INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Braulio J. Robledo

POST ID NUMBER: A83-R39

EMPLOYING AGENCY: Los Angeles County Sheriff's Department

POST CASE NUMBER: POST2309558

WRITTEN BY: LEC Mark Evenson

DATE: 11/4/2024

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I. Executive Summary

The Los Angeles County Sheriff's Department (LASD) submitted this case to POST, in which they alleged the subject officer, Deputy Braulio J. Robledo, hereinafter "Respondent," was involved in serious misconduct when he lied to his supervisors and lied during an internal affairs investigation regarding a complaint that Respondent conducted a traffic stop in front of the Commerce Casino and during a search of the vehicle, stole $500 in poker chips.

After reviewing this investigation, I have determined Respondent committed serious misconduct as defined in Penal Code section 13510.8(b)(1) and California Regulation 1205(a)(1) – Dishonesty. The Respondent committed serious misconduct when he lied to his supervisors when he denied any knowledge of a traffic stop that he clearly conducted just a few hours earlier, and he lied during his IA interviews when he: 1) claimed his supervisors never asked him about the specific traffic stop near the Commerce Casino; 2) claimed he received information that supervisors were inquiring about a stop that occurred in Montebello; 3) claimed he deleted the MDC messages sent by the Watch Sergeant without reading them; 4) claimed he never responded to the Sergeant's MDC messages; 5) claimed he had no knowledge of why the Watch Sergeant was trying to get a hold of him; and 6) denied he called into the East LA Sheriff's Station and spoke to Deputy Strelow about the traffic stop in front of the Commerce Casino. The evidence overwhelmingly supports Respondent did stop the complainant at Telegraph Road and Washington Blvd and lied to his supervisors about the traffic stop. The evidence also overwhelmingly supports that Respondent lied to IA investigators during his IA interviews.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Deputy Sheriff with the Los Angeles County Sheriff's Department. This position is a peace officer as defined under Penal Code section 830.1(a), which is required to be certified under Penal Code section 13510.1(a).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the Los Angeles County Sheriff's Department on March 11, 2005, as a full-time Deputy Sheriff. Respondent was terminated from the Los Angeles County Sheriff's Department on August 2, 2024.

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."

Prior Allegations of Dishonesty

Respondent has a prior sustained finding for Dishonesty. On April 11, 2023, the Los Angeles County Sheriff's Department found that the Respondent violated Department Policy and Procedures: 1) Sections 3-01/030.10, Obedience to Laws, Regulations, and Orders for misusing department resources to query a subject's name on the Mobile Digital Computer (MDC) for unauthorized and non-official business purposes; 2) Sections 3-01/050.10, Performance to Standards by admitting to spending approximately 40 minutes socializing with three females, while on duty, in a secluded, dark parking lot and having a conversation which was personal in nature with one of the females and admitting to using the MDC to conduct a "wanted persons" check on the female's ex-husband to verify if there was a restraining order; and 3) Section 3-01/040.70, Dishonesty/False Statements and/or section 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations. During his administrative interview with the Internal Affairs Bureau, Respondent contradicted his Unit History Report by stating he did not run the name of one of his female companions on his MDC on the night in question. The preponderance

of evidence supported that the Respondent did run the female's name on his MDC and lied about it during his IA interview.

Respondent received a 30-Day suspension.

The agency reported this case to POST on April 25, 2023, as a possible violation of POST Regulation1205(a)(1) – Dishonesty (POST2306952). On November 9, 2023, POST closed the case with a status of No Further Action (NFA) because the conduct did not meet the clear and convincing standard for serious misconduct as defined in Penal Code 13510.8.

Prior Allegations of Being a Member of a Law Enforcement Gang

On October 19, 2021, the LASD Undersheriff conducted an audit of misconduct investigations and found that Respondent had two separate investigations, one in 2018 and one in 2019, where a fellow LASD Deputy alleged that Respondent was a member of a law enforcement gang called the "Banditos." Each incident involved a different deputy making the allegation. Based on this information, the Undersheriff directed that the agency to conduct an administrative investigation into the allegations. The investigation was unable to substantiate the allegations, and the investigation was closed on July 19, 2024, as unresolved.

Respondent received no discipline.

