AGENDA ITEM REPORT

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

REPORT PROFILE

MEETING DATE 10/17/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY David Peletta	**REVIEWED BY** Christine Ford	
REPORT DATE 09/25/2024	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

The Respondent began his employment with the Riverside Police Department on January 12, 2009, as a full-time peace officer. He was promoted to the rank of Police Sergeant on July 10, 2020. At the time of this incident, he was assigned as a patrol supervisor. The Respondent was terminated from the Riverside Police Department on July 12, 2023.

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

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

investigation and in a separate interview conducted by POST.

Audio Links:

- BR15_POST2303451_Mutuku_James_Redacted Attachment N
- BR11_POST2303451_Mutuku_James_Redacted Attachment J

Audio File Review (Closed Session Only):

- **BR5_POST2303451_Mutuku_James_Closed Session Review_Attachment D**

ANALYSIS:

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

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR1_POST2302451_Mutuku_James_ISF_2_ (1).pdf
BR2_POST2303451_Mutuku_James_Redacted_Attachment_A.pdf
BR3_POST2303451_Mutuku_James_Redacted_Attachment_B.pdf
BR6_POST2303451_Mutuku_James_Redacted_Attachment_E.png
BR4_POST2303451_Mutuku_James_Redacted_Attachment_C_.pdf
BR8_POST2303451_Mutuku_James_Attachment_G.png
BR7_POST2303451_Mutuku_James_Attachment_F.jpg
BR9_POST2303451_Mutuku_James_Attachment_H.jpeg
BR10_POST2303451_Mutuku_James_Redacted_Attachment_I.pdf
BR12_POST2303451_Mutuku_James_Redacted_Attachment_K.pdf
BR13_POST2303451_Mutuku_James_Redacted_Attachment_L.pdf
BR14_POST2303451_Mutuku_James_Redacted_Attachment_M.pdf
BR16_POST2303451_Mutuku_James_Attachment_O.pdf