AGENDA ITEM REPORT

Title: POST2311496 - CESAR HAZEL DIAZ (POST ID: C68-U20)
LAST EMPLOYING AGENCY: LOS ANGELES SCHOOL DISTRICT POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**	
06/12/2024	Professional Conduct Los Angeles Bureau	
RESEARCHED BY		**REVIEWED BY**
William Imboden		Mike Radford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
04/30/2024	Manuel Alvarez, Jr.	05/28/2024
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:

The Respondent began his employment with the Los Angeles School District Police Department on February 16, 2018. Respondent was promoted to a fulltime peace officer after graduating from the Los Angeles Police Academy on August 17, 2018. At the time of the incident before the POSAAB, he was assigned as a Los Angeles District School Police Officer. The Respondent resigned from the Los Angeles District Police Department on November 12, 2023, while holding the rank of police officer. The Respondent is not currently employed as a peace officer in the State of California.

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).

ANALYSIS:

The Division found that the clear and convincing evidence

substantiated that Respondent violated California Penal Code § 13510.8(b)(6), specifically Respondent was placed under arrest for 23152(a) and 23152(b) and transported to Santa Clarita Station where he was booked for the above charges, Driving under the Influence (DUI) of alcohol. This arrest was Respondent's second arrest for DUI in ten weeks. On July 30, 2021, Respondent was convicted of California Vehicle Code Section 23152(b) - Driving Under the Influence with a Blood Alcohol of .08% or greater, a misdemeanor, after entering a "No Contest" plea. The charge of 23152(a) CVC was dismissed as a part of a plea negotiation. Court records show Respondent's Blood Alcohol Content (SAC) at the time of his arrest was .17%.

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):

BR1_POST2311496-Diaz_Ceasr-ISF_.pdf
Attachment A - LA Superior Court Minute Orders.pdf
Attachment B - LA Superior Court Charging Documents.pdf
Attachment C - LA Superior Court Plea Documents.pdf
Attachment D - Orange County Superior Court Minutes_Redacted.pdf
POST2311496_Diaz_Cesar_March_2024_POSAAB_Agenda_Record.pdf
POST2311496_Diaz_Cesar_Transcript_Board_03.21.24.pdf
POST2311496_Diaz_Cesar_Board_Recommendation_Signed.pdf