The agency reported this case to POST on May 25, 2023, as a possible violation of POST Regulation 1205(a)(7) – Participation in a Law Enforcement Gang (POST2309109). On October 8, 2024, POST closed the case with a status of No Further Action (NFA) because there was no evidence presented to support the allegation that the Respondent was a member of a law enforcement gang. The case did not meet the standard for serious misconduct as defined in Penal Code 13510.8.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A83-R39. He received the following peace officer certificate from the Peace Officer Standards and Training (POST):

- Basic #123206 (03/11/2006)

e. The Present Allegations of Serious Misconduct

A citizen called the Los Angeles County Sheriff's Department East Los Angeles Station and stated he was stopped by an unknown officer in the early morning of January 2, 2020, immediately after leaving the Commerce Casino. During the stop, the citizen alleged that the officer searched his vehicle and stole five (5) poker chips worth $100 each. When asked directly by his supervisors (a Sergeant and Lieutenant) if he made a traffic stop in front of the Commerce Casino, Respondent adamantly stated he did not. It is alleged that Respondent lied to his supervisors on the day in question and lied during his IA interviews.

1. Filing of Complaint With Agency

A citizen filed the complaint with the agency on January 2, 2020.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

Theft – Unresolved.
Dishonesty – Lying to Supervisors – Sustained.
Dishonesty – False Statements during IA interviews – Sustained.

The Respondent was terminated on August 2, 2024.

There are no current appeals.

3. Date of Receipt By POST

June 1, 2023.

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 LASD criminal and administrative investigations, a review of video and audio recordings, a review of interview transcripts, a review of MDC transcripts, and a review of other related investigative documents.

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

Allegations

Respondent committed serious misconduct when he lied to his supervisors about a traffic stop that he conducted in front of the Commerce Casino and later lied to investigators during the Internal Affairs investigation.

Citizen Complaint

On January 2, 2020, at approximately 0501hrs, the complainant called the Los Angeles County Sheriff's Department's (LASD) East Los Angeles Station and filed a complaint with the on-duty Watch Sergeant. The complainant stated that immediately after pulling out of the parking lot of the Commerce Casino a few hours earlier, he was stopped by an unknown officer. The complainant stated the stop occurred between 0255hrs and 0320hrs. The Commerce Casino is located near the intersection of Telegraph Road and Washington Boulevard.

The complainant alleged that during the stop, the officer removed him from his vehicle, patted him down, placed him in the back of the patrol car, searched his vehicle, and then released him with a warning for having an expired vehicle registration. The complainant alleged that when he arrived home, he discovered that he was missing five (5) poker chips worth $100 each. The poker chips were missing from his backpack that was sitting on the front passenger seat when he was stopped.

Timeline of Events

At 0508hrs, the Watch Sergeant sent a Mobile Digital Computer (MDC) message to the 3 patrol units assigned to work the City of Commerce. The 3 patrol units included the Respondent and two other deputies. The MDC message stated, "Did any of you stop [complainant] at Washington/Telegraph Earlier A.T…."[1] The other two deputies responded immediately stating they had not. Respondent did not respond. At 0521hrs, the Watch Sergeant sent another MDC message directly to Respondent. That message stated, "Did you pull over [complainant] at Washington/Telegraph a few hours ago…."[2] Respondent did not reply with an answer.

At approximately 0522hrs, the Watch Sergeant conducted a Unit History Report (UHR) to check the patrol activity of the Respondent and the two other deputies working in the

[1] Attachment A – Transcript of MDC Messages.
[2] Attachment A – Transcript of MDC Messages.

City of Commerce. The Watch Sergeant discovered that Respondent's UHR indicated he conducted a license plate inquiry of the complainant's vehicle at 0301hrs, which matched the approximate time the complainant claimed he was stopped.[3]

At 0525hrs, Respondent called the East Los Angeles (ELA) Station and spoke to a Deputy Bruce Strelow who was working the desk in dispatch. The conversation was captured on a recorded line. Respondent told the desk officer that the purpose of the call was to speak to the Watch Sergeant regarding a message that was typed to him and the other Commerce units.[4] The desk officer told Respondent that the Watch Sergeant's inquiry was regarding a traffic stop that occurred in front of the Commerce Casino.[5]

At 0533hrs, Respondent replied via MDC message to the Watch Sergeant's message stating, "Called You Sarge."[6] At 0537hrs, the Watch Sergeant replied via MDC message instructing Respondent to call his personal cell phone.[7] Respondent did not call the Watch Sergeant's cell phone.

