER?

MR. GAY: YOUR HONOR, THANK YOU. TO MY LEFT IS DETECTIVE ROSS NEMEROFF. I'D ASK THAT HE BE DESIGNATED AS THE INVESTIGATING OFFICER, BUT HE IS, IN FACT, MY ONLY TESTIFYING WITNESS AS WELL.

THE COURT: VERY WELL. AND THE SPELLING OF DETECTIVE'S LAST NAME, PLEASE, FOR THE RECORD?

MR. GAY: N-E-M-E-R-O-F-F.

THE COURT: ALL RIGHT. THANK YOU VERY MUCH. I UNDERSTAND DETECTIVE NEMEROFF IS YOUR ONLY WITNESS.

DOES DEFENSE EXPECT TO CALL ANY WITNESSES?

MR. SEKI: NOT TODAY, YOUR HONOR.

THE COURT: ALL RIGHT. SO NO MOTION TO EXCLUDE WITNESSES IS NECESSARY. AND I DO UNDERSTAND CONTINUOUS PRELIM WAS PREVIOUSLY WAIVED; HOWEVER, THE TIME ESTIMATE IS ONE HOUR; IS THAT CORRECT?

MR. GAY: YES.

MR. SEKI: SO -- YES. AND WE WERE TOLD WE SHOULDN'T EXCEED 90 MINUTES, BUT I DON'T THINK WE'RE GOING TO GET THERE.

THE COURT: VERY WELL. IS THERE ANYTHING ELSE WE NEED TO ADDRESS BEFORE WE START?

MR. GAY: NO.

MR. SEKI: NO. I DO -- I THINK IT'S LEFT BEST FOR OUR MOTION, BUT THERE ARE A COUPLE CASES THAT I WOULD WANT THE COURT TO REVIEW PRIOR TO MAKING ITS DECISION IN THIS CASE.

THE COURT: VERY WELL.

ALL RIGHT. PEOPLE MAY CALL THEIR FIRST WITNESS.

MR. GAY: THANK YOU, YOUR HONOR. PEOPLE CALL DETECTIVE ROSS NEMEROFF.

THE COURT: THANK YOU, DETECTIVE. PLEASE COME FORWARD TO BE SWORN AND FACE OUR CLERK. YOU CAN STAND RIGHT THERE.

ROSS NEMEROFF,

CALLED BY THE PEOPLE AS A WITNESS, WAS SWORN AND TESTIFIED AS FOLLOWS:

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

DO YOU SOLEMNLY STATE THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH; SO HELP YOU GOD?

THE WITNESS: I DO.

THE CLERK: THANK YOU. AND IF YOU CAN JUST PLEASE STATE AND SPELL YOUR FULL NAME FOR THE RECORD, PLEASE.

THE WITNESS: ROSS NEMEROFF, R-O-S-S, N-E-M-E-R-O-F-F.

THE COURT: THANK YOU FOR BEING HERE, DETECTIVE.

THE WITNESS: THANK YOU.

THE COURT: COUNSEL, YOUR WITNESS.

MR. GAY: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MR. GAY:

Q. GOOD MORNING, SIR.

A. GOOD MORNING.

Q. WHAT IS YOUR OCCUPATION?

A. CURRENTLY, I'M AN INVESTIGATOR WITH THE ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE. I RETIRED FROM LOS ANGELES POLICE DEPARTMENT AS A DETECTIVE II ASSIGNED TO SPECIAL OPERATIONS DIVISIONS ON JANUARY 26TH OF THIS YEAR.

Q. AND APRIL 22ND OF 2021, HOW WERE YOU ASSIGNED ON THAT DATE?

A. I WAS A DETECTIVE II ASSIGNED TO SPECIAL OPERATIONS DIVISION LAPD.

Q. HOW LONG HAVE YOU BEEN A SWORN PEACE OFFICER?

A. OVER 28 YEARS -- OR 27 AND A HALF YEARS.

Q. AND DO YOU SEE ANYONE ELSE HERE IN COURT THAT YOU KNOW?

A. YES.

Q. WHO'S THAT?

A. I SEE LUKE WALDEN. HE'S SITTING NEXT TO DEFENSE COUNSEL WEARING A -- I GUESS A CHARCOAL COLORED SUIT AND GLASSES.

THE COURT: FOR THE RECORD, IDENTIFYING THE

DEFENDANT.

BY MR. GAY:

Q. AND HOW ARE YOU FAMILIAR WITH MR. WALDEN?

A. WALDEN WORKED -- I THINK IT WAS THE GUN UNIT AT THE TIME WHEN I FIRST MET HIM ON A SEPARATE ADMINISTRATIVE AND CRIMINAL INVESTIGATION INVOLVING -- A DIFFERENT DEPARTMENT EMPLOYEE REACHED OUT TO HIS UNIT TO -- FOR EXPERTISE AND ADVISE.

Q. AND HE PROVIDED THAT?

A. YES.

Q. AND I'M SORRY. JUST -- IS HE A POLICE OFFICER WITH LAPD AS WELL?

A. YES. AT THE TIME, A DETECTIVE II ASSIGNED TO -- I BELIEVE IT WAS GUN NARCOTICS -- GANG NARCOTICS DIVISION.

Q. NOW, I WANT TO ASK YOU, DID -- WERE YOU THE -- ARE YOU THE ASSIGNED INVESTIGATOR INVOLVING AN INVESTIGATION THAT MR. WALDEN -- OFFICER WALDEN -- DETECTIVE WALDEN WAS THE TARGET OF?

A. YES.

Q. OKAY. AND DID THAT INVOLVE, JUST GENERALLY, POSSESSION OF A GUN SILENCER?

A. YES.

Q. AND CAN YOU STATE FOR THE COURT BRIEFLY WHAT KIND OF BACKGROUND, TRAINING, AND EXPERIENCE YOU HAVE WITH REGARD TO FIREARM SILENCERS?

A. YES. AS A RESULT OF THIS CASE -- WELL, PRIOR TO THIS CASE, I RECEIVED BASIC TRAINING IN FIREARMS IN THE

LOS ANGELES POLICE ACADEMY IN 1995, AND I'VE SHOT WEAPONS EVER SINCE THEN.

AS A RESULT OF THIS INVESTIGATION, I BECAME A LOT MORE FAMILIAR WITH SILENCERS. THE TRAINING I RECEIVED, TALKING TO THE CUSTOMS BORDER PATROL AGENTS, AGENT PENA, ALSO SPEAKING TO A HOMELAND SECURITY AND HOMELAND SECURITY AGENT NAMED MADOYAN, M-A-D-O-Y-A-N.

I'VE READ DIFFERENT BULLETINS FROM THE ALCOHOL, TOBACCO, AND FIREARMS ON SILENCERS. TWO DIFFERENT BULLETINS; ONE FROM APRIL OF 2021. I BELIEVE THE SECOND ONE WOULD HAVE BEEN IN OCTOBER 2021 ON SILENCERS AND SOLVENT TRAPS.

I'VE BEEN TO THE CUSTOMS BORDER PROTECTION -- THEIR HEADQUARTERS IN THE CITY OF TORRANCE ON MAY 3RD OF 2021 WHERE I WAS EXPOSED TO HOW SILENCERS COME INTO THE COUNTRY FROM OTHER COUNTRIES, SPECIFICALLY CHINA, HOW THEY ARE X-RAYED, HOW THEY ARE IDENTIFIED, HOW THEY ARE RECOVERED, AND I ALSO SPOKE WITH A RETIRED ATF AGENT -- I BELIEVE HIS NAME IS MIKE HAMILTON -- WHO HAS EXPERTISE IN THE AREA OF SILENCERS.

Q. DID YOU SPEAK WITH ANY CURRENT SCIENTIFIC INVESTIGATION DIVISION EMPLOYEES FROM LAPD REGARDING THIS CASE AS WELL?

A. YES. I SPOKE TO A CRIMINALIST III FROM THE FIREARMS ANALYSIS UNIT.

Q. NOW, GOING BACK TO THE CUSTOMS AND BORDER PATROL AND THE HOMELAND SECURITY AGENTS. DID THEY INFORM YOU OF KIND OF SOME BACKGROUND INFORMATION REGARDING

SILENCERS THAT THEY'VE BEEN NOTICING IN THE RECENT PAST, I GUESS?

A. YES. ON A FIELD TRIP TO THE CUSTOMS BORDER PROTECTION, THEY ADVISED THAT THEY HAD AN INFLUX OF SOLVENT TRAPS OR SILENCERS THAT ARE SOLVENT TRAPS THAT ARE DISGUISED AS SILENCERS THAT ARE COMING FROM CHINA INTO THE UNITED STATES WITH UNDER A DIFFERENT NAME UNDER A GUISE OF -- AS A SOLVENT TRAP, AND AS THEY -- AS THEY -- THOSE PACKAGES ARE RANDOMLY SCREENED THROUGH THEIR SCREENING SYSTEM, X-RAYED, THEY'RE ABLE TO IDENTIFY THOSE SOLVENT TRAPS OR SILENCERS WITHIN THE PACKAGING.

Q. SO THESE PACKAGES ARE LABELED AS SOLVENT TRAPS? IS THAT WHAT YOU'RE SAYING?

A. YES. A LOT OF THE PACKAGES ARE LABELED AS SOLVENT TRAPS OR OIL FILTERS, FUEL FILTERS, ET CETERA. DIFFERENT NAMES.

Q. NOW, CAN YOU TALK A LITTLE BIT ABOUT WHAT YOU LEARNED? LET'S START WITH SOLVENT TRAPS; WHAT THAT TERM MEANS AND WHAT YOU LEARNED ABOUT THAT.

A. YES. SO THE SOLVENT TRAPS COMING FROM CHINA, THEY TYPICALLY -- IT COMES IN A ROUND CHORD, ROUND CYLINDER, FOLLOWED BY A MONOCORE THAT THEN FITS INSIDE OF THAT CYLINDER WITH AN END CAP THAT SCREWS ON ONE END AND ANOTHER CAP THAT SCREWS ON THE OPPOSITE END AND --

Q. I'M SORRY. LET ME JUST INTERRUPT. I HAVE A DIFFERENT QUESTION. I APOLOGIZE.

A. SURE.

Q. JUST IN GENERAL, DID YOU COME TO LEARN --

WERE YOU FAMILIAR BEFORE DOING THIS INVESTIGATION WITH THE TERM "SOLVENT TRAPS"?

A. BEFORE THE INVESTIGATION?

Q. YES.

A. I WOULD -- IN GENERAL TERMS, I WOULD THINK A SOLVENT TRAP IS SOMETHING THAT CATCHES SOLVENT.

Q. AND THE -- WHAT WAS -- SPECIFICALLY WITH REGARD TO -- WELL, LET ME ASK YOU A MORE GENERAL QUESTION. DID YOU LEARN IN THE COURSE OF YOUR INVESTIGATION WHY ITEMS COMING INTO THE COUNTRY FROM CHINA WOULD BE LABELED AS FUEL FILTERS FOR SOLVENT TRAPS WHEN THEY'RE, IN FACT, GUN SILENCERS?

A. YES. IT'S A GUISE. IT'S TO -- IT'S BASICALLY TO THROW OFF THE ALERT THAT SOMETHING IS COMING IN AS A SILENCER BECAUSE SILENCERS ARE ILLEGAL TO POSSESS, AND IF THEY DEEM THEM OR CALL THEM SOLVENT TRAPS OR FUEL FILTERS ON A MANIFEST WITH ALL -- WITH THE DIFFERENT ITEMS THAT ARE COMING IN FROM THE OTHER -- YOU KNOW, OTHER COUNTRIES CALLING IT A SOLVENT TRAP, IT MAY GET THROUGH ITS INITIAL SCREENING AND WHATNOT. SO BY CALLING IT A SOLVENT TRAP OR FUEL FILTER, IT'S JUST A GUISE FOR WHAT IT REALLY IS INTENDED, WHICH IS A SILENCER.

Q. NOW, LET'S TALK A LITTLE BIT MORE ABOUT TERMINOLOGY. THREADED BARRELS. ARE YOU FAMILIAR WITH THAT TERM?

A. YES.

Q. WHAT DOES THAT REFER TO?

A. SO THE THREADED BARREL IS THE RECEIVER END OF

A SILENCER. SO THE SILENCER COMES WITH A FEMALE END OF A THREAD, AND IN ORDER TO ADAPT THAT FEMALE END OF THE SILENCER, IT NEEDS TO GO ON A MALE END OF A BARREL. SO THE MALE END OF THE BARREL HAS TO BE THREADED IN ORDER FOR IT TO RECEIVE THE SILENCER. SO IT HAS TO HAVE THE SAME THREAD COUNT AND SAME DIAMETERS.

Q. DO FIREARMS GENERALLY COME FROM THE MANUFACTURER EQUIPPED WITH THREADING ON THE BARREL?

A. NO.

Q. SO HOW DOES ONE EQUIP A FIREARM WITH A THREADED BARREL?

A. SO DIFFERENT COMPANIES SELL THREADED BARRELS. SPECIFICALLY, I THINK SIG SAUER MAKES A THREADED BARREL AS WELL AS KIMBER. YOU CAN DO A GOOGLE SEARCH ON EITHER ONE OF THOSE, AND YOU CAN ACTUALLY LOOK UP A THREADED BARREL AND THEN PURCHASE -- I BELIEVE YOU CAN PURCHASE A THREADED BARREL THAT'S SEPARATE FROM THE STANDARD ONE THAT'S ISSUED WITH THE FIREARM.

Q. SO IF ONE WANTED TO ATTACH A SILENCER TO THEIR FIREARM, WOULD THEY NEED A THREADED BARREL?

A. THEY WOULD.

Q. GOING BACK TO YOUR -- THE TRAINING, BACKGROUND, AND THE THINGS YOU LEARNED DURING THIS INVESTIGATION. USING THE INFORMATION YOU LEARNED FROM HOMELAND SECURITY AGENTS, FROM CUSTOMS AND BORDER PATROL AGENTS, DID YOU DO ANY OF YOUR OWN RESEARCH INTO THE GUN SILENCER -- GUN ACQUISITION FIELD, IF YOU WILL?

A. YES. SO YOUTUBE HAS QUITE A FEW VIDEOS THAT

SHOW HOW THESE THINGS ARE ADAPTED, CHANGED INTO FIREARM SILENCERS, AND THEN ALSO LOOKING AT JUST WEBSITES IN GENERAL ON THREADED BARRELS AND WHATNOT. THAT'S THE GENERAL RESEARCH I DID.

Q. SO DID YOU, FOR EXAMPLE, JUST GOOGLE "SOLVENT TRAP" EVER AS PART OF YOUR RESEARCH?

A. I BELIEVE I DID.

Q. AND WHAT COMES UP WHEN YOU GOOGLE AND SEARCH SOLVENT TRAP?

A. SOLVENT TRAPS -- AT THE TIME OF DOING THESE GOOGLE SEARCHES, IT WOULD COME UP WITH THINGS THAT REALLY RESEMBLED A SILENCER, AS OPPOSED TO A SOLVENT TRAP.

Q. IS THERE -- IF YOU'RE AWARE, IS THERE ANYTHING -- IS THERE EVER A LEGITIMATE VERSION OF A SOLVENT TRAP, IF YOU KNOW?

A. THERE PROBABLY IS A LEGITIMATE USE OF A SOLVENT TRAP. I -- AND IT WOULD -- TO CATCH SOLVENT THAT'S CAPTURED FROM CLEANING A WEAPON OR SOMETHING OF THAT NATURE, BUT THE WAY THAT THESE ARE -- THE WAY THAT THESE ARE COMING OVER FROM CHINA --

Q. AND "THESE" BEING THE THINGS THAT YOU'RE CALLING --

A. RIGHT. SILENCERS. IT DOESN'T -- IT DOESN'T EQUATE TO A SOLVENT TRAP. IT COMES WITH THIS PLASTIC TUBE. REALLY, IT DOES NOTHING. THEY -- YOU KNOW, IT HAS NO PURPOSE, AND THERE'S NO -- AND THE BAFFLE CHORD IN THE MIDDLE WOULD HAVE NO LEGITIMATE PURPOSE IN CATCHING SOLVENT.

MR. GAY: LET ME -- OKAY. SO I'M GOING TO TAKE YOUR ATTENTION TO THE DATE -- LET ME -- ACTUALLY, LET ME -- MAY I MARK A PHOTOGRAPH, YOUR HONOR, AS PEOPLE'S 1? IT'S ACTUALLY -- WELL, IT'S AN 8 -- 9 BY 11 SHEET WITH FOUR PHOTOS ON IT DEPICTING A BLACK CYLINDRICAL OBJECT.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 1.)

BY MR. GAY:

Q. OKAY. AND DIRECTING YOUR ATTENTION TO PEOPLE'S 1, DETECTIVE. ARE YOU FAMILIAR WITH THOSE FOUR IMAGES SHOWN THERE?

A. I AM.

Q. WHAT IS SHOWN IN PEOPLE'S 1?

A. THOSE ARE THE PICTURES THAT WERE TAKEN BY A FORENSIC F.I. -- SORRY OUR SCIENTIFIC INVESTIGATIVE DIVISION THAT RESPONDED UPON MY REQUEST TO THE HOMELAND SECURITY OFFICE IN SAN FERNANDO VALLEY FOR THIS ITEM AND ITEMS THAT WERE ADDRESSED TO LUKE WALDEN.

Q. OKAY. SO LET'S BACK UP. DID YOU COME INTO POSSESSION OF THIS ITEM DEPICTED IN THESE FOUR IMAGES?

A. YES.

Q. HOW DID THAT COME ABOUT?

A. I RECEIVED CORRESPONDENCE WITH A H.S.I. --

Q. AND I'M SORRY. H.S.I. IS --

A. HOMELAND SECURITY INVESTIGATION AGENT MADOYAN

AND ADVISED THAT THEY HAD THIS IN THEIR POSSESSION AS A RESULT OF A SCREENING AT THE CUSTOMS BOARDER PROTECTION OFFICE IN TORRANCE.

Q. AND WHERE DID YOU GO TO TAKE POSSESSION OF THIS ITEM?

A. AT THE H.S.I. OFFICE IN SAN FERNANDO VALLEY.

Q. AND WERE YOU PRESENT WHEN IT WAS PHOTOGRAPHED?

A. YES.

MR. GAY: YOUR HONOR, MAY I MARK AS PEOPLE'S 2, ANOTHER FOUR IMAGES ON A SHEET OF PAPER WITH PURPLE PACKAGING?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 2.)

BY MR. GAY:

Q. OKAY. AND PEOPLE'S 2, DOES THAT DEPICT THE OUTER PACKAGING OF THE ITEM THAT YOU TOOK POSSESSION OF FROM HOMELAND SECURITY?

A. YES.

Q. AND TO WHOM IS THIS -- WELL, LET ME BACK UP BEFORE I ASK YOU THOSE QUESTIONS.

DID YOU SPEAK WITH SOMEONE FROM CUSTOMS AND BORDER PATROL?

A. YES.

Q. AND DID YOU SPEAK WITH A -- SPECIFICALLY AN

AGENT NAMED -- I BELIEVE IT WAS MARICELA PENA?

A. YES, THAT'S HER NAME.

Q. AND WHAT DID SHE TELL YOU WITH REGARD TO THE PACKAGE THAT WE'RE TALKING ABOUT HERE?

A. SO ON A GENERAL SCREENING FROM APRIL 22ND OF 2021, THEY DID A GENERAL SCREENING AND RECOVERED 13 PARCELS AND THIS BEING ONE OF THEM. AND AFTER THEY SEIZED THESE -- THIS PARCEL IN PARTICULAR, THEY WERE ABLE TO -- I'M NOT SURE WHO RAN THE NAME LUKE WALDEN, BUT IT WAS DISCOVERED THAT LUKE WALDEN WAS A LOS ANGELES POLICE DEPARTMENT EMPLOYEE.

Q. OKAY. SO WHO IS THIS PACKAGE -- I MEAN, YOU SEE IT ON THE FACE SHEET, BUT WHO IS THIS PACKAGE ADDRESSED TO?

A. TO LUKE WALDEN.

Q. AND DOES IT LIST AN ADDRESS?

A. YEAH. [redacted]

Q. ARE YOU FAMILIAR WITH THAT ADDRESS?

A. I AM.

Q. HAVE YOU BEEN TO THAT ADDRESS?

A. I HAVE.

Q. DID YOU GO THERE WITH DETECTIVE WALDEN?

A. YES.

Q. OKAY. SO YOU WERE ABLE TO CONFIRM THAT THAT IS HIS ADDRESS?

A. CORRECT.

Q. AFTER SPEAKING WITH AGENT PENA -- I'M SORRY.

LET ME -- DOES THIS -- DOES THE PACKAGING SLIP ALSO INDICATE SOMEWHERE FROM WHERE THIS PACKAGE ORIGINATED?

A. YES.

Q. LET ME SEE IF I CAN --

A. YES. FROM XU SHI MING, WUHAN, MING LANG -- I CAN'T PRONOUNCE THAT ONE -- FROM WUHAN HUBEI, CHINA, WHICH IS A CITY IN CHINA.

Q. AND THAT'S ON PEOPLE'S 2?

A. YES. IT ALSO HAS A TRACKING NUMBER ASSOCIATED WITH IT.

Q. DID YOU BOOK THIS ITEM UNDER DR NO. 219913105?

A. YES.

Q. DID YOU LATER SPEAK WITH A CRIMINALIST FROM THE LAPD FORENSIC SCIENCE DIVISION REGARDING THE INSPECTION OF THIS DEVICE?

A. YES.

MR. GAY: AND AS PEOPLE'S 3, YOUR HONOR, IT'S THE SAME ITEM. THERE'S FOUR IMAGES AGAIN, BUT IT'S DISASSEMBLED IN THIS ONE. MAY I MARK IT AS PEOPLE'S 3?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 3.)

BY MR. GAY:

Q. SHOWING YOU PEOPLE'S 3. VERY BRIEFLY, WHAT IS THE JOB TITLE -- WHO DID YOU SPEAK WITH AT -- WAS IT --

DID YOU SPEAK WITH FADEEL BIRAIMAH? I DON'T KNOW HOW TO SAY IT. B-I-R-A-I-M-A-H.

A. SURE. YES, THAT'S HIM.

Q. AND HE TOLD YOU HE INSPECTED THIS ITEM THAT WE'RE LOOKING AT HERE?

A. CORRECT.

Q. AND WHAT WAS HIS JOB TITLE? WHAT IS HIS JOB TITLE?

A. HE'S A CRIMINALIST III ASSIGNED TO THE FIREARMS ANALYSIS UNIT, FAU.

Q. AND DID HE TELL YOU ABOUT -- DID HE HAVE BACKGROUND, TRAINING, AND EXPERIENCE WITH FIREARM SILENCERS?

A. YES.

Q. DID THAT INCLUDE CLASSROOM TRAINING?

A. YES.

Q. HOW ABOUT -- HAS HE TEST FIRED GUNS EQUIPPED WITH THAT -- HAS HE TEST FIRED GUNS EQUIPPED WITH SILENCERS?

A. HE HAS.

Q. AND NOTED THEIR EFFECT?

A. YES.

Q. AND DID HE GIVE YOU AN OPINION OF WHAT THIS ITEM IS IN PEOPLE'S 3 THAT WE'RE LOOKING AT?

A. YES.

Q. WHAT DID HE TELL YOU?

A. HE SAID IT WAS A FIREARM SILENCER.

Q. AND DID HE PROVIDE YOU THE BASIS OF THAT

OPINION?

A. YES. HE REFERRED SPECIFICALLY TO THE MONOCORE BAFFLE --

Q. AND I'M JUST GOING TO STOP YOU RIGHT THERE JUST FOR -- I'M POINTING MY PEN TO THE LOWER LEFT-HAND IMAGE, AND TOWARD THE MIDDLE PART DEPICTS KIND OF A HOLLOW TUBE WITH DIFFERENT CHAMBERS. IS THAT FAIR TO SAY?

A. YES.

Q. IS THAT THE MONOCORE BAFFLE YOU'RE TALKING ABOUT?

A. YES.

Q. OKAY. LET'S TALK ABOUT THAT MONOCORE BAFFLE. WHAT DID HE TELL YOU ABOUT THAT?

A. SO HE SAID THAT THAT MONOCORE BAFFLE HAS NO OTHER PURPOSE BUT TO DIMINISH THE GASSES RELATED TO A FIREARM BEING FIRED THROUGH THAT. IT ADMINISTERS THE GASSES. AND HE DESCRIBES BASICALLY WHAT THE DEFINITION OF A SILENCER IS, AND SPECIFICALLY, THAT THIS MONOCORE BAFFLE HAD NO OTHER PURPOSE BUT TO DIMINISH THE REPORTED SOUND FROM A PORTABLE FIREARM AND THAT THIS WAS SPECIFICALLY A COMPONENT OR A PART OF A SILENCER AND THAT IT WOULD BE DEEMED AS A SILENCER JUST BASED ON THE MONOCORE BAFFLE ITSELF.

Q. AND DID HE TELL YOU HOW THIS WORKS, TO CHANGE THE SOUND OF A FIREARM?

A. YES. YOU KNOW, AS I KIND OF MENTIONED, LIKE -- SO AS THE FIREARM GOES OFF, THE GASSES AND -- MOSTLY THE GASSES THAT ARE GOING THROUGH THE CHAMBER ARE

DIMINISHED AS IT GOES THROUGH EACH BEVEL -- AND I'M POINTING TO THE PEOPLE'S EXHIBIT. AND IT'S GOING THROUGH EACH BEVEL, AND BY THE TIME IT COMES OUT THE OTHER END, IT SLOWS DOWN, AND IT DIMINISHES THE EFFECT AND THE SOUND THAT'S EMITTED FROM THIS SOUND.

Q. SO I DON'T KNOW IF IT'S CLEAR FROM THIS PICTURE, BUT YOU INSPECTED THIS OBJECT AS WELL?

A. I DID.

Q. IS -- I'M INDICATING FROM RIGHT TO LEFT WITH MY PEN. IS THIS AN OPEN AREA THROUGH WHICH A BULLET CAN TRAVEL?

A. I BELIEVE IT IS OPEN IN THAT, YES.

Q. AND DID HE TELL YOU WHETHER HE RECEIVED IT, THIS ITEM, AS ONE PIECE OR WHETHER IT WAS ALL THE PIECES DISASSEMBLED?

A. I BELIEVE IN CONVERSATION WITH HIM THAT HE RECEIVED IT WITH THE BAFFLE INSIDE THE CYLINDER WITH THE CAP SCREWED ON, FROM WHAT I -- FROM MY BEST RECOLLECTION.

Q. I'M SORRY. GOING BACK TO PEOPLE'S 1. SO POINTING TO THE LEFT -- LOWER LEFT-HAND IMAGE, THAT WOULD BE HOW THE ITEM APPEARS WHEN IT'S ALL ASSEMBLED?

A. YES.

Q. OKAY. SO IN OTHER WORDS, THAT BAFFLE PIECE SLIDES INTO THE OUTER TUBE?

A. CORRECT.

Q. AND THEN HOW DOES IT ATTACH TO A FIREARM?

A. SO IN THIS -- YEAH, IN THE UPPER LEFT-HAND CORNER OF THE PEOPLE'S EXHIBIT, THAT'S THE FEMALE END OF

THE -- WHAT WOULD GO -- WHAT WOULD BE ATTACHED TO THE MALE END OF A FIREARM BARREL.

Q. SO THAT SCREWS ONTO THE BARREL?

A. YES.

Q. NOW, I'M GOING TO THE -- I'M ON PEOPLE'S 3 FOR REFERENCE. AND DIRECTING YOUR ATTENTION TO THE TOP RIGHT-HAND IMAGE. IT LOOKS LIKE THERE'S THIS SOLID CAP AND THEN THERE'S, LIKE, A RING. CAN YOU TELL US IF HE TOLD YOU ANYTHING ABOUT WHAT THESE ARE FOR?

A. SO WHEN THEY ATTACH -- WHEN THE ITEM CAME IN WITH THE UPPER ONE THAT HAS THE HOLE THROUGH IT THAT SCREWS ON, IF THE -- IF A WEAPON IS SHOT AND IF A BULLET IS SHOT THROUGH, IT WILL OBVIOUSLY INEVITABLY GO THROUGH THAT LARGE HOLE. IN ORDER TO INCREASE ITS ACCURACY, YOU CAN USE THE END CAP TO THE RIGHT THAT HAS NOT -- DOES NOT HAVE A HOLE IN THIS YET.

THAT END CAP IS SIGNIFICANT IN THE SENSE THAT WHEN THESE CAPS COME PACKAGED THIS WAY, IT HAS A SMALL DIMPLE LIKE AN IMPRINT. THAT ALLOWS A DRILL TO BE PLACED ON THAT SO THE DRILL BIT DOESN'T FALL ALL THE WAY AROUND. SO IT'LL ALLOW -- IT'S LIKE A PILOT HOLE ALMOST WHEN YOU'RE DRILLING SOMETHING WITH A HAND DRILL. IT ALLOWS IT TO BE MACHINED TO A PARTICULAR -- YOU CAN KIND OF --

Q. SO MAYBE IT'S HARD TO SEE IN THE PICTURE. I'M POINTING TOWARDS THE MIDDLE OF THE CENTER CAP.

A. RIGHT.

Q. YOU MENTIONED, LIKE, A DIMPLE. IS IT RIGHT DIRECTLY IN THE CENTER?

A. YES.

Q. AND YOU TALKED TO THE CRIMINALIST ABOUT THIS. DID YOU TALK TO ANYONE ELSE ABOUT THESE DIMPLED END CAPS AS WELL?

A. IT'S BEEN A LITTLE WHILE. I BELIEVE I'M JUST REFERRING TO THAT CONVERSATION WITH HIM AND THEN THE GENERAL LITERATURE THAT I LOOKED AT.

Q. OKAY. SO THIS WAS -- THIS THING WITH THE DIMPLES AND A CENTER HOLE, IT WAS MENTIONED IN SOME OF THE MATERIALS YOU REVIEWED?

A. I BELIEVE SO.

Q. WAS THAT THE ATF BULLETINS?

A. I THINK SO.

Q. OKAY. AND SO FROM TALKING -- FROM YOUR RESEARCH AND TALKING WITH THE CRIMINALIST, WHAT IS THE PURPOSE OF THAT DIMPLE?

A. THAT'S TO ALLOW SOMEBODY WHO NOW POSSESSES OR WHO IS -- WHO HAS POSSESSION OF THIS END CAP TO DRILL THE HOLE DIRECTLY IN THE MIDDLE, WHICH WOULD ALLOW A BULLET TO ESCAPE THROUGH THE HOLE DEPENDING ON HOW BIG YOU DRILL THAT DIAMETER WITH THE DRILL BIT.

Q. AND IS THERE ANY OTHER PURPOSE -- OTHER THAN TO LINE UP A DRILL BIT TO HELP WITH FABRICATING A HOLE, IS THERE ANY OTHER PURPOSE FROM TALKING TO THE PEOPLE YOU TALKED WITH? IS THERE ANY OTHER PURPOSE FOR THAT DIMPLE?

A. NOT THAT I KNOW OF.

Q. OKAY. DID YOU TALK WITH FADEEL REGARDING THIS BLUE -- I DON'T KNOW WHAT THIS IS. YOU INSPECTED

THIS ITEM, THIS BLUE -- IS THIS A TUBE? WHAT IS THIS?

A. YEAH. IT'S A BLUE PLASTIC TUBE.

Q. DID YOU TALK WITH HIM ABOUT THAT?

A. YES. IT HAS NO PURPOSE.

Q. OKAY. YEAH, BUT WHAT WAS HIS OPINION ABOUT THE BLUE PLASTIC TUBE?

A. I THINK HE MENTIONED THAT IT'S A -- IT'S JUST LIKE A RUDIMENTARY WAY OF POSSIBLY THROWING OFF AN INSPECTION -- AN INSPECTOR LOOKING AT THIS THINKING, "OH, THERE'S A TUBE. IT MUST BE SOME SORT OF SOLVENT TO PUT FUEL OR SOMETHING THROUGH SOME SORT OF TUBE." SO IT WAS JUST KIND OF LIKE A RUDIMENTARY NOVICE WAY OF TRYING TO DESCRIBE SOMETHING HAS A SOLVENT TRAP.

Q. SO REGARDING THE REST OF THIS ASSEMBLY WE'VE BEEN TALKING ABOUT, THE OUTER TUBE, THE BAFFLE, AND THESE END CAPS, IS THERE ANYWHERE ON THIS ASSEMBLY FOR THAT PLASTIC TUBE TO AFFIX?

A. NO.

Q. AND ARE YOU -- WAS THERE SOMEWHERE -- I DON'T KNOW IF IT'S IN THE PICTURES. HOW IS THIS ITEM LABELED BY ITS SHIPPER? WHAT WAS IT LABELED AS?

A. I BELIEVE IT -- I BELIEVE IT CAME IN AS A FUEL FILTER IS MY BEST RECOLLECTION.

MR. GAY: YOUR HONOR, AS PEOPLE'S 4, IT'S ANOTHER FOUR IMAGES. IN PARTICULAR, I THINK IT SHOWS THE BACK OF THE PURPLE PACKAGE, AND THERE'S SOME ADDITIONAL INFORMATION ON THE PACKAGING SLIP. MAY I, AS PEOPLE'S 4, MARK THAT?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 4.)

BY MR. GAY:

Q. OKAY. DO YOU RECOGNIZE PEOPLE'S 4?

A. YES.

Q. WHAT IS IT?

A. THAT'S -- I BELIEVE THAT'S A PART OF THE SHIPPING LABEL WITH THE --

Q. AND DIRECTING YOUR ATTENTION TO THE MIDDLE, WHAT DOES THE DESCRIPTION OF THE CONTENTS BOX INDICATE?

A. "FUEL FILTER" AND FOLLOWED BY I BELIEVE WHAT WOULD BE CHINESE LETTERING.

MR. GAY: OKAY. AND I WANT TO GO BACK TO PEOPLE'S 2. A COUPLE OTHER DETAILS ON THE SHIPPING LABEL. MAYBE -- NO. PARDON ME, YOUR HONOR. I'M SORRY. THIS IS VERY SMALL.

BY MR. GAY:

Q. DID YOU SPEAK WITH -- READ LITERATURE OR SPEAK WITH THE CRIMINALIST REGARDING THE THREADING SIZE DIFFERENCES?

A. YES.

Q. CAN YOU JUST SPEAK REAL GENERALLY ABOUT THE SIGNIFICANCE OF THREADING AND THE DIFFERENT MEASUREMENTS THAT PERTAIN HERE?

A. CORRECT. SO LIKE WITH ANY SCREW OR ANY BOLT

AND NUT, YOU NEED TO MAKE SURE THAT THE BOLT SIZE AND THE NUT SIZE LINE UP; OTHERWISE, IT WON'T BE ABLE TO BE SCREWED ON. SO IN THIS PARTICULAR INSTANCE, THE THREAD SIZE WAS 1/2 BY 28. WHAT THAT REFERENCES IS -- 1/2 IS REFERENCED TO THE DIAMETER OF THE OPENING, THE OUTER OPENING, AND FOLLOWED BY 28, WHICH 28 REPRESENTS 28 THREADS PER INCH.

Q. AND I'M DIRECTING YOUR ATTENTION BACK TO THE TOP LEFT-HAND CORNER. IT'S VERY SMALL ON THE SLIDE. LUCKILY, THIS THING ZOOMS IN.

I'M POINTING TO A SERIES OF NUMBERS. DOES THAT HAVE ANY SIGNIFICANCE?

A. YES. IT -- FROM --

MR. SEKI: I'M GOING TO OBJECT IN TERMS OF -- IT'S IN A FOREIGN LANGUAGE. I THINK THERE'S A LACK OF FOUNDATION FOR HIM TO INTERPRET WHAT THE WORDS IN FRONT AND BEHIND MEAN.

MR. GAY: OH, I'M JUST -- WELL, IF IT -- I DON'T KNOW IF IT GETS AROUND THE OBJECTION, BUT I'M JUST REFERRING SPECIFICALLY TO THE NUMBERS, NOT EVEN THE CHARACTERS.

MR. SEKI: I THINK IT'S ALL WITHIN CONTEXT, YOUR HONOR.

THE COURT: I'LL ALLOW IT SPECIFICALLY AS TO THE NUMBERS ONLY. IT'S OVERRULED.

THE WITNESS: SO WITH REGARD TO THE NUMBERS, IT APPEARS TO BE 1/2-28.

//

BY MR. GAY:

Q. DID YOU SPEAK WITH THE CRIMINALIST ABOUT THAT 1/2-28 FIGURE?

A. YES.

Q. WHAT DID HE TELL YOU ABOUT THAT?

A. JUST AS I EXPLAINED, THAT 1/2 BEING THE OUTER DIAMETER MEASUREMENT FOLLOWED BY THE 28, WHICH WOULD BE 28 THREADS PER INCH.

Q. AND IS THERE ANY SIGNIFICANCE TO THAT PARTICULAR THREAD SIZE?

A. IT DOES. IT HAS SIGNIFICANCE IN THE SENSE THAT THAT PARTICULAR SILENCER POSSESSES THAT 1/2 BY 28, AND DURING A SEARCH OF --

Q. WE'LL GET THERE IN A SECOND. I JUST WANT TO SPEAK GENERALLY ABOUT THIS THREAD SIZE.

A. OKAY.

Q. DID YOU COME TO LEARN THAT THERE ARE, FOR EXAMPLE, COMMON THREAD SIZES ACROSS DIFFERENT FIREARM MANUFACTURERS?

A. YES.

Q. AND WAS THAT IN THE LITERATURE YOU READ?

A. IT WAS.

Q. AND HOW ABOUT SPEAKING WITH THE CRIMINALIST?

A. YES. I BELIEVE SO.

Q. OKAY. AND WAS 1/2 BY 28 ONE OF THOSE COMMON THREAD SIZES?

A. YES. THE 1/2 BY 28 IS A COMMON THREAD SIZE IF REFERRING TO A -- THE ATF LITERATURE. I BELIEVE THE

ONE FROM OCTOBER, IT SPECIFICALLY LISTS DIFFERENT THREAD SIZES. AND "RH" WOULD BE FOR RIGHT-HAND OR "LH" FOR "LEFT-HAND," BUT IT SPECIFICALLY DELINEATES WHAT TYPES OF FIREARM BARRELS WOULD BE COMPATIBLE WITH THE 1/2 BY 28, WHICH INCLUDED 9MM PISTOLS AS WELL AS SOME .22'S AND LONG RIFLES.

Q. NOW, AFTER TAKING POSSESSION OF THIS ITEM WE'VE BEEN LOOKING AT IMAGES OF, WHAT FURTHER INVESTIGATION DID YOU DO INTO MR. WALDEN -- OR OFFICER WALDEN?

A. SO FOR DETECTIVE WALDEN, I CONTACTED THE ITB, WHICH IS OUR INTERNET SECURITY GROUP WITHIN THE LAPD AND CONTACTED HIM. HE'S A SENIOR SYSTEMS ANALYST. I MADE A REQUEST VIA WHAT'S CALLED A 15-2, WHICH IS AN INTERDEPARTMENTAL CORRESPONDENCE WHERE I REQUESTED A DATA DUMP OR AN AUDIT, SO TO SPEAK, OF ALL OF DETECTIVE WALDEN'S INTERNET SEARCH HISTORY ON DEPARTMENT COMPUTER.

Q. DID YOU GIVE A DATE RANGE FOR THAT REQUEST?

A. YES.

Q. WHAT WAS THE DATE RANGE?

A. BEST RECOLLECTION IS JANUARY 21ST, 2021, THROUGH APRIL 28TH, 2021.

Q. AND WHEN YOU GOT THE INITIAL RESULTS, WERE YOU ASKED TO DO ANYTHING FURTHER ON THAT?

A. YES.

Q. WHAT WAS THAT?

A. WELL, THE RESULTS WERE SO LONG THAT THE AMOUNT OF DATA THAT'S -- THAT WAS CONTAINED WITHIN THIS

AUDIT WAS SO LENGTHY THAT IT NEEDED TO REDUCE IT DOWN OR GET MORE FOCUSED IN TERMS OF WHAT SPECIFICALLY WE WERE LOOKING FOR, SO FOR SPECIFIC KEYWORD SEARCHES.

Q. WHAT WERE SOME OF THE KEYWORD SEARCHES YOU PROVIDED TO LIMIT THAT SEARCH DOWN?

A. SO I PROVIDED KEYWORD SEARCHES -- I BELIEVE "SOLVENT TRAP," "FUEL FILTER," "THREADED BARREL," "SILENCER," MAYBE ONE OR TWO OTHERS. IT'S BEEN A LITTLE WHILE. I CAN'T REMEMBER.

Q. AND SO BY PROVIDING THE KEYWORD SEARCH, WHAT DOES THAT -- WHAT'S THE EFFECT OF PROVIDING THE KEYWORD SEARCH THAT'S ELIMINATING IT THAT WAY? WHAT DOES THAT MEAN?

A. SO IT REALLY REDUCES THAT DATA DUMP DOWN TO ANYTHING -- ANY URL THAT CONTAINS THOSE SPECIFIC WORDS.

Q. SO THOSE WORDS, IN ORDER TO COME INTO THIS SEARCH, THIS AUDIT, IT WOULD ELIMINATE IT TO URL'S THAT HAVE ANY OF THOSE KEYWORDS?

A. CORRECT.

Q. AND THE URL IS WHAT?

A. IT'S A UNIFORM RECORDED -- SOMETHING.

Q. IN COMMON SENSE TERMS, I MEAN, WE'VE ALL USED THE URL. WHAT IS THE URL?

A. THE URL IS LIKE AN HTTP/ -- WHATEVER -- WWW.GOOGLE.COM.

Q. SO AFTER YOU REQUESTED THE AUDIT, DID YOU RECEIVE SOMETHING IN RETURN?

A. YES.

Q. WHAT DID YOU RECEIVE?

A. I RECEIVED A SIGNIFICANT AMOUNT OF DATA THAT CONTAINED THE SPECIFIC KEYWORD SEARCHES THAT I HAD REQUESTED.

Q. WHEN YOU SAY "DATA," CAN YOU BE MORE SPECIFIC? WHAT ACTUALLY WERE YOU GIVEN?

A. I WAS GIVEN A MICROSOFT EXCEL SPREADSHEET THAT CONTAINED THIS DATA.

Q. AND WHAT WAS THE INFORMATION PROVIDED ON THE SPREADSHEET?

A. THE INFORMATION SHOWED DATES, TIMES, THE ACTUAL SPECIFIC URL ASSOCIATED WITH IT, AND ALSO THE USER WHO MADE THOSE INQUIRIES.

Q. AND DID YOU SPEAK WITH? WHO CONDUCTED THE AUDIT?

A. THAT WOULD BE DAVID NUNO FROM INFORMATION TECHNOLOGIES DIVISION.

Q. DID HE -- AND DID YOU SPEAK WITH HIM ABOUT THE RESULTS?

A. YES.

Q. DID HE TELL YOU HOW HE KNOWS THOSE ARE WALDEN'S INTERNET SEARCHES?

A. YES. HE HAS BEEN ASSIGNED AS A SENIOR SYSTEMS ANALYST THERE FOR MANY YEARS. HE'S DONE EXTENSIVE SEARCHES. HE'S DONE OVER 40 SEARCHES. THESE TYPES OF AUDITS ON DEPARTMENT -- ON DEPARTMENT COMPUTERS, AND HE UTILIZED A SYSTEM CALLED ZSCALER, WHICH IS BASICALLY LIKE A WEB SECURITY WHICH AUTOMATICALLY CAPTURES THE URL'S IN

THE DIFFERENT WEBSITES THAT DEPARTMENT EMPLOYEES ARE USING ON DEPARTMENT COMPUTERS.

Q. AND HOW -- IF -- HOW DO YOU IDENTIFY WHICH EMPLOYEE WAS DOING THOSE SEARCHES?

A. SO ZSCALER, WHICH IS, LIKE I MENTIONED, THE WEB SECURITY COMPANY THAT HAS BEEN CONTRACTED BY THE DEPARTMENT, WILL CAPTURE THE USERNAME, WHICH, IN THIS CASE, WOULD BE A SERIAL NUMBER FOR DETECTIVE WALDEN.

Q. AND THEN -- I GUESS MY QUESTION IS HOW DO WE KNOW IT WASN'T SOMEBODY ELSE MAKING THE SEARCHES, FOR EXAMPLE?

A. BECAUSE IT IS SPECIFIC TO THE SERIAL NUMBER INVOLVING THE AFFECTED EMPLOYEE THAT WE'RE CONDUCTING A SEARCH ON, AND DEPARTMENT COMPUTERS REQUIRE A LOGON WHEN YOU'RE LOGGING ONTO THE SYSTEM IN ORDER TO USE THE DEPARTMENT COMPUTER.

Q. OKAY. SO WHAT KIND OF CREDENTIALS WOULD AN EMPLOYEE HAVE TO ENTER IN ORDER TO LOG ONTO A COMPUTER TO DO INTERNET SEARCHES?

A. THEIR -- TO EITHER LOG ON A COMPUTER WOULD BE A SERIAL NUMBER PROVIDED BY A PASSWORD.

Q. SO THIS GAVE YOU THE DATE, TIME, AND THE URL?

A. YES.

Q. AND THAT WOULD INDICATE THAT THE USER VISITED THAT WEBSITE ON THAT DATE AND TIME?

A. CORRECT.

Q. WHAT DID YOU DO WITH THAT INFORMATION, IF ANYTHING?

A. WELL, I NOTICED SEVERAL WEBSITE SEARCHES, SOME FUEL FILTER WEBSITE SEARCHES, DIFFERENT WEB ADDRESSES, ALSO SEARCHES TO DIFFERENT COMPANIES SPECIFIC TO THREADED BARRELS, SPECIFICALLY KIMBER. I'M NOT SURE -- THERE WERE A FEW OTHERS.

Q. SO DID YOU VISIT SOME OF THE WEBSITES THAT WERE ON THIS AUDIT LIST?

A. I DID.

MR. GAY: YOUR HONOR, AS PEOPLE'S 5, MAY I MARK A ONE-PAGE SCREENSHOT? IT LOOKS LIKE OF THE WEBSITE QOOPUFF, Q-O-O-P-U-F-F.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 5.)

BY MR. GAY:

Q. SHOWING YOU PEOPLE'S 5. ARE YOU FAMILIAR WITH THE IMAGE IN PEOPLE'S 5?

A. YES.

Q. WHAT IS IT?

A. IT'S A SCREEN CAPTURE OF A WEBSITE THAT I VISITED TO -- AND THE URL IS AT THE TOP, THE WWW.Q-O-O-P-U-F-F FOLLOWED BY ITS PRODUCTS AND THE NAPA 4003 WIX, WHICH IS DESCRIBED ON THE RIGHT-HAND SIDE HERE ON THE LARGER FONT, AND IT SHOWS A DISASSEMBLED SILENCER.

Q. AND IT ALSO HAS IN VARIOUS PARTS THROUGHOUT

THE PAGE THE 1/2 BY 28; IS THAT CORRECT?

A. RIGHT. ONE OF THEM HAS A 1/2 BY 28. THE OTHER IS ONE IS A 5/8 BY 24.

Q. AND WE WERE TALKING EARLIER ABOUT MONOCORE BAFFLES. I'M POINTING TO THE MIDDLE OF THE SCREEN.

A. YES.

Q. WHAT DOES THAT APPEAR TO BE?

A. THAT'S THE MONOCORE BAFFLE THAT I AM FAMILIAR WITH DURING MY RESEARCH.

Q. AND THERE'S A DESCRIPTION HERE KIND OF -- I'M POINTING TO THE PART THAT INDICATES "BUY ONE, GET ONE FREE." IT HAS SOME FLAME SYMBOLS, AND THEN IT SAYS "FUEL FILTER ALLUMINUM SOLVENT TRAP"; IS THAT RIGHT?

A. YES.

Q. BASED ON YOUR TIME WITH THIS INVESTIGATION, IS THERE ANYTHING STRANGE ABOUT AN ITEM BEING LISTED AS BOTH A FUEL FILTER AND A SOLVENT TRAP?

MR. SEKI: I'M GOING TO OBJECT AS VAGUE. I DON'T KNOW WHAT "STRANGE" IS.

THE COURT: I'LL ALLOW IT.

BY MR. GAY:

Q. WAS THAT SIGNIFICANT TO YOU IN ANY WAY?

A. WELL, ONE OF THEM IS A FUEL FILTER, AND ONE OF THEM IS A SOLVENT TRAP. SO A FUEL FILTER WOULD FUEL -- WOULD FILTER FUEL GOING THROUGH SOMETHING FROM ONE PLACE TO ANOTHER PLACE. WHEREAS, A SOLVENT TRAP IS EXACTLY WHAT IT SAYS; IT WOULD TRAP SOLVENT, WHICH WOULDN'T ALLOW IT TO MOVE FROM POINT A TO POINT B.

Q. SO IN YOUR EXPERIENCE, IS THE ITEM OF A FUEL FILTER AND THE ITEM OF A SOLVENT TRAP, WOULD THEY DESCRIBE THE SAME ITEM?

A. THIS IS -- YES. THIS IS DESCRIBING THE SAME ONE AND THE SAME ITEM.

Q. WELL, LET ME ASK A DIFFERENT QUESTION. IF IT -- PUTTING ASIDE HOW THIS WEBSITE LISTS THESE ITEMS, JUST IN COMMON SENSE TERMS, WOULD THOSE TWO THINGS DESCRIBE THE SAME PRODUCT?

A. NOT IN COMMON SENSE TERMS, NO.

MR. GAY: AS PEOPLE'S 6, MAY I MARK A SIMILAR ONE-PAGE SCREENSHOT OF ANOTHER WEBSITE STARTING WITH KIKO, K-I-K-O?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 6.)

BY MR. GAY:

Q. OKAY. AND DO YOU RECOGNIZE THIS PEOPLE'S 6?

A. YES.

Q. WAS THIS ANOTHER -- WHAT IS IT?

A. IT'S ANOTHER SCREENSHOT OF A WEB SEARCH FOR THE KIKOGIFT.COM WEBSITE THAT SHOWS AND DEPICTS A CYLINDER WITH A MONOCORE BAFFLE AND ALSO CONTAINING TWO IMAGES OF THE FEMALE END OF THE THREADED END OF THIS, AND IT ALSO DESCRIBES IT BEING BUY ONE, GET ONE LAST DAY, AND ALSO DESCRIBES IT AS A FUEL FILTER ALUMINUM SOLVENT TRAP.

Q. AND IT ALSO -- LET'S SEE. GOING DOWN TO THE BOTTOM OF THE SCREEN, IT LOOKS LIKE THERE'S SOME SMALLER IMAGES OF MAYBE OTHER PRODUCTS?

A. YES.

Q. DO YOU SEE THE ITEM -- BLUE ITEM I'M POINTING TO WITH MY PEN?

A. YES.

Q. WHAT DOES THAT LOOK LIKE TO YOU?

A. THAT LOOKS LIKE THE SAME TYPE OF BLUE TUBING THAT WE'VE SEEN IN THE PACKAGE THAT WAS ADDRESSED TO LUKE WALDEN.

MR. GAY: YOUR HONOR, AS PEOPLE'S 7, MAY I MARK A ONE-PAGE SCREENSHOT OF A WEBSITE WITH A THREADED BARREL?

THE COURT: IS THERE -- IS THERE A TITLE FOR THE WEBSITE?

MR. GAY: YEAH. KIMBER, K-I-M-B-E-R.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 7.)

BY MR. GAY:

Q. AND PEOPLE'S 7, DO YOU RECOGNIZE THAT?

A. YES.

Q. WHAT IS THAT?

A. THAT WAS A SCREEN GRAB FROM THE WEBSITE THAT -- IS THERE A URL AT THE TOP THERE? I DON'T KNOW IF IT'S -- YEAH. AND THE STORE KIMBER AMERICA FOR A SEARCH

OF A .45 CALIBER WEAPON THAT THIS BARREL WOULD FIT ON ON A KIMBER WEAPON.

Q. AND AGAIN, BASED ON -- YOU WERE JUST -- HOW WERE YOU FINDING THESE WEBSITES, JUST TO REITERATE?

A. SO LOOKING AT THE AUDIT THAT WAS CONDUCTED, THESE WEBSITES WERE SEARCHED UNDER THAT -- UNDER THE SERIAL NUMBER FOR LUKE WALDEN, AND I SEARCHED WHAT HE SEARCHED, BASICALLY. SO HE SEARCHED KIMBER; I WOULD USE THAT -- THE SAME PORTION OF THE URL TO SEARCH -- TO SEE WHAT LUKE WALDEN WAS SEARCHING.

MR. GAY: AND AS PEOPLE'S 8, YOUR HONOR, MAY I MARK A SCREENSHOT FROM THE WEBSITE SOLVENTTRAPFUELFILTER.COM AS PEOPLE'S 8?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 8.)

BY MR. GAY:

Q. AND DO YOU RECOGNIZE PEOPLE'S 8?

A. YES. IT'S ANOTHER SCREEN GRAB FROM A WEBSITE THAT I RESEARCHED CALLED SOLVENTTRAPFUELFILTER.COM, AND IT SHOWS THE SIX-INCH LENGTH FOLLOWED BY THE THREAD COUNT AND DIAMETER 1/2 BY 28.

Q. AND THE BLUE TUBE?

A. AND THE BLUE TUBE AND A DIMPLE AT THE END OF THE CAP THAT IS NOT DRILLED.

Q. WHEN YOU WERE GOING THROUGH THE AUDIT

HISTORY, DID YOU COME ACROSS ANYTHING OF SIGNIFICANCE POINTING TOWARDS A TRANSACTION?

A. YES.

Q. CAN -- TELL US ABOUT THAT.

A. SO CONDUCTING AN AUDIT HISTORY OF THE URL'S, CAME ACROSS SEVERAL OCCASIONS WHERE IT WOULD SAY PAYPAL CHECKOUT, AND SO MY THOUGHT WAS AND MY BELIEF WAS THAT BASED ON THIS URL THAT SAYS PAYPAL CHECKOUT, THAT MR. WALDEN POSSIBLY PURCHASED ONE OF THESE ITEMS BASED ON THE CHECKOUT BUTTON AND PAYPAL, SO THAT WAS MY BELIEF AT THE TIME.

Q. AND I'M SORRY. JUST IN CASE ANYONE'S NOT FAMILIAR, WHAT IS PAYPAL?

A. IT'S A WEB BASED FINANCIAL TRANSACTION COMPANY THAT ALLOWS TRANSACTIONS BETWEEN BUYERS AND SELLERS ACROSS MANY PLATFORMS.

Q. SEEING THOSE PAYPAL URL'S, DID YOU TAKE ANY INVESTIGATIVE STEP TO LOOK INTO THAT?

A. YES.

Q. WHAT DID YOU DO?

A. I WROTE A SEARCH WARRANT AND -- TO LOCATE POSSIBLE TRANSACTIONS THAT ARE ASSOCIATED WITH THE PURCHASE OF EITHER THE THREADED BARRELS OR SILENCERS BY WALDEN'S PAYPAL ACCOUNT.

Q. YOU -- SO YOU SERVED A SEARCH WARRANT ON PAYPAL?

A. YES.

Q. WHAT INFORMATION DID YOU GIVE THEM REGARDING

MR. WALDEN IN ORDER TO IDENTIFY THEM?

A. GAVE THEM HIS NAME, BIRTHDAY, AND ADDRESS.

Q. DID YOU -- AND DID THAT HAVE A DATE RANGE?

A. I DON'T RECALL IF IT DID OR NOT. MOST LIKELY I GAVE THEM A DATE RANGE.

Q. DID YOU RECEIVE RESULTS FROM PAYPAL?

A. YES.

Q. WHAT KIND OF FORMAT WERE THE RESULTS IN?

A. QUASI SPREADSHEET KIND OF FORMAT BOXES FROM WHAT I REMEMBER.

Q. WHAT TYPE OF DOCUMENT?

A. I BELIEVE IT WAS A PDF VERSION. I'M NOT SPECIFICALLY SURE.

MR. GAY: SHOWING YOU -- YOUR HONOR, MAY I -- OR MAY I -- I'M GOING TO SHOW YOU -- YOUR HONOR, PEOPLE'S 9 IS A PAYPAL DOCUMENT, I BELIEVE. MAY I MARK THAT AS PEOPLE'S 9?

THE COURT: YOU MAY. SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 9.)

BY MR. GAY:

Q. OKAY. I'M GOING TO SHOW YOU PEOPLE'S 9. IT'S VERY SMALL, BUT -- AND -- OKAY. I'M JUST GOING TO RUN ACROSS. IT'S LIKE A -- TWO LINES HIGHLIGHTED IN YELLOW; IS THAT CORRECT?

A. YES.

Q. AND JUST GOING ACROSS IT SO YOU CAN RECOGNIZE IT, AND THEN I'LL ASK YOU SOME QUESTIONS.

OKAY. DO YOU RECOGNIZE THE -- THAT STRIP OF INFORMATION IN PEOPLE'S 9?

A. YES.

Q. WHAT IS IT?

A. THE LAST PART SHOWS "BUY ONE, GET ONE LAST DAY" FOR THE FUEL FILTER WITH THE SAME THREAD COUNT. I BELIEVE IT LOOKS NEARLY IDENTICAL TO ONE OF THE PREVIOUS EXHIBITS YOU SHOWED THAT HAD ONE OF MY SCREEN GRABS WITH THE AMOUNT OF $45.96 AND --

Q. AND WHERE DID THIS COME FROM?

A. THIS IS THE RESULTS FROM PAYPAL.

Q. AND WAS THE -- ON THE LEFT-HAND SIDE, DOES IT INDICATE A DATE?

A. YEAH. MARCH 17TH AT 8:24 -- I'M SORRY. 8:28 A.M. FROM HONG KONG AND THEN AN LAPFCU CHECKING. LAPFCU STANDS FOR LOS ANGELES POLICE FEDERAL CREDIT UNION.

Q. AND DIRECTING YOUR ATTENTION TO THE PART SHOWN NOW. DOES IT INDICATE ANY NAME OR ADDRESS OF ANY SIGNIFICANCE?

A. YEAH. IT'S THE DEFENDANT, LUKE WALDEN, WITH HIS ADDRESS; [redacted]

Q. DID YOU ATTEMPT TO DETERMINE, IN THE COURSE OF YOUR INVESTIGATION, WHETHER DETECTIVE WALDEN OWNS ANY FIREARMS?

A. YES.

Q. HOW DID YOU DO THAT?

A. CONTACTED DOJ, CALIFORNIA DEPARTMENT OF JUSTICE, AND REQUESTED A FULL COMPREHENSIVE LIST OF THE FIREARMS THAT WALDEN OWNS.

Q. AND IS THAT FIREARM REGISTERED TO HIM? WHAT IS THE INFORMATION YOU WERE PROVIDED BY THE DEPARTMENT OF JUSTICE?

A. A LENGTHY LIST OF APPROXIMATELY 48 FIREARMS. THAT WOULD INCLUDE HANDGUNS, RIFLES, SHOTGUN.

Q. WERE ANY OF THEM A PLATFORM THAT WOULD BE CONSISTENT FROM YOUR RESEARCH WITH THE THREAD COUNT 1/2 BY 28?

A. WELL, I WOULD SAY THAT BASED ON THE ATF DOCUMENT THAT SPECIFICALLY DELINEATES WHAT A 1/2 BY 28 WEAPON WOULD BE COMPATIBLE, IT INCLUDED 9MM SEMIAUTOMATIC -- OR 9MM HANDGUNS WITHIN THAT DOCUMENT.

Q. AT SOME POINT, YOU WENT TO MR. WALDEN -- DETECTIVE WALDEN'S RESIDENCE TO SERVE A SEARCH WARRANT; IS THAT CORRECT?

A. YES.

Q. WHAT WAS THE DATE OF THAT APPROXIMATELY?

A. THAT'S A GOOD QUESTION. I THINK IT WAS IN NOVEMBER OF 2022, IF I'M NOT MISTAKEN.

Q. ABOUT NOVEMBER OF 2022?

A. I THINK SO.

Q. AND WAS HE PRESENT WHEN YOU WERE AT YOUR RESIDENCE?

A. YES.

Q. HE PROVIDED YOU ACCESS?

A. HE GAVE US KEYS, I BELIEVE, AND YES, WE MADE ENTRY.

Q. SO YOU WERE ABLE TO MAKE ENTRY USING THE KEYS HE PROVIDED?

A. YES.

Q. WERE YOU ABLE TO DETERMINE WHETHER ANYONE ELSE RESIDES THERE BESIDES HIMSELF?

A. I BELIEVE HE HAS SOME CHILDREN THAT WERE NOT AT THE RESIDENCE AT THE TIME. I DON'T KNOW IF THEY LIVED THERE FULL-TIME, BUT THERE WAS A BEDROOM OR TWO THAT WAS -- LOOKED LIKE FOR MAYBE A SON, I THINK, FROM MY BEST RECOLLECTION.

THE COURT: COUNSEL, HOW MUCH LONGER DO YOU THINK YOU HAVE?

MR. GAY: I'M JUST MAKING SURE MY CHECKLIST IS DONE HERE BECAUSE I THINK I'M JUST ABOUT DONE.

(A BRIEF PAUSE IN THE PROCEEDING.)

BY MR. GAY:

Q. JUST REAL QUICK, YOU MENTIONED IN THE PAST BEFORE THIS CASE, YOU HAD WORKED WITH DETECTIVE WALDEN IN HIS CAPACITY WITH THE FIREARMS UNIT IN THE LAPD?

A. YES.

Q. FROM YOUR UNDERSTANDING, WHAT IS THE FIREARMS UNIT?

A. GANG NARCOTICS DIVISION, I BELIEVE, HAS A FIREARMS UNIT THAT THEIR RESPONSIBILITY IS TO INVESTIGATE

FIREARMS VIOLATIONS AS WELL AS -- I THINK THEY'RE ALSO INVOLVED IN THE GUN BUY-BACK PROGRAM. I THINK THEY COORDINATE THAT AS WELL.

MR. GAY: I HAVE NOTHING FURTHER. THANK YOU.

THE COURT: THANK YOU.

CROSS-EXAMINATION.

MR. SEKI: THANK YOU VERY MUCH, YOUR HONOR.

CROSS-EXAMINATION

BY MR. SEKI:

Q. SO INVESTIGATOR NEMEROFF, JUST TO KIND OF FOLLOW UP THAT DETECTIVE WALDEN WORKED IN THE FIREARMS UNIT FOR THE GUN NARCOTICS DIVISION OF LAPD; CORRECT?

A. I BELIEVE THAT'S -- THAT WAS THE UNIT HE WORKED.

Q. AND WHAT ARE THE THINGS -- IF YOU KNOW, ONE OF THE DUTIES WAS TO DETERMINE WHETHER OR NOT THERE WERE ILLEGAL PRODUCTS THAT WERE BEING USED IN VIOLATION OF THE PENAL CODE; CORRECT?

A. I WOULD ASSUME THAT THAT WOULD BE ONE OF THE RESPONSIBILITIES.

Q. YOU INDICATED YOU DID A SEARCH AT THE RESIDENCE OF DETECTIVE WALDEN. IN THE COURSE OF THAT SEARCH, DID YOU RECOVER ANY THREADED BARRELS?

A. NO.

Q. DURING THE COURSE OF THAT SEARCH, DID YOU RECOVER ANY QUOTE/UNQUOTE "SOLVENT TRAPS" OR "FUEL FILTERS"?

A. NO.

Q. ONE OF THE THINGS YOU SAID THAT YOU DID WAS YOU DID A SEARCH OF -- WELL, LET ME BACK UP. IN YOUR INVESTIGATION, YOU ENDED UP GOING TO YOUTUBE TO SEE HOW THESE SOLVENT TRAPS, ET CETERA, COULD BE CHANGED INTO A SILENCER; CORRECT?

A. YES.

Q. AND BASED UPON YOUR REVIEW OF THOSE YOUTUBE VIDEOS, CERTAIN ACTIONS HAD TO BE TAKEN BY THE POSSESSOR OF IT TO TRANSFORM A SOLVENT TRAP OR A FUEL FILTER INTO A SILENCER; IS THAT CORRECT?

A. NOT NECESSARILY.

Q. WELL, I MEAN, ONE OF THE THINGS THAT YOU JUST TALKED ABOUT IS THERE'S AN END CAP. THAT END CAP IS SOLID; CORRECT?

A. YES, BUT THERE'S ALSO THE ONE THAT --

Q. THAT'S NOT WHAT I ASKED. I'M ASKING A PARTICULAR QUESTION. THE END CAP IS SOLID; CORRECT?

A. YES.

Q. OKAY. AND IN ORDER FOR A BULLET TO GO THROUGH, THE END CAP HAS TO BE DRILLED; CORRECT?

A. THAT PARTICULAR -- WELL, IT COMES WITH TWO END CAPS, BUT YES, THE ONE THAT YOU'RE REFERRING TO, THE ONE WITH THE DIMPLE, WOULD HAVE TO BE DRILLED. THE OTHER ONE THAT'S OPEN WOULD NOT BE DRILLED BECAUSE IT'S OPEN.

Q. SO IN TERMS OF ACTIONS, ANYTHING CAN BE TRANSFORMED INTO A SILENCER -- WELL, LET ME REPHRASE THAT. MANY ITEMS CAN BE TRANSFORMED INTO SILENCERS; CORRECT?

A. YES.

Q. I MEAN, YOU CAN TAKE A FUEL FILTER FOR A VEHICLE THAT CAN BE TRANSFORMED INTO A SILENCER; IS THAT CORRECT?

A. I DON'T KNOW FROM EXPERIENCE, BUT --

Q. WELL, YOU'VE SEARCHED YOUTUBE --

A. YES.

Q. -- SO I'M SURE YOU SAW THINGS LIKE THAT.

A. I THINK I SAW AN ACTUAL OIL FILTER THAT WAS SCREWED ON WHERE THEY ACTUALLY SHOT THROUGH IT, YES.

Q. AND ALL THAT -- AND YOU'VE HEARD THIS BEFORE. YOU CAN USE A POTATO ALSO AS A SILENCER IF YOU PUT THAT AT THE END OF A GUN; IS THAT CORRECT?

A. I'M SURE YOU CAN USE ALL KINDS OF THINGS.

Q. OKAY. IN YOUR RESEARCH, DID YOU ALSO SEE THAT THESE ITEMS SUCH AS SOLVENT TRAPS WERE PRODUCED IN THE UNITED STATES?

A. SOLVENT TRAPS? DID YOU SAY --

Q. RIGHT.

A. -- SOLVENT TRAPS?

Q. CORRECT.

A. I DON'T RECALL. I -- MOST -- I THINK EVERYTHING I LOOKED AT WAS FROM CHINA.

Q. AND IS IT YOUR UNDERSTANDING -- IN TERMS OF SOLVENT TRAPS, SOLVENT TRAPS WERE USED OR DESIGNED WHEN INDIVIDUALS WOULD CLEAN A GUN, A RIFLE, SOME SORT OF FIREARM, SO THAT IT WOULD CAPTURE THE SOLVENT THAT WAS PUSHED THROUGH THE BARREL INTO A CONTAINER; IS THAT

CORRECT?

A. I THINK SO. I MEAN, I DON'T HAVE ANY PERSONAL KNOWLEDGE OR EXPERIENCE DOING THAT. I'VE NEVER DONE ANYTHING LIKE THAT IN CLEANING GUNS.

Q. DID YOU EVEN -- WELL, I'M GOING TO WITHDRAW THAT.

THE PRODUCT THAT WAS SEIZED BY THE CUSTOMS BUREAU, THAT WAS NEVER DELIVERED TO DETECTIVE WALDEN; CORRECT?

A. CORRECT.

Q. OKAY. THE PACKAGE WAS OPENED, AND WE SEE A NUMBER OF PHOTOS DEALING WITH THE PACKAGES. WHAT INSTRUCTIONS, IF ANY, CAME WITH THE ITEMS?

A. I DON'T THINK THERE WERE ANY INSTRUCTIONS WITH IT.

Q. SO IN TERMS OF INSTRUCTIONS ONLINE AT THE SITES THAT YOU SAW FOR THE SOLVENT TRAPS OR FUEL FILTERS, DID YOU SEE INSTRUCTIONS INCLUDED THERE?

A. I DON'T RECALL.

Q. ONE OF THE THINGS YOU SAID THAT WE NEEDED OR SOMEBODY WOULD NEED TO HAVE IN ORDER TO USE THAT SOLVENT TRAP AS A SILENCER WOULD BE A THREADED BARREL FOR A WEAPON; CORRECT?

A. THEY WOULD NEED A THREADED BARREL FOR A WEAPON, YES.

Q. AND WE WERE SHOWN ONE PHOTO OR A SCREENSHOT, PEOPLE'S 7, OF A KIMBER SITE FOR A .45 ACP STAINLESS STEEL THREADED BARREL; CORRECT?

A. YES.
Q. WHAT WAS THE THREADING ON THAT BARREL?
A. I DON'T RECALL WHAT THE THREADING ON THAT BARREL WAS.
Q. DID YOU EVEN ASK THE CRIMINALIST MR. FADEEL -- AND I'M NOT GOING TO EVEN TRY TO PRONOUNCE HIS LAST NAME -- WHETHER OR NOT THE THREADING FOR THAT KIMBER WOULD FIT THE PRODUCT THAT HAD BEEN SEIZED?
A. I DID NOT ASK.
Q. WAS THERE ANY COMPARISON DONE BY MR. FADEEL WITH ANY WEAPONS OWNED BY DETECTIVE WALDEN TO SEE WHETHER OR NOT IT WOULD MATCH THE THREADING OF THAT PARTICULAR ITEM THAT WAS SEIZED?
A. I DON'T UNDERSTAND YOUR QUESTION. CAN YOU REPHRASE IT?
Q. WELL, YOU WENT TO HIS HOUSE. THERE WERE WEAPONS THERE; CORRECT?
A. YES.
Q. YOU DID A SEARCH, AND YOU GOT WEAPONS THAT WERE REGISTERED TO HIM; CORRECT?
A. YES.
Q. BUT HE DIDN'T NECESSARILY HAVE THOSE OR OWN THOSE; IS THAT CORRECT?
A. NO. HE -- THERE WAS QUITE A BIT OF WEAPONS THAT HE DID OWN THAT WERE ON THE CALIFORNIA DOJ GUN LIST.
Q. SO LET ME JUST REPHRASE THIS, THEN. WHEN YOU WENT TO HIS HOUSE, YOU SEARCHED FOR WEAPONS; CORRECT?
A. YES.

Q. DID YOU SEE 48 FIREARMS THERE?
A. APPROXIMATELY. I DON'T KNOW HOW MANY, BUT WE SAW QUITE A BIT.
Q. OKAY. AND IN TERMS OF SEIZING ANY, DID YOU SEIZE ANY?
A. NO, WE DID NOT. OH, SORRY. WE SEIZED ONE.
Q. OKAY. ONE. DID THAT HAVE A THREADED BARREL?
A. WE THOUGHT IT MIGHT HAVE A THREADED BARREL, SO IT WAS TAKEN TO BE INSPECTED BY THE GND FIREARMS UNIT.
Q. BUT IT DIDN'T HAVE A THREADED BARREL, DID IT?
A. NO, IT WAS NOT DEEMED TO HAVE A THREADED BARREL.
Q. OKAY. SO ANY WEAPONS THAT YOU SAW AT HIS HOUSE, DID THEY HAVE THREADED BARRELS?
A. NO.
Q. AND YOU ALSO INDICATED THERE WERE NO SEPARATE THREADED BARRELS THAT YOU FOUND; CORRECT?
A. CORRECT.
Q. IN YOUR INTERNET SEARCH, DID YOU FIND ANY PURCHASES FOR THREADED BARRELS?
A. NOT THAT I FOUND.
Q. SO IN MY UNDERSTANDING -- AND CORRECT ME IF I'M WRONG -- IN ORDER TO USE THAT ITEM AS A SILENCER, YOU'D HAVE TO, ONE, HAVE A WEAPON; CORRECT?
A. YES.
Q. YOU'D HAVE TO HAVE A THREADED BARREL; CORRECT?
A. YES.

Q. YOU'D HAVE TO TAKE THE WEAPON, DISASSEMBLE IT, PUT THE THREADED BARREL IN THERE; CORRECT?

A. YES.

Q. AND THEN ONCE THAT THREADED BARREL WAS ASSEMBLED, THEN YOU WOULD HAVE TO MAKE SURE THAT THE THREADS ON THE DEVICE THAT WAS SEIZED WOULD MATCH THE THREADING ON THE BARREL; CORRECT?

A. YES.

Q. OKAY. AND IN SOME CASES, YOU WOULD HAVE TO DRILL OUT THE END CAP IN ORDER FOR A BULLET TO GO THROUGH; CORRECT?

A. I DON'T KNOW ABOUT SOME CASES. HE -- YOU COULD DRILL OUT THE END CAP TO -- FOR A BULLET TO GO THROUGH OR --

Q. WELL, YOU TALKED ABOUT THIS DIMPLE, RIGHT?

A. YOU COULD DO THAT TOO.

Q. OKAY.

A. YOU COULD DRILL THAT, OR YOU COULD JUST KEEP -- USE THE RING THAT WAS SEEN IN THE PEOPLE'S EXHIBIT.

Q. THE TUBING THAT YOU HAD, COULD THAT DRILLING BE TO ALLOW THE TUBING TO GO THROUGH?

A. WELL, YEAH, YOU COULD DRILL A HOLE THAT WOULD BE THE SAME DIAMETER AS THE TUBE.

Q. TO ALLOW THE TUBE TO FIT?

A. SURE.

MR. SEKI: I'M ALMOST DONE, YOUR HONOR.

//

(A BRIEF PAUSE IN THE PROCEEDING.)

MR. SEKI: I ACTUALLY HAVE NO QUESTIONS AT THIS TIME. THANK YOU.

THE COURT: REDIRECT?

MR. GAY: NO. NOTHING FURTHER.

THE COURT: THANK YOU, DETECTIVE.

THE WITNESS: THANK YOU.

THE COURT: YOU MAY RESUME YOUR SEAT --

MR. GAY: YOUR HONOR, PEOPLE --

THE COURT: -- AT COUNSEL TABLE.

GO AHEAD, COUNSEL.

MR. GAY: YEAH. PEOPLE REST. WE'D LIKE TO -- I DON'T KNOW HOW THE COURT TAKES EXHIBITS. IF THEY -- WE CAN ADMIT THEM BY REFERENCE OR HOWEVER THE COURT PREFERS.

THE COURT: NO. WE'LL ADMIT ALL OF THEM.

MR. GAY: FOR REAL?

THE COURT: YES. WE WILL ACTUALLY ADMIT THE EXHIBITS, NOT BY REFERENCE. AND I UNDERSTAND -- WELL, I'LL LET YOU ASSEMBLE THOSE.

(ALL PEOPLE'S EXHIBITS
ADMITTED INTO EVIDENCE.)

MR. SEKI: AND FOR THE RECORD, I HAVE NO OBJECTION FOR PURPOSES OF PRELIMINARY HEARING ONLY.

THE COURT: VERY WELL.

WERE THERE ANY STIPULATIONS?

MR. SEKI: NO.

MR. GAY: NO.

THE COURT: VERY WELL. WHILE COUNSEL IS DOING THAT, COUNSEL FOR DEFENSE, DO YOU WISH TO BE HEARD?

MR. SEKI: NO AFFIRMATIVE DEFENSE, YOUR HONOR. HOWEVER, WE DO HAVE A MOTION TO DISMISS. IT'S AN INTERESTING CASE, TO SAY THE LEAST. IT IS AN ATTEMPT. AND THE LAW OF ATTEMPT AS DEFINED IN CALCRIM 460 REQUIRES; ONE, THAT THE DEFENDANT TAKE A DIRECT AND INEFFECTIVE STEP TOWARDS COMMITTING A CRIME AND THAT THE DEFENDANT INTENDED TO COMMIT THE CRIME.

I'M GOING TO POINT THE COURT TO TWO CASES, WHICH I BELIEVE ARE INSTRUCTIVE AND RELEVANT IN SOME WAYS. THE FIRST CASE IS PEOPLE VS. NGUYEN, N-G-U-Y-E-N, 212 CAL.APP.4TH 1311, AND THE SECOND CASE IS PEOPLE VS. LUNA, L-U-N-A, 170 CAL.APP.4TH 35 -- 535. SORRY. 535.

NGUYEN IS INTERESTING BECAUSE NGUYEN IS A CASE WHERE AN INDIVIDUAL WAS CONVICTED OF ATTEMPTED POSSESSION OF ASSAULT WEAPON. ONE OF THE THINGS THAT HAD BEEN DONE IS THEY -- LAW ENFORCEMENT GETS THERE, HE HAS ALL THE PIECES THAT YOU CAN PUT TOGETHER TO MAKE AN ASSAULT WEAPON, AND THE DEFENDANT OBJECTED TO BEING CONVICTED.

THE COURT FOCUSED ON WHETHER OR NOT -- JUST WHETHER OR NOT HE HAD TAKEN ANY STEPS OR DIRECT STEPS TOWARD THE ATTEMPT TO POSSESS. AND WHAT THEY ARTICULATED WAS THE ASSEMBLY OF ITEMS IN AND OF ITSELF WAS STILL A PREPARATION OF PLAN. HE HAD TO TAKE A DIRECT STEP. AND

ON PAGE 1323, THEY NOTED THAT HIS -- THEY DESCRIBED IT AS FLATTENING -- THE DEFENDANT BENDS THE FLAT RECEIVER SO THE WEAPON COULD BE ASSEMBLED.

THEY SAID THAT WENT BEYOND NEAR PREPARATION WHERE HE TOOK DIRECT ACTION TOWARDS THE CONSTRUCTION OF THE WEAPON. THEY LOOKED THAT HE HAD TO ALTER WHAT WAS IN FRONT OF HIM IN ORDER TO MAKE THAT DIRECT ACTION, WHICH IS REQUIRED BY LAW BY CALCRIM 460. THE MERE ASSEMBLY OF THESE DIFFERENT ITEMS, BRINGING THEM TOGETHER, WASN'T SUFFICIENT IN AND OF ITSELF.

LUNA TRACKS THE SAME WAY. IT'S A LITTLE DIFFERENT, BUT IT'S BASICALLY THAT SOMEBODY POSSESSED ITEMS IN ORDER TO MANUFACTURE HASHISH, AND THERE GOES AN INDIVIDUAL WHO BASICALLY ENDED UP ADMITTING HE WANTED TO MANUFACTURER HASHISH. IN FACT, HE HAD PURCHASED ALL OF THESE ITEMS IN ORDER TO SOMEDAY MANUFACTURE HASHISH. THERE WERE PVC TUBES, THERE WERE OTHER ITEMS THAT, IF PUT TOGETHER, YOU COULD MANUFACTURE HASHISH.

HOWEVER, THE COURT THERE SAID THE MOST IMPORTANT PIECE IN ORDER FOR HIM TO EVEN HAVE AN ATTEMPT WAS MISSING, AND THAT WAS THAT HE WOULD HAVE TO HAVE THE MARIJUANA THAT HE WOULD THEN PROCESS TO MAKE HASHISH. AND WITHOUT THE MARIJUANA, HE COULDN'T DO IT. THEY NOTE ON PAGE -- I BELIEVE IT'S 787 THAT "THE LINE BETWEEN PREPARATION AND AN ATTEMPT IS OFTEN INDISTINCT."

AND THEY CONCLUDED THAT "THE LINE HAS NOT BEEN CROSSED WHERE THE PROSECUTION EVIDENCE SHOWS THAT A DEFENDANT IS STILL ENGAGED IN PREPARATORY ACTS, AND THERE

IS A COMPLETE INABILITY TO TAKE EVEN INITIAL STEPS TOWARDS PRODUCING THE FINISHED PRODUCT. AFTER ALL," QUOTE, "PLANNING THE OFFENSE," END QUOTE, AND QUOTE, "DEVISING, OBTAINING, OR ARRANGING THE MEANS FOR ITS COMMISSION ARE MERELY ASPECTS OF PREPARATION."

IN THIS PARTICULAR CASE, WHAT DETECTIVE WALDEN DID AT BEST WAS CLICK A BUTTON. HE MAY HAVE INTENDED TO CREATE A SILENCER. THAT HASN'T EVEN BEEN ESTABLISHED BECAUSE HE WORKED THE GUN UNIT. THIS IS SOMETHING THAT THEY WOULD RESEARCH, SOMETHING THEY WOULD DO, BUT THE FACT THAT HE PURCHASED SOMETHING, HE DIDN'T KNOW WHETHER OR NOT HE WOULD EVEN OBTAIN IT. IN FACT, IN THIS PARTICULAR CASE, HE NEVER RECEIVED POSSESSION OF IT.

AT BEST, HE PUSHED A BUTTON. IF IT HAD GOTTEN TO HIM, IF HE HAD A THREADED BARREL THAT HE COULD ATTACH IT TO, NOW YOU HAVE MORE THAN JUST THE COLLECTION OR ASSEMBLY, WHICH IS STILL PREPARATION. WHEN I'VE TALKED TO PEOPLE ABOUT THIS CASE, THEY SAID IT'S KIND OF LIKE A RECIPE. YOU GO ONLINE -- AND I DO IT ALL THE TIME WHERE I'M TRYING THE FIND THE BEST RECIPE TO MAKE MY PRIME RIB EVERY YEAR, AND I'M LOOKING AT THIS, AND I'M LOOKING AT THAT, AND I SEE DIFFERENT DEVICES YOU CAN USE AND DIFFERENT INGREDIENTS THAT I CAN GET. AND IF I ORDER A SPECIAL INGREDIENT, I CAN PRESS A BUTTON, AND I CAN PAY FOR IT. I CAN GET THE ITEM, BUT WITHOUT THE ROAST ITSELF, I CAN'T GET ANYTHING.

I'M GATHERING, I'M PREPARING, I'M PLANNING. I'M ASSEMBLING THESE THINGS, BUT I HAVEN'T TAKEN THAT

DIRECT STEP WHICH IS NECESSARY TO CHANGE THE COMPLEXION OF THAT INGREDIENT INTO SOMETHING THAT'S GOING TO BE INCREDIBLY DELICIOUS. SO HERE, WE HAVE HIM PUSHING A BUTTON, PLANNING, PREPARING, PERHAPS EVEN ASSEMBLING ITEMS. THE KEY INGREDIENT IS MISSING.

THERE IS NO WEAPON FOR THIS PARTICULAR ITEM. THERE IS NO THREADED BARREL THAT WAS EVER FOUND. ALBEIT, THEY MAY HAVE BELIEVED THIS WAS GOING TO HAPPEN, AND OTHERS HAD DONE IT IN THE PAST. THIS WAS ALL PREMATURE. HAD THIS GONE THE ADDITIONAL STEP OF HIM ACTUALLY GETTING IT, RECEIVING IT AT HIS HOME, OPENING IT UP, HAVING A DRILL READY WITH A DRILL BIT, HAVE A THREADED AND A GUN THAT WOULD FIT IT, NOW YOU'VE GOT A LITTLE BIT MORE.

YOU'RE CLOSER, BUT I STILL THINK YOU WOULD NEED ANOTHER DIRECT STEP, AND THAT WOULD BE INSTALLING THAT THREADED BARREL INTO A WEAPON OR DRILLING A HOLE AT THE END OF A SOLVENT TRAP. SURE, THEY HAVE ANTICIPATED SOMETHING TO HAPPEN, BUT ANTICIPATION OF SOMETHING, EVEN IF YOU HAVE THE INTENT TO DO IT IN AND OF ITSELF, IS NOT A CRIME WITHOUT THAT DIRECT STEP.

AND SO I THINK FOR THOSE REASONS, THE PEOPLE HAVE FAILED TO ESTABLISH PROOF THAT THIS GOES BEYOND MERE PLANNING AND PREPARATION IN ORDER FOR AN ATTEMPT. SUBMITTED.

THE COURT: THANK YOU.

COUNSEL, DO YOU WISH TO BE HEARD?

MR. GAY: YOUR HONOR, BRIEFLY. REGARDING THE CASE LAW, IT'S NOT ON POINT AT ALL. THOSE TWO LAWS AT ISSUE

WERE MANUFACTURING DEVICES. IN THE ONE CASE, MANUFACTURING HASHISH. IN THE OTHER, MANUFACTURING ASSAULT WEAPONS. SO THE ANALYSIS OF HAVING ALL THE PARTS ASSEMBLED MAKES MORE SENSE WHEN YOU'RE TALKING ABOUT THE MANUFACTURER. WE ARE DEALING WITH THE POSSESSOR OF CRIME.

NOW -- BUT WE'RE NOT TALKING ABOUT THE PARTS OF A SILENCER. HE ORDERED A COMPLETE SILENCER. AND AS THE TESTIMONY ESTABLISHED, JUST THIS PART, THAT MONOCORE BAFFLE, EVEN IF NOTHING ELSE WERE THERE QUALIFIES AS A SILENCER -- AND I WILL REFER TO THE STATUTE AS THE CRIMINALIST'S OPINION IS NOT A DISPOSITIVE, BUT THE STATUTE IS.

UNDER PENAL CODE SECTION 17210, AFTER THE FIRST SENTENCE, IT SAYS, "THE TERM 'SILENCER' ALSO INCLUDES ANY COMBINATION OF PARTS DESIGNED OR REDESIGNED AND INTENDED FOR USE IN ASSEMBLING A SILENCER OR FABRICATING A SILENCER." SO THE STATUTE ITSELF SWEEPS MUCH MORE BROADLY IN POSSESSING OF ANY PART OF A SILENCER EVEN IF NOT COMPLETE. EVEN IF THAT END CAP DOESN'T HAVE A HOLE YET, IT STILL QUALIFIES AS A SILENCER UNDER THE STATUTE IF IT'S INTENDED TO BE FABRICATED.

AND THE TESTIMONY ESTABLISHED THAT THAT PILOT HOLE, THAT LITTLE DIMPLE, HAS NO OTHER LEGITIMATE PURPOSE OTHER THAN TO DRILL THE HOLE, WHICH WOULD ALLOW IT TO FUNCTION AS A SILENCER, BUT GOING A STEP FURTHER HERE, THIS ONE ACTUALLY CAME ALSO WITH AN OPEN CENTER RING, SO IT'S READY TO ROCK AND ROLL JUST AS IT IS WITHOUT ANY FABRICATION, EVEN THOUGH NONE IS REQUIRED TO VIOLATE THE

STATUTE. YOU DON'T HAVE TO WAIT FOR IT TO BE FABRICATED.

SO THAT CASE LAW -- ALSO, I WOULD NOTE THAT IN THE NGUYEN CASE, HE WAS CONVICTED OF MANUFACTURING ASSAULT WEAPONS, AND THAT CONVICTION WAS AFFIRMED. THE COURT NEVER FOUND THERE WAS SUFFICIENT EVIDENCE TO UPHOLD THE ATTEMPT. THEY FOUND THERE WAS SUFFICIENT EVIDENCE, SO IT'S NOT EVEN ON POINT AT ALL, EVEN THE HOLDING OR POSTURE.

SO WHAT WE HAVE HERE IS MR. WALDEN ORDERING THIS ITEM, ADDRESSED TO HIM TO HIS HOUSE, AND THEN WE HAVE HIM SEARCHING FOR THREADED BARRELS. WE HAVE HIM SEARCHING FOR FUEL FILTERS AND SOLVENT TRAPS. HE WENT ON THIS WEBSITE AND ORDERED THIS ITEM. AND THE COURT WAS PROVIDED A SELECTION OF WEBSITES, NOT AN EXHAUSTIVE -- WE DON'T KNOW IF THERE WAS A VOLUMINOUS AMOUNT AS OFFICER NEMEROFF TESTIFIED TO --

THE COURT: COUNSEL, FOR THE RECORD, WHICH EXHIBITS DID YOU JUST HOLD UP?

MR. GAY: I'M SORRY. I SHOWED PEOPLE'S 8, WHICH IS ONE OF THE WEBSITES HE -- PEOPLE'S 8 AND PEOPLE'S 3.

THE COURT: THANK YOU.

MR. GAY: THE SIMILARITY OF THOSE TWO ITEMS. AND THE PAYPAL TRANSACTION -- IT WASN'T PREPARATION. HE ORDERED THIS. HE PAID FOR IT. IT WAS ON ITS WAY TO HIM. THE SENDER HAD RECEIVED PAYMENT ACCORDING TO THE PAYPAL TRANSACTION, WHICH SHOWS A PRICE. IT SHOWS THE LOCATION IT WAS HEADED TO, AND IT ALSO HAS THE EXACT SAME VERBIAGE AS TWO OF THOSE WEBSITES WE LOOKED AT FROM PEOPLE'S 5,

PEOPLE'S 6 -- CONTAINED THE -- IF IT'S NOT IDENTICAL, IT'S NEARLY IDENTICAL. "BUY ONE, GET ONE FREE LAST DAY. NAPA 4003. 12 BY 28 [SIC] FILTER ALUMINUM SOLVENT TRAP."

THE THING BROUGHT UP BY COUNSEL IS IRRELEVANT WHETHER HE ACTUALLY HAD A -- THE STATUTE IS NOT THAT HE HAS TO POSSESS A GUN WITH A THREADED BARREL, WITH THE SILENCER, "I'LL ASSEMBLE IT." IT IS THE POSSESSION BY ITSELF OF A SILENCER AND JUST THAT MONOCORE BAFFLE QUALIFIES. THAT IS A DIRECT STEP.

THE ISSUE WITH ATTEMPT IS AN INTENT TO PUT YOUR PLAN INTO ACTION. HE ALREADY MADE THE TRANSACTION. AND BUT FOR THE INTERVENTION OF LAW ENFORCEMENT, THAT PACKAGE WAS ON ITS WAY TO HIM. THAT'S NOT PLANNING. I'LL GIVE THE COURT A BETTER ANALOGY THAN THE ONE COUNSEL PROVIDED ABOUT THE RECIPE OF THE PRIME RIB.

HERE'S PREPARATION AS FAR AS INTERNET SHOPPING. IF I PUT THAT SILENCER INTO MY SHOPPING CART OR I PUT IT ON MY WISHLIST ON MY AMAZON ACCOUNT, MAYBE I'M PREPARING TO BUY IT. ONCE I BUY IT, THAT IS A DIRECT STEP, AND I HAVE ATTEMPTED TO POSSESS IT WITHIN THE MEANING OF THE STATUTE. I'LL SUBMIT ON THAT.

THE COURT: THANK YOU.

COUNSEL, DO YOU HAVE COPIES OF THOSE?

MR. SEKI: I CAN PROVIDE YOU WITH MY COPIES. THE PEOPLE --

MR. GAY: I REVIEWED THOSE.

THE COURT: VERY WELL. THANK YOU.

//

(A BRIEF PAUSE IN THE PROCEEDING.)

THE COURT: ALL RIGHT. THANK YOU, COUNSEL. THE COURT WAS ABLE TO REVIEW THE CASES, AND I'M ACTUALLY GOING TO POINT BOTH PARTIES TO LANGUAGE IN CASE PEOPLE VS. LUNA. IT WAS JUST REFERENCED BY DEFENSE COUNSEL.

IT STATES THAT, AS COUNSEL INDICATED, "THERE IS A MATERIAL DIFFERENCE BETWEEN THE PREPARATION ANTECEDENT TO AN OFFENSE AND THE ACTUAL ATTEMPT TO COMMIT IT. THE PREPARATION CONSISTS OF DEVISING OR ARRANGING THE MEANS OR MEASURES NECESSARY FOR THE COMMISSION OF THE OFFENSE, WHILE THE ATTEMPT IS THE DIRECT MOVEMENT TOWARD ITS COMMISSION AFTER THE PREPARATIONS ARE MADE. IN OTHER WORDS, TO CONSTITUTE AN ATTEMPT, THE ACTS OF THE DEFENDANT MUST GO SO FAR THAT THEY WOULD RESULT IN THE ACCOMPLISHMENT OF THE CRIME UNLESS FRUSTRATED BY EXTRANEOUS CIRCUMSTANCES."

THE STATUTE AT ISSUE IS 33410 OF OUR PENAL CODE, AND IT SPECIFICALLY DISCUSSES AND IS FOCUSED ON POSSESSION OF A SILENCER, NOT ASSEMBLY OF A SILENCER, NOT MANUFACTURE OF A SILENCER, BUT POSSESSION OF A SILENCER. MR. WALDEN, BASED UPON THE INFORMATION THAT THE COURT HEARD TODAY, TOOK EVERY STEP TO POSSESS THE SILENCER, AND THE ONLY REASON WHY HE DIDN'T PHYSICALLY POSSESS THE SILENCER WAS BECAUSE AS THIS CASE SAID, HIS ACCOMPLISHMENT OF THE CRIME WAS FRUSTRATED BY EXTRANEOUS CIRCUMSTANCES, AND IN THIS CASE, LAW ENFORCEMENT INTERACTION. SO BASED ON THAT, I FIND THE PEOPLE HAVE MET THEIR BURDEN, AND I

MAKE THE FOLLOWING FINDINGS:

IT APPEARING FROM THE EVIDENCE THAT THERE IS SUFFICIENT CAUSE TO BELIEVE THE CRIME CHARGED IN THE COMPLAINT HAS BEEN COMMITTED; NAMELY, A VIOLATION OF PENAL CODE SECTION 664 PER 33410, A FELONY, ATTEMPTED POSSESSION OF A SILENCER, AND THAT THE DEFENDANT IS GUILTY THEREOF. I ORDER THAT HE BE HELD TO ANSWER TO THE SAME.

MR. WALDEN IS CURRENTLY OUT ON BOND. I BELIEVE $20,000 BOND; IS THAT CORRECT?

MR. SEKI: CORRECT.

THE COURT: ALL RIGHT. SO MR. WALDEN, YOU'LL REMAIN OUT ON BOND AT $20,000, SIR.

AND JUST TO CONFIRM, THERE AREN'T ANY OTHER TERMS AND CONDITIONS? THERE'S NO --

MR. SEKI: NO.

THE COURT: -- SRP? OKAY. SO THE DATE OF ARRAIGNMENT IS SET FOR MARCH 23RD, AND THAT WILL BE IN DEPARTMENT 119. MR. WALDEN, YOU'RE ORDERED TO APPEAR THAT DAY.

IS THERE ANYTHING ELSE WE NEED TO ADDRESS, COUNSEL?

MR. SEKI: NO.

MR. GAY: NO. THANK YOU, YOUR HONOR.

THE COURT: THANK YOU.

(END OF PROCEEDINGS.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 43 HON. KIMBERLEY BAKER GUILLEMET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. LUKE WALDEN, DEFENDANT.	CASE NO. BA510524 REPORTER'S CERTIFICATE

I, PRISCILLA MIRELES, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES [1] THROUGH [53], INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE ABOVE-ENTITLED MATTER ON MARCH 9, 2023.

DATED THIS 20TH DAY OF MARCH, 2023.



PRISCILLA MIRELES, CSR NO. 14080
OFFICIAL REPORTER



L4Q30603



L4Q30604



L4Q30605



L4Q30606



L4Q30607



L4Q30608



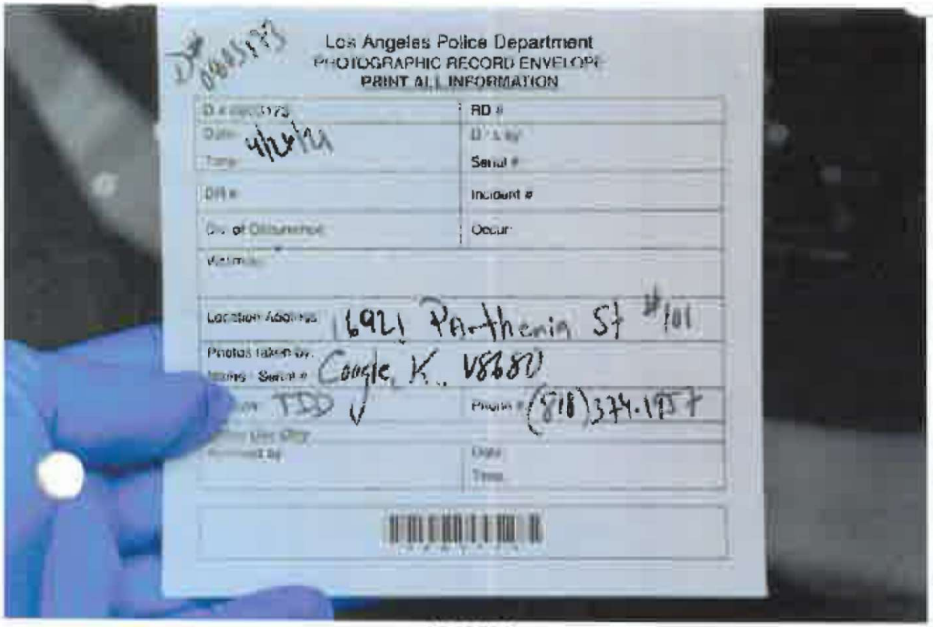
L4Q30609



L4Q30610

D# 0803173

84



L4Q30591



L4Q30592



L4Q30593



L4Q30594

58



L4Q30595



L4Q30596



L4Q30597



L4Q30598



L4Q30599



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L4Q30602

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IV
DATE: 02/08/22 TIME: 14:50
INSURANCE INFORMATION UNKNOWN
PNO VALID FROM: 05/07/18
REG VALID FROM: 07/16/17 TO 07/16/18
LIC#: [redacted] YRMD:85 MAKE:TOYT BTM :LB VIN :[redacted]
R/O :WALDEN LUKE BAXTER, [redacted]C.C.:19
ZIP#: [redacted]
SOLD:00/00/85 RCID:08/15/17 OCID:08/15/17 LOCD:3
TYPE:11 POWR:G VEH :12 BODY:0 CLAS:AK *-YR:17
REC STATUS:
04/21/2021 INVITATION TO RENEW (ITR)
08/16/17 SMOG DUE 07/16/19
PNO-REGISTRATION DEFERRED
07/10/91 PREV LIC LATNTCH
CLEARANCE INFORMATION RECORDS:

OFFICE	WORK DATE	TECH/ID	SEQ #	VALUE	FICHE DATE	TTC
669	07/16/13	23	0037	00078.00	07/18/13	H05
V91	05/09/14	C6	0040	00146.00	05/10/14	F00
510	09/24/14	P3	0014	00052.00	09/26/14	F00
510	07/08/15	22	0017	00082.00	07/10/15	H05
510	11/28/16	B5	0003	00144.00	11/30/16	H05
C70	08/10/17	5N	0003	00000.00	08/10/17	RIP
C70	08/10/17	5C	0006	00000.00	PRIOR SUSPENSE	
V93	08/15/17	BI	0002	00277.00	08/16/17	F00
C70	08/10/17	5N	0003	00277.00	PRIOR SUSPENSE	
RJ5	05/07/18	50	7680	00021.00	05/07/18	PNO

END

OUTPUT MSG 002, FROM SO03YYYY02/08/2022 14:50

IV
DATE: 02/08/22 TIME: 14:51
PENDING RECORD INSURANCE STATUS NOT CHECKED
REG VALID FROM: 08/14/16 TO 08/14/17
LIC#:[redacted] YRMD:83 MAKE:TOYT BTM :2H VIN :[redacted]
R/O :[redacted]
ZIP#:[redacted]
RCID:08/23/16 OCID:07/15/15 LOCD:3
TYPE:11 POWR:G VEH :12 BODY:0 CLAS:AE *-YR:14
REC STATUS:
05/23/2017 RENEWAL NOTICE EXTRACTED
08/15/16 SMOG DUE 08/14/18
08/20/14 SALVAGED
RIP OFC:C70 D:08/10/17 ID/S:5N0002 T:F00
V:0027500 R:0 RT:
CLEARANCE INFORMATION RECORDS:

OFFICE	WORK DATE	TECH/ID	SEQ #	VALUE	FICHE DATE	TTC
662	08/20/14	29	0031	00138.00	00/00/00	C10
C70	07/15/15	5H	0007	00099.00	00/00/00	F00
CN0	08/15/16	04	0315	00085.00	00/00/00	POT
RJ3	08/10/16	41	0111	00085.00	PRIOR SUSPENSE	
C70	08/10/17	5N	0002	00000.00	00/00/00	RIP
C70	08/10/17	5C	0005	00000.00	PRIOR SUSPENSE	

MORE
DATE: 02/08/22 TIME: 14:51
PENDING MASTER FILE RECORD
LIC#: YRMD:83 MAKE:TOYT BTM :2H VIN :[redacted]
R/O :WALDEN LUKE BAXTER/, WALDEN J[redacted]
CITY:[redacted] C.C.:19 ZIP#:[redacted]
RCID:08/10/17 LOCD:0
TYPE:11 POWR:G VEH :12 BODY:0 CLAS:AK *-YR:17
REC STATUS:
08/20/14 SALVAGED

END

OUTPUT MSG 005, FROM SO03YYYY02/08/2022 14:52

Los Angeles Police Department
Daily Worksheet Portrait

Template : GND SUPP GANG SEC FBI GANG TF

TC Employee

Work Date : Wednesday, Mar 17, 2021

Sheet Creation Date/Time : Mar 17, 2021 9:35:52 AM **Type :** ACTUAL

Rover	Work Assignment	Shop	Employee	Sched Start Time	Sched End Time	Comments	Actual Start Time	Actual End Time
	5K540		[redacted] - 27929, DET 3	06:00	16:00		09:00	19:00
	5K541		WALDEN, LUKE - 34898, DET 1	06:00	16:00		09:00	19:00
	5K542		[redacted] 36008, DET 2	06:00	16:00		04:30	14:30
	5K544		[redacted] - 34380, DET 1	06:00	16:00		09:00	19:00
	5K545		[redacted] - 35599, DET 1	06:00	16:00		09:00	19:00
	5K546		[redacted] - 37820, DET 1	06:00	16:00		09:00	19:00
	ABSENT		[redacted] - 33602, DET 1	06:00	16:00	VC 10		

Included Organizations :

GND SUPP GANG SEC FBI GANG TF

Approved by :	Date approved on :

Sold	Glock	9mm	34	DOT/20200127	SER/ZMP794 [redacted]
Bought	CZ	9mm	CZ75	DOT/20180816	SER/C145718
Sold	S&W	9mm	MP pro	DOT/20180529	SER/HRZ3204 [redacted]
Sold	Glock	40	35	DOT/20180514	SER/NKW568 [redacted]
Bought	Glock	9mm	17L	DOT/20170801	SER/BFSA761
Bought	Glock	9mm	34	DOT/20170801	SER/BEXS296
Sold	S&W	9mm	MP9L	DOT/20170418	SER/HSJ6436 [redacted]
Bought	Beretta	22lr	M4	DOT/20170202	SER/Y0[redacted] [redacted]
Bought	Glock	9mm	34	DOT/20151214	SER/ZMP794
Bought	Glock	9mm	34	DOT/20151214	SER/ZMP792
Bought	Walther	22	HK416D	DOT/20150619	SER/W[redacted] [redacted]
Bought	Ruger	.22	1022	DOT/20150604	SER/[redacted] [redacted]
Bought	Glock	.45	41	DOT/20140925	SER/XEC899
Bought	Glock	.45	41	DOT/20140925	SER/XEC904
Sold	Glock	.40	22	DOT/20140519	SER/GLB949 to [redacted]
Bought	S&W	9mm	MP9L	DOT/20140412	SER/HSJ6436
Bought	S&W	9mm	MP Pro	DOT/20140303	SER/HRZ3204
Sold	POD	.45	P14	DOT/20130614	SER/RH12559 [redacted]
Bought	Glock	.40	22	DOT/20130520	SER/GLB949
Sold	S&W	.45	4566	DOT/20120229	SER/TDM7281 [redacted]
Bought	S&W	.380	BG	DOT/20110729	SER/EAR8523
Bought	Glock	.40	35	DOT/20091007	SER/NKW568
Bought	UBE	.45	1860	DOT/20080109	SER/X14688
Bought	Glock	9mm	34	DOT/20050610	SER/HBN744
Bought	Glock	.45	21	DOT/20040304	SER/FWA730
Bought	Glock	9mm	17	DOT/20031116	SER/FNA947
Bought	Glock	.40	22	DOT/20031009	SER/FTG718
Bought	S&W	.45	4506	DOT/20030428	SER/TDT8880
Bought	Spring	.45	1911Al	DOT/20021001	SER/NM169623
Bought	Colt	.45	1091M	DOT/20011004	SER/CV20798
Bought	POD	.45	LDA14	DOT/20010709	SER/DA7331
Bought	POD	.45	D1445ER	DOT/20010614	SER/RH12559
Bought	CZ	.45	CZ97B	DOT/20010223	SER/A1720

Bought	SIG	.45	P220	DOT/20010116	SER/G151016	
Bought	Kimber	.45	Classic	DOT/20001107	SER/K067705	
Bought	S&W	.38	49-3	DOT/19990125	SER/CBS6119*	DUPLICATE?
Bought	S&W	.38	49	DOT/19981222	SER/CBS6119*	DUPLICATE?
Bought	CZ	9mm	P10F	DOT/20200312	SER/UB05585	
Bought	CZ	9mm	P10F	DOT/20200121	SER/UB01996	
Bought	Ruger	.22	1022	DOT/20191205	SER/1374685	[redacted]
Bought	CZ	9mm	P10F	DOT/20191016	SER/UB02001	
Bought	Glock	9mm	45	DOT/20190619	SER/BLRH981	
Bought	S&W	357	M327	DOT/20190502	SER/CVF8325	
Bought	Glock	9mm	34	DOT/20190221	SER/ADGL428	
Bought	CZ	9mm	Shad 2	DOT/20180816	SER/C540418	
Bought	CZ	.45	97	DOT/20000428	SER/A5403	
Bought	S&W	.45	4566	DOT/20000224	SER/TDM7281	
Bought	S&W	.45	4506	DOT/19990819	SER/TDN1967	
Bought	Kimber	.45	ClascCt	DOT/19990609	SER/K040569	
Bought	S&W	9mm	5906	DOT/19981212	SER/VZE3898	
Bought	Ruger	.22	MK2	DOT/19980219	SER/22191991	
Bought	SIG	.40	P229	DOT/19970616	SER/AF19030	

REGISTRATION

S&W	556	MP15	DOT/20190606	SER/SM72394	rifle
HK	556	S7AR15	DOT/20190517	SER/D539163	rifle
Colt	223	LE6920	DOT/20190620	SER/LE036468	rifle
KSI	762	MAK90	DOT/20001108	SER/0362530	rifle
Colt	556	Sporter	DOT/20001108	SER/SL002434	rifle
AAR	9mm	SITES	DOT/20001108	SER/K4320	pistol
KSI	762	MAK90	DOT/20001108	SER/65907	rifle
MEI	308	FA91G3	DOT/20001108	SER/9420	rifle
US	9mm	A10	DOT/20001108	SER/A91277	rifle
EAA	556	EA15	DOT/20001108	SER/10089	rifle

Los Angeles Police Department
PROPERTY REPORT

Page 1 of 1

IF EVIDENCE CONT., COMPLETE SHADED AREAS ONLY. IF NOT EVID. CONT., COMPLETE ENTIRE FORM.

NARC ☐ FIREARM ☐ SEARCH ☐ MONE ☐ TOTAL U.S CURR. BKD. EVID ☑ NON-EVID ☐ ONLY 1 CATEGORY PER REPORT

IF RELATED TO PREV. BKD EVID, USE THAT DR: DR 219913105

DATE AND TIME OF THIS REPORT: 05/11/2021 1300	DATE PROPERTY BKD.: 05/12/2021	IF RELATED TO PREVIOUSLY BOOKED EVIDENCE, ORIG. EVID. BKD. TO (IN THIS CASE COMPLETE ENTIRE REPORT)
RESIDENCE ADDRESS: CA	ARRESTEE ☐ EVID. CONT. OF ARREST REPORT	DOB
RESIDENCE ADDRESS (BUS. ADDRESS IF VICT. IS BUSINESS)	VICTIM ☐ EVID. CONT. OF PIR (IF NO ARRESTEE)	
RESIDENCE ADDRESS	☐ OWNER OR IF UNKNOWN ☐ FINDER/POSSESSOR	
AREA OR CITY, & DATE CRIME OCCUR. / TYPE OF PREMISES	DEPT. EMPLOYEE IF BOOKED TO: R. Nemeroff / SERIAL NO.: 31679 / DIVISION: SOD	IF FIREARM, CRT CHECKS: AFS YES ☐ NO ☑ NCIC YES ☐ NO ☑

DATE ORIG. EVID. TAKEN INTO CUSTODY

CHARGE
BKD. DR

BKG. #

R - ☐
B - ☐
R - ☐
B - ☐

IS THIS STOLEN PROPERTY? ☐ YES ☑ NO	PROBABLE CRIME: 33410 PC	☑ FELONY ☐ MISD.	DATE & TIME PROP. FOUND TAKEN INTO POLICE CUSTODY - LOCATION: 04/26/2021 10:00 CONFIDENTIAL	RD, OR CITY IF OUTSIDE: 9999
IS THIS FOUND PROPERTY? ☐ YES ☑ NO	DATE & TIME FOUND PROPERTY DISCOVERED		-LOCATION DISCOVERED-	RD, OR CITY IF OUTSIDE
INVESTIGATIVE UNIT: SOD	PROP. BKD. AT: PROP DIV	NOTIFICATIONS - PERSONS & UNITS		CONNECTING REPORTS - TYPE & DR

Use of Evidence Continuation: Use only with Arrest Report or, if no Arrest Report, with IR. Do not use if evidence is related to previously booked evidence. To book evidence, staple this page on top of Arrest Face Sheet (or IR Face Sheet, if no arrest) and forward with evidence.

1. CIRCUMSTANCES (WHERE FOUND, BY WHOM, HOW MARKED, ETC.) EXPLAIN IF 10.10.00 NOT ISSUED. GIVE RESULTS OF CRT CHECKS ON FIREARMS.
2. ITEMIZE PROPERTY (LIST NARCOTICS FIRST, THEN MONEY, FIREARMS, PROPERTY WITH SERIAL NUMBERS, AND OTHER PROPERTY. IF RELATED TO PREVIOUSLY BKD. EVIDENCE, START WITH NEXT SEQUENTIAL ITEM NUMBER.
3. IS PROPERTY ELIGIBLE FOR IMMEDIATE DISPOSAL? YES ☐ NO ☑ IF YES, LIST ITEM #'S _____ ENSURE AN "EXTRA COPY" IS FORWARDED TO THE PROPERTY DISPOSITION COORDINATOR (PDC) FOR INPUT INTO APIMS. IF PROPERTY IS ELIGIBLE FOR RELEASE, COMPLETE A PROPERTY DISPOSITION/UPDATE REQUEST FORM 10.06.00, AND FORWARD IT TO THE PDC FOR INPUT INTO APIMS.

ITEM NO	QUANT	ARTICLE	SERIAL NO	BRAND/DRUG WEIGHT, UNITS	MODEL NO.	MISC. COLOR, SIZE, INSCRIPTION, CALIBER, ETC. IF MULT ARREST, INCL. NAME/BKG. # FROM WHOM TAKEN
		Items booked are related to a confidential investigation. Further inquiry should be directed to the Commanding Officer, Special Operations Div. 323-887-7092. Items 1-8 are contained within Item 9.				
1	1	Bubble wrap packaging	None	None	None	US Postal Service ePacket purple bag with white shipping label from Hu Shi Ming
2	1	cardboard box	None	None	None	brn cardboard box w/ wht label 066-1/2-28
3	1	bubble wrap	None	None	None	clear bubble wrap
4	1	plastic tube	None	None	None	blue plastic tube
5	1	metal cap	None	None	None	black metal cap with threads
6	1	metal ring	None	None	None	Black metal ring with threads
7	1	metal cylinder	None	None	None	black metal cylinder
8	1	metal baffle	None	None	None	black metal monocore baffle
9	1	Evidence Bag	A6531548	None	None	Dept Homeland Security clear evidence bag.

CHECKS, CREDIT CARDS, ETC. (CCD, PLUS OVB) FORGERY/LA DETS/HARBOR DETS., IF THEIR OCCURRENC ☐
NARCOTICS (GND) ☐
FIREARM (DSVD & R & I, CRIME/PROP. TT'S ☐
EXTRA COPIES TO:

Search Warrant Info / DATE	ISSUED BY JUDGE	COURT NO.
SUPERVISOR APPROVING / SERIAL NO. 30748 / 10.10.00 ISSUED? YES ☐ NO ☑	REPORTING EMPLOYEE(S): R Nemeroff / SERIAL NO. 31679 / DIV. SOD / DETAIL MCU	
DATE & TIME REPRODUCED / DIVISION / CLERK	X PERSON REPORTING (SIGNATURE)	

INC # 210511002616

10.01.00 (09/19)

1429



5A





5C



5D

From: DAVID HWANG
To: Imboden, William@POST
Cc: GRAHAM DAWSON; ALEXANDER LIM
Subject: Commission Documents for CF21-001144
Date: Wednesday, September 24, 2025 1:18:36 PM

CAUTION: This email originated from outside of POST. Please do not click links or open attachments unless you recognize the sender. Report SPAM to the Helpdesk.

Dear Mr. Imboden,

I apologize for the late reply regarding your inquiry into the Los Angeles Police Department's process for determining which allegations are appropriate to frame against an accused employee. The Department relies upon the guidance of its counsel to assist in these determinations, and, as a matter of course, it is a disfavored practice to "stack" an allegation of dishonesty against an employee who has denied the allegation against him.

With respect to the matter of Detective Luke Walden, the absence of an allegation for providing false statements should not, in any way, indicate the Department believed his testimony to Internal Affairs was truthful.

Thank you,

DAVID HWANG, Captain
Internal Affairs Division
(213) 996-2740

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 3/13/2025

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I. Executive Summary

Beginning in January 2021, through March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end fuel filter for an early 1980’s Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent “Guilty” of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The thorough investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include

ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAAD) determined that in addition to an allegation of Acts that Violate the Law in violation of Penal Code section 13510.8(b)(6), an allegation of Dishonesty in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent Officer Luke Walden was employed as a Detective with the Los Angeles Police Department (LAPD).

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

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Police Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of "Supervisor". On June 5, 2022, Respondent was demoted back to the rank of Detective.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course

- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update
- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

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.

c. Prior Employment History

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

d. Peace Officer Certification

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (1/20/2000)
- Intermediate (6/03/2008)
- Advanced (2/10/2011)
- Supervisory (10/24/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint With Agency

The parcel was intercepted on April 22, 2021, and LAPD IA responded to HSI on April 26, 2021, however, their report does not specify a notification date.

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

On February 23, 2022 LAPD concluded their investigation with a recommended finding of Sustained. On February 21, 2023 The Chief of Police upheld the findings and referred the respondent to a Board of Rights for termination. On February 14, 2024 the Board of Rights upheld the findings as well but reduced the discipline to thirty (30) days of unpaid leave/suspension, with no explanation to justify the reduction.

3. Date of Receipt By POST

POST received this initial report on April 13, 2023 with a notification that the case was sent to the BOR on appeal. On January 3, 2025 LAPD notified POST that the BOR appeal was concluded and the discipline was reduced.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of the Los Angeles Police Department administrative investigation which included interviews of two witnesses and the subject officer, as well as summaries of the investigation conducted by Homeland Security Investigations. The LAPD investigation included conversations with agents from the Department of Homeland Security (DHS), Homeland Security Investigations, Custom and Border Patrol, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conversations were conducted for background information and factfinding, and not investigative

interviews. In addition, POSAAD interviewed several LAPD personnel involved with the investigation and conducted independent research into fuel filters and solvent traps, and how to convert them into firearms silencers and suppressors.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On April 22, 2021, CBP Officer Marisela Pena was assigned to the Los Angeles International Airport mail facility. While screening a bin of parcels received from the People's Republic of China using dedicated X-ray equipment, Officer Pena identified 13 objects that were consistent with firearm silencers. The objects were contained in thirteen separate parcels addressed to recipients throughout California. The parcels were declared as "fuel filters". Upon opening the parcels CBP determined that they were in fact illegal firearms silencers. [1]

CBP generated a list of the recipients and contacted HSI for possible investigation. One of the parcels was addressed to "Luke Waldon" with an address in Granada Hills, CA, and was assigned to HSI Special Agent Razmik Madoyan for follow-up.

[1] *Authority provided in Title 19, Code of Federal Regulations section 162.6 known as "Border Search Authority" allows CBP Officers to conduct examinations of all goods entering the United States. Additionally, these searches at the border do not require probable cause or a warrant as recognized in United States v. Ramsey, 431 U.S. 606, 619 (1977).*

During his initial research into "Luke Waldon", Agent Madoyan discovered he was an active Los Angeles Police Officer. LAPD was contacted and took over the criminal investigation and initiated an administrative investigation. Prior to accepting the investigation, LAPD confirmed Respondent was a current LAPD Detective assigned to the Gang and Narcotics Division (GND). His home address of record with the Department matched the one on the shipping label in Granada Hills, CA. Respondent had been assigned to GND since April 2009 and had worked several assignments including the Buy Team, the Gun Unit, and an FBI Gang Task Force.

Upon inspection of the parcel, LAPD noted that it was shipped by Xu Shi Ming, from Wuhan, China. The packing described the item as a "fuel filter" with a value of 10 dollars. The label also contained graphics in Chinese, which when translated stated, "Spiral ½ - 28 single-core automobile fuel filter (6-inch ½"- 28-black spiral P0171289910)."[2]

> **Note:** ATF published a Technical Bulletin on October 30, 2019, titled "*Inline Filter" Firearms Silencers* which stated among other things that a ½ - 28 righthand bolt thread can be applied to the following firearms: AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 Tactical Rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

LAPD further described the item as a black colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked endcap, a threaded ring and a plastic tube. After the item was booked into Evidence, LAPD criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Criminalist Biraimah's report stated the following:

[2] "1/2 – 28" and "5/8 – 24" as seen throughout this report refers to thread size and count (e.g. ½" diameter shaft with 28 threads per inch (tpi))

> "The external inspection revealed the assembly to be in good condition. 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. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. 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 volume into 8 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."

He concluded by writing in his report that the assembly, as received, was a firearm silencer as described in California Penal Code section 17210.[3]

LAPD contacted the California Department of Justice (Cal DOJ) and obtained a list of all the firearms that were registered to Respondent. With assistance from Cal DOJ and through further investigation, LAPD determined Respondent had fifty-four (54) registered firearms (41 handguns, 12 rifles, 1 shotgun), many of which were compatible with a ½ - 28 barrel thread size.

LAPD conducted an internal audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021. The audit contained keyword searches for "Silencer", "Fuel Filter", "Solvent Trap", "China", "Threaded Barrel", "Firearm", "Barrel", "33410" (California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer) and "Rifle". The audit determined Respondent searched numerous websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that were registered to Respondent, a rifle that was registered to him, and threaded barrels for weapons not registered to

[3] California Penal Code section 17210 defines a "silencer" as any device or attachment designed to silence, diminish, or muffle the report of a firearm, or any parts intended for their assembly or fabrication

him. The audit determined that Respondent conducted twenty-one (21) internet searches using LAPD computers between December 21, 2020, and April 28, 2021, as follows:

www.kimberamerica.com

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005
- 9mm Stainless Steel Threaded Barrel SKU: 4000006
    - Respondent had 2 Kimber .45 cal. handguns registered to him
    - Respondent did not have a Kimber 9mm handgun registered to him.

www.brownells.com

- 1911 Threaded Barrel
- Handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels

www.opplanet-trybe.com

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel
- TRYBE Defense Glock 23/32 9mm Threaded Conversion Pistol Barrel
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel
- TRYBE Defense AR Pistol Barrel 9mm
- TRYBE Defense Sig Sauer P320
    - Respondent had a Glock 22 registered to him
    - Respondent did not have a Glock 23/32 registered to him
    - Respondent had a Glock 34 registered to him
    - Respondent had an AR 9mm Pistol registered to him
    - Respondent did not have a Sig Sauer P320 registered to him

www.pealtier.com

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator
    - Respondent had a Ruger .22 rifle registered to him

The LAPD audit also revealed that Respondent searched websites that advertised the sale of "fuel filters". The search focused on filters that had an inner thread size of ½ - 28 converting to an outer thread size of 5/8 – 24. The ½ - 28 thread size would apply to many of the weapons registered to Respondent.

www.pealtier.com

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com

- WIX WF10429 Fuel Filter (unknown thread size)

www.yhothe.com

- Fuel Filter for 4002 WIX ½ - 28 5/8 – 24

www.rallyset.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent for Napa 4003 WIX 24003

www.bupuff.com

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ - 28 5/8 -24

www.kikogift.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com

- Fuel Filter Solvent Trap

www.goopuff.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

Respondent was interviewed by LAPD for the administrative investigation on January 11, 2022, and stated he was in the process of rebuilding two vehicles: a 1983 Toyota Celica and a 1985 Toyota Celica. The respondent stated he ordered a fuel filter for the 1985 which never arrived. He could not recall the vendor, or when he ordered the filter. He later ordered another fuel filter through Amazon.com (on August 21, 2021) which he did receive. Respondent denied ordering or attempting to obtain a firearm silencer. He provided pictures of the vehicles he was restoring along with pictures of the type of fuel filter he ordered, and the bracket used to install it.

The respondent said he had some knowledge of silencers which he obtained during his assignments, however he was not an expert. He knew that firearm silencers were illegal to possess. Furthermore, he did not dispute the results of the internet search audit. Respondent stated he used department computers to research silencers for work related purposes only, however he couldn't provide specific cases or reports that required the specific searches he conducted.

LAPD consulted their Acting General Automotive Supervisor, Gregory Field, who reviewed the websites Respondent visited that advertised the sale of fuel filters, and the item CBP seized. 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 the

item seized could not be used as a fuel filter because it had no internal filtration component.[4]

Because the Respondent was under criminal investigation simultaneously LAPD did not conduct any follow-up administrative interviews. They did try to contact the vendor of the intercepted item only to discover all of the contact information in the package was fraudulent (the phone number was not correct for Wuhan, China; the address does not exist on a Google Maps® search), and the Chinese mail service did not provide any information on the sender's information.

During the criminal investigation of Respondent, LAPD served a search warrant on Respondent's PayPal® account. The search revealed that on March 17, 2021, at 0828 hrs. a transaction was completed for $45.96 for the purchase of a "Napa 4003 WIX 24003-1/2-28 5/8-24 Fuel Filter Aluminum Solvent Trap / ½-28-XH". The recipient of the payment was: "Xu Shi Qi International Limited" in Hong Kong, China.

At the conclusion of their criminal investigation, LAPD obtained an arrest warrant for Respondent, who was subsequently booked into the LA County Jail on November 14, 2022. On November 16, 2022, the LA County District Attorney's Office filed one Felony count of Attempted Possession of a Silencer in violation of Penal Code sections 664 and 33410.

In April 2023, LAPD sustained the allegation of attempting to possess a firearm silencer, referred Respondent to a Board of Rights, and recommended termination as the

[4] In-line 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 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 (0.03 millimeters).

appropriate discipline. A the BOR hearing LAPD Criminalist Biraimah stated that “Napa 4003” is a code word for suppressors known to firearms buyers. After examining the seized item, he determined it was a firearm suppressor 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 the silencer if modified with a threaded barrel.

