Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
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West Sacramento, CA 95605
www.post.ca.gov

STATEMENT OF FINDINGS

POST makes the following information available to the public pursuant to Penal Code §13510.85(c) which establishes that POST shall publish the names of any peace officer whose certification has been suspended or revoked and the basis for the suspension or revocation.

CASE NO.: POST2306322

SUBJECT OFFICER: Colby Lawrence Austin **POST ID:** C42-D69

EMPLOYING AGENCY: San Francisco Police Department

ALLEGED MISCONDUCT: CPC 13510.8(b)(1)/11 CCR 1205(a)(1) – Dishonesty, and CPC 13510.8(b)(8)/11 CCR 1205(a)(8) – Failure to Cooperate

CASE SUMMARY:

On April 13, 2023, the San Francisco Police Department (SFPD) submitted a report of potential serious misconduct to POST against Officer Colby Austin, hereafter "Respondent," alleging, in part, that Respondent "Prepared an incomplete or inaccurate incident report" and "Misrepresented the truth." The events related to dishonesty in this report were actionable pursuant to Penal Code (PC) section 13510.8(g)(1)(A). The other allegations, including Abuse of Power, were not actionable because the agency's final determination date was before January 1, 2022, and the underlying conduct was not enumerated in PC section 13510.8(g)(1) as an actionable ground for serious misconduct if the conduct occurred prior to January 1, 2022. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to PC 13510.8. A summary of the investigative findings of the Division are as follows:

On December 27, 2019, Complainant 1 walked into the SFPD Richmond Station to provide additional information related to a hit and run vehicle collision in which she was the victim. A police service aide (PSA) initially assisted Complainant 1, but Respondent eventually stepped in to assist. Complainant 2, who was at the police station for an unrelated matter, was arrested (cited and released) by Respondent for violation of PC section 148(a)(1), delaying or obstructing a peace officer, for allegedly interfering with Respondent's investigation related to Complainant 1's collision. Respondent summoned paramedics to evaluate Complainant 1. Respondent submitted an incident report detailing the incident where Respondent stated his reasons for arresting Complainant 2 and that Complainant 1 was having a mental health crisis. Respondent

resigned prior to the completion of the SFPD investigation. Respondent also failed to cooperate with POST's investigation into potential police misconduct.

ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code Section 13510.8 (b)(1) and Title 11, California Code of Regulations Section 1205 (a)(1) – Dishonesty**

Penal Code Section 13510.8 (b)(3) and Commission Regulation 1205 (a)(3) defines as serious misconduct: "Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct."

Respondent was dishonest relating to the reporting or investigation of a crime when he dishonestly characterized the behavior and demeanor of Complainant 1 to a sergeant and paramedics, and willfully and intentionally submitted a false report in support of his arrest of Complainant 2 with the intent to deceive.

2. **The alleged misconduct violated Penal Code Section 13510.8 (b)(8) and Title 11, California Code of Regulations Section 1205 (a)(8) – Failure to Cooperate**

Penal Code Section 13510.8(b)(1) and Commission Regulation 1205 (a)(1) defines as serious misconduct: "Failure to cooperate with an investigation into potential police misconduct."

In response to POST's formal request for an interview, Respondent wrote an email containing an expletive refusing to cooperate.

OUTCOME/IMPOSITION OF DISCIPLINARY ACTION AGAINST PEACE OFFICER CERTIFICATION:

The Peace Officer Standards Accountability Division determined that reasonable grounds existed to seek revocation of the Respondent's certifications in this case. A notice of intent to revoke was served on January 30, 2025. Respondent did not file a request for review within the 30-day response period, pursuant to Penal Code section 13510.85 (a)(2), thus resulting in default revocation of Respondent's certification with no further proceedings. On March 4, 2025, the default order was issued and served on Respondent. Respondent Colby Austin's (POST2306322) (POST ID: C42-D69) peace officer certification was revoked on March 4, 2025.