At approximately 0600hrs, Respondent entered the ELA Station Watch Sergeant's office and was escorted to the Watch Commander's office.[8] In the presence of the Watch Commander, the Watch Sergeant asked Respondent if he had conducted a traffic stop of a vehicle around Telegraph Road and Washington Blvd, and the Respondent stated he had not.[9] The Watch Commander was present and confirmed that Respondent was adamant he did not stop the vehicle.[10] The Watch Sergeant was adamant Respondent clearly understood he was asking about the specific traffic stop that occurred in front of

[3] Attachment B – Respondent's Unit History Report.
[4] Attachment C – Respondent and Strelow's Phone Conversation Transcript.
[5] Attachment C – Respondent and Strelow's Phone Conversation Transcript.
[6] Attachment A – Transcript of MDC Messages.
[7] Attachment A – Transcript of MDC Messages.
[8] Attachment D – Watch Sergeant's ICIB Interview Transcript, Pg 7, Paragraph 17.
[9] Attachment D – Watch Sergeant's ICIB Interview Transcript, Pg 8, Paragraph 11.
[10] Attachment E – Watch Commander's ICIB Interview Transcript, Pg 3, Paragraph 12 and Pg 4, Paragraph 1.

the Commerce Casino.[11] The Watch Commander also reinforced there was no ambiguity as to which traffic stop they were referring to.[12]

Agency's Preliminary Investigation

Based on the complaint of theft and the fact that the evidence showed that Respondent was lying about stopping the complainant near the Commerce Casino, the Watch Commander directed a Field Sergeant to conduct a Supervisory Inquiry, which is a preliminary investigation. The Field Sergeant was able to collect additional evidence to support Respondent did conduct a traffic stop on the complainant near the Commerce Casino. First, the Field Sergeant obtained surveillance video from 3 separate businesses. Though it was difficult to see details in the videos, the videos showed a SUV type patrol vehicle conducting a traffic stop on a vehicle around Telegraph Road and Washington Blvd. Respondent was the only Commerce unit driving a SUV type patrol vehicle at the time of the stop.

The Field Sergeant also obtained a Geospatial Tracker (GST) report of Respondent's patrol vehicle, which provided a Global Positioning System (GPS) recording of Respondent's patrol location and movements. The report indicated that at 0301hrs, Respondent's patrol vehicle traveled eastbound on Telegraph Road and came to a stop at Washington Blvd at 0302hrs. Respondent left the location at 0310hrs.[13] This was consistent with the Unit History Report (UHR), which showed that Respondent ran the complainant's license plate at 0301hrs.

Agency's Criminal Investigation

LASD's Internal Criminal Investigation Bureau (ICIB) conducted a criminal investigation into the allegation that Respondent stole $500 worth of poker chips from the

[11] Attachment F – Watch Sergeant's First IA Interview Transcript, Pg 8.
[12] Attachment G – Watch Commander's Second IA Interview Transcript, Pg 5.
[13] Attachment H – Respondent's GST (GPS) Tracker Report.

complainant's vehicle. It is important to note that the investigation revealed the complainant only had thirteen (13) $100 poker chips when he left the casino, not fifteen (15) as he originally reported. Investigators were not able to follow up with the complainant regarding this discrepancy because he sent an email to investigators indicating he did not want to participate any further in the investigation. The complainant stated he was in fear of "deputy gangs," better known as "Los Banditos," and noted his fear was due to published news articles.[14] As part of this complaint, there was no specific allegation that Respondent was a member of a law enforcement gang. In an unrelated case, Respondent was investigated for allegations he was a member of a law enforcement gang. However, the agency was not able to substantiate the allegations. The case was reported to POST, and POST found the case did not provide any evidence that the Respondent was a member of a law enforcement gang. That case (POST2309109) is discussed in section II(b) of this report.

At the direction of his attorney, Respondent declined to be interviewed by ICIB investigators.[15] ICIB investigators submitted their criminal investigation to the DA's Office requesting a charging decision for PC 484(a) – Petty Theft. The Justice System Integrity Division of the Los Angeles County District Attorney's Office declined to file charges due to a lack of sufficient evidence.[16]

Agency's Internal Affairs Investigation

After the conclusion of the criminal investigation, LASD went forward with an Internal Affairs investigation into the allegations Respondent stole $500 in poker chips and lied to his supervisors about stopping the complainant.

[14] Attachment I – Email from Complainant to LASD Dated February 26, 2020.
[15] Attachment J – Email from Respondent's Attorney dated January 30, 2020.
[16] Attachment K – Los Angeles County District Attorney Charge Evaluation Sheet.