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

At the conclusion of the BOR hearing the board unanimously agreed that Respondent was guilty of the allegation that he, “attempted to obtain a firearm silencer”. However, the board did not impose the recommended termination and instead reduced the discipline to 30 days of unpaid suspension. At the conclusion of which Respondent was restored to full duty with LAPD. The board did not offer any written explanation for the reduction in discipline.

With respect to the criminal charges, on March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, Respondent pled Nolo Contendre (No Contest) to the misdemeanor charge of Attempt to Possess an Assault Weapon and sentenced to one day in jail, one year of informal probation, community service and $150 in fines. The Felony charge was dismissed as part of the plea agreement.

During the criminal investigation, LAPD’s Internal Criminal Investigations Bureau , consulted Agents and Officers of the Department of Homeland Security, Department of

Justice, Homeland Security Investigations, Custom and Border Protection and Bureau of Alcohol, Tobacco, Firearms, and Explosives in an effort to gain an understanding of the market for illegal silencers, the influx of illegal silencers coming into the country, and how importers and purchasers are attempting to skirt the laws and evade detection. As of the time of their report, LAPD learned that CBP had intercepted thousands of suppressors or parts of suppressors, being shipped into the United States from various vendors based out of China.

The intercepted packages are often mislabeled and incorrectly manifested. Senders often identify the contents of the packages as “filter”, “machine filter nozzle”, “motorcycle filter”, “fuel filter”, or other items with the word “filter” or “solvent trap” in the commodity description.

ATF provided Technical Bulletins regarding the detection and identification of firearm silencers which have been marketed as “in-line filters” and “solvent traps”. A legitimate solvent trap is a device that is attached to a firearm muzzle to catch or “trap” dirty cleaning solvent as it is pushed through the barrel. One end of the trap must be solid and have no hole that will allow a projectile to pass through. Devices that have a hole or an index mark for a hole in the endcap are classified as a “firearm silencer” under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered (illegal) silencers by simply coring a hole into the enclosed/indexed end, which would prevent the device from trapping dirt or solvents. Some devices marketed as “solvent traps” and “fuel filters” have an index mark showing where to drill a hole to modify the device into a silencer. Some also include silencer baffles, which are common in firearm silencers but serve no purpose in a solvent trap or fuel filter.

Title 18, USC 921(a)(24) defines a firearm silencer or “suppressor” as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or a firearm muffler, any part intended only for use in such assembly or fabrication. The state of California defined the term “silencer” as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer.

In order to legally possess a silencer in the United States an individual must apply for and receive advanced approval from the ATF. The silencer must have a registered serial number and bear that number. An individual who had received advanced permission to possess a silencer would appear on the National Firearms Registration and Transfer Record.

The National Firearms Act prohibits the importation of suppressors unless they are for the use by the United States for research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. United States Code, Title 26, section 5844. Additionally, the United States maintains an arms embargo against China making it illegal to import silencers from that country according to the Code of Federal Regulations, Title 27, sections 447.21 and 447.52.

At the conclusion of reviewing the LAPD investigation, POSAAD conducted a simple search of YouTube using the keyword sentence “firearm silencer from fuel filter”. The ensuing search resulted in dozens and dozens of YouTube videos ranging from several seconds to over 45 minutes, discussing the purchasing, packaging, manufacturing and quality of “1/2 – 28 5/8 – 24 fuel filter / solvent traps”, and many not only explained how to easily modify them to silencers, but some showed the silencers in use after modification.

https://www.youtube.com/watch?v=qktwL8KNdw8

https://www.youtube.com/watch?v=R1i0JrRaWPo&t=676s

https://www.youtube.com/watch?v=fMZMbLg2MBc

V. Analysis and Findings

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

11 CCR §1205(a)(1) defines Dishonesty as:
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.

Clear and convincing evidence exists to show that Respondent was dishonest in his answers during the Administrative Investigation into his alleged misconduct.

During the Administrative Investigation into the alleged serious misconduct of "Acts That Violate the Law" (attempting to purchase an illegal firearm silencer, a Felony), the Respondent stated he did not try to purchase a firearm silencer.

I.A. Interview conducted on January 11, 2022

At 5 minutes and 19 seconds (5:19):

Q: [describing the package label to Respondent] "… saying half inch to twenty-eight single core automobile fuel filter. Your name, Luke Walden, and home address were on the shipping label. Do you recall ordering such an item?"

A: "I ordered a fuel filter in the past, I don't remember when. It never got to my house, so I went on Amazon and bought another one ..."

Q: "Who was the vendor… for the fuel filter, do you remember?"

A: "No. I [unintelligible]"

Q: "Can you give me an approximate time frame of when you ordered it"

A: "No. I'm being honest. I can't remember."

At 11:08

Q: "Did you ever order a firearm silencer or suppressor?"

A: "Hell no"

Q: "You do understand what a firearm silencer or suppressor is, is that correct?"

A: "I understand the concept… I've shot them (at department training) but I'm not one hundred percent on how they work … I'm not really well versed."

At 12:56

Q: "Did you ever buy an object or a product that was sold to you under the guise of it being a fuel filter but in actuality it was a firearm suppressor or silencer?"

A: "No"

At 17:17

Q: "have you done internet searches on silencers or firearm suppressors on your department computer?"

A: "yes."

Q: "Why don't you expand on that?"

(Respondent explained that based on sources through the FBI, "bad guys" are going to sell them weapons, mostly ghost guns.)

A: "If you build a gun with a threaded barrel, it becomes an assault pistol at the State level. Me looking that stuff up is based on what I work on."

Respondent claimed to be restoring two old cars, neither of which would use a fuel filter like the item that was seized by CBP. He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The picture of this item, purchased on Amazon in 2021, is vastly different than the item seized by CBP, and is clearly meant to be used as an in-line fuel filter. Additionally, this fuel filter was purchased on August 21, 2021, well after Respondent knew he was under investigation for purchasing the "fuel filter" from China.

At 6:41

Q: "Okay, you're saying you ordered a fuel filter for a vehicle, is that correct?"

A: "yes, sir."

Q: "And that never arrived, right?"

A: "Yes, sir."

Q: "What was the purpose of this fuel filter?"

A: "I have two cars I am rebuilding. One with my son and one for myself …. One is an '83 Celica …. I've done a bunch of suspension and body work to it … we're doing a family project, its something I learned from my dad … and then I have the '85 Celica … on the '85 I'm going to switch the motor to get a bigger engine in there … a super engine … I'm trying to update the fuel system so the car can take the fuel. If you put a bigger engine in you need more gas."

Q: "The fuel filter that you say you ordered that never arrived, was that for the '85 Toyota Celica?"

A: "Yes."

At the **8:10** mark the Respondent stated he was buying a universal fuel filter.

Q: "So you're buying a universal fuel filter you said?"

A: "Yeah. Universal fuel filter. Um, since the one never came, I purchased another one on Amazon. I have photos of all that."

At 20:40

Q: "And you never did any internet searches on your work computer looking to buy a firearm suppressor or silencer shipped to you. Is that correct?"

A: "No. That's correct."

The item CBP seized, which was addressed to Respondent at his home address, while it might be advertised on the internet as a fuel filter (or solvent trap), as manufactured it is functionally inoperable as a fuel filter (it had no filtering

properties), and there are dozens upon dozens of internet sites discussing and showing how to convert this item into a firearm silencer. 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. Additionally, the exact name, type, and size are listed on ATF training documents to help law enforcement recognize illegal firearms silencers.

The item purchased using the Respondent's PayPal account was sold by "Xu Shi Qi" in China. The item seized by CBP addressed to Respondent was shipped by "Xu Shi Ming" from China.

The respondent was asked about his internet searches for fuel filters and solvent traps on department computers during his I.A. interview:

Q: "What about fuel filters? Do you recall doing internet searches for that?"
A: "Not independently. No."
Q: "What about solvent traps?"
A: "Not independently."

Respondent's supervisor at LAPD testified at his Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. However, at the 11 minute and 24 second mark during his I.A. interview when asked if he knew what a firearm silencer or suppressor was, the Respondent stated, "I understand the concept …. I'm not really well versed", in an attempt to downplay his knowledge.

During his I.A. interview on January 11, 2022, in closing, the Respondent stated, "I've been doing this for twenty-three years. There's no way in heck I'm going to jeopardize a twenty-three-year career and a Top Secret FBI security clearance for something that is illegal and could be a felony."

The Board of Review unanimously found the Respondent guilty of the allegation of trying to purchase a firearm silencer, despite the respondent repeatedly denying this fact during the BOR hearing and claiming he only tried to purchase a fuel filter.

> *"Detective Walden maintained that he intended to purchase a high-performance fuel filter. Detective Walden explained that he is a car enthusiast, who Rebuilds cars and has a number of pending and Incomplete projects" – B.O.R. Rationale of Findings Page 2, lines 20 - 24*

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts That Violate the Law?

11 CCR § 1205(a)(6) defines Acts That Violate the Law as "*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*".

On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); *Attempt to Possess an Assault Weapon*. The Felony charge 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 firearm crimes both generally and as part of LAPD's Gun Unit. Although the investigation was turned over to local law enforcement for prosecution, Respondent 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 spent several weeks between December 21, 2020, and April 28, 2021, searching the internet for "fuel filter" and/or "solvent trap" with some variation of the words and numbers "Napa", "WIX", "1/2", "28", "5/8", "24", "24003", and "4003" as well as various sites advertising threaded pistol barrels. All of these key search words are identified in ATF Technical Bulletin 20-01 "Inline Filter Firearms Silencers" dated October 30, 2019, and/or ATF Technical Bulletin 17-02 "Solvent Traps" dated April 20, 2017. Additionally, LAPD Criminalist Biraimah testified at Respondent's BOR hearing that "Napa 4003" is a well known code for firearms suppressors among firearms enthusiasts. Respondent's searches for Fuel Filter or Solvent Trap ended on March 15, 2021 – two days prior to his purchase of the silencer.

On March 17, 2021, Respondent used his personal PayPal account to purchase a "Napa 4003 WIX 24003 ½ - 28 5/8 -24 Fuel Filter Aluminum Solvent Trap" while off duty. After that date the LAPD internet use audit into Respondent's web searches showed he only searched for websites that sold threaded firearm barrels. His searches for Fuel Filter or Solvent Trap ended on March 15, 2021. On April 22, 2021, a CBP Officer intercepted a package addressed to Respondent at Respondent's home address with the customs description of "Fuel Filter" on the outside. The shipping label also contained the description, "Spiral ½ - 28 single-core automobile fuel filter".

An LAPD Criminalist inspected the item and stated it was his professional opinion that the item was a firearm silencer. An LAPD automotive supervisor inspected the item and stated not only would the item not fit a Toyota Celica, but the item was also incapable of being used as a fuel filter as it had no internal filtering capabilities; it was an open core.

During his career as a peace officer, Respondent served on the LAPD's Gang and Narcotics Division's Gun Unit. Respondent's supervisor at LAPD testified at his personnel Board of Rights hearing that one of Respondent's job

responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. Additionally, Respondent has qualified as a gun expert for purposes of testifying in State court proceedings[5]. During his IA interview, Respondent claimed to have used department computers to research silencers for work related purposes only, although he could not provide specific cases or reports that required the specific searches he conducted. Even assuming Respondent's statement to be true, it demonstrates that he was fully aware that these products – the same type as the one he ordered for himself shortly thereafter – were firearm silencers.

Respondent is an experienced peace officer with almost twenty-seven years in the LAPD. In his position as an LAPD Officer, Respondent was not only charged generally with getting illegal guns off the streets but had been a part of the LAPD's Gun and Narcotic Division's 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 Respondent's IA interview on January 11, 2022, beginning at the 14 minute and 11 second mark, he was asked by his attorney to explain why he never owned any firearm suppressors or silencers, he stated, "Because that's illegal". This, together with Respondent's training, knowledge, and admitted research, demonstrates that his purchase of the silencer was an intentional violation of the law.

At the 22 minute and 55 second mark of the interview the I/O asked, "So you're telling me you're obviously aware a firearm suppressor or silencer is illegal in California, is that correct?". To which the Respondent replied, "Yeah, and apparently parts as well, based on the law." This response shows not only Respondent's culpability, but also a persistent lack of accountability by continuing to refer to the silencer as a "part."

Based on the facts and analysis presented, this intentional violation of the law committed by the respondent peace officer is egregious.

[5] Noted by the Board of Rights in its Rationale on Findings, dated February 14, 2024; pg 2, line 24 – pg 3, line 1.

VI. Supporting Evidence and Documentation

- Attachment A – Respondent's POST Profile Report
- Attachment B – Picture of Package as Addressed
- Attachment C – ATF Technical Bulletins
- Attachment D – Picture of Seized Item
- Attachment E – DOJ Printout of Registered Weapons
- Attachment F – LAPD Internal Audit Report
- Attachment G – Search Warrant Supplement (PayPal)
- Attachment H – Amazon Purchase Picture
- Attachment I – Criminal Court Documents
- Attachment J – BOR Rationale Documents
- Attachment K – IA Interview Audio
- Attachment L – LAPD Criminalist Report

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

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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Staff Services Manager
Executive Office

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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

--o0o--

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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

E R R A T A S H E E T

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INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 3/13/2025

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I. Executive Summary

Beginning in January 2021, through March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end fuel filter for an early 1980’s Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent “Guilty” of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The thorough investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include

ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAAD) determined that in addition to an allegation of Acts that Violate the Law in violation of Penal Code section 13510.8(b)(6), an allegation of Dishonesty in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent Officer Luke Walden was employed as a Detective with the Los Angeles Police Department (LAPD).

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

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Police Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of "Supervisor". On June 5, 2022, Respondent was demoted back to the rank of Detective.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course

- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update
- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

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.

c. Prior Employment History

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

d. Peace Officer Certification

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (1/20/2000)
- Intermediate (6/03/2008)
- Advanced (2/10/2011)
- Supervisory (10/24/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint With Agency

The parcel was intercepted on April 22, 2021, and LAPD IA responded to HSI on April 26, 2021, however, their report does not specify a notification date.

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

On February 23, 2022 LAPD concluded their investigation with a recommended finding of Sustained. On February 21, 2023 The Chief of Police upheld the findings and referred the respondent to a Board of Rights for termination. On February 14, 2024 the Board of Rights upheld the findings as well but reduced the discipline to thirty (30) days of unpaid leave/suspension, with no explanation to justify the reduction.

3. Date of Receipt By POST

POST received this initial report on April 13, 2023 with a notification that the case was sent to the BOR on appeal. On January 3, 2025 LAPD notified POST that the BOR appeal was concluded and the discipline was reduced.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of the Los Angeles Police Department administrative investigation which included interviews of two witnesses and the subject officer, as well as summaries of the investigation conducted by Homeland Security Investigations. The LAPD investigation included conversations with agents from the Department of Homeland Security (DHS), Homeland Security Investigations, Custom and Border Patrol, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conversations were conducted for background information and factfinding, and not investigative

interviews. In addition, POSAAD interviewed several LAPD personnel involved with the investigation and conducted independent research into fuel filters and solvent traps, and how to convert them into firearms silencers and suppressors.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On April 22, 2021, CBP Officer Marisela Pena was assigned to the Los Angeles International Airport mail facility. While screening a bin of parcels received from the People's Republic of China using dedicated X-ray equipment, Officer Pena identified 13 objects that were consistent with firearm silencers. The objects were contained in thirteen separate parcels addressed to recipients throughout California. The parcels were declared as "fuel filters". Upon opening the parcels CBP determined that they were in fact illegal firearms silencers. [1]

CBP generated a list of the recipients and contacted HSI for possible investigation. One of the parcels was addressed to "Luke Waldon" with an address in Granada Hills, CA, and was assigned to HSI Special Agent Razmik Madoyan for follow-up.

[1] *Authority provided in Title 19, Code of Federal Regulations section 162.6 known as "Border Search Authority" allows CBP Officers to conduct examinations of all goods entering the United States. Additionally, these searches at the border do not require probable cause or a warrant as recognized in United States v. Ramsey, 431 U.S. 606, 619 (1977).*

During his initial research into "Luke Waldon", Agent Madoyan discovered he was an active Los Angeles Police Officer. LAPD was contacted and took over the criminal investigation and initiated an administrative investigation. Prior to accepting the investigation, LAPD confirmed Respondent was a current LAPD Detective assigned to the Gang and Narcotics Division (GND). His home address of record with the Department matched the one on the shipping label in Granada Hills, CA. Respondent had been assigned to GND since April 2009 and had worked several assignments including the Buy Team, the Gun Unit, and an FBI Gang Task Force.

Upon inspection of the parcel, LAPD noted that it was shipped by Xu Shi Ming, from Wuhan, China. The packing described the item as a "fuel filter" with a value of 10 dollars. The label also contained graphics in Chinese, which when translated stated, "Spiral ½ - 28 single-core automobile fuel filter (6-inch ½"- 28-black spiral P0171289910)."[2]

> **Note:** ATF published a Technical Bulletin on October 30, 2019, titled "*Inline Filter" Firearms Silencers* which stated among other things that a ½ - 28 righthand bolt thread can be applied to the following firearms: AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 Tactical Rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

LAPD further described the item as a black colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked endcap, a threaded ring and a plastic tube. After the item was booked into Evidence, LAPD criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Criminalist Biraimah's report stated the following:

[2] "1/2 – 28" and "5/8 – 24" as seen throughout this report refers to thread size and count (e.g. ½" diameter shaft with 28 threads per inch (tpi))

> "The external inspection revealed the assembly to be in good condition. 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. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. 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 volume into 8 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."

He concluded by writing in his report that the assembly, as received, was a firearm silencer as described in California Penal Code section 17210.[3]

LAPD contacted the California Department of Justice (Cal DOJ) and obtained a list of all the firearms that were registered to Respondent. With assistance from Cal DOJ and through further investigation, LAPD determined Respondent had fifty-four (54) registered firearms (41 handguns, 12 rifles, 1 shotgun), many of which were compatible with a ½ - 28 barrel thread size.

LAPD conducted an internal audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021. The audit contained keyword searches for "Silencer", "Fuel Filter", "Solvent Trap", "China", "Threaded Barrel", "Firearm", "Barrel", "33410" (California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer) and "Rifle". The audit determined Respondent searched numerous websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that were registered to Respondent, a rifle that was registered to him, and threaded barrels for weapons not registered to

[3] California Penal Code section 17210 defines a "silencer" as any device or attachment designed to silence, diminish, or muffle the report of a firearm, or any parts intended for their assembly or fabrication

him. The audit determined that Respondent conducted twenty-one (21) internet searches using LAPD computers between December 21, 2020, and April 28, 2021, as follows:

www.kimberamerica.com

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005
- 9mm Stainless Steel Threaded Barrel SKU: 4000006
    - Respondent had 2 Kimber .45 cal. handguns registered to him
    - Respondent did not have a Kimber 9mm handgun registered to him.

www.brownells.com

- 1911 Threaded Barrel
- Handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels

www.opplanet-trybe.com

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel
- TRYBE Defense Glock 23/32 9mm Threaded Conversion Pistol Barrel
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel
- TRYBE Defense AR Pistol Barrel 9mm
- TRYBE Defense Sig Sauer P320
    - Respondent had a Glock 22 registered to him
    - Respondent did not have a Glock 23/32 registered to him
    - Respondent had a Glock 34 registered to him
    - Respondent had an AR 9mm Pistol registered to him
    - Respondent did not have a Sig Sauer P320 registered to him

www.pealtier.com

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator
    - Respondent had a Ruger .22 rifle registered to him

The LAPD audit also revealed that Respondent searched websites that advertised the sale of "fuel filters". The search focused on filters that had an inner thread size of ½ - 28 converting to an outer thread size of 5/8 – 24. The ½ - 28 thread size would apply to many of the weapons registered to Respondent.

www.pealtier.com

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com

- WIX WF10429 Fuel Filter (unknown thread size)

www.yhothe.com

- Fuel Filter for 4002 WIX ½ - 28 5/8 – 24

www.rallyset.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent for Napa 4003 WIX 24003

www.bupuff.com

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ - 28 5/8 -24

www.kikogift.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com

- Fuel Filter Solvent Trap

www.goopuff.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

Respondent was interviewed by LAPD for the administrative investigation on January 11, 2022, and stated he was in the process of rebuilding two vehicles: a 1983 Toyota Celica and a 1985 Toyota Celica. The respondent stated he ordered a fuel filter for the 1985 which never arrived. He could not recall the vendor, or when he ordered the filter. He later ordered another fuel filter through Amazon.com (on August 21, 2021) which he did receive. Respondent denied ordering or attempting to obtain a firearm silencer. He provided pictures of the vehicles he was restoring along with pictures of the type of fuel filter he ordered, and the bracket used to install it.

The respondent said he had some knowledge of silencers which he obtained during his assignments, however he was not an expert. He knew that firearm silencers were illegal to possess. Furthermore, he did not dispute the results of the internet search audit. Respondent stated he used department computers to research silencers for work related purposes only, however he couldn't provide specific cases or reports that required the specific searches he conducted.

LAPD consulted their Acting General Automotive Supervisor, Gregory Field, who reviewed the websites Respondent visited that advertised the sale of fuel filters, and the item CBP seized. 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 the

item seized could not be used as a fuel filter because it had no internal filtration component.[4]

Because the Respondent was under criminal investigation simultaneously LAPD did not conduct any follow-up administrative interviews. They did try to contact the vendor of the intercepted item only to discover all of the contact information in the package was fraudulent (the phone number was not correct for Wuhan, China; the address does not exist on a Google Maps® search), and the Chinese mail service did not provide any information on the sender's information.

During the criminal investigation of Respondent, LAPD served a search warrant on Respondent's PayPal® account. The search revealed that on March 17, 2021, at 0828 hrs. a transaction was completed for $45.96 for the purchase of a "Napa 4003 WIX 24003-1/2-28 5/8-24 Fuel Filter Aluminum Solvent Trap / ½-28-XH". The recipient of the payment was: "Xu Shi Qi International Limited" in Hong Kong, China.

At the conclusion of their criminal investigation, LAPD obtained an arrest warrant for Respondent, who was subsequently booked into the LA County Jail on November 14, 2022. On November 16, 2022, the LA County District Attorney's Office filed one Felony count of Attempted Possession of a Silencer in violation of Penal Code sections 664 and 33410.

In April 2023, LAPD sustained the allegation of attempting to possess a firearm silencer, referred Respondent to a Board of Rights, and recommended termination as the

[4] In-line 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 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 (0.03 millimeters).

appropriate discipline. A the BOR hearing LAPD Criminalist Biraimah stated that “Napa 4003” is a code word for suppressors known to firearms buyers. After examining the seized item, he determined it was a firearm suppressor 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 the silencer if modified with a threaded barrel.

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

At the conclusion of the BOR hearing the board unanimously agreed that Respondent was guilty of the allegation that he, “attempted to obtain a firearm silencer”. However, the board did not impose the recommended termination and instead reduced the discipline to 30 days of unpaid suspension. At the conclusion of which Respondent was restored to full duty with LAPD. The board did not offer any written explanation for the reduction in discipline.

With respect to the criminal charges, on March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, Respondent pled Nolo Contendre (No Contest) to the misdemeanor charge of Attempt to Possess an Assault Weapon and sentenced to one day in jail, one year of informal probation, community service and $150 in fines. The Felony charge was dismissed as part of the plea agreement.

During the criminal investigation, LAPD’s Internal Criminal Investigations Bureau , consulted Agents and Officers of the Department of Homeland Security, Department of

Justice, Homeland Security Investigations, Custom and Border Protection and Bureau of Alcohol, Tobacco, Firearms, and Explosives in an effort to gain an understanding of the market for illegal silencers, the influx of illegal silencers coming into the country, and how importers and purchasers are attempting to skirt the laws and evade detection. As of the time of their report, LAPD learned that CBP had intercepted thousands of suppressors or parts of suppressors, being shipped into the United States from various vendors based out of China.

The intercepted packages are often mislabeled and incorrectly manifested. Senders often identify the contents of the packages as “filter”, “machine filter nozzle”, “motorcycle filter”, “fuel filter”, or other items with the word “filter” or “solvent trap” in the commodity description.

ATF provided Technical Bulletins regarding the detection and identification of firearm silencers which have been marketed as “in-line filters” and “solvent traps”. A legitimate solvent trap is a device that is attached to a firearm muzzle to catch or “trap” dirty cleaning solvent as it is pushed through the barrel. One end of the trap must be solid and have no hole that will allow a projectile to pass through. Devices that have a hole or an index mark for a hole in the endcap are classified as a “firearm silencer” under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered (illegal) silencers by simply coring a hole into the enclosed/indexed end, which would prevent the device from trapping dirt or solvents. Some devices marketed as “solvent traps” and “fuel filters” have an index mark showing where to drill a hole to modify the device into a silencer. Some also include silencer baffles, which are common in firearm silencers but serve no purpose in a solvent trap or fuel filter.

Title 18, USC 921(a)(24) defines a firearm silencer or “suppressor” as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or a firearm muffler, any part intended only for use in such assembly or fabrication. The state of California defined the term “silencer” as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer.

In order to legally possess a silencer in the United States an individual must apply for and receive advanced approval from the ATF. The silencer must have a registered serial number and bear that number. An individual who had received advanced permission to possess a silencer would appear on the National Firearms Registration and Transfer Record.

The National Firearms Act prohibits the importation of suppressors unless they are for the use by the United States for research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. United States Code, Title 26, section 5844. Additionally, the United States maintains an arms embargo against China making it illegal to import silencers from that country according to the Code of Federal Regulations, Title 27, sections 447.21 and 447.52.

At the conclusion of reviewing the LAPD investigation, POSAAD conducted a simple search of YouTube using the keyword sentence “firearm silencer from fuel filter”. The ensuing search resulted in dozens and dozens of YouTube videos ranging from several seconds to over 45 minutes, discussing the purchasing, packaging, manufacturing and quality of “1/2 – 28 5/8 – 24 fuel filter / solvent traps”, and many not only explained how to easily modify them to silencers, but some showed the silencers in use after modification.

https://www.youtube.com/watch?v=qktwL8KNdw8

https://www.youtube.com/watch?v=R1i0JrRaWPo&t=676s

https://www.youtube.com/watch?v=fMZMbLg2MBc

V. Analysis and Findings

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

11 CCR §1205(a)(1) defines Dishonesty as:
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.

Clear and convincing evidence exists to show that Respondent was dishonest in his answers during the Administrative Investigation into his alleged misconduct.

During the Administrative Investigation into the alleged serious misconduct of "Acts That Violate the Law" (attempting to purchase an illegal firearm silencer, a Felony), the Respondent stated he did not try to purchase a firearm silencer.

I.A. Interview conducted on January 11, 2022

At 5 minutes and 19 seconds (5:19):

Q: [describing the package label to Respondent] "… saying half inch to twenty-eight single core automobile fuel filter. Your name, Luke Walden, and home address were on the shipping label. Do you recall ordering such an item?"

A: "I ordered a fuel filter in the past, I don't remember when. It never got to my house, so I went on Amazon and bought another one ..."

Q: "Who was the vendor… for the fuel filter, do you remember?"

A: "No. I [unintelligible]"

Q: "Can you give me an approximate time frame of when you ordered it"

A: "No. I'm being honest. I can't remember."

At 11:08

Q: "Did you ever order a firearm silencer or suppressor?"

A: "Hell no"

Q: "You do understand what a firearm silencer or suppressor is, is that correct?"

A: "I understand the concept… I've shot them (at department training) but I'm not one hundred percent on how they work … I'm not really well versed."

At 12:56

Q: "Did you ever buy an object or a product that was sold to you under the guise of it being a fuel filter but in actuality it was a firearm suppressor or silencer?"

A: "No"

At 17:17

Q: "have you done internet searches on silencers or firearm suppressors on your department computer?"

A: "yes."

Q: "Why don't you expand on that?"

(Respondent explained that based on sources through the FBI, "bad guys" are going to sell them weapons, mostly ghost guns.)

A: "If you build a gun with a threaded barrel, it becomes an assault pistol at the State level. Me looking that stuff up is based on what I work on."

Respondent claimed to be restoring two old cars, neither of which would use a fuel filter like the item that was seized by CBP. He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The picture of this item, purchased on Amazon in 2021, is vastly different than the item seized by CBP, and is clearly meant to be used as an in-line fuel filter. Additionally, this fuel filter was purchased on August 21, 2021, well after Respondent knew he was under investigation for purchasing the "fuel filter" from China.

At 6:41

Q: "Okay, you're saying you ordered a fuel filter for a vehicle, is that correct?"

A: "yes, sir."

Q: "And that never arrived, right?"

A: "Yes, sir."

Q: "What was the purpose of this fuel filter?"

A: "I have two cars I am rebuilding. One with my son and one for myself …. One is an '83 Celica …. I've done a bunch of suspension and body work to it … we're doing a family project, its something I learned from my dad … and then I have the '85 Celica … on the '85 I'm going to switch the motor to get a bigger engine in there … a super engine … I'm trying to update the fuel system so the car can take the fuel. If you put a bigger engine in you need more gas."

Q: "The fuel filter that you say you ordered that never arrived, was that for the '85 Toyota Celica?"

A: "Yes."

At the **8:10** mark the Respondent stated he was buying a universal fuel filter.

Q: "So you're buying a universal fuel filter you said?"

A: "Yeah. Universal fuel filter. Um, since the one never came, I purchased another one on Amazon. I have photos of all that."

At 20:40

Q: "And you never did any internet searches on your work computer looking to buy a firearm suppressor or silencer shipped to you. Is that correct?"

A: "No. That's correct."

The item CBP seized, which was addressed to Respondent at his home address, while it might be advertised on the internet as a fuel filter (or solvent trap), as manufactured it is functionally inoperable as a fuel filter (it had no filtering

properties), and there are dozens upon dozens of internet sites discussing and showing how to convert this item into a firearm silencer. 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. Additionally, the exact name, type, and size are listed on ATF training documents to help law enforcement recognize illegal firearms silencers.

The item purchased using the Respondent's PayPal account was sold by "Xu Shi Qi" in China. The item seized by CBP addressed to Respondent was shipped by "Xu Shi Ming" from China.

The respondent was asked about his internet searches for fuel filters and solvent traps on department computers during his I.A. interview:

Q: "What about fuel filters? Do you recall doing internet searches for that?"
A: "Not independently. No."
Q: "What about solvent traps?"
A: "Not independently."

Respondent's supervisor at LAPD testified at his Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. However, at the 11 minute and 24 second mark during his I.A. interview when asked if he knew what a firearm silencer or suppressor was, the Respondent stated, "I understand the concept …. I'm not really well versed", in an attempt to downplay his knowledge.

During his I.A. interview on January 11, 2022, in closing, the Respondent stated, "I've been doing this for twenty-three years. There's no way in heck I'm going to jeopardize a twenty-three-year career and a Top Secret FBI security clearance for something that is illegal and could be a felony."

The Board of Review unanimously found the Respondent guilty of the allegation of trying to purchase a firearm silencer, despite the respondent repeatedly denying this fact during the BOR hearing and claiming he only tried to purchase a fuel filter.

> *"Detective Walden maintained that he intended to purchase a high-performance fuel filter. Detective Walden explained that he is a car enthusiast, who Rebuilds cars and has a number of pending and Incomplete projects" – B.O.R. Rationale of Findings Page 2, lines 20 - 24*

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts That Violate the Law?

11 CCR § 1205(a)(6) defines Acts That Violate the Law as "*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*".

On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); *Attempt to Possess an Assault Weapon*. The Felony charge 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 firearm crimes both generally and as part of LAPD's Gun Unit. Although the investigation was turned over to local law enforcement for prosecution, Respondent 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 spent several weeks between December 21, 2020, and April 28, 2021, searching the internet for "fuel filter" and/or "solvent trap" with some variation of the words and numbers "Napa", "WIX", "1/2", "28", "5/8", "24", "24003", and "4003" as well as various sites advertising threaded pistol barrels. All of these key search words are identified in ATF Technical Bulletin 20-01 "Inline Filter Firearms Silencers" dated October 30, 2019, and/or ATF Technical Bulletin 17-02 "Solvent Traps" dated April 20, 2017. Additionally, LAPD Criminalist Biraimah testified at Respondent's BOR hearing that "Napa 4003" is a well known code for firearms suppressors among firearms enthusiasts. Respondent's searches for Fuel Filter or Solvent Trap ended on March 15, 2021 – two days prior to his purchase of the silencer.

On March 17, 2021, Respondent used his personal PayPal account to purchase a "Napa 4003 WIX 24003 ½ - 28 5/8 -24 Fuel Filter Aluminum Solvent Trap" while off duty. After that date the LAPD internet use audit into Respondent's web searches showed he only searched for websites that sold threaded firearm barrels. His searches for Fuel Filter or Solvent Trap ended on March 15, 2021. On April 22, 2021, a CBP Officer intercepted a package addressed to Respondent at Respondent's home address with the customs description of "Fuel Filter" on the outside. The shipping label also contained the description, "Spiral ½ - 28 single-core automobile fuel filter".

An LAPD Criminalist inspected the item and stated it was his professional opinion that the item was a firearm silencer. An LAPD automotive supervisor inspected the item and stated not only would the item not fit a Toyota Celica, but the item was also incapable of being used as a fuel filter as it had no internal filtering capabilities; it was an open core.

During his career as a peace officer, Respondent served on the LAPD's Gang and Narcotics Division's Gun Unit. Respondent's supervisor at LAPD testified at his personnel Board of Rights hearing that one of Respondent's job

responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. Additionally, Respondent has qualified as a gun expert for purposes of testifying in State court proceedings[5]. During his IA interview, Respondent claimed to have used department computers to research silencers for work related purposes only, although he could not provide specific cases or reports that required the specific searches he conducted. Even assuming Respondent's statement to be true, it demonstrates that he was fully aware that these products – the same type as the one he ordered for himself shortly thereafter – were firearm silencers.

Respondent is an experienced peace officer with almost twenty-seven years in the LAPD. In his position as an LAPD Officer, Respondent was not only charged generally with getting illegal guns off the streets but had been a part of the LAPD's Gun and Narcotic Division's 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 Respondent's IA interview on January 11, 2022, beginning at the 14 minute and 11 second mark, he was asked by his attorney to explain why he never owned any firearm suppressors or silencers, he stated, "Because that's illegal". This, together with Respondent's training, knowledge, and admitted research, demonstrates that his purchase of the silencer was an intentional violation of the law.

At the 22 minute and 55 second mark of the interview the I/O asked, "So you're telling me you're obviously aware a firearm suppressor or silencer is illegal in California, is that correct?". To which the Respondent replied, "Yeah, and apparently parts as well, based on the law." This response shows not only Respondent's culpability, but also a persistent lack of accountability by continuing to refer to the silencer as a "part."

Based on the facts and analysis presented, this intentional violation of the law committed by the respondent peace officer is egregious.

[5] Noted by the Board of Rights in its Rationale on Findings, dated February 14, 2024; pg 2, line 24 – pg 3, line 1.

VI. Supporting Evidence and Documentation

- Attachment A – Respondent's POST Profile Report
- Attachment B – Picture of Package as Addressed
- Attachment C – ATF Technical Bulletins
- Attachment D – Picture of Seized Item
- Attachment E – DOJ Printout of Registered Weapons
- Attachment F – LAPD Internal Audit Report
- Attachment G – Search Warrant Supplement (PayPal)
- Attachment H – Amazon Purchase Picture
- Attachment I – Criminal Court Documents
- Attachment J – BOR Rationale Documents
- Attachment K – IA Interview Audio
- Attachment L – LAPD Criminalist Report

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: April 30, 2025

CASE #: POST2306324

PEACE OFFICER: Luke Walden

POST ID#: A95 - T18

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: William Imboden / Mike Radford

ALLEGATION(S):

Commission Regulation 1205(a)(1) Dishonesty

Commission Regulation 1205 (a)(6) Acts that Violate the Law

January 2021, through March 2021, Respondent Officer, Detective Luke Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, firearm silencers, and noise suppressors commonly sold as "oil filters". On March 17, 2021, Respondent, made an online purchase of a purported automotive oil filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection and an investigation was conducted by Homeland Security Investigations when it was discovered that the package contained a silencer.

In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410F, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end oil filter for an early 1980's Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights hearing. In February 2024, the Board of Rights unanimously found Respondent "Guilty" of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as oil filters, for specific types of weapons to include ones the respondent owned.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent attempted to purchase an illegal firearm silencer and then was dishonest in his internal affairs investigation. These acts were sufficiently egregious to warrant revocation of peace officer certification pursuant to 13510.8(b)(1) and 13510.8(b)(6).

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	5/8/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	5/8/25 Date
Manny Alvarez Executive Director	Signature	05/09/2025 Date

cc: Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

WALDEN, LUKE BAXTER

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

AKA: N/A

DATE: 05/19/2023

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A95-T18	LOS ANGELES PD	[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
97748	B	01/20/2000		53.00		Invalid
93079	I	06/03/2008	42	53.00		Invalid
86768	A	02/10/2011	78	53.00	0.00	Invalid
85863	S	10/24/2016	78.00	0.00	0.00	Invalid

Total Number of Certificates: 4

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
07/06/1998	10/07/2012	7	PO	07/06/1998	19420	LOS ANGELES PD	F	P	
07/06/1998	06/15/2014	7	DET	10/07/2012	19420	LOS ANGELES PD	F	P	
07/06/1998	06/05/2022	7	SUP	06/15/2014	19420	LOS ANGELES PD	F	P	
07/06/1998			DET	06/05/2022	19420	LOS ANGELES PD	F	P	

*Reason for Separation: 7 = Promotion/Demotion

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/31/1998	K	4890-23272-98-072	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
01/15/1999	A	1850-00100-98-001	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
02/18/1999	K	1850-21025-98-021	16	R	Y	19420	LAPD		ARREST/CONTROL TACTICS UPDATE
04/08/1999	K	1850-20680-98-110	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
04/08/1999	K	1850-29901-98-258	2		Y	19420	LAPD		S&K-INTOXIMETER
08/03/1999	K	1850-23761-99-014	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/08/2000	K	1850-29900-99-314	8		Y	19420	LAPD		S&K-CRIME SCENE INVEST
02/17/2000	K	1850-29900-99-388	8		Y	19420	LAPD		S&K-.45 PISTOL TRANSITION COUR
05/23/2000	K	1850-29900-99-665	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
01/15/2001	K	1850-29900-00-299	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
01/19/2001	K	1850-32290-00-003	32		Y	19420	LAPD		JUVENILE LAW ENFORCEMENT
02/19/2001	K	1850-29900-00-421	8		Y	19420	LAPD		S&K-FIREARMS BEAN BAG
07/11/2001	K	1850-32095-01-023	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/03/2001	K	1850-22405-01-021	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
04/10/2002	K	1850-22405-01-139	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
05/14/2002	K	1850-21025-01-054	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/13/2002	K	1850-22405-01-089	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
10/04/2002	K	1850-32651-02-001	40		Y	19420	LAPD		NARC INVESTIGATION
10/21/2002	K	4890-23284-02-001	8		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT
03/06/2003	K	1850-29900-02-415	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
03/25/2003	K	1850-29900-02-473	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
07/11/2003	K	1850-22120-03-001	24		Y	19420	LAPD		SURVEILLANCE TECHNIQUES
08/04/2003	K	1850-29900-03-024	8		Y	19420	LAPD		S&K-MANAG WORKPLACE MOD #248
10/23/2003	K	1850-23161-03-009	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
11/07/2003	K	1850-31725-03-004	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/19/2003	K	1850-29900-03-083	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
03/02/2004	K	1850-31810-03-025	16		Y	19420	LAPD	*	FIREARMS/SEMI-AUTO PISTOL
01/20/2005	K	1850-21025-04-031	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/21/2005	K	1850-32075-04-039	16		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/10/2005	K	1850-22414-05-008	2	X	Y	19420	LAPD		FIREARMS/OFCR SURVL SHOOTING

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/24/2005	K	1850-31767-05-032	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/14/2006	K	1850-22418-05-002	4		Y	19420	LAPD		PEDESTRIAN STOPS/WEAPONS
02/14/2006	K	1850-20832-05-002	4		Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
04/27/2006	K	1850-23161-05-023	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
05/04/2006	K	1850-32075-05-023	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/30/2006	K	1850-24270-05-016	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
09/14/2006	K	1850-32095-06-017	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/10/2006	K	1850-32693-06-026	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
11/28/2006	K	1850-32075-06-020	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
01/10/2007	K	1850-29502-06-064	4	X	Y	19420	LAPD	*	DRIVING(PSP)
01/10/2007	K	1850-21124-06-059	4	R	Y	19420	LAPD	*	FOOT PURSUITS
01/10/2007	K	1850-29000-06-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
05/23/2007	K	1850-32075-06-050	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
07/31/2007	K	1850-21018-07-017	2		Y	19420	LAPD		BUILDING SEARCHES
07/31/2007	K	1850-22418-07-009	4		Y	19420	LAPD	*	PEDESTRIAN STOPS/WEAPONS
07/31/2007	K	1850-20832-07-010	4	R	Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
09/06/2007	K	1850-32075-07-022	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
10/02/2007	K	1850-21752-07-010	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/04/2007	K	1850-32075-07-048	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
03/05/2008	K	1850-32693-07-013	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
10/24/2008	K	1850-31725-08-001	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/07/2008	K	1850-21165-08-006	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
01/05/2009	K	1850-31789-08-091	8	X	Y	19420	LAPD		WMD UPDATE
01/21/2009	K	1850-20662-08-009	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
04/15/2009	K	1850-24270-08-014	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-24270-09-004	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-21647-09-027	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/13/2010	K	1850-32693-09-012	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
05/12/2010	K	1850-29503-09-109	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
05/25/2010	K	1850-32078-09-037	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/07/2010	K	1850-20147-09-208	10		Y	19420	LAPD		MACTAC BASIC
07/06/2010	K	1850-21165-10-042	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
07/06/2010	K	1850-21065-10-140	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/29/2010	K	1850-22680-10-001	8		Y	19420	LAPD		P.R.O.A.C.T.
04/26/2011	K	1850-24270-10-007	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/13/2011	K	1850-32693-11-002	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/15/2012	K	1850-21752-11-036	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
05/29/2012	K	1850-24270-11-024	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/03/2012	K	1850-32078-12-067	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/28/2012	K	1850-22435-12-003	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
03/05/2013	K	1850-32078-12-085	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/04/2013	K	9260-22020-12-025	8		Y	19420	DOJ		ELECTRONIC SURVEILLANCE
06/19/2013	K	1850-32693-12-025	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
09/10/2013	K	1850-24270-13-004	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/17/2013	K	1850-32078-13-010	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/06/2013	K	1850-24270-13-015	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
02/20/2014	K	1850-32693-13-024	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
03/19/2014	K	1850-29502-13-140	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/19/2014	K	1850-21124-13-073	4	X	Y	19420	LAPD	*	FOOT PURSUITS
03/25/2014	K	1850-32078-13-076	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/12/2014	K	1850-32693-13-034	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
06/27/2014	D	1850-00400-13-008	80		Y	19420	LAPD		SUPERVISORY COURSE
06/30/2014	K	9180-25554-13-365	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
07/02/2014	K	1850-29000-14-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
08/05/2014	K	1850-29000-14-255	2	X	Y	19420	LAPD		MENTAL HEALTH UPDATE
09/18/2014	K	1850-32085-14-001	24	X	Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
10/20/2014	K	1850-32078-14-048	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/30/2014	G	1850-31487-14-001	24	X	Y	19420	LAPD		INVESTIGATIVE SUPERVISORY OPERATIONS-DETECTIVES
04/13/2015	K	1850-32078-14-147	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/10/2015	K	1850-21124-15-013	4		Y	19420	LAPD	*	FOOT PURSUITS
08/13/2015	K	1850-32691-15-014	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
10/17/2015	K	1850-20167-15-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
01/14/2016	K	1850-24270-15-022	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
03/16/2016	K	1850-21165-15-019	4	R	Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
03/30/2016	K	1820-21842-15-018	8	X	Y	19420	LASD		COPLINK BASIC USERS' COURSE
04/06/2016	K	1850-32078-15-055	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/29/2016	K	1850-32691-15-012	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
07/07/2016	K	9180-25554-16-007	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
11/02/2016	K	1850-32078-16-072	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/10/2016	K	1850-32592-16-011	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/15/2016	K	1850-21185-16-070	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
04/25/2017	K	1850-32078-16-155	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/22/2017	K	1850-29303-17-029	4	X	Y	19420	LAPD		BELOW 100
08/22/2017	K	1850-20268-17-028	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
10/03/2017	K	1850-24270-17-007	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/24/2017	K	9180-25585-17-116	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
11/09/2017	K	1850-32078-17-077	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
02/01/2018	K	1850-29502-17-058	4	X	Y	19420	LAPD	*	DRIVING(PSP)
02/01/2018	K	1850-21124-17-008	4	X	Y	19420	LAPD	*	FOOT PURSUITS
04/12/2018	K	1850-32078-17-187	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
09/20/2018	K	9180-25587-18-082	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
10/04/2018	K	1850-24270-18-015	6	X	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/01/2018	K	1850-29503-18-043	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2018	K	1850-32691-18-015	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
12/05/2018	K	1850-32078-18-084	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/18/2018	K	1850-21954-18-071	9	X	Y	19420	LAPD	*	CROWD CONTROL
10/01/2019	K	1850-32078-19-020	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/02/2019	K	1850-29503-19-038	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
02/18/2020	K	9180-25585-19-233	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
06/17/2020	K	1850-20799-19-078	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
07/23/2020	K	1850-32592-20-004	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/01/2020	K	9180-25590-20-154	2	X	Y	19420	POST		COURTROOM TESTIMONY (WEB)

POST PROFILE NAME:

WALDEN, LUKE BAXTER

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

AKA: N/A

DATE: 05/19/2023

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/08/2020	K	1850-21954-20-014	9	X	Y	19420	LAPD	*	CROWD CONTROL
12/15/2020	K	9180-25588-20-168	4	X	Y	19420	POST		CALLERS IN CRISIS: SUICIDAL CALLERS (WEB)
04/28/2021	K	1850-32063-20-024	8	X	Y	19420	LAPD		FIREARMS - SIGHTING SYSTEMS

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.


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TO
[redacted]
13

October 30, 2019

"Inline Filter" Firearm Silencers

This information is provided to assist ATF personnel in identifying devices marketed as "inline filters" that are actually firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean, "*...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

ATF Firearms & Ammunition Technology Division Technical Bulletin 17-02 addressed various types of filters used as "solvent traps" and "firearm silencers." Bulletin 17-02 determined that an unmodified "spin-on" automotive filter is suitable for use as a "solvent trap." With regard to an "inline fuel filter" (IFF), the bulletin acknowledged holes on each end but, relying on solid filter interior, stated "*Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.*"

Recently, FTCB has observed an increased number of criminal cases involving firearm silencers manufactured from IFFs. This increase in the use of IFFs as silencers, as well as the need for more thorough analysis of these items, prompted FTCB personnel to clarify the classification of inline filters purportedly used as solvent traps.

Solvent traps

Legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. **The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through (including "pilot" holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or indexing mark for a hole in the front end-cap are classified as a "firearm silencer" under the NFA.**

Inline filters

In contrast to spin-on filters, IFFs have holes at both ends and are specifically designed to allow fluid to pass through; therefore, inline filters are not objectively suitable for use as solvent traps. Therefore, the only logical purpose for attaching an IFF to the muzzle of a firearm is for use as a firearm silencer.

As referenced in Bulletin 17-02, IFFs are designed to use filter elements or flow valves without center holes. This is a design characteristic IFFs share with some firearm silencers. For example, U.S. Patent 4,530,417 mentions creating a center hole through baffles or wipes installed in a firearm silencer using the first round fired through the device. FTCB personnel tested several commercially sourced IFFs and found that an *unmodified* IFF attached to the barrel of a firearm functions to reduce the report of a portable firearm utilizing this method and would therefore meet the definition of a "firearm silencer."

Fuel dispensing system hoses and nozzles typically utilize 3/4" or 1" National Pipe Tapered (NPT) threads, but threaded firearm barrels are not compatible. Adapters are therefore needed to attach IFFs to firearms (see chart below). FTCB research found no fuel fittings of the same size and pitch as those commonly found on firearm barrels. NOTE: Multiple adapters may be needed between the barrel and IFF.

Accordingly, FTCB has determined that an inline fuel filter possessed with a firearm modified to accept it, or with an adaptor(s) designed to affix the filter to the muzzle of a firearm (multiple adapters may be required), demonstrates intent to use the inline fuel filter to silence, muffle, or diminish the report of a portable firearm; therefore, it is a "**firearm silencer**" as defined. Further, as discussed below, an inline fuel filter with an end-cap having threads of the same size and pitch of those commonly found on threaded firearm barrels is a "**firearm silencer**" as defined.

YouTube contains a plethora of videos demonstrating IFFs (attached to firearm barrels) being used as silencers. Additionally, there are numerous websites on the Internet marketing various parts and kits intended for use in IFFs. A simple Google search for "NAPA 4003" will return

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multiple sites advertising items promoted as "fuel filters" that have no filtering capability. Similar parts and kits are also marketed as "solvent traps," "solvent trap accessories," or "dry storage containers."

Such deceptive advertisements sometimes include an "NFA Warning" or a legal disclaimer regarding the use or modification of these devices as, or in the fabrication of, firearm silencers. The inclusion of these disclaimers or statements, as well as customer comments and reviews, suggest the seller's knowledge of the intended end use of those items.

Some of the devices marketed as IFFs come assembled with end-caps threaded with the same sizes as found on firearm barrels, which negates the need for a thread adapter. These devices may contain the same threads in each end-cap, different sized threads in each end-cap, or even a threaded rear end-cap along with an unthreaded front end-cap.

EXAMPLES OF "FIREARM SILENCERS"

Threaded adapter and NAPA 4003 IFF

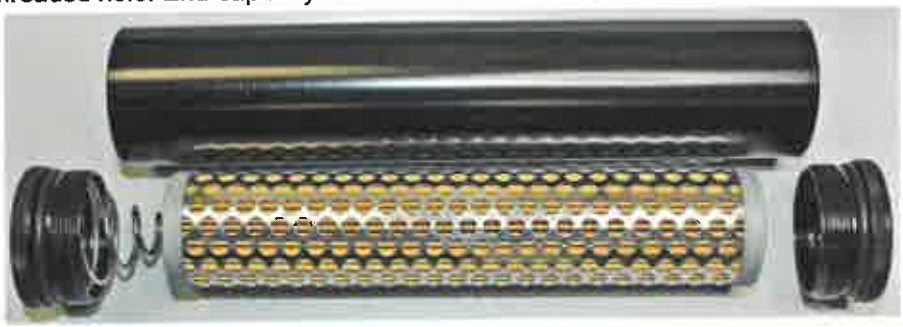
Threaded adapter for use with spin-on and inline filters. Multiple external thread pitches for use with different sized threads. Most common internal thread pitches are: 1/2-28 or 5/8-24 for compatibility with threaded firearm barrels. The adapter pictured is for use in attaching various sized automotive filters and is externally threaded with: 3/4-16, 13/16-16, and 3/4NPT (tapered pipe threads). NAPA/WIX IFFs are assembled with 3/4NPT internal threads in both end-caps.



Inline filter marketed as NAPA 4003

End-caps typically contain internal threads compatible with threaded firearm barrels. Most common sizes are 1/2x28 or 5/8x24. Filter element is too short for housing and will allow fluids to bypass without filtering. May have different size threads in each end cap or may have threads in only one end while other end has an unthreaded hole. End-cap may be marked inside or out with thread size.

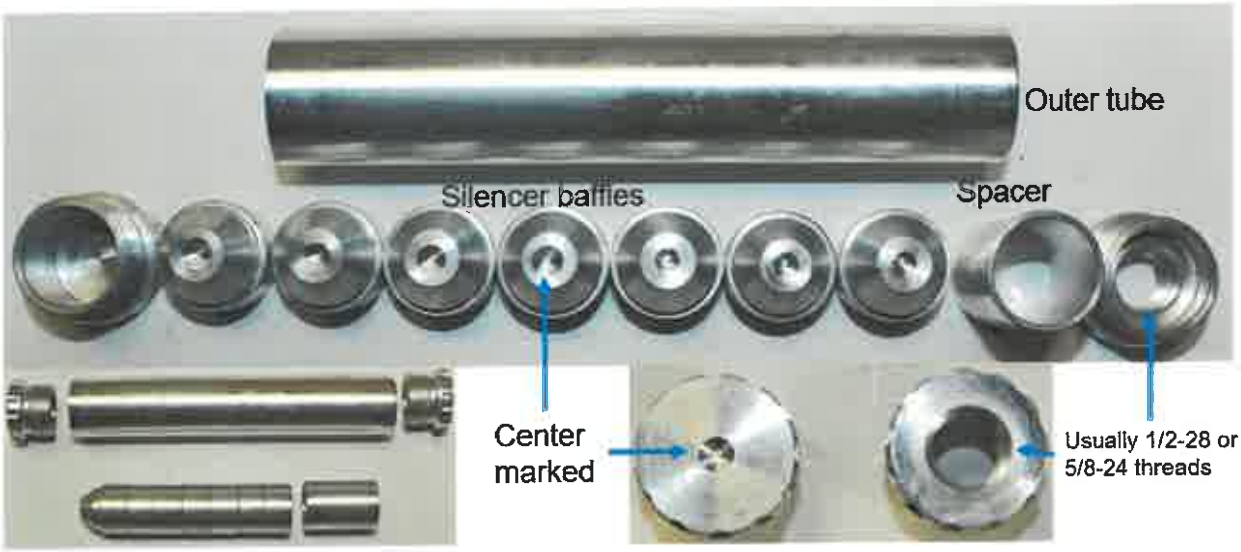




1C

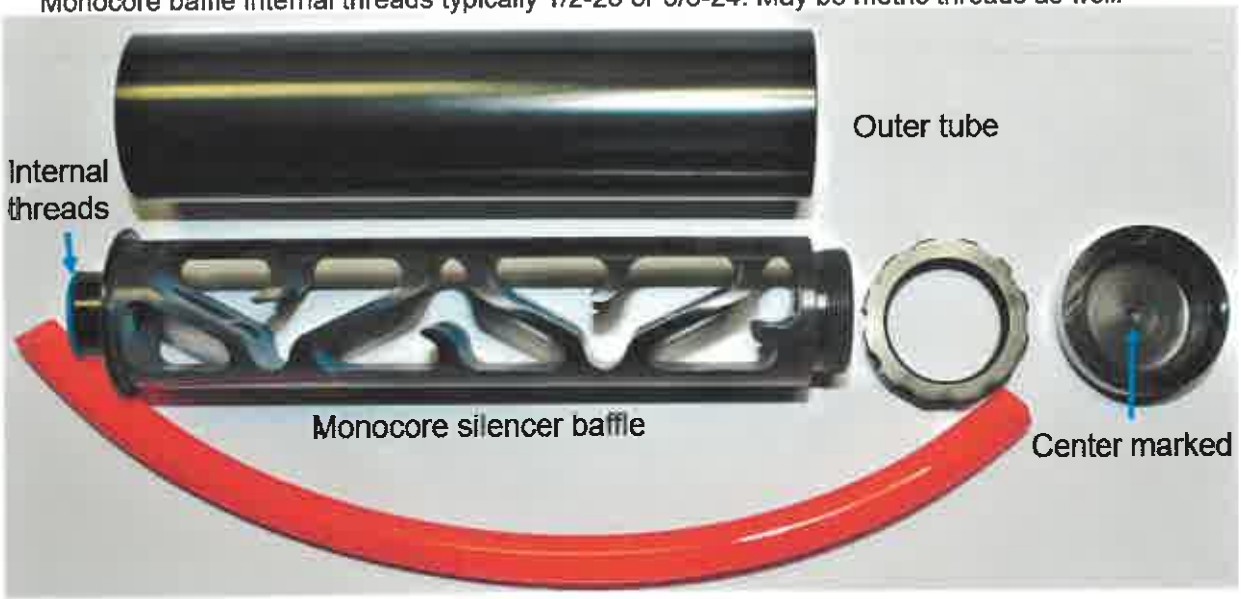
Marketed as NAPA 4003 filter

No filtering capability. Multiple silencer baffles and end-cap with center indicated. Includes a spacer to create a "blast chamber" at barrel end of device, a known silencer feature.



Marketed as NAPA 4003 filter

No filtering capability. Monocore silencer baffle with one end threaded for attachment to firearm barrel. Pictures on website may include mock-up of device, with hose attached, on a car or motorcycle engine. Includes an open nut to retain tube over monocore baffle and a closed end-cap with a mark indicating the center, and a length of hose. No fittings for included hose. Monocore baffle internal threads typically 1/2-28 or 5/8-24. May be metric threads as well.



ID

The following list of known firearm barrel thread sizes is not all-inclusive and intended only as a general reference.

AMERICAN STANDARD THREADS

THREAD	APPLICATION	CALIBER	TYPE
1/2-20 RH	Tec 22	.22 Caliber	Pistol
1/2-20 RH	CZ-452/455	.22 / 17 HMR	Rifle
1/2-28 RH	AR-15, M-16, AR-180	.223 / 5.56	Rifle
1/2-28 RH	Most Threaded .223 / 5:56		Rifle
1/2-28 RH	Most Threaded .22's		Rifle / Pistol
1/2-28 RH	Most Threaded 9mm		Pistol
1/2-28 RH	Ruger 10/22 Tactical	.22 Caliber	Rifle
1/2-28 RH	Newer Mini 14	.223 / 5.56	Rifle
1/2-28 RH	MPA57	5.7x28 MM	Submachine Pistol
1/2-28 RH	MPA "Mini"	9MM	Submachine Pistol
1/2-36 RH	AR-15, M-16, AR-180	9mm	Rifle
9/16-24 LH	FN FAL	.308 Caliber	Rifle
9/16-24 RH	Most Threaded .40		Pistol
9/16-24 RH	AR Grendel	6.50	Rifle
9/16-24 RH	Older Mini 14	.223 / 5.56	Rifle
9/16-24 RH	L1-A1	.308 Caliber	Rifle
9/16-24 RH	Glock 20	10 mm	Pistol
9/16-24 RH	H&K 94	9x19mm	Rifle
9/16-24 RH	MP5	9mm	Submachine Pistol
.578x28 RH	Most Threaded .45 Caliber		Pistol
.578x28 RH	Threaded 1911	.45 Caliber	Pistol
5/8 x 11 RH	M11/M12	.380 Caliber	Submachine Pistol
5/8-24 RH	Most Threaded .308		Rifle
5/8-24 RH	Many Threaded .30		Rifle
5/8-24 RH	UZI Carbine/ SMG	9mm	Rifle
5/8-24 RH	Ruger Mini 30	.30 Caliber	Rifle
5/8-24 RH	AR-10 / M14	.308 Caliber	Rifle
5/8-24 RH	300 Blackout	.300 Caliber	Rifle
5/8-24 RH	AR-15	7.62x39	Rifle
11/16x16 RH	MPA .45 Caliber Rifles		
11/16x24 RH	.450 Bushmaster		Rifle
11/16x24 RH	Alternative .308 Threading		Rifle
11/16x24 RH	Alternative bull barrel Threading		Rifle
3/4-10 RH	M10 / M11	9mm	Submachine Pistol
3/4-24 RH	Desert Arms Tactical Rifles		
7/8" x 9 RH	MPA10	.45 Caliber	Submachine Pistol
7/8" x 14 RH	All Barretts & EDM	.50 BMG	Rifle
1" x 14 RH	AR450	.50 BMG	Rifle
1" x 14 RH	McMillian TAC-50	.50 BGM	Rifle

IE

METRIC THREADS

THREAD	APPLICATION	CALIBER	TYPE
M8 x .75 RH	Walter p22	.22 Caliber	Pistol
M8 x .75 RH	M&P 22	.22 Caliber	Pistol
M8 x .75 RH	Colt/Umarex 1911 A1	.22 Caliber	Pistol
M8 x .75 RH	Colt Gold Trophy	.22 Caliber	Pistol
13mm x 1 LH	Steyr Aug	.223 /5.56	Rifle
13mm x 1 RH	Galil	.223 / 5.56	Rifle
13mm x 1 RH	Galil	.308 / 7.62	Rifle
13mm x 1 RH	Older Glock 26	9x19mm	Pistol
13.5mm x 1 LH	Sig P228/P229/P239	9mm	Pistol
14mm x 1 LH	AK-47	7.62x39	Rifle
14mm x 1 RH	VZ58	7.62x39	Rifle
14mm x 1 RH	Yugo SKS	7.62x39	Rifle
15mm x 1 RH	H&K 91 / G3	7.62x39	Rifle
15mm x 1 RH	H&K 93 / 33 / G-53	5.56	Rifle
16mm x 1 LH	Threaded H&K .45 Barrels		Pistol
16mm x 1 RH	H&K Mark 23 (Socom)	.45 Caliber	Pistol
17mm x 1 RH	MAS 1949-56	.308 Caliber	Rifle
18mm x 1 RH	Sako TRG	.338 Caliber	Rifle
18mm x 1.5 RH	Accuracy International	.338 Caliber	Rifle
22mm x.75 RH	Saiga 12 Gauge		Shotgun
		7.62x39, 7.62x54	
24mm x 1.5 RH	AK-74	5.45x39	Rifle
		5.56x45	
26mm x 1.5 LH	PAP M92 / M85	7.62x39	Pistol

COMMON FILTER THREADS

THREAD	APPLICATION
3/4-16 RH	Ford, Dodge, & Jeep Spin-on Oil Filters
13/16-16 RH	Chevy & GM Spin-on Oil Filters
3/4 NPT	Standard Pipe fittings
3/4 NPT	Napa 4003 Inline Fuel Filter
3/4 NPT	Wix 24003 Inline Fuel Filter

This information is intended to assist ATF and law enforcement personnel in identifying items marketed as "inline filters" that are "firearm silencers" as defined. If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

IF

April 20, 2017

"Solvent Traps"

This information is provided to assist ATF personnel tasked with differentiating so-called "solvent traps" from firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

Background:

Numerous manufacturers and sellers are marketing devices that they call "solvent traps." These devices often resemble firearm silencers, and many contain multiple design characteristics of firearm silencers. "Solvent traps" are marketed as devices which are attached to the barrel of a firearm during cleaning in order to catch excess cleaning fluids. These devices attach to firearm barrels in the same method as firearm silencers.

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"*...any device **for** silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and **intended** for use in assembling or fabricating a firearm silencer or firearm muffler, and any part **intended** only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

As highlighted in the above definition, a key factor in distinguishing between a "solvent trap" and a firearm silencer is the **intended** use for the device. Some devices called "solvent traps" may have a legitimate purpose as a firearm accessory. However, while the manufacturer's stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use.

2A

Background (cont.):

Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, and freeze plugs are sometimes used to assemble firearm silencers. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise demonstrates these articles are to be used for making a firearm silencer. Once such an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the GCA and NFA and is properly classified as a "firearm silencer."

Identification:

The first "solvent traps" that the Firearms & Ammunition Technology Division examined were in the form of repurposed oil filters. While some sellers marketed these devices as "solvent traps," others sold them as NFA registered firearm silencers, under names such as the "Econo-can." Registered firearm silencers of this type may have the thread adaptor as the registered part.

Many unmodified oil filters are recognized as having a legitimate purpose as "solvent traps" and are not generally classified as firearm silencers unless used as a firearm silencer.



Oil Filter



"Solvent trap"



Firearm with solvent trap attached

2B

Identification (cont.):

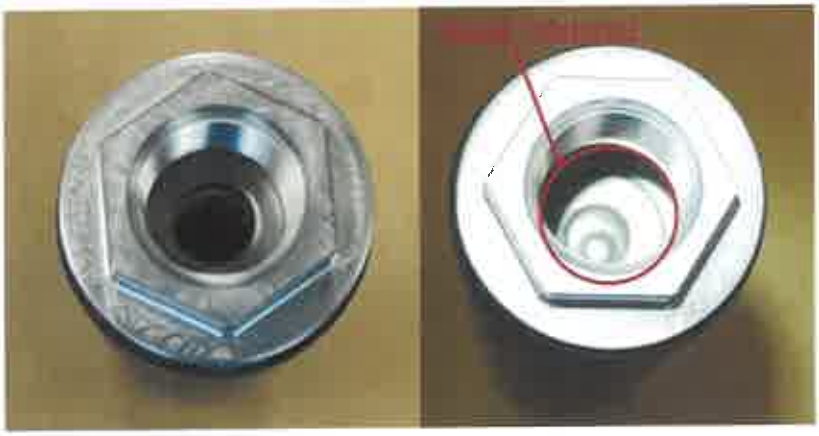


Firearm Silencer

The next phase of "solvent traps" evolution was the use of fuel filters, which more closely resembled the appearance of traditional firearm silencers. Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.



Fuel Filter "Solvent trap"



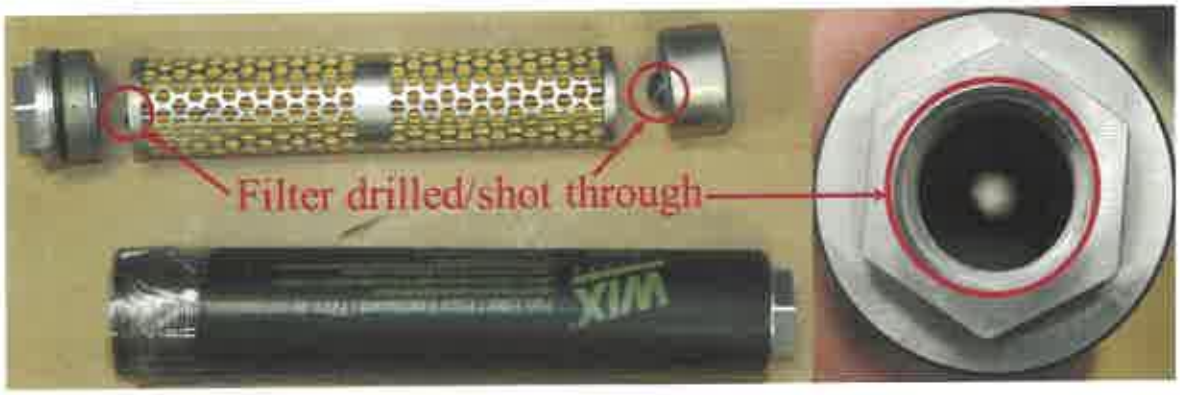
Fuel Filter "Solvent trap"

2C

Identification (cont.):



Firearm Silencer



Firearm Silencer

Flashlight bodies are also sold as "solvent traps," with one end threaded to attach to a firearm barrel and the forward end-cap solid. Like unmodified oil filters or fuel filters, many flashlight "solvent traps" have been determined to have a legitimate purpose of catching excess cleaning fluids.



Flashlight "Solvent trap"



Flashlight "Solvent trap"

20

Identification (cont.):

However, flashlight "solvent traps" are sometimes sold with index markings, showing where the hole would need to be drilled in order to modify the "solvent trap" into a firearm silencer. FATD has consistently held the opinion that any index marking is the same as having a hole in the location of the index. Accordingly, any flashlight "solvent trap" with a hole drilled in the forward end-cap could be classified as a firearm silencer.



Flashlight Firearm Silencer



Flashlight Firearm Silencer



Flashlight Firearm Silencer

The current trend in the "solvent trap" market are devices which utilize the characteristics of firearm silencers. Unlike the previously mentioned oil/fuel filters and flashlight "solvent traps," these devices are not repurposed. These devices are specifically manufactured as firearm silencers while being marketed as "solvent traps." These devices often come with a set of "spacers" which resemble firearm silencer baffles.

These "spacers" serve no legitimate purpose in a "solvent trap" as they prevent the collection of cleaning fluids. Some sellers have also marketed their devices as "dry storage containers" which are reportedly or allegedly designed to safely store items such as heirloom seeds. FATD does not recognize this stated purpose as a legitimate reason to attach such a device to a firearm barrel as the objective design features support classification as a firearm silencer.

2E

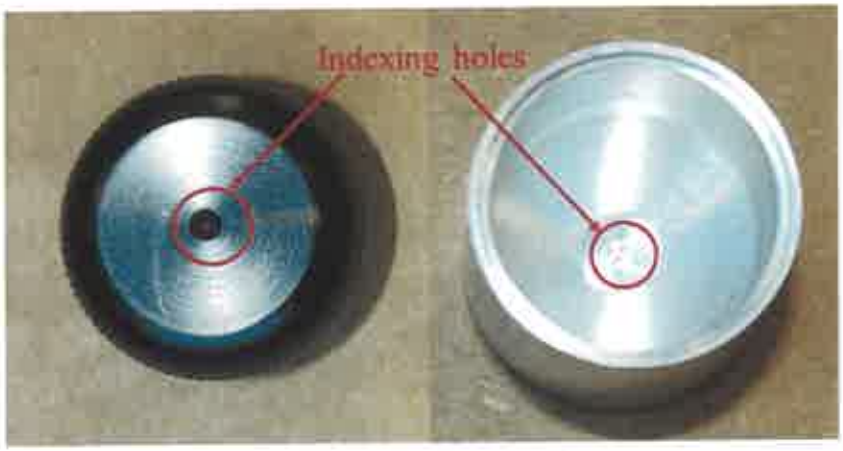
Identification (cont.):



Firearm Silencer

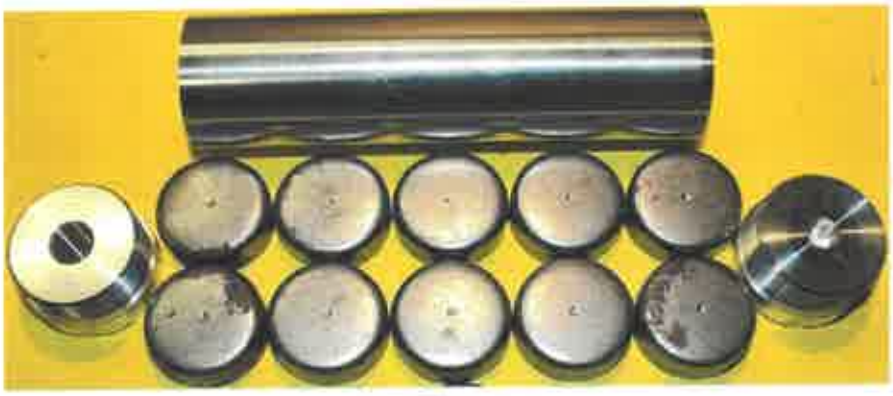


Firearm Silencer baffles



Firearm Silencer components

Identification (cont.):



Firearm Silencer



End-cap Modified freeze plug

In conclusion, for a device to be considered a "solvent trap" and not a firearm silencer, it must be designed and actually function in such a way to trap and hold cleaning fluids without holes, index markings or other design features that demonstrate it is actually intended to be used for silencing the report of a firearm. Such an item is considered a solvent trap because the statutory definition of silencer does not include otherwise unregulated items simply because they have the capability, or may be adapted, to be used as silencers. Instead, the statute speaks of a device "for" silencing or muffling. Therefore, mere possession of a "solvent trap" or components which *could* be used in the assembly of a firearm silencer does not necessarily constitute possession of a firearm silencer. Intent must be demonstrated or communicated. For example, indexing holes as shown above demonstrate such intent because these serve no benefit in collecting solvent or debris, but demonstrate the location of holes if these parts are to be used in a silencer.

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Identification (cont.):

Finally, an unregulated device such as a "solvent trap" may be repurposed by an individual such that a regulated NFA firearm silencer is made. Where the objective design or characteristics of the item do not make it clear that the item is now "for" silencing or diminishing the report of a portable firearm, it is the Special Agent's responsibility to establish the requisite intent.

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FATD cannot render a formal determination without physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.



L4Q30606

RE: LAPD Inquiry

BOFAFS <BOFAFS@doj.ca.gov>
Thu 4/22/2021 10:38 AM
To: Ross Nemeroff <31679@lapd.online>

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here are his records. You will her from another agency concerning the permit.

Thanks,

Chris

RE: NAM/WALDEN,LUKE DOB[redacted]
RESPONSE TO QGM INQUIRY

DATA IN AFS.

* DROS - PRIVATE PARTY TRANSFER
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20200127 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/PAPIK,GREGORY MATTHEW DOB/[redacted]
ADR/[redacted]
CTY/[redacted] CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]/91344 CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] - LAPD OCA/[redacted]
FCN/2742003701606

* DROS - PRIVATE PARTY TRANSFER
SER/C145718 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ 75 SP 01
DOT/20180816 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10A

ADR/[redacted]
CTY/[redacted]CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/BROWN,VICTOR ARNOLD SDB/[redacted]
SDD/[redacted]
SCY/[redacted]CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741823905491

* DROS - PRIVATE PARTY TRANSFER
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP 9 PRO SERIES
DOT/20180529 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/NOSKI,CHRISTOPHER EDMUND DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]
FCN/2321815901738

* DROS - PRIVATE PARTY TRANSFER
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/35
DOT/20180514 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/KENNEDY,SCOTT HAYES DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]

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FCN/2321815507694

* DROS - DEALER SALE
SER/BFSA761 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17L
DOT/20170801 BBL/6-02 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601601

* DROS - DEALER SALE
SER/BEXS296 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20170801 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601600

* DROS - PRIVATE PARTY TRANSFER
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M P 9L
DOT/20170418 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/DIAZ,DANIEL DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]

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FCN/2741712202714

* DROS - DEALER SALE
SER/Y090900Q16 MAK/BNL BENELLI SPA CAL/12
TYP/SI SHOTGUN SEMI-AUTOMATIC MOD/M4
DOT/20170202 BBL/18-5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741704401799

* DROS - DEALER SALE
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205963

* DROS - DEALER SALE
SER/ZMP792 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205932

* DROS - DEALER SALE
SER/WH014908 MAK/WAL CARL WALTHER CAL/22

10D

TYP/RI RIFLE SEMI-AUTOMATIC ...OD/HK 416D
DOT/20150619 BBL/16-1 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321518202820

* DROS - DEALER SALE
SER/349480 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20150604 BBL/18 COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321516600950

* DROS - DEALER SALE
SER/XEC899 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741428002372

* DROS - DEALER SALE
SER/XEC904 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741428002371

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20140519 BBL/4-49 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/BANCROFT,VINCENT LAWRENCE III DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741414902598

* DROS - DEALER SALE
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP9L
DOT/20140412 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871412301211

* DROS - DEALER SALE
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M AND P 9 PRO
DOT/20140303 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted]- SIMI VALLEY PD OCA/[redacted]
FCN/7931407401216

* DROS - PRIVATE PARTY TRANSFER
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P14
DOT/20130614 BBL/5 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/GLOVER,JOSHUA ADAM DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted]- LAPD OCA/[redacted]
MIS/P U 06 24 2013
FCN/2741317102395

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20130520 BBL/4-5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/LLOYD,THOMAS ALLEN SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted] SIMI VALLEY PD OCA[redacted]
FCN/7931314500461

* DROS - PRIVATE PARTY TRANSFER

SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20120229 BBL/4 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/HOM,JAPHET CHOY DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741206600348

* DROS - DEALER SALE
SER/EAR8523 MAK/SW SMITH AND WESSON CAL/380
TYP/PI PISTOL SEMI-AUTOMATIC MOD/BG380
DOT/20110729 BBL/2-75 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871121500130

* DROS - DEALER SALE
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/P PISTOL MOD/35
DOT/20091007 BBL/5-32
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/P U 10 17
FCN/2740928600489

* DROS - DEALER SALE
SER/X14688 MAK/UBE ALDO UBERTI CAL/45
TYP/P PISTOL MOD/1860ARMYC
DOT/20080109 BBL/5-5

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740801201818

* DROS - DEALER SALE
SER/HBN744 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34
DOT/20050610 BBL/5-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740516601240

* DROS - DEALER SALE
SER/FWA730 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/21
DOT/20040304 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/INV530
FCN/2440407000960

* DROS - DEALER SALE
SER/FNA947 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17
DOT/20031116 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/25
FCN/2440332400446

* DROS - DEALER SALE
SER/FTG718 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20031009 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]

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CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/32
FCN/2440328801172

* DROS - DEALER SALE
SER/TDT8880 MAK/SW SMITH AND WESSON CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/20030428 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740312200306

* DROS - DEALER SALE
SER/NM169623 MAK/SPH SPRINGFIELD ARMORY CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1911AI
DOT/20021001 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/34898 DEV
FCN/2740228100285

* DROS - DEALER SALE
SER/CV20798 MAK/CLT COLT CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1091M1991A1
DOT/20011004 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740127800159

* DROS - DEALER SALE
SER/DA7331 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/LDA14
DOT/20010709 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740119201220

* DROS - DEALER SALE
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/D1445ER
DOT/20010614 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740116600160

* DROS - DEALER SALE
SER/A1720 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ97B
DOT/20010223 BBL/4-84
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740105700095

* DROS - DEALER SALE
SER/G151016 MAK/SSS SAUER, J. P., & SONS CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P220
DOT/20010116 BBL/4-4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740101700184

* DROS - DEALER SALE
SER/K067705 MAK/KIE KIMBER CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASICCUST
DOT/20001107 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740031300319

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49-3
DOT/19990125 BBL/2

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749902600114

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49
DOT/19981222 BBL/2
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749835700171

* DROS - DEALER SALE
SER/UB05585 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10 F
DOT/20200312 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742009000219

* DROS - DEALER SALE
SER/UB01996 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P 10 F
DOT/20200121 BBL/4-25 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742003400213

* DROS - DEALER SALE

SER/1374685 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20191205 BBL/16 UOM/IN COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741935001003

* DROS - DEALER SALE
SER/UB02001 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10F OR
DOT/20191016 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741930500843

* DROS - DEALER SALE
SER/BLRH981 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/45 GEN 5 MOS
DOT/20190619 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741918400739

* DROS - DEALER SALE
SER/CVF8325 MAK/SW SMITH AND WESSON CAL/357
TYP/PR PISTOL REVOLVER MOD/M327
DOT/20190502 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***

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NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741913303195

* DROS - DEALER SALE
SER/ADGL428 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 5 MOS
DOT/20190221 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741906500550

* DROS - DEALER SALE
SER/C540418 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ SHADOW 2
DOT/20180816 BBL/4-5 UOM/IN COL/GRAY
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] LAPD OCA/[redacted]
FCN/2741823905521

* DROS - DEALER SALE
SER/A5403 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/97
DOT/20000428 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]

ION

FCN/2740012200417

* DROS - DEALER SALE
SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20000224 BBL/4-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI[redacted] LAPD OCA/[redacted]
FCN/2740005600199

* DROS - DEALER SALE
SER/TDN1967 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/19990819 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749923200118

* DROS - DEALER SALE
SER/K040569 MAK/KIE KIMBER CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASSIC CUS
DOT/19990609 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749916100193

* DROS - DEALER SALE
SER/VZE3898 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/5906
DOT/19981212 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749834800410

* DROS - DEALER SALE
SER/22191991 MAK/SR STURM, RUGER & CO CAL/22
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MK2

100

DOT/19980219 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749805400052

* DROS - DEALER SALE
SER/AF19030 MAK/SSS SAUER, J. P., & SONS CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P229
DOT/19970616 BBL/3-75
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749716800268

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SM72384 MAK/SW SMITH AND WESSON CAL/556
TYP/R RIFLE MOD/MP15
DOT/20180606
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861816315008

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/DS29163 MAK/DBS DOUBLE STAR CORP CAL/556
TYP/R RIFLE MOD/STAR 15
DOT/20180517
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861813704605

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/LE036468 MAK/CLT COLT CAL/223
TYP/R RIFLE MOD/LE6920
DOT/20080820
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10P

ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860823300266

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9362530 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301302

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SL002434 MAK/CLT COLT CAL/556
TYP/R RIFLE MOD/SPORTER
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301300

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/K4320 MAK/AAR AMERICAN ARMS INC CAL/9
TYP/P PISTOL MOD/SITES
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301299

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/65907 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
AD[redacted]

10 Q

CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301298

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9420 MAK/MEI MERIDIAN FIREARMS CO CAL/308
TYP/R RIFLE MOD/FA91G3
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301297

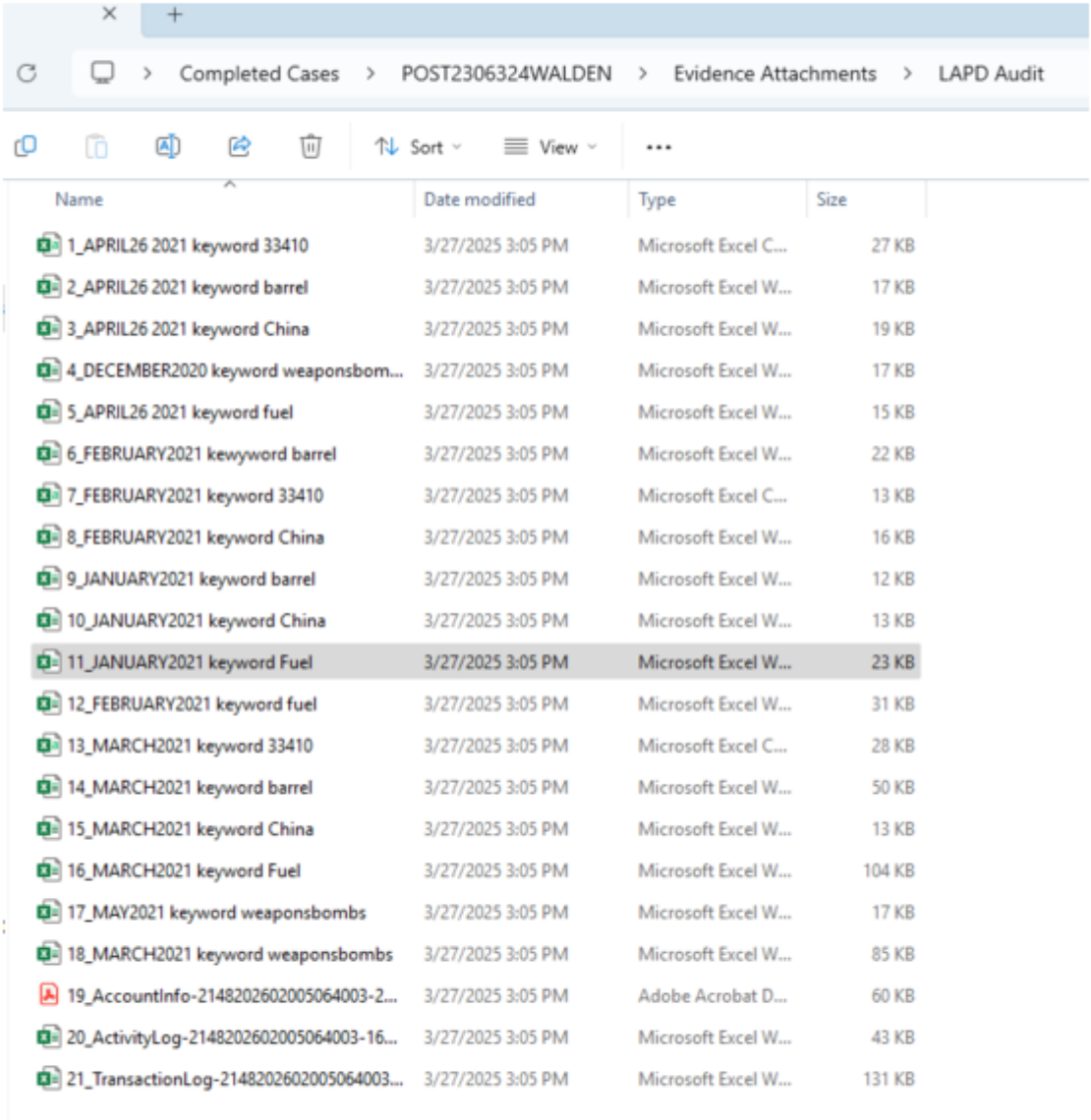
* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/A91277 MAK/US UNITED STATES CAL/9
TYP/R RIFLE MOD/AT9
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301295

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/10089 MAK/EAA EAGLE ARMS CAL/556
TYP/R RIFLE MOD/EA15
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301294

END AFS RESPONSE.

From: Ross Nemeroff <31679@lapd.online>
Sent: Thursday, April 22, 2021 9:40 AM
To: BOFAFS <BOFAFS@doj.ca.gov>
Subject: LAPD Inquiry

10 R


Completed Cases
POST2306324WALDEN
Evidence Attachments
LAPD Audit
Sort
View
Name
Date modified
Type
Size
1_APRIL26 2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 27 KB
2_APRIL26 2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
3_APRIL26 2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 19 KB
4_DECEMBER2020 keyword weaponsbom... 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
5_APRIL26 2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 15 KB
6_FEBRUARY2021 kewyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 22 KB
7_FEBRUARY2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 13 KB
8_FEBRUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 16 KB
9_JANUARY2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 12 KB
10_JANUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 13 KB
11_JANUARY2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 23 KB
12_FEBRUARY2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 31 KB
13_MARCH2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 28 KB
14_MARCH2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 50 KB
15_MARCH2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 13 KB
16_MARCH2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 104 KB
17_MAY2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
18_MARCH2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 85 KB
19_AccountInfo-2148202602005064003-2... 3/27/2025 3:05 PM Adobe Acrobat D... 60 KB
20_ActivityLog-2148202602005064003-16... 3/27/2025 3:05 PM Microsoft Excel W... 43 KB
21_TransactionLog-2148202602005064003... 3/27/2025 3:05 PM Microsoft Excel W... 131 KB

LOS ANGELES POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION

CORONER CASE NUMBER | ☐ MULTIPLE

DATE THIS REPORT	DATE ORIGINAL RPT.	SPECIFIC TYPE OF ORIGINAL RPT. (ADW, TFV, EVID., ARREST/BURG., ETC.)	RD	DR NO.
7/12/2022	6/2/2022	17210 PC	9999	21-991310

VICTIM BOOKED TO / ARRESTEE (AS ON ORIGINAL REPORT)	IF RECLASSIFYING TO HOMICIDE SEX / DESCENT / AGE VICT'S	BKG NO. (SUPPL TO ARREST)	WORK FOLDER PERIOD ORIG. RPT / INDEX NO.

CASE STATUS 1 ☐ CLEARED BY ARREST 2 ☐ CLEARED OTHER 3 ☐ REPORT UNFOUNDED 4 ☒ INVESTIGATION CONTINUED

Use this section only to add or correct info - do not repeat info from previous reports. Exception: Complete entire suspect info if making final disposition.

DATE OCCURRED	CHANGE TO - ON OR BETWEEN MO DAY YEAR TIME	&	MO DAY YEAR TIME	TYPE ORIGINAL REPORT - CHANGE TO	RD- CHG. TO	DR NO. CHG. TO	INV DIV CHG TO

PROPERTY VALUE:	ADDITIONAL LOSS	PARTIAL RECOVERY	TOTAL RECOVERY	DELETED FROM ORIG. RPT.	DESCRIPTION CHANGE ☐	ITEM NOS. RECOVERED/DELETED (ON MULTI. RPTS. USE NARRATIVE)

	SEX	DESC	HAIR	EYES	HEIGHT	WEIGHT	DOB	AGE	NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
S-1	[redacted]								Walden, Luke [redacted]
									ACTION TAKEN: IC
S-2									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN
S-3									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN

NARRATIVE (USE BELOW COLUMNS FOR MULTIPLE REPORTS ONLY)

P/T/D	MULTIPLE RPT: DR NOS.	TYPE OF CRIME	RD	VICTIM'S NAME	DATE ORIG. RPT.	VALUE

SUPPLEMENTAL

I, Detective II Nemeroff, conducted an additional review of Walden's internet searches, which included specific dates and times, as well as other websites visited. I noted that a web link to Paypal.com succeded the internet searches for either a threaded barrel or "fuel filter".

I believed that a search of Walden's Paypal account may have revealed evidence of the purchase of threaded barrels, and compatible threaded "fuel filters", with the potential of creating an illegal silencer. Additionally, Walden's Paypal account may have revealed the origin of the contraband. Thus, I authored a search warrant for Walden's Paypal account. On June 2, 2022, the Honorable Judge Margaret Bernal, reviewed and signed the warrant.

I electronically served Paypal Holdings Inc. on June 2, 2022. On June 8, 2022, Paypal Holdings Inc. responded to the warrant and provided the following; Paypal Registration information, email address, phone number, addresses, financial information, bank accounts, credit cards, debit cards, for Luke Walden. Walden activity and transaction log confidentiality notice and disclaimer.

The information provided from Paypal Holdings Inc.was contained within a Microsoft Excel document. The following information was discovered in the "Payments Sent" tab, line 79; March 17, 2021, 8:28 AM, Hong Kong Xu Shi Qi International Limited, Mobile Express Checkout Payment Sent, Completed, $45.96, transaction ID 0NJ604204B558012M, Instant transfer [redacted] Checking [redacted] com, [redacted] com, Walden Luke, [redacted] United States, Item ID LWL012102, BUY 1 GET 1 FREE LAST DAY FOR **NAPA 4003 WIX 24003 - 1/2-28 5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP / 1 / 2-28-XH-**

WAS PROPERTY BOOKED IN CONJUNCTION WITH THIS REPORT OR INCIDENT?	☐ NO ☐ YES	IF YES, HAS 10.08.00 BEEN COMPLETED?	☒ NO ☐ YES
SUPERVISOR APPROVING	SERIAL NO. 34507	REPORTING OFFICER(S) NEMEROFF	SERIAL NO. 31679 / DIVISION SOD
DATE & TIME REPRODUCED / DIVISION / CLERK		REPORTING OFFICER(S)	SERIAL NO. / DIVISION

Search Amazon

Visit the EVIL ENERGY Store

4.5 925

EVIL ENERGY Inline 100 Micron Fuel Filter 6AN 8AN 10AN Adapter Universal 50MM

Amazon's Choice in Automotive Replacement Fuel Filters by E...



1691

Last purchased Aug 21, 2021.

50mm-Bracket , Black-1

View order | Set reminder

Visit the EVIL ENERGY Store ★★★★½ 925

EVIL ENERGY 50mm car Oil/Fuel/Gas Pump Mounting Bracket Single Filter Clamp Cradle Black

Amazon's Choice in Automotive Replacement Fuel Filters by E...



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA VS.
LUKE BAXTER WALDEN

CASE NUMBER : BA510524 (LAC-BA510524-01)
VIOLATION DATE : 04/22/21
CASE FILING DATE: 11/22/22
WITH THE FOLLOWING OFFENSE(S):

COUNT 01: 664-33410 PC FELONY

12/07/22 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 030

CASE CALLED FOR ARRAIGNMENT

PARTIES: ARMENUI A. ASHVANIAN (JUDGE) ROSARIO S. GARCIA (CLERK)

LORI CASILLAS (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

THE COURT ORDERS A PRE-PLEA REPORT PURSUANT TO PENAL CODE SECTION 1203.7.

THE DEFENDANT'S COUNSEL DOES NOT CONSENT TO A PRE-PLEA INTERVIEW.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE DEFENDANT DENIES ANY AND ALL SPECIAL ALLEGATIONS.

.
THE MATTER IS SET FOR PRELIMINARY HEARING SETTING ON JANUARY 25, 2023, AT 8:30 A.M., IN DEPARTMENT 34.
.
TIME ESTIMATE: 2 HOURS.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
01/25/23 830 AM PRELIM SETTING/RESETTING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 00 OF 30

12/07/22 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 12/07/22 at 0830:

ON 01/23/23 at 0830:

PROBATION OFFICERS REPORT RECEIVED THIS DATE

AND DELIVERED TO DIVISION 34. (3 COPIES) MAIL BIN

ENTRY BY: TTANG

NEXT SCHEDULED EVENT:

PRELIM SETTING/RESETTING

01/25/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIM SETTING/RESETTING

PARTIES: MICHAEL D. ABZUG (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CONTINUED FOR PRELIMINARY HARING TO MARCH 9, 2023
AT 8:30 A.M., IN DEPARTMENT 34, AS THE STIPULATED 28 OF 30 DATE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 830 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 28 OF 30

01/25/23 BAIL TO STAND, # U2521467128
01/25/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 01/25/23 at 0830:

ON 01/25/23 at 0830:

03/09/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIMINARY HEARING

PARTIES: EFRAIN M. ACEVES (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY FOR PRELIMINARY HEARING.
.
THE MATTER IS TRANSFERRED TO DEPARTMENT 43 FOR PRELIMINARY HEARING FORTHWITH. ALL PARTIES ARE ORDERED TO DEPARTMENT 43 FORTHWITH.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.
THE PEOPLE TO TRANSPORT CASE FILE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 1000 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 043

DAY 28 OF 30

03/09/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 0830:

03/09/23 AT 1000 AM IN CRIM JUSTICE CTR (LAC) DEPT 043

CASE CALLED FOR PRELIMINARY HEARING
.
PARTIES: KIMBERLEY BAKER GUILLEMET (JUDGE) MICHELLE GARCIA (CLERK)

PRISCILLA MIRELES (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

COUNT (01) : DISPOSITION: HELD TO ANSWER

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY.
.
THE DEFENDANT, IN OPEN COURT, WAIVES FORMAL READING OF THE COMPLAINT AND STATEMENTOF CONSTITUTIONAL AND STATUTORY RIGHTS.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.

PEOPLE'S ORAL REQUEST TO DESIGNATE ROSS NEMEROFF AS THE INVESTIGATING OFFICER IS GRANTED.

.
WITNESS, ROSS NEMEROFF, IS SWORN AND TESTIFIES FOR THE PEOPLE.
.
THE FOLLOWING PEOPLE'S EXHIBITS ARE MARKED FOR IDENTIFICATION
AND LATER ADMITTED IN EVIDENCE:
.
1) COLOR PHOTOGRAPH OF 4 IMAGES
2) COLOR PHOTOGRAPH OF 4 IMAGES WITH PURPLE PACKAGING
3) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
4) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
5) 1 PAGE SCREENSHOT OF QOOPUFF WEBSITE

6) 1 PAGE SCREENSHOT OF KIKOGIFT WEBSITE
7) 1 PAGE SCREENSHOT OF KIMBER WEBSITE
8) 1 PAGE SCREENSHOT OF SOLVENTTRAPFUELFILTER WEBSITE
9) 1 PAGE DOCUMENT WITH INFORMATION HIGHLIGHTED IN YELLOW
.
DEFENSE COUNSEL CROSS EXAMINES THE WITNESS.
.
PEOPLE REST.
.
THERE IS NO AFFIRMATIVE DEFENSE.
.
THE DEFENDANT'S ORAL MOTION TO DISMISS DUE TO INSUFFICIENCY OF
THE EVIDENCE IS HEARD AND DENIED.
.
THE COURT FINDS SUFFICIENT CAUSE AS TO COUNT 1 AND THE
DEFENDANT IS HELD TO ANSWER TO DEPARTMENT 119 OF THE GENERAL
JURISDICTION COURT FOR ARRAIGNMENT ON MARCH 23, 2023
AT 8:30 A.M.
.
THE CASE IS TRANSFERRED TO THE GENERAL JURISDICTION COURT.

BOND TO REMAIN. BOND TRANSFERRED TO SUPERIOR COURT.

NEXT SCHEDULED EVENT:

FELONY ARRAIGNMENT/PLEA, ON MARCH 23, 2023, IN SUPERIOR COURT OF LOS ANGELES
COUNTY, CENTRAL DISTRICT, DEPT 119, AT 830 AM.

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 1000:

ON 03/20/23 at 0830:

PRELIMINARY HEARING TRANSCRIPTS RECEIVED 03-20-23

FROM COURT REPORTER P. MIRELES

FOR HEARING(S) CONCLUDING 03-09-23.

DELIVERED TO DEPT. 119 MAIL BIN. -AUDITOR: V. DOMINGUEZ

NEXT SCHEDULED EVENT:

MATTER PREV SET/REMAIN ON CLDR

03/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR ARRAIGNMENT

PARTIES: DAVID R. FIELDS (JUDGE) SYLVIA M. CEDENO (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

INFORMATION FILED AND THE DEFENDANT IS ARRAIGNED.

DEFENDANT WAIVES ARRAIGNMENT, READING OF INFORMATION/INDICTMENT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

-BOND
-DDA: KRISTOPHER GAY
DEFENDANT ENTERS PLEA OF NOT GUILTY TO THE CHARGES AND DENIES ANY AND ALL SPECIAL ALLEGATIONS.
.
ON DEFENSE MOTION, THE MATTER IS CONTINUED AS INDICATED BELOW.
.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
05/10/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 03/23/23 at 0830:

05/10/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID R. FIELDS (JUDGE) CHRISTIAN LARA (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- BOND // DDA: KRISTOPHER GAY
.
THE MATTER IS SET FOR PRETRAIL HEARING
AS INDICATED BELOW.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/06/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 05/10/23 at 0830:

07/06/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
ANNE STEWART (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- ON BOND / DDA: KRISTOPHER GAY
.
MATTER IS CONTINUED TO 08-23-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
08/23/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 07/06/23 at 0830:

08/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- DDA: KRISTOPHER GAY / ON BOND
.
MATTER IS CONTINUED TO 09-29-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
09/29/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 08/23/23 at 0830:

09/29/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

ON PEOPLE'S MOTION, COURT ORDERS INFORMATION AMENDED BY INTERLINEATION TO ADD
VIOLATION 664-30605(A) PC MISD AS COUNT 02.

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:

TRIAL BY COURT AND TRIAL BY JURY

CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;

SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;

AGAINST SELF-INCRIMINATION;

DEFENDANT ADVISED OF THE FOLLOWING:

THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENT OF THE OFFENSE IN THE
INFORMATION AND POSSIBLE DEFENSES TO SUCH CHARGES;

THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING THE
MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL EFFECTS

AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE SAME OR SIMILAR OFFENSES;

THE EFFECTS OF PROBATION;

IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.

COUNSEL FOR THE DEFENDANT JOINS IN THE WAIVERS AND CONCURS IN THE PLEA.

COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY

MADE;

THE DEFENDANT WITH THE COURTS APPROVAL, PLEADS NOLO CONTENDERE TO COUNT 02 A VIOLATION OF SECTION 664-30605(A) PC. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (02) : DISPOSITION: CONVICTED

COURT ORDERS AND FINDINGS:

-THE COURT ADVISES THE DEFENDANT OF PAROLE RIGHTS.

COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT ACCEPTS PLEA.

ON PEOPLE'S ORAL MOTION, THE INFORMATION IS AMENDED BY INTERLINEATION ADDING COUNT 2, 664/30605(A) PENAL CODE, ATTEMPTED POSSESSION OF AN ASSAULT WEAPON, A MISDEMEANOR.
.
DEFENSE COUNSEL STIPULATES TO A FACTUAL BASIS PURSUANT TO PEOPLE V WEST AND THE DISCOVERY PROVIDED.
.

THE COURT IMPOSES SENTENCE PURSUANT TO THE PLEA AGREEMENT.

WAIVES TIME FOR SENTENCE.

NEXT SCHEDULED EVENT:
SENTENCING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 001 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:

SERVE 001 DAYS IN LOS ANGELES COUNTY JAIL

DEFENDANT GIVEN TOTAL CREDIT FOR 1 DAYS IN CUSTODY 1 DAYS ACTUAL CUSTODY AND 0 GOOD TIME/WORK TIME

PLUS $40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

PERFORM 100 HOURS OF COMMUNITY SERVICE

DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF $150.00 TO THE COURT

TOTAL DUE: $220.00

IN ADDITION:

-DEFENDANT IS ORDERED TO PAY A PROBATION REVOCATION RESTITUTION FINE PURSUANT TO PENAL CODE SECTION 1202.44, IN THE AMOUNT OF $ 150.00. THIS FINE SHALL BECOME EFFECTIVE UPON THE REVOCATION OF PROBATION.

COURT ORDERS AND FINDINGS:

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND DEFENDANT AGREES TO ABIDE BY SAME.

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT CONDITIONS OF PROBATION

- ONLY POSSESS WEAPONS APPROVED BETWEEN THE PARTIES.
.

- COMMUNITY SERVICE MAY BE COMPLETED AT ANY NON-PROFIT ORGANIZATION.
.
FINES AND FEES ARE STAYED. ABILITY-TO-PAY HEARING IS NOT HELD.
.
ANY REMAINING COUNTS/ALLEGATIONS ARE ORDERED DISMISSED/STRICKEN PURSUANT TO PENAL CODE SECTION 1385.
.
DEFENDANT IS ORDERED TO PROVIDE PROOF OF COMPLETION OF THE COMMUNITY SERVICE ON OR BEFORE FEBRUARY 29, 2023, IN THE CLERK'S OFFICE.
.
BOND IS EXONERATED.
.
NUNC PRO TUNC LANGUAGE IS GENERATED IN ERROR.

COUNT (02): DISPOSITION: CONVICTED

REMAINING COUNTS DISMISSED:

COUNT (01): DISMISSED DUE TO PLEA NEGOTIATION

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:
02/29/24 830 AM FINES/FEES DIST CENTRAL DISTRICT DEPT CLK

CUSTODY STATUS: ON PROBATION

ON 09/29/23 at 0830:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 119

XCNBA510524-01 **July 2, 2024**

The People of the State of California **8:30 AM**

vs.

WALDEN, LUKE BAXTER

Honorable Craig Richman, Judge
G. Lopez, Judicial Assistant

Raquel Rodriguez (#9485), Court Reporter

PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Probation Modification Hearing

The following parties are present for the aforementioned proceeding:

LUKE BAXTER WALDEN, Defendant
Kristopher E. Gay, Deputy District Attorney
Bill Howard Seki, Private Counsel

The matter is called for Probation Modification Hearing.

There being no objection by the People, defense written motion for early termination is heard and granted.

Probation terminated.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 56

XCNBA510524-01 **October 23, 2024**

The People of the State of California **8:30 AM**
vs.
WALDEN, LUKE BAXTER

Honorable Kevin S Rosenberg, Judge
G. Solorio, Judicial Assistant — Marianna Donner (#7504), Court Reporter

---

PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Petition for Dismissal 1203.4 PC

The following parties are present for the aforementioned proceeding:

No Appearances

The matter is called for Petition for Dismissal 1203.4 PC.

The matter is handled in Chambers.

The People waive their appearance as to this hearing only.

The People have indicated that they oppose the petition.

The Court having read and considered the petition pursuant to Penal Code section 1203.4, rules as follows:

As to Count 002: The Court grants the petition for dismissal pursuant to Penal Code section 1203.4, plea of guilty or nolo contendere, or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered, and that the Complaint or Information be, and is hereby, dismissed.

Order for Dismissal is signed and filed.

Pursuant to Penal Code section 1203.425, this record shall not be disclosed to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency.

The Court waives/suspends the balance of fine and fees.

Clerk's office to give notice.

Date: _____ By: _____, Deputy

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 11 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/06/2025 By _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FILED
Superior Court of California
County of Los Angeles
MAR 23 2023
David W. Slayton, Executive Officer/Clerk of Court
By: S. Cedeno, Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. 01 LUKE BAXTER WALDEN [redacted] Defendant(s).	**CASE NO. BA510524** ***INFORMATION*** Arraignment Hearing Date: 03/23/2023 Department: CEN 119

INFORMATION
SUMMARY

Ct. No.	Charge	Charge Range	Defendant	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail	WALDEN, LUKE BAXTER		

The District Attorney of the County of Los Angeles, by this Information alleges that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

THIS INFORMATION CONSISTS OF 1 COUNT(S).

Filed in Superior Court,
County of Los Angeles

DATED: 3/24/23

GEORGE GASCÓN
DISTRICT ATTORNEY
County of Los Angeles,
State of California

BY: _____
KRISTOPHER E GAY
DEPUTY DISTRICT ATTORNEY

/MAP

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of __ pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

By: _____ Deputy

Date: _____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 2 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/19/2025 By: _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **01 LUKE BAXTER WALDEN** [redacted] Defendant(s).	**CASE NO. BA510524** ***FELONY COMPLAINT***

The undersigned is informed and believes that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA510524, CONSISTS OF 1 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on November 14, 2022.

ROSS NEMEROFF
DECLARANT AND COMPLAINANT

GEORGE GASCÓN, DISTRICT ATTORNEY

BY: KRISTOPHER E GAY, DEPUTY

AGENCY:	LAPD - SPECIAL OPERATION DIV.	I/O: ROSS NEMEROFF	ID NO.: 31679	PHONE : (213) 484-6700
DR NO.:	21001210	OPERATOR: MAP	PRELIM. TIME EST.:	2 HOUR(S)

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
WALDEN, LUKE BAXTER	[redacted]	[redacted]		$1	

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above-named defendant(s), the warrant is so ordered.

LUKE WALDEN

BAIL: $_____

DATE: _____

_____
Judge of the Above Entitled Court

NON-WARRANT DEFENDANTS:

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

LUKE BAXTER WALDEN

Ct.	Charge	Charge Range	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail		

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

LUKE BAXTER WALDEN 20,000 Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

LUKE BAXTER WALDEN 3/23/23 in Dept 119

at: 8:30 A.M.

Date: 3/9/23

Committing Magistrate

Kimberley Baker Guillemet

GRANT OF PROBATION 1203 PC

1. ☒ SERVE 365 DAYS IN THE LOS ANGELES COUNTY JAIL, ☐ CONCURRENT WITH _____ ☐ CONSECUTIVE TO _____ ☒ ALL TIME.
   DEFENDANT TO RECEIVE TOTAL CUSTODY CREDIT OF _____ DAYS (CREDIT OF DAYS ACTUAL PLUS _____ DAYS GOOD TIME/WORK TIME).
2. ☐ SERVE _____DAYS IN A ☐ RESIDENTIAL ☐ OUTPATIENT TREATMENT PROGRAM: _____.
   DEFENDANT TO BE RELEASED TO AN AUTHORIZED REPRESENTATIVE OF THAT PROGRAM AND IS TO COMPLY WITH ALL PROGRAM TERMS AND CONDITIONS. (013)
   IF DEFENDANT LEAVES OR IS DISCHARGED FROM THE PROGRAM PRIOR TO COMPLETION, DEFENDANT IS TO REPORT TO COURT ON THE NEXT COURT DAY. (013)
3. ☒ PAY A **FINE** IN THE SUM OF $_____ PLUS PENALTY ASSESSMENTS, OR SERVE _____ ADDITIONAL DAY (S) IN COUNTY JAIL, CONSECUTIVE.
4. ☐ MAKE **RESTITUTION TO VICTIM** _____ PURSUANT TO PC 1202.4 (f) IN THE SUM OF $_____. (048) ADDITIONALLY, 10% PER ANNUM INTEREST PURSUANT TO PC 1202.4 (f) (3) (G).
   ☐ IN AN AMOUNT AND IN THE MANNER AS THE PROBATION OFFICER SHALL PRESCRIBE, SUBJECT TO A HEARING IF REQUESTED. (052/060)
   ☐ IN THE STIPULATED SUM OF $_____. (051) ☐ IN A SUM STIPULATED NOT TO EXCEED $_____. (055)
5. ☒ PERFORM 20 (DAYS) (HOURS) OF (CAL TRANS) (COMMUNITY SERVICE), COMPLETION DATE DUE TO BE DETERMINED BY THE COURT. (189, 190)
6. ☒ **OBEY ALL LAWS, RULES, REGULATIONS AND ORDERS OF THE COURT AND OF THE PROBATION DEPARTMENT**. (541/542)
7. ☐ **PARTICIPATE** IN A PROGRAM OF EDUCATION, TREATMENT OR REHABILITATION AIMED AT DRUG ABUSE, AS DIRECTED BY THE PROBATION OFFICER (539).
8. ☐ **COOPERATE WITH THE PROBATION OFFICER** IN A PLAN FOR. (530)
9. ☒ SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS DIRECTED BY THE PROBATION OFFICER. (500)
10. ☒ SUPPORT DEPENDENTS AS DIRECTED BY THE PROBATION OFFICER. (503)
11. ☒ REPORT TO THE PROBATION DEPARTMENT WITHIN 48 HOURS AFTER RELEASE FROM CUSTODY EAST SAN FERNANDO VALLEY AREA OFFICE AT 14414 DELANO ST. VAN NUYS, CA 91401 (817)
12. ☒ **SUBMIT YOUR PERSON AND PROPERTY TO SEARCH AND SEIZURE** AT ANY TIME OF THE DAY OR NIGHT BY ANY PROBATION OFFICER OR OTHER PEACE OFFICER, WITH OR WITHOUT A WARRANT, PROBABLE CAUSE OR REASONABLE SUSPICION. (576)
13. ☒ **DO NOT OWN, USE, OR POSSESS ANY DEADLY OR DANGEROUS WEAPONS**, INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS. (934)
    ☐ *THIS PROHIBITION IS FOR 10 YEARS PER PENAL CODE SECTION 12021 (c) (1).*
14. ☒ **THE WEAPON INVOLVED IN THIS CASE** IS ORDERED CONFISCATED AND DESTROYED BY THE ARRESTING AGENCY. (234)
15. ☒ USE ONLY YOUR TRUE NAME, DATE OF BIRTH AND ADDRESS, AND DO NOT GIVE FALSE INFORMATION TO ANY PEACE OFFICER AT ANY TIME. (535)
16. ☐ IF YOU LEAVE THE COUNTRY, YOU SHALL NOT RE-ENTER THE UNITED STATES ILLEGALLY. IF YOU DO RETURN, REPORT TO THE PROBATION OFFICER WITHIN (3) DAYS, AND PRESENT DOCUMENTATION WHICH PROVES YOU ARE IN THE U.S. LEGALLY. (469)
17. ☒ **DO NOT OWN, USE, POSSESS, BUY OR SELL ANY CONTROLLED SUBSTANCES**, OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH VALID PRESCRIPTION, AND STAY AWAY FROM PLACES WHERE USERS, BUYERS, OR SELLERS CONGREGATE. DO NOT ASSOCIATE WITH PERSONS KNOWN BY YOU TO BE CONTROLLED SUBSTANCE USERS OR SELLERS, EXCEPT IN AN AUTHORIZED TREATMENT PROGRAM. (926)
18. ☐ **SUBMIT TO PERIODIC CONTROLLED SUBSTANCE TESTING** WHEN REQUESTED BY THE PROBATION OFFICER OR ANY OTHER PEACE OFFICER. (584)
19. ☐ **REGISTER** WITH YOUR LOCAL POLICE AGENCY AS A ☐ CONTROLLED SUBSTANCE – H&S 11590 (925) ☐ SEX - PC 290 (927) ☐ ARSON - PC 457.1 (902) ☐ GANG MEMBER – PC 186.30 (877) OFFENDER, CARRY PROOF OF REGISTRATION AT ALL TIMES, AND DISPLAY REGISTRATION TO ANY PEACE OFFICER UPON REQUEST.
20. ☐ ABSTAIN FROM THE PURCHASE, POSSESSION AND CONSUMPTION OF ALL ALCOHOL AND ALCOHOLIC BEVERAGES AND STAY OUT OF PLACES WHERE THEY ARE THE CHIEF ITEM OF SALE. (350)
21. ☐ NOT USE FORCE OR VIOLENCE ON THE VICTIM _____. (418)
22. ☐ DO NOT USE OR THREATEN TO USE FORCE OR VIOLENCE AGAINST ANY PERSON. DO NOT ANNOY, HARASS OR, MOLEST ANY PERSON OR WITNESS INVOLVED IN THIS CASE ESPECIALLY _____. (913)

23. ☐ DO NOT HARASS, BOTHER, MOLEST, ANNOY OR COMMUNICATE WITH _____ AND STAY AWAY FROM SAID PERSON (S), THEIR RESIDENCE OR PLACE OF EMPLOYMENT. (413)
24. ☐ STAY 100 YARDS AWAY FROM AND HAVE NO CONTACT WITH _____. (904)
25. ☐ STAY AWAY FROM LOCATION OF ARREST. (904) ☐ STAY AWAY FROM _____. (904)
26. ☐ ENROLL WITHIN 30 DAYS IN AND SUCCESSFULLY COMPLETE A 52 WEEK BATTERER'S TREATMENT PROGRAM BY THE PROBATION DEPARTMENT. ATTEND ALL COUNSELING SESSIONS, KEEP ALL PROGRAM APPOINTMENTS AND PAY ALL PROGRAM FEES IN ACCORDANCE WITH DEFENDANT'S ABILITY TO PAY. (369)
27. ☐ OBEY THE PROTECTIVE ORDER ISSUED IN THIS OR ANY OTHER CASE. (579) ☐ DEFENDANT SERVED WITH A COPY OF THE PROTECTIVE ORDER IN OPEN COURT. (578)
28. ☒ PROVIDE A DNA SAMPLE AND PALM PRINTS IMPRESSION PURSUANT TO PC SECTIONS 296 AND 296.1 (790)
29. ☒ **PAY ALL OF THE FOLLOWING (CHECK ALL THAT APPLY):**
☒ **A RESTITUTION FINE** OF A MINIMUM OF $200.00 CALCULATED PER 1202.4 (b)-(e) AND A 10% RESTITUTION FINE SERVICE CHARGED PER 1202.4 (l).
☐ **A PROBATION REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC 1202.44, PAYMENT IS STAYED UNTIL PROBATION IS REVOKED AND SENTENCE IMPOSED. (107)
☒ **A PAROLE REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC SECTION 1202.44, PAYMENT IS STAYED UNTIL PAROLE IS REVOKED AND YOU ARE RETURNED TO PRISON. (106)
☐ **LAB ANALYSIS** THE DEFENDANT IS TO PAY A FINE IN THE AMOUNT OF $50.00 (11372.5 HEALTH &SAFETY, LAB ANALYSIS) PLUS A PENALTY ASSESSMENT OF $85.00 ($50.00 PURSUANT TO SECTION 1464 OF THE PENAL CODE AND $35.00 SECTION 76000 GOVERNMENT CODE) (184)
☒ **A COURT SECURITY FEE** OF $30.00 PER PC 1465.8(A) (l) {PER COUNT}. (SF)
☒ **A CRIMINAL CONVICTION/FACILITIES ASSESSMENT** OF $30.00 PER GOVT. CODE SECTION 70373 (a) GC. (CC)
☐ **A DRUG PROGRAM** OF $150.00 (PER DRUG COUNT EXCEPT 11357 (B) H&S) PER HEALTH AND SAFETY CODE SECTION 11372.7 (a).
☐ **A CRIME PREVENTION FINE** OF $10.00 PER PENAL CODE SECTION 1202.5 (PC THEFT-RELATED AND VANDALISM CASES) (CP)
☐ **A SEX OFFENDER FINE** OF ☐ $300.00 (1ST OFFENSE) ☐ $500 (2ND AND SUBSEQUENT OFFENSES) PER PENAL CODE 290.3, PLUS PENAL ASSESSMENT.
☐ **A DOMESTIC VIOLENCE PAYMENT** OF ☐ $400.00 ☐ $ _____PER PENAL CODE SECTION 1203.097 (a)(5). ($400.00 MINIMUM)
☐ **A DEJ RESTITUTION FINE** OF $ _____PER PENAL CODE SECTION 1001.90/PENAL CODE SECTION 1001.3. (112)

30. ☐ _____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of __ pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: _____ By: _____, Deputy



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 12 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/04/2025 By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM – GENERAL MISDEMEANORS

Defendant: Walden, Luke			Case No.: BA510524
Date: 9-29-23	Dept./Div.: 119	Prosecutor: K. Gay, DA	Defense Att'y: B. Seki, Pvt
Judge: C. Richman	Clerk: G Lopez	Reporter: R. Rodriguez	Interpreter/Language: —

Arraignment for Judgment

☐ **Arraignment for judgment and time for sentencing is waived.** There is no legal cause why judgment should not now be pronounced.
As to Count _____, a violation of § _____ of the ☐ Penal Code ☐ H&S Code ☐ W&I Code ☐ Vehicle Code ☐ _____ Code

Sentence

1. ☐ **Probation is denied. Defendant is to serve** _____ **days in the Los Angeles County Jail**, forthwith. ☐ consecutive to _____ ☐ concurrent _____. Defendant to receive **custody credit** of _____ days actual plus _____ days GT/WT, for a total of _____ days ☐ Time may be served in any penal institution.
2. ☐ **Pay a fine of** $_____ plus penalty assessments.
3. ☐ Pay the fines, fees, and assessments as set forth in paragraph 21 below.
4. ☐ **Execution of the foregoing sentence is suspended (ESS)**, and the following conditional sentence is imposed:

Conditional Sentence (PC § 1203b) / Order of Probation (PC § 1203a)

☑ **Imposition of sentence is suspended (ISS)** ☐ With supervision by county probation officer (formal probation), for a period of 1 years/months upon the following terms and conditions:

1 ☑ **Serve** 1 **days in the Los Angeles County jail,** ☐ consecutive to _____ ☐ concurrent with _____ ☐ Suspended. Defendant to receive **custody credit** of 1 days actual plus 0 days GT/WT, for a total of 1 days. ☐ Time may be served in any penal institution.
☐ Time may be served on consecutive weekends of two days each, beginning _____. **(772)**
☐ Time may be served in any city jail having actual confinement, at Defendant's expense. **(021)**
☑ Defendant may not participate in Sheriff's home detention/EHM per PC § 1203.016(e). **(771)** ☐ Work furlough not allowed per PC § 1208(b).

2 ☑ **Perform** _____ **days of Community Labor** (CalTrans, MTA-MAARS, HBT, graffiti removal, beach cleanup, community cleanup, _____), **or perform** 100 **hours of approved Community Service,** with credit for _____ days actual. Sign up for such work only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. ☐ This work is in lieu of the days of jail specified in paragraph 1 above.

3 ☐ **Pay a fine** of $_____ plus penalty assessments, **or** in default thereof serve _____ additional days in County jail, consecutive, **or** perform an additional _____ days/hours of Community Labor or Community service/_____. ☐ **Defendant elects jail in lieu of fine**, forthwith, consecutive to all other time. ☐ Fine may be paid in monthly installments of not less than $_____. **(124)** ☐ Defendant to report to Financial Evaluator to work out a payment plan. **(163)**

4 ☐ **Make restitution to victim** _____ pursuant to PC § 1202.4(f) **(048)** ☐ in an amount to be determined at a hearing. **(067)** ☐ *Harvey* waiver taken. ☐ in the stipulated sum of $_____. **(048)** ☐ per any final civil judgment against you. **(100)** ☐ Liability is admitted but amount disputed.

5. ☐ **Do not own, use, or possess any dangerous or deadly weapons**, including any firearms, knives, or other concealable weapons. **(230)** ☐ The weapon involved in this case is ordered confiscated and destroyed by the arresting agency. **(234)** ☐ This prohibition is for 10 years as to any firearm pursuant to PC § 29805(a).
6. ☐ **Do not use or threaten to use force or violence against any person**. Do not annoy, harass, or molest any victim or witness in this case, especially _____. **(913)**
7. ☐ Stay ☐ _____ ☐ 100 yards away from and have no contact with _____. **(904)**
8. ☐ Stay ☐ _____ ☐ 100 yards away from ☐ the location of the arrest ☐ _____. **(904)**
9. ☐ **Obey any Protective Order** issued in this or any other case. **(579)** ☐ Defendant is served with a copy of the Protective Order in open court. **(578)**
10. ☐ Enroll within 30 days and successfully complete: _____. **(373)**
11. ☐ **Do not own, use, or possess any controlled substances, or associated paraphernalia,** except with valid prescription, and stay away from places where users or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, unless attending a drug treatment program. **(926)**
12. ☐ **Do not drink or possess any alcoholic beverage**, and stay out of the places where they are the chief item of sale. **(901)** ☐ Do not drink or possess any alcoholic beverages before you turn age 21. **(344)**
13. ☐ **Attend** _____ **Alcoholics/Narcotics/Sexual Compulsives Anonymous** meetings at the rate of _____ meeting(s) per week for _____ weeks. **(356/473)**
14. ☐ **Submit your person and property to search and seizure** at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause, or reasonable suspicion. **(576)**
15. ☐ **Use only your true name**, stated to be: _____. **(924)** Do not give any false information to any peace officer at any time. **(535)**
16. ☐ **Do not associate with any persons known by you to be criminal street gang members**, affiliates, or associates, and stay away from all places where you know such persons congregate, except in an authorized anti-gang program. **(918)** Obey any gang injunction that applies to you. **(399)**
17. ☐ **Do not own, use, possess,** buy or attempt to buy, or sell any aerosol paint containers, felt tip markers, any glass or metal scribes, any masonry, glass or carbide drill bit, any grinding stone, awl, chisel, carbide scribe, and any other device or implement capable of marking or marring any property or writing any graffiti. **(921)**
18. ☐ Vandalism cases (VC § 13202.6): **Your driver's license is suspended** for ☐ 2 years (max.) ☐ _____. **(247)** ☐ Surrender your driver's license forthwith **(273)**
19. ☐ Submit to booking (PC § 7(21)) and release within 7 days.
20. ☐ If you are deported from/otherwise leave the United States, notify the Court (& Probation) in writing of your address and telephone number outside the United States within 72 hours of deportation/departure. Continue to pay all of your financial obligation to the Court (& to Probation) while outside the United States. **(474)**
21. ☐ **Pay all of the following (check all that apply):**

☑ **A restitution fine** of ☐ $150.00 ☐ $_____ ($1,000 max.) per PC § 1202.4(b). **(098)**	☐ **Cost of probation services** per PC § 1203.1b, ☐ as determined by the Probation Officer, subject to a hearing if requested ☐ in the amount of $_____ per month
☑ **A probation revocation restitution fine** in the same amount as the restitution fine, per PC 1202.44, payment is stayed until probation is revoked and sentence imposed.	☐ **A drug program fee** of $_____ per drug count (except H&S § 11357(b)) per H&S § 11372.7(a). (Drug convictions only, $150 max.)
☑ **A court facilities assessment** of $30.00 per GC § 70373(a) (Per count.) (SA:CC)	☐ **A crime prevention fine** of $10 per PC § 1202.5 (PC theft-related & vandalism) (SA:CP)
☐ **A state surcharge** of $_____ per PC § 1465.7 (20% of base fine) (SA:AB)	☐ **A sex offender fine** of ☐ $300 (1st off.) ☐ $500 (2nd/sub. off.) PC § 290.3, plus penalty assessment.
☑ **A court operations assessment** of $40.00 per PC § 1465.8(a)(1). (Per count.) (SA:SF)	☐ **A child abuse prevention restitution fine** of $_____, per PC § 294 ($1,000 max.)
☐ **A crime lab fee** of $50.00 plus penalty assessment per H&S § 11372.5. **(184)**	☐ **A domestic violence payment** of ☐ $500 (min.) or ☐ $_____ per PC § 1203.097(a)(5).
☐ **An administrative screening fee** of $25.00 per PC § 1463.07/GC § 29550(f). (D OR)	☐ **A criminal justice administration fee** of $_____, payable to the local arresting agency, per GC §§ 29550(c), 29550.1, or 29550.2(a) (agency's actual cost).
☐ **A citation processing fee** of $10.00 per PC § 1463.07/GC § 29550(f). (D cited and released in field or at jail facility.)	
☐ _____	

22. ☑ Only to possess weapons approved by bureau police. Must take ab skeyd w/o ability to plea
23. ☑ **Obey all laws and orders of the court (541)** ☐ and rules and regulations of the Probation Department. **(542)**

☐ **Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)**
☐ Defendant is ordered to pay attorney fees ☐ in the amount of $_____ ☐ in the amount determined by the Financial Evaluator, pursuant to PC § 987.8(b), through the Clerk's Office. **(182)** ☐ After a noticed ability to pay hearing.
☑ **Counts/Allegations** financing **are dismissed/stricken** on the People's motion pursuant to PC § 1385 as to this Defendant.

