Kern County SHERIFF

Interoffice Memorandum

To: Lieutenant J. Carpenter

From: Sergeant J. Weidenkopf

Date: December 10th, 2021

Re: Staff Misconduct

Sir,

At your direction, I will outline Sheriff Aide [V1] and Lieutenant D. Hubbard's history with the Professional Standards Section and my observations related thereto. For clarity, I will document these observations and events chronologically, although I did not know some facts until days, weeks, or months after some of my observations occurred. As of this date, I do not know when Hubbard and [V1] affair began.

For context, I have known [V1] and Hubbard for years. We were assigned to the Detectives Division together for some time (2017 through 2019). I know [V1] and Hubbard are close friends and Hubbard's wife acted as a babysitter for [V1] children during much of 2021. Their personal relationship was apparent but obviously extended to their immediate families.

In April of 2020, [V1] made sexual battery allegations against Detective [S1] At the time, she was assigned to the Detectives Division as a Complaint Officer and [S1] was assigned to the Special Victim's Unit (SVU). Hubbard was the Lieutenant assigned to Internal Affairs (IA). This launched a criminal personnel investigation by the Professional Standards Unit (PSU), with [V1] as the victim. I was then and currently am the Sergeant assigned to PSU. Therefore, I supervised the investigation and provided Internal Affairs with investigative updates.

During the investigation's infancy, Hubbard had at least two meetings, that I know of, with [V1] outside the presence of a PSU Investigator. This was affecting the criminal investigation as [V1] was making the difficult decision to pursue or not pursue criminal action against [S1] Initially, [V1] was unwilling to participate as a criminal victim but decided, after contact with Hubbard, to pursue criminal action. She told me Hubbard's contact and input with her impacted her decision. This began a sensitive investigation that required PSU to perform investigative actions using employees, against employees, while all involved employees were at work at Sheriff's Headquarters.

A few days into the investigation, Acting Chief Levig (then the Compliance and Standards Division Commander), Commander Trevino (then the PSU Lieutenant), and I were questioned by Sheriff's Administration as to the quality of the investigation we were conducting. During that process, we were advised that Hubbard had contacted his supervisor, then Chief Deputy Damian Nord (now retired), and claimed PSU was completing a poor investigation into [V1] allegations. Levig, Trevino, and I defended our investigation to Undersheriff Jauch and were cleared to continue, however, I was instructed to stop providing Internal Affairs with investigative updates.

Historically, providing investigative updates to Internal Affairs was common practice and, in my experience, had never disrupted a PSU investigation. I discontinued providing investigative updates to IA. Within one day or so thereafter, I saw Hubbard outside the IA office. He asked me for an investigative update and I denied his request. I am not certain who I referred him to, but it was either Trevino, Levig, or both.

Hubbard's relationship with V1 appeared to be motivating his efforts to impact the criminal investigation. PSU concluded this investigation on May 4th, 2021, and filed the case with the District Attorney's Office. PSU cases are filed directly with Supervising Deputy District Attorney Ken Russell. This process involves my investigators and I meeting with Russell, briefing him on the investigation, and then hand delivering the complaint package to him. V1 sexually battery case was no exception.

On May 21st, 2021, Hubbard was transferred to PSU as the Lieutenant. At the time, the Compliance and Standards Division was building the Body Worn Camera Unit. Hubbard and Levig (who was still the Division Commander) were instrumental in accomplishing that project. In June of 2021, Hubbard facilitated V1 transfer from the Detective's Division to the Body Worn Camera Unit, which had not been deployed yet (it would get staffed in October of 2021). Hubbard did this without involving me but was certainly not required to involve me, despite V1 then being my subordinate. However, I agreed with the move as it was supported by V1 body of work, the challenges that come with starting a new unit, and a staff report I authored in an attempt to obtain an analyst. I took possession of her D-500 file, was approving her timesheets, and was her direct supervisor.

During the months following V1 transfer, the close friendship I remembered she and Hubbard having continued to be apparent. Hubbard's wife was babysitting V1 children daily. With Hubbard now assigned to PSU, he had a work related nexus to the status of all PSU's investigations and the filing of cases we submitted to the DA. While V1 sexual battery case was in review by Russell and his team, Hubbard took V1 to the DA's office to meet with Russell without involving me, my lead investigator, or PSU staff who were involved in the investigation. Additionally, he did so without my knowledge. I learned of this weeks or months later but am struggling to recall how I learned it. Hubbard may have told me.

Meeting a DDA without the involved investigators present is certainly not consistent with past PSU practices. Hubbard involving himself while being V1 close friend (assuming the affair had not yet started) was poor judgement in the least. Ultimately, Russell decided not to file the case on July 12th, 2021. Additionally, Hubbard's wife stopped babysitting V1 children about this time.