During his IA interviews, Respondent denied stealing any poker chips but admitted to stopping the complainant near the Commerce Casino.[17] Respondent claimed he did not document the traffic stop at Telegraph Road and Washington Blvd on his MDC because he was having MDC problems and didn't remember if he documented the 3-5 traffic stops that morning. However, he did remember documenting them in his personal "notepad."[18]

When asked about the stop of complainant, Respondent stated he did conduct a traffic stop on the complainant at Telegraph and Washington for expired registration. Respondent had complainant exit the vehicle, patted him down, placed the contents of his pockets on the hood of his car that included some poker chips, placed him in the back of the patrol vehicle, and then searched the car. Respondent stated he had consent to search the car. During the search, the Respondent stated he searched under a sweater and a backpack that was sitting on the front passenger seat. After the search, Respondent released the complainant with a warning.[19] When asked if he went "into the backpack…" to search, Respondent stated, "No, sir."[20]

In his first IA interview on December 14, 2023, Respondent claimed he never read the MDC messages from the Watch Sergeant. The IA investigator had Respondent read the MDC message that the Watch Sergeant sent him directly. The MDC message stated, "Did you pull over [complainant] at Washington and Telegraph a few hours ago?" The investigator asked, "So when you go to the station and Sergeant Inital is asking you about this traffic stop…what do you believe he's asking you?" Respondent replied, "At that point, sir…I was going up to the station, I wasn't reading the messages…So when I went up to the station, he said that it was you, I didn't know what he was referring to because I had not read the messages." The investigator stated, "So you're

[17] Attachment L – Respondent's First IA Interview Transcript, Pg 6, Paragraph 7.
[18] Attachment L – Respondent's First IA Interview Transcript, Pg 7, Paragraphs 1-7.
[19] Attachment L – Respondent's First IA Interview Transcript, Pg 6, Paragraph 2.
[20] Attachment L – Respondent's First IA Interview Transcript, Pg 19, Paragraphs 13-14.

saying…when you go to speak to Sergeant Inital, you're unaware that his specific message to you, Unit 27, asking if you pulled over [the complainant] at Washington and Telegraph…that you don't know what he's referring to?" Respondent replied, "No, I didn't read the messages…that was my mistake…I had the MDC down and then when I'm going up to the station, I'm clearing the messages. I'm not reading any of the messages. I never…read the messages or even other messages that were probably sent out before…and when I went up to the station, I was unaware of those messages that were sent out. So that's why when he asked me, "it was you," I said, it was me what? It's because I never read the message."[21]

When asked if he received any messages from the Watch Sergeant, Respondent stated, "I want to say the first message was from the Watch Deputy…if anyone had pulled a car over and I want to say the location was somewhere in Montebello…I don't remember the Watch Sergeant's message or if he did send a message, but whomever sent the message, the first one, I'm assuming it was the Watch Deputy because it said Watch Deputy…the location they sent out was, like, a Montebello location…it was not the guy that I had pulled over's name…the location was somewhere in Montebello."[22]

The Respondent also stated he assumed the supervisors were asking him about a stop that occurred in Montebello and told investigators that the supervisors did not ask him about the stop involving the complainant, either by name or location.[23] When asked why he thought they were inquiring about a stop in Montebello, Respondent stated he received 1 or 2 MDC messages earlier in the day indicating an inquiry about a Montebello stop.[24] In addition, Respondent stated that he called a Watch Deputy named Manny Palacios on his cell phone, and Deputy Palacios told him that supervisors were

[21]Attachment L – Respondent's First IA Interview Transcript, Pg 30-31.
[22]Attachment L – Respondent's First IA Interview Transcript, Pg 20, Paragraphs 6-9.

[23] Attachment L – Respondent's First IA Interview Transcript, Pg 24.
[24] Attachment L – Respondent's First IA Interview Transcript, Pg 21.

inquiring about a stop in Montebello.[25] Respondent repeatedly denied calling into the station to inquire about what the Watch Sergeant was looking for and being told by another deputy, even when specifically asked whether he called into a recorded line.[26]

During his second IA interview, Respondent reiterated that he did not have a phone conversation with Deputy Strelow, and that he did not receive information that supervisors were inquiring about a stop in front of the Commerce Casino.[27] Instead, Respondent continued to assert that he believed supervisors were asking him about a traffic stop in Montebello.[28] Later in the interview when confronted with his recorded phone conversation with Deputy Strelow, Respondent stated he did not recall the conversation.[29] Respondent then contradicted his first IA statement when he changed his story about what Deputy Palacios allegedly told him. In his first statement, Respondent claimed Palacios told him about a stop in Montebello. After listening to his recorded phone conversation with Strelow, Respondent changed his story and stated Palacios told him it was regarding a stop in front of the Commerce Casino.[30]

Respondent was terminated from employment at the Los Angeles County Sheriff's Department on August 2, 2024. The LASD cited several policy violations that supported Respondent's termination and supported allegations of serious misconduct pursuant to Penal Code Section 13510.8(b)(1) – Dishonesty.