Compliance dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail:		POE/Progress report on:	
Pay fines/fees by:		Restitution hearing in: Dept./Div. ____	
Complete work/c-s by:	2/29/24	Other:	

I understand, accept, and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature:	Attorney's Signature:

Defendant's Address: _____

Defendant's Telephone: _____

_____
Judge/Commissioner of the Superior Court

BX

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 02/08/2005 By: _____, Deputy

RATIONALE ON FINDINGS

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

WEDNESDAY, FEBRUARY 14, 2024

. . . . .

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE

PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS, INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE

PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE FINDINGS PHASE OF THIS BOR CASE.

--OOO--

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-21-007329 / Req. # 0001
Report finalized: June 1, 2021

DR #:	21-99-13105	**Name Associated:**	NEMEROFF
Requested By:	NEMEROFF #31679	**Offense:**	Other
Contact:	31679@lapd.online	**Service:**	Firearms - Test Fire Firearm

Analysis Requested: -- Determine if the assembly, as received, is a silencer as described in California penal code section 17210.

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 6 (LIMS #1-6): One (1) metal ring
- Item 7 (LIMS #1-7): One (1) outer tube
- Item 8 (LIMS #1-8): One (1) monocore baffle

Dates of Laboratory Activity: 5/14/2021 — 5/25/2021

Observation(s)

Items 6 through 8 were received as a single assembly. As received, the item 8 monocore baffle is secured within the item 7 outer tube by the item 6 metal ring.

TESTING:

- An external inspection of the assembly was conducted to assess its general appearance, condition and construction.

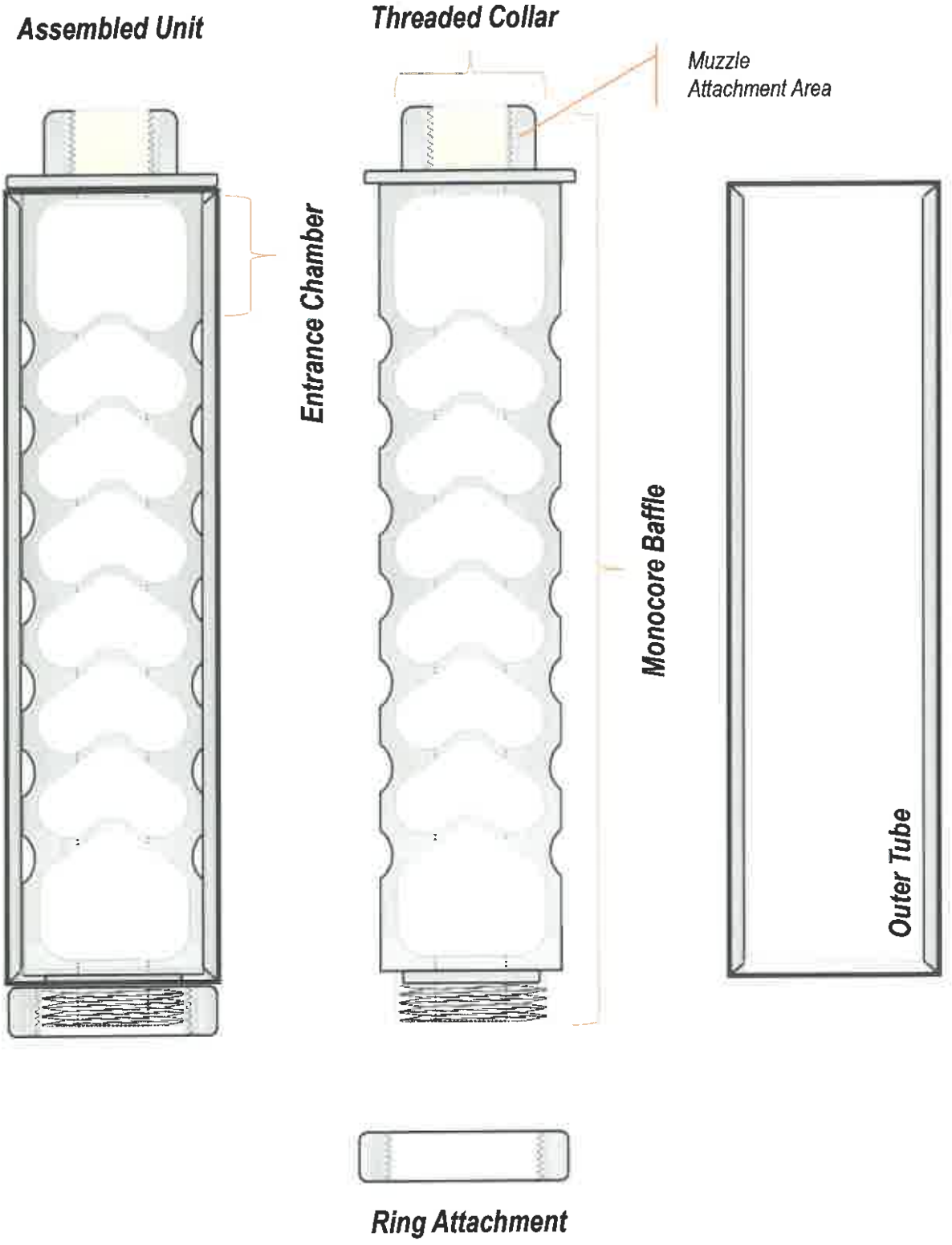
- The assembly was dismantled and inspected for distinctive silencer structural features.

TEST RESULTS:
The external inspection revealed the assembly to be in good condition. 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. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. 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 volume into 8 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.

Conclusion(s)

The assembly, as received, is a silencer as described in California penal code section 17210.

Not to Scale


Assembled Unit
Threaded Collar
Muzzle
Attachment Area
Entrance Chamber
Monocore Baffle
Outer Tube
Ring Attachment



Analyst: F. Biraimah #N3140 323-415-8169 5-27-21



Admin Review: R. Garcia #G9120 6- 1-21



Tech Review: R. Garcia #G9120 6- 1-21

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
07/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
William Imboden	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of “Supervisor”. On June 5, 2022, Respondent was demoted back to the rank of Detective.

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

The case before the Board alleges the Respondent, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. During the Administrative Investigation into the alleged serious misconduct of “Acts That Violate the Law” (attempting to purchase an illegal firearm silencer, a Felony), the Respondent was found to be dishonest when he stated he did not try to purchase a firearm silencer. These

actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent's actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, firearm silencers and noise suppressors commonly sold as "fuel filters" by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); Attempt to Possess an Assault Weapon. The Felony charge was only dismissed as part of the plea agreement. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (CBP). He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The item CBP seized, which was addressed to Respondent at his home address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification

of the subject peace officer.

ATTACHMENT(S):

BR01_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png
BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Luke Walden, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on May 14, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on May 21, 2025, and the Board scheduled the case for a hearing which was held on July 16, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☒ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 7/16/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

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

---o0o---

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

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Assistant Executive Director
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Professional Conduct Northern Bureau

SARAH WALLACE
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Intake and Disposition Bureau

CHELSEA WIJAYA
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Professional Conduct Los Angeles County Bureau

SIMONE RENTERIA
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

---o0o---

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

--o0o--

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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

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.

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

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

November 6, 2025
AGENDA
10:00 AM

Main Teleconference Location: 860 Stillwater Road, West Sacramento, CA 95605
*Advisory body members participating from remote locations"

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Under provisions set forth in the Bagley-Keene Open Meetings act, members of an advisory body such as the Board are allowed to participate remotely in public meetings of that body. (Gov. Code, sec. 11123.5.) The Board will post notice at least 24 hours before the meeting identifying those members that will participate remotely in the meeting. The location of a member of the advisory body attending remotely need not be disclosed and that location need not be accessible to the public. (Gov. Code, sec. 11123.5, subd. (d).) The primary physical meeting location for this meeting, where members of the public may physically attend the meeting, observe and hear the meeting, and participate in the meeting, is 860 Stillwater Road, West Sacramento, CA 95605. Members of the public may also hear and observe the meeting remotely, as set forth herein. Further, members of the public are allowed to provide public comment telephonically, by written comment (as set forth herein), or in person at the main teleconference location.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for

inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member
Vacant - Senate Rules Appointee - Public Member

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **CASE REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION**

a. POST2306324 - Luke Baxter Walden (POST ID: A95-T18) Last employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the additional documents added to the record by the Peace Officer Standards and Accountability Division (POSAD) following the Commission's direction of September

10, 2025 wherein the Commission directed the POSAD to review the basis of the agency's imposed discipline, and add pertinent documents to the case record for the POSAAB's consideration. The matter is before the POSAAB decide whether to alter or amend its prior recommendation of revocation on the certification of the subject peace officer.

V. **CLOSED SESSION**

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today. Board members will join a private breakout room and reconvene into zoom session to take a vote on the cases presented.

VI. **FUTURE BOARD MEETING DATES**

Upcoming Board meetings will be held:

- February 04-05, 2026 - POST, West Sacramento
- April 15-16, 2026 - POST, West Sacramento

VII. **ADJOURNMENT**

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
11/06/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
William Imboden	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of “Supervisor”. On June 5, 2022, Respondent was demoted back to the rank of Detective.

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

The case before the Board alleges the Respondent, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. During the Administrative Investigation into the alleged serious misconduct of “Acts That Violate the Law” (attempting to purchase an illegal firearm silencer, a Felony), the Respondent was found to be dishonest when he

stated he did not try to purchase a firearm silencer. These actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent's actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, firearm silencers and noise suppressors commonly sold as "fuel filters" by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); Attempt to Possess an Assault Weapon. The Felony charge was only dismissed as part of the plea agreement. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (CBP). He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The item CBP seized, which was addressed to Respondent at his home address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

On July 16, 2025, this investigation was presented to the Peace Officer Standards Accountability Advisory Board (Board). Respondent attended remotely and spoke during the public comment session. After the presentation by POSAD, the Board retired to closed session. At the conclusion of the closed

session meetng, the Board unanimously recommended the case to the Commission for revocation of Respondent's Peace Officer certfication. On September 10, 2025, POSAD presented this investigation to the Commission. Respondent was not present but was represented by Counsel. At the conclusion of the presentation, the Commission then retired to closed session. At the conclusion of closed session, the Commission returned the case to POSAD for further investigation statng they would like to see additional documents regarding why dishonesty was not an allegation made by LAPD; and referred the matter back to POSAAB.

After reviewing the attached documents and the information gathered from LAPD for this supplemental investigation, coupled with the Investigative Summary and Findings dated March 13, 2025, the Division believes the evidence is clear and convincing Respondent committed the serious misconduct of Dishonesty when he denied purchasing a firearm silencer. Respondent continued his dishonest statements throughout the Board of Rights hearing, denying he intentionally purchased a firearm silencer marketed as a fuel filter. Additionally, clear and convincing evidence exists to show Respondent committed the serious misconduct of Acts that Violate the Law when he committed a felony buy purchasing an illegal firearm silencer over the internet from a company in China, and had it shipped to his home address.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the additional documents added to the record by the Peace Officer Standards and Accountability Division (POSAD) following the Commission's direction of September 10, 2025 wherein the Commission directed the POSAD to review the basis of the agency's imposed discipline, and add pertinent documents to the case record for the POSAAB's consideration. The matter is before the POSAAB decide whether to alter or amend its prior recommendation of revocation on the certification of the subject peace officer.

ATTACHMENT(S):

BRS01_POST2306324_Walden Luke_Supplemental ISF.pdf
BRS02_POST2306324_Walden Luke_POSTProfile_Redacted.pdf
BRS03_POST2306324_Walden Luke_Atch.A_LAPD Administrative Investigation 21-001144_Redacted.pdf
BRS04_POST2306324_Walden Luke_Atch. B_21-001144 Supplement - No redactions.pdf
BRS05_POST2306324_Walden Luke_Atch. C_LOT CF21-001144.pdf
BRS06_POST2306324_Walden Luke_Atch. D_BOR Rationale_Redacted.pdf

BRS07_POST2306324_Walden Luke_Atch. E_BOR Transcript 1_Redacted.pdf
BRS08_POST2306324_Walden Luke_Atch. F_BOR Transcript 2_Redacted.pdf
BRS09_POST2306324_Walden Luke_Atch. G_BOR Transcript 3_No Redactions.pdf
BRS10_POST2306324_Walden Luke_Atch. H_BOR Decision_No Redaction.pdf
BRS11_POST2306324_Walden Luke_Atch. I_ATF Bulletin Solvent Trap - No Redactions.pdf
BRS12_POST2306324_Walden Luke_ Atch. J_ATF Bulletin Fuel Filter - No Redactions.pdf
BRS13_POST2306324_Walden Luke_Atch. K_LAPD Criminalist Report - No Redaction.pdf
BRS14_POST2306324_Walden Luke_Atch. L_Criminal Court Document_Redacted.pdf
BRS15_POST2306324_Walde Luke_Atch. M_Pictures of Seized Item.pdf
BRS16_POST2306324_Walden Luke_Atch. N_Pictures Packaging_Redacted.pdf
BRS17_POST2306324_Walden Luke_ Atch. O_Picture Amazon Purchase_No Redaction.pdf
BRS18_POST2306324_Walden Luke_Atch. P_ DMV Vehicle Reg_Redacted.pdf
BRS19_POST2306324_Walden Luke_ Atch. Q_DOJ Email of Respondent's Firearms_Redacted.pdf
BRS20_POST2306324_Walden Luke_Atch. R_LAPD Daily Worksheet_Redacted.pdf
BRS21_POST2306324_Walden Luke_Atch. S_LAPD Respondent Firearm Printout_Redacted.pdf
BRS22_POST2306324_Walden Luke_Atch. T_LAPD Property Report - No Redactions.pdf
BRS23_POST2306324_Walden Luke_Atch. U_Pictures of Respondent's Vehicles_Redacted.pdf
BRS24_POST230324_Walden Luke_Atch. V_LAPD Email RE Honesty Allegation.pdf
BRS25_POST2306324_Walden Luke_Atch. W_ISF dated 3-13-25.pdf
BRS26_POST2306324_Wlden Luke_Atch. X_Transcript 07-16- 2025 POSAAB.pdf
BR01_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png
BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf
POST2306324_Walden_Luke_July_2025_POSAAB_Agenda_Record.pdf
POST2306324_Walden_Luke_Board_Recommendation_Signed.pdf
POST2306324_Walden_Luke_Transcript_Board_07.16.2025.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Luke Walden, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on May 14, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on May 21, 2025, and the Board scheduled the case for a hearing, which was held on July 16, 2025. At this hearing, the Board recommended that Respondent's certification be revoked. Under Penal Code section 13510.85(a)(5), the Commission shall review all recommendations made by the Board. Accordingly, on September 10, 2025, the Commission held a public meeting to consider the Board's recommendation, where the Commission directed the Division to conduct further investigation and return this matter to the Board for further hearing. The Board scheduled this case for a further hearing, which was held on November 6, 2025.

At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

☒ Basic

☒ Intermediate

☒ Advanced

☒ Supervisory

☐ Management

☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

Dated: 11/6/2025

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

Transcript of Proceedings

Following is the record of an Peace Officer Standards Accountability Advisory Board (POSAAB) Hearing held on 11/6/2025. The hearing was recorded, and a true and correct copy of the recording is being maintained by POST. The Hearing was also transcribed by Zoom. This transcript was reviewed and prepared by Associate Govermental Program Analyst, Chandler T. Knapp, Executive Office.

Staff Present: Assistant Executive Director Annemarie Del Mugnio, Law Enforcement Consultant William Imboden, Professional Conduct Southern Bureau, Simone Renteria, Attorney IV, Legal Affairs Bureau, Chandler T. Knapp, AGPA, Executive Office.

Board Members Present: Dr. Nicole Clavo Psy.D, Regina Hatcher-Crawford, Robert Doyle, Joyce E. Dudley, Cephus Johnson, Captain Charles Lara, and Margaret Peña

Board Members Absent: Professor Jack Glaser

Other Parties Present: Christopher Beatty, Deputy Attorney General and Counsel to the POSAAB and Leslie Wilcox, Counsel for Luke Baxter Walden

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ON THE RECORD – MEETING CONVENED 10:03 AM

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Chairperson Dudley: Good morning, everyone. Today is Thursday, November 6th and the time is 10:03 AM. Thank you for attending the Peace Officer Standards Accountability Advisory Board hearing.

Members of this body are participating remotely from their respective locations. Under provision set forth in the Bagley Keene-Open Meetings Act Members of an advisory body such as the board are allowed to participate remotely in public meetings of that body. That's Government Code section 11123.5.

The location of a member of the Advisory Board attending remotely need not be disclosed, and that location need not be accessible to the public. And that's according to Government Code Section 1123.5, Subdivision D.

The primary physical meeting location for this meeting, where members of the public may physically attend the meeting, observe and hear the meeting, and participate in the meeting is 860 Stillwater Road, West Sacramento, CA 95605.

Please note that this hearing is being live streamed and recorded. We will now call the roll the board members.

Mr. Knapp.

Mr. Knapp:
Thank you, Madam Chair, members of the body, if you would just unmute.

Member Clavo.

Member Clavo: Present.

Mr. Knapp: Clavo present. Member Crawford.

Member Crawford: Present.

Mr. Knapp: Crawford present. Member Doyle.

Member Doyle: Present.

Mr. Knapp: Doyle present. Chair Dudley.

Chair Dudley: Present

Mr. Knapp: Dudley present. Glacier. Glacier absent. Member Johnson.

Member Johnson: Present

Mr. Knapp: Johnson present. Member Laura.

Member Laura: Present.

Mr. Knapp: Laura present. And member Pena.

Member Pena: Present.

Mr. Knapp: Member Pena is present.

We have seven of eight members present.

Chairperson Dudley: Thank you.

Therefore, quorum has been established.

I would now like to introduce Board Council Christopher Beatty, who is appearing remotely and Post Assistant Executive Director Anne Marie Del Megado, who is present at the primary teleconference location post headquarters in West Sacramento.

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 such manner. 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 item 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 3 minutes. Pursuing to exist in 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 3 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 comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public opinion.

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 can assist you in this manner. 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 ample opportunity to address the Board at that time. Following these rules is necessary to comply with the laws and to avoid compromising the Board's mission.

I will now yield to the Assistant Executive Director to manage and call for public comment.

Assistant Executive Director Del Mugnaio: Thank you, Madam Chair. Is there anyone here physically at the location that would like to make a public comment today?

Seeing none in the room, is there anyone online who wishes to come to make a public comment on matters not on the agenda today?

Madam Chair, I have no opening public comments.

Chairperson Dudley:
Thank you.

Assistant Executive Director Del Mugnaio:
Thank you, ma'am.

Chairperson Dudley: We now move to the next item on the agenda. We have only one case 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 objections, and objections will not be ruled upon under the Penal Code and applicable state regulations. This initial hearing will determine only if the matter proceeds 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 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. Actions by the Board or the Commission prior to a full evidentiary hearing do not amount to a final determination that an officer did in fact engage in misconduct or that revocation or suspension is ordered. That would be determined after the evidentiary hearing. At the conclusion of the Law Enforcement Consultant's presentation, the Board will have an opportunity to ask questions, then public comment from the subject officer and or their counsel will be taken, followed by the members of the public. Further discussion by the board will be allowed If necessary. The Board may go into closed session deliberations after the case or wait and adjourn into closed session to deliberate on

all cases. But in this case, since there is only one case we would choose, if we chose to go into closed session, it would be on this case exclusively. After reconvening into regular session, votes will be taken on each case 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 issues in this case, was employed by the Los Angeles Police Department.

LEC Imboden: Good morning, Madam Chair. Members of the Board, my name is William Imboden. I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Southern California in the Peace Officer Standards Accountability Division. With me today is Simone Renteria, an attorney with our Legal Affairs Bureau.

I'm here today to present a supplemental report to case post 2306324 involving respondent Officer Luke Baxter Walden. This matter was previously heard by the Board on July 16th, 2025. Following the conclusion of that hearing, the Board voted to recommend revocation of respondent's certification. On September 10th, 2025, the Board's recommendation and the record before the Board were presented to the Commission for their consideration. At the conclusion of the hearing, the Commission returned the case to the Division with the direction to obtain additional documents and information to supplement the record and that this matter be scheduled for further hearing before the Board.

It is the Division's determination that clear and convincing evidence exists to demonstrate that respondent committed an act of serious misconduct as set forth in Penal Code section 13510.8. 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 a 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 the 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.

I will present a brief outline of the Division's findings of investigation in this matter as presented to this Board on July 16th, 2025. On April 22nd, 2021, US Customs and Border Protection intercepted a suspicious package from China at the Los Angeles International Airport mail facility. The package, which was labeled "fuel filter" and addressed to respondent at his home address, actually contained an illegal firearm silencer. Upon

learning respondent was a current Los Angeles Police Department officer, the investigation was turned over to the LAPD Internal Affairs Bureau.

LAPD inspected the item and determined that it was a firearm silencer as defined by Penal Code section 17210. Further, an automotive expert determined it could not function as a fuel filter as it had no filtering properties.

LAPD conducted an audit of respondents Internet search history on department computers and discovered respondent had conducted numerous searches of websites selling firearm silencers advertised as fuel filters. The searches ended on March 15th, 2021. A search of respondent's personal PayPal account revealed a transaction on March 17th, 2021 for $45.96 for the purchase of a "Napa 4003 Wix 24003 1/2 x 28 5/8 x 24 fuel filter aluminum solvent trap 1/2 by 28 XH" from a vendor in China.

Respondent was arrested by LAPD, charged with a felony and at a pretrial hearing pled no contest to a misdemeanor. During the LAPD administrative investigation into respondents attempt to purchase a silencer, respondent was dishonest when he stated several times to the IA investigators that he did not try to buy- purchase a firearm silencer.

LAPD sustained the allegation of attempting to possess a firearm silencer and referred respondent to a Board of Rights with a recommendation for termination from employment. At the Board of Rights hearing, respondent continued to deny that he tried to buy a firearm silencer and repeated that he attempted to buy a fuel filter for a Toyota. However, the item seized would not only not fit a Toyota, but it would also be useless as a fuel filter because it had no filtering properties.

At the conclusion of that hearing, the Board of Rights unanimously agreed that respondent was guilty of the allegation that he, quote, attempted to obtain a firearm silencer, but reduced the penalty from termination to a 30-day suspension. At the conclusion of the presentation to this Board on July 16th, 2025, the Board deliberated unanimously recommended that respondents post certification be revoked and referred the matter to the POST Commission for consideration. On September 10th, 2025, during their regularly scheduled meeting, the Commission reviewed the recommendation of the Board.

At the conclusion of their presentation and discussion of this matter, the Commission directed the Division to supplement the record with the following documents and return the case to the Board for consideration for those documents. The entire LAPD Internal affairs investigation report CF21-001144, the LAPD administrative adjudication, known as the letter of transmittal, the Board of Rights decision rationales, the Board of Rights hearing transcripts.

Additionally, the Commission wanted an explanation from LAPD as to why an allegation of dishonesty had not been included in their findings and an understanding of whether respondent was demoted from a supervisory detective position to a non-supervisory position and whether that action was disciplinary in nature.

At the hearing before the Board on July 16th, 2025 and Commission hearing on September 10th, 2025, the Division presentation included documents in support of their investigation to include ATF bulletins regarding solvent traps and fuel filters, the LAPD criminalist report, criminal court documents, the Board of Rights rationale following the

guilt phase of their proceeding, and numerous pictures of the seized item, the packaging, and an actual fuel filter. Fuel filter respondent purchase through Amazon.

At the direction of the Commission, Division has attached to the supplemental investigative Summary and Findings additional documents for the Board to review and consider, including the entire Internal Affairs report as well as documents that were listed as addenda in that report. The LAPD's Letter of Transmittal and the Board of Rights decision, rationales and transcripts. With the exception of the Board of Rights transcripts, that were not yet available at the time of the that the notice of intent to revoke was served on respondent, and the Board of Rights Rationale on Penalty, The Division possessed these items at the time of its initial investigation and information from them was incorporated into the investigative summary and findings were relevant.

The additional records acquired failed to reveal any information that materially altered the Division's analysis and findings that Respondent engaged in serious misconduct, both acts that violate the law and dishonesty. Rather, the additional documentation strengthen the Division's allegations and provided clarity on why LAPD did not put forth an allegation of dishonesty in their IA report.

LAPD Professional Standards Unit (PSU) Captain David Wang notified the division that LAPD made the decision not to "stack" the allegations against respondent by including an allegation of dishonesty when an employee denies convening acts of misconduct. However, he clarified the lack of a formal allegation was in no way an indication that the department believed respondent's testimony to IA was truthful. In fact, the Board of Rights transcript make it clear LAPD was concerned with respondents lack of honesty, even if it wasn't framed in the form of an allegation.

The agency asserted during their closing arguments before the Board of Rights that respondent failed to take accountability for his actions every time the opportunity was presented. He was deceitful in providing false evidence and lacked personal integrity, stating "he displayed a series of evidence trying to either deceive or convince us that his actions were not what he was taking accountability for." With respect to the Respondent's reclassification from supervising detective to a non-supervising detective. According to the LAPD's PSU, the move was made as part of a management decision not tied to discipline and allowed for within LAPD Policy Section 3-763.55. However, the reclassification resulted in Respondent being placed into a lower pay grade, which took effect June 5, 2025. By policy, no specific reason for the reclassification was required or given.

While reviewing the Board of Rights transcripts, the following exchanges between Respondent and the LAPD Advocate were found to corroborate the Division's prior determination. Respondent is asked what training he has received related to firearm silencers. Respondent states, "zero." However, upon further questioning, respondent admits under oath that he fired firearms with silencers during an LAPD training day with vendors to test these weapons because LAPD was considering purchasing suppressed weapons. This contradicts Respondent's statements made during the July 16th, 2025, board hearing. While answering questions from the board, respondents stated, "I've never dealt with a suppressor. I've never seen one in real life."

Respondent offers that he did Google picture searches of suppressors or silencers and that as part of those searches, he looked at items marketed as fuel filters that were used as firearm silencers.

Respondent explained his research on silencers as the unit's firearm expert and stated he researched them so that he could identify them if his unit got one from a gang member.

However, Respondent made the argument at his July 16th, 2025, board hearing that he did not know, after doing months of research that included the Napa 4003 fuel filter as a pseudonym for a silencer, that Napa 4003 item he purchased using his PayPal account was a firearm silencer.

Respondent was specifically asked if he looked at items marketed as fuel filters that were used as firearm silencers. He responded with “yes”. He is then asked if he saw pictures of items marketed as solvent traps used as firearm silencers and he answered, “At some point I think that popped up.” Having seen those pictures prior to purchasing the purported fuel filter from China, he would have recognized the item he purchased as being an illegal silencer being marketed as a fuel filter. This is further supported by the testimony of LAPD Lieutenant Bixler who supervised Respondent when he worked in the gun unit. Lieutenant Bixler testified at the Board of Rights hearing that an individual who belongs to the LAPD Gun Unit would be able to discern a silencer if they saw it. Additionally, in response to the question, “would the feature of monolithic core be something that Luke Walden was familiar with from his time in the gun unit?”, Lieutenant Bixler responded yes. After it is established that “Napa 4003” is code for firearm silencers marketed as fuel filters, Respondent is asked, “so is there any reason you ordered a “Napa 4003” after repeatedly looking into Napa 4003 as part of your duties into suppressors in your job?” Respondent answered, “well, I ordered a fuel filter for my car. Whatever the code delineation for that part, I don't remember what it was.”

Finally, in reviewing the Board of Rights rationale for the penalty phase, the Board of Rights panel made it clear they unanimously found respondent guilty of purchasing A firearm silencer. However, they decided to reduce Respondent’s discipline due to his years of service and commendations received.

After reviewing the attached documents and the information gathered from LAPD for this supplemental investigation, coupled with the investigative summary and findings dated March 13th, 2025, the Division believes the evidence is clear and convincing Respondent was dishonest when he denied purchasing a firearm silencer and attempted to mislead investigators with the excuse of trying to buy a high performance fuel filter. Respondent continued his dishonest statements throughout the Board of Rights hearing denying he intentionally purchased a firearm silencer marketed as a fuel filter despite stating he had researched that very item for work related purposes, including seeing pictures of fuel filters and solvent traps marketed as firearm silencers prior to making his purchase. As indicated above, Respondent continued to be dishonest during the Board's July 16th, 2025, serious misconduct hearing.

Additionally, clear and convincing evidence exists to show respondents committed a felony when he purchased an illegal firearm silencer over the internet from a company in China and had it shipped to his home address. For the purposes of the Division's

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

The Division's recommendation, I'm sorry. The Division recommends that respondents POST certification be revoked or suspended as stated at the July 16th, 2025, Board hearing.

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 months in advance and then purchased purchasing an item that was clearly intended to be used as a firearm silencer. This is in direct conflict with Respondents general duty to uphold the law and it's in fact the exact type of crime respondent was charged with preventing as part of the specialty unit he was assigned to.

This 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 Internal Affairs and at his Board of Rights hearing 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 respect the rights of members of the public.

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

Chairperson Dudley: I don't, I was looking for the hand raising I'm and I'm not seeing it on my computer. So let me ask the assistant director if you wouldn't mind calling on people so they can get asked their questions. So now what I'll be doing is asking the board members. Do any board members have any questions at this point?

Assistant Executive Director Del Mugnaio: Madam Chair, I don't see any hands raised or anyone wishing to speak.

Chairperson Dudley: Thank you.

At this time does the subject officer and/or their council wish to make a public comment? If so, you'll each be given 10 minutes to speak and the time limits will be strictly

enforced. So please ensure that you have that you complete your comments within the allotted time.

While commenting, 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: Does anything in the new material presented today warrant a new or different recommendation from the previous recommendation of the Board to revoke the officer's certification?

If the Board concludes that there was no longer clear and convincing evidence sufficient to support a finding that serious misconduct occurred or if the Board concludes that the evidence no longer warranted revocation and instead warranted suspension.

I will again yield to Assistant Director Del Mugnaio to manage the call for public comment.

Assistant Executive Director Del Mugnaio: Thank you, Madam Chair. I believe we have Leslie Wilcox who is representing Luke Walden. So I will turn the floor over to you, Leslie.

Leslie Wilcox: Thank you. Good morning, everyone.

Detective Walden intended to be here, but he was subpoenaed for testimony in an LA Superior Court case for today at 8:30 AM, so he could not join us. And I want to thank you all again for your time and seeing you remotely. My position after the amended investigation is that there is not clear and convincing evidence established that Detective Walden was dishonest in his testimony to the Board of Rights.

The Division appears mostly to be relying on closing argument in order to determine why LAPD believed that he was being dishonest. But there is no indication that LAPD, as the department or as the investigators that were most familiar with the case, believed that Detective Walden was being dishonest, or they would have framed an allegation of such, which they do frequently.

The standard in the LAPD investigations is preponderance of the evidence, which means more likely than not for POST, as you've heard, your standard is clear and convincing, which is a much higher probability that something occurred. It is not quite as high as beyond a reasonable doubt in Criminal Court. It's more in between those two, but it is significantly higher than a preponderance of the evidence, meaning it probably happened or it's more likely than not that it happened. I don't think that even with the board transcripts that you have that you have evidence that Detective Walden was intentionally lying or misleading about his purchase of the fuel filter. You do have an employee who was denying the allegations that the department brought against him, and I don't think that that on its own is enough for POST to add an allegation of dishonesty on these facts. I'm not disputing that POST has the ability to add allegations of whatever they want when they review an investigation. In this particular one - I don't think that it meets the standard for dishonesty. In particular, if you read the Board's rationale on fine on penalty, which is the second part of their rationale on the hearing, they specifically characterized Detective Walden's purchase of the fuel filter as a mistake. They did not say that they didn't believe him or that they thought he was lying. And the Board of Rights would have been in the best position to evaluate all of the witnesses' credibility and that's the determination that they ended up making.

I appreciate the investigation noting on page 11 that they're withdrawing their assertion that his second fuel filter purchased in August of 2021 was not-cannot be proven that he was doing that just for an alibi. I don't know if you read through all of the transcripts, but he indicated that since he didn't receive the first one, he had to order another one. And that was originally believed that he knew about this investigation from internal affairs and that was the reason that he made this additional purchase in August of '21 to sort of, I don't know, show that he was buying fuel filters all the time.

I'm not really sure what the assumption was, but it was determined in Mr. Imboden's investigation that in fact, Detective Walden was unaware of the investigation at that time.

Detective Walden accepted the Board's decision. He didn't take that further. He didn't appeal that further. He is asking at this point that the Commission, the Advisory Board,

reevaluate a recommendation for either revocation or suspension because the acts that violate the law are not a felony.

He pled no contest to a misdemeanor, but more importantly, the Penal Code that you are set up under 13510.8(C)(5) specifically requires that you consider their prior conduct, discipline and service record. There is no pattern of evidence for this. You heard from Mr. Imboden today that his rank of detective one was not disciplinary in nature, was the needs of the department. He has only one minor sustained complaint for a traffic collision from 2002. The dishonesty allegation- I don't believe if this ends up going all the way to an ALJ- is going to be able to be proven by a clear and convincing evidence standard based on merely his denials of the department's questions or actions about the purchase of the fuel filter.

If you do see on page 13 of the investigation, there's the back and forth questioning that Mr. Imboden was talking about. The end of Detective Walden's answer is very detailed about what he was anticipating finding on that fuel filter. This is not someone who doesn't know how to repair cars.

I would also just point out some common sense that while there are ATF Flyers and there is obviously evidence that some fuel filters are instead silencers or suppressors, that does not mean that all fuel filters are silencers or suppressors. I mean, anyone can go into an AutoZone and get a fuel filter and hopefully no one's going to be arrested for trying to buy a silencer.

I believe that a recommendation for suspension only for acts that violate the law, not for dishonesty, is more appropriate in this case. And I'll be happy to answer any of the advisory board's questions if you haven't.

Chairperson Dudley: Thank you. Let me ask, at this point, are there any board members that have any questions?

Member Lara: Yes.

Assistant Executive Director De Mugnaio: Thank you, Board member Laura.

Member Lara: OK, can you hear me?

Chairperson Dudley: Yes.

Member Lara: All right. So, I've been a police officer for 26 years and I can remember, with precision, every single time that I have fired a suppressed weapon. one time and that-that happened a number of months ago. We have an indoor police range. We used suppressed AR-15s within the-within the indoor range because of the sound.

I'm curious that given the, the strict gun laws and then the high control of a suppressed weapon in the United States, and particularly so in California, that a gentleman who works in a gun unit and who fired suppressed weapons or silenced weapons, if you, if you will, during training could say credibly that he's never seen a suppressor or a silencer in real life.

Leslie Wilcox: I, I can't answer that for Detective Walden. I- I don't know about specifically about what training he's had.

Chairperson Dudley: Anything else? Mr. Lara? Sergeant, Captain?

Member Lara: No, I'm good. Thank you.

Chairperson Dudley: Thank you. I appreciate your comments and I appreciate your response. Is there any other board member who would, who has a question?

Assistant Executive Director Del Mugnio: Vice Chair Doyle.

Vice Chair Doyle: yeah, I have a question to the attorney. So-so does your sort of like your proposition that he didn't get what he ordered, so therefore all of the questions that he answered at the board sort of supported that? Is that- is that what your position is?

Leslie Wilcox: Do you mean that he ordered something different than what was shipped to him?

Vice Chair Doyle: Well- well, correct bec-because you seem to discount the answer to his questions at the board is being sort of irrelevant. And so I'm I'm just wondering if that's your position is that he ordered something else but got what was deemed to be a suppressor and illegal.

Leslie Wilcox: My understanding from being - I did not represent him at the board of rights. So I am reading the transcript like all of you did, but my understanding is that he was not intending to order something that was, one, wasn't going to work for his car, or two, that could be mistaken for a silencer. I-I don't know if what he clicked on was... I believe he intended to order whatever was sent to him. I think he didn't know that it was-n't an actual fuel filter if-if that makes sense.

Vice Chair Doyle: Thank you.

Chairperson Dudley: Are there any other board members who have any questions of the attorney?

Assistant Executive Director Del Mugnio: Madam Chair, I do not see any further questions.

Chairperson Dudley: Okay, thank you.

Is there anyone from the public who would like to address the board at this time? When it's your turn, you may state your name and organization if you wish. You will each be given 3 minutes to speak and the time limits will be strictly enforced. So, please ensure that you complete your comments within the allotted time. Assistant Director, I will again look to you.

Assistant Executive Director Del Mugnio: I don't see any public comments in the room and I do not believe we have any online. Madam Chair, if you will, I believe Ms. Renteria would like to address the board.

Chairperson Dudley: Okay.

Simone Renteria: Good morning, Board members.

I just want to take some time to address the dishonesty charges and the statements made by Council regarding LAPD not bringing allegations of dishonesty here versus the Board and the, sorry, the Division bringing the allegations of dishonesty. As you probably well know, the Legislature set forth in the statute that governs the actions of the Board and the Commission, the fact that the neither the Board nor the Commission are bound by decisions that are made either by law enforcement employee agencies or by determinations made as a result of appeals of those determinations. Moreover, the Legislature also charged the Board and the Commission with independently reviewing investigations that they received for grounds for the certification. Any of the 9 grounds in the statute, we're obligated to review investigation and investigative materials to determine whether or not there are grounds for that, and we must do that independently of any investigation or finding by employing agencies. The Division chose to do that, as laid out in Mr. Imboden's presentation, as well as the initial ISF as well as - investigative summary and findings- as well as the supplemental investigative summary and findings. The Division has laid out all of the circumstances in which Mr. Walden was found to have been dishonest, including in his answers to this board.Thank you.

Chairperson Dudley: Thank you very much. Are there any other comments from anybody? Any other comments or questions?

Assistant Executive Director Del Mugnio: Madam Chair, I do not see any other comments or questions.

Chairperson Dudley: Okay, so now I'll be directing this question to the Board members. At this time, does the board wish to adjourn into closed session breakout room for deliberations on this case or is the board ready to take a vote on reaffirming their recommendation, revocation, to the Commission in this case?

Member Lara: I don't need to retire.

Member Clavo: I don't either.

Member Johnson: Yes, Cephus Johnson, I do not need to retire also.

Chairperson Dudley: Is there anyone that feels any member of the board that feels the need to retire?

Okay, then we will not retire. In the matter of the case POST2306324, Luke Baxter Walden, who at the time of the events at issues in this case was employed with the Los Angeles Police Department.

Does the, does the Board have any comments to take on this matter?

Assistant Executive Director Del Mugnio: I don't see any further comment, Madam Chair.

Chairperson Dudley: Thank you.

Is there a motion to reaffirm the recommendation of revocation to the Commission?

Vice Chair Doyle: So Move Doyle.

Chairperson Dudley: is there a second?

Member Lara: Second.

Chairperson Dudley: And who is that?

Member Lara: I'm sorry, Charles.

Chairperson Dudley: Thank you. We will now take a roll call vote on the board's recommendation. Mr. Knapp, will you please take a roll call vote?

Mr. Knapp: Yes, Madam Chair. Thank you.
Clavo

Member Clavo: Aye

Mr. Knapp: Clavo Aye. Crawford.

Member Crawford: Aye.

Mr. Knapp: Crawford Aye. Doyle.

Vice Chair Doyle: Aye.

Mr. Knapp: Doyle Aye. Dudley

Chairperson Dudlley: Aye.

Mr. Knapp: Dudley 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 four "Ayes". Motion Carries. Sorry, seven- seven "Ayes!"

Chairperson Dudley: Yes, motion is passed. As this was the last item on the agenda, do any of the members of the board have any additional comments before we adjourn?

Member Lara: No, ma'am.

Member Clavo: No.

Member Crawford: None.

Chairperson Dudley: Seeing none and hearing none, I'll need a motion to adjourn. Is there a motion?

Member Clavo: I make a motion.

Chairperson Dudley: And a second?

Member Johnson: Johnson second.

Chairperson Dudley: Thank you. The meeting is now adjourned.

-

Off the Record – Meeting Adjourned at 10:40 AM.

RE: LAPD Inquiry

BOFAFS <BOFAFS@doj.ca.gov>
Thu 4/22/2021 10:38 AM
To: Ross Nemeroff <31679@lapd.online>

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here are his records. You will her from another agency concerning the permit.

Thanks,

Chris

RE: NAM/WALDEN,LUKE DOB[redacted]
RESPONSE TO QGM INQUIRY

DATA IN AFS.

* DROS - PRIVATE PARTY TRANSFER
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
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CTY/[redacted] CCC/1900
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SCY/[redacted]/91344 CCC/1900
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DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]
FCN/2321815901738

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CTY/[redacted]
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DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted]- SIMI VALLEY PD OCA/[redacted]
FCN/7931407401216

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SCY/[redacted]
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MIS/P U 06 24 2013
FCN/2741317102395

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ORI/[redacted] SIMI VALLEY PD OCA[redacted]
FCN/7931314500461

* DROS - PRIVATE PARTY TRANSFER

SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20120229 BBL/4 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/HOM,JAPHET CHOY DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741206600348

* DROS - DEALER SALE
SER/EAR8523 MAK/SW SMITH AND WESSON CAL/380
TYP/PI PISTOL SEMI-AUTOMATIC MOD/BG380
DOT/20110729 BBL/2-75 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871121500130

* DROS - DEALER SALE
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/P PISTOL MOD/35
DOT/20091007 BBL/5-32
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/P U 10 17
FCN/2740928600489

* DROS - DEALER SALE
SER/X14688 MAK/UBE ALDO UBERTI CAL/45
TYP/P PISTOL MOD/1860ARMYC
DOT/20080109 BBL/5-5

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740801201818

* DROS - DEALER SALE
SER/HBN744 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34
DOT/20050610 BBL/5-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740516601240

* DROS - DEALER SALE
SER/FWA730 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/21
DOT/20040304 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/INV530
FCN/2440407000960

* DROS - DEALER SALE
SER/FNA947 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17
DOT/20031116 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/25
FCN/2440332400446

* DROS - DEALER SALE
SER/FTG718 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20031009 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]

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CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/32
FCN/2440328801172

* DROS - DEALER SALE
SER/TDT8880 MAK/SW SMITH AND WESSON CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/20030428 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740312200306

* DROS - DEALER SALE
SER/NM169623 MAK/SPH SPRINGFIELD ARMORY CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1911AI
DOT/20021001 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/34898 DEV
FCN/2740228100285

* DROS - DEALER SALE
SER/CV20798 MAK/CLT COLT CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1091M1991A1
DOT/20011004 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740127800159

* DROS - DEALER SALE
SER/DA7331 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/LDA14
DOT/20010709 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740119201220

* DROS - DEALER SALE
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/D1445ER
DOT/20010614 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740116600160

* DROS - DEALER SALE
SER/A1720 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ97B
DOT/20010223 BBL/4-84
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740105700095

* DROS - DEALER SALE
SER/G151016 MAK/SSS SAUER, J. P., & SONS CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P220
DOT/20010116 BBL/4-4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740101700184

* DROS - DEALER SALE
SER/K067705 MAK/KIE KIMBER CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASICCUST
DOT/20001107 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740031300319

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49-3
DOT/19990125 BBL/2

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749902600114

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49
DOT/19981222 BBL/2
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749835700171

* DROS - DEALER SALE
SER/UB05585 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10 F
DOT/20200312 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742009000219

* DROS - DEALER SALE
SER/UB01996 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P 10 F
DOT/20200121 BBL/4-25 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742003400213

* DROS - DEALER SALE

SER/1374685 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20191205 BBL/16 UOM/IN COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741935001003

* DROS - DEALER SALE
SER/UB02001 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10F OR
DOT/20191016 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741930500843

* DROS - DEALER SALE
SER/BLRH981 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/45 GEN 5 MOS
DOT/20190619 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741918400739

* DROS - DEALER SALE
SER/CVF8325 MAK/SW SMITH AND WESSON CAL/357
TYP/PR PISTOL REVOLVER MOD/M327
DOT/20190502 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***

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NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741913303195

* DROS - DEALER SALE
SER/ADGL428 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 5 MOS
DOT/20190221 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741906500550

* DROS - DEALER SALE
SER/C540418 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ SHADOW 2
DOT/20180816 BBL/4-5 UOM/IN COL/GRAY
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] LAPD OCA/[redacted]
FCN/2741823905521

* DROS - DEALER SALE
SER/A5403 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/97
DOT/20000428 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]

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FCN/2740012200417

* DROS - DEALER SALE
SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20000224 BBL/4-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI[redacted] LAPD OCA/[redacted]
FCN/2740005600199

* DROS - DEALER SALE
SER/TDN1967 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/19990819 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749923200118

* DROS - DEALER SALE
SER/K040569 MAK/KIE KIMBER CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASSIC CUS
DOT/19990609 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749916100193

* DROS - DEALER SALE
SER/VZE3898 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/5906
DOT/19981212 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749834800410

* DROS - DEALER SALE
SER/22191991 MAK/SR STURM, RUGER & CO CAL/22
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MK2

100

DOT/19980219 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749805400052

* DROS - DEALER SALE
SER/AF19030 MAK/SSS SAUER, J. P., & SONS CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P229
DOT/19970616 BBL/3-75
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749716800268

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SM72384 MAK/SW SMITH AND WESSON CAL/556
TYP/R RIFLE MOD/MP15
DOT/20180606
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861816315008

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/DS29163 MAK/DBS DOUBLE STAR CORP CAL/556
TYP/R RIFLE MOD/STAR 15
DOT/20180517
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861813704605

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/LE036468 MAK/CLT COLT CAL/223
TYP/R RIFLE MOD/LE6920
DOT/20080820
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

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ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860823300266

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9362530 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301302

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SL002434 MAK/CLT COLT CAL/556
TYP/R RIFLE MOD/SPORTER
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301300

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/K4320 MAK/AAR AMERICAN ARMS INC CAL/9
TYP/P PISTOL MOD/SITES
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301299

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/65907 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
AD[redacted]

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CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301298

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9420 MAK/MEI MERIDIAN FIREARMS CO CAL/308
TYP/R RIFLE MOD/FA91G3
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301297

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/A91277 MAK/US UNITED STATES CAL/9
TYP/R RIFLE MOD/AT9
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301295

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/10089 MAK/EAA EAGLE ARMS CAL/556
TYP/R RIFLE MOD/EA15
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301294

END AFS RESPONSE.

From: Ross Nemeroff <31679@lapd.online>
Sent: Thursday, April 22, 2021 9:40 AM
To: BOFAFS <BOFAFS@doj.ca.gov>
Subject: LAPD Inquiry

10 R

AGENDA ITEM REPORT

Title: POST2410050 - MICHAEL KIM (POST ID: A63-W93)
LAST EMPLOYING AGENCY: SAN FRANCISCO SHERIFF'S OFFICE (CURRENT)

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Central Bureau	
RESEARCHED BY Kevin P. Sherburne	**REVIEWED BY** Brian South	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/30/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

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

BACKGROUND:

From August 2, 1999, to February 13, 2016, Respondent was employed as a Deputy Sheriff with the San Francisco Sheriff's Office ("SFSO"). He promoted to the rank of Sergeant on February 12, 2005. On February 13, 2016, Respondent resigned from SFSO. On May 25, 2018, Respondent admitted that a Declaration he filed in a criminal case was materially false and pled guilty in federal court to a violation of 18 U.S.C. Section 401(1), a misdemeanor Contempt of Court charge. On December 21, 2024, SFSO rehired Respondent as a Deputy Sheriff.

Audio/Video Evidence Links:

- **BR32 POST2410050 Extraction 3 1 Kim Michael 20250626 mp3**

- **BR33 POST2410050 Dunnigan Ryan 20250625**

ANALYSIS:

Respondent signed a Declaration in Support of Defendant Andy Li's Motion to Reopen Detention Hearing and Reconsider Detention on August 6, 2014, under penalty of perjury. In this Declaration, Respondent, while representing himself as a Deputy Sheriff, made several factual statements that were material to defendant Andy Li's motion and were materially false. Such materially false statements constituted serious misconduct, specifically, dishonesty relating to the reporting, investigation, or prosecution of a crime in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with the prosecution of Li while Respondent was employed as a peace officer.

The clear and convincing evidence substantiated that Respondent's Declaration contained materially false statements, in that he knowingly and willfully lied to a federal court, and that he obstructed justice in a federal criminal case through his lies.

In addition, Respondent told FBI Special Agents during an interview on August 19, 2014, that he did not know that Andy Li had a ballistic vest, that he dropped off a work-issued ballistic vest with his wife, who was at Li's wife's beauty salon, while he went out drinking with friends, and that he tried to get the vest back but forgot about the vest over time. The clear and convincing evidence substantiated that Respondent's statements to FBI Special Agents were materially false. The clear and convincing evidence further substantiated that Respondent's statements violated California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with a criminal investigation into Kim's criminal activity in submitting a false Declaration to a federal court and the criminal investigation about Li's criminal activities.

On October 9, 2025, POSAAB voted to decertify Respondent.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding what action, if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a

recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2410050_Kim_Michael_ISF.pdf
BR02_POST2410050_A_Kim_Michael_ExecReviewDivisionRec.pdf
BR03_POST2410050_B_Kim_Michael_POSTProfile.pdf
BR04_POST2410050_C_US_Opp_to_Li_Motion_to_Reconsider_Detention_Order_Redacted.
BR05_POST2410050_D_Interview_of_Michael_Kim_12_22_2014b_Redacted.pdf
BR06_POST2410050_E_Order_of_Detention_Pending_Trial_Redacted.pdf
BR07_POST2410050_F_Notice_of_Motion_and_Motion_to_Reopen_Detention_Hearing_and_
BR08_POST2410050_G_Declaration_of_Michael_Kim_Redacted.pdf
BR09_POST2410050_H_Declaration_of_Mimi_Li_Redacted.pdf
BR10_POST2410050_I_Minute_Order_Redacted.pdf
BR11_POST2410050_J_Information_Kim_Redacted.pdf
BR12_POST2410050_K_JUDGMENT_Redacted.pdf
BR13_POST2410050_L_US_DIS_CAND_3_18cr124_d10947289e796_Order_signed_11_2_2
BR14_POST2410050_M_Extracted_Michael_Kim_Archived_Triage_Report_pdfReport_-_edits_Redacted.pdf
BR15_POST2410050_N_Wan-ROI_Redacted.pdf
BR16_POST2410050_O_Fonthal_Final_ROI_Redacted.pdf
BR17_POST2410050_P_Extracted_Michael_Kim_Completed_12-12-2024_Redacted.pdf
BR18_POST2410050_Q_Martin_ROI_Redacted.pdf
BR19_POST2410050_R_Letter_from_Paul_Miyamoto_to_To_Whom_It_May_Concern_Redac
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BR23_POST2410050_V_Redacted_Exhibit_C_to_Memo_in_Aid_of_Sentencing_Redacted.pd
BR24_POST2410050_Michael Kim_Supplement ISF 07 02 2025.pdf
BR25_POST2410050_FW from SO Counsel Masters_ Letters of rec from Paul Miyamoto_Redacted.pdf
BR26_POST2410050_M. Kim LOR_Captain Miyamoto_Redacted.pdf
BR27_POST2410050_M. Kim letter 2024_Sheriff Miyamoto_Redacted.pdf
BR28_POST2410050_Michael Kim 6.25.2025 POST interview transcript_Redacted.pdf
BR29_POST2410050_Ryan Dunnigan 6.25.2025 POST interview transcript.pdf
BR30_POST2410050_Kim_Final report of POST interview.pdf

BR31_POST2410050_Dunnigan_Final Report of POST interview
BR34_POST2410050_scrnshot properties of letter (1) from Miyamoto.pdf
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INVESTIGATIVE SUMMARY AND FINDINGS

Michael Kim

POST ID A63-W93
San Francisco Sheriff's Office
POST2410050

WRITTEN BY: Kevin P. Sherburne
May 2, 2025

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I. Executive Summary

From August 2, 1999, to February 13, 2016, Michael Kim ("Respondent") was employed as a Deputy Sheriff with the San Francisco Sheriff's Office ("SFSO"). He promoted to the rank of sergeant on February 12, 2005. On December 21, 2024, SFSO rehired Respondent as a Deputy Sheriff.

On August 6, 2014, while employed by SFSO, Respondent signed a Declaration under penalty of perjury, which was filed with a federal court.[1] Li's lawyers used the Declaration as part of their effort to gain the release from custody of Andy Li (aka Andy Man Lai Li, Andy M. Li), who was being held without bail in a criminal case involving the Ghee Kung Tong, an organized crime syndicate based in San Francisco, California. Respondent's Declaration was materially false. Specifically, Respondent falsely stated that he had given a ballistic vest to his wife, who had a hair salon appointment with Mimi Li, the wife of Li, and later forgot to pick it up. Respondent knowingly and willfully lied to a federal judge to support a criminal defendant based on his personal friendship with the defendant. Respondent's Declaration obstructed justice in another branch of government.

On August 19, 2014, FBI Special Agents interviewed Respondent, who was employed by SFSO, about the ballistic vest that was the topic of the Declaration. During the interview, Respondent repeated the version of events that he made in his Declaration. Respondent knew that the FBI was investigating Li. Respondent's statements to the FBI were materially false.

On December 22, 2014, FBI Special Agents interviewed Respondent again. During this interview, Respondent admitted that he made materially false statements to them during the interview on August 19, 2014.

On May 25, 2018, Respondent admitted that his Declaration was materially false and pled guilty in federal court to a violation of 18 U.S.C. Section 401(1), a misdemeanor Contempt of Court charge.

On December 23, 2024, I was assigned to conduct an investigation of serious misconduct. In my investigation, I examined the following issues:

1. ***Did Respondent sign a Declaration in Support of Defendant Andy Li's Motion to Reopen Detention Hearing and Reconsider Detention on August 6, 2014, under penalty of perjury that his statements were true and correct, when his statements were materially false? If so, were Respondent's materially false statements Dishonesty relating to the reporting,***

[1] *United States v. Kwok Cheung Chow*, *et al*., CR-14-196, U.S. District Court for the Northern District of California.

investigation, or prosecution of a crime in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1)?

a. Finding: The clear and convincing evidence substantiated that Respondent's Declaration contained materially false statements, that he knowingly and willfully lied to a federal court, and that he obstructed justice in a federal criminal case through his lies. The clear and convincing evidence further substantiated that Kim's false statements violated California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with the prosecution of Li.

2. ***Did Respondent tell FBI Special Agents during an interview on August 19, 2014, that he did not know that Andy Li had a ballistic vest, that he dropped of a work-issued ballistic vest with his wife, who was at Li's wife's beauty salon, while he went out drinking with friends, and that he tried to get the vest back but forgot about the vest over time, when his statements were materially false? If so, were Respondent's false statements Dishonesty relating to the reporting, investigation, or prosecution of a crime in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1)?***

    a. ***Finding: The clear and convincing evidence substantiated that Respondent's statements to FBI Special Agents were materially false. The clear and convincing evidence further substantiated that Respondent's statements violated California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with a criminal investigation into Kim's criminal activity in submitting a false Declaration to a federal court.***

3. ***Did Respondent tell FBI Special Agents during an interview on August 19, 2014, that he did not know that Andy Li had a ballistic vest, that he dropped of a work-issued ballistic vest with his wife, who was at Li's wife's beauty salon, while he went out drinking with friends, and that tried to get the vest back but forgot about the vest over time, when his statements were materially false? If so, were Respondent's false statements Dishonesty relating to the reporting of, of investigation of misconduct by, a peace officer in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1)?***

    a. ***Finding: The clear and convincing evidence substantiated that Respondent's statements to FBI Special Agents were materially false. The clear and convincing evidence further substantiated that Respondent's statements violated California Penal Code***

13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with Respondent's peace officer misconduct.

Based upon the evidence presented in the investigation, reasonable grounds exist for the Respondent's peace officer certification to be subject to revocation by the Commission pursuant to California Penal Code Section 13510.85(a)(1).[2]

II. Methodology/Investigative Process

A. Methodology and Standard of Proof

This report summarizes the findings related to allegations of serious misconduct. I conducted this investigation pursuant to California Penal Code Section 13509.5(b)'s authority to "conduct additional investigations, as necessary, into serious misconduct that may provide grounds for . . . revocation of a peace officer's certification." I further conducted this investigation in accordance with the regulations and policies of POST. California Penal Code Section 13510.8(b)(1) authorized me to conduct an analysis of the dishonesty allegations pursuant to California Penal Code Section 13510.8(g)(1)(A) and Section 13510.8(g)(1)(B)'s lookback provisions, which allow POST's initiation of proceedings to revoke or suspend a peace officer's certification for conduct that occurred prior to January 1, 2022, where the serious misconduct is Dishonesty. During my investigation, I reviewed court records, summaries of interviews FBI Special Agents conducted of Respondent, and personnel records of Respondent. I also conducted interviews of five witnesses. I requested an interview of Respondent, which he declined through his counsel.[3]

I analyzed the information in this case under the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt." Based on the statements of the witnesses, as well as the documentary evidence available, there was sufficient information to reach a fair and reasoned conclusion using the clear and convincing evidence standard.[4]

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[2] Attachment A (Executive Review and Division Recommendation (4/18/2025)).

[3] I also requested interviews of Dr. Ryan Dunnigan, a psychologist who is a former California peace officer (POST ID B04-P04); Matthew Freeman, retired SFSO Undersheriff; and Lieutenant Darrin Martindale. Dr. Dunnigan declined to be interviewed. Mr. Freeman did not respond to my phone calls or U.S. mail. Lieutenant Martindale scheduled an interview but was unavailable due to illness.

[4] A recent California State Personnel Board precedential opinion provides guidance about credibility: "A witness's credibility may be determined based on "any matter that has any tendency in reason to prove or disprove the truthfulness of his testimony." (Evid. Code § 780.) Relevant factors include the witness's demeanor while testifying, ability to perceive or recall, bias or other motive, and attitude toward the pending action, as well as consistency of the witness's testimony with previous statements, and the

I was assigned to investigate the allegations of serious misconduct in this case on December 23, 2024.[5] On January 23, 2025, POST received a report from an anonymous member of the public that Respondent resigned from his deputy position based on his conviction, which complainant stated, "stipulated that he could not reapply for a law-enforcement job." I incorporated the allegations from the public complaint against Respondent in this investigation.

B. Employment History and Peace Officer Certifications

POST issued the following professional certifications to Respondent:

Certificate Type	***Certificate Number***	***Date Issued***
Basic	101039	2/2/2001
Intermediate	78181	8/8/2003
Advanced	80385	8/7/2008

From August 2, 1999, until February 12, 2005, Respondent was employed as a deputy with the San Francisco Sheriff's Office. From February 12, 2005, until February 13, 2016 (when he resigned), Respondent was a sergeant with SFSO. On December 21, 2024, SFSO rehired Respondent as a deputy.[6]

C. Other Allegations of Serious Misconduct

POST is not aware of any other allegations of serious misconduct against Respondent. SFSO did not complete an internal affairs investigation in connection with Respondent's actions that led to his federal conviction. Media reports stated that then-Sheriff Ross Mirkarimi ordered an internal affairs investigation to be opened but that

existence or nonexistence of any fact the witness testified to. (Evid. Code, § 780(a), (c), (d), (f)-(j).) When a witness testifies falsely as to some matters, some or all of his other testimony may be disregarded, whether contradicted or not. (*Halagan v. Ohanesian* (1967) 257 Cal.App.2d 14, 21)."

[5] Respondent is not subject to revocation of his peace officer certificates or disqualification from being a peace officer pursuant to California Government Code Section 1029(a)(9) because his conviction occurred in 2014, and that provision became effective January 1, 2023. *See also* California Penal Code Sections 118(a)(perjury) and 118a (perjury). Had his conviction occurred today, this case would not be subject to a review as a serious misconduct proceeding where the Commission has discretion to decide the status of his certificates but rather as a mandatory revocation case under Section 1029.

[6] According to his EDI profile, Respondent completed two Requalification – Basic Courses: (1) April 30, 2021; and (2) August 2, 2024. Attachment B (EDI Profile).

the department suspended the investigation pending the outcome of the FBI's investigation of Respondent.[7]

III. Findings of Fact and Analysis

A. Background

1. Ghee Kung Tong ("GKT") Crime Syndicate

In 2006, Kwok Cheung Chow (aka Raymond Chow, aka Shrimp Boy) became the leader (or Dragonhead) of the Ghee Kung Tong ("GKT"), an organized crime syndicate based in San Francisco's Chinatown. In 2014, the FBI arrested Chow on money laundering charges related to a public corruption case involving former California State Senator Leland Yee. In July 2014, a 228-count superseding indictment against Chow and 28 other defendants, including Li, charged the group with racketeering, money laundering, firearms violations, fraud, narcotics conspiracy, murder-for-hire, wire fraud, and conspiracy. In 2016, a jury convicted Chow of all 162 counts against him. He is serving two life terms plus 20 years in federal prison.

Li served as one of Chow's enforcers. Media reports state that Li bears burn scars on his face from an arson he committed on Chow's orders and that Chow also ordered Li to kill people, break their legs, and to commit armed robbery.[8] In 2018, Li pled guilty to three felonies and served two years in prison. Li previously also served two years in prison stemming from a 1998 conviction.

2. Respondent's Connection to GKT

The undercover investigation into Chow, the GKT, and Li revealed that Li bragged about having a friend in law enforcement named "Mike."[9] Li tried to introduce an FBI undercover agent to Respondent, saying that Respondent was a former gang member and was "trustworthy," which meant in that context "that [Respondent] would not do anything to stop or arrest [Li and the undercover agent] in connection with their illegal businesses."[10]

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[7] "Sheriff's Deputy Caught Up in 'Shrimp Boy' Case No Longer With the Department," *San Francisco Examiner* (3/8/2016 (https://www.sfexaminer.com/news/sheriff-s-deputy-caught-up-in-shrimp-boy-case-no-longer-with-department/article_c65dce88-afdd-57b6-9f22-c87c5c3426ef.html).
[8] "Gangster Says Shrimp Boy Told Him to Kill," Courthouse News Service (12/9/2015).
[9] "Feds Charge Ex-Deputy Linked to Massive 'Shrimp Boy' Racketeering Case," San Jose Mercury News (3/29/2018) (https://www.mercurynews.com/2018/03/28/feds-charge-ex-sf-deputy-linked-to-massive-shrimp-boy-racketeering-case/).
[10] Attachment C (United States' Opposition to Defendant Li's Motion to Reconsider Detention Order, *United States v. Chow*, CR-14-196, at 4-5 (U.S. District Court for the Northern District of California)(8/22/2014)).

Li and Respondent met in 9th grade and remained friends even after Respondent joined SFSO.[11] Respondent told FBI Special Agents that he knew that Li was a convicted felon and that Li introduced Respondent to Chow. Respondent stated that other people would say that he was part of Chow's crew.[12] Respondent stated that he would accompany Li to collect debts from individuals at casinos and, on occasion, Li gave Respondent some money from the collections.[13]

3. Respondent's Materially False Statements

Pursuant to Title 18, United States Code, Section 3142(d), where a federal court makes a factual determination that a defendant may "pose a danger to any other person or the community," the Court may enter an order denying bail and ordering the temporary detention of the defendant. After the FBI arrested Li in March 2014, the Court issued an Order finding that Li was a danger to the community and ordered him to be held in jail without bail pending trial. The Court found that Li's possession of a ballistic vest at the time of his arrest was a basis for the finding that he was a danger to the community.[14]

Li's lawyer spoke with Respondent about the vest. He told her that he left a ballistic vest at Li's wife's hair salon because he did not want to leave it in the car while he ran errands. Respondent further stated that he asked his wife to bring the vest home but she forgot and Li's wife put it in her own car, intending to return it to Respondent. Time passed and, Respondent stated, he forgot about the vest.

Based upon Kim's version of events to Li's lawyer, she asked Respondent to submit a Declaration to the Court regarding the ballistic vest in support of Li's request to reconsider granting him bail as part of an effort to gain Li's release by establishing that he was not a danger to the community. Prosecutors argued that Li's possession of the ballistic vest, in conjunction with Li's role as a Chow henchman and the criminal allegations against Li, justified his pre-trial detention.

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[11] Caesar Marabuto was also a friend of Li's and Respondent's from their early days in high school. Marabuto joined the San Francisco Sheriff's Office in 2007, where he is currently is a deputy.

[12] Attachment D (FBI Interview of Michael Kim, FD-302 at 4 (12/22/2014)). In a court filing in the Li case, the prosecution stated that Li told an undercover FBI Special Agent that Respondent was an "ex-gang member who had previously assisted defendant [Li] with his gang activity." Attachment C (United States' Opposition to Defendant Li's Motion to Reconsider Detention Order, *United States v. Chow*, *et al.*, CR-14-196 at 8 (U.S. District Court for the Northern District of California)(8/22/2014)).

[13] Attachment D (FBI Interview of Michael Kim, FD-302 at 5 (12/22/2014)).

[14] Attachment E (Order of Detention Pending Trial, *United States v. Li*, CR-14-196, at 2 (U.S. District Court for the Northern District of California)(5/7/2014))(finding that "this case involves trafficking narcotics as well as allegations that defendant trafficked in firearms and a ballistic vest while being a convicted felon;" was an "enforcer" for GKT; and agents found "a shotgun and a ballistic vest").

On August 6, 2014, Respondent signed a Declaration with the United States District Court for the Northern District of California. Li's lawyers filed the Declaration as part of their Motion to Reconsider Detention.[15] In the Declaration, Respondent stated:

- Respondent dropped off a work-issued ballistic vest at Mimi Li's hair salon with Respondent's wife
- Respondent's wife forgot the vest at the salon
- Mimi Li took the vest and placed it in her car, intending to return it to Respondent
- Although Mimi Li made plans to return the vest to Respondent, "both got busy and plans fell through"[16]

Respondent signed the Declaration "under penalty of perjury under the laws of the State of California" as being "true and correct."[17]

On August 5, 2014, Mimi Li signed a Declaration similar to Respondent's Declaration. In her Declaration, Mimi Li echoed Respondent's statements about the ballistic vest.[18]

Respondent's Declaration was a primary component of Li's lawyers' argument to the Court to seek release of Li from jail. Relying on Respondent's Declaration, Li's lawyers argued that the prosecution did not have grounds to argue that Li was a danger to the community.[19] Li's lawyers argued that, in ordering pre-trial detention, the Court's reliance on Li's possession of a ballistic vest at the time of his arrest was misplaced because the ballistic vest belonged to Li.[20]

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[15] Attachment F (Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention, *United States v. Li*, CR-14-196 (U.S. District Court for the Northern District of California (8/6/2014)).
[16] Attachment G (Declaration of Michael Kim in Support of Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention, *United States v. Li*, CR-14-196 (U.S. District Court for the Northern District of California)(8/6/2014)).
[17] Attachment G (Declaration of Michael Kim in Support of Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention, *United States v. Li*, CR-14-196 (U.S. District Court for the Northern District of California)(8/6/2014)).
[18] Attachment H (Declaration of Mimi Li in Support of Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention, *United States v. Chow*, *et al.*, CR-14-196 (U.S. District Court for the Northern District of California)(8/6/2014)).
[19] Attachment F (Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention at 2-3, *United States v. Chow*, *et al*., CR-14-196 (U.S. District Court for the Northern District of California)(8/6/2014)).
[20] Attachment F (Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention at 4, 6-7, *United States v. Chow*, *et al.*, CR-14-196 (U.S. District Court for the Northern District of California)(8/6/2014)("Because the government relied on Mr. Li's possession of a ballistic vest in arguing for his detention, this information [from Respondent's Declaration] demonstrating that Mr. Li did not possess a ballistic vest is material to the issue of whether conditions of release exist that will reasonably assure the safety of the community")). At the time of his arrest, the FBI also found a shotgun in his

On August 19, 2014, FBI Special Agents interviewed Respondent about the version of events related to the ballistic vest that Respondent included in the Declaration. During the interview, Respondent repeated the story he provided in the Declaration. He made materially false statements that he had given a ballistic vest to his wife, who had a hair salon appointment with Mimi Li, and later forgot to pick it up.

The prosecution opposed Li's request for release, arguing that Respondent's story about the ballistic vest was not credible: "the story currently being sold to this Court defies all logic."[21] The prosecution stated that FBI Special Agents interviewed Respondent after reading the Declaration. The prosecution stated:

> In short, the declarations provided by the defendant [Li] are incredible and inconsistent because they are false. According to the defendant himself, it would appear that [Respondent] and defendant's wife are highly compromised and should be given minimal credibility by this Court. It is also clear that defendant filed declarations from his wife and [Respondent] that he knew were false.[22]

On September 26, 2014, the Court denied Li's Motion to Reopen Detention Hearing and Reconsider Detention.[23]

On December 22, 2014, FBI Special Agents interviewed Respondent again. During this interview, Respondent admitted that he made materially false statements to them during his interview on August 19, 2014.[24] On March 27, 2018, prosecutors charged Respondent with committing a federal crime (one count of criminal contempt of court in violation of 18 U.S.C. Section 401(1)) by signing the Declaration, knowing it to contain materially false statements, "for the purpose of assisting Defendant X and knowing that the declaration would be provided to the Court in connection with Defendant X's detention proceedings."[25]

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residence. Li's lawyers argued that the shotgun belonged to his landlord and, therefore, he was not a danger to the community.

[21] Attachment C (United States' Opposition to Defendant Li's Motion to Reconsider Detention Order, *United States v. Chow*, *et al.*, CR-14-196 at 4 (U.S. District Court for the Northern District of California)(8/22/2014)).

[22] Attachment C (United States' Opposition to Defendant Li's Motion to Reconsider Detention Order, *United States v. Chow*, *et al.*, CR-14-196 at 6 (U.S. District Court for the Northern District of California)(8/22/2014)).

[23] Attachment I (Minute Entry (denying pre-trial release of Li), *United States v. Chow*, *et al.*, CR-14-196 (U.S. District Court for the Northern District of California)(9/26/2014)).

[24] Attachment D (FBI Interview of Michael Kim, FD-302 (12/22/2014)).

[25] Attachments J (Information, *United States v. Kim*, 18-CR-124, at 3 (U.S. District Court for the Northern District of California) (3/27/2018)).

On May 25, 2018, Respondent admitted that his Declaration was materially false and pled guilty in federal court to a violation of 18 U.S.C. Section 401(1), a misdemeanor. On October 12, 2018, the court sentenced Respondent to three years of probation and a fine of $30,000.[26] On November 2, 2020, the United States Probation Office requested early termination of probation, which the court granted.[27]

4. Respondent's Re-Employment at San Francisco Sheriff's Office

Respondent sought re-employment as a California peace officer nearly immediately after termination of his probation. Respondent's peace officer certificates were inactive because more than three years had passed since his last qualifying employment as a peace officer, he therefore had to undergo a Requalification Course.[28] On April 30, 2021, Respondent completed a 144-hour Requalification – Basic Course. On May 1, 2021, Respondent initiated the application process to become employed as a Deputy Sheriff at SFSO.[29] SFSO did not assign the application to a background investigator and the background file packet shows it was withdrawn on June 27, 2023, after 790 days.[30]

On June 23, 2023, Respondent re-initiated the application process to become a Deputy at SFSO. By this time, Respondent's peace officer certificates – which he reactivated by attending the Requalification course – had again expired after three years of lack of employment as a peace officer,[31] so he underwent another Requalification Course. On August 2, 2024, Respondent completed a 160-hour Requalification – Basic Course.

On July 13, 2023, Lieutenant Darrin Martindale and Sergeant Mel Fonthal assigned Deputy Ronnie Wan as the background investigator to review the application Respondent submitted on June 23, 2023. Deputy Wan conducted a background investigation, which included, among other things, psychological evaluations,

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[26] Attachment K (Criminal Minute Order, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(10/12/2018)).
[27] Attachment L (Request for Early Termination of Supervision, *United States v. Kim*, 18-CR-124, at 3 (U.S. District Court for the Northern District of California)(11/2/2020)).
[28] POST Regulations 1008(b) and 1202(b)(3)(B).
[29] Attachment M at 002 (Michael Kim Archived Background File at 149. Investigator's Note: Rather than include the entire 376-page background investigation report, which includes highly sensitive and confidential information that would need to be redacted before being produced, I am including only the pages that are material to the findings in this Investigative Summary and Finding. Bates numbers referencing the page numbers of the pages in the original file and the pages that are material are located in the lower left and lower right margins, respectively.
[30] Attachment M at 001, 002 (Michael Kim Archived Background File at 2, 149)(Lieutenant Darrin Martindale noted: "This file was not worked, and the applicant has reapplied so he is being withdrawn so I can send him a new invite to Guardian.")
[31] POST Regulation 1201(2)(b).

employment checks, polygraph, and background questionnaires.[32] Deputy Wan stated to me that he asked internally whether SFSO should be rehiring Respondent based upon Respondent's past and was told to continue working the background investigation.[33] Sergeant Fonthal corroborated Deputy Wan's account, stating that "everybody" raised concerns and had comments about Respondent's application. Ultimately, however, the Background Investigation Unit's responsibility was to ensure that every applicant went through the process and command staff would make the decision about hiring an applicant.[34] According to Sergeant Fonthal, although Sheriff Paul Miyamoto did not pressure anyone to hire Respondent, he wanted to see a "full file."

Deputy Wan conducted and completed Respondent's background investigation. Respondent completed questionnaires in which he stated that he had been convicted of a federal crime. On the questionnaire and during interviews with Deputy Wan, Respondent stated:

- "I was not truthful when interviewed by the F.B.I."[35]
- "I submitted a false statement to the court."[36]
- "I perjured on a written statement to the court. . . ."[37]
- "3.18 Perjury (lying under oath): Yes
    - 3.1 Provide details:
    - Crime: Perjury
    - Individuals involved: myself
    - Date: 08/2014
    - This was the same incident as above 1.1 I was charged with a misdemeanor contempt of court. I submitted a false statement to the court."[38]

The background investigation included a required psychological evaluation of Respondent.[39] According to the Background Investigation File, psychologists conducted evaluations and reached conclusions, as set forth in the table below. The

[32] *See* POST Regulations 1950-1955 (setting forth selection standards for peace officers).
[33] Attachment N (Ronnie Wan Report of Interview at 2 (3/11/2025)).
[34] Attachment O (Mel Fonthal Report of Interview at 1 (4/16/2025)).
[35] Attachment P at 003 (Background Investigation File at 48). Investigator's Note: Rather than include the entire 376-page background investigation report, which includes highly sensitive and confidential information that would need to be redacted before being produced, I am including only the pages that are material to the findings in this Investigative Summary and Finding. Bates numbers referencing the page numbers of the pages in the original file and the pages that are material are located in the lower left and lower right margins, respectively.
[36] Attachment P at 005 (Background Investigation File at 69).
[37] Attachment P at 012 (Background Investigation File at 360)
[38] Attachment P at 004 (Background Investigation File at 51).
[39] POST Regulations 1954 and 1955 contain the requirements for psychological evaluations for peace officers.

evaluations included assessment of screening six Dimensions that overlap Background Investigation Dimensions: Integrity; Impulse Control/Attention to Safety; Substance Abuse and Other Risk-Taking Behavior; Stress Tolerance; Conscientiousness; and Decision-Making/Judgment.[40]

Psychologist Name	Date of Evaluation	Conclusion
Maria Nucci	9/20/2023	Not Suitable
Ryan Dunnigan	11/1/2023	Not Suitable
Ryan Dunnigan	3/13/2024	Suitable
David Corey	4/9/2024	Suitable

After Dr. Nucci assessed Respondent as "not suitable," Respondent exercised his right to obtain a second opinion from a psychologist of his own choosing and obtained an evaluation from Dr. Dunnigan.[41] On November 1, 2023, Dr. Dunnigan also deemed Respondent "not suitable." Dr. Dunnigan stated that he had "concerns" at the time of Respondent's evaluation because Respondent was the subject of "a sexual harassment investigation that was in progress at this security company at that time." Dr. Dunnigan stated:

> That investigation, coupled with a number of different incidents that he had been involved in the past, resulted in this examiner not finding him suitable for the position at that time. Most notably, Mr. Kim . . . had been found guilty and have [sic] been placed on formal probation, following a conviction involving misrepresenting information or facts during a criminal/court investigation.[42]

As a result of Dr. Dunnigan's assessment, on November 30, 2023, SFSO sent Respondent an email stating:

> We are writing to inform you of the outcome of your application for the 9504 Deputy Sheriff at San Francisco County Sheriff's Office. After careful consideration, we regret to inform you that we have elected <u>not to proceed</u> with your application."[43]

[40] Background Investigation Manual, Chapter 2 at 2-1.
[41] POST Regulation 1955(g)(providing right to appeal where a peace officer candidate is found psychologically unsuitable). The appeal process provides Respondent was responsible for paying for the second opinion.
[42] Attachment P at 010 (Background Investigation File at 336).
[43] Attachment P at 017 (Background Investigation File at 376)(emphasis in original).

Neither POST Regulations nor SFSO policy provide for further psychological evaluations after a second opinion's determination of not suitable.[44] Consequently, it is a reasonable conclusion that SFSO's rejection letter should have closed the application process. According to Lieutenant Tiffany Martin, SFSO did not have an appeal process for further review after a rejection like the one Kim received.[45] On the other hand, according to Sergeant Fonthal, there was no SFSO policy prohibiting an appeal. In Respondent's case, Sheriff Miyamoto called either Sergeant Fonthal or Lieutenant Martindale (who share an office) and told them to "pause" Respondent's background investigation after Respondent's own psychologist determined he was "not suitable."[46]

In February 2024, Respondent submitted an appeal of his own psychologist's evaluation that he was not suitable for a position as a peace officer by providing a letter purportedly from Sheriff Miyamoto to Dr. Dunnigan.[47] The letter is unsigned, undated, and is not on SFSO letterhead. According to Deputy Wan, Dr. Dunnigan called him to authenticate the letter. Deputy Wan had not seen the letter and was otherwise unaware of it. Dr. Dunnigan told Deputy Wan that he would call Sheriff Miyamoto to verify the letter. As an investigator, Deputy Wan stated that he was suspicious of the letter's authenticity.[48] Deputy Wan did not know whether Dr. Dunnigan verified the letter's authenticity with Sheriff Miyamoto. Sergeant Fonthal saw the letter when it came in as an attachment to a report Dr. Dunnigan submitted based on the February 2024 appeal.

The letter stated:

> As the elected Sheriff of San Francisco, one of my responsibilities is the hiring of sworn members of the Department. I am familiar with what Mike experienced when he left the Sheriff's Office, as well as his experiences at the War Memorial Veteran's Building. I have no concerns at this time of bringing him back as a member of the Sheriff's Office.[49]

According to Dr. Dunnigan's report:

> Mr. Kim reached out [to Dr. Dunnigan] again in February 2024. He informed this examiner that the investigation at his security company had been completed and that the allegations had not been sustained. Mr. Kim also stated that he had received a letter from Sheriff Miyamoto strongly supporting him and his believed

[44] Attachment O (Mel Fonthal Report of Interview at 3 (4/16/2025)).
[45] Attachment Q (Tiffany Martin Report of Interview at 1 (3/11/2025)).
[46] Although there were no orders to give updates to Sheriff Miyamoto, there was an "understanding" that the Sheriff wanted updates regarding Respondent's background investigation. Attachment O (Mel Fonthal Report of Interview at 1 (4/16/2025)).
[47] Attachment R (Letter from Paul Miyamoto to "To Whom It May Concern" (undated)).
[48] Attachment N (Ronnie Wan Report of Interview at 3 (3/11/2025)).
[49] Attachment R (Letter from Paul Miyamoto to "To Whom It May Concern" (undated)).

appropriateness for the position of a Correctional Deputy at this time. This letter will be included with my Findings Report. The Sheriff stated that he has 'no concerns at this time of bringing him back as a member of the Sheriff's Office.' Mr. Kim stated that the Sheriff's Office is aware of his misdemeanor arrest (related to the false reporting case) and still were interested in having him come back to work for the Department. He said that now that the sexual harassment investigation... has been completed and was not sustained (and another had not been pursued), he and the Department feel that it would be appropriate for him to again apply for a [Deputy] Sheriff position with the Department.

This examiner did explain to Mr. Kim and initially that there were concerns relating to POST Peace Officer Psychological Screening Dimensions for Officers. The standards were called into question in a number of different categories. Specifically, *Social Competence; Decision-Making and Judgment;* and *integrity/Ethics*. Mr. Kim said he understood these concerns and had discussed these matters with the Sheriff and background personnel there at the Department. He stated that they were comfortable with him coming back and working there. He mentioned that he would be brought on in a probationary status (as with all new or returning Correctional Deputies) and that he could be let go at any time (while in that probationary period) if they had any concerns about him, his appropriateness, or his performance. This examiner expressed that he very likely would not have been considered 'suitable' if not for the letter from the Sheriff recommending him for the position and speaking to his abilities and his seemingly good fit and past with the Department.[50]

During my investigation, I was unable to obtain evidence to corroborate the veracity of Respondent's statements to Dr. Dunnigan that "the Sheriff's Office is aware of his misdemeanor arrest (related to the false reporting case) and still were interested in having him come back to work for the Department" and "they [SFSO] were comfortable with him coming back and working there."[51]

On April 9, 2024, Dr. Corey reviewed the results of Dr. Nucci's and Dr. Dunnigan's assessments and concluded that Respondent was "suitable" for the position of Deputy Sheriff.[52]

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[50] Attachment P at 010-011Background Investigation File at 336-37).

[51] Dr. Dunnigan and Respondent declined to be interviewed. I did not seek to interview Sheriff Miyamoto because issues relating to potential hiring irregularities at SFSO were outside the scope of my investigation of serious misconduct. *See* California Penal Code Section 13510.8(c)(2)(authorizing Peace Officer Standards and Accountability Division "to review and investigate allegations for purposes of decertification")

[52] Attachment P at 001 (Background Investigation File at 17). This investigation noted anomalies in the Background Investigation process, including that peace officer candidates who are assessed "not suitable" by their own psychologist on appeal from the department psychologist are not afforded any

Subsequent to the psychological assessments, Deputy Wan completed the background investigation and submitted it to his chain of command for approval. On October 31, 2024, Lieutenant Martindale started the hiring approval process in Guardian.[53] The background investigation unit did not have a "vote" in the hiring decision and the Guardian note "approved" by the unit meant that the file was complete and ready for review.[54]

The Background Investigation File[55] documented each approval level and the vote in favor or against hiring Respondent:

Date	Approver Rank	Vote
11/1/2024	Linda Bui Captain	Reject hiring
11/2/2024	Tanzanika Carter Assistant Sheriff	Reject hiring
11/5/2024	Katherine Johnson Undersheriff	Reject hiring
11/5/2024	Paul Miyamoto Sheriff	Approve hiring

On December 21, 2024, SFSO employed Respondent as a Deputy. In connection with his reemployment background investigation, Respondent submitted documentation. Respondent signed the documents certifying them to be accurate. As explained further in the analysis section below, Respondent made admissions of his Dishonesty in these documents and during pre-employment interviews.

B. Dishonesty Analysis

California Penal Code 13510.8(b)(1) states that the definition of "serious misconduct" shall include:

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additional appeals similar to the appeal that Respondent undertook in February 2024. Among the anomalies were an applicant appealing a finding of not suitable, an applicant's own doctor finding the applicant not suitable, and the Sheriff's letter of recommendation. These anomalies are outside the scope of this investigation.

[53] Attachment P at 015 (Background Investigation File at 374).

[54] Attachment N (Ronnie Wan Report of Interview at 3 (3/11/2025)); Attachment Q (Tiffany Martin Report of Interview at 2 (3/11/2025)); Attachment O (Mel Fonthal Report of Interview at 3 (4/16/2025)). Although the approval levels noted in a different section of the Background Investigation File (page 375) appear slightly different, the ultimate result is the same as the chart shown above.

[55] Attachment P at 013, 016 (Background Investigation File at 373, 375).

(3) 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.

POST Regulation 1205(a)(1) contains the language quoted above and also includes the following statement:

For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

1. ***Did Respondent sign a Declaration in Support of Defendant Andy Li's Motion to Reopen Detention Hearing and Reconsider Detention on August 6, 2014, under penalty of perjury that his statements were true and correct, when his statements were materially false? If so, were Respondent's materially false statements Dishonesty relating to the reporting, investigation, or prosecution of a crime in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1)?***

    a. ***Finding: The clear and convincing evidence substantiated that Respondent's Declaration contained materially false statements, that he knowingly and willfully lied to a federal court, and that he obstructed justice in a federal criminal case through his lies. The clear and convincing evidence further substantiated that Respondent's false statements violated California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with the prosecution of Li.***

2. ***Did Respondent tell FBI Special Agents during an interview on August 19, 2014, that he did not know that Andy Li had a ballistic vest, that he dropped off a work-issued ballistic vest with his wife, who was at Li's wife's beauty salon, while he went out drinking with friends, and that tried to get the vest back but forgot about the vest over time, when his statements were materially false? If so, were Respondent's false statements Dishonesty relating to the reporting, investigation, or prosecution of a crime in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1)?***

a. ***Finding: The clear and convincing evidence substantiated that Respondent's statements to FBI Special Agents were materially false. The clear and convincing evidence further substantiated that Kim's statements violated California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with a criminal investigation into Kim's criminal activity in submitting a false Declaration to a federal court.***

3. ***Did Respondent tell FBI Special Agents during an interview on August 19, 2014, that he did not know that Andy Li had a ballistic vest, that he dropped of a work-issued ballistic vest with his wife, who was at Li's wife's beauty salon, while he went out drinking with friends, and that tried to get the vest back but forgot about the vest over time, when his statements were materially false? If so, were Respondent's false statements Dishonesty relating to the reporting of, of investigation of misconduct by, a peace officer in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1)?***

    a. ***Finding: The clear and convincing evidence substantiated that Respondent's statements to FBI Special Agents were materially false. The clear and convincing evidence further substantiated that Respondent's statements violated California Penal Code 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with Kim's peace officer misconduct.***

I will address the allegations cumulatively in the analysis of the evidence below to avoid repetition of the evidence. In sum, the clear and convincing evidence substantiated that Respondent was Dishonest in connection with the investigation of and prosecution of Li; in connection with the FBI's investigation of Respondent's criminal act of submitting a materially false Declaration to a federal court; and in connection with the FBI's investigation of Respondent's reporting of, Respondent's peace officer misconduct.

The clear and convincing evidence substantiated that:

- Respondent was dishonest in a Declaration filed with a federal court under penalty of perjury in connection with the criminal prosecution of Andy Li.
    - The Declaration contained materially false statements. Specifically, Respondent stated that Andy Li's possession of a ballistic vest was the result of the Respondent's inadvertent failure to retrieve his ballistic vest from Andy Li's wife, Mimi Li, after the Respondent accidentally left the ballistic vest in Mimi Li's hair salon.
    - Andy Li's possession of a ballistic vest was one of the reasons the court cited for denying Andy Li bail in April 2014.

    - Respondent knowingly and willfully lied to a federal court when he signed this Declaration.
    - Respondent obstructed justice in a federal criminal case by signing a Declaration that he knew contained false information.
- Respondent was dishonest in a criminal investigation of Andy Li when he made statements to FBI Special Agents on August 19, 2014, during an interview about Andy Li and his Declaration that were materially false, including that:
    - He did not know that Andy Li had a ballistic vest;
    - He dropped off a work-issued ballistic vest with his wife, who was at Li's wife's (Mimi Li) beauty salon, while he went out drinking with friends; and
    - He tried to get the vest back but forgot about the vest over time.
- Respondent stated that he made materially false statements in a memorandum he submitted to then-Chief Deputy Matthew Freeman, SFSO, which repeated the lies he told FBI Special Agents.[56]

The admissions in Respondent's Plea Agreement stand as evidence beyond a reasonable doubt that he lied to the Court in the Li prosecution and that he lied to FBI Special Agents in connection with their investigation of criminal activity and his own peace officer misconduct. The beyond a reasonable doubt evidentiary standard is far higher than the clear and convincing evidentiary standard required in this investigation.

In support of his guilty plea, Respondent stated to the Court that he knowingly and willfully lied to the Court:

> On August 6, 2014, I signed a Declaration. I knew and intended that the Declaration would be provided to the Court for the purpose of Andy Li's attorneys to seek the release of Andy Li. In connection with that Declaration, I falsely declared that my wife had taken a ballistic vest with her to see the wife of Andy Li. I falsely declared that my wife had forgotten the vest at the workplace of the wife of Andy Li. I falsely declared that the wife of Andy Li had placed the vest in the trunk of her car. I falsely declared that I had not retrieved the vest from the wife of Andy Li. In truth and in fact, I had loaned my ballistic vest — issued to me by the San Francisco Sheriff's Department — to Andy Li for his

[56] Although Respondent stated to the FBI that he submitted a memorandum containing lies to his chain of command and admitted the same in his background investigation file, I was unable to locate a copy of the memorandum. Attachment P at 012 (Background Investigation File at 360 ("35) I falsified a memo I wrote to my supervisor. This was related to the misdemeanor contempt of court charge."); Attachment P at 007 (Background Investigation File at 74 (Personal History Statement – Peace Officer (POST 2-251))(8/1/2021)("I wrote a memo to Chief Deputy Matthew Freeman stating the same fact. The FBI arrived at my work and interviewed me about my statement that was filed in court. I told the FBI the same story."); Attachment S (FBI Interview of Michael Kim, FD-302 at 2 (8/19/2024) ("KIM stated he let his SFSO Chief know about the circumstances involving the ballistic vest approximately two weeks ago."). In my investigation I contacted Mr. Freeman by phone and U.S. mail to interview him about the memorandum from Respondent. Mr. Freeman did not respond to my requests to be interviewed.

use. I knew that my declaration was false . I knew and intended that the attorneys for Andy Li would provide the false declaration to the Court. I knew and intended that the Court would rely on my false declaration in considering the detention of Andy Li.[57]

Respondent's lies were material. Prosecutors sought pre-trial detention of Li because, they argued, he was a danger to the community. Prosecutors argued that Li was Chow's henchman who engaged in violent acts on Chow's orders. The fact that Li had a ballistic vest in his car at the time the FBI arrested him was evidence that Li was a danger to the community. The Court specifically cited the retrieval of a ballistic vest from Mimi Li's car at the time of Andy Li's arrest as a factor in its decision to deny Andy Li bail.[58] Respondent's lies in his Declaration and to the FBI Special Agents interviewing him that he had not lent the vest to Li and had forgotten the vest with his wife were therefore material to the Court's determination whether to reconsider pre-trial detention of Li.

Respondent's lies obstructed justice by offering false evidence. Respondent's statements to the Court in his Declaration interfered with and disrupted the integrity of another branch of government – the judicial system. Respondent's Declaration undermined the judicial process and wasted the time of the Court, prosecutors, and FBI agents investigating Li.

Other evidence that established the evidentiary standard of clear and convincing was met regarding Respondent's Dishonesty includes other admissions he made about his lies to the Court, to FBI agents, and to his own department, including:

- Respondent told FBI Special Agents he lied to them when they interviewed him in August 2014.
    - On December 22, 2014, FBI Special Agents interviewed Respondent again. During this interview, Respondent admitted that he made materially false statements to them during his interview on August 19, 2014.[59]
- Respondent told SFSO that he lied to the FBI when he reapplied for employment with SFSO.
    - In Section 8 (Legal) of the Personal History Questionnaire that Respondent submitted in connection with his 2021 application for reemployment with SFSO, Respondent answered the question, "Have you ever been convicted of . . . any misdemeanor or felony offense in or

[57] Attachment T (Plea Agreement, *United States v. Kim*, 18-CR-124 at 2-3 (U.S. District Court for the Northern District of California)(5/25/2018)).
[58] Attachment E (Order of Detention Pending Trial, United States v. Li, CR-14-196, at 2 (U.S. District Court for the Northern District of California)(5/7/2014)).
[59] Attachment D (FBI Interview of Michael Kim, FD-302 (12/22/2014)).

any other legal jurisdiction . . .?" Respondent stated: "August 6, 2014, I plead [sic] guilty to 1 count of contempt of court. I was placed on federal probation for 3 years, fined $30,000 dollars, 300 hours of community service. **I was not truthful when interviewed by the F.B.I.**[60]

- Respondent admitted that he lied to his supervisor about his own misconduct when he submitted an application to SFSO for reemployment.
    - On May 1, 2021, Respondent explained further his answer "yes" to the question "Have you ever falsified or embellished any police, security, evidence, or other official report?"[61] In an Explanation Form, he stated that he "**falsified a memo [he] wrote to [his] supervisor**. This was related to the misdemeanor contempt of court charge."[62]
- In a Personal History Questionnaire he submitted to SFSO for reemployment, Respondent admitted that he lied.
    - As an update to the Personal History Statement (POST 2-251), Respondent answered the following question:

> 46.3. Have you ever been dishonest in 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?[63]
> Respondent answered "yes" and explained:
> Over the telephone, an attorney called me to get my statement for a bail hearing for my friend. I told this attorney that I left my department's bullet proof vest at my friend's wife hair salon and forgot to pick it up. That is why my friend had a sheriff's bullet proof vest when he was arrested at his house. This statement was submitted in court.

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[60] Attachment P at 002 (Background Investigation Report at 31 (6/27/2023)(Personal History Questionnaire (4/30/2021) (emphasis supplied)). On April 30, 2021, Respondent digitally signed the Personal History Questionnaire that he "personally completed each page of the PHQ form and all statements are true and correct to the best of [his] knowledge and belief."

[61] Attachment P at 006 (Background Investigation Report at 73 (Explanation Form, Question 35 (5/1/2021)), 142 (Miscellaneous Documents/Questionnaires, Question 35) (5/1/2021)).

[62] Attachment P at 006 (Background Investigation Report at 73 (Explanation Form, Question 35) (5/1/2021))(emphasis supplied).

[63] Note that this is a direct quotation of the language from POST Regulation 1205(a)(1)'s definition of Dishonesty as serious misconduct. On August 1, 2023, Respondent digitally signed a Personal History Questionnaire that he "personally completed each page of the PHQ form and all statements are true and correct to the best of [his] knowledge and belief." He submitted the PHQ in connection with his application for employment with SFSO.

> I wrote a memo to Chief Deputy Matthew Freeman stating the same fact. The FBI arrived at my work and interviewed me about my statement that was filed in court. I told the FBI the same story.
>
> The next day I obtained an attorney and spoke with the FBI and the Assistant United States Attorney. I cooperated with the FBI and was charged with a misdemeanor contempt of court.[64]

- Respondent told a polygraph examiner that he lied to a federal court.
  - On July 22, 2023, during a pre-polygraph examination interview. The interviewer noted:

> Admits he left this job as he was charged with contempt of court as he lied during a federal investigation about giving his friend his department issued vest. Explains his friend was arrested and his attorney asked him to write his friend Andy Li a statement. Admits he wrote a letter/ statement saying he left his department vest at his friend's wife's salon when he actually gave it to his friend. Says this was a big mistake on his part and he did this as he thought Andy was changing his life and becoming a better person. Says Andy told him he was working in security and he wanted to be safe. Says he was questioned about this by the FBI who spoke with him and he told them the same thing. Says he then spoke with his departments [sic] union, got an attorney, and he then told the feds the truth and cooperated with them. Says this was his childhood friend and he thought he could help him . Says his friend was involved in Asian gang activity and was in and out of prison a lot. Says he spoke with the Sheriff about this and she told him she would consider hiring him again at some point and so he resigned from this agency. Says he was eventually charged with a misdemeanor. Says he was on probation, paid a $30,000.00 fine, completed 300 hours of community service, and was on home monitoring. Says he knew his friend Andy committed these crimes over the years but when he got out of prison he thought he was better and no longer committing any crimes. . . .[65]

C. Reasonable Grounds Exist for Regulatory Action

Reasonable grounds exist for revocation of Respondent's peace officer certificates. As cited by POST Regulation 1213, Respondent's actions and conduct

[64] Attachment P at 007 (Background Investigation File at 74 (Personal History Statement – Peace Officer (POST 2-251))(8/1/2021)).
[65] Attachment P at 008 (Background Investigation File at 286 (Polygraph Examination Report at 2)(7/22/2023)).

before, during, and after his conviction demonstrate that he cannot be trusted to be a peace officer and is ineffective as a peace officer.

Respondent's Declaration to a federal court obstructed justice by lying to the court. As a peace officer, Respondent was and is expected to provide truthful information in court. Respondent's interference with the judicial process and criminal justice system stands in direct contravention to the core duties of being a peace officer. Further, Respondent's actions in soliciting others, including his wife, to hold fast to the lies he created show that he is not trustworthy. Respondent's lies negatively impacted the integrity of the criminal justice system. Respondent's Dishonesty undermined the public's trust in law enforcement.

Respondent's Dishonesty in submitting a memorandum to his chain of command harms morale and undercuts departmental discipline.

Respondent's Dishonesty stemmed from a conflict of interest in which Respondent's personal loyalties to his friend overshadowed his professional obligations as a peace officer. The conflict of interest manifested itself in lies to a federal court, to FBI Special Agents, and to his own chain of command. Respondent's actions demonstrate a distinct and innate inability to perform basic law enforcement functions. The People of California reasonably expect that peace officers uphold the law and not permit personal loyalties to compromise their professional obligations. Respondent let his personal loyalty to Li compromise his professional obligations when he lied.

Through his lies, Respondent attempted to help gain the release of a man from prison that a court deemed dangerous to the community based on his own admitted role as enforcer for an organized crime syndicate who dealt drugs, laundered money, and trafficked in weapons. Respondent cannot be effective as a peace officer because he is not honest.

Respondent should be held accountable to his own representations to the court during sentencing that he relinquished his law enforcement career forever. Respondent asked for leniency from the court during his sentencing based upon his relinquishment of his professional aspirations to remain a California peace officer. In his Memorandum in Aid of Sentencing, his lawyers wrote:

> On February 8, 2016, Mr. Kim resigned from his employment in the San Francisco Sheriff's Office with ***no intention of returning to law enforcement***."[66]. . . Mr. Kim has fully accepted responsibility and proactively took the initiative to make amends for his conduct, ***shown in part by his***

[66] Attachment U (Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124, at 3 (U.S. District Court for the Northern District of California) (10/5/2018)(emphasis supplied)).

voluntarily retirement [sic] from the Sheriff's Office."[67] . . . ***For the above reasons*** . . . Mr. Kim respectfully requests that this Honorable Court impose probation, a fine and community service.[68]

Respondent's own family also sought leniency based upon the fact that Respondent's gave up a career in law enforcement. They filed statements with the Court stating:

Michelle Lam (Respondent's sister-in-law):

"It was very difficult to watch him walk away from something that I knew he loved because of a mistake he made."[69]

Les Pasamonte (Respondent's brother-in-law):

"He was a career law enforcement officer, excelling to the rank of Sergeant, onto SRT and then to SWAT. It's been heartbreaking to see him **walk away from all of that to make amends**."[70]

Jeff Lam (Respondent's brother-in-law):

"Although he loved working for the sheriff's department and showed much pride in his work, he **independently** made the difficult decision to leave this prestigious job and position."[71]

The Court's sentence included a reduction in the Sentencing Guidelines to include a reduction for "acceptance of responsibility."[72]

Although the anonymous complainant stated that Respondent's sentencing "stipulated" that he relinquish his career in law enforcement as part of the plea deal, this investigation did not reveal evidence to corroborate the allegation. A reasonable conclusion, however, based on the statements of family members and the Court's provision of a reduction for "acceptance of responsibility" is that Respondent intended

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[67] Attachment U (Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124, at 6 (U.S. District Court for the Northern District of California)(10/5/2018)(emphasis supplied)).
[68] Attachment U (Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124, at 6 (U.S. District Court for the Northern District of California)(10/5/2018)(emphasis supplied)).
[69] Attachment V (Exhibit C to Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(7/10/2018)).
[70] Attachment V (Exhibit C to Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124 U.S. District Court for the Northern District of California)(7/5/2018) (emphasis supplied)).
[71] Attachment V (Exhibit C to Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(7/3/2018) (emphasis supplied)).
[72] Attachment W (Judgment in a Criminal Case, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(10/12/2018)).

to surrender a career in law enforcement based on his conviction for lying and gained the benefit of a reduced sentence based upon this surrender.

The fact that Respondent sought and gained re-employment with SFSO shows that his statements to the court that he fully accepted responsibility and that he did not have any intention of continuing in a law enforcement career ring hollow and themselves appear dishonest. As Respondent stated to the polygraph examiner, he had conversations with then-Sheriff Vicky Hennessy about returning to SFSO. Given that Sheriff Hennessy left office in January 2020, Respondent's conversations would have occurred at some point near the time of his resignation in 2016 or his conviction in 2018. In either event, Respondent's conversations would have occurred *after* he was aware he had lied to a federal court, to the FBI, and even to his own chain of command and *after* his lawyers and family told the court that he had relinquished a career in law enforcement based on his lies.

In addition, that Respondent sought other employment as a peace officer at a department other than SFSO further shows that revocation is warranted to prevent him from gaining employment as a peace officer again.[73] In mid-2022, Respondent applied to be a police officer with City College of San Francisco ("CCSF"). After a background investigator there discovered that Respondent lied under oath, CCSF sent Respondent a rejection letter in October 2022.

The *Background Investigation Manual* sets forth the concept of "dimensions," which relates to the suitability of an individual to become a peace officer. Respondent's background investigation revealed significant issues with dimensions related to Respondent's moral character (integrity) and intellectually-based abilities (decision-making and judgment). The concept of dimensions is designed to provide guidance "what prior conduct constitutes good moral character (or, more importantly, the absence thereof)?"[74] In Respondent's case, his background investigation revealed significant deficiencies in his moral character that necessitate revocation or suspension of his peace officer certificates.

Finally, Respondent's lies were "done willfully or intentionally, with the intent to deceive" – which significantly increases the need for revocation or suspension pursuant to POST Regulation 1205(a)(1). Enlisting the help of others, including his

[73] Attachment P at 012 (Background Investigation File at 360)(Background Investigation Questionnaire Explanation Form at 2) (6/27/2023)).
[74] Background Investigations Manual (2022); *see* California Government Code Section 1031(d) (background investigations are designed to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer); POST Regulation 1953.

own wife, to collude and conspire to defraud a court is especially egregious behavior that the Commission should not condone in a peace officer.[75]

Supporting Evidence and Documentation

Evidence	Attachment
Executive Review and Division Recommendation	A
EDI Profile of Respondent	B
United States' Opposition to Defendant Li's Motion to Reconsider Detention Order, *United States v. Chow*, CR-14-196 (U.S. District Court for the Northern District of California)(8/22/2014)	C
FBI Interview of Michael Kim, FD-302 at 4 (12/22/2014)	D
Order of Detention Pending Trial, *United States v. Li*, CR-14-196 (U.S. District Court for the Northern District of California (5/7/2014)	E
Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention, *United States v. Li*, CR-14-196 (U.S. District Court for the Northern District of California) (8/6/2014)	F
Declaration of Michael Kim in Support of Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention, *United States v. Li*, CR-14-196 (U.S. District Court for the Northern District of California)(8/6/2014)	G
Declaration of Mimi Li in Support of Notice of Motion and Motion to Reopen Detention Hearing and Reconsider Detention, *United States v. Chow*, *et al.*, CR-14-196 (U.S. District Court for the Northern District of California)(8/6/2014)	H
Minute Entry (denying pre-trial release of Li), *United States v. Chow*, *et al.*, CR-14-196 (U.S. District Court for the Northern District of California)(9/26/2014)	I
Information, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(3/27/2018)	J
Criminal Minute Order, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(10/12/2018)	K

[75] Attachment D (FBI Interview of Michael Kim, FD-302 at 2 (12/22/2014) ("The day before the FBI interviewed Kim, Kim had dinner with Mimi, Caesar Marabuto (aka 'Auggie,' hereafter 'Auggie'), and Auggie's wife. At that time, Kim told Mimi about Kim's story he invented about forgetting the vest at Mimi's salon.") and 3 ("Kim told his wife the story he had told the FBI. Kim's wife was angry, but she also stuck with the story when she was subsequently interviewed.")).

Evidence	Attachment
Request for Early Termination of Supervision, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(11/2/2020)	L
Michael Kim Archived Background File	M
Ronnie Wan Report of Interview (3/11/2025)	N
Mel Fonthal Report of Interview (4/16/2025)	O
Background Investigation File	P
Tiffany Martin Report of Interview (3/11/2025)	Q
Letter from Paul Miyamoto to "To Whom It May Concern" (undated)	R
FBI Interview of Michael Kim, FD-302 (8/19/2024)	S
Plea Agreement, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(5/25/2018)	T
Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(10/5/2018)	U
Exhibit C to Defendant's Memorandum in Aid of Sentencing, *United States v. Kim*, 18-CR-124 (U.S. District Court for the Northern District of California)(10/5/2018)	V

IV. Conclusion

As stated above, the clear and convincing evidence substantiated violations of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1). Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension of Respondent's peace officer certificates pursuant to California Penal Code Section 13510.8.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: 4/17/2025

CASE #: POST2410050

PEACE OFFICER: Michael Kim

POST ID#: A63-W93

AGENCY: San Francisco Sheriff's Office

POST CONSULTANT / BC: Kevin Sherburne/Brian South

ALLEGATION(S):

Dishonesty. Michael Kim filed a Declaration under penalty of perjury with a federal court to support release on bail of a friend whom the FBI had arrested and a court ordered detained. Kim gave his work-issued ballistic vest to the friend, who was the enforcer for a Chinese organized crime syndicate's Draghonhead. Kim later lied to FBI agents who sought information about the Declaration. Kim resigned from SFSO in 2016 and, in 2018, pled guilty to a federal contempt misdemeanor charge (for lying in the Declaration). In 2024, SFSO rehired Kim.

If Kim had been convicted of the contempt charge today (that is, at any time after 1/1/2023), he would be subject to a Section 1029 revocation.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent lied to a federal court, obstructing justice. Respondent's conviction -- based on perjury, obstruction of justice, and a conflict of interest placing his personal loyalties to a friend above his oath -- stands to show that he cannot serve effectively as a peace officer.

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	4/17/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	4/17/25 Date
Manny Alvarez Executive Director	Signature	04/18/2025 Date

cc: Bureau Chief _____

cc: Jason Morlock

cc: Chandler Knapp

cc: _____

POST PROFILE NAME:

KIM, MICHAEL SHERMAN

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 04/30/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A63-W93	SAN FRANCISCO CO SO	[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
101039	B	02/02/2001		[redacted]		
78181	I	08/08/2003	[redacted]	[redacted]		[redacted]
80385	A	08/07/2008	[redacted]	[redacted]		

Total Number of Certificates: 3

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
08/02/1999	02/12/2005	7	DPTY	08/02/1999	38000	SAN FRANCISCO CO SO	F	P	
08/02/1999	02/13/2016	1	SGT	02/12/2005	38000	SAN FRANCISCO CO SO	F	P	
12/21/2024			DPTY	12/21/2024	38000	SAN FRANCISCO CO SO	F	P	

***Reason for Separation: 1 = Resigned, 7 = Promotion/Demotion**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/17/1999	A	2960-00100-99-001	790	R	Y	38000	COR		BASIC COURSE-INTENSIVE
12/07/2000	K	2430-29900-00-017	8		Y	38000	SF SO		S&K- MODULES # 8, 9
02/07/2001	K	2430-29900-00-048	8		Y	38000	SF SO		S&K- MODULES # 10, 11
05/31/2001	K	2430-29900-00-084	8		Y	38000	SF SO		S&K-ART OF VERBAL CONTROL
09/13/2001	K	2430-29900-01-011	6		Y	38000	SF SO		S&K-FIRST AID UPDATE
09/13/2001	K	2430-29900-01-056	2		Y	38000	SF SO		S&K-CAL OSHA & PERSONAL HEALTH
04/26/2002	K	8550-22650-01-009	24	R	Y	38000	BQ&A		PEER COUNSELING
10/25/2002	K	2430-22650-02-001	24	R	Y	38000	SF SO		PEER COUNSELING
11/15/2002	H	8550-10560-02-001	24	R	Y	38000	BQ&A		CRIT. INCDT. STRESS DEBRIEFING
01/23/2003	K	2430-29900-02-039	6		Y	38000	SF SO		S&K-CPR UPDATE MOD #9
01/23/2003	K	2430-29900-02-046	2		Y	38000	SF SO		S&K-CAL OSHA & PERSONAL HEALTH
02/25/2003	K	2420-22289-02-053	20		Y	38000	SF PD		TACTICAL RESP.SCHOOL/COMM.VIOL
05/14/2003	K	2430-29900-02-136	4		Y	38000	SF SO		S&K-CLETS INST MOD #10
10/22/2004	K	2430-20115-04-011	8		Y	38000	SF SO		TERRORISM/L.E. RESPONSE (LERT)
11/18/2004	K	2430-23282-04-015	6		Y	38000	SF SO		RACIAL PROFILING
11/18/2004	K	2430-29504-04-015	2		Y	38000	SF SO	*	TACCOM(PSP)
12/15/2004	K	5590-20005-04-026	8	R	Y	38000	CONTRASO	*	DRIVING/FORCE OPTION SIM.COMBO
03/17/2005	K	2430-31767-04-001	24		Y	38000	SF SO		WMD/L.E. FIELD RESPONSE
06/27/2005	K	2430-20600-04-024	4		Y	38000	SF SO		CRIMINAL JUSTICE INFO SYSTEMS
12/09/2005	D	2540-00400-05-004	80	R	Y	38000	SOBAYRTC		SUPERVISORY COURSE
10/04/2006	K	2430-20600-06-037	4		Y	38000	SF SO		CRIMINAL JUSTICE INFO SYSTEMS
10/04/2006	K	2430-21779-06-036	4		Y	38000	SF SO		CPR REFRESHER
10/06/2006	K	2430-29501-06-001	4	R	Y	38000	SF SO	*	FIREARM(PSP)
01/22/2007	K	2430-21015-06-017	8	R	Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
03/12/2007	K	2430-28222-06-013	8		Y	38000	SF SO		ARREST PROCEDURE/REPORT WRITNG
08/10/2007	K	2310-23000-07-001	80	R	Y	38000	SACTO SD		SPECIAL WEAPONS & TACTICS
12/04/2007	K	2430-21771-07-036	8		Y	38000	SF SO		FIRST AID/CPR REFRESHER
02/08/2008	K	2430-29501-07-020	4		Y	38000	SF SO	*	FIREARM(PSP)
02/14/2008	K	2430-23090-07-009	4		Y	38000	SF SO		ELECTRONIC WEAPONS
03/18/2008	K	2430-21015-07-016	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/07/2008	K	2430-21015-08-002	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
01/13/2009	K	2430-21779-08-018	4		Y	38000	SF SO		CPR REFRESHER
01/13/2009	K	2430-21135-08-020	4		Y	38000	SF SO	*	DRIVER AWARENESS UPDATE
03/26/2009	K	2430-43173-08-008	4	X	Y	38000	SF SO		EMOTIONAL SURVIVAL
03/26/2009	K	2430-23287-08-010	2	X	Y	38000	SF SO		RACIAL PROFILING UPDATE
03/26/2009	K	2430-30854-08-010	2	X	Y	38000	SF SO	*	TACTICAL COMMUNICATIONS UPDATE
06/19/2009	K	2430-29501-08-045	4		Y	38000	SF SO	*	FIREARM(PSP)
09/01/2009	K	2430-21015-09-001	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
11/13/2009	K	2430-29501-09-019	4		Y	38000	SF SO	*	FIREARM(PSP)
01/07/2010	K	2430-21135-09-019	4		Y	38000	SF SO	*	DRIVER AWARENESS UPDATE
01/07/2010	K	2430-21779-09-019	4		Y	38000	SF SO		CPR REFRESHER
03/09/2010	K	2430-20600-09-020	2		Y	38000	SF SO		CRIMINAL JUSTICE INFO SYSTEMS
03/09/2010	K	2430-29223-09-019	6	X	Y	38000	SF SO		ARREST PROCEDURE UPDATE
10/27/2010	K	2430-21779-10-008	4	X	Y	38000	SF SO		CPR REFRESHER
10/27/2010	K	2430-28381-10-007	2	X	Y	38000	SF SO		ETHICS IN LAW ENFORCEMENT
10/27/2010	K	2430-28411-10-008	2	X	Y	38000	SF SO		WORKPLACE HARASSMENT PREVENTION
10/28/2010	K	2430-20129-10-008	2	X	Y	38000	SF SO		INMATE RADICALIZATION AWARENESS
10/28/2010	K	2430-30858-10-012	4	X	Y	38000	SF SO		TACTICAL PLANNING
02/11/2011	K	1025-23030-10-003	48	R	Y	38000	I.T.R.		SPECIAL WEAPONS & TACTICS,CMDR
03/14/2011	K	2430-21015-10-035	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
06/24/2011	K	2430-29501-10-044	4		Y	38000	SF SO	*	FIREARM(PSP)
06/24/2011	K	2430-21822-10-006	4		Y	38000	SF SO	*	FIREARMS/TACTICAL-SIMUNITIONS
07/12/2011	K	2430-30854-11-002	2	X	Y	38000	SF SO	*	TACTICAL COMMUNICATIONS UPDATE
07/12/2011	K	2430-21769-11-016	6	X	Y	38000	SF SO		FIRST AID REFRESHER
07/13/2011	K	2430-21015-11-002	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
07/14/2011	K	2430-29501-11-004	4		Y	38000	SF SO	*	FIREARM(PSP)
07/14/2011	K	2430-21135-11-004	4		Y	38000	SF SO	*	DRIVER AWARENESS UPDATE
12/02/2011	K	2430-23090-11-010	4		Y	38000	SF SO		ELECTRONIC WEAPONS
09/28/2012	K	2430-29501-12-010	4		Y	38000	SF SO	*	FIREARM(PSP)
01/14/2013	K	2430-21779-12-022	4	X	Y	38000	SF SO		CPR REFRESHER
01/14/2013	K	2430-20600-12-023	2		Y	38000	SF SO		CRIMINAL JUSTICE INFO SYSTEMS
01/15/2013	K	2430-21015-12-022	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
01/26/2013	G	9180-12311-12-010	24	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 1
02/23/2013	G	9180-12312-12-012	24	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 2
03/23/2013	G	9180-12313-12-014	24	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 3
04/20/2013	G	9180-12314-12-016	24	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 4
05/18/2013	G	9180-12315-12-018	24	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 5
06/14/2013	K	4890-12309-12-022	16	R	Y	38000	M TOLERNCE		SHERMAN BLOCK SLI SESSION 6A (MOT ONLY)
06/15/2013	G	9180-12319-12-019	8	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 6B
07/13/2013	G	9180-12317-13-001	24	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 7
08/09/2013	G	9180-12318-13-002	24	R	Y	38000	POST		SHERMAN BLOCK SLI SESSION 8
04/04/2014	K	2430-21135-13-036	4		Y	38000	SF SO	*	DRIVER AWARENESS UPDATE
04/04/2014	K	2430-29501-13-035	4		Y	38000	SF SO	*	FIREARM(PSP)
05/20/2014	K	2430-21769-13-050	6	X	Y	38000	SF SO		FIRST AID REFRESHER
05/20/2014	K	2430-30854-13-044	2	X	Y	38000	SF SO	*	TACTICAL COMMUNICATIONS UPDATE
05/21/2014	K	2430-21015-13-047	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
01/13/2015	K	2430-23287-14-018	2	X	Y	38000	SF SO		RACIAL PROFILING UPDATE
01/14/2015	K	2430-21015-14-020	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
01/16/2015	K	2430-29501-14-021	4		Y	38000	SF SO	*	FIREARM(PSP)

POST PROFILE NAME:

KIM, MICHAEL SHERMAN

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 04/30/2025

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
01/16/2015	K	2430-21779-14-018	4	X	Y	38000	SF SO		CPR REFRESHER
11/18/2015	K	2430-21015-15-012	8		Y	38000	SF SO	*	DEFENSIVE TACTICS UPDATE
12/03/2015	K	2430-21769-15-010	4	X	Y	38000	SF SO		FIRST AID REFRESHER
12/18/2015	K	2430-29501-15-020	4		Y	38000	SF SO	*	FIREARM(PSP)
04/30/2021	K	2540-25000-20-002	144	X	Y	60020	SOBAYRTC		REQUALIFICATION-BASIC COURSE
08/02/2024	K	2540-25000-24-001	160	X	Y	60020	SOBAYRTC		REQUALIFICATION-BASIC COURSE
12/21/2024	K	2430-29501-24-025	4		Y	38000	SF SO	*	FIREARM(PSP)
01/16/2025	K	2460-32068-24-003	16	X	Y	38000	SMCS0		PISTOL RED DOT INSTRUCTOR
03/13/2025	K	2430-29501-24-038	4		Y	38000	SF SO	*	FIREARM(PSP)
03/17/2025	O	2430-80303-24-004	2		Y	38000	SF SO		CHEMICAL AGENTS UPDATE
03/19/2025	K	2430-21797-24-012	8		Y	38000	SF SO		FIRST AID/CPR/AED REFRESHER
03/25/2025	K	2430-21261-24-004	4		Y	38000	SF SO		BATON/IMPACT WEAPONS
03/27/2025	K	2430-23090-24-018	8		Y	38000	SF SO		ELECTRONIC WEAPONS

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

MELINDA HAAG (CABN 132612)
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. KWOK CHEUNG CHOW, et. al. Defendants.	No. CR 14-0196 CRB (JCS) UNITED STATES' OPPOSITION TO DEFENDANT LI'S MOTION TO RECONSIDER DETENTION ORDER Date: September 5, 2014 Time: 9:30 a.m. Court: Hon. Joseph C. Spero

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Watson v. Albin, 2008 WL 2079967 (N.D.Ca. 2008) 5

FEDERAL STATUTES

18 U.S.C. § 922(g) 2

INTRODUCTION

Defendant Li opposed the government's motion to detain and selected a date for his detention hearing. At the hearing, which took place on April 8, 2014, this Court gave defendant time to be heard – so long was defendant heard, in fact, that the Court eventually made the point that the defendant was repeating his arguments. Transcript at 17. Now, defendant requests that this Court reconsider its prior Order to detain. Defendant claims that the Court should reconsider because there is some new information not previously available to the defendant. Unfortunately for defendant, to the extent there is any new information, it leans heavily in favor of detention, not release. Despite defendant's efforts to contort the facts and procedure of this case in his effort to accuse the government of hiding and misrepresenting facts from the Court, he is flat out wrong. There is no basis for reconsideration here but, should the Court reconsider, it should be even more concerned about defendant's danger to the community and risk of flight than at the prior hearing. In part, that is true because defendant has knowingly submitted false declarations to this Court in his effort to gain release.

ARGUMENT

1. The Shotgun in Defendant's Home

Defendant raises one and only one accurate point in his motion to reconsider this Court's Order of Detention. There is an owner of the residence rented by defendant who has claimed ownership of the shotgun in the defendant's residence. Doug Walker has informed the defendant and the government that he claims ownership of the shotgun found at defendant's residence.[1] Unfortunately for defendant, however, the matter does not end there.

Despite defendant's efforts to claim misrepresentation on the part of the government, the government never misrepresented any facts to the Court. During the detention hearing on April 8, 2014, at the tail end of the government's lengthy proffer, government counsel stated "let me just conclude with when the search was conducted on March 26th of 2014 in Mr. Li's residence, we recovered a 12-gauge shotgun. A ballistic vest was found in a vehicle which I understand to be his wife's vehicle. And – I'm going now back into the residence. Sorry. My apologies – 87 marijuana plants." Tr. at 9. That

[1] Mr. Walker will apparently not provide a declaration, but the government has interviewed Mr. Walker and agrees that he claims ownership of the shotgun found in defendant's residence.

statement remains as true today as it was during the hearing on April 8, 2014.[2]

Of course, if government counsel had known on April 8, 2014 that the owner of the residence had claimed ownership of the shotgun in the residence, that could have mitigated the shotgun and government counsel would have provided that information to the Court. That information, however, was not known to government counsel. The detention hearing took place shortly after the March 26, 2014 search of more than 30 locations by approximately 400 federal agents, interspersed with other detention hearings, initial appearances, and grand jury sessions, and while a massive amount of evidence was still being processed by the agents and being communicated to the case agents and, eventually, to government counsel. That Mr. Walker claimed ownership of the shotgun was actually not known to government counsel until after the defendant filed his current motion to reconsider the Court's detention order. Shortly after the search of the defendant's residence, Mr. Walker did claim to two FBI agents and one FBI employee – not an agent – that he was the owner of the shotgun. Unfortunately, that information was not filtered through to the investigating FBI case agents until weeks after the hearing. The first interview of Mr. Walker by a knowledgeable case agent was conducted on April 25, 2014, and listed in an FBI 302 record of interview not seen by government counsel until after defendant's motion was filed. The government concedes that the government, in the global sense, did have information that Mr. Walker claimed to own the shotgun, but submits that for understandable reasons the information did not reach the core trial team until after the hearing. Upon review of the full matter, however, the information should not cause the Court to reconsider defendant's detention.

The nature of the information regarding Mr. Walker is far less important than defendant would have the Court believe. First, the issue with a felon, narcotics manufacturer, and dealer like defendant Li is not **ownership** of a firearm, it is **possession** of a firearm. See, e.g., 18 U.S.C. § 922(g) and 924(c) (criminalizing possession of firearms, regardless of ownership). The government never described defendant Li to the Court as the owner of the shotgun. What remains absolutely true is that defendant undoubtedly had a shotgun in a residence that was under his dominion and control and, therefore, in his possession regardless of who was the legal owner of the shotgun. Whether defendant knew of the

[2] The only portion that turned out to be factually inaccurate is that there were only 81 marijuana plants, rather than 87 marijuana plants in the Lis' residence.

shotgun is obviously a different question that remains unanswered to this point and is unlikely to be answered credibly for the reasons below.

Second, by defendant's own description, Mr. Walker is of questionable credibility on this or any other point. According to a jail call on April 6, 2014 – two days prior to the detention hearing – between defendant and his wife, Mimi Li, Mr. Walker was well aware of the electricity configuration of the residence. That configuration is significant because the house was wired for defendant's indoor marijuana grow. As the Court is undoubtedly aware from its long experience with search warrants and other cases, wiring electricity in a manner for a marijuana grow is a telltale sign for such activities. Defendant told his wife: "He [Mr. Walker] wants to sit there and point fingers [about the electricity on the house] for something that he knew what was going on." Later in the conversation, defendant stated, in connection with the electricity to the house, that his wife should tell Mr. Walker that "You [Mr. Walker] knew what he [defendant] was doing there, you approved of it." Then defendant described that it would only cost about $200 to fix the electrical problem.

Sure enough, there was a marijuana grow in defendant's residence and the electricity had been rigged for that grow. That Mr. Walker was, by defendant's own words, aware of the grow makes his leaving of a firearm in that residence highly suspect and gives him an understandable reason to claim that the firearm had nothing to do with defendant and his activities in the residence. One also has to question a person leaving a firearm in the home of another person – especially people with children like the Lis – and not notifying the person that they were leaving the firearm. The shotgun was apparently recovered with other items, unsecured, in a crawlspace of the home. Who leaves a shotgun in another's home without commenting that they and their children might want to be cautious about the shotgun? This is especially true if the person leaving the shotgun knows that the occupant of the house has a drug operation ongoing in the house.