In August or September of 2021, Hubbard told me that V1 was working on projects related to the Professional Standards Section and not many related to the Professional Standards Unit. He advised me I was being relieved as her supervisor and that he would supervise her. He took possession of her D-500 and began approving her timesheets.

In the weeks following, V1 used material consistent with compressed cardboard to make doors at her work station. This allowed her to conceal herself while in her cubicle. I noticed her alone, with the doors closed, in her cubicle on a regular basis. After my team and I learned of the affair, Detective Rutter disclosed to me that she witnessed V1 and Hubbard close the makeshift doors and spend time whispering together in the cubicle. See Rutter's memo for details.

Around the same time, I noticed the blinds on Hubbard's office window were closed. Previously, they remained open. Since I noticed them closed, they stayed closed for months and remain closed today. Hubbard meets with staff regularly to discuss confidential investigations. I assumed he closed them

during a meeting that may have been an emotional experience for one or both parties. At the time, I did not identify the closed blinds as suspicious.

In the meantime, the new BlueTeam system was being built and training for it developed. Employee selection, training, and policy development were also underway for the soon to be BWC Unit. Under Trevino, I was heavily involved in these processes. After Hubbard took over, I was slowly phased out of these projects as Hubbard gave many of the responsibilities to [V1]. Looking back now, this grew into a need for he and [V1] to work closely together daily. Without my involvement, they would have an excuse to be in the office after hours or on weekends without me.

For example, I received a call from Metro Patrol Sergeant J. Nance on November 12th, 2021. He had questions about Axon informational memo's Hubbard had sent to KCSO's supervisors earlier that week. I was unable to answer the questions as I had never seen the memo's and was not aware operational changes had been made to Axon, that directly relate to PSU. When I saw Hubbard on November 15th, 2021, I told him what happened and asked him to send me the information as members of our organization rely on me to know it. He never sent me them. While I do not think Hubbard was intentionally being ill willed to me with this issue, this example represents the breakdown in attention, his phasing me out of projects that affected me, and the poor judgement I began to notice him display.

During the work week beginning November 29th, 2021, I observed a significant deterioration in [V1] behavior. She was treating her co-workers poorly, seemed emotionally distressed, and even slammed a door on one occasion. I began checking her status by talking to my team. PSU SST [W1] told me [V1] was having serious marriage problems but [W1] did not know exactly what the issue was.

Later the same day, I observed [V1] enter Hubbard's office and close the door. My office also has a shared door with Hubbard's office. This door was also closed. I could hear, through the closed door, [V1] crying. I assumed Hubbard, as her friend and supervisor, was addressing her issues. At the time, I obviously did not know he was the issue.

They left Headquarters together a few times during the week of November 29th, 2021. I recall them returning with coffee on one such occasion. I observed them return from one of these drives in Hubbard's assigned Sheriff's vehicle (a white Chevrolet Tahoe W3426). This reminded me that Hubbard's vehicle was never equipped with Zonar tracking equipment. He told me he never had the tracker installed. We discussed this a few months ago, following a department wide request for supervisors to confirm the Zonar was working in their staff member's vehicles. Hubbard and I confirmed all affected PSU had working Zonar equipment in their vehicles but I noticed Hubbard's vehicle was not being tracked.

On December 6th, 2021, I arrived at work at 0700. Hubbard and I were scheduled to spend the day presenting use of force and canine draft policies, while defending the content of both, to a panel of Department of Justice team members, Stipulated Judgement compliance monitors, and members of the Office of Attorney General. Hubbard was assigned to play a significant role in this regard. Shortly after 0700 that morning, he sent me the following email:

Good morning sir,

I will not be present for the meeting today. Danny and Adrian are prepared to cover the UOF materials but I figured you may be able to help as well. Here are the updated items including the PowerPoint.

I am taking some time off. I'm not sure when I will return to work so for anything urgent, please reach out to Acting Chief Deputy Levig.

Thank you,
David

Sent from my iPhone

At this point, I realized something was wrong. Within minutes, I contacted him by text message and requested his status. He responded by disclosing the affair to me. Minutes later, [redacted] arrived at work and walked to her work station where she began crying. I sent her home that morning and began developing a short term plan to accomplish the weeks tasks without Hubbard and [redacted]. This plan is outlined in a memo I provided to Acting Chief Levig on December 8th, 2021. It is attached for reference.

While I did not witness inappropriate physical contact between Hubbard and [redacted] a reflection of their time in PSU led me to realize the process by which [redacted] was isolated by Hubbard and I was phased out of the projects they were working on. I believed Hubbard was acting with good will in an attempt to keep my work load manageable, however, he may have intended to create an environment in which he could start, continue, or expand on the inappropriate relationship he had with [redacted].

I understand Hubbard and [redacted] behavior jeopardized the credibility of the work PSU did while they were here. This considered, I am prepared to defend the work my team did during the affected time frame.

Respectfully submitted,

J. Weidenkopf #984