LASD Policy 3-01/040.69 – Honesty Policy

Department members are held to the highest standards of integrity and ethics. In particular, honesty and trustworthiness are of paramount importance to the credibility

[25] Attachment L – Respondent's First IA Interview Transcript, Pg 34.
[26] Attachment L – Respondent's First IA Interview Transcript, Pg. 22.
[27] Attachment N – Respondent's Second IA Interview Transcript, Pg. 5.
[28] Attachment N – Respondent's Second IA Interview Transcript, Pg 4-7.
[29] Attachment N – Respondent's Second IA Interview Transcript, Pg 18.
[30] Attachment N – Respondent's Second IA Interview Transcript, Pg 18-23.

and integrity of all department members. Honesty and maintaining the trust of those we serve depend on candor, forthrightness, sincerity, and accuracy.

Dishonesty destroys trust and violates Department policy. Examples of dishonesty and violations of trust include not only false statements, but also deliberate distortions of the truth; intentional exaggerations, concealment of or failure to disclose material facts, observations, or recollections, and failure to make full, complete and truthful statements when required.

Department members who violate this section are subject to discipline up to and including discharge.

LASD Policy 3-01/040.70 – Dishonesty / False Statements

Members shall not make false statement or commit any other violations of the honesty policy, section 3-01/040.69, when questioned, interviewed, or in reports or documents submitted. Department members who violate this section are subject to discipline up to and including discharge.

LASD Policy 3-01/040.75 – Dishonesty / Failure to Make Statements And / Or Making False Statements During Departmental Internal Investigations

False Statements and any other form of Dishonesty during an official Department internal investigation or inquiry shall, absent extenuating circumstances, result in discharge.

Failure or refusal to make statements when ordered during Department internal investigations constitutes insubordination and shall, absent extenuating circumstances, result in discharge.

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(1) – Dishonesty?

California Regulation 1205(a)(1) defines serious misconduct 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…."

Respondent lied to his supervisors.

While investigating a citizen's complaint alleging that an unknown officer or deputy stole $500 worth of poker chips during a traffic stop, supervisors asked Respondent if he had stopped the complainant around the Commerce Casino. Respondent adamantly denied he was the one who stopped the vehicle. This conversation took place approximately 3 hours after the time of the traffic stop. There is indisputable evidence that Respondent was the one who conducted the traffic stop. This evidence included a Unit History Report showing that Respondent ran the complainant's license plate, a GPS tracking report showing Respondent stopped his vehicle at the exact time and location alleged by the complainant, and video surveillance footage confirming that it was the Respondent's patrol car making the traffic stop.

Though Respondent later admitted to making the traffic stop during his IA interviews, Respondent claimed supervisors never specifically asked him about the stop in front of the Commerce Casino and assumed they were asking him about a stop that occurred in "Montebello." These statements are refuted by clear and convincing evidence as described below.

Respondent lied to IA investigators when he stated he did not know his supervisors were asking about a traffic stop that occurred in front of the Commerce Casino.

During his IA interviews, Respondent tried to claim that that he had no idea that his supervisors were asking him about the traffic stop in front of the Commerce Casino. The evidence supports that this is a false statement. Both the Watch Commander and Watch Sergeant made it abundantly clear that they were inquiring about the specific stop that occurred in front of the Commerce Casino, and there was no question Respondent understood which stop they were referring to. There is no reason why the Watch Commander and Watch Sergeant would lie in their statements, and their statements are more credible than the Respondent's.

Respondent received two MDC messages from the Watch Sergeant inquiring about a traffic stop in front of the Commerce Casino around Washington Blvd and Telegraph Rd. The first MDC message was sent to the three deputies working the City of Commerce to include the Respondent. It stated, "DID ANY OF YOU STOP [complainant] AT WASHINGTON/TELEGRAPH EARLIER A.T…." Two other deputies replied immediately, but Respondent did not respond. The second MDC message was sent directly to Respondent and stated, DID YOU PULL OVER [complainant] AT WASHINGTON/TELEGRAPH A FEW HOURS AGO…." Again, Respondent did not answer the question, but approximately 12 minutes after receiving the second MDC message, Respondent sent the Watch Sergeant an MDC message stating, "CALLED U SARGE." This provides clear and convincing evidence that Respondent did receive and read the Sergeant's MDC messages and was fully aware of what traffic stop his supervisors were inquiring about. Respondent's refusal to answer the Sergeant's MDC messages supports the conclusion that Respondent was being deceitful in trying to hide the fact that he was the one who stopped the complainant in front of the Commerce Casino.