That defendant would direct the Court to a source like Mr. Walker as exonerating him should be of substantial concern to the Court. That defendant will say or do anything to try to get out of jail should give the Court great pause about releasing him. If a person cannot be trusted to give the Court straight information, that person cannot be trusted to comply with the Court's conditions and directions. And the information provided – that Mr. Walker claims ownership of the gun – does nothing to cut against the

overwhelming showing made at the hearing that the defendant should be detained. But it gets much worse for defendant.

2. The Sheriff's Ballistic Vest

During the course of the detention hearing, the government pointed out that there was a ballistic vest recovered from a vehicle belonging to defendant's wife. Again, that description is as true today as it was during the detention hearing. Defendant, in his motion, provides an unbelievable tale regarding how the vest landed in the car and how his wife did not bother to mention that fact to defendant's counsel until after the hearing. It turns out that, according to defendant, defense counsel may well have known about the ballistic vest before or during the hearing, as will be discussed further below. Giving defendant and his counsel the benefit of the doubt, however, the story currently being sold to this Court defies all logic.

According to defendant's collective declarations, a member of the San Francisco County Sheriff's Office decided that he wanted to leave a ballistic vest belonging to the Sheriff's Office at the work place of Ms. Li because he didn't want it in his car. Then, when the Officer's wife did not bring the vest home, it somehow made sense for the defendant's wife to put the ballistic vest in her vehicle. They then left the ballistic vest in that vehicle for weeks and the Officer decided he did not need it because he had another vest. This story, on its face, strains credulity even if Ms. Li and the Officer were credible. They are not, however, credible sources on this point according to the defendant and his wife's own versions of events.

During the course of the undercover investigation, defendant frequently described to UCE 4599 that he had a good friend who worked in the Sheriff's Office. Defendant told UCE 4599 that the Officer had been a member of defendant Chow's organization when the Officer was younger. Defendant described the individual as "Mike" – the same first name as the Officer who has now filed a declaration. Defendant described how one night he and the Officer were intoxicated and got into an automobile accident, with the Officer driving drunk, and they were hospitalized. During the covert investigation, the government attempted to learn whether the Officer being described by defendant Li really existed.

During the investigation, defendant tried to convince UCE 4599 to meet with the Officer. The Court will recall that this was during a period of time when defendant believed that UCE 4599 was an

organized crime figure. When UCE 4599 told defendant that he did not want to meet anyone who was law enforcement – primarily out of a concern by the agent that the Officer, as a member of law enforcement, might coincidentally know the UCE or know someone who did know the UCE, thereby compromising the investigation – the defendant stated that the Officer was trustworthy. Trustworthy in that context meant that the Officer would not do anything to stop or arrest defendant and UCE 4599 in connection with their illegal businesses.

True enough, the government has now located records showing that the Officer who filed the declaration for defendant was in a serious traffic accident where he flipped his car, and admitted that he had been drinking that night. *See*, Exhibit 1, attached. Defendant was present in the car with the Officer, although defendant's name was misspelled in the report. Defendant told UCE 4599 that they had covered up the incident so that the Sheriff's Officer did not get into any trouble. Defendant further described the Officer to UCE 4599 as an ex-gang member who had previously assisted defendant with his gang activity.

In a recorded jail telephone conversation between defendant and Mimi Li, after the hearing had taken place on April 8, 2014, defendant and Ms. Li complained about the performance of the attorneys for defendant during the hearing. Defendant told Ms. Li that he had told his defense counsel about the ballistic vest, and that he only used it to bounce. While describing the hearing, defendant stated to Ms. Li: "And then the bullet proof vest, I told them I use that to bounce. Like, I don't know why she didn't say nothing. Like she was just reading off of paperwork, right?"[3] While the government will not ascribe the same ill intentions to defendant's counsel as the defense has ascribed to the government, it would appear without a doubt that at least defendant was well aware of the ballistic vest at the time of

[3] The conversation was on a recorded line of the Alameda County Jail. Thus, there was no spousal privilege, as the recording clearly and loudly announced that it may be monitored and recorded. There was no attorney-client privilege as the defendant was not conversing with his counsel, but with a third party, his wife, over the same announced and recorded line. *United States v. Montgomery*, 384 F.3d 1050, 1056 (9th Cir. 2004)("the [marital communication] privilege … applies only to confidential communications, *i.e.* those not made in the presence of, or likely to be overheard by, third parties."); *United States v. VanPoyck*, 77 F.3d 285, 290-91 (9th Cir. 1996)(where inmate knew of monitoring policy, "no prisoner should reasonably expect privacy" in those circumstances): *United States v. Madoch*, 149 F.3d 596, 602 (7th Cir. 1998)(no marital privilege for recorded jail calls); *United States v. Hatcher*, 323 F.3d 666, 674 (9th Cir 2003)("presence of the prison recording device destroyed the attorney-client privilege."); *Watson v. Albin*, 2008 WL 2079967 *3-4 (N.D.Ca. 2008) (no marital privilege where prisoner knows jail calls were recorded)(unpublished); .

his hearing and that he claimed to have told his lawyers about it. It also seems clear that, at a minimum, the declaration filed by Ms. Li in support of the motion for reconsideration was false, was known by both her and defendant to be false when it was made and filed, and that the declaration by the Sheriff's Department Officer was known by defendant to be false. It should also be noted that Ms. Li was interviewed by FBI agents during the search on March 26, 2014, and she stated that both she and defendant used the car that the vest was found in. This useful information was not known by government counsel at the detention hearing.

After receiving the defendant's motion, the government interviewed the Officer. He has admitted to having an old relationship with defendants Li and Chow that included paying Chow to stop gang members from harassing the Officer during the 1990s. He has admitted to an ongoing relationship with defendant Li. He admitted that defendant asked to borrow a ballistic vest and that he offered it to defendant, but then denied that he ever did provide it. The Officer claimed that he went to Mimi Li's workplace after work in the afternoon; Ms. Li told FBI agents that the Officer came to her workplace in the morning that day. The Officer claimed that he dropped off the vest so that he could go drinking with friends. When pressed, he stated it was to go drinking with one friend. When pressed further, he claimed he could not remember who the friend was. The wife of the Officer claimed that she went to the hair salon on a school day. The date provided by Mimi Li was February 2, 2014, a Sunday.

In short, the declarations provided by the defendant are incredible and inconsistent because they are false. According to the defendant himself, it would appear that the Officer and defendant's wife are highly compromised and should be given minimal credibility by this Court. It also is clear that defendant filed declarations from his wife and the Officer that he knew were false. Again, defendant's efforts to weave illogical stories with compromised witnesses demonstrate that the defendant is not straight with the Court and cannot be trusted on release.

3. "Context"

Defendant next argues that the government accurately reported statements by defendant Li during the hearing, but that "the government took Mr. Li's allegedly 'violent' statements out of context." Defendant falsely goes on to allege that "the government mischaracterized Mr. Li's statements and took them out of context in an attempt to convince the Court that Mr. Li uttered these statements seriously."

The government categorically denies the baseless accusations that it made any efforts to mislead the Court. Should the Court seek to reopen the hearing on this basis, the government would be happy to provide each and every recording and FBI 302 report of each of the defendant's statements for the Court so that the Court can evaluate them for itself. Upon such a review, in fact, the government is confident that the Court would be even more inclined to detain defendant.

Contrary to defendant's suggestion otherwise, most of defendant's statements were not made in a joking manner. Should the Court listen to them, it will hear that defendant was boasting and serious about several of his chilling stories and clearly still angry about some of his described victims or intended victims. And the notion that it was the undercover agents who initiated the discussions about committing violence against others through their own stories of violence is false. At the dinner on March 29, 2012, as the undercover agents posing as organized criminals from New Jersey were discussing the chaotic nature of traffic in San Francisco and a pedestrian inexplicably stepping into traffic, it was defendant who described – not in a joking manner at all – intentionally running over a pedestrian who stepped in front of him in Los Angeles. Defendant Li then discussed several different instances of his road rage leading to violent encounters. That kicked off the discussions of violence that defendant Li engaged in throughout the night and those conversations were consistently led by defendant Li. Notably, there was one portion of the conversation during which the undercover agents emphasized to defendant Li how important it was to them that he **not** become engaged in any violence because that type of conduct could draw unwanted attention to their illegal business, attract law enforcement attention, and be bad business. The undercover agents had this conversation with defendant Li out of concern and fear that Li might actually commit some act of violence before he could be arrested. The conversation was intended as an effort to steer him not to commit any further acts of violence.

Even if defendant had accurately characterized his conversations in his motion – and he did not – he somehow believes that because he occasionally laughed about the horrific violence he described, that makes his a better case for release. In truth, that at times he laughed about the violence that he described having committed and wanted to commit makes his situation worse. He did not describe violence as a necessary part of doing illegal business or as an unfortunate occurrence. Rather, he bragged about what

violence he had done, described more violence that he would like to commit, and laughed about some of it. Defendant even described some of it as almost uncontrollable, as acts that he felt compelled to take because he was messed up in the head. That defendant's counsel thinks this is mitigating is confounding. The fact is that laughing about the commission of violence is a sign of a lack of remorse and empathy and an indicator of dangerousness.

Finally, defendant draws a false equivalency between himself and the undercover agents who were involved in the conversations. Those agents were not sitting down with defendant as federal law enforcement agents. They sat down with the defendant playing a role, or legend, of sophisticated organized criminals from New Jersey. That they did not display horror at the descriptions of violence by defendant is not mitigation for defendant when they were portraying hardened criminals and defendant was being himself. This portion of defendant's argument is simply nonsensical.

4. Inaudible Recordings

To the extent that defendant Li takes issue with statements by defendant Li and by defendant Pau regarding Li's violent role as "inaudible," that cannot be the basis for an argument that the government has mischaracterized anything. During the course of the investigation, UCE 4599 documented his interactions with the defendants through recordings and through FBI 302 reports of interview. That defendant Li considers a few of the statements to be "inaudible" does not mean that the statements did not occur and that UCE 4599 will not testify to those statements at trial.

Because much of defendant's motion consists of nothing more than picking at minor details of defendant's statements, if the Court is inclined to reopen the hearing on the basis of defendant's current arguments, the government respectfully submits that the Court should listen to the recordings and gauge for itself the seriousness of the threat of violence to the community posed by defendant Li. The government would be happy to supply all of the recordings to the Court should the Court believe it necessary.

5. Statements, Actions, and History Left Unaddressed by Defendant Li's Motion to Reopen

It speaks volumes that there remain many statements made by defendant Li and argued by the government at the detention hearing that defendant does not quibble with or contest in his present motion. Importantly, those statements include the two statements that the Court specifically pointed to

in finding that defendant should be detained. The only statements that the Court expressly pointed out in the detention hearing were (1) "He bragged that he was the head of enforcement for the CKT," and (2) "wanted to get rid of the bugs." Tr. at 18. In defendant's lengthy motion, he does not contest either of those two statements, nor does he claim that either statement was taken out of context. Significantly – and this was not raised by the government at the initial hearing – the individual that defendant discussed when he stated he needed to "get rid of the bugs" was subsequently murdered in a still unsolved homicide.

Of course, defendant's motion also does nothing to mitigate any of the other reasons for the Court to detain defendant. Tr. at 17-19. His criminal history has not changed. The evidence showing that he participated in sales of firearms and an additional ballistic vest to the undercover agent has not changed.

Defendant remains a multiple convicted felon after engaging in acts of arson, robbery, and theft of interstate shipments, as the Court noted at the hearing. Tr. at 18. He has committed multiple prior violations of court-imposed conditions. *Id.* Significantly, this remains a case with a presumption in favor of detention. It remains the fact that defendant was previously detained in federal court when facing charges far less significant than those he now faces, and prior to his most recent felony conviction. There remains probable cause to believe that he provided weapons and a ballistic vest to an undercover agent who he believed was a criminal and was utilizing the firearms for illegal purposes. *Id.* There remains probable cause to believe that the defendant participated with fellow members of his gang in laundering of over a million dollars in cash. *Id.* He still bragged on being head of enforcement for the CKT and was heard stating that he wanted to get rid of the bugs. *Id.* The Grand Jury has found probable cause to bring additional charges against defendant since the original hearing, to include the RICO conspiracy.

In addition, the Court now knows that in support of his efforts to gain his release, defendant has furnished information from a landlord the defendant himself knew to be compromised. Defendant has also provided false declarations from an apparently compromised Sheriff's Officer and from defendant's wife. It would make a mockery of the system for the Court now to vest its trust in the defendant by releasing him to comply with conditions after he tried to defraud this Court.

CONCLUSION

The government respectfully submits that the Court should deny defendant's motion without any further hearing. In the alternative, the government respectfully submits that, if the Court intends to rely on any declarations filed by defendant – given their compromised nature – those witnesses should be subpoenaed to testify under oath and subject to cross-examination by the government. Finally, the government respectfully submits that, should the Court order a hearing in reliance on defendant's erroneous allegations of "misrepresentation" by the government, it should listen to the recordings of statements and review the FBI 302s of those statements itself.

Dated: August 22, 2014

MELINDA HAAG
United States Attorney

By: _____/s/_____
WILLIAM FRENTZEN
SUSAN BADGER
S. WAQAR HASIB
Assistant United States Attorneys

EXHIBIT 1

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC COLLISION REPORT

CHP 555 PAGE 1 (REV. 04-11) OPI 060

SPECIAL CONDITIONS	NUMBER INJURED	HIT & RUN FELONY	CITY	JUDICIAL DISTRICT	LOCAL REPORT NUMBER
	1	☐	SAN FRANCISCO	SAN FRANCISCO SUPER.	12110250
	NUMBER KILLED	HIT & RUN MISDEMEANOR	COUNTY	REPORTING DISTRICT / BEAT	DAY OF WEEK / TOW AWAY
	0	☐	SAN FRANCISCO	14	FRIDAY ☒ YES ☐ NO

LOCATION

COLLISION OCCURRED ON:	MO	DAY	YEAR	TIME (2400)	NCIC #	OFFICER I.D.
US-101 S/B	11/30/2012			0247	9335	020266

MILEPOST INFORMATION: | GPS COORDINATES: LATITUDE 37.75290° LONGITUDE - 122.40290° | PHOTOGRAPHS BY: ☒ NONE

☐ AT INTERSECTION WITH:
☒ OR: 210 FEET NORTH OF CESAR CHAVEZ ST

STATE HWY REL: ☒ YES ☐ NO

PARTY 1

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
[redacted]	CA	C	M	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): MICHAEL SHERMEN KIM

PEDESTRIAN ☐ — STREET ADDRESS: [redacted]

PARKED VEHICLE ☐ — CITY / STATE / ZIP: [redacted] CA [redacted]

BICYCLIST ☐ | SEX: [redacted] | HAIR: [redacted] | EYES: [redacted] | HEIGHT: [redacted] | WEIGHT: [redacted] | BIRTHDATE MO [redacted] DAY YEAR | RACE: [redacted]

OTHER ☐ — HOME PHONE: [redacted] | BUSINESS PHONE:

INSURANCE CARRIER: AAA | POLICY NUMBER: [redacted]

DIR OF TRAVEL: S | ON STREET OR HIGHWAY: US-101 | SPEED LIMIT: 50

VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
2008	TOYO TACOMA BLK	[redacted]	CA

OWNER'S NAME: ☒ SAME AS DRIVER

OWNER'S ADDRESS: ☐ SAME AS DRIVER [redacted]

DISPOSITION OF VEHICLE ON ORDERS OF: ☒ OFFICER ☐ DRIVER ☐ OTHER

B&A TOW

PRIOR MECH. DEFECTS: ☒ NONE APP. ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE: 22 | DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD ☐ MAJOR ☒ ROLL-OVER | SHADE IN DAMAGED AREA

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 2

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.

DRIVER ☐ — NAME (FIRST, MIDDLE, LAST):

PEDESTRIAN ☐ — STREET ADDRESS:

PARKED VEHICLE ☐ — CITY / STATE / ZIP:

BICYCLIST ☐ | SEX | HAIR | EYES | HEIGHT | WEIGHT | BIRTHDATE MO DAY YEAR | RACE

OTHER ☐ — HOME PHONE | BUSINESS PHONE

INSURANCE CARRIER | POLICY NUMBER

DIR OF TRAVEL | ON STREET OR HIGHWAY | SPEED LIMIT

VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE

OWNER'S NAME: ☐ SAME AS DRIVER

OWNER'S ADDRESS: ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

PRIOR MECHANICAL DEFECTS: ☐ NONE APP. ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE | DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD ☐ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 3

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.

DRIVER ☐ — NAME (FIRST, MIDDLE, LAST):

PEDESTRIAN ☐ — STREET ADDRESS:

PARKED VEHICLE ☐ — CITY / STATE / ZIP:

BICYCLIST ☐ | SEX | HAIR | EYES | HEIGHT | WEIGHT | BIRTHDATE MO DAY YEAR | RACE

OTHER ☐ — HOME PHONE | BUSINESS PHONE

INSURANCE CARRIER | POLICY NUMBER

DIR OF TRAVEL | ON STREET OR HIGHWAY | SPEED LIMIT

VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE

OWNER'S NAME: ☐ SAME AS DRIVER

OWNER'S ADDRESS: ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

PRIOR MECHANICAL DEFECTS: ☐ NONE APP. ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE | DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD ☐ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
FARLEY 020266	☒ YES ☐ NO ☐ N/A	[signature]	12-6-12

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

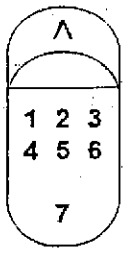
TRAFFIC COLLISION CODING

CHP 555 CARS PAGE2 (REV. 04-11) OPI 060

DATE OF COLLISION (MO. DAY YEAR)	TIME(2400)	NCIC #	OFFICER I.D.	NUMBER
11/30/2012	0247	9335	020266	2012110250

PROPERTY DAMAGE	OWNER'S NAME	OWNER ADDRESS	NOTIFIED
	DESCRIPTION OF DAMAGE		☐ YES ☐ NO

SEATING POSITION



1 - DRIVER
2 TO 6 - PASSENGERS
7 - STATION WAGON REAR
8 - REAR OCC TRK. OR VAN
9 - POSITION UNKNOWN
0 - OTHER

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP/SHOULDER HARNESS USED
H - LAP/SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

M / C BICYCLE HELMET
DRIVER: V - NO, W - YES
PASSENGER: X - NO, Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELL PHONE HANDHELD
B - CELL PHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR
LIST NUMBER (#) OF PARTY AT FAULT

1 — VC SECTION VIOLATED: A 22350 — CITED ☐ YES ☒ NO
B OTHER IMPROPER DRIVING*
C OTHER THAN DRIVER*
D UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)
A CLEAR
B CLOUDY
X C RAINING
D SNOWING
E FOG / VISIBILITY FT.
F OTHER:*
G WIND

LIGHTING
A DAYLIGHT
B DUSK - DAWN
C DARK - STREET LIGHTS
X D DARK - NO STREET LIGHTS
E DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE
A DRY
X B WET
C SNOWY - ICY
D SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)
A HOLES, DEEP RUT*
B LOOSE MATERIAL ON ROADWAY*
C OBSTRUCTION ON ROADWAY*
D CONSTRUCTION - REPAIR ZONE
E REDUCED ROADWAY WIDTH
F FLOODED*
G OTHER*:
X H NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES
A CONTROLS FUNCTIONING
B CONTROLS NOT FUNCTIONING*
C CONTROLS OBSCURED
X D NO CONTROLS PRESENT / FACTOR*

TYPE OF COLLISION
A HEAD - ON
B SIDE SWIPE
C REAR END
D BROADSIDE
X E HIT OBJECT
F OVERTURNED
G VEHICLE / PEDESTRIAN
H OTHER*:

MOTOR VEHICLE INVOLVED WITH
A NON - COLLISION
B PEDESTRIAN
C OTHER MOTOR VEHICLE
D MOTOR VEHICLE ON OTHER ROADWAY
E PARKED MOTOR VEHICLE
F TRAIN
G BICYCLE
H ANIMAL:
X I FIXED OBJECT: CONCRETE WALL
J OTHER OBJECT:

PEDESTRIAN'S ACTIONS
X A NO PEDESTRIANS INVOLVED
B CROSSING IN CROSSWALK - AT INTERSECTION
C CROSSING IN CROSSWALK - NOT AT INTERSECTION
D CROSSING - NOT IN CROSSWALK
E IN ROAD - INCLUDES SHOULDER
F NOT IN ROAD
G APPROACHING / LEAVING SCHOOL BUS

1	2	3	SPECIAL INFORMATION
			A HAZARDOUS MATERIAL
			B CELL PHONE HANDHELD IN USE
			C CELL PHONE HANDSFREE IN USE
X			D CELL PHONE NOT IN USE
			E SCHOOL BUS RELATED
			F 75 FT MOTORTRUCK COMBO
			G 32 FT TRAILER COMBO
			H
			I
			J
			K
			L
			M
			N
			O

OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)

1	2	3	
			A VC SECTION VIOLATED: CITED: ☐ YES ☐ NO
			B VC SECTION VIOLATED: CITED: ☐ YES ☐ NO
			C VC SECTION VIOLATED: CITED: ☐ YES ☐ NO
			D
			E VISION OBSCUREMENT
			F INATTENTION*:
			G STOP & GO TRAFFIC
			H ENTERING / LEAVING RAMP
			I PREVIOUS COLLISION
			J UNFAMILIAR WITH ROAD
			K DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO
			L UNINVOLVED VEHICLE
			M OTHER*:
X			N NONE APPARENT
			O RUNAWAY VEHICLE

1	2	3	MOVEMENT PRECEDING COLLISION
			A STOPPED
			B PROCEEDING STRAIGHT
X			C RAN OFF ROAD
			D MAKING RIGHT TURN
			E MAKING LEFT TURN
			F MAKING U TURN
			G BACKING
			H SLOWING / STOPPING
			I PASSING OTHER VEHICLE
			J CHANGING LANES
			K PARKING MANEUVER
			L ENTERING TRAFFIC
			M OTHER UNSAFE TURNING
			N XING INTO OPPOSING LANE
			O PARKED
			P MERGING
			Q TRAVELING WRONG WAY
			R OTHER*:

1	2	3	SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)
			A HAD NOT BEEN DRINKING
			B HBD - UNDER INFLUENCE
X			C HBD - NOT UNDER INFLUENCE*
			D HBD - IMPAIRMENT UNKNOWN*
			E UNDER DRUG INFLUENCE*
			F IMPAIRMENT - PHYSICAL*
			G IMPAIRMENT NOT KNOWN
			H NOT APPLICABLE
			I SLEEPY / FATIGUED*

SKETCH

SEE PAGE 4 FOR SKETCH

INDICATE NORTH

MISCELLANEOUS

✓ HDQ
✓ DIV. HWY
___ POLICE DEPT.
___ DIST. ATTY
___ CORONER
___ D.H.S.P

1894

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESSES / PASSENGERS

CHP 555 CARS PAGE 3 (REV 04-11) OPI 065

DATE OF COLLISION (MO. DAY YEAR)	TIME(2400)	NCIC #	OFFICER I.D.	NUMBER
11/30/2012	0247	9335	020266	2012110250

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER					
☐ #	☐	39	M	☐	☐	☐	☒	☐	☒	☐	☐	☐	1	3	M	G	0

NAME / D.O.B. / ADDRESS
ANDI LEE ([redacted]) [redacted]

TELEPHONE [redacted]

(INJURED ONLY) TRANSPORTED BY: SAN FRANCISCO FIRE DEPARTMENT MEDIC# 72

TAKEN TO: SAN FRANCISCO GENERAL HOSPITAL

DESCRIBE INJURIES: COMPLAINT OF PAIN TO THE NECK

☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☒	39	M	☐	☐	☐	☐	☒	☐	☐	☐	☐	1	1	M	G	0

NAME / D.O.B. / ADDRESS
MICHAEL SHERMAN KIM ([redacted]) [redacted]

TELEPHONE [redacted]

(INJURED ONLY) TRANSPORTED BY: SAN FRANCISCO FIRE DEPARTMENT MEDIC# 72

TAKEN TO: SAN FRANCISCO GENERAL HOSPITAL

DESCRIBE INJURIES: TRANSPORTED AS A PRECAUTION, NO INJURIES, NO COMPLAINT OF PAIN

☐ VICTIM OF VIOLENT CRIME NOTIFIED

☒ #	☐	51	M	☐	☐	☐	☐	☐	☐	☐	☐	☐					

NAME / D.O.B. / ADDRESS
[redacted]

TELEPHONE [redacted]

(INJURED ONLY) TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐					

NAME / D.O.B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐					

NAME / D.O.B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
FARLEY	020266	11/30/2012		

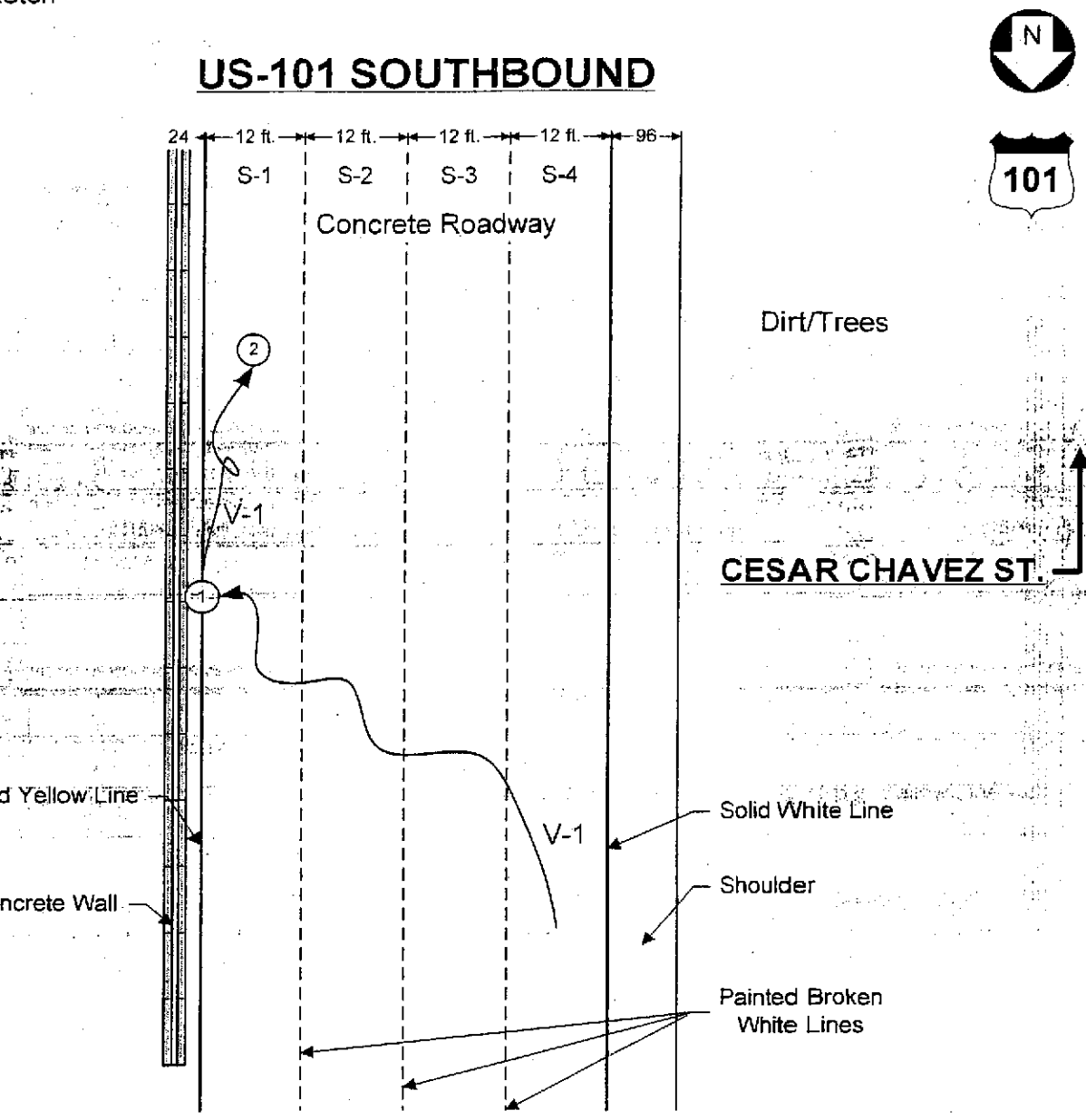
AN INTERNATIONALLY ACCREDITED AGENCY

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL PAGE 4

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/30/2012	0247	9335	020266	2012110250

1

Sketch



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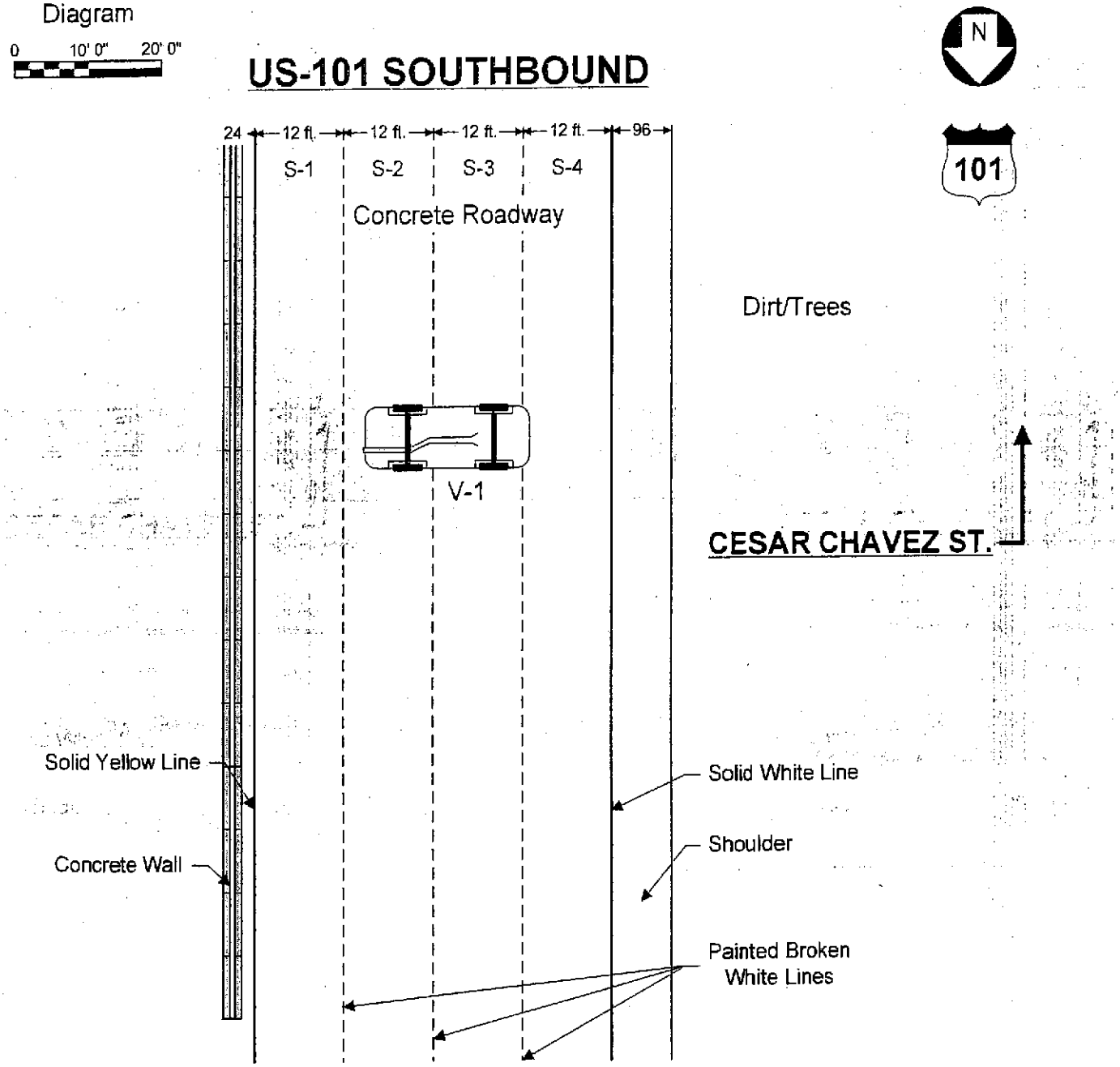
PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
FARLEY	020266	11/30/2012		

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL PAGE 5

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/30/2012	0247	9335	020266	2012110250

Factual Diagram

0 10' 0" 20' 0"



1
2
3
4
5
6
7

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
FARLEY	020266	11/30/2012		

Legend

Station Line:

A station line was established along the west roadway edge of US-101 S/B. Station 0+00 was located 200 feet north of the north edge of the 25th Street over crossing. The station numbers increase in a southerly direction. All measurements were taken at right angles off the station line. Measurements were obtained by roll meter.

Points of Rest:

DESCRIPTION	DISTANCE RIGHT OR LEFT OF STATION LINE	LOCATION ON STATION
Right Rear Tire	33 ft. left	1+49
Right Front Tire	22 ft. left	1+49

FACTS:

NOTIFICATION:

On November 30, 2012, at 0249 hours, I received a call from CHP dispatch of a solo vehicle traffic collision involving major injury on US-101 S/B, north of Cesar Chavez. I responded from 7th and Bryant Street and arrived on scene at 0302 hours. Once on scene, I determined this to be a sole vehicle traffic collision involving minor injuries. All times, speeds, and measurements are approximate. Measurements were obtained by visual estimation and roll meter.

SCENE DESCRIPTION:

This traffic collision occurred within the city and county of San Francisco. US-101 S/B at this location is comprised of four lanes of traffic. Each lane is 12 foot wide and is divided by painted broken white lines. The roadway is bordered on the east by a solid yellow line, 2 foot wide center divide, and a concrete median wall. The roadway is bordered on the west by a solid white line, 8 foot wide shoulder, and dirt/trees. The roadway is made of asphalt and the roadway was wet due to heavy rain at the time of the traffic collision. The area is controlled by the posted speed limit of 50 mph. All roadway signs and markings were in working order. **(See factual diagram for details.)**

PARTIES:

Party-1 (P-1, Kim) was identified by his valid California DL. P-1 was located sitting upright in the back of an ambulance upon my arrival. P-1 was determined to be the driver of V-1 by the following:

- P-1 is the registered owner of V-1
- P-1, and witness statement
- The seat position matched the stature of P-1

Vehicle-1 (V-1, Toyota) was located on its roof facing in an easterly direction blocking the #2 and #3 lane upon my arrival. V-1 sustained major roll over damage as a result of this traffic collision. The damage consisted of the following: damage to hood, roof, damage to both sides of V-1, bed of truck, shattered windshield and rear window. No previous damage noted or claimed.

STATEMENTS: ***STATEMENTS ARE NOT VERBATIM AND ARE WRITTEN IN SUMMARY FORM. THE STATEMENTS WRE READ BACK TO THE INVOLVED PARTIES FOR VERIFICATION.***

Party-1 (P-1, Kim) was contacted at the scene and related the following in essence: He was driving S/B in the #4 lane at 55 to 60 mph in heavy rain. "Andi" was his passenger. He was taking Andi home to Daly City. They were coming from a nightclub off Broadway St. He hit a couple huge puddles, slowed down and fishtailed to the left. He traveled across the fast lane and hit the center divide and flipped over. After the collision, they were upside down in the vehicle, unbuckled his seatbelt and exited vehicle. He called an SFPD dispatcher to relate he was involved in a traffic

collision, requested an ambulance. He then unbuckled the passenger seatbelt and related the passenger was fine.

Witness-1 (W-1, [redacted]**)** was contacted at the scene and related the following in essence: He was driving S/B in the #3 lane at approximately 50 mph. He observed a truck in the ahead of him traveling at approximately 55 mph in an unknown lane. The truck's rear end rotated counter clockwise, made a quarter turn and rolled over. W-1 stopped on the shoulder to check on the occupants.

INTOXICATION NARRATIVE:

While gathering information from P-1 regarding the traffic collision, I observed his eyes were red and watery. I asked him he consumed alcohol and he related 3 beers earlier in the evening. I asked P-1 a series of field sobriety test questions and had him perform two field sobriety tests (FSTS) while on the stretcher. Horizontal Gaze Nystagmus I observed lack of smooth pursuit in both eyes. The Finger Count test was performed as instructed. I determined P-1 was not under the influence of an alcoholic beverage.

SUMMARY:

P-1, Kim was driving **V-1, Toyota** on US-101 S/B, north of the 25th Street over crossing in the #4 lane at approximately 60 mph in heavy rain. Due to P-1's unsafe speed for the conditions, the rear of V-1 rotated counterclockwise and veered left crossing lanes of traffic and colliding into the concrete wall. This impact caused V-1 to roll onto its roof. V-1 slid across the #1 lane and came to rest on its roof facing in an easterly direction blocking the #2 and #3 lane. After the collision, P-1 exited V-1 and called an SFPD dispatcher for assistance.

The summary was determined by P-1 and W-1's statement, the damage to V-1, and my observations.

AREA OF IMPACT (AOI):

AOI #1 (V-1 vs. concrete wall) occurred approximately 210 feet north of Cesar Chavez St. and 2 feet east of the east roadway edge of US-101 N/B.

AOI #2 (V-1 vs. roadway) occurred approximately 180 feet north of Cesar Chavez St. and 6 feet west of the east roadway edge of US-101 N/B.

The AOI's were determined by P-1 and W-1's statement, the damage to V-1, and my observations.

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL PAGE 9

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/30/2012	0247	9335	020266	2012110250

CAUSE:

P-1 caused this collision by driving in violation of California Vehicle Code section 22350, which states, no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property. P-1 caused this collision by traveling at a speed too great for the traffic conditions. The cause was determined by the damage to the involved vehicle, the statements of P-1 and W-1, and my observations.

RECOMMENDATIONS:

None

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
FARLEY	020266	11/30/2012		

OFFICIAL RECORD
Document participants have digitally signed. All signatures have been verified by a certified FBI information system.

FEDERAL BUREAU OF INVESTIGATION

Date of entry 01/27/2015

Michael Kim, date of birth [redacted], was interviewed at the United States' Attorney's Office, located at 450 Golden Gate Avenue, 9th Floor, San Francisco, California 94102. Present at the interview was Kim, Kim's defense attorney Jonathan McDougall, a private investigator with McDougall's firm, Assistant United States' Attorney William Frentzen, and Federal Bureau of Investigation Special Agents Emmanuel V. Pascua, Tseng H. Chow, and Maya N. Clark. Prior to beginning the interview, Frentzen, McDougall, and Kim reviewed the proffer agreement and signed it. After being advised of the identity of the interviewing agents and the nature of the interview, Kim provided the following information:

Kim initially apologized for lying to the agents during the first interview (FD-302 drafted on August 20, 2014). Kim said he should have told the truth from the beginning. Kim said Andy Li (hereafter "Li") had gotten a job as a bouncer for a club. Li asked Kim if Li could borrow a vest. Kim had two vests, so Kim gave one to Li. Kim told Li not to give it to anyone else because it was his department issued vest and to give it back to Kim when Li no longer needed it. Li still had the vest when he was arrested.

When Kim heard Li had been arrested, Kim asked Mimi Li (hereafter "Mimi") about the whereabouts of Kim's vest. Mimi told Kim that Kim's vest was found in her car. Mimi said the FBI took the vest, but since it was found in her car, it had nothing to do with Li's case. Li's attorney called Kim and asked Kim whether it was his vest. Kim said it was. There were no markings on the vest to identify it as either Kim's vest or as property of the San Francisco Sheriff's Department, but Kim admitted it was his vest.

Li's attorney called Kim a second time. This time, Kim was driving when she called. Again, the attorney, whom Kim knew as Vanessa, asked about the vest. Kim made up the story about leaving the vest at Mimi's salon while

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he was driving and while he was on the telephone with Vanessa. Kim said it was not a well-thought out story; for instance, he was not able to tell agents with whom he was drinking that day, because he had not thought out these details. Vanessa told Kim that she would write up Kim's explanation about the vest. However, then Kim did not hear from her for awhile.

Kim believed Li asked to borrow Kim's vest around the beginning of 2014. Li knew a person named Rodrigo RUIZ (hereafter "Rodrigo"), who worked in security at California Pacific Medical Center (CPMC) and also as a bouncer. Rodrigo was unable to get Li a job with CPMC, because Li lied on his job application, so Rodrigo helped Li get a job as a bouncer. Kim was also trying to help Li get a job as a security guard through Danny Gonzalez who is the owner of Execushield. Li was in the process of this application process when he was arrested.

The next time Kim heard from Vanessa, it was right before Li's detention hearing. Kim got a telephone call from Vanessa asking Kim to sign the declaration as soon as possible. Vanessa emailed it to Kim and asked him to look it over. Kim did, but he did not think much about it. Vanessa called Kim again and told Kim she needed the declaration back that day. So Kim signed it and sent it back.

Kim said it was his idea to come up with a story about the vest. It was not Mimi's; it was not Li's. Kim had not spoken to Li since Li's arrest. The day before the FBI interviewed Kim, Kim had dinner with Mimi, Caesar Marabuto (aka "Auggie," herafter "Auggie"), and Auggie's wife. At that time, Kim told Mimi about Kim's story he invented about forgetting the vest at Mimi's salon.

Kim knew Li was growing marijuana and knew Li was having dinner with Raymond Chow (aka "Shrimp Boy," hereafter "Chow").

At this point in the interview, it was pointed out to Kim that his declaration and Mimi's declaration had been filed with the court before the dinner when Kim described telling Mimi about the vest. Kim was told that since his and Mimi's declarations matched, Kim and Mimi must have discussed the circumstances surrounding the vest prior to the dinner.

Kim recalled hearing Li had been arrested and immediately thinking about Kim's vest. Kim believed he heard about Li's arrest from Auggie. Kim spoke about his vest with Auggie, and he told Auggie he needed to get his vest back.

Kim did not have Mimi's telephone number. However, Kim recalled Mimi coming to Kim's house for dinner within a week or two of Li's arrest. Mimi was panicked and was asking for help. Mimi needed money, needed help with

child care, and she wanted to know if Kim would be willing to put up his house for Li's bond. Kim asked Mimi about the vest. Mimi told Kim the vest was found in Mimi's car, so Mimi said it was her vest. Kim told Mimi that Kim would be in "big trouble" if Kim did not get the vest back. Mimi said she would talk with Li's attorney. Kim believed he fabricated story of the vest at this time, and discussed it with Mimi. Kim did not remember discussing the story with his wife at this time. Kim told Mimi the story about forgetting the vest in the hopes that Mimi would speak with Li's attorney. Kim hoped this would get his vest back. He also hoped this would mean Kim's vest would not be used in considering whether Li should be granted bail.

When Vanessa asked Kim about the vest, Kim went with the story he had already told Mimi. Vanessa said she would type it up and go to court. Vanessa also asked Kim if he knew anyone who would write character letters for Li.

After being interviewed by the FBI, Kim spoke with his wife. Kim told his wife the story he had told the FBI. Kim's wife was angry, but she also stuck with the story when she was subsequently interviewed.

Kim had not spoken with Li after his arrest. When it was pointed out that there was a jail recording of a telephone call with Kim speaking to Li during a time when Mimi was with Kim and Mimi handed the phone to Kim. Kim recanted his statement that he has not talked to Li after his arrest. Kim stated he may have spoken to Li briefly, but he did not specifically recall.

Kim next discussed the car accident in which both he and Li were involved. Kim said he, Li, and Auggie had been trying to find time to get together to celebrate Li's birthday. They finally found time in November. They started at a bar on 7th and Bryant called Rumors and then went to a strip club on Broadway. They stayed until about 1:30 a.m. Kim had had a couple of drinks, but Auggie and Li were hammered. Kim drove home and dropped Auggie off at home. Kim said it was raining, and he fishtailed and ended up flipping the car.

Kim called 911. California Highway Patrol arrived and gave Kim the driving-while-intoxicated test a couple of times. So did a second CHP officer. A union representative from the Sheriff's Department also arrived at the accident. The union representative said that there was no report needed, because CHP was classifying the incident as an accident. Kim did not ask any of the CHP officers for any favors, nor did they extend him any favors.

Kim and Li were taken to the hospital in separate ambulances. They were

placed in the same Emergency Room. Police officers spoke with Kim, Li, and a witness to the accident. Kim did not recall if Li had any identification. Kim also did not recall if anyone investigated Li's background. Kim believed Li was just treated as a passenger in the car.

Kim did not know why Li would think that Kim had received favors from CHP. Kim said Li liked to brag.

Kim met Li in 9th grade through sports. They were the same age and both attended Lincoln High School. Li was always in trouble. Li was involved in cutting school, sports betting, breaking into vehicles, and selling stolen goods. During junior year, Li attended a different high school. Li and Kim stayed in touch, hanging out together on weekends. Kim knew that Li continued to be involved with vehicle break-ins. Kim did not participate in these activities, because Kim was working in his parents' restaurant all the time. Kim mentioned his parents sold the restaurant which was previously located on Irving Street between 22nd and 23rd Street in San Francisco, CA. Kim and Li did drink when they were together, and they would get into fights. Li would smoke marijuana and would try to get Kim to do so as well. However, Kim would not do so.

During Kim's senior year of high school, Kim was targeted by kids in Asian gangs in Chinatown and in the Tenderloin. Kim would get involved in numerous fights. The school, coaches, the principal, and the School Resource Officer all got involved. Kim said the people that targeted him were Vietnamese and Chinese. Some eventually became involved with the Jackson Street Boys, Lam Boys and the Washington Street gang but Kim did not know if they belonged to these gangs at the time Kim was targeted.

Even after the involvement of school personnel, Kim and Li continued to get jumped. Kim heard rumors that the people jumping him were long-time gangsters, and Kim began to get scared. Li's father knew a lot of people and he spoke to some unidentified people to try and make the fights stop. Li's father said the guy wanted $5,000. Kim's sister gave Kim $5,000, and Kim gave the money to Li's father. Kim's sister was older than Kim, and Kim did not know where she got the money. Kim assumed it was from a credit card.

Li's father took Kim and Li to Lehore restaurant. They met a number of Chinese people, including Raymond Chow for the first time. Kim assumed Li's father paid someone the money. After that, the harassment stopped. A couple of months later, Kim heard that Li was running with Chow.

Kim continued to hang out with Li quite often. Therefore, Kim would also see Chow. Kim did not do anything with Chow. However, Kim would accompany Li to collect money for debts from individuals at casinos such as

Artichoke Joes or Lucky Chances. On a couple of occasions, Li gave Kim some of the money from these collections. It would typically be about a couple hundred dollars. Kim did not know who Li was collecting for, but Kim assumed it was for Chow. These collections were always cordial. No one ever refused to pay. There was never any violence to force someone to pay. Kim never saw Li with a weapon.

Kim agreed that others would say that Kim was part of Chow's crew. When Chow saw Kim, Chow would give Kim a hug or a handshake. They would engage in small talk. However, Kim and Chow were never alone. They only saw each other at restaurants.

During this time period, Li claimed to be associated with the Hop Sing Tong Association. Kim had been to the Hop Sing Tong Association building located in San Francisco Chinatown with Li approximately 10 times. Kim would hang out for awhile, then would leave with Li. Kim did not participate in any Triad ceremony or oaths. Kim did not see Li participate in any Triad ceremonies either. While Kim and Li were at the Association, Kim would observe Li speaking with Chow. However, Kim did not notice any pattern between Li and Chow speaking and the collections Li and Kim were handling. Kim said Chow would give Li money once in a while.

Kim and Li continued this relationship for approximately five to six years, until Li went to prison. Li was Kim's only connection to Chow, so once Li went to prison, Kim fell out of touch with Chow. At that time, Kim attended the Sheriff's Academy and became a Sheriff's Deputy. When Li was released from prison, he did some community work. However, he was caught with stolen computers, and Li went back to jail. After Li got out the second time, Li continued to hang out with Chow. However, Kim did not know that Li was "running with" Chow again.

At one point, Li went to Los Angeles. Kim encouraged Li to stay there, away from the trouble in San Francisco. However, Li came back to San Francisco. After Li did so, Kim heard that Li and Chow got into a fight.

Kim went to a birthday dinner for Li. Approximately 20-30 people were there, including Joe Chanthavong and Chow. Kim did not know the others. Kim only stayed for dinner. Kim did not go to the clubs afterwards.

Kim did not know what Li did to earn money once Li returned from Los Angeles. Li told Kim that Li had a permit to grow marijuana plants. Li told Kim he had 99 plants growing in his home. Kim did not care about Li's involvement with marijuana. Kim assumed Li also had other side jobs and that Mimi was making money with her salon.

Kim never saw any marijuana grown at Li's house. After Li returned from

Los Angeles, Li lived in Daly City. Kim never saw any marijuana at that house. Li just showed Kim the permit. Li said he would make 80-90 with each batch of marijuana. Kim did not ask Li to whom he sold the marijuana. Li told Kim that Joe was also growing marijuana and that Joe had been arrested.

Li had shown Kim guns while they were in high school, but Kim had not seen Li with any weapons since Kim became a Sheriff's Deputy. Kim did not see Li with a gun while Li was collecting money from casinos.

Kim said that Li and Auggie were closer than Li and Kim were. Kim described Li and Auggie as being "tight." Kim knew Auggie and Li spent a lot of time together and often drank together. Auggie and Kim had discussed Li's arrest. Kim also knew that Li had gone to Auggie for advice when Li got into a fight with Chow.

Kim said the fight happened when Li and Chow were together drinking at a club. Li wanted Chow to admit that Chow had sent Li to burn down a house, but Chow would not admit it. Li became angry and hit Chow. Li then became scared. Kim told Li to be careful, because Chow was a big-time gangster. This fight happened late 2013. Li asked Kim for his vest approximately one month after the fight.

Li never talked to Kim about doing business with anyone related to the mob or the east coast. Li did introduce Kim to a light-skinned man from New Jersey at a club.

Kim had never used his access as a Sheriff's Deputy to run any person that Kim should not be running. Kim did not know if Auggie had. Li did ask Kim to run a license plate for Li. Li said something to the effect of "I'm looking for this guy." Kim refused to run the plate for Li. Kim believed this conversation happened at the end of 2013.

Li had also asked Kim if certain people were in jail. If the information was public, Kim would tell Li. Li asked about a couple of Chinese names. Kim did not recall which names. Kim thought Li asked about these names in 2013. Kim looked up the names for Li either through a computer program or by calling the law enforcement line - 425. Li would only say these names were that of a friend, and Li had not seen them, so Li was wondering if they were in jail. Kim did not ask who these people were.

Kim and Auggie had never discussed Li asking Kim for favors. Auggie went into the Navy after high school. He would come back on the weekends, drink, and hang out, but Auggie would not be around otherwise. Auggie did meet Chow during these weekends. Auggie and Li were tighter in high school than Kim and Li were. Auggie and Li would break into vehicles together.

Auggie never collected any money from casinos with Li and Kim. Kim said Auggie was not a part of the Hop Sing Tong Association.

Li told Kim that Li sold steroids to cops at a gym. Kim and Auggie never bought any steroids from Li. Kim did not know any specifics about items being smuggled into jail, and Auggie had never mentioned anything about smuggling to Kim.

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, v. ANDY LI, Defendant.	No. CR 14-196 CRB (JCS) ~~[PROPOSED]~~ **ORDER OF DETENTION PENDING TRIAL**

This matter came before the Court on April 8, 2014, for a detention hearing. Defendant Li was present and represented by counsel, Winston Chan and Maia Perez. Assistant United States Attorneys William Frentzen and Susan Badger appeared for the government.

Pretrial Services submitted a report to the Court and the parties that recommended detention, and a representative of Pretrial Services was present at the hearing. The government moved for detention, and defendants opposed. Proffers and arguments regarding detention were

submitted by the parties at the hearing.

Upon consideration of the facts, proffers and arguments presented, the Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community. Accordingly, the Court concludes that defendant must be detained pending trial in this matter.

The present order supplements the Court's findings at the detention hearing and serves as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1).

With respect to all of the subsequent findings, this case involves a presumption in favor of detention pursuant to 18 U.S.C. § 3142(e) because the defendant has been charged by Grand Jury indictment with violating 21 U.S.C. § 846. While the ultimate burden of persuasion rests upon the government, given the presumption, it is the finding of the Court that defendant did not make proffer of facts or information sufficient to rebut the presumption.

The Court makes the following findings as basis for its conclusion that no condition or combination of conditions will reasonably assure the safety of other persons and the community as to defendant Li. First, while the Court considers the facts of the instant case to be the least important factor in its determination regarding detention, this case involves trafficking narcotics as well as allegations that defendant trafficked in firearms and a ballistic vest while being a convicted felon. Li also is charged with laundering money in excess of $1,000,000 total. According to agents, individuals reported that Li was an "enforcer" for the Chee Kung Tong, an organization with allegedly criminal aspects and he discussed a variety of violent acts with an undercover agent. Second, although somewhat old, defendant's adult criminal record includes convictions related to arson, robbery, and a federal conviction for theft from interstate shipment. Third, agents report that when the defendant's residence was searched, they found a shotgun and a ballistic vest. Fourth, the instant charges allege firearm possession and sales. For these reasons, the Court deems defendant Li to present a risk of danger to other persons and the community that cannot be mitigated adequately by conditions of release.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

1. Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

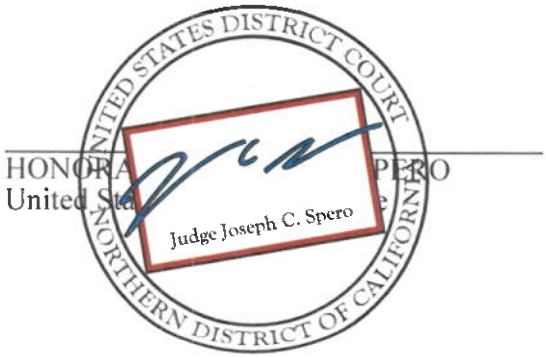
2. Defendant be afforded reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver defendants to an authorized deputy United States marshal for the purpose of any appearance in connection with a court proceeding.

SO ORDERED.

Dated: ~~April~~ May 7, 2014

HONORA[illegible] PERO
United St[illegible]



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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America, Plaintiff, v. Andy Li, Defendant.	CASE NO. CR 14-196 CRB (JCS) **NOTICE OF MOTION AND MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION** **Hearing:** Date: August 22, 2014 Time: 10:30 AM Judge: Hon. Joseph C. Spero

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TO THE GOVERNMENT; AND THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that on August 22, 2014 at 10:30 AM in the courtroom of Magistrate Judge Joseph C. Spero, or as soon thereafter as this matter can be heard pursuant to Criminal Local Rule 47-2, defendant Andy Li ("Mr. Li") will move for an order granting the following Motion to Reopen Detention Hearing and Reconsider Detention in the above-captioned case.

This motion is based upon the Bail Reform Act, 18 U.S.C. § 3141 *et seq*. Specifically, Mr. Li asks this Court to reopen his detention hearing and reconsider the order of detention pursuant to 18 U.S.C. § 3142(f), on the grounds that he has discovered new, material information not previously available to him that bears on whether the court can fashion conditions of release that will reasonably assure the safety of the community.

I. INTRODUCTION

On April 8, 2014, this court presided over Mr. Li's detention hearing and ordered him detained pending trial in this matter, finding that the court could not fashion any conditions of release that would reasonably assure the safety of the public. Reporter's Transcript of April 8, 2014 detention hearing, attached hereto as Exhibit A, at 18:23-19:1 ("Tr."). According to the written order of detention, the facts of the instant case – including that Mr. Li "discussed a variety of violent acts with an undercover agent" – and the presence of a shotgun and a ballistic vest at Mr. Li's residence both served as a basis for the order of detention. May 7, 2014 Order of Detention Pending Trial, attached hereto as Exhibit B, at 2 ("Detention Order").

Based on the existence of material information not known to Mr. Li at the time of his detention hearing, he now moves this court pursuant to 18 U.S.C. § 3142(f) to reopen his detention hearing and reconsider the order of detention. First, the shotgun and the ballistic vest did not belong to Mr. Li, nor was he aware of their existence or presence at his residence prior to his detention hearing. After the hearing, Mr. Li ascertained that the shotgun belonged to his landlord, Doug Walker, and that the ballistic vest belonged to his friend, Michael Kim, an employee of the San Francisco Sheriff's Department. The former fact was known to the government during the detention hearing but, inexplicably, never disclosed to the court or Mr. Li. Second, recordings obtained through

discovery after Mr. Li's detention hearing demonstrate that the government cherry-picked inflammatory statements of supposedly "violent acts" to present to the court without providing information about the context or tone of these conversations.

Given that the court cited the shotgun, the ballistic vest, and Mr. Li's discussion of "violent acts" as reasons for detaining Mr. Li, this new information has a material bearing on whether the court can fashion conditions of release that will reasonably assure the safety of the community. Accordingly, Mr. Li respectfully requests that this court reopen his detention hearing and ultimately grant him pretrial release.[1]

II. BACKROUND

Following Mr. Li's initial appearance, the government moved to detain him pending trial as both a flight risk and a danger to the community. Tr. at 2:11-12. On April 8, 2014, the prosecution and Mr. Li submitted arguments in favor and against detention. In arguing for pretrial detention, the government noted Mr. Li's aged prior record, his membership in the Chee Kung Tong organization – even though the government's own affidavit acknowledges that Mr. Li "may no longer be a CKT member" – and the instant charges against Mr. Li, listing multiple examples of Mr. Li merely discussing, but not engaging in, various acts. *See generally* Tr. at 2-9. The government's affidavit in support of the complaint in this matter did not include allegations related to the majority of the discussions cited by the government at Mr. Li's detention hearing, and thus, Mr. Li and defense counsel had no prior knowledge of these supposed discussions. Finally, the government cited their recovery of a 12-gauge shotgun from Mr. Li's residence and a ballistic vest from his wife's vehicle as evidence of Mr. Li's dangerousness. *Id.* at 9:3-6. The government did not make any arguments regarding Mr. Li's supposed flight risk.

The defense argued that Mr. Li had turned his life around since his last conviction 13 years ago, so much so that his former parole officer wrote a letter for him in support of a job application.

[1] Due to the extensive volume of discovery in this case, the defense has not had the opportunity to review all documents and recordings produced by the government. The defense therefore reserves the right to bring additional evidence relevant to Mr. Li's pretrial release to the court's attention at a later date.

Id. at 15:17-16:6. We stated that Mr. Li owns a hair salon with his wife and worked as a bouncer in the Bay Area. *Id*. at 11:9-13. We explained that prior to these pursuits, Mr. Li had worked as a youth counselor for at-risk youth through the Community Youth Center in San Francisco and ran a licensed florist business. *Id*. at 11:14-18. We noted that, according to the Pretrial Services Report, Mr. Li previously had been granted pretrial release at least three times, and had always appeared in court. *Id*. at 11:19-24. We explained that the government has not charged Mr. Li with any crimes of violence, and that the colorful discussions cited by the government amounted to simply "loose talk" that did not culminate in any action. *Id*. at 12:15-17; 14:4-15. Moreover, the defense noted that it was not aware of these conversations prior to the detention hearing, nor did it know anything about the context of these discussions. *Id.* The defense also observed that the government allowed Mr. Li to live freely for years after these supposed discussions took place, contradicting the government's current position that Mr. Li poses a threat to the community. *Id*. at 14:16-18. Finally, we pointed out that even the government acknowledges that Mr. Li is not affiliated with the Chee Kung Tong organization, and that the government or the court had agreed to the release of other similarly situated defendants in this matter. *Id*. at 14:19-15:16.

As to his risk of flight, the defense noted that Pretrial Services found that Mr. Li presented a low risk of flight, and that the court could set conditions to mitigate any risk. *Id*. at 10:5-8. We explained that Mr. Li has lived in California for 36 years, and has significant family ties to the Bay Area, acting as the primary caretaker for his two minor children and his elderly, ailing father. *Id*. at 10:16-11:6. The defense also introduced four individuals that were willing to act as sureties for Mr. Li. *Id*. at 11:25-12:14.

After hearing the arguments, the court ordered detention of Mr. Li, stating that it had found by clear and convincing evidence that no combination of release conditions could reasonably assure the safety of the community. *Id*. at 17:22-18:2. The court noted that Mr. Li's possession of a shotgun and a ballistic vest when arrested was "of particular concern to the court" in making the detention determination. *Id*. at 18:12-14. It also predicated its decision on the instant charges of the case and the testimony of the undercover agents. *Id*. at 18:15-19:1. While the court noted Mr. Li's prior record, it acknowledged that "the last event occurred in 2001[.]" *Id*. at 18:4-5. The court entered the written

order of detention on May 7, 2014. *See* Exhibit B. The written order notes that "the court considers the facts of the instant case to be the least important factor in its determination regarding detention." Detention Order at 2. Similarly, although the written order mentions Mr. Li's prior record, it acknowledges that this history is "somewhat old," and therefore presumably less relevant. *Id.* Thus, the court's detention order rested largely on Mr. Li's supposed possession of a shotgun and a ballistic vest, and his discussions with undercover agents.

III. ARGUMENT

A. This Court Should Reopen Mr. Li's Detention Hearing Based on the Existence of Material Information Not Known to Him at the Time of the Hearing.

The court may reopen a detention hearing if it finds that information exists that was not known to the movant at the time of the hearing, and that such information has a material bearing on the issue of whether there are conditions of release that will reasonably assure the safety of other persons and the community. 18 U.S.C. § 3142(f). Here, information relating to Mr. Li's supposed possession of a shotgun and a ballistic vest and information relating to his discussions with undercover agents was not known to him at the time of his original hearing. This information is material because the court cited Mr. Li's supposed possession of a shotgun and ballistic vest and his discussion of "violent acts" with undercover agents as reasons for detaining him. Furthermore, this information tends to prove that he does not pose a risk of danger to the community, and thus, that the court should release him pending trial in this matter.

At the time of his original hearing, Mr. Li did not know that agents had found a shotgun at his residence or a ballistic vest in his wife's vehicle, as neither of these items belonged to him. He has since learned that the shotgun belonged to his landlord, Doug Walker (Pastora Decl., attached hereto as Exhibit C, ¶ 6; Li Decl., attached hereto as Exhibit D, ¶ 11)—a fact known to the government at the time of hearing but never disclosed—and that the ballistic vest belonged to Officer Michael Kim of the San Francisco Sheriff's Department. Kim Decl., attached hereto as Exhibit E, ¶ 4-8.

Similarly, when his detention hearing took place, Mr. Li lacked knowledge of the specific conversations in which he allegedly discussed "violent acts," as well as the specific comments he or others allegedly made. This information was not available until the government's May 12, 2014

production of discovery, which revealed that the government did not provide context for many of Mr. Li's comments. All of this information is new and material. Accordingly, the court should reopen Mr. Li's detention hearing and find that the government has not presented clear and convincing evidence warranting the pretrial detention of Mr. Li as a danger to the community.

1. The Shotgun Found in Mr. Li's Residence Did Not Belong to Him, Nor Was He Aware That it Existed.

At the time of his arrest, Mr. Li resided at [redacted] in a home that he rented from an individual named Doug Walker. Li Decl. ¶ 1. Mr. Li did not know that there was a shotgun at this residence until the government introduced this information as evidence of Mr. Li's dangerousness at his initial detention hearing. Pastora Decl. ¶ 3. Although the agents who searched Mr. Li's home left a Receipt for Property Seized ("Receipt"), the Receipt was and is illegible, rendering it impossible to discern what the agents seized from the residence and insufficient to notify Mr. Li that they had found a shotgun. Pastora Decl. ¶ 4, Ex. 1. The agents arrested Mr. Li and took him away at the beginning of the search. Li Decl. ¶ 7. His wife, Mimi Li, left the home during the search because the agents did not allow her to move about the premises freely. Li Decl. ¶ 5. The agents left the illegible Receipt on the Li's coffee table. Li Decl. ¶ 8. After the hearing, Mr. Li learned that the shotgun uncovered by the agents belonged to his landlord and owner of the home, Mr. Walker.

The Li's moved into their rented residence in South San Francisco in November 2013. Li Decl. ¶ 1. In January 2014, Mr. Walker informed the Li's that he would be storing some of his personal belongings – previously left in the garage of the residence – in a small crawl space beneath the home. Li Decl. ¶ 3. The Li's did not object, and never entered the crawl space while they resided in the home. Li Decl. ¶ 3-4. Therefore, they did not know that Mr. Walker had stored a shotgun in the crawl space. Li Decl. ¶ 10.

Just prior to Mr. Li's detention hearing, Mr. Walker called Ms. Li to inform her that he had spoken to the FBI to request the return of his shotgun. Li Decl. ¶ 9-11. He said that the FBI had called him to notify him of the search of the property. Li Decl. ¶ 11. Prior to that telephone call, as previously explained, Ms. Li had no knowledge that Mr. Walker had stored a shotgun at the residence

he rented to the Li's. Li Decl. ¶ 10. Ms. Li was not able to relay this information from Mr. Walker to defense counsel or her husband prior to his detention hearing. Li Decl. ¶ 12.

On April 22, 2014, defense counsel called Mr. Walker to procure an affidavit confirming that he owned the shotgun seized from the property he owned and rented to the Li's. Pastora Decl. ¶ 5. Mr. Walker informed defense counsel that the seized shotgun was an antique that belonged to his uncle. Pastora Decl. ¶ 6. He further informed defense counsel that he had notified the FBI twice already that the antique shotgun belonged to his uncle and not to Mr. Li. Pastora Decl. ¶ 7. He then stated that he would not sign an affidavit attesting to his uncle's ownership of the shotgun because he had spoken to the FBI again, and an agent had told him not to sign anything related to the shotgun. Pastora Decl. ¶ 7. Although the government knew prior to Mr. Li's detention hearing that the shotgun seized from his rented home did not belong to him, it nevertheless argued that the court should detain Mr. Li as a danger to the community based on the recovery of the shotgun. Moreover, the court relied on the recovery of the shotgun in finding that clear and convincing evidence existed that no combination of conditions could ensure the safety of the community if it released Mr. Li pending trial. In fact, the court noted that Mr. Li's possession of a shotgun was of "particular concern" in making the detention determination. Tr. at 18:12-14. And although it is troubling that the government relied on the shotgun as a basis for detention despite its knowledge that the shotgun did not belong to Mr. Li, even more concerning is the apparent attempt by the government to prevent Mr. Walker from claiming ownership of the shotgun. Given that Mr. Li did not, in fact, possess a shotgun and had no knowledge prior to his detention hearing that the government had recovered a shotgun that his landlord stored on the premises – unbeknownst to him – the existence of the shotgun cannot support a finding that Mr. Li is a danger to the community. Thus, Mr. Li requests that this court reopen his detention hearing and reconsider the order of detention.

2. The Ballistic Vest Agents Recovered Did Not Belong to Mr. Li, and He Had No Knowledge That the Vest Was in His Wife's Vehicle.

Similarly, Mr. Li did not know that agents had recovered a ballistic vest from his wife's vehicle until the government introduced this information at his detention hearing. He did not learn the circumstances surrounding his wife's possession of the ballistic vest until after his original detention

hearing. Because the court also noted Mr. Li's possession of a ballistic vest as a "particular concern" in deciding to detain him, this new information is material and warrants a reopening of the detention hearing.

As the government noted at the hearing, agents found the ballistic vest in Ms. Li's vehicle. Tr. at 9:5-7. The ballistic vest did not belong to Ms. Li, but rather to Michael Kim, a friend of the Li's who is employed by the San Francisco Sheriff's Department. Kim Decl. ¶ 1, 9. The vest was provided by that agency to Mr. Kim in connection with his employment. Kim Decl. ¶ 2. On February 2, 2014, Mr. Kim's wife had an appointment at Ms. Li's hair salon, and Mr. Kim left his government-issued ballistic vest with his wife, with the intention that she would bring it home for him. Kim Decl. ¶ 3-5. However, Mr. Kim's wife forgot the vest at the salon. Kim Decl. ¶ 6. Rather than leave the vest unattended at the salon, Ms. Li placed it in her car, intending to return it to Mr. Kim. Kim Decl. ¶ 7; Li Decl. ¶ 18. However, she did not have an opportunity to return the vest to Mr. Kim prior to Mr. Li's arrest and the search of their residence. Kim Decl. ¶ 8; Li Decl. ¶ 19. Ms. Li never took the ballistic vest out of her vehicle prior to the search. Li Decl. ¶ 20. Mr. Li did not learn that Mr. Kim had left his validly-issued vest at his wife's salon – and that his wife subsequently placed it in her vehicle – until after his detention hearing. It is also worth noting that in executing the search of Ms. Li's vehicle, the agents left behind one of their gun clips. Li Decl. ¶ 21. Thus, law enforcement has on at least two occasions caused Ms. Li to store law enforcement property in her vehicle until she was able to return it. Li Decl. ¶ 22-23.

Because the government relied on Mr. Li's possession of a ballistic vest in arguing for his detention, this information demonstrating that Mr. Li did not possess a ballistic vest is material to the issue of whether conditions of release exist that will reasonably assure the safety of the community. At the time of his detention hearing, Mr. Li did not know that agents had recovered a ballistic vest from his wife's vehicle, nor did he know who owned the vest. This information supports a finding that Mr. Li does not pose a risk of danger to the community. Thus, the court should reopen Mr. Li's detention hearing and revoke his order of detention.

3. The Government Provided No Context for Mr. Li's Discussion of "Violent Acts."

Putting aside the fact that the government pointed only to *discussions* – and not *acts* of violence – in an attempt to paint Mr. Li as a dangerous person, and that Mr. Li had no knowledge of allegations related to these discussions prior to his detention hearing, a review of recordings from the government's May 12, 2014 production demonstrates that in many instances, the government took Mr. Li's allegedly "violent" statements out of context. The government based the information it presented at Mr. Li's detention hearing mainly on an undercover agent's summary of a lengthy, raucous dinner party attended by undercover agents, Mr. Li, and many others. Powell Decl., attached hereto as Exhibit F, ¶ 3, Ex. 1. After the dinner party, Mr. Li, the undercover agents, and others continued the revelry at a hotel bar. The government further relied on summaries of five shorter conversations between undercover agents, Mr. Li, and others that also took place in social environments, either at nightclubs or restaurants. The recordings of these conversations, not available to Mr. Li until May 16, 2014, demonstrate that most of Mr. Li's comments were merely tough talk or exaggerated tales from his younger days incited by the undercover agents' sharing stories of a similar nature. In general, the tone of these crowded dinners and nights out was festive and dominated by laughter. The recorded participants regaled each other with stories of past ordeals and triumphs, attempting to "one-up" each other with descriptions of their outlandish (and exaggerated) feats. It was in this context and in these environments that Mr. Li made supposedly "violent" comments to the undercover agents and others. In fact, Mr. Li and others explicitly state on various occasions that the supposed "violent" talk amounted to no more than a trading of stories. For example, in the segment of the recordings where Mr. Li is allegedly discussing different ways to "inflict pain," the conversation participants laugh repeatedly, indicating that this was not a serious discussion. Someone mentions that they are "trad[ing] stories," in a lighthearted tone, and other individuals state, "Oh, to be young again," and "[w]e're gonna be doing this all night" while breaking out in laughter, referring to the facetious musings. Someone later acknowledges outright, "No, we're just talking… stories," and later, "we're just trading stories… just stories." *See* 1D233.20130329.1810 (1 of 2) at 03:03:00 to 03:07:00. Similarly, regarding the government's claim that Mr. Li "discussed the best holidays on which . . . you could kill someone," citing Halloween, the 4th of July, or Christmas (Tr. at 8:20-25),

the recordings clearly indicate that Mr. Li made these statements as jokes, with other conversation participants laughing, contributed their own ideas, and repeating Mr. Li's jokes amongst themselves. 1D233.20130329.1810 (2 of 2) at 00:25:40. Thus, the government mischaracterized Mr. Li's statements and took them out of context in an attempt to convince the court that Mr. Li uttered these statements seriously.

Perhaps the most telling indication that Mr. Li made these statements in jest is the fact that they remained merely statements. Although the government recorded conversations with Mr. Li for more than two years, he never followed up these statements with any action. The government has not charged him with any crimes related to these colorful conversations. Indeed, the undercover agent appears never to have solicited Mr. Li in any proposed violent crime, in contrast to some of Mr. Li's codefendants, most likely because the undercover realized that such an attempt was not a fruitful investigatory avenue. While Mr. Li's comments may reflect a vivid imagination and a dark sense of humor, these traits are quite common and do not amount to criminal or dangerous conduct. Mere statements, made in jest, are not chargeable offenses and do not demonstrate that Mr. Li is a danger to the community. In fact, the government effectively conceded that these comments did not warrant detention and that they did not believe Mr. Li intended to act on these statements by allowing Mr. Li to roam free for one to two years after uttering these statements. Thus, when placed in context through the recorded evidence, Mr. Li's discussions of "violent acts" followed by no action do not support a finding that Mr. Li is a danger to the community.

The government also claimed that Mr. Li "discussed doing collections through use of physical harm and intimidation…. indicat[ing] he did that with Mr. Chanthavong, and that they would use a good guy/bad guy routine, and when Li gave a signal, Chanthavong would slap the person." Tr. at 7:10-15. However, the recording that corresponds to this conversation undermines this claim. First, it is barely audible and does not serve to confirm Mr. Li's supposed statements. Second, to the extent that it is audible, Mr. Li offers to help the undercover agent retrieve money owed to him, advising the undercover agent, "You've just gotta be nice." 1D207.20130123.1335 at 01:13:43. The undercover agent asks, "I assume you're the good guy?" Mr. Li replies, "Yeah. I'm good at negotiating." *Id.* There is no audible mention whatsoever of Mr. Li committing physical harm or using intimidation. In

fact, the opposite is true. He talks about being nice and negotiating. And again, Mr. Li did not follow up the offer to collect with any action.

Finally, the government claimed that James Pau "informed the UCEs that Mr. Li's number within the Triad was 426, which identifies him as a fighter," and "Pau advised that he – Pau – would be responsible for making a call when it came to killing someone; and Li would be responsible for physically carrying out the act of violence." Tr. at 6:14-20. However, the audio recording corresponding to this conversation again belies this claim. The recording reflects a conversation between the undercover agent and James Pau, who resides 3,000 miles away from Mr. Li and speaks English poorly. In the section of the recording pertaining to Mr. Li, the undercover agent encourages Pau to discuss Mr. Li and supplies all of the relevant words. Pau says, "Andy is old school," to which the undercover agent replies, "He's old school Hop Sing Tong." 1D726.20130718.1300 at 00:20:02. Pau says, "No matter how good Andy dresses, he still looks like a--" The undercover agent interjects, "A thug." Pau says, "I'm the one that make phone call, he's the one that go --" The undercover agent interjects, "right, do it," and laughs. Pau only describes Andy as a lieutenant after the undercover states, "You need to bring Andy out when you really need some work done, because he's a good soldier, man." Although Pau claims that Mr. Li's number is 426, he does not describe any acts of violence committed by Mr. Li, or state that the number 426 identified him as a fighter.

Leaving aside the fact that this is a third-party discussion of Mr. Li, Mr. Li did not commit any acts in more than two years of monitoring by the undercover agents that would support the statements that the undercover agents encouraged Mr. Pau to make. Similarly, while the government alleges that Mr. Li was an "enforcer" for the Chee Kung Tong, the government has not alleged that Mr. Li engaged in any violence in that supposed role. Unsupported statements about Mr. Li's past reputation or supposed role in an organization he does not belong to cannot form the basis of a finding that Mr. Li poses a risk of danger to the community.

B. <u>This Court Should Release Mr. Li Because He Is Not A Danger To The Community</u>

The new, material information described in Section A *supra*, along with evidence presented at Mr. Li's original detention hearing, demonstrates that Mr. Li does not present a danger to the community. Thus, he should be released from detention pending trial.

In determining whether to detain a defendant before trial, a judicial officer must consider (1) the nature and circumstances of the offenses charged (including whether the offense is a crime of violence or involves sex trafficking, terrorism, a minor victim, a controlled substance, or a firearm); (2) the weight of the evidence against the defendant; (3) the defendant's history and characteristics; and (4) the nature and seriousness of the danger to other persons or the community posed by release. 18 U.S.C. § 3142(g). Although Mr. Li's case involves a presumption in favor of detention, "the ultimate burden of persuasion rests upon the government." Detention Order at 2. In order to rebut the detention presumption, Mr. Li "need only produce some credible evidence forming a basis for his contention that he will appear and not pose a threat to the community[.]" *United States v. Chen*, 820 F. Supp. 1205, 1207 (N.D. Cal. 1992).

A court may not order a defendant detained as a danger to the community unless the prosecution proves by clear and convincing evidence that no combination of conditions will reasonably assure the safety of others and the community. *United States v. Salerno*, 481 U.S. 739, 739 (1987). In assessing a defendant's dangerousness, the offenses with which he is charged and the weight of the evidence against him are less important than the other 18 U.S.C. § 3142(g) factors because the statute "neither requires nor permits a pretrial determination that the person is guilty." *United States v. Motamedi*, 767 F.2d 1403, 1408 (9th Cir. 1985). In determining whether a defendant's criminal history weighs in favor of detention, the Northern District of California considers a recent criminal history more indicative of dangerousness than a dated history. *See, e.g.*, *United States v. Ramos*, 2012 WL 5897415 at *3 (N.D. Cal. Nov. 20, 2012).

In assessing the nature and seriousness of danger to others or the community posed by release, courts consider whether a defendant actually, as opposed to theoretically, poses a danger. *See, e.g.*, *United States v. Patriarca*, 948 F.2d 789, 792 (1st Cir. 1991). Courts inquire into defendant's demonstrated proclivity to commit violent acts, as well as possession of weapons. However, if it is "unclear that [defendant] was aware of [the] presence" of firearms, their presence does not establish a defendant's danger to the community. *See, e.g.*, *United States v. Adams*, 794 F. Supp. 2d 989, 993 (S.D. Iowa 2011).

Here, the proffer made at Mr. Li's detention hearing and the new information that has since come to light credibly rebut the presumption in favor of detention. Faced with this new information, the government cannot prove by clear and convincing evidence that Mr. Li poses a danger to the community, as the Northern District of California and other courts have interpreted that legal standard.

According to this court, "the Court considers the facts of the instant case to be the least important factor in its determination regarding detention." Detention Order at 2. Even if the court were concerned with the facts of the instant case, these facts do not demonstrate Mr. Li's dangerousness. The government has not charged Mr. Li with any crimes of violence. *See* 18 U.S.C. § 16 (defining "crime of violence" as an offense involving physical force or a felony involving substantial risk of physical force); *see also United States v. Scott*, 642 F.3d 791, 801 (9th Cir. 2011) (violation of RICO is only a crime of violence if underlying predicate offense is a crime of violence); *Downey v. Crabtree*, 100 F.3d 662, 668 (9th Cir. 1996) (violation of 21 U.S.C. § 841(a)(1) – an offense with which Mr. Li is charged as well as the offense underlying his conspiracy charge – is not a violent offense); *United States v. Cantu*, 12 F.3d 1506, 1513 (9th Cir. 1993) (felon's possession of a firearm is not a crime of violence).

Although Mr. Li is charged with conspiring to violate 21 USC § 841(a)(1), an offense involving a controlled substance, the nature and circumstances of this alleged violation do not indicate dangerousness warranting pretrial detention. The Northern District of California recently considered the detention of a defendant with charges similar to those of Mr. Li and found that, although the defendant did not qualify for release on his own recognizance, the government could not meet its burden to prove that no conditions existed that would reasonably assure his appearance and the community's safety. *United States v. Bright*, 2009 WL 111687 at *2 (N.D. Cal. Jan. 15, 2009). After finding that defendant did not pose a flight risk, the Court stated, "With regards to [defendant's] danger risk, the government has seized his weapons, his body armor, and his narcotics. While he may have more elsewhere, if he leaves the halfway house, he will forfeit his bond, a condition he appears unlikely to trigger. Further, in the halfway house, he will be unable to sell marijuana, negating the only danger risk his release would otherwise pose to the community." *Id.* Here too, the government

has seized all offending articles from Mr. Li's home, eliminating any risk of danger his release might pose. As in *Bright*, the government has failed to prove that no combination of conditions exist that will ensure the safety of the community. As such, Mr. Li's narcotics charges are insufficient to justify his pretrial detention.

Similarly, although Mr. Li is charged with possessing firearms as a felon and dealing firearms without a license, the nature and circumstances of these alleged offenses do not suggest that Mr. Li is a danger to the community. Mr. Li is charged with possessing and dealing two firearms: a .40 Ruger and a .357 Magnum, which, by an undercover agent's own admission, was in fact sold to the agent by co-defendant Kongphet Chanthavong. Powell Decl. ¶ 4, Ex. 2. Unlike co-defendant Brandon Jackson, who allegedly trafficked "assault weapons, automatic weapons, stolen weapons, weapons with scratched-off serial numbers, large quantities of ammunition, high capacity magazines, and ballistic vests," July 23, 2014 Order Denying Motion to Revoke Detention Order, attached hereto as Exhibit G, at 3, the firearm offenses with which Mr. Li is charged are limited in quantity and scope.

In addition, Mr. Li's criminal history is very dated. He has not been convicted of a crime in over 13 years. Even this court, when it ordered Mr. Li's detention, acknowledged that his criminal history is "somewhat old." Detention Order at 2. Since that time, Mr. Li has turned his life around and matured into a family man who cares for his two children and ailing father. He co-owns a San Francisco hair salon with his wife, and he has worked as a security guard at the same nightclub in the Bay Area for the past two years. Recently, he returned to school to receive a high-school diploma and complete a formal training course to receive his security-guard license. Prior to his current employment, Mr. Li worked as a youth counselor for the Community Youth Center in San Francisco, where he spoke to young people about the dangers of gang activities. In fact, Mr. Li has demonstrated such strength of character over the last decade that his parole officer wrote him a letter in January of this year in support of his search for additional employment. Powell Decl. ¶ 5, Ex. 3. Similarly, many members of Mr. Li's community can attest to his reformation and have written letters in support of his release. Powell Decl. ¶ 6, Ex. 4. Mr. Li's dated criminal history is insufficient to meet the government's burden of proof regarding detention, and Mr. Li's character weighs in favor of his release.

Furthermore, there is no evidence that Mr. Li poses an actual, rather than a theoretical, danger to others or the community. Although this court noted in its detention order that "individuals reported that Li was an 'enforcer' for the Chee Kung Tong," the government itself acknowledges in the affidavit supporting its complaint that Mr. Li has since had a falling out with Mr. Chow and is very likely no longer part of the Chee Kung Tong organization. Thus, any potential danger Mr. Li posed due to an alleged affiliation with that organization has been eliminated. Moreover, Mr. Li's recent history demonstrates that he has gone so far as to relocate his family in an active effort to avoid violence. Mr. Li resided in Los Angeles when this investigation began because he had received a death threat and preferred to escape the situation rather than resort to violence or enlist anyone associated with a tong to engage in violence on his behalf. Further, as described in detail above, Mr. Li's conversations with undercover agents and third-party discussions regarding violent acts were taken out of context, and, more importantly, remained hypothetical. None of these discussions ever moved beyond the realm of the theoretical. Finally, because it is now clear that Mr. Li was not aware of the presence of the shotgun and ballistic vest at his residence, and that those items did not belong to him, the government's discovery of these items does not indicate that Mr. Li is a danger to the community. *See Adams*, 794 F. Supp. 2d at 993. Because – in light of the new information described herein – the government cannot meet its burden of proof to show that Mr. Li is a danger to the community, this court should reopen the detention hearing and order his release pursuant to 18 U.S.C. § 3142(c). If released, Mr. Li is amenable to complying with any combination of conditions this court deems necessary to reasonably ensure the safety of the community. Moreover, as the defense proffered at Mr. Li's detention hearing, his brother, Richard Li, is willing to act as a surety and secure a bond with his home, worth an estimated $600,000. Tr. at 12:5-9.

IV. CONCLUSION

Because newly discovered information demonstrates that defendant does not pose a risk of danger to other persons and the community, defendant respectfully requests that this court reopen his detention hearing and ultimately grant him pretrial release.

Dated: August 6, 2014

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Joseph C. Spero, Magistrate Judge

UNITED STATES OF AMERICA, Plaintiff, vs. ANDY M. LI, Defendant.	NO. CR. 14-00196-12 CRB (JCS) San Francisco, California Tuesday, April 8, 2014 10:43 a.m.

TRANSCRIPT OF PROCEEDINGS

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VANESSA ALEJANDRA PASTORA

Reported By: Lydia Zinn, CSR No. 9223, Official Reporter

THE COURT: Mr. Li. The Li bail matter.

MR. CHAN: Your Honor, we owe the Court a financial affidavit. I'll have my client sign it now.

THE COURT: Please go ahead.

(Discussion off the record.)

(Whereupon a document was tendered to the Court.)

THE COURT: All right. I'll confirm the appointment.

All right. This is a contested detention hearing. I'll hear from the United States.

MR. FRENTZEN: Thank you, Your Honor.

The Government is moving to detain Mr. Li as both a risk of flight, and a danger to the community. We would note his Criminal History, which includes a misdemeanor related to arson, and a felony conviction for accessory that relates to a robbery, and a federal conviction for theft from interstate shipments.

We would also note that he has at least one bench warrant issued; violations of parole that were listed that, on federal supervision, he violated on a number of occasions, and that he was apparently detained in connection with those offenses, which was the theft from interstate shipment, and thus at that time, at least, was deemed to be someone who should be detained.

THE COURT: So I don't -- do you have any more information on that? The way I read the record, it looked like

while he was on Supervised Release after he was released from a federal prison on the underlying felony theft in interstate shipments, he violated his supervision and was sentenced to 12 months for another charge of felony theft from interstate shipments, or was there some other conduct that gave rise to the 12 months, other than a new felony theft of interstate shipments?

MR. FRENTZEN: Your Honor, I actually don't know.

THE COURT: Okay. Well, maybe I'll ask the defense whether they know.

MS. PEREZ: We have no further information, Your Honor.

THE COURT: Okay. Go ahead.

MR. FRENTZEN: So in this particular case -- excuse me, Your Honor. This is a presumption case, based on the charges against Mr. Li.

I don't know that we have time to get into the nitty-gritty on all of the offenses and how they were committed, but I'm happy to answer any specific questions from the Court; but basically we have a situation where an interaction with the undercover through an introduction through the Chee Kung Tong, which Mr. Li is a member of, and is a somewhat -- considered to be a somewhat high-ranking member of -- and I'll get into a little bit of that in a little bit. He met the undercover, and they together engaged in a number of criminal activities to

include Mr. Li providing a ballistic vest to the undercover; providing firearms to the undercover, despite the fact that he was a convicted felon and unlicensed to deal in firearms. Mr. Li sold marijuana, and discussed having a much, much larger narcotics-trafficking organization, if you will.

And it eventually culminated in Mr. Li employing the undercover to assist in getting cash back from the East Coast; cash generated as a result of narcotics sales -- from the East Coast back to the West Coast. And in that regard they were collectively, as an organization -- Mr. Li's drug-trafficking enterprise, if you will -- they were laundering sums of well over a hundred thousand dollars at least monthly through the undercover. And so that's -- that's the basics of the charges against Mr. Li.

THE COURT: Can you point to me where it says that he provided --

I know there was discussion of a ballistic vest.

-- where he actually provided a ballistic vest?

MR. FRENTZEN: Your Honor, I'd have to -- I'll have to turn back. If the Court's asking about it in the -- in the Complaint --

THE COURT: Yeah, I'll --

MR. FRENTZEN: Perhaps I misspoke, but I don't think so.

THE COURT: I'm looking at your colleagues. I

thought that at page 52 --

MR. FRENTZEN: Yeah.

THE COURT: -- there was a discussion about getting a ballistic vest; but I didn't -- maybe I missed it.

MR. FRENTZEN: And we may have left it out, Your Honor, because it's not an actual affirmative charge in either the Complaint or the Indictment.

THE COURT: You left something out of this? I can't believe. It's 137 pages.

MR. FRENTZEN: Your Honor --

THE COURT: It's hard to believe.

MR. FRENTZEN: Your Honor, I hate to tell you and everyone here, but we left a lot of stuff out.

THE COURT: Well, it's, I'm sure --

MR. FRENTZEN: And so I'll take a look for that --

THE COURT: Yeah.

MR. FRENTZEN: -- in a moment.

THE COURT: Okay.

MR. FRENTZEN: And then if I could, just in terms of Mr. Li's history, character, and his danger to the community, I have some additional items that I wanted to highlight.

THE COURT: Mm-hm.

MR. FRENTZEN: Mr. Li was pointed out as an individual who was high in the Chee Kung Tong, as I had indicated, both by himself and by others within the

organization.

Mr. Chanthavong, who is also charged and has been detained, explained that Mr. Li was higher in the organization than Chanthavong; and even though Chow is Chanthavong and Li's boss, Chow treated them like brothers.

Another individual in the case, James Pau, commented to the undercovers that it was mostly Chanthavong and Nieh -- George Nieh -- who looked out for Chow's safety. Pau surmised that Li was "old school," and couldn't show his face publicly because he was a well-known gangster.

The undercover asked if Li was the person to call if someone needed to be hurt or killed.

And Pau said that Li was a lieutenant; had his own flag within the Triad organization. Pau informed the UCEs that Mr. Li's number within the Triad was 426, which identifies him as a fighter. Pau made a hand gesture shaped like a gun, using his thumb and index finger. Pau advised that he -- Pau -- would be responsible for making a call when it came to killing someone; and Li would be responsible for physically carrying out the act of violence. According to Pau, Li was a soldier.

Li, himself, commented to the undercover that he had come back to the San Francisco Bay Area from southern California to help Chow take care of his problems with a certain individual; that Li was going to pretend that he had a falling out with Chow, and try to get next to Chow's enemy. Li explained he

will get rid of all of the bugs, and said he's looking to fuck some idiot up. Bugs. You have to get rid of the bugs.

Li also had commented -- and I bring this up as an area of concern -- that he was -- had access to human growth hormone; that he was going to try to supply it to Chow, and start working out with Chow.

Li commented on a number of different occasions to the undercover about crimes of violence he either had committed or was considering committing, including considering strangling someone over some money. He discussed doing collections through use of physical harm and intimidation. He offered that service to the undercover for 50 percent of the profits; indicated he did that with Mr. Chanthavong, and that they would use a good guy/bad guy routine, and when Li gave a signal, Chanthavong would slap the person.

Mr. Li --

I'm sorry. One moment, Your Honor.

-- had commented that when it came to the Chee Kung Tong, half of the members were gang members and the other half were politicians, and the only people that Li trusted were Chow and Chanthavong. He had told another member of the CKT that he loved him, but he wouldn't hesitate to beat the fuck out of him.

He discussed a man in Los Angeles who stepped in front of his car; and he claimed he intentionally ran the man over with

his car and drove off, because he thought the individual was challenging him by stepping into the street.

He was apparently made head enforcer for the Chee Kung Tong.

At one point, he discussed with the undercover different ways to inflict pain on people who crossed him. He talked about injecting people with tranquilizers. He talked about Super Gluing his victim's penis shut, and force feeding him water. He talked about taking electrodes from a stun gun, placing them up someone's nose, and pulling the trigger.

He said when he gets crossed by someone, he would come up with several ways to retaliate. He would take his time to seek retribution, and said, "Not today. Not tomorrow. Not this year. Three years from now," and that he wouldn't be swayed by time.

He discussed with the undercover a shooting that took place at an unknown nightclub, and indicated that when the -- that an altercation took place. Li shot someone with a .45 in the buttocks, and thought that that individual had survived.

He discussed the best holidays on which you should -- you could kill someone being Halloween or the 4th of July, because you could wear a mask, or because there would be a lot of noise, and gunshots would be misinterpreted as fireworks on the 4th. And Christmas was opportune because people would likely be home on Christmas, and easy to find.

He also discussed that, before dealing drugs, his primary illegal activity to make money was loan-sharking.

And, Your Honor, let me just conclude with when the search was conducted on March 26th of 2014 in Mr. Li's residence, we recovered a 12-gauge shotgun. A ballistic vest was found in a vehicle which I understand to be his wife's vehicle. And -- I'm going now back into the residence. Sorry. My apologies -- 87 marijuana plants.

And unless the Court has other questions -- and I will try to sort out that last little piece for the Court.

THE COURT: Okay.

MR. FRENTZEN: And it may just be that we omitted it, but I will -- let me let me say that I'll withdraw it if it means anything to the Court and if I find it in the interim, I will let the Court know.

THE COURT: All right. Thank you.

MR. FRENTZEN: Thank you.

THE COURT: Let me hear from the defendant.

MS. PEREZ: Your Honor, the Government has not shown that Mr. Li is a flight risk or a danger to the community. And it's certainly not met any sort of standard to establish a presumption of detention.

A lot of the things that the Government just spoke about are not alleged in the Complaint. We have not had an opportunity to discuss them with our client, but the thing --

there were a lot of allegations about things our client may or may not have said. We're not aware of what context he may have said them in, or whether the agent, in fact, coaxed these sorts of discussions out of our client.

Getting back to the flight risk, our client -- Pretrial Services acknowledges that Mr. Li presents a low risk of flight, and, in fact, believes that his flight risk can be mitigated with certain conditions. Mr. Li is a lifelong resident of California. He has been here for 38 years, since immigrating from Macao at the age of three. He's been in the Bay Area for 36 years, and is a U.S. citizen. He's not a citizen of any other country. And he's surrendered his passport to the Government. He has not traveled outside of the U.S. in 22 years, and has no relationship with family or friends abroad.

Mr. Li also has significant family ties in the Bay Area. He has a wife of seven years, and two minor children: A five-year-old daughter, and a 15-year-old son. He's the primary caretaker for both of those children. He takes care of them, makes sure that they get to school, picks them up and drops them off.

Mr. Li also has an ailing father who's 79 years old. He was just released from four months in the hospital for complications related to pneumonia. Mr. Li has planned on becoming his father's full-time caretaker. Of course, he's not

able to do that while he's in detention. There's no one else available to care for his ailing father, as Mr. Li's brother works full time, and his wife is not able to communicate with the father because he speaks Cantonese, and she does not. The wife is also the primary breadwinner for the family, so she's out at work all day, as well.

And the Government makes much of Mr. Li's legal history. However, Mr. Li has not been convicted of a crime in over 17 years. Since then, he really turned his life around. He's co-owner of a business in San Francisco. He and his wife own a hair salon in San Francisco that employs three independent-contractor stylists. He's also been a bouncer at the same club in the Bay Area for the past two years.

Prior to that, he worked as a youth counselor for the Community Youth Center in San Francisco, speaking to youth about gang activities, and trying to turn their lives around.

Prior to that, he was a licensed -- ran a licensed florist's business for six years.

Mr. Li has actually been released from pretrial release at least three times, according to the P.T.S. report. Most recently, he was released on his own recognizance. Mr. Li has never missed a court date, and voluntarily surrendered to the federal correctional institution in Lompoc to serve a sentence back in 19 -- in the late 1990s.

Mr. Li also has four sureties here to support him. He has

his wife, Mimi Li. She has no criminal history. She's in court today, and she has offered to put up their hair-salon business, valued at approximately $30,000, to ensure his release.

He also has a brother, Richard Li, who has no criminal history, and is a bank manager at the East West Bank. Mr. Li was not able to be in court today; he had a business meeting. He's offered to put up his house as part of the bond. His house is worth an estimated value of $685,000.

Also in court today supporting Mr. Li are Nick Espiritu, who's a financial advisor at Charles Schwab, and has been for about 10 years. He has no criminal history.

And also in court today is Adam Hernandez, who is an electrician.

The Government goes into detail about Mr. Li potentially being some sort of danger to the community; but in fact, the Government has not charged Mr. Li with any crime of violence. They point to his firearms. However, the Ninth Circuit has explicitly stated that felons in possession of firearms is not a crime of violence. Furthermore, other defendants charged with firearms offenses in this matter have been released. Mr. Keith Jackson, whose release was just confirmed by Judge Breyer, is -- he is charged with conspiring to sell -- the Complaint mentions that he conspired to sell some shoulder -- sorry -- shoulder-fired missiles. Certainly, these

are infinitely more dangerous than the revolvers and such that Mr. Li is alleged to have --

THE COURT: Were the missiles actually delivered?

MS. PEREZ: Sorry?

THE COURT: Were the missiles delivered?

MS. PEREZ: No, they were not.

THE COURT: Okay. Thank you.

MS. PEREZ: Furthermore, presumption -- so, if anything, you know, Mr. Li has also been presented -- been charged with a narcotics conspiracy. However, we don't believe that the possession of marijuana plants presents a serious danger to the community, as contemplated under The Bail Reform Act. In fact, marijuana has been -- under certain conditions, is legal in California, as well as many other states.

THE COURT: Oh, don't go there.

MS. PEREZ: Sorry?

THE COURT: Don't go there. It's not legal in California in Federal Court.

MS. PEREZ: Well, it's important to -- agreed.

It's important to recognize that certain, you know, local governments have recognized it's not a danger to the community.

You know, The Bail Reform Act only -- only requires the detention of a defendant if no combination of conditions can address safety concerns. And, in fact, we don't believe that that's the case here. We believe that, given the number of

sureties ensuring Mr. -- vouching for Mr. Li here today, and the fact that he is not charged with any crime of violence, we believe that Mr. Li does not present a danger to the community.

The Government goes through a lot of information in its Complaint. Again, this is the first time we've heard a lot of these allegations which were not in the Complaint. The Government's Complaint contains a number of statements which characterize alleged discussions with Mr. Li. However, these are all attributions. It's a lot of loose talk. It's not directed at any one person. It's nothing -- most importantly, nothing came of a lot of these discussions, which is why Mr. Li is not charged with any sort of conspiracy to commit any sort of crime of violence. Certainly these discussions, as colorful as they were, did not rise to the level of conspiracy sufficient to charge Mr. Li.

Furthermore, if the Government thought that Mr. Li was so dangerous, why did they leave him on the -- let him be out on the streets for years after these discussions took place?

In fact, the Government makes -- the Government acknowledges that Mr. Li has since had a falling out with Mr. Chow, and is very likely no longer part of the Chee Kung Tong gang organization.

In fact, to the extent that the -- that the Court is concerned about ongoing dangerousness to the community, it's important to recognize that Mr. Li, according to the

Government, is no longer associated with the Chee Kung Tong organization, and therefore will probably not have any continuing activities with them should he be released prior to trial.

Furthermore, other defendants in this matter have been charged with crimes of violence, and have been released. Keith Jackson -- again, another defendant in this matter -- has been released, and he has been charged with a murder-for-hire plot. Mr. George Nieh, another defendant in this matter, alleged to -- is alleged to have stabbed a man as part of a gang initiation. And, in fact, Mr. Leland Yee and Mr. Keith Jackson also discussed selling shoulder-fired missiles with -- with the undercover agent.

So, as much as the colorful talk with Mr. Li between Mr. Li and the agent -- also, Mr. Li, you know, none -- none of that actually occurred.

Finally, Mr. Li has had -- you know, the Government has talked a lot about Mr. Li's legal history. He's really turned his life around. He's a married father of two minor children. He has not been convicted of a crime in 17 years. He had no disciplinary record while in prison. He was never written up, and never sent to solitary confinement.

Since then, he has actually worked as a youth counselor at the Community Youth Center in San Francisco, where he went into jails and schools to speak with youth about turning their lives

around and about getting out of the gang life.

He also was such an upstanding parolee that his parole officer wrote him a letter in January of this year supporting his efforts for employment. The parole officer had 24 years of experience on the job, and called Mr. Li a role model and a responsible and reliable person.

Mr. Li has also gone back to school recently to get his high-school diploma, and has completed a formal course of training to receive his security-guard license.

Finally, Mr. Li has no history of drug or gambling addiction; no mental health issues.

Mr. Li's release is crucial to the survival of his family, Your Honor. He -- and again, he's the primary caretaker of two minor children: A Five-year-old daughter and a 15-year-old son. He also plans to become a full-time caretaker for his ailing, 79-year-old father, for whom no one is available to care. His wife is the primary breadwinner, and she works full time in San Francisco. So there is no one at home to take care of the family.

THE COURT: So what are they doing for the past week?

MS. PEREZ: She has had -- Mrs. Li has had to juggle her job. And they've been trying to make ends meet, basically, with caretakers; temporary caretakers --

THE COURT: Okay.

MS. PEREZ: -- but certainly it's not a feasible

situation. In fact, the Government hasn't talked about when this case might finally proceed to trial, but we don't expect that it will be for quite a long time. And, in fact, the family simply isn't able to cope in terms of caretaking responsibilities up until that point.

Finally, we would point out that pretrial release in noncapital cases is the norm, and not the exception; that Mr. Li, as Pretrial Services has recognized, is not a flight risk.

THE COURT: So you're repeating yourself.

MS. PEREZ: Right. I am repeating myself.

THE COURT: Let's not repeat ourselves.

MS. PEREZ: Finally, we point out that Mr. Li is asking for a secured bond commensurate with other defendants. People have put up their houses and their businesses. People with no criminal history have vouched for Mr. Li. He's also -- his wife is willing to act as his custodian, and was willing to report any violations to the Court. Mr. Li is willing to work with the Court on any combination of conditions that will allow him to return to his family, and care for his children and his father.

THE COURT: All right. Thank you. I'm going to order the defendant detained pending trial in this matter. I'll ask the United States to prepare the order. Based on the proffer that the United States made, and especially finding by

clear and convincing evidence that no combination of conditions could reasonably assure the safety of the community.

I would like you to highlight a number of things. While the -- Mr. Li's Criminal History -- the last event occurred in 2001, when he was sentenced to 12 months' custody in the Federal Bureau of Prisons arising out of a violation of Supervised Release for another one. It's still a troubling Criminal History. And it should be accented there is an arson conviction, a robbery conviction, a felony theft of interstate shipments, and then a violation of federal supervision, as well as two other violations of parole.

In addition, when arrested, the defendant had in his possession a shotgun and a ballistic vest, which is of particular concern to the Court.

With respect to the testimony by the undercover agents, as reflected in the Complaint, Mr. Li provided many weapons; not just a weapon or two weapons, but many weapons to the undercover agent, multiple weapons to the undercover agent, including, at page 21, a ballistic vest to the undercover agent, and participated in the laundering of over a million dollars in cash.

He bragged that he was the head of enforcement for the CKT, and wanted to "get rid of the bugs." Under those circumstances, I don't think any conditions could be reasonably assure the safety of the public, and I'll order him detained

until -- pending trial in this matter.

So your next appearance is Friday, at 11:00 a.m.

MR. CHAN: Thank you, Your Honor.

MR. FRENTZEN: Thank you, Your Honor.

(At 11:12 a.m. the proceedings were adjourned.)

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.



June 11, 2014

Signature of Court Reporter/Transcriber Date

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, v. ANDY LI, Defendant.	No. CR 14-196 CRB (JCS) ~~**[PROPOSED]**~~ **ORDER OF DETENTION PENDING TRIAL**

This matter came before the Court on April 8, 2014, for a detention hearing. Defendant Li was present and represented by counsel, Winston Chan and Maia Perez. Assistant United States Attorneys William Frentzen and Susan Badger appeared for the government.

Pretrial Services submitted a report to the Court and the parties that recommended detention, and a representative of Pretrial Services was present at the hearing. The government moved for detention, and defendants opposed. Proffers and arguments regarding detention were

submitted by the parties at the hearing.

Upon consideration of the facts, proffers and arguments presented, the Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community. Accordingly, the Court concludes that defendant must be detained pending trial in this matter.

The present order supplements the Court's findings at the detention hearing and serves as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1).

With respect to all of the subsequent findings, this case involves a presumption in favor of detention pursuant to 18 U.S.C. § 3142(e) because the defendant has been charged by Grand Jury indictment with violating 21 U.S.C. § 846. While the ultimate burden of persuasion rests upon the government, given the presumption, it is the finding of the Court that defendant did not make proffer of facts or information sufficient to rebut the presumption.

The Court makes the following findings as basis for its conclusion that no condition or combination of conditions will reasonably assure the safety of other persons and the community as to defendant Li. First, while the Court considers the facts of the instant case to be the least important factor in its determination regarding detention, this case involves trafficking narcotics as well as allegations that defendant trafficked in firearms and a ballistic vest while being a convicted felon. Li also is charged with laundering money in excess of $1,000,000 total. According to agents, individuals reported that Li was an "enforcer" for the Chee Kung Tong, an organization with allegedly criminal aspects and he discussed a variety of violent acts with an undercover agent. Second, although somewhat old, defendant's adult criminal record includes convictions related to arson, robbery, and a federal conviction for theft from interstate shipment. Third, agents report that when the defendant's residence was searched, they found a shotgun and a ballistic vest. Fourth, the instant charges allege firearm possession and sales. For these reasons, the Court deems defendant Li to present a risk of danger to other persons and the community that cannot be mitigated adequately by conditions of release.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

1. Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

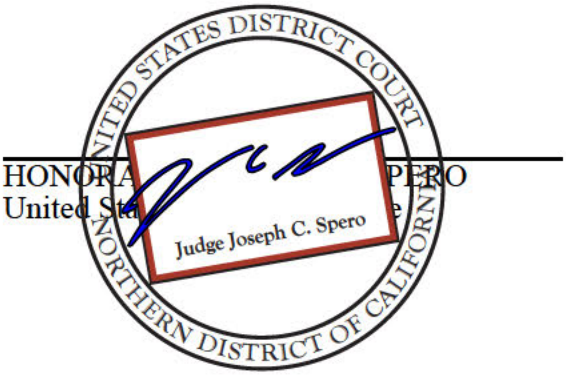
2. Defendant be afforded reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver defendants to an authorized deputy United States marshal for the purpose of any appearance in connection with a court proceeding.

SO ORDERED.

Dated: ~~April~~ May 7, 2014

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United St[illegible]e



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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Andy Li,

Defendant.

CASE NO. CR 14-196 CRB (JCS)

DECLARATION OF VANESSA A. PASTORA IN SUPPORT OF DEFENDANT'S MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION

Hearing:
Date: August 22, 2014
Time: 10:30 AM
Judge: Hon. Joseph C. Spero

DECLARATION OF VANESSA A. PASTORA

I, Vanessa A. Pastora, declare as follows:

1. I am a member in good standing of the State Bar of California and am one of the attorneys of record for Defendant Andy Li in this matter. I make this declaration in support of Mr. Li's Motion to Reopen Detention Hearing and Reconsider Detention.

2. Shortly after Mr. Li's detention hearing on April 8, 2014, Mimi Li ("Ms. Li"), Mr. Li's wife, informed me that the shotgun referenced by the government at the detention hearing belonged to her landlord, an individual named Doug Walker. Ms. Li further informed me that she was not aware that there was a shotgun at her rented residence until the morning of Mr. Li's detention hearing, and she was not able to inform counsel prior to the hearing.

3. Mr. Li later informed me that he also did not know prior to his detention hearing that there had been a shotgun on the property he rented in South San Francisco or that federal agents had seized that shotgun.

4. Although the FBI agents who searched Mr. Li's home left a Receipt for Property Seized ("Receipt"), the receipt was and is illegible, rendering it impossible to tell what the FBI had seized. A true and correct copy of the Receipt is attached hereto as Exhibit 1.

5. On April 22, 2014, I called Mr. and Ms. Li's landlord, Doug Walker, to procure an affidavit confirming that the shotgun seized from the property he owned at [redacted] belonged to him.

6. Mr. Walker informed me that the shotgun the FBI seized from his property was an antique shotgun that belonged to his uncle.

7. Mr. Walker further informed me that he had informed the FBI twice already that the shotgun belonged to his uncle, and not to Mr. Li. He said that he had spoken with two female FBI agents.

8. Mr. Walker then informed me that he would not sign an affidavit or declaration attesting to these facts because he had spoken to the FBI again, and an agent had told him not to sign anything related to the shotgun.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 5, 2014 in San Francisco, California.

Vanessa A. Pastora

FD-597 (Rev 8-11-94)

Page 1 of 1

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 288A-SF-1[illegible]

On (date) 12/12/2014

item(s) listed below were:
- ☐ Received From
- ☐ Returned To
- ☐ Released To
- ☑ Seized

(Name)

(Street Address) [redacted]

(City) [redacted]

Description of Item(s): One iPhone 5s, model A1533, IMEI [illegible] with [illegible]

Received By: _____ (Signature)

Received From: _____ (Signature)

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Andy Li,

Defendant.

CASE NO. CR 14-196 CRB (JCS)

DECLARATION OF MIMI LI IN SUPPORT OF DEFENDANT ANDY LI'S MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION

Hearing:
Date: August 22, 2014
Time: 10:30 AM
Judge: Hon. Joseph C. Spero

DECLARATION OF MIMI LI

I, Mimi Li, declare as follows:

1. My husband Andy Li and I rented our residence at [redacted] from an individual named Doug Walker and moved there in November 2013.

2. At that time, our landlord, Mr. Walker, stored many of his personal belongings in the garage of the house.

3. In January 2014, Mr. Walker moved out some of his personal belongings from the garage and told us that he was leaving the rest of his belongings previously stored in the garage in a crawl space underneath the house. My husband and I did not object to Mr. Walker storing some of his personal belongings in the crawl space while we rented the house because we were not using that space.

4. From January 2014 when Mr. Walker stored his items in the crawl space to March 26, 2014, when the FBI searched our home, my husband and I never entered the crawl space and did not know what items Mr. Walker kept there.

5. On the day of the search, I was told to stay in the living room while the FBI searched the house. An agent had to come with me even to use the restroom. Because I could not walk around the house freely, I asked the FBI agents if I could leave, and they said yes. A girlfriend came to pick me up from the house, and I left.

6. Because I left the house during the search, I did not see what items they took from my car or from the crawl space.

7. My husband was arrested and taken away shortly after the search began.

8. The FBI agents left a receipt of the items taken on my coffee table, but the print was too light to read.

9. On April 8, 2014, the morning of my husband's detention hearing, Mr. Walker called me and asked me when the FBI was returning his shotgun.

10. At that time, I did not know what Mr. Walker was referring to, as I did not know that he had stored a shotgun in the crawl space beneath the home.

11. Mr. Walker explained to me that he had stored an antique shotgun that belonged to his uncle in the crawl space, and that he had called the FBI to inform them that the shotgun belonged to him and request its return. He said that the FBI had initially contacted him to inform him about the search of the house.

12. I was not able to tell my husband's lawyers about the shotgun before the detention hearing because the marshals in the court room would not let me speak to them when I asked permission.

13. I told them and my husband what my landlord had told me after the detention hearing.

14. On February 2, Ms. Bonnie Lam, who is married to Michael Kim, had an appointment at my salon.

15. Mr. Kim works for the San Francisco Sheriff's Department.

16. On that day, Mr. Kim dropped off a bullet proof vest that he used for his job at my salon for his wife to take home for him.

17. After Ms. Lam left the salon, I realized that she had forgotten to take the bullet proof vest, and had left it in the salon.

18. I did not want to leave the vest unattended at the salon, so I took it with me and placed it in my car, intending to return it to Mr. Kim.

19. I planned on returning the vest to Mr. Kim a few times, but our plans fell through, and I did not see him between February 2, 2014 and March 26, 2014.

20. I never took the vest out of my car between February 2, 2014 and March 26, 2014, when the FBI took it from my vehicle.

21. After FBI agents searched my vehicle, I noticed that they had left behind a gun clip.

22. I did not know what to do with the gun clip, so I put it in a plastic bag and left it in my car until I could meet with my husband's lawyers.

23. When I met my husband's lawyers at the court house, I informed them about the gun clip. They arranged for two of the case agents to accompany me that same day to my car in the parking lot and retrieve the gun clip.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 5, 2014 in San Francisco, California.

Mimi Li

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Attorneys for Defendant ANDY LI

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Andy Li,

Defendant.

CASE NO. CR 14-196 CRB (JCS)

DECLARATION OF MICHAEL KIM IN SUPPORT OF DEFENDANT ANDY LI'S MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION

Hearing:
Date: August 22, 2014
Time: 10:30 AM
Judge: Hon. Joseph C. Spero

DECLARATION OF MICHAEL KIM

I, Michael Kim, declare as follows:

1. My name is Michael Kim, and I am employed by the San Francisco Sherriff's Department.

2. In or around February 2014, I possessed two ballistic vests issued to me by the Sheriff's Department in connection with my employment.

3. On February 2, 2014, my wife, Bonnie, had an appointment at Mimi Li's hair salon located in San Francisco, California.

4. On that day, I stopped by Ms. Li's salon to drop off my work-issued ballistic vest with my wife because I had to run errands and did not want to leave the vest in my car.

5. I asked my wife to bring the vest home for me when she was done at the salon.

6. Unfortunately, my wife forgot the vest at Ms. Li's salon.

7. Because my wife forgot the vest, Ms. Li informed me that she took the vest and put it in her car, intending to return it to me.

8. Due to miscommunication and timing, I never received the vest back from Ms. Li prior to March 26, 2014. We had made plans for her to drop it off at my house and for me to pick it up from her house, but we both got busy and the plans fell through.

9. The vest that federal agents recovered from Ms. Li's vehicle belonged to me.

10. I did not have an immediate need for the vest after my wife left it at Mimi's salon because I had another vest that I could use in connection with my employment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 6, 2014 in San Francisco, California.

Michael Kim

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Attorneys for Andy Li

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Andy Li,

Defendant.

CASE NO. CR 14-196 CRB (JCS)

DECLARATION OF JOANNA L. POWELL IN SUPPORT OF DEFENDANT'S MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION

Hearing:
Date: August 22, 2014
Time: 10:30 AM
Judge: Hon. Joseph C. Spero

DECLARATION OF JOANNA L. POWELL

I, Joanna L. Powell, declare as follows:

1. I am over eighteen years old, have never been convicted of a felony or a crime involving moral turpitude, and am competent to make this declaration.

2. I am a member in good standing of the State Bar of California and am one of the counsel of record for Defendant Andy Li. I make this declaration in support of Defendant's Motion to Reconsider Detention.

3. Attached hereto as Exhibit 1 is a true and correct copy of Federal Bureau of Investigation summary of March 29, 2013 conversation with Defendant and others, Bates numbered US 609062-66.

4. Attached hereto as Exhibit 2 is a true and correct copy of Federal Bureau of Investigation summary of September 26, 2012 purchase of .357 magnum handgun, Bates numbered US 608903.

5. Attached hereto as Exhibit 3 is a true and correct copy of a letter written by Ken Wong, Andy Li's former parole officer, in support of Mr. Li's search for additional employment.

6. Attached hereto as Exhibit 4 are true and correct copies of letters written by Mimi Li, Richard Li, Eddy Zheng, the Lee family, Caesar Marabuto, Ben Fandinola, and Joseph Phong Chu in support of Andy Li's release from detention.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 4, 2014 in Palo Alto, California.

Joanna L. Powell

Joanna L. Powell

OFFICIAL RECORD

FEDERAL BUREAU OF INVESTIGATION

Date of entry 06/14/2013

On Friday, March 29, 2013, Federal Bureau of Investigation (FBI) Undercover Employees (UCE) 4599, UCE-4881 and UCE-5199 met with RAYMOND CHOW, a.k.a. Shrimp Boy, ALICIA LO, GEORGE NIEH, ANDY LI,, MIMI LI, KONGPHET CHANTHAVONG, a.k.a. Joe, JAMES PAU, LESLIE YUN, KEITH JACKSON, BRANDON JACKSON, MARLON SULLIVAN, MICHAEL MEI, SULULAGI PALEGA,and others at the New Asia Restaurant, 772 Pacific Avenue, San Francisco, California. The UCE(s) were attending an annual event sponsored by the CHEE KUNG TONG (CKT). The conversation was audio recorded. The following is a general summary of the events and conversation:

Upon arriving at the restaurant, UCE-4599 was greeted by LESLIE YUN. UCE-4599 gave YUN an $888.00 donation to the CKT.

ANDY LI advised ALBERT NHINGSAVATH would meet with the UCE(s) after the event.

UCE-4599 asked NIEH if he gave the samples of stolen cigarettes to YUN. NIEH provided the cigarettes to YUN and cautioned her to use the cigarette samples wisely.

CHANTAVONG told UCE-4599 he wanted him to transport approximately $250,000 cash from the east coast to the San Francisco Bay area. CHANTHAVONG introduced the UCE(s) to RICKY Last Name Unknown (LNU) and TOMMY LNU. CHANTHAVONG advised RICKY LNU and TOMMY LNU would be responsible for delivering the cash to the UCE's associates in New Jersey. CHANTHAVONG anticipated the need to transport approximately $500,000 per month. CHANTHAVONG's was sending approximately 100 pounds of outdoor marijuana to the east coast per week.

CHANTHAVONG talked about ANDY LI's propensity for violence. Specifically, CHANTHAVONG said "Andy is the one you have to worry about;Because when he gets pissed off even the Old Man (CHOW) can't even stop him."

KEITH JACKSON and SULULAGI PALEGA greeted the UCE(s). UCE-4599 told PALEGA he owed him money for the gun PALEGA provided to UCE-4599 on March, 21, 2013. PALEGA was working on setting up a meeting with his source of

Investigation on 03/29/2013 at San Francisco , California, United States (, Other (Undercover Operation))

File # [redacted]-UC, [redacted]-UCE Date drafted 06/24/2013

by UCE-4599

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supply for weapons.

The UCE(s) were greeted by ALICIA LO. LO and UCE-4599 talked about STEVEN ABLEMAN (previously identified). LO thought ABLEMAN would be in prison until his birthday. LO's ex-husband owned the warehouse which was raided by Oakland Police Department on October 24, 2012. The warehouse contained a large marijuana cultivation operation which was run by ABLEMAN and CHANTHAVONG.

EMILY SALGADO from SENATOR LELAND YEE's office presented an official proclamation which acknowledged CHOW and other members of the CKT.

UCE-4599 met with SALGADO and KEITH JACKSON. UCE-4599 thanked SALGADO for making the proclamation speech. UCE-4599 told SALGADO to make sure she thanked SENATOR YEE on behalf of UCE-4599.

As a part of the ceremony, different people and groups were being recognized for their attendance. CHANTHAVONG suggested the emcee should introduce LI as the new head enforcer for the CKT.

UCE-4599 gave MIMI LI a sympathy card for the loss of her father. The sympathy card contained $200.00.

UCE-4599 had a brief conversation with MICHAEL MEI. UCE-4599 told MEI he had heard about the recent police raid on MEI's indoor marijuana cultivation operation in Antioch, California. MEI said "it was hectic, it was crazy, it was crazy. Everything is good."

UCE-4599 had a brief conversation with JAMES PAU about the opportunity to sell stolen cigarettes with PAU and YUN. PAU told UCE-4599 he would have his customers lined up for the stolen cigarettes in Los Angeles.

LI was having problems with KEVIN LUU (previously identified). LUU refused LI's request to attend a dinner the previous week to speak with LI. LI told LUU that he directly reported to CHOW and LUU directly reported to LI. LI explained to LUU that if CHOW makes a decision, LUU has to follow that decision regardless if LUU thinks its the wrong decision. With respect to the CKT, LI said half of the members are gang members and the other half are politicians. The only people in the CKT that LI trusted were CHOW, and CHANTHAVONG. LI told LUU that he loves him but he wouldn't hesitate to "beat the fuck" out of LUU.

CHANTHAVONG told the UCE(s) that LI was going to be receiving a promotion to Head Enforcer for the CKT. CHANTHAVONG was working as Head of Security for the CKT.

[redacted]-UC

Continuation of FD-302 of CKT event 03292013 , On 03/29/2013 , Page 3 of 5

LI told the UCE(s) a story about when he was living in Los Angles. According to LI, he was driving in the Los Angeles area and encountered a man who was trying to cross the street. LI thought the man was attempting to challenge LI by stepping into the street as LI was approaching. LI intentionally ran over the man with his car and drove off.

LI told the UCE(s) a story of when he was involved in a fight with a group of unknown individuals. LI said when he fought an opponent, he tried to kill that individual. During this particular fight, he was beating his opponent while encouraging him to "tap out."

While in prison, CHOW taught LI the philosophy of keeping your enemies close to you. Specifically, LI wanted to kill someone after he was released from prison. CHOW advised LI to take the unidentified individual out several times to make it appear LI was his friend. Once the unidentified individual felt close to LI, that would be an opportune time to kill that person.

LI said he has issues when it comes to violence. For example, MIMI LI was having problems with a former unknown female employee (UF). ANDY LI located the UF's boyfriend's car and retrieved the vehicle identification number (VIN) and license plate. LI made a spare key to the unknown male's vehicle. ANDY LI's friend advised him not to kill the unidentified man.

LI talked about different ways to inflict pain on individuals who crossed him. LI talked about injecting people with tranquilizers. LI talked about super-gluing his victim's penis shut and force feeding him water. LI also talked about taking electrodes from a stun gun and placing them up someone's nose and pulling the trigger.

UCE-4599 walked SULULAGI PALEGA to his vehicle. During their walk, UCE-4599 told PALEGA the gun he provided UCE-4599 was a little old. PALEGA was working on introducing UCE-4599 to his source of supply for weapons.

When LI is crossed by an individual, he comes up with several ways to retaliate. LI would take his time to seek retribution and said "Not today, not tomorrow, not this year, three years from now." LI's intent to hurt people would not be swayed by time.

The UCE(s) had a conversation with BRANDON JACKSON and MARLON SULLIVAN about the distribution of cocaine. SULLIVAN and JACKSON were looking to obtain a source of supply for cocaine. SULLIVAN indicated he had narcotics customers in Boston, Connecticut, and Delaware. SULLIVAN said he could get kilograms of cocaine from Los Angeles for approximately $28,000 but was worried about the transportation of the narcotics to the northeast.

UCE-4599 told the other UCE(s) that BRANDON JACKSON was working on providing weapons to UCE-4599. JACKSON and SULLIVAN's payback would come in the form of a connection to the UCE(s) cocaine supplier.

CHOW introduced the UCE(s) to CLIFTON LEUNG. CHOW told LEUNG that UCE-4599 has been a loyal supporter of CHOW.

The UCE recalled a conversation with CHOW when he told UCE-4599 that "His Dai Lo never had to ask him to do anything." CHOW replied I never asked my brothers to do anything, it's sort of a family, it's not about the work; it's your heart."

CHANTHAVONG told the UCE(s) that his cousin, ALBERT NHINGSAVATH recently had two of his marijuana cultivation operations raided by law enforcement which netted a loss of approximately $300,000-$400,000. Additionally, NHINGSHAVATH and ANDY LI lost approximately $220,000 in Philadelphia, Pennsylvania when one of their associates was arrested.

CHANTHAVONG expressed his extreme loyalty to CHOW. When CHANTHAVONG came out of prison, CHOW made sure CHANTHAVONG was given money every week to get back on his feet financially. Ever since then, CHANTHAVONG has been loyal to CHOW.

CHANTHAVONG told the UCE's if they needed any one killed, they could call CHANTHAVONG. Whatever request CHANTHAVONG could not handle he had a team of people called his "Black Ops." CHANTHAVONG stated these individuals are "niggas that can take you out from 500-1000 yards."

LI and RODRIGO RUIZ (previously identified) talked about a shooting which took place in an unknown nightclub. RUIZ was a bouncer in the unknown nightclub at the time of the shooting. LI and his gang members were in an altercation when gun fire erupted. According to LI and RUIZ, there were several people shot. LI shot someone with a .45 in the buttocks. LI thought the individual survived.

LI told the UCE(s) the best time to kill someone was either on Halloween or July 4th. LI thought these holidays were opportune because you could wear a mask on Halloween and gunshots could be misinterpreted as fireworks on July 4th. LI also thought Christmas was an opportune time to kill someone because the intended targets would always be home on Christmas day.

The UCE(s) and ANDY LI collectively decided to meet NHINGSAVATH at the Four Seasons Hotel in San Francisco.

ANDY LI, MIMI LI, and NHINGSAVATH arrived at the Four Seasons. LI

[redacted]-UC

Continuation of FD-302 of CKT event 03292013 , On 03/29/2013 , Page 5 of 5

explained that he "works" for CHOW. CHANTHAVONG and NIHINGSAVATH report to LI.

NHINGSAVATH asked UCE-4599 for assistance in transporting approximately $200,000 per month from the east coast to the San Francisco Bay Area. UCE-4599 told NHINGSAVATH his fees would be 4% for anything under $100,000 and 3% for anything over $100,000.

LI told the UCE(s) he had a connection for "Molly" (MDMA) LI was weighing out the risks associated with shipping the "Molly" to the east coast. The UCE(s) and LI agreed to talk about distributing "Molly" at a later time.

The UCE(s) and LI talked about the importance of conducting illegal business in the safest way possible. LI stated he did not want to "eat instant noodles or tuna out of a can." The UCE(s) understood that LI was talking about not going back to prison. LI wanted to focus on setting up a productive safe business arrangement with the UCE(s).

UCE-4599 told NHINGSAVATH he would need at least a week notice in advance when NHINGSAVATH wanted to launder money with the UCE(s).

At the conclusion of the meeting, the UCE(s) deactivated the recorders and relinquished custody of the devices to Special Agent Emmanuel Pascua.

PROTECTED MATERIAL US 609066

FD-302 (Rev. 5-8-10)

OFFICIAL RECORD
Document participants have digitally signed. All signatures have been verified by a certified FBI information system.

FEDERAL BUREAU OF INVESTIGATION

Date of entry 09/26/2012

On Wednesday, September 26, 2012, Federal Bureau of Investigation (FBI) Undercover Employee [redacted] (hereinafter UCE), purchased a Smith & Wesson .357 magnum handgun from KONGPHET CHANTHAVONG. [redacted] paid CHANTHAVONG $600.00 for the aforementioned handgun.

Investigation on 09/26/2012 at San Francisco, California, United States (, Other (Undercover meeting))

File # [redacted] Date drafted 09/26/2012

by [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

DIVISION OF ADULT PAROLE OPERATIONS
SAN FRANCISCO PAROLE UNIT 1
KEN WONG, PAROLE AGENT III
1727 Mission Street
San Francisco, CA 94103
Tel: (415) 703-3164 EXT. 229. Fax# 415-703-3162

01-10-2014

To: Whom It May Concern

Re: MR Andy Li

I have been employed by the state Department of Corrections for over 27 years and as a State Parole Agent for 24 years in San Francisco. I write this letter urging your support to Andy.

During my time here in San Francisco, I have had the opportunity to work with Andy and his CYC Community Response Network Team. I found that Andy has served as a role model for the San Francisco Bay Area youth who were afforded second chances by the court.

Andy was there during a lot of community service events that I was involved with. His action shown that he is a responsible and reliable person. Any consideration in this matter is greatly appreciated.

Sincerely,

Ken Wong
Parole Agent III
Unit Supervisor

To whom it may concern:

My name is Mimi Li, wife to Andy Li. Andy and I have been married for almost 9 years. In these past 9 years I have seen Andy develop and grow.

He has a 16 year old son whom he is developing a father and son relationship with. He missed most of his son's earlier years due to wrong decisions made in his late teens to early/mid 20's. He is now trying to be the father that his son needs.

He now has a beautiful 5 year old girl who has a strong bond with. Andy is a good father to her and she needs her father in her life. She is traumatized from seeing her father taken from her and I am seeking child counseling due to nightmares and not understanding why she is unable too see her father every day.

Andy is also the primary person who cares for his father. His father's health is not very good and he needs to be there for his father to tend to his needs.

Since andy's detainment we were evicted out of our south san francisco home and moved to concord. It has been very hard due to the fact that I need to work and have very little means to find a sitter for my daughter. In addition the renters that were renting a station at my salon have now left. I am now in a position where I have to work more and am need of child care for my daughter. At this time I have family members help but this is also hard. My mother who is helping me is still mourning my father's passing.

I know that Andy has made some poor choices/decisions in his past but I have seen Andy change and grow. I ask for his release on bail as he very much needed in his family. I would not want my daughter to grow up without her father. She has already seen enough, more than any child should see. Andy plays an integral part in our lives and being without him not only will be detrimental but will cause more hardship and trauma to my/his daughter.

Thank you,

Sincerely

Mimi Li

July 9, 2014

RE: Andy Li

Dear Sir/Madam,

My name is Richard Li, and I am the older brother of Andy. Although my brother has not been the model citizen in the past. After serving time for his last offense, he has since remarried and started a new family with a very young daughter and a loving wife.

During that time, he had stayed away from the activities that had gotten him in past trouble, so he can devote his time to the raising of his daughter and the caring of our elderly father. On January 1, 2014, our father was admitted to the emergency room for pneumonia and was not released until the latter part of April. In the meantime, my father is too weak to take care of himself and requires our assistance to care for him. With my crazy workload, Andy is the primary care for him.

With my sister-in-law's salon, she is not able to attend to Aliyah's daily needs. She has since moved from South San Francisco to Walnut Creek, so Aliyah is being taken care of by a family member. She now makes a daily commute to San Francisco for her business.

Since his detention in March, this has place a hardship on our family. We are not able to attend our regular day-to-day functions and this has strained us mentally, physically, and most of all financially.

Please accept this letter as a plead to allow Andy bail. I am willing to use my home as a collateral for his bail and will personally make sure he will attend all court appearances and that he stays on the right track and will not get involve with any activities that would jeopardize his release. By allowing his bail, this will help with our family tremendously.

Sincerely,



Richard Li

July 9, 2014

Re: Letter of support for Mr. Andy Li

Dear your Honor:

My name is Eddy Zheng. I am writing this letter to express my support for the Mr. Andy Li, who is currently in custody pending criminal proceedings.

I work in the Community Youth Center of San Francisco (CYC) as a Project Director. Since 1970, CYC has set the standard for awareness and activism in the Asian community. Originally founded to address the problems of juvenile delinquency and gang violence in Chinatown, CYC has grown to encompass behavioral health, education, intervention, leadership development, special projects and workforce development in all our programs. We offer services directed at responding to the complex set of issues the youth in our community face including acculturation, difficulties in school, economic hardship, substance abuse, and gang involvement. Our educational enrichment, leadership building, and job-readiness programs have earned CYC a unique reputation as a key agency for Asian youth services in San Francisco.

I have known Mr. Li since 1993 and became good friends since then. Throughout our friendship, Mr. Li has always been loyal and supportive in all of my challenges. I am aware that he had gotten in trouble with law when he was a young man. However, since his release from prison, he has been doing his best to change his ways and become a contributing member of society. Mr. Li has held different jobs to provide for the family, especially supporting his elder father for many years. I had hired him to work as an outreach worker to do violence prevention and conflict mediation on the street and in the schools. He was always respectful and responsible. He is married and had two beautiful children. Mr. Li is the breadwinner for the family. He is a great husband to his wife and an awesome father to his children. We all make mistakes in life, some bigger and others smaller. Mr. Li has definitely made significant changes in his life.

I understand that Mr. Li is being held in custody awaiting discovery and criminal proceedings. However, I do not know how long this process is going to take. Each day it goes by, Mr. Li is separated from his family. His wife and children misses and needs him desperately.
I plead with your honor to consider giving bail to Mr. Li so he can be united with his family. I know that he will obey all the rules and regulation that is set forth by the court.

Thank you very much for your consideration in my request. Please contact me if you have any questions.

Sincerely,

Eddy Zheng
Project Director
Community Youth Center of San Francisco
Email and Phone

To Whom It May Concern:

My name is Helen Yoo-Lee and my husband's name is Frank Lee. My husband has known Andy Li for 30 years now. They have known each other since 6th grade, so Frank knows Andy very well. Andy is very close to us like family and Andy is not any danger to the community. He is always caring, he puts others first, and always there if you need him. He is a loving husband and father. His interaction with his daughter is very loving and caring. Andy has cared for my daughter many times when we needed a babysitter. I completely trust him and feel very safe. Even to this day my daughter absolutely adores Andy, and calls him Uncle Andy.

Andy is very dedicated, and commits his time in anything he puts his mind to. He is not a threat to society and has never been. He comes from a family that is broken but he has grown to have honest values. Andy is a good human being. We would have no hesitation in speaking up for Andy.

Thank you!

Yours Sincerely,

Lee Family

To Whom it May Concern,

I have known Andy Li for 27 years. We have been friends since high school. I was there when his mother died from a tragic car accident. He was only 16 years old at the time. I have watched him grow from a reckless self destructing young man to a caring father and a loving husband to his wife Mimi. In the past few years, he has tried hard to be a good role model for his teenage son Ryan. He is also the primary care giver for his 5 year old daughter Aliya. His 79 year old father Peter is in poor health and requires care or assistance most days of the week. It's Andy that they all depend on. He is the one that is always there for them. His past will always be apart of him but I know it does not define him. Its difficult for people to believe someone can truly change, but I know Andy has changed. He has strong ties with his family and friends here in the bay area and is not a flight risk if bail is granted. Andy is a close friend and a great father who has been trying hard for many years to better his life and the lives of his family. Please let him come home to his family and friends during this difficult time in his life.

Sincerely,
Caesar Marabuto

May 6, 2014

RE: Andy Li

To Whom It May Concern:

I have known Andy Li for 9 years. He has been married to my best friend since 2006 and have always known him to be a family man providing all he can to the best of his abilities. He has been nothing but caring and has provided support for his family and friends when in need.

I am currently on a military deployment. While I was on my previous deployment in 2010 and even currently on my 6 month military deployment now, Andy has offered and provided assistance on multiple occasions to help in the care and transportation needs for my mother back home since she has suffered from limited mobility and paralysis since 2002. His willingness, care, and support has helped me from having to worry and has helped assured me of her safety and daily needs. I know he also does the same for his father who is physically declining due to old age, but has maintained a reasonable status of fair health otherwise. He provides for his father just as anyone would for their family member.

I know Andy to be extremely dependable, responsible, honest and courteous. His vast, long-term friendships have exemplified who he is as a person ... extremely trustworthy. I absolutely have no reservations and I strongly feel confident Andy is someone who will always be there for you. His best friends rely on his ability for guidance and moral support. He had actually worked as a guidance counselor for troubled youth for a few years. His mentorship had helped misguided delinquents overcome their unfortunate circumstances to learn from their mistakes and steer them into a more positive path enabling them to gain confidence and hope for a better future.

Andy is an asset to society providing hope and support for his family and friends. I am confident and have complete faith he will achieve moral direction and overcome his circumstances to correct his ways on a more enlightening path to a productive and conducive lifestyle.

Please do not hesitate to call me if you would like to discuss this reference further.

Sincerely.

Ben Fandinola

[redacted]

To Whom It's May Concern

My name is Joseph Phong Chu I am the owner of the Red Lotus Asian cuisine restaurant and La Sensi Nails & Spa in Twentynine Palm Ca.

I've had the opportunity to know Mr.Andy Li since High School. Since then Mr.Li has changed for the better. Mr.Li had run ins with the law in the past, but since then he has become a family man and a hard working individual.He is now a devoted Father to a wonderful daughter and devoted Husband to a lovely wife.Please give Mr.Li an opportunity to show you that he has changed for the good.

Thank you

Joseph Phong Chu

July 29, 2013

Dear your honor,

I am contacting you about Andy Li, my nephew and a defendant in one of your upcoming court cases. I am writing to express about Andy Li's relationship in my life and character. To me, Andy Li has shown great character as a family man; a caring father and a loving husband. Since he has moved back from Los Angeles to San Francisco, I have seen him grown in to a family man. For example, Andy Li has taken on responsibility of taking care of his ill father. I also had a heart attack last year and Andy Li was there at the hospital by my bedside. He is also a caring father. You will always see him holding his daughter where ever you see him as you will see clearly she is daddy's little girl. This was a tough year for the family as we lost my mother; Andi Li's grandmother. He helped out a lot and has been a big part of being there for the family.
I ask for your consideration on Andy Li who has been taking care of his family, a responsible person, and his family truly needs him.

Sincerely,

Evins Li and family

To whom it may concern,

I am writing to you in regards to Andy Li. Somehow he has gotten himself involved in such a horrible situation and I feel that you should know about the person he truly is. I have known Andy for over a decade and although we are not related, I address him as my brother. My name is Jenny and I live in Los Angeles and have a few businesses that I started from scratch and have for the most part been very successful. I am a new mother and have a great family. I am writing you to tell you about the person Andy is. Although as you read the documentation in front of you, it portrays a monster of a person which he is not. He is an amazing father, good husband and amazing friend. Andy has had a difficult time throughout his life because of his younger days, he is the type of man who would go into a burning building to save a friends life, later to suffer from 3rd degree burns and scares but still live his life with no regret of saving someone. I can't begin to explain how loyal of a friend he is, everyone I know cannot say that he is not a loyal friend, to a fault, that is what probably got him into the trouble he is in now. He is not evil nor a bad person. He just wants to help whoever he can regardless of what it is. Andy has a big heart and doesn't think of himself but only his family and friends. I know that there are things in our judicial system that have laws to be followed, and sometimes people

don't pay attention to what they get themselves into. There are criminals out there who hurt people and small children and get a slap on the wrist and probation. Not fair to our society to have to allow those people to be free, and punish the ones who try to do better in life. I know this letter is just to try to explain the type of person that Andy is and to try to help someone understand and allow leniency to give a man a chance to raise his second child and not lose the chance again like he did the first time. He has tried to better himself in society, because he is such a loyal friend, he has a hard time of separating himself from those who will do him no good. He knows he should, but doesn't know how to tell people no or stay away. I'm sure that if you asked the person who has collected the evidence against Andy, what type of person he was, I bet he wouldn't say he was a bad guy at all. That I know for a fact. Please take into consideration each and every letter that you receive and take the time to understand the person you have in front of you.

Thank you for your time and consideration,

Jenny Santos

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KWOK CHEUNG CHOW, a/k/a "Raymond Chow," a/k/a "Hai Jai," a/k/a "Shrimpboy," et al.

Defendants.
/

No. CR 14-00196 CRB

ORDER DENYING MOTION TO REVOKE DETENTION ORDER

Following a detention hearing on April 21, 2014, Magistrate Judge Joseph C. Spero ordered Defendant Brandon Jackson detained pending trial. See Order of Detention (dkt. 277). Defendant now appeals that decision to this Court pursuant to 18 U.S.C. § 3145(b). See Mot. (dkt. 343); see also Reply (dkt. 360). The government opposes that appeal. See Opp'n (dkt. 354). As Defendant's Motion does not raise any new evidence that was not before Judge Spero, this Court VACATES the hearing currently set for July 24, 2014, see United States v. Koenig, 912 F.2d 1190, 1193 (9th Cir. 1990), and DENIES the Motion.

Defendant was charged by complaint filed on March 24, 2014 with violations of federal law. See Compl. (dkt.1); Affidavit of Special Agent Emmanuel V. Pascua (dkt. 1-1). On April 3, 2014, a Grand Jury returned a fifty count indictment, charging Defendant with four counts: (1) conspiracy to distribute narcotics, in violation of 21 U.S.C. § 846; (2) two

counts of trafficking in firearms without a license, in violation of 18 U.S.C. § 922(a)(1); and (3) murder for hire, in violation of 18 U.S.C. § 1958. See Indictment (dkt. 113).

The Bail Reform Act of 1984 permits pretrial detention of a defendant without bail where "no condition or combination of conditions would reasonably assure the defendant's appearance at trial or the safety of the community." United States v. Moore, 607 F. Supp. 489, 497 (N.D. Cal. 1985). A finding that a defendant is a danger to the community must be supported by clear and convincing evidence. 18 U.S.C. § 3142(f). Based on the charge of conspiracy to traffic five kilograms or more of cocaine in this case, pretrial detention is presumed, unless rebutted. See 18 U.S.C. § 3142(e)(3). Nonetheless, "[t]he ultimate burden of persuasion remains on the government . . . and the burden placed on the defendant to rebut the presumption is small." United States v. Chen, 820 F. Supp. 1205, 1207 (N.D. Cal. 1992). Judge Spero found that Defendant "did not make proffer of facts or information sufficient to rebut the presumption." See Order of Detention at 2. This Court reviews Judge Spero's rulings de novo. Koenig, 912 F.2d at 1192.

Like Judge Spero, this Court finds that Defendant is a danger to the community and that no condition or combination of conditions would reasonably assure the community's safety. The Court has considered: (1) the nature and circumstances of the offenses charged; (2) the weight of the evidence against Defendant; (3) Defendant's character, physical and mental condition, family and community ties, past conduct, history relating to drug or alcohol abuse, and criminal history; as well as (4) the nature and seriousness of the danger to any person or the community that would be posed by Defendant's release. See 18 U.S.C. § 3142(g). The Court recognizes that the "weight of the evidence" in support of the charge against the defendant "is the least important of the various factors." See United States v. Motamedi, 767 F.2d 1403, 1407 (9th Cir. 1985).

Defendant's history and characteristics alone would not justify detention. Defendant does not have any work history for the last several years, and he has a recent drug

conviction,[1] but he is a young man, born and raised in San Francisco, with strong family support. See Transcript of Detention Hearing at 15-18. Nevertheless, the nature and circumstances of the offenses charged, the weight of the evidence, and the nature and seriousness of the danger posed in this case all convince the Court that Defendant is a danger to the community.

The government alleges that Defendant was trafficking in firearms without a license, facilitating the provision of assault weapons, automatic weapons, stolen weapons, weapons with scratched-off serial numbers, large quantities of ammunition, high capacity magazines, and ballistic vests, and doing so with the belief that the undercover agent was utilizing such weapons to protect marijuana operations in Mendocino County. Opp'n at 8; Transcript of Detention Hearing at 5-6. The government alleges that Defendant participated in a conspiracy to traffic cocaine. Opp'n at 8; Transcript of Detention Hearing at 4-5. The government alleges that Defendant participated in a proposed murder for hire, telling an undercover agent that defendant Rinn Roeun could do it "or I could do it, too," discussing it in multiple subsequent conversations, telling the undercover agent "I want to keep that [the murder for hire] with us," and "actively trying to get the identity of the individual that the undercover is purporting to want to have killed." Opp'n at 8, Transcript of Detention Hearing at 6-8. The government also alleges that Defendant delivered 25 fraudulent access devices and discussed his ability to obtain fraudulent identification documents. Opp'n at 9, Transcript of Detention Hearing at 9-10 (government also asserts that 39 different credit cards in a variety of names were found at Defendant's residence). Defendant argued at the detention hearing that these charges were "so out of character for who this young man has been throughout his whole life," but this argument falls flat, as Judge Spero observed, because the allegations describe not one aberrant event, but a course of conduct involving dozens of criminal acts over an extended period of time. See Transcript of Detention

[1] The Court finds that Defendant's conviction in Texas in connection with trafficking 5 to 50 pounds of marijuana is relevant (although not dispositive), as it came within months of the time he allegedly began to engage in the currently charged narcotics conspiracy. See Transcript of Detention Hearing (dkt. 343-1) at 3-5, 15-16.

United States District Court
For the Northern District of California

Hearing at 18-20. Moreover, the criminal acts that are alleged suggest that Defendant has access to illegal guns, to drugs, and to money, and a willingness to do great violence, a combination that would pose a serious danger to the community.[2]

Defendant's argument that he should not be detained because his father, who was charged with the same counts, was released, is unpersuasive. See Mot. at 9. Defendant Keith Jackson's detention is not before the Court. The Court is satisfied that the record as to Defendant Brandon Jackson–particularly his role in "actually carrying out the crimes himself"–is clear and convincing. See Opp'n at 7; Transcript of Detention Hearing at 10-12 ("the actual narcotics trafficking . . . was going to be Brandon Jackson"; "In terms of the murder for hire, it was really Brandon Jackson and Marlon Sullivan who knew the guys who were going to do it"; "Brandon Jackson directly had his hands on this stuff.").

For the foregoing reasons, the Court finds that Defendant is a danger to the community, and that such danger cannot be mitigated adequately by conditions of release.[3] Defendant's Motion is therefore DENIED, without prejudice. The Court has ordered extensive discovery in this case. Accordingly, Defendant may, at a later date, bring to the Court's attention any evidence that warrants reconsideration of this Motion.

IT IS SO ORDERED.

Dated: July 23, 2014

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

[2] Defendant objects to what he sees as "a pretrial finding of guilt." Mot. at 9; see also Motamedi, 767 F.2d at 1408 ("Although the statute permits the court to consider the nature of the offense and the evidence of guilt, the statute neither requires nor permits a pretrial determination that the person is guilty."). To be clear: the Court does not (nor could it) comment on the Defendant's innocence or guilt in this case. The Court only discusses the allegations in assessing the likelihood that Defendant will pose a danger to the community. See id.

[3] The Court thereby disagrees with the Pretrial Services Report in so far as that Report found that such risk could be mitigated.

United States District Court
For the Northern District of California

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Attorneys for Andy Li

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America, Plaintiff, v. Andy Li, Defendant.	CASE NO. CR 14-196 CRB **[PROPOSED] ORDER GRANTING MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION** **Hearing:** Date: August 22, 2014 Time: 10:30 AM Judge: Hon. Joseph C. Spero

The Court has considered Defendant's Motion to Reopen Hearing and Reconsider Detention and the accompanying declarations of Michael Kim, Mimi Li, Vanessa Pastora, and Joanna Powell. Finding that good cause exists, the Motion is GRANTED.

IT IS SO ORDERED.

Dated: _____

_____

Joseph C. Spero

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Attorneys for Defendant ANDY LI

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Andy Li,

Defendant.

CASE NO. CR 14-196 CRB (JCS)

DECLARATION OF MICHAEL KIM IN SUPPORT OF DEFENDANT ANDY LI'S MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION

Hearing:
Date: August 22, 2014
Time: 10:30 AM
Judge: Hon. Joseph C. Spero

DECLARATION OF MICHAEL KIM

I, Michael Kim, declare as follows:

1. My name is Michael Kim, and I am employed by the San Francisco Sherriff's Department.

2. In or around February 2014, I possessed two ballistic vests issued to me by the Sheriff's Department in connection with my employment.

3. On February 2, 2014, my wife, Bonnie, had an appointment at Mimi Li's hair salon located in San Francisco, California.

4. On that day, I stopped by Ms. Li's salon to drop off my work-issued ballistic vest with my wife because I had to run errands and did not want to leave the vest in my car.

5. I asked my wife to bring the vest home for me when she was done at the salon.

6. Unfortunately, my wife forgot the vest at Ms. Li's salon.

7. Because my wife forgot the vest, Ms. Li informed me that she took the vest and put it in her car, intending to return it to me.

8. Due to miscommunication and timing, I never received the vest back from Ms. Li prior to March 26, 2014. We had made plans for her to drop it off at my house and for me to pick it up from her house, but we both got busy and the plans fell through.

9. The vest that federal agents recovered from Ms. Li's vehicle belonged to me.

10. I did not have an immediate need for the vest after my wife left it at Mimi's salon because I had another vest that I could use in connection with my employment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 6, 2014 in San Francisco, California.

Michael Kim

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Attorneys for Defendant ANDY LI

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Andy Li,

Defendant.

CASE NO. CR 14-196 CRB (JCS)

DECLARATION OF MIMI LI IN SUPPORT OF DEFENDANT ANDY LI'S MOTION TO REOPEN DETENTION HEARING AND RECONSIDER DETENTION

Hearing:
Date: August 22, 2014
Time: 10:30 AM
Judge: Hon. Joseph C. Spero

DECLARATION OF MIMI LI

I, Mimi Li, declare as follows:

1. My husband Andy Li and I rented our residence at [redacted] from an individual named Doug Walker and moved there in November 2013.

2. At that time, our landlord, Mr. Walker, stored many of his personal belongings in the garage of the house.

3. In January 2014, Mr. Walker moved out some of his personal belongings from the garage and told us that he was leaving the rest of his belongings previously stored in the garage in a crawl space underneath the house. My husband and I did not object to Mr. Walker storing some of his personal belongings in the crawl space while we rented the house because we were not using that space.

4. From January 2014 when Mr. Walker stored his items in the crawl space to March 26, 2014, when the FBI searched our home, my husband and I never entered the crawl space and did not know what items Mr. Walker kept there.

5. On the day of the search, I was told to stay in the living room while the FBI searched the house. An agent had to come with me even to use the restroom. Because I could not walk around the house freely, I asked the FBI agents if I could leave, and they said yes. A girlfriend came to pick me up from the house, and I left.

6. Because I left the house during the search, I did not see what items they took from my car or from the crawl space.

7. My husband was arrested and taken away shortly after the search began.

8. The FBI agents left a receipt of the items taken on my coffee table, but the print was too light to read.

9. On April 8, 2014, the morning of my husband's detention hearing, Mr. Walker called me and asked me when the FBI was returning his shotgun.

10. At that time, I did not know what Mr. Walker was referring to, as I did not know that he had stored a shotgun in the crawl space beneath the home.

11. Mr. Walker explained to me that he had stored an antique shotgun that belonged to his uncle in the crawl space, and that he had called the FBI to inform them that the shotgun belonged to him and request its return. He said that the FBI had initially contacted him to inform him about the search of the house.

12. I was not able to tell my husband's lawyers about the shotgun before the detention hearing because the marshals in the court room would not let me speak to them when I asked permission.

13. I told them and my husband what my landlord had told me after the detention hearing.

14. On February 2, Ms. Bonnie Lam, who is married to Michael Kim, had an appointment at my salon.

15. Mr. Kim works for the San Francisco Sheriff's Department.

16. On that day, Mr. Kim dropped off a bullet proof vest that he used for his job at my salon for his wife to take home for him.

17. After Ms. Lam left the salon, I realized that she had forgotten to take the bullet proof vest, and had left it in the salon.

18. I did not want to leave the vest unattended at the salon, so I took it with me and placed it in my car, intending to return it to Mr. Kim.

19. I planned on returning the vest to Mr. Kim a few times, but our plans fell through, and I did not see him between February 2, 2014 and March 26, 2014.

20. I never took the vest out of my car between February 2, 2014 and March 26, 2014, when the FBI took it from my vehicle.

21. After FBI agents searched my vehicle, I noticed that they had left behind a gun clip.

22. I did not know what to do with the gun clip, so I put it in a plastic bag and left it in my car until I could meet with my husband's lawyers.

23. When I met my husband's lawyers at the court house, I informed them about the gun clip. They arranged for two of the case agents to accompany me that same day to my car in the parking lot and retrieve the gun clip.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 5, 2014 in San Francisco, California.

Mimi Li

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL MINUTE ORDER

Case No.: 14-cr-00196-CRB-12	**Case Name:** USA v. Andy Li (present, custody)	
Magistrate Judge: Joseph C. Spero	**Date**: September 5, 2014	**Time:** 31 M

Attorney for Plaintiff: Will Frentzen, Susan Badger
Attorney for Defendant: Winston Chan, Vanessa Pastora
Interpreter: NA
US Pretrial Officer: Brad Wilson
US Probation Officer: NA
Deputy Clerk: Karen Hom **Court Reporter:** FTR 10:00-10:31

PROCEEDINGS

1. Motion for Reconsideration of Detention [dkt no. 410] - Denied

ORDERED AFTER HEARING

Oral arguments heard. Court ordered that a letter written by Mr. Li be filed. Court made oral findings on the record.

CASE CONTINUED TO: 09/24/14 (already set) at 2:00 PM before Judge Breyer for Motions to Compel

EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT:

PRETRIAL SCHEDULE:
Number of Depos: **Discovery Cutoff:**
Expert Disclosure: **Expert Rebuttal:**
Expert Discovery Cutoff:
Motions Hearing: at 9:30 AM
Pretrial Conference: at 1:30 PM
Trial: at 8:30 AM for days [ ] Jury [ ] Court

Order to be prepared by:
[ ] Plaintiff [ ] Defendant [ ] Court [ ] Probation
cc:

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT ☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FILED

MAR 27 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

18 U.S.C. § 401(1) - Criminal Contempt

☐ Petty
☐ Minor
☒ Misdemeanor
☐ Felony

PENALTY: Not more than one year imprisonment

DEFENDANT - U.S

▶ Michael Kim

DISTRICT COURT NUMBER

CR 18 0124 MAG

PROCEEDING

Name of Complaintant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of: ☐ U.S. ATTORNEY ☐ DEFENSE } SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under } MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on this form: ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned): WILLIAM FRENTZEN

DEFENDANT

IS *NOT* IN CUSTODY

1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges ▶

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction } ☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

** Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment*

Date/Time: Before Judge:

Comments:

ALEX G. TSE (CABN 152348)
Acting United States Attorney

FILED
MAR 27 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL KIM, Defendant.	CASE NO. CR 18 0124 MAG VIOLATION: 18 U.S.C. § 401(1) – Criminal Contempt SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges:

Background

1. On March 26, 2014, Defendant X, not a defendant herein, was charged by complaint in the Northern District of California with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d), and other criminal offenses, in Case Number 3:14-70421-MAG.

2. The Honorable Chief Magistrate Judge Joseph Spero ordered Defendant X detained pending trial. Defendant X, through his counsel, sought a review of the detention order.

3. Defendant MICHAEL KIM was a Deputy with the San Francisco City and County Sheriff's Department and a friend of Defendant X.

4. On August 6, 2014, KIM signed a declaration for the purpose of assisting Defendant X and knowing that the declaration would be provided to the Court in connection with Defendant X's detention proceedings. The declaration contained material false statements and representations regarding a ballistic vest that KIM had loaned to Defendant X.

COUNT ONE: (18 U.S.C. § 401(1) – Criminal Contempt)

5. Paragraphs 1 through 4 are incorporated herein.

6. On or about August 6, 2014, in the Northern District of California, and elsewhere, the defendant,

MICHAEL KIM,

did knowingly and willfully commit misbehavior in the presence of this Court so as to obstruct the administration of justice, specifically, by swearing to a false declaration, knowing and intending that the declaration would be presented to this Court for the purpose of attempting to gain the release of Defendant X.

In violation of Title 18, United States Code, Section 401(1).

DATED: March 13, 2018

ALEX G. TSE
Acting United States Attorney

JOHN H. HEMANN
Deputy Chief, Criminal Division

(Approved as to form: _____)
AUSA WILLIAM FRENTZEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: *Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.*

CR 18 0124

CASE NAME: **CASE NUMBER:**

USA v. Michael Kim **CR**

MAG

Is This Case Under Seal?	**Yes**	**No** ✓	
Total Number of Defendants:	**1** ✓	**2-7**	**8 or more**
Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?	**Yes**	**No** ✓	
Venue (Per Crim. L.R. 18-1):	**SF** ✓	**OAK**	**SJ**
Is this a potential high-cost case?	**Yes**	**No** ✓	
Is any defendant charged with a death-penalty-eligible crime?	**Yes**	**No** ✓	
Is this a RICO Act gang case?	**Yes**	**No** ✓	

Assigned AUSA (Lead Attorney): William Frentzen **Date Submitted:** 03/27/18

Comments:

Form CAND-CRIM-COVER (Rev. 11/16)

RESET FORM | SAVE PDF

UNITED STATES DISTRICT COURT
Northern District of California

UNITED STATES OF AMERICA
v.
Michael Kim

) **JUDGMENT IN A CRIMINAL CASE**
)
) USDC Case Number: CR-18-00124-001 JCS
) BOP Case Number: DCAN318CR00124-001
) USM Number: 24924-111
) Defendant's Attorney: Jonathan McDougall (Retained)

THE DEFENDANT:

☑ pleaded guilty to count(s): Count One of the Class A Misdemeanor Information

☐ pleaded nolo contendere to count(s): which was accepted by the court.

☐ was found guilty on count(s): after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 401(1)	Criminal Contempt	August 6, 2014	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s):

☐ Count(s) dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/12/2018
Date of Imposition of Judgment

Signature of Judge
The Honorable Joseph C. Spero
Chief Magistrate Judge
Name & Title of Judge

October 15, 2018
Date

PROBATION

The defendant is hereby sentenced to probation for a term of: three (3) years

The appearance bond is hereby exonerated. Any cash bail plus interest shall be returned to the owner(s) listed on the Affidavit of Owner of Cash Security form on file in the Clerk's Office.

MANDATORY CONDITIONS OF SUPERVISION

1) You must not commit another federal, state or local crime.
2) You must not unlawfully possess a controlled substance.
3) You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4) ☐ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5) ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7) ☐ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8) You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9) If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10) You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court, and bring about improvements in your conduct and condition.

1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4) You must follow the instructions of the probation officer related to the conditions of supervision.
5) You must answer truthfully the questions asked by your probation officer.
6) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with, for example), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
7) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by these and the special conditions of your supervision that he or she observes in plain view.
8) You must work at least part-time (defined as 20 hours per week) at a lawful type of employment unless excused from doing so by the probation officer for schooling, training, community service or other acceptable activities. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
9) You must not communicate or interact with someone you know is engaged in criminal activity. You must not associate, communicate, or interact with any person you know has been convicted of a felony, unless granted permission to do so by the probation officer.
10) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

☐ If the probation officer determines that you pose a risk to a third party, the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk. *(check if applicable)*

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision upon a finding of a violation of probation or supervised release.

(Signed) _____ _____
Defendant Date

_____ _____
U.S. Probation Officer/Designated Witness Date

SPECIAL CONDITIONS OF SUPERVISION

1. You must participate in the Location Monitoring Program as directed by the probation officer for a period of 90 days, and be monitored by Location monitoring technology at the discretion of the probation officer. Location monitoring shall be utilized to verify your compliance with home detention while on the program. You are restricted to your residence at all times except for employment, education, religious services, medical appointments, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities pre-approved by the probation officer. You shall pay all or part of the costs of the program based upon your ability to pay as determined by the probation officer.

2. You must complete 300 hours of community service as directed by the U.S. Probation Office.

3. You must pay any fine and special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.

4. You must provide the probation officer with access to any financial information, including tax returns, and shall authorize the probation officer to conduct credit checks and obtain copies of income tax returns.

5. You must not have contact with Andy Li, a defendant in a related case.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments.

	Assessment	JVTA Assessment*	Fine	Restitution
TOTALS	$ 25	N/A	$ 30,000	None

☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss**	Restitution Ordered	Priority or Percentage
TOTALS	$ 0.00	$ 0.00	

☐ Restitution amount ordered pursuant to plea agreement $

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

- ☐ the interest requirement is waived for the .
- ☐ the interest requirement is waived for the is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows*:

A ☐ Lump sum payment of _____ due immediately, balance due

☐ not later than , or
☐ in accordance with ☐ C, ☐ D, or ☐ E, and/or ☐ F below); or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of _ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of _ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:
Payment of the $25 special assessment is due immediately. Payment of the $30,000 fine is due in full within 6 months of entry of judgment. Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future, **but such future orders do not affect the defendant's responsibility for the full amount of the restitution ordered.**

* Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Request for Early Termination of Supervision

Person Under Supervision
Michael Kim

Docket Number
0971 3:18CR00124-001 JCS

Name of Sentencing Judge: The Honorable Joseph C. Spero
Chief United States Magistrate Judge

Date of Original Sentence: October 12, 2018

Original Offense: Count One: Criminal Contempt, 18 U.S.C. § 401(1), a class A misdemeanor.

Original Sentence: Three years probation
Special Conditions: $30,000 fine; $25 special assessment; location monitoring for 90 days; 300 hours community service; financial disclosure; no contact with co-defendant.

Prior Form(s) 12: None.

Type of Supervision
Probation

Date Supervision Commenced
October 12, 2018

Assistant U.S. Attorney
William Frentzen

Defense Counsel
Jonathan McDougall (Retained)

Petitioning the Court to Take Judicial Notice

Petitioning the Court to consider the client for early termination of supervision.

Cause

Mr. Kim has competed two years of his three-year probation term, with completion scheduled for October 11, 2021. During this time, Mr. Kim has been cooperative and compliant. He has paid all criminal monetary penalties in full and completed community service hours and location monitoring.

Upon commencement of supervision, Mr. Kim began working as a supervisor of security for the city and county of San Francisco, earning approximately $4,333 per month. He has lived in [redacted] for two years. Throughout supervision, he has demonstrated stability in his home, employment, and the ability to support himself through his employment.

During the time of the offense conduct, as noted in the presentence report, Mr. Kim left a ballistic vest with a friend and lied to authorities regarding the circumstances of the ballistic vest being left with friends. There is no indication Mr. Kim continues to be involved in similar criminal conduct.

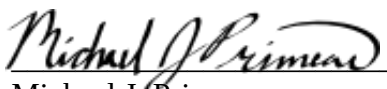
The Probation Office currently utilizes the evidence-based practice of the Risk Needs Responsivity Principle in supervising clients. As part of this principle, the Post-Conviction Risk Assessment Tool (PCRA) is utilized to determine the risk of recidivism posed by an individual. Based on information provided by both the office and the client, a resulting risk score of High, Moderate, Low/Moderate, or Low is determined. In addition to the overall risk level, the assessment tool also identifies specific dynamic risk factors for each client, including cognitions, education/employment, alcohol/drugs, and social networks, as well as considering the static risk factor of criminal history. The tool looks at responsivity factors as well, which may impact supervision goals. The information allows officers to target specific areas where the most positive impact can be made and where resources should be directed for the best outcome.

The Probation Office currently has approximately 450 cases identified as low risk, of which 260 are placed on a "Low Intensity Supervision" caseload requiring minimal supervision. These cases do not require field work unless there is a change in circumstances, and report monthly via a written or electronic form. In an effort to ensure officers have more opportunity to monitor and provide the appropriate resources and interventions to our most high risk cases, the Probation Office has reviewed those low risk cases, in which the client is in the final twelve months of supervision with no history of violence, and per the Risk Needs Responsivity Principle, minimal services are needed or provided by our office.

On January 7, 2020, Mr. Kim was placed on the Low Intensity Supervision caseload. He has continued to do well under this level of supervision and has maintained compliance. The Post-Conviction Risk Assessment was conducted, indicating a low risk of recidivism with no identified dynamic risk factors. Based on the PCRA, low risk clients have only a 3% re-arrest rate during the next assessment period. Evidence shows low intensity supervision is appropriate in these cases, and eventual early termination. As such, it is recommended that Mr. Kim's probation be terminated at this time.

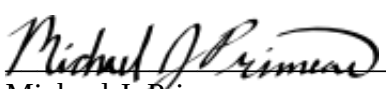
18 U.S.C. § 3564(c) permits the Court to terminate a term of probation in felony cases after the expiration of one year of supervision, if the Court is satisfied that such action is warranted by the conduct of a client and is in the interest of justice. The Assistant United States Attorney for this case was contacted regarding early termination of supervised release for Mr. Kim and no objection was received.

Respectfully submitted,



Michael J. Primeau
Supervisory U.S. Probation Officer
Date Signed: October 5, 2020

Reviewed by:



Michael J. Primeau
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- [X] Early termination of supervision granted
- [ ] Early termination of supervision denied
- [ ] Other:

November 2, 2020
Date

Joseph C. Spero
Chief United States Magistrate Judge

MICHAEL SHERMAN KIM



Position: 8302 Deputy Sheriff I
SSN: [redacted]
DOB: [redacted]
Citizenship: U.S. Citizen
Height: [redacted]
Weight: [redacted]
Hair Color: [redacted]
Eye Color: [redacted]
Phone: [redacted]
Email: [redacted]
(Work)
[redacted]
(Personal)

Investigation Summary

Investigator: Unassigned
Assigned: N/A
Completed: 06/27/2023
Duration: 790 Days
Disposition: Withdrawn

Journal Notes

There is no activity currently recorded for this section.

Status

06/27/2023 12:34 PDT	Darrin Martindale archived the investigation (Triage).
06/27/2023 12:34 PDT	Investigation status changed to Withdrawn by Darrin Martindale.
06/27/2023 12:34 PDT	Investigation status changed to Pending Withdraw by Darrin Martindale.

Assignment

There is no activity currently recorded for this section.

Applicant

05/01/2021 11:53 PDT	Applicant form received: Controlled Substance Disclosure Form.
05/01/2021 11:53 PDT	Applicant form received: Background Investigation Questionnaire.
05/01/2021 11:52 PDT	Applicant file received: Personal History Questionnaire: Completed Background History Questionnaire.
05/01/2021 11:51 PDT	Applicant file received: Misc. Documents / Questionnaires: Controlled Substance Disclosure form.
04/30/2021 17:03 PDT	Applicant file received: Advisements, Releases, and Waivers: Acknowledgement.
04/30/2021 17:02 PDT	Applicant file received: Advisements, Releases, and Waivers: Authorization to release information.
04/30/2021 17:02 PDT	Applicant file received: Advisements, Releases, and Waivers: Advisement to Applicant.
04/30/2021	Applicant file received: Misc. Documents / Questionnaires: Requalification

Commission on Peace Officer Standards and Training
860 Stillwater Road
West Sacramento, CA 95605-1603
www.post.ca.gov

On March 11, 2025, California Commission on Peace Officer Standards and Training ("POST") Law Enforcement Consultants Kevin Sherburne and James Saso interviewed Ronnie Wan in a conference room located at 455 Golden Gate Avenue, San Francisco, California. Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Wan. After being advised of the identity of the interviewers and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Wan provided the following information:

Wan started with the San Francisco Sheriff's Office about 25 years ago – 26 this December. He started in the jails, then worked the City Hall security unit, then courthouse, then personnel unit. He is currently assigned to the background unit, which he joined in January 2022. He serves ancillary roles in the Emergency Services Unit and is an instructor for EVOC, force option, and taser.

His supervisor when he first joined was Sergeant Tiffany Martin. There was no lieutenant at the time. Toward the end, before Martin left to become a lieutenant, the background unit got a lieutenant assigned to it. She left the unit about 2022 or 2023. His current sergeant is Mel Fonthal.

The structure of the background unit is one sergeant and six deputies, including Wan. His duties include checking backgrounds for employment purposes of both sworn and non-sworn applicants. A background file is assigned to one person, who starts the investigation and works it from beginning to end, unless they go on extended leave or their time's up in the unit. The normal time for a background investigation to be completed is about four to six months generally for sworn personnel. Currently, Wan is working cases for about six to eight months.

If there is a red flag in a background investigation – both at the time of Michael Kim's background investigation and currently – he sends information up to the Assistant Sheriff for a decision whether to disqualify the applicant or move forward with the investigation. If the decision is made to move the case forward, it is tracked in Guardian software. The Assistant Sheriff only gave a thumbs up or thumbs down, there was no explanation. At some point, it switched from the Assistant Sheriff to the Undersheriff. When Kim went through, it probably got switched to the Undersheiff, who was Kathy Johnson.

Other than SB2 Government Code 1029 disqualifiers, Wan is not aware of absolutes of disqualifying an applicant that his department had. The hiring authority is always the Sheriff. At the time Kim went through the process, Paul Miyamoto was the Sheriff.

Wan did not know the standards for a psychological evaluation assessment of a candidate. After a background investigator is assigned a case, the applicant must complete a written test, undergo physical agility testing, then the applicant is invited to complete a Personal History Questionnaire ("PHQ"). SFSO uses POST's PHQ. They are screened and assigned to an investigator. At one point, he had 25 cases, now it's about

10. Then, the applicant is interviewed, polygraphed, and law enforcement and employment checks are done. After that, there is a psychological test. At this time, some psychologists require that a conditional offer is given to the applicant before they evaluate the applicant. If they pass, home checks and other steps are done to complete the background investigation.

If an applicant fails the psychological assessment, the background investigation stops. There is a different process at that point for the applicant. There is an appeal process.

The applicant is given a form through Guardian, which is almost identical to POST's questionnaire.

If an applicant fails a psychological evaluation, the sergeant sends an email telling the applicant they failed and instructions how to proceed with an appeal. It's very time sensitive. The applicant can hire his or her own doctor and they have a certain window of time to conduct a new evaluation. SFSO operates under POST's law enforcement criteria for whether a person is deemed suitable or not. The city has a third doctor that only the city uses who then reviews the applicant's doctor's determination. Wan did not know if the third doctor saw the applicant in person or only reviewed paperwork. Successful appeals are not that common. Wan has only seen appeals about two times. Kim was one of them.

Wan knows Kim. They worked together when Wan went to the City Hall Security Unit for about two years. Then Kim got promoted and left. Also, as a coordinator in the Emergency Services Unit, Kim also worked with Wan.

Wan has only been to Kim's house during the background check. He has only socialized with Kim in group settings. Wan calls Kim co-workers/friends.

Kim's reputation is that he is funny but is hard on staff. He works hard. Wan gets along with Kim. Kim is hard core sometimes.

Wan was aware of an earlier background investigation dating to 2021. There was no background investigator assigned to conduct an investigation. Wan did not hear anyone talk about why Kim withdrew the application. From the paperwork, it looked like Kim just withdrew the application.

Wan set up an interview of Kim to come in person to talk about his answers on the PHQ. Shown a copy of Wan's background investigation of Kim that concluded June 27, 2023 that says "withdrawn," Wan stated that it was not documented in the file. Wan conducted the background investigation that was concluded on December 12, 2024. When Wan concluded the December 12, 2024 background investigation, he did not review the documents contained in the June 27, 2023 file. Wan does not log the interview in the background file. He takes notes of the interview.

Wan was aware that Kim had applied in 2021. Kim did not tell Wan why the 2023 file was withdrawn. You cannot tell from the digital file why the application was withdrawn and Kim did not hear from anyone the reasons for it being withdrawn. Wan was assigned

the background investigation on July 13, 2023. The older background file was withdrawn the same date as the newer background file that ended up getting assigned to Wan.

Wan does not have the applicant initial at the bottom of each page of the PHQ. He was never taught that when he started in the background unit. If the applicant has any changes, Wan has them write in red ink. Red ink was in the old days of paper files. In Guardian, the background investigator cannot change the answers. The applicant has to sign back into Guardian and make the changes which are tracked by the system.

When Wan first got assigned to work Kim's background investigation, he went to his sergeant and lieutenant asked if they were sure they wanted to do this. They said to continue working it, so he worked it. Wan updates his superiors on what he was finding in the background investigation. The background investigator does not have any say in a disqualification, they just type in all the good and the bad and let the supervisor raise it up the chain. They look at it to make sure he completes all tasks. The supervisor reviews it for completeness and sends it up the chain if it's complete.

Shown the background investigation file for December 12, 2024, Wan explained that his supervisor is noted as approving the file, but that only meant that the file was complete and ready for review. The word "skipped" means the person might be on leave or out of the office.

When his sergeant or lieutenant have a note that they approved it, it means that they reviewed his work are certifying that he completed everything that he said he did and the file is approved for sending up the chain for hiring decision. Wan has never seen the word "declined." Starting Level 2 meant that it was the first time that the chain of command saw his report. When the file reached the level of Assistant Sheriff, Undersheriff, or Sheriff, that's when the "approved" note meant that the person had a vote and voted to approve or reject hiring the applicant. Even if everyone voted to reject an applicant, if the Sheriff said "yes, hire," then the applicant would be hired.

On page 375/376, the file noted that Kim received an email on November 30, 2023. Kim had failed the psychological evaluation. So, he had a chance to appeal. Wan understood that Kim failed the appeal (the second evaluation), so the rejection email went out. Some time later, Wan was told there was a change of mind by the doctor who reversed his earlier "not suitable" assessment and Kim's file went to the third doctor. Kim had failed his own psychologist. Wan did not know the reasons why he failed.

Wan was not sure where rejection reports would be kept. He only kept success letters. This was the very first time that Wan had seen two failures. He has seen 5-7 situations where an applicant failed their own doctor were rejected.

Wan did not hear that there was any pressure from above to pass Kim. They did want to see the file completed in a timely manner.

Kim always applied for a deputy position. Those are the only positions at SFSO, which does not have a corrections deputy position.

Wan has not seen a purported letter from Miyamoto. The third doctor called Wan and asked him about Kim. The third doctor called him one day and asked if Wan knew Kim and what Kim's character was. Wan said he did not know. Wan has never seen Miyamoto write letters in support of applicants. Kim had not told Wan about Miyamoto's letter. Wan thought the letter was suspicious; Wan did not know if the doctor thought the letter was suspicious. Wan told the doctor he did not know anything about it. After talking to Wan, the doctor said he'd call Miyamoto to ask about the letter. Wan did not know if the doctor called Miyamoto.

Wan talked internally at SFSO about the conviction for contempt and whether he was qualified to be a Deputy. He talked with his sergeant and lieutenant. They looked at SB2 and what convictions qualify as a disqualifier. They called POST reps and were told felony convictions. So, Wan continued his investigation because Kim's conviction was not a felony conviction.

They did not talk about POST's Dimensions. They sought guidance from POST. There were concerns about Kim.

Asked if Wan reached out to City College of San Francisco ("CCSF") as part of his background investigation based on Kim's statement that he also applied for a law enforcement position there, Wan stated that he did not believe he reached out to CCSF.

When conducting neighborhood checks, there was an individual named Li. Wan did not know if this Li was related to Andy Li.

Wan did not know about any memorandum that Kim wrote to Matt Freeman.

Wan talked with his team when Wan was first assigned to the background investigation. Wan knew that the underlying charge was dishonesty. Wan talked internally about Kim's conviction and they did not have anything to back it up from the FBI that he lied. Wan only had the court document that he pled to.

Commission on Peace Officer Standards and Training
860 Stillwater Road
West Sacramento, CA 95605-1603
www.post.ca.gov

On April 16, 2025, California Commission on Peace Officer Standards and Training ("POST") Law Enforcement Consultants Kevin Sherburne and James Saso interviewed Mel Fonthal[1] in a conference room located at 120 14th Street, San Francisco, California. Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Fonthal. After being advised of the identity of the interviewers and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Fonthal provided the following information:

Fonthal has been with the San Francisco Sheriff's Office ("SFSO") for about 13 years. In that time, he has served approximately three years each in jails, patrol, criminal investigations, and the past three years in the Background Investigations Unit ("BIU"). He is a sergeant in BIU and was initially assigned to BIU in April 2022.

When he first started in BIU, Fonthal was the watch commander as sergeant. There was no lieutenant. About six to eight months after he arrived, SFSO restructured, adding the CCW program to BIU and added a lieutenant. That lieutenant is still in BIU and he is Darin Martindale.

BIU uses Guardian Alliance to track background investigations the investigators perform. Access to Guardian is limited to Personnel, Command Staff, and Background Investigators/BIU.

Deputy Ronnie Wan was in BIU prior to Fonthal's arrival. Now-Lieutenant Tiffany Martin was the sergeant at the time and she spent about six to eight months working to train Fonthal. Wan's assignment includes both Personnel and Background Investigator. At the time Kim applied, background files were assigned by either Martindale or Fonthal. Their tasks are not "super separated."

Fonthal worked with Kim about 12 years ago. He did not work under him and only saw him in passing. He does not have a relationship with Kim.

"Everybody" raised concerns and had comments about whether Kim should be rehired. Fonthal knew of his past and was concerned whether Kim could legally be a peace officer. Fonthal did not know what POST might say about Kim and did not know the outcome of any charges against Kim.

Although there were voiced concerns, BIU's responsibility was to conduct background investigations. The unit's response to the concerns was that he was legally allowed to apply just like everyone else and Kim was not the first to leave and come back to reapply at SFSO. There was no pressure from command staff to hire Kim. The direction to Wan was "work the file." Paul Miyamoto said, "just work it." Miyamoto just wanted to see a full file.

[1] On May 12, 2025, Kevin Sherburne revised the Report of Interview of Mel Fonthal to correct the identity of the witness being interviewed. The original incorrectly stated that Ronnie Wan was the witness.

Comments between Fonthal and Wan wee conversations, like about the open sexual harassment case.

Kim applied in 2021. Fonthal did not think the application went anywhere. At that time, BIU had more discretion what applications to work. Fonthal was unaware who determined not to work the application as a background investigation file. Now, there was a decision that every single applicant gets worked, no matter what. Fonthal never heard that the 2021 file was not worked because someone said they could not hire Kim. . . .you cannot tell someone that.

Shown an email dated November 30, 2023, from Fonthal to Kim, Fonthal stated it was a non-select letter. He was unaware what the sent emails looked like that Guardian generated based on his input into the system. When someone goes through the chain of command (ladder), at the end, if the Sheriff says "no," that's a non-select. That's the only non-select that they have. Everyone else is a disqualified.

Dr. Nucci did the first psychological evaluation of Kim. If there is a not suitable evaluation, Fonthal sends an official letter which details the conclusion of disqualification and the appeals process. The applicant has a chance to appeal and, if so, Fonthal sends another letter saying the appeal is received and says to the applicant to get an official doctor's evaluation. Fonthal sends a list of POST-approved doctors to the applicant.

Kim selected Dr. Dunnigan. Fonthal then sends Dunnigan's name to LEPS for review of whether Dunnigan is certified. After Dunnigan, it would go to a third – HR – doctor for final say on suitability.

Kim failed his first psychological evaluation because of the sexual harassment case. Kim told BIU that the complainant was a female who was against him and her allegations were not true. That investigation came back as not sustained, so Kim went back to Dunnigan and told him about the investigation's conclusion. Dunnigan did a re-evaluation and said Kim was suitable. Then, it went to a third doctor.

In BIU, there was internal discussion about Kim appealing Dunnigan's initial decision of not suitable. Fonthal was told to "pause" the background investigation and told to wait until after the sexual harassment investigation concluded. Sheriff Paul Miyamoto called Fonthal's office. Fonthal and Martindale share the same office. Usually, they spoke on speakerphone. It could have been over speakerphone. Miyamoto said to please continue the file. Miyamoto did not say anything about Kim possibly reaching out to him. The phone call occurred right after the not suitable finding came back (or in the same time period). Fonthal or Martindale would have told the Sheriff about the not suitable finding. Or, Fonthal told his captain and she forwarded it.

It's not a normal occurrence for Fonthal or Martindale to brief Miyamoto directly but it has happened. There was not an order to give updates to Miyamoto about Kim's background investigation but there was an "understanding" because Kim was one of them before and he's a "special case." When people leave SFSO, BIU gives command staff a

heads up on progress in the background investigations. Miyamoto has called BIU about other applicants.

There were obvious concerns about Kim's conviction.

Asked how often have you seen successful in overturning a "not suitable," Fonthal stated 1 in 10. Asked how often an applicant's own doctor provides a "suitable" finding, Fonthal stated 9 in 10. Fonthal has never seen an appeal of an appeal – or an applicant's own doctor making a finding of "not suitable" and the applicant appealing that decision.

Shown a letter addressed "To Whom It May Concern," Fonthal stated that the letter was attached to a report submitted by Dunnigan. Dunnigan said he received the letter. Fonthal did not talk to Dunnigan about the letter. He is not aware anyone talked to Dunnigan about the letter. Fonthal did not talk to Miyamoto about the letter. Fonthal has not seen Miyamoto write a letter on behalf of anyone else. Fonthal did not consider that Kim wrote the letter. Fonthal agreed the letter was not signed, not on letterhead, and undated.

The talk in BIU about the letter was "that's a first!" BIU did not question a doctor's conclusions. Fonthal has never seen a letter of recommendation attached to a psychologist's evaluation report.

Fonthal did not tell Kim to reach out to Dunnigan to appeal. It's possible Miyamoto or Martindale told Kim to do that. There was no official direction from anyone at SFSO that Fonthal is aware of to provide Kim guidance to appeal Dunnigan's evaluation. There is nothing against a second appeal. It's the third doctor's opinion that counts, so no matter what the second doctor says does not matter.

Asked about language in the letter about people at SFSO were comfortable with Kim returning to work as a deputy, Fonthal said that was not the official BIU position. BIU did not have an opinion. Fonthal is unsure who told Kim SFSO wanted him to return. Kim has lots of friends at SFSO, so maybe someone told him that. Fonthal can only assume that others would not speak officially on behalf of SFSO to say they were comfortable with Kim returning. It's possible that Kim was referring to the letter when he told Dunnigan that SFSO was comfortable. It's possible the Undersheriff or an Assistant Sheriff told Kim that they were comfortable with him returning.

Ladder is a term used in Guardian or SFSO for the approval process. Pages 373-74 and page 375 have a ladder. They look different to Fonthal, although they appear both to show the same result. When the ladder says that Martindale "approved" the file, it meant that the file was ready to be looked at. The ladder process includes emails sent to the chain of command and they sit at their desks and vote. The only person who matters in the ladder is the Sheriff.

Fonthal had not heard about any memorandum Kim wrote and gave to Matt Freeman.

Fonthal did not know a lot about any internal affairs ("IA") case against Kim. Fonthal would not have known procedures for IAs in 2014, if they were tolled pending a criminal investigation.

Fonthal did not read Kim's entire background file – he only got involved heavily at the point of Kim's appeal of Dunnigan's not suitable finding. Fonthal was not aware Kim had applied to CCSF.

reactions to the relevant questions on this examination.

A copy of the polygraph report is retained in the background file under Tab (Polygraph / CVSA / EyeDetect).

Medical Assessment:

[redacted]

Psychological Assessment:

Dr. Nucci, Ph. D., California Licensed Psychologist of LEPS psychologically assessed Kim on September 20, 2023, and determined he was **Not Suitable** for the position of Deputy Sheriff.

Kim appealed his psychological exam. On November 1, 2023, Dr. Ryan Dunnigan, Ph. D., California Licensed Psychologist of Dunnigan Psychological & Threat Assessment, LLC, assessed Kim and determined he was **Not Suitable** for the position of Deputy Sheriff. On March 13, 2024, Dr. Dunnigan sent a revised report that Kim was **Suitable** for the position of Deputy Sheriff.

Dr. David M. Corey, Ph. D., California Licensed Psychologist of Corey & Stewart Psychology, reviewed the results of both prior psychological assessments. On April 9, 2024, Dr. Corey determined Kim was **Suitable** for the position of Deputy Sheriff.

A copy of the assessment summary letter is retained in the background file under Tab (Med / Psych Clearances).

The Applicant meets the requirements of the California Peace Officer's Standards and Training and the San Francisco Sheriff's Office minimum standards for the position of 8302 Deputy Sheriff.

Respectfully Submitted,

☐ **High School Proficiency Exam**

2. High School

List all High Schools (or equivalent) attended

Did you attend any high schools? Yes

2.1

☐ **Currently Enrolled**

Name of High School: [redacted] **Start Date:** [redacted] **End Date:** [redacted] **GPA:** [redacted]

CITY: [redacted] **STATE:** [redacted] **COUNTRY:** United States

Did you graduate from this school? [redacted]

3. Colleges, Universities, Vocational, etc.

List all schools attended including: colleges, universities, online schools, vocational schools, trade schools, etc.

Did you attend any schools after high school? [redacted]

3.1

Are you currently enrolled? [redacted]

Name of School [redacted] **Start Date:** [redacted] **End Date:** [redacted] ☐ **I only attended online**

Type of School [redacted]

STREET: [redacted] **APT/UNIT:** N/A

CITY: [redacted] **STATE:** [redacted] **ZIP:** [redacted] **COUNTRY:** United States

Degree Earned [redacted] **Major/Area of Study:** [redacted] **Units / Hours Completed:** [redacted] **GPA:** [redacted]

3.2

Are you currently enrolled? [redacted]

Name of School [redacted] **Start Date:** [redacted] **End Date:** [redacted] ☐ **I only attended online**

Type of School [redacted]

STREET: [redacted] **APT/UNIT:** N/A

CITY: [redacted] **STATE:** [redacted] **ZIP:** [redacted] **COUNTRY:** United States

Degree Earned None **Major/Area of Study:** [redacted] **Units / Hours Completed:** [redacted] **GPA:** [redacted]

3.3

Are you currently enrolled? [redacted]

Criminal Contempt of Court | Misdemeanor

Arresting or Detaining Agency: FBI/US Marshals

Date: 08/2014

Deposition or Penalty
August 6, 2014 I plead guilty to 1 count of contempt of court. I was placed on federal probation for 3 years, fined $30,000 dollars, 300 hours of community service. I was not truthful when interviewed by the F.B.I.

1.2. Have you ever been placed on court probation? Yes

1.2.1

Court Case or Document Number: CR-18-00124-001

Date: 02/2020

Circumstances:
This was the same case as above. Criminal contempt of court. one and half year on probation.

1.3. Were you ever required to appear before a juvenile court for an act which would have been a crime if committed as an adult? [redacted]

1.4. Have you ever been a party in a civil lawsuit (e.g., small claims actions, dissolutions, child custody, paternity, support, etc.)? [redacted]

1.5. Have the police ever been called to your home for any reason? [redacted]

1.5.1

Court Case or Document Number: [redacted]

Date: [redacted]

Circumstances: [redacted]

1.6. Have you or your spouse/partner ever been referred to Child Protective Services? [redacted]

1.7. Have you ever been the subject of an emergency protective order/restraining order/stay-away order? [redacted]

1.8. Have you settled any civil suit in which you, your insurance company, or anyone else on your behalf was required to make payment to the other party? [redacted]

1.9. Have you ever fraudulently received welfare, unemployment compensation, workers' compensation, or other state or federal assistance? [redacted]

1.10. Have you ever been required to repay any welfare payments, unemployment compensation, or other state or federal assistance? [redacted]

1.11. Have you ever filed a false insurance or workers' compensation claim? [redacted]

1.12. Add any additional incidents/infractions you committed that are not specified above using the "Add Incident" button below:

No items added

2. INVOLVEMENT IN CRIMINAL ACTS - PART 1

At any time in your life, have you ever committed any of the following acts?

NOTE: You may not withhold any information regarding your involvement in any of the following acts, even if federal or state law relieved you from reporting the detention, arrest, or conviction that arose from it.

2.1. Animal abuse and/or neglect: [redacted]

2.2. Annoying, obscene, or harassing contacts by telephone or other electronic communication device: [redacted]

2.3. Battery (use of force or violence upon another): [redacted]

3.12.1. Theft of a firearm:	[redacted]
3.13. Hit & run (with injuries):	[redacted]
3.14. Hate crime:	[redacted]
3.15. Illegal sex acts:	[redacted]
3.16. Insurance fraud:	[redacted]
3.17. Murder, homicide, or attempted murder:	[redacted]
3.18. Perjury (lying under oath):	Yes

3.1

Provide Details:

Crime:	**Individuals Involved:**	**Date:**
Perjury	myself	08/2014

This was the same incident as above section 1.1 I was charged with a misdemeanor contempt of court. I submitted a false statement to the court.

3.19. Possession of an explosive/destructive device:	[redacted]
3.20. Robbery (theft from another person using a weapon, force, or fear):	[redacted]
3.21. Stalking:	[redacted]
3.22. Theft of a vehicle and/or vehicle parts:	[redacted]
3.23. Viewing, Production of, and/or possessing child pornography:	[redacted]
3.24. Is there anything posted on the internet that depicts you in an unlawful act, or might discredit the city or agency to which you are applying if hired?	[redacted]
3.25. Have you ever been refused a permit to carry a concealed weapon?	[redacted]
3.26. Are you now, or have you ever been, a member or associate of a criminal enterprise, street gang, or any other group that advocates violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual preference, or disability? If yes, provide location (city and state) and name of gang.	[redacted]
3.26b. Have you ever engaged in, or are currently engaging in any type of membership in a hate group, participation in any hate group activity, or advocacy of any public expressions of hate?	[redacted]
3.27. Have you ever hit or physically overpowered a spouse, romantic partner, or family member?	[redacted]
3.28. Since the age of 15, Have you ever been involved in an anger-provoked physical fight, confrontation or other violent act?	[redacted]

3.1

Provide details:

Date:

[redacted]

3.29. Do you have, or have you ever had, a tattoo/marking signifying membership in, or affiliation with, a criminal enterprise, street gang, or any other group that advocates violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual preference, or disability? If yes, provide the approximate date you got it, and a description of its meaning and where it is located on the body.	[redacted]

3.30. Add any additional criminal acts you committed that are not specified above using the "Add Incident" button below.

[redacted]

Section 8. Legal

Theft of a firearm: changed from "" to "0"

Section 8. Legal

Incidents

Please Explain changed from "This was the same incident as above section 1.1 I was charged with a misdemeanor contempt of court." to "This was the same incident as above section 1.1 I was charged with a misdemeanor contempt of court. I submitted a false statement to the court."

Section 8. Legal

[redacted]

Section 8. Legal

Activities

[redacted]

Section 9. Motor Vehicle Information

[redacted]

Section 9. Motor Vehicle Information

[redacted]

Personal History Statement – Peace Officer (POST 2-251)

Updates to the POST PHS address changes in state law and Commission regulations. This form is a continuation of the POST PHS questionnaire.

EMPLOYMENT ELIGIBILITY

Are you legally authorized to work in the United States under federal law?

[redacted]

SECTION 5: EXPERIENCE AND EMPLOYMENT continued- PREVIOUS PEACE OFFICER EXPERIENCE

46. Do you have previous peace officer experience in this state or any other jurisdiction?

✓ Yes __No

During, or after, your employment as a peace officer:

46.1 Have you ever been terminated for cause from employment as a peace officer in any State?

[redacted]

46.2 Have you ever had your peace officer certification suspended or revoked in any State, including California?

[redacted]

46.3 Have you ever been dishonest in 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?

✓ Yes __No

46.4 Have you ever abused your power, including but not limited to, intimidating witnesses, knowingly obtaining a false confession, or knowingly making a false arrest?

[redacted]

46.5 Have you ever committed physical abuse, including, but not limited to, excessive or unreasonable use of force?

[redacted]

46.6 Have you ever committed sexual assault as described in subdivision (b) of Penal Code Section 832.7, but to also include acts committed amongst members of any law enforcement agency?

[redacted]

46.7 Have you ever demonstrated bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner?

[redacted]

46.8 Have you ever committed 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?

[redacted]

46.9 Have you ever participated in a law enforcement gang, as defined in Penal Code §13510.8(b)(7)?

[redacted]

46.10 Have you ever failed to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to Penal Code §13510.8?

[redacted]

46.11 Have you ever failed to intercede when present and observing another officer using force that was clearly beyond that which was necessary?

[redacted]

- **If you answered "YES" to ANY of the item(s) in Question 46, fully explain (include dates and circumstances). Reference the corresponding number (e.g., 46.5) for each explanation.**

46.3 - OVER THE TELEPHONE, AN ATTORNEY CALLED ME TO GET MY STATEMENT FOR A BAIL HEARING FOR MY FRIEND. I TOLD HIS ATTORNEY THAT I LEFT MY DEPARTMENT'S BULLET PROOF VEST AT MY FRIEND'S WIFE HAIR SALON AND FORGOT TO PICK IT UP. THAT IS WHY MY FRIEND HAD A SHERIFF'S BULLET PROOF VEST WHEN HE WAS ARRESTED AT HIS HOUSE. THIS STATEMENT WAS SUBMITTED IN COURT.
I WROTE A MEMO TO CHIEF DEPUTY MATHEW FREEMAN STATING THE SAME FACT. THE FBI ARRIVED AT MY WORK AND INTERVIEWED ME ABOUT MY STATEMENT THAT WAS FILED IN COURT.
I TOLD THE FBI THE SAME STORY.
THE NEXT DAY I OBTAINED AN ATTORNEY AND SPOKE WITH THE FBI AND THE ASSITANT UNITED STATES ATTORNEY. I COOPERATED WITH THE FBI AND WAS CHARGED WITH A MISDEMEANOR CONTEMPT OF COURT.

degree. Admits he did re certify with POST certificate in 2021.

EMPLOYMENT HISTORY:

San Francisco Sheriffs Office: (Sergeant) Dates: 1999 to 2016
Admits he left this job as he was charged with contempt of court as he lied during a federal investigation about giving his friend his department issued vest. Explains his friend was arrested and his attorney asked him to write his friend Andy Li a statement. Admits he wrote a letter/statement saying he left his department vest at his friends wife's salon when he actually gave it to his friend. Says this was a big mistake on his part and he did this as he thought Andy was changing his life and becoming a better person. Says Andy told him he was working in security and he wanted to be safe. Says he was questioned about this by the FBI who spoke with him and he told them the same thing. Says he then spoke with his departments union, got an attorney, and he then told the feds the truth and cooperated with them. Says this was his childhood friend and he thought he could help him. Says his friend was involved in Asian gang activity and was in and out of prison a lot. Says he spoke with the Sheriff about this and she told him she would consider hiring him again at some point and so he resigned from this agency. Says he was eventually charged with a misdemeanor. Says he was on probation, paid a $30,000.00 fine, completed 300 hours of community service, and was on home monitoring. Says he knew his friend Andy committed these crimes over the years but when he got out of prison he thought he was better and no longer committing any crimes. [redacted]

[redacted]

War Memorial: (Supervisor) Dates: 2016 to the present

[redacted]

Securitas: (Supervisor) Dates: 1/18 to 2/20

[redacted]

DUNNIGAN PSYCHOLOGICAL & THREAT ASSESSMENTS, LLC

Dr. Ryan Dunnigan
License #PSY27458
930 B Street
San Rafael, CA 94901
Office 415-720-2663

November 1st, 2023 *(Page 1 of 3)*
San Francisco Sheriff's Department
Attn: Supervising Investigator – Sergeant Mel Fonthal
Re: (Secondary) Psychological Pre-Employment Evaluation
Applicant: Kim, Michael

The following is supplementary information regarding the applicant and their testing results. This information is based on the results of two psychological instruments, a psycho-social history questionnaire, a limited amount of psychiatric records (provided by the candidate), and an extensive clinical interview. The candidate-suitability determination included the consideration of the established California Peace Officer Standards and Training (P.O.S.T.) Peace Officer Psychological Screening Dimensions. A polygraph report was provided to this examiner by the San Francisco Sheriff's Department. It was reviewed and before the clinical interview portion of this process and was considered while making the psychological suitability declaration and decision. No other background information or applicant-related records (psychological or otherwise) were provided to this examiner by the intended hiring agency, the San Francisco Sheriff's Department.

[redacted]

DUNNIGAN PSYCHOLOGICAL & THREAT ASSESSMENTS, LLC

Dr. Ryan Dunnigan
License #PSY27458
930 B Street
San Rafael, CA 94901
Office 415-720-2663

Re: Secondary Psychological Pre-Employment Evaluation *(Continued, Page 2 of 3)*
Applicant: Kim, Michael

[redacted]

It should be noted that this examiner had previously met with and evaluated Mr. Kim in October 2023, for this process and for this Department. This examiner had concerns at that time, as Mr. Kim had some pending investigations at his work. He was the subject of a sexual harassment investigation that was in progress at his security company at that time. That investigation, coupled with a number of different incidents that he had been involved in the past, resulted in this examiner not finding him suitable for the position at that time. Most notably, Mr. Kim I had been found guilty and have been placed on formal probation, following a conviction involving misrepresenting information or facts during a criminal/court investigation. A Findings Report and Psychological Declaration of Suitability was provided at that time.

Mr. Kim reached out to this examiner again in February 2024. He informed this examiner that the investigation at his security company had been completed and that the allegations had not been sustained. Mr. Kim also stated that he had received a letter from Sheriff Miyamoto strongly supporting him and his believed appropriateness for the position of a Correctional Deputy at this time. This letter will be included with my Findings Report. The Sheriff stated that he has "no concerns at this time of bringing him back as a member of the Sheriff's Office." Mr. Kim stated that the Sheriff's Office is aware of his misdemeanor arrest (related to the false reporting case) and still were interested in having him come back to work for the Department. He said that now that the sexual harassment investigation

DUNNIGAN PSYCHOLOGICAL & THREAT ASSESSMENTS, LLC

Dr. Ryan Dunnigan
License #PSY27458
930 B Street
San Rafael, CA 94901
Office 415-720-2663

Re: Secondary Psychological Pre-Employment Evaluation (*Continued, Page 3 of 3*)
Applicant: Kim, Michael

From the Clinical Interview (*continued*):

… has been completed and was not sustained (and another had not been pursued), he and the Department feel that it would be appropriate for him to again apply for a ~~Correctional~~ Deputy position within ~~the~~ Department.

This examiner did explain to Mr. Kim and initially that there were concerns relating to POST Peace Officer Psychological Screening Dimensions for Officers. The standards were called into question in a number of different categories. Specifically, *Social Competence; Decision-Making and Judgment;* and, *Integrity/Ethics*. Mr. Kim said he understood these concerns and had discussed these matters with the Sheriff and background personnel there at the Department. He stated that they were comfortable with him coming back and working there. He mentioned that he would be brought on in a probationary status (as with all new or returning Correctional Deputies) and that he could be let go at any time (while in that probationary period) if they had any concerns about him, his appropriateness, or his performance. This examiner expressed that he very likely would not have been considered "suitable" if not for the letter from the Sheriff recommending him for the position and speaking to his abilities and his seemingly good fit and past with the Department.

Based on the results of the psychometric tests, the polygraph results/information, and the limited information provided and made available to this examiner, and the letter of recommendation from the Sheriff, Mr. Kim appears to be acceptable to perform the duties of a ~~Correctional~~ Deputy Sheriff at this point in time.

Psychological Suitability Finding:

I can certify that Michael Kim (based on the records made available to this examiner and the results of the clinical interview and evaluation process) is currently psychologically suitable to perform the San Francisco Sheriff's Department's duties and the responsibilities of a ~~Correctional~~ Deputy. The candidate was found to be free from any emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a ~~Correctional~~ Deputy. A "***Suitable***" or "***Did Pass***" determination was made

Date: **March 13th, 2024**

Dr. Ryan Dunnigan
Public Safety Psychologist
California License # PSY27458

SHERIFF RD
+ PEACE OFFICER

[redacted]. 8/2014 I was questioned by the FBI 8) I was a witness and testified in a criminal court case involving Andy Li [redacted] 35) I falsified a memo I wrote to my supervisor. This was related to the misdemeanor contempt of court charge 37) I perjured on a written statement to the court, This was the misdemeanor contempt of court charge [redacted] 43) I plead guilty to a misdemeanor contempt of court , fined 30,000 dollars, 3 years probation and 300 hours of community service. This was in federal court [redacted]

LAW ENFORCEMENT JOB APPLICATION STATEMENT

List all law enforcement agencies for which you have every previously applied or tested with, for any position. Begin with the most recent application.

Provide date of application, agency name, position applied for, and results/status of application.

[redacted]

List the agencies where you are currently on an active employment eligibility list:

(Provide # on list, agency name, and position applied for)

[redacted]

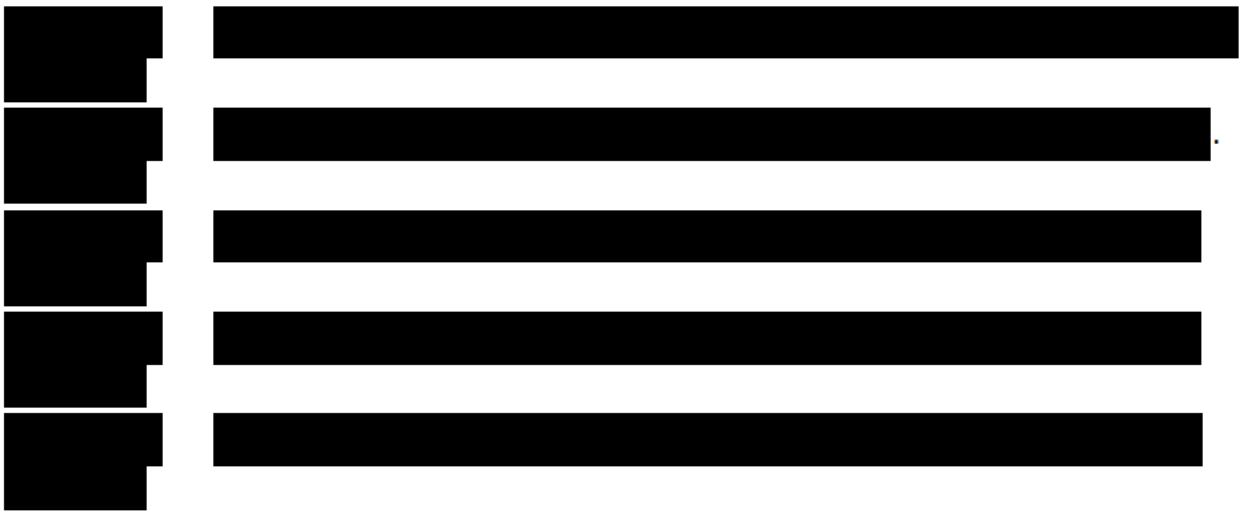
Have you ever failed any test (i.e. written, agility, oral, polygraph, psychological, medical, background investigation, etc.) with any agency? If so, list and explain reasons in detail:

[redacted]

[redacted]

If several agencies all called and offered you a job at the same time, which position would you select? Why?

[redacted]



Approval

11/05/2024 15:08 PST — Approval Process completed successfully.

11/05/2024 15:08 PST — Paul Miyamoto cast a resolution for the active Approval (yes).

11/05/2024 12:16 PST — Approval reached level 6.

11/05/2024 12:16 PST — Katherine Johnson cast a resolution for the active Approval (no).

11/02/2024 20:53 PDT — Approval reached level 5.

11/02/2024 20:53 PDT — Tanzanika Carter cast a resolution for the active Approval (no).

11/01/2024 07:20 PDT — Approval reached level 4.

11/01/2024 07:20 PDT — Approval level 2 skipped by Linda Bui.

11/01/2024 07:20 PDT — Approval reached level 3.

11/01/2024 07:20 PDT — Linda Bui cast a resolution for the active Approval (no).

10/31/2024 — Approval reached level 2.

11:22 PDT

10/31/2024 Approval level 0 skipped by Darrin Martindale.
11:22 PDT

10/31/2024 Darrin Martindale cast a resolution for the active Approval (yes).
11:22 PDT

10/31/2024 Approval reached level 1.
11:22 PDT

10/31/2024 Darrin Martindale started Approval Process (Hired).
11:22 PDT

Sharing History

There is no activity currently recorded for this section.

Approval 10/31/2024

Outcome: Hire

Status: Completed 11/05/2024

Levels Completed: 6 of 6

Final Comments

N/A

Approval Notes

N/A

Comments

N/A

Level 1 : Skipped
Sergeant Sgt. Mel: Pending (10/31/24 @ 06:22)
Lieutenant Darrin: Approved (10/31/24 @ 06:22)

Level 2
Linda: Declined (10/31/24 @ 06:22)

Level 3 : Skipped
John: Pending (10/31/24 @ 06:22)

Level 4
8616 Assistant Sheriff Tanzanika: Declined (10/31/24 @ 06:22)

Level 5
8518 Undersheriff Katherine: Declined (10/31/24 @ 06:22)

Level 6
8350 Sheriff Paul: Approved (10/31/24 @ 06:22)

Rejection email sent to MICHAEL SHERMAN KIM on 11/30/23 @ 11:36 PST

Dear MICHAEL SHERMAN KIM,

We are writing to inform you of the outcome of your application for the 8504 Deputy Sheriff at San Francisco County Sheriff's Office. After careful consideration, we regret to inform you that we have elected not to proceed with your application.

Please note that this decision was made based on a thorough evaluation of your application and the requirements of the position. We appreciate the time and effort you have invested in applying for this role with our agency.

Please use the username and button below to access your Guardian account. You will be asked to create a password when accessing your account for the first time.

This email serves as an official notification of your application status and has been logged with a date and time as follows:

Date: 11/30/2023 11:36:59 America/Los_Angeles

We wish you the best of luck in your future endeavors and thank you for your interest in joining our team at San Francisco County Sheriff's Office

Sincerely,

Sgt. Mel Fonthal
Sergeant
mel.fonthal@sfgov.org
(415) 734 - 2331

Commission on Peace Officer Standards and Training
860 Stillwater Road
West Sacramento, CA 95605-1603
www.post.ca.gov

On March 11, 2025, California Commission on Peace Officer Standards and Training ("POST") Law Enforcement Consultants Kevin Sherburne and James Saso interviewed Tiffany Martin in a conference room located at 455 Golden Gate Avenue, San Francisco, California. Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Martin. After being advised of the identity of the interviewers and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Martin provided the following information:

Martin started with San Francisco Sheriff's Office ("SFSO") in 2009. She started out at the women's jail. She promoted because she kept putting in for transfers and was always denied because of "needs of the facility." In 2015, she promoted to sergeant and worked on the 7th floor and the maximum security jail. She was there for about two years, then worked in San Bruno for about one and one-half to two years. She was then assigned as sergeant in Background Investigations Unit ("BIU"). From BIU, she transferred to Community San Bruno as a Lieutenant, then to Community Programs, where she currently works.

She was not 100% sure when she was BIU commander, likely from 2018-2022. There was only a sergeant in BIU, not a lieutenant. Deputies were only allowed to do backgrounds for deputies. The unit had a Proposition F guy who could work on civilian backgrounds. Ronnie Wan worked for Martin.

Guardian is an online portal that serves to collect applications from candidates.

If BIU had objections, such as when POST Dimensions were violated, they could write up what was found, but it was not BIU's decision. As a sergeant in BIU, she also worked investigations to help balance out the workload. If she found something in a POST Dimension, she put in a request to the next highest ranking person (Captain) and requested termination of the file and she included the reason (*e.g.*, violation of a POST Dimension). If a deputy came to her, she would submit a request. The captain could overturn Martin or agree with her.

Shown a copy of Kim's background investigation file, Martin stated there was a place at the very end for a short paragraph to describe the BIU comments about an applicant. The timing is off and Dr. Dunnigan said he was not suitable and Dr. Dunnigan was his own doctor. Martin has not seen a situation where an applicant fails two assessments and still be hired. You can't do that because there was no appeal process that would allow further appeal if an applicant's own doctor rejected the applicant and the applicant went back to the doctor and said your rejection reason is no longer valid. If the first doctor said no and the applicant's doctor said yes, a third doctor would review the assessments and reach an independent conclusion.

Kim may have failed and reapplied again. Nucci is SFSO's doctor. She said he's not suitable. Dunnigan is his doctor, who rejected him. Then, Dunnigan reversed his

opinion. Usually, it's one no. If it's a no, it's a no. Martin is not sure what's happening and does not understand how Kim was hired. If our no and their no, it's an easy one. If it's a no and a yes, the third doctor is the tie breaker. The final DQ is final. They have 30 days for their appeal if SFSO's doctor says no.

Martin has only seen 2-3 where an applicant hired their own who says yes.

There's a list of candidates. If the list is still open, they can keep going. If closed, they can't pick from that list anymore. If they run out of names, they run another list from the written tests. Martin surmised that they ran another list.

By November 2023, Martin was not in BIU. Martin never had experience where an doctor changed his mind because an applicant asked the doctor to reconsider the rejection based on the fact that the underlying reason for the failure no longer existed.

Nucci failed an applicant. She failed again. The applicant appealed successfully because the applicant argued that it should have been a second doctor. That was the only weird situation Martin could think of.

If Wan objected, his objections would be in the "ladder." It's an area where people in BIU would type. It might be called a "request for DQ." Martin is confused because, once Kim failed psych, the file is done.

Sometimes, the chain of command didn't want that BIU did not do the complete process and wanted the entire background done even when there were clear indicators not to hire an applicant.

Martin reviewed the terms "approved," "skipped," "pending," "declined" on page 375/376. Skipped meant someone was on vacation. They didn't want to hold up the application. Approved meant hire the person.

Martin did not get a vote. Her approval was just that the file was complete and ready to move forward. The first vote was likely at the captain level.

Martin has never seen the purported letter from Paul Miyamoto on behalf of Kim. She did not hear that there was such a letter. Martin wondered how Kim got hired. She was shocked because of the heavy allegations. She knew that the story related to how Kim knew an inmate on the 7th floor who had Kim's vest.

Shown a copy of the background file named "Archived," Martin stated that the investigation was never assigned. In order for Kim to undergo a background investigation, this file first had to be closed out.

Kim used to work with Martin in her department.

Martin did not express concerns to chain of command about Kim. They talked internally in BIU. Martin did not know what Kim was convicted of. A conviction would be

documented as a Dimension. If they didn't want the file to be appealed if the applicant were rejected, they would say to finish it and then document it all.

Martin did not know of any memo that Kim submitted to Matt Freeman.

There are some "musts" that an applicant must pass – medical and psychological. Sometimes, they reapply after a year. The psychologist gets everything – including EEO complaints – to make an assessment.

Martin reviewed the file for inconsistent answers, especially if candidates reapplied. She'd compare the two files' answers.

There is no appeal for the second psychological assessment. The file doesn't sit around for several months. Martin perceived there was a conflict. In accordance with POST guidelines, after two independent psychological assessments that rejected an applicant, the applicant cannot move forward in the hiring process. It's "must," not discretionary.

To Whom It May Concern,

I am writing this letter on behalf of Michael Kim. I have known Mike for over 26 years, seventeen of those as a peer and co-worker in the San Francisco Sheriff's Office. I have supervised Mike in the capacity of basically all levels of our Department's chain of command (as a Sergeant, Lieutenant, Captain, and Assistant Sheriff). In addition to regular duty assignments, we have served together in both the Department's Emergency Services Unit (ESU), and as members of the Special Response Team (tactical unit). When he was no longer employed with the Sheriff's Office, we continued our friendship.

Mike continued employment with the City and County of San Francisco at the War Memorial Veteran's Building as a Building and Grounds Officer. His characteristics of leadership, experience and personality led to his eventual role as a supervisor.

His reputation as a Sheriff's sergeant continued into his role as a supervisor who completed tasks and held staff accountable for their actions (or inactions). He was very proficient at administrative requirements of supervisors as relates to payroll, staffing, personnel, and incident documentation.

Perhaps the closest that I have worked with Mike, and the experience that most exposed me to the content of his character, was our work together on the SRT, the Department's SWAT team. Mike was a team leader and performed exceptionally well during critical incidents and highly stressful situations. He functioned especially well as a lead member, always willing to step into a void regardless of rank.

On a personal level, Mike has always been loyal and committed to his family and friends. He is a great father to [redacted], and coaches her in softball. For many years, he has volunteered with me for the Self Help for the Elderly non-profit, and every Thanksgiving Day we coordinate delivery and serving meals to the elderly and infirm before spending time with our families. His commitment to this transcends an obligation to the job or Department, and is indicative of his good character.

As the elected Sheriff of San Francisco, one of my responsibilities is the hiring of sworn members of the Department. I am familiar with what Mike experienced both when he left the Sheriff's Office, as well as his experiences at the War Memorial Veteran's Building. I have no concerns at this time of bringing him back as a member of the Sheriff's Office.

Thank you for the opportunity to share my experiences with Mike. If you have any further questions, please feel free to contact me.

Regards

Paul Miyamoto

Sheriff of the City and County of San Francisco

Office [redacted]

Cell [redacted]

OFFICIAL RECORD
Document participants have digitally signed. All signatures have been verified by a certified FBI information system.

UNCLASSIFIED//FOUO

FEDERAL BUREAU OF INVESTIGATION

Date of entry 08/20/2014

On August 19, 2014, at approximately 11:00 AM, Michael Sherman KIM, date of birth (DOB) [redacted], was interviewed at his place of employment at the San Francisco Sheriff's Office (SFSO) located at 425 7th Street, San Francisco, California. KIM provided [redacted] as his personal cellular telephone number and (415) 580-9788 as his work cellular telephone. After being advised of the identity of the interviewing Agents and the nature of the interview, KIM provided the following information:

KIM has been employed with the SFSO for approximately 15 years and is a SFSO Deputy Sergeant assigned to administrative matters and reports directly to the Assistant Chief of the SFSO.

KIM has known Andy LI, DOB [redacted], since high school and considers LI as a friend. KIM, LI and Ceasar Augustine Marabuto, another SFSO Deputy, all went to high school together. KIM also maintained contact with Marabuto and considered him his friend.

As of the date of this interview, KIM's wife, Bonnie Lam, worked at an insurance company. KIM provided [redacted] and [redacted] as contact telephone numbers for Lam.

Last time KIM saw LI was just prior to LI's arrest sometime before March 26, 2014. KIM and LI went to a strip club located on Broadway Avenue in San Francisco. KIM could not recall the name of the strip club, but said he remembered the club being next to a liquor store east of the corner of Kearny and Broadway Streets.

KIM has frequented LI's home located near the Serramonte Mall in Daly City, California, but claimed he has never been inside LI's new residence located at [redacted], South San Francisco. KIM knew that LI moved to the San Francisco Bay Area from Los Angeles, California approximately two years ago.

On February 2, 2014, KIM got off work at approximately 3:00 PM and decided that he was going to meet some "high school friends" at a bar. After leaving work, KIM realized he had a SFSO issued ballistic vest in his personal vehicle he was driving at the time. His vehicle was described

Investigation on 08/19/2014 at San Francisco, California, United States (In Person)

File # 281E-SF-145007-L10 Date drafted 08/20/2014

by Emmanuel V. Pascua, Maya N. Clark, Tseng H. Chow

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as a Toyota Tundra with a bed shell. KIM did not want to leave his vest in his vehicle while at a bar, so he decided to drop off his vest with his wife who was at Mimi LI's (hereafter Mimi) beauty salon, LA Touched, 3903 18th Street in San Francisco. KIM arrived at approximately 3:30 PM, stayed for a few minutes to talk to Mimi and Lam, then left. KIM subsequently met with "a high school friend" at a bar in the city.

On the evening of the same day, KIM found out from Lam that she forgot the ballistic vest at Mimi' salon. KIM then told Lam to contact Mimi to arrange the pick-up or drop-off of the vest. KIM, through Lam, continually attempted to coordinate the return of the ballistic vests but failed due to scheduling conflicts. Since KIM had two issued vests and had no immediate need for the older vest left with Mimi, he simply forgot about it.

When confronted as to the identity of the plural number of friends he initially said he met with after he dropped off the vest at Mimi's salon, KIM said he only met with one high school friend. When asked the name of this friend, KIM stated he could not remember. When asked if it was LI or Marabuto, KIM stated no. When asked what other of his high school friends that he maintains contact with would have been most likely to have met with him, KIM stated he could not remember. When asked where the bar was located, KIM stated he could not recall.

KIM stated he let his SFSO Chief know about the circumstances involving the ballistic vest approximately two weeks ago.

LI stated he would occasionally transport SFSO equipment in his in his personal vehicle to take home. KIM stated he would normally leave his SFSO issued handgun along with other equipment locked in a container at his place of employment.

On multiple occasions, Lam called Mimi to schedule the pick-up of the ballistic vest from her cellular phone, [redacted]. Lam may have also used her other cellular phone [redacted]

When KIM was asked why he did not call Mimi directly in an attempt to retrieve the vest, KIM said he was not sure why.

KIM was asked to estimate the amount of contact he had with LI from February 2 to March 26, 2014. KIM said his phone contact was not so frequent and estimated the number of contacts to range from a handful to several phone contacts. When KIM was asked why he did not talk to LI directly about the vest during these times he had contact with LI, KIM said he did not know why.

No one else at SFSO knew about the circumstances regarding the vest, except for his immediate supervisor whom KIM made aware approximately two weeks ago.

KIM was asked if he knew if LI was ever employed. KIM stated LI was looking for a job prior to his arrest and KIM was attempting to help LI get a job at "Execu Shield" owned by KIM's friend. KIM knew LI to work in a youth services related job but was not clear on LI's responsibilities. He could not recall other jobs LI may have had. When asked if he recalled LI working at a night club, KIM stated he did. KIM then stated LI was a bouncer at a night club and believed he may have gotten the job through Rodrigo last name unknown (LNU) [Agent Note: Agents believed this to be Rodrigo RUIZ]. KIM met Rodrigo through LI.

When KIM would meet LI at a club, he would also be with Joe, described to be short, fat and bald (Agent Note: Agents believed this to be Kongphet Joe CHANTHAVONG). KIM met Joe for the first time approximately 10 years ago. On one occasion at a strip club, KIM met LI, Joe and a light skinned black male, approximately 5'8", who was supposedly from the East coast. KIM claimed to not frequent night clubs anymore.

KIM was not sure why LI came back to San Francisco. KIM told LI to stay in Los Angeles because LI did not know anyone in Los Angeles and it would be a fresh start for LI. KIM visited LI in Los Angeles while KIM was en route to San Diego. KIM and LI had a mutual friend in Los Angeles known to KIM as JC Santos. Santos owns a beauty salon in Los Angeles.

When asked the extent of his contact with LI after LI's relocation from LA to SF leading up to February 2, 2014, KIM stated he was not sure but it can range from once a week to twice a week and that he did not keep track of how often he is in contact with friends. KIM and his family would sometimes have dinner with LI's family at KIM's residence. On at least two occasions, LI's children have spent the night at KIM's residence. KIM believed one of LI's children may have spent the night at KIM's residence sometime between February 2 and March 26, 2014. KIM would never go into LI's residence at [redacted], but rather would wait outside when dropping off or picking up LI's children.

As KIM continued to recall his association with LI, KIM stated two years ago, possibly November of that year, KIM, LI and Marabuto were driving home from a strip club on Freeway 101 in San Francisco, referred to as "hospital curve," where he lost control of his vehicle, causing it to flip over. Just prior to the accident, Marabuto was dropped off at his residence, so only LI and KIM were in the vehicle. Both were immediately

transported to San Francisco General Hospital for assessment. KIM's vehicle was totaled.

KIM was not aware of LI possessing any weapons or other ballistic vests. KIM also stated that he was unaware of LI's illegal activities. KIM knew of LI's prior arrest records and said that each time LI would get arrested, it would be reported in the media and the FBI would come to visit KIM to talk to him. KIM later stated that KIM knew that LI was a convicted felon.

KIM met Raymond CHOW sometime in 1991. KIM was in trouble with a local gang and was constantly threatened by gang members and would often get into fights. LI told KIM that if KIM would provide CHOW with $5,000, CHOW can make the harassment from the gang members stop. KIM's parents, who owned a restaurant at the time, gave KIM $5,000 to pay CHOW through LI. During the same time period, he would often hang out as a group with LI, CHOW, and numerous other individuals in San Francisco Chinatown. KIM was unable to recall the names of some of these individuals and KIM did not consider some of them friends. When KIM did spend time with CHOW it would be over lunch or while at a karaoke bars. When asked why he would hang out and associate with CHOW after supposedly paying him $5,000 for protection, KIM had no explanation.

Last time KIM was in contact with CHOW was a couple of years ago at Rodrigo's club. KIM has had no telephonic contact with CHOW. Sometime during high school, KIM was told by police officers that LI was a member of a gang. KIM was asked which gang LI and CHOW were members of and KIM replied with he did not remember. KIM stated that there were many Asian gangs during this time to include the "WC", which KIM clarified to represent "Wah Ching." KIM was asked if he was a member of a gang at that time and he responded with he would not have been able to get this deputy position if he was.

KIM was asked if LI has ever asked KIM for use of any ballistic vests in the past. KIM responded with "I think he did". When he was asked to be more specific, KIM stated LI asked KIM to borrow his ballistic vest to wear while LI was employed as a bouncer at a night club. KIM agreed and said he had an older vest to give to LI, but claimed LI never came to pick-up the vest. KIM was asked if it was one of the two vests he was issued and he said yes. KIM was asked if it was the vest in question found in Mimi and LI's vehicle during the search warrant. KIM acknowledged that it was.

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FILED

MAY 25 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL KIM, Defendant.	NO. 3:18-CR-0124-JCS-1 PLEA AGREEMENT

I, Michael Kim, and the United States Attorney's Office for the Northern District of California (hereafter "the government") enter into this written Plea Agreement (the "Agreement") pursuant to Rule 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:

The Defendant's Promises

1. I agree to plead guilty to Count One of the captioned Information charging me with Contempt of Court in violation of 18 U.S.C. § 401(1). I agree that the elements of the offense are as follows:

First, I knowingly and willfully committed misbehavior in the presence of the Court; and

Second, my misbehavior obstructed justice.

I agree that the maximum penalties are as follows:

a.	Maximum prison term	1 year
b.	Maximum fine	$100,000
c.	Maximum supervised release term	1 year
d.	Restitution	N/A
e.	Mandatory special assessment	$100
f.	Potential Deportation	
g.	Forfeiture	Ballistic vest

I acknowledge that pleading guilty may have consequences with respect to my immigration status if I am not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense to which I am pleading guilty. Removal and other immigration consequences are the subject of a separate proceeding, however, and I understand that no one, including my attorney or the district court, can predict to a certainty the effect of this conviction on my immigration status. I nevertheless affirm that I want to plead guilty regardless of any immigration consequences that may result from my guilty plea, even if the consequence is my automatic removal from the United States.

2. I agree that I am guilty of the offense to which I am pleading guilty, and I agree that the following facts are true:

In 2014, I was employed as a Deputy Sheriff with the San Francisco City and County Sheriff's Department. Andy Li was a childhood friend of mine. Our families knew each other and were friends. I became aware that Andy Li was arrested on March 26, 2014, in conjunction with many other defendants in the case of *United States v. Kwok Cheung Chow, et. al.*, CR 14-196 CRB.

I became aware that Andy Li was ordered detained by a Judge in the Northern District of California. I now know that the Judge who ordered Andy Li detained was the Honorable Chief Magistrate Judge Joseph C. Spero. I wanted to assist Andy Li in gaining release from the detention order imposed by the Court.

On August 6, 2014, I signed a Declaration. I knew and intended that the Declaration would be

provided to the Court for the purpose of Andy Li's attorneys to seek the release of Andy Li. In connection with that Declaration, I falsely declared that my wife had taken a ballistic vest with her to see the wife of Andy Li. I falsely declared that my wife had forgotten the vest at the workplace of the wife of Andy Li. I falsely declared that the wife of Andy Li had placed the vest in the trunk of her car. I falsely declared that I had not retrieved the vest from the wife of Andy Li. In truth and in fact, I had loaned my ballistic vest – issued to me by the San Francisco Sheriff's Department – to Andy Li for his use. I knew that my declaration was false. I knew and intended that the attorneys for Andy Li would provide the false declaration to the Court. I knew and intended that the Court would rely on my false declaration in considering the detention of Andy Li.

3. I agree to give up all rights that I would have if I chose to proceed to trial, including the rights to a jury trial with the assistance of an attorney; to confront and cross-examine government witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth Amendment claims; to any further discovery from the government; and to pursue any affirmative defenses and present evidence.

4. I agree to give up my right to appeal my conviction, the judgment, and orders of the Court, as well as any aspect of my sentence, including any orders relating to forfeiture and/or restitution, except that I reserve my right to claim that my counsel was ineffective.

5. I agree not to file any collateral attack on my conviction or sentence, including a petition under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that I reserve my right to claim that my counsel was ineffective. I also agree not to seek relief under 18 U.S.C. § 3582.

6. I agree not to ask the Court to withdraw my guilty plea(s) at any time after it is entered. I understand that by entering into this Agreement: (a) I agree that the facts set forth in Paragraph 2 of this Agreement shall be admissible against me under Fed. R. Evid. 801(d)(2)(A) in any subsequent proceeding, including at trial, in the event I violate any of the terms of this Agreement, and (b) I expressly waive any and all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 with regard to the facts set forth in Paragraph 2 of this Agreement in such subsequent proceeding. I understand that the government will not preserve any physical evidence obtained in this case.

7. I understand that the Court must consult the United States Sentencing Guidelines and

take them into account when sentencing, together with the factors set forth in 18 U.S.C. § 3553(a). I also understand that the Court is not bound by the Guidelines calculations below; the Court may conclude that a higher Guidelines range applies to me, and, if it does, I will not be entitled, nor will I ask to withdraw my guilty plea. I further agree that regardless of the sentence that the Court imposes on me, I will not be entitled, nor will I ask, to withdraw my guilty plea. I agree that the Sentencing Guidelines offense level should be calculated as set forth below, and that I will not request a downward departure under the Sentencing Guidelines from that offense level although I reserve the right to seek a downward variance based on the factors set forth in 18 U.S.C. § 3553(a). I understand that the government is free to oppose any such request. The parties have reached no agreement regarding my Criminal History Category.

a.	Base Offense Level, U.S.S.G. §2J1.2:	14
b.	Specific offense characteristics under U.S.S.G. Ch. 2 (e.g. amount of loss, use of firearm)	N/A
c.	Adjustments under U.S.S.G. Ch. 3 (e.g. role in the offense)	
d.	Acceptance of Responsibility: If I meet the requirements of U.S.S.G. § 3E1.1, I may be entitled to a three-level reduction for acceptance of responsibility, provided that I forthrightly admit my guilt, cooperate with the Court and the Probation Office in any presentence investigation ordered by the Court, and continue to manifest an acceptance of responsibility through and including the time of sentencing.	- 3
e.	Adjusted Offense Level:	11

8. I agree that regardless of any other provision of this Agreement, the government may and will provide the Court and the Probation Office with all information relevant to the charged offense and the sentencing decision.

9. I agree that I will make a good-faith effort to pay any fine, forfeiture, or restitution I am ordered to pay. I agree to pay the special assessment at the time of sentencing.

10. I agree not to commit or attempt to commit any crimes before sentence is imposed or before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial release; not to intentionally provide false information to the Court, the Probation Office, Pretrial Services, or the government; and not to fail to comply with any of the other promises I have made in this Agreement. I

agree that if I fail to comply with any promises I have made in this Agreement, then the government will be released from all of its promises in this Agreement, including those set forth in the Government's Promises Section below, but I will not be released from my guilty plea.

11. I agree to forfeit my interest in the following property (hereinafter "subject property"): Ballistic vest issued by the San Francisco County Sheriff's Department.

I admit that the subject property was involved in the offense, and thus is forfeitable to the United States pursuant to the provisions of 18 U.S.C. § 982 and the procedures outlined in Rule 32.2 of the Federal Rules of Criminal Procedure. I relinquish any and all right, title, and interest I may have in the subject property and agree that such right, title, and interest can be forfeited to the United States without further notice to me. I also agree I will not contest any administrative or judicial forfeiture proceeding (whether criminal, civil, state or federal) which may be brought against said property. I further agree to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment or that the forfeiture proceeding was brought in violation of the statute of limitations.

12. I agree that this Agreement contains all of the promises and agreements between the government and me, and I will not claim otherwise in the future. No modification of this Agreement shall be effective unless it is in writing and signed by all parties.

13. I agree that the Agreement binds the U.S. Attorney's Office for the Northern District of California only, and does not bind any other federal, state, or local agency.

The Government's Promises

14. The government agrees not to file any additional charges against the defendant that could be filed as a result of the investigation that led to the captioned Information.

15. The government agrees to recommend a sentence within the range associated with the Guideline calculations set out in paragraph 7 above, unless the defendant violates the terms of the Agreement above or fails to accept responsibility.

The Defendant's Affirmations

16. I agree that my participation in the District Court's Conviction Alternative Program is not

appropriate and that I will not request to be considered for and will not participate in that program as a result of my convictions for these offenses.

17. I confirm that I have had adequate time to discuss this case, the evidence, and the Agreement with my attorney and that my attorney has provided me with all the legal advice that I requested.

18. I confirm that while I considered signing this Agreement, and at the time I signed it, I was not under the influence of any alcohol, drug, or medicine that would impair my ability to understand the Agreement.

19. I confirm that my decision to enter a guilty plea is made knowing the charges that have been brought against me, any possible defense, and the benefits and possible detriments of proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or threatened me to enter into this Agreement.

Dated: 5/25/18

MICHAEL KIM
Defendant

ALEX G. TSE
Acting United States Attorney

Dated: 5/25/18

WILLIAM FRENTZEN
Assistant United States Attorney

20. I have fully explained to my client all the rights that a criminal defendant has and all the terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all the rights my client is giving up by pleading guilty, and, based on the information now known to me, my client's decision to plead guilty is knowing and voluntary.

Dated: 5/25/18

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MICHAEL KIM

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

UNITED STATES, Plaintiff, vs. MICHAEL KIM, Defendant.	CASE NO.: 3:18-CR-00124-001 JCS Re: Sentencing Date: October 12, 2018 Time: 10:30 a.m. Judge: Joseph C. Spero **DEFENDANT'S MEMORANDUM IN AID OF SENTENCING**

I. INTRODUCTION

MICHAEL KIM has timely pleaded guilty to one count of criminal contempt (18 U.S.C. §4021(1). This is Mr. Kim's first criminal conviction, and has accepted responsibility well in advance of the filing of any charges in the current case. Mr. Kim stated that "I deeply regret that I have put my family, my livelihood and future success in extreme danger." PSR, page 5. For the reasons that will be addressed at sentencing as well as discussed below, and in light of his extensive history of public service in law enforcement, community service work, stable employment history, family and community support, Mr. Kim respectfully requests that this honorable Court impose probation, a fine and community service.

II. OBJECTION TO INFORMATION IN THE PRESENTENCE INVESTIGATION REPORT

The probation officer in the Presentence Investigation Report recommends that Mr. Kim be "be placed on probation for two years, with (30) days to be served at a halfway house." PSR, Sentencing Recommendation, page 2. Additionally, the officer recommends that Mr. Kim "be ordered to pay a $30,000.00 fine." PSR, Sentencing Recommendation, page 2. The recommendation is based in part on Mr. Kim's abuse of trust, obstruction of the administration of justice, and his compromising of the integrity of the judicial process. PSR, Sentencing Recommendation, page 2.

However, the officer also questions Mr. Kim's veracity when he questions Mr. Kim's response to questions about a "drinking problem." The officer cites a 1996 DUI conviction to call into question Mr. Kim's denial of a "drinking problem." **Mr. Kim has never suffered a DUI conviction or ANY conviction.** In 1996, Mr. Kim's brother was arrested for DUI and used Mr. Kim's identification at the time of his arrest. Mr. Kim had been exonerated and his record cleared by fingerprints[1]. The probation officer never questioned Mr. Kim about the alleged conviction, as he would have supplied the correct information about his brother.

Mr. Kim respectfully asks that the reference to a prior conviction be stricken from the PSR.

III. BACKGROUND

Mr. Kim is a (45) year old father, husband, and former decorated law enforcement officer with the San Francisco County Sheriff's Office for over (17) years. Mr. Kim has a (14) year old daughter that he has coached in softball for over eight years, and now continues to volunteer as a

[1] Attached as Exhibits are the booking sheet and photo for Anthony Kim but using the identification for Mr. Kim, and the Record Clearance showing no record of arrest or conviction.

coach for younger players in his community of [redacted] Mr. Kim has taken his actions in this matter with grave seriousness, and recognizes that he is fortunate that more significant criminal charges were not pursued by the Government against him. Mr. Kim absolutely understands that he jeopardized his freedom and his family's well-being with his actions and his dishonesty with his statement to the Court.

On February 8, 2016, Mr. Kim resigned from his employment in the San Francisco Sheriff's Office with no intention of returning to law enforcement. His wife, Bonnie Lam, during the pendency of this case, has been struggling with a severe medical condition that has forced Mr. Kim to become the majority provider for his wife and daughter. More recently, his wife has returned to work in a limited basis, and still has an extensive medication routine to maintain her health. There are frequent days where his wife is unable to work or help with routine family activities.

The Government and counsel for Mr. Kim will be providing additional information for the Court's consideration at the time of sentencing.

There are also multiple character letters in support of Mr. Kim attached here for the Court's review and consideration.

III. THE POST-BOOKER SENTENCING FRAMEWORK

As this Court is well aware, in *United States v. Booker*, 543 U.S. 220 (2005), the Supreme Court held that the Sentencing Guidelines are effectively advisory, and no longer mandatory. 543 U.S. at 245. In the wake of *Booker*, federal sentencing is now governed by 18 U.S.C. 3553(a). *United States v. Menyweather*, 431 F.3d 692, 695 (9th Cir. 2005).

Federal sentencing courts are now required to calculate and consider the advisory guideline range as a starting point in sentencing. *United States v. Evans-Martinez*, 448 F.3d 1163, 1167 (9th Cir. 2006). However, the district courts are not required to sentence within that guideline range if

the court finds reasons to support an out-of-Guidelines sentence. Courts now have the discretion to impose non-Guidelines sentences. *United States v. Cantrell*, 433 F.3d 1269, 1279 (9th Cir. 2006) *See* 18 U.S.C. 3553(a)(4); *Booker*, 543 U.S. 245-46 (the statute permits the court to tailor the sentence in light of other statutory concerns as well.)

Consistent with *Booker*, the Ninth Circuit follows a two-step procedure for reviewing sentences imposed following the date the Supreme Court issued its opinion in *Booker*. *United States v. Mix*, 457 F3d 906, 911 (9th Cir. 2006); *Cantrell*, 433 F.3d at 1279-81. First, the appellate court determines whether the district court properly considered and applied the applicable Sentencing Guidelines. *Cantrell*, 433 F.3d at 1279-81. Second, the Court of Appeals reviews the sentence for reasonableness in light of the factors set forth in 18 U.S.C. 3553(a). *Cantrell*, 433 F.3d at 1280.

In sentencing defendants' post-*Booker*, this Court must first consult the Guidelines and determine the correct guideline range, and then must consider the 3553(a) factors relating to this particular case and the arguments of counsel, and decide whether the 3553(a) factors call for a sentence within or outside of the Guidelines. Cantrell, 433 F.3d at 1279; *United States v. Kimbrew*, 406 F.3d 1149, 1152 (9th Cir. 2005). If the Court decides that a below-Guidelines sentence is appropriate, then it must set forth enough of its reasoning to satisfy the appellate court that [the district court] has considered the parties' arguments and has a reasoned basis for exercising [its] own legal decision making authority. *Rita v. United States*, __ U.S. __, 168 L. Ed. 2nd 203, 127 S. Ct. 2456 (June 21, 2007). *See United States v. Marial-Santiago*, 447 F.3d 715, 719 (9th Cir. 2006) (affirming a sentence as reasonable where the district court gave thoughtful attention to factors recognized in 3553(a) and exercised sound discretion.

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IV. THE COURT'S AUTHORITY TO DEPART FROM THE GUIDELINE RANGE.

Congress allows district courts to depart from the applicable Guidelines range if "the court finds that there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described." *Koon v. United States*, 518 U.S. 81, 92 (1996) (quoting 18 U.S.C. 3553(b)).

In determining whether the Commission has adequately taken a factor into consideration, "Congress instructed courts to 'consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission.'" *Id.* at 92-93 (quoting 18 U.S.C. 3553(b)). Four types of factors are relevant to departures: forbidden factors; encouraged factors; discouraged factors; and unmentioned factors. *See id.* at 93-96. Forbidden factors include race, sex, national origin, creed, religion, socioeconomic status, lack of guidance as a youth, drug or alcohol dependence, and economic hardship. *Id.* With the exception of the forbidden factors, the Commission "does not intend to limit the kinds of factors, whether or not mentioned anywhere else in the guidelines that could constitute grounds for departure in an unusual case." *Id.* at 93. Encouraged factors are ones that "the Commission has not been able to take into account fully in formulating the guidelines." *Id.* at 94. Discouraged factors, on the other hand, are "not ordinarily relevant to the determination of whether a sentence should be outside the applicable guideline range." *Id.* at 95. In *Koon*, *supra*, the Supreme Court outlined the sentencing court's authority to consider each of these types of factors in deciding whether to depart:

> If the special factor is a forbidden factor, the sentencing court cannot use it as a basis for departure. If the special factor is an encouraged factor, the court is authorized to depart if the applicable Guideline does not already take it into account. If the special factor is a discouraged factor, or an encouraged factor already taken into account by the applicable Guideline, the court should depart only if the factor is present to an exceptional degree or in some other way makes the case different from the ordinary case where the factor is present. *Id.* at 95-96.

If the factor does not fall into any of the above categories, it is considered unmentioned by the Guidelines. In *Koon*, the Supreme Court stated that if the factor is unmentioned, "the sentencing court must determine whether the factor, as occurring in the particular circumstances, takes the case outside the heartland of the applicable Guideline." 116 S. Ct. at 2051. To make this determination, the court must consider "the structure and theory of both relevant individual guidelines and the Guidelines taken as a whole," *Id.* at 2045.

V. CONCLUSION

Mr. Kim has fully accepted responsibility and proactively took the initiative to make amends for his conduct, shown in part by his voluntarily retirement from the Sheriff's Office. Mr. Kim has an extensive history of public service in law enforcement, community service work, stable employment history, and family and community support. For the above reasons, those provided in the Government's memorandum provided under seal, and reasons that will be addressed at sentencing, Mr. Kim respectfully requests that this Honorable Court impose probation, a fine and community service.

Date: October 5, 2018

Respectfully submitted,

JONATHAN McDOUGALL, ESQ.
Attorney for Defendant
MICHAEL KIM

EXHIBIT A

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

MARK FARRELL
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

RECORD CLEARANCE

DATE: October 3, 2018

To whom it may concern,

This letter is a result of a search of the San Francisco Police Department records.

NAME: KIM, MICHAEL SHERMAN

DATE OF BIRTH: [redacted]

Did not disclose any criminal record and:

☐ is not verified by fingerprints or actual birth records.

☒ is verified by fingerprints.

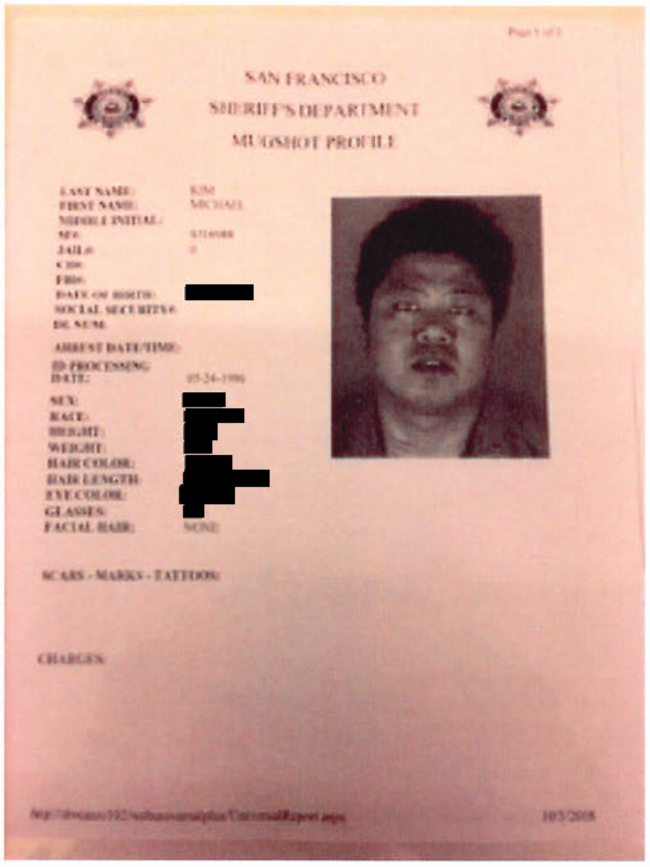
This letter does not preclude the possibility of arrests or warrants outside the jurisdiction of the City of San Francisco.

The San Francisco Police Department cannot give or obtain a statewide police clearance for you. If such clearance is needed, the State of California will charge you a fee for this service. Please call 1-(800) 315-4507 for further information.

Sincerely yours,

MYRA WILLIAMS
Custodian of Records
Identification Section
Forensic Services Division

EXHIBIT B



SAN FRANCISCO
SHERIFF'S DEPARTMENT
MUGSHOT PROFILE

LAST NAME: KIM
FIRST NAME: MICHAEL
MIDDLE INITIAL:
SFG: [redacted]
JAIL #: 0
CDL:
FBI#:
DATE OF BIRTH: [redacted]
SOCIAL SECURITY#:
DL NUM:
ARREST DATE/TIME:
ID PROCESSING DATE: 05-24-1996
SEX: [redacted]
RACE:
HEIGHT:
WEIGHT:
HAIR COLOR:
HAIR LENGTH:
EYE COLOR:
GLASSES:
FACIAL HAIR: NONE

SCARS - MARKS - TATTOOS:

CHARGES:

10/5/2018

EXHIBIT C

Matthew Lujan
[redacted]

July 24, 2018

Chief Magistrate Judge Joseph C. Spero
San Francisco Courthouse, Courtroom 6 – 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: United States of America v. Michael Kim
Case No. 18-CR-0124

Dear Judge Spero,

Thanks for allowing me the opportunity to provide a Character Letter for Michael Kim.

I am a business owner in the security guard industry and a sworn California peace officer. I have known Mike for about 10 years. We met through our local youth softball league, Millbrae Girls Softball Association, where our daughters played for many years together. Mike and I coached almost year-round together for several years. My daughter "retired" from youth softball about two years ago, but Mike and I remain close friends. Our families have vacationed together and continue to hang out, and frequently enjoy family meals together.

I only know about the charges Mike is facing due to an online news article that another softball parent brought to my attention a few years ago. Mike recently talked to me a little about the upcoming court hearing. I know that Mike is sorry for his involvement and wants to move forward with his life. I can only assume that Mike has suffered hardship because of the offense as he had to leave his long-term, distinguished employment with the San Francisco Sheriff's Office, and start a new career in the private industry.

From my own personal knowledge and close relationship with Mike over the last 10 years, I know Mike as trustworthy, reliable, competent, compassionate, generous, and humble. He continues to volunteer as a coach and with other duties assigned to him, for the Millbrae Girls Softball Association, even though his daughter no longer plays for that league! He does all of this while working two jobs to support his family. Mike has my full support and I hope that you will consider his positive contributions, character, and overall good will, during your review of the charges he faces.

Sincerely,

Matthew Lujan

Michelle G. Lam
Address

July 10, 2018

Chief Magistrate Judge Joseph Spero
San Francisco Courthouse, Courtroom 6 - 15th Fl.
450 Golden Gate Avenue
San Francisco, CA 94102

RE: United States of America v. Michael Kim
Case # 18-CR-0124

Dear Judge Spero,

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I have known Mike for almost 30 years. He has been consistently in my life since I was a child. He has been a big brother to me growing up and is an integral part to our family. When I was 11, we moved to a new city and I had to start in a new school where I didn't have any friends. Mike helped me with this transition, such as teaching me something simple like how to unlock my locker to the more important things like staying away and protecting me from the wrong crowd. Mike would often go out of his way to pick me up from school and attend my basketball and softball games, where he would (loudly) cheer for me from the bleachers. As a teenager, Mike was still cheering for me as I played High School basketball and helping me as I struggled with homework. Whether it was in sports or in life, Mike was always there consoling me after the tough losses and congratulating me when things went my way. I've learned a lot from Mike, such as being independent, a hard worker, focus on getting good grades, and to be kind and caring to others. Now as an adult and a mother, Mike is still there for me and my family. My two young sons look up to Mike as role model and mentor. He is kind, loyal, selfless, funny and supportive. He is a loving husband to my sister, a terrific father to my niece, a fantastic uncle to my sons, a caring coach, and a great friend to all.

As the events of this trial developed, I have been helping and supporting Mike and his family in anyway I can. I hope this letter reveals the positive influence Mike has been in my life. I am hoping for the court's mercy as I believe we should all be granted a second chance when we admit to and are sorry for something we have done.

Thank you for your time and attention.

Sincerely,

Michelle G. Lam

Les Pasamonte
Address and Phone

July 5th, 2018

Chief Magistrate Judge Joseph C. Spero
San Francisco Courthouse, Courtroom 6 – 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: United States of America v. Michael Kim
Case No. 18-CR-0124

Honorable Judge Spero,

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Mike is a lot of things in our family. Being the oldest, he (with Bonnie) is one of the leaders of the family. He is the most willing, resourceful, and helpful person in the family. But above all of that, what I personally hold important is that he is a strong father to [redacted] and an additional father figure to my two sons. My youngest son has even told me that if I weren't around, that he could "use Uncle Mike" as a dad. And despite all of the things that have happened, he's always been there for the kids and always with a smile or a laugh and still the guiding father and uncle. When he left the

Sheriff's Department, Mike unwaveringly took on whatever work suited him so that he could provide for the family and so that [redacted] could continue to grow up doing the things that she loved most.

In the 18 years that I've known Mike, I've watched him become an active and loving father, husband, uncle, brother and citizen. He continues to do all that he can to make things right and be the best version of himself. Whether it's the school system, athletics or just around town, Mike is known and loved where he lives in [redacted]. He's a cornerstone in our family and second father figure to my sons. He's never stopped being any of these things and I hope with the court's decision, that he be given the chance to continue.

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Les Pasamonte

Jeff Lam
Address and Phone

7/3/2018

Chief Magistrate Judge Joseph C. Spero
San Francisco Courthouse, Courtroom 6 – 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: United States of America v. Michael Kim
Case No. 18-CR-0124

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Regarding the charges made against him, I have knowledge from what was publicized in this case. Mike shared with me that he felt very sorry for what has happened and understands his wrongdoings and consequences. Even with the burden of this case, Mike showed his leadership and spirit by sacrificing his passion in his career working for the sheriff's department, in which he successfully advanced up to the sergeant level ranking. Although he loved working for the sheriff's department and showed much pride in his work, he independently made the difficult decision to leave this prestigious job and position.

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In closing, in the 25+ years I have known Mike, he has been one of the most respectable and hard-working individuals and deserves to continue to serve as a positive leader and member of this community.

Sincerely,



Jeff Lam

Mr. Paul E. Rapicavoli
Address and Phone
[redacted]

Wednesday, July 4th, 2018

Chief Magistrate Judge Joseph C. Spero
San Francisco Federal Building, Courtroom 6-15th Floor
450 Golden Gate Avenue
San Francisco, Ca. 94102

RE: United States of America vs. Michael Kim
Case No. 18-CR-0124

Dear Judge Spero,

Please accept this letter as a character reference for my long-time friend and co-worker, Mr. Michael Kim.

I am a retired supervisor from the San Francisco Sheriff's Department. I helped train Michael when he entered the Department in 1999. We worked in various assignments together until I retired in 2013. By that time, Michael had surpassed me in rank and was well on his way to a career on the fast track.

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Your Honor, I truly believe that Michael, through some misguided sense of loyalty to an old childhood friend, and with good intentions, made a single mistake that blew up in his face and has cost him his career, huge legal fees, a large circle of friends and co-workers, disgrace in the law enforcement community, nearly his marriage and potentially his freedom. I pray that the Court considers the totality of the circumstances when imposing sentence upon Michael Kim.

Respectfully,

Paul E. Rapicavoli

CERTIFICATE OF SERVICE

I hereby certify that on OCTOBER 5, 2018, the foregoing DEFENDANT'S MEMORANDUM IN AID OF SENTENCE VARIANCE was filed electronically and a copy was served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System. I declare under penalty of perjury that the foregoing is true and correct.

JONATHAN McDOUGALL, ESQ.