Respondent's claim that he had no idea what traffic stop his supervisors were asking him about is further refuted by the fact that approximately 35 minutes prior to meeting with his supervisors, Respondent called the ELA Station and spoke to Deputy Strelow on a recorded line. Deputy Strelow told Respondent that the Watch Sergeant was inquiring about a stop in front of the Commerce Casino. This provides clear and convincing evidence that Respondent knew exactly what traffic stop he was being asked about during his meeting with his supervisors. Respondent's claim during his second IA interview that he did not remember the conversation with Deputy Strelow is not believable, particularly as Respondent was able to provide details about a conversation he claimed to have with Deputy Palacios earlier during that same shift about a different stop allegedly in Montebello.

Respondent lied to IA investigators when he stated he received information that supervisors were inquiring about a traffic stop that occurred in "Montebello."

During his IA interviews, Respondent tried to claim that he didn't lie to his supervisors because he thought they were asking him about a stop that occurred in "Montebello." It has already been established that based on the supervisors' testimony, the MDC messages, and Respondent's phone conversation with Deputy Strelow, Respondent knew his supervisors were inquiring about a stop in front of the Commerce Casino. When asked by IA investigators why he thought they were talking about a stop in Montebello, Respondent stated he received one or two MDC messages inquiring about a Montebello stop. He also claimed that he called Deputy Manuel Palacios on his cell phone, and Palacios told him that someone was calling in about a stop in Montebello. Respondent's statements are refuted by indisputable facts. One, there is no record of any MDC messages being sent out about a stop that occurred in Montebello. Two, when Deputy Palacios was interviewed, he stated he had no recollection of a phone conversation with Respondent.[31] There is clear and convincing evidence to support the conclusion that Respondent created a narrative about a fictitious "Montebello" traffic

[31] Attachment M – Deputy Palacios' IA Interview Transcript, Pg. 2-3.

stop to cover up the fact that he lied to his supervisors and to disingenuously claim to IA investigators that his previous denial to his supervisors did not constitute dishonesty because he allegedly believed they were asking him about a stop in “Montebello.” However, the clear and convincing evidence shows that Respondent lied to IA investigators when he claimed he received MDC messages about a “Montebello” stop, and when he later claimed that Deputy Palacios gave him information about a “Montebello” traffic stop. Outside of the Respondent, no one else had any knowledge of an alleged traffic stop in Montebello.

Respondent lied to IA investigators when he stated he was not aware the Watch Sergeant was trying to contact him.

Respondent told IA investigators that he was not aware that the Watch Sergeant was trying to contact him. This statement is refuted by indisputable facts. One, Respondent sent an MDC message to the Watch Sergeant stating, “CALLED YOU SARGE.” This message was sent approximately 12 minutes after Respondent received a direct MDC message from the Watch Sergeant asking if he had recently stopped the complainant in front of the Commerce Casino. Two, during his recorded phone conversation with Deputy Strelow, Respondent stated he and the other Commerce units received a text from the Watch Sergeant. This provides clear and convincing evidence that Respondent lied when he said he was not aware the Watch Sergeant was trying to contact him.

Respondent lied to IA investigators when he stated he deleted the MDC messages from the Watch Sergeant without reading them.

The evidence proves that Respondent did read the MDC messages from the Watch Sergeant. One, approximately 12 minutes after receiving the Watch Sergeant’s second MDC message, Respondent sent an MDC message to the Watch Sergeant stating,

"CALLED YOU SARGE." Two, during his recorded conversation with Deputy Strelow, Respondent told Strelow that he and the other Commerce Units received a text from the Watch Sergeant. This provides clear and convincing evidence that Respondent lied to IA investigators when he stated he deleted the Sergeant's MDC messages without reading them.

Respondent lied to IA investigators when he stated he never responded to any of the Sergeant's MDC messages.

Approximately 12 minutes after receiving the Watch Sergeant's second MDC message, Respondent replied via MDC stating, "CALLED U SARGE." This provides clear and convincing evidence that Respondent lied when he stated he never responded to any of the Sergeant's MDC messages.

Respondent lied to IA investigators when he stated he never called the ELA Station and spoke to a deputy on a recorded line regarding a traffic stop in front of the Commerce Casino.

During his first IA interview, Respondent was repeatedly asked by IA investigators if he called the ELA Station that morning and spoke to a deputy, including whether he spoke to a deputy on a recorded line, and each time he responded with a "No Sir…."[32] These denials are refuted by the fact that there is a recorded phone conversation proving that Respondent did call the ELA Station and received information that the Watch Sergeant was inquiring about a traffic stop in front of the Commerce Casino. This provides clear and convincing evidence that Respondent lied to IA investigators. Respondent attempted to explain away his prior denials during his second IA interview after the IA investigator played the recording by claiming that he did not recall the conversation. However, Respondent's claim is not credible, particularly given his clear recollection of the details of the stop at issue, including, but not limited to, such details as whether he

[32] Attachment L – Respondent's First IA Interview Transcript, Pg. 22.

lifted the backpack and whether the backpack looked like it could have contained a weapon, and his clear recollection of his conversation with Deputy Palacios, which Respondent repeatedly cited as his explanation for why he thought his supervisors were asking him about a stop in Montebello. The evidence is thus clear and convincing that Respondent lied to IA investigators when he denied calling into the ELA Station.

Credibility Assessment

Under Evidence Code section 780, a witness's credibility may be determined based on "any matter that has any tendency in reason to prove or disprove the truthfulness of this testimony…" and includes the following factors: the witness's demeanor and manner while testifying; the character of his testimony; the extent of the witness to perceive, recollect, or to communicate any matter about which he testifies; the extent of the witness's opportunity to perceive any matter about which he testifies; the witness's character for honesty or veracity or their opposites; the existence or nonexistence of bias, interest, or other motive; a witness's prior consistent or inconsistent statements; the existence or nonexistence of a fact testified by the witness; the witness's attitude; and the witness's admission of untruthfulness.
Based on the above standard, all witnesses interviewed were credible. Their statements were consistent and sincere, and there is no evidence to suggest that any of the witnesses provided false information, had a motive to lie, or had a bias against Respondent.

Respondent is not credible. In addition to the lies and false statements directly refuted by the evidence, there are several other factors that contributed to this assessment:

- Respondent did not notify dispatch that he was conducting a traffic stop of [complainant] in front of the Commerce Casino.
- Respondent did not properly document and log his traffic stop of [complainant].

- Respondent conducted at least 4 traffic stops on the morning in question, but [complainant] was the only person he decided to search. Based on the facts surrounding all the stops, [complainant's] stop was the least likely one to warrant a vehicle search.
- Respondent stated he stopped [complainant] for expired registration but gave no adequate explanation for why he decided to search his car. Without this justification, it is difficult to understand why Respondent chose to search [complainant's] vehicle based on a very minor traffic infraction.
- Respondent stated he was given consent by [complainant] to search his car but did not search the backpack sitting on the front passenger seat. If what Respondent stated is true, this would be outside of normal "Search" practices. It is more likely that Respondent did not want to admit he opened the backpack during the search. Given the fact that the missing poker chips were allegedly taken from the backpack, Respondent's statements regarding the search are suspicious and inconsistent.
- Respondent provided inconsistent statements between his first and second IA interviews. In his first interview, Respondent stated he was never told the Watch Sergeant was looking for him regarding a stop he conducted in front of the Commerce Casino. After being confronted with his recorded phone conversation with Deputy Strelow, Respondent changed his story and stated Deputy Palacios told him the Watch Sergeant was looking for him regarding a stop in front of the Commerce Casino. This inconsistency reinforces the conclusion that Respondent provided false statements during his IA interviews.
- Respondent provided statements that are refuted by the factual evidence. For example, Respondent stated that he received MDC messages concerning a stop in Montebello, but there is not evidence of such MDC messages were sent. Respondent also stated that he never saw the MDC messages from the Watch Sergeant, despite the fact that he responded to one of those messages and called into the ELA station to inquire about said messages. Finally, Respondent denied calling into the ELA station to

inquire about the messages, which is directly refuted by the audio recording of the call with Deputy Strelow.

Conclusion

There is not clear and convincing evidence Respondent stole $500 in poker chips from the complainant during the traffic stop because it is unclear how many poker chips the complainant had when he left the casino, and that the complainant stopped cooperating with the investigation. However, there is clear and convincing evidence that Respondent lied to his supervisors about the traffic stop and subsequently repeatedly lied during his IA interviews. The facts fully support Respondent knew exactly which traffic stop his supervisors were inquiring about and lied to them about his involvement. In addition, Respondent lied several times during his IA interviews when he:

- Stated his supervisors never asked him specifically about the traffic stop he conducted in front of the Commerce Casino.
- Stated he was not aware that the Watch Sergeant was trying to contact him.
- Stated he deleted the MDC messages from the Watch Sergeant without reading them.
- Stated he never responded to any of the Watch Sergeant's MDC messages.
- Stated he received MDC messages about a stop in "Montebello."
- Stated he was told by Deputy Palacios that there was an inquiry being made about a stop that occurred in "Montebello."
- Stated he did not call and speak to Deputy Strelow.
- Stated that no one gave him information that the Watch Sergeant was inquiring about a stop that occurred in front of the Commerce Casino.