EXHIBIT C

Matthew Lujan
Personal address and telephone

July 24, 2018

Chief Magistrate Judge Joseph C. Spero
San Francisco Courthouse, Courtroom 6 – 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: United States of America v. Michael Kim
Case No. 18-CR-0124

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Sincerely,

Matthew Lujan

Michelle G. Lam
[redacted]
Personal address and telephone number

July 10, 2018

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San Francisco Courthouse, Courtroom 6 - 15th Fl.
450 Golden Gate Avenue
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RE: United States of America v. Michael Kim
Case # 18-CR-0124

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Michelle G. Lam

Les Pasamonte
[redacted]

July 5th, 2018

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[redacted]

7/3/2018

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Sincerely,



Jeff Lam

Mr. Paul E. Rapicavoli
Address and telephone number
Address and telephone number
Address and telephone number
Address and telephone number

Wednesday, July 4th, 2018

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San Francisco, Ca. 94102

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Case No. 18-CR-0124

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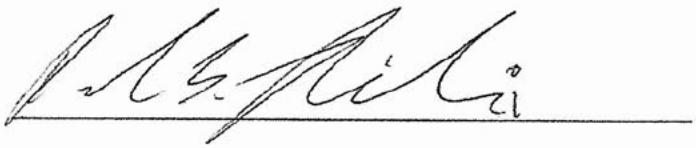
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Respectfully,



Paul E. Rapicavoli

SUPPLEMENT TO INVESTIGATIVE SUMMARY AND FINDINGS

Michael Kim

POST ID A63-W93
San Francisco Sheriff's Office
POST2410050

WRITTEN BY: Kevin P. Sherburne
July 2, 2025

This Supplement to Investigative Summary and Findings provides additional information related to the findings in the Investigative Summary and Findings dated May 2, 2025 ("ISF"). This Supplement does not alter the ISF– rather, it augments the analysis supporting the findings based on the interviews of Michael Kim (Respondent) and Ryan Dunnigan, Ph.D., who performed a secondary background psychological evaluation. The Division was unable to conduct these interviews prior to issuance of the Notice of Intent to Revoke Respondent's Certifications.[1]

Reasonable Grounds that Respondent is Unable to Serve Effectively as a Peace Officer

As stated in pages 22-26 of the ISF, reasonable grounds exist for regulatory action against Respondent. Respondent is unable to serve effectively as a peace officer. He is currently assigned to a patrol unit at Laguna Honda Hospital. In a patrol position, Respondent has the responsibility to maintain public safety, including enforcing laws. His role requires conducting preliminary and follow-up investigations, gathering evidence, interviewing witnesses and victims, making arrests, and testifying. In this role, he poses a risk to public safety as a currently employed peace officer in California and is unable to effectively perform fundamental duties as a peace officer based upon his dishonesty and the underlying reasons for his dishonesty because his lack of credibility precludes his ability to testify in a meaningful way. Specifically, any testimony the Respondent could offer would be subject to impeachment based on his criminal conviction for contempt of court based on his filing of a false declaration under penalty of perjury.

Even if Respondent were reassigned to a corrections position, he would still not be able to perform effectively. As a deputy assigned to corrections work, Respondent would still have to write reports, including reports for use of force. As referenced in Respondent's background information file, the San Francisco Sheriff's Office placed Respondent on unpaid leave in 2000 for 10 days and extended his probationary period by one year as a result of finding that he used excessive force when Respondent placed his hands on an inmate's neck. The public should be able to trust that Respondent's reports of use of force are accurate and truthful. Further, if assigned to corrections work, Respondent would have contact with the inmate population. Given his transgressions where he placed his personal loyalty to a convicted felon, Andy Li,

[1] Respondent initially declined to be interviewed on the basis of his Fifth Amendment rights. He ultimately agreed to be interviewed, although after the Division served the Notice of Intent to Revoke his peace officer certificates. On June 25, 2025, I interviewed Respondent. During my interview, Respondent did not assert any Fifth Amendment protections and answered every question I posed.

Dr. Dunnigan initially declined to be interviewed. After being served with a subpoena, Dr. Dunnigan agreed to be interviewed. On June 25, 2025, I interviewed Dr. Dunnigan.

above his professional obligations, the public should be able to trust that Respondent is above reproach.

Reasonable Grounds that Respondent's Lack of Credibility is Disruptive to San Francisco Sheriff's Office's Ability to Maintain Discipline and Uphold Public Trust

As stated in the ISF on pages 10, 19, and 22-26, Respondent lacks credibility and there are reasonable grounds for regulatory action. During his interview, Respondent stated that he wrote a memorandum to then-Chief Deputy Matt Freeman that repeated the lies he told FBI Special Agents in August 2014. Respondent's lies disrupted the San Francisco Sheriff's Office's ability to maintain discipline, which is necessary to upholding and maintaining public trust and a culture of accountability.

Respondent's statements during his interview demonstrated a lack of candor, lack of accountability, and lack of awareness of the egregious nature of his conduct. Respondent stated during his interview that he spoke with numerous people at the San Francisco Sheriff's Office, including people within the chain of command, who told him the department would "love to have [him] back." As also described in the ISF, Dr. Dunnigan wrote that Respondent told him that "the Sheriff and background personnel . . . were comfortable with him coming back and working there." Yet, when Respondent named individuals in the chain of command or background investigations unit who supported his return to the department, the only person who had any part in the hiring process was Sheriff Paul Miyamoto. Respondent's lack of credibility further illustrates his inability to serve effectively as a peace officer.

Respondent minimized his conduct throughout his interview. For instance, he blamed Andy Li's lawyers who "badgered" him to sign the materially false Declaration. He also stated that the ballistic vest he gave Li was old, thin, and would likely have been available for sale on the open market.

Dr. Dunnigan's Interview

Dr. Dunnigan would not have found Respondent suitable but for the letter from Paul Miyamoto supporting Respondent's candidacy with the San Francisco Sheriff's Office.[2] Dr. Dunnigan stated that letters from police chiefs and sheriffs were very unusual and Respondent's case included an "abnormal" process. Dr. Dunnigan stated that Respondent kept saying during the evaluation that he and Sheriff Miyamoto were very close and he would not have found Respondent suitable in the absence of the letter.

[2] Through counsel, Respondent provided me during his interview with a digital copy of the letter. The digital properties showed the author as Paul Miyamoto and the last date it was modified was 2/15/2024.

Dr. Dunnigan assessed that Respondent did not meet the POST Background Investigations Manual's Dimensions, which address moral character and other qualities essential to being a peace officer. In Dr. Dunnigan's assessment, Respondent displayed a lack of understanding of the gravity of his contempt conviction. Dr. Dunnigan concluded the risk of liability was too high to rehire Respondent but that, if the Sheriff wanted to accept that risk, Dr. Dunnigan relied on his statements in the letter supporting Respondent.

As stated in the ISF and in this Supplement, the clear and convincing evidence substantiated violations of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1). Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension of Respondent's peace officer certificates pursuant to California Penal Code Section 13510.8.

From: Marie Masters
To: Sherburne, Kevin@POST
Subject: FW: Letters
Date: Wednesday, June 25, 2025 11:19:45 AM
Attachments: image003.png
Mike Kim letter 2024.docx
MKim LOR.docx

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Marie S. Masters
Attorney at Law
Rains Lucia Stern
St. Phalle & Silver, PC
925.609.1699 Phone
925.609.1690 Fax
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****
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Begin forwarded message:

> **From:** "Miyamoto, Paul (SHF)" <paul.miyamoto@sfgov.org>
> **Date:** February 15, 2024 at 4:20:14 PM PST
> **To:** Personal email address
> **Subject: Letters**
>
> First letter is the most recent. Sending the other one in case you don't have it anymore.

PM

Paul Miyamoto
Sheriff of the City and County of San Francisco
City Hall Room 456
1 Carlton B. Goodlett Place
San Francisco, CA 94102
Office: 415-554-7225
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To Whom It May Concern,

I am writing this recommendation on behalf of Michael Kim. I have known Mike for over seventeen years as a co-worker in the San Francisco Sheriff's Department. I have supervised Mike in the capacity of basically all levels of our Department's chain of command (as a Sergeant, Lieutenant, Captain, and Assistant Sheriff). In addition to regular duty assignments, we have served together in both the Department's Emergency Services Unit (ESU), and as members of the Special Response Team (tactical unit).

As for my direct interactions with Mike as a co-worker, he has always demonstrated loyalty and camaraderie to fellow Deputies. He possesses leadership attributes that come out in group dynamics. He has always been the first one there and the last one to leave. His experience and personality led him to provide valuable guidance to less-experienced Deputies, and contributed to a safer environment regardless of his assignment.

As a Sergeant, Mike further applied his leadership traits as he served in different assignments as a line supervisor. He had a reputation as a sergeant who completed tasks and held staff accountable for their actions (or inactions). He was very proficient at administrative requirements of supervisors as relates to payroll, staffing, personnel, and incident documentation. As the coordinator for the ESU, he was responsible for overseeing training and special duty assignments for four platoons (120 Deputies).

Perhaps the closest that I have worked with Mike, and the experience that most exposed me to the content of his character, was our work together on the SRT, the Department's SWAT team. Mike was a team leader and performed exceptionally well during critical incidents and highly stressful situations. He functioned especially well as a lead member, always willing to step into a void regardless of rank. During the many years that we have worked together on the team, the SRT has grown in its size, responsibilities, and expectations with his help and contributions.

On a personal level, Mike has always been loyal and committed to his family and friends. He is a great father to [redacted], and coaches her in softball. For many years, he has volunteered with me for the Self Help for the Elderly non-profit, and every Thanksgiving Day we coordinate delivery and serving meals to the elderly and infirm before spending time with our families. His commitment to this transcends an obligation to the job or Department, and is indicative of his good character.

Thank you for the opportunity to share my experiences with Mike. If you have any further questions, please feel free to contact me.

Regards

Paul Miyamoto

Captain, San Francisco Sheriff's Department

[redacted]

Cell [redacted]

To Whom It May Concern,

I am writing this letter on behalf of Michael Kim. I have known Mike for over 26 years, seventeen of those as a peer and co-worker in the San Francisco Sheriff's Office. I have supervised Mike in the capacity of basically all levels of our Department's chain of command (as a Sergeant, Lieutenant, Captain, and Assistant Sheriff). In addition to regular duty assignments, we have served together in both the Department's Emergency Services Unit (ESU), and as members of the Special Response Team (tactical unit). When he was no longer employed with the Sheriff's Office, we continued our friendship.

Mike continued employment with the City and County of San Francisco at the War Memorial Veteran's Building as a Building and Grounds Officer. His characteristics of leadership, experience and personality led to his eventual role as a supervisor.

His reputation as a Sheriff's sergeant continued into his role as a supervisor who completed tasks and held staff accountable for their actions (or inactions). He was very proficient at administrative requirements of supervisors as relates to payroll, staffing, personnel, and incident documentation.

Perhaps the closest that I have worked with Mike, and the experience that most exposed me to the content of his character, was our work together on the SRT, the Department's SWAT team. Mike was a team leader and performed exceptionally well during critical incidents and highly stressful situations. He functioned especially well as a lead member, always willing to step into a void regardless of rank.

On a personal level, Mike has always been loyal and committed to his family and friends. He is a great father to [redacted], and coaches her in softball. For many years, he has volunteered with me for the Self Help for the Elderly non-profit, and every Thanksgiving Day we coordinate delivery and serving meals to the elderly and infirm before spending time with our families. His commitment to this transcends an obligation to the job or Department, and is indicative of his good character.

As the elected Sheriff of San Francisco, one of my responsibilities is the hiring of sworn members of the Department. I am familiar with what Mike experienced both when he left the Sheriff's Office, as well as his experiences at the War Memorial Veteran's Building. I have no concerns at this time of bringing him back as a member of the Sheriff's Office.

Thank you for the opportunity to share my experiences with Mike. If you have any further questions, please feel free to contact me.

Regards

Paul Miyamoto

Sheriff of the City and County of San Francisco

Office [redacted]

Cell [redacted]

Commission on Peace Officer Standards and Training
860 Stillwater Road
West Sacramento, CA 95605-1603
www.post.ca.gov

Following is the record of an Administrative Interview conducted by Professional Conduct Central Bureau Law Enforcement Consultant Kevin Sherburne on June 25, 2025, with Michael Kim, who is the subject of this investigation. The interview was recorded and is being maintained by the Professional Conduct Central Bureau. The recording will serve as the true and accurate record of the statements made by Michael Kim. This transcript was AI generated by Axon software and reviewed by accuracy by Division Staff Services Analyst Jessica Seno.

[00:01]

Kevin Sherburne: And we're, we are recording. Um, good morning. My name is Kevin Sherburne. I'm a law enforcement consultant with the California Commission on POST. Today is June 25th and it's 10:32 in the morning. We are recording this interview, and I noticed that, uh, you also have, um, your interview for purposes of the recording and voice recognition. Um, I, I'd like to have everybody in the room state their name and their position. Um, I'm, I'm here with, uh, representative from POST also, and that is Carrie Woolley. Uh, Carrie, could you introduce yourself?

[00:33]

Carrie Woolley: Carrie Woolley, attorney for with Commission on Peace Officer Standards and Training.

[00:37]

Michael Kim: Michael Kim.

[00:39]

Kevin Sherburne: Okay. And?

[00:40]

Marie Masters: Marie Masters with Rains Lucia Stern.

[00:42]

Kevin Sherburne: Okay. Uh, but before we turned on the recording, I briefly described the process, and I'll repeat that process for the purposes of the recording. So I have some introductions, some admonitions to provide to you. I noticed that you're represented by counsel at the end of the admonitions. I'll ask if you have any questions about the process and, and we can answer those questions as – as to the best of our ability. Either you or your

counsel can ask those questions. And then I have questions for you because this is after all an interview. Um, and we're here today to talk about the, uh, investigation of serious misconduct that is being conducted by POST in, in, in me, on, on behalf of POST at the end of the interview process. If you have a, uh, um, statement that you would like to make that would help inform us on the decision that we, uh, may make in terms of, um, your peace officer certificates. It's a hundred percent voluntary on your part. Um, if you want, you can make that statement or if, if, uh, you so choose, your counsel can make that statement a very brief, um, sort of summary of, of your position. Um, so with that, um, I'm gonna give you some admonitions and then we'll start with the, uh, interview.

[01:46]

Kevin Sherburne: Um, so again, my name is Kevin Sherburne. I'm a law enforcement consultant with the Commission on Peace Officer Standards and Training. We refer to that as POST with me today is Carrie Woolley, who introduced herself earlier. The purpose of our meeting today is to interview you about the facts and circumstances involving an allegation or allegations into alleged serious misconduct that may potentially violate California Penal Code section 13510.8. Um, you, uh, you were given notice of this interview and we coordinated that through, um, your counsel, Ms. Masters. We are recording the interview. Any statements you make here will be used by POST in connection with its duties. The recording helps us to ensure that all of your statements are completely and accurately transcribed and is authorized by Commission, uh, Regulation 1206. If you want, um, if, if you're recording, I notice you're recording. Marie. If, if -

[02:34]

Marie Masters: Yes.

[02:34]

Kevin Sherburne: Your recording doesn't work, will you give you a copy of ours and I would ask the return favor if, if you will.

[02:39]

Marie Masters: Yes, of course.

[02:40]

Kevin Sherburne: Thank you. Um, uh, we do notice that you have a representative, Mr. Kim, um, who is here today. Uh, the representative, your legal counsel, is allowed to observe the proceedings is not allowed to ask questions, make comments, or interfere with the conduct of the interview. And we've, we've worked with Ms. Masters before, Ms. Masters do you agree to these terms? And -

[02:59]

Marie Masters: Yes. I mean, I, I understand I'll be able to ask like, follow up questions, but I'm not the one leading the interview.

[03:05]

Kevin Sherburne: Yeah. Yeah.

[03:06]

Marie Masters: Okay.

[03:06]

Kevin Sherburne: Thank you. If you need to take a, a break to use the restroom or attend a personal needs, you know, we, we, um, will allow you to do that. Please ask first and before we allow the break, we would just ask that you answer any pending questions before we take that break. Um, because POST is not your employee agency, the, uh, California Government Code sections, uh, 3303 and forward, also known as POBAR, um, does not apply. Your agency may or may not have policies that mandate your cooperation in the investigation. We at POST act independently from your agency, and we represent the, um, people of the State of California. Um, so any refusal to cooperate with the investigation, including but not limited to the refusal to answer questions, may result in a finding that you engaged in serious misconduct. Um, that is to say a failure to cooperate. That is to say, with the exception of the lawful exercise of rights granted under the U.S. Constitution or California Constitution or any other law is not gonna be considered a, a failure to cooperate. Um, are you prepared to answer questions today, Mr. Kim?

[04:10]

Michael Kim: Yes.

[04:10]

Kevin Sherburne: Is there any reason why you wouldn't be able to give accurate and truthful information to the questions that we ask of you?

[04:16]

Michael Kim: No.

[04:16]

Kevin Sherburne: Okay. Um, um, keep in mind, I'm sorry, go ahead.

[04:19]

Marie Masters: Just before we, um, kind of go a little further.

[04:21]

Kevin Sherburne: Yeah.

[04:21]

Marie Masters: I just wanted to add for the record that we're, um, where you're for what, I guess is effectively a, a compelled interview. And I understand, um, you know, you addressed that in your admonition. Um, but we are here for a compelled interview, essentially under threat of decertification pursuant to the failure, a potential failure to cooperate, uh, charge. So I just wanna make that clear for the record.

[04:44]

Kevin Sherburne: Thank you. Um, please keep in mind that dishonesty in connection with an investigation of police misconduct, including serious misconduct investigations, is itself a violation of Penal Code section 13510.8(b)(1). Um, with that in mind, do you answer or do you agree to answer our questions truthfully today?

[05:04]

Michael Kim: Yes.

[05:04]

Kevin Sherburne: Um, to maintain the integrity of the investigation, we ask that you and your counsel not discuss the, um, questions asked, the facts discussed in the interview with anybody other than your

legal counsel or is, is otherwise required or authorized by law. Do you agree to comply with that?

[05:19]

Michael Kim: Yes.

[05:19]

Kevin Sherburne: Thank you. Do you have any questions about today's process?

[05:22]

Michael Kim: No.

[05:23]

Kevin Sherburne: Okay. So with that, um, if you could briefly tell me just to set the stage, your professional background, the kind of broad strokes, where are you currently assigned?

[05:39]

Michael Kim: Uh, so, uh, currently right now?

[05:41]

Kevin Sherburne: Yeah.

[05:41]

Michael Kim: I'm working for the [inaudible] Sheriff's Department. Uh, uh, I'm, uh, newly hired deputy sheriff on probation, and I'm, uh, assigned to look the, uh, San Francisco Sheriff's Department patrol unit at Laguna Honda Hospital on day shift.

[05:59]

Kevin Sherburne: Okay. And when did you start with the Sheriff's Office?

[06:04]

Michael Kim: Uh, you mean previously or?

[06:07]

Kevin Sherburne: Uh, the current iteration?

[06:09]

Michael Kim: Uh, December 21st with, uh, ‘24 was my hire date.

[06:14]

Kevin Sherburne: Okay. And did you have a break in service before that?

[06:17]

Michael Kim: Yes, I did.

[06:17]

Kevin Sherburne: Okay. What was that? Uh, when, when, what was the reason for that break?

[06:22]

Michael Kim: Uh, I resigned from the Sheriff's Department in 2000 and, uh, ‘16.

[06:28]

Kevin Sherburne: Okay.

[06:28]

Michael Kim: I think it was, I think like, I think Fe - February or something. February 2016.

[06:37]

Kevin Sherburne: Okay. Was there then a, a pending internal affairs investigation against you at that time?

[06:44]

Michael Kim: I do not know what I, I was going through, uh, a federal, uh, case at that time.

[06:50]

Kevin Sherburne: Okay. When you say a federal case, what do you mean?

[06:53]

Michael Kim: It was, I was charged with, uh, uh, actually they didn't charge me yet, but I was interviewed by the, uh, the federal government, uh, the FBI.

[07:02]

Kevin Sherburne: Okay.

[07:03]

Michael Kim: On maybe it was like 2014 or so. And, uh, it was for, uh, my, uh, falsification of declaration that I wrote.

[07:16]

Kevin Sherburne: Okay.

[07:16]

Michael Kim: For it was, uh, for Andy Li.

[07:19]

Kevin Sherburne: Okay.

[07:19]

Michael Kim: And so the, the federal government came, the FBI came to my workplace when I was working for the, the chief, uh, chief, uh, the custody division.

[07:28]

Kevin Sherburne: Okay.

[07:29]

Michael Kim: So I, they did an interview and, uh, after the interview, uh, I talked to, I actually, I attended an attorney through my union representation.

[07:41]

Kevin Sherburne: Okay.

[07:42]

Michael Kim: And talked to my attorney. And one, after that, we called the FBI or the, uh, AUSA.

[07:48]

Kevin Sherburne: Okay.

[07:48]

Michael Kim: To talk to them about, uh, about what I said.

[07:52]

Kevin Sherburne: Okay.

[07:52]

Michael Kim: And so we had, uh, we set an appointment and I think it was a couple of months after that we did talk to them. And I went in with my attorney and we had a sit down and then, and had an interview.

[08:04]

Kevin Sherburne: Okay. So earlier you used the word federal case. Was that civil or criminal?

[08:09]

Michael Kim: It was a criminal case.

[08:10]

Kevin Sherburne: Okay. Were you ultimately charged?

[08:12]

Michael Kim: Yes, I was charged.

[08:13]

Kevin Sherburne: Okay. What was the resolution of that case?

[08:15]

Michael Kim: It was, I was charged with a one count of contempt of court.

[08:19]

Kevin Sherburne: Okay.

[08:19]

Michael Kim: And, uh, I was placed on, uh, probation, uh, uh, had to pay a $30,000 fine and 300 hours of community service.

[08:29]

Kevin Sherburne: Okay. Was that based on a finding by a jury or a guilty plea?

[08:35]

Michael Kim: It was a guilty plea.

[08:36]

Kevin Sherburne: Okay. And what was the dates of your service with the Sheriff's Office, uh, prior to your 2016 re - resignation?

[08:46]

Michael Kim: It was, uh, 1999 till 2000 and ‘16.

[08:51]

Kevin Sherburne: ‘16. Okay. What was your, what were your duties in assigned duties? Kind of like, I spent two years doing this, four years doing that, one year doing this. Can you generally ballpark toward the end of your career what you were doing?

[09:03]

Michael Kim: Well, at the end of my career, I was, uh, let's see. I was the uh, Emergency Service Unit coordinator for the Sheriff's Department. And I basically dealt with mutual aid and pretty much anything that came up within the city and county of San Francisco that the Sheriff deemed that we need to participate.

[09:23]

Kevin Sherburne: Okay.

[09:23]

Michael Kim: So, I was in charge of about 120, uh, deputy sheriffs. And there, it's a collateral duty.

[09:29]

Kevin Sherburne: Okay.

[09:30]

Michael Kim: And so if there's an, any event that comes up, let's say like the occupy -

[09:34]

Kevin Sherburne: Okay.

[09:35]

Michael Kim: Like all the Oakland Mehserle, all those were the ones when they would, uh, other agencies would ask for assistance.

[09:42]

Kevin Sherburne: Sure.

[09:43]

Michael Kim: I would write the operation order, and I would hire all the staff. My partner and I would hire all the staff, and we would, uh, deploy the, the deputies out there.

[09:52]

Kevin Sherburne: What was your rank at that time?

[09:54]

Michael Kim: I was a sergeant at the time.

[09:55]

Kevin Sherburne: Okay. And did you have a direct report to the Chief Deputy or to the Sheriff?

[10:01]

Michael Kim: Ye – Yeah. Some, like, I had a, I had a Captain and then I had a Chief. They were all in the same office, and so anything arises, the Chief would call me, or the Captain would call me, or the Sheriff would call me and tell me whatever, uh, if they wanted answers directly instead of waiting for the chain.

[10:17]

Kevin Sherburne: Okay.

[10:18]

Michael Kim: So, yes. And some, some days I did have access to the Sheriff and they would call me.

[10:22]

Kevin Sherburne: Okay.

[10:22]

Michael Kim: When -

[10:23]

Kevin Sherburne: Who was the sheriff at that time?

[10:31]

Michael Kim: Let's see. It could, it could, let's see, I went to Sheriff Hennessy, Sheriff Mirkarimi, Sheriff Vicki Hennessy. Yeah, those were the three.

[10:41]

Kevin Sherburne: Okay.

[10:41]

Michael Kim: At the time. So I, uh, that was not in the issue. And then the last two years of, I think 2012 to four, maybe ‘13 or ‘14, I was working as the executive assistant to the Chief of Custody, which is, uh, Matthew Freeman and that, and there, uh, there I pretty, I did pretty much anything, everything for the Custody Division.

[11:06]

Kevin Sherburne: Okay.

[11:06]

Michael Kim: So, if anything, with the jail operations, jail staffing, uh, uh, overtime, anything that has to do with the jail division was, I was working under the Chief.

[11:19]

Kevin Sherburne: Between 2016 and the time that you were rehired by the Sheriff's Office, did you have any employment?

[11:25]

Michael Kim: Yes.

[11:26]

Kevin Sherburne: What was your employment?

[11:27]

Michael Kim: I worked for, I think I worked for Executive Shield for about a year who was a security company. And, and concurrently about six months after I left the, the Sheriff's or the city county, I got hired back with the city county as a security, uh, supervisor for the War Memorial. So.

[11:45]

Kevin Sherburne: Okay.

[11:46]

Michael Kim: So I walked across the street from City Hall. So I worked there until, uh, I was hired with the Sheriff's Department.

[11:54]

Kevin Sherburne: Okay.

[11:54]

Michael Kim: So it was almost like nine and nine years or so.

[11:57]

Kevin Sherburne: Okay. Um, did Andy Li ever work for Executive Shield?

[12:06]

Michael Kim: Uh, I, I don't think so. I tried to, uh, uh, he told me that he got a guard card and he wanted to try to, you know, come clean at work. When he came out of, uh, prison, he wanted, I always thought that he was, I was trying to help him out to get - live a clean life. He had a kid, he had two kids, a daughter and a son. It's like, Hey, he can't keep on going in and outta jail 'cause you're not gonna, you, you can't survive. So when he told me he got a guard card, I tried to have my, my, my friend, uh, at the

time was, uh, uh, the exec, CEO. It was Danny, uh, Gonzalez, and tried to ha have him, uh, see if he could hire him there.

[12:44]

Kevin Sherburne: Okay. What year was that?

[12:47]

Michael Kim: Uh. Probably like 2000, like ‘14, ‘13, somewhere around there.

[12:59]

Kevin Sherburne: Okay.

[12:59]

Michael Kim: Before, before. Um.

[13:02]

Kevin Sherburne: Okay.

[13:02]

Michael Kim: The, before they got raided.

[13:07]

Kevin Sherburne: In, um, if we could go to August of 2014, um, earlier you stated that you were interviewed with by the FBI.

[13:14]

Michael Kim: Yes.

[13:15]

Kevin Sherburne: So, I'll represent that. It was in, there was one interview in August 2014, another in December of 2014.

[13:20]

Michael Kim: Yes.

[13:21]

Kevin Sherburne: Um, at that time you told the FBI that you had written a memorandum to your Chief. I'm assuming that's Matt Freeman.

Um, do you recall what I'm talking about when I say you wrote a memorandum?

[13:31]

Michael Kim: Yes.

[13:31]

Kevin Sherburne: Okay. Um, was, was that person that you addressed the memorandum to Matt Freeman?

[13:36]

Michael Kim: Yes, it was.

[13:38]

Kevin Sherburne: And, um, what did you state in that memorandum?

[13:41]

Michael Kim: I stated the same thing I said to the FBI, I said that I, uh, left, uh, I left my vest at, uh, Mimi's place. I was going to a bar. I left at his place. My wife was supposed to pick it up. My wife forgot to pick it up. It's been in her car. And then when the feds, uh, raided, uh, Andy's house, my vest was in there. So I told, uh, Matt the same thing.

[14:04]

Kevin Sherburne: Okay. Did you keep a copy of that memorandum?

[14:07]

Michael Kim: No, I did not.

[14:08]

Kevin Sherburne: Okay. Do you know where that memorandum might be? Uh, a copy of it, whether it's hard copy, like a piece of paper or a digital version of it on a computer?

[14:16]

Michael Kim: Uh, I, I do not know.

[14:17]

Kevin Sherburne: Okay.

[14:18]

Michael Kim: Because, uh, I know, I'm not sure if I gave him an email or I handed it to him.

[14:22]

Kevin Sherburne: Okay.

[14:23]

Michael Kim: And, uh, I mean, I guess you guys can go back to my, uh, work email.

[14:29]

Kevin Sherburne: Mm-hmm [affirmative].

[14:29]

Michael Kim: I'm not sure how that works, if it's in the cloud. I, I, I really don't know.

[14:33]

Kevin Sherburne: Okay. Are you in touch with Matt Freeman?

[14:35]

Michael Kim: No. Ever since he retired, I mean, even before he retired, I haven't, like when I left the Sheriff's Department, I really didn't, uh, keep in touch with him.

[14:43]

Kevin Sherburne: How long ago would you think that would be?

[14:46]

Michael Kim: Probably over, over like 10 years, I think.

[14:49]

Kevin Sherburne: Okay. So, he retired maybe 10 years ago in 2015ish?

[14:52]

Michael Kim: Well, I, I left the department and -

[14:54]

Kevin Sherburne: Okay.

[14:54]

Michael Kim: In 2016.

[14:55]

Kevin Sherburne: Yeah.

[14:56]

Michael Kim: And I didn't, and I, I talk, I still talk to some people like, but I, I didn't talk to Matt.

[15:01]

Kevin Sherburne: Okay.

[15:02]

Michael Kim: And so, yeah. And Matt retired and ever since that, no one's been able to get a hold of him. I think he's out of, I think he might have went to Nevada or something, or outta state.

[15:21]

Kevin Sherburne: During that August of 2014 interview, you told the FBI that you went with Andy Li to engage in debt collections that Andy Li was, um, undertaking at casinos. Um, what part did you play in the debt collection?

[15:35]

Michael Kim: Uh, I didn't even know he was collecting debt. I, he was, hey, let's go over here. I'm, uh, I went with him and every time I, I didn't know he was collecting, 'cause they all, he spoke Chinese. Every time he went with to talk to people, he was all in Chinese. I don't speak Chinese. I speak, I speak a little bit of Korean. And so he would go there and, I mean, I didn't see him with, like I said to the feds. I didn't see him with any weapons or anything. It was just cordial stuff that he would talk to them. And

next thing you know, he'll, when we leave, he'll say, hey, you know, here's, here's a hundred bucks or so. Okay, cool. And then, and then we'll go to, it's like, it wasn't like, hey, let's go collect the debt.

[16:10]

Kevin Sherburne: Okay.

[16:11]

Michael Kim: Because I'm like, hey, I'm going to, you know, we're gonna go out tonight. Okay, cool. We're gonna go to a club, or we're gonna go to a bar or whatever. And he goes, oh, hold up. Let me, I need to go somewhere for a sec. Can you come with me? I'm already in the car.

[16:22]

Kevin Sherburne: Did you wait in the car or did you go inside?

[16:23]

Michael Kim: Sometimes I went in the car. He goes, I'll be right back. And sometimes, you know, we'll go inside, 'cause some of the places had food, like, like Artichoke Joe's, and, uh, Lucky Chance at restaurants in there. Sometimes we'll go in there.

[16:34]

Kevin Sherburne: Okay. When he gave you the money, did you ever ask him, hey, where'd, why are you giving me this money?

[16:39]

Michael Kim: Not, not really.

[16:40]

Kevin Sherburne: Okay.

[16:42]

Michael Kim: I didn't get a chance to ask.

[16:44]

Kevin Sherburne: Do you consider yourself naive?

[16:49]

Michael Kim: Sometimes. Sometimes. Like when, I mean, when he comes with Andy, like, I always try to help him. I know he had a bad, like, like high school when he was growing. His mom, his mom died when he was young. And, uh, his, you know, his dad was always working. And his dad, you know, gambled a lot. And I always try to help him out. Like, you know, like he, I, I would work at my mom's, my parents' restaurant, you know, bring him food and stuff like that. You know, always try to make sure that he's tried to stay like straight and arrow. But I mean, with that, yeah. I think I am with him, 'cause I'm always trying to make him a better person.

[17:29]

Kevin Sherburne: Okay.

[17:29]

Michael Kim: But he always makes bad decisions.

[17:33]

Kevin Sherburne: You said, um, that you speak Korean, some Korean and that he was speaking Chinese?

[17:38]

Michael Kim: Yes.

[17:38]

Kevin Sherburne: Um, do you know, how do you know it was Chinese?

[17:42]

Michael Kim: 'Cause he speaks Chinese and there's, they're not speaking Korean. They're not - he, he speaks Cantonese.

[17:48]

Kevin Sherburne: Okay.

[17:48]

Michael Kim: So….

[17:51]

Kevin Sherburne: Do you know any words in Cantonese?

[17:54]

Michael Kim: Some.

[17:54]

Kevin Sherburne: Yeah. And so, are you familiar with the sound of the Cantonese language? And you could surmise that was Cantonese?

[18:05]

Michael Kim: Yeah.

[18:05]

Kevin Sherburne: Or did Andy Li ever tell you it was Cantonese?

[18:07]

Michael Kim: No, I could like, uh, like, I guess pick it up. I, I guess the sound like being between.

[18:13]

Kevin Sherburne: Okay.

[18:14]

Michael Kim: Uh, Cantonese, Vietnamese, Korean, or Japanese.

[18:16]

Kevin Sherburne: Okay.

[18:17]

Michael Kim: I, I don't know how I can, uh, explain that, but -

[18:19]

Kevin Sherburne: Okay.

[18:19]

Michael Kim: If I hear it, like I can, you know, that's, that's Vietnamese or that's Cantonese.

[18:24]

Kevin Sherburne: Okay.

[18:25]

Michael Kim: But do I know the meaning of it? I have no idea.

[18:27]

Kevin Sherburne: Okay. Until the time that you first became a deputy with the Sheriff's Office in 1999, did you engage in other activity with Li or anyone else including Shrimp Boy? Like debt collections?

[18:45]

Michael Kim: No.

[18:45]

Kevin Sherburne: Okay.

[18:46]

Michael Kim: Because I, once I be, uh, gotten the Sheriff's Depart, I really, I, I don't think I saw him that much. 'cause he, I think he was in and out of prison. But I, I I, I was working on my career. I was, you know, I had, I, I had a daughter. I was caught coaching softball, so I didn't have a lot of time. It was always work and, uh, and, uh, home with, with my kids.

[19:10]

Kevin Sherburne: When was the last time you had any contact with, um, Andy Li?

[19:18]

Michael Kim: I think, I'm think, uh. The last time I had contact with him was when I was at home and we're talking with his after he got arrested. So I was talking with, we're, I was talking with his wife, and then she hands me the phone and tells me, talk to this person. I'm like, who the heck are you talking about? I talked, it was Andy.

[19:45]

Kevin Sherburne: Okay.

[19:46]

Michael Kim: And I was like, I can't talk to you. I think they probably have that on the recording, the feds. And that's one of the things that I totally forgot about.

[19:52]

Kevin Sherburne: Okay.

[19:53]

Michael Kim: When the feds asked me about it.

[19:54]

Kevin Sherburne: Okay. So if I have this correct, you're at your house and Andy Li is also at your house in person?

[20:00]

Michael Kim: No.

[20:00]

Kevin Sherburne: Did she?

[20:01]

Michael Kim: He was, Mimi was.

[20:03]

Kevin Sherburne: Oh, Mimi's your wife?

[20:04]

Michael Kim: No.

[20:05]

Kevin Sherburne: I'm sorry.

[20:05]

Michael Kim: Mimi. Mimi is Andy's wife.

[20:07]

Kevin Sherburne: Okay.

[20:08]

Michael Kim: So, she was at, at our house, and she was worried about, uh, Andy being in jail.

[20:14]

Kevin Sherburne: Okay.

[20:15]

Michael Kim: And. I was trying to like, trying to help her, like, hey, with her childcare?

[20:19]

Kevin Sherburne: Yeah.

[20:20]

Michael Kim: And she was stressed out.

[20:21]

Kevin Sherburne: Yeah.

[20:21]

Michael Kim: And she was crying and she was like, at the house, you know, I told her, come on over to the house.

[20:25]

Kevin Sherburne: Okay.

[20:25]

Michael Kim: And I was like, okay.

[20:27]

Kevin Sherburne: Yeah.

[20:27]

Michael Kim: What can I do? And they wanted, she was asking if I could put my house up for his bail.

[20:32]

Kevin Sherburne: Okay.

[20:32]

Michael Kim: And I, and I said, uh, I said, no, I can't do that.

[20:35]

Kevin Sherburne: Yeah.

[20:36]

Michael Kim: And then, so, she was talking to him and she gave me the phone.

[20:39]

Kevin Sherburne: I see.

[20:39]

Michael Kim: And I next, like, I didn't want to talk to him. I -

[20:41]

Kevin Sherburne: Yeah.

[20:42]

Michael Kim: Didn't want anything to do with him.

[20:43]

Kevin Sherburne: Do you know where he was at that time?

[20:44]

Michael Kim: Uh, I think he was in somewhere in j - uh, whatever the -

[20:47]

Kevin Sherburne: So, in jail himself.

[20:48]

Michael Kim: He was in jail somewhere. I don't know where he was, but -

[20:50]

Kevin Sherburne: Okay.

[20:51]

Michael Kim: There was a jail phone call.

[20:53]

Kevin Sherburne: Okay.

[20:53]

Carrie Woolley: I'm sorry. What year was that?

[20:56]

Michael Kim: It was 2 – 2000 and I think it was ‘14.

[20:58]

Carrie Woolley: Okay.

[20:59]

Michael Kim: ‘14.

[21:00]

Kevin Sherburne: Okay.

[21:00]

Michael Kim: I think so.

[21:01]

Marie Masters: Thank you.

[21:04]

Kevin Sherburne: After you became a deputy, did Andy Li request any sensitive law enforcement information? And, and so by that, what I mean is it's anything that's not public, anything that could potentially compromise law enforcement operations, investigations,

sources, operations, safety of individuals, or was subject to a non-disclosure agreement such as CLETS.

[21:23]

Michael Kim: Yeah. He, he tried asking me to run a plate for him.

[21:27]

Kevin Sherburne: Okay.

[21:28]

Michael Kim: And I said, I can't run a plate. That's illegal.

[21:30]

Kevin Sherburne: Okay.

[21:31]

Michael Kim: You run a CLETS plate and it's not during, within your scope of the investigation, you're gonna, that's a misdemeanor. You're gonna get in trouble before you can get -

[21:37]

Kevin Sherburne: Okay.

[21:37]

Michael Kim: I've – I've seen some of the people – officer get fired for that. So.

[21:40]

Kevin Sherburne: Okay.

[21:41]

Michael Kim: I'm not, I never, I've never gave Andy any information, sensitive information or anything that jeopardizes any investigation, any of that stuff.

[21:49]

Kevin Sherburne: Okay.

[21:49]

Michael Kim: What he did ask me was, he asked me for if he could, uh, he's, a couple of these people are, you know, he, he thinks they're in jail. What, what? You know, can you help me? Can you, can you find out? And the things I can do is I'm like, yeah, I could help you with that. Because it's public information. Anything that was public that you can call 'cause before we had our computer system, basically you call the jail and ask him, hey, so-and-so in jail, and you can give him he's yes or no, uh, the bail information and the charge that's open to any – anybody. So, he was trying to ask me, hey, can you, can you ask, can you find out these two people? I'm like, yeah. Okay. Did you call the number? You can call the public number. He didn't know. So, I called the – I called the number, which is, uh, for us, it's, we have the, he, we have the, the CJ nine intake officer. We have law enforcement number. So, I called the number. I asked, hey, so, and can you look, uh, I forgot who I spoke with. Can you look up at these people in jail and what information they have? I – I'm not sure if they were in jail or not, but that's the only information I gave them, which is public record that anybody can get. I don't, I've never given anybody any information. I never jeopardized my career by giving people information or that sensitive information. A lot of the things I do, when I was in the SSU and the SWAT team, we had a lot of sensitive information working with other agencies, which I, it's always like, it's a need to know. If you don't need to know, I won't give to even within law enforcement.

[23:20]

Kevin Sherburne: Thank you. When did you decide that you were gonna reapply for the San Francisco Sheriff's Office deputy position?

[23:37]

Michael Kim: I, well, when I got my, when I was finished with my, uh, probation, I got my probation done early 'cause I, I, uh, they, uh, guess the feds told me, the probation officer said, hey, you, you are within your rights. You did everything you're supposed to do. You were not in, never got in trouble again. So, I went and, uh, I talked to some of the, uh, deputy sheriffs. I still keep in touch with a lot of the staff, a lot of the, uh, the chiefs that I worked with. Uh, so, you know, they're, some of them were asking, hey, are you gonna come back to work? I'm like, okay, yeah. If you guys want me to, I'll be I'll, I'll come back. I would love to, but I have to go through the whole process. It's not, they're not gonna gimme any special treatment for what I was doing. Like, hey, I applied and, uh, and I went through the process and I got hired.

And then I know I read in your, uh, notes that I applied the first time and you wanted to know why I was not hired.

[24:28]

Kevin Sherburne: Mm-hmm [affirmative].

[24:29]

Michael Kim: Why was it, I forgot what you, what you said [unintelligible] something days that I wasn't hired. I, uh, I was, I was, um, my friends in the department asked me, hey, do you wanna come back? If you, you know, we'd love to have you back. I'm like, I would love to come back. You know, I talked to some of the, uh, other deputies that was there, other, uh, people in the, in the chain of command. And they say, yeah, if, you know, I would love to have you back. So I did apply. And within that first, uh, the go around, I would say that I didn't get hired if, I don't know why I wasn't hired. The way that the department does is that it's a list. The city does a list. I was on the list, and they can pick anybody from the list. So the first, the first time I didn't get hired, I wasn't picked from the list. So now how come I applied again? Well, I, the list expired. Once the list expires, it's you, they can't hire from that list. So the second time I applied and I was on, I was, I still took the test like everybody else got on the list. And then they hired me and they went through the process.

[25:31]

Kevin Sherburne: Okay.

[25:31]

Michael Kim: So.

[25:32]

Kevin Sherburne: The first time that you applied reapplied was April of 2021. How long before that, at that point, you knew that you had to undergo a Requal course.

[25:42]

Michael Kim: Yes.

[25:42]

Kevin Sherburne: To be recertified because your certificate had lapsed become inactive. Um, when did you apply for that Requal course?

[25:51]

Michael Kim: So, with that, I, I don't, I was, I wasn't very clear how the POST Requal was 'cause I had, 'cause no one could tell me exactly like what the Requal was, how you go about it, if it's three years after you leave appointment or you get like a one time thing. I didn't know how that worked. So, I did some research on it and then I, uh, called POST and, and applied. And they told me, yeah, I, I fit the, I, um, within the, within the guidelines. And, uh, you, uh, I guess they told me I qualified for it and I applied and I got, and I requalf.

[26:28]

Kevin Sherburne: Okay.

[26:29]

Michael Kim: With the -

[26:30]

Kevin Sherburne: Uh, what school did you go to?

[26:32]

Michael Kim: Uh, I went to, uh, uh, uh, was it San Jose? I think it's.

[26:37]

Kevin Sherburne: Is it South Bay Regional Training Consortium?

[26:39]

Michael Kim: Yeah.

[26:39]

Kevin Sherburne: Does that sound familiar?

[26:39]

Michael Kim: Yeah. I think so.

[26:41]

Kevin Sherburne: Um, so if the class starts hypothetically on June one, how much in advance of June one would you have to apply? Two months, three months, five months?

[26:52]

Michael Kim: I, I don't know.

[26:53]

Kevin Sherburne: Okay.

[26:53]

Michael Kim: It all depends on when, I guess, I guess it was when they, uh, the class closes if they have enough, enough people.

[27:01]

Kevin Sherburne: People, okay.

[27:02]

Michael Kim: And they close. So they have, if you go on the website, they'll have I guess whatever day semesters they.

[27:09]

Kevin Sherburne: Okay.

[27:09]

Michael Kim: They, uh, have open enrollment.

[27:12]

Kevin Sherburne: Yep.

[27:12]

Michael Kim: And so if you're, if they fill it, it gets closed. And if it's not filled, you can still apply for it.

[27:17]

Kevin Sherburne: Okay.

[27:17]

Michael Kim: So, I don't, I don't remember when it may, a couple of months.

[27:21]

Kevin Sherburne: Okay. Earlier you had mentioned that you talked to people, other deputies with whom you were in touch with.

[27:26]

Michael Kim: Yes.

[27:26]

Kevin Sherburne: But you also used the words chain of command. What, what people in the chain of command at the sheriff's office did you talk to who encouraged you to reapply?

[27:35]

Michael Kim: Uh, like, uh, uh, uh, McConnell, Kevin McConnell. Uh, he's one of the guys, you know, one of, he said he's Chief Deputy. I, I spoke with him.

[27:47]

Kevin Sherburne: Okay.

[27:48]

Michael Kim: I have, uh, uh, who was the other, uh, let's see. Talked like, uh, Lieutenant, uh, Luquin. Okay. Uh, he, he's, he used to be in the SWAT team with me.

[28:02]

Kevin Sherburne: Okay.

[28:02]

Michael Kim: So him and like, uh, Ron Chu, who's a deputy. And there's, there's, I, I still keep in touch with a lot of my friends, uh, uh, Jin Choi, all those guys are people that I work with. And, uh, and was in my SWAT team with me and worked in the department.

[28:18]

Kevin Sherburne: Okay.

[28:18]

Michael Kim: So they, you know, they, they're, hey, you should come back. When are you gonna come back? How are you gonna, you know, work? I'm like, I'm not sure.

[28:24]

Kevin Sherburne: Okay.

[28:24]

Michael Kim: I wasn't sure.

[28:26]

Kevin Sherburne: Um, uh, Kevin McConnell, was he then the Chief Deputy, or is he currently, or what was his status at that time?

[28:32]

Michael Kim: He – yeah, he, he was, I, he was a captain and then I think he became a chief.

[28:38]

Kevin Sherburne: Okay.

[28:39]

Kevin Sherburne: So -

[28:39]

Kevin Sherburne: Do you know what his role was? Was he in charge of patrol? What was he in charge of?

[28:43]

Michael Kim: He was in charge of the field services, uh, division.

[28:52]

Kevin Sherburne: Did you ever talk to, um, any, uh, then Sheriff about coming back?

[28:58]

Michael Kim: I did. I did talk to Sheriff. Sheriff also, uh, uh, wrote me a recommendation letter too.

[29:04]

Kevin Sherburne: Okay.

[29:05]

Michael Kim: I know I – you guys saw that letter too?

[29:08]

Kevin Sherburne: When did he write you that letter?

[29:15]

Michael Kim: I think he wrote it like, like 2024 some, somewhere around 2024 or so.

[29:25]

Kevin Sherburne: Okay.

[29:25]

Michael Kim: Because, uh, this is when I was going through the whole process and I was talking with, uh, Dr. Dunnigan, my psych, um, during my psychological test. And, uh, I, I asked, uh, talked to, uh, talked to the Sheriff and asked him, would you write me a recommendation letter? And he wrote me a letter, recommendation letter.

[29:45]

Kevin Sherburne: Was the letter specifically for Dr. Dunnigan or was it in general, like if you went to apply for General Electric, IBM or Target or some other employer?

[29:54]

Michael Kim: It was, it was for, uh, uh, Dr. Dunnigan, for specific for that.

[30:00]

Kevin Sherburne: Okay. I have a copy of that letter here that I'd like to show you. And I think you've seen it before.

[30:08]

Michael Kim: Yes.

[30:12]

Kevin Sherburne: I do have a copy of it, I promise. I may have stapled it to something else. Forgive me. Sorry. Hold on. Too many papers. Sorry.

[30:45]

Marie Masters: It's okay.

[30:46]

Kevin Sherburne: Wrong file folder.

[30:50]

Carrie Woolley: Somewhere in here?

[30:57]

Kevin Sherburne: Okay. So, I'm, I'm showing you now a letter for purposes of the recording. Um, uh, what, what is that letter? Can you take a moment and read it and kind of familiarize yourself with it, please? What, what is that document that I've just given you?

[32:02]

Michael Kim: This is a letter that, uh, uh, Sheriff Miyamoto wrote, uh, for me to give to Dr. Dunnigan.

[32:09]

Kevin Sherburne: Okay. Um, who actually put ink to paper on that, or fingers to a keyboard. Did you write that for Paul Miyamoto or did he sit down on a keyboard?

[32:21]

Michael Kim: I, I did not write this.

[32:22]

Kevin Sherburne: You did not write that?

[32:23]

Michael Kim: Yeah.

[32:23]

Kevin Sherburne: Um, so did you ask him specifically for a letter of recommendation to give to Dr. Dunnigan or?

[32:32]

Michael Kim: You know what? I, I don't, I don't, I don't, I don't know.

[32:36]

Kevin Sherburne: Okay.

[32:36]

Michael Kim: I don't know if I, I might have asked him, can you gimme a recommendation letter or, I'm not sure. But, uh, this is, uh, what he, uh, uh, sent me. And I know, uh, I, uh, I think it was 'cause I was talking to Dr. Dunnigan, 'cause when I talked to him, and as you already know, I did not pass my, my, uh, the Department's, uh, psych test.

[33:01]

Kevin Sherburne: Okay.

[33:02]

Michael Kim: And then, so they gave me, uh, I appealed it and got my second evaluation when I got my second evaluation with Dr. Dunnigan. And he was telling me that everything looks good. Your, your numbers looked all within, you know, it's good 'cause you already work or law enforcement. But the only thing that he couldn't, uh, pass me was because I have a pending investigation. And I told, and at the time, I told him, my investigation will be, hopefully it'll be concluded and I'll be exonerated from the false claim. And I asked him, would you be able to, would I be able to, you know, no. Would he be able to once I, uh, pass, but once I was the investigation complete, will he able to change his evaluation of me? And he says, if you, if you get that done, if it gets, uh, completed, uh, within the next, was it week or so, he has no problem doing it. So this thing took longer than several weeks. It was, I think in January, maybe late December or early January that I was exonerated from the charges from this, uh, frivolous, uh, uh, employee. So I called him back and I said, hey, Dr. Dunnigan, uh, I've completed, uh,

the thing I was exonerated from all of this, will you be able to gimme a, an, uh, a revised, uh, recomme - , uh, what do you call it? The, the, the evaluation? And he said was, no, he can't, because it's been so long, it's been several months. So what I have to do is I have to pay him again and take another test, which I did. And then he said that these letters were, uh, the DHR letter, uh, which is Department of Human Resource in San Francisco. Uh, they exonerated me from all the false claims. So he said, these are, this is perfect, and this is what he needed. So that's why when I, when I, I took the test over again, and that's why he recommended me, that I was suitable.

[35:00]

Kevin Sherburne: Suitable.

[35:00]

Michael Kim: For that because I guess he said that it was within the, the POST guide perimeters.

[35:06]

Kevin Sherburne: Okay.

[35:06]

Michael Kim: That, that the, the pending investigations, he couldn't, he couldn't approve it.

[35:11]

Kevin Sherburne: Okay.

[35:11]

Michael Kim: So.

[35:12]

Kevin Sherburne: How did you select Dr. Dunnigan in the first place?

[35:15]

Michael Kim: They, the, the, the city, not the city, but the, uh, the sergeant from backgrounds, they gave me whole, I guess gave me a list, or this is the website. This is, uh, POST approved, uh, uh, people.

[35:30]

Kevin Sherburne: Okay.

[35:30]

Michael Kim: So, I clicked on the POST approved, looked at it and was, I think it was one, was the closest one to my, to me.

[35:36]

Kevin Sherburne: Yeah.

[35:37]

Michael Kim: Or one, what was, that was able to take me as soon as possible instead of waiting four months. So -

[35:43]

Kevin Sherburne: Okay.

[35:43]

Michael Kim: I picked him.

[35:44]

Kevin Sherburne: Okay.

[35:44]

Michael Kim: It's closest. And it was, I think all, everything was online.

[35:48]

Kevin Sherburne: Okay.

[35:48]

Michael Kim: Taking the test while with, I guess it's a video monitor.

[35:51]

Kevin Sherburne: Okay.

[35:52]

Michael Kim: So, they had a proctor and watching us while we're taking the test with the live camera.

[35:57]

Kevin Sherburne: Okay.

[35:57]

Michael Kim: So.

[35:58]

Kevin Sherburne: Did you have any relationship doctor patient relationship prior to the S – San – San Francisco Sheriff's psych eval?

[36:05]

Michael Kim: Um, I, no. I don't even know who, I never even seen the person.

[36:09]

Kevin Sherburne: You never met him in person or?

[36:11]

Michael Kim: It was always over email or on the phone.

[36:13]

Kevin Sherburne: Okay.

[36:13]

Michael Kim: Or, or, uh, the evaluation part was over the, uh, it was FaceTime or Teams.

[36:21]

Kevin Sherburne: Okay. Okay. Virtual.

[36:22]

Michael Kim: Yeah.

[36:22]

Kevin Sherburne: Um, or computerized.

[36:24]

Michael Kim: Yeah.

[36:24]

Kevin Sherburne: Did you ever have any relationship with him as a doctor patient after the San Francisco Sheriff's Office? Uh, psych eval?

[36:31]

Michael Kim: No.

[36:32]

Kevin Sherburne: Okay. Was the only relationship then, would it be fair to say the only relationship you had with him was because you were undergoing the psych eval through San Francisco Sheriff's Office?

[36:42]

Michael Kim: Yes.

[36:42]

Kevin Sherburne: Okay.

[36:46]

Michael Kim: And then after that, when he approved me, uh, the city, I, guess the DHR called me and says, hey, we we're going to get you, I guess the city doctor, which is the, uh, arbitrator.

[36:57]

Kevin Sherburne: The third.

[36:57]

Michael Kim: The third, yeah.

[36:58]

Kevin Sherburne: Right. Okay.

[36:59]

Michael Kim: So, I took the test. I get, I think that person was somewhere in Washington or something, Washington State. And, uh, that's what the, that's what the DHR, uh, gave me. Tell him to call him. So I made the call, uh, they gave me the set appointment up, and it was pretty much like the same format. Took the test over the computer and had an interview with, with, uh, uh, the doctor.

[37:22]

Kevin Sherburne: Okay.

[37:22]

Michael Kim: Yeah.

[37:23]

Kevin Sherburne: So, in November of 2023, Dr. Dunnigan does his first evaluation of you, that evaluation. Was deems not suitable?

[37:33]

Michael Kim: Yes.

[37:33]

Kevin Sherburne: In February or March of 2024, he does a second evaluation. That evaluation was suitable. In between that time I heard you say that you had conversations with Dr. Dunnigan. Did you also have conversations with Paul Miyamoto?

[37:51]

Michael Kim: I, I, I, I, I think I did. I could have.

[37:54]

Kevin Sherburne: Okay.

[37:55]

Michael Kim: Because my, uh, my, my current boss I was working at, at, uh, uh, War Memorial, she knew that I was going to the Sheriff's Department, and she knew that, uh, she, she just got into that position. Okay. So, and she was, uh, uh, she didn't know me very well, but, uh, she knew of me because I was one of the

supervisors there. And so, uh, she knew I was going through the process of going to the Sheriff's Department, and she was, I was giving her feedback, you know, what my status was 'cause as a, as a super, as a -

[38:29]

Kevin Sherburne: Mm-hmm [affirmative].

[38:29]

Michael Kim: Managing director, you want to know who's, who's staying, who's leaving.

[38:31]

Kevin Sherburne: Mm-hmm [affirmative].

[38:32]

Michael Kim: So I gave her an update and I told her about the, uh, I think I told her about, uh, the, the, uh, uh, the evaluation because she was, she knew because of the, of the harassment claim that I was being charged with 'cause they sent me, uh, basically for almost a year, a year or so, about a year, less than a year that I was working from home because, uh, they, this female come in out sexually harassing her. And then they found out that there were all the investigation that all these other, uh, department, uh, like that wasn't our department. But, uh, tenants and, uh, course coming up and asking where I was 'cause no one knew where I was. I went to work and they escorted me out. That's never, that has never happened to me in my life. But because it was a sexual harassment claim. So, after the whole process, I had, I had people coming in my defense saying that Mike has never done any of this stuff. And Mike, and, and I've always, we've always seen Mike being professional at his work. He's never looked at people sideways, never tried to sexually harass anybody. So, she was well informed of that. And, uh, I, she was the first one, I guess as a department head, the investigation comes in, they let them know.

[39:55]

Kevin Sherburne: Mm-hmm [affirmative].

[39:56]

Michael Kim: So, she, you know, she came and, you know, I think, I think she called me 'cause and 'cause I would check in with her once a week. So, she called me and says, hey, you've been all exonerated.

[40:04]

Kevin Sherburne: Mm-hmm [affirmative].

[40:04]

Michael Kim: I'm like, great, thank you. 'Cause this is, and then she was like, I know how hard this was for you, but I'm like, yeah, 'cause I didn't do anything. I know things that I do and harassment and sexual harassment. I don't do any, I know the policy of the city. And that's, and I, and the thing is, I told, I, I teach kids and most of the girls that I, uh, I coach softball are from 10 to 17 year olds all the way from high school. And I coach girls softball. And I always try to empower them, you know, don't let any of these don't be a bully. Da da da da. All the stuff that I try to touch my kid.

[40:35]

Kevin Sherburne: Mm-hmm [affirmative].

[40:36]

Michael Kim: So that's what I had been doing. And my boss at the time, Kate, uh, Kate, so knew all of the stuff that I was going through. And I was going to the Sheriff's Department and she was helping me. And she was encouraging me. And I'm, I'm, and I think, uh, she was talking to Paul too 'cause they're two department heads.

[40:52]

Kevin Sherburne: Okay.

[40:52]

Michael Kim: They go to meetings all the time.

[40:53]

Kevin Sherburne: Yeah.

[40:53]

Michael Kim: So, she wanted to know what my status was. If I'm, what if, what, where am I at and how long do I have, does she have until they lose me to the Sheriff's Department.

[41:03]

Kevin Sherburne: Okay. Did you talk to Paul Miyamoto between November of 2023 and February 2024, about Dr. Dunnigan's evaluation of not suitable?

[41:14]

Michael Kim: Yes, I think I did.

[41:15]

Kevin Sherburne: Okay.

[41:16]

Michael Kim: And then I asked him, hey, can you write me a recommendation letter?

[41:18]

Kevin Sherburne: Okay.

[41:18]

Michael Kim: And, and he, and he wrote me a letter.

[41:20]

Kevin Sherburne: Would that have been in person, by phone, over email?

[41:23]

Michael Kim: Uh. Could, it could have been over by phone.

[41:26]

Kevin Sherburne: Okay.

[41:26]

Michael Kim: Yeah, because I, I, I don't, I didn't see him personally for like, I guess a while. The only time I saw him, him was, the last time I

saw him was, uh, probably when I got hired, when he, when we were, when he pinned the badge on me.

[41:41]

Kevin Sherburne: Okay.

[41:42]

Michael Kim: Where the, the, what they call the ceremony at City Hall.

[41:44]

Kevin Sherburne: Yeah. Um, how long after you asked him for a letter of recommendation, did you get this letter?

[41:50]

Michael Kim: Uh, I'm not sure what, uh, it could have been like a couple days or could be a week. I'm not sure.

[41:56]

Kevin Sherburne: Okay. I, I, I noticed that this letter is addressed to, to, to whom it may concern. And earlier you stated that it was written specifically for Dr. Dunnigan.

[42:06]

Michael Kim: Yeah.

[42:06]

Kevin Sherburne: Um, did you tell him this was for Dr. Dunnigan? I need a letter of recommendation for Dr. Dunnigan.

[42:13]

Michael Kim: Uh, I'm, I, I'm not sure if I, I'm not sure.

[42:17]

Kevin Sherburne: Okay.

[42:18]

Michael Kim: I could, it could, I could have, I'm not sure.

[42:19]

Kevin Sherburne: Okay. I also noticed that there's no signature on this letter. Did you, um, did you talk to him about, hey, I need a signature on this letter?

[42:27]

Michael Kim: You know what, I did not.

[42:29]

Kevin Sherburne: Okay.

[42:29]

Michael Kim: I, I asked him, he sent it to me in an email.

[42:31]

Kevin Sherburne: Okay.

[42:31]

Michael Kim: In a word, uh, Word document.

[42:33]

Kevin Sherburne: Okay.

[42:34]

Michael Kim: And then I printed that out and I actually, uh, I, I think I've, yeah. With, with Dr. Dunnigan, I just, uh, took a copy of it and forwarded it to him.

[42:43]

Kevin Sherburne: Okay. So, you didn't forward Paul Miyamoto's email to you, to Dr. Dunnigan. You drafted a new email, started a new thread, and sent that to Dr. Dunnigan attaching this letter?

[42:55]

Michael Kim: I, yeah, I think so.

[42:56]

Kevin Sherburne: Okay.

[42:56]

Kevin Sherburne: Yeah.

[42:57]

Kevin Sherburne: Okay. Did you talk to, uh, talk to, uh, Paul Miyamoto about the fact this was not on Sheriff's letterhead?

[43:04]

Michael Kim: You know what I, at, I think at the time I did not, I did not, uh, ask him about all that stuff.

[43:09]

Kevin Sherburne: Okay.

[43:10]

Michael Kim: Uh, you know, I, I asked him for a letter. He gave me a letter. I sent it over to Dr. Dunnigan.

[43:15]

Kevin Sherburne: Okay.

[43:16]

Michael Kim: And, and then the Dr. Dunnigan, I, uh, uh, that's, that's question. I think he raised that question too with me.

[43:24]

Kevin Sherburne: Okay.

[43:24]

Michael Kim: About, hey, this is, you know, not a letterhead it's not signed. And he said, did you write it? I'm like, I'm going through the whole process and this whole, and why would I write my own letter?

[43:34]

Kevin Sherburne: Okay.

[43:34]

Michael Kim: So, he says, I'll call, I'll call the Sheriff.

[43:37]

Kevin Sherburne: Do you know if he called him?

[43:38]

Michael Kim: Uh, I'm not sure. I'm not sure if he did or not.

[43:41]

Kevin Sherburne: Okay.

[43:42]

Michael Kim: But he told me he was gonna call the Sheriff to authenticate the -

[43:45]

Kevin Sherburne: Okay.

[43:46]

Michael Kim: The, uh, letter. And I'm like, yeah, please do. He's got his numbers there. Please give him a call.

[43:51]

Kevin Sherburne: Okay.

[43:51]

Michael Kim: Because I'm like, why would I write a, if I'm going through the process, and if I write something with the, with the Sheriff's name on it or, you know, recommendation letter, why would I do that? If I did, I would, I, I wouldn't even be working here.

[44:04]

Kevin Sherburne: Yeah.

[44:04]

Michael Kim: Because they'll, they'll investigate. They'll find out that if he did or didn't, it was a very simple question. He did, he wrote the letter, or he didn't write the letter. And so, uh, he told me that he was gonna call them.

[44:15]

Kevin Sherburne: Okay. Do you recognize that cell number as his work cell or his personal cell?

[44:21]

Michael Kim: Uh, you know what? I don't know. I, if I, you know, I could check my phone. I don't remember phone numbers anymore.

[44:27]

Kevin Sherburne: Uh.

[44:27]

Michael Kim: So.

[44:27]

Kevin Sherburne: Yeah, would you please take a minute?

[44:29]

Marie Masters: Yeah.

[44:29]

Michael Kim: Because usually an eight five zero is a department phone.

[44:32]

Kevin Sherburne: Okay.

[44:33]

Michael Kim: But.

[44:43]

Marie Masters: Do you have the email showing from, um, showing that Sheriff Miyamoto sent you this?

[44:49]

Michael Kim: Yes, I do. I do.

[44:51]

Marie Masters: Is it contained an electronic attachment of the Word document?

[44:54]

Michael Kim: Yes. It's, this is the Word document that came out. Five eight two four. Yes. This is his cell phone number. Uh, work cell number.

[45:13]

Kevin Sherburne: Work cell. So I, I understood you to answer Ms. Masters's questions, which were gonna be my questions. Do, do you still have that email? Um, would you be able to provide that to us either through counsel or directly?

[45:25]

Michael Kim: Yes. I think my counsel has a copy of that email.

[45:28]

Kevin Sherburne: Okay. Okay.

[45:29]

Michael Kim: Or the email thread.

[45:30]

Kevin Sherburne: Okay.

[45:31]

Marie Masters: And then I can forward you the actual electronic copy. So you can see that the metadata shows.

[45:34]

Kevin Sherburne: Okay.

[45:34]

Marie Masters: That it was all author [inaudible].

[45:47]

Kevin Sherburne: Do you have an, the email that you sent to Dr. Dunnigan with the letter?

[45:52]

Michael Kim: Yeah, I, I, I, I, I think so. She should.

[45:55]

Kevin Sherburne: Okay. Uh, if, if you don't already have that, um.

[45:58]

Marie Masters: No.

[45:58]

Kevin Sherburne: Marie, could we get a copy? Could, could, could I ask for your client to give that to you and send it to us?

[46:03]

Marie Masters: Yes.

[46:03]

Kevin Sherburne: Please. Thanks. Um, did Paul Miyamoto tell you what he was gonna do with respect to the status of your background application in between that timeframe of November 2023 and February of 2024?

[46:21]

Marie Masters: No.

[46:21]

Kevin Sherburne: Okay. The reason I'm asking that is because you got a rejection letter on November 30, 2023. So technically the application is done, like there's no, no more to do with it from the sheriff's office perspective, or were you aware of anything that they were working on in between that rejection based upon Dr. Dunnigan's non suitability finding and then your second evaluation with him?

[46:47]

Michael Kim: I have.

[46:48]

Kevin Sherburne: Not aware.

[46:49]

Michael Kim: I have no idea. I don't know how that's like their background and their process over there. I don't know.

[46:54]

Kevin Sherburne: Okay. In Dr. Dunnigan's report, which I'll, I'll give you a copy of, and I think your counsel had already has a copy of this. Oh, and I, I found my original letter that I was looking for, and it was -

[47:08]

Michael Kim: Uh, should have brought my reading glasses.

[47:10]

Kevin Sherburne: Attached to that. Um, you can borrow mine if you want.

[47:13]

Michael Kim: [laugh] Um, thanks.

[47:14]

Kevin Sherburne: He says in his report, um, he had, quote, no concerns at this time of bringing him back as a member of the sheriff's office. The, SO, and that the Sheriff's Office was aware of the conviction for contempt, quote, and still were interested in having him come back to work for the department. And then, uh, further, quote, he and the department feel it would be appropriate for him to again, apply. They were comfortable with him coming back and working there. So, other than your conversations with Paul Miyamoto, who within the chain of command at Sheriff's Office, did you have conversations with who had a say in the hiring process?

[47:56]

Michael Kim: I think the person has a say, and it usually everything goes with, with the, with the Sheriff.

[48:00]

Kevin Sherburne: Okay.

[48:01]

Michael Kim: Whatever he says, it goes.

[48:02]

Kevin Sherburne: Okay.

[48:03]

Michael Kim: I'm sorry. Here you go.

[48:04]

Kevin Sherburne: Uh, thank you.

[48:05]

Michael Kim: Yeah.

[48:08]

Kevin Sherburne: So, when Dr. Dunnigan says, you said that you had conversations with chain of command, would it, uh, was the only person in the chain of command that you had conversations with? Um, uh, Paul Miyamoto?

[48:22]

Michael Kim: I talked, yeah, I talked to Paul.

[48:23]

Kevin Sherburne: Okay.

[48:24]

Michael Kim: I talked, I talked to, uh, Kevin. I talked to, uh, uh, Luke Quinn, and all those guys were, you know, I talked to them.

[48:32]

Kevin Sherburne: Okay.

[48:32]

Michael Kim: And, and usually the person that has the most say in it, I mean, it's, it's the, the Sheriff. The Sheriff will say he, who he hire who doesn't hire. Right. So when I, uh, uh, I think I, I talked to Ron

too. Ron was usually the person I always talk to as a friend of mine.

[48:49]

Kevin Sherburne: Okay.

[48:49]

Michael Kim: So, I always talk to him. And so they're like, you know, Ron doesn't have a say who hires who gets hired or not. He just says, hey, you know what, if you want to come, you can get hired, Mike. You know?

[48:58]

Kevin Sherburne: Okay.

[48:59]

Michael Kim: You know, as long as you go through the process. Uh, I talked to Paul about it. I said, and he says, yeah, I don't have problem. As the letter says here, he doesn't have a problem with me coming back. He knows my, he knows my history. He knows, uh, uh, uh, I guess we worked together for almost like 20 something years together. He knows my family, he knows me well. He knows my character.

[49:21]

Kevin Sherburne: Okay.

[49:21]

Michael Kim: So, he was like, hey, if you know, if, if you, uh, you know, if you go through the whole process, we're, if you we're not gonna expedite anything for you, you gotta go through like everybody else that comes to the hiring process. So.

[49:35]

Kevin Sherburne: Okay. Earlier you said that Dr. Dunnigan had told you that you would've passed except for the fact that there was a pending investigation that was outside of the POST requirements. But in Dr. Dunnigan's report, he says he very likely would not have considered you suitable except for the fact of this letter from

Paul Miyamoto. Those two things don't seem to square. How would you reconcile those two things?

[50:06]

Michael Kim: He never said that to me on that part. He, this is what he said to me. This what he said to me.

[50:11]

Kevin Sherburne: Okay.

[50:11]

Michael Kim: He told me, hey, you know, you, uh, passed all the, uh, the testing requirements.

[50:18]

Kevin Sherburne: Okay.

[50:19]

Michael Kim: And the only thing I can't pass you with is because you have a pending investigation. That's what he told me. I'm not sure what he, maybe he would've, whatever. He was different than what he told me.

[50:31]

Kevin Sherburne: Okay.

[50:32]

Michael Kim: And if I knew that, I would've said, then, why would you then, don't recommend me. Don't, hi – don't hire me.

[50:36]

Kevin Sherburne: Right.

[50:37]

Michael Kim: And I could be still working at the War Memorial.

[50:40]

Kevin Sherburne: Okay.

[50:40]

Michael Kim: It's a city job, but that's not what he told me.

[10:31 AM / 50:43]

Kevin Sherburne: Okay. H – how do you spell your daughter's name? Your first first name?

[50:49]

Michael Kim: Name. Name .

[50:51]

Kevin Sherburne: Okay. How's it spelled in this letter?

[50:53]

Michael Kim: Uh.

[50:56]

Kevin Sherburne: Do you need my glasses, then?

[50:58]

Michael Kim: No, ICIC. Uh, Name . My, my daugh -

[51:02]

Kevin Sherburne: That, is the letter spelled correctly? The, the, the, is the spelling of the name in the letter correct?

[51:09]

Michael Kim: The, it's, that's, that's a common spelling for Name .

[51:12]

Kevin Sherburne: Okay.

[51:12]

Michael Kim: But my, my daughter has a different name.

[51:15]

Kevin Sherburne: A different spell -

[51:15]

Michael Kim: A it's [redacted], my wife thought that was unique.

[51:17]

Kevin Sherburne: Okay.

[51:18]

Michael Kim: So.

[51:18]

Marie Masters: And I'd just like to ask if, um, this interview is released anywhere that her name would be redacted?

[51:26]

Kevin Sherburne: Absolutely. We do that as a matter of routine and pursuant to law. So, yes. How did you hear that Dr. Dunnigan gave you a suitable finding? The second, the, the, when he finally did the suitable?

[51:41]

Michael Kim: He told me.

[51:42]

Kevin Sherburne: He told you? Okay.

[51:43]

Michael Kim: Yeah. When, when the interview was over, he told me.

[51:46]

Kevin Sherburne: Oh, right then and there.

[51:47]

Michael Kim: Yeah.

[51:47]

Kevin Sherburne: Okay.

[51:50]

Michael Kim: And he says, I think he told me that he would send that over to, uh, uh, the backgrounds investigator once we're done with the interview.

[51:58]

Kevin Sherburne: Okay.

[52:00]

Kevin Sherburne: After you talked to Dr. Dunnigan and heard the, the suitability finding, did you have any conversations with Paul Miyamoto? Did you call him? Did he call you?

[52:13]

Michael Kim: Uh. You know what, I'm not, I'm not sure.

[52:15]

Kevin Sherburne: Okay.

[52:15]

Michael Kim: I, I, I could have said, hey, I passed. But I know, I, I think I also let, uh, my, uh, my supervisor or my, the direct, uh, managing director.

[52:27]

Kevin Sherburne: Yeah.

[52:27]

Michael Kim: Of, uh, of my job, Kate's office. I might have texted. I'm not sure.

[52:31]

Kevin Sherburne: Okay.

[52:32]

Michael Kim: There's a lot of things I'm not sure about on that. I -

[52:37]

Kevin Sherburne: What conversations have you had with Paul Miyamoto about the serious misconduct investigation?

[52:45]

Michael Kim: Well, uh, I don't think I had like a, like a sit down. Like, like, hey Paul, this is what happened. Uh, like a full in depth. I think he, uh, knew from, uh, uh, he probably got more information from the feds or people, or other law enforcement agents that talked to him. I and from, uh, uh, probably was who would hear on the news and stuff like that.

[53:09]

Kevin Sherburne: Okay.

[53:10]

Michael Kim: But I, I don't think I ever sat down with him and said, hey, you know, this is exactly what happened. You know, I said, I, I made, I made a mistake. I, I messed up.

[53:20]

Kevin Sherburne: Okay.

[53:20]

Michael Kim: You know.

[53:21]

Kevin Sherburne: So, um, I, I guess I'm not talking about the FBI investigation. I'm talking about POST's investigation. So, at some point POST sent you a letter saying, oh, hey, you, you're under investigation for serious misconduct, the licensing aspect of it.

[53:33]

Michael Kim: Oh, okay. [Sneeze from Marie Masters]

[53:34]

Kevin Sherburne: God bless you.

[53:34]

Marie Masters: Thank you.

[53:35]

Kevin Sherburne: The licensing aspect of it, did you talk to him at any point at about that?

[53:41]

Michael Kim: It was, uh, it was a, I think it was very brief 'cause they, they, I guess the undersheriff called me. Because I guess they were notified that I was, that, that you guys are going to decert me or trying to.

[53:58]

Kevin Sherburne: Okay.

[53:59]

Michael Kim: So, uh, I, I, I did, uh, had, let's see, I did have a, a conversation with him in his office with, uh, with, with, uh, Sergeant Perez was in there too. He was, uh, uh, personnel manager.

[54:17]

Kevin Sherburne: Okay.

[54:18]

Michael Kim: So, we did have a conversation, uh, of, uh, not, not, not about the POST stuff. Uh, I think the conversation was that, what, I mean, what can I do? Like if, if you guys, you know, decide to take my POST away.

[54:34]

Kevin Sherburne: Okay.

[54:34]

Michael Kim: It's like, uh, am I gonna retire? Am I, am I gonna, like, I could surrender my, surrender my POST. And so we, we, I think there was a discussion on that, uh, what's gonna, what would happen.

[54:46]

Kevin Sherburne: Okay.

[54:47]

Michael Kim: And the other thing was that, uh, the publicity of it, if it goes in public record publicity, and I, and I told Paul, and I told the, the Sergeant that everything's out in the open. I mean, everything that's there that I've, that I've done, it's most people reading from the newspaper, they never, you know, people, people don't know, really know what happened, just what the newspaper says. And that was it.

[55:10]

Kevin Sherburne: Okay. When was this conversation approximately?

[55:14]

Michael Kim: Uh, it was within the last, uh, I think last couple of months, I think. But I, I, I could, yeah. I'm not really sure. I can check my calendar.

[55:26]

Kevin Sherburne: Would – would you please?

[55:27]

Michael Kim: Yeah.

[55:27]

Kevin Sherburne: March.

[55:27]

Michael Kim: In May? [inaudible].

[56:40]

Michael Kim: Should be May. Should be May.

[56:48]

Michael Kim: Oh, it was, uh, May 13th.

[57:01]

Kevin Sherburne: Okay. Did you give them a copy of the POST investigative summary and findings?

[57:15]

Michael Kim: No, I think you guys sent, you guys sent him a copy, whatever that you guys sent to him. I did not.

[57:22]

Kevin Sherburne: Okay.

[57:22]

Michael Kim: I didn't give him a copy.

[57:23]

Kevin Sherburne: Okay.

[57:23]

Michael Kim: I asked, I think I asked him, do you have a copy? They should have sent you one. And I think it might have been just, uh, uh, whatever, I, I don't know, a letter.

[57:30]

Kevin Sherburne: Okay. Okay. Um, when you talked about your friend Ron, um, I think you had mentioned his last name was Chu. I just want to confirm that I heard that correct?

[57:42]

Michael Kim: Yes.

[57:42]

Kevin Sherburne: How do you spell that?

[57:43]

Michael Kim: C-H-U.

[57:45]

Kevin Sherburne: C. Okay.

[57:45]

Michael Kim: C-H-U.

[57:46]

Kevin Sherburne: Okay. And, um, you know, I think, I don't, I don't have any other questions for you now, Mr. Kim, at this point, it's 11:29. If, um, if you have a statement, if you want to take a brief break and confer with counsel to make an, an informed decision about whether to make a statement on your own, or Marie, if you want to, you can continue. Or if you want to take a five minute break, we can take a break.

[58:12]

Marie Masters: Um, if it's okay, I'll just ask my follow up questions and maybe take a break.

[58:16]

Kevin Sherburne: That's fine.

[58:17]

Marie Masters: Okay. Uh, let's see. Um, so I think earlier we discussed that there were two FBI interviews, and I think you said 2020, uh, 2014. Is that correct?

[58:38]

Michael Kim: Yes.

[58:38]

Marie Masters: Okay. Um, what was the purpose of the second one, at least on, on your part?

[58:46]

Michael Kim: The second invest? The second interview was, we initiated the, uh, the interview and, um, for me, uh, after the, after I spoke with, uh, the feds the first time, and then when I got home, it, I felt like really, uh, I felt bad. It was like, you know, I shouldn't have, you know, it, uh, lied to them of the investigation. So, uh, I got, uh, talked, called my union, got the attorneys, and then we tried to go in there and correct my mistakes. I made a mistake and we're gonna correct it and go in there and, and let them know that, you know, what I did was wrong and we're gonna, you know, go and correct everything that I did and go and tell the truth of what happened. And that's why, uh, I guess, uh, we're trying to, uh, schedule a, a meeting with them and it took a while and, uh, 'cause they were, I think, busy with other cases

that went on. So, we went in there and I went and talked to them.

[59:48]

Marie Masters: Um, was that decision to come forward part of a plea deal?

[59:52]

Michael Kim: No. And the feds never gave me a plea deal. And, uh, uh, I mean, the feds would've went and gave me pretty much, uh, well, a felony for everything. They don't use, they don't make deals. And I didn't go there and make a deal. They, I went there early and admitted what I did and cooperated with, with the feds, and they, and they gave me a, a, a misdemeanor contempt of court.

[01:00:25]

Marie Masters: Let's see. Earlier, um, I think there was mention of an investigation at the job that you worked between resigning, um, from the Sheriff's Office and being re-employed at the Sheriff's Office. Now, um, there, do you know what the outcome was or the findings were of that investigation?

[01:00:43]

Michael Kim: Uh, when I worked at War Memorial?

[01:00:45]

Marie Masters: Mm-hmm [affirmative].

[01:00:46]

Michael Kim: Yeah, it was, uh, the finding was that I was not, uh, uh, I was exonerated. I didn't do make, I didn't make all those claims that she's doing. Uh, the person, the female that made the claim, I think she was terminated. And then her, the boss, which is my security boss, his name's Omar Castillo, he was the boss, and he did not like me from the get go. And he's been trying to get rid of me for a long time. And so he, he fabricated all these, uh, uh, you know, misinformation, lies about me. And, uh, he tried to get other people to be involved in those, uh, lies that he made statements about. So, when the, when the new management director came in, which is his boss, they, he, they found out that this guy actually, he wasn't telling the truth. He was lying. So he was, I think he was also, uh, let go. And to find out that later

when the fe -, when the female was released, she went and told another supervisor that I, she was only here for one reason, and one reason was to come after me. And that, that she was, she also told, uh, the other supervisor that she was Omar's cousin, which nobody knew. So, uh, after she was let go, I guess the other information came out, but I was not in the office. So, I think the managing director knew all that information coming through.

[01:02:15]

Marie Masters: Um, the charge that we discussed earlier for contempt of court, was that a felony or misdemeanor?

[01:02:21]

Michael Kim: It was a misdemeanor contempt of court.

[01:02:30]

Marie Masters: Um, earlier you talked about, um, how you, there were occasions when you went to a, like a casino with, with Andy Li or, you know, similar places. Um, can you give us kind of an estimate of how old you were at the time, or like what years this was taking place? Just kind of a little, little context there.

[01:02:50]

Michael Kim: It's, it's, it's going to be like, like, like end of my end of high school or like, like within the first one or two years of our [inaudible], 19 and 20, 18, 19 or 20?

[01:03:04]

Marie Masters: Um, would it be fair to say that someone in their late teens is a bit more naive than someone who sits as you are now?

[01:03:13]

Michael Kim: Yes. I did. Like, most of the time I worked at my parents' restaurant. I played sports, played football, baseball, uh, swam. And 90% of the time I was at my parents' restaurant working. And then some days I would get out, be able to go out.

[01:03:27]

Marie Masters: Okay. Um, that's all I have.

[01:03:30]

Kevin Sherburne: Can, can I follow up on, so we, we heard the word exonerated at the mem - War Memorial, and I know that under, um, uh, police or sheriff's office rules for internal affairs, there is also the term exonerated as a finding, a possible finding from an IA, internal affairs investigation. Was that finding of exonerated at the War Memorial the same definition as what, what we would commonly understand in the police world?

[01:03:55]

Michael Kim: I think so.

[01:03:56]

Kevin Sherburne: Okay.

[01:03:56]

Michael Kim: I think that this, 'cause this didn't come from the War Memorial, it came from Department of Human Resources. They're like the big, the big HR over, over, overall.

[01:04:04]

Kevin Sherburne: Okay.

[01:04:04]

Michael Kim: Overall, the whole city.

[01:04:05]

Kevin Sherburne: The whole city.

[01:04:06]

Michael Kim: So, they have an investigator, they do their investigation.

[01:04:08]

Kevin Sherburne: Okay.

[01:04:09]

Michael Kim: And they found six months for them to do investigation. And they said that there was, you know, the claims were, it was false claims.

[01:04:17]

Kevin Sherburne: Right.

[01:04:18]

Michael Kim: And so.

[01:04:19]

Kevin Sherburne: Okay.

[01:04:19]

Michael Kim: When they interviewed, I think pretty much most of the security people and also all other people that came forward, uh, that went talked to the, uh, my boss or managing director.

[01:04:30]

Kevin Sherburne: Okay.

[01:04:30]

Marie Masters: We can try and get a copy of that to ensure we're not confusing exonerated with unfounded.

[01:04:38]

Kevin Sherburne: That's what I, that's what I'm -

[01:04:40]

Marie Masters: Yeah.

[01:04:40]

Kevin Sherburne: That's what I was -

[01:04:40]

Marie Masters: So let me. Um.

[01:04:41]

Kevin Sherburne: Um, interested in. Thank you.

[01:04:42]

Marie Masters: Yeah, I'll see about getting a copy of that.

[01:04:44]

Kevin Sherburne: Okay. Thank you. Um, and, and your counsel had asked you about the second interview, the December 20, 20, 2014 interview with the FBI. And I heard you say that it was on your, on your, um, initiation, um, that the FBI's FD 302 states that it was part of a proffer. Um, uh, is that your understanding of the context of purpose of that interview?

[01:05:08]

Michael Kim: I don't know what a proffer is.

[01:05:09]

Kevin Sherburne: Okay. So let me, if you just bear with me a minute. So I'm looking at the FD 302, which is the FBI, and I think we provided this to you as part of the attachments. In, in, in the first paragraph, it says, prior to beginning the interview, Franson, who's the US? AUSA, the prosecutor. McDougall, who was your private investigator and -

[01:05:48]

Michael Kim: It was attorney. It was attorney.

[01:05:50]

Kevin Sherburne: Uh, attorney. I'm sorry. I'm sorry. So, there was Franson, Jim McDougall and Michael Kim reviewed the proffer agreement and signed it after being advised of the identity of the FBI agents. Then, then it contains that. So this, this is what I'm talking about Marie. Um, in terms of the, the purpose of that interview, um, I'm formulating a question, so, um, bear with me. Uh, so, um, the wa - was the purpose of that interview to engage in negotiations about whether or not you would plead guilty to a misdemeanor?

[01:06:32]

Michael Kim: I still don't know what a proffer is.

[01:06:34]

Kevin Sherburne: Okay.

[01:06:34]

Michael Kim: But, so I -

[01:06:35]

Kevin Sherburne: Right. But aside from that.

[01:06:36]

Michael Kim: But I, I went, I talked to the, my attorney and told me to sign it. I signed it.

[01:06:42]

Kevin Sherburne: Okay.

[01:06:42]

Michael Kim: And, um, uh, when we went in, I'm not sure, uh, I'm not sure if we went in what he, what he, when my attorney talked to the, the AUSA about.

[01:06:51]

Kevin Sherburne: Yeah.

[01:06:51]

Michael Kim: But when I talked to my attorney, he was like, hey, we're gonna go in and I'm gonna, hey, you know, this is what, what I did. I, I feel, I, I don't feel right.

[01:07:00]

Kevin Sherburne: Okay.

[01:07:00]

Michael Kim: So, got the attorney and then we went in and I said, hey, let's, let's go talk to them. And well, I don't know what was on the table.

[01:07:06]

Kevin Sherburne: Okay.

[01:07:07]

Michael Kim: I, I don't know. But I went, I took the advice of my attorney and went in, and then this is what happened.

[01:07:14]

Kevin Sherburne: And at some point after this, this is December 2014, at some point you stood up in court with your lawyer there and you said, I plead guilty.

[01:07:22]

Michael Kim: Yes. That was, I think 2018 or so. That's -

[01:07:28]

Kevin Sherburne: So, four years later?

[01:07:30]

Michael Kim: Yeah, I think.

[01:07:30]

Kevin Sherburne: Okay.

[01:07:31]

Michael Kim: Whatever, whatever it was 'cause they wanted me, uh, I was, uh, uh, they, they, the, the FBI wanted to, wanted me to, uh, uh, what was it? Uh, uh, more information? Uh, I think so they were still going through the cases. So, uh, I think what, I'm not sure what my attorney told me this, or they were trying to get the Andy and Chow and all those guys, they were, they wanted to get them first before they got me.

[01:07:54]

Kevin Sherburne: Okay.

[01:07:55]

Michael Kim: So, I think that's why it took so long. And if you look at, I, I'm not sure if you got the FBI paperwork 'cause my court, my, uh, documents were sealed or under sealed.

[10:48 AM / 01:08:05]

Kevin Sherburne: Mm-hmm [affirmative].

[01:08:06]

Michael Kim: Okay. And, uh, so with, with, uh, with my doc, with my paper, I never asked my documents or court things to be sealed. I guess the AUSA sealed it 'cause they're trying, and they said from what, what they were telling me was 'cause because I helped the feds out or cooperated with them, that, uh, Andy was, uh, uh, testified in court, uh, in open court and I guess testified against him. And they did, uh, uh, I guess, uh, they helped the case out. I, I'm not sure 'cause I, all the stuff that I got the paper from, I didn't even know, like he did half the stuff, what he was saying. I, that's the first time me reading all that. I didn't read the newspapers. Uh, well, I, I'm sorry. I read some of the newspapers.

[01:08:51]

Kevin Sherburne: Mm-hmm [affirmative].

[01:08:52]

Michael Kim: That came out. But I did not know that he was doing all that stuff in the court. What the court document says, I was like shocked my, when I read it, when you, when you guys gave me the paperwork or when my attorney gave me the paperwork.

[01:09:02]

Kevin Sherburne: Okay.

[01:09:02]

Michael Kim: I didn't know he was doing half the stuff he was doing.

[01:09:06]

Kevin Sherburne: I don't have any other questions. Carrie, do you have any?

[01:09:09]

Carrie Woolley: Um, so when you were sentenced back in 2018, your attorney filed a sentencing memorandum. Do you remember him filing a sentencing memorandum?

[01:09:19]

Michael Kim: Yes. I, I think he gave me, I, I got copies of it too.

[01:09:22]

Carrie Woolley: So, part of that sentencing memorandum, he made a statement in there that said that you had resigned from the Sheriff's Office and that you had no intention of returning to law enforcement. Do you remember him making that statement in the sentencing memorandum?

[01:09:35]

Michael Kim: I read it, yes.

[01:09:36]

Carrie Woolley: Okay. Um, did he make that, that statement in the sentencing memorandum with your knowledge and consent?

[01:09:42]

Michael Kim: I'm not sure what I, what what, what we agreed on was that I was gonna resign from the Sheriff's Department. I was gonna resign 'cause I didn't want – the Sheriff's Department's always been good to me.

[01:09:51]

Carrie Woolley: Mm-hmm [affirmative].

[01:09:52]

Michael Kim: When I was, when I was working there, I, I didn't have, I, I wasn't, didn't have the issues. I was one of the, I was one of the rising stars in the Sheriff's Department. I did what I was supposed to do. I did my job.

[01:10:01]

Carrie Woolley: Right.

[01:10:01]

Michael Kim: And everyone there, like Michael Hennessy was great. He hired me, you know, I, and he promoted me. I had nothing bad for the Sheriff's Department. And I, and when my incident came out, I

didn't want that publicity to go for the Sheriff's Department. I mean, that's just, that's just me.

[01:10:19]

Carrie Woolley: Yeah.

[01:10:19]

Michael Kim: You know, some people stay and they'll fight all the way through all the bad publicity. I did not want that. I, uh, at that time I talked to, uh, uh, I, I think it was Vicki Hennessy. I, I spoke with her and more like an exit interview.

[01:10:32]

Carrie Woolley: Mm-hmm [affirmative].

[01:10:33]

Michael Kim: When I resigned. So, I talked, this is -

[01:10:35]

Carrie Woolley: Sure.

[01:10:35]

Michael Kim: The process. I talked with, uh, my attorney and I'm, I told him I don't want bad publicity 'cause I know what publicity does to the department. And I said, I, you know, it's like, hey, 'cause this, this is one of the biggest cases this, the, in, uh, federal court. Because when, when the, even when the feds spoke with me, they told me that this, the reason that we're coming after you is because this is an Asian senator.

[01:10:59]

Carrie Woolley: Mm-hmm [affirmative].

[01:10:59]

Michael Kim: It was, uh -

[01:11:00]

Carrie Woolley: Yeah, I remember Leland Yee. Mm-hmm [affirmative].

[01:11:02]

Michael Kim: Yeah. It was the Asian senator, was Asian gangsters and an Asian cop. Because of that, this is the big news. So, we're going to come after you.

[01:11:12]

Carrie Woolley: Yeah.

[01:11:12]

Michael Kim: And we're gonna give you the, uh, uh, you know, throw the book at you and we're gonna make an example outta you. And when I, when the feds were talking to me, and they, before the recordings went on, they, you know, they told me that this would, if you, uh, were just, just a regular person or regular, uh, police officer doing regular stuff without this big case, you, it would usually have been a slap on the ritual, a couple of suspension days, and you would've been done. But this is a big case. And because it's a big case, it's, it's, it's newsworthy. We, they're, they come after you and I'm like, I, you know, I made a mistake. I will take all the consequence that comes with it. And, and I left the department.

[01:11:53]

Carrie Woolley: Do you recall during your - were you present during your sentencing hearing?

[01:11:56]

Michael Kim: Yes.

[01:11:57]

Carrie Woolley: Do you recall if the judge asked you about that statement about not returning to law enforcement?

[01:12:02]

Michael Kim: I, I'm not sure.

[01:12:03]

Carrie Woolley: Okay. It's been, it's been a while. So, I -

[01:12:05]

Michael Kim: It's, it's been, yeah. I, I tried to like, put that behind me. [laugh]

[01:12:08]

Carrie Woolley: Right. Yeah.

[01:12:09]

Michael Kim: But, you know.

[01:12:10]

Carrie Woolley: That makes sense.

[01:12:10]

Michael Kim: Trying to move forward. But yeah, I, like I said, I know I, I made a mistake and, and I take full responsibility of everything I've done. And the people that know me in my department, the people that knows outside of me, I take responsibility. Things that I do. And I, and I, and I take full responsibility. Even when I went to the next job interview, they weren't gonna, hi, I, I don't think they were gonna hire me. 'cause they were like, hey, you know, we want to know if you're really gonna tell the truth about what happened to you. And I did. I told 'em, hey, I made a mistake, uh, uh, and now I'm paying the consequence for it. And I lost the, the best job I had in my life.

[01:12:45]

Carrie Woolley: Mm-hmm [affirmative].

[01:12:46]

Michael Kim: Okay. And that's why the previous, my other job is, uh, at War Memorial , they hired me. They're like, we knew, we knew, we read about all your, uh, we read, everyone read about it. So be with that. They want to know if I was gonna be honest with them and truthful about why I left the Sheriff's Department. Not just because I resigned and why, what, what was behind you resigning. So, I let them know, and I was charged with, you know, contempt of court. And so, they're like, okay. And after they hired me, my boss told me that he's no longer, he, he passed away. He had stage four cancer, died within six months.

[01:13:19]

Carrie Woolley: That's sad.

[01:13:20]

Michael Kim: Yeah. And he told me, yeah, I was waiting for you to say that. If you didn't say it, we weren't gonna hire you.

[01:13:26]

Carrie Woolley: Mm-hmm [affirmative].

[01:13:27]

Michael Kim: And so I was, I was, I was always being honest with that.

[01:13:30]

Carrie Woolley: It - so were you already working back with the city in your security position at that point? In December of 2018?

[01:13:37]

Michael Kim: Yes. I, I -

[01:13:37]

Carrie Woolley: Think it's December or October 2018 [inaudible].

[01:13:40]

Michael Kim: I got hired in 2016.

[01:13:42]

Carrie Woolley: Okay.

[01:13:43]

Michael Kim: So.

[01:13:43]

Carrie Woolley: And is in the - 'cause San Francisco's a charter city and county, is that a public safety position? Like, are you within the same retirement benefits or is it still in your retirement? I'm not sure if you guys are a 1937 Act county or PERS?

[01:13:59]

Michael Kim: So -

[01:13:59]

Carrie Woolley: So, you still have public safety retirement? Or is it a different type of retirement?

[01:14:03]

Michael Kim: It was, it was, it was, uh, SF first. It's a San Francisco.

[01:14:06]

Carrie Woolley: Okay.

[01:14:06]

Michael Kim: It's so not, not, not PERS.

[01:14:09]

Carrie Woolley: Okay. So you have your own retirement system. Okay.

[01:14:11]

Michael Kim: Yes.

[01:14:12]

Carrie Woolley: But are you still public safety when you're security or are you not?

[01:14:14]

Michael Kim: No, it's, it's under miscellaneous.

[01:14:16]

Carrie Woolley: Okay. That makes sense.

[01:14:18]

Michael Kim: So yeah, I, I was working with, I was working there.

[01:14:22]

Carrie Woolley: Okay. I think that's all the questions I had for you.

[01:14:24]

Kevin Sherburne: Did you still want to, Thank you. Did you still want to take a little brief break?

[01:14:28]

Marie Masters: Yeah, I'll take a quick break.

[01:14:29]

Kevin Sherburne: Okay. I'm gonna turn off the recorder.

[01:14:31]

Marie Masters: Okay.

[01:14:31]

Kevin Sherburne: Uh, we're, I'm, I'm recording. So, we, we, uh, broke at 11:46, uh, and now it's 11:54. Um, uh, at, at your request, Marie, I wanted to give you a chance to confer with your client. And, and so we just, uh, now's the opportunity for either of you or one of you to give us, uh, any information that you think might, uh, be helpful to the case.

[01:14:55]

Michael Kim: Okay. Well, uh, I just, I just wanna say that I know I made a mistake.

[01:15:01]

Kevin Sherburne: Mm-hmm [affirmative].

[01:15:01]

Michael Kim: Uh, I, you know, I worked in the Sheriff's Department. I was a good employee. You know, I've never, I mean, the thing mistakes, I, I, I made a mistake. I'm living with the mistake I did. And I know, like, I read what you wrote, you know, think that, you know, you think that I was lying through the investigation or lying through, uh, this whole process of, uh, uh, getting hired here. But I just wanna let you know, I, I, besides the fact that I made that mistake, I haven't lied to anybody. I haven't lied to the department. Uh, my, my record has been clean. Uh, the depart, the, the background investigators, I told 'em everything that, uh,

I was truthful with them. 'cause you not gonna lie to a background investigator.

[01:15:48]

Michael Kim: They, uh, they know of me. Some of them know me. And, uh, I, I try to live my life the best I can. And, and, you know, and, and again, I never, uh, besides that one incident that happened in my whole career, I've never lied to anybody else. I never lied to the staff, never lied to my chief, uh, Matt Freeman. Uh, my character has always been, you know, people know me. Department is, I've, I'm always been straightforward. I tell the people what I need, I tell the truth. And, and this one mistake is, you know, uh, like I said, I love my job. You know, I hope, uh, through this, uh, process that, you know, I, I get a fair shot. And, uh, it's not what the newspaper says. And, and I appreciate you doing the investigation and talking to people. And some of, I mean, some of the people that you talked to, I, I read, I read your, uh, report and with, uh, with the lieutenant that works, Lieutenant, uh, Tiffany Martin, I, I'm not even sure if she knows what half the stuff that that happened between me.

[01:16:52]

Michael Kim: But, um, and the process of how the department works, I'm not sure if she knows that, 'cause as, as she starts saying that she had, they, they all had inputs in it. Most of the time. What I know how the department works is that there, there's no input. You just do a file and you send it to the, uh, chain of command. And I'm not sure if she, uh, know anything about she knows me at all. Okay. And the other thing is that, um, I ha - I guess we're going to, I'm gonna give you the sealed document, uh, of the, the sealed document on my court minutes. And I went, you know, I I'm not, I don't think you had this document. And I'm all, and I talked to my counsel and I'm like, I don't have anything to hide. And throughout, you know, like everyone knows what happens in the papers and there's some people that knows exactly what happened and some people don't.

[01:17:47]

Michael Kim: Do I feel bad? Yes. I feel horrible. If I knew the things that Andy was doing, I would've never even talked to him. I'll probably put, I would probably put him in jail, you know? And he likes to boast about everything that he knew with me. Like, I don't see him that often, but only like, like birthdays and so on. And even when he said that, that I got a free pass from the car accident. Okay. We

all know CHP doesn't give you any, any passes for, uh, being, uh, a DUI. Okay. And he's out there telling everybody, I got a free passes 'cause I'm a cop. No, we get, we don't even get free passes. So, things that he says is, most of the time he's always bragging about people. And I didn't know that he did all of that stuff. And I was, I was in shock when I, when I read, not the newspaper, but what the, what the court says.

[01:18:42]

Michael Kim: So, and I, I don't associate with him. I haven't spoken with him since the incident. And I, I just, just wanna let you let you know that, uh, you know, I don't, I don't talk to that guy. He ruined my career. And now, you know, after 10 years away from him, I'm going back in and now he might ruin. And that, that incident might ruin my career again. And I might not be having a job for the future or anywhere else. So this, this is a, I mean, it's life changing for me. This is another event that's happening from, uh, from 10 years. Was it 10 years ago when I was convicted, when I plead guilty in front of a judge. And I thought that was, uh, behind me now. So I, you know, I mean, everything that I have now is, I'm just, you know, it's, it's up to you guys to decide if you're gonna go take my license away.

[01:19:37]

Michael Kim: And I, I would, I would like to keep my license, uh, uh, if what, if you can, I would, I would like to work in the department. You have recommendations from the Sheriff to say he knows my character and you can always call him and verify did if you wrote the letter or not. There's, I mean, it was about, it wouldn't, if I wrote that letter and it was false, I, I would be in jail for falsifying records. Again, on the background investigation, when these guys are, they're supposed to do a thorough investigation. So, I think that's all I have to say. Not -

[01:20:14]

Carrie Woolley: Thank you.

[01:20:14]

Michael Kim: You know.

[01:20:17]

Marie Masters: Um, just one quick follow up question. I realize I, I had left out earlier. And then, um, this is the, the, um, record mentions just the, the AUSA sentencing memo.

[01:20:28]

Michael Kim: Oh, okay.

[01:20:29]

Marie Masters: Um, when you, um, initially provided the, the declaration, that's kind of the, the subject matter of, of this whole thing, um, can you describe what the contact was like with Andy Li's attorney who was requesting it?

[01:20:50]

Michael Kim: They would not stop calling me. They were asking me, uh, calling me, hey, can you do this? Can you do this? Can you write this? Can you read this? Can you, I need this right now. And this is me coming, working 16 hours and coming home from, from work and driving. So, they're like in the house in the, and the other, I guess the last time they called, I need it right now. We're gonna court. I need you to sign it. So it's seemed like I didn't have a chance to think about it. It was just, they're just badgering me and they're saying, hey, they're, you know, if, if you don't sign this, he's not, he's gonna be in jail.

[01:21:23]

Marie Masters: Um, do you remember one way or another if you typed the declaration, his attorney reviewed it and you signed it? Or if they typed it out and you signed it?

[01:21:34]

Michael Kim: They typed it. They asked me, you know, they, they, I was driving home and they called me and I said, you know, is this your vest was yours? I was like, yes, it's my vest. Well, they're, the feds are saying, you know, it's, it's, uh, Andy's vest and he, and so we want to know if it's your vest, do you want it back? I'm like, yeah, of course I want my vest back. So, the reason I gave him the vest was because he told me that he was, uh, going to get a security job as a bouncer. His friend was giving, give him a job as a bouncer to some of the clubs down here. Anyone, if I get a vest, I would've never gave him a vest if I, uh,

didn't know that, if I knew what he was doing, I would've never gave him a vest.

[01:22:21]

Michael Kim: If he, if he told me he was doing security and, uh, without any guard card. So, he ended up getting a guard card that he told me he had a guard card 'cause he's trying to change his life around. And, and now he's going to do security. And he was, uh, he was working at, at a security guard. So, he, he asked if I could have a vest. I said, I have, I have two vests at home, that's department vest. So, I let him use it. I said, hey, don't give it to anybody. Don't use this for you while you are working as security guard. Once you're done, I want the vest back. And, uh, I didn't do a follow up on that. And next thing I know, uh, uh, he was, uh, uh, the house got raided and, and the attorney kept on calling me to make sure I signed the paperwork.

[01:23:04]

Marie Masters: Okay.

[01:23:05]

Carrie Woolley: Can I ask a question?

[01:23:06]

Michael Kim: Yes.

[01:23:07]

Carrie Woolley: Why didn't he buy his own vest? Was there something special about the vest you had?

[01:23:13]

Michael Kim: No, it's my, my vest was a, it's a, it's a vest. It's not an outside. Now everyone use an outside carrier. It's not that, it's just a regular, like 15-year-old vest that's outdated.

[01:23:26]

Carrie Woolley: Okay.

[01:23:26]

Michael Kim: That we have that I, I had two of them. I -

[01:23:29]

Carrie Woolley: So, did it stop like a higher caliber bullet or anything? Okay.

[01:23:34]

Marie Masters: But it was a, it was a vest, not like a plate carrier?

[01:23:36]

Michael Kim: No, it was just a regular vest that you wear underneath your uniform. It's the level was three A or something like that. It, it, it doesn't stop high caliber. It only probably nines and 45s or something like that. It's a regular department issued vest with no logos. It doesn't, it's a, it's, I think it was either blue or black carrier. It's about that thin.

[01:23:57]

Carrie Woolley: So, would he have been able to buy that vest on the, on the market?

[01:24:01]

Michael Kim: I, I, I, I'm, I'm assuming that you can buy it.

[01:24:04]

Carrie Woolley: Okay.

[01:24:05]

Michael Kim: But I, I'm not if, if he had to buy it, I don't think he wanted to. I'm not sure. But Mike, I'm thinking that he didn't wanna spend like a thousand dollars on a vest.

[01:24:13]

Carrie Woolley: Oh, they're expensive. Okay.

[01:24:15]

Michael Kim: Yeah. I'm, I'm, I'm not sure. I think there are a thousand dollars or, uh, they might be lower now. This was like 10 years ago, so I don't know. It didn't have any special markings or didn't have play care like the, the, the law enforcement wears now. It was just.

[01:24:27]

Carrie Woolley: Right.

[01:24:27]

Michael Kim: It was just regular that when you wear it, you can't, to who's wearing it's, it, it's like, it's just a lot thicker. You can see it in the back.

[01:24:33]

Carrie Woolley: Mm-hmm [affirmative].

[01:24:34]

Michael Kim: If you're wearing a shirt and stuff.

[01:24:36]

Carrie Woolley: Mm-hmm [affirmative].

[01:24:36]

Michael Kim: Or, or a jacket. You can actually see the outline of it.

[01:24:38]

Carrie Woolley: Right.

[01:24:39]

Michael Kim: If you're doing security. Yes.

[01:24:41]

Carrie Woolley: Okay.

[01:24:42]

Michael Kim: So.

[01:24:44]

Carrie Woolley: Okay.

[01:24:45]

Kevin Sherburne: Do you have anything else for me?

[01:24:47]

Marie Masters: No, I don't.

[01:24:47]

Kevin Sherburne: Okay. Thank you for your time today. Uh, it's 12:04 PM and that concludes the interview.

[01:24:52]

Michael Kim: Okay.

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Following is the record of an Administrative Interview conducted by Professional Conduct Central Bureau Law Enforcement Consultant Kevin Sherburne on June 25, 2025, with Dr. Ryan Dunnigan, who is a witness in this investigation. The interview was recorded and is being maintained by the Professional Conduct Central Bureau. The recording will serve as the true and accurate record of the statements made by Dr. Dunnigan. This transcript was AI generated by Axon software and reviewed by accuracy by Division Staff Services Analyst Jessica Seno.

[00:00]

Kevin Sherburne: All right, we are being recorded now. It is Wednesday, June 25th, uh, 2025, and the time is 2:54 PM. My name is Kevin Sherburne. I'm a law enforcement consultant with the California Commission on Peace Officer Standards and Training. Um, with me today is Carrie Woolley. She is a lawyer with our Legal Affairs Bureau. And today we're here interviewing. If you could please state your name.

[00:22]

Dr. Ryan Dunnigan: Dr. Ryan Dunnigan.

[00:24]

Kevin Sherburne: Okay. And, um, we are gonna ask you some questions. Uh, we are conducting an investigation of serious misconduct, uh, under California Penal Code 13510.8. You are not the subject of the allegation, sir, but we asked for your interview and we issued a, a subpoena. And, uh, we appreciate the time that you're spending with us today.

[00:46]

Dr. Ryan Dunnigan: Absolutely.

[00:46]

Kevin Sherburne: We are recording the interview, as, as we've discussed before the recording came on, any statements that you make may be used by POST in connection with its duties. The recording helps us ensure that all of your statements are completely accurately transcribed and authorized by our regulation 1206. You'll have a copy of the recording if further proceedings are contemplated or any further interview, uh, occurs. If you want, you can also record the interview. Um, would you like to record it or?

[01:11]

Dr. Ryan Dunnigan: No, thank you.

[01:12]

Kevin Sherburne: You're fine. Okay. Um, if you need to use the restroom or take a break, just let us know. We would just simply ask if you could, um, a, answer any pending questions before we do take that break.

[01:23]

Dr. Ryan Dunnigan: Sure.

[01:23]

Kevin Sherburne: Um, so these don't apply because, uh, is there any reason today why you wouldn't be able to give us truthful and accurate answers to the questions that we ask of you?

[01:35]

Dr. Ryan Dunnigan: No.

[01:35]

Kevin Sherburne: Okay. Um, we ask that we, we, we wanna maintain the integrity of the investigation, and so we ask that you, unless you have a, a legal reason not to discuss with anybody else other than your legal counselors, otherwise required by law. Do you agree to comply with the request for, um, uh, comply, uh, for privacy?

[01:56]

Dr. Ryan Dunnigan: Yes.

[01:57]

Kevin Sherburne: Okay. Do you have any questions, sir?

[01:58]

Dr. Ryan Dunnigan: No, I do not.

[01:59]

Kevin Sherburne: Okay. You're ready to proceed?

[02:01]

Dr. Ryan Dunnigan: I am.

[02:01]

Kevin Sherburne: Thank you.

[02:02]

Dr. Ryan Dunnigan: Yes.

[02:02]

Kevin Sherburne: Sorry, I stumbled over my words.

[02:04]

Dr. Ryan Dunnigan: No, no. [laugh].

[02:05]

Kevin Sherburne: Um, so the, the background of this is we're, um, we're here today because in your role, uh, as, uh, uh, psychologist, you performed two psychological evaluations for a background investigation of Michael Kim, who ended up being hired at the San Francisco Sheriff's Office. Do you understand that?

[02:27]

Dr. Ryan Dunnigan: I do.

[02:28]

Kevin Sherburne: Okay. And, um.

[02:30]

Dr. Ryan Dunnigan: Re, rehired.

[02:31]

Kevin Sherburne: Uh, he was rehired.

[02:32]

Dr. Ryan Dunnigan: Right.

[02:32]

Kevin Sherburne: So he had been from 1999 to 2016.

[02:37]

Dr. Ryan Dunnigan: Right.

[02:37]

Kevin Sherburne: Uh, a sheriff sergeant, ultimately, and then he got rehired in 2024?

[02:42]

Dr. Ryan Dunnigan: Correct. Okay. Yes.

[02:43]

Kevin Sherburne: So, um, as a background, November one, 2023, you conducted the assessment in connection. How did, how did that assessment come to be?

[02:54]

Dr. Ryan Dunnigan: Apparently, I, or, or I believe that he, within the secondary psychological evaluation, uh, a candidate will go and apply and, uh, to, uh, department, he was applying for San Francisco Sheriff's Office, and he apparently didn't pass the initial, I believe he didn't pass the initial, uh, psychological evaluation. And then it was forwarded, or he contacted me, um, per either on his own or per the direction of the department. And they, he sought out my services to provide that a secondary evaluation. Um, and the San Francisco Sheriff's Office doesn't provide the initial, uh, any secondary evaluation. They don't provide the initial, uh, psychological evaluation. So we, I do believe they both provide us with a polygraph, and that, I believe that's it, that that's all that they, they provide us. So Mr. Kim reached out to me and asked me to perform that for him so that he could go re be, re potentially be rehired by the de department.

[04:07]

Kevin Sherburne: Okay. Um, had you had any preexisting, uh, relationship with Mr. Kim prior to him reaching out to you?

[04:13]

Dr. Ryan Dunnigan: No.

[04:13]

Kevin Sherburne: For the evaluation?

[04:14]

Dr. Ryan Dunnigan: No.

[04:14]

Kevin Sherburne: Uh, in a professional way, is what I'm asking.

[04:16]

Dr. Ryan Dunnigan: No, no.

[04:17]

Kevin Sherburne: Did he have any professional relationship with you subsequent to your evaluation on behalf of the sheriff's office?

[04:24]

Dr. Ryan Dunnigan: Uh, no. I mean, other than.

[04:26]

Kevin Sherburne: But did he come for you for treatment is my question.

[04:27]

Dr. Ryan Dunnigan: Oh, no, no, no, no.

[04:28]

Kevin Sherburne: Okay. Okay.

[04:28]

Dr. Ryan Dunnigan: No, no. Other than when he came back, um, and wanted to have the, another, uh, a subsequent secondary evaluation performed.

[04:37]

Kevin Sherburne: Okay.

[04:37]

Dr. Ryan Dunnigan: Yeah.

[04:38]

Kevin Sherburne: And so was the, to sum it up then, was the only relationship that you had with Michael Kim in relation to his background investigation at the sheriff's office?

[04:47]

Dr. Ryan Dunnigan: Yes, it was.

[04:47]

Kevin Sherburne: Understood. Okay. Um, did you meet him in person for either assessment?

[04:53]

Dr. Ryan Dunnigan: I did not. And they were virtual.

[04:55]

Kevin Sherburne: And so, like, uh, Zoom or a.

[04:56]

Dr. Ryan Dunnigan: Zoom.

[04:57]

Kevin Sherburne: Okay.

[04:57]

Dr. Ryan Dunnigan: Both Zoom.

[04:58]

Kevin Sherburne: Um, did you have any conversations with San Francisco Sheriff's Office personnel prior to your assessment with Kim? The first time?

[05:06]

Dr. Ryan Dunnigan: Uh, that's when I was, I was trying to check, uh, most of the time, not, not verbally. Uh, we communicate, uh, almost entirely through their internal email system.

[05:17]

Kevin Sherburne: Okay.

[05:18]

Dr. Ryan Dunnigan: So sometimes I will request, I, I always request the records and, uh, but I don't believe we, we spoke anymore than just the [cough], I, I reached out to most likely Sergeant Mel Fonthal.

[05:31]

Kevin Sherburne: Mm-hmm [affirmative].

[05:31]

Dr. Ryan Dunnigan: And, and so Sergeant Fonthal is usually the point person, and he provides me with the records. So I don't believe that there was anything more than that.

[05:40]

Kevin Sherburne: Okay. And approximately how long prior to the conduct, conduct of the assessment, do you have access to those records? Is it like two weeks they give you?

[05:51]

Dr. Ryan Dunnigan: It's usually, if I make the request, Sergeant Fonthal usually pretty quick around it, like three to five days I'll get the records, and then I will typically make the appointment with the candidate within, uh, one to two weeks. Uh, no, or about no more than, like, usually no more than seven business days.

[06:14]

Kevin Sherburne: Okay.

[06:15]

Dr. Ryan Dunnigan: Yeah.

[06:16]

Kevin Sherburne: Um.

[06:16]

Dr. Ryan Dunnigan: And then I tried to look in their, their internal system just to see if there were any records. And they purge it every 30 days, I think.

[06:25]

Kevin Sherburne: Uh, okay. Do, do links expire?

[06:27]

Dr. Ryan Dunnigan: All every, everything goes away.

[06:29]

Kevin Sherburne: It's in the cloud, you have access.

[06:30]

Dr. Ryan Dunnigan: No email. Yeah. All of their system. And then I think they didn't, uh, which is the downside of that using their, their system.

[06:38]

Kevin Sherburne: Right.

[06:38]

Dr. Ryan Dunnigan: Right. So, because I don't have it independently in mind, uh, because I would normally cc myself or have copies.

[06:45]

Kevin Sherburne: Yeah.

[06:45]

Dr. Ryan Dunnigan: Yeah.

[06:45]

Kevin Sherburne: Understood. Um, after you made the finding of not suitable on November one 2023?

[06:53]

Dr. Ryan Dunnigan: Yes.

[06:53]

Kevin Sherburne: How did you communicate that finding to the Sheriff's Office?

[06:57]

Dr. Ryan Dunnigan: I, uh, completed the paperwork, the psychological suitability declaration and the findings report, and then I submitted to the, probably Sergeant Fonthal or their, the Lieutenant, if they happen to be covering for him at that time. So I submitted internally in their system.

[07:18]

Kevin Sherburne: Okay.

[07:18]

Dr. Ryan Dunnigan: [cough]

[07:21]

Kevin Sherburne: And did they ever respond to you?

[07:23]

Dr. Ryan Dunnigan: Uh.

[07:23]

Kevin Sherburne: Not respect to Michael Kim? That is.

[07:26]

Dr. Ryan Dunnigan: They do not, they never, they do not respond. Uh, the only time that I did respond, uh, later, later on, I'm not sure of the timing exactly, but they reached out and they asked that, <cough>, I changed one of the words, uh, I, I'd, actually, specifically with Mr. Kim, I had used the phrase correctional deputy.

[07:50]

Kevin Sherburne: Yeah.

[07:50]

Dr. Ryan Dunnigan: Because he and his paperwork had said that he was applying for a correctional deputy position, which is different than a deputy sheriff.

[07:59]

Kevin Sherburne: Yeah.

[07:59]

Dr. Ryan Dunnigan: Right. So, um, one's out in patrol, one is specifically in correction setting. So, Sergeant Fonthal wanted me to change it subsequently and to that, and then I, I think in probably some of my paperwork, I changed it and initial did.

[08:14]

Kevin Sherburne: Understood.

[08:15]

Dr. Ryan Dunnigan: So that was the only communication I had around that.

[08:19]

Kevin Sherburne: After that communication, what other communications did you have regarding Michael Kim?

[08:25]

Dr. Ryan Dunnigan: I didn't have, I don't remember any other until, because I, I didn't find him suitable at that time. Hits. He, he asked that if I could wait and postpone, uh, ah, a finding, and that's, that's clinically not very acceptable for a number of different reasons. Some of the information can be at stale. Other thing, uh, events could happen that could impact his, you know, uh, whether, you know, something traumatic or dramatic could take place. So if it were a couple days, okay, that would probably be reasonable before doing it. But he was talking months, so that's wasn't going to happen. And so I did find, submit my finding tan or the not suitable, and he said, well, I've got all these things pending and they're all gonna clean up and everything's gonna be fine. It's great. The Sheriff really wants me to come work here. I've worked there a long time, I'm very, very highly thought of. And I said, I still can't wait. So I'm gonna submit this later on. If for some reason the, all this stuff, the dust settles, and you, the sheriff, they want to open it back up to you and allow that, then I can potentially perform a, a secondary evaluation at that time,

kind of with this new information. And he said, okay. And then that was what, and then I didn't hear from him until March or around March of 2024. Excuse me.

[10:04]

Kevin Sherburne: Okay.

[10:04]

Dr. Ryan Dunnigan: Yeah.

[10:05]

Kevin Sherburne: And when, so did anybody else reach out to you regarding that not suitability between that November non suitable finding and that March recontact by Michael Kim?

[10:18]

Dr. Ryan Dunnigan: I don't believe so, no.

[10:20]

Kevin Sherburne: Okay.

[10:21]

Dr. Ryan Dunnigan: The only other person, nobody from their department.

[10:23]

Kevin Sherburne: Yeah.

[10:24]

Dr. Ryan Dunnigan: Yes.

[10:24]

Kevin Sherburne: Okay.

[10:25]

Dr. Ryan Dunnigan: And the only other time is sometimes they would have a third psychologist reach out if they're gonna do a third time to like a tiebreaker person. But I found them not suitable as well, so they're not gonna -

[10:36]

Kevin Sherburne: Yeah.

[10:36]

Dr. Ryan Dunnigan: Refer to a third clinician.

[10:38]

Kevin Sherburne: Have you ever had any applicant reach back to you after a finding of not suitable and say, hey, I want another bite at the apple?

[10:47]

Dr. Ryan Dunnigan: Only if the department allows that to happen after a certain amount of time. So, uh, it's very, very unusual. This case was very unusual. Uh, and just in the sense of, uh, he made it clear that all this stuff was pending and that the, that they, the Department, really wanted him to do that. Normally when they're found not suitable, a lot of departments have that you can't even reapply for another minimum of a year. And that apparently was not the case for San Francisco. And so, when, and particularly when he submitted the letter from the Sheriff saying that he wanted him to be considered, uh, or reportedly wanted him considered for the position, that's when we opened it back up. So if their policy is that they wanted to reopen it and allow that and do another one, then that's, I, I didn't see a ethical or a clinical issue at that time.

[11:43]

Kevin Sherburne: Okay. So you referred to a letter, I'm, I'm gonna show you a document. Its top, top of it says, to whom it may concern, the bottom has a signature block, there's no, um, handwritten ink signature, um, uh, but it's signed apparently, Paul Miyamoto. Is that the letter, the one that I'm showing you, is the one that you have?

[12:01]

Dr. Ryan Dunnigan: It is.

[12:01]

Kevin Sherburne: Okay. Um, what was your reaction when you first got that letter?

[12:06]

Dr. Ryan Dunnigan: I thought it, I, I, uh, I think I've only received maybe two letters from a sheriff or a chief, uh, in, as part of this process. And so that was significant and it was just, you know, memorable. Uh, it was very rare that, um, particularly that as chief would step in or a chief or a sheriff would step in. But so that, you know, on certain levels is interesting. Uh, and it, and it carries considerable weight since they would, a lot of times when we're doing psychological evaluations, if the person's psychiatrically unstable or they have personality traits or archeological attributes straight outta the gates that are gonna preclude them from being safe or effective in the role, then it makes it pretty clear. Then it's in my lane. And I just say, okay, you're not going, you're not moving along, with Mr. Kim, he actually was psychiatrically fairly, I mean, he did really well on both psychometric tests, his personality traits, you know, according to those tests, were actually pretty well-rounded and, and, and good, and nothing in there would preclude him from moving forward. It was mostly the things that were in his background that were concerning to me. So, when he came back and the different things, you know, they said the dust had settled everything that his current work had resolved itself with no sustained, nothing sustained. And then coupled with the Sheriff's letter saying, hey, I really want him to come back, then that carried quite a bit of weight for me on that, of simply saying, okay, well if you want, if he's psychiatrically stable and you want to take him on, and then also bring him back in on probationary terms and work with that, then that's, that's it. That's your department. You can do that.

[14:00]

Kevin Sherburne: Okay.

[14:01]

Dr. Ryan Dunnigan: Yeah.

[14:04]

Kevin Sherburne: Did you notice that this letter didn't have a date on it?

[14:06]

Dr. Ryan Dunnigan: I -

[14:07]

Kevin Sherburne: When you first received it?

[14:09]

Dr. Ryan Dunnigan: Not the date, actually. I noticed that it didn't have a, a, the signature.

[14:12]

Kevin Sherburne: Okay.

[14:12]

Dr. Ryan Dunnigan: But it was also sent electronically. So….

[14:15]

Kevin Sherburne: Yeah.

[14:16]

Dr. Ryan Dunnigan: I'm not, you know, I, I wasn't sure if that's something that, and it wasn't on letterhead either. So, which normally they, you know, captains. I would've, I, I mean, I, unless the Sheriff were, were write, was writing this because it was his buddy and not a coworker, you know.

[14:37]

Kevin Sherburne: Okay. Did you, um, ask anybody at the Sheriff's Office about that letter?

[14:42]

Dr. Ryan Dunnigan: Don't, I don't know if I asked, and that was why I was checking. I don't believe so because they are very, they don't really communicate with us at all.

[14:52]

Kevin Sherburne: Okay.

[14:52]

Dr. Ryan Dunnigan: We're clinicians.

[14:53]

Kevin Sherburne: Yep.

[14:54]

Dr. Ryan Dunnigan: They have kind of a policy of this is what we give you and which is fair 'cause then they don't want to give, you know, one clinician more than the other. So I don't believe that, and I don't think Sergeant Fonthal would be that helpful anyway. I mean, not, he's very, he's very helpful. I just don't think he would, would know unless he were to go, you know, talk to the Sheriff directly.

[15:16]

Kevin Sherburne: Uh, did you call the Sheriff and ask him if?

[15:19]

Dr. Ryan Dunnigan: I did not, and I did not. No.

[15:21]

Kevin Sherburne: Okay.

[15:21]

Dr. Ryan Dunnigan: I didn't, no, I didn't.

[15:23]

Kevin Sherburne: Okay.

[15:23]

Dr. Ryan Dunnigan: So this, because, because I was submitting my report, that was another reason why I quoted it in my report.

[15:32]

Kevin Sherburne: Okay.

[15:33]

Dr. Ryan Dunnigan: Because, uh, if Sergeant Fonthal, the Lieutenant or the Sheriff or anyone had any issue with it, then it was going to be naming that specifically the Sheriff had written a letter, and if it was, you know, in question or if he didn't, which could be problematic, then they would know that that was fraudulent or if you know,

they were submitted by Mr. Kim or somebody else. Uh, that, you know, and that would be, you know, I just wanted to make sure that was very clear that that was -

[16:03]

Kevin Sherburne: Sure.