There is clear and convincing evidence to support Respondent committed serious misconduct as defined in Government Code 1205(a)(1) – Dishonesty when he lied to his supervisors and provided false and misleading statements during his IA interviews.

A zero-tolerance policy towards dishonesty is founded in the core principle articulated in *Christal v. Police Commission of the City and County of San Francisco* (1939) 33 Cal.App.2d 564 567:[33]

> [Peace] officers are the guardians of the peace and security of the community, and the efficiency of our whole system, designed for the purpose of maintaining law and order, and depends upon the extent to which such officers perform their duties and are faithful to the trust reposed in them.

Courts have repeatedly emphasized that honesty and integrity are essential requirements for any peace officer position:

> "A deputy sheriff's job is a position of trust, and the public has the right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer. Honesty, credibility, and temperament are crucial to the performance of an officer's duties. Dishonesty is incompatible with the public trust."*34*

Peace officers are routinely placed in situations that the normal civilian may never experience. The officer's ability to remain unbiased, objective, and truthful is critically important. Integrity is not only an issue of police witness credibility in a court of law; it strikes to the core of the ability to perform essential functions effectively. Peace officers are required to draft truthful and objective reports based upon their investigations and observations. Those reports and an officer's testimony are relied upon to further investigations or provide critical evidence in a variety of hearings.[35]

[33] https://www.law.berkeley.edu/files/Honesty is the Best Policy.pdf.
[34] Kolender v. San Diego Civil Service Commission (2005) 132 Cal. App. 4th 716.
[35] https://www.law.berkeley.edu/files/Honesty is the Best Policy.pdf.

Dishonesty is one of the most dangerous and severe factors in the erosion of public trust. In this case, Respondent lied to his supervisors about his involvement in possible misconduct and repeatedly provided false and misleading statements during his IA interviews to cover up his lies. Although peace officers are not expected to be perfect, they are necessarily held to a higher standard, especially as it relates to honesty. The Law Enforcement Code of Ethics, which must be administered to all peace officer trainees during the POST basic course, emphasizes the importance of a peace officer being truthful and reads in part:

> I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department.[36]

Finally, another consideration in this case is the fact, as a result of the sustained findings in this case and in POST2306952, the Respondent's name will need to be included on a *Brady* List. California Government Code Section 3305.5 defines a Brady List as, "any system index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias, which is maintained by a prosecutorial agency or office in accordance with the holding in *Brady v. Maryland* (1963) 373 U.S. 83."[37] Under *Brady*, the prosecutor must disclose material exculpatory evidence, including potential impeachment evidence concerning the credibility of witnesses, whether in the prosecutor's possession or in the possession of individuals or agencies operating on the prosecutor's behalf, including, but not limited to, law enforcement officials.[38]

VI. Supporting Evidence and Documentation

- Attachment A – Transcript of MDC Messages.

[36] 11 Cal. Code Regs. § 1013.
[37] California Government Code Section 3305.5(e).
[38] People v. Superior Court (Johnson) (2015) 61 Cal. 4th 696, 709.

- Attachment B – Respondent's Unit History Report (UHR).
- Attachment C – Respondent and Strelow's Phone Conversation Transcript.
- Attachment D – Watch Sergeant's ICIB Interview Transcript – Selected Pages.
- Attachment E – Watch Commander's ICIB Interview Transcript – Selected Pages.
- Attachment F – Watch Sergeant's First IA interview Transcript – Selected Pages.
- Attachment G – Watch Commander's Second IA Interview – Selected Pages.
- Attachment H – Respondent's GST (GPS) Tracker Report.
- Attachment I – Email from Complainant to LASD dated February 26, 2020.
- Attachment J – Email from Respondent's Attorney dated January 30, 2020.
- Attachment K – Los Angeles County District Attorney Charge Evaluation Sheet.
- Attachment L – Respondent's First IA Interview Transcript – Selected Pages.
- Attachment M – Deputy Palacios' IA Interview Transcript – Selected Pages.
- Attachment N – Respondent's Second IA Interview Transcript – Selected Pages.
- Attachment O – Respondent's POST Profile.
- Attachment P – Copies of LASD Policies mentioned in 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.