[16:04]

Dr. Ryan Dunnigan: I wasn't just going rogue and, and turning over my original statement without some forethought.

[16:10]

Kevin Sherburne: Okay. Did you solicit that letter?

[16:12]

Dr. Ryan Dunnigan: What's that?

[16:13]

Kevin Sherburne: Did you solicit that letter? Did you ask Mr. Kim?

[16:15]

Dr. Ryan Dunnigan: I did not.

[16:16]

Kevin Sherburne: Okay.

[16:16]

Dr. Ryan Dunnigan: No.

[16:17]

Kevin Sherburne: Um, ha uh, uh, you answered that one. You, you received two others. Um, did you tell anybody at the Sheriff's Office or Mr. Kim that you could change your mind based on a finding of not suitable? Like, did you make a suggestion that, hey, I'm going to, I could find you not suitable, but if circumstances changed, then I could change my mind?

[16:42]

Dr. Ryan Dunnigan: Um.

[16:42]

Carrie Woolley: Do you mean with regard to the other investigation that was pending against him in the, in his current workplace?

[16:49]

Kevin Sherburne: Yeah.

[16:49]

Carrie Woolley: At War Memorial?

[16:51]

Kevin Sherburne: So in other words, yeah, let's start over again with the question.

[16:54]

Dr. Ryan Dunnigan: Yeah.

[16:54]

Carrie Woolley: Yes.

[16:54]

Kevin Sherburne: So Mr. Kim told you he had a, a, a pending harassment case at the War Memorial?

[16:59]

Dr. Ryan Dunnigan: Yes.

[16:59]

Kevin Sherburne: His then current employer.

[17:01]

Dr. Ryan Dunnigan: Right.

[17:01]

Kevin Sherburne: So did he, did you ever suggest to him, well, look, if that ever goes away, then I'll mark you as suitable.

[17:08]

Dr. Ryan Dunnigan: No.

[17:09]

Kevin Sherburne: Okay. Um.

[17:11]

Dr. Ryan Dunnigan: No. I said we can, because at that point it was already, it would've been after I had already submitted not suitable. So then it's not up to me, it would be up to the Department with whether or not they would want to open up the process, his hiring process to him again.

[17:28]

Kevin Sherburne: Okay.

[17:28]

Dr. Ryan Dunnigan: Or not. Yeah. That's.

[17:30]

Kevin Sherburne: Ronnie Wan is a deputy at the Sheriff's Office, and he works in the background investigation. Do you recall talking to Deputy Wan about the letter when you received it initially?

[17:42]

Dr. Ryan Dunnigan: I don't think so, did I? I, no, I don't remember that. Did I, did I speak with him?

[17:47]

Kevin Sherburne: Well, I, uh.

[17:48]

Dr. Ryan Dunnigan: Oh, you, I'm sorry.

[17:48]

Kevin Sherburne: Deputy Wan says that you called him and said, hey, what's this letter about? And that you said that, oh, I'll call Paul Miyamoto.

[17:56]

Dr. Ryan Dunnigan: I said that?

[17:57]

Kevin Sherburne: Yeah.

[17:58]

Dr. Ryan Dunnigan: I never said, no, I'm not gonna call the Sheriff.

[18:00]

Kevin Sherburne: Okay.

[18:01]

Dr. Ryan Dunnigan: I don't have time to do that.

[18:03]

Kevin Sherburne: Okay.

[18:03]

Dr. Ryan Dunnigan: So no [laugh] I'm not gonna call the, no.

[18:07]

Kevin Sherburne: Um, the second assessment that you performed for Mr. Kim was March 13, 2024.

[18:12]

Dr. Ryan Dunnigan: Yes.

[18:12]

Kevin Sherburne: Um, do you have an any understanding of the appeals process, the psychological evaluations or assessments of peace officer candidates?

[18:21]

Dr. Ryan Dunnigan: The appeal process? Oh.

[18:22]

Kevin Sherburne: Yeah. Like if there's a finding of not suitability.

[18:26]

Dr. Ryan Dunnigan: Yes.

[18:26]

Kevin Sherburne: Do you have an understanding or you just take what you get? Do you have an understanding of like, would you tell a candidate no, you can't do that, there's no appeal, like you can't appeal, stop coming to me, I deemed you not suitable?

[18:38]

Dr. Ryan Dunnigan: Uh, no. I mean, that's, that's, you know, a lot of that's really department dependent. So.

[18:47]

Kevin Sherburne: Okay.

[18:47]

Dr. Ryan Dunnigan: Uh, they, again, if they wanted to send 'em to a third party, you know, because it's a little vague. So that's the problem with our, some of the codes don't, specifically is my understanding, don't specifically, you know, per- preclude or exclude us from, preclude us from, from doing another one. It just needs to be within, there needs to be, you know, obviously a reason for it. And then they, the, but the departments are the ones who are going to allow on or per permit it. So now I, um, I'm sorry, can you rephrase, can you just tell me that remind me of?

[19:23]

Kevin Sherburne: I was just, I was trying to explore your understanding of the appeals process.

[19:27]

Dr. Ryan Dunnigan: Yeah.

[19:28]

Kevin Sherburne: After, uh, you make a finding of not suitable.

[19:30]

Dr. Ryan Dunnigan: So just with their department, my understanding is that the, like, that was the strange part is that normally if they're not found suitable, then they're, they're out for a certain amount of time,

whatever that is. And I can't remember what San Francisco Sheriff's Office is, because they're all different. Uh, usually, but usually it's a year. And he came back and, uh, said that everything had taken place. So now that they're reopened, they're, they're welcome to reopen it again. And which was again, very strange. Uh, I don't think I've done that really before. Maybe once or twice there was something similar. Um, but there was, there were other reasons for that. I believe nothing's as specific as this, but, uh, no, I normally, their, their process is the first person f finds 'em not suitable. If I found 'em suitable, then it would go to the third person. But if it's, if I, they the first person found not suitable, and I found them not suitable, then it's not going anywhere.

[20:36]

Kevin Sherburne: Yeah.

[20:37]

Dr. Ryan Dunnigan: Yeah.

[20:37]

Kevin Sherburne: Okay.

[20:37]

Dr. Ryan Dunnigan: So it was very strange that they opened it back up. But the Sheriff, and then with the letter, I thought that the Sheriff really wanted them to be back in the mix, and maybe they were buddies, I think.

[20:51]

Kevin Sherburne: Okay. So, so that's a couple -

[20:53]

Dr. Ryan Dunnigan: Or, or c-colleagues.

[20:54]

Kevin Sherburne: Yeah. That's a couple of times though that I, I heard you earlier say friends and just now I heard the word buddies.

[21:00]

Dr. Ryan Dunnigan: Yeah.

[21:00]

Kevin Sherburne: But then you kind of, um, corrected that to that they were colleagues.

[21:04]

Dr. Ryan Dunnigan: Yeah. Yeah.

[21:04]

Kevin Sherburne: Um, was, were there statements that Mr. Kim made to you when he talked to you after he sent the letter that you would infer that they were buddies, that the Sheriff really wanted him into this role?

[21:16]

Dr. Ryan Dunnigan: No, it was more during the interviews where they've known each other for a really long time and that there's, and because he was saying a lot of the similar things, uh, that, you know, during it, if, you know, I'm really close with the Sheriff's Office, we've been, we went up in the ranks together, or he's great. He really wants me to be here. That was in the first one and the second one.

[21:34]

Kevin Sherburne: Okay.

[21:35]

Dr. Ryan Dunnigan: It's just of describing why he should be back and that's his home, and he really is looking forward to going back there. So I, whether they're buddies or not, I, he was, he was saying that they were very close. They were close.

[21:48]

Kevin Sherburne: Okay. Okay. Um, in, in the document -

[21:52]

Dr. Ryan Dunnigan: Mm-hmm [affirmative].

[21:53]

Kevin Sherburne: That you, the assessment, um, you said that, uh, he understood your concerns and had discussed them with the Sheriff and background personnel at the department, and that they were comfortable with him coming back and working there. Did he name, names as to who was comfortable with him coming back?

[22:14]

Dr. Ryan Dunnigan: No, I, no, and no. I mean, I knew there was the, uh, the Sheriff obviously, because he said, I mean, he, he said this Sheriff specifically, but they being whoever I, I am not sure, I can't remember if he mentioned who this specific background was.

[22:30]

Kevin Sherburne: Okay.

[22:31]

Dr. Ryan Dunnigan: Background guy was, or person, excuse me.

[22:33]

Kevin Sherburne: Okay.

[22:33]

Dr. Ryan Dunnigan: Uh, yeah, I don't remember.

[22:35]

Kevin Sherburne: About how long did these assessments take? Are they half hour? Are they a set amount of time or?

[22:40]

Dr. Ryan Dunnigan: No.

[22:40]

Kevin Sherburne: Or as much time as it takes?

[22:42]

Dr. Ryan Dunnigan: They're not set, but usually secondary evaluations take about an hour to, I mean, two an hour to two.

[22:51]

Kevin Sherburne: Oh, okay.

[22:52]

Carrie Woolley: They're long.

[22:53]

Dr. Ryan Dunnigan: They're long, yeah.

[22:53]

Carrie Woolley: Yeah.

[22:54]

Dr. Ryan Dunnigan: Because there's a lot more to go over typically.

[22:58]

Kevin Sherburne: Yeah.

[22:58]

Dr. Ryan Dunnigan: And also he had a lot to go over.

[23:01]

Kevin Sherburne: Yeah.

[23:01]

Dr. Ryan Dunnigan: Because he had a lot of stuff in his jacket that was, I thought he had a lot of stuff in there that, in, that was concerning to me for sure. Particularly at the beginning. The first time I met with him, it was enough for me to find him not suitable, even though he was psychologically stable. And then the second time I was still, I mean, I think you could probably read in my report, I was still a little hesitant to, um, some, but if the, the Sheriff wanted to sign off on him and take that liability and they were comfortable enough with that, then that's, that's, I believe that they should have the right to do that then.

[23:43]

Kevin Sherburne: Okay.

[23:43]

Dr. Ryan Dunnigan: Mm-hmm [affirmative].

[23:44]

Kevin Sherburne: When you said the first time that there was a lot in the file, what do you, what, um, sort of information?

[23:51]

Dr. Ryan Dunnigan: Well, he mentioned that he had gotten in trouble where, and he was in contempt, found contempt of court. And then he was saying that it was, now I remember. I, I asked him, is that a felony or is that a misdemeanor? So, and he said, I think it's a mis, it's a misdemeanor. I'm still fighting certain aspects of it, but the Sheriff, and everyone's comfortable with that, that's not a big deal. I, I said, that's a big deal to me, I, I, I, an, anything else? And he said, well, that's when I have the, I've got these other things going on in my work, um, these allegations. But that's really, it is more, um, it's blown outta proportion. Um, and these people are really, they just kind of are leaning towards that they are. And it'll all be kind of taken care of soon. I'm fighting it. And it's very common that that takes place at that, uh, organization that happens all over, uh, all the time. And he's just kind of falling victim to it.

[24:58]

Kevin Sherburne: Did you find that he accepted, uh, or had accountability for his own actions?

[25:04]

Dr. Ryan Dunnigan: I think he, if I remember correctly, he tended to gloss over things and minimize things and, you know, put it really rosy colored glasses. And it took me more diving into it and asking more pointed questions around that. Um, and he, uh, it was usually, you know, well, I'm working on this, I'm going to, I've got counsel, I'm going to, it's hopefully all of this gonna be taken care of. He was very, very pleasant, very kind of, I don't just well spoken. Um, and then just, you know, very comfortable too, which was interesting. So, uh, and very comfortable, like so much of where I, I thought that that was a little bit incongruent, just simply the sense, the gravity of what I was reading and then his presentation. But a lot of people present in a certain way because they want to kind of blow smoke on my skirt and then

be very charming to me so that I can, would be, you know, fall for the charms and then, you know, uh, sign off on them and put them, get 'em back in there. But, uh, he, he just was saying that he had, I can't remember if he had anything else. I think he got written up for some kind of use of force and like to that early in his career. And then I think the Captain said something like, or supervisor, I can't remember which one said something like, that's not a big deal. That's your, you're a new cop or something then, and it's fine. Something. And uh, and that's, I, I just, and maybe that was the culture. I don't know. I, I've never worked there, but, uh, I thought that was, it kind of stuck with me.

[26:42]

Kevin Sherburne: Yeah. During the second evaluation that you performed.

[26:46]

Dr. Ryan Dunnigan: Yeah.

[26:46]

Kevin Sherburne: You, you, you, in your report, and today when you're talking to me, I hear a lot that the Sheriff's Office, the Sheriff's letter -

[26:53]

Dr. Ryan Dunnigan: Mm-hmm [affirmative].

[26:54]

Kevin Sherburne: That to, to whom it may concern a letter weighed a lot. Is that, was that letter, the sine qua non the without, which not you would, would've, if you had not had that letter, you would've failed him again?

[27:04]

Dr. Ryan Dunnigan: I probably would've.

[27:05]

Kevin Sherburne: Okay.

[27:06]

Dr. Ryan Dunnigan: Yeah.

[27:08]

Kevin Sherburne: And, and the reason for that failure would've been?

[27:11]

Dr. Ryan Dunnigan: I just still didn't feel comfortable enough putting him, like working unless the Sheriff signed off on that and, and had and felt him that he was comfortable with all that. I didn't have enough. I don't have enough information or records, you know, I have little bullet points that I'm providing. A lot of the information I'm being provided is, are self reports from the candidates, and I have to take that with a grain of salt. So a lot of times, like I said, very rosy, not a big deal. And so I have to kind of tease that out. And especially since the, that organization doesn't provide me with the background reports, so I don't have that kind of solid information. Most departments do do that. So I can do, um, again, usually just compare and contrast the different statements. So that makes it a richer, much more solid. And, and, but they, they don't do that. And then it makes me, I get a little more uncomfortable around that because I don't have as much, you know, I can't, um, corroborate different information or the stories. And if the Sheriff's letter, if I didn't have that kind of recommending it, I would've erred on the side of caution because I, I don't think I would've felt comfortable with all of that stuff in his jacket, whether the dust had settled or not to move him forward. And that wasn't necessarily because of a psych, not psychiatric, just characterological. And also the history. There was a lot in there. And I, I think if I were a chief or sheriff, I would, I, I wouldn't, I wouldn't have hired him.

[28:46]

Kevin Sherburne: So are you familiar with the, um, dimensions?

[28:48]

Dr. Ryan Dunnigan: Yes.

[28:48]

Kevin Sherburne: In the POST background? So I heard you use the word in, integrity and, and some of the other language that you just used, um, the, the contempt conviction.

[28:59]

Dr. Ryan Dunnigan: Yes.

[28:59]

Kevin Sherburne: Did Mr. Kim explain to you the underlying facts of what led to that conviction?

[29:05]

Dr. Ryan Dunnigan: He, not somewhat. I mean, he, in his own words, had, he was saying that he was trying to protect the house or, you know, the, the Department, uh, and tried to downplay certain things. And some, I think he said that he didn't disclose or something about evidence, and it came up and it kind of blew up in his face. So he, rather than pointing fingers, he took it upon himself to resign. And, and so, and then they, because of that, they adjudicated it, or, or I think they dropped the charge from like a felony to a misdemeanor at that time per, per his statement. Um, and, but then he couldn't work in that capacity, uh, because he had already retired, uh, or, uh, whatever.

[29:52]

Kevin Sherburne: Okay. Contempt of court can, can encompass a variety of different behavior or actions -

[29:57]

Dr. Ryan Dunnigan: Yes.

[29:57]

Kevin Sherburne: Before a court.

[29:58]

Dr. Ryan Dunnigan: Yeah.

[29:58]

Kevin Sherburne: In Mr. Kim's case, he filed a false declaration.

[30:02]

Dr. Ryan Dunnigan: Yes.

[30:02]

Kevin Sherburne: Under penalty of perjury with the court. Did he explain that to you, or were you aware of that?

[30:07]

Dr. Ryan Dunnigan: He, he said that he had, he didn't bring that up initially, but that was some of those, some of the questions that I had to pull, kind of pull out of him of like what that looked like. And he said he, I think he just, he missed, he said that he didn't, he, he lied, essentially.

[30:27]

Kevin Sherburne: Okay.

[30:27]

Dr. Ryan Dunnigan: I think he lied during, uh, testimony and I can't remember about what, but I thought it, for some reason, I'm thinking it was about evidence or some kind of process. I can't remember what it was, but that was what I was wondering because in law enforcement that expression, you lie, you die.

[30:45]

Kevin Sherburne: Yeah.

[30:45]

Dr. Ryan Dunnigan: How are you going back if you can't, if you can't. And he said it was a big, especially if it's a felony, you can't, so I, I can't sign off on that. So he said it was a misdemeanor and then they would allow him to go back. And so, because it was that, uh, it, the Sheriff's Office was okay with that.

[31:04]

Kevin Sherburne: Okay. Um, did he or did you ever learn the circumstances for his motivation in, in submitting the false declaration to the court?

[31:16]

Dr. Ryan Dunnigan: N-No. I can't remember. He said I'm not, I think, may I ask you if you could refresh my memory, did it have another, was there another guy involved? He was protecting his buddy or something?

[31:27]

Kevin Sherburne: Yes.

[31:28]

Dr. Ryan Dunnigan: Was it, did it involve a gun? Not a gun, right?

[31:30]

Kevin Sherburne: Ballistic vest.

[31:31]

Dr. Ryan Dunnigan: Yeah. Or ballistic vest.

[31:32]

Kevin Sherburne: That he lent to his -

[31:33]

Dr. Ryan Dunnigan: That's what it was.

[31:34]

Kevin Sherburne: Friend from high school?

[31:35]

Dr. Ryan Dunnigan: Yes. That, oh, I didn't know it was a friend from high school.

[31:37]

Kevin Sherburne: Okay.

[31:37]

Dr. Ryan Dunnigan: But I thought it was a coworker. Oh. Or he, I guess it was, um, he lent it and that's what it was. He did, he said he lent it and he wanted to protect his buddy or the Department. I can't remember. But I remember, I think I noted that he was presenting himself as very selfless and uh -

[31:59]

Kevin Sherburne: Yeah.

[31:59]

Dr. Ryan Dunnigan: That he, he, he took it on. He knew it was wrong at that time, but he was going to do it for the greater good for the, the, for the Department and his buddy.

[32:09]

Kevin Sherburne: Okay.

[32:09]

Dr. Ryan Dunnigan: Yeah.

[32:10]

Kevin Sherburne: Thank you.

[32:11]

Dr. Ryan Dunnigan: Sorry about that. My, it's been awhile, [laugh].

[32:13]

Kevin Sherburne: Yeah, it's been quite awhile.

[32:14]

Dr. Ryan Dunnigan: Yeah.

[32:14]

Kevin Sherburne: Um. And uh, just the final question, and I think we covered this, but had you not received that letter, what would your conclusion have been?

[32:34]

Dr. Ryan Dunnigan: Well, I mean, that's tough to say. I, the – He's, some of the issues that were going on, I probably would've found him not sus – not suitable. Uh, the, it did mean something that, because he said that the other issues, um, that were going on the different complaints at that, at his place of employment, were going away. And that's good. I mean, that's fantastic. I mean, there are a lot of different issues and complaints, and I work with a lot of folks like over in Oakland, and sometimes they have 17 different complaints going on, and none of them are sustained. And so I don't always hang my hat on that, but it really didn't change the fact that there was all these, uh, different issues and the contempt.

[33:22]

Kevin Sherburne: Mm-hmm [affirmative].

[33:23]

Dr. Ryan Dunnigan: And the issues there that I'm not going to, if I, I mean if I, I, I wouldn't put someone in a department with that kind of liability in there, just even from a business perspective, even though it's not psychological, but it is characterological because I, for the POST dimensions, you know, whether or not his judgment is good or the ethics, I would've really questioned that. Or even his emotional regulation or stress tolerance, if they, you know, there was a lot of different behavioral issues in there. Uh, if the, if he hadn't, if I hadn't seen the, the letter, I would've probably found him not suitable. Yeah. There's not enough change. Not enough change.

[34:07]

Kevin Sherburne: Do you have questions?

[34:08]

Carrie Woolley: No.

[34:09]

Kevin Sherburne: Doctor, thank you for your time today.

[34:11]

Dr. Ryan Dunnigan: Of course.

[34:11]

Kevin Sherburne: It's 3:28 and I'm gonna turn off the recorder now.

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On June 25, 2025, California Commission on Peace Officer Standards and Training ("POST") Law Enforcement Consultant Kevin Sherburne interviewed Michael Kim in a conference room located at Rains, Lucia, Stern, St. Phalle & Silver, PC, 220 Montgomery Street, San Francisco, California. Also present during the interview was Carrie Woolley, counsel for POST. Marie Masters, Rains, Lucia, Stern, St. Phalle & Silver, represented Kim during the interview. Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Kim. After being advised of the identity of the interviewer and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Kim provided the following information:

Prior to the start of the interview, Masters stated her position for the record that the interview was effectively a compelled interview under threat of decertification for a potential failure to cooperate.

Kim is a newly-hired deputy for the San Francisco Sheriff's Office and is currently assigned to patrol at Laguna Honda Hospital on day shift. His start date for his latest iteration with the Sheriff's Office is December 21, 2024. He had a break in service based on his resignation in February 2016. He is not aware whether there was a pending internal affairs investigation against him at the time of his resignation.

In approximately 2014, the FBI came to his work (he was then working for the chief of the custody division) and interviewed him about Andy Li. After he spoke with his union representative and attorney, they set up an appointment and talked to the FBI. He was ultimately charged with a crime – one count of contempt of court and he was placed on probation and fined $30,000 and performed 300 hours of community service. The sentence was based on a guilty plea. His previous iteration working for the Sheriff's Office was 1999 through 2016.

Toward the latter part of the time he worked for the Sheriff's Office through 2016, Kim worked in the emergency service unit, dealing with mutual aid. He was in charge of things like the Occupy movement. He oversaw about 120 deputies as a sergeant. He was a direct report to a captain and then the deputy chief. They all sat in the same office. He sometimes had direct contact with the Sheriff. At the time, the Sheriff was Vicki Hennessy and the last couple of years he worked as executive assistant to Chief Deputy Matt Freeman in the custody division.

After he left the Sheriff's Office in 2016, Kiim worked for Executive Shield, a security company, for about a year. He started working as a security guard for the War Memorial, which was back with the City and County of San Francisco. He worked for the War Memorial until his rehire by the Sheriff's Office. Kim did not know if Li ever worked for Executive Shield. Li told Kim that he had gotten a guard card and wanted to come clean. After prison, Li was trying to live a clean life. He had two children and believed he could not keep going in and out of prison. Kim tried to connect Li through the CEO of Executive Shield for employment in approximately 2013-14.

The FBI interviewed Kim in August 2014 and December 2014. Kim wrote a memorandum to Freeman in which he repeated the story that he told the FBI in August 2014. That story was that he left his vest at Mimi's place, he was going to a bar and his wife was supposed to retrieve the vest and forgot to. When the FBI raided Li's house, Kim's vest was in the car. Kim did not keep a copy of the memorandum. He does not know where a copy of the memorandum might be. Kim did not keep in touch with Freeman after Freeman retired. That was over 10 years ago. Since Freeman retired, no one has really been able to get in touch with him.

In August 2014, Kim told the FBI that he went with Li to casinos. Kim did not know that Li was doing debt collection. They all spoke Chinese and Kim does not speak Chinese. He would just go into the casinos. Kim did not see any weapons on Li. It was all cordial. When they left, Li would give Kim $100 or so. Kim never asked why Li gave him money. Li never said, "let's go collect debt." It was more like, "I need to go somewhere, let's go."

Kim always tried to help Li. Kim knew Li had a bad time in high school and his mother died when he was young. His father was always working. Kim tried to keep Li on the "straight and narrow" and always trying to "make him a better person." "But he always makes bad decisions."

After Kim joined the Sheriff's Office, he was focused on his career and he had kids, so he did not see Li that much. The last time Kim had contact with Li was after he got arrested. Kim was talking to Li's wife and she handed Kim the phone and it was Li. It's likely on a recording with the feds. Mimi (Li's wife) asked Kim to put up his house for bail. Kim declined.

Kim never gave Li sensitive law enforcement information. He asked to run plates but that's a misdemeanor. Kim did not provide anything that jeopardized investigations. He did ask if people were in jail and that's public information. Prior to computerization of the information, anyone could call in and ask if someone was in jail. That's the only information Kim gave Li. Kim did not even give information to other agencies if they did not have a need to know.

When Kim finished his probation, he decided to reapply to the Sheriff's Office. The probation officer told him he did not get in trouble again, so he went and talked to other deputies with whom he had kept in touch. He applied, went through the process, and was hired. His friends asked if he wanted to come back and they told him they'd love to have him back. People in the chain of command said that. So, he applied. He went through two rounds to get rehired. He does not know why he was not hired during the first round. The list expired and he reapplied. He researched the POST requalification course and got requalified. He went to the requal in San Jose.

The people in the chain of command who told him to reapply were Kevin McConnell, who was a captain and Lieutenant Quinn, who was on the SWAT team with Kim. Ron Chu, a deputy, and Jane Choi, too. They all asked when he was going to come back. McConnell was in charge of field services division.

Kim also talked to the Sheriff by phone, who wrote him a letter of recommendation. Kim was going through the process with Dr. Dunnigan and he asked the Sheriff to write a letter of recommendation because Dr. Dunnigan did not pass him. The letter was specifically for Dr. Dunnigan, not a general letter of recommendation. Kim did not write the letter for the Sheriff's signature. Kim appealed Dr. Dunnigan's decision and passed the second evaluation. Dr. Dunnigan said he failed Kim the first time only because there was a pending investigation against him. Kim told Dr. Dunnigan that he was going to be exonerated. It took longer than several weeks but ultimately Kim called Dr. Dunnigan and told him the investigation cleared him.

Dr. Dunnigan said the time lapsed was so long that he had to conduct another full evaluation, so Kim paid for another evaluation.

Kim selected Dr. Dunnigan from a list of POST-approved psychologists. He did not have a doctor-patient relationship with Dr. Dunnigan and never even met him in person. The evaluation was done over the computer.

During the investigation at the War Memorial, Kim was working from home for nearly a year. A woman accused him of sexual harassment. He kept his supervisor up to date on the investigation. She was in touch with Paul [Miyamoto, the Sheriff].

Kim did not tell the Sheriff that the letter of recommendation did not have a signature or that it was not on letterhead of the department. Dr. Dunnigan was suspicious of the letter. Dr. Dunnigan told Kim that he was going to call the Sheriff to authenticate the letter. The phone number on the letter is Miyamoto's cell phone number. [Masters stated that she would forward the email thread in which Miyamoto sent Kim the letter of recommendation to Sherburne.]

Kim did not know if the Sheriff's Office was doing anything after Dr. Dunnigan did not pass him the first time and sent him a rejection letter dated November 30, 2023.

Whatever the Sheriff says in hiring is the direction the office goes. Other than Miyamoto, Kim talked to Luke Quinn and Ron. Ron did not have a say in hiring.

The letter contains a misspelling of Kim's daughter's name.

After the second evaluation by Dr. Dunnigan, Dr. Dunnigan told Kim on the spot that he passed. Kim was not sure if he called Miyamoto after that. He called his supervisor.

Kim did not think he and Miyamoto had a sit down about POST's serious misconduct investigation. The Undersheriff called Kim based on a notice the office got from POST. Kim had a conversation with Sergeant Perez, who was the personnel manager. The talk was what could happen if his license were taken away. Could he retire? What happened if he surrendered his license? They talked about the publicity of it and Kim told Miyamoto and the sergeant that everything's already been in the open. The conversation took place in the last couple of months. After checking his calendar, Kim stated the conversation

occurred on May 13, 2025. Kim did not give Miyamoto a copy of the investigative report and believed that POST had given him a copy.

After the conclusion of POST's interview, Sherburne provided Masters a chance to ask questions she had of Kim. The following summarizes the interview.

After the first interview with the FBI, Kim felt bad that he had lied to the FBI. His attorneys said he should go back and try to correct his mistakes. So, they went back to the FBI to correct the record.

There was never a plea deal. The feds don't make plea deals. He went in and admitted what he did and cooperated with the feds and they gave him a misdemeanor contempt of court charge.

When he worked at the War Memorial, the investigation against him was based on claims by a woman who was the cousin of his boss, who did not like Kim. The whole thing was a fix. The boss fabricated everything against Kim and tried to get others to make statements about him.

When Kim went with Li to the casinos, he was about 19 or 20 years old. He was more naïve then than he is now.

After Masters concluded her questions, Sherburne asked follow up questions and Carrie Woolley asked questions. The following summarizes the interview.

Kim thought the definition of exonerated in the War Memorial investigation was the same definition that the Sheriff's Office used in internal affairs investigations.

Kim did not know what a proffer was. He went with his lawyer and told his lawyer to sign the agreement with the prosecutor. He never asked the court to seal documents but the AUSA sealed it because he cooperated with the feds. Kim did not know half the stuff that Li was doing until his attorney gave him the paperwork.

In the sentencing memorandum, it said that his lawyer said that Kim had no intention of returning to law enforcement. Kim is not sure what was agreed upon. . . just that he was going to resign from the Sheriff's Office. Kim was one of the rising stars of the department. Kim did not want bad publicity for the Sheriff. When the feds talked to him, they said it was all about this Asian senator, Asian gangsters, and an Asian cop. That made it big news, so "we're going to come after you." Kim made a mistake and will take the consequences that come with that.

Kim is not sure if the judge asked him about returning to law enforcement during his sentencing hearing.

While working at the War Memorial, the retirement system is San Francisco's retirement system just as the Sheriff's Office but the job was not a public safety job, so that's a difference.

Kim knew he made a mistake. He did not lie to regain his job with the Sheriff's Office and told the background investigators everything. People know he tells the truth. There was one mistake.

Lieutenant Tiffany Martin does not even know Kim.

Kim feels horrible and would never have talked to Li if he knew what he was doing. He only sees him on birthdays. Li doesn't even know about the car crash. He said Kim got a pass from CHP, but CHP does not give passes to anyone, even cops. Kim does not associate with Kim. He wants to keep his license and work in the department. The Sheriff knows his character.

Li's lawyers kept hounding him for a declaration. They typed it up and sent it to him. They called him while he was driving home.

The vest was a 15 year old, outdated vest. It was not a plate, just a regular, under the uniform vest. It was like a level 3A vest. He assumes that Li would have been able to buy a vest like that on the open market but he likely did not want to spend $1,000 for a vest or some amount of money for the vest.

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On June 25, 2025, California Commission on Peace Officer Standards and Training ("POST") Law Enforcement Consultant Kevin Sherburne interviewed Ryan Dunnigan at his office in San Rafael, California. Also present during the interview was Carrie Woolley, counsel for POST. Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Dunnigan. After being advised of the identity of the interviewer and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Dunnigan provided the following information:

In November 2023, Dunnigan performed a secondary psychological evaluation of Michael Kim. Kim was a candidate for a position with the San Francisco Sheriff's Office and did not pass the initial evaluation. He contacted Dunnigan for a secondary evaluation. San Francisco Sheriff's Office provides the polygraph but not the initial evaluation to the secondary evaluator. Dunnigan did not have a pre-existing relationship with Kim prior to Kim asking for a secondary evaluation in connection with employment. Neither did Kim continue in any professional way with Dunnigan after the evaluation. The only relationship Dunnigan had with Kim was with respect to the secondary evaluation for employment purposes.

Dunnigan did not meet Kim in person. He conducted the evaluation by Zoom. Dunnigan's communications with San Francisco Sheriff's Office were through their internal email system. He likely reached out to Sergeant Mel Fonthal who was the usual point person. After requesting records, it usually is about 3-5 days for Sergeant Fonthal to get him records. After that, Dunnigan schedules the appointment with the candidate for 1-2 weeks after that. After making a finding of not suitable in November 2023, Dunnigan completed the paperwork and submitted it to Sergeant Fonthal or the lieutenant through their internal system. They responded asking that he change one of the words. Dunnigan used the words "correctional deputy," and that is different than a deputy sheriff, so Sergeant Fonthal wanted the wording to reflect the position of deputy sheriff.

Later, Kim asked if he could wait and postpone the finding of not suitable but that was not acceptable clinically. Some of the information can become stale or other events could occur in the interim. A couple of days is one thing but a couple of months is too long. Kim wanted Dunnigan to wait a couple of months. So, Dunnigan submitted his finding of not suitable. Kim's position was that the Sheriff really wanted him to work there. Dunnigan said that if the dust settles on this other investigation, then maybe I can re-evaluate you. Then, in approximately March 2024, Kim reached out for a re-evaluation. No one else reached out to Dunnigan in the meantime.

This case was very unusual. Normally, a candidate has to wait a year before reapplying. That was not the case for the San Francisco Sheriff's Office. If they want to do it, then it is not an ethical or clinical problem for Dunnigan.

Shown a letter stating it was from Paul Miyamoto and addressed to To Whom It May Concern, Dunnigan stated he recognized it. Dunnigan has only received maybe one or two

letters from a sheriff or chief in his role as an evaluator. That made the letter memorable and very rare that a sheriff or chief would step into the process.

The letter carried "considerable weight" because it leans into Dunnigan's lane in the road. Kim performed fairly well on both psychometric tests, his personality traits were pretty well-rounded, and there was nothing there that would preclude him from moving forward on those bases. What concerned Dunnigan was information in Kim's background investigation. After he came back and said the investigation at the War Memorial had concluded and was not sustained, coupled with the sheriff's letter, Dunnigan's position was that, if you want him, and he's psychiatrically stable, that's your department and you can do that.

Dunnigan noted the letter from Miyamoto was not on letterhead, which could have been because he wrote it as his buddy, not coworker. Dunnigan did not recall if he asked anyone at the Sheriff's Office about the letter. He did not call the Sheriff. Dunnigan did not solicit the letter. Dunnigan did not tell Kim that, if the War Memorial investigation went away, he could mark Kim as suitable. That would have been up to the Sheriff's Office. Dunnigan did not recall speaking with Deputy Ronnie Wan about the letter.

If there is an appeals process after a finding by a secondary evaluator, that's up to the hiring department. Normally, the candidate is out for a certain amount of time. Here, it was very strange that they reopened the case after Dunnigan's finding of not suitable.

Maybe the Sheriff and Kim were buddies or colleagues. During interviews with Kim, Kim made it known to Dunnigan that he and the Sheriff knew each other for a long time and that he was "really close" and "very close," and went up the ranks together, or statements that the Sheriff was great and really wanted Kim there.

Kim told Dunnigan that he had spoken with people in the Sheriff's Office, but other than the Sheriff, Dunnigan was not sure with whom Kim had spoken.

The evaluations take an hour or two. Some go longer. There was a lot of stuff in Kim's file that concerned Dunnigan. Even during the second evaluation, Dunnigan was hesitant to sign off on Kim but if the Sheriff wanted to "take that liability" and they were comfortable with Kim, they have that right. Dunnigan found the contempt charge disturbing. That's a big deal to Dunnigan.

Kim tended to gloss over things and minimize his role. He did not take accountability for his own actions. It was a little incongruent compared to the gravity of the situation. The To Whom It May Concern weighed a lot. Dunnigan just did not feel comfortable with him without that letter. Dunnigan likely would have failed Kim were it not for the letter. If he were a chief or sheriff, he would not have hired Kim.

Dunnigan is familiar with the POST Dimensions in background investigations. Kim's statement to Dunnigan about the contempt conviction was framed in terms of downplaying certain things and highlighting that Kim was protecting the Sheriff's Office by resigning and that they dropped the charge from a felony to a misdemeanor. The contempt charge was a

perjury charge. Kim did not initially raise that but Dunnigan kind of had to pull that out of him and what that looked like.

In law enforcement, there's a saying, "you lie, you die." Kim said the misdemeanor would allow him to return to the Sheriff's Office and they were OK with it.

Kim was protecting his buddy and lent him a ballistic vest. Initially, Dunnigan thought it was a coworker but it was a friend from high school. Kim presented himself as very selfless. Kim knew it was wrong at the time.

Dunnigan would likely found him not suitable. Dunnigan has dealt with applicants who have numerous investigations or complaints against them. Dunnigan would not put someone in the department "with that kind of liability" and would have really questioned the POST Dimensions of ethics and judgement. If he had not seen the letter, he would have probably found him not suitable.

Info

MKim LOR (002)

E-mail attachment: C:\Users\ksherburne\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\IGAFHPQI\MKim LOR (002).docx

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Size	12.9KB
Pages	1
Words	441
Total Editing Time	84 Minutes
Title	Add a title
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Comments	Add comments
Template	Normal
Status	Add text
Categories	Add a category
Subject	Specify the subject
Hyperlink Base	Add text
Company	Specify the company

Related Dates

Last Modified	2/10/2016 2:52 PM
Created	2/10/2016 12:48 PM
Last Printed	2/10/2016 2:25 PM

Related People

Manager: Specify the manager

Author: MP Miyamoto, Paul (SHF)

Add an author

Last Modified By: MP Miyamoto, Paul (SHF)

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Info

Mike Kim letter 2024 (002)

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Version History

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Manage Document

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Properties

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Words	438
Total Editing Time	89 Minutes
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Tags	Add a tag
Comments	Add comments
Template	Normal
Status	Add text
Categories	Add a category
Subject	Specify the subject
Hyperlink Base	Add text
Company	Specify the company

Related Dates

Last Modified	2/15/2024 4:16 PM
Created	2/15/2024 2:47 PM
Last Printed	

Related People

Manager: Specify the manager

Author: MP Miyamoto, Paul (SHF)

Add an author

Last Modified By: MP Miyamoto, Paul (SHF)

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PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

October 9, 2025
AGENDA
10:00 AM

Meeting Location: CA Commission on POST Headquarters, 860 Stillwater Road - Training Rooms A/B, West Sacramento, CA 95605.

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's

facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member
Vacant - Senate Rules Appointee - Public Member

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **ASSISTANT EXECUTIVE DIRECTOR COMMENTS**

V. **NEW BUSINESS**

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

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

VI. **APPROVAL OF MEETING TRANSCRIPTS**

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on July 16-17, 2025.

a. Approval of Meeting Transcript from the July 16-17, 2025 Meeting

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

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

a. POST2410050 - Michael Kim (POST ID: A63-W93) Last Employing Agency: San

Francisco Sheriff's Office (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2402562 - Armando R. Montalvo (POST ID: C89-U13) Last Employing Agency: Orange County Sherriff's Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

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

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- February 04-05, 2026 - POST, West Sacramento
- April 15-16, 2026 - POST, West Sacramento
- July 15-16, 2026 - POST, West Sacramento
- October 14-15, 2026 - POST, West Sacramento

Board meeting dates are tentative and subject to cancellation pending POST receiving requests from subject officers to have their cases heard before the Board.

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2410050 - MICHAEL KIM (POST ID: A63-W93)
LAST EMPLOYING AGENCY: SAN FRANCISCO SHERIFF'S OFFICE (CURRENT)

REPORT PROFILE

MEETING DATE 10/09/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Central Bureau	
RESEARCHED BY Kevin P. Sherburne	**REVIEWED BY** Brian South	
REPORT DATE	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

From August 2, 1999, to February 13, 2016, Respondent was employed as a Deputy Sheriff with the San Francisco Sheriff's Office ("SFSO"). He promoted to the rank of Sergeant on February 12, 2005. On February 13, 2016, Respondent resigned from SFSO. On May 25, 2018, Respondent admitted that a Declaration he filed in a criminal case was materially false and pled guilty in federal court to a violation of 18 U.S.C. Section 401(1), a misdemeanor Contempt of Court charge. On December 21, 2024, SFSO rehired Respondent as a Deputy Sheriff.

Audio/Video Evidence Links:

- **BR32 POST2410050 Extraction 3 1 Kim Michael 20250626 mp3**
- **BR33 POST2410050 Dunnigan Ryan 20250625**

ANALYSIS:

Respondent signed a Declaration in Support of Defendant Andy Li's Motion to Reopen Detention Hearing and Reconsider Detention on August 6, 2014, under penalty of perjury. In this Declaration, Respondent, while representing himself as a Deputy Sheriff, made several factual statements that were

material to defendant Andy Li's motion and were materially false. Such materially false statements constituted serious misconduct, specifically, dishonesty relating to the reporting, investigation, or prosecution of a crime in violation of California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with the prosecution of Li while Respondent was employed as a peace officer.

The clear and convincing evidence substantiated that Respondent's Declaration contained materially false statements, in that he knowingly and willfully lied to a federal court, and that he obstructed justice in a federal criminal case through his lies.

In addition, Respondent told FBI Special Agents during an interview on August 19, 2014, that he did not know that Andy Li had a ballistic vest, that he dropped off a work-issued ballistic vest with his wife, who was at Li's wife's beauty salon, while he went out drinking with friends, and that he tried to get the vest back but forgot about the vest over time. The clear and convincing evidence substantiated that Respondent's statements to FBI Special Agents were materially false. The clear and convincing evidence further substantiated that Respondent's statements violated California Penal Code Section 13510.8(b)(1) and POST Regulation 1205(a)(1) because they were made in connection with a criminal investigation into Kim's criminal activity in submitting a false Declaration to a federal court and the criminal investigation about Li's criminal activities.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):
BR01_POST2410050_Kim_Michael_ISF.pdf
BR02_POST2410050_A_Kim_Michael_ExecReviewDivisionRec.pdf

BR03_POST2410050_B_Kim_Michael_POSTProfile.pdf
BR04_POST2410050_C_US_Opp_to_Li_Motion_to_Reconsider_Detention_Order_Redacted.
BR05_POST2410050_D_Interview_of_Michael_Kim_12_22_2014b_Redacted.pdf
BR06_POST2410050_E_Order_of_Detention_Pending_Trial_Redacted.pdf
BR07_POST2410050_F_Notice_of_Motion_and_Motion_to_Reopen_Detention_Hearing_and_
BR08_POST2410050_G_Declaration_of_Michael_Kim_Redacted.pdf
BR09_POST2410050_H_Declaration_of_Mimi_Li_Redacted.pdf
BR10_POST2410050_I_Minute_Order_Redacted.pdf
BR11_POST2410050_J_Information_Kim_Redacted.pdf
BR12_POST2410050_K_JUDGMENT_Redacted.pdf
BR13_POST2410050_L_US_DIS_CAND_3_18cr124_d10947289e796_Order_signed_11_2_2
BR14_POST2410050_M_Extracted_Michael_Kim_Archived_Triage_Report_pdfReport_-_edits_Redacted.pdf
BR15_POST2410050_N_Wan-ROI_Redacted.pdf
BR16_POST2410050_O_Fonthal_Final_ROI_Redacted.pdf
BR17_POST2410050_P_Extracted_Michael_Kim_Completed_12-12-2024_Redacted.pdf
BR18_POST2410050_Q_Martin_ROI_Redacted.pdf
BR19_POST2410050_R_Letter_from_Paul_Miyamoto_to_To_Whom_It_May_Concern_Redac
BR20_POST2410050_S_Interview_of_San_Francisco_Sheriff_s_Office_Deputy_Michael_She
BR21_POST2410050_T_0002_PLEA_AGREEMENT_v.1_Redacted.pdf
BR22_POST2410050_U_Defendants_Memorandum_in_Aid_of_Sentencing_Redacted.pdf
BR23_POST2410050_V_Redacted_Exhibit_C_to_Memo_in_Aid_of_Sentencing_Redacted.pd
BR24_POST2410050_Michael Kim_Supplement ISF 07 02 2025.pdf
BR25_POST2410050_FW from SO Counsel Masters_ Letters of rec from Paul Miyamoto_Redacted.pdf
BR26_POST2410050_M. Kim LOR_Captain Miyamoto_Redacted.pdf
BR27_POST2410050_M. Kim letter 2024_Sheriff Miyamoto_Redacted.pdf
BR28_POST2410050_Michael Kim 6.25.2025 POST interview transcript_Redacted.pdf
BR29_POST2410050_Ryan Dunnigan 6.25.2025 POST interview transcript.pdf
BR30_POST2410050_Kim_Final report of POST interview.pdf
BR31_POST2410050_Dunnigan_Final Report of POST interview
BR34_POST2410050_scrnshot properties of letter (1) from Miyamoto.pdf
BR35_POST2410050_scrnshot properties of letter (2) from miyamoto.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF MICHAEL KIM, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of Section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on May 2, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on May 27, 2025, and the Board scheduled the case for a hearing which was held on October 9, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations Section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 10/9/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, OCTOBER 9, 2025

10:05 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)

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer
(Vice 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

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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

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

CHRISTINE FORD
Bureau Chief
Professional Conduct
Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

MARCUS GREGORY
Law Enforcement Consultant
Professional Conduct Southern Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

BRANDY ESSEX
Staff Services Analyst
Executive Office

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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

BEATRICE JOHNSON
Public Speaker

APPEARING REMOTELY:

PATRICIA DE ARMAN
Public speaker, sister of Christopher DeArman

CINDY NUNEZ
Public speaker

DAVID DE ARMAN
Public speaker, father of Christopher DeArman

BRUCE LEININGER
Public speaker

MELISSA MIRAMONTES
United Families for Justice

CRYSTAL RODRIGUEZ
Public speaker

DARWIN FISHMAN
Racial Justice Coalition of San Diego

MARIE MASTERS, ESQ.
Representing Michael Kim

BRETT RUTKOWSKI, ESQ.
Representing Armando R. Montalvo

ARMANDO R. MONTALVO (POST ID: C89-U13)

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Thursday, October 9, 2025, 10:05 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning. I'm sorry that I was a minute late. There were some problems, but all good.

So today's Thursday, October 9th, 2025. And the time is 10:05.

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

Please note that this hearing is being live-streamed, recorded and transcribed. Further, please note that the microphones are auto on/off. When you begin speaking, they will go live with this and you will need to watch your crosstalk.

We will now call the roll of board members.

MS. ESSEX: Thank you, Madam Chair.

Good morning, Board.

Member Clavo.

MEMBER CLAVO: Present.

MS. ESSEX: Doyle.

MEMBER DOYLE: Here.

MS. ESSEX: Crawford.

MEMBER CRAWFORD: Here.

MS. ESSEX: Dudley.

CHAIRPERSON DUDLEY: Here.
MS. ESSEX: Glaser.
MEMBER GLASER: Here.
MS. ESSEX: Johnson.
MEMBER JOHNSON: Here.
MS. ESSEX: Lara.
MEMBER LARA: Here.
MS. ESSEX: Pena.
(No response.)
MS. ESSEX: Seven present, quorum established.
CHAIRPERSON DUDLEY: Okay. Thank you so much.
I would now like to introduce board counsel Christopher Beatty to my left; and POST Assistant Executive Director, who's coming up the aisle now, Annemarie Del Mugnaio.
Public comment.
So Annemarie's here. Chris is here.
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 such matter.

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 three 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 if you wish to comment on disciplinary matters scheduled to be heard today by the

Board, you must wait until that 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 the complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with the state law and to avoid compromising the Board's mission.

So having said all that, is there anyone present in the audience or appearing remotely who would like to address the Board?

First, in the audience?

Seeing nothing, now asking about anyone remotely.

Okay. It appears we do have four people online.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Okay. You may -- I'm not sure if there's anyone remotely who would like to speak, but if so, you have an option, you may state your name and

organization if you wish.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: For those of you wishing to provide public comment online, if you can mute your live-stream so that we can hear you. Please do so now.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Is there anyone who remotely would like to speak?

If so, please begin speaking.

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Yes, hello. This is Joyce Dudley. I'm the Board Chair up here at the POST meeting, did you want to speak?

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Please proceed.

PATRICIA DE ARMAN: Can you hear me?

CHAIRPERSON DUDLEY: We can hear you. Please proceed. Good morning.

PATRICIA DE ARMAN: Oh. Sorry.

Good morning, my name is Patricia DeArman. I'm the sister of Christopher DeArman who was killed by San Diego Police Department on January 20th, 2023.

They racially profiled him, a pretext stop, hot stop led to a slow-speed pursuit.

He was shot at excessively 28 times, some of which

included non-department issued, hollow-point ammunition, by officer Jacob Meyers. His constitutional rights were violated by Christopher Aguilar who told him, "your word means nothing," and Sergeant Rene Murillo who failed to intervene as acting supervisor on scene.

This whole case has been a cover up. He was left to bleed out on the streets, a river of blood, no CPR or an AED was rendered.

A canine was deployed 11 minutes after he was shot 28 times, including hollow points.

SDPD failed Christopher DeArman by failing to intervene, escalating the entire situation and -- into a matter that had never needed to be there.

My brother asked for his citations. They said no.

They violated his rights, antagonized him and used his background with a little bit of marijuana, which is legal here in California. He had well under the legal amount.

They accused him of illegally transporting marijuana, escalated the situation so far he hid into fight or flight mode and panicked. He didn't want to go back to jail.

SDPD did not value his life that night.

Neither do they value the life of an ex-felon. And these officers need to be held accountable, including

Jacob Meyers with his hollow points. We had sustained findings with internal affairs and still nothing has been done. Internal affairs did not give the CPP, the Commission on Police Practices full case files for the case review. Not my whole complaint was included in its findings.

I wrote everything that happened. Why wouldn't it be there?

This has been a cover up. This were evil acts taken by these officers.

My family is -- is here with guilt and remorse and horrors. This is traumatizing.

And these officers, Christopher Aguilar, is still allowed to patrol the same area where he killed at and he has a rap, history, of being a bully in the neighborhood, well before my brother was killed by him. And he's still here, all the time, at Chicano Park. He needs to be removed from Barrio Logan.

Christopher Aguilar needs to be held accountable.

Jacob Meyers needs to be held accountable, Rene Murillo and Patrick Harvey, who, this is his second time deploying a canine on a victim that's already been shot after a hot stop was conducted.

He had another incident in October 2020 where CHP pit-maneuvered a car. And the person got off with a gun

supposedly, but you don't even see the moment that they shot at the cops, like they claim. He might have shown a gun, but they should be telling officers to drop their weapons before they shoot at them.

Hollow points need to be banned entirely.

CPR and AEDs must be rendered after they been shot and wounded and saying that he's playing possum or faking it, and that he could baiting them into another ambush?

He can't move. He told the, he screamed, "I can't move." They ordered him to make him crawl closer to his weapon. That didn't make any sense. And when you see the footage they dragged his body closer and towards his weapon, not away from it like they claimed.

They said he died while undergoing lifesaving medical procedures, but he was shot at 11:38, when "shots fired" was being called by the watch commander, one or two minutes before he was shot.

And if he was shot at 11:38, why was he pronounced dead at UCSD at 12:24 when that hospital is five minutes away.

And why didn't they utilize Logan Fire Department if it happened right there by Logan that's about two blocks away?

CHAIRPERSON DUDLEY: Let me interrupt you.

(Unreportable cross-talk.)

PATRICIA DE ARMAN: -- fourteen hours.

CHAIRPERSON DUDLEY: Let me interrupt you just for a moment, okay?

First of all, I am -- I can just hear the pain in your voice. I can't imagine the agony you and your family are going through.

I want you to know there is a process and I'm going to ask the Assistant Executive Director to my right to tell you how exactly to file that complaint or what we can do next in terms of getting someone in touch with you.

But let me just say on a personal level, I am so sorry for your loss.

Go ahead.

PATRICIA DE ARMAN: Thank you so much. My dad already submitted a complaint. Please look into it.

MS. DEL MUGNAIO: Thank you very much.

PATRICIA DE ARMAN: Thank you.

MS. DEL MUGNAIO: We will address that and someone will be in touch with you.

CHAIRPERSON DUDLEY: Okay. So is there anybody else remotely who would like to speak?

Are there more on the line?

UNIDENTIFED PUBLIC SPEAKER: Yes.

CHAIRPERSON DUDLEY: Okay. Apparently there are some other folks on the line who would like to speak. I'm not sure why it is not coming through, but please just speak up and we'll take it from there.

CINDY NUNEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. This is Joyce Dudley. Please go ahead.

CINDY NUNEZ: Hi. Good morning, my name is Cindy Nunez.

My brother was also murdered in March of 2024 by Los Angeles County Sheriff's Department. And I'm calling today regarding the fatal shooting of Chris DeArman by the San Diego Police Department.

I'm urging you, POST, to review the certification of these officers that were involved, Christopher Aguilar, Jacob Meyers and Sergeant Rene Murillo and also Patrick Harvey for the severe violations of the POST standards and these basic human rights.

Officer Christopher Aguilar actually violated Chris's rights by telling him his words meant nothing, reaching into his car to unlock the door himself and escalating the situation rather than de-escalating. Chris should still be alive right now. That should have never happened.

Officer Jacob Meyer failed to follow the basic procedures, never requesting Chris's license, registration, proof of insurance, that we all will be asked for if we -- if we get pulled over at a traffic stop.

The use of non-department-issued hollow point ammunition, so these officers are going into the station and bringing their own ammunition that's not assigned by the department, increasing the lethally of his actions.

Sergeant Murillo, the supervisor on scene, he failed to intervene, he gave misleading statements about what had happened to Chris, he ordered the medics to stand down twice.

And also, quote, and also while Chris was -- all this while Chris was bleeding out on the street.

Officer Patrick Harvey, then he deployed the canine on Chris after he had already been shot multiple times, people. And he was incapacitated. And he was given the -- he never gave the order to release the dog, allowing the dog to continue mauling Chris as he laid defensive on the ground.

Chris couldn't move. He was not playing possum. If POST, as you guys, the Board, take a second to compare someone, a suspect, someone being attacked by a canine dog, and they're alert, you will see the reaction

a regular subject is going to have when they're getting bitten by a dog, a canine.

Chris wasn't playing possum. He couldn't move. He was dying on them and they knew that. Chris could not respond to their orders. He was dying. He needed help. And they literally denied him that basic human right.

These actions were truly reckless, inhumane and a direct violation of POST standards that you guys certify these officers out there for their officer conduct, accountability and the preservation of life that they failed to give Chris.

I'm urging you, POST, to use your authority to decertify these officers who engage in this coercive, abusive and retaliary [sic] behavior. And to straighten transparency in how these cases are reviewed.

Every abusive officer who keeps their certification weakens the integrity of every good person out there, of the community. That's why the so mistrust in officer conduct, because they are doing what they want in the streets and you guys are certifying these officers, you fail to decertify them and hold them accountable.

And I promise you, if you start holding these officers accountable and decertifying, you will get public trust again. You will get community trust.

Make an example. Our families deserve protection,

not persecution.

Please remember that behind every case number, there are people, grieving mothers, sisters, fathers, children. We're all out here fighting for the truth, waiting for accountability that should have been there in the very beginning.

Thank you.

CHAIRPERSON DUDLEY: Thank you for calling.

And I'm incredibly sorry to hear about Chris and the torment in your voice. I'm sure this is unimaginably horrible.

So I just want you to know that we heard you and POST Assistant Executive Director is going to speak now to let you know how to follow-up.

MS. DEL MUGNAIO: I believe your comment was in response to the first caller's remarks regarding a case.

That is a complaint that has already been filed. POST will be in contact to speak with you about the process. And to help you understand what the next steps are in that complaint.

If there are other remarks regarding the same complaint, I'm going to ask that we refrain from providing specifics as it can jeopardize the investigation of that complaint that POST will conduct, that investigation, and work with law enforcement agency

to procure whatever documents are necessary to do its fact-finding analysis.

So for those of you who are online that wish to comment regarding the same matter, I'm going to ask that we refrain from doing so, so those specifics are not aired in a public forum that could otherwise compromise the future investigation of the complaint.

Thank you.

CHAIRPERSON DUDLEY: And again, we want to thank you for calling.

Are there any more callers? Okay.

If there are -- I'm happy to hear from you, and to hear about your feelings, but at this point, I am going to need to intervene if there's any discussion of the facts of the case if it's about the same case that we just heard two calls on.

So, as to the next speaker, please go ahead.

DAVID DE ARMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you. Thank you.

DAVID DE ARMAN: This is Mr. DeArman, Christopher's father.

I have filed a formal complaint with POST, separately, against all involved officers. And have received no reply.

CHAIRPERSON DUDLEY: Let me immediately now turn it

over to the POST Assistant Executive Director so she can respond to that. And then I will continue to listen to your concerns.

MS. DEL MUGNAIO: Mr. DeArman --

DAVID DE ARMAN: Yes.

MS. DEL MUGNAIO: So you did file a formal complaint regarding the same matter?

DAVID DE ARMAN: Sure did.

MS. DEL MUGNAIO: Okay. We will definitely follow up with you regarding the status of that complaint following this meeting.

DAVID DE ARMAN: Thank you, ma'am.

MS. DEL MUGNAIO: You're welcome.

DAVID DE ARMAN: Let me ask, am I not allowed to speak regarding the incident?

CHAIRPERSON DUDLEY: You're absolutely allowed to speak. I encourage you to speak.

What I'm asking you to do is to refrain from discussing any of the evidence related to the case, any of the facts related to the case.

In my prior role, I was the District Attorney of Santa Barbara County. So I'm an attorney who understands the value of what you have to say.

But by the same token, with that, that information should not come out in a public comment. It should come

out in a formal investigation to best protect Chris's rights. Okay?

So if that made sense to you, certainly want to hear about your feelings.

Please try to stay away from the facts. Okay, sir?

DAVID DE ARMAN: Okay. I'll try to.

CHAIRPERSON DUDLEY: Thank you.

DAVID DE ARMAN: It's going to be difficult.

CHAIRPERSON DUDLEY: I understand.

DAVID DE ARMAN: It will be difficult.

Christopher was a father, a son, a brother, and a an uncle. He was much loved by his family.

The officers failed to use less-than-lethal or non-lethal measures in the force continuum that is required prior to execution of deadly force.

They did -- they took no such actions.

CHAIRPERSON DUDLEY: I can't imagine the loss that your family is experiencing.

And we'll absolutely get in touch with you after this meeting to follow up on the formal complaint. Okay?

DAVID DE ARMAN: I will also add that I'm a 30-year Naval veteran, a former security officer, Naval Base San Diego. And I'm a graduate of the Federal Law Enforcement Training Center FLETC at Glynco. I would

suggest my training far exceeds the training they received at a local junior college.

CHAIRPERSON DUDLEY: I understand, sir. And let me thank you for your service. And I promise right after this meeting, someone will be in touch with you.

And again, so sorry for your tremendous loss and the loss of your family.

DAVID DE ARMAN: Okay. Thank you, ma'am.

CHAIRPERSON DUDLEY: Thank you, sir.

Are there any other calls?

Okay. Someone else is on the line. Please go ahead.

I'm not hearing any voices.

Is someone else still on the line? If so, just speak up.

Someone still is there?

Okay. If you have a phone or a computer but you're not unmuting and you would like to speak, please press the unmute button and speak up.

If not, we're just going to go ahead with the meeting and going to assume you're just listening to the meeting.

So again, an opportunity to unmute and speak up.

(No response.)

CHAIRPERSON DUDLEY: Okay. Hearing nothing, we're

going to go on.

Okay. We're going to go on 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 July 16th through 17th transcripts?

(No response.)

CHAIRPERSON DUDLEY: Hearing nothing, are there any questions or comments from the Board about the minutes?

(Sotto voce comment.)

CHAIRPERSON DUDLEY: Go ahead.

Okay. If the Board concurs --

BRUCE LEININGER: Hello. Let me know if you can hear me.

CHAIRPERSON DUDLEY: I'm sorry. Go ahead.

BRUCE LEININGER: Yeah, something was wrong with the audio. Several speakers were trying to talk.

So thank you for taking my call.

My name is Bruce Leininger and I'm also calling regarding the shooting death of Christopher DeArman by San Diego Police.

CHAIRPERSON DUDLEY: Okay.

BRUCE LEININGER: I'm calling on --

CHAIRPERSON DUDLEY: Sir, I am absolutely going to give you an opportunity to talk. And thank you so much

for calling. And thank you for bearing with the audio problems.

I want to reiterate the concerns of the Executive Director, the Assistant Executive Director, please try to stay away from any facts, because I don't want to contaminate the evidence of this investigation.

But please feel free to share whatever thoughts and feelings you have.

Please, sir, go ahead.

BRUCE LEININGER: I am calling on POST to review the allegations against the officers involved. And I'm wondering also what is the time frame that Chris's father can expect to hear back from you?

MS. DEL MUGNAIO: So an acknowledgment letter was sent back in July, acknowledging receipt of the complaint. And at that point, it takes -- can take several months for us to get additional information from the agency regarding the incident to be able to analyze that information.

As soon as we have a further status update we can provide that accordingly.

If we don't have a good address of record, that may be part of the problem. So we will look into that.

Again, I can't give you a firm date. It all depends on the production of documents and the time it

takes to analyze those documents. And if there is any follow-up investigation that needs to be done on the part of POST, all of that takes a period of time. I believe we received the initial --

BRUCE LEININGER: -- assurance --

MS. DEL MUGNAIO: -- inquiry in July. July 24th, to be exact, and a receipt -- a notification of receipt was sent immediately thereafter.

So it may take several months before we have a further status update.

DAVID DE ARMAN: This is Mr. DeArman. Can you hear me?

CHAIRPERSON DUDLEY: Yes, we can.

DAVID DE ARMAN: I just wanted your assurance that these officers' actions are being reviewed.

CHAIRPERSON DUDLEY: I can assure you that the investigation is being reviewed. That is exactly why we're here.

BRUCE LEININGER: And if he does not hear back from you in the time expected, what is the best way to contact you?

CHAIRPERSON DUDLEY: Executive Director --

MS. DEL MUGNAIO: Yeah, the best way to probably contact any of us, so you can get directly to our complaint intake team to look into the facts of the

case, is on the POST website. There's a complaint intake portal. And it's to send a message to request follow-up and a contact.

If there's specific phone number or email address that you wish to be contacted at, you can leave that information through that portal.

BRUCE LEININGER: Can I leave you my number now?

MS. DEL MUGNAIO: I wouldn't do that because this is a public broadcast and I don't know that you want the entire public to have your direct phone number.

I think it's probably a safer bet to have you do that through the portal, sir.

BRUCE LEININGER: Okay. Thanks.

MS. DEL MUGNAIO: You're welcome.

BRUCE LEININGER: And that concludes my comments.

I think there's one more person, at least, on the line.

CHAIRPERSON DUDLEY: Okay. Thank you, sir. We will certainly keep the line open and wait for the next person to speak.

We're not hearing any voices.

MELISSA MIRAMONTES: Can you all hear me?

CHAIRPERSON DUDLEY: Yes, now I can hear you. Please go ahead.

MELISSA MIRAMONTES: Okay. Hi. My name is

Melissa Miramontes and I'm with United Families for Justice.

I'm also going to speak on the family for Chris DeArman.

It's important that the POST -- you all have the final authority to be able to allow these officers on the street. I have lost a loved one due to police violence. An off-duty officer killed my brother as well.

And I actually filed a complaint against this officer with POST. And POST gave me a statement stating that they cannot look into my request in accordance with California Penal Code 7922.535.

And it basically -- basically they denied my request and said that they couldn't look into it because it was the responsibility of the LAPD.

That is false and --

CHAIRPERSON DUDLEY: Let me --

MELISSA MIRAMONTES: -- look into the --

CHAIRPERSON DUDLEY: Let me ask the Assistant --

MELISSA MIRAMONTES: Excuse me?

CHAIRPERSON DUDLEY: Let me ask the POST Assistant Executive Director to respond to what you just said.

MELISSA MIRAMONTES: So --

CHAIRPERSON DUDLEY: Hang on one sec so she can

respond to you -- to your concern.

MS. DEL MUGNAIO: I'm not familiar with that particular provision that we would have responded.

It was -- it sounds to me like perhaps the response may have been in light of the -- the issue itself falling outside of the nine acts of serious misconduct.

So POST is limited to --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: Okay. I think --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: -- what I am --

(Unreportable cross-talk.)

CHAIRPERSON DUDLEY: Hang on one second. Just let the -- I promise to let you speak.

But I want you to hear the full thought of the Assistant Executive Director.

MELISSA MIRAMONTES: Thank you.

MS. DEL MUGNAIO: We probably will not be able to resolve this over the phone without looking into the specifics of your particular situation.

The best thing for you to do, then, is to file the complaint, refile the complaint, for us to look into the assertion that this falls within POST jurisdiction, the nine acts of serious misconduct, and we can respond accordingly.

I don't think it's going to be helpful today because I don't have the resources in front of me to be able to address your specific situation.

There again, in a public forum, it's not appropriate to discuss the facts of the case prior to the investigation.

So I would ask that you send something to us through the intake, the complaint intake portal, that we can look into the matter.

CHAIRPERSON DUDLEY: Okay. So --

MELISSA MIRAMONTES: Okay. Thank you. I hope to get -- I'll try to get the exact email information.

You know the point is, I don't want to, you know, deteriorate from what I'm -- the point is my conversation. The point is, and you guys have heard several different family members, several different community members here in San Diego who have come together to bring awareness to Chris DeArman's story.

It's important that POST looks into this. This is one of the most gruesome cases that I've ever seen in my life. I encourage you guys to please investigate. Do your due diligence and please hold these officers accountable in any which way you can.

I encourage you all, as you guys start to receive these -- these complaints from community members,

because we are definitely going to encourage the community to start filing these complaints after today.

Please look into these investigations.

My specific complaint number is R002950-050925 --

CHAIRPERSON DUDLEY: Hang on one second.

MELISSA MIRAMONTES: -- making --

CHAIRPERSON DUDLEY: Hang on one second. Just say it one more time a little slower so the Assistant Executive Director can write it down.

MELISSA MIRAMONTES: Okay. Thank you. It's reference number R002950-050925.

And again, this is not just for -- for my particular case, but all these complaints that you guys are going to be receiving in, please investigate them. Do your due diligence. These officers are killing people, time after time, same scenario, same situation, they always get away with it.

And the scenarios in which they're harming people, inflicting and actually, you know, flattenly un-aliving people.

CHAIRPERSON DUDLEY: Okay.

MELISSA MIRAMONTES: The scenarios are all different.

All of our loved ones have been taken in different ways and yet these officers are not held accountable.

There is no reason -- there is no way you can rule in the officer's favor time after time when the situations are different.

Please investigate.

Please do your guys's job. We appreciate your time.

Justice for Chris DeArman.

Justice for all stolen lives.

CHAIRPERSON DUDLEY: I absolutely --

MELISSA MIRAMONTES: Thank you.

CHAIRPERSON DUDLEY: -- promise you that that is why we are all here --

MELISSA MIRAMONTES: I appreciate you guys for having this --

CHAIRPERSON DUDLEY: -- is to look into these cases.

MELISSA MIRAMONTES: -- platform.

CHAIRPERSON DUDLEY: Also -- we've put up information on the screen and -- but in case you're not seeing the screen, let me just say that it's -- well, I'll ask the Assistant Executive Director to read it because it's a little blurry for me.

MS. DEL MUGNAIO: So the complaint intake address is complaintintake@post.ca.gov and hopefully it is appearing on your screen as we broadcast this meeting.

There's also a phone number associated with it and an email contact box.

I believe in your case, the information you submitted was handled through a California Public Records Request Act, not through our complaint intakes.

So this would be the appropriate place for you to file that complaint.

CHAIRPERSON DUDLEY: Do you understand that it --

MELISSA MIRAMONTES: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. So apparently it went to the wrong place.

But, you know, it's very important that you call today. It's very important you gave us this information. And now it's very important that you put your complaint through the complaint intake. Okay?

MELISSA MIRAMONTES: Yes. Thank you so much. Have a good one.

CHAIRPERSON DUDLEY: Thank you so much.

Is there somebody else who would like to speak?

CRYSTAL RODRIGUEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. Please go ahead.

CRYSTAL RODRIGUEZ: Hi, yes. My name is Crystal Rodriguez. I'm calling on behalf of -- I'm a community member here in Barrio Logan. And I just want

to say how outrageous it is that we still have the same officers patrolling the same streets where they committed murder, even -- like, they don't even -- why are they still on the same street?

Every day we encounter them and they harass our community, they're constantly stopping people and presuming things and assuming the worst of everybody instead of doing their job and actually going through the procedures that they have to. But they make comments.

Officer -- officers that come in the community are always targeting and harassing and disrespecting our community, constantly. We don't even get the same humane treatment that other communities do. And it's why, it's, like, we get generalized as one in this community. And I don't believe it's -- it's -- it's, like, ethical to have an officer here -- to have an officer that committed murder down the street still patrolling the streets. How are we supposed to feel safe with somebody like that in our community?

CHAIRPERSON DUDLEY: It is absolutely our mission to ensure that you feel safe. And we're absolutely going to be looking into this.

And I very much appreciate your call.

Was there something else you wanted to say? I

didn't mean to interrupt you.

CRYSTAL RODRIGUEZ: Oh, no. That's what I wanted to say. That was just my main concern, because we have kids. We have community members that are always here and they're always, you know -- we just get, I feel we just get categorized in one -- in one label. And we get treated like that. And I don't think it's ethical or appropriate for any officer to treat anybody like that --

CHAIRPERSON DUDLEY: It is neither --

CRYSTAL RODRIGUEZ: -- especially if they --

CHAIRPERSON DUDLEY: -- ethical nor appropriate. You're 100 percent right.

CRYSTAL RODRIGUEZ: Okay. Thank you. And then, yeah, we want that to be a priority to remove those officers from this community because people (garbled transmission; indecipherable) Feel safe. It's just many people in the community don't feel safe. And that's what I have to say.

CHAIRPERSON DUDLEY: Thank you. You've made that very clear and we'll absolutely be looking into this.

I very much appreciate your call.

CRYSTAL RODRIGUEZ: Thank you.

CHAIRPERSON DUDLEY: Thank you.

Is there anyone else who would like to speak?

If there is anyone else that would --

PUBLIC SPEAKER: Hello. Hello. Can you hear me?

CHAIRPERSON DUDLEY: I can hear you now. Thank you so much. Please go ahead.

DARWIN FISHMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you too.

Let's have one at a time.

UNIDENTIFIED PUBLIC SPEAKER: Go ahead and go first and I'll go after you. Thank you.

DARWIN FISHMAN: Okay. Okay.

CHAIRPERSON DUDLEY: Thank you, sir. Go ahead.

(Unreportable cross-talk.)

DARWIN FISHMAN: Okay. Darwin Fishman, Racial Justice Coalition of San Diego. And I'm also calling in for Chris DeArman.

I did want to say that the reason you're getting so many calls about this and from San Diego is that we have serious problems, serious issues, the same as other communities, with racial profiling. And our young black and brown community, young men of color being targeted by police and harassment.

And if you have young men that keep getting targeted for traffic stops, and basically nuisance with the police, it's not unusual, it's not going to be surprising that folks are going to snap. And it's going

to be enough is enough. This is the third stop, the fourth stop, the fifth stop.

All of the work done on racial profiling, all the research done here has shown that there's a disproportionate amount of people of color getting pulled over. And the ones that are getting pulled over end up with no citations or things like minor traffic violations.

When you have that, and then the situation escalates, and police officers are not properly trained or they have racial bias about these youths and think that they're here at war and they're more likely to use force and lethal force, it makes it horrible situation here.

And we're calling in because we're looking for help. The tools, the research is available here. We've exhausted. They haven't brought justice for this family and other families that lost loved ones here.

At least with the POST commission and process of decertifying officers, we have a way to address some of these officers that are the worst violators that we know, keep doing this, keep harassing community members, and we have a way to get them out of the profession and other jobs. And also a way to get them out of our communities and doing this kind of horrific policing.

And that's why we're calling in and doing this concerted effort.

The communities, we know who these officers here, they're here on a regular basis. Many of them have been involved a one or multiple incidents. And this is something that's untenable.

It is just going to keep getting worse. And this is why we're looking for avenues for POST to investigate and to hopefully intervene and help us with the kind of crisis that we have here in San Diego.

Thank you.

CHAIRPERSON DUDLEY: What you've described does sound, in your words, both horrible and untenable. And we will be looking into it.

Sir, thank you for your call.

Now there is -- I heard a female voice.

UNIDENTIFIED PUBLIC SPEAKER: Yes. Yes.

CHAIRPERSON DUDLEY: Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Can you hear me?

CHAIRPERSON DUDLEY: Sure can. Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Yes. What happened to Christopher DeArman shocks the conscience. It is a gross violation of human rights, criminal law, and constitutional rights. Officers are creating orphans, widows and widowers with impunity and with -- without

any criminal accountability.

In every pro -- every profession, weeds out the bad apples for the protection of society.

And we're counting on you to please do the -- look into the serious misconduct and decertify these four officers. They pose a threat to every single person in this society.

Thank you.

CHAIRPERSON DUDLEY: Thank you very much for calling.

And that is exactly our goal. And I think it's fair for you to count on us and we'll follow through.

Again, thank you for your call.

Is there anyone else?

I think that perhaps the mute button was off.

Okay. It doesn't appear there's anyone else, but there may be someone. So let me be silent. And if there is someone on the line, please speak up.

DAVID DE ARMAN: This is Mr. DeArman again.

CHAIRPERSON DUDLEY: Yes, sir. Go ahead.

DAVID DE ARMAN: I ask you to carefully review all the videos that are available. Ironically, they're available on the San Diego Police website. If you notice, and I know I'm not supposed to talk about this, but at the end of the execution of my son, they

exchanged fist bumps, just like they just won a football game.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Sir, are you still on the line?

DAVID DE ARMAN: Yes.

CHAIRPERSON DUDLEY: As a mother of four sons, I can't imagine the torment you're going through. But I can tell you, as chair of this organization, we absolutely will look into it and also go and search those videos you just talked about.

DAVID DE ARMAN: I really greatly appreciate your efforts. Thank you so much.

CHAIRPERSON DUDLEY: Absolutely, sir. Thank you for calling.

Is there anyone else on the line?

Okay. I think what we're going to do is just go through the approval of the minutes and then take a break.

So are there any questions or comments from the Board about the approval of the July 16th-17th minutes? Transcripts?

Okay. If the Board concurs, the appropriate action would be a motion to approve the minutes, transcript, from the July 16th-17th, 2025 meeting.

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 now call upon law enforcement consultant Kevin Sherburne, Professional Conduct Central Bureau and Carrie Woolley, Attorney VI, Legal Affairs Bureau to provide a report on POST case 241-0050, Michael Kim, who at the time of the events at issue in this case was, and still is, employed by the San Francisco Sheriff's Office.

MR. SHERBURNE: Thank you, Madam Chair.

Good afternoon, Board members. My name is Kevin Sherburne. I'm a law enforcement consultant assigned, as the chair mentioned, to the Professional Conduct Central Bureau.

I served as the investigator on this case involving Michael Kim. The case number's POST 241-0050.

With me today is Carrie Woolley, she is legal counsel for POST.

The clear and convincing evidence substantiated in this case, that based upon his conviction for contempt of court, Mr. Kim was dishonest.

On May 25th, 2018, Mr. Kim admitted to the federal court in San Francisco, that he filed a declaration with the court that contained materially false statements and

he plead guilty to a violation of Title 18, United States Code, Section 401, parentheses, 1, a misdemeanor.

Mr. Kim's dishonesty for serious misconduct purposes occurred when he lied to the Court in the declaration and obstructed justice in the criminal prosecution of Andy Li, and he lied to FBI agents who asked him about the declaration that he filed with the Court.

Under California Penal Code Section 13510.8(b)(1), dishonesty is defined as lies relating to two types of lies.

First, there's dishonesty relating to the investigation or prosecution of a crime.

Second, there's dishonesty relating to the investigation of peace officer misconduct.

Mr. Kim's dishonesty is in violation of this statute because it's false statements relating to the criminal prosecution of Andy Li, the criminal investigation of his own criminal activity, that is the submission of a false declaration to the Court, and the investigation into his own peace officer misconduct.

May we have the next slide, please.

This presentation, I've divided into four parts.

So first I will talk about Mr. Kim's professional career as a peace officer.

Then I'll talk about the evidence substantiating Mr. Kim's serious misconduct.

I will cover the reasonable grounds for revocation of Mr. Kim's certificates.

And then I'd like to talk a little bit about some of the procedural aspect of this particular case.

For purposes of the division's findings, the clear and convincing evidence standard means there is sufficient evidence, to establish, quote that there is a high probability that the charge is true, end quote. And the evidence need not establish a fact beyond a reasonable doubt.

That said, in this case, we have evidence beyond a reasonable doubt of dishonesty based on Mr. Kim's conviction.

Next slide, please.

At this time, I'll give an overview of his professional career.

Mr. Kim's professional career as a peace officer started in 1999 when he became a deputy with the San Francisco Sheriff's Office. He promoted to sergeant on February 12th, 2005, and was a sergeant at the time of the serious misconduct.

Mr. Kim resigned from the sheriff's office on February 13th, 2016. At that time, Mr. Kim held basic,

intermediate, and advanced certificates issued by POST.

In April 2021, Mr. Kim completed a requalification basic course and re-applied to the Sheriff's Office in May of 2021.

The application expired and in June 2023, Mr. Kim reinitiated the application process. He completed a second re-qualification basic course in August, 2024.

During Mr. Kim's background investigation, he completed questionnaires in which he made admissions that he committed perjury by submitting a false statement to a court and made false statements to FBI agents.

Mr. Kim also underwent a psychological evaluation as required by POST regulations. A key component of the psychological evaluation is the examination of what are known as dimensions that cover topics like integrity and decision-making or judgment.

Under this process, a department psychologist conducted an evaluation. If that psychologist determined an applicable not to be suitable, the applicant had a right to appeal and hire his or her own psychologist.

In Mr. Kim's case, the department psychologist deemed him quote, not suitable, end quote. He appealed and hired Dr. Ryan Dunnigan to evaluate him.

Dr. Dunnigan performed an evaluation on November 1, 2023, and deemed Mr. Kim not suitable for the position of peace officer.

In my investigation, the evidence showed that an applicant's own psychologist very rarely failed the applicant. As a result of Dr. Dunnigan's determination that Mr. Kim was not suitable, the sheriff's office sent Mr. Kim an email on November 30, 2023, stating that it discontinued his application. In other words, it, quote, "elected not to proceed with your application," end quote.

While on one hand, the background process did not set forth another appeal for applicants who failed the evaluation by their own psychologist, on the other hand, personnel at the sheriff's office stated there was no prohibition on an appeal.

However it occurred, in February of 2024, Mr. Kim did appeal Dr. Dunnigan's determination that he was not suitable for a peace officer position and in this appeal, Mr. Kim submitted a letter of recommendation from Sheriff Paul Miyamoto.

Dr. Dunnigan stated it's very rare he receives letters of recommendation from chiefs or sheriffs. As such, the letter carried, quote, considerable weight, end quote, because he said, quote, it leaned into his

lane in the road, end quote. And Dr. Dunnigan deemed him suitable.

But for the letter, the letter was the sine qua non of Dr. Dunnigan's suitability finding. Dr. Dunnigan likely would have again deemed Mr. Kim not suitable for employment as a peace officer based upon those dimensions I mentioned earlier.

Counsel for Mr. Kim has submitted public comment in which she states that investigators, quote, immediately seemed suspicious of the letter.

Given Mr. Kim's lies, for which he was convicted, our suspicions were legitimately founded and the division's investigations followed up in a thorough and objective manner to determine whether Mr. Kim himself authored that letter.

The letter also had probative value, whether there was abuse of power in the hiring process of Mr. Kim.

After a third psychologist reviewed the previous psychological evaluations, the background investigation unit at the Sheriff's Office submitted the background investigation file up the chain of command.

Counsel for Mr. Kim stated in her written submission, that "It is rare that anyone would be able to return to a sworn position after an incident of this nature."

I would like to point out, and as noted in the investigative summary and findings, three of the four voting members of the command staff hiring committee voted to reject hiring Mr. Kim.

Further, Dr. Dunnigan focused on the dimensions of ethics and judgment in his initial finding of nonsuitability.

On December 21, 2024, the department rehired Mr. Kim as a deputy.

Now I will go over the evidence of my investigation into Mr. Kim's serious misconduct.

Mr. Kim became friends with an individual named Andy Li when they were in the ninth grade. They remained friends after Mr. Kim joined the sheriff's office. Mr. Lee was a criminal and ultimately became the enforcer for Raymond Chow. Mr. Chow was the leader or dragonhead of an organized crime syndicate in San Francisco's Chinatown.

Mr. Li committed crimes such as arson on behalf Mr. Chow who also ordered Mr. Li to kill people, break their legs and to commit armed robbery.

Although Mr. Kim knew that Mr. Li had convictions and spent time in prison, they maintained a close personal relationship. Mr. Li had introduced Mr. Kim to Mr. Chow.

In March, 2014, after an extensive undercover operation, the FBI arrested Mr. Li. The FBI seized a ballistic vest they found in Mrs. Li's vehicle.

The federal court found that pretrial detention of Mr. Li was justified based on its finding that Mr. Li was a danger to the community. The Court specifically relied on the charges against Mr. Li which involved firearms and narcotics trafficking; that Mr. Li was a convicted felon in possession of a ballistic vest; and that Mr. Li was an enforcer for an organized crime syndicate.

Over the summer of 2014, Mr. Li sought his release from jail. Arguing the vest was Mr. Kim's vest, not his.

Mr. Li's lawyers asked Mr. Kim how Mr. Li obtained the vest.

Next slide, please.

Mr. Kim fabricated a story to Mr. Li's lawyers and then signed a declaration on August 6, 2014, quote, under penalty of perjury under the laws of the state of California, end quote, as being, quote, "true and correct."

In the declaration, Mr. Kim identified himself as a San Francisco Sheriff's Office employee. The declaration stated he dropped off the ballistic vest

that his Sheriff's Office had issued him at Mrs. Li's hair salon with Mr. Kim's wife.

Mr. Kim's wife forgot the vest at the salon. Mrs. Li took the vest, placed it in her car and intended to return to it Mr. Kim. And the declaration further stated that although Mrs. Li made plans to return the vest to Mr. Kim, quote, both got busy and plans fell through, end quote.

In addition to creating this make-believe story, Mr. Kim recruited his wife and Mrs. Li to commit to this web of lies and submit false statements to the Court. This is more than, as counsel for Mr. Kim stated, wearing, quote, "blinders" when it comes to close friends or family.

On August 19th, 2014, FBI special agents interviewed Mr. Kim about his version of events relating to the vest. He told the FBI the same lies he provided in the declaration he filed with the court.

Mr. Kim's story was material to Mr. Li's submissions to the Court. The Court denied Mr. Li's request for release.

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In December 2014, the FBI again interviewed Mr. Kim about the stories in his declaration. This time, Mr. Kim told the FBI that he lied to them in August and

in the declaration.

Next slide, please.

On May 25th, 2018, Mr. Kim pled guilty to Contempt of Court. In support of his plea, Mr. Kim stated that he knowingly and willfully lied to the Court.

Next slide, please.

On October 12th, 2018, the Court entered a judgment of conviction.

Mr. Kim also submitted a memorandum to his supervisor at the Sheriff's Office in which he repeated the lies that he told the FBI agents and that were contained in his declaration.

Although my investigation was unable to obtain the memorandum he submitted to his supervisor, and his supervisor, who's now retired, did not respond to my request for an interview, Mr. Kim admitted that he lied in the memorandum.

These admissions also serve as evidence of his dishonesty relating to reporting or investigation of peace officer misconduct.

The evidence above, and as detailed in the ISF, therefore, substantiated at the clear and convincing standard that Mr. Kim lied in Mr. Li's prosecution, to FBI agents during a criminal investigation into his own conduct to the Court, and to his chain of command.

Reasonable grounds exist to revoke or suspend Mr. Kim's peace officer certificates. His lies have impacts in the following ways that demonstrate that his certificate should be revoked.

Mr. Kim's lies obstructed justice in the prosecution of Mr. Li. They interfered in the proceedings of another branch of government and affected the integrity of the judicial system wasting the time and resources of the Court, the prosecutors and the FBI.

Mr. Kim enlisted others in his criminal activity. This activity demonstrated that Mr. Kim had a conflict of interest and willingly compromised core law enforcement values based upon personal loyalties.

Mr. Kim's lies to his own chain of command harmed the morale of the sheriff's office and undercut departmental discipline. Mr. Kim's lies were an attempt to gain release of a man the court found to be a danger to the community.

Next slide.

Finally, in his memorandum at date of sentencing, Mr. Kim's lawyer stated that Mr. Kim resigned from the Sheriff's Office with, quote, no intention of returning to law enforcement.

His own family also submitted statements that Mr. Kim's atonement included accepting responsibility

through the act of relinquishing a career in law enforcement. Mr. Kim's re-entry to law enforcement demonstrates further dishonesty.

Before concluding, I would like to talk a little bit about the procedural aspects of this case.

In accordance with California Penal Code Section 13510.8(g)(1)(B), POST can initiate proceedings to revoke or suspend an officer's certification for conduct occurring prior to January 1, 2022, where the serious misconduct is dishonesty.

Here, the serious misconduct occurred in August 2014 through December 2014 when Mr. Kim filed a false declaration with the Court and lied to FBI agents and in 2018 when Mr. Kim was convicted.

As a separate but related issue, San Francisco Sheriff's Office was not obligated under SB 2's provisions to report Mr. Kim's dishonesty to POST because the mandatory reporting became effective January 1, 2023, and Mr. Kim's serious misconduct and his employment had ended prior to that date.

Next slide, please.

POST initiated this investigation pursuant to its authority under California Penal Code Section 13510.8(c)(3)(C). This section states that the division may, in its discretion, investigate without the request

of the Commission or Board any potential grounds for revocation of certification of a peace officer.

POST received a public records request that alerted POST to Mr. Kim's conviction and the division reviewed the matter for possible disqualification under California Government Code Section 1029.

The Division determined that Mr. Kim was not subject to a 1029 disqualification.

After reviewing court records, however, the Division initiated its -- this investigation to determine whether Mr. Kim's conviction for contempt and underlying conduct constituted dishonesty.

In addition to the division's initiation of the investigation in January 2025, POST received an anonymous complaint from a member of the public that Mr. Kim was convicted and had agreed not to re-apply for a law enforcement position.

Thus, even if the Division had not initiated its own investigation, it would have investigated pursuant to the public complaint.

Final slide, please.

In sum, the Division seeks revocation of Mr. Kim's certificates based on his dishonesty for lying during the prosecution of Mr. Li, during the criminal prosecution into Mr. Kim's crimes and based on Mr. Kim's

dishonesty during an investigation into Mr. Kim's misconduct as a peace officer.

That concludes my presentation.

Ms. Woolley and I are ready to answer any questions that members of the board or chair may have.

CHAIRPERSON DUDLEY: Thank you. I have a couple of questions. I want to make sure I understand this.

There was some question about Sheriff Miyamoto's letter of recommendation. The questions emerged because it was an email, it was unsigned, and it wasn't on letterhead; correct?

MR. SHERBURNE: That's correct.

CHAIRPERSON DUDLEY: Okay. Did anybody -- I know that the counselor, the psychologist or psychiatrist, I don't know which he is, said that he thought -- was possibly going to check up on that. And it appears he did not check up on that, as far as we know.

Did anybody ever contact Sheriff Miyamoto and ask if that, in fact, was what he wrote?

MR. SHERBURNE: I did not interview Sheriff Miyamoto. I determined that that was not part of the investigation. To the extent that Ms. Masters, counsel for Mr. Kim, had submitted certain evidence to us that in the metadata showed that it was written by Sheriff Miyamoto, so I didn't

pursue that that line of inquiry.

CHAIRPERSON DUDLEY: Okay. So is there any doubt in your mind, then, that Sheriff Miyamoto wrote that?

MR. SHERBURNE: Again, Madam Chair, that part wasn't part of my investigation.

CHAIRPERSON DUDLEY: Okay.

MR. SHERBURNE: So to the extent that the evidence that I did uncover in this investigation showed that there was a conflict in the evidence, on one hand, the background investigation unit investigators said that when they spoke with Dr. Dunnigan he said that he was going to call the Sheriff.

When we interviewed Dr. Dunnigan, he either said he did not recall or he did not reach out to the Sheriff in order to vet that out.

CHAIRPERSON DUDLEY: Okay.

MR. SHERBURNE: But the background investigators were suspicious of that letter also.

CHAIRPERSON DUDLEY: Okay. So I understand the suspicion.

I also understand that his counsel provided documentation that supported that it was, in fact, written by him.

Or what was it that his counsel said to you that made you decide not to call.

MR. SHERBURNE: During -- well, so prior to the writing of the ISF, I had already made the decision not to reach out to the Sheriff, Miyamoto.

After we interviewed Mr. Kim, his counsel provided information to us by way of email that are contained as attachments --

CHAIRPERSON DUDLEY: Right.

MR. SHERBURNE: -- to the ISF, and in those, we looked at the metadata and we determined it seemed credible.

CHAIRPERSON DUDLEY: Okay. So, as far as we know, that the statements that were emailed by Sheriff Miyamoto were, in fact, his statements.

MR. SHERBURNE: Correct.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: And just for clarity's sake, Chair Dudley, those are Exhibits 35 and 34 to the ISF. They are in the agenda packet, they showed that the email which included the letter, was sent by Sheriff Miyamoto.

CHAIRPERSON DUDLEY: Okay. I want to be clear about that, because it continued to still be an issue in the letter that we all read on October 7th, and just wanted to clarify that.

I also wanted to clarify the first time Mr. Kim was

interviewed by the FBI he lied about the situation.

And then did Mr. Kim reconnect or recontact the FBI and say: I want to come and tell you the truth now?

How is it that the second interview occurred? Whose idea was it?

MR. SHERBURNE: According to the FBI's 302, it was a proffer session.

CHAIRPERSON DUDLEY: Right.

MR. SHERBURNE: And according to Mr. Kim, it was on his own initiative.

CHAIRPERSON DUDLEY: Okay. Would you tell everybody the difference between a proffer session versus his own?

MR. SHERBURNE: That's a legal question I will defer to Ms. Woolley.

CHAIRPERSON DUDLEY: Okay. Counsel?

MS. WOOLLEY: So a proffer is when prosecution makes you an offer that you will cooperate with the prosecution with an ongoing prosecution. Either your own or with somebody else's.

So in this case because we don't have the proffer agreement, we don't know if the proffer agreement involved Mr. Li's prosecution or whether it was an agreement regarding potential prosecution of Mr. Kim.

But generally speaking, a proffer agreement

involves some sort of terms where the prosecution will say: We will not prosecute you or you will do X, Y, and Z and then we will give you this in return.

So we don't know what the details were here, but it is a contract. It's a legally binding contract, particularly in federal court.

So for Ms. -- for the line in this December 302 is what Mr. Sherburne calls it.

What that means is that there was a deal reached between the federal government and Mr. Kim.

CHAIRPERSON DUDLEY: Okay. There's no evidence, no documentary evidence, that indicates that it wasn't Mr. Kim who suggested meeting with the FBI so that he could tell the truth this time, is there?

MR. SHERBURNE: My investigation did not uncover --

CHAIRPERSON DUDLEY: Okay.

MR. SHERBURNE: -- that documentary evidence.

CHAIRPERSON DUDLEY: Okay. Then at the time Mr. Kim lent, slash, gave, the vest to Mr. Li, is there any evidence that Mr. Kim knew that Mr. Li was still involved in any criminal acts?

MR. SHERBURNE: I don't know the answer to that.

I think Mr. Kim said that he was not aware that Mr. Li was still involved in illegal activities. But, I'm not familiar enough with the criminal case, the

prosecution case of Mr. Li, to answer that question fully.

CHAIRPERSON DUDLEY: Okay. Mr. Kim said that he thought Mr. Li was going to work as a security guard and that was why he gave it to him; is that correct?

MR. SHERBURNE: Correct.

CHAIRPERSON DUDLEY: Okay. And lastly, when Mr. Kim pled guilty to the misdemeanor, he said he had no intention -- back in 2016, he said he had no intention of seeking employment with the San Francisco Police Department; correct?

MR. SHERBURNE: With any police department --

CHAIRPERSON DUDLEY: With any police department.

MR. SHERBURNE: -- or law enforcement agency.

CHAIRPERSON DUDLEY: Okay. But the word he used was "intention" and it was based on 2016.

He didn't say he would never do that again; right?

MR. SHERBURNE: Correct.

CHAIRPERSON DUDLEY: Okay. I just want to make sure I understood, because there were so many details here and so much information.

And you did a very thorough investigation, but I wanted to make sure I understood all those points.

Okay. Let me open up to the rest of the board for questions.

Yes, Sheriff Doyle.

MEMBER DOYLE: Yes, I just had an observation that -- that -- about the authenticity of the letter, since the Sheriff --

CHAIRPERSON DUDLEY: The Sheriff's letter?

MEMBER DOYLE: Yeah, the Sheriff overruled all of the chain of command up to him by approving the hire.

And it also seems to me kind of unprecedented that you would fail a psychological and just based on a letter, saying this is a good person, that the examiner would overrule -- or change their -- their finding and I was just wondering if POST would have a concern about this person that's doing law enforcement psychologicals.

MR. SHERBURNE: I think that that question is beyond the scope of my investigation. Dr. Dunnigan's testimony, when we talked to him, said that there were two parts to his evaluation.

One was based upon his psychological evaluation; the other was in examination of the dimensions.

And if it was his lane in the road, that is to say mostly his lane in the road, that clinical psychological aspect, then he kind of owned that lane.

But he gave great deference to the Sheriff when the Sheriff wrote in -- or a chief, however it might have played out, in this case it was the Sheriff, that he

gave great deference if that individual was willing to take a risk in hiring the individual based upon their review of the POST dimensions, then he -- he said, I -- I that's -- that's up to them, on the hiring side.

CHAIRPERSON DUDLEY: Go ahead, Sheriff.

MEMBER DOYLE: Well, I guess I just find the whole thing unusual, because being a sheriff for 26 and a half years, I don't remember ever doing anything but reading psychologicals when they were completed and submitted for hire.

So maybe that's more of an observation. But I'm just wondering if POST, not you, as the investigator, would have some concern about this -- this examiner, based on they're probably going to be doing -- or he's probably going to be doing more in the future.

MS. DEL MUGNAIO: So I will attempt to answer that question.

The discussion did come up and having worked at the Department of Consumer Affairs for over 20 years, where licensed psychologists are -- there's -- that's the regulatory oversight, I think what you're bringing up is a conflict of interest in terms of the Sheriff, Chief, regardless of who it is that's head of the agency, should not be practicing psychology and making determinations on mental suitability. That rests with

the licensee who's charged with doing that.

So, from my perspective, it does bring up some concerns in terms of a conflict. You want to make sure that that is separate and apart from hiring decisions. Whatever that suitability or nonsuitability judgment is, is that of the licensed individual who's making the call.

So I understand your concern.

MEMBER DOYLE: Thank you.

CHAIRPERSON DUDLEY: Ms. Hatcher-Crawford, you'd like to speak. And Dr. Glaser. So go in that order.

MEMBER CRAWFORD: So in reviewing this case, I think a couple things were really concerning that we're even sitting here looking at this case, because it was, again policy, POST, it was -- it was one of those issues that was brought up, you know, that if he was already terminated, how was it that the Sheriff of San Francisco -- Sheriff's Department decided to rehire him?

And that just kept popping up in my mind.

In one of the statements, I don't -- I don't recall the regulation or public thing you put in there, it was very clear in POST about the rehiring of officers.

And I was just baffled in reading the case. That was my statement and that was my thought, that if you

are dishonest this once, you will probably be dishonest again.

CHAIRPERSON DUDLEY: You just wanted to share a thought and a feeling, you don't have any question for the investigator; right?

MEMBER CRAWFORD: Not really. I think they did a wonderful job.

CHAIRPERSON DUDLEY: All right. Dr. Glaser.

MEMBER GLASER: Just to get clarity.

The letter from the Sheriff, from Sheriff Miyamoto, is just addressed, "to whom it may concern."

And I think from the -- from Mr. Kim's attorney, it sounds like Mr. Kim showed the letter to the psychologist; is that -- is that correct?

MR. SHERBURNE: That is correct.

MEMBER GLASER: So we don't have any information that indicates that the Sheriff communicated with the psychologist.

MR. SHERBURNE: Correct. There were actually two versions of the letter, according to the email that Ms. Masters provided to me.

In one, the Word document was labeled "Letter of Recommendation, Captain." Or words to that effect.

And the second was "Letter of Recommendation, Sheriff."

So when now-Sheriff Miyamoto was a captain, at some point he must written this letter at some historical point in time.

CHAIRPERSON DUDLEY: Thank you.

Yes, Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

You know, I was really taken away, too, with the fact that the Sheriff actually wrote the letter. If he, in fact, did but also everyone rejected hiring him except for the Sheriff.

So, I mean, I don't know, you know, it just -- I guess my thoughts messing with me concerning that.

But, the four individuals or three individuals that rejected hiring him and then Dunnigan changing his mind and approving that he's fit, basically, for duty, and then again, of course, the Sheriff, Miyamoto -- is that how you pronounce it?

MR. SHERBURNE: Miyamoto.

MEMBER JOHNSON: Miyamoto overruling everybody and hiring him. I guess he has that right, but that's problematic.

MS. WOOLLEY: If I could just clarify one thing for the record, Board member Hatcher-Crawford, he -- Mr. -- Deputy Kim did not get terminated from the San Francisco Sheriff's Office back in 2016. He resigned. Right.

MEMBER CRAWFORD: Okay.

CHAIRPERSON DUDLEY: Okay. Any other questions from the Board?

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none --

MR. JOHNSON: Actually, I do have one.

So, while he was unemployed he, I think, was working for a security company. I forget exactly.

But there was some sexual harassment allegations.

Did he actually get through both of those cleanly?

MR. SHERBURNE: He did. So after he left the Sheriff's Office he did a variety of jobs, but ended up at the San Francisco War Memorial, which is a City and County employee also.

And while there, he was under investigation for a sexual harassment incident. He was cleared of that, and that was one of the reasons why, in his background check, Dr. Dunnigan had stated that he had failed him initially during his first evaluation.

CHAIRPERSON DUDLEY: Thank you. Any other questions from the board?

Dr. Glaser.

MEMBER GLASER: Just one more clarification with respect to his status with the -- with the department in the first phase.

He resigned, but that -- is there any reason for us to infer from that that he was not under any disciplinary review?

Or that there was any possibility that he would have been terminated?

CHAIRPERSON DUDLEY: I think that would be just speculation --

MEMBER GLASER: Right, but --

CHAIRPERSON DUDLEY: -- because he resigned. But I'll see if --

MEMBER GLASER: Maybe if there's some clarification on the timeline of that -- and -- and yeah --

MS. WOOLLEY: Thank you.

CHAIRPERSON DUDLEY: Investigators.

MR. SHERBURNE: If I can comment on that.

At that time, until SB 2 came into being, now departments are required to complete internal affairs investigations.

At that time they were not.

So, currently, the departments are required to complete an internal affairs investigation irrespective of employment status.

At that time, because he resigned, in the ISF, I note that there was -- and the record policies of departments also come into play here because after five

years, if there's a non-finding, then it's not sustained and then they purge their records.

So given the time frame that we're talking about it's a little difficult.

But there was some evidence they had started an investigation and then there was some, I think some comment in the media that they -- that Sheriff's Office had said, we -- we -- you know, we're not going to comment on it. It's a personnel matter and then it ended up being closed.

MEMBER GLASER: Thank you.

CHAIRPERSON DUDLEY: Anything else from the Board?

I'll come back and ask you that question again.

Let's move on to the next part.

At this time, does the subject officer and/or counsel wish to make a public statement? 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 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?

Let me say before I ask about those additional comments, let me just comment that -- well, let me just ask.

Has every Board member read the October 7th letter that was distributed to all of us?

Is there anyone who hadn't read it?

And if so, you can take some time now to read it.

I just want to be able to tell Ms. Masters that, in fact, she doesn't need to reiterate anything that was in the letter.

Okay. Looking at all of you, there's no one that has not read it or does not need time to review it.

Okay. Having said that, Ms. Masters, please feel free to say anything you want, but I did want you to know that we read the letter.

MS. MASTERS: Good afternoon. Thank you for clarifying that. You beat me to it. I was just going to say that in the interest of time, I won't be reading the written public comment into the record, since all the Board members have reviewed it and it's clearly part

of the record already.

I would just briefly like to point out just a few things.

First, the fact that Deputy Kim was rehired, and our position is it just supports the mitigating facts that were outlined in the written public comment. And goes to show that he had earned a substantial amount of trust with his department before this incident.

And since his -- since his rehiring, obviously, they continue to trust him if he was still rehired.

The second point is, again, regarding this -- this letter of recommendation. I think it's hopefully now been made clear that there really is no conflict in whether that letter is authentic or not.

But, all of the speculation by the Division that led up to it really did make it part of the investigation. And, frankly, instead of speculating on the matter and potentially bringing, you know, this prejudicial question of the letter into this investigation, it would have been easier just to directly interview Sheriff Miyamoto and quash any questions about the letter's authenticity, just straight away.

The third point is -- it's -- clear, at least in my opinion, that POST has ventured outside of the

decertification inquiry and scope here. Clearly disapproves of the Sheriff's Office's hiring practices by way of rehiring Deputy Kim.

But again, in doing so, left the scope of the decertification inquiry.

Specifically, just getting into the level of detail that there was regarding the psychological background, just to me clearly seems like it is part of the hiring process with the Sheriff's Office, not an inquiry into decertification. And I'm concerned that the only purpose in doing so was to, essentially, provide prejudicial, irrelevant material.

The next point is that -- I think the question was asked early, I don't know who asked it, there is no evidence in this record that Deputy Kim knew Li was still involved in illegal activities.

To the contrary, I mean, he earnestly -- Deputy Kim, earnestly stated during his interview that he honestly thought and hoped that Li had, essentially, left the organized crime world and was on the path to actually doing something productive with his life in a sense. And -- and that's where the comment about, you know, "wearing blinders with family or friends" came from.

The last point, I would just like to reiterate the

requests in the written public comment that we submitted to consider the mitigating facts outlined.

And I'm happy to answer any questions that the Board may have about any of those clarifying points that I brought up.

CHAIRPERSON DUDLEY: Okay. Thank you.

You still have a minute, 48 seconds, is there any -- for your comments alone, which stops the clock when the Board starts asking questions.

So is there anything else that you want to say?

MS. MASTERS: No, I think everything else is contained in the written public comment at this time.

CHAIRPERSON DUDLEY: Okay. Thank you.

Okay. Board members, do you have any questions for Ms. Masters?

(No response.)

CHAIRPERSON DUDLEY: Okay. Apparently they don't.

So, would you like to make an additional statement now?

MS. MASTERS: No, ma'am. Thank you for offering.

CHAIRPERSON DUDLEY: Sure. And is your client -- does your client want to speak?

MS. MASTERS: No, he is not present with me today.

CHAIRPERSON DUDLEY: Okay.

One moment, please.

Okay. At this point, then, does the Board want to adjourn into a closed session for deliberations?

Okay. Seeing one person nod, we will do that.

The meeting will adjourn into closed session for deliberations on the case. The Board members will now exit the room, and be back for regular session shortly.

(Time noted: 1:14 P.M.)

---o0o---

(Closed session was held:
1:16 P.M. to 1:36 P.M.)

---o0o---

(Time noted: 1:42 P.M.)

CHAIRPERSON DUDLEY: We will now reconvene to regular session to take a vote on the Board's recommendation in the matter of the case of POST 241-0050, Michael Kim, who at the time of the events at issue in this case was, and still is, employed with the San Francisco Sheriff's Office.

Does the Board have any comments to make on this matter?

MEMBER DOYLE: Doyle. Motion to decertify.

CHAIRPERSON DUDLEY: I'm so sorry?

MEMBER DOYLE: Motion to decertify.

CHAIRPERSON DUDLEY: Okay. Is there a second?

MEMBER GLASER: Second.

CHAIRPERSON DUDLEY: Okay. Ms. Essex, will you take a roll call vote?

Let me just ask before we do that, is there any further comments, questions, abstentions?

(No response.)

Seeing none, Ms. Essex, will you take a roll call vote.

MS. ESSEX: Clavo.

MEMBER CLAVO: Aye.

MS. ESSEX: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MS. ESSEX: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MS. ESSEX: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Yes.

MS. ESSEX: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MS. ESSEX: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MS. ESSEX: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MS. ESSEX: Lara, aye.

That's seven ayes. Motion carries.

CHAIRPERSON DUDLEY: So the motion passes.

MS. ESSEX: Yes.

CHAIRPERSON DUDLEY: Thank you.

Okay. We're going to move on to the next case.

I don't think we need a break.

Okay. At this point, I will now call upon law enforcement consultant Marcus Gregory, Professional Conduct Southern Bureau, and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on POST2402562 Armando R. Montalvo, who at the time of the events at issues in this case was, and still is, a current employee -- is currently employed with the Orange County Sheriff's Office.

Gentlemen.

MR. GREGORY: Good afternoon, Chair and members of the Board.

My name is Marcus Gregory and I'm one of the law enforcement consultants assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

With me today is Brian Hoffman, an attorney with

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 23rd day of October 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137

AGENDA ITEM REPORT

Title: POST2402562 - ARMANDO R. MONTALVO (POST ID: C89-U13)
LAST EMPLOYING AGENCY: ORANGE COUNTY SHERRIFF'S DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**	
12/03/2025	Professional Conduct Southern Bureau	
RESEARCHED BY		**REVIEWED BY**
Marcus Gregory		Christine Ford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT**
		No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

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

BACKGROUND:

Respondent began his employment with the Orange County Sheriff's Department on February 25, 2022, as a deputy sheriff in training. Respondent completed his training program on September 9, 2022. At the time of the events at issue, Respondent was employed as a Deputy Sheriff with the Orange County Sheriff's Department.

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

On March 16, 2024, Respondent was involved in a use of force incident with an inmate, hereafter "INMATE", while working at the Intake Release Center. During the use of force incident,

Respondent visibly punched INMATE approximately twenty-eight (28) times in the face, head, and upper body while three other deputies assisted and threw numerous punches at INMATE. INMATE at the time was not assaultive towards the deputies and was only showing passive resistance by not giving up his hands while lying prone on the ground. At one point after delivering the punches, Respondent lifted INMATE's head and slammed INMATE's face against the concrete floor while INMATE was pinned down by deputies. Respondent was cooperative with the investigation and acknowledged the force used was unreasonable. As a result of the administrative investigation the Orange County Sheriff's Department sustained a finding that the force used by Respondent was not within policy. As a result of the sustained finding Respondent received a 40-hour suspension.

Audio/Video Evidence Links:

- **BR06 POST2402562 Attachment C Video 1 24 009233 Redacted**
- **BR07 POST2402562 Attachment D Video 2 24 009233 Redacted**
- **BR08 POST2402562 AttachmentE Handheld video 24 009233 Redacted**
- **BR09 POST2402562 Attachment F INMATE Use of Force Interview Redacted**
- **BR10 POST2402562 Attachment G Respondent Interview Redacted**
- **BR11 POST2402562 Attachment H Respondent Interview II Redacted**
- **BR12 POST2402562 Attachment I Deputy Vega Interview**
- **BR13 POST2402562 Attachment J Deputy Chen Interview**
- **BR14 POST2402562 Attachment K Deputy Herrera Interview**

ANALYSIS:

Clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(3) and Commission Regulation 1205(a)(3) regarding physical abuse; in that the force used by Respondent was excessive wherein Respondent punched INMATE twenty-eight (28) times and slammed INMATE's head onto the concrete floor. Respondent's use of force was unreasonable and excessive based on the level of resistance offered by INMATE.

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

ATTACHMENT(S):

BR01_POST2402562_Montalvo_Armando_ISF_Final (1).pdf
BR02_POST2402562_Executive_Review_Division_Recomendation.pdf
BR03_POST2402562_EDI_Profile_Montalvo_Armando_Redacted.pdf
BR05_POST2402562_Attachment_B_OCSD_Use_of_Force_Report_24-009233_Redacted.pdf
BR04_POST2402562_Attachment_A_OCSD_Report_24-009233_FINAL_Redacted.pdf
POST2402562_Montalvo_Armando_October_2025_POSAAB_Agenda_Record.pdf
POST2402562_Montalvo_Armando_Board_Recommendation_Signed.pdf
POST2402562_Montalvo_Armando_Transcript_Board_10.09.2025.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: ARMANDO MONTALVO

POST ID NUMBER: C89-U13

EMPLOYING AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT

POST CASE NUMBER: POST2402562

WRITTEN BY: LAW ENFORCEMENT CONSULTANT MARCUS GREGORY

DATE: 8/11/2025

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b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline 2

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I. Executive Summary

On March 16, 2024, Orange County Sheriff's Deputy Armando Montalvo, hereafter "Respondent", was involved in a use of force incident with an inmate, hereafter "INMATE". During the use of force incident, Respondent visibly punched INMATE approximately twenty-eight (28) times in the face, head, and upper body while three other deputies assisted and threw numerous punches at INMATE. INMATE at the time was not assaultive towards the deputies and was only showing passive resistance by not giving up his hands while lying prone on the ground. At one point after delivering the punches, Respondent lifted INMATE's head and slammed his face against the concrete floor while INMATE was pinned down by deputies. Respondent was cooperative with the investigation and acknowledged the force used was unreasonable. As a result of the administrative investigation the Orange County Sheriff's Department sustained a finding that the force used by Respondent was not within policy. As a result of the sustained finding Respondent received a 40-hour suspension.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a deputy sheriff with the Orange County Sheriff's Department.

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

Respondent began his employment with the Orange County Sheriff's Department on February 25, 2022, as a deputy sheriff in training. Respondent completed his training program on September 9, 2022.

Respondent has the following additional reports of serious misconduct of record with POST:

POST2311645: Physical Abuse/Excessive or Unreasonable Use of Force. Agency-Unfounded/ Closed w/POST.
(Occurred 05/09/2023)

POST2314227: 1205(a)(3) Physical Abuse/Excessive or Unreasonable Use of Force. Agency-Unfounded/ Closed w/POST.
(Occurred 06/24/2023)

POST2322603: 1205(a)(3) Physical Abuse/Excessive or Unreasonable Use of Force. Agency-Unfounded/ Closed w/POST.
(Occurred 08/12/2023)

POST2403224: Physical Abuse/Excessive or Unreasonable Use of Force. Agency-Unfounded/ Closed w/POST.
(Occurred 09/20/2024)

POST2408352: 1205(a)(3) Physical Abuse/Excessive or Unreasonable Use of Force. Open w/Agency.
(Occurred 10/07/2024)

When evaluating whether suspension or revocation is appropriate, Penal code section 13510.8(c)(5) and California Code of Regulations, Title 11, Division 2 section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

c. Prior Employment History

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

d. Peace Officer Certification

Respondent is assigned POST ID C89-U13. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (November 1, 2023)
- Intermediate (March 6, 2025)

e. The Present Allegations of Serious Misconduct

1. On March 16, 2024, an administrative investigation was initiated after Respondent's sergeant submitted the use of force incident to be reviewed by Internal Affairs.

2. On December 23, 2024, the Orange County Sheriff's Department concluded the investigation, and allegations were sustained related to the force used by Respondent. Based on the sustained findings Respondent received a 40-hour suspension.

3. On March 27, 2024, the Orange County Sheriff's Department reported the allegation of serious misconduct to POST pursuant to California Penal Code Section 13510.9.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of Orange County Sheriff's Department administrative investigation which included interviews of witnesses, the subject officer and review of jail video footage.

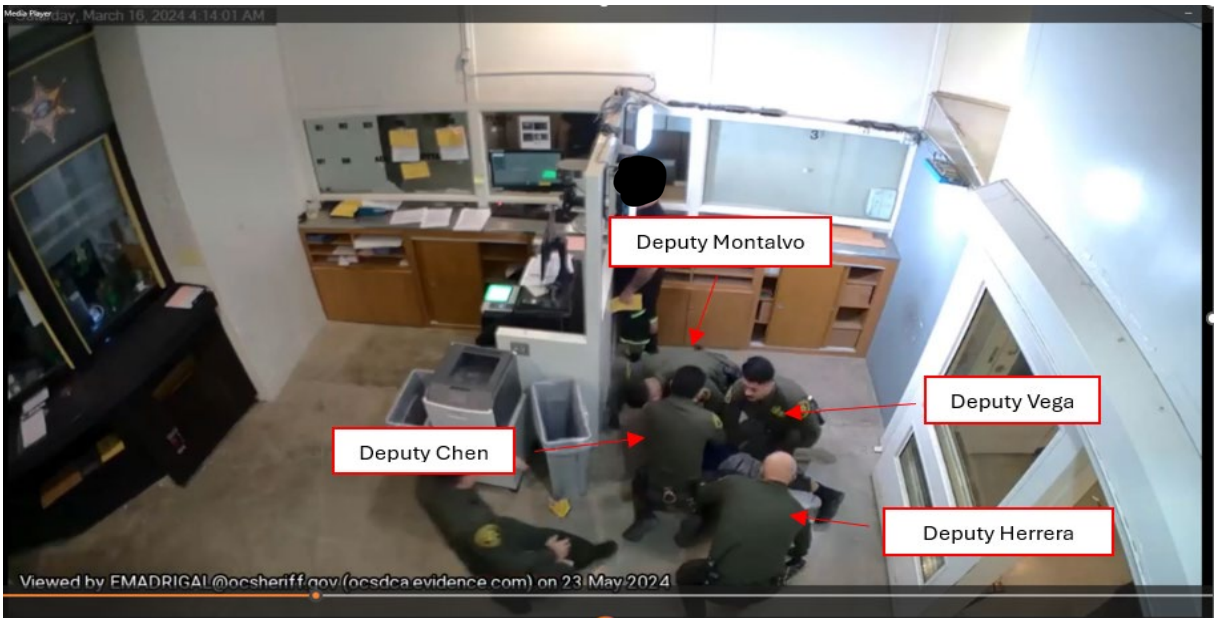
Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means evidence of a charge is clear and convincing so long as there is a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On March 16, 2024, Respondent was involved in a use of force incident while working at the Orange County Intake Release Center, a maximum-security jail. While Respondent was escorting INMATE to the photo booth, INMATE became resistive with Respondent, by turning towards and pulling away from Respondent. Deputy Vega responded and Respondent and Deputy Vega took INMATE to the ground. After taking INMATE to the ground Respondent and Deputy Vega struck INMATE multiple times with punches to the face, head and upper body. Deputy Chen and Deputy Hererra responded and also delivered punches to INMATE. While multiple deputies had INMATE pinned to the ground, lying prone, Respondent lifted INMATE's head with two hands and slammed INMATE's face on the concrete floor. The use of force was captured by two cameras located in the booking area, which showed Respondent punching INMATE approximately twenty-eight (28) times. Each deputy prepared a use of force report.

As a result of the force used on INMATE an administrative investigation was initiated.



Respondent's Report (24-009233)

Respondent wrote INMATE had repeatedly refused to follow directions, to include, standing up from the uncuff bench after being told to stay seated and refusing to stand where directed. Respondent wrote he grabbed INMATE's left arm with a firm grip to escort him to the photo location at which point INMATE stated, *"Don't grab me."* Respondent wrote INMATE pulled away from him by yanking his left arm away from Respondent's grip.

Respondent wrote he used both hands in an attempt to push INMATE against the wall to place his hands behind his back and overcome INMATE's resistance. Respondent wrote he gave INMATE commands to turn around and place his hands behind his back but INMATE refused to do so. Respondent wrote INMATE turned towards him and kicked off the wall striking Respondent in the face with his left shoulder. Respondent wrote he tried to place INMATE in control holds that were unsuccessful. Respondent wrote INMATE continued to resist at which point he took INMATE to the ground.

Respondent wrote, *"In order to overcome INMATE's active resistance and prevent my partner's or myself from getting injured and further, I punched INMATE in the face with both my hands."* Respondent wrote INMATE actively resisted by pulling away from him and grabbed onto his right leg and would not let go. Respondent wrote, *"In order to free my leg from his grip, I struck INMATE several times."* Respondent wrote the strikes were effective as he was able to free his leg from INMATE's grip. Respondent wrote he attempted to grab INMATE's right arm but was unable as INMATE continued to pull away causing INMATE to briefly trap Respondent's arm underneath INMATE. Respondent wrote he placed his hands on INMATE's shoulder and used his bodyweight to control INMATE until INMATE was handcuffed.

Respondent wrote he viewed the overhead camera footage of the incident prior to writing his report.
(Attachment A- Report 24-009233)

Deputy Vega's Report

Deputy Vega wrote he heard Respondent give INMATE multiple commands and observed INMATE not complying. Deputy Vega wrote he observed INMATE turn towards Respondent and yell something he could not understand. Deputy Vega wrote Respondent pushed INMATE into the counter and Deputy Vega grabbed INMATE's left hand. Deputy Vega wrote he attempted to place INMATE's hand behind his back but was unable to because INMATE was tensing his arm and pulling away. Deputy Vega wrote he gave multiple commands, but INMATE continued to pull his left arm away and drop his body weight to the ground. Deputy Vega wrote he and Respondent pulled INMATE to the ground, and he lost control of INMATE's left arm. Deputy Vega wrote INMATE continued to actively pull his arms away and placed his hands on his face. Deputy Vega wrote, in an attempt to gain compliance, he punched INMATE four times on the left side of his head and shoulder area with his left hand. Deputy Vega wrote he again commanded INMATE to place his hands behind his back, but INMATE did not comply. Deputy Vega wrote he repositioned himself on INMATE's right side to gain control over INMATE's right leg and arm. Deputy Vega wrote he punched INMATE four times with his right hand and four times with his left hand in order to gain compliance. Deputy Vega wrote he again gave INMATE commands to place his right arm behind his back at which point he complied and was handcuffed and placed in leg restraints.
(Attachment A- Report 24-009233)

Deputy Chen's Report

Deputy Chen wrote he observed Respondent and Deputy Vega fighting on the booking room floor with INMATE. Deputy Chen wrote, upon arriving to assist, INMATE was on his stomach and covering his hands with his body. Deputy Chen wrote he used his right knee and body weight on INMATE's right hip to keep him from *"moving away and turning towards deputies, avoiding further assault…"* Deputy Chen wrote he directed INMATE multiple times to place his hands behind his back while trying to gain control of INMATE's left hand. Deputy Chen wrote he struck INMATE's left torso with his right closed fist approximately six times and was able to gain control of INMATE's left hand. Deputy Chen wrote he maintained control of INMATE by using body weight and utilizing a wristlock on INMATE's left hand until handcuffs and leg restraints were applied.
(Attachment A- Report 24-009233)

Deputy Herrera's Report

Deputy Herrera wrote he responded to the incident after hearing shouting. Respondent stated he observed Respondent, Deputy Vega and Deputy Chen on the ground on top of INMATE. Deputy Herrera wrote he crossed INMATE's legs on top of each other and pinned them to the ground using his body weight. Deputy Herrera wrote Deputy Vega

was giving INMATE commands to put his hands behind his back, but INMATE refused to comply and pinned his arms against his chest. Deputy Herrera wrote, “In order to gain compliance I struck INMATE approximately 13 times with a closed right fist to the side of his stomach while giving commands to remove his hands from his chest.” Deputy Herrera wrote INMATE complied and he was handcuffed.
(Attachment A- Report 24-009233)

Deputy Romo’s Report
Deputy Romo wrote he observed two deputies on the floor trying to place INMATE in handcuffs, but INMATE was kicking his legs and refusing to place his hands behind his back. Deputy Romo wrote he gave INMATE multiple commands to place his hands behind his back and stop fighting. Deputy Romo wrote INMATE continued to actively resist deputies. Deputy Romo wrote he used his right knee on INMATE’s left lower back to pin INMATE to the floor and used both arms to pull INMATE’s right arm from underneath him until handcuffs were applied.
(Attachment A- Report 24-009233)

Sergeant Raphael’s Report
Sergeant Raphael wrote that she spoke to INMATE who informed her that he was not injured. INMATE was seen by medical staff, where he only wanted a Gatorade and to be released from custody.
(Attachment A- Report 24-009233)

Video #1 Jail Security Video (Uncuff Bench)
The jail video is approximately two minutes and thirteen seconds in length. The start of the video is time and date stamped Saturday March 16, 2024, at 04:12:20 hours. The start of the video depicts Deputy Montalvo standing closest to the Uncuff bench, processing another inmate at the photo booth. The times noted below relate to the video clip via media player rather than the time stamp on the video.

00:03: Respondent can be observed directing inmates to move and sit on the Uncuff Bench. INMATE can be observed walking out wearing a blue jacket with a grey hoodie and grey sweatpants. Respondent appears to be directing traffic to both inmates going to get their photos taken and returning.

00:27: Respondent directs an inmate, at the end of the bench to stand up and points in the direction of the photo booth. INMATE initially stands up and walks towards Respondent.

00:30: As INMATE approaches Respondent, Respondent extends his right arm and gently pushes INMATE back, at which point INMATE sits back on the bench.

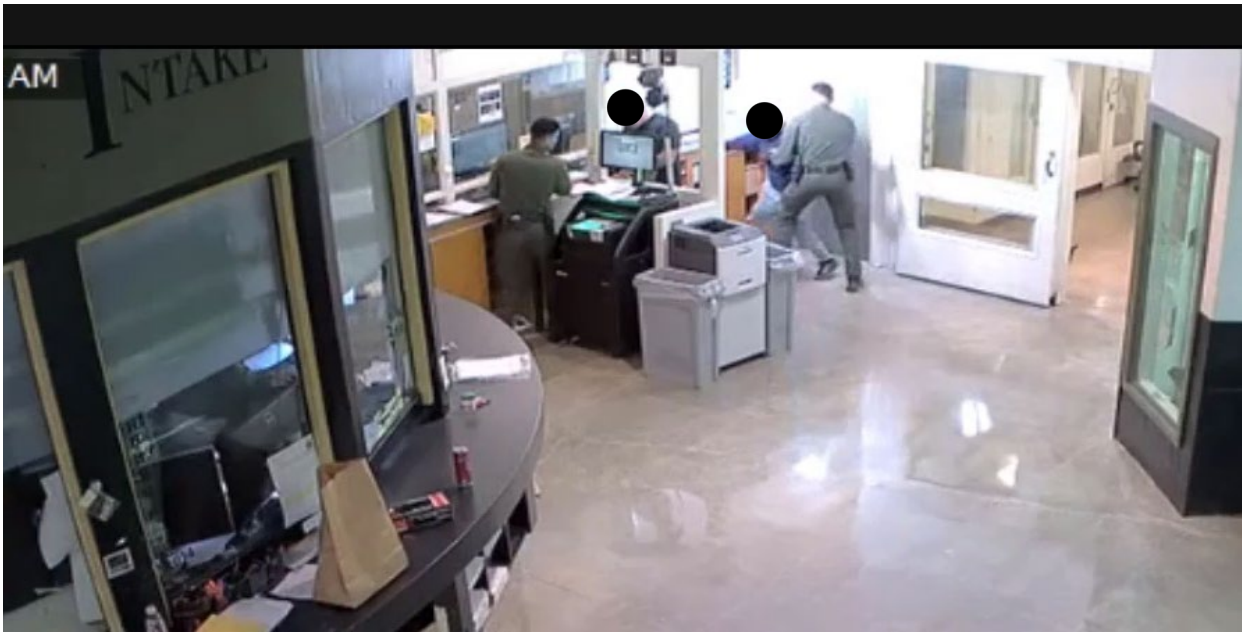
01:05: Respondent directs INMATE to get up off the bench by extending his right arm and motioning his hand in an upwards motion.

01:09: INMATE stands up and Respondent directs INMATE to move towards the photo booth by pointing towards the photo booth with his left arm extended.

01:14: INMATE appears possibly confused as to where INMATE is supposed to go and points towards the photo booth. Respondent walks toward INMATE.

01:16: Respondent grabs INMATE's left shoulder with his right arm and points toward the photo booth with his left arm. Respondent begins to pull INMATE towards the photo booth.

01:18: INMATE can be observed turning towards Respondent. Respondent uses his body weight to shove INMATE towards the corner of the photo booth. INMATE appears to extend his right arm to push off the cabinet.



01:20: As Respondent shoved INMATE into the cabinet, INMATE picks his left leg off the ground and uses it to push off the wall.

01:22: Deputy Vega arrives to assist. As Respondent pins INMATE up against the cabinet and Deputy Vega approaches, INMATE is observed lifting his left leg off the ground knee up while watching Deputy Vega approach. (It is unclear if INMATE's lifting of the left leg was defensive or offensive in nature.)

01:26: Respondent and Deputy Vega struggle to control INMATE. Respondent takes INMATE to the ground.

01:28: INMATE is observed placing both hands over his head as Respondent can be observed punching INMATE with his right arm. Deputy Chen arrives to assist.

01:32: Deputy Vega is observed punching the left side of INMATE with his left arm.

01:35: Deputy Vega transitions to INMATE's right side where he is observed punching INMATE's right side with his right arm. Deputy Chen is observed using his right arm to deliver short punches to INMATE's left side. INMATE's legs appear to flail as he is being struck.

01:39: Deputy Herrera and multiple other deputies arrive.

02:13: The video ends with INMATE still pinned to the floor with multiple deputies on scene.
(Attachment C-Video #1)

Video #2 Jail Security Video (Female Photo)
The jail video is approximately one minute and forty seconds in length. The start of the video is time and date stamped Saturday, March 16, 2024, at 04:13:36 hours. The start of the video depicts Deputy Vega processing another inmate at the photo booth. The times noted below relate to the video clip via media player rather than the time stamp on the video.

00:03: Respondent enters the camera view and can be observed pointing with his left hand while using his right hand to grab INMATE's right shoulder and pull INMATE to the area he is directing INMATE.

00:04: INMATE walked past Respondent and began to turn and face Respondent while Respondent continued to grip INMATE's left arm.

00:05: Respondent shoved INMATE towards the desk. While being shoved up against the desk, INMATE placed his left foot against the wall and appeared to push back towards Respondent.

00:06: INMATE and Respondent are head-to-head as Respondent grabbed INMATE with both arms. Respondent continued to struggle to control INMATE.

00:08: Deputy Vega arrived to assist and both deputies struggle with INMATE before taking INMATE to the ground.

0012: INMATE landed on his right side before turning/or being rolled onto his stomach. Upon rolling onto his stomach, both of INMATE's hands can be observed covering up his head. Respondent and Deputy Vega begin to deliver punches to INMATE's head and face area.

00:16: Respondent, who is located on INMATE's right side, continues to deliver punches to INMATE's head area as Deputy Chen arrives and Deputy Vega transitions

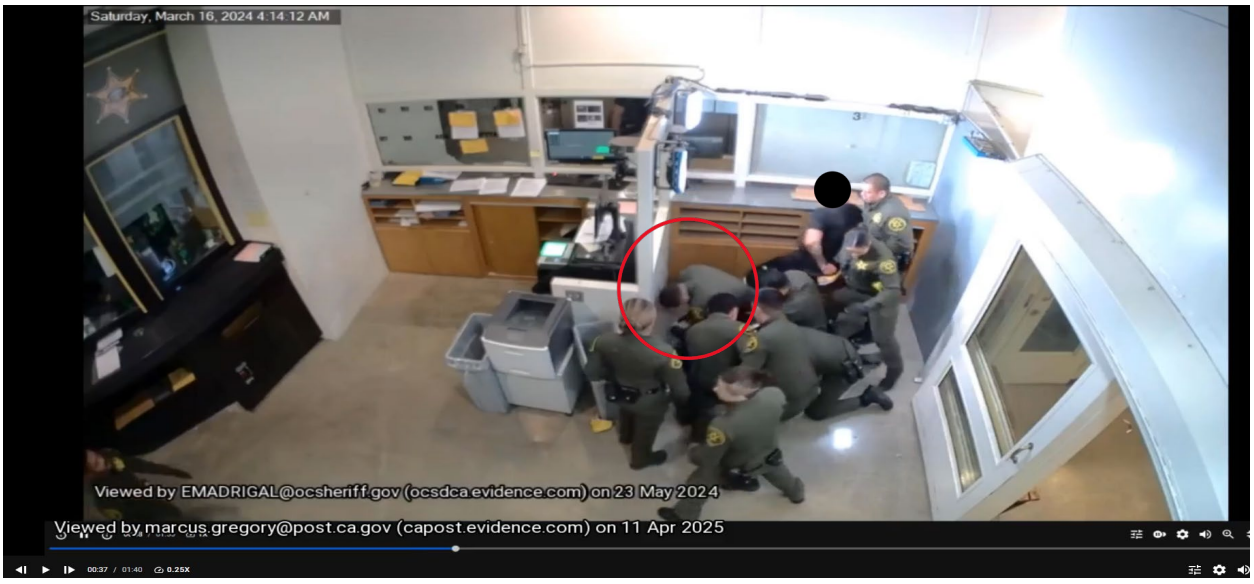
towards INMATE's legs. INMATE continues to squirm on the ground as Respondent continues to deliver punches.

00:20: Deputy Chen placed his right knee on INMATE's back as Deputy Vega transitioned to INMATE's right side. Respondent, Deputy Vega and Deputy Chen again begin punching INMATE.

00:26: Deputy Herrera and Deputy Romo arrive to assist as Respondent continued to punch INMATE.

00:29: There are now a total of eight deputies on scene.

00:37: Respondent is observed lifting the back of INMATE's head before slamming it on the concrete floor. Deputy Herrera can be observed punching INMATE on INMATE's right side multiple times.



01:40: The video ends with multiple deputies on scene. Blood can be observed on the concrete floor in the immediate area where Respondent slammed INMATE's head on the ground.
(Attachment D- Video #2)



Handheld Video

The video begins by showing multiple deputies on top of INMATE, including Respondent Deputy Vega, Deputy Herrera and Deputy Chen. INMATE is assisted up and placed in a wheelchair. INMATE is taken to see medical staff. A female is heard asking if INMATE is hurt at which time INMATE responds, “No” and shakes his head side to side. When asked if INMATE feels any pain anywhere, he stated, “No.” INMATE reaffirms that he does not hurt anywhere as blood is wiped from his right nostril. INMATE’s injuries appear to consist of a bloodied nose and a bump, on his forehead over his left eye. When asked if INMATE has a headache he states, “No.” When INMATE is again asked if he is injured and has any pain INMATE state’s, “No.”

Female: Hello sir. How are you?

INMATE: Good. Yourself?

Female: Can you tell me what happened?
INMATE: No. Nah.

Female: I’m from mental health.

INMATE: I just slipped and fell. I was trying to drink some water and I had…

Female: You slipped and fell?

INMATE: (Nods his head in affirmative) I was using the toilet. I was going to (inaudible) and I had a seizure.

Female: You do know we caught whatever you did on camera right?

INMATE: (Shakes head in the negative).

Female: Ok. Was your intention to hurt someone?

INMATE: No.
(Attachment E- Handheld Video 03:39-04:06)

INMATE went on to state that he was not homicidal, suicidal, or hearing any voices and that he did not resist deputies.

Respondent's Interview

During Respondent's administrative interview he stated he had been employed approximately two years and was working as an uncuff deputy in custody and operations on the date of the incident. Respondent advised when he wrote his report regarding the incident he had a chance to review the jail video footage and believed his report was an accurate synopsis of his account at the time. Respondent stated prior to the incident occurring with INMATE, he had given INMATE directives when he had come out of his cell and INMATE was not following simple directives as to where to walk and sit down. Respondent stated he did not know if there was a language barrier between the two of them but knew INMATE spoke English. Respondent stated he had given INMATE directions in both English and Spanish. Respondent described INMATE's demeanor as slouchy, not following instructions, wandering off and doing whatever he wanted to do. Respondent stated he had to tell INMATE at least three times to sit on the bench prior to the use of force incident occurring. Respondent stated he had not been made aware of any other deputies having an issue with INMATE prior to the incident.

Respondent stated while reviewing the video with investigators that INMATE never said anything to him until he had grabbed onto INMATE – at which point INMATE stated something to the effect of, *"Don't grab me" or "Don't grab my arm,"* before INMATE pulled away.

Respondent stated prior to the incident he had to push INMATE down on the bench after he had asked another prisoner to stand up and INMATE also stood up. Respondent acknowledged that pushing INMATE back on the bench amounted to a use of force and that he had failed to document that part of the incident.

Investigator I: Is this how you normally interact with inmates who, who don't like, does not walk where you want them to?

Respondent: No sir.

Investigator I: So why in this instance?

Respondent: I'm not sure sir.
(Attachment G- Respondent Interview 12:14-12:30)

Respondent acknowledged that he had received prior training in de-escalation. Respondent described the de-escalation training as using verbal commands prior to having to use of force.

Investigator I: So, on the onset of this incident. What de-escalation tactic did you use?

Respondent: Um, I tried talking to him prior. Um, I mean when he came to the bench, I told him to sit down. And then I'm telling him to like stand-up and walk to the direction which I told him to do so a few times. And then that's when I'm like ok I don't know if he's not hearing me or if he doesn't speak English or Spanish, I'm not sure. I'm telling him right there in English and Spanish both to stand up and go over there before I even go hands on.
(Attachment G- Respondent Interview 13:04-13:38)

Respondent explained that in his report when he wrote he grabbed INMATE's left arm with a firm grip, after reviewing video with investigators, he believed it was more of a pull rather than having a firm grip. Respondent stated INMATE pulled away from him, but he was still able to maintain control of INMATE's arm by pushing INMATE against the counter.

Investigator I: In your report you said INMATE kicked off the wall, struck you with a left shoulder and hit you in the face. Ok, do you believe that was intentional?

Respondent: Um, at this, at that point sir in that certain situation I don't even know what to think. I just, my whole intention was to put him in control holds or handcuffs at that point and when I guess I went from pulling him and actually going hands on, to putting him in control holds, I was telling him to put his hands behind his back, like he started not paying attention to me, not following directives so um maybe my, me struggling with him and him kicking off I don't know if he did it intentionally or not.

Attorney: But in that moment how did you feel it was?

Respondent: I feel like he did do it.

Investigator I: So how hard did he strike you? If you…

Respondent: Uh, at the time, it didn't seem so hard but um and I'm not even at this point I don't even know if it was his shoulder or the whiplash of him like put, um pushing off like moving towards me.
(Attachment G- Respondent Interview 20:01-21:11)

Respondent stated he got tunnel vision after he was struck in the face and INMATE refused to follow commands and put his hands behind his back. Respondent stated he felt INMATE was trying to fight him at that point. Respondent stated he was not injured by being struck in the face. Respondent stated at the time he felt like INMATE had struck him with his shoulder. Respondent described his height as 6'01" while the investigator informed Respondent INMATE was 5'6". When Respondent was questioned about

when he was struck in the face, Respondent acknowledged that it could have been accidental as he dropped his head and moved in towards INMATE but Respondent took that as being assaulted by INMATE at the time.

Investigator II: Was INMATE punching at all?

Respondent: No sir.

Investigator II: Was he kicking?

Respondent: Uh, no sir.

(Respondent Interview 25:25-25:32)

Respondent went onto to explain to investigators why he first punched INMATE.

Investigator I: What were INMATE's actions that justified the first punch?

Respondent: I guess pulling away. Uh I tried to put him in control holds, then he kept resisting and not following my directions so, I took him to the ground and punched him.

(Attachment G- Respondent Interview 25:56-26:15)

Respondent explained that he used injuring force because while they were still standing up he couldn't get INMATE in control holds and didn't know what other force options to use. Respondent stated during the heat of the moment he believed injuring force was the best option. Respondent stated that looking back at the incident now he, *"probably should have used different tactics."*

Investigator I: So, I guess um walk me through your mindset at this point while you're standing you feel something that you interpret as him striking you in the face and now he's on the ground, hands covering his head, why are we using injuring force?

Respondent: I think at that moment I was like oh I can't get his hands behind his back, can't control him, um even though he's only 5'6" I couldn't control him even with my size. I didn't know what else to do at the time.

(Attachment G- Respondent Interview 29:19-26:53)

Respondent was questioned about how many times he punched INMATE.

Investigator II: How many times did you punch INMATE during the entire incident?

Respondent: Um, I'm not sure sir. Alot.

Investigator II: I counted approximately thirty (30), punches. What were INMATE's actions that justified the next approximately twenty-nine punches (29) after that first punch?

Respondent: Um kind of like, turning over I guess and he was tucking his arms and based on what I took it like on the, I couldn't control him standing up, on the ground it was even harder to control him. So, I continued to strike him.

Investigator I: Is tucking the arms active resistance or passive?

Respondent: Passive.

Investigator I: Does injuring force seem appropriate, in this incident?

Respondent: No.

Investigator I: Does injuring force seem appropriate for a passively resisting…

Respondent: No sir.

Investigator I: Ok.

Investigator II: Does a subject striking you one time in your face justify repeated punches and the subject goes down and covers his head?

Respondent: No sir.

Investigator II: Did you see INMATE hit, kick a deputy during the incident?

Respondent: Uh, no sir. At that moment I was just focused on myself and him.

Investigator II: Did you give INMATE commands while you were punching him?

Respondent: Yes sir.

Investigator II: What were you saying?

Respondent: Put your hands behind your back like give me your hands, give me your hands.

Investigator II: Did you give INMATE time to comply?

Respondent: Uh, at that time sir I can't even recall. I think at the moment every-thing was escalating in a few seconds.

Investigator II: When you give somebody commands, right you want to wait for them to listen to you. Correct?

Respondent: Yes sir.

Investigator II: Do you think during this incident with you punching him about thirty (30) times, you gave him time to put his hands behind his back.

Investigator II: No sir.
(Attachment G- Respondent Interview 30:37-32:32)

Respondent acknowledged that INMATE did not have any time to comply with Respondent's commands in between the punches. Respondent acknowledged that he would have acted the same way as INMATE, covering himself up if he was being punched the same way. Respondent stated that in the video INMATE had his hands underneath him, pulling away and was tensing up. Respondent stated at one point he tried to gain control of INMATE'S hands after he stopped punching INMATE and was unable to. Respondent acknowledged his punches were not effective. Respondent stated, at one point after he stopped punching INMATE, he tried another technique to pry his arm out from underneath INMATE but he tensed up. Respondent acknowledged that excessively punching INMATE was not necessary to overcome INMATE's resistance after watching the video and that he should have used other tactics. Respondent stated at one point INMATE grabbed onto his right leg and at one point his arm was trapped underneath INMATE.

Investigator II: So, if someone refuses to give up their hands. Does punching them approximately thirty (30) times in the face seem reasonable to you?

Respondent: No sir.

Investigator II: Does thirty (30) punches to the subject who was face down on the ground, seem reasonable to you?

Respondent: No sir.

Investigator II: Would you consider that to be excessive?

Respondent: At the time sir, in that heat of the moment, I thought that I was using the right thing. But obviously now, after watching the video and going over this. I should have used other tactics. So, I don't think I used the right tactics at the time.

Investigator II: So, would you consider it to be excessive?

Respondent: Yes sir.
(Attachment G- Respondent Interview 36:37-37:16)

Respondent was asked about his report where Respondent wrote, “I put my hand on INMATE’s shoulder area and held him down with my bodyweight to maintain control of him.” Respondent stated that he may have held down INMATE’s head but thought it was his shoulder at the time he was controlling INMATE. Respondent acknowledged it was probably INMATE’s head he was holding down.

Investigator I: Did you use any other force against INMATE at that time?

Respondent: I can’t recall sir.

Investigator I: Did you grab his head, raise it off the ground and force it back down and strike it against the floor?

Respondent: Uh, I think so sir.

Investigator I: And at least one is extremely clear. To me it appears potentially two. So, we have one time right here, where it looks like you grab both sides of his head and smack his head into the ground. Do you recall doing that?

Respondent: Yes sir.

Investigator I: How come that’s not documented in your report?

Respondent: I don’t even know sir. I think I just oversaw that.

Investigator I: Is that an approved use of force tactic?

Respondent: No sir.

Investigator I: Have you ever been training (SIC) to grab somebody by both sides of their head and strike their head into the floor?

Respondent: No sir.

Investigator I: What was your goal by doing that?

Respondent: I’m not sure sir.

(Attachment G- Respondent Interview 38:24-39:32)

When Respondent was questioned about possibly striking INMATE’s head a second time against the ground, Respondent stated he couldn’t recall if that occurred.

Respondent stated following the incident he has started to attend arrest control training and is taking Ju Jitsu training. Respondent clarified with investigators at the time the incident occurred he believed his strikes were appropriate but now looking back realizes that they were not. Respondent stated he did not see any of his partners punching INMATE because he was “fixated” on what he was doing. Respondent stated he could

recall another deputy giving commands to INMATE in addition to himself but does not know which deputy it was. Respondent acknowledged that after viewing the video the strikes of his partners did not look good but stated he did not know what threat they perceived at the time.

Respondent was asked to describe his mindset during the use of force.

Respondent: Uh, at the time when I put him against the wall, I was just like why can't I control this guy, he's way smaller than me obviously and I couldn't control him. I don't know why. Um, I don't know if it was my lack of training and then I tried to go hands-on and then I took him down. My whole goal was to control him and put him in handcuffs. I had no malicious intent to injure him or anything like that. My whole intent was to put him in handcuffs and put him away. Um at the time obviously the tactics that I used probably weren't appropriate and I should have used other tactics, as I've taken it upon myself to start training more on arrest control.
(Attachment G- Respondent Interview 50:53-51:36)

Respondent acknowledged that, looking back on the incident, Respondent believed he lost his composure.

Investigator II: Does this use of force seem acceptable to you?

Respondent: No sir.

Investigator II: How do you think this incident would look if it's on the news?

Respondent: Not good sir.

Investigator II: Why?

Respondent: I was punching too much, should have used other tactics, gave him more time to put his hands behind his back.
(Attachment G- Respondent Interview 54:09-54:35)

Respondent stated that he believed he failed to document smashing INMATE's head into the ground because while watching the video he believed he threw too many punches, was focused on documenting that and forgot to do it. Respondent concluded the interview by stating, *"I just want to apologize for my actions and the tactics I used were not appropriate."*

Based on the administrative investigation the Orange County Sheriff's Department sustained policy violations for failing to use de-escalation techniques, use of reasonable force, standards of conduct, performance of duty, obedience to laws and regulations and incurring liability. As a result of the sustained findings Respondent received discipline in the form of a 40-hour suspension.

POST attempted to contact INMATE during the course of the investigation which met with negative results.

V. Analysis and Findings

a. Does the alleged conduct violate Penal Code section 13510.8(b)(3) and California Regulation 1205(a)(3) – Physical Abuse?

Physical Abuse, including, but not limited to, the excessive or unreasonable use of force.

There is clear and convincing evidence that Respondent engaged in both excessive and unreasonable force as defined in Penal Code 13510.8(b)(3) and California Regulation 1205(a)(3). The evidence of the charge is based on the Orange County Sheriff's Department administrative investigation and summarized further below.

The Orange County Sheriff's Department Use of Force Policy (Policy 300) states:

> *"Members shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the Member at the time of the event, to effectively bring an incident under control."*

(Policy 300.3) states:

> *"Any member who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A member who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code 835a, 836.5(b)). A Member may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code 7286(b)(2))."*

This investigation confirmed the following facts that establish Respondent engaged in physical abuse that was excessive and unreasonable:

- Respondent (6'1") significantly outsized INMATE (5'6").

- Respondent was working in a controlled environment (jail) where INMATE would have already been searched for weapons and multiple deputies were working within close proximity of each other (cover/backup).
- Throughout the incident, captured on video, INMATE only appeared physically resistive by not immediately giving up his hands, while lying face down. No footage showed INMATE attempt to physically assault deputies, and no deputies were able to articulate that INMATE attempted to assault them.
- While pinned face down to the ground by multiple deputies, Respondent punched INMATE in the head face and upper body, no less than 28 times, while other deputies were punching INMATE. Respondent continually punched INMATE without giving INMATE time to comply with verbal instructions.
- While pinned to the ground by no less than four deputies, Respondent lifted INMATE's head up, with two hands, and slammed it onto the concrete floor.
- By Respondent's own admission during his administrative interview, slamming INMATE's head onto the concrete was an unapproved/untrained tactic. Respondent also admitted that the force he used was unreasonable and excessive.
- Sergeant Raphael noted that the force options were ineffective writing, *"Four Deputies punched INMATE numerous times even though the inmate did not appear to be actively resisting."*[1]
- Sergeant Raphael noted that the force options utilized in this incident were not reasonable under Policy 300 writing, "*"The force used was not objectively reasonable or proportionate to the threat presented by the Inmate. The application of force did not stop even though the Inmate did not appear to be actively/physically resisting."* [2]
- Sergeant Raphael noted training issues were identified writing, *"Deputies did not employ tactical communication and/or de-escalation techniques prior to the use of force. Additionally, Deputies did not comply with Policy 300."*[3]
- Lieutenant Buffong noted training areas needed to be addressed and wrote, "*Instead of using controlling force against the inmate, injuring force was used. Upon review, the force appeared ineffective and inappropriate for this incident."*[4]
- Sergeant Raphael recommended the incident be forwarded for internal investigation. [5]

[1] Attachment B- OCSD Use of Force Report 24-009233 Page 5 Question 2
[2] Attachment B- OCSD Use of Force Report 24-009233 Page 5 Question 3
[3] Attachment B- OCSD Use of Force Report 24-009233 Page 6 Question 7
[4] Attachment B- OCSD Use of Force Report 24-009233 Page 7 Question 3
[5] Attachment B- OCSD Use of Force Report 24-009233 Page 8 Sgt. Recommendation

- Lieutenant Buffong noted he agreed with Sergeant Raphael's assessment and noted, *"…the force used during the incident does not appear reasonable or within the framework of our current use of force department policy."* [6]
- Commander Wilson noted in his recommendations and conclusions in review of the Use of Force Report, *"Based on the video footage and written reports included in this analysis, I concur with the findings of Lt. Buffong and Sgt. Raphael and deem this use of force to be unreasonable and outside of department policy."*[7]
- The Orange County Sheriff's Department sustained the allegation that the force used by Respondent was unreasonable and Respondent received discipline in the form of a 40-hour suspension.

Based on the abovementioned facts, the force used by Respondent was not proportionate to INMATE's resistive behavior and not objectively reasonable. Respondent could have engaged in less intrusive and reasonable alternatives to punching INMATE over 28 times without pause and slamming INMATE's head into the concrete. Respondent admitted that he continued to utilize punches, an injury level use of force that was not effective. Respondent could not identify a goal he had when he slammed INMATE's head into the ground. Respondent also admitted he used a technique that was not taught when he slammed INMATE's head into the floor while lying prone. Respondent admitted during his administrative interview that he got tunnel vision and used unreasonable force for the level of resistance INMATE displayed. Respondent also admitted that he failed to allow INMATE to comply with any instructions, instead repeatedly punching INMATE and then slamming INMATE's head into the ground.

Therefore, clear and convincing evidence exists that the force used by Respondent was excessive in that Respondent punched INMATE twenty-eight (28) times and slammed INMATE's head onto the concrete and was unreasonable and excessive based on the level of resistance offered by INMATE.

VI. Supporting Evidence and Documentation

- Attachment A – OCSD Report 24-009233
- Attachment B – OCSD Use of Force Report 24-009233
- Attachment C –Video #1 24-009233
- Attachment D- Video #2 24-009233
- Attachment E- Handheld Video 24-009233
- Attachment F – INMATE Use of Force Interview
- Attachment G – Respondent Interview

[6] Attachment B- OCSD Use of Force Report 24-009233 Page 8 Lt. Conclusions/ Recommendations
[7] Attachment B- OCSD Use of Force Report 24-009233 Page 8 Commander Recommendations and Conclusions

- Attachment H- Respondent Interview II
- Attachment I – Deputy Vega Interview
- Attachment J - Deputy Chen Interview
- Attachment K - Deputy Herrera Interview

VII. Findings

Based on POST's investigation reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension pursuant to Penal Code 13510.8.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: 07/24/2025

CASE #: POST2402562

PEACE OFFICER: Armando Montalvo

POST ID#: C89-U13

AGENCY: Orange County Sheriff's Department

POST CONSULTANT / BC: Gregory / Ford

ALLEGATION(S):

Physical Abuse - On March 16, 2024, Orange County Sheriff's Deputy Armando Montalvo, hereafter "Respondent", was involved in a use of force incident with an inmate, hereafter "Inmate". During the use of force incident, Respondent visibly punched Inmate approximately twenty-eight (28) times in the face, head, and upper body while three other deputies assisted and threw numerous punches at Inmate. Inmate, at the time of the incident, was not assaultive towards the deputies and was showing passive resistance by not giving up his hands while lying prone on the ground. At one point after delivering the punches, Respondent lifted Inmate's head and slammed his face against the concrete floor while Inmate was pinned down by other deputies. Following the administrative investigation, the Orange County Sheriff's Department sustained a finding that the force used by Respondent was not within policy which resulted in the Respondent receiving a 40-hour suspension.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

The evidence in the case, Body Warn Camera footage as well as interview statements, supports that Deputy Montalvo used excessive force when responding to what appears to be passive resistence by an Inmate during a routine escort.

William Darden Chief Legal Counsel	Signature	7/29/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	7/29/25 Date
Manny Alvarez Executive Director	Signature	07/29/2025 Date

cc: Bureau Chief Ford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

MONTALVO, ARMANDO RODRIGO

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 08/20/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C89-U13	ORANGE CO SD/CORONER	[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
211421	B	[redacted]		[redacted]	[redacted]	
160033	I	[redacted]	[redacted]	0.00	0.00	[redacted]

Total Number of Certificates: 2

PROOF OF ELIGIBILITY

POE	Agency Name	Agency	Issued	Status
P0007591	ORANGE CO SD/CORONER	30000	09/09/2022	Expired

Total Number of Proof of Eligibility: 1

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
02/25/2022	09/09/2022	6	TRN	02/25/2022	30000	ORANGE CO SD/CORONER	F	P	
09/09/2022			DPTY	09/09/2022	30000	ORANGE CO SD/CORONER	F	P	

***Reason for Separation: 6 = Other**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
09/12/2022	A	2060-00100-21-004	984		Y	30000	ORANGE SD		BASIC COURSE-INTENSIVE
09/27/2022	K	9180-25587-22-089	2	X	Y	30000	POST		VEHICLE PURSUIT POLICY (WEB)
09/29/2022	K	2060-20911-22-020	8		Y	30000	ORANGE SD		MENTAL HEALTH INTERVENTION TRAINING
02/08/2023	K	9180-25587-22-223	2	X	Y	30000	POST		VEHICLE PURSUIT POLICY (WEB)
10/23/2023	K	2060-23761-23-002	8		Y	30000	ORANGE SD		MOBILE FIELD FORCE TRAINING
07/10/2024	K	2060-30996-24-003	4		Y	30000	ORANGE SD		LESS LETHAL UPDATE
03/16/2025	K	9181-25587-24-259	2	X	Y	30000	CAPLP		VEHICLE PURSUIT POLICY (WEB)
07/24/2025	K	2060-23090-25-002	4		Y	30000	ORANGE SD		ELECTRONIC WEAPONS

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

Use of Force

24-009233

Report Stage	Finalize
Report Status	Finalized

General Information

Incident Information			
Facility/Unit/City	Intake Release Center	Sergeant Present	No
Location within Facility	male uncuff	OIS	No
Type of Force	General	Off Duty Incident	No
ERT Call-out	No	SWAT UOF	No
Involuntary Med	No	K9 UOF	No
		Pursuit	No
		AB 481 Military Equip	No

Getting Help

Report Stage	Finalize

S.A.F.E. has a provided a Link to Full UOF Policy If you have any policy question contact SAFE at [redacted]

First time completing an Use of Force Report or has it been a while? Watch our introductory video here. **Click Here for the Video**

Use of Force Help - [redacted]
Technical Help [redacted]

Event Description

General Information		Involved Parties		Review Flow	
DR	24-009233	# Employees using Force	# of Witnesses	Sgt. Notified	3/16/2024
Date	3/16/2024	# of Subjects		Sgt. Notified Time	04:13
Time (24hr)	04:13			Sergeant	Amy Raphael
		*For initial call indicate original purpose that employees encountered the subject, NOT the reason for the force. Reason for Force is covered under the employee section.		Captain/Lieutenant	Jeremy Buffong
Location of Incident				Commander	Nathan Wilson
Address / Cross Streets	550 N. Flower St.				
City	Santa Ana				
		Initial Call / Event.	148 - RESISTING ARREST		
		Request Method			

SB2

Status	
SB2	Yes

Notification Summary - Incomplete (click to view)

Injury Occurred			
Deputies Injured	No	Subjects Injured	Yes

Notification

[redacted] 1/8

Enter a brief description of the event, please inclu overview of injuries to subjects or Deputies, summary of force used. Example: Deps responded to a DV that occurred. Dep Alpha #9999 contacted the suspect (Smith) who provided a false name, but was recognized from past contacts. Alpha grabbed his right arm and Smith stated he was not going to be handcuffed. He broke free Alpha pepper sprayed him as he ran away to a public bathroom. He attempted to shut the door, but Deps Beta #9998 and Gamma #9997 responded and used their body weight against his force to keep the door from closing. He then gave up peacefully.

NOTE: THIS IS LIMITED TO 500 CHARACTERS.

Notification
On 3-16-24, at about 0414 hours, Inmate INMATE Bkg# became uncooperative by pulling away and turning on the Deputy. Control holds were used to bring Inmate INMATE to the ground and strikes were used to overcome resistance. Inmate INMATE as seen by medical and cleared for regular housing. No injuries to Deputies. Inmate had a minor abrasion above upper lip and a lump on the left side of his forehead.

Employees Using Force - Incomplete (Click to view)

Employees Using Force

Only list employees that applied force to a subject involved in this Use of Force.

Employee Name	Title	Employee Attire	Type of Injury	Description of Injury	Inj
Armando Montalvo	Deputy Sheriff I	Uniform	None		No
Daniel Herrera	Deputy Sheriff I	Uniform	None		No
Elvis Chen	Deputy Sheriff I	Uniform	None		No
Justin Romo	Deputy Sheriff I	Uniform	None		No
Nicholes Vega	Deputy Sheriff I	Uniform	None		No

1 - 5 of 5 (0 selected) Page 1

Subject and Witness

Additional Information for the Follow Up Report

The follow up report has been moved from CRM to the Field Based Reporting (FBR system). Sergeants are required to document Witness Statements, Subject Statements, and any ad information on a Supervisory UOF Supplemental and route that report for approval. This report should be considered a PRIORITY REPORT.

UOF Subject(s)

List all known subjects involved in the Use of Force, if the subjects are unknown please contact the Use of Force Sergeant in SAFE to enable unknown subjects.

Subject Name	Subject DOB	Race	Gender	ID Type	ID/Bkg#	Alcohol	Drugs	Behav	S
INMATE				Booking Number					N

1 - 1 of 1 (0 selected) Page 1

Non-Employees Witnesses

[redacted] 2/8

List all witnesses that can be identified that are nc ...nbers of the department, examples include, inmates, bystanders, members of other agencies, fire personnel.

Witness Name	DOB	Contact Information	Address	City
WITNESS INMATE	[redacted]			

1 - 1 of 1 (0 selected) Page 1

Notes & Attachments (Deputy reports should not be attached - No Attachments

Deputy reports should only be entered in FBR, only use this section to attach documents that do not exist in FBR.

FBRReportLink	Report Author	PID	Report Name	Report State
https://filipendula.ad.ocsd.local/InformRMS/rep...	Romo, Justin Ryan	[redacted]	Supplement Incident 24-0092...	Complete
https://filipendula.ad.ocsd.local/InformRMS/rep...	Johnson, Stephen B		Supplement Incident 24-0092...	Complete
https://filipendula.ad.ocsd.local/InformRMS/rep...	Raphael, Amy N		Supplement Incident 24-0092...	In Progress
https://filipendula.ad.ocsd.local/InformRMS/rep...	Hedger, Allen		Supplement Incident 24-0092...	Supervisor Review
https://filipendula.ad.ocsd.local/InformRMS/rep...	Vega, Nicholes Gilbert		Supplement Incident 24-0092...	Supervisor Review
https://filipendula.ad.ocsd.local/InformRMS/rep...	Herrera, Daniel		Supplement Incident 24-0092...	Supervisor Review
https://filipendula.ad.ocsd.local/InformRMS/rep...	Chen, Elvis		Supplement Incident 24-0092...	Supervisor Review

1 - 7 of 8 (0 selected) Page 1

Attachments and Notes

Title: Summary Report
UOF Summary - 24-009233.pdf
CRM Admin 3/29/2024 10:01 AM

Drop UOF document here.

Force Used Summary - INCOMPLETE (No Force Used - 3 Employees)

Force Used

Employee Name	Subject Name	Use of Force	Force Used	Reason for Force	Head / Face / Nec	Chest / Torso	Groin
Armando Montalvo	INMATE	24-009233	Punch	Defense of Self	Yes	-	-

[redacted] 3/8

Armando Montalvo	INMATE	24-009233	Push / Pull	Defense of Self	-	Yes	-
Armando Montalvo	INMATE	24-009233	Takedown	Defense of Self	-	-	-
Armando Montalvo	INMATE	24-009233	Body Weight	Overcome Resistance	-	-	-
Daniel Herrera	INMATE	24-009233	Punch	Overcome Resistance	-	Yes	-
Daniel Herrera	INMATE	24-009233	Body Weight	Overcome Resistance	-	-	-
Elvis Chen	INMATE	24-009233	Control Hold	Overcome Resistance	-	-	-
Elvis Chen	INMATE	24-009233	Body Weight	Overcome Resistance	-	-	-

1 - 8 of 15 (0 selected)

Event Narratives - INCOMPLETE (3 Fields Missing)

Materials Collected

List the materials gathered and reviewed. Example: One DVD containing hand held footage of the incident and hand held footage of Subject's interview.

I requested video from the overhead and handheld cameras which were related to this use of force incident. I also requested hand held footage of the subject's interview. Video was uploaded and viewed via Evidence.com.

Scene Documentation

This incident occurred in the male photograph/fingerprint booth located on the IRC Booking Loop adjacent to Cell H5. The ID booth is a three- sided booth, approximately 4' by 7' open to the booking loop hallway. Inmates are escorted to an ID booth during the booking process to get fingerprinted and photographed.

Was this incident capture on Audio/Video?

Was the incident captured on audio or video.

Body Worn	No	**PVS/L3/Puma Media**	No	**Overhead Camera**	Yes	**Handheld**	Yes
A/V Other	No						

Was the UOF captured on any other video, for example, citizen cell phone, security cameras, Ring, etc.

Audio/Video Review

A/V Booked as Evidence Yes

Audio/Video Review During my review of the incident, I reviewed the footage from the overhead cameras. My review also included reviewing the video interview with the Inmate.

[redacted] 4/8

Link to Video https://ocsdca.evider /axon/evidence?evidence_id=2b1407ddd3b44d31a5028439b70940a3&p. d=6c9fa7c272794e2f8ac66e8395b77249

Supervisor's Questions - INCOMPLETE (7 Questions Missing)

Question 1

What were the actions that led to this Use of Force?

At approximately 0415 hours, Inmate INMATE (BKG:) was being processed, and moved out of cell H-4 to have his initial booking photo taken. While moving from Cell H-4, INMATE began to disregard direct orders from Deputies. Deputy A. Montalvo grabbed INMATE by the jacket to direct INMATE to where he was ordered to stand for the booking photo. INMATE pulled away and turned towards Dep. Montalvo.

Question 2

Were the force options or weapons in this incident effective?

Answer No

Please Explain Four Deputies punched Inmate INMATE numerous times even though the inmate did not appear to be actively resisting.

Question 3

Were the force options or weapons utilized in this incident reasonable under Policy 300?

Answer No

Please Explain Policy 300 states, "Members shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the Member at the time of the event, to effectively bring an incident under control."

The force used was not objectively reasonable or proportionate to the threat presented by the Inmate. The application of force did not stop even though the Inmate did not appear to be actively/physically resisting.

Question 4

Was relevant/necessary medical attention provided to department member(s) and the use of force subject(s) ?

Answer Yes

Please Explain

Question 5

Was a supervisor notified of the use of force as re[illegible]d by department policy?

Answer Yes

Please Explain

Question 6

Was proper use of video and/or audio recording technology used in this force incident?

Answer Yes

Please Explain

Question 7

Were any training issues identified? (Examples include: officer safety, tactical communication, or de-escalation techniques) ?

Answer Yes

Please Explain Deputies did not employ tactical communication and/or de-escalation techniques prior to the use of force. Additionally, Deputies did not comply with Policy 300.

Question 8

Were any other policy violations identified (examples: professionalism, violation of pursuit policy, standards of contact, use of profanity, PVS)?

Answer No

Please Explain

Managerial Review Questions

Manager Question 1

[redacted] 6/8

Were all witness statements memorialized in the S visory Analysis of this use of force incident?

Answer
Yes

Manager Question 2

Was the use of force subject interviewed and the statements memorialized in the Supervisory Supplement Report in FBR of this use of force incident?

Answer
Yes

Manager Question 3

Are there any areas of training to be addressed? If yes, what are they? Corrected Actions taken?

Answer
Yes

Instead of using controlling force against the inmate, injuring force was used. Upon review, the force appeared ineffective and inappropriate for this incident.

Manager Question 4

Are there any areas of liability or risk management concerns associated with this use of force event? If yes, what are they?

Answer
Yes

The inmate, along with the deputies using force were exposed to possible injury, in addition to possible policy violations by the deputies associated to this event.

Managerial Secondary Review

Use of Force on subjects released at the scene (includes cite and releases)
No

Arrests for PC 148, with no additional charges
Yes

Use of Force required admission to a hospital for medical treatment
No

Ineffective use of ECD where additional force required
No

Multiple deployments (drive stun, multiple cycles, more than one cartridge used) of the ECD
No

Use of carotid restraint
No

Use of Force on subjects not involved in the original investigation (witnesses, passengers, etc.)
No

Use of less lethal munitions (40mm, 12 gauge super sock "bean bag") with no response from Homicide
No

Sergeant involved in Use of Force
No

Secondary Review Required? Yes

Recommendations and Conclusions

Employee Name	Sgt. Recommendation	Cpt./Lt. Recommendation	Cmdr. Determination
Armando Montalvo	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...
Daniel Herrera	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...
Elvis Chen	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...
Justin Romo	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...

[redacted] 7/8

Nicholes Vega	Refer in...	to Command St...	Refer incident to Command St...	Refer in...nt to Command Staff with a recom...

1 - 5 of 5 (0 selected) Page 1

Supervisor's Conclusions & Recommendations

Sgt Conclusions
The force used was not objectively reasonable or proportionate to the threat presented by the inmate. The application of force did not stop even though the inmate did not appear to be actively/physically resisting.

Sgt. Recommendation
I recommend this incident be forwarded for internal investigation.

Captain/Lieutenant's Recommendations and Conclusions

Cpt./Lt. Conclusions / Recommendations
I agree with Sergeant Raphael in her assessment, the force used during this incident does not appear reasonable or within the framework of our current use of force department policy.

Corrections requested from Commander

Commander's Recommendations and Conclusions

Based on the video footage and written reports included in this analysis, I concur with the findings of Lt. Buffong and Sgt. Raphael and deem this use of force to be unreasonable and outside of department policy. It will be referred to Internal Affairs for further investigation.

Training - Not Required

UOF Employee	Training Statu...	Assigned Division	Corrective Action / Training	Use of Force	Supervisor Overseeing Trainin...	Trainin

There are no UOF Employ

0 - 0 of 0 (0 selected) Page 1

Cmdr. Concur with Training

Record Submission

NOTE: All submission / correction / finalize buttons have been moved to the tool bar at the top of the form.

[redacted] 8/8

INCIDENT REPORT

COPY

EVENT SUMMARY

OFFENSES

Statute Code	Degree	Statute Description
148(A)(1) PC	Misdemeanor	Obstruct/Resist/Etc Public/Peace Officer/Emergency Med Tech

Date Occurred: Saturday, 3/16/2024 04:30

Date Reported: Saturday, 3/16/2024 04:30

Incident Address: 550 N Flower St , Santa Ana CA 92703

Evidence Collected? ☐ **Suspect Arrested?** ☑

Naloxone Deployed? ☐ **Number of doses deployed:** 0 **Use of Force?** ☑

Brief Description: CODE A OUTISDE H-5 [redacted] INMATE

Property Loss: $0.00

SUSPECT(S)

[redacted] INMATE **DOB:** [redacted]

OTHER PERSON(S) INVOLVED

,

STATE OF CALIFORNIA,

CRIMES AGAINST PEOPLE/PROPERTY

Offense: 148(A)(1) **Attempted/Completed:** Completed

Offense Location: Jail / Prison

Offender Suspected of Using: Not Applicable

SUSPECT(S)

Name [redacted] INMATE **DOB:** [redacted] **AGE:** [redacted] **Cite #:**

Related To:

Sex: [redacted] **Race:** [redacted] **Ethnicity** [redacted]

Cell Phone: **Home Phone:** **Other Phone:** **Booking Number:** [redacted]

Naloxone Deployed? ☐ **Number of doses:**

Name: **Age:**

Naloxone Deployed? ☐ **Number of doses:**

VICTIM (BUSINESS/SOCIETY)

Business/Organization Name: State Of California

Related To: 148(A)(1)

NARRATIVE

INCIDENT REPORT

COPY

On Saturday, March 16, 2024, I was working my assigned position as a Male Uncuff Deputy at the Intake Release Center (IRC) located in the City of Santa Ana, County of Orange. The IRC is a maximum-security jail facility.

At about 0414 hours, I was assisting Deputies N. Vega [redacted] and D. Herrera [redacted] process new inmates through the booking procedures. My job duties include giving directives to inmates when to move and where to stand during the process. Inmate INMATE (BKG: [redacted]) repeatedly refused to follow directions. While being processed INMATE stood up from the uncuff bench even after I had told him to stay seated. When it was INMATE turn to stand walk to the wall, INMATE continued to walk towards the females side of the booking loop. Inmate INMATE then stood still and refused to stand where I had told him, even after I pointed to where I needed him to stand. I grabbed INMATE left arm with a firm grip to escort him to the photo location to which he said, "Don't grab me". INMATE pulled away from me, yanking his left arm away from my grip.

I used both my hands to attempt to push INMATE against the wall in order to place his hands behind his back and overcome his resistance. I gave INMATE commands to turn around and place his hands behind his back, but INMATE refused to do so. INMATE turned towards me kicked off the wall and struck me with his left shoulder in the face. I tried to place INMATE in control holds but was unsuccessful. INMATE continued to actively resist. Due to INMATE active resistance, and refusal to follow my commands and give me his hands, I took INMATE to the ground.

In order to overcome INMATE active resistance and prevent my partners or myself from getting injured any further, I punched INMATE in the face with both my hands. INMATE continued to actively resist by pulling away from me. INMATE grabbed onto my right leg and would not let go of it. In order to free my leg from his grip, I struck INMATE several times. The strikes proved effective, I was able free my leg from his grip. I tried to grab control of INMATE right arm but failed to do so since INMATE continued to pull away causing him to briefly trap my arm underneath him. I put my hands on INMATE shoulder area and held him down with my body weight to maintain control of him. INMATE was handcuffed by Deputy J. Romo [redacted] and leg chained by Deputy Herrera.

INMATE was taken to the medical triage area where he was medically cleared by S. Garica RN with a left contusion on his head. Mental health S. Dompas RN cleared INMATE for regular housing. INMATE was placed in PM-11 without further incident.

I reviewed overhead camera footage of this incident prior to writing this report.

INCIDENT REPORT

COPY

Sergeant A. Raphael [redacted] was notified. DR#24-009233. JI#240316-0082

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Reporting Officer	A . Montalvo [redacted]	☐	3/16/2024

SUPPLEMENT

COPY

NARRATIVE

On Saturday, March 16, 2024, I was working my assigned position as an Uncuff Deputy at the Intake Release Center (IRC) located at 550 North Flower Street in the City of Santa Ana, County of Orange, 92703. The IRC houses medium and maximum security, pretrial and sentenced male and female inmates. My Duties as an Uncuff Deputy include assisting in processing new arrestees in the booking process.

At approximately 0414 hours, I was assisting Deputies N. Vega [redacted] and A. Montalvo [redacted] process new inmates in the booking procedure. I was calling the names of inmates to sit on the uncuff bench to await their turn when I heard shouting in front of holding cell 5 (H-5). I saw Deputies Montalvo, Vega, and E. Chen [redacted] on the ground on top of an inmate who was later identified as INMATE (DOB: [redacted] BK[redacted]. I saw additional deputies approaching and instructed them to watch the inmates on the uncuff bench while I assisted in subduing INMATE

I approached INMATE legs and crossed them on top of each other pinning them down with my bodyweight. Deputy Vega was giving commands to INMATE to put his hands behind his back but INMATE continued to pin his arms against his chest refusing to give his arms. In order to gain compliance I struck INMATE approximately 13 times with a closed right fist to the side of his stomach while giving him commands to remove his hands from his chest. INMATE complied and his hands were handcuffed behind his back. I unfolded INMATE legs and pinned them down and instructed Deputy C. Griffin [redacted] to assist me in placing leg restraints. INMATE was then assisted off the ground and placed in a wheelchair to be seen by medical and mental health.

For additional information regarding the incident, see Deputy Montalvo's primary report under the same DR.

Sergeant A. Raphael [redacted] was notified of the incident.

I reviewed video surveillance footage prior to writing this report.

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer	D . Herrera [redacted]	☐	3/16/2024

COPY

NARRATIVE

On Saturday, March 16, 2024, I was working my assigned position as a Psychiatric Observation (Psych Obs) Deputy Sheriff at the Intake Release Center (IRC) located, at 550 N. Flower Street in the City of Santa Ana, County of Orange, 92703. The IRC houses medium and maximum security, pretrial and sentenced male and female inmates. Provides mental health treatment to male and female inmates in modules specifically designed for [redacted] patients and associated conservator hearings.

At approximately 0414 hours, I exited the Psych Obs area of the booking loop to assist with Male Uncuff. The Male Uncuff area of the booking loop receives inmates into the IRC, uncuffs and searches arrestees, and processes the booking of inmates including a booking photo. When arriving in Male Uncuff, I saw Deputy A. Montalvo [redacted] and Deputy N. Vega [redacted] fighting on the booking photo area floor with an inmate, later identified as INMATE (BKG [redacted] DOB [redacted]). I broadcasted a "Code Alpha" on the radio and responded to assist with controlling and restraining INMATE A "Code Alpha" announces to all available Deputies within the facility to respond to a location where there is a threat to employee safety. When I arrived, INMATE was on his stomach and covering his hands with his body. I used my body weight with my right knee on INMATE hip to keep INMATE from moving away and turning towards Deputies, avoiding further assault from INMATE I directed INMATE multiple times to place his hands behind his back while trying to gain control of his left hand with my hands. INMATE did not follow my directives and continued to cover his hands with his body. I struck INMATE left torso with my closed right fist approximately six times and I was able to gain control of INMATE left hand. I placed INMATE left hand behind his back in a rear wristlock and maintained control until handcuffs were placed on INMATE I continued to use my body weight and the rear wristlock on INMATE left hand to maintain control of INMATE until he was placed in leg restraints and placed in a wheelchair to be taken to be medically evaluated. I had no further contact with INMATE

I reviewed video surveillance footage prior to writing this report.

For additional information regarding the incident, refer to Deputy Montalvo's primary report DR #24-009233.

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer	E . Chen [redacted]	☐	3/16/2024

SUPPLEMENT

COPY

NARRATIVE

On Saturday, March 16, 2024, I was working my assigned position as a First Floor Prowler Deputy at the Intake Release Center located at 550 North Flower Street in the City of Santa Ana, 92703, County of Orange. The Intake Release Center (IRC) is a maximum-security jail facility.

At approximately 0414 hours, I was processing inmates at the initial Male Uncuff booking photo booth. While I was processing inmate WITNESS INMATE (BKG [redacted] / DOB [redacted], I heard Deputy A. Montalvo [redacted] give multiple commands to INMATE (BKG [redacted] /DOB [redacted], I saw that INMATE was not complying. I observed INMATE turns towards Deputy Montalvo and yell something that I could not understand. Deputy Montalvo grabbed INMATE and pushed him into the counter. I ran to them and grabbed INMATE' left hand. I attempted to place INMATE left hand behind his back, but was unable to do so due to INMATE tensing his arm and pulling away. I gave him multiple commands for him to place his hands behind his back, but INMATE continued to pull his left arm away and drop his body weight to the ground.

Deputy Montalvo and I pulled INMATE to the ground, losing control of his left arm. INMATE continued to actively pull his arms away from me, and placed his hands on his face. In an attempt to gain compliance, I punched INMATE approximately 4 times on the left side of his head and shoulder area with my left hand. I commanded INMATE again to place his hands behind back, and he would not comply. I then repositioned myself over INMATE right side to gain control over his right leg and right arm. I then threw 4 punches with my closed right hand and 4 with my closed left hand, in order to gain compliance.

While INMATE was lying face down in the prone position, his right arm was under his chest. I told INMATE again to put his right hand behind his back, he complied. Handcuffs and leg restraints were placed on INMATE. Deputies and I assisted INMATE to stand up and placed him into a wheelchair to be medically evaluated.

For additional information regarding the incident, see Deputy Montalvo's primary report under the same DR.

Sergeant A. Raphael [redacted] was notified of the incident.

I reviewed video surveillance footage prior to writing this report.

SUPPLEMENT

COPY

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer	N . Vega [redacted]	☐	3/16/2024

SUPPLEMENT

COPY

OTHER PERSON(S) INVOLVED

WITNESS INMATE **DOB:** [redacted]

WITNESS

Name: WITNESS INMATE **DOB:** [redacted] **Age:** [redacted]

Position/Title:

Address: [redacted]

Cell Phone: **Home Phone:** **Other Phone:** [redacted] **Booking Number:** [redacted]

Sex: [redacted] **Race:** Hispanic **Ethnicity:**

Email Address:

NARRATIVE

On Saturday, March 16, 2024, I was working my assigned position as a Male Uncuff Deputy at the Intake Release Center (IRC) located at 550 North Flower Street, City of Santa Ana, County of Orange, 92703. The IRC is a maximum-security jail facility.

At approximately 0520 hours, I removed Inmate WITNESS INMATE (BKG [redacted] DOB [redacted], from cell PM1 and escorted him individually to cell H6. I asked WITNESS INMATE if he had seen what led up to the incident involving Inmate INMATE (BKG [redacted] DOB [redacted]. WITNESS INMATE stated, "All I saw was the scuffle". I asked WITNESS INMATE if he had heard anything that was said before or during the incident, and he stated, "No, it was just really loud." I asked WITNESS INMATE if he had anything else he wanted to tell me about the incident, and he said, "No."

Refer to Deputy A. Montalvo [redacted] primary report DR#24-009233 JI#240316-0082 for further information.

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer	A . Hedger [redacted]	☐	3/16/2024

SUPERVISORY USE OF FORCE SUPPLEMENTAL

COPY

Reporting Area: Intake/Release Center

SUBJECT(S) INTERVIEW SUMMARY

On 3-16-24 at about 0652 hours, I conducted a post use of force of interview with Inmate INMATE The interview was digitally recorded by Deputy Chung [redacted]. The following is a summary of the interview.

I asked Inmate INMATE the following questions:

I asked INMATE if he was injured and he said, "No."

I asked INMATE if he had any pre-existing injuries or medical conditions and he said, "No."

I asked INMATE if he was seen by medical staff and he said, "Yes."

I asked INMATE if he needed medical attention and he said he wanted Gatorade.

I asked INMATE if there was anything he wanted to tell me and he said he wanted to be released.

I concluded the interview at about 0653 hours.

WITNESS(ES) STATEMENT & SUMMARY

There was 1 witness present for this incident. See Deputy Hedger's report for further details.

ADDITIONAL INFO

All captured media related to this incident was requested and uploaded to Evidence.com by the Intake Release Center Video Unit.

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supervising Officer	Raphael, A. [redacted]	☐	3/18/2024

COPY

PROPERTY/EVIDENCE

Related To: [redacted] INMATE

Property Type: Seized (to Impound Property That Was Not Previously Stolen)

Property Description: IRC overhead video, handheld video, photographs and UOF interview.

Miscellaneous Description: Uploaded to evidence.com.

NARRATIVE

On 03/18/24, I was working my assigned position as the Administrative Video Unit Deputy Sheriff at the Intake/Release Center (IRC). At approximately 0500 hours, I received a request to download videos, photographs and interviews related to DR#24-009233 for evidence.

On 03/18/24, I uploaded the videos, photographs, and interviews to evidence.com.

For further information, see initial report under DR#24-009233.

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer	S . Johnson [redacted]	☐	3/18/2024
Approving Officer	E . Tilove [redacted]	☐	3/19/2024

SUPPLEMENT

COPY

NARRATIVE

On Saturday, March 16, 2024, I was working my assigned position as a uniformed Deputy Sheriff at the Intake Release Center (IRC) located at 550 North Flower Street, 92703, in the City of Santa Ana, County of Orange. The IRC is a maximum-security jail.

At about 0414 hours, I responded to the area in front of holding cell H-5 reference an inmate, later identified as INMATE (DOB: [redacted], BK: [redacted], actively assaulting a deputy. Upon arrival to the location, I saw two deputies on the floor trying to place INMATE into handcuffs, however INMATE was kicking his legs, and refusing to put his hands behind his back.

I gave INMATE multiple verbal commands to put his hands behind his back and stop fighting. INMATE ignored me and continued actively resisting deputies attempts to place him into handcuffs. Due to INMATE actively resisting, and his inability to follow commands, I placed my right knee on INMATE left lower back to pin him to the floor. I used both of my arms to pull his right arm from underneath his stomach to behind his back, until handcuffs were put onto him. I had no further contact with INMATE

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer	J . Romo [redacted]	☐	3/16/2024
Approving Officer	A . Raphael [redacted]	☐	3/26/2024

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

October 9, 2025
AGENDA
10:00 AM

Meeting Location: CA Commission on POST Headquarters, 860 Stillwater Road - Training Rooms A/B, West Sacramento, CA 95605.

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's

facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member
Vacant - Senate Rules Appointee - Public Member

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **ASSISTANT EXECUTIVE DIRECTOR COMMENTS**

V. **NEW BUSINESS**

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

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

VI. **APPROVAL OF MEETING TRANSCRIPTS**

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on July 16-17, 2025.

a. Approval of Meeting Transcript from the July 16-17, 2025 Meeting

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

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

a. POST2410050 - Michael Kim (POST ID: A63-W93) Last Employing Agency: San

Francisco Sheriff's Office (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2402562 - Armando R. Montalvo (POST ID: C89-U13) Last Employing Agency: Orange County Sherriff's Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

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

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- February 04-05, 2026 - POST, West Sacramento
- April 15-16, 2026 - POST, West Sacramento
- July 15-16, 2026 - POST, West Sacramento
- October 14-15, 2026 - POST, West Sacramento

Board meeting dates are tentative and subject to cancellation pending POST receiving requests from subject officers to have their cases heard before the Board.

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2402562 - ARMANDO R. MONTALVO (POST ID: C89-U13)
LAST EMPLOYING AGENCY: ORANGE COUNTY SHERRIFF'S DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**	
10/09/2025	Professional Conduct Southern Bureau	
RESEARCHED BY		**REVIEWED BY**
Marcus Gregory		Christine Ford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT**
		No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the Orange County Sheriff's Department on February 25, 2022, as a deputy sheriff in training. Respondent completed his training program on September 9, 2022. At the time of the events at issue, Respondent was employed as a Deputy Sheriff with the Orange County Sheriff's Department.

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

On March 16, 2024, Respondent was involved in a use of force incident with an inmate, hereafter "INMATE", while working at the Intake Release Center. During the use of force incident, Respondent visibly punched INMATE approximately twenty-eight (28) times in the face, head, and upper body while three other deputies assisted and threw numerous punches at INMATE. INMATE at the time was not assaultive towards the deputies and was only showing passive resistance by not

giving up his hands while lying prone on the ground. At one point after delivering the punches, Respondent lifted INMATE's head and slammed INMATE's face against the concrete floor while INMATE was pinned down by deputies. Respondent was cooperative with the investigation and acknowledged the force used was unreasonable. As a result of the administrative investigation the Orange County Sheriff's Department sustained a finding that the force used by Respondent was not within policy. As a result of the sustained finding Respondent received a 40-hour suspension.

Audio/Video Evidence Links:

- **BR06 POST2402562 Attachment C Video 1 24 009233 Redacted**
- **BR07 POST2402562 Attachment D Video 2 24 009233 Redacted**
- **BR08 POST2402562 AttachmentE Handheld video 24 009233 Redacted**
- **BR09 POST2402562 Attachment F INMATE Use of Force Interview Redacted**
- **BR10 POST2402562 Attachment G Respondent Interview Redacted**
- **BR11 POST2402562 Attachment H Respondent Interview II Redacted**
- **BR12 POST2402562 Attachment I Deputy Vega Interview**
- **BR13 POST2402562 Attachment J Deputy Chen Interview**
- **BR14 POST2402562 Attachment K Deputy Herrera Interview**

ANALYSIS:

Clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(3) and Commission Regulation 1205(a)(3) regarding physical abuse; in that the force used by Respondent was excessive wherein Respondent punched INMATE twenty-eight (28) times and slammed INMATE's head onto the concrete floor. Respondent's use of force was unreasonable and excessive based on the level of resistance offered by INMATE.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification

of the subject peace officer.

ATTACHMENT(S):
BR01_POST2402562_Montalvo_Armando_ISF_Final (1).pdf
BR02_POST2402562_Executive_Review_Division_Recomendation.pdf
BR03_POST2402562_EDI_Profile_Montalvo_Armando_Redacted.pdf
BR05_POST2402562_Attachment_B_OCSD_Use_of_Force_Report_24-009233_Redacted.pdf
BR04_POST2402562_Attachment_A_OCSD_Report_24-009233_FINAL_Redacted.pdf

STATE OF CALIFORNIA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF ARMANDO MONTALVO, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of Section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on August 12, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on August 20, 2025, and the Board scheduled the case for a hearing which was held on October 9, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☐ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations Section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 10/9/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, OCTOBER 9, 2025

10:05 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)

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer
(Vice 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

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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

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

CHRISTINE FORD
Bureau Chief
Professional Conduct
Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

MARCUS GREGORY
Law Enforcement Consultant
Professional Conduct Southern Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

BRANDY ESSEX
Staff Services Analyst
Executive Office

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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

BEATRICE JOHNSON
Public Speaker

APPEARING REMOTELY:

PATRICIA DE ARMAN
Public speaker, sister of Christopher DeArman

CINDY NUNEZ
Public speaker

DAVID DE ARMAN
Public speaker, father of Christopher DeArman

BRUCE LEININGER
Public speaker

MELISSA MIRAMONTES
United Families for Justice

CRYSTAL RODRIGUEZ
Public speaker

DARWIN FISHMAN
Racial Justice Coalition of San Diego

MARIE MASTERS, ESQ.
Representing Michael Kim

BRETT RUTKOWSKI, ESQ.
Representing Armando R. Montalvo

ARMANDO R. MONTALVO (POST ID: C89-U13)

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Thursday, October 9, 2025, 10:05 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning. I'm sorry that I was a minute late. There were some problems, but all good.

So today's Thursday, October 9th, 2025. And the time is 10:05.

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

Please note that this hearing is being live-streamed, recorded and transcribed. Further, please note that the microphones are auto on/off. When you begin speaking, they will go live with this and you will need to watch your crosstalk.

We will now call the roll of board members.

MS. ESSEX: Thank you, Madam Chair.

Good morning, Board.

Member Clavo.

MEMBER CLAVO: Present.

MS. ESSEX: Doyle.

MEMBER DOYLE: Here.

MS. ESSEX: Crawford.

MEMBER CRAWFORD: Here.

MS. ESSEX: Dudley.

CHAIRPERSON DUDLEY: Here.
MS. ESSEX: Glaser.
MEMBER GLASER: Here.
MS. ESSEX: Johnson.
MEMBER JOHNSON: Here.
MS. ESSEX: Lara.
MEMBER LARA: Here.
MS. ESSEX: Pena.
(No response.)
MS. ESSEX: Seven present, quorum established.
CHAIRPERSON DUDLEY: Okay. Thank you so much.
I would now like to introduce board counsel Christopher Beatty to my left; and POST Assistant Executive Director, who's coming up the aisle now, Annemarie Del Mugnaio.
Public comment.
So Annemarie's here. Chris is here.
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 such matter.

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 three 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 if you wish to comment on disciplinary matters scheduled to be heard today by the

Board, you must wait until that 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 the complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with the state law and to avoid compromising the Board's mission.

So having said all that, is there anyone present in the audience or appearing remotely who would like to address the Board?

First, in the audience?

Seeing nothing, now asking about anyone remotely.

Okay. It appears we do have four people online.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Okay. You may -- I'm not sure if there's anyone remotely who would like to speak, but if so, you have an option, you may state your name and

organization if you wish.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: For those of you wishing to provide public comment online, if you can mute your live-stream so that we can hear you. Please do so now.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Is there anyone who remotely would like to speak?

If so, please begin speaking.

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Yes, hello. This is Joyce Dudley. I'm the Board Chair up here at the POST meeting, did you want to speak?

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Please proceed.

PATRICIA DE ARMAN: Can you hear me?

CHAIRPERSON DUDLEY: We can hear you. Please proceed. Good morning.

PATRICIA DE ARMAN: Oh. Sorry.

Good morning, my name is Patricia DeArman. I'm the sister of Christopher DeArman who was killed by San Diego Police Department on January 20th, 2023.

They racially profiled him, a pretext stop, hot stop led to a slow-speed pursuit.

He was shot at excessively 28 times, some of which

included non-department issued, hollow-point ammunition, by officer Jacob Meyers. His constitutional rights were violated by Christopher Aguilar who told him, "your word means nothing," and Sergeant Rene Murillo who failed to intervene as acting supervisor on scene.

This whole case has been a cover up. He was left to bleed out on the streets, a river of blood, no CPR or an AED was rendered.

A canine was deployed 11 minutes after he was shot 28 times, including hollow points.

SDPD failed Christopher DeArman by failing to intervene, escalating the entire situation and -- into a matter that had never needed to be there.

My brother asked for his citations. They said no.

They violated his rights, antagonized him and used his background with a little bit of marijuana, which is legal here in California. He had well under the legal amount.

They accused him of illegally transporting marijuana, escalated the situation so far he hid into fight or flight mode and panicked. He didn't want to go back to jail.

SDPD did not value his life that night.

Neither do they value the life of an ex-felon. And these officers need to be held accountable, including

Jacob Meyers with his hollow points. We had sustained findings with internal affairs and still nothing has been done. Internal affairs did not give the CPP, the Commission on Police Practices full case files for the case review. Not my whole complaint was included in its findings.

I wrote everything that happened. Why wouldn't it be there?

This has been a cover up. This were evil acts taken by these officers.

My family is -- is here with guilt and remorse and horrors. This is traumatizing.

And these officers, Christopher Aguilar, is still allowed to patrol the same area where he killed at and he has a rap, history, of being a bully in the neighborhood, well before my brother was killed by him. And he's still here, all the time, at Chicano Park. He needs to be removed from Barrio Logan.

Christopher Aguilar needs to be held accountable.

Jacob Meyers needs to be held accountable, Rene Murillo and Patrick Harvey, who, this is his second time deploying a canine on a victim that's already been shot after a hot stop was conducted.

He had another incident in October 2020 where CHP pit-maneuvered a car. And the person got off with a gun

supposedly, but you don't even see the moment that they shot at the cops, like they claim. He might have shown a gun, but they should be telling officers to drop their weapons before they shoot at them.

Hollow points need to be banned entirely.

CPR and AEDs must be rendered after they been shot and wounded and saying that he's playing possum or faking it, and that he could baiting them into another ambush?

He can't move. He told the, he screamed, "I can't move." They ordered him to make him crawl closer to his weapon. That didn't make any sense. And when you see the footage they dragged his body closer and towards his weapon, not away from it like they claimed.

They said he died while undergoing lifesaving medical procedures, but he was shot at 11:38, when "shots fired" was being called by the watch commander, one or two minutes before he was shot.

And if he was shot at 11:38, why was he pronounced dead at UCSD at 12:24 when that hospital is five minutes away.

And why didn't they utilize Logan Fire Department if it happened right there by Logan that's about two blocks away?

CHAIRPERSON DUDLEY: Let me interrupt you.

(Unreportable cross-talk.)

PATRICIA DE ARMAN: -- fourteen hours.

CHAIRPERSON DUDLEY: Let me interrupt you just for a moment, okay?

First of all, I am -- I can just hear the pain in your voice. I can't imagine the agony you and your family are going through.

I want you to know there is a process and I'm going to ask the Assistant Executive Director to my right to tell you how exactly to file that complaint or what we can do next in terms of getting someone in touch with you.

But let me just say on a personal level, I am so sorry for your loss.

Go ahead.

PATRICIA DE ARMAN: Thank you so much. My dad already submitted a complaint. Please look into it.

MS. DEL MUGNAIO: Thank you very much.

PATRICIA DE ARMAN: Thank you.

MS. DEL MUGNAIO: We will address that and someone will be in touch with you.

CHAIRPERSON DUDLEY: Okay. So is there anybody else remotely who would like to speak?

Are there more on the line?

UNIDENTIFED PUBLIC SPEAKER: Yes.

CHAIRPERSON DUDLEY: Okay. Apparently there are some other folks on the line who would like to speak. I'm not sure why it is not coming through, but please just speak up and we'll take it from there.

CINDY NUNEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. This is Joyce Dudley. Please go ahead.

CINDY NUNEZ: Hi. Good morning, my name is Cindy Nunez.

My brother was also murdered in March of 2024 by Los Angeles County Sheriff's Department. And I'm calling today regarding the fatal shooting of Chris DeArman by the San Diego Police Department.

I'm urging you, POST, to review the certification of these officers that were involved, Christopher Aguilar, Jacob Meyers and Sergeant Rene Murillo and also Patrick Harvey for the severe violations of the POST standards and these basic human rights.

Officer Christopher Aguilar actually violated Chris's rights by telling him his words meant nothing, reaching into his car to unlock the door himself and escalating the situation rather than de-escalating. Chris should still be alive right now. That should have never happened.

Officer Jacob Meyer failed to follow the basic procedures, never requesting Chris's license, registration, proof of insurance, that we all will be asked for if we -- if we get pulled over at a traffic stop.

The use of non-department-issued hollow point ammunition, so these officers are going into the station and bringing their own ammunition that's not assigned by the department, increasing the lethally of his actions.

Sergeant Murillo, the supervisor on scene, he failed to intervene, he gave misleading statements about what had happened to Chris, he ordered the medics to stand down twice.

And also, quote, and also while Chris was -- all this while Chris was bleeding out on the street.

Officer Patrick Harvey, then he deployed the canine on Chris after he had already been shot multiple times, people. And he was incapacitated. And he was given the -- he never gave the order to release the dog, allowing the dog to continue mauling Chris as he laid defensive on the ground.

Chris couldn't move. He was not playing possum. If POST, as you guys, the Board, take a second to compare someone, a suspect, someone being attacked by a canine dog, and they're alert, you will see the reaction

a regular subject is going to have when they're getting bitten by a dog, a canine.

Chris wasn't playing possum. He couldn't move. He was dying on them and they knew that. Chris could not respond to their orders. He was dying. He needed help. And they literally denied him that basic human right.

These actions were truly reckless, inhumane and a direct violation of POST standards that you guys certify these officers out there for their officer conduct, accountability and the preservation of life that they failed to give Chris.

I'm urging you, POST, to use your authority to decertify these officers who engage in this coercive, abusive and retaliary [sic] behavior. And to straighten transparency in how these cases are reviewed.

Every abusive officer who keeps their certification weakens the integrity of every good person out there, of the community. That's why the so mistrust in officer conduct, because they are doing what they want in the streets and you guys are certifying these officers, you fail to decertify them and hold them accountable.

And I promise you, if you start holding these officers accountable and decertifying, you will get public trust again. You will get community trust.

Make an example. Our families deserve protection,

not persecution.

Please remember that behind every case number, there are people, grieving mothers, sisters, fathers, children. We're all out here fighting for the truth, waiting for accountability that should have been there in the very beginning.

Thank you.

CHAIRPERSON DUDLEY: Thank you for calling.

And I'm incredibly sorry to hear about Chris and the torment in your voice. I'm sure this is unimaginably horrible.

So I just want you to know that we heard you and POST Assistant Executive Director is going to speak now to let you know how to follow-up.

MS. DEL MUGNAIO: I believe your comment was in response to the first caller's remarks regarding a case.

That is a complaint that has already been filed. POST will be in contact to speak with you about the process. And to help you understand what the next steps are in that complaint.

If there are other remarks regarding the same complaint, I'm going to ask that we refrain from providing specifics as it can jeopardize the investigation of that complaint that POST will conduct, that investigation, and work with law enforcement agency

to procure whatever documents are necessary to do its fact-finding analysis.

So for those of you who are online that wish to comment regarding the same matter, I'm going to ask that we refrain from doing so, so those specifics are not aired in a public forum that could otherwise compromise the future investigation of the complaint.

Thank you.

CHAIRPERSON DUDLEY: And again, we want to thank you for calling.

Are there any more callers? Okay.

If there are -- I'm happy to hear from you, and to hear about your feelings, but at this point, I am going to need to intervene if there's any discussion of the facts of the case if it's about the same case that we just heard two calls on.

So, as to the next speaker, please go ahead.

DAVID DE ARMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you. Thank you.

DAVID DE ARMAN: This is Mr. DeArman, Christopher's father.

I have filed a formal complaint with POST, separately, against all involved officers. And have received no reply.

CHAIRPERSON DUDLEY: Let me immediately now turn it

over to the POST Assistant Executive Director so she can respond to that. And then I will continue to listen to your concerns.

MS. DEL MUGNAIO: Mr. DeArman --

DAVID DE ARMAN: Yes.

MS. DEL MUGNAIO: So you did file a formal complaint regarding the same matter?

DAVID DE ARMAN: Sure did.

MS. DEL MUGNAIO: Okay. We will definitely follow up with you regarding the status of that complaint following this meeting.

DAVID DE ARMAN: Thank you, ma'am.

MS. DEL MUGNAIO: You're welcome.

DAVID DE ARMAN: Let me ask, am I not allowed to speak regarding the incident?

CHAIRPERSON DUDLEY: You're absolutely allowed to speak. I encourage you to speak.

What I'm asking you to do is to refrain from discussing any of the evidence related to the case, any of the facts related to the case.

In my prior role, I was the District Attorney of Santa Barbara County. So I'm an attorney who understands the value of what you have to say.

But by the same token, with that, that information should not come out in a public comment. It should come

out in a formal investigation to best protect Chris's rights. Okay?

So if that made sense to you, certainly want to hear about your feelings.

Please try to stay away from the facts. Okay, sir?

DAVID DE ARMAN: Okay. I'll try to.

CHAIRPERSON DUDLEY: Thank you.

DAVID DE ARMAN: It's going to be difficult.

CHAIRPERSON DUDLEY: I understand.

DAVID DE ARMAN: It will be difficult.

Christopher was a father, a son, a brother, and a an uncle. He was much loved by his family.

The officers failed to use less-than-lethal or non-lethal measures in the force continuum that is required prior to execution of deadly force.

They did -- they took no such actions.

CHAIRPERSON DUDLEY: I can't imagine the loss that your family is experiencing.

And we'll absolutely get in touch with you after this meeting to follow up on the formal complaint. Okay?

DAVID DE ARMAN: I will also add that I'm a 30-year Naval veteran, a former security officer, Naval Base San Diego. And I'm a graduate of the Federal Law Enforcement Training Center FLETC at Glynco. I would

suggest my training far exceeds the training they received at a local junior college.

CHAIRPERSON DUDLEY: I understand, sir. And let me thank you for your service. And I promise right after this meeting, someone will be in touch with you.

And again, so sorry for your tremendous loss and the loss of your family.

DAVID DE ARMAN: Okay. Thank you, ma'am.

CHAIRPERSON DUDLEY: Thank you, sir.

Are there any other calls?

Okay. Someone else is on the line. Please go ahead.

I'm not hearing any voices.

Is someone else still on the line? If so, just speak up.

Someone still is there?

Okay. If you have a phone or a computer but you're not unmuting and you would like to speak, please press the unmute button and speak up.

If not, we're just going to go ahead with the meeting and going to assume you're just listening to the meeting.

So again, an opportunity to unmute and speak up.

(No response.)

CHAIRPERSON DUDLEY: Okay. Hearing nothing, we're

going to go on.

Okay. We're going to go on 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 July 16th through 17th transcripts?

(No response.)

CHAIRPERSON DUDLEY: Hearing nothing, are there any questions or comments from the Board about the minutes?

(Sotto voce comment.)

CHAIRPERSON DUDLEY: Go ahead.

Okay. If the Board concurs --

BRUCE LEININGER: Hello. Let me know if you can hear me.

CHAIRPERSON DUDLEY: I'm sorry. Go ahead.

BRUCE LEININGER: Yeah, something was wrong with the audio. Several speakers were trying to talk.

So thank you for taking my call.

My name is Bruce Leininger and I'm also calling regarding the shooting death of Christopher DeArman by San Diego Police.

CHAIRPERSON DUDLEY: Okay.

BRUCE LEININGER: I'm calling on --

CHAIRPERSON DUDLEY: Sir, I am absolutely going to give you an opportunity to talk. And thank you so much

for calling. And thank you for bearing with the audio problems.

I want to reiterate the concerns of the Executive Director, the Assistant Executive Director, please try to stay away from any facts, because I don't want to contaminate the evidence of this investigation.

But please feel free to share whatever thoughts and feelings you have.

Please, sir, go ahead.

BRUCE LEININGER: I am calling on POST to review the allegations against the officers involved. And I'm wondering also what is the time frame that Chris's father can expect to hear back from you?

MS. DEL MUGNAIO: So an acknowledgment letter was sent back in July, acknowledging receipt of the complaint. And at that point, it takes -- can take several months for us to get additional information from the agency regarding the incident to be able to analyze that information.

As soon as we have a further status update we can provide that accordingly.

If we don't have a good address of record, that may be part of the problem. So we will look into that.

Again, I can't give you a firm date. It all depends on the production of documents and the time it

takes to analyze those documents. And if there is any follow-up investigation that needs to be done on the part of POST, all of that takes a period of time. I believe we received the initial --

BRUCE LEININGER: -- assurance --

MS. DEL MUGNAIO: -- inquiry in July. July 24th, to be exact, and a receipt -- a notification of receipt was sent immediately thereafter.

So it may take several months before we have a further status update.

DAVID DE ARMAN: This is Mr. DeArman. Can you hear me?

CHAIRPERSON DUDLEY: Yes, we can.

DAVID DE ARMAN: I just wanted your assurance that these officers' actions are being reviewed.

CHAIRPERSON DUDLEY: I can assure you that the investigation is being reviewed. That is exactly why we're here.

BRUCE LEININGER: And if he does not hear back from you in the time expected, what is the best way to contact you?

CHAIRPERSON DUDLEY: Executive Director --

MS. DEL MUGNAIO: Yeah, the best way to probably contact any of us, so you can get directly to our complaint intake team to look into the facts of the

case, is on the POST website. There's a complaint intake portal. And it's to send a message to request follow-up and a contact.

If there's specific phone number or email address that you wish to be contacted at, you can leave that information through that portal.

BRUCE LEININGER: Can I leave you my number now?

MS. DEL MUGNAIO: I wouldn't do that because this is a public broadcast and I don't know that you want the entire public to have your direct phone number.

I think it's probably a safer bet to have you do that through the portal, sir.

BRUCE LEININGER: Okay. Thanks.

MS. DEL MUGNAIO: You're welcome.

BRUCE LEININGER: And that concludes my comments.

I think there's one more person, at least, on the line.

CHAIRPERSON DUDLEY: Okay. Thank you, sir. We will certainly keep the line open and wait for the next person to speak.

We're not hearing any voices.

MELISSA MIRAMONTES: Can you all hear me?

CHAIRPERSON DUDLEY: Yes, now I can hear you. Please go ahead.

MELISSA MIRAMONTES: Okay. Hi. My name is

Melissa Miramontes and I'm with United Families for Justice.

I'm also going to speak on the family for Chris DeArman.

It's important that the POST -- you all have the final authority to be able to allow these officers on the street. I have lost a loved one due to police violence. An off-duty officer killed my brother as well.

And I actually filed a complaint against this officer with POST. And POST gave me a statement stating that they cannot look into my request in accordance with California Penal Code 7922.535.

And it basically -- basically they denied my request and said that they couldn't look into it because it was the responsibility of the LAPD.

That is false and --

CHAIRPERSON DUDLEY: Let me --

MELISSA MIRAMONTES: -- look into the --

CHAIRPERSON DUDLEY: Let me ask the Assistant --

MELISSA MIRAMONTES: Excuse me?

CHAIRPERSON DUDLEY: Let me ask the POST Assistant Executive Director to respond to what you just said.

MELISSA MIRAMONTES: So --

CHAIRPERSON DUDLEY: Hang on one sec so she can

respond to you -- to your concern.

MS. DEL MUGNAIO: I'm not familiar with that particular provision that we would have responded.

It was -- it sounds to me like perhaps the response may have been in light of the -- the issue itself falling outside of the nine acts of serious misconduct.

So POST is limited to --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: Okay. I think --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: -- what I am --

(Unreportable cross-talk.)

CHAIRPERSON DUDLEY: Hang on one second. Just let the -- I promise to let you speak.

But I want you to hear the full thought of the Assistant Executive Director.

MELISSA MIRAMONTES: Thank you.

MS. DEL MUGNAIO: We probably will not be able to resolve this over the phone without looking into the specifics of your particular situation.

The best thing for you to do, then, is to file the complaint, refile the complaint, for us to look into the assertion that this falls within POST jurisdiction, the nine acts of serious misconduct, and we can respond accordingly.

I don't think it's going to be helpful today because I don't have the resources in front of me to be able to address your specific situation.

There again, in a public forum, it's not appropriate to discuss the facts of the case prior to the investigation.

So I would ask that you send something to us through the intake, the complaint intake portal, that we can look into the matter.

CHAIRPERSON DUDLEY: Okay. So --

MELISSA MIRAMONTES: Okay. Thank you. I hope to get -- I'll try to get the exact email information.

You know the point is, I don't want to, you know, deteriorate from what I'm -- the point is my conversation. The point is, and you guys have heard several different family members, several different community members here in San Diego who have come together to bring awareness to Chris DeArman's story.

It's important that POST looks into this. This is one of the most gruesome cases that I've ever seen in my life. I encourage you guys to please investigate. Do your due diligence and please hold these officers accountable in any which way you can.

I encourage you all, as you guys start to receive these -- these complaints from community members,

because we are definitely going to encourage the community to start filing these complaints after today.

Please look into these investigations.

My specific complaint number is R002950-050925 --

CHAIRPERSON DUDLEY: Hang on one second.

MELISSA MIRAMONTES: -- making --

CHAIRPERSON DUDLEY: Hang on one second. Just say it one more time a little slower so the Assistant Executive Director can write it down.

MELISSA MIRAMONTES: Okay. Thank you. It's reference number R002950-050925.

And again, this is not just for -- for my particular case, but all these complaints that you guys are going to be receiving in, please investigate them. Do your due diligence. These officers are killing people, time after time, same scenario, same situation, they always get away with it.

And the scenarios in which they're harming people, inflicting and actually, you know, flattenly un-aliving people.

CHAIRPERSON DUDLEY: Okay.

MELISSA MIRAMONTES: The scenarios are all different.

All of our loved ones have been taken in different ways and yet these officers are not held accountable.

There is no reason -- there is no way you can rule in the officer's favor time after time when the situations are different.

Please investigate.

Please do your guys's job. We appreciate your time.

Justice for Chris DeArman.

Justice for all stolen lives.

CHAIRPERSON DUDLEY: I absolutely --

MELISSA MIRAMONTES: Thank you.

CHAIRPERSON DUDLEY: -- promise you that that is why we are all here --

MELISSA MIRAMONTES: I appreciate you guys for having this --

CHAIRPERSON DUDLEY: -- is to look into these cases.

MELISSA MIRAMONTES: -- platform.

CHAIRPERSON DUDLEY: Also -- we've put up information on the screen and -- but in case you're not seeing the screen, let me just say that it's -- well, I'll ask the Assistant Executive Director to read it because it's a little blurry for me.

MS. DEL MUGNAIO: So the complaint intake address is complaintintake@post.ca.gov and hopefully it is appearing on your screen as we broadcast this meeting.

There's also a phone number associated with it and an email contact box.

I believe in your case, the information you submitted was handled through a California Public Records Request Act, not through our complaint intakes.

So this would be the appropriate place for you to file that complaint.

CHAIRPERSON DUDLEY: Do you understand that it --

MELISSA MIRAMONTES: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. So apparently it went to the wrong place.

But, you know, it's very important that you call today. It's very important you gave us this information. And now it's very important that you put your complaint through the complaint intake. Okay?

MELISSA MIRAMONTES: Yes. Thank you so much. Have a good one.

CHAIRPERSON DUDLEY: Thank you so much.

Is there somebody else who would like to speak?

CRYSTAL RODRIGUEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. Please go ahead.

CRYSTAL RODRIGUEZ: Hi, yes. My name is Crystal Rodriguez. I'm calling on behalf of -- I'm a community member here in Barrio Logan. And I just want

to say how outrageous it is that we still have the same officers patrolling the same streets where they committed murder, even -- like, they don't even -- why are they still on the same street?

Every day we encounter them and they harass our community, they're constantly stopping people and presuming things and assuming the worst of everybody instead of doing their job and actually going through the procedures that they have to. But they make comments.

Officer -- officers that come in the community are always targeting and harassing and disrespecting our community, constantly. We don't even get the same humane treatment that other communities do. And it's why, it's, like, we get generalized as one in this community. And I don't believe it's -- it's -- it's, like, ethical to have an officer here -- to have an officer that committed murder down the street still patrolling the streets. How are we supposed to feel safe with somebody like that in our community?

CHAIRPERSON DUDLEY: It is absolutely our mission to ensure that you feel safe. And we're absolutely going to be looking into this.

And I very much appreciate your call.

Was there something else you wanted to say? I

didn't mean to interrupt you.

CRYSTAL RODRIGUEZ: Oh, no. That's what I wanted to say. That was just my main concern, because we have kids. We have community members that are always here and they're always, you know -- we just get, I feel we just get categorized in one -- in one label. And we get treated like that. And I don't think it's ethical or appropriate for any officer to treat anybody like that --

CHAIRPERSON DUDLEY: It is neither --

CRYSTAL RODRIGUEZ: -- especially if they --

CHAIRPERSON DUDLEY: -- ethical nor appropriate. You're 100 percent right.

CRYSTAL RODRIGUEZ: Okay. Thank you. And then, yeah, we want that to be a priority to remove those officers from this community because people (garbled transmission; indecipherable) Feel safe. It's just many people in the community don't feel safe. And that's what I have to say.

CHAIRPERSON DUDLEY: Thank you. You've made that very clear and we'll absolutely be looking into this.

I very much appreciate your call.

CRYSTAL RODRIGUEZ: Thank you.

CHAIRPERSON DUDLEY: Thank you.

Is there anyone else who would like to speak?

If there is anyone else that would --

PUBLIC SPEAKER: Hello. Hello. Can you hear me?

CHAIRPERSON DUDLEY: I can hear you now. Thank you so much. Please go ahead.

DARWIN FISHMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you too.

Let's have one at a time.

UNIDENTIFIED PUBLIC SPEAKER: Go ahead and go first and I'll go after you. Thank you.

DARWIN FISHMAN: Okay. Okay.

CHAIRPERSON DUDLEY: Thank you, sir. Go ahead.

(Unreportable cross-talk.)

DARWIN FISHMAN: Okay. Darwin Fishman, Racial Justice Coalition of San Diego. And I'm also calling in for Chris DeArman.

I did want to say that the reason you're getting so many calls about this and from San Diego is that we have serious problems, serious issues, the same as other communities, with racial profiling. And our young black and brown community, young men of color being targeted by police and harassment.

And if you have young men that keep getting targeted for traffic stops, and basically nuisance with the police, it's not unusual, it's not going to be surprising that folks are going to snap. And it's going

to be enough is enough. This is the third stop, the fourth stop, the fifth stop.

All of the work done on racial profiling, all the research done here has shown that there's a disproportionate amount of people of color getting pulled over. And the ones that are getting pulled over end up with no citations or things like minor traffic violations.

When you have that, and then the situation escalates, and police officers are not properly trained or they have racial bias about these youths and think that they're here at war and they're more likely to use force and lethal force, it makes it horrible situation here.

And we're calling in because we're looking for help. The tools, the research is available here. We've exhausted. They haven't brought justice for this family and other families that lost loved ones here.

At least with the POST commission and process of decertifying officers, we have a way to address some of these officers that are the worst violators that we know, keep doing this, keep harassing community members, and we have a way to get them out of the profession and other jobs. And also a way to get them out of our communities and doing this kind of horrific policing.

And that's why we're calling in and doing this concerted effort.

The communities, we know who these officers here, they're here on a regular basis. Many of them have been involved a one or multiple incidents. And this is something that's untenable.

It is just going to keep getting worse. And this is why we're looking for avenues for POST to investigate and to hopefully intervene and help us with the kind of crisis that we have here in San Diego.

Thank you.

CHAIRPERSON DUDLEY: What you've described does sound, in your words, both horrible and untenable. And we will be looking into it.

Sir, thank you for your call.

Now there is -- I heard a female voice.

UNIDENTIFIED PUBLIC SPEAKER: Yes. Yes.

CHAIRPERSON DUDLEY: Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Can you hear me?

CHAIRPERSON DUDLEY: Sure can. Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Yes. What happened to Christopher DeArman shocks the conscience. It is a gross violation of human rights, criminal law, and constitutional rights. Officers are creating orphans, widows and widowers with impunity and with -- without

any criminal accountability.

In every pro -- every profession, weeds out the bad apples for the protection of society.

And we're counting on you to please do the -- look into the serious misconduct and decertify these four officers. They pose a threat to every single person in this society.

Thank you.

CHAIRPERSON DUDLEY: Thank you very much for calling.

And that is exactly our goal. And I think it's fair for you to count on us and we'll follow through.

Again, thank you for your call.

Is there anyone else?

I think that perhaps the mute button was off.

Okay. It doesn't appear there's anyone else, but there may be someone. So let me be silent. And if there is someone on the line, please speak up.

DAVID DE ARMAN: This is Mr. DeArman again.

CHAIRPERSON DUDLEY: Yes, sir. Go ahead.

DAVID DE ARMAN: I ask you to carefully review all the videos that are available. Ironically, they're available on the San Diego Police website. If you notice, and I know I'm not supposed to talk about this, but at the end of the execution of my son, they

exchanged fist bumps, just like they just won a football game.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Sir, are you still on the line?

DAVID DE ARMAN: Yes.

CHAIRPERSON DUDLEY: As a mother of four sons, I can't imagine the torment you're going through. But I can tell you, as chair of this organization, we absolutely will look into it and also go and search those videos you just talked about.

DAVID DE ARMAN: I really greatly appreciate your efforts. Thank you so much.

CHAIRPERSON DUDLEY: Absolutely, sir. Thank you for calling.

Is there anyone else on the line?

Okay. I think what we're going to do is just go through the approval of the minutes and then take a break.

So are there any questions or comments from the Board about the approval of the July 16th-17th minutes? Transcripts?

Okay. If the Board concurs, the appropriate action would be a motion to approve the minutes, transcript, from the July 16th-17th, 2025 meeting.

Lara.

MEMBER LARA: Aye.

MS. ESSEX: Lara, aye.

That's seven ayes. Motion carries.

CHAIRPERSON DUDLEY: So the motion passes.

MS. ESSEX: Yes.

CHAIRPERSON DUDLEY: Thank you.

Okay. We're going to move on to the next case.

I don't think we need a break.

Okay. At this point, I will now call upon law enforcement consultant Marcus Gregory, Professional Conduct Southern Bureau, and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on POST2402562 Armando R. Montalvo, who at the time of the events at issues in this case was, and still is, a current employee -- is currently employed with the Orange County Sheriff's Office.

Gentlemen.

MR. GREGORY: Good afternoon, Chair and members of the Board.

My name is Marcus Gregory and I'm one of the law enforcement consultants assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

With me today is Brian Hoffman, an attorney with

our Legal Affairs Bureau.

I'm here today to present POST case number 2405562, involving Orange County Deputy Sheriff Armando Montalvo.

It is Division's determination that clear and convincing evidence exists to demonstrate that Deputy Montalvo committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on March 16th, 2024.

Specifically, the Division has determined that Deputy Montalvo committed the following acts of serious misconduct:

13510.8(a)(3), physical abuse to include excessive or unreasonable force.

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

Deputy Montalvo began his career with the Orange County Sheriff's Department on February 25th, 2022, as a deputy sheriff in training. Deputy Montalvo graduated from the academy and became a deputy sheriff on September 9th, 2022. Deputy Montalvo remains employed with the Orange County Sheriff's Department and Deputy Montalvo has obtained both a basic POST certificate and an intermediate POST certificate.

Deputy Montalvo has five other reports of serious

misconduct of record with POST related to claims of excessive or unreasonable force. Four of the five reports have all been determined to be unfounded or not sustained by the agency and have been closed with POST.

The fifth investigation, POST was notified on October 2nd, 2025, that that case was not sustained, but as not been investigated by POST at this point.

Orange County administrative investigation into this matter did not note any other forms of discipline imposed on Deputy Montalvo.

California Penal Code 13510.8 (b)(3) and California Regulation 1205(a)(3) defines physical abuse as including, but not limited to, the excessive and unreasonable use of force.

Next slide.

On March 16th, 2024, Deputy Armando Montalvo was involved in a use of force incident with an inmate at the Orange County Intake Release Center.

As part of his duties that day, Deputy Montalvo would oversee inmates going through the booking process.

Deputy Montalvo was escorting an inmate -- who I will refer during this presentation to as an inmate -- to the photo booth, when the inmate became resistive by turning towards and pulling away from Deputy Montalvo.

Deputy Montalvo and another deputy responded by

taking the inmate to the ground. During the use of force incident, Deputy Montalvo punched the inmate approximately 28 times in the face, head and upper body while three other deputies assisted and threw numerous punches.

The inmate was not assaultive towards deputies and was only showing passive resistance by not giving up his hands while pinned in a prone position on the ground.

At one point, after delivering the punches, Deputy Montalvo lifted the inmate's head and struck the inmate's face against the concrete floor while the inmate was pinned down by other deputies.

During his administrative interview, Deputy Montalvo stated he got tunnel vision after he believed the inmate had struck him in the face and had refused to follow commands and put his hands behind his back.

Deputy Montalvo stated he felt the inmate was trying to fight him at that point.

Deputy Montalvo explained that he used injuring force because while they were still standing up, he couldn't get inmate -- the inmate in control holds and didn't know what other force options to use.

Deputy Montalvo stated during the heat of the moment, he believed injuring force was the best option.

Deputy Montalvo acknowledged that looking back at the incident now, he probably should have used different tactics.

Deputy Montalvo admitted that grabbing the inmates's head by the side and striking it against the ground was not an approved use of force technique.

Next slide.

Deputy Montalvo was cooperative with the investigation and acknowledged that the use of force used during the incident was excessive. As a result of the administrative investigation, the Orange County Sheriff's Department sustained a finding that the force was not within policy.

As a result of the sustained finding, Deputy Montalvo received a 40-hour suspension.

The facts I've just recited support the Division's finding that Deputy Montalvo was involved in serious misconduct, specifically physical abuse to include excessive and unreasonable force.

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

The Division recommends that Deputy Montalvo's POST

certification be either suspended or revoked. The Division's recommendation is based on the following factors:

Deputy Montalvo's actions constituted physical abuse when he used excessive force against the inmate by punching him 28 times and striking his head against the ground.

The involved inmate advised the sergeant investigating the incident that he did not have any injuries.

At the time the event took place, Deputy Montalvo had only approximately 15 months off training.

Deputy Montalvo initially believed his actions at the time were justified, as did his partners when the incident occurred, which identifies a possible training issue.

However, upon further review, Deputy Montalvo acknowledged that his actions did not comply with his agency's policies and he admitted that he used excessive force. He admitted he suffered from tunnel vision because he thought the inmate had struck or attempted to strike him in the head.

Deputy Montalvo admitted to the misconduct during the administrative investigation and did not make excuses for his conduct and appeared remorseful for his

actions.

When reviewing the incident during the administrative interview, Deputy Montalvo admitted that his actions would not look good if observed by the public because he threw too many punches and it did not allow the inmate time to respond and give up his hands.

Deputy Montalvo stated during the administrative investigation that he sought out additional training following the incident.

Deputy Montalvo accepted the proposed discipline issue by his agency and did not file an appeal.

Deputy Montalvo has no further discipline history. Deputy's Montalvo candor, acceptance of responsibility and action of seeking further training indicate he is willing to learn from the incident.

Next slide, please.

We're going to show a video of the use of force incident and following the video I'm happy to answer any questions that the Board may have.

(Video played.)

CHAIRPERSON DUDLEY: Okay. I have a couple questions.

Prior to this offense, were there five or four complaints about him using excessive force?

MR. GREGORY: Prior to this incident occurring,

there were three other reports.

CHAIRPERSON DUDLEY: Okay. So why has there been a number five and four thrown around?

I'm confused.

I thought five out of four.

MR. GREGORY: There is a total of five additional reports. Three occurred prior to this incident occurring. And two had occurred after that.

Four had been unfounded and cleared out by POST.

And the fifth case had not been cleared out by the Division. Or we did not receive any information that it had been cleared out until October 2nd of this year.

CHAIRPERSON DUDLEY: So all -- so of the five, is this one of the five?

MR. GREGORY: This case?

CHAIRPERSON DUDLEY: Yes.

MR. GREGORY: No.

CHAIRPERSON DUDLEY: Okay. So there five prior complaints of abuse, of excessive force. And we still don't know the findings of one of the five.

MR. GREGORY: We know that that was determined to be unfounded, not sustained, as of October 2nd of this year.

CHAIRPERSON DUDLEY: Okay. So there were five complaints of excessive force, not including this one.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Can you tell me anything about those other five.

MR. GREGORY: I can tell you that in four of those five did not have anything to do with punching the subject. Or Deputy Montalvo was not identified as punching that subject. And that all those cases did not even get to the level of going to internal affairs with Orange County Sheriff's Department.

CHAIRPERSON DUDLEY: So he didn't punch. What did he do? What's he alleged to have done?

MR. GREGORY: On some of them he was alleged to have used control holds, body weight.

CHAIRPERSON DUDLEY: Okay. So, it's very important to me that we break down those five instances.

So you're telling me that four of the -- that four of the five there was no punching.

What about the fifth?

MR. GREGORY: The fifth one indicates that he did punch in the case. It doesn't identify how many times. POST has not looked at that investigation yet.

CHAIRPERSON DUDLEY: Okay. So POST is still planning on looking at that investigation?

MR. GREGORY: It will have to be looked at at some point, yes.

CHAIRPERSON DUDLEY: Okay. Of the four that we know about, there was no punching.

But can you tell me anything besides the fact that he used incorrect holds that brought it to a level of a complaint? I understand they were all unfounded, but just what brought it to the complaint level?

MR. GREGORY: I believe that they were all inmate grievances or were pushed up to the command level to take a look at.

CHAIRPERSON DUDLEY: When you say, "pushed up to the command level," does that mean a fellow deputy made the report?

MR. GREGORY: No. All I can tell you is that a commander reviewed the findings, wherein some of the cases, they were cleared out with just the use of force report. It went from the sergeant to the lieutenant to the commander.

CHAIRPERSON DUDLEY: Okay. So of the one we don't know about, of the four we do know about, there was no punching, there was some allegation, we don't know by who, but it might have been an inmate in each of those other four?

MR. GREGORY: I believe they were all allegations from an inmate.

CHAIRPERSON DUDLEY: Okay. Do we know if they were

the same inmate or different inmates?

MR. GREGORY: I believe they were all different.

CHAIRPERSON DUDLEY: They were different, all four.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Okay. Questions.

MEMBER CLAVO: Question.

CHAIRPERSON DUDLEY: Hang on. Let's go to Sheriff Doyle and then to Dr. Clavo.

MEMBER DOYLE: Could you clarify, because in findings, "unfounded" means it didn't happen. "Not substantiated" means there's not enough information to say it happened or didn't happen.

MR. GREGORY: Correct. I'm just telling you the way the Orange County Sheriff's Department submitted it to us.

CHAIRPERSON DUDLEY: So we don't know to go with Sheriff Doyle's comment, don't know if it was unsubstantiated or unfounded, we just know that's the language they used.

MR. GREGORY: Yes. And some of the cases, obviously the force occurred, but they did not sustain any kind of complaint. They're submitting it to POST because they're required to submit any kind of complaint.

MEMBER DOYLE: Well, I guess I'm confused because

in our organization "unfounded" meant it didn't happen.

MR. GREGORY: Correct.

MEMBER DOYLE: So, okay. Thank you.

CHAIRPERSON DUDLEY: Looks like we don't have a definition of it.

MEMBER GLASER: Can I just comment on that point?

CHAIRPERSON DUDLEY: Let me just go with Dr. Clavo then you, Dr. Glaser.

MEMBER CLAVO: I kind of forgot my question. But he's trained in Jujitsu. Was that -- I heard in the interview? Was that correct?

MR. GREGORY: He was taking some training before the incident and then stated during his interview that he started taking more of it after the incident.

MEMBER CLAVO: How long had he been an officer at the time?

MR. GREGORY: Approximately 15 months he had been off training.

MEMBER CLAVO: And did the other instances have video? Or no video?

MR. GREGORY: I can't tell you because I did not investigate those cases.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: It is my understanding that the use

of "unfounded" varies from agency to agency. And that it's not consistently meaning there's an absence of --

CHAIRPERSON DUDLEY: I'm sorry, I misheard you.

MEMBER GLASER: It's not consistent across agencies that the "unfounded" designation means that there was -- that it's an exoneration.

CHAIRPERSON DUDLEY: That's correct.

MEMBER GLASER: And I would also want to know if we have any information about what their standard of evidence is for "unfounded" at that agency, because ours is clear and convincing.

MR. GREGORY: I don't know that.

CHAIRPERSON DUDLEY: Okay. And looking at the attorney, do you know that.

MR. HOFFMAN: I don't know that.

CHAIRPERSON DUDLEY: Okay.

MR. HOFFMAN: Not Orange County specifically.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else, Dr. Glaser?

Hang on.

Dr. Glaser, anything else?

Okay. Then next Mr. Johnson and then Ms. Hartford.

MEMBER JOHNSON: Yes. So if I heard correct it was six incidents, three before this one, and two after this. He had been employed total time right now 15

months.

How close in proximity the first three incidents occurred before this particular incident?

CHAIRPERSON DUDLEY: I think you had a timeline in there.

MR. GREGORY: The first reported incident was May 9th, 2023; the second was June 4th, 2023; December 14th, 2023; the incident we're discussing today occurred on March 16th; and then there's March 21st, 2024; and September 20th, 2024.

CHAIRPERSON DUDLEY: Anything else, Mr. Johnson?

MEMBER JOHNSON: Yes. On those three priors, were the designation "unfounded"?

Or what was the designation of those?

MR. GREGORY: I have the first was one as "unfounded" by the agency, closed with POST.

On the second one, I have "unfounded and exonerated."

On the third, I have "unfounded" by the agency.

On -- not including our case, the next one was "unfounded."

And I have "not sustained" on the last one.

CHAIRPERSON DUDLEY: Was our -- was this case that's before this Board, was that found unfounded?

MR. GREGORY: No, that was sustained.

CHAIRPERSON DUDLEY: Okay.

MEMBER JOHNSON: Then the last part of my question, I think Dr. Clavo did ask, on all these incidents, there were no cameras involved? No video recording?

MR. GREGORY: I did not investigate those other cases.

MEMBER CRAWFORD: So I would say that your question's almost the same. So I'm trying to figure this one way. Six of them, you gave us the dates. They were within the six-month period from each one of the cases, total of six incidents, alleged incidents.

And you may have said this already.

Like I said, I'm trying to figure this out in my mind.

Of the six, the unfounded ones were by the agency or POST?

MR. GREGORY: Four of the other five cases have been closed out by POST as well.

MEMBER CRAWFORD: Closed out by POST. So they were investigated by POST?

MR. GREGORY: Correct.

MEMBER CRAWFORD: You mentioned -- so then the other two were unfounded by the agency.

So I'm trying to figure out which ones were by agency versus POST and their determination, basically is

what I'm trying to get at.

MR. GREGORY: The only case that has been submitted to POST that has been sustained by the agency is the one that we are discussing today.

MEMBER CRAWFORD: Okay.

CHAIRPERSON DUDLEY: As far as I understand it, there's another one that POST is not yet investigated. Okay? So there's this one --

MEMBER CRAWFORD: So two of them involved punching; correct? Or not -- hitting. I'm going to say "hitting." "Punching" sounds a little extreme.

MR. GREGORY: The final case that was submitted to POST on October 2nd, that we have not conducted the investigation on there indicated that Deputy Montalvo had used a punch.

MEMBER CRAWFORD: And then the other four did not involve any physical altercation or anything.

MR. GREGORY: I can't tell you about physical altercation. I can tell you that it -- none of the cases described any punching taking place by Deputy Montalvo.

CHAIRPERSON DUDLEY: And POST's evaluation, POST's standards for a finding is clear and convincing.

And just to be clear, POST doesn't exonerate; is that correct?

The four cases that POST considered, POST did not go further on the case because it didn't meet the standard of clear and convincing.

But POST does not exonerate.

I'm trying to make this clear for the Board.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Okay.

MEMBER GLASER: Can I get clarification on that point, which is the closures by POST, were those the result of an independent investigation by POST?

Or were those the result of the unfounded findings by the agency?

MR. GREGORY: Somebody would have looked at the cases here at POST.

CHAIRPERSON DUDLEY: And it would have to rise to the standard of clear and convincing in order for POST to proceed.

Other questions?

MEMBER CLAVO: I would be interested in knowing on the four that POST did close, whether there was video footage.

CHAIRPERSON DUDLEY: Do you happen to know that?

MEMBER CLAVO: He wouldn't know. He didn't investigate it.

CHAIRPERSON DUDLEY: Okay. Well, POST investigated

it.

MS. DEL MUGNAIO: Yes.

CHAIRPERSON DUDLEY: So let's see what the Assistant Executive Director says.

MS. DEL MUGNAIO: Right. So this goes back to those P3 closures that we talked about where there is an abbreviated review. If they are exonerated, unfounded, not sustained, we review the crux of the case, meaning the agency's internal affairs investigation. And look at the findings as to how they got to the point of not sustained, or exonerated, unfounded. So it doesn't require video review in all of those cases.

We go back and audit those cases, specifically if we've got instances where we have multiple cases involving the same officer, we will pull those cases for audit.

Whether or not this one came up from an audit perspective, I don't know because I don't have the audit sheet in front of me. Typically those cases that involve, like I said, multiple cases against the same officer would come up for a P3 audit.

In this particular case, I want to speak to something Dr. Glaser asked, is what was the burden of proof on the part of the agency.

In terms of them taking any kind of administrative

action, disciplinary action, it would be preponderance.

I think what Mr. Gregory was pointing out is some of these cases may not have been complaints, charges or allegations, but there are reports of use of force that get reviewed by the agency as potential excessive use of force.

Orange County submitted those cases to POST, even though they may not be an actual complaint.

Now, those that there's a grievance by an inmate, I would suggest those are complaints and they need to be forwarded to POST like any other complaints would be forwarded.

So just to keep in mind, I think Chair Dudley asked the question as well, what does it mean that they've gone through a review and a commander's refused it -- reviewed it.

Any incident of use of force, my experience in a jail or prison setting is going to require some review by the commander or the lieutenant in that particular housing unit to look at whether or not the use of force was justified, was it within policy, et cetera.

So some of that may have landed with POST based on that review and then there was a subsequent grievance. And so that's why we're reviewing the case.

CHAIRPERSON DUDLEY: Yes, Mr. Johnson?

MEMBER JOHNSON: So, his entire sheet for incidents, six, all were centered as an in-custody Deputy?

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Other questions from the Board?

(No response.)

CHAIRPERSON DUDLEY: Okay. I will proceed. We can always come back to more questions.

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 committing -- excuse me. 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 serious misconduct as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

With that said, is there anyone from the public who would like to address the Board at this time?

When it is your turn, you may state your name and organization, if you wish, and 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.

So let me start first with is there an attorney or does --

MR. RUTKOWSKI: Yes, Madam Chair --

CHAIRPERSON DUDLEY: -- Deputy Montalvo want to --

MR. RUTKOWSKI: This is Brett Rutkowski attorney for Deputy Montalvo and Deputy Montalvo is with me as well.

CHAIRPERSON DUDLEY: Okay. And is Deputy Montalvo with you?

MR. RUTKOWSKI: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Please go on.

MR. RUTKOWSKI: Yes. Yes, ma'am. Like I said, good afternoon, members of Board.

My name is Brett Rutkowski and I represent Deputy Montalvo.

Just to begin with to discuss what was mentioned earlier regarding the six investigations or the six complaints. This incident here that we're here for

today is the only time my client has been interviewed in any capacity regarding any misconduct allegations into a use of force such as this.

The other items that were discussed, the other five, he was never interviewed on. And to be honest with you, I do not know the actual fact pattern behind any of though instances. But I can say that this incident here is the only time that my client was ever subject to an internal affairs investigation.

I'll continue on.

We are here today because the Orange County Sheriff's Department sustained an allegation of excessive use of force and consistent with SB 2 reported the matter to POST.

The department took that obligation seriously. They conducted an internal affairs investigation, reviewed all evidence and imposed the discipline, which was a four-day suspension.

And as you heard, Deputy Montalvo still works as a deputy with no restrictions in the department.

The department's evaluation of this case was not made lightly.

It was reviewed and signed by one assistant sheriff and a commander, who is now an assistant sheriff. These are law enforcement executives who understand the

gravity of excessive force and the public trust that goes with the badge.

There is nothing in this record, nothing suggesting that there was any minimizing of the conduct, ignoring -- ignoring Deputy Montalvo's obligations and duties or trying to quote, unquote, to sweep misconduct under the rug.

The reason why I bring that up because it has been suggested at times that the Board or the Commission is not beholden to any agency's discipline because of concerns that some agencies may try to do just that.

There's absolutely nothing in this record to support that here. There is no evidence, none, that anyone in OCSD's command was trying to do just that.

I want to make perfectly clear, the 40-hour suspension was the original, deliberate decision by OCSD leadership. It was not the result of a Skelly hearing or some backdoor deal or settlement agreement. This is what they felt.

And my concern with this case is that I believe it's important to understand why they came to that decision. Because at the end of the day, a decertification is a termination.

We -- I mean, we can use nice words, but at the end of the day it's a termination for Deputy Montalvo to not

operate as a peace officer within the State of California, and arguably, in the United States.

But an agency like the Orange County Sheriff's Department still employs him felt 40 hour was appropriate.

And why?

In my opinion, it's because it's a training issue. It is a training issue.

As you've already from the investigator on this case for POST, my client only had roughly about a year and a half or less as a peace officer. And from my understanding, he was just a few months removed from obtaining his basic certification with POST.

And this was brought up early on in an unrelated matter here at this hearing when all the -- when the presentation was shown regarding the statistics.

But something very interesting was mentioned by one of the Board members and I think it's pertinent here.

You need to consider if this is a pattern with Deputy Montalvo, specifically these excessive use of forces. And I'm concerned now that you're relying on the other five or six instances to factor into that judgment.

But the fact of the matter is, is those instances were never investigated, specifically as it concerns

accusing my client of misconduct. Otherwise, why was my client -- why was my client never interviewed?

The answer here is that this is not a repeated issue. This is a correctable issue.

And I believe that was mentioned earlier during the session when all the information was being shown that this is a correctable action. There's an opportunity to show actual correction from Deputy Montalvo.

And as you heard during the investigation and the presentation, my client admitted, he was not trying to run away, he believed he had tunnel vision. And for any of the law enforcement Board members on there, they know exactly what that means, especially being a young officer engaged in a use of force.

And that's exactly what happened here.

And to be to decertify him would negate the ability for Deputy Montalvo to be able to show that this is correctable.

Last part I'll say and I will be done. This is the most recent evaluation that was issued: "Armando, your performance reflects an untiring commitment to excellence, safety and service. Your leadership, integrity and dedication serve as a model for others and I'm proud to have you a representative of our department."

That was from the leadership of Orange County Sheriffs.

I thank you for your time.

If you have any questions, I'll be happy to answer them.

I know Deputy Montalvo was to add a few points, if that's possible.

CHAIRPERSON DUDLEY: Who signed the evaluation?

MR. RUTKOWSKI: This was signed by Lieutenant Ruffong, R-U-F-F-O-N-G. And then at the bottom it has an executive command signature, which I cannot read, it was dated 9-5-25, September 5th, 2025.

CHAIRPERSON DUDLEY: Okay. Thank you so much.

We may come back to you with more questions.

Do you have questions now for the attorney or would you like to hear from Mr. Montalvo.

Okay. Deputy Montalvo, please.

DEPUTY MONTALVO: Hello, everyone. Thank you for having me. I just have a brief statement.

I just want to sincerely apologize for my actions. As a young deputy, I know I made a mistakes, so -- based on my lack of training.

But I want all of you guys to know it was never my intention to cause any problems.

I had time to think about everything and I have

learned a lot from it, which I've taken it upon myself to continue training with my department and outside as work as well.

I truly care about my job and the people I work with. I'm asking for second chance to show I've grown and I will represent the badge the right way.

Thank you for your time.

CHAIRPERSON DUDLEY: Thank you.

Your comment about a lack of training.

Do you think that there's a lack of training in your decision to hit his head on the cement floor after the 28 punches? You think that --

DEPUTY MONTALVO: No.

CHAIRPERSON DUDLEY: Would you need someone to tell you after you punched someone 28 times and their hands are cuffed, or restrained, that one last pound on the floor was okay?

DEPUTY MONTALVO: No, I think it's just with the -- being very young in the department, and not being involved in situations like that, I think I just got tunnel vision. And I can't really explain what happened. It just -- when adrenaline's pumping, things happen.

CHAIRPERSON DUDLEY: I understand. I just want to be clear about that, that part, that you would need

someone to train you that that was unacceptable behavior.

DEPUTY MONTALVO: No.

CHAIRPERSON DUDLEY: Okay. Thank you.

Questions from other Board members?

Doctor?

MEMBER CLAVO: So I've heard it mentioned several times, "lack of training."

What are you referring to "lack of training"?

Because when chair woman Dudley just asked you, you mentioned just "tunnel vision" and I've heard that stated a few times, through the interviews and things of that nature.

So explain to me, do you feel that the academy you went through is not sufficient?

Or that you needed more on-the-job training after 14 months?

I'm trying to understand the lack of training.

DEPUTY MONTALVO: Obviously in the academy you do a lot of things. You do at lot of punching, striking, you do some arrest control techniques as well.

I think based on the -- my personal -- everybody's different -- I lacked the part of using arrest and control techniques.

Obviously I think that's why, at that time, I just

struck him so many times -- striked him so many times, sorry -- because I could not get his hands out and that was based on my lack of training because I didn't know how to pry his arms out.

Now, if you would ask me, I attempt to stay away from striking as much as possible.

I try to rely on my arrest and control techniques and obviously now I try to pause, think of what I'm doing, assess a situation and then reassess again. That's all the stuff I've been learning from my weekly trainings, as well as my outside trainings that I do.

MEMBER CLAVO: Follow-up question.

What -- you stated not punch or punch as least as possible.

So, what would define a reason for you to use punches?

DEPUTY MONTALVO: Someone that's obviously being assaultive towards me.

Not actively resisting, but being very assaultive.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Yes.

MEMBER CRAWFORD: How are you doing, Deputy Montalvo?

My question is: We really couldn't see in the camera and so -- the camera is angled from behind.

And when the gentleman was going over to take the picture, what did he do that triggered you needing to pull -- I guess, assumingly -- I'm assuming you were pulling his hands back to handcuff him, I'm assuming.

DEPUTY MONTALVO: So normally during that procedure, they -- they're -- we call it, like, the intake process. So these guys are coming in drunk and high. Sometimes they don't speak the language.

So what I was doing, I clarified, like, "Hey, man, do you speak English?"

He's like, "No, I speak Spanish."

I was like, "Okay. I speak Spanish as well."

So I was like -- I gave him, like, "Hey, man, come on. Stand up. Walk this way. Walk this way."

He didn't understand. I grabbed him by the arm to try to guide him. And then he had told me like, "Hey, I don't speak English."

But then he said words, "Hey, don't grab me."

And then obviously he pulled away and from him pulling away, that's when I tried to put his hands behind his back and control him. But I failed to do so.

MEMBER CRAWFORD: Thank you.

CHAIRPERSON DUDLEY: Does any other Board member have a question?

MEMBER JOHNSON: Yes. Johnson.

CHAIRPERSON DUDLEY: Oh, thank you.

MEMBER JOHNSON: I'm curious to know, and I'm not sure if your representative will let you speak to it, but there were three prior incidents before this particular one. And two after this.

There was no -- to our knowledge, there was no video. To our knowledge, they were unfounded.

How did you happen to be in the proximity of those three incidents at the time they occurred?

DEPUTY MONTALVO: Normally, it's either they call over the radio, "Hey, additional deputies" or you're dealing with another inmate and something else happens and you respond. So based on the whole situation, I've been involved in a lot of situations when something's taking place and somebody goes out over the radio and I respond. I'm first, second one there, and I'm assisting. So I -- it's basically either call through the radio or you observing -- you responding and act upon it.

MEMBER JOHNSON: So, it -- it sounds as though you actually did put your hands on the individuals?

DEPUTY MONTALVO: Sorry.

MEMBER JOHNSON: You did actually put your hands on the individuals when you showed up to the scene for those three incidents prior to and the two afterwards?

DEPUTY MONTALVO: Yeah, normally if I'm on -- if we catch paper on a use of force, even if I wasn't involved in it, you putting hands on an inmate by placing handcuffs or grabbing his arm, or leg shackles or leg restraints, you're automatically tied to that report.

MR. RUTKOWSKI: And I just want to be clear also, we're not really familiar, the fact pattern behind these other use of forces, because he was never interviewed on these.

And, again, we don't have -- at least on our end, we don't have any documentation specifically on if he was just responding and just like Deputy Montalvo said, he may have put an arm on a suspect or the inmate and that was it. But because it was a use of force now he's implicated involved in it.

There's a lot of moving parts in these use of forces. I'm sure the other Board members, specifically the Sheriff himself, would be able to speak to that. Or at least provide a little guidance on that.

I'm not saying for here at this hearing, but there's a lot of moving parts when it comes to a use of force and who was present, who put hands on, who didn't.

CHAIRPERSON DUDLEY: Any other questions from Board members?

Sheriff?

MEMBER DOYLE: Yeah, I mean having -- and I'm sure it is the same now as when I worked in the jail, which was a long time ago, is that deputies are trained really to react very, very quickly to -- to any kind of discretion simply when -- and I noticed that there were other inmates out.

And so I'm assuming that jail deputies in Orange are trained similarly, that when something happens, you need to quickly resolve those things, especially when you have other inmates loose, to maintain control in jails, which are pretty unique places.

DEPUTY MONTALVO: Yes, sir. Obviously, we're trained, like, when an altercation breaks out, whatever it is, radio transmission, you observe it, respond quickly.

And it's matter of seconds where things can go wrong and, obviously, you only have a matters of seconds to break down what's going on.

Hey, what do I do? Do I go hands on? Do I go hands off?

Most of the time when you're in the jails you don't know the inmate, you don't know what their background is, you just go hands on. And after you discuss, like what happened, but obviously, yes. That's correct.

MEMBER DOYLE: Thank you.

DEPUTY MONTALVO: Thank you, sir.

CHAIRPERSON DUDLEY: Captain Lara, did you have anything?

MEMBER LARA: I do not.

CHAIRPERSON DUDLEY: Mr. Johnson, anything else?

MEMBER JOHNSON: Yes, another question.

So I understand you're in some form of training now.

DEPUTY MONTALVO: Yes, sir.

MEMBER JOHNSON: These incidents will occur around you, I'm sure, in the future.

How do you believe these trainings will help you not be caught up in a situation where you're under an investigation for excessive force?

DEPUTY MONTALVO: For example, this morning, I was at work, I'm actually dressed in uniform. I had training as well, I had risk control, which I attend -- try to attend every week, if not twice a week.

My instructor always says, "All right, you're here. You're on the floor with an inmate. Assess. What are you doing? Do you need to back off? Do you need to give him time to respond?"

Based on that, I've learned you know, time. Give him time. Not all inmates are going to respond quickly, especially if they're under the influence of alcohol or

drugs. You don't know. And you can't assume, right. Sometimes the language barrier. So you have to assess, give them time, back off.

And like I said, I trained Jujitsu outside of work too. It's not -- it's a self-defense mechanism. It's to defend yourself. It's not pre-tac, like boxing or striking. I'm trying to basically stay away from that, obviously, because I'm -- I got in trouble and I'm here now.

CHAIRPERSON DUDLEY: Dr. Glaser?

Anybody else?

Okay. Thank you.

Let's see if your counsel has something else he wants to say?

MR. RUTKOWSKI: No, Your Honor. I'm sorry, not -- a different forum.

CHAIRPERSON DUDLEY: I make my children call me that too.

MR. RUTKOWSKI: I'll call you that as well.

CHAIRPERSON DUDLEY: Anything else?

Okay. And there's no public comment in the room?

There is public comment in the room.

Come up, Ms. Johnson.

Does Ms. Johnson have a mic there?

Great.

BEATRICE JOHNSON: Yes. Good afternoon.

CHAIRPERSON DUDLEY: Good afternoon.

BEATRICE JOHNSON: I'm a citizen and I would be very uncomfortable knowing that that officer was back in the community. He mentioned, what is it when you get excited? Exhilaration? Adrenaline. That's how people get killed. Adrenaline.

A whole bunch of people have been killed by the police because of adrenaline.

I don't think that this is the occupation for him. We cannot take chances. We have too many people being killed by the police. And if this was your only incident, to me, I would see you as troublesome. Even if you didn't get -- they didn't find something. That's a whole lot for 18 months.

So, I would consider you troublesome. I would not feel safe if you was in the community.

You look like you smart. I feel like you should get another occupation. Because you -- these words you are using in training, training is training physical, too. But they also train to protect and serve.

And at no time, if you asked him, do he speak English or does he speak English? I felt like when I was looking in the video, I didn't see any aggression until you took aggression.

So if you can ask him does he speak English why didn't you ask him put hands behind his back. He might have just did it. That's protect and serve. Serve the public.

So I think that I would be very nervous and I know a lot of people would be very nervous. It would not be comfortable. And I feel sorry for the community you work in, because that person that you did assault, what's going to happen when he see you? You going to traumatize him for the rest of his life.

So yeah. Thank you.

CHAIRPERSON DUDLEY: Thank you, Ms. Johnson.

Any other comments, public comments?

Okay. Any further questions before we discuss this case?

Questions, comments?

Yes, Dr. Clavo?

MEMBER CLAVO: If my fellow Board members will entertain me, can we see the video one more time?

CHAIRPERSON DUDLEY: Sure. Of course.

MEMBER CLAVO: We can watch it in closed session. No worries. I have it on my laptop. On your laptop.

CHAIRPERSON DUDLEY: Let me just make sure.

It's up.

(Video played.)

MEMBER CLAVO: Okay.

CHAIRPERSON DUDLEY: Okay. Any other comments or questions?

(No response.)

CHAIRPERSON DUDLEY: Okay. Let's get into discussion.

Let me read something, please.

The meeting will adjourn into closed session for deliberations on this case.

The Board members will now exit the room and be back for regular session shortly.

Thank you, everyone.

(Time noted: 2:27 P.M.)

(Closed session held:

2:33 P.M. to 2:49 P.M.)

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(Time noted: 2:55 P.M.)

CHAIRPERSON DUDLEY: We'll now convene in regular session to take a vote on the Board recommendation in the matter of case POST 2402562, Armando R. Montalvo, who at the time of the events at issue in this case was and is still currently employed with the Orange County Sheriff's Department.

What comments does the Board have on this matter?

Dr. Glaser?

MEMBER GLASER: I would just move that we recommend revocation.

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER GLASER: I move that we recommend revocation of certification.

CHAIRPERSON DUDLEY: Okay. Is there a second?

MEMBER CRAWFORD: Second.

CHAIRPERSON DUDLEY: Thank you.

Is there any discussion? Any further discussion? Questions? Comments?

Okay.

MEMBER DOYLE: Yeah, I do have a comment.

CHAIRPERSON DUDLEY: Please.

MEMBER DOYLE: I mean, having worked in jails and I know that it's a totally different environment. And even though the video doesn't look good, I don't think it rises to the level of ending the deputy's career.

CHAIRPERSON DUDLEY: Okay. Any other comments? Questions?

Thank you, Sheriff.

Yes?

MEMBER CRAWFORD: Well, the purpose of this committee is not to always go in and want to, you know, remove anyone's position. You never want to take anyone's position.

But coming from my experience, my community, and seeing some of the things I seen in that video, it was very disturbing.

And I know that we would be a disservice to allow the officer basically in training that eventually will be on the street, that will be patrolling the area, and that is very concerning, because the fact of it is, there are too many times there has been complaints filed about officers that were ignored, that were dismissed. And the community probably could tell you better than anyone else the probability of a officer pulling a gun and killing someone.

I would have rather him taking training, not in jujitsu, but probably in de-escalation and how to deal with the community.

So that's what was kind of disturbing for me.

CHAIRPERSON DUDLEY: Okay. Thank you, Ms. Hatcher-Crawford.

Any other comments? Okay.

Ms. Essex, will you take a roll call vote, please?

MS. ESSEX: Clavo.

MEMBER CLAVO: Aye.

MS. ESSEX: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MS. ESSEX: Crawford, aye.
Doyle.
MEMBER DOYLE: No.
MS. ESSEX: Doyle, no.
Dudley.
CHAIRPERSON DUDLEY: Yes.
MS. ESSEX: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MS. ESSEX: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MS. ESSEX: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MS. ESSEX: Lara, aye.
There's six ayes. Motion passes.
CHAIRPERSON DUDLEY: Okay. Thank you.
As this was the last item on the agenda, do any of the members of the Board have any additional comments before we adjourn?
(No response.)
CHAIRPERSON DUDLEY: Seeing none, I'll need a motion to adjourn.
MEMBER DOYLE: So moved. Doyle.

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 23rd day of October 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137